A 'new voice in the land'? The EU and its Nationalist Challengers in Comparative Perspective

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Abstract

This project departs from the recognition that political nationalism has been and remains a critical explanatory variable in the process of European (dis)integration; the observation that nationalism has frequently been elided in studies of political opposition to European integration; and a hunch that incorporating insights from classical accounts of nationalism into debates on the EU's recent crises may shed light on the prospects for further integration, or indeed disintegration. This approach, by inviting a comparison between the EU's encounter with nationalist opposition and that of other polities, also focuses renewed attention on how the contemporary EU is best conceptualised, and on whether it is now better understood as a form of state than in earlier stages of the integration project. Informed by John Breuilly's typology of nationalist opposition movements and his understanding of nationalism as a political phenomenon that arises in the context of the modern state, the core of this project is a comparative study of the encounters between nationalist challengers and the state in, respectively, Scotland and the United Kingdom, Quebec and Canada, and Flanders and Belgium. On the basis of an inductive analysis of these case studies, insights are applied to the EU case. This comparative analysis is intended as a heuristic device, and claims made on the basis of its conceptualisation of the EU - as a federal-type polity - are likely to be weak. This project finds that the roots of national projects remain salient for extremely long periods, that the politics of nationalist opposition in federal-type polities are messy, protracted, and inconclusive, and that while a search for a *finalité politique* is therefore likely to be in vain, nationalist opposition can also become an entrenched feature of federal politics without having a disintegrative impact on the federal polity. It finds that the windows of opportunity that enable nationalist projects to succeed in secession can be fleeting, and that federal-type polities can demonstrate significant resilience and constitutional creativity. It concludes that pro-integration actors in the contemporary EU may have an opportunity to constructively engage with nationalist opposition and recognise it as representing a legitimate strand of public opinion. Doing so may strengthen the EU through narrowing its legitimacy gap.

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1. Introduction

The title of this dissertation is taken from the speech given by the inaugural First Minister of the Scottish Executive, Donald Dewar, on the day that the new Scottish Parliament opened in 1999. 292 years since the previous Scottish legislature had closed as part of Scotland's entry into the United Kingdom, Dewar said, "The past is part of us. But today there is a new voice in the land, the voice of a democratic Parliament. A voice to shape Scotland, a voice for the future" (Dewar 1999). In so doing, he spoke of the enduring salience of the national idea, even in a highly-developed democratic society, and the potential of that idea to reshape a state. This project seeks to make a contribution to the understanding of the ways in which the contemporary EU's own encounter with nationalism is likely to shape its development.

This project departs from the recognition that political nationalism has been and remains a critical explanatory variable in the process of European (dis)integration; the observation that nationalism has frequently been elided in studies of political opposition to European integration; and a hunch that incorporating insights from classical accounts of nationalism into debates on the EU's recent crises may shed light on the prospects for further integration, or indeed disintegration. This approach, by inviting a comparison between the EU's encounter with nationalist opposition and that of other polities, also focuses renewed attention on how the contemporary EU is best conceptualised, and on whether it is now better understood as a form of state than in earlier stages of the integration project.

The entrenched nature of nationalist opposition to European integration has become clear in successive elections to the European Parliament since the global financial crisis, a period which a former President of the Commission memorably termed the 'polycrisis' (Juncker, 2018). The 2024 election cycle confirmed this trend, with the centrist liberal and social democratic groups suffering further losses, while the largest nationalist right-wing group, rebranded as Patriots for Europe, took

third place for the first time, and fourth place went to the European Conservatives and Reformists group, itself home to several prominent nationalist parties that have previously been characterised as "soft" Eurosceptics.

In the same period, increased popular support for nationalist parties, many of them critical of the current trajectory of European integration, has been visible in the domestic politics of EU member states. The United Kingdom provided the most extreme example, in that a political coalition spanning much of the then party of government as well as its rivals to the political right and some economic nationalists on the political left successfully campaigned for the country's exit from the EU, a process which has since substantially reshaped the politics and party system of the UK. While less drastic, several Central European countries have elected governments with nationalist programmes that have set them on a collision course with Brussels, notably the PiS in Poland during its period of majority government from 2015 to 2023, and the Fidesz government in Hungary, which during its continuous tenure since 2010 has portrayed itself as anti-Brussels, has adopted policy positions that conflict with the EU mainstream, and has articulated an alternative vision for a looser integration project.

If increasing political opposition, organised on the basis of the EU's constituent nation states, has been a core feature of the polycrisis, why then has the nationalism that characterises these parties' platforms not been front and centre of recent debates among EU scholars? Its elision is particularly notable given that the growing electoral success of anti-integration parties has itself constituted something of a transcending crisis through this period. While the EU and member state governments have, however imperfectly, worked together to overcome each of the successive crises from the Eurozone crisis to Brexit, and more recently to muster a response to the COVID-19 pandemic and the full-scale Russian invasion of Ukraine, nationalist opposition has emerged as an enduring and significant feature of the EU political system.

This project seeks first to grapple with the relative neglect of the role of political nationalism in EU studies, and then to consider how acknowledging the centrality of nationalism to contemporary challenges to European integration can support new approaches to understanding the EU's crises, and particularly what has been termed its crisis of legitimacy, by placing these phenomena in broader perspective. By combining insights from classical accounts of political nationalism with the work of EU integration theorists, and adopting a comparative case study method familiar from the work of historians of nationalism, this project anticipates that the nationalist lens might enable analysis of the ways in which sovereignty in the contemporary EU is interpreted, contested and negotiated by actors defending a federal-type settlement, on the one hand, and those defending nation-state sovereignty, on the other.

The comparative case study approach, rooted in historiographical methods more than political science, also invites the consideration of, if not a *longue durée* given the relative novelty of the European integration project, then certainly a longer period than is generally encompassed by studies of anti-integration politics in the past decade and a half of successive crises, or even those stretching back to the debates over the European constitution in the mid-2000s or the demands for British and Danish opt-outs from the Maastricht Treaty. It is anticipated that this emphasis on continuity, as well as change, can support a reconsideration of the sharp distinction that is sometimes drawn in EU studies between a pre-Maastricht period and what followed, or between the periods before and after the global financial crisis. That is not to say that the manifestations of political nationalism and its operation and impact in the EU context have not significantly changed in recent years, but if the core objective of this project is to seek a broader perspective on the EU's interaction with its nationalist challengers, then the nationalist lens and comparative method support doing so over an extended period of time, as well as through comparison with the experience of other polities.

In addition to conceptualising the politics of nationalism as central to an understanding of the EU's crises, this approach requires consideration of what kind of polity the contemporary EU is, of how the EU as a system in which nationalist opposition operates can be meaningfully compared to other polities, and of how prior attempts to compare the EU, in all its uniqueness, have fared. In this case, the EU is conceived as a federal-type polity, and its own encounter with nationalist challengers is compared with the dynamics of interaction between nationalist challengers and supporters of the existing settlement in several cases: Flanders and Belgium, Scotland and the United Kingdom, and Quebec and Canada. This approach to comparing the EU is imperfect, is primarily intended to function as a heuristic device, and any claims about the prospects for future integration or disintegration made on its basis will be weak. However, it is anticipated that such an analysis will provide some indication of the circumstances in which such dynamics become destabilising or disintegrative for a federal-type system, and also those in which forms of equilibrium, resilience, and mechanisms for accommodation might arise.

This introductory chapter situates the project in the existing literature. Following a short survey that contextualises the treatment of nationalist challengers in the EU context in relation to the rich debates of recent years about politicisation and crisis, it engages with several key strands of work that have addressed nationalism in the EU context, and the ways in which these approaches may also have contributed to the elision of political nationalism in debates about integration and crisis in the EU. It goes on to identify recent contributions to the literature that have proposed new approaches to the relevance of classical accounts of nationalism and the state-building literature to EU integration, and contributions that have directly engaged with questions of sovereignty and the ways in which it is contested in the contemporary EU. In building on these contributions, this chapter ends with a summary of the approach taken in this dissertation to bring the politics of nationalism back into debates about EU integration and its crises.

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Crisis, Politicisation and Nationalism

Since the earliest origins of the EU's predecessor organisations, the concept of crisis has been at the core of efforts to make sense of its development. A prevalent motif, in some ways jointly forged by the founding fathers of the EU polity and its first grand theorists, the neofunctionalists, was of the potential usefulness of crisis in driving forward the integration process. Just as Schmitter (2012) sought to distinguish between 'bad' crises which tended towards disintegration, and 'good' crises which served to deepen and widen integration, Lindberg and Scheingold had earlier described crises as 'part and parcel of the integration process', with several having 'stimulated major surges of growth' (1970, p.298). In so doing, they were aligned with the view of Jean Monnet: 'J'ai toujours pensé que l'Europe se ferait dans les crises, et qu'elle serait la somme des solutions apportées à ces crises' (Grin 2009, p.27).

This framing has persisted into the period of the polycrisis, with Schmitter considering whether the Eurozone crisis might end up being the 'transcending crisis' theorised by neofunctionalists, that could force increased pooling of political power to ensure an effective response (2012, p.39-40), and Federica Mogherini, having only recently relinquished her role as EU High Representative for Foreign Affairs, arguing that the chaotic situation created by the 2016 Brexit referendum and the COVID-19 pandemic have been transformed by the EU. In the face of crisis, she proposed that the EU had 'buried a taboo' (2021, p.17) in acting on behalf of its members, helping to resolve its longstanding crisis of 'self confidence and self-perception' (Ibid, p.12).

This theorisation of crisis has also, since the early neofunctionalist contributions, been tied to the question of politicisation. The role of public opinion, or indeed of politics more generally, was not a major consideration in early theoretical work in European integration. The core assumption seemed to be that for as long as the functional approach to integration delivered public goods, the acquiescence of national publics would likely be assured. Even at that early stage, there was an

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understanding that that acquiescence could weaken under certain circumstances. In 1970, Lindberg and Scheingold, while broadly positive about developments in the Community to date, allowed that if the scope of its powers and policy competences were to significantly expand, then 'Under such conditions, integration might become relevant to new groups and begin to affect old groups in ways which would test the depth of their commitment to the European idea' (p.277).

Since the 1990s, a growing number of scholars have engaged with the perceived politicisation of integration. Initially, this was closely connected to concerns about a democratic deficit, that is, a gap between the empowerment of the EU to act on behalf of member state publics, and the lack of an institutional framework by which those publics could hold the EU accountable or secure its responsiveness to them. Before the polycrisis, it was common for EU scholars to propose schemes for democratising the EU (e.g. Schmitter 2000) and to prescribe reforms that might introduce 'a genuine debate about and competition over the exercise of political authority at the European level' (Hix 2008, p.3). However, in light of the protracted negotiations over opt-outs for several member states in the process of agreeing what became the Maastricht Treaty, and then the rejection of the proposed EU constitution in several referenda in 2005, it had already become clear, prior to the global financial crisis, that something had changed.

As the polycrisis continued, what was once regarded as a democratic deficit or a crisis of representation came more often to be encompassed by a broader crisis of legitimacy (e.g. Schmidt 2020). While the other crises - the Eurozone crisis, the migration crisis, the rise of authoritarian and revisionist member state governments that was sometimes described as a rule of law crisis, and then Brexit - eventually proved amenable to resolution or at least a sort of muddling through, it became clear that the politicisation of integration was here to stay, manifested most clearly in the growing electoral success of political parties opposed to integration. This crisis of legitimacy, while no doubt partly fed by the other crises given the imperfect EU response, seems also to transcend the other

crises. Organised opposition to integration from many member states and multiple political traditions is now an entrenched feature of European politics. This opposition makes it harder for the pro-EU mainstream to progress with formal integration, and therefore to resolve at pace and with effective measures the significant challenges the EU has faced and will continue to face in a challenging global environment.

The portrayal of politicised integration as a post-Maastricht phenomenon is potentially problematic, given that integration has always been politicised, from the Empty Chair Crisis and the failure of the European Defence Community to the UK's 1975 referendum on membership. However, there is undoubtedly something distinct about the scale and sources of the opposition in this period. Bickerton's earlier work had already proposed that, contrary to more simplistic readings of the previous neofunctionalist contributions, the process of integration, by intruding into traditional state-based modes of governance and politics, was always as likely to lead to a revival of nationalist politics as its elimination (e.g. Bickerton 2012), and as European integration theorists, confronted by the perception of entrenched crisis, sought to invert the earlier grand theories of integration to accommodate the potential for disintegration, they addressed the role of nationalist opponents in influencing the dynamics of integration.

Hooghe and Marks' (2009) influential contribution, described as a postfunctionalist approach, distinguished between a period before the 1980s, in which public opinion was a latent force in integration, characterised as a 'permissive consensus', and the period thereafter, in which it had become a 'constraining dissensus', an influential factor in the direction of integration, and sometimes a brake on it (p.5). In a later contribution (2018), the same authors drew on Lipset and Rokkan's cleavage theory to frame the dissensus as a political reaction against regional integration and transnationalism in general, in which the debate on European integration had come to be framed by its opponents, often acting outside the member states' traditional parties of government. For Hooghe

and Marks, the 'decisive change is that the elite has had to make room for a more Eurosceptical public', a term we will return to (2009, p.8).

The new intergovernmentalist framework of Bickerton, Hodson and Puetter (2015) is similarly concerned with the consequences of politicisation for the EU. Like Hooghe and Marks, the new intergovernmentalists identify a 'post-Maastricht period' as a specific phase in the story of European integration, marked by continued integration among the traditional governing elites, but now acting without popular consent for that integration, producing a state of 'disequilibrium' (p.36). Instead of the 'constitutional maturity' and stable equilibrium declared by a leading intergovernmentalist a decade earlier, who argued that the EU was 'unlikely to be undermined by substantive, institutional or ideological developments over the medium term' (Moravcsik 2005, p.349), the 'European integration without supranationalism' (Bickerton *et. al.* 2015, p.1) described by the new intergovernmentalists, often driven through the meetings of the European Council and through mechanisms outside of the traditional supranational institutions, has produced an 'integration paradox', with 'profound tensions to come if policy-makers and the public continue part ways over the European project' (Ibid, p.5).

More potentially destructive for the EU than just a brake or 'constraining dissensus' on further integration, the emergence of nationally-organised 'challenger parties' as the new intergovernmentalists described them, some of which critique the fundamental nature of the EU settlement and its trajectory, represented for Hodson and Puetter a 'destructive dissensus' with the potential to unravel the entire EU project' (2019, p.1153). Following the new intergovernmentalists, and seeking to shed light on the circumstances in which the encounter between these challenger parties and the EU is likely to entrench or worsen the disequilibrium, or else to generate new forms of accommodation or indeed equilibrium, we will first consider the treatment of nationalism in EU studies.

Nationalism in the EU Context

While the nationalism that characterises the EU's challengers has often been obscured, nationalism, and the spectre of it, have been at the core of debates about the EU since the earliest origins of its predecessor organisations. The scope of this project is insufficient to do justice to the complex interplay between diverse understandings of nationalism and its relationship with European history on the one hand, and the development of the integration project on the other. However, these interpretations of nationalism can be roughly grouped into three main categories. The first is rooted in teleological and progressive accounts of European integration, with nationalism regarded as a regressive or radical phenomenon. The second encompasses the myriad ways in which the analysis of nationalist political movements in the EU, for example in terms of Euroscepticism or regionalism, have tended to obscure their nationalism. The third category concerns the concept of sovereignty. Engaging with sovereignty and sovereignty contests is key to taking the EU's nationalist challengers and their politics seriously, but in the EU context, sovereignty has generally been regarded as located in its member states, leaving little opportunity to take the politics of the nationalist challengers seriously, and on their own terms.

i. Nationalism and Teleological Accounts of the EU

Addressing the first category, the EU has a complicated relationship with nationalism. The conventional narrative of the EU's origins, and its ultimate justification, positions it as a project designed to prevent any recurrence of the violent horrors that militant nationalism visited on the continent in the years leading up to 1945. The basic premise of this origin story, as Della Salla (2016) described it in a study on political myth and the EU, 'is that nationalism brought the continent to the point of ruin in the twentieth century but it was in its darkest moment that the vision of a new order took root' (p.952). In place of the unchecked bellicose impulses of the European nation-states, the

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integration project, beginning with France and West Germany, would unite the resources and aspirations of former enemies in a common market.

On the occasion of the award of the Nobel Peace Prize to the European Union in 2012 for its contribution, 'over six decades, to the advancement of peace and reconciliation, democracy and human rights in Europe' (The Nobel Prize, 2012), the Chairman of the the Norwegian Nobel Committee made the connection to nationalism explicit: "After the two world wars in the last century, the world had to turn away from nationalism and move in the direction of international cooperation…For Europe, where both world wars had broken out, the new internationalism had to be a binding commitment' (Jagland, 2012).

The European Union, on its official website, promotes an almost identical narrative: "With the aim of ending the frequent and bloody conflicts that culminated in the Second World War, European politicians [began] the process of building what we know today as the European Union (EU, 2025a). The founding fathers of the EU's predecessor organisations were similarly clear about their objectives. As early as 1960, Robert Schuman, in proposing the formation of a European Coal and Steel Community, declared that 'By pooling basic products and by instituting a High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realization of the first concrete foundation of a European federation indispensable to the preservation of peace' (Schuman, 1950). More recently, as the EU was unsettled by the consequences of the global economic crisis, this narrative was promoted by pro-integration politicians who argued that the collapse of the EU and a reversion to national solutions would raise the spectre of nationalism's return. Speaking in 2014, then President of the European Council Herman Van Rompuy remarked, 'President Mitterand's saying is still true: "Le nationalisme c'est la guerre"' (Van Rompuy, 2014).

The early theorists of the integration project were aligned with the view of the Euro-polity's architects; that is, they conceived of its central purpose as the supercession of nationalist interests and impulses in favour of a common, proto-federalist good. Describing the functionalist mechanisms by which Schuman's initial and limited 'concrete achievements' (1950) would grow into something larger, Haas defined political integration as 'the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states' (1958, p.16). The neofunctionalists did not simply ignore the potential for nationalist opposition to ever-closer integration. Lindberg and Scheingold (1970) plotted two scenarios for the future, only one of which led to likely consensus on further integration; Schmitter (1970, 2005) acknowledged that integration could become a contentious issue, and public opinion could become a decisive factor in integration; and Haas (1997) in his later work proposed that individuals could hold both a European and a national identity, but that as long as any nationalism associated with that identity was of a liberal variety, it need not endanger the prospects for integration.

In general, it is striking that the most influential early contributions to the study of European integration 'paid little attention to public opinion and collective identity. Politicization, if taking place at all, was predominantly expected to mobilize in favour of European integration. Neofunctionalist scholars did not expect identity politics to become a serious concern to European integration' (Kuhn 2019, p.1218). While the classical intergovernmentalism of Hoffman (1966) and the later 'liberal' intergovernmentalism of Moravcsik (1993, 2005) asserted the continuing primacy of the nation-state over developments at the supranational level, those EU scholars who recognised that something more than a limited intergovernmental arrangement or 'constitutional compromise' (Moravcsik 2005) was occurring in Brussels proved strangely reluctant to allow for the enduring strength of popular nationalism as a critical factor in European integration, and one that, as and when it achieved political salience, was likely to conflict with a programme of ever-closer union.

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This approach nonetheless generated a rich literature, sustained for several decades, on the relationship between national identity and European integration. Many of these studies approached nationalism through a primarily cultural or ethnic lens, and engaged with the neofunctionalist assumption that steps towards integration might in due course produce a transfer of loyalties to the new polity. Hedetoft (1994) sought to shift the focus from political and economic perspectives to cultural perspectives, arguing that while 'neofunctionalist neglect' had meant 'scant attention [was] given to identities, values, sentiments, and cultural loyalties', the ways in which the 'bond' between member state populations and their nation states was being altered by integration required further study (p.1-3). Hermann and Brewer (2004), however, saw the centrality of identity to the neofunctionalist logic, summarising it as a 'strategy…to promote the development of shared identities and to reduce the exclusionary commitment to nation-states…by encouraging cross-state cooperation on a series of functional matters' (p.1), while Zürn and Checkel (2007) drew on a body of international relations scholarship on socialisation and identity to ask why the degree of European 'socialisation' among member state citizens appeared to be 'less than expected' (p.243). Others (e.g. Franklin and Scarrow 1999, Scully 2005, Roos 2020), made narrower studies of socialisation and identity-building in Europe, in this case focused on the European Parliament, and a further strand of scholarship explored the implications for integration of the existence of multiple and overlapping identities, including European and national. Fligstein *et. al.* (2012), for example, explored the continuing salience of national identities, and the groups for which a European identity has developed alongside it, while Risse (2004, 2005) made the case for a 'marble cake' model of identity, arguing that recent research had confirmed what Haas had earlier asserted: that citizens could transfer loyalty to Europe without giving up their national, regional and other identities.

Debates around the continued salience of national identities in contemporary Europe, about the propensity of European citizens to hold one or several identities and loyalties from the regional to the

supranational, and about the means by which and circumstances in which such identities and loyalties become politically relevant and can be mobilised for or against integration, are clearly of crucial importance in understanding the contemporary EU. However, whether explicitly or not, these studies tend to reflect either an assessment of progress towards the neofunctionalists' early expectations of an eventual social or cultural spillover, or to conclude that the assumption that growing economic and political integration in Europe would eventually lead to a greater 'European-ness' in citizen identity has been disappointed. In all cases, these studies are therefore of limited utility if we are seeking to understand the implications of increased *political* opposition for European integration, when such opposition is predominantly nationalist and is organised on the basis of member states.

Reinforcing understandings of nationalism as an artefact of a less savoury past was the enduring currency of a distinction between 'civic' and 'ethnic' forms of nationalism as well as the related development of a framework of 'constitutional patriotism', associated particularly with Habermas. These frameworks provided a sense that the modern EU was home to progressive, rational forms of nationalist and nationalist-type political parties and movements, and that unlike the 'ethnic' and atavistic nationalism which had wrought such destruction up until the 1940s, and indeed those 'ancient hatreds' (Clinton 1993) which were at the same time perceived to be the driving force behind the violent breakup of Yugoslavia, the EU's main nationalist movements were more likely to be in favour of European integration than against it.

Constitutional patriotism, originally developed in post-World War II Germany and associated with Karl Jaspers and his student Dolf Sternberger, is most closely associated with the work of Jürgen Habermas (1992), who developed the concept and extended its application beyond the German context, notably to include the EU. Applied both as a framework for analysing loyalties and attachments in environments where traditional modes of nationality were challenged, and as a normative attempt to re-frame group identity and to promote modes of attachment that privileged

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loyalty to the values of a liberal and democratic constitutional order rather than a national culture or ethnocultural identity, constitutional patriotism, while originally a response to the particular circumstances of post-war Germany, was later promoted by Habermas as a potential route for establishing new and productive forms of loyalty in a globalised world characterised by international connection and migration. Implicit to these attempts to forge new and updated modes of loyalty is an understanding of national identity, and by extension nationalism, as outdated, regressive, and in some sense dangerous based on a reading of the European historical experience.

While constitutional patriotism has been widely and variously critiqued, including on the basis that a democratic constitution cannot secure the strength of loyalty that entrenched cultural and national identities can command, and that it has remained an abstract framework with limited salience to actual cases, it has retained currency among some political scientists, and has been further developed by Jan-Werner Müller, who in a series of articles and a book on the subject has systematically addressed the critiques of constitutional patriotism, and has framed it an illustration of the ways in which political theory can equip citizens to rethink their political loyalties and allegiances (2007a, 2007b, 2007c).

A related phenomenon, which gained currency far beyond the German or EU context, was the dichotomy of 'civic' and 'ethnic' nationalisms. While this dichotomy has its modern roots in the work of historian Hans Kohn (1944, 1982, 1994), its origins are much deeper, drawing on older ideas of a civic Western Europe and an ethnic Eastern Europe, prominent at least as early as the Franco-Prussian War of 1870-71 (Heiskanen 2023). Kohn's elaboration of a 'civic' western nationalism and an 'ethnic' eastern nationalism has been critiqued for its conceptual inconsistencies, its perpetuation of an ethnocentric hierarchy of nations, the simplistic nature of the dichotomy, and its failure to recognise the co-existence of what it describes as 'civic' and 'ethnic' elements in many nationalist projects (Blackburn 2021, Heiskanen 2023). Yet the tendency to 'see a nationalist movement…in

terms of a binary: progressive or regressive; liberal or illiberal; good or bad' (Blackburn 2021, p.461) remains in evidence in the EU context.

Returning to Haas' later interest in the compatibility of enduring national identities with the continued success of the integration project, and his insistence that liberal nationalism was not necessarily a threat to the supranational EU, the 'civic' end of the Kohn dichotomy essentially describes a liberal nationalism: based on liberal values rather than ethnocentrism, on a shared and inclusive citizenship rather than an exclusive ethnic identity. Key cases of 'civic nationalist' parties which have sought greater autonomy for their nations within their respective EU member states include a shifting constellation of Catalan parties and the Scottish National Party (SNP), which in recent decades has been consistently pro-EU and sought Scottish independence within the EU. The SNP, for example, has long explicitly described itself as a 'civic' nationalist party, often in juxtaposition to what it presents as a regressive and outdated form of nationalism that has gained ground in England over the same period. As a member of the SNP government in Edinburgh put it, 'English nationalism, which has become the prevailing philosophy of the Conservative Party, is exclusive, based on exceptionalism, and seeks to promote England's interests…above all others. However, Scotland's civic nationalism is about freedom, tolerance, equality, the protection of individual and community rights and the rejection of prejudice and discrimination in any form' (Russell 2022).

The distinction between 'civic' and 'ethnic' forms of nationalism has not just been confined to politicians and commentators, but was an active subject of discussion among scholars of European politics and nationalism in this period. Nairn took a progressive view, not making the distinction in spatial terms between Western Europe and the rest, but instead proposing, in the 1990s, that in chronological terms, a general shift from ethnic to civic nationalism was discernible. Nairn argued against the tendency to conclude on the basis of two recent catastrophic episodes - the wars in the former Yugoslavia and the genocide in Rwanda - that 'the end of history has led to a return to ethnic

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nationalism', remarking, 'I doubt if there is any good reason for such feelings' (Nairn 1995). Concerned as he had long been with the historic role of imperialism in generating nationalist mobilisation around the world, Nairn revisited his theme shortly after, arguing that despite some prophecies of general doom following the rapid collapses of the Soviet Union and Yugoslavia, and despite nationalism remaining an inescapable fact of political life, the ethnic definition was giving ground to a civic definition, with the latter, being 'designed' rather than 'natural', being a feature of modernity, rather than a primordial reaction against it (Nairn 1997).

The persistence of the Kohn dichotomy, albeit rearchitected in new ways, may have contributed to a sense that after decades of progress in the original Western European member states, later joined by the newly independent post-Communist states now committed to a shared liberal consensus, the less palatable forms of nationalism - those animated by ethnic exclusivity and tending towards conflict and competition rather than cooperation and accommodation - were, in the EU context, relegated to a regrettable past and to the extreme fringes of contemporary politics. Even confronted more recently by a growing nationalist opposition to further integration, not just represented by fringe parties but also by those gaining significant shares of the vote in multiple member states, and even forming the government in some, this unhelpful dichotomy has survived in some quarters, as in a recent post by an influential pro-EU think tank in Brussels: 'In this era of uncertainty for Europe, it is essential to distinguish between EU-compatible civic nationalists and EU-incompatible ethnonationalists' (Bento 2022).

ii. Obscuring the Nationalism of the Nationalists: Regionalism and Euroscepticism

Analysis of the EU's nationalist challengers has tended to obscure their nationalism, making it difficult to isolate and investigate their conceptual core. Many frames of analysis have been applied to the challengers, and this section engages with two in particular: that of regionalism, which tends to group them into a catch-all category encompassing territorially-defined autonomist parties of all

stripes, and more significantly, Euroscepticism, which defines these challengers in terms of their relationship with the EU, rather than engaging with them on their own terms and taking seriously their politics and sovereignty claims.

The focus on European regions and regionalism, prominent from the 1980s to the 2000s, tended to obscure the continuing salience and relevance of nationalism across the EU, and the potential for its complex interplay with the integration project to produce results other than continued support for an ever-closer union. One strand of literature addressed the 'Europe of the Regions', both conceptually and in terms of the EU's institutional framework and the Committee of the Regions. Another strand examined regionalist parties across the EU, often focused on their support for, or opposition to, European integration. Both strands demonstrated an interest in the response of regionalist political movements to the opportunity structures opened by the evolving European project, and the various ways in which such parties sought to negotiate these opportunities.

Hepburn (2008) charted the rise and fall of the idea of a Europe of the Regions, exploring how regionalist parties had responded to this theme. She identified a general trend from caution in the late 1970s, through to strong support in the 1990s, and a growth of scepticism towards the EU from the 1990s onwards due to the perceived neglect of regional interests. Keating and Jones (1985) had earlier done much to stimulate debate on the subject, with an edited volume on the relationship between the regions and integration, covering all of the then (12) member states. Interest in the idea of a Europe of the Regions was linked to a broader interest, in the late 1980s, on the rescaling of political territoriality, as supranational and sub-state political entities gained importance. This was accompanied by some related developments within the EU itself: the formation of the Committee of the Regions at Maastricht and the introduction of new types of EU funds, especially the regional cohesion and structural funds that enabled regions to draw directly on resources allocated from the supranational level.

Reviewing the relevant developments for a Europe of the Regions in 2008, Keating observed that 'we have witnessed the waxing and waning of the idea', but that 'Territorial politics will continue to be a salient feature of European politics for the next quarter of a century' (p.629). Undoubtedly true as this assertion was, this body of work on the regions, broadly following as it did the EU's own official understanding of the regions and therefore grouping together a radically different set of entities, from administrative subdivisions (e.g. Southwest England) with historically autonomous national units with distinct cultural-linguistic identities and even governance structures (e.g. Catalonia), also served to obscure the distinct role that nationalism, rather than regionalism, could play in the EU. This becomes apparent when we consider the second main strand of the literature on regionalism, which explored the regionalist political parties and their relative support for, or opposition to, integration over time.

This debate was framed by Michael Keating in the mid-1990s, since when various studies have attempted to evaluate whether these parties have tracked a pro-EU course, perhaps motivated in part by the so-called 'viability logic' - the theory that an overarching EU umbrella makes traditional large nation-states states less relevant, and smaller and more homogenous states more viable - or else an anti-EU course, pitting themselves against yet another extra-regional power that threatens local power and autonomy.

In 2007, Kincaid Jolly referred to this category of political movements as 'the Europhile fringe', finding that they are 'consistently pro-EU across time, space, and issue area' and supporting his broad claim for all regionalist parties on the basis of a detailed case study of the Scottish National Party (p.109). Later, an analysis of data from 1970-2019 relating to 67 regionalist parties hailing from seven Western EU member states found that the parties were strongly supportive of economic integration, more sceptical of political integration, and that despite their increasing involvement in the EU over

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time, they had gained little real influence in Brussels and Strasbourg and had become increasingly frustrated (Massetti and Schakel 2021). Elias (2008) drew on two cases - that of Plaid Cymru in Wales and the Bloque Nacionalista Galego in Galicia - to argue that minority nationalist party attitudes towards the EU are more complex than is commonly assumed, with different motivations underpinning their traditional support, and having gradually become more critical of the project. Cetrà and Liñeira (2018), likewise, found that multiple strategies were adopted even by those regionalist parties (the clear majority) which supported the EU, identifying the two main strategies as either maximising regional influence within the EU, or promoting independence within the EU (as in Scotland and Catalonia).

While there are exceptions (e.g. Lynch and De Winter 2008), much of this literature, focused as it is on the way in which these parties fit into the EU's model, rather than examining them on their own terms, conflates all regionalist parties into variations of a type. This is true in some studies regardless of whether the parties in question have limited goals such as the economic advancement of an administrative regional unit within a member state, or are seeking the full secession of a 'nation' from a member state. Some studies have made tighter definitions, such as Dandoy's (2010) and De Winter and Cachafeiro's (2022) 'Ethnoregionalist parties', but even these can seem like a complicated way of avoiding the terminology of nationalism.

Taken together, the continuing salience into the 2000s of the civic/ethnic dichotomy and the conflation of nationalist parties focused on regions of member states with all manner of other autonomist parties suggest an understanding of nationalism in the decades prior to the polycrisis that could conceive of it as somehow tamed in the EU context. Nationalists in the EU, aside from those in small extremist parties, were compatible with the mainstream, had broadly favourable views of the integration project, and in some cases even saw within it opportunities for strengthening their position. Correspondingly, there was a perception that other forms of nationalism, less wedded to

liberal values or cosmopolitanism, and that therefore carried stronger disintegrative potential, were phenomena that, these days, happened elsewhere.

Turning from regionalism to Euroscepticism, as Wellings observed in his recent study on the value of incorporating nationalism into debates on European integration, 'Nationalism is a necessarily 'thin-centred' ideology and political principle that legitimises sovereignty through discursive claims that seek to align political structures with politicised cultures and values' (2023, p.1172). It is unsurprising, therefore, that the EU's nationalist challengers, diverse as they are, can always be convincingly characterised with at least one other '-ism' that helps to illuminate the nature of their politics, and that scholars have correspondingly applied diverse conceptual approaches as they have sought to make sense of this complexity. Whether anti-system, populist, radical right, authoritarian or Eurosceptic, there are many ways to cut this particular cloth.

While the conceptual vocabulary of nationalism has not been absent from the significant body of literature on the EU's challengers in recent decades, it has frequently been elided or obscured by the more prominent focus on populism, radicalism, and above all, in the field of EU studies, Euroscepticism. McDonnell and Werner (2018), for example, investigated 'radical right parties' in the European Parliament, exploring the lack of cohesion or policy congruence in the divided groupings on the right wing of the chamber, later examining the reasons why voters back 'radical right populist parties' despite limited support for their Eurosceptic positions. Kantona and Miller, similarly (2021), made a qualitative study of 'radical right populists' in the European Parliament, while Chiru and Wunsch (2021) investigated what they found to be the limited levels of cooperation among members of what they termed the 'populist radical right' in the European Parliament. Borriello and Brack (2019) helpfully summarised the variety of terminology in use - 'The emergent parties, often labelled as anti-system, populist and Eurosceptic' - in a comparative analysis of the populist discourses of Podemos, the 5 Star Movement, the Front National and UKIP (p.833).

There have also been empirical studies which have specifically engaged with the conceptual vocabulary of nationalism, and described actors which might elsewhere be characterised primarily as populist or Eurosceptic in these terms. Martini and Walter (2023), for example, in examining how the British experience of Brexit shaped nationalist rhetoric beyond the UK, placed these events in the wider context of 'nationalist withdrawal' from international institutions, encompassing examples as wide-ranging as the United States's exit from the Paris climate agreement and that of the Philippines from the International Criminal Court. However, the 'nationalist' approach has more often been obscured in EU studies, partly due to the highly-developed and rich literature on Euroscepticism. The term Euroscepticism has the advantage of encompassing all types of actors adopting a critical approach to the European Union, whether "hard" or "soft", on the political left or right, and indeed both the nationalist majority and the minority of the EU's challengers which appeal to internationalist or socialist principles as the basis of their critique. Valuable though this has been, it also illustrates the insularity that can arise in EU studies due to the absence of cases beyond the unique environment of the EU itself.

The term Euroscepticism has its origins in the internal politics of the British Conservative Party, and made its first recorded appearance in *The Times* newspaper in 1985 (Poli 2014, p.9), as denoting the position later set out by Margaret Thatcher's 'Bruges Speech' of 1988, in opposition to what she described as the 'new dominance from Brussels' (Thatcher 1988). The first significant scholarly contribution to examine EU opposition in these terms was a 1998 article, attempting to construct a typology of the emergent Eurosceptic parties (Taggart 1998). This marked the beginning of a decade of debate over how Euroscepticism should be conceptualised and studied. This interest was driven both by a broad consensus that the actors now identified as Europsceptics were a manifestation of the 'constraining dissensus' described by Hooghe and Marks, operating in a new phase in which the traditional parties of government 'must look over their shoulders when negotiating European

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integration' (2009, p.5), and by events that appeared to demonstrate the tangible impact of emergent Euroscepticism on the integration process, including the rejection of the Maastricht Treaty in a Dutch referendum and its approval by the narrowest of margins in France.

Taggart's contribution was the starting point of a series of contributions and debates that analysed Euroscepticism as a party-based phenomenon, including an examination of party-based Euroscepticism in Central and Eastern European candidate states (2004), providing the basis for two edited volumes of case studies (2008a, 2008b), following Szczerbiak and Taggart's categorisation of varieties of "hard" and "soft" Euroscepticism. The literature on Euroscepticism conventionally sets up Szczerbiak and Taggart as representatives of a Sussex School that stresses state-specific characteristics of Eurosceptics, against a North Carolina School represented primarily by Cas Mudde, which focuses on party system factors as drivers of Euroscepticism. While these scholars may disagree on the causes of the phenomenon, the fundamental basis of their investigations, which defines the actors in relation to the European Union and to regional integration, constitutes more common ground than has sometimes been acknowledged. Alternatives to the hard/soft distinction have included Flood's (2009) conception of Euroscepticism in terms of shades of opinion on a broader political spectrum, and Kopecký and Mudde's (2002) four-part typology, where Eurosceptics as understood by the Sussex School can be situated in the 'Euroreject' and 'Eurosceptic' categories (collectively the 'Euro-pessimists'), against the 'Europragmatists' and 'Euroenthusiasts' (the 'Euro-optimists'), again defined primarily in terms of their attitudes *vis-à-vis* the EU (p.303).

Complementing the conceptual literature on Euroscepticism is a vast body of empirical studies, including on the link between the EU's crises and the rise of Eurosceptic parties (Usherwood and Startin 2013, Taggart and Szczerbiak 2018, Hobolt and De Vries 2016, Nicoli 2017, Treib 2014), the nature and uses of Eurosceptic political discourse and the salience of Eurosceptic policy programmes in media coverage and in election cycles (De Wilde and Trenz, 2012, De Wilde *et. al.* 2013,

Usherwood 2014, Dye 2015, MacMillan 2018, Pirro *et. al.* 2018, Maggini and Chiaramonte 2019, De Quant 2019, Nai *et. al.* 2022), the potential impact of Eurosceptic parties on shifting the policy positions of mainstream parties (Meijers 2017, Braun and Grande 2021), the way in which Eurosceptic politicians engage in supranational politics, primarily in the context of the European Parliament (Brack 2012, Whitaker and Lynch 2014, Brack and Startin 2015, Brack 2018, Behm and Brack 2019, Servent and Panning 2019, Börzel *et. al.* 2023), and the efficacy of various strategies to counter Euroscepticism (Glencross 2023). There have also been countless studies of aspects of Euroscepticism in individual member states, beginning with the multiple individual country and party studies encompassed by the aforementioned edited volumes of Szczerbiak and Taggart.

As early as 2014, Usherwood pointed to the potential limits of the Euroscepticism framework: 'Euroscepticism has always been a nebulous concept', and while the 'European crisis' had created new opportunities for these actors to gain a more prominent role in the political system, 'the notion of a 'euroscepticism' has become ever harder to hold', because political actors of various kinds have 'co-opted the language of scepticism for other purposes'. For Usherwood, the Eurosceptic approach was 'an increasingly pervasive means of strengthening the frame for other policies' (all p.1). It is not possible to encompass all of these actors' policies and politics in a single term, in the same way as the Euroscepticism approach does in terms of these actors' relationship with the integration project. While the vast majority of Eurosceptics are nationalist and situated on the political right, that is not exclusively the case. Meijers (2017) explored the heterogenous and dynamic nature of Eurosceptic politics in Western Europe, covering both radical right and radical left iterations of the phenomenon, Wolkenstein (2020) examined the social democratic case against the EU, based on the cases of centre-left parties in the UK, Sweden and Denmark, and in a recent study, Burton (2022) examined the current state of Eurosceptic left parties, applying the hard/soft distinction of Szczerbiak and Taggart.

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However, the parties described as Eurosceptic are predominantly nationalist, and the parochial origins of the term Euroscepticism, in the politics of the British Conservative Party, speak to the difficulties in understanding the likely implications of these nationalist challenges to European integration if we are to treat them as a novel and unique political phenomenon specific to the post-Maastricht era and the territorial space occupied by the contemporary EU.

iii. Sovereignty in the EU Context

In the EU context, sovereignty has generally been understood as residing in the member states, leaving little space for thinking about sovereignty in terms of opposition movements. Within these bounds, however, the field of EU studies has been something of a creative arena for sovereignty debates. This has included intergovernmentalist models of 'shared' or 'pooled' sovereignty (Peterson 1997, Moravcsik 1998), Milward's (1992) and Bickerton's (2012) work on the transformation of Europe's previously sovereign nation-states through their participation in the integration project and the lively debates around the ways in which sovereignty claims drove differentiated integration (e.g. Stubb 1996, Schimmelfennig 2019), and how much of it the EU can accommodate (e.g. Andersen and Sitter 2006).

For Milward (1992), the primary focus of integration on economic measures rather than more contentious sovereignty issues had enabled the project's success, and by giving up limited control over these areas of national economic life, states were able to achieve outcomes that they would have been unable to independently achieve in the postwar world. If this meant that thorny questions of national sovereignty, and how it would operate in an environment in which an ever-increasing range of policy competences had been transferred to the EU level, Bickerton (2012) later pointed to the potential consequences.

He developed a concept of 'member statehood', conceiving of the 'member state' as a 'fragile and contradictory social form. It is both powerful and weak at the same time' (p.14). Bickerton regards integration as a state-based and state-driven process, but a process through which those states have been transformed, leading to a paradoxical situation in which 'political power is exercised by national governments but in ways that appear external to and far removed from the national societies over whom these governments rule' (Ibid, p.4). Unlike their predecessor 'nation states', these 'member states' understand their power and identity as dependent on their membership of a wider community of states, and have proceeded through methods of policymaking insulated from partisanship to drive the 'technocratization of political life' (Ibid, p.14), and a crisis of legitimacy and democratic representation.

The observation that integration and the encroachment of supranational authority on member state sovereignty might eventually stimulate a nationalist backlash has since become commonplace. Treib (2020) argued that the consolidation of Eurosceptic political representation was the product of a predictable backlash against centre formation through European integration, drawing on the concept of a centre-periphery cleavage as formulated in the classic work by Lipset and Rokkan (1967). Raskin and Sadeh (2022), similarly, argued that 'EU integration underpins its own opposition, by creating a salient political issue that crosscuts mainstream cleavages and fuels extreme-agenda parties to polarize voters' (p.1323).

Similarly, and drawing directly on Gellner's (1997) 'time zones' of European nationalism, Kissane and Sitter (2019), building on their earlier work showing how the impact of nationalism had gradually increased over time, and why constitutional politics had in the modern era lent themselves to nationalist influences (2010), argued that 'challenges to European integration and to globalisation have created a fifth time zone'. This contemporary zone, in which the nation state had come under pressure both by the process of European integration, and by sub-state nationalism in consolidated

states such as Belgium and the United Kingdom, was characterised by nationalist challenges operating across a 'vertical axis…that is about protecting a space for values associated with the nation state against elites and institutions that are situated above the nation state'.

These recent contributions by Treib (2020), Raskin and Sadeh (2022) and Kissane and Sitter (2010, 2019) point to an important development in the operation of sovereignty claims in the EU context. Earlier models generally assumed that the EU's sovereignty is located in its member states, and that where sovereignty claims, as an expression of nationalism, are made, they are likely to be made by member state governments in the context of debates about further integration and protecting the ability of member states to act independently in areas of national importance.

Perhaps the most visible manifestation of the EU's contemporary crisis of legitimacy, however, is the pressing of sovereignty claims by opposition nationalists, that is, by political parties defending the sovereignty of their respective member state, but from outside the governing parties of that member state. We could think of the distinction between the bases of these two types of sovereignty claims in terms of Breuilly's (1982) distinction between state nationalism - that driven by the governing elites of a state to protect and enhance that state's political legitimacy - and popular nationalism - that driven by movements below the level of the state government, and characterised by demands for national recognition by groups claim to be the authentic representatives of a nation. The sovereignty claims of popular nationalism in the contemporary EU have grown louder in recent years, and this project proposes an approach to engaging with these sovereignty claims and their implications for the EU.

Nationalism, State-Building, Sovereignty and the Contemporary EU

Having explored the ways in which nationalism has sometimes been obscured in debates about the EU and its crises, this project builds on several recent contributions to construct an approach towards placing the EU and its nationalist challengers in comparative perspective. These are, first, Wellings'

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(2023) insistence on the relevance of classical accounts of political nationalism to EU studies; second, a recent debate initiated by Kelemen and McNamara (2022a) on the relevance of classic accounts of state-building to the EU case, and third, a range of recent contributions, especially by Brack (2012, 2018), which have directly engaged with the sovereignty claims of Eurosceptic actors.

In a recent conceptual contribution to the literature on European disintegration, Wellings (2023) offered a proposal for how to approach the relevance of the nationalism literature to European integration, arguing that elements from the classical explanations of the operation of nationalism in Europe (including those of Gellner and Breuilly, among others), could be considered in the light of recent work to invert the grand theories of European integration to allow for the potential for disintegration. Similarly to Treib (2020), and Kissane and Sitter (2010, 2019), Wellings found that the politics of integration in the 2010s tended to create 'nationalism rather than contain it, as it had been historically designed to do' (p.1164), and argued that defining nationalism as the 'discursive legitimation of sovereignty' (Ibid, p.1172), and a product of structural change rather than a historical and cultural continuity' opens the possibility of explaining nationalism in its EU context in terms of 'a response to structural socio-political change rather than by its pathologies' (Ibid, p.1169). While Wellings opened a productive line of inquiry, in terms of seeking to bring a political understanding of nationalism as a core explanatory factor in European integration into efforts to understand European (dis)integration, it becomes necessary to then ask how we might follow such a line of inquiry in a context as specific and unique as that of the EU.

A recent debate about the relevance of the classical state-building literature to the EU has explored one way of approaching this, in directly addressing the question of whether Tilly's bellicist model has anything to say about the political development of the EU. Kelemen and McNamara (2022a) argued that while 'the EU does not need to be a Weberian state, nor be destined to become one, for the state-building perspective to shed new light on its processes of political development', it can help

scholars to understand the 'puzzling ways' in which the EU is 'incomplete', proposing that its immense legal and regulatory authority, but comparatively under-developed administrative and coercive capacity, can be explained by the outsize influence of the logic of market integration on the EU's development, without the pressure of war or immediate military threat (p.963-965). This application of the Tilly thesis has been convincingly critiqued for its singular focus on war as a necessary condition of state-building (Freudlsperger and Schimmelfenning 2022, Elistrup-Sangiovanni 2022, Genschel and Schimmelfennig 2022), its anachronism in failing to account for the historical period in which the EU has developed, its assumption of a teleological endpoint based on the Weberian state, and its assumption that the EU is dysfunctional, when there are surely 'many routes to building effective governance systems' (Elistrup-Sangiovanni 2022, p.1912).

