European Law Journal, Vol. 14, No. 1, January 2008, pp. 128–137.
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REVIEW ARTICLE

Negotiating Nationalism: Nation-Building, Federalism, and Secession in the Multinational State. By Wayne Norman. Oxford, Oxford University Press, 2006. xxi + 250pp. Hb. £47.00.

Beyond the Ontological Question: Liberal Nationalism and the Task of Constitution-Building

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Introduction

One of the most interesting stories of the past 20 years has been the extent to which nationalism has been the focus of intense debate by liberal political philosophers. As Wayne Norman suggests in *Negotiating Nationalism*, it is now useful to take stock and assess where this flurry of activity has taken us, and in doing so we can set his book in the context of two waves of work. The first involved philosophers in challenging complacent misconceptions concerning the nature of the state and of national identity that had been allowed to embed themselves in liberal democratic theory. As Norman puts it: 'Philosophers in the "first wave" were faced with the burden of proving that it was *not impossible* to be a liberal and a nationalist at the same time'.[1] In this respect the first part of Norman's book is largely a retrospective account setting his ideas in the context of those scholars of nationalism whose work has come to be known as 'Liberalism II'.[2] This school emerged in response to developments in political practice, in particular the emergence of strong nationalist movements in what have come to be known as 'multinational' or 'plurinational' states such as Belgium, Spain, the UK and Canada.[3] Indeed it is no surprise that many of the theorists of the new school of liberalism—including Norman himself—are Canadian, with their theoretical work developing in an environment of intense political dispute between Quebec and the rest of Canada.

Negotiating Nationalism, however, is not simply an exercise in exegesis, mapping the existing philosophical terrain. After reviewing how scholars such as Kymlicka have

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[1] *Negotiating Nationalism*, at 1 (original emphasis).

[2] Characterised by C. Taylor, 'The Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism and the Politics of Recognition* (Princeton University Press, 1992). Other seminal works in this new tradition include W. Kymlicka, *Multicultural Citizenship* (Oxford University Press, 1995); J. Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge University Press, 1995); and M. Moore, *Ethics of Nationalism* (Oxford University Press, 2001).

[3] M. Keating, *Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era* (Oxford University Press, 2001).

reworked familiar liberal tenets to take account of nationalism, Norman proceeds in chapters 3–6 to offer 'institutional "solutions" for housing competing nationalist projects within multinational states'.[4] This marks the book as part of a second wave of work by political philosophers which attempts to critique the constitutions of plurinational states[5] and the normative structure of international law[6] for their respective responses to the reality of intra-statal national pluralism today. This second wave of normative work is, therefore, post-ontological. There is general acceptance now within liberal theory that multiple nation-building projects exist within certain states and that these processes raise challenging justice issues. The task that has now been assumed by 'liberal nationalist' scholars of the Liberalism II school is to apply the new empirical insights and more abstract normative principles derived from the first wave of philosophical work in honing a more contextualised normative assessment of the institutional structure of the democratic multinational state.[7] Norman embarks on this task in the specific context of federal states, asking how federalism might be used as a constitutional mechanism with which to manage national diversity, and offering normative principles that will inform improved constitution-building in democratic federal plurinational states.

This article will have several points of focus. First it will review the advances made by the Liberalism II school in challenging other liberal theorists to take nationalism, and in particular the constitutional aspirations of sub-state nations, seriously. The progress made here comes at a time when European states have been forced to confront their own national identities in the face of deep constitutional challenges from both within and beyond the state. The fact that several EU Member States continue to be confronted by the phenomenon of sub-state nationalism is for many a perplexing and indeed paradoxical phenomenon in an age of deeper European integration. This will lead us to a second issue which is central to *Negotiating Nationalism*: nation-building. Although this term is rarely used by politicians, nation-building or nation-consolidation is an increasingly important political issue in Europe in an age of immigration and concomitant cultural diversity.[8] Norman's discussion of this issue will be addressed in two contexts: in terms of the challenges states face in balancing the integration of immigrants within a cohesive national project on the one hand, with liberal commitments to pluralism on the other; and also in the context of the identity of the EU itself, where the issue of integration towards, if not a common *demos*, then the successful achievement of a multinational polity, has seemingly stalled with the Constitutional Treaty. Third, Norman's constitutional prescriptions for those plurinational states with federal constitutional structures will be discussed briefly.