While it is difficult to disagree with these critiques, it is equally difficult to disagree with Kelemen and McNamara's assertion of one of the principal benefits of adopting the state-building lens: it 'encourages us to step back and take a far longer-term perspective that takes notice of the striking centralization of authority that has occurred, even absent the typically critical causal push of war' (2022a, p.982). It also encourages scholars to engage again with a familiar question: 'namely, what is the EU a case of? A nascent, but woefully incomplete state? An unusually weak (con)federation? Or a novel kind of polity'? (Elistrup-Sangiovanni 2022, p.1912). Indeed, the other contributors to the debate agreed on the call for 'a historical and comparative analysis of the EU drawing on evidence of the political development of national states and on theories of state-building' (Genschel and Schimmelfennig 2022, p.1868). For Kelemen and McNamara, in responding to this debate, the point lost on some other contributors was that the history of state-building shows us that such projects are 'protracted and messy', and 'often falter and unravel, not least when communities within nascent states resist the process, a point highly relevant to the EU experience' (2022b, p.1918).

Kelemen and McNamara found that while the lens of federalism has 'come close to viewing European integration through a state-building perspective' (e.g. Sbragia 1992, Nicolaïdis and Howse 2001), it has tended to 'steer away from the concept of state-building' (2022a, p.967). In common with Kelemen and McNamara, the contention of this project is that comparisons with other states, if not with the state-building literature on a bellicist model informed by Tilly (1975, 1990), is likely to yield fresh and valuable perspectives for our understanding of the contemporary EU.

Turning, thirdly, to the nationalist challengers themselves, this project's approach is informed by a body of literature, produced in the context of the growth of nationalist and anti-integration political representation, which has sought to engage directly with the sovereignty practices of the challenger parties. This has included several contributions by Brack (2012, 2018) on the Eurosceptic parties operating in the European Parliament, and others investigating their discourse and their claims (e.g. Borriello and Brack 2019, Behm and Brack 2019, Brack *et. al.* 2019). While this project insists on the centrality of nationalism, rather than Euroscepticism, to an understanding of these challengers' politics, this stand of literature marked a positive departure in terms of taking seriously the discourse and claims of these parties, and insisting on detailed study of how their encounter with the EU plays out.

Chapter Overview

This project proceeds to build on these recent contributions. The next chapter, in outlining the theoretical basis of this project, is divided into two parts.

First, informed by classical accounts of nationalism as a political phenomenon with enduring salience, especially Anderson (1983), it makes the case for foregrounding nationalism as a critical explanatory variable in the process of European integration. Drawing particularly on the work of John Breuilly (1982), it conceptualises nationalism as a political phenomenon that arises in relation to the modern

state, and is informed by his insistence that 'Nationalism is a form of politics. Before trying to theorise about the 'real' purpose or cause of this form of politics - before trying to go 'behind' nationalism in search of some non-political base which supposedly gives rise to nationalism - one should try to work out precisely what is the form of politics we call nationalism, its political context and its political modes' (p.14). In order to do so, it also adopts from Breuilly an approach to understanding the operation of nationalism through a comparative case study method that can encompass a simultaneous analysis of both the nationalist actors and the system response, producing a more holistic view than has sometimes been possible in narrower studies of Eurosceptic parties in the EU context.

Second, and following this insistence that nationalism is best understood in the context of the modern state, it considers what kind of state the EU is, and proposes that despite the limitations of this approach, understanding the contemporary EU as a federal-type polity might enable meaningful comparison with the experience of other federal-type polities that have encountered significant opposition from nationalist detractors.

Building on this framework, the third chapter describes the selection criteria applied to determine a set of case studies for analysis, and the comparative case study method that is used to construct these case studies and then derive insights from them for discussion in the context of the contemporary EU. The case selection criteria are three-fold: that the existing federal-type settlement has been subject to active political debate for a sustained period, that the structure of the federal-type system recognises the existence of national-type units, on the basis of which nationalist politics arise, and that the political and institutional structure of the federal-type settlement has not been treated as a fixed and final settlement. Three cases are selected on this basis: Scotland in the United Kingdom, Quebec in Canada, and Flanders in Belgium.

In the three chapters that follow, each of the case studies is explored in turn. The opening section in each chapter contextualises the case and its alignment with the case selection criteria, while the bulk of the chapter constitutes a detailed chronological analysis of the period during which a significant and sustained encounter between the nationalist opposition and the federal-type system took place. The construction of this analysis is inductive, and is based largely on the secondary literature concerning each case, enabling an appraisal of each of these cases on their own terms. The concluding section of each case study includes some preliminary consideration of the insights that can be drawn from it.

These insights are pulled together in the seventh chapter, a discussion on the EU and its nationalist challengers in comparative perspective. This chapter opens with a discussion of the initial learnings from all three case studies - that the EU's encounter with nationalist challengers is likely to be protracted, inconclusive and messy, and so a search for a definitive *finalité politique* is likely to be in vain - before providing an overview of the EU's nationalist challengers and the development of several discrete strands of nationalist opposition in recent years. The detailed comparative analysis is organised across three themes: the types and strength of nationalist opposition, sovereignty and the operation of nationalist opposition at the federal level, and constitutional complexity and constitutional ambiguity.

A final concluding chapter makes some preliminary observations about what the nationalism lens tells us about the contemporary EU, and about its likely prospects for EU (dis)integration in light of the nationalist challenge.

2. Theoretical Framework

This chapter begins by addressing the progressive understandings of integration that may have obscured the role of nationalist opposition as a critical factor in the EU's development, finds that the integration project has always been politicised and opposed, and that the politics of anti-integration have also been predominantly nationalist. It then proceeds to apply insights from classical accounts of political nationalism to, first, the actors challenging the EU settlement on the basis of nationalist claims, and second, the EU's political system and framework.

Regarding the actors - the challenger parties - the nationalism lens enables us to engage with them on their own terms as political movements with complex and varied origins and programmes, rather than departing from a position that defines them largely in relation to their attitudes towards the EU, and that therefore tends to build typologies of such challengers that emphasise their uniqueness and novelty, and de-emphasise the potential for identifying common trends with the experience of nationalist challengers elsewhere.

Regarding the EU's political system and institutional framework, the nationalism lens invites analysis of the way in which sovereignty is exercised across a vertical. Conceiving of the EU a federal-type polity enables a comparative analysis of the EU and other such polities which have experienced a sustained challenge from nationalist opponents. This approach places the focus on the diverse ways in which sovereignty is interpreted and negotiated by actors defending a federal settlement on the one hand, those who seek to contest it on the basis of a defence of national sovereignty on the other, and the implications of this encounter for the prospects of further integration or disintegration.

Bringing the Politics of Nationalism into EU Studies

Given the widespread understanding in the EU context of (illiberal) nationalism as anachronism, that is, of nationalism as a political and cultural force associated with the destructive wars of the pre-integration era and with contemporary events that happen in other places and not the EU, it is understandable that the growth of nationalist opposition to the EU in recent years has been commonly perceived, both by EU scholars and pro-EU political actors, as symptomatic of an existential crisis. If nationalism is regaining political salience and wider support, then the EU, based on its declared objective of taming nationalism for good, is presumably failing.

A decade and a half ago, Gilbert described and critiqued this 'progressive conception' of scholarship on European integration, arguing that it had led to a reductive and unhistorical narrative of integration, and had also 'blinded authors to the possibility that alternative narratives of integration are possible, and that these may come to predominate if the European project loses its aura of success' (2008, p.641). Gilbert argued that this progressive conception, which had also shaped the perceptions and actions of politicians, assumed that the process begun by Monnet and his colleagues would in time lead to supranational institutions in some way superseding national institutions. As the crises of the past decade have reoriented assumptions and expectations, some observers have come to ask whether the pervasiveness of the progressive narrative might even have strengthened the anti-integration reaction, pitted against a supranational organisation which appeared to be seeking the relentless hollowing out of the nation-state (Westlake 2019).

Some recent efforts to invert the grand theories of integration for a period of crisis have arguably justified Gilbert's concern about the pervasiveness of the progressive conception. The irruption of nationalist parties and movements opposed to further integration, and their growing success in electoral politics across the EU and its constituent member states, has in this context been interpreted as a sign that something is seriously wrong with the EU, and a sign of a politicisation that is a core feature of a specifically post-Maastricht era. For the postfunctionalists above all (Hooghe and Marks

2009, 2018), this era has been characterised by the politicisation of integration, and growing resistance to it from member state publics dissatisfied with the performance of the EU, the lack of accountability, and the sense that integration has deprived the nation-state of its previous autonomy.

While the strong representation of anti-integration political parties in both national and EU legislatures, the rejection of EU proposals at national ballot boxes, and the withdrawal of a member state from the EU following a national referendum are clearly unprecedented trends and events which attest to a new era in the politicisation of European integration, the politicisation of the post-Maastricht era is not in itself new. There has certainly been, in recent decades, a transformation of the modes by which the integration project is advanced (as demonstrated by the work of the new intergovernmentalists), of the ways in which integration is politicised and opposed, and in the extent of that opposition. This is unsurprising when one considers that the contemporary EU has greater reach in terms of policy competences and therefore greater reach into the lives of European citizens, and has also, from the global financial crisis onwards, been beset by successive crises which it has not always managed effectively. While it may therefore have lost some of its 'aura of success' (Gilbert 2008, p.641), leading to more acute opposition, integration has always, from the first beginnings of the Coal and Steel Community to the present, been politicised.

From De Gaulle's boycott of Community institutions to the opt-outs of the 1990s and Brexit in the 2010s, it is hard to identity any lengthy period in which the 'permissive consensus 'of the pre-Maastricht era (Hooghe and Marks 2009) would have felt that way to those seeking to advance the integration project. Organised as the EU is on the basis of constituent member nation-states, it is unsurprising that opposition to further integration or particular types of integration commonly takes on a nationalist hue. While some anti-integration parties, movements and actors have acted from other positions, for example left-wing concerns with constraining the forces of international capitalism, most opponents of integration have acted with the objective of defending national sovereignty against

the perceived encroachments of supranationalism. In short, the question of further integration in the EU and its predecessor organisations, has always been politicised, and the politics of anti-integration have been predominantly nationalist.

Turning, therefore, to classical accounts of nationalism, Anderson's (1983) seminal work opened with the striking observation that, despite the Marxist and internationalist credentials of many of the actors involved, 'since World War II every successful revolution has defined itself in national terms…and, in so doing, has grounded itself firmly in a territorial and social space inherited from the prerevolutionary past' (p.2). At the same time, many apparently consolidated 'nations' found themselves challenged by national sub-units seeking their own national autonomy. His conclusion was clear: 'the 'end of nationalism', so long prophesied, is not remotely in sight. Indeed, nation-ness is the most universally legitimate value in the political life of our time' (Ibid, p.3).

Anderson's exploration of the neglect of nationalism in Marxist theory and historiography bears some comparison with the EU case and its progressive narratives: 'nationalism has proved an uncomfortable anomaly for Marxist theory and, precisely for that reason, has been largely elided, rather than confronted' (Ibid). Noting, up to the time of writing in any case, the relative intellectual 'emptiness' of nationalism due to its lack of grand thinkers, Anderson went on to propose that this 'gives rise, among cosmopolitan and polylingual intellectuals, to a certain condescension' (Ibid, p.5). Returning to his theme 12 years later, Anderson acknowledged the transformation of the study of nationalism in the intervening period, with key contributions from Breuilly, Gellner, Armstrong, Hooch and Hobsbawm, while also, in light of the intervening collapse of the Soviet Union, noting that 'history seems to be bearing out the 'logic' of Imagined Communities better than its author managed to do' (Anderson 1991, p.xi), as the political salience of the nation and nationalism seemed if anything to have increased.

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We have already noted a combination of trends that have contributed to an elision of the role of nationalism in EU studies: the complex relationship between the EU's origin story and nationalism, the enduring dichotomy of 'civic' and 'ethnic' nationalism, the influence in the EU context of cosmopolitan frameworks such as Habermas' constitutional patriotism, the characterisation of anti-integration actors in terms of what they were against as Eurosceptics rather than what they were for, the conflation of some forms of nationalism with a wider phenomenon of regionalism, and the historic bias towards a progressive conception in EU studies. In this context, how can the broader canon on nationalism, noted by Anderson as having done so much to progress the field since the original publication of *Imagined Communities*, inform an attempt to contextualise the operation of nationalist politics in the contemporary EU and the implications for further (dis)integration?

Several of the key contributions noted by Anderson were concerned with the mechanisms by which the social, ethnic and cultural aspects of the nation could produce political nationalism. Hroch (1985) made a comparative study of the national struggles of Europe in the 19th century, charting the process of national mobilisation through which a small group of committed patriots can generate mass support. From a different perspective, Armstrong (1982) was concerned with the ways in which an existing ethnic identity could evolve into the concept of a nation, exploring in particular the roles of institutions and structural factors on the development of ethnicity. While these studies represent landmark contributions to the understanding of national origins, and the circumstances under which particular social and cultural preconditions are likely to produce nationalism as a political phenomenon, with Hroch's work in particular having been used as the departure for studies on national movements aspiring to statehood (Hobsbawm 1990, p.11), it is through turning to accounts focused on the operation of nationalism in modern Europe, and its relationship with politics and the state, that we can begin to think about the relationship between nationalism and European integration.

It is perhaps Breuilly (1982) and Gellner (1983) who have been most influential in shaping debates around nationalism, politics and the state in Europe. While Gellner's extensive work on nationalism and nations from the 1960s onwards has encompassed themes as diverse as the critical role of industrialisation in producing nationalism via functional mechanisms, and on building a typology of scenarios that might either induce the development of nationalism or else inhibit it, he made two contributions of particular relevance to this project. First, his critique of explanations that assumed nationalism to be a natural phenomenon arising in human societies, an expression of primordial passions and instincts, encourages an analysis of nationalism as a political phenomenon arising from structural change. Second, his formulation of nationalism as 'primarily a political principle which holds that the political and the national unit should be congruent' (1983, p.1) encourages a focus on the state or state-like structures in which nationalism, at at particular place and time, achieves political expression or encourages action in favour of a new settlement that better reflects national claims.

It is, however, the work of the historian John Breuilly (1982), that is of particular value in exploring the issue at the core of this project; that is, how to incorporate an analysis of the role of political nationalism into an account of the EU's crises.

The summary of his approach that opens his historical survey is as follows: having set out to 'provide a systematic description of nationalism as a form of politics', Breuilly found that the central theme developed 'imperceptibly. This is the key role played by the modern state in shaping nationalism. In part the idea is a product of the approach: by concentrating on nationalism as politics I was compelled to consider closely the political context in which it develops. The modern state is the most important feature of that political context. In part what I moved towards was less a theory than the placing of nationalism in a wider framework. It is not so much that the modern state causes or produces nationalism as that nationalism makes eminent sense in some of the situations that are shaped by the modern state' (Ibid, p.x).

Rather than treating nationalism as 'a state of mind', 'the expression of national consciousness', and therefore a phenomenon arising from an underlying and pre-existing national identity, Breuilly's insistence on nationalism as a political phenomenon, and as such, inextricably connected to power, which, in turn, 'in the modern world, in principally about control of the state' (p.1), led to his exploration of nationalism as a form of politics in relation to the state. Nationalism, in this understanding, refers to 'political movements seeking or exercising state power and justifying such action with nationalist arguments' (p.6).

Conceptualising the Actors: the Challenger Parties and Nationalism

In order to productively apply this understanding of nationalism as politics to the EU case, it is necessary, first, to conceptualise the EU's challenger parties in terms of Breuilly's typology of nationalism, and while acknowledging the thin-centred nature of nationalist politics, to make the case in the EU context for the analytical value of conceiving of these parties in terms of their politics, and of conceiving of those politics as, first and foremost, nationalist.

In the previous chapter, some of the many ways in which the EU's challenger parties had been categorised and studied were identified. Whether radical right, populist, anti-system, or Eurosceptic, these characterisations have supported a rich body of literature on the EU's challengers, which has amply demonstrated, to an extent, the 'thin-centred' nature of nationalism as an ideology. Before Freeden (1998) had defined nationalism as such, Breuilly in some ways pointed to this understanding in his work. He noted, in exploring the sources and and forms of nationalist ideology, that nationalism, in common with all significant political movements in the modern period, and appealing to a variety of social and economic interests, had at one point or another been linked to 'Just about every major social interest' (1982, p.72), and that these interests had, equally, supported other kinds of politics at other times. In this sense, an analysis of nationalist challengers in terms of these other descriptions

does not necessarily prevent an analysis of the ways in which their nationalist politics achieve salience and have relevance in the context of their opposition to a supranational integration project. Indeed, for example, we can take from the the work of some leading theorists of populism, another descriptor frequently applied to a significant proportion of the EU's challengers, strong arguments against attempting to establish a sharp distinction between nationalism and populism (e.g. Brubaker 2020, De Cleen and Stavrakakis 2017, 2020).

However, in the EU context, the most prominent analytical frame for these parties has been Euroscepticism. This approach, by defining the challenger parties in terms of the EU polity, does not necessarily encourage an engagement with these parties and actors on their own terms and across the breadth of their political claims and programmes, beyond their attitudes towards and impact on European integration. While in all cases, the nationalism of challenger parties is combined with other ideological commitments which tend to give salience to their national claims, it remains the case that all of these parties are organised on the basis of the EU's constituent nation-states, or occasionally national regions (e.g. Flanders) within member states, and opposition of various strength to European integration, while often a core part of their respective policy platforms, is also part of a broader political programme. In very few cases can these parties be convincingly characterised as principally focused on EU integration. The UK may well have provided the sole cases of this phenomenon, in the form of the the United Kingdom Independence Party (UKIP) and what was formerly the Brexit Party, but even then, having now left the EU, the Brexit Party has discovered a new lease of life as Reform UK, and in 2024 went on to achieve its strongest ever electoral success at Westminster.

In general, these parties' challenge to European integration would appear to be more convincingly conceptualised as a function of their nationally-rooted political commitments, and in that sense, their challenge arises in the context of the tension between the integration project and traditional forms of nation-statehood, a subject explored in detail by Bickerton and the new intergovernmentalists, among

others. The distinction may be subtle, but to retain the Eurosceptic lens is to define the nationalist parties which oppose the European Union in terms of the European Union, and thus to place them in a category unique to the European integration project, and not easily amenable to comparison with the other state contexts in which the politics of nationalism have proved salient. Despite the limitations of such comparisons, Breuilly's work suggests that they are worth making in the interests of providing a stronger description of how nationalist politics operate, and the consequences of these politics in different cases.

For Breuilly, nationalist politics were, for the most part, opposition politics. He allowed for 'state-led nationalism', but as such phenomena were often, in his analysis, 'no more than particularly offensive and aggressive policies pursued by national governments' (1982, p.8), his typology is of more relevance to the nationalism of opposition movements. In brief, he classified these movements in three ways: separation or separatist nationalism, where an opposition movement aims to achieve the breaking away of its defined national territory; reform nationalism, where a movement seeks to reform a state in a national direction; or union or unification nationalism, where a movement seeks to unite its state with other states in the interests of uniting a nation. He overlaid on this tripartite classification a division of the states to which these movements were opposed: either states which define themselves in national terms, or non-national states. Breuilly allowed that when applied to actual cases, these categories were frequently far from clear-cut, and many nationalist movements did not fit neatly into any one category.

In Breuilly's study, separatist nationalists were those seeking to establish a sovereign nation-state, on the basis of claims to a distinct group identity or a perception that the interests of the national group they claimed to represent were not adequately advanced, protected or recognised within their existing polity. Examples included the movements for Basque, Catalan, and Scottish independence.

For Breuilly, reform nationalism covered movements with a wide range of programmes. These included the national movements which arose in Italy and Germany in the 19th century, which sought to change the structure of their states to better reflect the perceived existence of an Italian or German nation, as well as the Hungarian national movement during the period of Habsburg rule, which succeeded, via the Austro-Hungarian Compromise of 1867, in securing for Hungary a favoured position within the empire, with a significant degree of self-government and recognition. The category of reform nationalism also extended to the Irish national movement in the 19th century, a significant portion of which in all periods sought Home Rule for Ireland rather than separatism and Irish independence, and which worked constructively within the British parliamentary framework to achieve this.

In general, the challenger parties opposing EU integration, when placed in relationship to the EU and using Breuilly's typology, can be defined as separatist nationalists and reform nationalists, approximately along the same division as that used in the literature on Euroscepticism to distinguish between hard and soft Eurosceptics. While the case of the EU's separatist challengers, including the United Kingdom's United Kingdom Independence Party (UKIP) and its successors, is relatively clear-cut, many of these challenger parties have also, over time, shifted between these positions and sometimes maintained an ambiguity about where they are currently located on a separatist-reform axis.

The application of Breuilly's reform category in this sense is less straightforward. Nationalist parties that seek to reform the EU in a nationalist direction are clearly in a different category from, for example, the 19th century European nationalists of Germany and Italy who sought to give new and consolidating states a national character. However, the category is flexible and expansive, and as with the Irish nationalists of the same century, those challenging the EU on this basis further enrich the category through their claims for national autonomy and recognition. In the EU context, some of these

challengers' claims include articulations of European alternatives, including varieties of a 'Europe of the Nations', generally involving an integration project with a more intergovernmental character than the current iteration. Such claims go beyond appeals for a reallocation of competences or opt-outs for their specific nation-state, and speak to their engagement in processes of re-imagining the institutional and constitutional basis of the contemporary EU in a way that, for them, better protects the national character of their respective member states.

In the EU context, given the multiple layers of governance, some nationalist parties also manifest a double nationalism, with different postures and different claims towards, on the one hand, the EU, and on the other hand, the member state from which they hail. Some Flemish nationalist parties, for example, can be described as reform nationalists in relation to Belgium and separatist nationalists in relation to the EU, while others might be separatist nationalists in relation to both, and others still reform nationalists in relation to both Belgium and the EU. In a different way, the revisionist nationalist governments of Central and Eastern Europe, most notably the Polish PiS and Hungarian Fidesz governments of recent years, appear to be a particularly unique case. They tend to portray themselves as opposition movements towards the EU, and in presenting an alternative vision of a looser, intergovernmental Europe of the nations, are arguably reform nationalists *vis-á-vis* the EU. At the same time, in their domestic contexts and while in government, they promote state-led programmes of nationalist definition, while all the time portraying themselves as somehow permanently in opposition to larger regional and global forces that are set against their nation.

Suffice it to say, Breuilly's acknowledgement that categories of nationalism are rarely clear-cut, and in his later work on recent developments in the former Soviet Union and Communist bloc, and among separatist nationalism in developed nation-states, that further new and distinctive trends were emerging, is certainly true of the EU experience of nationalist opposition. Nonetheless, this typology offers a useful way to start thinking about the declared objectives of a particular nationalist movement

and its relationship with the state or non-state polity it opposes or works within. Conceiving of them in this way allows us to begin considering how to compare them with other such nationalist movements, outside of the EU context, which have also been found on this separatist-reform axis in relation to the states they oppose.

Before turning from a discussion of the nationalist actors to the system in which they operate, we might briefly consider how claims for power on the basis of nationalist ideological commitments are advanced by these movements. It is worth revisiting Anderson's (1983) influential definition of the nation. Anderson defined the nation as 'an imagined political community - and imagined as both inherently limited and sovereign' (1983, p.6), limited because of boundaries between one nation and others, sovereign owing to its origins in a period in which freedom was sought through the formation of the sovereign state, and a community because the nation is 'always conceived as a deep, horizontal comradeship' (Ibid, p.7). Sovereignty, in this sense, is key to the discursive toolbox through nationalist movements legitimise their claims to power, and their understandings of the appropriate state environment in which power over a given community and territory should be exercised.

Drawing on both Anderson's and Breuilly's accounts of the operation of political nationalism as an opposition movement, and of political nationalism's essence as the discursive legitimation of sovereignty, the case needs to be made for analysing these challenger parties' encounter with the EU in terms of their engagement with questions of sovereignty, its meaning and location, and the sometimes conflicting interpretations of sovereignty that characterise the relationship between nationalism and the state. This leads to the necessity of defining the state context in which the nationalist challengers are operating. If, for Breuilly, nationalism is a political phenomenon that arises in relation to the modern state, as what kind of state can the contemporary EU be conceived in order to enable the identification of a universe of cases with which its encounter with nationalist challengers can be compared?

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Conceptualising the System: the EU as a Federal-Type Polity

In opening what became a classic contribution to the early literature on European integration, Lindberg and Scheingold explained their 'conviction that the post-war movement in Europe toward economic and political integration had produced a substantially unprecedented phenomenon', as the six founding member states had 'pioneered striking departures from both the goals and methods typically pursued by states in their relations with each other '(1970, p.iv). The EU's unique (and evolving) model has had significant implications for the potential of comparative studies to shed light on the EU. If, at the heart of comparative politics, is an effort to understand, describe and explain phenomena by situating cases in a broader universe, 'any universe to which [the EU] belongs is likely to be small '(Wolinetz 2011, p.28). Nonetheless, following Lijphart's (1971) proposal that comparative studies that seek to build or refine theory might best proceed by defining either comparable cases (most similar systems), or anomalous cases (most different systems), Wolinetz (2011) argued that the EU remains a candidate for both most similar or most different approaches, on the condition that we have convincingly defined the subset of political systems to which it belongs.

In its early decades, the EU was studied primarily as an international organisation, and as such was the province of international relations specialists. The early neofunctionalists, accordingly, studied other nascent movements focused on regional economic integration alongside the EU. Most notably, Haas and Schmitter's work on Latin American integration (1964a, 1964b, 1965) tracked their work on the emergent euro-polity in exploring the relationship between politics and economic integration in Mexico and the broader region. During those years, their neofunctionalist colleagues understandably described questions as to whether a federal-type state could in time develop as 'beyond conjecture' (Lindberg and Scheingold, 1970).

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By the 1990s, however, the EU, like the world around it, had changed. In the preface to the second edition of *Nationalism and the State*, published a decade after the first edition and in a post-Cold War context that had seen the independence of 15 new states emerging from the Soviet Union, as well as the reassertion of national identity in former Soviet satellites in Central and Eastern Europe and the first of the wars that accompanied the break up of Yugoslavia, Breuilly asserted that he held to his 'principal argument: that nationalism should be understood as a form of politics that arises in close association with the development of the modern state' (1993, p.xii).

During the same period, the European Economic Community, an advanced and novel project for institutionalised regional economic and political integration, had been re-launched as the European Union, following the passage of the Treaty on European Union in 1992. With its provisions for a European citizenship, early plans for the creation of a single currency, and a roadmap for integration of new areas of political competence previously reserved to member states, particularly in justice, home affairs and foreign policy coordination, the Maastricht Treaty clearly marked a new departure, and arguably established the architecture for a new type of state.

The shift towards supranationalism in the EU's competences, institutions and decision-making processes generated sustained debate, and uncertainty, about its place in any taxonomy of political systems, and some scholars considered anew whether the Union which had replaced the Community might bear comparison with something other than the international organisations or trading blocs found elsewhere in the world. Reflecting this trend, Caporaso (1996) analysed the emerging institutional structure of the EU in terms of three models - the Westphalian state, the regulatory state, and the concept of a 'post-modern state' (p.29); that is, a state demonstrating a more flexible model of the exercise of sovereignty than that traditionally described by scholars of international relations.

Conducting a similar exercise, Biersteker (1999) situated the emerging EU polity as 'somewhere between a simple aggregation of separate states and the ideal of a single confederated Westphalian state', proposing that its development was indicative of a more general shift in the meaning of sovereignty as it was being redefined against the traditional Weberian model (p.21). Risse-Kappen (1996) argued similarly that studying the EU after Maastricht required a reconsideration of the traditional boundaries, between 'domestic' and 'international', and between 'state' and society', that now had to be crossed by the requirements of governance in a globalised world (p.53).

Through the 1990s, the previously dominant grand theories also fell somewhat out of fashion, perhaps due to the absence of a *grand projet* requiring focus on the dynamics of integration or on the EU's ultimate destination or *finalité politique* (Hodson and Puetter 2018, p.2). Some scholars working in this period, inheriting a tradition which conceived of the EU as *sui generis*, and certainly not comparable with a 'state' as commonly understood, developed or adapted new models to explain the EU, including in terms of multi-level governance (e.g. Marks 1993), or as a regulatory regime (Majone 1994, 1997). As Delors (1985) had earlier remarked, perhaps the EU really was an 'objet politique non-identifié'.

While articulating a new theoretical framework to account for the politicisation of the integration process, Hooghe and Marks acknowledged that they were building on the foundations of the multi-level governance approach, and therefore conceiving of the EU as part of a broader phenomenon: 'the articulation of authority over jurisdictions at diverse scales '(2009, p.2). For Hooghe and Marks, an advantage of this model was that it enabled an analysis of how political conflict, engaging various communal identities, could make 'all the difference 'to the EU's future development (Ibid). The multi-level governance model gained credibility among the EU's political leaders as well as its scholars, perhaps because of its helpful 'descriptive neutrality', as Schmitter put it; it had 'the singular advantage of avoiding the controversial term: "state '"2004, p.49).

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It is not within the scope of this project to provide a conclusive determination of the EU's nature, but following Wolinetz (2011), I consider the contemporary EU to offer multiple points of comparison. It can be conceived of as, for example, a regional system, and compared with other regional integration projects; as a political system, for comparison with how policy-making and governance is organised and executed; or as an emerging form of state.

In Breuilly's typology, nationalist movements were classified according to their opposition to one of two types of state: those defined in national terms, and non-national states. While the EU is not a national state, it also bears little resemblance to the non-national states of Breuilly's studies, many of them empires, including the Ottoman Empire in what later emerged as independent Arab states, and the British colonial empire in Kenya and India, or else, in a chapter added to the second edition to cover subsequent developments in the Communist bloc, the Soviet Union as a unique form of multi-national empire.

However, as debates over the transformation of the European state through involvement in the EU demonstrate (e.g. Milward 1992, Bickerton 2012), the nature of the modern state has also changed since Breuilly published his study on the operation of nationalism in relation to the modern state. In ways that go beyond the scope of this project to explore, but are tied to the development of the contemporary global economy, it is arguable that the modern state, as conceived in Breuilly's work, has in many cases ceased to exist. Even in the 1980s, when examining separatist movements since 1945 in Canada, France, Spain and the UK, and with a particular focus on the case of Scotland, he observed that the new nationalist movements suggested the 'limited value' of 'various ideas of political integration worked out by political scientists', according to which 'Progress towards integration tends to be identified as progress towards the ideal Western nation-state' (1982, p.336).

At the same time, the growth of nationalist opposition to European integration seems to reflect the increasing state-ness of the EU with its strong institutionalisation and policy competences. That the EU is a *sui generis* integration project is undeniable, but this project conceives of the EU as a specific type of political system: a federal-type polity. It proposes that conceiving of the EU in this way may shed light on the prospects for further integration or disintegration through an understanding of the myriad manifestations of nationalist opposition in other such polities. This approach does that assume that federalism is the defining or preeminent feature of the contemporary EU, but proposes that while comparing the EU is inherently complicated due both to the unique path of development that has taken the EU from its postwar beginnings to its current structure and features, and the complexities of that structure, the advantages of enabling such comparison, in terms of gaining a broader perspective on the EU in the era of polycrisis, outweigh the imperfect nature of the comparison.

Anderson's compelling definition of the imagined community of the nation as 'both inherently limited and sovereign '(1983, p.6) points to the key advantage of the federal lens for comparing the EU. If the opponents of integration are predominantly nationalist, and if nationalism in this context is understood as the legitimation of sovereignty, then this approach invites analysis of the way in which sovereignty is exercised across a vertical from the supranational to the local, and the diverse and often conflicting ways in which sovereignty is interpreted, contested, and negotiated by actors defending a federal settlement on the one hand, those who seek to contest it on the basis of a defence of national sovereignty on the other, and the implications of this encounter for the prospects of further integration or disintegration.

The federal approach was identified by Kelemen and McNamara, in their attempt to apply the state-building literature to the EU, as having 'come close' to viewing integration through the lens of the state (2022a, p.967). Rather than looking back, as Kelemen and McNamara sought to, to a theory that sought to explain the development of European states in the early modern period, a particular time

and place with a particular set of imperatives which, as Elistrup-Sangiovanni (2022) convincingly argued, appear especially anachronistic in the case of the contemporary EU, the proposal here is to look instead to states which by their nature have a great deal in common with the EU of today. Those are states in which political opposition to the federal-type project is organised according to national sub-units: the multinational federal-type state. Several such states exist among the prominent democratic states of the contemporary period, and in their complexity and constant renegotiation of their own constitutional, legal and political settlements, they seem to bear comparison with the EU of recent decades.

Sbragia (1992), writing while the ink on the Maastricht Treaty was barely dry, was an early proponent of such an approach. While mindful of the problematic aspects of comparing the EU with other federations, most of which assume a more or less a nation-state model at the federal level, his balance sheet of the costs and benefits of comparison nonetheless suggested that the importance of territorial boundaries in the comparative federalism literature was intriguing. It 'does not offer a map of where the Community is going', he concluded, but it does 'offer guideposts to the tensions the Community is most likely to experience even if it does not develop 'into a federal- type polity that would be recognisable from existing models (p.266-67). Taking a position that set him against those EU theorists, especially of the intergovernmentalist tradition, who insisted on the *sui generis* nature of the Community as mitigating against meaningful comparison, Sbragia concluded that 'Although the Community is unique, analysis is more likely to suffer from studying it in isolation from other other systems than from using the comparative method in less than ideal circumstances '(p.268).

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Federalism is not without its complexities as a point of departure for comparative studies of the EU. As Burgess (2009) notes in his overview of the federal idea and its relevance to EU studies, federalism

and its variants can be problematic terms, especially in the EU context, for several reasons. First, this is due to its wide application to describe varied phenomena, and to the differing qualities ascribed to federal systems in different places, from its inextricable association with fragmentation and dysfunction in British political debate, to its association with good governance and durable constitutional settlement in the United States. Of considerable import in relation to this project's concern with the implications of current political dynamics prevailing within the EU polity, the way in which the EU came into being also differs significantly from the origins of other federal polities. While the classical model - the United States - emerged almost fully-formed in 'a kind of 'big bang ''' (Laursen 2011, p.11) at the Philadelphia Convention, repeated attempts to convene a similar constitutional convention for the EU, let alone to have the conclusions of any such convention ratified by its member states, have foundered.

Second, the EU undoubtedly contains some federal elements, and 'is widely deemed today to be moving toward what looks increasingly like a federal destination '(Burgess 2009, p.25), but clearly also contains elements which might more accurately be characterised as intergovernmental, functional, supranational, or something else altogether. Analysing the EU in terms of the pillar structure that constituted its legal composition from Maastricht to Lisbon (1993-2009), it is generally understood that the organisation of the first pillar - the European Communities including monetary union and a single currency - appears more typical of other federal systems, where as the second and third pillars - a common security and foreign policy, and justice and home affairs policy - continue to be developed along more intergovernmental lines (Laursen 2011, p.13). The hybridity of the EU polity can therefore be expected to introduce complexities when drawing comparisons.

One might add, third, that in the EU context, the term itself has been politicised, with federalist thought constituting a strong early influence on some of the pioneering projects of European integration, notably the abortive European Defence Community and the European Political

Community. Key figures driving the integration project expressed a clear commitment to the federal idea, whether in terms of Spinelli's support for a constitutional approach, or Monnet's ultimately successful strategy of small, concrete steps, while nonetheless never losing sight of the end goal of a federal Europe. Indeed, the Schuman Declaration itself made explicit mention of the federalist goal: 'the realization of the first concrete foundation of a European federation indispensable to the preservation of peace' (EU, 2025b).

Perhaps due to the association of the federal idea with figures ranging from Spinelli and Monnet through to contemporary figures such as Guy Verhofstadt, former Belgian Prime Minister and long-serving leader of the liberal bloc in the European Parliament, who have couched their pro-integration views in federalist terms, the "f word", as it came to be known, has also taken on significant political connotations for the EU's detractors. Walter Hallstein, the first president of the Commission, had already observed that 'some people object to the use of the word 'federal' because to them it carries the implication that the Community arrogates to itself the right of being a state', attempting to clarify that the 'constitution of the Community is that of a union of states' (Burgess 1989, p.20). By the 1990s such reassurances had done little to assuage the concerns of detractors, especially in the United Kingdom. British federalist John Pinder described how his compatriots had placed 'an implicit taboo on the subject of federalism', by 'debasing the word 'federalist 'into a form of political abuse, without, usually, the least attempt to define it '(1986, p.50).

The sensitivities attending the term had become clear by 1991, when the final draft of the Maastricht Treaty was presented, leading to objections from the British, Danish and Portuguese delegations over the reference to a 'federal goal' (Laursen 2011, p.14). Replaced in the final treaty with the formulation 'ever closer Union' (European Communities 1992, p.7), even this caused discomfort for British negotiators in 2015-16, who had the UK explicitly exempted from this commitment in the event it voted to remain in the EU in the forthcoming referendum. Exasperated by the political baggage that

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had accrued to the term, Pinder had earlier proposed replacing it with 'neo-federalism', in the hope, now definitively disappointed with two decades of hindsight, that the British and other sceptics might thereby come to terms with the idea of an incremental process towards federalism (1986, p.54). However, as Laursen (2011) put it in his survey of the federal idea and its impact on the EU, while the word federal had effectively been banned in political discussion by the more reluctant member states, 'Scholars are allowed to call a spade a spade '(p.17).

While bearing in mind the complications of the federal terminology, and the limitations of using federal models as a point of comparison, the centrality of political objectives to the project of European integration, and the nature of its membership as a multinational and multicultural collection of states with diverse political traditions and histories, would seem to make comparison with other federal-type polities a reasonable proposition. Burgess's (2009) elaboration of the core elements of a federal polity constitute a strong match with the contemporary EU: a theoretically equal partnership of entities with an expectation of mutual reciprocity; integration without the objective of assimilation, and therefore a recognition of difference. In these respects, the EU displays the constant balancing of unity with diversity that characterise all federal-type polities. In a similar vein, Tömmel (2011) found that the compelling nature of the federal analogy lies in its ability to capture the EU's configuration as a system of multi-level governance with multiple overlapping jurisdictions (p.41).

In recent decades, among those scholars analysing the EU through a federal lens, and particularly among those who have compared it with the world's most prominent federal experience - that of the United States - there has been an increasing body of opinion that the EU has itself come to constitute a new type of federal model. Elazar (1995, 2001), whose earlier work on federalism had introduced the concept of varied 'federal forms', of which the EU could be one federal model among many, argued by the mid-1990s that the EU, due to developments such as the Single Market, Economic and Monetary Union, and multiple waves of political reforms, had replaced the United States - the

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traditional benchmark of federal success due to the early and longstanding nature of its achievement - as a new federal model.

This assertion of the EU as something new and unique, which also shares the essential dynamics and qualities of existing federal states, was summarised by a former President of the Commission, Jacques Delors, in a preface he co-authored with Joseph Nye (2001). Characterising the EU as 'a sui generis modern polity', Delors and Nye argued that it shared with the United States a constant grappling with questions of centralisation and decentralisation across different layers of governance (p.xiv-xv). The same was true for Tömmel (2011), who found that while the early development of the Community proceeded under a federalist perspective, the contemporary EU has evolved beyond classical federal systems or the models of existing states to become 'a federation sui generis' (p.42), that could itself be a model to be copied or reinvented by other nascent federations of states.

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In order to set about comparing the EU in relation to other federal-type polities, it is important to ascertain the limits of any such comparison through acknowledging those aspects of the EU model that are entirely unique. Reflecting on the work of scholars who have made the case for the EU's uniqueness in its journey towards a federal-type polity, a common question is how to characterise the nature of the EU's constituent demos, or lack thereof, and therefore the ways in which it can claim legitimacy. In an exploration of Europe's 'Sonderweg', Weiler (2001) noted that in federation building, 'the empirical legitimacy of the constitution may lag behind its formal authority - and it may take generations and civil wars to be fully internalized - as the history of the US testifies' (p.56). However, while federal states have habitually presupposed the existence of a single demos, in constitutional terms, whether or not such a demos could convincingly be said to have existed at the time of framing, in Europe, 'that presupposition does not exist' (p.57). As reflected in the compromise

formula adopted at Maastricht, the EU model involves a union of 'peoples', which are to remain distinct.

The concept of the EU polity as 'demoicracy '(Van Parijs 1997, Nicolaïdis 2004, Besson 2007, Chevenal and Schimmelfennig 2013, Chevenal and Nicolaïdis 2017), reflected a refinement of what came to be know as Weiler's 'no-demos theory'. The EU should not, these scholars hold, be expected to follow a 'gradualist 'strategy towards a form of federal statehood resembling that of existing national federations, but should be evaluated as 'a 'demoicracy '- a polity of multiple demoi ' (Chevenal and Schimmelfennig 2013, p.334). It follows that the EU, as a transformative polity, is expected to produce its own form of democracy. Against those, notably Hix (2008), whose institutional solutions appeared to assume that there was, somewhere, a pan-European demos that could be developed and summoned given the right circumstances, advocates of a 'demoicratic ' approach assumed that the EU will remain, for the foreseeable future, a polity of multiple demoi.

While some political actors with pro-integration views continued to call for a classical federal settlement, Weiler (2001) regarded this - what he called' the Principle of Constitutional Tolerance '- as the EU's greatest asset (p.65). Constitutional obedience, as demanded of European peoples, is voluntary, and 'When acceptance and subordination is voluntary, and repeatedly so, it constitutes an act of true liberty', which he sets against, for example, the way in which Québécois are told to obey (p.68). We might dispute this characterisation of the nature of Ottawa's dealings with Quebec, but if one is to accept that the EU's evolution, in the federalist context, constitutes a transformative approach, liberated from the gradualist approaches assumed by statist conceptions of federation, some aspects of what is often presumed to be a glaring legitimacy gap in the EU appear less severe, and appear to result from issues at the national or member-state level, or in the interaction of the supranational and national levels (Chevenal and Schimmelfennig 2003, p.347). Of importance to this project, however, as Weiler noted in his earlier work on European constitutionalism (Weiler and

Trachtman 1997), this uniqueness does not make the EU incomparable: just as Community law is 'not a different species of law, but is a mutation of the same species', so the EU itself has, in the study of transnational organisations, polities and regimes, 'come to provide a model, a yardstick and set of analytical and critical tools '(p.354).

The substantial literature on what, in the EU context, has become known as differentiated integration, likewise speaks to the potential for comparison between the EU and other multinational polities struggling with similar questions. As Hooghe and Marks (2023) put it in a recent contribution to this debate: how 'can a system of governance gain the benefits of scale while providing self-rule for its constituent communities?', noting that differentiation can arise in any system of governance - the 'unit that opts out may be a member state of the EU or a region within a state' (p.226). As the same authors go on to acknowledge, there 'are no solutions, only fixes', as conventional definitions of stateness and sovereignty have given way to 'a differentiated approach tailored to the demands and conditions of different regions within a polity' (Ibid).

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Perhaps the most compelling case for a comparison on this basis is the fact that opposition to the EU project has been overwhelmingly organised and expressed as representations on behalf of its constituent national states. In this sense, the EU in its period of polycrisis has increasingly resembled a democratic multinational federation. As Auer (2010) observed, even before some of the recent crises, a 'Europe of 27 and more Member States is, by necessity, more heterogenous, diverse and difficult to govern. However, it is important to stop seeing this as a burden to overcome. It should be seen as an opportunity: more disputes bring on more politics', and politics is fundamentally about shaping the future by dealing with conflicts (p.1179)

When one considers the nature of those politics, they are predominantly nationalist. Understanding the centrality of nationalism to the challenge to integration, built on attempts to contest the location of sovereignty in the EU and to defend what is perceived by those actors to be the appropriate concentration of sovereignty within nation-states, the federal lens becomes especially useful. Building on classical understandings of nationalism and building on Anderson (1983) to define nationalism as the discursive legitimation of sovereignty (Wellings 2023), a comparison on the basis of federalism drives sustained focus on how sovereignty is contested and negotiated, and the conditions under which such competing political projects are likely to facilitate further integration, or indeed disintegration.

While the existing federalist strand of EU studies has gone furthest in making the EU polity a comparative subject and has had much to say about paths of potential integration, it has had less to say about the EU's apparently existential crises and the potential for disintegration. Prior to the crises of recent years, Kelemen (2003) noted that much work had to be done were this stand to contribute meaningful insights, and specifically that little systematic work had been undertaken to investigate how the EU's core institutions affect integration, or what might help to sustain the EU's federalist path (p.185). In light of the polycrisis, we might extend Kelemen's argument, and suggest that any such work must also accommodate the potential not just for integration or for maintaining the *status quo*, but also for disintegration, transformation, or new forms of equilibrium and resilience.

3. Methods and Case Selection

Having conceptualised the EU's challengers as nationalist, and its system as a federal-type polity, this project adopts an approach to comparative analysis informed particularly by Breuilly's (1982) seminal study of nationalism: 'Nationalism is a form of politics. Before trying to theorise about the 'real' purpose or cause of this form of politics - before trying to go 'behind' nationalism in search of some non-political base which supposedly gives rise to nationalism - one should try to work out precisely what is the form of politics we call nationalism, its political context and its political modes…The *only* starting point for a general understanding of nationalism is to take its form of politics seriously and to study that politics in a way that does justice to the complexity and variety of nationalisms whilst seeking to locate common patterns. The *only* way to do this is by means of comparative historical investigation' (1982, p.14).

Breuilly described his contribution to the study of nationalism as two-fold: first, in demonstrating a procedure for the study of nationalism as a form of politics in relation to the state by outlining a typology of nationalist politics to enable comparative study across multiple case studies; and second, by applying an analytical method rooted in historiography, proceeding through a separate consideration of multiple case studies before inductively locating similarities and trends across those cases.

I would add a third contribution, of relevance to this project: while existing studies of Eurosceptic or anti-system parties in the EU tend to focus on either the actors in question (the nationalist challengers) or else on the impact on the EU's institutions or on the pro-integration mainstream (what we might term the system and the system response), Breuilly's comparative historical method charts a course that can encompass a holistic analysis of both the actors and the system over an extended period. Breuilly's own work demonstrates this approach across case studies as diverse as early-modern

Germany, Italy and Poland; Arab nationalism in the Ottoman Empire and Egyptian nationalism; and anti-colonial nationalism in India and Kenya.

By then grouping these case studies according to his typology of nationalisms, and inductively seeking to identify some common trends across these sets of cases, Breuilly did not seek to draw conclusions or make strong claims about the operation of nationalist politics in a given set of circumstances, and was explicit about the limitations of his project. Indeed, for example when referring to separatist nationalism in developed nation-states, he conceded that it is 'doubtful…whether any general theory can account for these various new nationalist movements' (1982, p.336), and in an analysis of separatist nationalism in new nation-states, that insight was limited because, while 'The subject is too important too ignore', a combination of recent events and limited evidence meant that 'theory or polemic often loom larger than hard evidence' in our understanding of these cases' (Ibid, p257). However, his comparative approach nonetheless set these case studies in a broader perspective than they had hitherto been subject to, opening the way for at least limited insights on the basis of the comparison.

Burgess (2009), in a survey of the contribution made by the federalism literature to European integration theory, also pointed to the potential for such an approach to yield productive insights in the EU case. Having noted that an underdeveloped field of comparative enquiry in political science was that of multinational federalism, he suggested that research directed towards empirical cases that display the cultural and ideological attributes of a multinational union might be a productive way forward: 'Whatever else the EU is and might become, it will remain a multicultural, multilingual, multiethnic and ultimately multinational union of states and peoples' (p.35). Informed by this, and by Breuilly's conceptualisation of nationalist political opposition, the task becomes the identification of a suitable set of cases for comparative study.

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As indicated in the previous chapter, however, the use of comparative historical case study research to shed light on the EU's encounter with its nationalist challengers is necessarily problematic.

First, the EU is not easily amenable to comparison with other polities, having reached its contemporary form via an entirely unique trajectory from its post-war origins and with an institutional structure that reflects this idiosyncratic process of development. With the focus here on the EU's experience of nationalist opposition since it has taken on more of a state-like form in recent decades, this leaves a small number of cases for potential inclusion in a comparative study. All of these differ from the EU in fundamental ways, and especially in terms of the routes by which they came to be federal-type states. The main cases covered by Breuilly's analysis of separatist nationalism in developed states were the UK, Spain, France and Canada. While there are also important differences between, for example, the UK's origins through the union of several ancient kingdoms and Canada's gradual integration of several colonial territories into a federation, in all cases, these states' recent experience of separatist nationalism is rooted in attempts by territorially-defined nationalist movements to revisit political settlements that have existed for a century or more. In the EU case, the federal-type settlement is a much more recent phenomenon, and one that is still in a consolidation phase.

Second, the small number of potential cases includes several which are, or have been, member states of the EU during the period in which they have also faced nationalist opposition from within. It is clearly never possible to make a clear separation between the domestic politics of an EU member state, and its engagement at the EU level, and in these cases, the subject of EU membership, as well as the ways in which this membership has operated in domestic politics, has played a role in the arguments and political programmes of the nationalist opposition parties. In some cases, the same nationalist opposition parties which have sought a new domestic settlement or independence from the state have also opposed EU integration; in others, those nationalist parties have supported EU

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integration, and envisaged new forms of autonomy or independence for their territory within an EU framework. In both cases, the ways in which the EU context has played a role in the operation of nationalist politics must be acknowledged.

Breuilly was himself cautious about the results that could be expected from approaching the study of nationalism in this way, even in comparative studies where the cases were more obviously examples of a common type. When addressing the growth of separatist nationalism in developed nation-states, including some of the cases covered in this project, Breuilly found that 'It is doubtful…whether any general theory can account for these various new nationalist movements' (p.336), finding that each of the prominent theories on offer, whether that these nationalist movements were a reaction against bureaucratic centralism, emerged after periods of limited state reform, or were prompted by the impact of external crises upon the state, lacked sufficient explanatory power. More broadly, he concluded that 'there is no valid explanatory theory of nationalism, only a number of ways of describing and comparing various forms of nationalist politics have taken in which the structure and policies of the state need to be given the central role' (1982, p.338).

Even more so for this project, given the limitations and necessary imperfections in any research design on this basis in the EU context, it must be recognised at the outset that the comparison being undertaken, far from being intended to provide a basis for building strong theory or making generalisable claims about the operation of nationalist politics, is intended primarily as a heuristic device, and that any claims or hypotheses made on its basis will be relatively weak. In this sense, the approach taken here falls short of the expectations of the comparative approach as set out in canonical contributions that have shaped the use of comparative methods in political science, whether encompassed by the three modalities identified by Skocpol and Somers (1980), or the five categories of comparative study described by Ljiphart (1971), for example.

If the limitations of the comparative case study method are clear in the context of the EU and its nationalist challengers, we must turn to the question of how it can be applied in order to enable a productive analysis, and what are the anticipated gains to be made by doing so.

The core anticipated benefit of this attempt to establish the EU and its crisis of legitimacy as in some sense comparable, and then to set it in comparative context, is to take insights from the analysis of other cases that might support an understanding of the conditions under which such nationalist challenges tend towards scenarios that either support integration of the polity, or lead to forms of disintegration. Key to this is the ability of the comparative historical method, as demonstrated by Breuilly, to encompass an analysis of both the nationalist opposition actors and what we might term the system response, in order to build a more comprehensive view of how the long-term interaction of anti- and pro-integration actors can shape the politics and structure of a federal-type polity. The historical approach also enables analysis of nationalism and the EU integration project over a longer time period than has sometimes been considered, especially in studies focused on the recent years of polycrisis. By conceptualising the EU's opponents as, first and foremost, political nationalists, the current operation of political nationalism in EU politics then requires contextualisation, encompassing the longer-term role of nationalism as an explanatory variable in European integration.

Beyond contextualising the contemporary EU's nationalist challengers in terms of their anti-integration forebears, it is anticipated that the comparative historical approach will enable the situation of the EU's current crisis of legitimacy in its broader context. It may well be that EU is now on an unsustainable trajectory, and that the strengthening political opposition to integration is likely to drive existential crisis and disintegration. However, the opposite may also be true, and an analysis of comparable case studies, may provide the basis for some working hypotheses as to the circumstances under which disintegration is more or less likely, and indeed of those in which the interaction of nationalist challengers with the system response might lead to new forms of stability,

equilibrium or accommodation. Through drawing insights from outside EU studies and indeed from outside political science, and particularly through incorporating the debates of historians and political commentators working on the other cases, this approach also enables an appraisal of those cases on their own terms, in a way that is most likely to yield fresh perspectives on the EU experience.

Finally, this approach also seeks to refocus attention on the larger questions associated with the context in which these politics operate: what is the EU, is it a state, and if so, what kind of state is it? Bickerton (2012), in elaborating his concept of the 'member state' as a new form of statehood arising in the EU context, identified what he termed as a 'pragmatic turn' in EU studies in the late 1970s. Previously concerned with the 'political metaphysics' of the integration process (p.3), the field of EU studies then generally became less concerned with large, ontological questions about the nature of the EU, and more interested in studies of particular EU institutions, policy areas and issues. In arguing for an approach that refocused on state transformation, incorporating insights from historical and theoretical work on the state, Bickerton asserted that this would go some way towards closing 'the gap between intellectual reflection and social and political change' (p.2). The comparative historical approach applied here tries, in a small way, to reconnect this analysis with larger questions about the state-ness of the contemporary EU, and how the EU's system response to nationalist challenge performs when set against that of other states.

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Having grounded the EU's crisis of legitimacy in a political conceptualisation of its challenger parties as nationalist, and proposed that understanding the contemporary EU as a federal-type system might enable a comparative analysis of the operation of that nationalism and the system response to it, we can identify other cases in which a federal settlement has experienced sustained challenge from nationalist political movements. Doing so requires the identification of other federal-type polities in

which movements that can, like the EU's challengers, be classified according to Breuilly's typology of opposition nationalists as separatist and reform nationalists, have played a significant role in political debate and have challenged the federal settlement over a sustained period. The following selection criteria have therefore been applied:

1. **The existing federal-type settlement has been subject to active political debate for a sustained period**. This criterion requires the existence of separatist/reform nationalist movements which have challenged the existing settlement, a set of political actors which have broadly sought to maintain the existing settlement, and a system with sufficiently democratic politics and institutions for this debate to have been conducted. The sustained period over which such debate has been conducted is also important. Given that this study seeks to develop a new perspective on the EU's contemporary crisis of legitimacy by contextualising it, the case studies need to permit an analysis of the ways in which other polities have grappled with and been changed by their own encounter with nationalist challengers over decades rather than years.

2. **The structure of the federal-type system recognises the existence of national-type units, on the basis of which nationalist politics arise**. The EU is organised on the basis of its member nation-states, the EU's nationalist challengers are therefore predominantly representatives of one or another of these member states, and they seek to renegotiate the position of their respective member state in relation to the EU. While the EU's system is unique, a meaningful comparison requires that in the other cases, nationalist challengers are rooted in federal regions that can be defined in national terms, and that their challenge to the existing settlement is made in the context of their attempt to seek a new settlement for the national region they claim to represent.

3. **The political and institutional structure of the federal-type settlement has not been treated as a fixed and final settlement**. As this study seeks to understand the operation of political

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nationalism in a state context, and as the EU's legal, political and institutional order continues to evolve, it is important that conditions in the other case studies have provided nationalist actors with an opportunity structure in which they can realistically seek to challenge the existing settlement, withdraw from it, or reform it. This would, for example, exclude Spain and its nationalist challengers in Catalonia and the Basque region from consideration. The interpretation of the country's constitution as not having provision for a national sub-unit to secede through a democratic referendum places Spain in a different category, in this sense, from the United Kingdom or Canada, where several referenda on independence for national sub-units have been held in recent decades, or indeed the EU, from which a member state has recently exited following a referendum.

<div align="center">*</div>

On the basis of these criteria, three cases have been selected for analysis of the operation of nationalist opposition politics in a federal-type system:

1. **Scotland in the United Kingdom**. This case study focuses on the period from devolution and the establishment of a Scottish Parliament in 1999 to the period after the UK's departure from the EU. While the UK is not a classic model of a federation, devolution to Scotland, Wales and Northern Ireland in the late 1990s introduced federal-type arrangements for all of its constituent nations except England, and in the case of Scotland, provided a political arena in which Scottish nationalist politics gradually emerged as a major force not just in Scotland, but also in Westminster.

2. **Quebec in Canada**. This case study focuses on the period from the 1960s to the 2010s, encompassing two referenda on sovereignty for Quebec and long periods in which sovereigntist

political parties hailing from Quebec played a significant role in political debate in Ottawa, as well as in Quebec. Canada is formally a federation, of which the province now known as Quebec was a founding member. While Quebec was not historically a national unit, it was arguably in the period under consideration here that it came to be regarded as such by a large proportion of its population.

3. **Flanders in Belgium**. The main focus of this case study is the period from 1970, when a package of constitutional reforms established the first steps towards the federalisation of the Belgian political system, with its reorganisation on the basis of three linguistic communities and three distinct regions. The Belgian constitution has been repeatedly renegotiated and remade in the subsequent decades, and during this period, Flemish nationalist political parties, sometimes reform nationalists seeking further autonomy within a Belgian framework, and sometimes separatist nationalists seeking the secession of the Flemish region, have been an enduring feature of Belgian politics.

While start and end dates have of necessity been selected to bound each of these case studies, in none of these cases has the debate over the federal-type settlement been definitively concluded, nor the form of that settlement definitively settled. In all three cases, nationalist opposition parties appear to be an entrenched feature of the political system, and while in all cases, electoral support for further constitutional reform or secession have ebbed and flowed over the periods under analysis, the extended time frames chosen for this analysis will, it is anticipated, provide some understanding of the circumstances under which such nationalist opposition and the system response tend towards integrative or disintegrative outcomes. While none of the three nations in question have (yet) seceded, the closer than expected outcome of the Scottish referendum in 2014 and the razor-thin result in the Quebec referendum in 1995 demonstrate that this remains a possible outcome.

Each of these case studies is structured around a chronological analysis of the main developments in the interaction between separatist and reform nationalist parties and the federal political system, and the system response from the government or political actors representing the federation. The opening section in each case study contextualises the case, addressing its alignment with the case selection criteria outlined above and the historical and political background to the relationship between the respective national unit and the federal-type state. Following the chronological analysis, each case study then includes some preliminary consideration of the insights or conclusions that can be drawn from it. These insights will then be drawn together in a final chapter, a discussion of the relevance of these insights and observations from the three case studies to the EU case. This discussion will seek to set the EU's contemporary crisis of legitimacy in its longer-term context, and in comparison with the observations from these three case studies, in order to make some hypotheses about what the EU's experience with nationalist challenger parties might mean for the prospects for future integration, or indeed disintegration.

By adopting the method of comparable historical investigation prescribed by Breuilly for the study of nationalism in its state context, the construction of the analysis in these case study chapters is necessarily inductive, with the analysis preceding any attempt to construct hypotheses on its basis for application to the EU case. It relies in large part on the systematic analysis of secondary sources, including the accounts and debates of historians, political scientists and political commentators specialising in each case. Given this project's concern with the ways in which studies of the EU have tended to elide the importance of political nationalism as an explanatory variable in integration, and to study the EU in ways that make its nationalist challengers particularly hard to contextualise or set in comparative context, it is anticipated that this approach will enable an appraisal of each of these case studies on its own terms. The analysis will focus, in each case, on identifying the key academic and political debates that have attended attempts to make sense of the nationalist challenge and the system response.

The expectation that this approach is not intended to form the basis of strong claims about the EU's future warrants reiteration, but it is hoped that it will enable the construction of a heuristic that suggests productive ways of re-thinking the EU's crises in comparative context.

4. Scotland and the United Kingdom

Scotland in the UK

i. The Scottish Settlement in Comparative Context

Keating and McEwen (2017a) grouped Scotland together with Catalonia, Quebec and Flanders as mature, democratic states that seem to puzzle political scientists 'who tended to regard national integration as a one-way process and secessionist movements as a sign of delayed modernization, or of real or imagined oppression' (p.1). Prior to 2014, Quebec was the only one of these to have staged a formal and official referendum on independence. In that year, Scotland became the second. In placing Scotland in comparative context, it is important to acknowledge, as Keating does elsewhere, that despite the illusions of exceptionalism expressed by so many of its political actors, 'the United Kingdom is not some exception to some rule about statehood and nationality, but rather a specific example of the complexities of these concepts and their evolution over time' (2009a, p.15).

The cases examined in this project were selected on the basis of three criteria: that the existing federal-type settlement has been the subject of active political debate for an extended period; that the structure of the federal-type system recognises the existence of national-type units, on the basis of which nationalist politics arise; and that the existing federal arrangement has not been treated as a fixed and final settlement. On the first criterion, Scotland has enjoyed a federal-type arrangement within the broader framework of the British unitary state since devolution in 1999, and during that period, serious debate over whether devolution is a stable arrangement, or whether there should be further delegation of powers or a move towards independence, has scarcely ceased. On the second, there is little doubt, even among British unionists, that Scotland constitutes a nation; indeed, in recent decades, the Union has been characterised by its defenders as a mutually beneficial family of nations. On the third criterion, and as will be demonstrated in this chapter, the Scottish settlement has been acknowledged by both unionists and nationalists as an open question for debate and negotiation; it

has frequently dominated Scottish, and indeed British, political debate, and even the staunchest opponents of independence express an openness to constitutional reform.

Looking back over the past two decades of near-constant change and debate about the Scottish constitutional settlement, it seems clear that there exists, on the part of the people of Scotland, neither overwhelming support for 'Independence or Union', as the leading historian of modern Scotland put the question (Devine 2016). It is unarguable, however, that there is, and has been for some years now, 'an inchoate yearning for a renegotiated form of polity' (Keating 2009a, p.77). In common with the EU case, the clearest manifestation of that yearning has been in political movements seeking official representation in parliamentary assemblies, both in the relevant constituent state, and at the federal-type level. It is worth noting, in this respect, that Scottish nationalism has never exhibited 'the emotional hostility to the British connection which animated the Irish nationalists, and it has adhered strictly to constitutional methods' (Bogdanor 2001, p.119). Not since 1745, when the last serious Jacobite rebellion captured Edinburgh and marched as far as the English Midlands, have political currents from Scotland found extra-parliamentary and violent manifestation south of the border.

Scotland has always occupied a unique place in the British constellation. The crowns of England and Scotland were united by a Scottish king in 1603, over a century before political union of his kingdoms was achieved, and even then, the union of Scotland with England did not merely assimilate the former to the model of the dominant partner, but produced a 'union state' (Keating 1996). While Scotland lost its own Parliament and instead sent MPs to Westminster, it retained distinctive institutions that continued to differentially shape its national journey, including its education and legal systems and its religious settlement. Even in the 19th century, the need for a bespoke approach to Scotland was recognised at Westminster, with the formation of the Scottish Office as a ministry in 1885. British unionism always recognised its origins in the coming together of distinct home nations. The UK's crest is held up by a unicorn for Scotland and a lion for England, the front of the passport reads

'United Kingdom of Great Britain and Northern Ireland', and the royal family retain separate titles in Scotland, with, for example, the heir to the throne traditionally holding the title of Prince of Wales south of the border, and Duke of Rothesay to the north of it.

Between the Jacobite uprisings and the 20th century, and despite the retention of key markers of Scottish distinctiveness after 1707, the status of the nation was not a major constitutional or political issue. Between 1890 and 1914, there were 13 occasions on which measures proposing Home Rule for Scotland appeared before the House of Commons, but none reached committee stage, and there was little evidence of popular interest in such measure (Bogdanor 2001, p.120). Over this period, Scotland's distinctiveness was primarily displayed in cultural products - the romantic novels of Walter Scott, the increasing taste of the Victorian gentry for their tidier versions of traditional clan dress, and the growing appreciation for the aesthetic beauty of the highlands and islands.

By the end of the last century, however, the convergence of several political and social trends led to the reinstatement of a separate parliament for Scotland, the first to meet since 1707. Britain's leading constitutional theorist, Vernon Bogdanor (2009), described the UK arrangements after devolution as 'quasi-federal'. The vast majority of the UK's population - those resident in England - live under roughly the same arrangements that governed them prior to the variegated devolution of the other three nations, but the UK is a unitary state that now, in respect of three of its constituent parts, has instituted federal-type arrangements. In Scotland, these arrangements are most developed, and the Scottish Parliament enjoys the most wide-ranging powers and the highest public profile of the devolved assemblies. This can be accounted for not simply by the underlying legislation - the Scotland Acts 1998, 2012 and 2016 - nor by Scotland's comparatively large population and economic significance when set against Wales or Northern Ireland, but also by the activist nature and determined strategy of successive Scottish governments since 2007, an exploration of which will be a central feature of this chapter.

It is in the context of devolution that the Scottish National Party (SNP), the predominant political expression of Scottish nationalism, has grown to prominence and power. As noted by Lynch (2005) in a study seeking to draw lessons for the future of the SNP from the Quebec case, Scottish nationalism may also have a structural advantage in being embedded in a UK context in which, due to the recent experiences of decolonisation and grappling with the Irish question, secession is a more familiar concept than in most advanced industrial democracies. Indeed, it is the Irish case, from partition and Home Rule for the south in 1921 through the Ireland Act 1949, the Northern Ireland Constitution Act 1973, and the Belfast Agreement of 1998 that offers the clearest way forward: 'Each [side] recognized the right to secession and the need for democratic endorsement of secession' (p.510). The SNP therefore campaigns for independence in an environment in which its right to do so, and the means by which it can achieve it, are not especially controversial in their fundamental aspects.

The introduction of devolution has made the position of Scotland within the UK suitably analogous to the situation of a member state within the EU. Scotland has evidently reached this position by a different route. It has had a democratic level of governance, with legislature and executive, established in its territory long after it had originally sacrificed its historic sovereignty in order to join a wider union. However, its situation since 1999 is comparable in the sense that within the UK, there are now two clear levels of government, with the Scottish one constituting a distinct and Scotland-focused political space for electoral competition. Also in common with the relationship between the EU level of governance and the governments of its respective member states, the balance of competences and administrative arrangements that characterise the UK settlement since devolution have been subject to a regular process of adjustment, with no sense yet that a final balance of competences has been reached. The analogy of Scotland with an EU member state can therefore accommodate the focus of this chapter: when it comes to the core constitutional question that has

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shaped Scottish politics in recent years - that of independence or union - we can benefit from Closa's (2017) observation that the 'logic of withdrawal from the EU and secession from a [now former] Member State share some similarities' (p.2).

ii. Scottish Politics in a British System

As the predominant force in Scottish nationalism, and since the mid-2010s, a not insignificant influence in British politics more broadly, it is important to characterise the nature of the Scottish National Party. Since 1942, just eight years after its formation, the SNP has more or less been committed to full independence as an eventual aim, and is therefore a separatist nationalist party in Breuilly's (1982) typology. This has not precluded internal disagreements between "fundamentalists" and "gradualists" over whether to push for settlements short of full independence, including Home Rule in the early years and devolution in the closing decades of the last century, and in some periods a strand of reform nationalism therefore existed alongside the ultimate objective.

With regards to the terminology of regions and regionalism that is a feature of EU studies, any such labels are misnomers when applied to the SNP. Scotland is a nation; no British political actor of any significance or influence denies this understanding of Scotland's position as a constituent nation of the UK. The term 'ethnoregionalist' (e.g. De Winter and Gomez-Reino Cachafeiro 2008) is even less applicable; the SNP, especially in recent years, has been at pains to define the Scottish nation in explicitly civic terms, and has become a high-profile defender of an ethnically diverse and multicultural Scotland, even as the latter term became less popular south of the border. As Cetrà and Liñeira (2008) put it, the SNP, like nationalist parties in the Basque Country, Flanders and Catalonia, might be described as engaged in processes of stateless nation-building, all of them having experienced nationalist mobilisation going back to at least the 19th century, which re-emerged in the later 20th century, driving various forms of self-government to accommodate their nationality claims (p.718).

The SNP is not the sole pro-independence party in Scotland. Since devolution, two other such parties have been represented in the Scottish Parliament: the Scottish Socialists (which won a single seat in 1999, six seats in 2003, and none in subsequent elections), and the Scottish Green Party, which has played an important role in the SNP's story, first by supporting its minority administrations from 2007 to 2011, and later by supporting the SNP government from 2021 to 2024, after the SNP had fallen one seat short of a majority at Holyrood in the 2021 elections. Nonetheless, the SNP is the dominant voice and moving spirit of political nationalism in Scotland and as such, will be the focus of this analysis of the interaction between pro- and anti-union actors. The SNP has contested every election in Scotland for decades, from local to general elections, elections to the European Parliament until 2019, and, from 1999, elections to the Scottish Parliament. Since 1999, it functioned initially as the main Scottish opposition party to Labour-led coalitions until 2007, and since then, as Scotland's party of government. It was also, from 2015 to 2024, a major opposition party at Westminster.

The Nationalist Challengers and the System Response

i. Scottish Nationalism from the Second World War to Devolution

As early as the Second World War, the 'nationalist threat' was deemed a sufficiently credible if latent force in British politics for Tom Johnston, the Secretary of State for Scotland in the wartime coalition cabinet, to use the spectre of nationalist unrest to secure concessions for Scotland (Devine 2012, p.552). While nationalist candidates won two seats in Westminster elections in 1945, the next decade and a half evinced no great clamour for autonomy and the SNP, which was originally founded in 1934, polled at just 0.8% in 1959. In the 1950s, the SNP leader even suggested that a small passenger plane could hold the entirety of the party's activist base, noting that 'if it crashed without survivors, [it] would have destroyed the cause of Scottish independence for a generation' (Devine 2012, p.572).

Outside of parliamentary politics, nationalist politics were less moribund. The Scottish Convention movement for gradualist constitutional reform gained two million signatures to a petition in 1949-50 (QMUL 2021), and four Scottish students made headlines in 1950 when they removed the Stone of Destiny from Westminster Abbey and returned it north of the border, to Arbroath Abbey (BBC 2013). In terms of electoral politics, however, the post-war period in Scotland was characterised by two-party competition in a pattern aligned with the rest of the UK, and by 1950 Labour, although previously sympathetic to Scottish self-government, had dropped its manifesto commitment to it.

The 1960s and 1970s were punctuated by perennial flashes of success and publicity for the SNP, each time prompting noises amenable to greater self-government for Scotland from the two British parties of government. Following the SNP's victory in the Hamilton by-election in 1967, described by a leading historian of the party as the widely-accepted starting point of modern Scottish politics (Hassan 2009, p.1), and then its success in gaining over a third of the Scottish vote in local elections the following year, the Conservative Party under Edward Heath responded with the Declaration of Perth, asserting the party's support for Scottish autonomy. Having faded back into relative obscurity, the SNP won seven seats in the general election of February 1974, which it increased to 11 seats in the second election of that year. Holding the balance in a hung parliament, the SNP's increasing support drew from the Labour government a renewed commitment to devolution.

There is little indication that these occasional surges of support for the SNP reflected a groundswell of support for independence. Polling in 1974 indicated that while a third of Scots would consider voting SNP, only 12% would opt for independence (Devine 2012, p.578). Historical accounts of nationalism in the 1960s and 1970s have attributed its perennial prominence to structural factors that eroded commitment to the Union - the Suez Crisis and the end of empire, struggles over joining the European Economic Community, economic and financial crises, and opposition to the stationing of the nuclear deterrent in Scotland (e.g. Edgerton 2018). The Conservative Party, closely aligned with

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the unionist cause, is also held to have functioned less effectively as the opposition to Labour in Scotland in this period, creating opportunities for nationalism. Hassan (2009), in his history of the SNP, saw the 1960s and 1970s as 'the crisis of the British state and economy and the UK's place in the global economy', opening a window for the SNP in Scotland and Plaid Cymru in Wales to step into a void left by the country's faltering vision of social democracy (p.2).

Whether or not its successes were indicative of broader Scottish discontent with the union, the SNP in these decades did much to keep the Scottish cause on the political agenda, forcing both major parties to respond, and in 1977, a weak Labour government relying on Liberal support to pass legislation at Westminster conceded to a referendum on Scottish devolution as part of the Scotland and Wales Bill. In the event, this little-remembered referendum, held in March 1979 with a turnout of only 63.8%, produced a small majority for 'yes' at 51.6%. However, due to another amendment to the legislation tabled by unionists, requiring that 40% of the entire electorate vote 'yes' to enable victory, the *status quo* remained intact.

Also seldom remembered is the role the SNP then played in toppling the crisis-hit Labour government in 1979. Following the failure of the referendum, it was the SNP which tabled a motion of no confidence. In the event, this was passed with a majority of one, leading to a new general election in 1979 which ushered in 18 years of Conservative and unionist governments strongly opposed to any change in Scotland's constitutional settlement. In that election the SNP itself lost all but two of its seats, and entered a period of internal recriminations in which long-standing divisions flared up. First, there was a widespread perception that the SNP was a single-issue party without a coherent position on the conventional left-right cleavage that structured British and Scottish politics in the 20th century. Second, the party was divided between a so-called "fundamentalist" faction regarding devolution as an obstacle to independence, and a "gradualist" faction that advocated achievable forms of autonomy as potential steps on a road towards the long-term goal. At a party conference in Motherwell in 1976,

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the SNP decided that it was 'prepared to accept an assembly with limited powers as a possible stepping stone', but the fundamentalist influence was clear, with nearly 40% voting against this (Mitchell, Bennie and Johns 2011, p.20).

In terms of electoral success and political influence, the nationalist movement was essentially irrelevant throughout much of the period of the Thatcher and Major governments. Hassan (2009) described the SNP's experience prior to devolution as one of 'occasional by-election victories, followed by hype, the party getting carried away its own rhetoric, and then disappointment' (p.10). However, two trends that first emerged while the party wallowed in the political wilderness throughout the Thatcher years became central to the nature of Scottish nationalism and its interactions with the UK political system in the years after devolution.

First, the internal divisions in the SNP sharpened the party's political positions and clarified its ideological foundations. By the 1990s, it had emerged as a definitively left-of-centre and overwhelmingly pro-European party. Neither position had consistently characterised the party beforehand, when it had been regarded as a single-issue party with few ideological commitments. As Lynch (2011) observed, this was not surprising, as small regionalist and nationalist parties have often been characterised by ideological heterogeneity (p.138). After the debacle of 1979, however, the so-called "'79 Group" of prominent left-wingers (including future leader Alex Salmond and Jim Sillars, a former Labour MP who would later become a deputy leader) sought to give the party ideological clarity. While initially causing significant internal upheaval, it is likely that the actions of this grouping, in addition to the SNP's firm opposition to the policies of Thatcher's Conservative government, eventually helped to set the party on its road towards becoming an avowedly social democratic party. Its staunch opposition to Thatcher's Poll Tax in 1990 cemented its left-of-centre credentials.

At the same time, the SNP moved from suspicion of the European project to firm support, in 1988 establishing a formal commitment to independence in Europe at its party conference by a margin of eight votes to one. This has remained the party's official position ever since, or at least until the UK's withdrawal from the EU in 2020 forced the amendment of this position to a desire to rejoin the EU as an independent state. By the end of Conservative government in 1997, therefore, and in time for the first Holyrood elections in 1999, the SNP 'had established itself as a pragmatic left of centre, pro-EU party' (Mitchell, Bennie and Johns 2011, p.32).

Second, a narrative that portrayed Scotland as marginalised by the Thatcherite project, and even unfairly targeted by it, took hold in this period. The strong parliamentary majorities that Thatcher scored in three successive elections did not require Scottish votes, and Labour remained dominant north of the border. At the same time as the industrial sector collapsed and job losses mounted, there was a growing sense that the Westminster government had no mandate in Scotland. While this argument makes little theoretical sense in the context of the UK's constitutional arrangements, it was freely used by opposition politicians of all stripes and again became a central part of the SNP's platform after 2010. It did not hurt the currency of this narrative that Thatcher herself had something of an image problem north of the border.

She angered the General Assembly of the Church of Scotland in 1988 by aligning her policies with Christian values, in a speech that was derisively nicknamed 'the Sermon on the Mound' by the Scottish press (Crawley 2009). In the same year, she was booed when attending the Scottish football cup, with fans of both teams 'united in abusive anti-Thatcher chants', according to a press report of the time (Leadbetter 2018). In 1990, during another of her infrequent visits to Scotland, Thatcher once again made headlines in an interview with the BBC's Kirsty Wark, by unconvincingly claiming, of Scots, that she was 'on their side' (Rowat 2021). It is difficult to disagree with the Scottish MP

Charles Kennedy's description of Thatcher as 'the greatest of all Scottish nationalists' due to her success in uniting the nation against her government (Devine 2016, p.167, Kennedy 2013).

The late 1980s saw growing consensus from opposition parties on devolution. In 1988, the Campaign for a Scottish Assembly (CSA), which brought together Labour, Liberal Democrat and SNP MPs, as well as non-political representatives, published *A Claim of Right for Scotland*, making the case for a constitutional convention and a devolved assembly: 'We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of government best suited to their needs…We further declare and pledge that our actions and deliberations shall be directed to…agree a scheme for an Assembly or Parliament for Scotland' (UK Parliament 2018). The SNP itself was still divided into gradualist and fundamentalist factions on the question of devolution. Beyond the SNP, and as demonstrated by the alliance brought together in the CSA, devolution for Scotland had become the settled preference of the majority. Labour had entrenched its pro-devolution position, and the 1992 election, while still returning a Conservative majority at Westminster, gave 85% of seats in Scotland to parties backing either devolution or independence. In preparing for power in 1997, the Labour Party determined that devolution would need to be achieved by a referendum. The result of the poll, held just four months after Labour's victory, secured the support of 74.3% of voters for a devolved Scottish Parliament, and 63.5% for that Parliament to have tax-varying powers. This was a considerably stronger endorsement than that provided by the Welsh electorate in a referendum on a devolved assembly for the Principality held at the same time, a motion passed by just 50.3%.

In 1999, the new Scottish Parliament met in its temporary home at Holyrood House in Edinburgh - the first meeting of a Scottish legislature since 1707. This body began life with significant powers, with devolved competences initially covering everything except defence and foreign policy, national fiscal policy, social security, and some specific cultural and social competences. Scottish officials

and ministers also joined the UK representation to the EU. While devolution had had its opponents at Westminster - the Conservative Party continued to oppose it even after its 1997 election defeat - with the establishment of the Scottish Parliament in 1999, all major parties in Scotland accepted the new arrangement.

Outside the Parliament, opinion was divided on the long-term implications for the Scottish constitutional settlement and its place in the UK. George Robertson, Labour's Shadow Scottish Secretary in 1995, had claimed that devolution would kill Scottish nationalism 'stone dead' (Watt 2011). Other unionists had warned against devolution as the first step on a 'slippery slope' towards independence, a term first coined by Tam Dalyell, a Scottish Labour politician and early opponent of home rule in the 1970s (Bromley *et. al.*, 2006). The Scottish broadcaster Andrew Neil opined that 'A system more designed to exacerbate tensions between London and Edinburgh would be hard to conceive. The Nationalists must already be licking their lips' (Devine 2012, p.632). The first sessions of the Scottish Parliament did not provide conclusive evidence to endorse either unionist confidence or unionist fears, and two years later, there remained an open question as to whether devolution would produce a 'stable resting point' rather than a 'slippery slope' (Mclean 2001, p.637).

ii. A New Voice in the Land? Devolution and the Independence Question, 1999-2014

With the Labour Party in power at both Westminster and Holyrood, the first years of Scottish devolution were characterised by a peaceable, even dull, political dynamic. As an historian of Scotland noted in 2005, 'the settlement has yet to be fully tested. That scenario will only come about when there are two different dominant parties in Holyrood and Westminster and/or when UK financial circumstances become more difficult' (Devine 2012, p.634).

Since the inauguration of the Scottish Parliament in 1999, the SNP has been formally and consistently committed to achieving independence through a national referendum, and to establishing a pro-

independence majority in the Scottish Parliament as a means of securing such a referendum. The period after 1999 initially evinced little potential for gaining such a majority. Various national surveys in the late 1990s and early 2000s indicated that devolution enjoyed the continued support of approximately 50% of Scots, but less than a third would opt for independence if given the choice. These figures did not shift much in the following years (Lynch 2005, p.511). The SNP lacked the kind of support from mainstream newspapers and media outlets enjoyed by the two main UK parties, it had a relatively small base of donors, and could count on little support from either industrial or business groups on the one hand, or trade unions on the other.

After 1999, the SNP adopted a strategy of critiquing the fiscal basis of devolution, and the way in which most significant fiscal powers were reserved to Westminster (the Scottish Parliament initially controlled only around 5.3% of Scotland's budget). In so doing, they pursued a short- to medium-term objective of what became known as "devo max" - a strengthened form of devolution that fell short of independence. However, they did so in a UK context of radical increases in public expenditure under a Labour government in power at both Westminster and Holyrood. While Scottish voters saw their votes reflected in the composition of the government in London, lived through a period of sustained economic growth, benefited from tangible improvements in public services, and had a relatively low-profile government at Holyrood working hand-in-glove with its counterpart in London, the SNP's opportunities to make breakthroughs as the leading opposition party were limited. Its election results in 1999 and 2003 left it 21 and 23 seats respectively behind the governing Labour Party.

The close political alignment of the governments at Westminster and Holyrood ensured that the weakly-institutionalised nature of intergovernmental relations in the UK, as established after 1999 and described by McEwen and Petersohn (2015), did not initially cause any issues. Dependent on good lines of communication between individuals in London and Edinburgh, and on a certain degree

of mutual trust, the new system operated with little friction. What became known as the Sewel Convention - the principle that Westminster would not legislate in devolved matters without the consent of the devolved administrations - has been reiterated in the various Scotland Acts since 1998, but did not, due to Labour hegemony across the nations from 1997, seem a matter of particular political interest. Until 2007, when the SNP took power in Edinburgh, the Joint Ministerial Committees designed to bring together ministers from the governments north and south had hardly met, with relations mostly being conducted on an informal basis.

To the extent that the Scottish public paid much attention to their new representatives in the first two terms of the Parliament's existence, their focus appeared to be drawn to several long-running controversies. A series of expenses and lobbying scandals drew significant attention in the Scottish press, one of which led to the resignation of the second First Minister in 2001, while the wrangling over delays and mounting costs for the construction of the new Scottish Parliament building became a source of national embarrassment, eventually costing around ten times the initial estimate. As Bromley *et. al.* (2006a) pointed out in their assessment of whether devolution had delivered, these early parliamentary terms had nevertheless been reasonably productive, passing 62 bills by 2003, several of which diverged from the Westminster policy on some issues of significant public interest, such as exempting Scottish students from tuition fees, and covering the costs of care for the elderly without regard to their personal finances. In the early years, therefore, a stable business-as-usual model appeared to have been established for the governance of Scotland within the UK.

As of 2006, Park and McCrone could write that the survey data showed little sign that people expected devolution to lead to independence, and they described devolution with tax-varying powers as undoubtedly 'the settled will' of the Scottish people (p.24). Surridge (2006) concurred that the 'constitutional preferences of the Scottish people have remained stable in the period since devolution', but nonetheless pointed to some early 'warning signs', namely the sense that the Scottish

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Parliament had lacked impact since its creation, and a broader, UK-wide phenomenon of disaffection with politics and the political class that could work against the interests of the union (p.43). In concluding their overview of the performance of devolution since 1999, Bromley *et. al.* (2006b) raised, in passing, one outcome of their survey data which would gain salience in the coming years: 'Westminster still emerges as the more powerful body in the public's mind than does Holyrood, the very opposite of what they think should be the case' (p.189).

The first turning point in the period of devolution came in 2007 when, by winning 0.8% more of the vote than Labour, the SNP secured one seat more than its rival, and formed a minority government with the support of the Scottish Greens. Since that time, the SNP has continuously been Scotland's party of government, so that some 70 years after its foundation, the SNP had succeeded in moving from the fringe of Scottish politics to become the nation's party of government. This unexpected development, especially to those proponents of devolution who argued that it would kill demands for further autonomy, provided nationalism with 'a platform, a plausible strategy and all the trappings, prestige and resources of office' (Hassan 2009, p.10), arguably giving the SNP a 'status it could never have otherwise achieved' (Mackay 2009, p.79).

In explaining how this occurred, the process of devolution was critical in providing an arena in which the SNP could compete with a specifically Scottish agenda, and with a more proportional electoral system that created opportunities for smaller parties with geographically dispersed support to win representation. The significance of this specifically Scottish political space to the SNP had become apparent at the first Holyrood elections in 1999, when all six of the SNP MPs elected to Westminster just two years earlier contested seats in the Scottish Parliament, and five of the six, having won Scottish seats, stood down from their Westminster seats. Before 1999, the SNP employed fewer than 20 people at its Edinburgh headquarters; by 2009, this had risen to 150 (Mackay 2009, p.79). The importance to the SNP's success of the distinctively Scottish tone of debate in the new Parliament is

also suggested by the party's comparatively stronger performance in Scottish elections than in Westminster elections held at around the same time.

Although the SNP may not have flourished in the first two elections after devolution, a trend had been initiated, with increasing differentiation of the Scottish vote from the broader UK vote in every election since the Labour landslide in the general election of 1997. It should also be recalled that prior to devolution, the SNP's best ever result in a UK general election was in October 1974, when it had won over 30% of the Scottish vote (although only a marginal proportion of the UK vote), resulting in 11 MPs being sent to Westminster. Even in the first devolved election of 1999, which was disappointing by the standards of later SNP landslides, the party achieved a new record in terms of its official representation, returning 35 Members of the Scottish Parliament (MSPs) on just under 30% of the vote. Curtice (2009) explained that 'in practice devolution threw an electoral lifeline to the SNP that eventually enabled it to come to power '(p.55). As Mackay (2009) points out, those 35 MSPs were equal to the cumulative total of parliamentarians the SNP had elected in every UK general election up to that point.

In sketching a history of the SNP, Mitchell, Bennie and Johns (2011) also pointed to internal developments in the party, noting that by 2007 it 'had become an electoral professional party with a membership to match' (p.1). In the years from 2003 to 2007, a period in which other UK parties were experiencing declines in party membership, the SNP's membership base grew year on year. The party also focused on internal reorganisation. Until 2004, it retained the same decentralised structure it had had since 1963, the product of an internal enquiry under its then national chairman. Prior to 1999, the party's decentralised nature and reliance on a part-time activist base may well have been advantages for a party that was largely extra-parliamentary. Thereafter, it required reform in order to seize the opportunities provided by the new parliament in Edinburgh.

After disappointing election results in 2003, John Swinney took over the leadership of the party and introduced widespread reforms, announcing a 'painful transition' from 'a party of protest to…a party of government' (Mitchell, Bennie and Johns, 2011, p.39). The collective leadership headed by a chairman was replaced by a clear leader, and a special conference in 2004 overwhelmingly supported the Swinney reforms, including a streamlined senior leadership. The division of the membership into local chapters was replaced by a national membership and a subscription system that increased membership income by over 300% in a single year. Buoyed by some substantial donations in the run-up to the 2007 elections that allowed it to outspend its opponents for the first time, it is widely acknowledged that this period of reform contributed to the victory of that year, under the high-profile leadership of Alex Salmond and his deputy, Nicola Sturgeon.

While many predicted that this first SNP government in Scotland would create fractious and troubled relations with Westminster, the new Executive adopted a conciliatory and pragmatic tone, producing 'a striking level of continuity in UK-Scottish relations' (Cairney 2012, p.234). Although the incoming SNP First Minister called for 'channels of communication to be put on a more formal basis', and the Joint Ministerial Committees were reinstated in the following year, these proceeded on a cooperative basis, with the SNP keen to demonstrate that it would form a responsible government, including in its relations with London (Wright 2009, p.182). This cooperation was further evidenced by the SNP's success in passing several annual budgets with the support of the Conservatives. Salmond also took the opportunity to reinforce the importance of the Scottish administration, renaming the Executive the 'Scottish Government', streamlining the cabinet by halving its size, and using its first 100 days to rapidly pass a series of popular measures such as scrapping tolls on bridges, freezing local council tax, and removing charges for medical prescriptions. With Salmond, as party leader, still holding a seat at Westminster, it fell to his deputy, Nicola Sturgeon, to manage the party at Holyrood, where she had already, since taking on the deputy leadership in 2004, established a reputation as an effective performer.

After four years of minority government at Holyrood, in which the SNP established a reputation for competence, it achieved surprise success in 2011, doing what the proportional Additional Member System had been designed to make virtually impossible: it won an outright majority of seats. Since 1999, the SNP had made clear its position that if a party could put together a pro-independence majority at Holyrood, it would have a mandate for a referendum (it had previously argued that if a majority of Scottish seats at Westminster were held by pro-independence candidates, the same should apply. From 2015 to 2024, this test was also consistently met). By 2009, Mackay could reflect on the SNP's performance as a competent party of government for Scotland, and opine that for 'generations the SNP struggled to keep the constitutional debate on the political agenda. Now it has the power to set Scotland's political agenda, the constitution will remain near the top' (p.91).

The SNP victory in 2011 led to the opening of formal negations with the Conservative-led government in Westminster. As Keating and McEwen (2017a) identified, the fact of this referendum was in part explicable in terms of short-term political exigencies. The SNP had won an outright majority in 2011 on a promise to hold a referendum, while the unionist parties proved (perhaps surprisingly) open to negotiating the terms of such an exercise, boosted by consistent polling indicating that it would secure an easy win for unionism, and sensing an opportunity to see off the nationalist threat for a generation.

The SNP initially favoured a more complex and multi-part referendum question, asking both whether the electorate preferred independence or union, and then, additionally, whether they would prefer the existing devolution settlement or a devo-max option. In the course of the negotiations for what was concluded as the Edinburgh Agreement in October 2012, the UK government insisted on a referendum consisting of one question only, restricting the options to independence or union. To make a referendum legal, the UK parliament passed a Section 30 order that temporarily allowed the Scottish

Parliament to assume the powers to organise one, and both sides agreed that the exercise would be subject to the oversight of the UK's Electoral Commission, and matters such as the wording of the question, and rules about campaigning and finance would be subject to the terms of the Political Parties, Elections and Referendums Act 2000.

In the course of the campaign, the two sides were at pains to produce compromise positions in an effort to widen their appeal. The SNP, in a white paper entitled *Scotland's Future* (The Scottish Government 2013), a summary of which was sent to every household in the country, proposed a form of independence that retained considerable scope for cooperation and joint working with Westminster, while the unionist parties continually made clear their commitment, regardless of the result, to strengthening the powers of the Scottish Parliament. Many of the SNP's positions were not new to the Scottish electorate - on taking power at Holyrood in 2007, the SNP launched a national debate about Scotland's constitutional future, which proposed arrangements such as the retention of the monarch as Head of State, to be finally determined in a post-independence referendum, as well as cross-border partnerships to include a common borders agency and sectoral arrangements on the model of the Nordic Council (Wright 2009, p.184-5). The UK government, meanwhile, commissioned the Scotland Analysis programme, publishing 16 papers on various aspects of the independence debate, although, as Keating and McEwen (2017a) acknowledged, these tended to focus more on the risks of opting for independence than the opportunities offered by it.

The two sides were not necessarily opposed on the Britishness or otherwise of Scotland. The SNP's visible and popular leader, Alex Salmond, never denied the Britishness of Scotland. Indeed, in his preface to the Scottish Government's guide to an independence Scotland, Salmond wrote, 'I also believe that the bonds of family, friendship, history and culture between Scotland and the other parts of the British Isles are precious…But with Scotland as an independent country, our relationship will be one of equals' (Scottish Government 2013, p.ix). On the other side of the debate, no unionist party

sought to downplay or marginalise the importance or richness of a distinctively Scottish identity to the people of Scotland, or to the Union. As Keating and McEwen (2017a) suggest, it was partly this lack of competition on cultural and identity questions that led to the strong economic focus throughout much of the campaign.

As both the pro-independence and pro-union campaigns were led by parties supportive of British membership of the EU, this economic focus turned to the question of whether and how an independent Scotland could remain in or rejoin the single market and the EU, while the Scottish and UK governments also clashed on whether an independent Scotland would be able to retain sterling or would seek to join the euro, with the risk of being forced out of the UK's currency area clearly framed as a risk to Scotland's prosperity and to its prominent investment banking and financial services sectors. In their comparative study of nationalist movements in the Basque Country, Catalonia, Flanders and Scotland, Cetrà and Liñeira (2018) identified Scotland as the case where the strategy of independence within the EU had been most fully developed, noting that in terms of the way the EU featured in the 2014 referendum as an umbrella under which independence could be achieved, and the way in which the EU had been used as an issue to frame the differences between Scotland and England since 2016, show' how intertwined the issues of independence and EU integration may be' (p.726). However, in the 2014 campaign, the EU issue was problematic for the SNP, as EU figures were unable to give any assurances to the Scottish electorate about the country's chances of membership as an independent nation, in the event it seceded from the UK.

The SNP sought to portray Scotland as a potentially prosperous small northern European country on the model of Ireland, Iceland, or Norway - a group of countries Salmond had previously described as 'Europe's arc of prosperity' (*The Scotsman*, 2006). This was a logical conclusion of the trend observed by Keating (2009b) as having developed in Europe since the 1960s, as nationalist movements which had previously been traditionalist and conservative adopted a 'small is beautiful'

philosophy, moving to the left and incorporating new social movements such as environmentalism (p.212), a trend also observed by Breuilly in his analysis of separatist movements in developed nation-states (1982). To counter the 'Yes' campaign's focus on the frequently alleged disconnect between a left-wing Scotland and a Conservative government in Westminster, the main 'No' campaign, although organised on a cross-party basis, was led by a former cabinet minister from the previous Labour government, while former Labour Prime Minister Gordon Brown arguably provided an impassioned and thoughtful case for the union, including a book published in the year of the referendum, carrying the subtitle 'A Future Worth Sharing' (Brown 2014a). In an article published on the eve of the referendum, Brown succinctly summed up the central message of the 'No' campaign: 'Interdependence, the idea behind the union, is stronger than independence, especially in a globalised world' (Brown 2014b).

On 18 September 2014, the Scottish electorate voted on the question, 'Should Scotland be an independent country?' Despite a shock poll before the final week of campaigning indicating that the 'Yes' side may have pulled ahead (Dahlgreen 2014), the result was 55% for 'No', on an historic turnout of 85% (BBC 2014). As Keating and McEwen (2017a) concluded, the 'No' side had always enjoyed an inbuilt advantage: 'it did not need to prove that independence would be damaging, just to suggest that it was a risky proposition' (p.21). Alongside this, it is important to acknowledge 'the tactical interest of those campaigning against independence…in generating the feeling that such a change would be a leap in the dark and fraught with difficulty' (Keating and McEwen 2017b, p.193). Despite this, the optimistic tone and tangible enthusiasm of the 'Yes' campaign and its activist base did secure a significant transfer of voters from 'No' to 'Yes' across all demographic groups as the campaign progressed.

While the Edinburgh Agreement had committed the UK and Scottish governments to 'a referendum that is legal and fair producing a decisive and respected outcome' (HM Government, The Scottish

Government, 2012, p.9), even before polls had closed, it had become clear that the referendum was only one event in a continuing debate on the Scottish constitutional settlement. In the final days of campaigning, the leaders of the three main unionist parties appeared together in Edinburgh in a hastily-arranged visit two days before the poll, signing a 'vow' that a 'No' vote would be followed by the devolution of substantial new powers to the Scottish Parliament (Clegg 2014). It seemed that the SNP's gamble on a referendum had, at the very least, secured widespread acceptance of the third option - devo-max - after all. All parties, on both sides of the argument, had accepted that the *status quo ante* was not a viable option for the future. 'This inevitably meant that, following the No vote that eventually transpired, far from closing the cover, Scotland simply moved on to the next chapter in its constitutional story' (Curtice 2015, p.5).

iii. Scottish Nationalism in the Time of Brexit, 2014-2021

Since the referendum, regular opinion polling on Scottish attitudes to independence has not seen support drop below 45%, while before 2014, it had rarely been recorded as higher than 30% or 40%. Consequently, Duclos (2020) sees the 2014 referendum as the event which gave birth to Scottish nationalism 'as a political ideology embodied in a wide movement rather than just a single party' (p.225). Keating and McEwen (2017a) concurred, noting that many of the groups established for the referendum campaign, such as the Radical Independence Campaign and Women for Independence, have continued their activities since 2014. This movement is characterised by the dominance of the SNP (although, as previously noted, the smaller Green Party represented at Holyrood also supports independence), and by ideological consistency. Reflecting wider Scottish political culture, it sits overwhelmingly on the left of the political spectrum. It is here argued that the dominance of the SNP-led independence movement in Scotland was enabled in part by the dominance of a right-of-centre party at Westminster from 2010. The previous long period of Conservative government at Westminster galvanised the movement for Scottish devolution; the period from 2010 to 2024 appeared to have done the same for the independence movement.

While losing the referendum, it was not long before analysts wondered if the SNP had not, in other ways, won the argument. By December 2018, it had grown to over 125,000 members, an astonishingly large membership for a regional British party (tens of thousands more than the UK-wide Liberal Democrats, more than twice as many as the national Green Party, and dwarfing the 10,000 or so members boasted by the Welsh nationalists, Plaid Cymru). In the general election that was held in the year after the referendum, the SNP performed another dazzling electoral feat. Having focused its campaign on the question of 'which party could best represent Scotland's interests at Westminster' (Rose and Shepherd 2016, p.137), the SNP took all but three of the Scottish constituencies on a full 50% of the vote, thereby forming the third-largest party at Westminster, a position it retained until 2024, and which gave its MPs certain (limited) rights in terms of putting questions to ministers and shaping debates.

An examination of the SNP manifestos for Westminster elections from 2005 onwards does not suggest any major change of emphasis in 2015. The message was consistent from 'The SNP is Scotland's Party. Only the SNP can be trusted to put Scotland first at all times' (SNP 2005, p.2), through 'As a party and as Scotland's government, our focus is foremost on winning the best deal for Scotland' (SNP 2010, p.4), to a double-page image of the House of Commons benches upholstered in tartan, with the words, 'More SNP seats. More power for Scotland' (SNP 2015, p.3 and p.14-15). Given the consistent messaging across several prior general elections, it would seem that the political mobilisation around the independence referendum made the difference, serving to move the issue from one of many on the political agenda to the defining cleavage in Scottish politics. The high turnout achieved in the independence referendum would appear to reinforce this, confirming that the downward trend of participation in Scottish politics (in the first Scottish Parliament elections it was just 58%, down from 71% in the 1997 general election), had been reversed. This trend towards

increased political engagement appears to be an enduring one - the 2021 elections to the Scottish Parliament saw turnout of 63.5%, the highest since devolution.

Meanwhile, the UK government had to initiate action on the vow made by the UK party leaders in the days before the referendum, establishing within hours the Smith Commission, a cross-party inquiry intended to put forward a plan for further devolution. While criticised for its closed nature, involving discussions leading to an accommodation among political parties, this resulted in legislation introduced at Westminster in 2015, and passed as the Scotland Act 2016, which transferred to Holyrood several additional competences, including over some welfare responsibilities, income tax and indirect taxes (The National Archives 2016). Far from the meagre fiscal powers granted to the Parliament in 1999, the Scottish Parliament was now responsible for over half of public spending north of the border, and had gained direct control over some 40% of Scottish revenues (Curtice 2015 p.6). While providing further powers to the Scottish Parliament, however, the UK government also took power to reduce the influence of Scottish MPs at Westminster, seeking to close a controversial loophole - known as the West Lothian question, or 'English Votes for English Laws' - that had existed since 1999, whereby Scottish MPs could vote on bills affecting only England and Wales. In what was widely interpreted at the time as a somewhat ungracious act, the Prime Minister chose to address this in his speech at Downing Street on the morning after the referendum (Prime Minister's Office 2014).

What of the SNP at Westminster, following the 2015 general election which made the party a significant actor in the UK Parliament for the first time in its history? Having denied the major UK parties more than single seat each in Scotland, we might ask, following Lindsay (2009), whether apart 'from proving that there is electoral support and that you can deprive the other parties of seats, is there anything of significance that you can do when you get there?' (p.93). The second question concerning SNP behaviour in Westminster, as identified by Lindsay, is how a nationalist movement should act in this situation, having won meaningful representation in a political forum from which it

is seeking an exit. Responses to this latter question have ranged from Sinn Féin's consistent refusal to take up its seats at Westminster since partition in 1921, through to the combination of constructive engagement, protest, scrutiny of the executive, coalition-building and efforts to keep the SNP claims to independence on the UK political agenda that characterised the SNP's role as the third party at Westminster for nearly a decade from 2015.

Prior to 2015, the only time when the SNP had played more than a walk-on part in the Westminster Parliament was from 1974-9, when the UK's majoritarian electoral system repeatedly failed to produce a clear majority for either of the two main parties, leading to disproportionate influence landing in the hands of small parties such as the SNP. From February 1974 it held 11 seats in a House of Commons at at time when the government majority had been reduced to a mere three seats. This experience of being lobbied by the major parties was, however, brief. The SNP won only three seats in the election of October 1974, and only two in 1979.

The sheer number of SNP MPs in House of Commons after 2015, many of whom went on to win re-election in 2017 and 2019, transformed the party's standing at Westminster. As the official third party, it enjoyed certain formal privileges, including asking questions of the Prime Minister in the high-profile weekly question time. Further privileges included chairing two parliamentary committees, setting the agenda on opposition day debates, and gaining access to significantly increased public finances for office expenses and research staff. Thompson (2017), using the SNP as a case study to understand the role of third parties at Westminster, found that such 'third party rights are not as significant as they appear' (p.443), as parliamentary procedure, and even the physical design of the House of Commons, serve to reinforce the binary and adversarial nature of UK party politics. Nevertheless, based on interviews with ten SNP MPs and two senior party staff in 2016, Thompson did acknowledge that through solid organisation, informal coordination, and the adept utilisation of parliamentary rules, the SNP was able to achieve a degree of influence in its new role.

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The new intake benefited from the experience of the six incumbent SNP MPs, who used their cumulative 80 years of experience in the Commons to induct the newcomers into the byzantine rules of the Palace of Westminster. As the third party, the Speaker by convention also ensured that SNP spokespeople were called immediately after opposition MPs in most debates, while the relatively long tenure and coherent nature of the SNP grouping since 2015 meant that the party was able to allocate a wide range of policy portfolios among its cohort, enabling them to play a more effective role in shadowing and scrutinising government ministers, as well as developing a greater degree of professionalism than the previous groupings of three or four SNP MPs at a time, who often held their seats for only a single term, and were ill-equipped to pass on much institutional knowledge or to build constructive alliances in Parliament. From 2015, the cohort was organised into seven policy groups, aligned with those at Holyrood. The large Westminster grouping also, arguably, benefited from the existence of an SNP government in Holyrood. Unlike in previous parliaments, there was little tension between the Westminster grouping and the SNP leadership in Scotland. They maintained consistency on core policy positions, with a leader at Westminster - first Angus Robertson, from 2017 Ian Blackford, and then Stephen Flynn - acting as a *de facto* deputy to the First Minister in Edinburgh.

Given that parliamentary procedure is governed by a mid-19th century handbook, referred to as Erskine May, that runs to nearly 500 pages (UK Parliament 2019), SNP MPs might have been forgiven for their ignorance of the rules of address, or knowing not to applaud other members, on arriving in the House. While the SNP MPs frequently made headlines for breaches of parliamentary procedure, this also reflected 'their overwhelming desire to break with tradition' (Thompson 2015), and became part of a strategy to emphasise the party's separation from the stuffy rules and inherited traditions of a House that can feel distant from the British electorate, and perhaps especially so from those in Lochaber, Ross or the Western Isles. Some of the new MPs had never before visited London, and they collectively charted their introduction to Westminster on social media for their followers,

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using the hashtag '#Team56', a reference to the impressive number in their new grouping (Brooks 2015). As one interviewee put it when speaking to Thompson (2017), the Commons 'tries to suck you in', and so the group sought to 'consciously unfollow' the traditions they found there (p.449). Martyn Day, first elected for Linlithgow and East Falkirk in 2015 on a 22.7% swing from the incumbent Labour Party, memorably described his experience of Westminster as a 'stint behind enemy lines working on your [his constituents'] behalf' (Ibid, p.450).

When SNP MPs broke with parliamentary tradition, they were fulfilling the promise they had made to their electors, having run on a manifesto commitment to 'shake up the out of touch Westminster system so that it serves Scotland better' (SNP 2015, p.3). Their protests became particularly memorable in the period from June 2017 until December 2019, when the government had no overall majority in the House of Commons and the UK Parliament was frequently deadlocked on questions related to the ongoing process of leaving the EU. In June 2018, the SNP members walked out of the chamber *en masse*, after a complaint by the SNP leader in Westminster that the issue of devolution in the context of Brexit was not given sufficient time for adequate discussion; Blackford declared a 'complete breakdown of relations' between Holyrood and London (Crerar, Walker and Brooks, 2018). This action was coordinated to take place during Prime Minister's Questions, the biggest event of the parliamentary week. Later, during the chaotic and illegal attempted prorogation of the Commons under the Johnson government, SNP MPs once more broke parliamentary etiquette by singing Flower of Scotland and Scots Wha Hae (Parker 2019), a reprise to their previous protest against the triggering of Article 50 to leave the EU in February 2017, when the SNP benches had broken out in a rendition of the EU's anthem, Ode to Joy (*The Scotsman* 2017).

When it came to the 2017 general election, the SNP did not merely present itself to its electorate as having obstructed proceedings at distant Westminster, and kept the Scottish constitutional question on the UK agenda. Instead, it used its manifesto to stress the areas in which its 56 MPs had been able

to make a tangible impact in London, featuring Eilidh Whiteford's success in becoming the first SNP MP to pass a Private Member's Bill at Westminster, and Alison Thewliss's work on ending the so-called 'Rape Clause' (SNP 2017, p.4). It also focused on the high standards of personal conduct among the SNP cohort, with an address from Angus Robertson, the leader at Westminster from 2015-17: 'we've shown Westminster what hard-working MPs should look like - doing more and costing less than our predecessors' (Ibid, p.9), and reporting that SNP MPs spoke in an average of 61 debates in 2015-16, compared to 27 for their predecessors in 2014-15, and they cost the taxpayer £1 million less than their predecessors. While much of the 2017 manifesto continued to focus on policy areas such as health and education - devolved matters and so of little relevance to UK general elections - this document offered a striking defence of the SNP record since its victory at Westminster in 2015.

In reflecting on the arrival of Britain's new third party at Westminster, Stafford (2015) observed that the capacity of the SNP to shape Britain's political agenda would be reduced after the election campaign, a situation which he judged 'only likely to change in the event of a powerful English 'out' vote in the upcoming referendum on EU membership' (p.49). Just thirteen months after the SNP's victory in the 2015 general election, the British political system, and relations between Holyrood and London, were forced into a further realignment by the referendum on the UK's membership of the European Union, and by precisely the contingency that Stafford had allowed for.

In the Brexit referendum, every party represented in the Scottish Parliament campaigned for Remain. The Scottish branch of the Conservative party was notably more united in its pro-EU stance than its UK counterpart, and the UK Independence Party (UKIP) and its various successor parties have never yet achieved representation at Holyrood. This consensus disguises the scale of pro-Leave sentiment in Scotland. It is estimated that some 38% of those who voted for independence did subsequently vote to leave the EU (Duclos 2020, p.233), and the SNP had never lost a strand of opinion opposed to the European project, most prominently represented by Jim Sillars, a former deputy leader of the

party who openly campaigned for Leave on a left-wing rationale, describing the EU as 'a profoundly undemocratic organisation which has shown a callous disregard for people' (BBC 2016). This diversity of opinion would have implications for the SNP's cohesion after it refocused its policy in the wake of the Brexit referendum, but the party has generally succeeded in keeping its Eurosceptic elements aligned with its broader strategy of using Brexit to refocus the political agenda on constitutional change for Scotland.

In 2016, the elections to the Scottish Parliament occurred just weeks before the referendum on Europe. The SNP won a third consecutive term, with a specific reference in its manifesto that it should be able to hold a further referendum on independence in the event that 'there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will' (SNP 2016, p.23). This line of text has become the basis of the core SNP argument against the Westminster government in the years since. Given the results of the referendum - a UK-wide endorsement of Brexit by 51.9% to 48.1%, against a Scottish vote to remain by 62% by 38% - it was not unreasonable in political, if not constitutional terms, for the SNP to claim that this was exactly what was happening.

By December 2016, the Scottish government had issued a White Paper detailing its Brexit strategy, *Scotland's Place in Europe*, confirming the SNP's continued commitment to 'EU membership as an independent nation'. This paper repeated the SNP's clear preference for Scottish independence within the EU, and proposed that if that were not possible, it would seek continued Scottish membership of the European single market, whether or not the rest of the UK had the same. These proposals were rejected by the UK Parliament in March 2017, under a government with an official policy that 'Brexit means Brexit', an ambiguous phrase generally taken to mean that something approaching what came to be called a "hard" Brexit, including leaving the EU single market, was the will of the British people

(Mardell 2016). The SNP responded by issuing an official demand to the UK government just two days later to organise a new independence referendum. This was, as expected, rejected.

Neither the SNP nor the political commentariat were surprised by the UK government's curt dismissals of the SNP's claims, and indeed had been pre-empted in Nicola Sturgeon's foreword to *Scotland's Place in Europe.* Sturgeon claimed that the 'stark divergence in the democratic will between the different nations of the United Kingdom (UK) demands a reappraisal of how political power is exercised', and indicated that she would be watching the future conduct of the UK government closely: 'the way in which the Westminster Government responds to proposals put forward by the devolved administrations will tell us much about whether or not the UK is a partnership of equals' (Scottish Government 2016, p.v). Meanwhile, the SNP grouping at Westminster entered a period of close cooperation with pro-Remain MPs from across the Liberal Democrat, Green, Labour and independent benches, as well as working with a scattering of Conservative rebels. They made creative use of parliamentary procedure to frustrate government attempts to legislate for Brexit, signing and initiating some key amendments, and making impassioned and memorable contributions to the prolonged Brexit debates in the Commons. At the same time, the SNP MP Joanna Cherry was a major force behind several legal defeats for the UK government in this period, including bringing a case in Scotland that eventually, when referred to the UK Supreme Court, led to the overturning of the Johnson government's attempt to circumvent further debate on Brexit by proroguing Parliament.

Following the UK government's rejection of its first post-Brexit referendum white paper, the SNP persevered with *Scotland's Place in Europe: Our Way Forward* (Scottish Government 2018), this time appearing to endorse the campaign for a second referendum on the final Brexit deal, a position explicitly supported by Sturgeon at the party conference in October 2018. The SNP manifesto for the 2019 general election, called by UK Prime Minister Boris Johnson in order to break the parliamentary

deadlock and proceed with ratifying his Brexit deal, offered a further clear articulation of the SNP's position and strategy: 'People are heartily sick of Brexit and the mess at Westminster. But there is no end in sight to the Westminster Brexit chaos. A vote for the SNP is a vote to escape Brexit. It is a vote to put Scotland's future in Scotland's hands' (SNP 2019, p.2), concluding that, 'At stake is who will decide Scotland's future - Westminster leaders like Boris Johnson or the people who live here?...Brexit has destroyed the idea of the United Kingdom as a partnership of equals' (Ibid, p.6). In December 2019, having once more swept the board of Scottish seats in a general election, winning 48 of 59 seats and even ousting the leader of the Liberal Democrats from her Scottish seat, Sturgeon once more requested the right to organise a referendum for 2020, before the UK was due to leave the EU. This was again rejected by Westminster.

As Duclos (2020) argued, the Brexit referendum opened a major political opportunity for the SNP. Following the failed independence bid of 2014, the SNP nonetheless appeared to maintain its reputation for solid governance in Scotland. It then benefited from the consistency of the pro-remain vote in Scotland, in which every electoral district voted the same way, to construct a campaign based on an alleged democratic deficit and the illegitimacy of a Westminster government seeking to change the constitutional status of the Scottish nation against its will. That this argument has little legal basis in the UK's constitutional system is irrelevant; it offered an opening for the SNP to argue, as pro-devolution forces had throughout the 1980s and 1990s, that Scotland was being governed without consent, and required a new settlement.

In May 2021, the SNP again proved its dominance in elections to the Scottish Parliament, winning more than twice the share of the vote achieved by any other party, and falling just one seat short of an overall majority. Since 2021, the SNP's fortunes have changed. The party was mired in a series of damaging scandals, followed by the resignation first of its long-running leader Nicola Sturgeon, and then, in short order, her successor. At the UK general election in 2024, it returned just six MPs to

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Westminster, and the election of a majority Labour government in the UK may presage the end of SNP government at Holyrood in elections due in 2026. However, there is little indication that the SNP's troubles have significantly shifted the dial on support for independence. Regular polling since 2014 has indicated a sustained tie between pro- and anti-independence sentiment among the Scottish electorate, as well as a clear majority believing that virtually all aspects of Scotland's domestic affairs should be in the power of Holyrood (Curtice 2016, p.8), and at the time of writing, the SNP, despite its troubles, is polling ahead of all other parties for the next elections to the Scottish Parliament, due in 2026.

Two Federations in Crisis? Points of Comparison

In the years after devolution in 1999, and especially with the ascendancy of the SNP at Holyrood after 2007, it became clear that the creation of a Scottish Parliament had not, in fact, killed nationalism 'stone dead', as George Robertson had predicted. Instead, as Keating (2009a) observed, it was unsurprising that this period fostered the emergence of a new genre of literature declaring the crisis of the Union. Nairn's (2000) *After Britain* was presented as a 'scathing analysis of the twilight of an ancient state', arguing that New Labour's constitutional reforms were the start of a process that would inexorably reduce the sovereignty of Westminster. Scruton (2004) argued that what had been exposed was the hollowness of the very idea of a British 'nation', and decried the damage that that idea had done to an English nation that actually should have been the basis of a democratic society.

In the years since 2014, it has again become clear that contrary to the hopes of the unionist parties in negotiating that referendum, the question of Scottish independence has not been 'settled for a generation', as David Cameron prematurely claimed on the steps of Downing Street on the morning after the poll (Prime Minister's Office, 2014).

Instead of the constitutional position of Scotland coming to rest at a new and stable settlement, the experience of Scotland since devolution has suggested something more akin to the slippery slope feared by those unionists who opposed the establishment of a Scottish Parliament in the 1990s. The Scotland Act 2008 was superseded after the SNP victory in the Scottish elections in 2007. This prompted the UK government to establish a new inquiry - the Calman Commission - which recommended a strengthening of the Scottish Parliament through new powers that were put on the statute book with the Scotland Act 2012. Far from assuaging nationalist sentiment, an outright victory by the SNP in the next round of Scottish elections in 2011 instead led directly to a referendum on Scottish independence. The reaction of the UK government to the 2014 debate was the establishment of a further inquiry - the Smith Commission - which recommended a further strengthening of the devolved assembly, with the Scotland Act 2016 in turn superseding its previous iteration. Yet once again, this did not significantly reduce the ability of the SNP to mobilise the electorate, and the party was returned to power at Holyrood in 2021.

The path by which Scotland, in a single generation, went from being a reliable bastion of unionism and proud inheritor of a British imperial legacy to a nation in which separation from that constitutional history is now the declared preference of somewhere approaching half of the population, is a question of significant historical interest. Some have looked beyond this singular union to a broader crisis of the nation-state model, perhaps in this case exacerbated by the existence of the EU umbrella as a kind of safety net. Others have privileged explanations linked to the crises in the UK after the end of the empire, the severing of an emotional bond between its home nations, and ruptures seeded by the economic and political shocks of the later twentieth century. Others still have looked to questions of identity and culture, and the changing relevance of British and Scottish loyalties in a shifting world. It is not our purpose here to chart the journey which has made efforts to revisit Scotland's constitutional settlement such a prominent part of contemporary British political life. What is clear, however, is that the *status quo ante* is not a viable option, and holds little popular appeal. Instead,

Scotland is in the midst of an extended negotiation over its future, which, whether it leads to independence or a new form of union, has already transformed the UK's traditional model as a unitary state.

In common with competition between pro- and anti-system actors in the EU, the key political representatives of Scottish secessionism routinely couch their positions in terms characterised by disputes over the amorphous quality of sovereignty, where it lies, and who should exercise it. Also evidenced in the Scottish case are elements in common with the reflections of Brack *at. al.* (2019) and Jabko and Luhman (2019), in refocusing attention on the centrality of sovereignty to questions of legitimacy and political authority in the EU, that this is not a straightforward dispute about the distribution of power along a single vertical from constituent state to overarching polity, but consists of multiple, overlapping understandings of sovereignty and its exercise in contemporary societies. In the Scottish case, this comes out most clearly in relation to the role played by the EU dimension, and the uses to which it is put by both detractors and supporters of the British union.

The ways in which arguments based on sovereignty have assumed such prominence in recent decades in the Scottish case make it especially analogous to the situation of member states within the EU because of the historic ambiguities over the situation of sovereignty in the UK constitutional settlement. McCrone and Keating (2021) neatly drew out the tension between the traditional doctrine of the Crown-in-Parliament underpinning the sovereign supremacy of the Westminster Parliament, which was explicitly reaffirmed in the Scotland Act 1998 which legislated for devolution, and current understandings of sovereignty - which we might classify as 'popular sovereignty' - that affirm the right of the Scottish people to choose their government. McCrone and Keating classified opinion on the subject into 'sovereigntists' - those who see ultimate authority as lying with the people of Scotland - and 'unionists' - those who hold that it remains with the UK as a whole.

Seen from the perspective of Scottish nationalists, whose claims are inherently incompatible with the idea that Scotland is simply a collection of 57 constituencies akin to the other 593 constituencies represented in Westminster, the doctrine of the Crown-in-Parliament appears as something of a period piece, made irrelevant by the reality of a Scottish government elected by a population that seems increasingly to diverge on core political questions from its neighbours south of the border, and committed to a fundamentally different vision for its nation's future.

These understandings of popular sovereignty first came to the forefront of Scottish debate during the long period of Conservative rule in Westminster after 1979. Culminating in the Claim of Right and the cross-party campaign for devolution, the argument that Scotland was being ruled by a government to which it had not given consent took on a new lease of life after 2010, when an SNP government in Holyrood faced a Conservative-led government in Westminster, with both parties appearing content to stress the stark differences between their philosophies and agendas. This tension was only exacerbated by the divergent outcome of the 2016 Brexit referendum on either side of the border.

This new interpretation of sovereignty has also, at times, apparently been shared by the government in Westminster. In acceding to a referendum in 2014, the British government implicitly accepted that the achievement by a pro-independence party of a majority in the Scottish Parliament justified reopening the vexed question of Scotland's constitutional settlement. This followed referendums, passed voluntarily at the initiative of the incoming Labour government in 1997 on devolved government for Scotland and Wales, and the following year in Northern Ireland.

Fundamental to the salience of these emergent understandings of sovereignty - summarised by McCrone and Keating (2021) from the Scottish position as begging the question, 'who are you [at Westminster] to tell us what to do?' (p.21), is the underlying misalignment, for several decades now, between the will of the Scottish electorate, and the governments produced by UK general elections.

At ten of the 21 elections held since 1945, the UK has ended up with a government that Scottish voters would not have chosen. This is a predictable feature of the British system and the preponderance of England within it: English voters have got the government they voted for in all periods except 1964-66 and February-October 1974. In that context, however, the establishment by devolution of a separate and distinctively Scottish political space created the potential for that mismatch of political will to be expressed in the manifest form of a dissenting Scottish Parliament with a strong and independent voice. In this new space, as an historian of the SNP puts it, the 'old absolutist claims of statehood and sovereignty articulated by Tory Eurosceptics and Labour 'little Englanders' are increasingly irrelevant' (Hassan 2009, p.12).

For Keating and McEwen (2017a), developing Keating's (2013) earlier formulation of 'spatial rescaling', the SNP's spearheading of the independence cause that reached a first peak in the 2014 independence referendum, and has continued to shape Scottish (and indeed British) politics ever since, must be explained in terms of strains on the traditional nation-state formula across the world. Capital mobility and international free trade have undermined the bedrock of the Western nation state, including bargains over welfare and opportunity, while some functions that were previously core parts of the 20th century state's *raison d'être* have been reallocated vertically, either upwards to a supranational level, or downwards to a local or regional level. As a result, new understandings of sovereignty 'resonate with historic traditions in those societies where the principle of sovereignty was never definitively resolved' (p.4).

This is especially in the case in what Keating has elsewhere described as 'stateless nations' (2009b, p.204) such as Scotland, which 'have survived the state-building process at the periphery (of the state and usually of Europe and at the interface between state-building projects and/or cultural/linguistic zones' (Ibid, p.205). European integration has been among the forces favouring, and generated by, the increased global interdependence which Keating holds to have weakened the traditional nation-

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state, allowing Scottish nationalists, like their counterparts in Spain, Belgium and elsewhere to adopt 'a discourse and strategy of 'post-sovereignty', in which the national claim is to be resolved within an overarching system of European and international order in which the old absolute state sovereignties have disappeared altogether' (Ibid, p.208). Writing in 2009, Keating observed that there 'is no ready-made concept for a reforged British Union that could satisfy both centre and periphery and stabilize the constitutions. Yet federation, confederation, sovereignty-association, and functional autonomy provide elements for building an evolving order' (2009a, p.140), perhaps moving towards 'a looser and more asymmetrical union' (Ibid, p.172).

The package of constitutional reforms introduced by New Labour in the late 1990s and early 2000s, Scottish devolution among them, represented the most comprehensive shake-up of the constitution in the history of the union, certainly since the introduction of universal suffrage, and arguably since the settlement of 1689 (Straw 2010). It is as though the black box of union has been opened, and there is neither sufficient political will nor consensus to close it. The major unionist parties have presented themselves as enthusiastic reformers, keen to reopen the devolution settlement in order to secure a lasting new order, invariably with greater autonomy for Scotland; the nationalists, meanwhile, retain their long-term gaze towards various forms of independence that appear to lie over the horizon and beyond their grasp.

The commentary of Britain's leading constitutional theorist on the advent of devolution is worth quoting at length: 'the devolved bodies will represent areas of the United Kingdom with long histories of national identity and pride. It will be the reaction of these attitudes upon the new institutions which will determine their path of development. The impact of the Scottish Parliament and the Welsh Assembly will thus depend far more on political and indeed psychological factors than on constitutional ones' (Bogdanor 2001, p.287). The Scotland Act 1998 'creates in reality a new Constitution for Britain as a while', and 'as in a federal system, the operation of the Scotland Act will

continually raise questions about the limits of authority of both Edinburgh and Westminster' (Ibid, p.293). Neither side, at present, has conclusively won the argument that has since developed on the appropriate division of that authority, but as this account of the SNP's ascendancy in Edinburgh, and its interactions with the UK government and unionist parties demonstrates, the irruption, at the heart of the body politic, of a political force seeking to radically alter the existing settlement, has already produced previously unimagined reforms and shifts in the operation of the United Kingdom.

5. Quebec and Canada

Quebec in Canada

i. The Quebec-Canadian Settlement in Comparative Context

Stéphane Dion (1996), writing shortly after the failure of the second sovereignty referendum in Quebec, and in the same year in which he became an MP at the start of a successful ministerial career, sought to explain the universal failure of secession in well-established democracies through the Quebec case. In Dion's view, 'The Quebec secessionist movement offers the best contemporary case to assess the accuracy' of his theses, arguing that neither Scotland or Catalonia was a realistic prospect for independence in the near term, and that after Quebec, Flanders was the strongest candidate (p.275). Lynch (2005) made a similar observation in a survey of the Scottish National Party's potential paths towards independence: 'contemporary secession by democratic means has failed to produce a single successful case' (p.504), with the Quebec referendums coming closest to achieving it, and representing the only example up to then of secession being seriously attempted in the post-war era in in an advanced industrial democracy.

That failure to build sufficient popular support aside, Lynch still proposed Quebec as the 'dominant model of "how to do secession"', noting that 'the Quebec model remains highly influential for opponents and proponents of secession alike' (2005, p.506). Keating, similarly, writing in 2009, and therefore before the Scottish independence referendum of 2014, noted that there had to date only been two of what he described as 'fully-worked out efforts to formulate a constitution reflecting the new realities of national sovereignty in an interdependent world', the first being the referendums in Quebec in 1980 and 1995, which he frames as compromises in the nationalist movement aiming for Québécois sovereignty in partnership or association with Canada, and the second being the significantly lower-profile Ibarretxe Plan for the Basque Country in 2004 (Keating 2009, Keating and Bray 2006). While Keating noted that neither plan was accepted by the potential partner as a

legitimate strategy, it must be acknowledged that not only was the 1995 referendum unsuccessful by only a whisker, but also that subsequent judicial and legislative acts passed by Canadian federal institutions provided a pathway to future negotiations over secession, in the event that such an exercise were to be repeated.

Turning to the criteria applied to determine case selection for this study, and with respect to the first criterion - that the existing federal settlement has been subject to active political debate over a sustained period - debates about the status of Quebec within Canada were a core feature of Canadian political life from the 1960s to the later 1990s. This period was punctuated by the election of the sovereigntist Parti Québécois (PQ) in the province in 1976 and the first independence referendum in 1980, through to the later 1990s, following the emergence of the Bloc Québécois (BQ) as the second largest party in the federal Parliament following the 1993 elections, the re-election of the PQ to the provincial government in 1993, and the second referendum on Québécois sovereignty in 1995. It was the two periods of majoritarian government in the Quebec National Assembly, from 1976-85, and from 1994-2003, that enabled the sovereigntist movement to hold the two referenda that focused both national and international attention on the Canadian federal settlement.

Aside from the two referenda, a near-constant series of royal commissions, conferences of provincial and federal premiers and proposed amendments to the Canadian constitutional settlement demonstrated the continued treatment of the federal settlement as amenable to change by negotiation. Indeed, the Liberal administrations of these decades were scarcely less assertive than the sovereigntist PQ in their determination to increase the scope and competences of the provincial government, and to see Quebec recognised as both an equal partner in the federation, and a distinct nation within Canada.

The core arguments advanced by the various separatist groups which gained prominence over these decades testify to the existential nature, for the Canadian settlement, of their claims (Edwards Taucar 2000). As will be surveyed in this chapter, some asserted that there was a unbridgeable gulf between the Québécois and Canadian visions of politics and society that made it impossible for the former to affirm themselves fully within Canada. Others expressed the fear that without sovereignty, the distinct Francophone society now largely centred on Quebec would risk assimilation within Canada. A final and later argument concerned the circumstances of the patriation of the Canadian constitution in 1982, its non-ratification by Quebec, and the perceived attempt it represented to reframe the terms of Canadian constitutionalism and nationalism in such a way as to deny Quebec's historic role as one of the two founding partners in the Canadian project.

Turning to the second criterion - that the system recognises the existence of national-type units, on the basis of which nationalist politics arise - Quebec's claims to nationhood have been a dominant theme of politics in the province since at least the 1960s. Today, Quebec's understanding of itself as a nation is broadly accepted. The administrative region around Quebec City, the provincial capital, is officially described as 'La Capitale Nationale' (Québec 2025), Québécois governments from 1960 on rebranded the province as 'L'État du Québec', and after decades of debate about the ability and willingness of the Canadian federation to accommodate Quebec's claims to distinct status, the federal House of Commons adopted a motion in 2006 to acknowledge that 'the Québécois form a nation within a united Canada' (Parliament of Canada 2006). Not all governments in Ottawa over this period were willing to recognise this national status, and the ability of their diverse visions of the Canadian national federal project to accommodate Québécois demands has been a key factor in the rise and fall of tensions between Ottawa and Quebec City. However, long-term historical trends have reinforced the concentration of Canada's Francophone population in the province, and therefore the expression of French-Canadian political mobilisation in territorially-defined nationalist terms.

The share of Canadians who speak French has gradually declined over the decades, from around a third in the 1950s to a quarter by the turn of the century. At the same time, Francophone Canadians have become ever more concentrated within Quebec, so that movements for Francophone rights have, over time, become increasingly associated with movements for provincial autonomy or secession. What would once have been a demand for the rights of French Canadians could, by the 1970s, quite reasonably be expressed as a demand for the rights of Québécois. In 1970, a small minority of those living in the province identified as Québécois, but by 1990 this group represented 59% of the French-speaking population, while the traditional French-Canadian identity, in 1977 preferred by 51% of Québécois Francophones, was in 1990 chosen by only 28% (Pinard 1992, p.492). This shift towards a territorially-defined understanding of French-Canadian identity was reinforced by political and social changes in the province, generally dated to what became known as the Quiet Revolution from the late 1950s onwards.

On the third criterion - that the federal settlement has not been treated as fixed and final - this chapter provides a detailed overview of the many attempts, some initiated by Quebec nationalists but others initiated by federalists in Ottawa, to determine a new settlement for Quebec (and sometimes for Canada as a whole). From the Pearson government in the 1960s to the Harper government in the 2000s, Canadian administrations of all political stripes have sought new and creative responses to the demands of Quebec nationalists. Equally, Quebec's nationalists have frequently adopted a posture as the champions of an historically-rooted understanding of Canada as a product of a dualist arrangement between Francophones and Anglophones, defending the original Confederation against revisionism from the centre.

On both sides, the leading political actors of these decades proved open, time and again, to revisiting these vexed questions. Perhaps until recently, what no one seems seriously to have proposed is the maintenance of the *status quo*. Given the concern among many scholars of the EU in recent years

over the lack of a clear and settled destination - a *finalité politique* - perhaps a key lesson to be drawn from the Canadian example is that a modern democratic society can find ways to manage constitutional complexity and incompatible visions for a federation. Canada as we know it has seen close calls in doing so - the 1995 referendum in particular - just as the EU has lost a dissenting member state to a referendum with a similarly ill-defined question and on a similarly marginal vote. However, having managed these debates with remarkably little violence and frequently with constructive cooperation among parties with radically different ideas for the future, the story of Quebec's attempts to renegotiate its place in Canada deserves the close attention of EU scholars.

ii. Québécois Politics in a Canadian System

Canada is a federal state, but also a parliamentary democracy and a constitutional monarchy on the British model, with which it still shares a monarch represented by a Governor-General in Ottawa. While provincial powers are not uniform across the federation, in general the federal government retains control over foreign policy and trade, the national economy and state finances, while the provinces retain powers over healthcare, education, social and cultural policy. The provincial governments retain significant tax-raising powers, but the federal government has maintained a formal system of equalisation payments since 1957, of which Quebec is a major beneficiary, along with some of the Atlantic provinces, where the payments have in some periods constituted up to 40% of the provincial budgets.

For most of the 20th century, the Canadian party system was dominated by two main parties of government: the Liberals and the Conservative Party of Canada (from the 1940s to the 1990s the Progressive Conservative Party). The New Democratic Party has for much of this period constituted a significant third party at both provincial and federal levels, politically sitting to the left of the Liberals, but tensions over the position of both Quebec and to a lesser extent the western Anglophone provinces in the federation have sometimes disrupted this three-party system. In the 1970s and 1980s

nationalists in Quebec held power at the provincial level, and in the 1993 federal election, the combined vote share of the three main parties declined to just 64%, while a Quebec sovereigntist party became the official opposition and a conservative-leaning party seeking to defend the interests of the western provinces took third place. Between them, these two challenger parties continued to hold the second and third places in the subsequent two federal elections, while the Quebec nationalists have endured as a significant factor in federal politics, with the Bloc Québécois again taking third place in 2019.

As noted above, it is not just secessionist parties which have sought to revisit Quebec's relationship with the Canadian federation. Not only have executives formed by one of the two main federal parties done much to establish claims to Québécois nationhood during their periods of office, most prominently Jean Lesage of the Liberals, in power from 1960-66, and Robert Bourassa, forming a Liberal government in Quebec from 1970-76 and again from 1980-84, but some of the most successful politicians in the main separatist parties - the Parti Québécois (PQ) at the provincial level and the Bloc Québécois (BQ) in Ottawa - began their careers in the federalist Liberal and Conservative parties before growing frustrated with a perceived lack of progress towards appropriate recognition of Quebec within the existing framework.

This confusion around who exactly has made claims on behalf of Quebec's distinctiveness or national identity and rights also extends to the terminology. In the context of Quebec, terms such as 'French Canadian' and 'Québécois' are sometimes used interchangeably in the literature. More confusingly, for the purposes of this chapter, so are 'nationalist', 'sovereigntist', 'secessionist' and 'separatist' as descriptors for those political actors, voters and movements seeking a revision of the federal settlement and originating in Quebec. On the demonyms noted above, 'French Canadian' or 'Francophone' Canadian are in one sense uncomplicated descriptors for Canadian citizens who have French as a first language, just as 'Québécois' or Quebecker' in English are descriptors for the people

of the province of Quebec, an increasing majority of whom over time have spoken French as a first language. However, the shift from a 'French Canadian' identity to a 'Québécois' identity has also been a significant factor in the development of a French-speaking nationalism centred on Quebec.

Turning to the political descriptors, it is important to recognise that in the Quebec context, the words 'sovereignty' and 'sovereigntist' are used differently than elsewhere, 'in a broadly cultural more than a narrowly legal sense', and demanding explicit recognition of Quebec's place in the Canadian constitution as 'the ancestral home of one of two founding peoples, a distinct and autonomous French-speaking nation' (Feaver 1996, p.46). Calls for Quebec's sovereignty have ranged from demands for a recognition of the province as unlike the other provinces, to something approaching full political independence from Canada. As was illustrated especially clearly in the course of the 1995 referendum on 'sovereignty-association', it has not always been obvious what even those supporting such an option have understood by it. 'Nationalist' takes in a wider range of opinion, including those such as Lesage who, while remaining loyal to the Canadian project and to a federal party, have sought the advancement of the province's society and economy on a French-speaking model, and an enhancement of the province's political economy, as well as extending to those who, especially in the Anglophone political science literature in Canada, have been described as 'secessionist' or 'separatist', principally the Parti Québécois, the Bloc Québécois, their hard core of supporters, and much less significantly, the small number of insurgent or terrorist groups which have (very rarely) surfaced in the province and claimed to seek its independence. In Breuilly's (1982) typology, the nationalist opposition in Quebec can be conceptualised as on a spectrum from reform to separatist nationalism.

While the parties and movements seeking a revision to the federal settlement and changed a great deal over the period under review here, as indeed have their key demands, what can be charted throughout is a series of mismatched visions of the Canadian federation, and Quebec's place in it,

and the consequences of that misalignment at moments when it gains political salience. Over this period, several major trends in political and academic thought have dominated attempts to explain ethnocultural, linguistic and national encounter within Canada, as well as to influence and reset relations or revisit the political and constitutional frameworks governing relations between these groups. Some key debates on these trends should be identified at the outset, not least because the fashion among incoming Canadian prime ministers to declare the advent of what Bickerton (2010) describes as 'new federalisms' - including Pierre Trudeau's re-articulation of the Canadian nation, Mulroney's collaborative federalism, and Harper's open federalism - has tended to reflect significant interaction between the academy and political leaders on the state of the federation and what is required to reform it.

In a different conceptualisation of the same trend - the shifting operationalisation of the federal system in Canada - Cameron and Simeon (2003) identified three main post-war periods: cooperative federalism in the decades after the Second World War, characterised by an intergovernmental project to develop the welfare state; competitive federalism from the later 1960s, characterised by struggles between Ottawa and Quebec (and to a lesser extent the western provinces); and latterly a more collaborative federalism, through which broad national policies are to a greater extent co-determined on an intergovernmental basis (p.49-50). However these broad shifts in intergovernmental relations are characterised, there is general consensus that key to understanding the acute tensions between Quebec and the federation (what Cameron and Simeon termed 'competitive federalism') from the 1960s to the 1990s is the conflict between understandings of Quebec's national identity and its historic place within Canada on the one hand, and the 'new federalism' of the Trudeau government from 1968, promoting a national unity agenda which rapidly gained acceptance in much of Anglophone Canada and among the other federal parties.

Following his election in 1968, Trudeau embarked on an ambitious programme underpinned by his characterisation of Canada as a diverse and liberal modern state, bilingual from ocean to ocean. Described as the 'pan-Canadian approach', Trudeau encouraged all Canadians, including the Francophones increasingly concentrated in Quebec, to see the entire country as their national home (Taylor Woods 2012, p.272). Perhaps the fiercest challenge to this vision came from nationalists in Quebec, determined to see their province recognised as distinct, and acknowledged as one of the co-creating partners of Canadian federation.

From the mid-1980s onwards, a 'Canada School' (Choudhry 2007, Taylor Woods 2012) emerged, encompassing primarily Anglophone thinkers addressing the continued tensions in the Canadian federation. As Kymlicka (1998) emphasised, these tensions and the inadequacy of existing political solutions to resolve them were partly due to the intersection of different types of group diversity within the federation, for which different political projects were more or less adequate. While the Trudeau vision of what might now be called a multicultural Canada spoke to Canada's ability to integrate diverse ethnic communities, and particularly more recent immigrants, it was arguably less successful in addressing either the demands of indigenous Canadians, or nationalists in Quebec. For the Canada School, this tension became a critical risk to the federation given that Trudeau's vision had 'become a new orthodoxy' among English Canadians (McRoberts 1997, p.xiii).

The debate over the multinational model was progressed by Taylor (1993), Resnick (1994), and McRoberts (1995a, 1997), among others, on the basis that 'English Canada' was obliged to take seriously the concerns of Francophone nationalists if the federation was to survive: 'For over thirty years now, Quebec's intellectuals, academics, and political leaders have been busily engaged in elaborating Quebec's identity and defining the nature of its society - in effect, locating the distinctiveness of Quebec. Yet rarely has there been serious discussion and reflection about the nature and distinctiveness of the rest of the country' (McRoberts 1995a, p.5). For this group of scholars,

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especially after the close shave of the 1995 referendum, 'a kind of fatalism has set in', producing a sense that 'If there ever was a last chance for Canada this would seem to be it '(McRoberts 1997, p.xi).

To the extent that English Canada engaged with the Quebec nationalists' quest for recognition, the tendency, strengthened after the patriation of the constitution in 1982, was 'to view Québec as one province among ten provinces and to consider any deviation from this position as a threat to Canada's political stability' (Gagnon and Lachapelle 1996, p.180). For the Canada School, the roots of the crisis lay in Trudeau's articulation of a national project that regarded prior accommodations with Quebec nationalism as 'unnecessary, wrongheaded and, in fact, immoral' instead seeking to 'incorporate Quebec Francophones into a new pan-Canadian identity' Ibid, p.55), with its assumption that 'all Canadians must see their country and their place in it in exactly the same way '(McRoberts 1997, p.xii). This strategy for national unity was seen by these scholars to have signally failed in Quebec, where 'the attachment of Francophones to Quebec as their primary identity is stronger than ever, and they are more determined than ever that Quebec be recognized as a distinct society' (Ibid).

Taylor Woods (2012) offers an interesting corrective to the Canada School focus, which he characterises with perhaps unfair simplicity as a 'vision of Canada consisting of three confident and trusting partners [English Canada, French Canada and the First Nations] engaged in perpetual conversation' (p.271). He proposes instead a closer examination of the struggle within Quebec, noting that all the 'grand figures of the conflict of nationalisms in Canada in the second half of the twentieth century (notably all French-speaking Quebecers)', including Trudeau, Chrétien, Lévesque and Bouchard, 'not only exemplify the struggle between English Canada and Québec, but also the struggle between pan-state nationalism and Québécois nationalism *within* Québec' (Ibid, p.273). This struggle, from the Quiet Revolution and the Lesage administration through to the period from the

late-1990s onwards, in which the secession of Quebec appeared to recede as a possibility, will be covered in the following section.

For a key proponent of the Canada School approach, writing in the late 1990s, the national unity strategy predominantly associated with Trudeau was 'defeated by the immobility of Canada's linguistic structure', (McRoberts 1997, p.247), but as Canada entered the new century, it was not immediately clear that Trudeau's project had, in the long term, failed. Gagnon (2014) was able to identify what he termed the 'Five Faces' of Quebec, achieving varying levels of political salience over the decades. Encompassing 'Political Nationality', the 'Two-Nations' view, Quebec as a 'Province State', a 'Distinct Society', and finally as part of a 'Multinational Democracy' Québécois opinion in recent decades has not consistently coalesced around one concept of its relationship with the federation, while opinion in the rest of Canada has also shifted. Prior to patriation in 1982, the Two-Nations view had some residual salience in Anglophone Canada, for example, while since then, its relevance outside of Quebec has gradually declined. Similarly, the characterisation of Canada as a multinational democracy was fiercely opposed by the majority of Québécois in the 1960s through to the 1990s, but it is not immediately obvious that it will remain incompatible with Quebec's continued existence within Canada in the future.

The Nationalist Challengers and the System Response

i. From Nouvelle France to the Parti Québécois: Quebec and the Federation to 1970

The territory of contemporary Quebec was formally ceded to Britain by France under the Treaty of Paris in 1763, according to the terms of which the former territories of Nouvelle France were handed over to British administration, with only the small islands of St Pierre and Miquelon remaining (to this day) under French rule. This followed British military victories culminating on the Plains of Abraham in 1759, and the seizure of both Quebec City and Montreal. The new administration sought

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to legislate for its distinctive conquests, with a 1774 statute that reaffirmed the traditional system of landholding in the province and enabled the predominately Catholic Francophone population to enjoy freedom of religion and the use of French civil law, as well as the right to hold public office. In some ways this represented a flexible approach to governance on the part of the British Empire. Catholics in the United Kingdom (from 1801 including Ireland) were only permitted to hold public office by a statute of 1829, where as the Catholic Church in Quebec retained significant social power as well as formal control of many schools and hospitals.

While this legislation suggests a sympathetic accommodation of local concerns, integration between the Anglophone commercial and government elites and the Francophone population was limited. The Catholic Church played a part in maintaining this separation by discouraging its followers from engaging with the British administration so as to preserve their distinctive culture and religion. Exacerbating these divisions, a large number of settlers from the English-speaking American provinces relocated across the border following the conclusion of the United States' War of Independence, and challenged the entrenched rights of the Francophone population, leading to the Constitutional Act of 1771 which carved Lower Canada (broadly contiguous with contemporary Quebec) away from Upper Canada (approximately contiguous with contemporary Ontario).

Armed rebellions against British rule in 1837 and 1838, including one movement calling for Quebec to secede, were defeated by loyalist forces, and met with a heavy-handed reaction. The report commissioned by Lord Durham on a new settlement led to the reintegration of Upper and Lower Canada into the United Province of Canada, with a joint legislature and a new legal requirement for official business to be conducted in English. This didn't survive local reversion to accommodation with the Francophone population, and by 1848, French had been restored as an official language in the province and something approaching a consociational working arrangement was established, with

parallel ministries headed by Anglophone and Francophone ministers reinforced by the requirement for significant legislation to achieve majority support from lawmakers representing each community.

A century after the incorporation of New France into the British Empire, and prompted by the breakdown of the consociational system, John A. Macdonald and Georges-Etienne Cartier established the foundations of the current Canadian settlement with Confederation in 1867. At Confederation, still conventionally taken to be the starting point of the contemporary Canadian state and celebrated with great fanfare in 2018 (Government of Canada 2018), the Dominion of Canada was formed from multiple British colonies, including Upper and Lower Canada and the two small Atlantic colonies of Nova Scotia and New Brunswick, both of which also had substantial Francophone populations. Macdonald had initially sought a more centralised model, with the provinces resembling administrative subdivisions rather than autonomous units of governance, but in the debates conducted from 1865, and facing resistance from both Quebec and the Maritimes, he accepted the impracticability of this solution. It was Cartier who insisted on considerable autonomy for Quebec, thus establishing from 1867 a Canadian model in which provinces, then rather small in number but growing significantly in the later 19th century as the country incorporated the Canadian West, as one in which provinces would enjoy exclusive and substantial powers (Laselva 2014, p.8).

While Confederation had appeared to some in Quebec as a means to safeguard provincial autonomy and protect Francophone culture, the following decades saw challenges to Francophone rights in other parts of the federation, and especially in the newer western provinces. For example, in 1912 Ontario limited French-language education in Catholic schools, in 1890 Manitoba closed its Catholic schools and prohibited instruction in French at a secondary level, and in 1930 Saskatchewan followed with a ban on teaching in French.

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During the two World Wars, conscription proved to be an acute point of conflict. In 1917, the so-called Conscription Crisis was sparked by the near-total opposition to the measure by Francophone Canadians, led by Henri Bourassa, reflecting a lack of connection to the British Empire among this community and leading to violent riots in Montreal in 1918. This was not a new sentiment among Francophones; in 1899, Bourassa had stood down as a Liberal MP in protest at the decision by the Laurier government to send Canadian troops to fight in the Boer War. A further Conscription Crisis occurred in 1944, and a 1942 referendum had laid bare the difference between Francophone and Anglophone attitudes to the conflict, with the former strongly opposed to conscription and the latter strongly in favour (McRoberts 1997, p.24). However, the French-Canadian nationalists of this period, Bourassa included, were also emphatically Canadians; they may not have felt any obligation to fight Britain's wars, but they saw no contradiction in their dual identities as loyal Canadians and as French-Canadian nationalists. Indeed, that dual identity reflected their conception of the state built at Confederation on the basis of a partnership between two peoples (Brown *et. al.* 2019, p.252). At the same time, the federal governments of influential prime ministers including Laurier and King prior to the Second World War were generally amenable to defending the rights of provincial governments in so far as they did not attenuate Ottawa's authority (Gagnon 2014, p.100).

Despite these tensions, separatism was not a notable political force until the late 1950s and 1960s. The decade from 1960, bookended at its start by the election of Jean Lesage's Liberal government in Quebec, and at its close by the October Crisis, is generally considered a significant period of transition in Quebec. The decade was marked by social and political change including secularisation and a sharp reduction in the influence of the Catholic church; an increased role for the state with major new welfare and social security programmes; the nationalisation and provincial control of key utilities; and the crystallisation of a Québécois Francophone identity, increasingly expressed through political divisions between federalist parties on the one hand, and reform or separatist nationalist parties on the other. In light of subsequent events, the Quiet Revolution, as this period became known, was later

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widely considered as 'a nationalist awakening that ultimately threatened separation unless Quebec's distinct status in Confederation was recognized' (Hueglin 2021, p.170), with 1960 the point from which 'constitutional reform became the subject of almost continuous negotiation between the federal and provincial governments' (Bickerton and Gagnon 2013, p.177).

The Lesage government's programme reinforced many of these trends. The previous Union Nationale administration, in power for most of the period from the mid-1930s, and its dominant figure, premier Maurice Duplessis (who remains the longest-serving premier of the province), could certainly be described as French-Canadian nationalist in outlook. However, the Duplessis vision of the federal system was one in which Quebec kept itself to itself, resisting encroachment from Ottawa into its policy competences and refusing to participate in federal schemes, but also maintaining a socially conservative and traditionalist vision of the French-Canadian nation, including a fiercely protective approach to the privileges of the Catholic Church. Lesage's approach represented a radical break, in demanding provincial control over the growing welfare programmes, financial transfers back to Quebec to account for federal programmes in which it did not participate, and direct intervention to drive social and economic transformation.

Lesage was fortunate in that, for much of his tenure, the Liberal government in Ottawa under Pearson was broadly sympathetic and accommodating of his demands, even setting up a royal Commission on Bilingualism and Biculturalism in 1963 in the aftermath of several bombing incidents in Montreal which 'shook what was left of Anglophone complacency' (McNaught 1988, p.307). The Commission's report documented the scale of disadvantages experienced by Francophone Canadians, rooted in their historical experience, and recommended full recognition of French alongside English as an official federal language in the provinces of Ontario and New Brunswick in addition to Quebec. The federal government also permitted provincial opt-outs from new federal programmes, notably the pension and Medicare schemes, enabling provinces which went their own way to control the

federal funding that would otherwise have been spent in their territories. Quebec was the sole province to use this facility.

Accelerating the shift towards secularisation and liberalism in the province's society more generally - attendance at mass in Montreal dropped by 30% in the decade from 1961 (Channels 2001, p.185) - the new administration reformed the education system so as to diminish the influence of the Catholic Church. At the same time, the Lesage administration introduced the first formal legislation to privilege French over English as the province's working language, including in government and in publicly-owned companies.

The diminished role of the Church and the increased definition of Québec's distinctiveness in terms of the French language was significant to the framing of the struggle for secession in the following decades. In the 1960s, for the first time, language replaced religion as the primary reference for nationalist and autonomist movements in Quebec. As Dion (1996) put it, the French language is not 'the whole of Quebec culture, but it is the most reliable sign of its originality and vitality' (p.277). This definition of Quebec's national culture in terms of French is also, then and now, a key reason for the almost unanimous opposition of non-Francophone communities in Quebec to separatist and even nationalist projects in the province.

As head of the provincial government until 1966, when the Liberals were defeated by the autonomist Union Nationale, Lesage also transformed the state's role in the provincial economy. From the 1950s onwards, the Canadian federal government had taken a greater role in economic management, including responsibility for a growing welfare state, an expanded education sector, and direct control over key utilities. The previous Liberal government under Duplessis had established a Royal Commission, later known as Tremblay Commission, which challenged Ottawa's drive towards a standardised approach to welfare provision across the federation, entailing greater control from the

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centre over the collection and distribution of tax revenues, and concluded in favour of greater provincial autonomy in taxation and welfare spend as well as control of key economic sectors. Legislating for a single public electricity enterprise, Hydro-Québec, and a Quebec pension system and General Investment Fund, all distinct from the national system, Lesage could justifiably return to the voters of Quebec during the 1962 federal campaign with the slogan "maîtres chez nous".

It is important to stress that Lesage was not seeking secession for Quebec. He was determined to assert the authority of Québec City and the province's distinctiveness, but he remained a loyal member of a federal party, and was committed to the federation even as he sought to redefine Quebec's place in it. While De Gaulle had caused a diplomatic scandal by pronouncing 'Vive le Québec libre' from the balcony of Montreal city hall, in the course of a visit to Expo 67, separatism remained a minor political force throughout the 1960s.

There were, however, some early signs that separatism had a future in the province. In 1966, a left-wing Quebec separatist group, Rassemblement pour l'Independance National, was one of several separatist parties to win seats in provincial elections, and in 1967, René Lévesque, a former television presenter and member of the Liberal Party who had made his name in politics in the early 1960s as the minister in the Lesage government responsible the nationalisation of Hydro-Québec, founded the Mouvement Soveraineté-Association. This new party, explicitly backing the province's eventual sovereignty, and renamed the Parti Québécois (PQ) the following year, saw its popularity grow over the next few years, and would play a significant role in unsettling the Canadian constitution after coming to power in Quebec in 1976. For Channels (2001), while Lesage's progressive programme did not represent an exclusive form of nationalism, the rise of the PQ marked 'the historic fusion of popular sovereignty and popular chauvinism' (p.191). In the 1960s, however, this remained a marginal position. Polling indicated that public support for separatism stood at about 8% in the early 1960s, rising only to approximately 11% in 1968-72 (McRoberts 1997, p.36). Even Lévesque's calls

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for sovereignty provided for a comprehensive and close relationship with the rest of Canada; what he called in this period a 'new Canadian union' (Ibid).

While Lesage's modernisation programme in Quebec made it in some ways more similar to the rest of Canada, as the provincial government developed its own approaches to welfare programmes, cultural institutions (notably the French-language branch of the Canadian Broadcasting Corporation, headquartered in Montreal and in essence a network for Quebec), and economic policies, it tended to do so in 'an atmosphere of rivalry' with Ottawa (Balthazar 1995, p.43), forging 'a modern civic conception of a Quebec community based on the existence of a French-language network of communications' (Ibid, p.44). For Lesage, Quebec had become 'the political expression of French Canada' (Ibid, p.43). As Quebec was the sole province claiming this distinct status, tensions with Ottawa were bound to grow. Such tensions were exacerbated by the collision between the demands of Québécois nationalists and the assertiveness of the new federal government under Pierre Trudeau, whose own vision for Canada tended to regard the combination of nationalism and liberalism expressed in Quebec from the Quiet Revolution onwards as a logically impossible construct. Coming to power in 1968, Trudeau, a lawyer from Montreal, claimed to have come to Ottawa to stop the drift towards secession, and the Canadian national project he promoted was entirely at odds with the dualist conception of the federation held by many in Quebec.

ii. From the October Crisis to the Failure of Meech Lake, 1970-1993

In the provincial elections of 1970, the PQ made gains, returning with seven of the 108 seats in the assembly, but remained a long way from dislodging the dominant Liberal Party which formed the government with 72 seats, followed by the Union Nationale with 17 seats. In the early 1970s, it was militant Québécois nationalism, a fringe movement, rather than electoral politics in Quebec City, that dominated broader perceptions of a crisis in federal-provincial relations.

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In what become known as the October Crisis of 1970, the militant Front de la Libération du Québec (FLQ) conducted several high-profile kidnappings - of the British trade commissioner in Montreal, and of the provincial minister for labour - demanding that imprisoned FLQ members be immediately released. The response of the federal government was uncompromising, with the declaration of a state of emergency and martial law, and the deployment of the armed forces. They went on to make nearly 500 arrests, often holding suspects for extended periods without charge. Ultimately, the British diplomat was released under a deal by which the kidnappers secured passage to Cuba, while the Québécois minister was murdered. Aside from widespread shock at the violent nature of these events, there was also a growing concern among some Quebec nationalists about the heavy tactics used by the federal government, reinforced by several subsequent inquiries which found that federal police activities may not always have been legal.

The eruption of political violence in Montreal made headlines, but the FLQ remained a movement with extremely limited support, and it was instead the provincial elections of 1976, in which the PQ returned with an astonishing 71 seats, that set in motion the first independence referendum in the province. The PQ won only 41% of the popular vote but a majority of the Francophone vote (McRoberts 1997, p.117). Analysing the 1976 election in its aftermath, Pinard and Hamilton (1978) found that the increasing salience of the independence question in the 1970s had provided the PQ with its core supporters and had led to a particularly strong 'bipolarisation' of the electorate, divided between the Liberals and the PQ in the 1973 elections and reducing all other parties to a cumulative 15% of the vote, thereby 'setting the stage' for the 1976 contest as a choice between federalism or independence (p.739). The PQ also benefited from the unpopularity of the incumbent Liberals (p.740). Even prior to 1976, the programme of the Liberal Bourassa government after 1973 had reflected the growing influence and appeal of nationalism to the Québécois electorate, including a language bill, known as Bill 22, which encouraged businesses to use the French language, required the use of French on public signs, and required members of professional bodies to understand French.

At the time, public polling suggested that 90% of the province's Francophones approved of government intervention to ensure the conduct of government and business in French (Channels 2001, p.197).

While the PQ's campaign in 1976 had focused heavily on the multiple scandals that had engulfed the Liberals since 1973, it was provincial autonomy and protecting the status of French that dominated its legislative agenda after 1976. The first legislative measure of the new government, the Charter of the French Language, more commonly known as Bill 101, strengthened Bill 22 in making French the sole official language of the province, a monolingual policy at odds with the bilingualism advanced by successive federal governments in the preceding decades. Camille Laurin, author of the White Paper proposing this legislation, clearly laid out the exclusive nationalism that lay behind it, arguing that building an 'essentially French' society 'will accompany, symbolise and support a reconquest by the French speaking majority in Québec of that control over the economy which it ought to have. There will no longer be any question of a bilingual Québec' (Channels 2001, p.198). Such measures, and the broader unease among many Francophones about the status of French in Canada, were also partly a response to events elsewhere in Canada, including protests among some Anglophone civil servants about rules on bilingualism in government departments, and a strike among Canadian airline pilots in 1976 over the requirement that they use French alongside English in their communications.

The following year, making good on its key manifesto pledge, the PQ introduced the Referendum Bill, granted Royal Assent in 1978, which made possible a referendum on independence, to be conducted on an advisory basis. The first referendum to revisit the terms of Quebec's constitutional settlement was scheduled accordingly, for 1980.

A year in advance of the referendum, a federal commission tasked with investigating what was required to keep Canada together concluded in terms that would have pleased many of Quebec's

nationalists: 'Quebec is distinctive and should, within a viable Canada, have the powers necessary to protect and develop its distinctive character' (Balthazar 1995, p.46). This drew no substantive response from the federal government, committed as it was to its own federal vision and opposed to the dualist vision of Canada, instead seeing Francophone Quebec as just another element in 'the Canadian mosaic' (Ibid, p.47). Meanwhile, the PQ government issued a White Paper narrating the ways in which the Québécois had historically been mistreated and marginalised within Anglophone-dominated Canada, and proposing that Quebec declare itself a sovereign nation and then renegotiate its relationship with the rest of Canada as an equal nation rather than as one of many provinces. The White Paper explained, "Of the two roads open to Quebecers—a federalism whose fundamental renewal is to all intents and purposes impossible because it would contradict the very nature of federalism, and a new agreement between Québec and Canada capable of reconciling political autonomy and economic interdependence—the Government of Québec has chosen the latter', that is, 'sovereignty-association' (Government of Québec 1979, p.272-3).

These claims did not go unanswered. Politicians and commentators on the federalist side emphasised the prominent role played by Québécois in federal politics as well as other areas of public and commercial life, while the governments of the other provinces withheld consent, in advance, for the sort of intergovernmental negotiation that could give rise to the sovereignty-association arrangement called for by the PQ. Federal political shifts also worked against the PQ. in 1980, Pierre Trudeau's Liberals again won a majority in Ottawa, defeating the short-lived Conservative government of Joe Clark. Trudeau, who had enormous personal popularity in Canada, and was a fluent French-speaker from Montreal, was likely better-placed to defend the federation to wavering Québécois. Along with arguing that a Yes vote would have significant costs in terms of increased taxes and job cuts in Quebec, Trudeau and his allies made clear their openness to considering constitutional changes to meet Quebec's needs following a No vote. Speaking in the House of Commons on the day after the

referendum, Trudeau declared that the result should be understood as 'massive support for change within the federal framework' (McRoberts 1997, p.158).

Meanwhile, many of Quebec's Anglophones, in light of the strengthened language laws favouring the use of French and the potential for secession or significant upheaval in Quebec's political situation, chose to leave the province rather than wait to see the outcome of the referendum. Between 1976 and 1981, some 12% of the English-speaking population left, further strengthening the Francophone dominance in Quebec (Channels 2001, p.199).

The 1980 referendum produced a convincing win for remaining in Canada. On a high turnout of over 84%, the result split nearly 60% No to 40% Yes. The PQ was re-elected in Quebec in 1981, but its manifesto pledged not to revisit the question for its next term in office, and in the subsequent provincial elections in 1985, the Liberals were returned to power with a landslide majority. While the question of independence may have been put aside for the time being, there was an expectation that the federal government would come good on its pledge to negotiate a new settlement with Quebec following a 'No' vote. Instead, and almost immediately after the referendum, changes to the Canadian constitution initiated by the federal government caused further tensions between Ottawa and Quebec.

In 1982, the Canadian constitution was patriated from the United Kingdom, a key project of Pierre Trudeau. This formally removed the ability of the British Parliament to legislate for Canada, confirming the country's sovereignty, and was accompanied by several rounds of talks with the provincial premiers seeking approval for the accompanying changes to the operation of the constitution. These talks led eventually to the 1982 Charter of Rights and Freedoms, a Bill of Rights that formed the first part of the new constitutional document. Along with many First Nations Canadians, and large parts of the Conservative and New Democratic Parties, a clear majority of Québécois came to see patriation as unfavourable for the province's position. While several

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Anglophone provinces had initially also withheld consent, they returned to the bargaining table in 1981, leaving the Quebec government alone in its opposition. The PQ administration refused to provide its consent to the process, demanding, among other concessions, that Quebec be formally recognised as a 'distinct society' and that provinces be granted the right of veto over any future constitutional changes. Patriation therefore proceeded without the formal consent of Quebec, a situation that prevails to this day.

These tensions reflected a broader mismatch between two visions of Canada, one rooted in a long-standing French Canadian understanding of Canada as originally an equal union of two nations joined at Confederation in 1867, and one pursued by the Trudeau administration as it sought to develop a singular Canadian national project after 1968, envisaged as a liberal community made up of citizens enjoying equality regardless of their first language or where they lived, and encompassing multiple ethnic, linguistic and other communities including the Francophones certainly, but also indigenous communities and more recent immigrants, the number of the latter having increased considerably since Canada's immigration laws were liberalised following the Second World War.

Balthazar (1995) offered another perspective on the quandary the Trudeau national project posed for Quebec, rooted in its history stretching back to the 18th century. Quebec's Francophones were among the first groups in northeastern America to reject the American Revolution and its declaration of independence, largely due to a perception that their unique language and culture would be better protected in the British Empire than as part of the assimilationist national project emerging to the south. Canadian federalism, as it had been formalised in 1867 and proceeded with the addition of provinces to the east and west thereafter, was in many ways dictated by the existence, at the start, of a national-type grouping in what is now Quebec, distinguished by religion and language.

Unlike the United States, 'Canadian federalism would not be cemented by a strong national myth, such as the idea of an indivisible union that became almost a religion [in the United States] after the Civil War' (Balthazar 1995, p.41), but with the growing strength of a nation-state project encompassing all of Canada, it became conceivable that the Québécois might 'break from the Canadian federation precisely because recent developments have made it alien from its original intent and more similar to the American concept of national union' (Ibid). Influential Québécois nationalists of this period explicitly made the same connection between the historic settlement under British rule and the ways in which it was being threatened by Trudeau's revisionism. Gil Rémillard, a prominent constitutional expert who served in the Bourassa government, including as the minister for Canadian Intergovernmental Affairs from 1985-1994, had earlier described the British North America Act - the 1867 statute that enabled Canadian Confederation and remained the primary constitutional reference for the country until 1982 - as a 'constitutional treaty that would permit [French Canadians] to assert themselves as a distinct people on an equal footing with the Anglophone majority' (Gagnon 2014, p.103).

Trudeau's ambitious programme for the Canadian nation has been convincingly characterised as one of the significant and recurrent departures of 'new federalisms' in Canada since confederation, in this case motivated by the perceived need to 'combat the increasing balkanization of Canada by confronting and 'scaling back' the excessive provincialism and decentralization of the preceding decade' (Bickerton 2010, p.58). Trudeau's programme was deeply rooted in his own long-standing opposition to exclusive nationalism and support for all minority rights. He had founded the *Cité Libre* journal in 1950, challenging the corrupt clientelism of the Duplessis regime and its clerical allies in Quebec, and had written prior to becoming prime minister for the first time: 'The history of civilization is a chronicle of the subordination of tribal "nationalism" to wider interests '(Channels 2001, p.219). For Trudeau, his alternative vision of a bilingual and multiethnic Canada, which included measures to promote French-speaking in government across the country, would ensure that

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Quebec did not become 'a ghetto for French-Canadians, that all of Canada is theirs' (Ibid, p.217). Following the 1968 election that brought Trudeau to power for the first time, the federal Conservative and New Democratic parties increasingly aligned with his national vision, leaving little space in Canadian federal politics for Quebec's nationalists to seek accommodation.

While the Constitution Act and Charter of Rights and Freedoms were the flagship elements of Trudeau's programme, it also included a National Energy Programme, mega-projects in infrastructure and industry (among them the doomed Mirabel Airport outside Montreal), and the Canada Health Act, all of which challenged longstanding claims advanced since the Quiet Revolution in Quebec (but also in some western provinces) for greater provincial control over taxation, spend, education, industry and the welfare state. It must be conceded that Trudeau's insistence on a bilingual Canada from ocean to ocean was not mere rhetoric. At the start of his first premiership, he had passed the Official Languages Act 1969, requiring all official notices (anywhere in Canada) to be published in English and French, and for government services to be provided in French as well as English not only in the capital territory of Ottawa-Hull (now Ottawa-Gatineau), spanning the Ontario-Quebec border, but also anywhere in the country where a sufficient proportion of the local population demanded it. However, during the period of the Trudeau government, the long-established trend by which Canada's Francophone population became increasingly concentrated within Quebec's provincial boundaries continued; Trudeau's vision of a bilingual Canada from St. John's to Vancouver was always ambitious, and it is not difficult to see why it failed to assuage the concerns of many Québécois seeking to protect their community's rights.

With the defeat of Trudeau's Liberals in the 1984 election in the midst of a severe economic recession, the new Conservative government of Brian Mulroney, a bilingual Canadian from Quebec, immediately changed course. Mulroney's campaign landed well in the province, where traditionally the Liberals had been viewed as the defenders of Quebec at the federal level (Wiseman 2020, p.104).

The new government cancelled some key parts of the Trudeau programme, notably the National Energy Programme, and reopened dialogue with provincial governments irked by Trudeau's ambitions. This programme of engagement achieved agreements including an intergovernmental accord between Ottawa and Quebec granting the latter enhanced powers over immigration to the province. This new opening between Ottawa and Quebec City also included talks with the PQ prior to its defeat in the 1985 provincial elections, initiated on the condition that the PQ cease its efforts for separation from Canada. This accommodation with Ottawa caused deep divisions in the PQ, prompting several provincial cabinet members to resign from Lévesque's government.

The main outcome of the negotiations, which continued after the installation of Bourassa's new Liberal administration in Quebec in 1985, and which included the premiers of all provinces, was what became known as the Meech Lake Accord. Initialled at an intergovernmental conference in 1987, the Accord sought to meet the five conditions that the Quebec government had set that would make the new constitution (of 1982) acceptable to it. The Accord ultimately failed, as several provinces had not ratified it by the 1990 deadline, with opposition coming from factions of the Liberal and New Democratic parties at a federal level, and from some provincial executives elected after its drafting, who argued that Quebec had already been granted too many exceptions from the federal norm. A Quebec provincial law of 1988 prohibiting the use of English on commercial signs proved to be a particular point of contention for Anglophones, and an emergency intergovernmental conference in 1990 could not rescue the agreement.

The failure of Meech Lake revived separatist politics in Quebec: 'The accord's failure was perceived by many (mainly Francophones) in Quebec as a humiliating rejection by English Canada' (Pinard 1992, p.487). Meech Lake was seen as a moderate attempt to balance competing views on the federation, and its rejection was therefore a 'pivotal event' for many Québécois political actors who had until then sought to work in good faith for a settlement within the existing Canadian constitutional

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settlement (Simeon 2004, p.108), with many concluding that the federal system was incapable of the type of constitutional change required to accommodate Quebec's longstanding demands. Several prominent Québécois politicians active at the federal level in both the Liberal and Conservative parties, having concluded that sovereignty was now their only route to the recognition they sought, resigned from their parties to form a new separatist movement, the Bloc Québécois (BQ), led by Lucien Bouchard, formerly a minister in the Mulroney government. In 1990, the BQ's Gilles Duceppe won a by-election in Quebec, and the party began topping the polls for federal elections in the province.

Attempts to reach a constitutional agreement continued, and several commissions produced a new draft accord, provisionally agreed among the provincial and federal premiers at Charlottetown in 1992. This instrument recognised Quebec as a distinct society, while also seeking a better accommodation for the First Nations and revisiting the balance of competences between federal and provincial governments. The Charlottetown Accord was put to the vote in referendums conducted on a province-by-province basis. It was widely opposed and defeated in eight out of ten provinces, including Quebec. Its critics were as diverse as Pierre Trudeau, arguing that it would lead to the disintegration of the federation, and Preston Manning of the Reform Party, arguing that Charlottetown would be a step too far in conceding to the demands of Quebec.

It was not just Quebec that challenged the Canadian *status quo* in the early 1990s. Reflecting what became known as a sense of "western alienation", and arguably exacerbated by a view that Ottawa provided special treatment to Francophone Québécois, the predominantly Anglophone western provinces began to return regionalist representatives to Ottawa. In the 1993 general election, Manning's Reform Party increased its seat share from one seat to 52 seats, relying largely on votes in Alberta and British Colombia, and therefore playing a significant part in wiping out the federal Conservative Party, returned with a historic low of two seats. Reform, a right-wing populist party,

sought tax cuts, the reform of the immigration system, a new approach to the Quebec issue and the retention of a higher proportion of tax revenues by the wealthy western provinces. In 1997, it became the official opposition in Ottawa, a feat it repeated in 2000 under its new name, Alliance. The three elections from 1993 onwards were later recognised as a new phase in the Canadian federal party system, as the BQ and Reform between them altered the familiar patterns of competition and left the country with several regionalised party systems (Pruysers *et. al.* 2020, p.152).

While Reform/Alliance did not seek secession from Canada or a significantly revised version of sovereignty within it, and is therefore not a focus of this project, the existence through most of the 1990s and the early 2000s of an official opposition at Ottawa, whether the BQ or Reform, which sought a revision of the Canadian settlement, speaks to the prime position afforded to constitutional issues in Canadian political discourse. The political influence of Reform is also relevant in explaining the intractability of the Quebec question, as successive efforts failed to produce a lasting compromise that premiers in the Atlantic, Central and Western provinces were confident they would be able to defend to their voters. This sentiment was neatly expressed by an Alberta-based academic to the 1995 referendum in Quebec: "Here in Vancouver, media reaction conveyed an eerily familiar sense of resignation at the dispiriting prospect, given the inconclusive result, of yet another bout of central Canadian agonizing over Quebec's future in Canada' (Feaver 1996, p.49).

iii. The Crisis and Survival of Federation, 1993-2018

In 1993, the Bloc Québécois won 54 seats in the federal elections, virtually sweeping the board in Quebec and becoming 'the most empowered separatist party in a democratic legislature' for the next four years (Young and Bélanger 2008, p.487). The result ended 'the historic balance between the two parties of Confederation' (Wiseman 2020, p.113), and Liberal prime minster Jean Chrétien became the first Québécois leader of a major party to lose a general election in his home province. The BQ won by attracting both sovereigntist and non-sovereigntist voters who identified primarily as

Québécois, many of them frustrated by the demonstrative unwillingness of the rest of Canada to engage in significant constitutional reform to accommodate Quebec (Nöel 1994, p.24). Following the BQ's success, there were noises in Ottawa about whether it was legitimate, or even legal, for the Official Opposition to be elected in a single province and committed to achieving that province's sovereignty, but as the first months of the new session progressed, Bouchard's grouping in Ottawa respected the conventions of the system and made clear their willingness to defend policies that many Canadians, Québécois or otherwise, valued, including social and welfare programmes threatened by spending cuts (Ibid, p.25).

In a study of the BQ grouping's contributions to the business of the House of Commons, both in their period as the official opposition, and also thereafter (the BQ is again the third largest group in the Commons today), Young and Bélanger (2008) concluded that it had proven to be 'a stable and democratic force in Canadian politics', championing a range of federal issues while, throughout the 1990s, also seeking to keep the issue of Quebec sovereignty on the agenda (p.488). Bouchard himself contemplated the paradox in 1994, noting that, in his view, 'a sovereigntist party from Quebec [was] the only party fighting to preserve the main value of Canada', adding that 'I hope we are not working for federalism' (Ibid, p.497). During the mid-1990s, however, while national politics were focused on the renewed push for sovereignty in Quebec, the BQ was able to make effective use of its privileged position in the federal parliament to keep the constitution on the agenda: from September to November 1995, the BQ used half of all its questions in Question Period to raise issues related to national unity (Ibid, p.511).

Back at the provincial level, at the 1994 elections in Quebec, after a decade of Liberal government and following a period of 'spectacular growth' in the revived secessionist movement since 1988 (Pinard 1992, p.478), a revamped PQ under Jacques Parizeau, who had earlier resigned from Lévesque's cabinet over the latter's deal with Mulroney, emerged with a clear majority and once

more formed the government of Quebec. While the PQ achieved this victory on a marginal win in the popular vote - 44.7% against the Liberals' 44.3% - since winning the PQ leadership in 1998, Parizeau had consolidated support within the PQ for reversion to a strong version of Québécois sovereignty, in contrast to the more gradualist approach adopted by Pierre Mark Johnston until 1987.

Pinard (1992), observing as a contemporary the growing strength of the PQ, identified the main factor as the repeated failure of Canadian constitutional negotiations between 1989 and 1990. With the splintering of the federal parties in Quebec, no clear federalist position was being articulated within the province, with what Pinard described as 'an aura an unanimity at the elite level' re-framing the debate in terms of sovereigntist positions. Perhaps unsurprisingly in this context, among the PQ's core manifesto pledges in 1994 was a promise to hold a new referendum within its first year in office.

The new PQ government came to an agreement with the BQ and a smaller autonomist party - Action Démocratique du Québec - also represented in the provincial assembly - to arrange a new referendum. The PQ adopted a different approach than in 1980, emphasising instead the elements of continuity and stability that would be secured through their proposed approach to Quebec's sovereignty. The question on the ballot paper reflected this: "Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership, within the scope of the bill respecting the future of Quebec and of the agreement signed on June 12, 1995?". The wording was controversial from the start.

Polling suggested that the long and complicated formula left many voters confused about what they were actually being asked, and the No campaign argued that that it did not clearly explain that what the PQ was seeking was actual separation from Canada, in a context in which continuing close economic relations with Canada were not guaranteed. Polling suggested these concerns were valid, indicating that 53% of those who ultimately supported sovereignty did not expect it to involve

separating from Canada, and when the question was reversed, a poll showed that 59% of respondents supported remaining in Canada, 62% of Canadians thought they would still be using the Canadian dollar after a Yes vote, and 69% thought there would be an economic union with Canada (Smith 2013, p.15). This reflected a consistent trend in polling in the years leading up to the referendum, indicating that while the concept of Quebec as a sovereign nation was popular in the province, some 60% of its voters responded negatively to clearly-worded questions on whether they favoured independence from Canada (Feaver 1996, p.47). As early as 1991, analysis of a poll for the CBC and the *Globe and Mail* found that 'the sovereignty option still raises some confusion in Quebeckers' minds' (Blais and Nadeau 1992, p.89).

While the No side again focused on the uncertainty of Quebec's economic, political and social arrangements in the event of separation from Canada, as well as the costs and disruption likely to accompany a Yes vote, the PQ maintained its position that Quebec would continue to enjoy international trade agreements concluded by Canada and issued a series of studies outlining its preferred post-referendum arrangements, including the retention of a common trade area, a common currency and a common financial services system with the rest of Canada.

As with Trudeau in 1980, the federal government, this time led by Liberal Jean Chrétien, made clear, but only towards the end of the campaign, that in the event of a No vote, Canada would also seek to secure a more acceptable constitutional settlement for Quebec, including accepting its basic demands for recognition as a distinct society. Perhaps due to the ambiguities of the PQ's programme, including the wording of the referendum question, and despite early expectations of a resounding win for the No campaign, the polls narrowed considerably in the secessionists' favour as they focused their campaign on issues of identity and painted the federalists as inflexible and lacking credibility in their threats of economic catastrophe for the province.

The federalists' economic arguments may well have undermined their campaign. The announcements of significant business figures, such as the head of Quebec-based manufacturer Bombardier, that they would leave the province if the Yes campaign prevailed seemed somewhat hollow after the Bombardier chief later clarified in the face of industrial unrest that the company would remain whatever the outcome. For some Québécois, the economic dimension actually played in favour of the Yes campaign, given the widespread unpopularity of the neoliberal policies pursued by the federal government in the preceding years. As Gagnon and Lachapelle (1996) pointed out in the aftermath of the referendum, the ways in which the nationalists were able to mobilise economic arguments and social class were crucial to their relative success by 1995. The campaign and the referendum, like the emergence and decline of secessionist movements in general, cannot be understood solely in terms of constitutional politics.

In the event, the 1995 bid for secession failed by an extremely narrow margin. On a high turnout (93.5%) Yes gained 49.2% of the vote, and No won with 50.58%. In a province of over seven million people, fewer than 30,000 votes in the other direction could have ended the Canadian federation in its current form.

The No side was certainly helped by the increasing role played by Québécois Francophones in the federal government over the previous few decades. After 1968, the federal Prime Minister nearly always came from the province, and when asked in a 1994 poll to divide up the roles of the provincial and federal governments across 15 areas of government competence, respondents in Quebec wanted the federal government to be involved in 12 of the 15. Polls in 1993 and 1994 similarly indicated that the constitution was the least important of ten issue areas for respondents in Quebec.

Despite the increasing tensions during the campaign, reactions following the poll were calm. Chrétien stressed the democratic nature of the exercise and attempted to reset relations, calling for cooperative

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engagement between the federal and provincial governments. His government almost immediately introduced a motion to the House of Commons to ease tensions, with the Prime Minister requesting in November 1995 that 'the elected representatives of Canada recognize that Quebec is a distinct society within Canada. As a Quebecer and a Francophone, I understand and share the desire of my fellow Quebecers to have our difference recognized', while also seeking to rebut the controversial and anti-immigrant sentiments expressed by some of the BQ leaders following the vote: 'Quebec is made up of a Francophone majority. That is what makes it different. However, Quebec is also made up of Quebecers who have come from every part of the world. They are full fledged Quebecers and Canadians. On behalf of the Government of Canada I want to tell them today that we have not forgotten them. I assure them of our full support' (Parliament of Canada 1995).

Parizeau was less conciliatory. Eliciting a significant backlash for having commented, immediately after defeat in 1995, that 'It's true we've been defeated, but basically by what? By money and the ethnic vote' (Farnsworth 1995), he called upon his supporters to prepare for the next attempt: 'for which we will not wait fifteen years this time' (Young 1998, p.290). Bouchard, clearly embarking on an open challenge to Parizeau, accepted the result and emphasised the need for Québécois to hold Ottawa to account for its pledge to revisit the federal settlement in good faith.

While Bouchard, having replaced Parizeau after defeat in the 1995 referendum, had already indicated that he would by no means seek a further referendum unless conditions indicated its likely success, in 1998 Stéphane Dion, then serving as federal Minister for Intergovernmental Affairs, sought a reference from the Supreme Court on the legality under the Canadian constitution and international law of any future, unilateral attempts by a provincial government to secede. Both the 1980 and 1995 referenda were initiated by legislation passed by the National Assembly of Quebec, and used questions set by the provincial government. The reference to the Supreme Court may also have been prompted by legislation tabled by the provincial government in Quebec ahead of the vote, providing

it with the right to unilaterally declare independence in the event that, following a vote for separation, negotiations with Ottawa broke down.

The resulting unanimous opinion from the Supreme Court indicated that while Quebec had no right to unilaterally secede from the federation, the federal government should consider itself obliged to negotiate in good faith with the provincial government in the event that a clear majority of Québécois voters indicated their support for secession on the basis of a clear referendum question. This judicial reference was later codified in federal statute law as the Clarity Act 2000, defining the conditions that would necessitate negotiations as a 'clear expression of a will by a clear majority of the population of a province that the province cease to be part of Canada' (Government of Canada 2000), and specifying that it would be up to the federal House of Commons to determine the clarity or otherwise of the question and the result. The PQ government in Quebec promptly responded with its own legislation, known as Bill 99, asserting that no one but the people of Quebec had the right to decide on that province's legal and political status.

Alongside this clarification as to the position in Canadian constitutional law, very little occurred after 1995 in terms of concrete constitutional change, despite the promise of the federal government in the course of the campaign that it would seek to achieve a settlement more amenable to Québécois demands. An attempt to complete the work left unfinished at Meech Lake and Charlottetown - the so-called Calgary Declaration of 1997 - for which the premiers of the other provinces met in the absence of Quebec's Bouchard, acknowledged Quebec's unique character, but at the same time asserted the equality of all provinces in the federation. This Declaration was left unratified by Quebec, where separatist politicians dismissed it as worthless. Regarding both Bill 99 and the response to the Calgary Declaration, Hueglin (2021) is surely right to reflect that 'What might have been the opening salvos of yet another round of "constitutional warfare" turned out to be not much more than the last

two gasps of self-righteous constitutional petulance' (p.262). The winning conditions that Bouchard specified as necessary to seek another referendum appear to have not yet been realised.

In terms of separatist politics following the defeat, at the provincial level the PQ split into two factions amid infighting in the mid-1990s. In the next federal election, in 1997, with constitutional issues and national unity still high on the agenda, the BQ largely maintained its support, returning as the third party on only a 3% reduction in its vote share, while Reform, still seeking further devolution to the provinces, and even hardening its line with a vague threat of future separation on the part of British Columbia, increased its vote and seat share, taking the BQ's former role as the official opposition.

The BQ under Gilles Duceppe was able to retain its third place in terms of federal seats at successive Canadian elections until a poor result in 2011, but in both the 2019 and 2021 elections, it again took third place with 32 seats on a static share of the national vote, indicating that a hard core of separatist voters remains a factor in Québécois politics even as the question of separation has receded from national political debate. However, it is likely also the case that the BQ has adapted effectively to the shift in opinion on separatism, and has found ways to contribute to legislative business less directly related to constitutional issues in ways that are seen as representing its constituents' interests. A study of the BQ's behaviour in the House of Commons found that that after 1995, the BQ came to focus 'on a greater range of issues' and to express a clearly centre-left position on tax and spend (Penner *et. al.* 2006, p.1014). Similarly, Bélanger and Young's analysis indicated that by the end of the 1990s, the party had developed 'a thorough and comprehensive agenda that included a critique of all government portfolios and public departments, with clear proposals to remedy problems' (2008. p.504). Perhaps the BQ's transition in this regard marked a wider transition in Canadian federal politics, away from existential constitutionalism and towards business as usual.

In the run-up to the 2006 federal election, echoes of the old BQ re-emerged. In response to a series of corruption scandals affecting the Liberals, Duceppe declared that were the BQ to improve significantly on its 2004 showing and to gain a majority of votes in Quebec, the way might be open to secure a third referendum (Bélanger and Nadeau 2006, p.122). On the day, the BQ secured a slightly lower share of both votes and seats, and Duceppe, in its aftermath, conceded that the Bloc would not attempt to defeat the new minority government under Harper, but would permit him a chance to prove himself (Ibid, p.138). Interpreting the results, Bélanger and Nadeau found that while support for sovereignty remained a significant factor in the Québécois vote, it was on the decline, and the new offer of "open federalism" from Harper's Conservatives may have gained some credibility with the province's electors.

Beyond Harper's conciliatory message, and following the failure of Meech Lake and Charlottetown, groups of provincial premiers and sometimes the full intergovernmental conference had proceeded to make agreements on policies of mutual interest via accords and framework agreements, achieving some quiet progress without the all-or-nothing drama of constitutional agreements ratified by referendums and enforced by the courts (Cameron and Simeon 2002, p.55). By the early 2000s, Cameron and Simeon found it remarkable, when compared with the experience of recent decades, that 'successive indépendantiste premiers of Quebec have been able to develop effective working relationships with their fellow premiers despite the fundamental difference over Canada's future' (2002, p.63).

While most observers of Canadian politics in the late 1990s and 2000s would likely have agreed that 'the near-successful sovereignty referendum in Quebec and the Supreme Court secession reference suggest that Canada's continued existence cannot be taken for granted' (Laselva 2014, p.3), the healthy economic growth and falling unemployment rate across Canada as a whole in this period was combined with frequent internal disputes and scandals within the separatist parties and high-profile

investments in Quebec by the federal government, all of which seemed to contribute to a reduction in tensions. In 2005, the PQ's Bernard Landry resigned after receiving only 76% in a confidence vote among the membership, and his replacement was perceived to have alienated many of the party's more conservative voters with his socially liberal views and his admission that he had taken cocaine while in office. At the same time, Harper sought to convert his parliamentary minority into a majority with support in Quebec, making frequent visits to the province and contributing $350m to the province's climate change plan.

At a provincial level, while the Liberal Party regained power in 2003, the PQ took back control of the Quebec government in 2012 for a single term as a minority administration. The new PQ government acted to further tighten the legislative provisions around the use of French in education and commerce, but also explicitly accepted that another referendum was unlikely to be held anytime soon, and while its support in the polls experienced a brief surge a couple of years into its term, this was broadly considered to reflect support for its high-profile social positions, primarily its proposed law to ban public officials from wearing religious symbols, rather than any growing enthusiasm for secession, for which support had remained largely static in polling for over a decade (Economist 2014). Meanwhile, constitutional revision seemed to be slipping off the agenda in Canada more generally. With the re-integration of many parts of Reform into a new Conservative Party under Stephen Harper, the latter was also able to regain its lost ground in the Anglophone western provinces, and much of Quebec opted for the centre-left New Democratic Party in 2011.

The shift in position among former sovereigntists in Quebec towards what could be characterised in Breuilly's (1982) terms as a programme of reform nationalism, appeared to be reinforced by the emergence of a new party, Coalition Avenir Québec (CAQ). Led by former PQ politicians, the CAQ came to power in Quebec City in 2018 and has remained there since. The CAQ's rise relegated the two pro-secession parties, the PQ and Québec Solidaire, into third and fourth place respectively, and

more than halved the Liberals' share of seats, leaving them with only two seats in Francophone-majority ridings. The CAQ's new dominance at the provincial level also shifted the political debate onto policy questions unrelated to the Canadian constitution. While the CAQ's success again indicates, as with continued strong support for the BQ, that a considerable proportion of Québécois citizens remain dissatisfied with the existing settlement, its declared strategy of focusing on economic growth and development ahead of a dash for separation or a referendum is ostensibly a popular approach.

By 2019, with the independence movement having gone through successive crises and the PQ wallowing in a period of introspection about its political purpose, Rocher, in a review of the relationships between Canadian political science and the Quebec issue over several decades, could observe that 'Quebec no longer represents an imminent threat to the survival to the Canadian political system' (p.636). The BQ rebounded somewhat in the federal elections of that year, more than tripling its seats to 32 and once more becoming the third party in the House of Commons, but there was little sense in contemporary commentary on the election that this result represented a renewed threat of Québécois secession.

Perhaps the Quebec electorate, after several decades of disruption and economic upheavals that had certainly been exacerbated by the primacy of the great constitutional debate, had grown tired of the idea: 'The two referendums undoubtedly implied great national upheavals and the process came to be known by some as the 'neverendum' - implying constant uncertainty over Quebec's status' (Smith 2013, p.36). However, several of the key demands that emerged in the period of the Quiet Revolution, short of full sovereignty for Quebec, have also been comprehensively addressed: the French language is definitively protected in the province, the provincial government has stronger fiscal independence and control over immigration than its peers in the federation, and it enjoys separate diplomatic representation overseas (Economist 2018).

Contemporary Quebec is also one in which Francophones hold senior roles in all sectors and occupational groups, as well as in politics and government (Edwards Taucar 2000). Their historic exclusion from public life and the modern economy belong to a distant past, and federal reforms under Pierre Trudeau and his successors, designed to create a bilingual Canada, have actually given Francophones outsize influence in federal institutions given the proportion of the population they represent. Francophones comprise 23% of the Canadian population, but hold 26% of Canadian civil service roles and 31% of senior civil service posts, unsurprising when it is understood that 42.6% of the Quebec population is bilingual compared with 17.9% in Canada as a whole (Hueglin 2021, p.263). While the term 'distinct society' to describe Quebec may never have been inscribed in a revised edition of the Canadian constitution, 'in almost all aspects of lived experience, Quebec is secure as a highly distinct society, not only in terms of language', and 'it is not easy to argue that federalism has proved to be a straitjacket, blocking the ability of the Quebec government to preserve and promote the province's distinctiveness' (Simeon 2004, p.117).

While Quebec has doubtless made many important gains in terms of real autonomy and special status in the federation, polling continues to suggest that a significant proportion of the electorate in the province remain dissatisfied with the federal settlement. Perhaps, as Brown *et. al.* (2019) reasonably suggested on the basis of the events described above, the 'frustration lies in the fact that those gains have failed to receive appropriate legal or symbolic recognition' (p.259), and while the 'period of intense and prolonged crisis is over; the ongoing mutual challenge of making Quebec at home in the federation remains' (Ibid, p.269).

Two Federations in Crisis? Points of Comparison

Rocher, writing in 2019, concluded that 'The crisis in the Canadian political system that began in the 1960s has finally been resolved. The issue is, so to speak, dead', with 'the same moral

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space….previous occupied by Quebec-Canada relations and federal-provincial issues' now being taken up by issues related to ethnic diversity, the consequences of a perceived decades-long shift towards neoliberalism in the Canadian political system, and the relationship between the Canadian state and society and the First Nations communities (p.650).

It is probably too early to tell whether Rocher is right. As described in this chapter, many of the key demands of Quebec's nationalist and sovereigntist discontents have not been formally resolved. However, in Canada itself, both scholars and politicians have promoted the country as a case study, and sometimes an exemplar, for the management of minority nationalism and ethnocultural diversity, even in periods when the survival of the federation was a stake.

The group of academics earlier described as a Canada School did much to set the agenda on this topic internationally, As Choudhry put it in 2007 when considering the question, 'Does the world need more Canada?', in constitutional terms, 'Not only are Canadians in the forefront of normative reflection on the problems of minority nationalism but, in the work of these scholars, the Canadian case plays a pivotal role' (p.608). This was notably the case for Kymlicka (1998), who proposed the 'Canadian model' of managing ethnocultural relations in a modern society, producing peace despite a complex interweaving of recent immigrants, indigenous communities, and a minority nationalist movement. Of course, there are also plenty of Francophone (and indeed indigenous and ethnic minority) thinkers who would take a more critical view of the Canadian state's suitability as a model for managing diversity.

Yet Canada did, perhaps especially in the 1990s and 2000s, attract significant interest as a model of a successful multinational federation. While sometimes promoted by the country's politicians, for example by Michael Ignatieff, then a Liberal MP, who in 2004 noted that Canada has 'more institutional memory about the legislative and legal requirements for the accommodation of linguistic

and religious diversity than any other mature democracy in the world', and a 'comparative advantage in the politics of managing divided societies' (Choudhry 2007, p.630), this interest was also sparked by the failure of multinational states in the former communist world, as well as by the latest resurgence of political nationalism in Quebec during the same period.

For Choudhry, the message from the Canadian case is different, providing 'a cautionary tale on the limits of constitutional design and its ability to cope with the threat of extralegal secession by minority nations' (2007, p.610). While mechanisms designed for both accommodation and integration can be identified in the Canadian constitutional settlement, Choudhry suggests that any explanation as to why the apparently successful Canadian federation found itself in constitutional crisis for much of the 1990s (and the decades before) must account for the embedded conflict between different parts of that constitution. Put simply, attempts to accommodate Quebec's distinctiveness, the principle of the equality of the provinces, and the provisions of the Charter of Rights and Freedoms cannot all produce constitutional peace, and are bound to end in failure given the incompatibility of these principles. Given that 'Canada is, indeed, a success story—it is one of the oldest countries in the world, has wrestled with and responded imaginatively to forces that have torn other countries apart, and has achieved a remarkable degree of prosperity and freedom' (Ibid p.638), all of which remains true today, Choudhry's acknowledgement of the limits of constitutionalism to resolve the issues and tensions in the Canadian case suggests that we should look elsewhere for an explanation as to why some complex and diverse federations survive and flourish, and others do not.

Theo Jans (2001), in his comparative study of Belgium and Canada, asked whether his identification of Belgium as a single level policy system, and Canada as a multi-level system in which both federal and provincial systems play a crucial role in addressing 'ethnonational tensions' can explain their relative performance in settling communal conflict (p.37). Whereas the Belgian system has almost always reached solutions to critical issues, Theo Jans produces a long list of Canadian issues,

including the Constitution Act, the Meech Lake Accord, and even the dispute over bilingual air control in Quebec in 1976, and suggests that with the exception of the Canadian pension plan, none of these resulted in a mutually-accepted outcome. He concludes that 'The continuous stream of compromises in Belgium lead to a gradual, but very fundamental reform of the Belgian state. Thirty years of constitutional negotiations in Canada did not lead to a single reform supported by the two language groups. If anything, forty years of reform efforts seem to have brought the prospect of Quebec's separation from Canada closer than ever before' (p.38).

While Theo Jans was unduly pessimistic about Canada's prospects, this conception of the ambiguity and lack of resolution to Canada's successive constitutional crises deserves consideration. Taylor Woods (2012) offers a different perspective on the same events: 'It may be that multinational states such as Canada will not ever be able to find the 'right' institutional framework. Is this a problem?'. While contested intergovernmental accords and Supreme Court references might seem a messy and unsatisfactory way of holding a federation together, and 'may always be mired in ambiguity and double meaning', 'there may be advantages to such ambiguity. That Canada has thus far avoided violent conflict suggests that it works' (p.287). Simeon (2004) concurred: 'Canada's major achievement may be that it has managed to conduct a fundamental debate about its very existence as a united country openly, peacefully and democratically', with almost the sole exception of the brief October Crisis in 1970 (p.115).

In a comparative study of Canadian, Belgian and Spanish federalism, Erk and Gagnon (2000) similarly asked whether the apparently intentional ambiguity of the constitutional settlement in the Canadian case helps to promote the durability of such a settlement: 'each side can interpret their membership in the association differently, rather than being forced to accept the legally defined integration of the federation favoured by one side of the partnership' (p.93). Erk and Gagnon do not propose that a solution based on such constitutional ambiguity will work in all circumstances, but

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assuming some level of what they term 'federal trust' (p.94) - a sort of gut feeling among the relevant partners that they will endeavour to work in good faith - the Canadian case may offer a model by which complex federations, with significant areas of conflict and competition, can be made to endure and survive even significant opposition from internal detractors.

Significantly, they frame the period from the patriation of the constitution in 1982 without Quebec's consent through to the Supreme Court decision of 1998, as one in which convention based on the absence of formal results was replaced by a new legal basis that undermined the previously consociational nature of the federal settlement, leading to growing mistrust between those Québécois who then moved for formal recognition of dualism as a founding principle of the Canadian state and of Quebec as a distinct society, but were repeatedly frustrated in these demands. In this reading of the Canadian case, the 1998 decision and its later formalisation in statute, appeared to go some way towards restoring the previous ambiguity, pleasing all parties while not solving any of the core issues and divisions inherent in the Canadian federal settlement.

Perhaps, as Simeon (2004) put it, 'federalism in Canada is less a state than its process', and while the formal institutions of Canadian federalism have changed little since confederation in 1867, 'regional conflict has varied greatly in its intensity' and 'the pendulum has swung between more and less decentralization' (p.117). Therefore, Taylor Woods (2012), Simeon (2004) and Erk and Gagnon (2000) point to an important factor when they explore, in their various ways, the role of ambiguity in Canadian political and constitutional history: 'it turns out to be very difficult to write down, in constitutional language, all the relationships that must exist within a diverse society. The impulse to frame them in precise language is likely to generate irreconcilable conflicts. Hence the attraction of nonconstitutional solutions, and of constitutional silences and ambiguities' (p.118).

What seems to distinguish Canada from other federations, including the United States and Germany, is that it 'continues to constitute an ongoing experiment in competing state- and nation-building projects' (Bickerton and Gagnon 2013, p.173). While the constitutional debates of the 1960s to 1990s understandably seemed like a 'debilitating preoccupation' (Cameron 1999, p.ix) to many Canadian scholars of the period, they might alternatively be seen as the remaking and re-making of a 'negotiated country' (Gagnon and Simeon 2010). As Cameron (1999) acknowledged, both perspectives were plausible by the turn of the new century: either 'Canada's experience as the story of a country radically redefining itself, successfully withstanding challenges to its identity and to its very existence', or else a Canada 'that is standing powerless, watching, as a nation within a nation is struggling to be born' (p.x).

Today, for those Quebec nationalists who still yearn for greater recognition of their province as distinct, or for other special arrangements within the federation or outside of it, the growing acceptance of provincial equality in the rest of Canada in recent years would seem to make further changes unlikely. Yet the federation also appears more secure that at any time since the immediate post-war years. Recent decades have seen the coming and going of several grand projects for federal renewal - as Bickerton (2010) put it, 'Canadian history is littered with the corpses of new federalisms' (p.68), and also the coming and going of more or less convincing or popular movements for Québecois national recognition, sovereignty or secession. The federation has changed little in its constitutional set-up since Confederation in 1868, yet at the same time, everything has changed. Scholars of the EU, sometimes enthusiastic and sometimes perturbed by the politicisation of their own federal-type project, have like many of their Canadian colleagues often seemed pessimistic about its capacity to survive and adapt when faced with incompatible visions of the project or its constituent members' places in it. The case of Quebec suggests that beyond periods of acute crisis, and despite the complexity and messiness of navigating them, such pessimism may not always be justified.

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6. Flanders and Belgium

Flanders in Belgium

i. The Flemish-Belgian Settlement in Comparative Context

As noted by Swenden *et. al.* (2006) in the introductory chapter of a volume dedicated to Belgian federalism, Belgium and its political settlement long 'remained an unexplored terrain by comparative political scientists'. This was in part due to the use by Belgian political scientists of concepts which do not easily translate to other environments, including 'verzuiling' or 'pillarisation', 'dissociative federalism', and 'whiplash parties' (p.863). As the analysis in this chapter demonstrates, the passing over of Belgium as a suitable case for comparison may also have stemmed from the complexity of the system that has emerged from successive rounds of constitutional reform; to outsiders it can appear to be akin to 'an experiment in quantum governance '(Economist 2021).

With a federal government overlaid on three cultural-linguistic communities, three autonomous regions (which are not congruous with the communities), no less than 589 municipalities, twelve parties represented following the 2024 elections to the federal Chamber of Representatives, and dozens of unique mechanisms and rules, it is not difficult to see why students of politics may have steered clear of the Belgian case. In introducing a recent volume on 'Belgian Exceptionalism', Caluwaerts and Reuchamps (2022) described this general bewilderment: 'At one time or another, the two of us were asked to 'explain' Belgium to a foreign audience', but 'how do you explain the political system of a country that self-deprecatingly prides itself on the fact that its institutional complexity is unexplainable?' (p.1).

When Belgian political arrangements and developments have received outside attention in recent years, the occasions have generally presented a polity like no other. When then-Prime Minister Yves Leterme was asked on the Belgian national holiday whether he could sing the national anthem, he

instead sang the first few bars of the Marseillaise (De Standard 2007). As Caluwaerts and Reuchamps commented, 'Not even its leaders seem to take the country seriously' (2022, p.1). Leterme later came to wider attention as caretaker leader of the Belgian government during what was widely considered to be the longest period in which any democratic country had been without an elected government - 541 days - until the formation of the Di Rupo government in 2011. In August 2020, Belgium broke its own record, having remained without an elected government following the collapse of the Michel administration in 2018 (Brussels Times 2020). A resident anglophone correspondent described this apparent strangeness in memorable terms: 'Sometimes the disorder is merely amusing - trains being delayed because of a fire at a waffle factory, for example…Surviving Belgium requires a certain state of mind. Call it Belgian zen: an ability to cope with a way of life that is sometimes disturbing, sometimes wonderful, but always weird' (Economist 2021).

Such idiosyncrasies have generated a strand of opinion, across academic contributions and media commentary, that questions the existence of Belgium, let alone its suitability for comparison with other states. One contribution to the aforementioned special journal issue was titled 'Does Belgium (still) exist?' (Billiet *et. al.* 2006) and Caluwaerts and Reuchamps' recent volume (2022) had an introductory chapter entitled 'Belgium: Why bother?'. Against the backdrop of the 541-day period of government formation, a former Brussels bureau chief for the *Economist* went further, in a series of articles in 2007 with titles such as 'Belgium: Time to call it a day' (The Economist 2007a), and 'How to save Belgium' (The Economist 2007c). The former, which opened, 'If Belgium did not already exist, would anyone nowadays take the trouble to invent it?', caused what the author described in one of his later contributions as 'a mini hoo-hah in the Belgian press'.

The *New York Times* similarly printed a series of articles, on subjects ranging from corruption in the Brussels government to Belgian-born terrorist suspects operating in Syria and elsewhere, in which the country was repeatedly described using variations on 'the world's wealthiest failed state' (e.g.

Higgins 2015). Meanwhile in the European Parliament, in 2010, Nigel Farage, as leader of the Europe of Freedom and Democracy party grouping, used the opportunity of Hermann von Rompuy's first address to the Parliament as President of the European Council to suggest that Von Rompuy appeared 'to have a loathing for the very concept of the existence of nation states; perhaps that is because you come from Belgium, which, of course, is pretty much a non-country' (European Parliament 2010). Most observers of Belgium have been more generous, but its presentation as unique, complex, and sometimes weird, has been prevalent.

An exception to the general reluctance to draw comparisons with the Belgian case was the work of Arend Lijphart, who extended his work on consociationalism from his original case of the Netherlands (1968). Building on Huyse's (1970) earlier analysis of Belgium as a consociational-type democracy, Lijphart included Belgium as one of the model cases to explain the mechanisms which he saw as conducive to maintaining political peace in divided societies (e.g. 1977). Whether contemporary Belgium experienced a consistent period as a postwar state in which consociationalism accounted for its political dynamics is debatable. As Deschouwer (2006) pointed out, Huyse ended his account in 1961, when ethno-linguistic conflict was becoming more prominent, and some episodes in the earlier postwar period, such as the debate over whether the exiled Leopold III could return and retake his throne, suggest that consociationalism may never have been a 'constant feature of Belgian post-war politics. The picture one gets is very mixed, with fairly long periods of crisis and attempts to solve them in a majoritarian, non-consociational way' (p.898). This analysis will not significantly engage with that body of work. The focus here is less on the ability of federal-minded elites to govern despite deep ethnic-linguistic cleavages, and more on the operation of Flemish nationalist opposition in the Belgian context, and what this can tell us about the contemporary EU.

While the interaction of Flemish nationalist movements and the contemporary Belgian state might not often have been considered in comparative context, the Flemish-Belgian case is a strong fit for

the criteria outlined for this project. On the first criterion - that the existing federal-type settlement has been subject to active political debate for a sustained period - the governance of Belgium, and the relationship of Flanders (and the other constituent regions) to Belgium, has been a contested issue for over half a century. On the second - that the structure of the system recognises national-type units, on the basis of which nationalist politics arise - Flemish separatist and regionalist movements have explicitly defined their cause as national, and tend to have done so increasingly in recent decades. While regional political demarcations in Belgium do not neatly map to the German-speaking and Francophone linguistic communities, the Flemish political region and the Flemish ethnic-linguistic community are virtually indistinguishable, and have a merged parliament and executive. On the third criterion - that the political and institutional structure of the federal-type settlement has not been treated as a fixed and final settlement - the Belgian political landscape since the 1970s has fractured into distinct Flemish and Francophone spheres, with the separate political parties representing each community cooperating in administrations that have generated federalisation by mutual assent. From 1970 to 1993, Belgium was gradually transformed from a unitary state to a federal structure, with successive rounds of constitutional reform in 1970, 1980, 1988-89, 1993, 2001, and 2012-14.

On this latter point, the core conclusion of this analysis is that it is the constant (and unending) search for a *finalité politique* that makes the Belgian case an excellent study for students of the contemporary EU. The journey by which is constitution has been repeatedly reopened and reformed has been heavy on process and on complex, bureaucratic mechanisms to enable governance. One could say that Belgian party elites and civil servants, like those who staff the central institutions of the EU, are comfortable with the small print, and through that attention to detail, and relying on the enforceability of a legal order, have taken to gradually tinkering with it through consensus-based reforms.

This process has wrought a radical political transformation, the work of which is never quite completed, and never quite pleases all of the country's constituent communities. Yet it has delivered

not only the survival of Belgium - reports of the death of which have surely been exaggerated more frequently than for any other European state - but has also delivered a high standard of living and a range of public goods, a record that many of its peers might envy. For all the complexity, it is possible to conclude that through repeated political crises and rounds of political reform, Belgium has performed the core logic to which many of the EU's champions aspire: the peaceful creation of a multinational federal-type polity with good outcomes for its citizens. The remainder of this section will provide an overview of the course by which Belgium, and Flanders' place within it, was thus transformed.

ii. Flemish Politics in a Belgian System

The first article of the Belgian constitution reads 'Belgium is a federal State, composed of Communities and Regions' (De Kamer BE, 2021). Belgium today has three linguistic communities in addition, since 1993, to three federal regions that are territorially-defined but on the basis of linguistic boundaries (Flanders, Wallonia and the Brussels capital region). Each region elects its own legislature, which appoints its own executive. These hold authority over competences including planning, utilities and transportation, and since 2001 have had increased authority over their own taxation and expenditure. The federal government still outspends the regions, and has significant control over the federal grants that comprise the majority of the regional administrations' budgets.

Alongside the regional bodies, the linguistic communities each have a council with responsibility for education, media, and other cultural matters. The Flemish linguistic community and the Flemish federal region have since 1988 been more or less integrated, following a decision to formally merge, with one parliament and executive rather than a separate council. The Francophone and German-speaking councils remain separate entities, as therefore do the Walloon and Brussels regions. Given that the French community has delegated much of its previous influence over education policy to the Walloon and Brussels regions, and as the tiny German community does not play a significant role at

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a Belgian level, it is only the Flemish and Walloon regions, and to a lesser extent the capital region, that play a significant role in the country's politics. In contemporary Belgium, the Flemish-Walloon dichotomy is 'the main catalyst for understanding Belgium's federal dynamics' (Swenden 2002, p.69).

The Belgian federal structure that has emerged from the successive rounds of reform is sometimes characterised as asymmetric, reflecting the overlapping jurisdictions not only of several layers of governance in vertical terms, from the federal executive and bicameral legislature down to the communes and municipalities, but also in terms of the variegated interaction of culturally-defined communities and territorially-defined regions. This has created a system in which federal, regional and community governments cannot operate in isolation if they seek to have policy impact. The federal state retains important powers, for example in foreign policy and defence, justice, finance, social security and some significant aspects of welfare policy. However, even in these reserved competences, there is a role for the regions and communities, for example through the foreign relations established directly by the regional administrations, focused on promoting overseas trade. Similarly, social insurance is a federal competence, but much healthcare is the hands of the communities, so coordination is essential if holistic policy packages are to be made (Swenden and Theo Jans 2006).

The Belgian solution to the necessity of coordination is no fewer than 16 intergovernmental and ministerial committees and conferences, the most senior of which, the Deliberation Committee, convenes the federal Prime Minister and six of their cabinet colleagues, together with an equal number of ministers from the community and regional governments. Sitting ten times annually, this Committee seeks to establish cooperation agreements to prevent policy deadlock.

The federal structure in Belgium, constructed form 1970 onwards, can be considered as a device to 'hold together' a multinational state, as in Spain, rather than as a result of 'coming together', as in the United States or Canada (Sweden and Theo Jans 2006, p.877). This process has responded to pressure from autonomist and nationalist movements emerging in the regions, but has nonetheless been guided by Belgian political elites cooperating at the federal centre, and the interaction of parties representing the different communities in rounds of negotiations, often accompanying the formation of federal cabinets.

The shift towards a federal state had significant consequences for the Belgian party system. 19th-century Belgium had a familiar European party system, dominated by two parties - Catholics and Liberals. At the end of the 19th century, in common with developments in the similarly industrialised United Kingdom, an emerging organised labour movement found political manifestation in a new Socialist party. Up until the 1960s, these three parties shared government in a shifting series of coalitions. From the 1970s, all of this changed. The former national parties broke up into separate Flemish and Walloon wings, regionalist and autonomist parties emerged in the regions, and Brussels developed a separate party system of its own. At the end of the 1970s, the emergence of separatist and right-wing parties in Flanders and Wallonia, and of a Green Party for each region, further complicated this fragmentation.

The formation of a party system in which Flemish liberals, for example, need only appeal to a Flemish electorate, while Walloon conservatives, similarly, seek only the approbation of a Francophone electorate, has generated a dynamic in which these parties are incentivised to defend the interests of their respective community. In general, however, parties of the same political family have generally governed together at the federal level, and until 1999, elections at the regional and federal level were synchronised, which usually meant that the parties ending up in government at the federal level were

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also in government at the regional level. While this 'double symmetry' (De Winter *et. al.* 2006, p.952) has weakened in recent decades, it has frequently operated in practice.

Since the 1970s, alongside the federalisation of the country's political institutions and the fragmentation of the party system, the country's media landscape and broader cultural life has become sharply demarcated along linguistic lines. This has reinforced a trend in train since the 1930s, starting with the first language laws, through which the Flemish and Walloon regions have become ever more linguistically homogenous. While Flanders and Wallonia have drifted further apart, there is a general consensus in the literature that there remain 'widespread emotional ties to Belgium, if stronger in Wallonia' (Billiet *et. al.* 2006, p.912). The role that the Belgian state continues to play in the lives of Belgians will be revisited in the concluding section.

The following section will chart the development of the contemporary federal state in Belgium, the fortunes of the Flemish movement, and later of Flemish nationalist parties, and the interaction of these developments. Where relevant, the role of Walloon and other Francophone and German-speaking regionalist parties will be included, but in the Belgian case, it should be noted that it is only from Flanders that a strong and sustained challenge to the existing state has been made on an explicitly national basis.

Unlike in the case of Scotland, where a single political party has been primarily responsible for driving the debate on Scottish independence from the United Kingdom, the Flemish movement has found political expression in a range of parties. From the generally pro-federalist Volksunie from the 1950s onwards, to the two major contemporary examples: the reform and separatist nationalist Nieuw Vlaamse-Alliantie, and the far-right separatist Vlaams Belang, which are also, since 2019, respectively the first and second largest parties in the Belgian parliament, these parties fit into

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Breuilly's (1982) typology of reform and separatist nationalist parties, in this case opposed to a state which is also a nation.

In order to account for both the development of the Belgian federal system as a response to nationalist and regionalist demands, and the political expression of Flemish nationalism in various political movements, the following section is divided in three, as it addresses, first, the development of the Flemish movement and the response of the unitary state to linguistic demands in the period before the first major state reform in 1970; second, the successive state reforms from 1970 to full federalism in 1993, and the shifting nature of Flemish nationalist political expression and influence in this period; and finally, the further iteration of the federal project since 1993, relevant recent trends in its party system and the operation of government, and the role of Flemish nationalist parties in these developments.

The Nationalist Challengers and the System Response

i. Belgium and the Flemish Movement before 1970

After the revolution of 1830 and the achievement of Belgian independence, French became the official language of government, and the cultural life of the country was predominantly influenced by France for decades thereafter, despite French being the majority language only in Brussels and Wallonia. While the original Belgian constitution guaranteed freedom of linguistic identity, the government of the unitary state promoted the use of French throughout the public domain. Soon after independence, intellectuals in the northern towns where Dutch was predominant began to articulate claims for the recognition of their language. However, throughout the remainder of the century, French remained a strong marker of economic and social status. Much of the Flemish elite, fluent in French, may even have reinforced this trend through adopting the linguistic habits of the French-speaking aristocracy, and regarding the use of French - a unifying symbol of the new state after

secession from the Dutch-speaking Kingdom of the Netherlands - as 'a patriotic necessity' (Witte 1993, p.205).

As Belgium was transformed into one of the world's most industrialised states, with its heavy industry concentrated in the Walloon region, Francophone social and economic domination was consolidated. At the same time, the demarcation of the Flemish north as a generally agrarian region reinforced the identification of the Dutch language with poverty and backwardness, against the progressive march of the modern Walloon industrial sector.

While the Flemish movement in this period remained overwhelmingly loyal to the young Belgian state, the dominance of French did generate some resistance among the Flemish population, and early advocates for the Dutch-speaking cause within Belgium sought a bilingual unitary state. While generally meeting with intransigence on the part of the Francophone elite, their demands did lead to a statute of 1898, the Equalisation Act, which made Dutch an official language of the state, alongside French. This agitation had been aided by the extension of the franchise, enabling the demographic weight of the Dutch-speaking population to find political representation. Continued agitation among Dutch-speakers for linguistic equality, growing throughout the 1920s, led to a series of language laws in the 1930s that established official linguistic equality.

The mode by which this equality was framed, primarily in territorial terms, would be significant for the subsequent development of Flemish political demands. Moving away from the principle of a bilingual and unitary Belgian state, the second tranche of language legislation in the 1930s provided for the protection of Dutch monolingualism in Flanders, French monolingualism in Wallonia, and bilingual institutions in Brussels (together with some separate protections for linguistic minorities). These legislative changes confirmed a trend that had been observable for several years previously in

social and educational settings, for example with a switch from French to Dutch as the language of instruction at the University of Ghent (Witte 1993, p.207).

In the contemporary period, the most successful and visible political movements seeking federalisation, regional autonomy and separatism within Belgium have emerged from Flanders and from the Dutch-speaking community, but it was the Francophone Walloons who were largely responsible for this original framing of the linguistic cleavage in territorial terms. As French was the language of the Belgian elite as well as of the Walloons, the general population of Wallonia, and most Bruxellois, were unable to speak Dutch, while the Flemish elite of the period were largely fluent in French. Belgium's Francophone elite resisted all solutions that would undermine the monoglot nature of Walloon society, and given their numerical inferiority within Belgium, opposed any moves towards a fully bilingual state in which they might one day hold a minority stake. Witte (1993) therefore identified the 1930s with its language laws as the period from which, through political mobilisation across the linguistic cleavage, the road to Belgian federalism opened.

While the linguistic grievances of the Flemish movement of the late 19th and early 20th centuries appeared to have been resolved in the 1930s, Sweden and Theo Jans (2006) identified several other causes behind the transformation of the Flemish cultural movement into a national movement seeking self-rule. First, the Belgian centre was slow to enforce the new language laws, or to offer Flemish speakers a reasonable representation in positions of power and influence. Second, until the late 1950s, Belgian politics was divided along ideological and socio-economic cleavages, but the gradual reduction of ideological conflict opened up space for mobilisation along linguistic lines. Third, from the 1960s, an ongoing process of deindustrialisation saw Flemish GDP per capita overtake that of Wallonia as Flanders succeeded in attracting investment and avoiding much of the painful post-industrial adjustment occurring in the south, thereby strengthening Flanders' relative influence within

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Belgium as a whole. At the same time, the Flemish population increased so that by 1971, 56% of the Belgian population lived in Flanders (Witte 2009a, p.361).

We might add to Swenden and Theo Jans' reasoning an overarching explanation for why the passage of the language laws did not put to bed Flemish concerns, rooted in the very method by which the language laws operated. As Hooghe (2004) explained, building on Witte (1993), the establishment of territorially-defined monolingual and bilingual concerns had set the course for the transformation of linguistic and cultural concerns into territorially-defined political claims. Also important was the emergence of a class of Flemish politicians, raised in the period since the 1930s, who had experienced their entire education in Dutch-speaking schools and universities, and sought to enforce the language laws in practice. Meanwhile, political tensions stemming from the existing demarcation of the territorial-linguistic lines offered issues around which this Dutch-speaking political elite could mobilise. On the periphery of Brussels, in particular, primarily Francophone communes sought the extension of the bilingual capital region to encompass their districts, while the Dutch-speaking elites sought to protect the established boundaries of the monolingual Flemish region.

In 1962-3, a further round of language laws entrenched the demarcation of the linguistic zones as Flemish, French, German or bilingual. Following the 1963 law, Belgium was comprised of four linguistic areas: Flanders and Wallonia were monolingual Dutch-speaking and Francophone zones respectively, the small German-speaking area to the east was defined as such, and Brussels was to be bilingual. Replacing the previous census-based linguistic lines with fixed boundaries, the division of communes according to these reforms has proven contentious ever since, especially in communes on the periphery of the capital region.

The language laws of 1898, the 1930s and the 1960s all failed to conclusively resolve Flemish linguistic grievances. The perception of continuing discrimination against Dutch speakers prompted

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further protest, with flashpoints including industrial unrest and disturbances at the Universities of Brussels and Leuven/Louvain, causing the latter to be separated along linguistic lines into two separate universities. The "Walloon out" student movement at Leuven in 1966-68, which eventually turned violent, led to the permanent division of that institution and the relocation of the Francophone institution over the border into Wallonia (Witte 1993, p.210). In Brussels, meanwhile, the official bilingualism of the city had not put the question of minority rights to rest. The historically Dutch-speaking city continued in its shift towards Francophone dominance, and as with the 1947 language census, when three municipalities were found to have reached the linguistic thresholds necessary to be incorporated into the Brussels region, between 1950 and 1965 a further dozen or so Flemish municipalities reached those thresholds, fuelling continued Flemish concern over the growth of bilingual Brussels at the expense of monolingual Flanders (Witte 2009a, p.370). These flashpoints, taken as symptoms of unresolved problems with the operation of the unitary Belgian state, left lasting grievances.

In terms of political expression, the advocates of Flemish rights initially worked through the existing political parties of unitary Belgium, but gradually established movements with specifically Flemish agendas. The first of these, the Frontpartij, operated from 1919 into the 1930s. Emerging after the First World War, in large part due to the concerns of Belgian soldiers who had served in a national army where French was the sole language of command, the Frontpartij pushed for linguistic rights, but also for some form of Flemish political autonomy and self-government (Van Haute and Pilet 2006, p.298; Hooghe 2004, p.62) . The Frontpartij won 6.5% of the vote in the 1919 Belgian elections, thereby becoming the first regionalist or community-based party to sit in the Chamber of Representatives. Throughout this period, leading Flemish figures in the Catholic party also pushed the regionalist cause, with some proposing a version of federalism for Belgium.

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The Frontpartij was succeeded in 1933 by the Vlaams Nationaal Verbond (VNV), or Flemish National Union. Reflecting broader political trends across the continent, the VNV adopted nationalist and authoritarian positions, and unlike the earlier Frontpartij, explicitly rejected the Belgian state, favouring a union of Dutch-speaking Flanders with the Netherlands in its search for an ethnically-homogenous state (Witte 2009a, p.366). As a new party, the VNV was relatively successful in electoral terms, achieving a 7.1% share of the national vote in the 1936 Belgian election, representing 13.6% of the vote from Flanders. However, the VNV's contacts with Nazi Germany before the outbreak of the Second World War, and the active collaboration of some of its leadership with the occupying regime from 1940, including in assisting with the implementation of the Holocaust in Belgium, led to the VNV being declared illegal following the liberation of the country.

The stain of collaboration did significant damage to the broader reputation of the Flemish cause, and it was arguably in the decade after the Second World War that the movement for federalism or separatism reached its lowest ebb. In this period, from 1944 to the early 1960s, the linguistic issue was largely sidestepped as the mainstream parties focused on the reconstruction of the unitary state. However, linguistic issues never quite disappeared.

By the mid-1950s, a new Flemish political party, the Volksunie (VU), founded in advance of the 1954 elections, had reframed the movement for Flemish political and linguistic rights in a different form, seeking to unite support from across the left-right political divide. It was characterised by both reform nationalism, with part of its membership supporting increased Flemish autonomy within the Belgian state, and separatist nationalism, with others seeking some form of independence. Divisions between the reform and separatist strands of opinion in the party would cause increasing problems for party unity from the 1970s onwards. The VU would go on to be among the most successful Flemish political parties to date. It had its first electoral breakthrough in 1961, when it won five seats, and by 1965 it had 20 seats in the national parliament, a record only beaten by the N-VA and the Vlaams Belang in

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recent elections. While declining in its later decades, the VU would continue to exist until 2001, and went on to play a role in the first rounds of constitutional reform which would ultimately produce a federal state in Belgium.

The VU was responding to the same trends noted above - the emergence of a new Dutch intellectual and political elite which sought to enforce observance of the language laws that had been officially in place for their entire adult lives; shifts in the relative economic importance of Flanders and Wallonia; and political tensions around issues such as the linguistic status of Francophone communes on the periphery of the capital. The VU was not alone in promoting a community-based agenda in this period. The labour movement in the industrialised Walloon region backed the Mouvement Popular Wallon (MPW) in the early 1970s, and the Rassemblement Wallon (RW) had some success in 1971, for a brief period becoming the second largest party in Wallonia and securing up to 20.9% of the region's votes (Van Haute and Pilet 2006, p.302). In Brussels, meanwhile, following the language laws of the early 1960s, a group of Francophone intellectuals formed the Front Démocratique des Francophones (FDF), which through several iterations survives to the present day as DéFI. By 1971, the FDF won 28% of votes in Brussels, and by 1974 was the largest party in the capital region (Witte 2009a, p.372).

However, the origins of the Walloon political movement were not, as with the Flemish movement, rooted in the promotion of state reform to secure language rights and political autonomy; the first specifically Francophone challenger parties emerged principally in reaction to the Flemish movement's political success and reform agenda. In the immediate aftermath of the Second World War, with the trauma of the occupation and collaboration by elements of the Flemish movement still a live issue, a gathering of Walloon activists at Liège briefly voted in favour of Wallonia joining France, but a second vote confirmed instead the group's support for a federal solution in Belgium,

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and in general the Walloon movement, divided between separate political movements in Wallonia and Brussels, has seldom expressed itself in nationalist terms.

Increasing tensions over the status and future of multilingual Brussels demonstrated the vexed questions these trends raised. The FDF, having become the city's largest party, proposed an extension of the designated capital region to take in surrounding communes, while also seeking greater autonomy for the regional government. Such proposals prompted protests from the Dutch-speaking minority in the city, and there was widespread Flemish opposition to the idea of extending the city boundaries.

It was in the context of these political upheavals that Belgian governments of the 1960s turned to the question of state reform, seeking a response to autonomist and separatist challengers. Following the 1968 election, held in the aftermath of the Leuven/Louvain crisis, and which saw losses in terms of vote share and seats for all three of the unitary parties but major gains for the VU and, to a lesser extent, the FDF, it became clear to the three traditional parties of government that something had to be done to check the centrifugal forces now challenging the unitary Belgian state.

ii. The Road to Federalism, 1970-1993

In 1970, the Belgian Prime Minister, Dutch-speaking Gaston Eyskens, whose (still unified) Christian Democratic Party had won the 1968 general election, albeit on a reduced vote share, introduced to the Belgian parliament the first major constitutional reform of the century. The constitutional package of 1970-71 recognised that Belgium was comprised of three linguistic communities, and provided for the unique status of Brussels as the capital of a multilingual state. The councils which would now represent these cultural communities, comprising the members of the federal Chamber of Representatives divided according to their linguistic identification, would have limited control over cultural competences.

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This clear division of the Belgian political elite into representatives of their respective linguistic communities meant that every member of the Chamber of Representatives (with the exception of those elected from the bilingual constituency of Brussels-Halle-Vilvoorde, who could choose their group identification), were now defined as representatives of a particular community. It was on the basis of the groups delineated in this way that later reforms, such as majorities within linguistic groups and a balancing of executives according to linguistic identification of members, would be shaped.

While three distinct regions were established, special status was given to Brussels, then defined as a conurbation of 19 boroughs. The settlement of Brussels remained a stumbling block in repeated rounds of negotiation, and not until 1980 was agreement reached on political autonomy for the regions of Flanders and Wallonia (as opposed to just cultural autonomy for the communities). This first round of constitutional reform also introduced a series of measures for managing the territorial conflict that had emerged, seeking to encourage power-sharing between the two major linguistic groups while codifying regional autonomy as a core principle of the rewritten Belgian constitution. What the 1970 reforms failed to do was stem the slide towards federalism.

The 1970 reforms left many of the details as to how the regional institutions would operate still to be determined, as well as the vexed questions of the division of competences between the central government and the regional level, and, as always, the status of Brussels. In the following decade, no fewer than seven Belgian governments tried to pass legislation to clarify the reforms, but six of the seven collapsed having failed to do so. The impasse was broken by the Martens administration, a coalition of Christian Democrats, Socialists and Liberals, which introduced a second round of reform in 1980 that moved Belgium towards further devolution by formally establishing cabinets and administrations for both the territorially-defined regions and the linguistically-defined communities.

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The 1980 reform had stopped short of full federalism, reserving education policy to the central government and restricting the fiscal devolution to the regions to approximately 7% of the national budget, but another round of reform in 1989 shifted Belgium further along this centrifugal path. In the intervening years, continued tensions over the status of multilingual communes in the Flemish region but on the outskirts of Brussels, most notably Voeren/Fourrons, kept the question of linguistic-territorial division, and the unsettled status of Brussels, on the political agenda. These issues proved immune to the several compromises proposed by the Catholic-Liberal coalition government. It was in the period leading up to the 1989 reform that the federal direction of the Belgian state was definitively confirmed, and in a speech by King Baudouin in July 1988, Belgium was, for the first time, officially referred to as a federal state. The 1989 reform was the first to emerge from government formation talks, in this case following the 1987 general election. These talks encompassed the Christian Democratic parties for both Flanders and Wallonia, both Socialist parties, and the VU, which had held its seat share steady from the 1985 election and was the fifth largest party.

The 1989 package formally divided up competences between the federal government and the governments of the regions and communities, while also introducing a degree of fiscal devolution. Among the competences devolved to the regions were local planning, some responsibility for transport, energy and public works, and scientific research. The communities were also empowered, taking control over education and language policies for the first time. The central upper house of parliament - the Belgian Senate - was reformed to better represent the regions and communities at the centre, while Brussels formally became a region, alongside Flanders and Wallonia, with its own legislature and executive. Flemish agreement to this was secured through the provision of equal representation of Dutch-speakers in the new Brussels executive, along with an effective power of veto by each community, ensured via the requirement for separate majorities among the language groups, as well as in the executive, in order to pass legislation.

For Witte (1992), surveying the reform packages from 1970 to 1989, these changes would reshape Belgium into 'different constituent states', each having not only its own legislature and executive, but above all 'its own character' (p.109). Yet this was to be a new form of federalism: 'If classic federalism is a form of state that attempts to create unity out of diversity, this is certainly not the case in Belgium. It is rather the opposite' (p.110), a situation only further complicated by the extraordinary arrangements made for the Brussels region. A corollary of the repeated rounds of reforms and bargaining, by which resources and the power to spend them were parcelled out throughout the Belgian state, was that running the state became an expensive business, and by the early 1980s, Belgian state expenditure was the highest per capita in the European Economic Community.

The transformation of the Belgian state was accompanied by the fragmentation of the country's party system. Since the late 1970s, a notable feature of Belgian political life has been the lack of a single party system. Through the 1960s and into the 1970s, the three party families that had dominated the governance of Belgium as a unitary and democratic state - the Socialist Party, the Liberal Party, and the Christian Democrats - remained the main contenders for power in Brussels, but were increasingly challenged by parties which pursued linguistic or nationalist agendas, above all the VU, but also the FDF and the RW, which were winning up to 20% of the vote by the 1970s. The VU, for example, obtained 18.8% of Flemish votes in 1971.

The reaction of the old unitary parties to regionalist and nationalist challengers, in reshaping both the national structure of governance and dividing their own parties in two, cannot be explained solely in terms of the success of the VU. It is impossible to comprehend the reforms of this period and the transformation of the party system without acknowledging first, as noted above, the extent to which the earlier framing of language laws in Belgium had involved the drawing of ever firmer linguistic boundaries, and therefore opening a path for claims to linguistic or communal rights to be framed in territorial terms; and second, that the legacy parties also contained many leading figures who

themselves favoured some of the solutions being pursued by the challenger parties. As the challenger parties grew in strength, the three unitary parties eventually split into separate Francophone and Dutch-speaking parties.

The Belgian Christian Democrats split in 1967, prompted in the immediate term by the strife occasioned by linguistic confrontation at the university of Louvain/Leuven. The Liberal Party followed in 1968, while the Socialist Party initially opted for autonomous Flemish and Francophone units under a united national party from the early 1970s, before formally dividing in the same way as the other two legacy parties in 1978. Even in their new configurations, the old parties were unable to maintain their previous support. The six parties that constituted the successors to the Christian Democrats, Liberals and Socialists for the Dutch- and French-speaking constituencies experienced a progressive decline in their influence. From 1978 to 1990, the combined vote share of these six parties declined from 73.3% to 64.4% (Swenden 2002, p.72).

From the late 1970s, the emergence of far-right nationalist parties (as well as Green parties) further fragmented the party system, with the Vlaams Blok (VB) on the Flemish side, and the Front National and Poujadist parties in the Francophone community. The VB initially emerged as a breakaway faction of the VU, attracting VU members who made clear their commitment to formal separation and Flemish sovereignty rather than a federal solution within Belgium, and who, rejecting the "big tent" agenda of the VU, advanced an explicitly traditionalist and conservative platform in social and cultural terms.

While the party had little success in the three Belgian elections held in the 1980s, the splintering of the VB from the declining VU represented a significant shift in Flemish political representation. Initially formed as a nationalist party, Downs (2001), in a study of how Belgian and Norwegian mainstream parties interact with and react to the extremist parties operating in their systems, charted

how the Blok developed anti-immigrant and anti-state positions in the 1980s and 1990s, attracting disaffected voters from the Flemish branches of the legacy Christian Democratic and Liberal parties. The VB also inherited the VU's suspicion of European integration, and expressed its opposition to political supranationalism somewhat more vociferously than the VU had done.

By 1981, a total of 14 parties were represented in the federal parliament, and the parties on either side of the regional divide operated in 'two different worlds' (Billiet *et. al.* 2006, p.912). It should be noted that despite the extreme fragmentation of the Belgian party system during this period, the pattern of coalition-building at the regional and federal levels showed remarkable continuity. As Swenden (2002) found in a study of the nature of coalition-building in the asymmetric Belgian state, the Flemish Christian Democrats were able to retain their position as the strongest party in the Dutch-speaking contingent in the Chamber of Representatives until 1999, and as the Francophone Social Democrats were able to maintain a comparable position in the French-speaking contingent, a large number of federal governing coalitions contained both parties.

From 1958 to 1999, while the Social Democrats, taken together in their Dutch- and French-speaking sister parties, lost 16% of their vote share, and the Christian Democrats lost an even larger 26.4%, a Christian Democrat party was in the Belgian government for the duration of this period, and a Social Democratic Party for 29 of these years. In a study of Belgian economic policy from the 1970s to the 1990s, Jones (2002) provided a case study of how the Christian Democrats and Social Democrats, albeit in their new, fractured party formations, had some continued success in managing the country's economic policy through the consociational and corporatist mechanisms that had served the parties well during the period of the unitary state, and, augmented by their historic ties to welfare organisations and the trade union federations, retained a large degree of influence on the direction of the Belgian state.

Meanwhile, while the Liberal sister parties actually grew their national vote share from 11% to 24.5% in this period, they only participated in government for 14 years. Therefore, the fragmented party system, and the strict requirements for participation of both major linguistic groups as well as the need to generate effective majorities, may actually have served to disproportionately entrench the influence of the traditional Belgian political elites, even in a period when they were generally losing support among the Belgian electorate.

However, the challenger parties were by no means excluded from government or political influence. As Swenden (2003) observed, a striking feature of Belgian federalisation is that, with the exception of the VB, all of the main Belgian parties participated in national governments in Brussels, and supported at least one of the major rounds of constitutional reform from 1970 until the 1990s. The VU joined federal coalition governments on three occasions. While the VB has been consistently excluded, both then and now, by the policy of *cordon sanitaire* applied by consensus among other parties, it is notable that the ways in which the complex political system created in Belgium relies on broad cooperation and even consensus among political elites has meant that Flemish political movements, even when seeking widespread revision of the Belgian constitutional settlement, have found a place at the negotiating table and in government.

iii. An Exercise in Complexity: Federal Belgium, 1993-2020

As Hooghe (2004) charts in her account of the development of Belgian federalism, entitled 'Hollowing the Center', it was in 1993 that the Belgian unitary state, with its regional and community arrangements, was formally transformed into a federal state. A further reform in 2001 made additional provisions for the new federal arrangements. Among the measures introduced by the landmark reform of 1993 were the direct election, by the separate electorates of the regions and communities, of legislatures representing those entities (now separated in membership from the federal legislature) as well as a Senate at the federal level representing the regions and communities in Brussels. A range of

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new competences and powers were also transferred to the sub-federal units, even including the ability to exercise some new international competences over, for example, the conclusion of treaties. As with previous rounds of reform, the 1993 changes introduced a strengthened series of coordination and conflict resolution mechanisms. These included both the Deliberation Committee and the Court of Arbitration, resembling a constitutional court, but composed of both judges and former politicians.

The federal government that emerged was characterised by a desire to balance the representation and interests of the linguistic groups. Under the so-called parity rule, the federal cabinet, with the exception of the Prime Minister, now has an equal number of Dutch- and French-speaking members, thereby affording each linguistic group an effective veto over government business, although by convention the cabinet government is run by consensus. Reflecting the executive, the federal and Brussels region civil service departments, along with the national judiciary, the military and the diplomatic corps are also subject to language quotas. Similarly, the linguistic identification of members of the Chamber of Representatives and of the Senate matters: either side can halt the passage of legislation that it considers to be threatening to the interests of its community. To this end, legislation bearing on regional issues, or constitutional amendments of any kind, require super majorities with particularly high thresholds: the backing of a majority of members from each linguistic community, in addition to an overall two-thirds majority of members. The same rules apply in the legislature of the bilingual Brussels region.

A further measure to protect the linguistic groups, the so-called alarm bell procedure, can be activated by any of the country's recognised linguistic communities in response to draft legislation which is perceived to damage inter-communal relations, requiring only 25% of that community's representatives to activate it, and compelling the federal government to propose a solution within 60 days. Perhaps due to the extreme nature of this measure, which suspends all debate, it has never been activated in practice, but it fits into a broader pattern of a system vulnerable to deadlock at several

points, which therefore compels its political groups to find negotiated solutions or else put at risk the continuance of governance or even the survival of the system.

The new federal structure also had to accommodate Belgian responsibilities as an EU member state. A cooperation agreement was concluded in 1994 between the federal Belgian state and its regions and communities to establish the rules that would govern their interaction with the EU, including representation in the Council of Ministers, and channels through which regions and communities would contribute to the iteration of EU policies.

While the 1993 round was presented to the Belgian public as the final such round, it did little to dampen calls for further devolution, and from some quarters, especially in Flanders, for full separation. Responding to these demands, there was an additional reform in 2001, through which competences such as agriculture and trade, and some further fiscal powers, were passed to the regions. The 2000-01 round of reform also allowed for greater involvement of the subnational units in the reform process itself, through a formal Conference on the State Reform. Further tinkering with the mechanisms of the Belgian state has continued since, including a round in 2012-14, leading to reform of the Belgian Senate - the federal upper house which plays a role in representing the interests of regions and communities in Brussels - which reduced its legislative powers and composition, while not significantly shifting the balance of power in the federal structure.

While, in recent years, the composition of Belgium's federal and regional governments have become less congruent, in part due to the differential sequencing of elections to the relevant parliaments, for the majority of the period since 1970 similar coalition agreements have been made concurrently for both the federal and regional arenas. Writing in 2002, Swenden observed that of 27 regional government formations examined in the previous decades, only 11 had been composed differently from the incumbent federal government. For example, from 1999 to 2003 - the period of the first

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Verhofstadt government - the federal government was made up of the Flemish Social Democrat, Liberal and Green parties, and their three counterpart Francophone parties. The three Flemish parties were, at that time, in coalition in the Flemish regional government, while the three Francophone parties were simultaneously in coalition in the Walloon regional government.

The brokering of such coalitions at several layers of governance also reflects the prominent role played by Belgian political parties in making the system work, resulting in the country's regime being described as a 'partitocracy' (e.g. Swenden 2002, p.83) or a 'party-archy' (e.g. De Winter and Dumont, 2006, p.957), an extreme example of a system in which the actors in the 'democratic chain of delegation', such as MPs, ministers and civil servants, can sometimes be reduced to 'party agents' (Ibid, p.957). The comparatively large influence of the country's political parties in shaping national life, far from being reduced through the process of transformation from a unitary state in which parties elites brokered agreement on policy programmes through informal consociational mechanisms, to a federal state, post-1993, in which formal chains of delegation from the federal state to the regions became key, appears to have been enhanced by it.

In terms of party system, this period has also seen a trend of further fragmentation. Indeed, The Belgian party system is now the most fragmented in Western Europe, with an average of around seven effective parliamentary parties in the period since 1968, and the highest average number of parties in government - 4.4 - over the same period, along with the longest average period of government formation following an election (De Winter and Dumont 2006, p.958). The 2010 election returned representatives of 12 parties to the Chamber of Representatives, rising to 13 in 2014, and 12 in both 2019 and 2024. In 2020, the formation of the De Croo coalition government, after another lengthy negotiation, required seven parties to enter power in order to achieve a functional majority.

In the absence of parties that compete across Belgium, the regionally- and linguistically-defined parties are compelled to seek common denominators at both the regional and federal level in order to pass legislation. The formation of the regional Flemish and Walloon governments is critical to the formation of the federal government, and cooperation between the levels is essential if total deadlock is to be avoided; all this becomes much simpler if the composition of coalitions at the different layers of governance is congruent.

Dumont and De Winter (2006) argued that 'in order to guarantee a minimal degree of multi-level polity cohesion and stability, governmental parties had to minimise the interference of other political actors - voters, party rank-and-file, MPs, individual ministers, civil servants, and even the judiciary - by controlling elite recruitment and institutionalising particular coalition maintenance mechanisms' (p.958). The rules of the federal system further encourage high levels of party cohesion - once a party's national congress approves a coalition agreement, the entire party is considered committed to the contract, and such congresses, by custom, approve any coalition agreement put to them.

The high thresholds for passing legislation in the federal system, often requiring the sequence of majorities described above, has also raised the stakes in terms of dissent from within the governing coalition, leading to significantly higher levels of party discipline in parliamentary voting than prevails elsewhere in Europe. The governing parties are frequently in a position where, if they decline to approve proposals from the executive, they will compel the resignation of the government.

At the same time, party responsiveness to electoral trends remained as uneven as in the previous period. The process of post-election bargaining and coalition formation led to parties taking office more frequently after suffering losses in elections than after they had made gains, while the collapse of a federal government is much more likely to lead to a caretaker administration arranged by party elites than to a fresh election.

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In recent years, the symmetry of government composition at the regional and federal levels, as well as the symmetrical presence of sister parties from across the Flemish-Walloon boundary, appears to have broken down. From the introduction of the regional governments until 2007, this symmetry was always in place, but from 2007 to 2011, and again after 2014, the mainstream party families - Christian Democrat, Liberal and Socialist - had one of their sister parties in government, and the other in opposition. During this period, the party families have also exhibited increased differentiation with regards to party organisation, policy platform and electoral strategy.

This decline in coalition congruence, along with the continued fragmentation of the party system, may also help to explain the lengthy periods taken for coalition formation, which took 194 days in 2007, 541 days in 2010-11 and 493 days in 2019-20. As well as holding the world record on this score, Belgium also holds the record for the number of negotiation attempts required before a government is formed, with an average of three failed attempts before success, and reaching seven failed attempts in 2010-11 before the Di Rupo administration could be formed. Forming a Belgian cabinet is further complicated by the need to balance the linguistic origins of its membership and secure the requisite majorities among both linguistic groups and the chamber as a whole, as well as to agree on a detailed policy programme that is acceptable to all governing parties. The document governing the formation of the Di Rupo government, for example, came to 53,000 words, while that of the Michel administration reached 57,100 words (De Winter and Dumont 2022, p.115).

A corollary of the lengthy periods now taken to establish coalition governments is the integral role played by 'caretaker governments', known in Belgium as 'governments of current affairs', in continuing the governance of the country. Between 2007 and 2020, Belgium was governed for a total of 1485 days, or over four years, by such governments, with Yves Leterme heading up one for 1026 days, or more than half of his time as prime minister (Dandoy and Terrière 2022, p.123). Such

governments are of necessity cautious, given their lack of a clear electoral mandate or a firm parliamentary majority, and are in theory supposed to continue state management, organise Belgium's contributions to multilateral and international organisations, and respond to urgent matters and crises without adopting substantive new policies of their own. A study of the 541-day gap before the swearing in of the Di Rupo government concluded that 'Life without a government has been, well, pretty normal', and pointed out that Belgium has other layers of governance with significant responsibilities, and the regional and community governments can continue to work as normal throughout the period of caretaker government in Brussels (Devos and Sinardet 2012, p.167-8). Indeed, Bouckaert and Brans (2012) suggested that this period actually demonstrated the strength of Belgium's multilevel system of governance.

However, the increased periods of time during which such governments have been in office raise questions about democratic legitimacy at the Belgian federal level. This is especially the case when such a government is compelled to take major decisions. The long Leterme caretaker cabinet, for example, had to respond to the global financial crisis and held the rotating presidency of the European Council, in the process making such decisions as the nationalisation of fragile Belgian banks, and contributing to the war in Libya.

In terms of the political expression of nationalist and ethnic-linguistic demands in this period, the Flemish nationalist parties, as well as the Francophone regionalist and autonomist parties, initially saw a significant decline in their support. These parties had doubtless played a crucial part in driving the process of federalisation. Following the achievement of full federation in 1993, the decline of the separatist and regionalist parties became clear. By the early 2000s they were marginal actors in Belgian politics - perhaps, as Régis and Dandoy (2019) suggest, victims of their own policy success. Van Haute and Pilet (2006), in a study of the VU, FDF and RW, similarly explained the 'Icarus fate' of these parties by the mid-2000s in terms of their being 'victims of their own success' (p.297).

However, by 2014, this situation had been reversed, and a pro-independence Flemish party became the largest party in the Belgian Chamber of Representatives.

While the VU, along with parties focused on the defence of Francophone rights - notably the FDF and RW - had played an important part in keeping questions of community rights and regional autonomy at the top of the Belgian political agenda, it was the successors of the old unitary parties which had really determined the trajectory of the first five rounds of state reform. When the regionalist and nationalist parties did join coalitions - in particular the VU, which entered the central government on several occasions - the compromises required could cause significant damage to their electoral prospects. The VU's official endorsement of the terms of the Fifth State reform, for example, led to a deep internal dispute in the party.

Following a series of electoral defeats, the VU began to disintegrate, with some key party figures leaving to join other parties, including the Flemish Liberal, Christian Democrat and Socialist parties, while a new Flemish separatist party, inheriting the nationalist tradition of the VU, was established in 2001: the Nieuw-Vlaamse Alliantie or New Flemish Alliance (N-VA). Between 2004 and 2008, the N-VA followed the VU in participating in coalition government, in cooperation with the Christian Democrats.

The destination of departing members of the VU for the Flemish successors to the three traditional Belgian parties of government, together with the continued ability of a Flemish separatist party to govern in coalition with those traditional parties, speaks to the ability of such parties to play a full part in conducting the day-to-day governance of both Flanders and Belgium, engaging constructively at all levels of the federal state. In a similar way, the Francophone FDF in the Brussels region merged with the Liberal Party from 1992 to 2011 in order to sustain its electoral representation and influence, before later emerging as a separate entity to contest new elections.

At the same time, the major Belgian parties, now including the N-VA, have consistently maintained their *cordon sanitaire* against the VB, and from 2004, its rebranded successor, the Vlaams Belang. As Biard (2022) found in a recent study, Belgium has remained an exception in Europe in this regard, in that no 'radical right Populist parties' have been able to exercise power, at the local or national level, despite the VB's having been a dominant party in Flanders in some periods (p.79). This can be largely attributed to the strong defence of the *cordon sanitaire* policy by the mainstream parties. This policy has sometimes been formalised. In 1988, after local elections at which the VB made a breakthrough, the Green Party urged a cross-party pledge not to cooperate with the VB, with such agreements renewed after elections in the 1990s. In Flanders, the *cordon sanitaire* has been placed under significant strain since the 2000s due to the VB's success, including a 24% vote share at the 2004 elections in Flanders. While politicians from the mainstream parties have increasingly questioned the viability of the policy, no other party has officially challenged it to date.

The VB, now entrenched in its anti-immigration and populist policy positions, first saw its support increase in the 1990s, seeming to repeat the success of the VNV in the 1930s by basing its support on an extreme right-wing articulation of Flemish nationalism. In the 1991 federal election, the VB gained 6.6% of the national vote and 12 seats in the Chamber of Representatives, as well as making gains in the 1994 elections to the European Parliament. In the municipal elections in Antwerp in 1994, the party made headlines by polling at 28%, and in 1995 it further improved its share of the Belgian national vote in federal elections, gaining 7.8%. In local elections held in 2000, running on a platform that included ending immigration and securing independence for Flanders, the VB made gains, but in 2004, the party was declared racist following a series of legal challenges, leading to its relaunch under its new name.

It was the onset of the global financial and sovereign debt crisis, and the associated crisis in the eurozone, that seem to have reinvigorated the Flemish nationalist cause in terms of party political success. Prior to this, Belgian federal governments had succeeded in balancing the budget for several years, while polling indicated that popular support for independence was not increasing and that Belgians were largely at ease with their multiple cultural and political identities. Since then, compounded by difficulties in government formation at the federal level in 2010-11, and successful campaigns by the N-VA and the VB focused on political dysfunction, law and order, and migration, there has been a revival of these parties' fortunes, and in 2014, the N-VA became the largest party in Flanders. At the same time, ProDG became the largest party in the German-speaking community and DéFI entered the regional government in Brussels. In the regional elections of May 2019, the VB once more became the second largest party in Flanders, and remained so following the 2024 regional election at which it won nearly 23% of the vote. These developments would seem to 'confirm the comeback of the linguistic cleavage at the forefront of the political stage' (Régis and Jeroen 2018, p.41).

Reflecting the organisation of Belgium as of two differentially-organised political arenas, the three mainstream Flemish parties - Christian Democrats, Socialists and Liberals - lost a significant degree of their vote share from 2007 to 2010, while the N-VA and VB gained, where as in Wallonia, the Socialist Party maintained a leading role. The political debate in Flanders after 2007 was focused on the Belgian deficit and on the difficult reforms that would be necessary to get it under control. During this period, as public dissatisfaction in Flanders grew, a poll in a Flemish newspaper in 2007 suggested that 46.1% of Flemish voters wanted to see Belgium split into two, and over 65% thought that the country would split sooner or later (Economist 2007b). In a later article in the same year, the same publication opined that 'many Dutch-speaking inhabitants of Flanders…do not care for Belgium and would happily see it split into pieces, so that Flemish taxpayers no longer had to subsidise the French-speaking south' (Economist 2007d).

It was in this period that the N-VA became Belgium's largest party. In 2010, again competing in federal elections as an independent party following an alliance with Yves Leterme's Flemish Christian Democrats in 2007, the N-VA emerged with 17.4% of the vote share and 27 seats. In 2010, it increased its vote share about 20% nationally, while winning 33 seats, and in the most recent federal election in 2024, the N-VA remained in first place nationally with nearly 17% of the vote and 24 seats, while the VB built on its major breakthrough in the 2019 election by winning 20 seats with nearly 14% of the vote. In the Belgian Chamber of Representatives formed after this election, therefore, no fewer than 26% of the seats were held by parties formally advocating for the separation of Flanders from the Belgian state, and a further 32% went to representatives seeking, as a minimum, a fully confederal solution.

In light of these developments in electoral politics and the continued perception of dysfunction in the Belgian state, few contemporary Belgian politicians would advocate leaving the federal settlement as it is. Due to the success of the N-VA and the VB, the potential for stalemate is now considerably higher than it ever was in the heyday of the VU. However, the sustained success of the N-VA and VB may obscure a countervailing trend in Belgium in recent decades. Politicians of all political traditions bemoan the inefficiencies and occasional dysfunction of the current settlement, but for some the solution lies not in giving up on Belgium, but on restoring some competences to the federal level.

Pascalo *et. al.* (2022) found that while demands for defederalisation - that is, the continued transfer of competences and powers from the federal to the regional level - still endure, especially among the Dutch-speaking N-VA and VB, there has been a notable rise in demands for the refederalisation of competences since the 2019 election. In an analysis of manifestos from the 2014 and 2019 elections, they observed a general decrease in claims for defederalisation, perhaps reflecting a satisfaction with

the most recent state reform in 2012-14. By contrast, earlier rounds of state reform almost immediately generated demands for further reform, usually on the basis of completing unfinished business and tying up loose ends. Looking further back, this study also identified increasing demands for refederalisation in manifestos for regional elections from 2010 onwards.

At least one Dutch-speaking party, the Greens, has called for refederalisation of some competences, joining the widespread support for such policies among the French-speaking parties. The agreement by which the last Belgian government was formed, in 2020, also indicated an openness to a potential seventh round of reform of the state, but on the basis that such a reform might include both a defederalisation of some competences, and the refederalisation of others.

There are, therefore, reasons to believe that the renewed success of Flemish nationalist parties, might not presage the collapse of the Belgian state. It is now possible to see the path by which Belgium has developed a complex and unique federal arrangement as a constant process of reinvention and a response to the needs of this country's communities and traditions, rather than as a slippery slope and a long goodbye to an idea that was never really capable of uniting a country. It is always too early to say, but perhaps Belgium is a case of significant success in peacefully managing deep-rooted communal tensions and national cleavages through political solutions, while delivering high-quality public goods to citizens, and offering a permanent discussion on how to improve the structure of the state.

Two Federations in Crisis? Points of Comparison

Speaking for many observers of Belgium's journey to federalism, Billiet *et. al.* (2006) asked 'Does that small country where Europe's capital is based really still exist?' (p.912). It is a reasonable question. Over the course of the past half century, Belgium has been transformed from a centralised, unitary state to a fully federal regime, with a dizzying number of formal mechanisms for ensuring the

continuance of policymaking and governance. In so doing, it has also become increasingly analogous with the contemporary EU. The section will seek to bring together the narrative presented above by, first, commenting on the dominant explanations for the federalisation of the Belgian state, linked to the literature on consociationalism; second, exploring what 'Belgium' means in political and identity terms; and third, seeking to identify some of the attributes of Belgian federalism that might offer constructive points of comparison for students of the EU.

For Hooghe (2004), it may actually have been the elite-brokered mode of cooperation that came to be defined as consociational that created the incentive for nationalist mobilisation by Belgian political actors. While the classical version of Lijphart's theory assumes that elites, coming together to represent their segmental interests, will be incentivised to compromise and maintain the structure of the polity that enables that coming together, the process of hollowing out the state to empower the regions and communities may have allowed those elites to prevent violence, while also incentivising them to maintain political mobilisation along the linguistic-territorial divide. With the exception of Brussels, the territorial distribution of Belgium's Dutch- and French-speaking communities (and indeed its small German-speaking community) has facilitated the resolution of demands for autonomy in territorial terms. For Hooghe, the federal system was the solution of Belgian political elites, offering 'them an opportunity to embed the creeping separatism embedded in consociationalist politics': it 'became Belgium's best chance for survival' in a period in which sub-state nationalist and separatist platforms were being advanced by challenger parties, especially in Flanders (2004, p.80).

Alternative accounts of the federalisation of Belgium, such as Erk and Gagnon's (2000) exploration of 'federal trust' in a comparative study also encompassing Canada and Spain, interpreted the hollowing out of the centre described by Hooghe, less as 'the outcome of a grand strategy aiming to construct a comprehensive federal structure', but rather 'the outcome of the demise of the consociational regime, the crystallization of societal cleavages along mutually reinforcing lines and

the subsequent loss of trust between these subgroups, politicization of issues that formerly belonged to the realm of elite accommodation, the desire of these groups to expand their exclusive competences and overall distrust towards consensual politics at the center' (p.107).

Had Erk and Gagnon been writing from a contemporary perspective, and able to observe, three decades after the formal federalisation of Belgium had been more or less settled, that the Belgian state had not only sustained itself through a global and regional economic and financial crisis, but had also delivered a reasonable standard of governance in a period when a Flemish separatist party had been the largest party returned in federal elections on four successive occasions, they might have adopted a more charitable attitude towards the continued ability of Belgian political elites, regardless of linguistic or national background, to cooperate and exhibit the sort of 'trust between the federal partners' that they consider so crucial for the smooth functioning of a federal regime (Ibid, p.109). Perhaps as a result of these successes, Belgium's multilingual federalism is sometimes viewed as a model of what a federal or confederal European Union could one day look like (Anderson 2015, p.97).

Turning to the fate of a Belgian nation and national identity under the federal settlement, it is certainly the case that Belgian national identity has endured the transformation of the state. It is certainly true that in cultural terms, younger generations of Belgian Dutch speakers, growing up in an officially monolingual Flanders, now have looser ties to the Francophone world and cultural outlets and products. In the same way, few Belgians on the Francophone side of the linguistic divide consume Dutch-language media. As cultural policy was one for the first competences to be devolved from the unitary to the community level in 1970, this is hardly surprising, and there have been consequences over time for mixing across the linguistic boundary. When the *Economist*'s Brussels correspondent remarked in 2021 that 'From cradle to grave, the lives of Belgium's divided communities barely overlap', he was not exaggerating (Economist 2021).

Some commentators have suggested that the only common bond between Walloons and Flemings is now the monarchy, or perhaps the national football team. Polling in 2003, in response to the question, 'we should be happy we have a King because the country would fall apart otherwise' indicated majority support for this position - 43% in Flanders and 63% in Wallonia (Billiet *et. al.* 2006, p.919). Tulkens (2007) wondered if the reasons why Belgians stay together amount to much more than 'Le Roi, le foot, et certaines bières' (p.69). It is certainly the case that events such as the death of King Baudouin in 1993, along with cultural events such as the success of the Belgian national team in World Cup matches, occasion an open demonstration of pride in Belgium, in all regions, which can otherwise be less visible. The monarchy as an institution, while it cannot due to its constitutional position take a view on most questions, has consistently defended Belgian unity.

However, Belgian national identity appears to be more enduring than all this would suggest. Survey data over time, asking citizens in all regions the question, 'With which level do you identify most?' indicates that in Flanders, which has been subject to a sustained project of nation-building within Belgium, and where most citizens identified primarily with Flanders until the later 1980s or 1990s, returned Belgium as the first choice through the 2000s (Billiet *et. al.* 2006, p.916). On the other side of the principal territorial boundary, in Wallonia, Belgian identity has consistently come first in such surveys. This reflects a general acknowledgement that in contemporary Belgium, these identities are broadly conceived as compatible and complementary rather than exclusive and conflicting.

Hooghe (2004) noted that the singular focus, in the Belgian case, on either Belgian identities, or on the separate identities of the Dutch- and French-speaking communities, can obscure a more complex and less conflicted reality, where local identities, tying people to their towns and villages, have also had an enduring salience. In Flanders, Wallonia and indeed the capital region, some public survey data suggests that the strength of local identities has consistently surpassed that of regional identities.

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As in Spain and in many parts of the European Union, therefore, regional and national identities have generally proved complementary rather than exclusionary: 'The typical Belgian citizen - Walloon or Flemish - holds multiple identities' (p.65). As Hooghe points out, the probable lived experience of a large majority of Belgians the vast majority of the time is as individuals with complex, multi-layered and more or less untroubled identities.

The enduring sense of belonging to Belgium as well as to Flanders, the Francophone community, or any other of the overlapping constituent parts of the Belgian federal settlement, may ultimately have consequences in terms of the survival of the Belgian federal state. Scholars (Erk and Anderson 2009, Nordlinger 1972) have described as the 'paradox of federalism' the way in which the political recognition of nationalist and regionalist claims for governance can both remove some contentious issues from the political agenda, and lead to demands for further autonomy and devolution along the same regional lines through reinforcing the legitimacy of claims for political autonomy on the basis on those identities. As noted above in terms of both the enduring, and perhaps even the strengthening, of a Belgian identity, as well as increasing claims for refederalisation in recent decades, it is possible, as Pascalo *et. al.* proposed, that in Belgium, the paradox of federalism is being reversed (2022, p.150).

Belgians do not seem as concerned about the state of their country as do some of the alarmist foreign commentators cited in the introductory section. Surveys of citizen political support indicate that Belgians express a degree of trust in politicians and political parties that is slightly higher than the EU average, and have a level of trust in the federal government and legislature than is only slightly lower than the average. In a study on the subject, De Winter and Dumont (2022) concluded that 'we do not find much of a relationship between the less than optimal governance indicators, trust in institutions, satisfaction with democracy and legitimacy' (p.118). Perhaps Belgians acknowledge that for all its complexity, their system has also proved durable, peaceable, and has effectively delivered key public goods.

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While another resident foreign commentator recently described Belgium as 'a grey country famous for fries, Magritte, chocolate and as the home of the EU - a project whose entire ethos is making European history one of dull process rather than bloody war' (Economist 2021), perhaps the average Belgian citizen, casting their eye at their lives of their fellow Europeans, would conclude that this is a sound balance sheet: 'Belgians are almost as rich as Germans and better off than Britons or the French. Their health care is excellent. Property is cheap; wages are high. A Belgian life is, on average, long and prosperous' (Ibid).

Beyond questions of identity and belonging, there are other ties that bind the Flemish, and indeed the other national and linguistic groups, to Belgium. Due to the continued role of its federal legislature, executive and civil service, as well as the central importance of playing its part in international fora, and especially in contributing to the development of the European Union, Belgium also retains a shared political elite at a Belgian level.

It has sometimes been argued that membership of the EU has helped to sustain Belgium, by reducing the incentives for separatism and introducing limits on policy differences among Belgian mainstream parties, given the role of the European layer of governance in setting policy across an increasing range of competences. Beyers and Bursens (2006) argued that the process of European integration helped to prevent the federal government from disappearing, by making its policymaking and coordination functions essential to Belgium's contribution to the EU.

Others have posited membership of the EU, along with other forces associated with economic globalisation, as influences working against the continuation of the Belgian state, by eroding the sovereignty and capacity of the nation-state and reducing the costs of independence by providing an overarching political and economic framework into which a future independent Flanders could seek

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to integrate. It is probably the case that to attribute either the survival, or the likely disintegration, of Belgium to its membership of the EU would be to overlook the complex interaction of forces within the country that have shaped its unique approach to managing national and communal tensions.

In addition to the endurance, and perhaps even recent strengthening, of a Belgian identity alongside other regional and ethnic-linguistic identities, what, then, are the attributes of the Belgian state and its path of development that could inform an analysis of the EU's contemporary politics? Perhaps the most significant of Belgium's successes as a multinational federation has been the fact that the radical transformation of the Belgian polity has been secured with remarkably little unrest. With the exception of reprisals against Flemish collaborators in the immediate post-war era and the unrest around the University of Louvain/Leuven in the late 1960s, the management of deep territorial and ethnic-linguistic cleavages has proceeded without violence.

The polity that has been resulted is certainly idiosyncratic. As Witte (1992) put it in charting the reforms up until the 1989 round, 'there will never be any danger of Belgium's being cited as the classic example of a federal state' (p.115), reflecting in a paper the following year that 'The country appears to have been run as a veritable laboratory for testing several of the possible models and a very complicated pacificatory system has arisen' (Witte 1993, p.203). 'The gradual evolution towards a federal state was thus reached in the classical Belgian way, by letting the tension build up and then finally opting for compromise' (Deschouwer 2006, p.903). In this context, 'we need to explain how these elites have always been able to find their way out of conflicts and tensions that seemed to be too tense to solve' (Ibid, p.904).

As Theo Jans (2001) showed in his comparison of Belgium and Canada, the Belgian institutional structure is striking in that it permits generalised policy paralysis if parties cannot reach agreement, where as in Canada, both federal and regional governments can proceed with business as usual while

constitutional changes are discussed. For Belgium, either there is agreement, or there is no longer a government with a mandate to govern. Having collated a list of the flashpoints that had led to constitutional and political crises in the recent history of both Canada and Belgium, Theo Jans (2001) noted that 'The list of Belgian conflicts is also a long list of complex package-deals and compromises' (p.38). Perhaps this expertise in reaching compromise explains why so many Belgian politicians go on to find success in the central institutions of the European Union; two of the four people to have thus far held the role of Permanent President of the European Council are former Belgian prime ministers, an extraordinary record when set against Belgium's 2.6% share of the EU population.

This helps to explain why major rounds of constitutional reform have frequently been agreed as part of lengthy coalition formation processes following general elections. In an assessment of the process by which Martens brokered a second round of constitutional revision, he spoke in terms which relate the complexity of these issues, and the high stakes required to make progress: 'Finding a solution to our regionalization problems is necessary, but some things are necessary without being possible. It is our task to render possible that which is necessary' (Covell 1982, p.469). Deschouwer described this characteristic of Belgian federalism as 'crisis consociationalism' - the majority of governments since the 1960s have collapsed due to reasons linked to the linguistic divide, but the formation of new governments thereafter requires parties on both sides of that divide to renew cooperation and find a solution (1999, p.102).

While many political scientists who examine the institutionalised federalism of Belgium exude an air 'of mild wonder that governance does actually happen' (Guy Peters 2006, p.1084), following Theo Jans (2001), we might instead ask whether it is precisely the potential deadlock built into Belgian federalism, and the complexities of making policy in this multilayered and asymmetrical system, that enables Belgian federalism to not only perform the basic governance functions of an industrialised democracy, but to constantly react and reform.

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The continuing centrality of political parties in the Belgian system, albeit together with some of their negative attributes, such as levels of corruption and clientelism somewhat higher than the average western European democracy, has also been crucial to the operation of Belgium's complex federalism (Guy Peters 2006). These parties, linking together the many layers of governance, often have a large party machine to shape policy and maintain the party machine between elections, and typically hold significant control over official appointments. These heavily-institutionalised parties, with formalised ties to labour and social movements, come well prepared to the lengthy and complicated business of Belgian coalition formation. While Deschouwer (1999) noted that the nature of Belgian federalism, with powerful parties largely representing one or another ethnic-linguistic community, would tend to produce a 'centrifugal pattern of party competition, because there is simply nobody left to defend the centre' (p.103), it is not obvious in contemporary Belgium that the centre requires defence.

In asking the question of what, if anything, the European Union could learn from Belgium, Swenden (2005) identifies as a potential weakness of both polities that they have an undefined *finalité politique* (p.201), in that their institutional equilibrium can be called into question, as can their long-term sustainability. However, the unsettled nature of the Belgian federal settlement need not be seen as a weakness. Perhaps the complexity, changeability, and vulnerability to crisis of the Belgian federal structure actually drives forward its process of reform and adaptation.

This creativity and ability to govern a complex system in periods of crisis will certainly be tested in the forthcoming period. The Flemish-Walloon cleavage has become more stark in recent decades, and following the 2019 and 2024 general elections, the two largest parties by vote share in Belgium were Flemish nationalist movements. If separatist parties which are unwilling to play according to the rules of the Belgian system, or with which the other parties find it unpalatable to do business,

become larger players at the regional and federal level, this will have significant consequences for the operation of Belgium's system of governance.

The headwinds are certainly not all favourable for the interaction of the Flemish political movement with the Belgian federal settlement. Following their success in the most recent elections, most Flemish parties, and above all the N-VA and VB, are pushing for further devolution to Flanders, bringing them once again into direct conflict with the Francophone parties which largely defend the existing settlement. For De Winter and Dumont (2022), recently assessing these potential next steps in the drama of Flemish and Belgian interaction, 'A new prolonged formation impasse may show that the centrifugal Belgian federal system does not function anymore as a régime capable of legitimately governing "two separate democracies", and should be dumped altogether' (p.119).

As demonstrated in this chapter, it is too early to dismiss the capacity of the Belgian system and its political class to respond to such a challenge. It is this Belgian combination of complexity, institutional creativity, and apparently endless appetite for compromise, that most clearly demonstrates that the EU can learn from the Belgian experience.

Belgium has never been a stranger to pioneering reforms or political creativity. As early as 1899, the Catholic Party, then in government, made Belgium the first country in the world to introduce an electoral system based on proportional representation, despite going on to lose 26 seats in the election that followed (Emmenegger and Walter 2019, p.1). In 2019, in a similar example of Belgian political pioneering, and in a policy agreed by all six parties of the German-speaking community legislature, the parliament handed over some of its powers to a citizens' assembly, chosen by lot, in a measure designed 'to take seriously the idea of involving citizens in our institutions' (Van Reybrouck 2019). As Billiet *et. al*. (2006) put it, addressing the question of whether there will be a Belgian state in

future, or else if Flanders and Wallonia will be the EU member states of the future: 'Who knows, maybe Belgium will come up with a creative compromise for this dilemma too' (p.931).

7. The EU and its Nationalist Challengers in Comparative Perspective

The Politics of Opposition Nationalism: Protracted, Messy and Inconclusive

For much of the past decade and a half, there has been a broad consensus among European integration theorists that the EU is on an unsustainable trajectory. Cutting across much of the literature on the polycrisis has been widespread concern with the EU's perceived crisis of legitimacy. Among both scholars and political actors, there has been general acknowledgement that the persistent popular backlash against the integration project, whether expressed in the failed referendums on a European constitution in 2005, the growing electoral success of nationalist parties in both national and European elections, or by the historic vote of a member state's electorate to leave the EU altogether, reflects what has variously been described as a democratic deficit, a legitimacy gap, or a crisis of representation or legitimacy.

Contemplating the apparent loss of public support for the EU among its member states' citizens, the tone among influential commentators has sometimes been one of fatalistic resignation. Verhofstadt's (2017) *Europe's Last Chance* was notably optimistic when compared with *After Europe* (Krastev 2017), *The EU: An Obituary* (Gillingham 2016), or *Is the EU Doomed?* (Zielonka 2014). The same period has seen scholars of integration working towards a theory of disintegration (e.g. Vollaard 2014, Jones 2018), or even considering what would become of EU studies and its academic community in the event of the collapse of their sole object of analysis (Hodson and Puetter 2019). As Seabrooke and Tsingou (2018) put it, 'crisis talk is part of everyday life' (p.470).

Key to the events that have prompted these concerns have been the nationalist challenger parties. Whether seeking the secession of their member state from the EU, or calling for a radically reformed EU with an altered political programme and a return of competences to the member states, these

nationalist challengers have become an established feature of EU politics, and their political programmes, ideological commitments, and political engagement warrant serious study.

The theoretical basis of this project proposed that by recognising the political nationalism that is at the core of many of these challengers' programmes, and using insights from classical accounts of nationalism to build on the rich literature produced by EU scholars studying both the inversion of integration theory to accommodate the potential for disintegration, and myriad aspects of the challenger parties and their engagement with the EU, it might be possible to place the nationalist challenge to the EU in comparative perspective. Eurosceptic parties, by definition, can only be studied in the context of the EU; nationalist parties, as Breuilly (1982) showed through his groundbreaking comparative study, have emerged in virtually every part of the world, and in opposition to virtually every kind of polity.

What makes these parties Eurosceptic is their diverse critiques of the integration project. What makes these parties nationalist is something more critical to their fundamental programmes and *raison d'être*: that they are rooted in the politics of their member states, and that they seek to defend the sovereignty and integrity of their member nation. In that sense, to the extent that these parties can be described as Eurosceptic, and with very few exceptions, their Euroscepticism can arguably be understood as a function of their nationalism. They are also, in all cases, not solely nationalist parties. Thin-centred as it is, their nationalism might be combined with a right-wing political programme, a populist repertoire, a left-wing economic programme, a strong opposition to immigration and free movement, and any number of other characteristics, methods and priorities. Yet it is their nationalism that is arguably most important in understanding their encounter with the EU, because their concern with their member-state's sovereignty, and the appropriate relationship (if any) between their member state and the EU project, stems from it.

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It follows that their nationalism also makes them, to an extent, comparable with other nationalist opposition parties, in other contexts, which have sought to defend or establish their understanding of national sovereignty in the face of the perceived encroachments of a supranational authority. The purpose of the comparison undertaken here was to derive a broader perspective on the EU's own crisis of legitimacy and encounter with its nationalist opponents through a comparison with that of other federal-type states. Given the widespread perception of existential crisis during the period of polycrisis, this perspective might, in the first instance, support an understanding of whether the EU's crises, and above all its perceived crisis of legitimacy and the sovereignty contests that now characterise it, are likely to be existential for the survival of the integration project. Beyond the question of the EU's survival, a related set of questions might concern the circumstances in which, if not disintegration, then new forms of accommodation or equilibrium might arise in the EU's relations with its nationalist discontents, or else the forms that a transformed and altered trajectory for the EU might take.

The preceding three case studies, in charting the extended encounters between reform and separatist nationalist challengers and three federal-type polities, demonstrate, if nothing else, that when challenges to existing federal-type settlements gain political salience and significant representation, then regardless of which of the scenarios described above develop, the wrangling that follows is likely to be protracted, messy, and inconclusive. In all three cases, and in some periods almost as frequently as with the contemporary EU, the imminent end of the federal settlement and the unravelling of the polity has been declared by political actors, scholars and commentators alike. Canada in 1995, the United Kingdom since Brexit, and Belgium at just about any time in the past few decades, have had their obituaries written with an almost indecent frequency. Yet in all three cases, the inconclusive nature of these encounters, sometimes characterised by compromise, sometimes by constructive ambiguity, and sometimes by a sense that the limits of compromise have been reached, also demonstrate the survival of the polity in question.

That is not to say that the continued endurance of these complex polities can be taken for granted. Quebec's 1995 referendum failed by a whisker and if polls in Scotland are even approximately accurate, about half of the population has backed independence for most of the past decade. However, it does suggest that multinational, federal-type polities are inherently subject to nationalist challenge, and that such challenge is not always fatal for the polity. Much as Bickerton (2012) suggested in the case of the EU, and in a way that even some of the earliest neofunctionalists pointed to, this is scarcely surprising, in that a supranational project by definition impacts upon the existing governance arrangements of its member states, and upon long-held understandings of state sovereignty and national government held by the citizens of those states. As a supranational project acquires to itself additional policy competence and has more direct impact upon the lives of citizens, and perhaps especially when it is beset by crises which it is not able to adequately resolve, the expectation must be that a political backlash is likely to expressed in nationalist terms. Apart from anything else, the continued political organisation of the EU on a nation-state basis would tend to encourage that.

If nationalist opposition is a perennial feature of federal-type polities with constituent nations, then where are the protracted and messy encounters with these challengers likely to lead? As this chapter proceeds to inductively make observations of relevance to the EU case, perhaps the first of these, and certainly the strongest, must be that a final steady state is unlikely to be reached.

In the early decades of European integration theory, and reflecting the declared aspirations of the EU's founding fathers, identifying the probable *finalité politique,* variously translated as political purpose or political end state, was a frequent preoccupation. Given the novelty of the integration project, and its emerging from somewhat unpromising roots among former enemies in a war-torn continent, the early desire to define that end state, whether in Schuman's reference to an eventual 'federation' of European states, or in the Treaty of Rome's objective of 'ever closer union', are

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unsurprising. While the concept is now more often dismissed or reframed than engaged with seriously, perhaps the futile search for a stable settlement, and the sense that the EU hadn't reached one, provides a partial explanation for the existential interpretations of the polycrisis.

Placing the EU's nationalist challengers in comparative perspective would seem to support a revised understanding of their relationship with the EU's crises. They may well be the manifestation of the centrifugal political forces that will ultimately lead to the EU's disintegration, with the project gradually unravelling as other member states following the UK to the exit. However, rather than necessarily a cause or indeed a symptom of destructive crisis, a reading of the other case studies analysed here suggests that such challengers can also be understood in terms of opposition nationalist politics, a phenomenon that, as Anderson (1983) observed, appears to be an enduring fact of politics in the modern era. Prior to the period of the polycrisis, scholars seeking to address the democratic deficit would routinely called for more politics at the European level (e.g Hix 2008, Schmitter 2000). The politics of the nationalist challengers may not be what they had in mind, but based on the experience of the other polities encompassed by this study, these challenges might also not be all that unusual. To approach an understanding of where the nationalist encounter with the EU might lead, beyond the binary possibilities of disintegration or renewed integration on the existing model, this chapter will proceed to first, briefly describe the EU's own encounter with nationalist challengers as a preliminary to second, draw together observations from across the three case studies and use these to inform a consideration of the EU case.

The EU's Nationalist Challengers

Recognising the centrality of political nationalism to the EU's contemporary challengers enables them to be placed in the context of a much longer-running series of nationalist challenges to the integration project. Even its its earliest decades, the trajectory of European integration, and particularly any developments which were interpreted by some member state governments as being

supranational in nature and therefore tending to dilute the independent sovereign capacity of member states, were opposed, perhaps above all by the French administration of Charles de Gaulle. Following the accession of the United Kingdom, membership remained a strongly politicised issue in the country, each of the two main political parties retained significant anti-integration elements, and the direction of the Community towards further political integration never ceased to be a subject of active political debate.

While France was one of the co-founders of the European Coal and Steel Community that, in most accounts, marks the concrete beginnings of what has become the EU, anxieties about the dilution of French national sovereignty and power remained a feature of French political life and informed the attitudes of key elements of the political elite towards the integration project. This was particularly true under the leadership of Charles de Gaulle, who articulated an alternative model of what he called a 'Europe of the fatherlands'. De Gaulle's relationship with the integration project speaks to the impact that the enduring strength of French nationalism had on the direction of integration in this period. Even prior to De Gaulle's time in the Élysée, the French National Assembly had, with its rejection of the Treaty of Paris in 1954, put an end to plans for a European Defence Community that would have established a unified defence force among the six founding members of the integration project. While this rejection is partly attributable to the implications of contemporary events, including the Korean War and tensions in the Soviet leadership after Stalin's death, the protection of French sovereignty was a key concern for French legislators.

From 1965 to 1966, under De Gaulle, France boycotted the fledgling institutions of the EEC altogether, explicitly in defence of French sovereignty and a commitment to an intergovernmental approach, in rejecting the Hallstein commission's proposals for strengthening the supranational institutions, including removing the national veto on some issues. The agreement by which French officials returned to participation in the institutions, the Luxembourg Compromise, was regarded as

a decisive shift in terms of intergovernmental rather than supranational integration. During the pre-Maastricht era, nationalist opposition to integration was also to be found outside of the political mainstream, most dramatically demonstrated in the course of the 1984 elections to the European Parliament, when Jean-Marie Le Pen's Front National, contesting the European elections for the first time, shocked the political establishment by scoring 11% of the vote and describing itself as the 'National Opposition Front for a Europe of Nations' (Grunberg 2008).

Having joined the Community after several attempts in 1973, the United Kingdom became the member state displaying most clearly the resistance of nationalist opposition to the integration project. Within two years of joining, the UK held a referendum on continued membership, fulfilling a manifesto promise made by the Labour Party in an election of the previous year. During the campaign, the Labour government was split, with some senior ministers campaigning against continued membership, most on the basis of a defence of economic sovereignty and continued close relations with Commonwealth markets, and while the overwhelming public endorsement of membership calmed these divisions for a period, the Labour manifesto for the 1983 election pledged withdrawal from the EEC.

On the other side of mainstream UK politics, the Conservative Party also included nationalist opponents of integration, and as the Thatcher government reached its final years, divisions between those who favoured the relaunch of integration being proposed by the Delors Commission, and those, the Prime Minister included, who sought to reject any moves towards strengthening the supranational institutions, played a major part in the downfall of the Thatcher premiership. These tensions were not resolved during the negotiations for what became the Maastricht Treaty, and John Major was only able to secure ratification through the provision of opt-outs for the UK, similar to those provided to Denmark after that member state had already rejected the Treaty in a national referendum, and by

threatening the dissolution of parliament and a new general election if Conservative rebels declined to fall into line.

The pre-Maastricht period therefore provided ample evidence that as the integration project took on more of a supranational character and more extensive competences, it would almost inevitably prompt a backlash that would be framed in terms of a nationalist defence of sovereignty. In the post-Maastricht period, and particularly the period since the global financial crisis, nationalist opposition has become an entrenched feature of the EU's political system. Applying Breuilly's typology of nationalist opposition parties illustrates their diversity and prevalence in the context of the contemporary EU.

First, there are reform and separatist nationalist parties among non-government actors. Virtually every member state has returned MEPs to the European Parliament who can be characterised in this way, and since a breakthrough in the 2014 election, their combined representation has continued to grow at the expense of the centrist blocs. Several dozen parties are encompassed by this category, including the British Brexit Party and its predecessors, the German Alternativ für Deutschland (AfD), the Italian Lega, the Dutch PVV, and the French Rassemblement National (RN). To take the RN, formerly the Front National, as an example, in 2014, 2019 and 2024 it was consistently the highest polling party in French elections to the European Parliament. In common with many other nationalist opposition parties in the European Parliament in this period, the RN has joined with its counterparts from across the EU to form right-wing nationalist blocs in the chamber. In the 2014-19 term it was a major element of the European Nations and Democracy group, from 2019-24, the Identity and Democracy group, and since 2024, the Patriots group. During the same period, the right-wing nationalist AfD has gone from placing fifth in the 2014 German elections to the European Parliament, to second in 2024, with its members forming part of a new Europe of Sovereign Nations grouping.

It is not just the large states from among the EU's founding members which have sent increasing numbers of right-wing nationalist MEPs to Brussels and Strasbourg. A review of the current membership of the far-right Patriots group provides a clear illustration of the way in which such nationalist parties hail from all corners of the EU, and often constitute a significant proportion of their respective member states' representation in the Parliament. The Patriots group currently includes MEPs from 12 member states, from Portugal to Latvia and France to Greece. Its Austrian contingent, from the Freedom Party, account for 30% of Austria's MEPs, its Czech members account for 43% of Czechia's MEPs, and its French members are 37% of the total French representation in the Parliament. The Patriots' shared manifesto makes clear its position on the EU, describing itself as 'the main opposition party in the European Union', and arguing that 'The political fault line today no longer runs between conservatives and liberals or between Right and Left, but between Centralists who herald a new European "superstate", and Patriots and Sovereigntists who fight to preserve and strengthen the Europe of Nations we cherish' (Patriots.eu, 2025). The manifesto of the Europe of Sovereign Nations group, also formed for the tenth session of the Parliament and comprised of MEPs from eight member states, expressed a similar view: 'In response to growing centralization within the EU, the Europe of Sovereign Nations…has been formed in the European Parliament to reclaim the power and independence of its member states. Our goal is clear: to restore sovereignty and self-determination to European nations' (ESN, 2025).

In each of the past three parliamentary terms of the European Parliament, there have been one or two groupings which have represented 'hard' Eurosceptic positions such as those described above, and whose members have generally therefore sat towards the separatist end of the reform-separatist spectrum, while throughout this period, the European Conservatives and Reformists (ECR) group has also endured, its members generally being characterised as 'soft' Eurosceptic, and therefore more likely to be placed towards the reform end of that spectrum. The slogans on the ECR's website speak to its basic commitment to the integration project, but its varied critiques of what its members perceive

to be an over-ambitious EU with excessively supranational ambitions. Its manifesto, under the heading, 'Respecting the Rights & Sovereignty of Member States', declares: 'The European Union has overreached. It has become too centralised, too ambitious, and too out of touch with ordinary citizens'. Describing its programme as a 'eurorealist agenda', the ECR calls for change: 'Some argue that the solution is more Europe; others that the solution is no Europe. But the ECR believes that neither federalist fundamentalists nor anti-European abolitionists offer real solutions to the problems faced by Europe today. The ECR…offers a bold alternative vision of a reformed European Union as a community of nations cooperating in shared confederal institutions in areas where they have some common interests that can best be advanced by working together. A new institutional settlement should therefore be sought that recognises that the Union's democratic legitimacy derives principally from its member states alone' (ECR 2025).

In all cases, these groups have contained, at any one time, a mixture of both positions, but the combined representation of these groups, which have never accounted for the full representation of nationalist opposition parties in the European Parliament due to some such parties joining other groups or no group, speaks to the significant presence of these positions at the European level. Following the 2014 elections, these groups accounted for 21% of MEPs, after 2019 this proportion held about steady when the Brexit Party members sitting among the *non-inscrits* or non-attached MEPs - surely the most separatist of all separatist nationalists in that period - are taken into account, and in the 2024 elections, the three groupings representing right-wing nationalist positions accounted for 27% of MEPs, not including those sitting among the *non-inscrits*.

While the right-wing nationalist groupings in the European Parliament have sometimes included parties which have also been in government at the member state level, for example Fidesz from Hungary, which after its suspension and later departure from the centre-right European People's Party helped to form the Patriots group in advance of the 2024 elections, they have predominately

encompassed parties which have not previously served in government in their member state. At the same time, in the context of the polycrisis, another form of nationalist opposition has also arisen in the EU, that of revisionist member state governments. Sometimes referred to in terms of democratic backsliding or else a rule of law crisis, this phenomenon has arisen in the newer member states in Central and Eastern Europe, most notably in Poland during the period of Law and Justice Party (PiS) government from 2015 to 2023 and in Hungary under the Fidesz government continuously since 2010, but also includes examples from Romania and Slovakia. In none of these cases have the governments in question actively sought to leave the EU, and indeed they have profited enormously from the continued flow of EU funding, but in all cases they can be characterised as reform nationalists.

Examining the cases of Poland and Hungary, during a period when the PiS government in the former and the Fidesz government in the latter were concurrently in power, Kochenov and Bard (2018) succinctly described the situation: 'the EU harbours Member States which, besides obviously not qualifying for Union membership if they were to apply today, work hard to undermine key principles the EU was created to safeguard and promote: democracy, the rule of law, and the protection of fundamental rights' (p.6). Of direct relevance to this project, these governments more or less explicitly juxtapose their revisionist programmes in relation to the EU mainstream, and therefore tend to attack the EU and its perceived liberal foundations as part of the order they were seeking to oppose.

Kochenov and Bard (2018) produced a four-part description of the techniques deployed by the PiS and Fidesz governments to attack what the authors described as 'European values', including the invocation of national sovereignty' and the 'innovation of national security' (p.10-11). Examples of the former include the PiS capture of the courts, which it packed with its appointees under the pretext that reform of the judiciary was the purview of member states, and of the latter included the labelling of Fidesz's domestic opponents as foreign agents via the so-called Lex NGO and Lex CEU, attacking

foreign-funded civil society organisations and a private university respectively. The other two techniques identified by these authors also speak to the nationalist framing of their platforms. In terms of appeals to constitutional identity, these include the Fidesz characterisation of Hungary as a 'Christian democracy', and its Fundamental Law on 'Hungarian cultural and Christian identity', while the disinformation campaigns these governments ran included Fidesz's long-running anti-Brussels campaign, in which EU leaders have consistently been portrayed as in league with international finance and globalised interests, and therefore distanced from and ignorant of the needs of the Hungarian nation.

In addition to non-government parties right across the spectrum from reform to separatist nationalism, and the revisionist governments in Central and Eastern Europe, the contemporary EU has also encountered one separatist member state government, that of the United Kingdom in the period from the referendum vote in favour of Brexit in 2016 until the eventual departure of the UK in 2020. While clearly in a category of its own, this constituted a new quantity in the politics of nationalism in the EU, and will feature across several parts of the subsequent comparative analysis.

Comparing the EU

This chapter opened with the reflection, on the basis of the preceding case studies, that the encounters between federal-type polities and their nationalist opposition tend to be messy, protracted and inconclusive, that these encounters are likely to have an impact of the constitutional and institutional settlement, and that in that sense, any search for a *finalité politique* or sustained equilibrium is likely to be futile. In the following section, which constitutes the main part of this discussion, the trends and phenomena noted in each of the separate case studies as of potential relevance to the EU case are pulled together. The intention is to build on the inductive comparative analysis of the three cases by seeking to combine the insights from each of those cases with the insights offered by the existing

scholarship on the EU and its crises, and to therefore assess what tentative conclusions can be drawn about the EU case in comparative perspective.

This section initially proceeds with a discussion of the relevance to the EU of the different state structures the nationalist actors in these cases operated within, which reflects on the broader question of what the interaction of these challengers with their respective federal-type states can tell us about the nature of the modern state, and about the state-ness or otherwise of the EU.

In the main part of this discussion, the key insights from across the case studies have been grouped into three categories. These are initially discussed in terms of the three cases studies before being discussed in the context of the EU. The first, covering the types of nationalist opposition faced in these cases, follows the structure of the theoretical framework underlying this analysis in focusing on the nationalist actors. Building on Breuilly's typology of nationalist actors, it considers the varying combinations of reform and separatist nationalists challenging the federal-type settlement in these case, and the fluid nature of this distinction, as well as of the waxing and waning in the strength of nationalist opposition over time.

The second and third categories consider how the nationalist challenge and the system response played out in these cases. The second section addresses the ways in which sovereignty was framed and contested, and relatedly, the different national and state projects that were at stake, while the final section of this discussion considers the ways in which federal settlements were reshaped by these encounters, or in which attempts to reshape them failed, and how differing combinations of complexity, ambiguity and creativity have succeeded or failed to produce new forms of accommodation or stability, or periods of renewed disequilibrium or disintegration.

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For Breuilly (1982) nationalism is a political phenomenon that arises in the context of the modern state. While his own study encompassed a great diversity of state types, from the Ottoman Empire to the French Republic, the period following the publication of *Nationalism and the State* has been one of further significant transformation in the modern state. There is a rich and varied literature on the ways in which economic globalisation and other prevailing forces challenged traditional understandings of the state model in the late 20th and early 21st centuries, and it is not within the scope of this project to survey this field. It is sufficient for the purposes of this study to observe that while Delors once described the EU as an 'objet politique non-identifié' (1985), this label might now be said to apply to a great number of states which were previously considered relatively typical examples of consolidated states, and have now taken on a much greater diversity of forms.

The case studies presented here illustrate some of these trends. None of these three states, in their institutional set-up, now bear much resemblance to one another, even though prior to 1970 and 1999 respectively, Belgium and the United Kingdom would both have been considered good examples of unitary states, while Canada and the United Kingdom have historically had similar governance arrangements rooted in a British parliamentary and judicial model. The increased diversity of state models now in evidence among advanced democracies does not make the EU any less unique, but it would seem to make its uniqueness less unusual.

In terms of the processes of state transformation that resulted in Canada, Belgium and the United Kingdom taking on their contemporary forms, and the role of nationalist opposition in those processes, a common theme to all three cases is the way in which, as the legacy state model and constitutional settlement came under political pressure to reform, the existing structures of these states tended to encourage that opposition to be framed in nationalist terms, and this nationalist framing in that state context produced political movements of significant strength.

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In Belgium, the longstanding application of the language laws in territorial terms meant that what began as a cultural movement to secure the rights of Dutch speakers in a unitary Belgium could gradually become, on the basis of the Flemish region, a territorially-defined nationalist movement with aspirations for autonomy or secession. Similarly, in Canada, the gradual concentration of French-speaking Canadians within Quebec and the existence of a provincial government for Quebec meant that when the interests and identities of French Canadians were perceived to be threatened by the trajectory set by the federal government, opposition to that trajectory was progressively framed more in terms of defending a nation of Quebec, rather than the rights of French speakers in Canada. In the United Kingdom, the endurance of separate Scottish institutions, particularly the education and legal systems, throughout the period of the British unitary state, may have made it more likely that in the post-imperial era, Scottish dissatisfaction with the direction set by British government was increasingly articulated in national terms. The later establishment of a devolved Scottish legislature and executive provided Scottish nationalist politicians with a platform that they would never have had at Westminster, and which they were able to make use of to push the issue of independence, in much the same way that the nationalist governments of Quebec had done in the 1970s to 1990s.

Relatedly, it would seem that the historical roots of national projects remain relevant, and for a very long time. Clearly it requires a particular combination of other factors to make appeals to these historical roots politically effective, but the resurrection of historical memories of nationhood in contemporary political discourse, sometimes after long periods of apparent dormancy, is a striking feature in some of these cases. Scotland was an integral part of the British Empire, and during that period, its identity was so bound up with the British imperial project that by the early 20th century, it would have been difficult to conceive of a situation in which the recreation of a sovereign Scottish nation could be anything more than a nostalgic reprise of Jacobite adventurism. The means by which Scottish nationalism has once more emerged as a going concern, and is promoted by its political

leaders as an effort to reclaim the sovereignty of a historic nation, speaks to the remarkable resilience of the national idea.

In Canada, the claims of Québécois nationalists, particularly when made in opposition to projects for a modern and multinational Canadian state, have frequently been related to the spirit and circumstances of the 1867 Act of Confederation, by which Upper and Lower Canada combined to form the core of the contemporary federation. Canada today, stretching all the way to the pacific and somewhat more mindful of the rights and identities of its indigenous communities, and indeed of the immigrant communities which now make up a significant part of the country's population, ostensibly has little if anything in common with the Canada of Cartier and Macdonald, yet it is an understanding of French-speaking Quebec as a co-founding partner of modern Canada on which many of the nationalists' claims to status, within or if necessary outside of Canada, are based.

For the EU, these insights - that political structures can enable opposition to be framed in nationalist terms, and that the historical roots of national projects can remain politically salient for a very long time - are both obvious, and worth reiterating. The EU's institutions are organised almost entirely on the basis of its member nation-states, and the EU's member states all come to the EU with long and rich national traditions, many of them stretching back centuries.

Regarding the first of these insights, there is little reason to believe that the political and institutional organisation of the EU in terms of its member states, and therefore in terms of national units, on the basis of which nationalist opposition can coalesce, is likely to change in any significant way. Prior to the polycrisis, suggestions were occasionally made to introduce more transnational and non-member state elements into the operation of the institutions, particularly the European Parliament. Schmitter (2000), for example, proposed several reforms that could democratise the European Parliament, including a reorganisation of representation on more of a EU-wide than a member-state basis.

However, such proposals have gained little traction and in 2018, the European Parliament voted down a proposal for transnational lists. While the vast majority of MEPs have long sat in groupings that identify them in political rather than national terms along an approximately left-right axis, and successive treaty reforms have removed member state vetos in favour of qualified majority voting in the Council in an increasing number of policy areas, there is little reason to believe that further significant institutional reforms in a supranational direction are imminent. Indeed, the theoretical framework of the new intergovernmentalists convincingly demonstrates that a key feature of integration in recent decades has been the way in which it has frequently proceeded outside of the supranational institutions.

On the second insight noted here - a recognition of the long-term salience of the historic roots of national projects - we can safely assume that given the characteristics of the EU's constituent member states, and the enduring organisation of the supranational institutions on the basis of those states, that interpretations of the member states' historical experiences will continue to play a powerful part in sovereignty debates in the EU. However, as will be discussed below, the enduring political salience of the EU's nations and national histories need not necessarily have a disintegrative impact, and the case studies presented here also provide some evidence for the potential of federal-type polities to foster opposing or even incompatible nation- and state-building projects, and to enable nationalist challengers, even separatist nationalists, to play a constructive part in federal politics.

i. Types and Strength of Nationalist Opposition

Across the Canadian, British and Belgian case studies, the nationalist challengers were a combination of reform and separatist challengers, according to Breuilly's (1982) typology. Breuilly observed that the distinctions between his various ideal types were sometimes blurred, and these cases clearly demonstrate that the distinction can be more akin to a spectrum. The same nationalist parties sometimes contained both reform-minded and separatism-minded challengers, for example in the

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long-running tensions between the gradualist and fundamentalist wings of the SNP, the fractures that appeared in the Parti Québécois following the failure of the 1995 referendum, or the contemporary existence of the N-VA and the VB as the two largest political parties in Belgium. The N-VA's current policy advocates for further reform of the Belgian state in favour of a fully confederal solution, while the VB advocates for Flemish independence. Sometimes the same party will go through reform and separatist phases, and at others, separatist and reform platforms are represented by different parties or by distinct factions in the same parties.

In addition to the fluid articulation of their nationalist claims, these cases also demonstrate the ideological diversity that can be accommodated in nationalist politics. While Flemish nationalist parties have tended towards the political right, nationalism in Scotland is firmly a phenomenon of the political left, and in Quebec, nationalist parties have held varied political positions, sometimes simultaneously advocating what could be characterised social democratic positions on issues such as welfare policies, while also pushing for increased restrictions on immigration.

As described in the previous section, the EU's challengers, similarly, cover the full spectrum from reform to separatist, with a similar pattern of shifting positions along this spectrum as in the other case studies, with some parties apparently able to accommodate versions of both positions at the same time. Regarding the political orientation of the EU's challengers, nationalist challenges to the EU do not come solely from the political right. Keith (2017) sketched a typology of radical left parties in relation to the EU and Euroscepticism, with two of his four categories - rejectionist and conditional radical left parties - sometimes adopting anti-EU positions on the basis of nationalist claims, and Burton (2022) built on this typology in identify a phenomenon he described as 'disobedient Euroscepticism' among radical-left parties since 2016. However, in general, the EU's nationalist challengers are overwhelming situated on the political right.

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If the EU's challengers share some key characteristics with their counterparts elsewhere, what can the different ways in which the strength of nationalist opposition in these cases, and support for it, has ebbed and flowed over the years tell us about circumstances in which the EU's challengers might either gain or diminish in strength and significance?

In all three cases, the strength of nationalist opposition to the existing settlement, and sometimes independently of this, the public appetite for constitutional debate and reform, changed significantly over the years, and did so in both directions. This waxing and waning in the perceived salience of nationalist challengers sometimes occurred independently of whether or not they had succeeded in securing any revisions to the federal settlement. In this way, it likely reflects the thin-centred nature of nationalism as a political phenomenon, in that nationalist claims gained or lost political salience in part due to their combination with, for example, Flemish demands for economic autonomy in order to reduce fiscal transfers to support the deindustrialising Walloon region, or the mismatch between the general consensus among voters in Scotland and Quebec in favour of expansive welfare provision, against the fiscal conservatism of governments in London under Thatcher and again after 2010, and in Ottawa under Chrétien. It also, and critically, reflects the opportunity structures opened by events, some of them unexpected, which have enabled the claims of national regions to be framed in nationalist terms. After the failure of the 2014 independence referendum in Scotland, for example, it was surely the surprise 'Yes' vote in the Brexit referendum of 2016 that kept Scottish independence and constitutional reform at the top of the political agenda for years thereafter, rather than settling the matter for a generation as the 2014 vote had been intended to do.

While such opportunity structures and events may have periodically created conditions in which nationalist actors were able to push their political and constitutional claims sufficiently strongly so as to demonstrate the potential for secession and disintegration, notably in Quebec in 1995 and in Scotland in 2014, it seems that constitutional reform is rarely in itself a high priority for voters. As

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such, even when the circumstances of the constituent nation have not substantially changed in the aftermath of such moments of crisis for the federal polity, the electorate's appetite for extended periods of constitutional wrangling or for what became known, in both the Québécois and Scottish cases, as the prospect of a 'neverendum', would appear to be limited. In Scotland, for example, since 2014, public polling has consistently showed support for independence at around half of the population, but support for a further referendum has lagged far behind this, occasioning significant disagreement in the SNP about whether and when to seek a further vote. The same would seem to be true in Quebec, where the CAQ took power in the province on a pragmatic platform, advocating for concrete reform while parking the issue of secession or wide-ranging constitutional reform.

These cases suggest that while nationalist opposition is likely to be an enduring feature of federal-type systems that contain national units around which a nationalist politics can be organised, there is little reason to believe that the EU, more than any other system, faces a one-way street of inexorably increasing nationalist opposition. Developments in the EU, including the way in which the Eurosceptic parties disappointed early expectations of a major surge in the 2019 European Parliament elections, and the defeat in Poland of the Polish PiS government in favour of a strongly pro-EU coalition led by a former President of the European Council, certainly demonstrate this in principle.

Equally, however, these cases provide little reason to believe that having become an established feature of European Union politics at every level, the nationalist challenger parties will at any point in the foreseeable future become an insignificant factor. In the type of polity the EU has become, and as already discussed, they should be regarded as, for want of a better word, a normal feature of the political system. In this sense, the way in which pro-integration actors have sometimes dismissed these challengers as a symptom of dysfunction that can be solved through stronger performance by the EU in meeting citizens' needs, or a radical influence that needs to be ignored or marginalised, is likely to be counterproductive. While some of these actors at the extreme ends of the political

spectrum, including the VB in Belgium, may warrant a *cordon sanitaire* on the basis of their racist or xenophobic policies, and while such a *cordon sanitaire* may well be effective for many decades, with the Belgian system still able to produce governments despite the recent surge in their electoral representation, the vast majority of nationalist challengers do not warrant such a system response. When an adviser of a former British Prime Minister described those in favour of a referendum on EU membership as 'mad, swivel-eyed loons' (Watt 2013), or when Guy Verhofstadt as leader of the centrist liberal faction in the European Parliament addressed Nigel Farage with the words, 'Finally we are going to get rid of the biggest waste in the EU budget, which we have paid for 17 years, your salary!' (Verhofstadt 2016), surely these pro-integration actors were failing to see the bigger picture.

For decades, and long before the polycrisis, those addressing the democratic deficit called for myriad solutions, many of which were founded on a conviction that only with the introduction of more politics at the European level, in place of the elite-based and consensus-based trajectory that European integration had traditionally followed, could the EU's legitimacy gap be narrowed (e.g. Schmitter 2000, Hix 2008). With the growth of nationalist opposition parties, the EU has certainly experienced more politics at the European level, and Belgium, Canada and the United Kingdom all suggest that federal-type polities are capable of accommodating these politics, albeit sometimes in ways that is uncomfortable for the traditional parties of government.

If nationalist opposition parties are acknowledged as a predictable feature of multinational polities, however, the case studies also demonstrated that the kinds of constitutional reform such parties seek is, in itself, rarely a top priority for voters. This would suggest that while particular opportunity structures could open the potential for nationalist opposition parties to achieve their goals, a shift in the broader context in the EU and in particular member states could equally lead to these challenger parties having less scope to press their nationalist and sovereignty claims. The EU's ongoing experience of Brexit and its aftermath might offer some indicators of how such opportunity structures

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that enable nationalist challenges to push for disintegration open, and indeed of how such moments could be fleeting, and followed by periods more amenable to integration.

While the causes of Brexit will remain a subject for debate for decades to come, and are likely rooted in some combination of the complex historic relationship between the United Kingdom and the integration project, and British voters' perceptions of the United Kingdom's own history, it is clear that in 2015, when the Conservative Party committed itself to a referendum on EU membership in the event that it won the general election, and in 2016, when that referendum passed by a small majority, a particular opportunity structure tied to the EU's ongoing and successive crises, and to the UK's own challenges following the global financial crisis, enabled nationalist challengers to press their case and to secure a route to leaving the EU.

A widespread initial fear among pro-integration actors was that the UK vote would set the precedent for other such votes in other member states, perhaps especially in those with a strong track record of domestic political debate on membership. As Mogherini (2021) observed several years later, 'what actually happened as the Brexit negotiations started to develop, notwithstanding countless difficulties, is that all those political movements and leaders that were founding their political discourse, and their very identity, on the anti-European and anti-system narrative, realized at once that criticizing the European Union was probably much less complicated and much more convenient (both politically and economically) if done while keeping their respective countries solidly within the block' (p.1). Hobolt *et. al.* (2022) likewise found that the process of negotiations for Brexit seemed to generate an uptick of support for membership among publics in the remaining EU-27, but concluded that 'while Brexit has not resulted in a further disintegration, a more successful 'emeritus member state' could well boost support for exit in the remaining member states in future' (p.115). A later study by Martini and Walter (2023), based on media analysis from ten EU countries in the aftermath of Brexit, found similarly that 'nationalist parties increased or moderated the aggressiveness about their EU-related

rhetoric as the ups and downs of the Brexit-drama unfolded' (p.1231), and that as the negotiation process dragged on and the negative impacts on the UK became clearer, Brexit appeared to be having more of a deterrent effect.

It is too early to tell whether, in the long term, the UK will have set a precedent that nationalist challengers from other member states can appeal to in their communications with voters, or whether its poor economic performance and political upheavals will provide an enduring deterrence. However, the swiftness with which the opportunity structures that enabled Brexit seem to have shifted, and perhaps partially closed, indicates that it would be a mistake to interpret such an event as evidence that the EU's encounter with nationalist challengers will lead to the unravelling of the integration project. In the few years since the UK's exit from the EU, a global pandemic and the full-scale Russian invasion of Ukraine, not to mention the recent confirmation, for many Europeans, that the United States is no longer a fully reliable ally, could constitute a decisive shift in favour of an environment that is significantly less conducive to the sovereignty claims of separatist nationalists than that of 2016. Polling in the UK in the years since, consistently indicating that a growing majority of the population regard the 2016 vote to have been a mistake, along with the revised approach of the UK's new government in favour of closer relations with the EU, certainly suggest that the centrifugal forces that drove the Brexit project have been at least partially reversed.

As with the three case studies presented here, opportunity structures that enable nationalist challengers to press forward with their national projects are likely to periodically present themselves in a federal-type system like the EU. We might indeed expect the EU to encounter a significantly greater number of such moments than Canada, Belgium or the United Kingdom, given both its ongoing process of consolidation into something like a federal polity, and the hugely diverse set of nations and political traditions it encompasses. However, these case studies also suggest that such moments may not endure for long, and if the federal-type polity proceeds to deliver for citizens and

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to respond effectively to crises and events, the motivations that drove the EU's founders to initiate the integration project are likely to make renewed sense to a generation of Europeans seeking the benefits of scale in a globalised world, and unity in the face of a challenging global environment.

ii. Sovereignty and the Operation of Nationalist Opposition at the Federal Level

Unsurprisingly, the claims made by nationalist challengers in all three cases, *vis-á-vis* the existing constitutional settlement, have been strongly characterised by ideas about the appropriate location of sovereignty. These sovereignty claims were by no means solely rooted in conventional understandings of the Weberian state, but sometimes demonstrated newer and more flexible interpretations of sovereignty. In Quebec, the terminology of sovereignty has been fully adopted into the Canadian political lexicon, and the descriptor 'sovereigntist', applied to Québécois nationalists, encompasses a range of positions from some form of confederal arrangement, to full secession, to the sort of "sovereignty-association" proposed in the somewhat confusing wording of the 1995 referendum; that is, independence but coupled with a strong framework agreement with the rest of Canada.

In the cases of Scotland and Flanders, nationalist parties have, at the same time as articulating their sovereignty claims in relation to the United Kingdom and Belgium, also had to build more complex models for the exercise of national sovereignty to accommodate the EU context. Their approaches in doing so offer a study in contrasts. In Flanders, to take the two leading Flemish nationalist parties of today as an example, the VB is hostile to the current trajectory of European integration, and sits in a far-right grouping in the European Parliament, while the N-VA is scarcely positive about it, tending to describe its position as 'Eurorealism'; that is, an acknowledgement of the fundamental value of the integration project, but criticism of the way in which it has been executed. In Scotland, the SNP has been overwhelmingly in favour of EU membership for over 40 years. While a few leading figures in the party have remained sceptical of the European project throughout, largely on the basis of a left-

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wing economic critique, the party's formal position of seeking 'independence in Europe', has endured, and has become a core element in its political programme since Brexit. This approach evinces an understanding of sovereignty which is entirely incompatible with that held by, for example, those of the SNP's political opponents who backed Brexit as a means of taking control back from the EU. Since 2016, the SNP's aspirations for sovereignty therefore involve breaking away from one union but joining with another.

In both Quebec and Scotland, the nationalist parties also made claims on the basis of understandings of popular sovereignty which had little or no constitutional grounding in the Canadian or British contexts, but which appeared to chime with their respective electorates. This was particularly notable during periods in which the regional governments in Quebec and Scotland were controlled by nationalist parties, while the voting patterns prevailing across the broader state had led to the election of a government with a significantly different policy programme in Ottawa or London. In Canada, during the Chrétien administration, Quebec nationalists with social democratic leanings strongly opposed federal policy, and could portray policies such as cuts to federal welfare programmes as being undertaken against the will of Quebec, despite their being carried out by a duly elected federal government. Similarly, the fierce opposition to the UK's departure from the EU by the SNP, despite its having been endorsed by a majority vote of the UK population, was framed in terms of popular sovereignty. The same was true of the SNP's sustained opposition to the austerity programme of the Conservative governments in the 2010s.

These sovereignty disputes reflect the existence, in all cases analysed here, of incompatible nation- and state-building projects. The United Kingdom's unitary state model and the Scottish nationalists' aspirations for independence are entirely incompatible. The same is true of the Quebec nationalists' claims for a distinct society and full sovereignty and the modern multinational vision of Canada that has become the dominant understanding of the Canadian project outside of Quebec. The same is also

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true of Belgium, as a union of Dutch, French and German speakers, and Flemish aspirations for a separate Flemish state, or such comprehensive reform of the Belgian model that Flanders is only loosely connected to whatever is left. Yet the incompatibility of these state- and nation- projects, with their incompatible understandings of the appropriate exercise of sovereignty that each would entail, has not meant that these nationalist parties, while keeping an eye on their ultimate objective, have been unable to constructively engage within the existing federal model.

Turning to sovereignty debates in the EU, for Brack *et. al.* (2019), the politicisation of integration in the post-Maastricht era generated new conflicts over sovereignty. Reflecting the unstable and evolving nature of the EU polity in this period, they identified four 'dimensions' of sovereignty tied up in debates around the EU's perceived crisis of legitimacy. In addition to traditional national sovereignty and supranational sovereignty as expressed in the EU's capacity to act in its defined competences, they emphasised the role of 'parliamentary sovereignty' - the capacity of parliaments from the regional to the European level to act due to their representative role, and 'popular sovereignty' - the fundamental means by which legitimacy is accorded to decision-makers in a democracy (p.842). Beetz (2019) further complicated the diverse ways in which popular sovereignty is appealed to in the UK context, identifying four distinct conceptions of popular sovereignty in nationalist and pro-integration discourse.

In an analysis of the discourses employed during the economic and migration crises by Podemos from Spain, the 5 Star Movement (M5S) from Italy, the FN and UKIP, Borriello and Brack (2019) found that these parties all articulated their positions in terms of the first two dimensions of sovereignty described above, but that the framing of sovereignty issues varied across the parties. For the FN, for example, it appeared to be a general issue while for UKIP, it was specifically tied to migration and the desire to regain control over British borders. While UKIP and the FN sought to resolve

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sovereignty issues through the repatriation of competencies to the national level, the M5S and Podemos sought transformative economic polices at both the European and the member state level.

In a study of the 'sovereignty discourse' of officials in Hungary, Poland and Austria during periods of nationalist governments critical of the EU, Coman and Leconte (2019) found that in contesting the EU's authority in areas such as the rule of law and migration, these governments introduced, alongside the 'old conflict line over sovereignty that has traditionally shaped the integration process - supranational vs domestic sovereignty', a new discourse, in with EU interference is criticised in the name of European values, as set against a cosmopolitan and multicultural liberalism (p.885). The crisis following the Austrian election in 2000 was identified as a turning point in the development of what Madeley and Sitter (2003) later described as 'value-based Euroscepticism', that is, a reaction against the perception that the EU has encroached on issues involving normative choices about the type of society a nation wishes to inhabit. As such challenges increased during the later periods of PiS and Fidesz government, their claims to defend sovereignty as part of a broader defence of European values further complicated the sovereignty contests of the contemporary EU.

Focusing on the engagement by EU leaders and the pro-integration mainstream in such sovereignty debates, Jabko and Luhman (2019) described a 'paradox of sovereignty', in that 'pro-EU elites sometimes raise the stakes of EU policy debates by embracing a politicized discourse of sovereignty, rather than sidestepping it' (p.1039), a paradox that has been particularly evident at moments of crisis, when the vulnerability off existing 'sovereignty practices' is exposed, leading to a rapid search for solutions at the EU level which involve institutionalising new sovereignty practices (p.1041). Examples include the process of putting together bailout packages during the Eurozone crisis or the creation of a common border force agency during the migration crisis, when EU leaders engaged directly in sovereignty debates and crafted sovereignty concerns into the reforms they introduced.

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Both in terms of the invocations of sovereignty and the need to defend it by nationalist challengers, and in the uses of sovereignty in the EU's system response, what Adler-Nissen and Gameltoft-Hassen (2008) called 'sovereignty games' have made sovereignty in the contemporary EU into a more fluid and complex term than during the old debates about intergovernmentalism or supranationalism. Brack *et. al.*'s (2019) proposal that sovereignty is never any form of stable equilibrium, but is 'becoming' through social construction (p.823) serve to reinforce Bickerton's (2019) suggestion, made in a study of the multiple and competing accounts of sovereignty that a post-Brexit UK had inherited, that 'Perhaps one of the most pressing questions facing the EU is whether these tensions around competing understandings of sovereignty can be resolved within the existing framework of the EU' (p.899).

These sovereignty contests can reflect tensions between the national projects of the EU's challengers, and in the case of separatist challengers, the fundamental incompatibility of the national projects articulated by these challengers, and the state-like integration project. This was brought out clearly in MacMillan's (2018) analysis of the uses of political myth by the UKIP and FN parties in the UK and France, finding that the founding myth of the EU as 'a quasi-utopian haven of peace and prosperity' promoted by the pro-integration political mainstream is reversed by these polities, which depict the EU 'in dystopian terms, as an undemocratic, even totalitarian empire, through comparisons to literary dystopias, Nazi Germany and the former USSR' (p.117). As Marine Le Pen put it, 'I will be Madame Frexit if the European Union doesn't give us back our…sovereignty' (Ibid, p.127). There would appear to be little space for compromise between this position, and, for example, that of former President of the European Council Hermann Van Rompuy in 2010: 'We have together to fight the danger of a new Euroscepticism. This is no longer the monopoly of a few countries. In every member state, there are people who believe their country can survive alone in the globalised world. It is more than an illusion; it is a lie' (De Vries 2018, p.3).

Having established that in the contemporary EU, like Canada, Belgium and the United Kingdom, sovereignty has been understood and exercised in conflicting and diverse ways, and that the means by which nationalist challengers have made sovereignty claims has reflected national projects that are opposed to, and sometimes ostensibly incompatible with, the European integration project, we can also acknowledge that despite that, those nationalist challengers engage with politics at the federal level in the EU, and therefore seek to draw insights from the involvement of nationalist challengers in political at the federal-type level in the three case studies as to how those sovereignty disputes are likely to play out in the operation of EU politics.

All three cases offer examples of nationalist opposition parties participating in politics at the federal level. In Belgium, Flemish nationalist parties in one form or another have been represented in the federal legislature for half a century, and in several periods, they have participated in the federal government. With the conclusion, in February 2025, of the most recent Belgian government formation process, the leader of the N-VA is now leading the federal government as prime minister while continuing to advocate for the reform of Belgium into a fully confederal state. In Canada, a Québécois separatist party formed the official opposition party in Ottawa for a period in the 1990s, and has been a significant opposition party for several periods since. In the United Kingdom, the Scottish National Party, for nearly a decade from 2015 and through three successive general elections, formed the third party at Westminster. In all three cases, these parties, on a spectrum from reform to separatist nationalism, and frequently representing a blend of these positions, engaged constructively in the federal legislature and with the federal government. They used their platform at the federal level to keep their constitutional programme on the political agenda, certainly, but this does not seem to have prevented them from developing full and detailed policy positions on other issues. In all three cases, these nationalist MPs have proved able to work with colleagues from other parties to achieve common goals, their differences over the federal settlement notwithstanding.

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During the same periods, in the United Kingdom and in Belgium, there were smaller separatist nationalist parties represented in the federal legislatures which, for different reasons, did not engage in this way. In the United Kingdom, the Irish nationalist party Sinn Féin, despite having continuously won election to seats to Northern Ireland since the partition of Ireland in the 1920s, has always declined to take up its seats, on the basis of its conviction that British political institutions should play no part in the government of Ireland. In Belgium, the VB remains subject to a *cordon sanitaire,* enforced by the other parties on the basis of the VB's long association with racism and extremism. While the VB is a significant parliamentary bloc, having placed second in the past two elections to the Belgian Chamber of Representatives, it is noteworthy that the major nationalist parties in these polities - the SNP in the UK and the N-VA in Belgium - have adopted a policy of constructive engagement, and that in both cases they have had an impact on the conduct of federal-level politics by doing so.

In the context of the EU's federal-type politics, it is the European Parliament rather than the consensus-based European Council in which the involvement of nationalist challengers is most visible. Although direct elections to the European Parliament began in 1979, few regarded them as politically significant events until the 2014 cycle, when research indicated that a large proportion of voters may have been motivated by European or EU-related issues, rather than treating the European Parliament elections as 'second-order nation elections' (Hobolt and De Vries, 2016), a view shared by Treib (2014), who claimed that rather than just a protest vote against unpopular incumbent national governments, the success of the nationalist challengers in 2014 reflected 'fundamental worries about the effects of European Union…policies' (p.1541). The challenger parties played a key role in this shift. Bickerton and Invernizzi Accetti (2014) argued that not only was the rise in turnout (a reversal of falling turnout in previous successive elections) due to the increased support for anti-EU parties, but also that as these parties focused their campaigns on EU issues, as opposed to the domestic issues being emphasised by the mainstream parties, they framed debates in terms of the EU and integration.

In an analysis of roll-call votes in the European Parliament in the decade from 2009, Börzel *et. al.* (2023) found that until 2004, the left-right political dimension could explain about 90% of voters in the Parliament, but that since 2009, political conflict in the chamber had increasingly been structured in terms of support for or opposition to integration. This suggests that European elections and the European Parliament have become meaningful contexts in which the nationalist challenger parties can press their sovereignty claims, which raises the question of what, having secured representation in the Parliament, the challengers do with that position.

In one of the earliest studies on the subject, Brack (2012) focused on the role played by so-called 'hard' Eurosceptic MEPs in the European Parliament, prior to the significant increase in their number following the elections two years later, finding that earlier procedural changes had lessened the impact of disruptive tactics, and that such MEPs were increasingly likely to engage with the proceedings of the Parliament. Other studies have since focused on specific aspects of the nationalist challengers' interaction with the Parliament, including in their participation in trilogues (Servent and Panning 2019), the role of radical right parties in the parliamentary groups (Kantola and Miller 2021), and the way in which the nationalist and Eurosceptic groups in the Parliament form and operate (Whitaker and Lynch 2014).

Brack (2018) later explored in detail the apparent paradox that 'people opposing the European Union would want to sit in the European Parliament', and found that while there was a spectrum of behaviour and engagement among these MEPs, European elections had largely strengthened such parties in terms of their public profile and the resources available from elected office, while many such MEPs engaged more or less constructively with the legislative process. Brack went so far as to suggest that their presence in the Parliament, after decades of concern about a democratic deficit, may have indirectly legitimised the institution; if 'politicization contributes to the articulation of conflicts, and

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conflict is also a key ingredient of democratic politics' (p.187), then might not the increased representation of challenger MEPs 'lead to a normalization of the EU from a conflict-avoiding system to a more democratic and mature polity'? (p.189).

While the occasional stunt or inflammatory speech by separatist nationalist parties may sometimes be the only part of the proceedings of the European Parliament that makes the headlines, Brack's conclusion suggests that the increasing presence in Brussels and Strasbourg of the nationalist challengers, and the fact that the majority of them do engage in some way with the institution and its proceedings, may in fact come to provide greater truth to that chamber's claim to represent the citizens of the EU, in all their diversity of opinion. The degree to which the European Parliament is empowered to act is not yet comparable with the federal-type legislatures of the United Kingdom, Canada or Belgium, but these cases all provide evidence that nationalist challengers, even while seeking the ultimate secession of their nation from a broader polity, can be more than just protesters. They can simultaneously hold both their sovereignty claims and the desire for constitutional reform that stems from them, along with thought-through policy positions on a range of subjects, and can form alliances with other political parties in pursuit of these objectives.

The increased coalescence of the European Parliament's nationalist challengers into official parliamentary groupings on the political right could indicate that these challengers are institutionalising their alliances and proving an ability to operate effectively at the supranational level. These groupings do not currently have sufficient strength in the chamber to outvote the centrist groupings, or to significantly influence the direction of legislation as it passes through the Parliament's scrutiny process. However, the studies above indicate that many of these nationalist parliamentarians are constructively engaging with the work of the Parliament, and therefore raise the possibility that, just as in the other case studies, the introduction of separatist politics into the heart of the federal body politic need not necessarily lead to chaos and disintegration. Much may depend on

the openness of the pro-EU mainstream to engage with these actors where common ground permits, and whether the European Parliament is able to secure further meaningful increases in its powers as integration develops, but in providing visible representation for the significant proportion of voters who have doubts and concerns about the integration project, they may also make some contribution to reducing the legitimacy gap which some of them have so frequently critiqued.

iii. Constitutional Complexity and Constitutional Ambiguity

With regards to Belgium, Canada and the United Kingdom, the case studies demonstrate the strikingly complex constitutional arrangements, both historic and contemporary, that underlie attempts to accommodate nationalist claims within these multinational states, and the ways in which, faced with nationalist opposition, these structures and mechanisms tend to become more complex and variegated, rather than less, over time. In the Belgian case, the extraordinary complexity of the system that has resulted from multiple rounds of constitutional reform over half a century is surely unparalleled, while in Canada and the United Kingdom, the constitutional and institutional patchworks that have been pieced together to accommodate the demands of nationalists in Quebec and Scotland have created uneven constitutional and governance arrangements across their territories. In Canada, this has led to Quebec having distinct arrangements from other provinces, for example through its non-participation in some federal programmes and its having its own diplomatic representation overseas. In the United Kingdom, what was unambiguously a unitary state prior to 1999 is now a piecemeal state, unitary in the case of most of England, strongly devolved in Scotland, more weakly devolved in Wales, and more recently also having some limited devolution of powers to English city regions.

Pursuing these creative constitutional fixes to accommodate national claims within their federal-type frameworks has, in all cases, required compromise and creativity on the part of both the federal governments and the nationalist challengers. At the same time, these cases have tested the limits of

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constitutional reform to achieve a lasting settlement. In the Belgian case, the ways in which government formation has been tied to constitutional reform packages, and in which the electoral success of nationalist parties means that these parties have frequently had to be included to form federal governments, has produced high-stakes deadlocks following election cycles, in which a formal constitutional solution to new nationalist claims has had to be found in order to ensure the continuance of government at the federal level.

In the Canadian case, in contrast with Belgium, the failure to reach agreement between Ottawa and the Quebec provincial governments has meant that Quebec's position in the Canadian federation, and indeed the Canadian federal settlement more broadly, has been subject to a significant degree of ambiguity since at least the early 1980s. With the failure of the Meech Lake and Charlottetown accords, the continued non-ratification by Quebec of the Canadian constitutional instruments formulated after patriation, and the related failure by the federal government working with the other provinces to formalise the distinct status of Quebec in those constitutional instruments, the Canadian constitutional settlement has, in formal terms, been in a state of abeyance. This situation has nonetheless endured for four decades without Quebec seceding from the federation, and with the Quebec government finding more informal ways to work with the administrations of other provinces and with the federal government in areas of common interest.

While the United Kingdom is unique among the cases here, and nearly unique in the world at large, in being one of only two or three democracies globally that do not have protected constitutions, it also, as with the Canadian case, has an unsettled constitutional settlement. This situation has been put into sharp relief since the UK's withdrawal from the European Union raised a series of difficult and still unanswered questions about the post-Brexit settlement (Bogdanor 2019). These issues seem to have strengthened the salience of nationalist opposition in Scotland, Wales and Northern Ireland, and so where as the constitutional ambiguity in the Canadian case seems to have enabled the Quebec

nationalists to continue to work constructively with Ottawa on matters of mutual interest, in the UK, the unsettled nature of the constitutional settlement seems to have driven a reopening of the constitutional pandora's box. It is too early to tell if a new government at Westminster, elected with the strong support of the Scottish electorate, will succeed in calming those tensions, in a similar way perhaps to that in which the Harper government in Canada offered a new approach of "open federalism" to Quebec.

What, then can these cases tell us about the prospects for EU? In terms of its institutional complexity, the EU rivals Belgium in its reputation for complexity, and in recent decades, has become ever more of a patchwork. With the increasing heterogeneity of member states in the post-Maastricht period, further integration has required increasing heterogeneity in the application of EU instruments and policies across the member states. As Kröger and Loughran (2022) surveyed in an expert survey on differentiated integration, opinion is divided between those on the one hand who see it as a means for further integration to occur despite detractors and disagreement over the trajectory of the EU, and enables the EU to continue functioning efficiently, and those on the other who perceive it to have exacerbated problems of collective action, undermined the uniform legal order of the EU, and created increasing divisions between different groups of states, for example those inside and outside of the Eurozone, thereby establishing differential trajectories that are likely to have a centrifugal impact on the EU.

In a recent study based on the 2018 Regional Authority Index, Hooghe and Marks (2023) found that 'the EU is an extreme case of differentiation, but it is not unique' (p.227). In addition to differentiated integration, the ways in which the EU has responded to the crises of recent years may have added to the complexity, and indeed the ambiguity, of the EU model. The new intergovernmentalists described the 'integration without supranationalism' of the post-Maastricht period, and Auer and Scicluna (2021) described the 'emergency politics' by which the EU responded to crises from the Eurozone

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crisis onwards, arguing that the EU response has been to muddle through with *ad hoc* measures, which have not entailed constitutional reform, and indeed have actively evaded it through 'a certain technocratic automatism' (p.26), thereby damaging the legitimacy of the EU's constitutional order, something which, they argue, can only be solved by bringing the crisis response measures into the treaty framework. White (2022), likewise, argued that the way in which the EU has invoked emergency measures in recent years has 'tended to include a willingness to exceed established rules and norms and concentrate power informally' (p.794), and that this 'improvised mode of emergency response raises problems for EU legitimacy' (p.781).

Some integration theorists have shared these concerns about the potential legitimacy issues caused by the EU's recent approach to crisis response. With regard to the Euro crisis, Kelemen and Meunier (2016) built on neofunctionalist logics of integration to develop a 'failing forward' argument to explain the dynamics of European integration: 'Intergovernmental bargaining leads to incompleteness because it forces states with diverse preferences to settle on lowest common denominator solutions. Incompleteness then unleashes the forces that lead to crisis. Member states respond by again agreeing to lowest common denominator solutions, which address the crisis and lead to deeper integration' (p.1010) Returning to their theme in 2021, after a further five years of crisis, Jones, Kelemen and Meunier (2021) argued that the 'failing forward' dynamic of EU crisis response may have fostered deeper integration, but 'may also undermine popular support and legitimacy for the European project' (p.1519).

Regarding its complexity, which in the EU case seems to increase over time as it becomes more heterogeneous in response to the divergent willingness of its member states to participate in new initiatives for integration, the case studies here, if one accepts that Canada, the United Kingdom and Belgium are all examples of relatively-high performing systems of governance, suggest that complexity and differentiation are not inherently an issue in terms of the stability of the system, and

that the trajectory of contemporary multinational democracies is in the direction of greater complexity over time.

The increasing constitutional ambiguity, however, that has attended the pattern of EU integration in recent decades, and has been exacerbated by the EU's approach to crisis response in the period of polycrisis, raises more serious concerns for the stability of the integration project. The 'emergency politics' described by Auer and Scicluna (2021) reflect a broader trap in which the EU may have become stuck. Having failed to ratify the draft constitution in mid-2000s, generally steering clear of further treaty-making given the significant challenges of ratifying substantial reform in every member state, and having been caught off-balance by a succession of crises since, the EU risks creating an integration project which eventually musters an adequate response to each of the crises it encounters, but all the while crafting an ever more complex and ambiguous series of instruments and processes, many of which provide little opportunity for citizen input or influence.

Of the case studies analysed here, Canada illustrates that governance can continue even while key aspects of the constitutional framework remain undetermined, and in its own way, the United Kingdom has made ambiguity a core constitutional principle. However, the EU with its founding treaties has not emerged from the tradition of parliamentary government and unprotected constitutions, and seems more akin to Belgium with its rigorous institutionalisation of procedure. With a Belgian approach to institutional complexity, but a certain British disregard for the rules, the EU's current mode of integration via the supranational institutions, without clear consent from member state publics is, one would expect, more likely than not to generate a stronger nationalist challenge in future.

8. Conclusion

In drawing together the comparative case studies, the previous chapter found that encounters between federal-type polities and their nationalist challengers are protracted, messy and inconclusive, and as such, any search for a *finalité politique* is likely to be in vain. It also, however, suggested that the roots of national political projects are likely to remain salient for an extremely long time, and that federal-type polities are likely to generate the politics of nationalist challenge; that that the politics of nationalist challenge can become an entrenched feature of federal politics without being necessarily disintegrative for the federal-type polity; that the windows of opportunity that enable nationalist challenges to become separatist threats are likely to close as well as open; and that federal-type polities can also demonstrate significant resilience and stability.

This concluding chapter will build on these tentative findings by, first, arguing for the benefits of a nationalism research agenda in making sense of the EU's crisis of legitimacy; second, connecting this with the urgent need in the EU to acknowledge nationalist politics as a legitimate and significant strand of public opinion and to engage with it accordingly; and third, briefly considering whether the evolving geopolitical situation in which the EU finds itself may provide the pro-integration elites with precisely the opportunity structure in which to do so. Hix (2008), writing of the prospects for reforms that could reduce the democratic deficit in the EU, opined at the beginnings of the polycrisis that the EU's pro-integration elites 'will only allow the EU to become more politicised if they recognise that the EU faces a crisis and believe that this is the best way out of the crisis' (p.192). This conclusion considers whether, after the intervening decade and a half of near-permanent crisis, the time might have come for pro-integration elites to recognise that the EU is already more politicised, make space for recognising this new voice in the land, and directly engaging with and debating the challengers' alternative visions for the EU's future.

As this project has in some small way demonstrated, viewing the EU's encounter with its nationalist challengers through a nationalism lens and incorporating classical accounts of political nationalism places the focus firmly on the sovereignty contests that characterise that encounter. This project relied heavily on Breuilly's (1982) typology of nationalist opposition movements, particularly relevant in this case given the focus specifically on the challenger parties whose nationalism has been so frequently obscured in previous studies. However, the potential of accounts of nationalism that conceptualise it as a political phenomenon to shed light on the EU's crises is clearly much broader. By demanding engagement with the sovereignty claims of the actors involved, approaches based on this understanding could also be used to develop research around the combinations of nationalism and, for example, populist repertoires or nativist ideologies, or else to make a detailed study of the diverse and conflicting visions now being articulated for the future of the EU.

Understanding the challengers' alternative visions for the EU, and therefore engaging directly with what they are for, rather than defining them in terms of what they are against, will become increasingly important if such movements continue to grow in support. As was briefly referenced in the previous chapter, the nationalist groupings in the European Parliament have come to represent more or less coherent strands of thinking on the future of the EU, all of them emphasising the importance of respecting or restoring member state sovereignty. At the same time, the revisionist member state governments of Hungary, Slovakia, and formerly Poland, have themselves occasionally made concrete proposals for how they would produce out of the contemporary EU a looser, more intergovernmental Union, potentially including the abolition of some key institutions such as the Court of Justice or parts of the Commission, and, in common with many of the non-government challengers represented in the European Parliament, the end to free movement and open borders as a core element of the integration project.

At the same time as the nationalist challengers have found voice for their sovereignty positions, the pro-integration mainstream appears to have lost its way in terms of providing its own vision for the EU's future. As was discussed in the previous chapter, EU scholars have described the modes of integration and crisis response in the period of polycrisis using several compelling models, including the new intergovernmentalists' integration without supranationalism, Kelemen and Meunier's (2016) 'failing forward' thesis, and Auer and Scicluna's (2021) 'emergency politics'. While these all describe the various forms of muddling through that have, however inadequately, addressed each of the successive crises that have beset the EU since 2008, they also speak to the lack of clarity over what the pro-EU mainstream actually want for the future of the EU. In many cases, the political mainstream do not like what they see in the nationalist challengers' visions of border and migration controls and a transfer of competences back to member states, but in the absence of a coherent vision from those who favour integration, the political space for shaping debates about the future has increasingly been occupied by the challengers.

Prior to the polycrisis, it was common for those concerned with the EU's democratic deficit or legitimacy gap to propose as solutions schemes that might foster a genuinely democratic politics at the supranational level. After a decade and a half of muddling through and prior to that, the failure to have the proposed European Constitution ratified after several rejections in member state referenda, such schemes might seem somewhat fanciful if proposed today. However, those schemes all assumed that more politics at the European level, rather than the continuation of integration by technocratic consensus among member state governments, would serve to legitimise the EU in the eyes of member state publics.

The other case studies encompassed by this project suggest that nationalist opposition is a predictable feature of politics in a multinational federation. In that sense, the growth of nationalist opposition in the EU, rather than being of necessity a cause of existential crisis, might equally be interpreted as a

sign that the EU is becoming more like other federal-type multinational polities. While it is understandable that the pro-integration mainstream might draw the line at engagement with the extremist fringe of nationalist politics, the majority of the nationalist challengers are not extremists, and must surely be respected as representatives of a significant strand of public opinion. The case studies analysed here suggest, in support of this, that there is nothing to stop even secessionist parties from engaging constructively with pro-federalist parties on a wide range of policy issues, where the institutional framework enables this.

If, despite the pro-integration elites' failure before the polycrisis to build a supranational politics through institutional reforms, politics have nonetheless arrived at the supranational level due to the increased representation of the nationalist challengers, perhaps the pro-EU mainstream should urgently consider how to make representative politics a going concern in the EU in order to reduce the legitimacy gap. While the European Parliament has been significantly strengthened in recent decades, it remains enfeebled by comparison with most federal-type legislatures, and innovations to more closely tie the selection of the executive to democratic processes, notably the *Spitzenkandidat* procedure, have signally failed.

Attempts at serious and formal institutional reform have been somewhat absent in the period of polycrisis. The failure to pass the Constitution and the increasingly informal and non-constitutional trajectory of subsequent integration seem to have induced a nervousness among pro-integration elites when it comes to putting the question of integration back to member state publics. However, a further lesson from the case studies analysed in this project is that the opportunity structures that can enable disintegrative outcomes may be fleeting. While nationalist opposition politics endure in federal structures, the circumstances that enabled the vote in favour of Brexit in 2016, the closer-than-expected result in Scotland in 2014, or the close shave of the 1995 Quebec referendum, were all significantly altered within a year or two thereafter.

Given recent geopolitical developments, above all the full-scale Russian invasion of Ukraine and the apparent confirmation that the United States is, at best, now an unreliable ally, and at worst, contemptuous of the European states and the Atlantic alliance, perhaps the opportunity structure that enabled the rapid growth of nationalist opposition, and especially separatist positions, is at least slightly closing. If the core justifications for the integration project - collective strength and prosperity, and unity in an uncertain world - make more sense to member state publics as they survey this geopolitical landscape, then the EU may be afforded, for the first time since the global financial crisis, the space to consider the kind of reforms that might give voice to member state publics in debating how the integration project should proceed. The pro-integration mainstream could use the current crisis to engage with their nationalist interlocutors and produce a genuine debate at the supranational level. The EU was, after all, born out of the gravest of crises. Pro-integration elites should endeavour to ensure that it emerges stronger from the current one.

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