Liberal Nationalism: The New Philosophical Landscape

One question asked in *Negotiating Nationalism* is why nationalism remains such a hot topic for political philosophy today. Clearly one reason is prevailing political

[4] *Negotiating Nationalism*, Preface, at xii.
[5] F. Requejo, *Multinational Federalism and Value Pluralism* (Routledge, 2005).
[6] W. Kymlicka, Multicultural Odysseys: Navigating the New International Politics of Diversity (Oxford University Press, 2007).
[7] *Negotiating Nationalism*, at 9.
[8] For example, it arose prominently in the French presidential election: K. Willisher, 'Frontrunner Sarkozy Vows to Solve French Identity Crisis', *The Guardian*, 3 April 2007.

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conditions: statehood and its underpinning ideology—nationalism—have each found themselves facing intense scrutiny by sub-state nationalists and supra-state constitutional projects in an age of 'globalisation'. But another important reason for the attention that nationalism continues to receive lies in the fact that liberal philosophers over the past two decades have found the relationship between the state and the nation to offer very fertile soil within which to cultivate wide-ranging and fundamental challenges to widely held assumptions about the nature of the democratic state and the nature of the *demos* within the state: assumptions which for centuries have underpinned—it now seems in many respects mistakenly—so much grand theorising about the nature of the *polis* and the relationships of identity and loyalty between citizens and their respective states.

Important advances have been made in terms of exploring the fit between established liberal theory and the sociological reality of the plurinational state, with new insights into this relationship being offered in several main directions. One area of progress has been in exposing empirical deficiencies in models of traditional liberalism, in particular the notion that within every state there is but one *demos*. This assumption highlights what we might call the inherent 'stateism' of traditional liberalism. By this the demotic unity of the state is taken as a given, and a relatively uncomplicated theoretical plane is established upon which to deliberate about the democratic polity as a generalisable and indeed universalisable concept. These stateist assumptions came to be characteristic also of constitutional ideology, with states presenting their constitutions as neutral on cultural and societal matters when in fact they reflect, and serve to entrench, cultural particularisms.[9] And so we see liberalism and constitutionalism working together. The latter has been a central tool of state-building, but the stateist assumptions which have linked constitution, nation and state have also been accepted, seemingly without question, by those who have taken upon themselves the task of theorising about the nature of political justice in these states. In other words, the purported normality of stateist universalism became a mutually enforcing *idée fixe* for both liberal theory and liberal constitutional praxis. In many ways we might see the difficulties encountered in the debate over the need for a demos for the EU as informed by these misconceptions in traditional liberalism—for many state nationalists the cultural specificities of their own national identities had never been interrogated, and it was only in addressing the task of drawing many national identities together into a new polity that the constitutional complexities associated with the deep diversity of Europe became apparent.[10]

The state-centred model of liberalism, therefore, either ignored the significance of the nation entirely, or implicitly elided the idea of the nation and the state; it was assumed that for the purpose of normative political theory there was to the state one nation, and to the nation one state. In the past 15 years or so liberal nationalist theorists have highlighted how misconceived this elision has been. As Norman discusses, these theorists have shown that a monolithic vision of the nation and the state, existing universally with such perfect unitary harmony, served among other empirical errors to overlook the importance of sub-state group identities for many people, identities which

[9] F. Requejo, 'European Citizenship in Plurinational States: Some Limits of Traditional Democratic Theories: Rawls and Habermas', in U. Preuss and F. Requejo (eds), *European Citizenship, Multiculturalism and the State* (Nomos, 1998), 29–49.

[10] J. H. H. Weiler, 'Federalism without a Constitution: The Principle of Constitutional Tolerance', in R. Howse and K. Nicolaidis, *The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union* (Oxford University Press, 2001), 54–72.

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could be national without also being 'statal' in form. This failed to account for the sociological reality that multinational states exist alongside, and must in important respects be distinguished from, uni-national states. These states are characterised by more than one public space and these different spaces are the consequence of multiple processes of nation-building, processes which remain ongoing within individual states.

A second and concomitant development has been to demonstrate how this unitary account of nation and state has also led to the building of a normative framework, based upon a universal assumption of single-*demos* states that overlooks the different and often diverging aspirations of, and justice issues affecting, a plurality of national societies within the one state. The empirical weakness of the traditional account when applied without qualification to all states, regardless of societal composition, led to the construction of universal theories of justice which were built upon the mistaken premise of state neutrality on matters of cultural and national identity.[11] These failings of the normative as well as the empirical framework of liberalism's approach to nationalism have been subjected to forensic deconstruction. This has been done with most devastating effect in the work of Kymlicka, who has explained that in all cases, the state—including the liberal democratic state—has acted to consolidate in institutional terms the dominant influence of a particular national identity.[12] The result of this has been that in states with more than one national society, minority nations that have been disadvantaged by the neglect of their specific aspirations for recognition and by the denial of constitutional space within which their discrete national societies might flourish, have traditionally been able to find little succour from liberal theories of justice either to explain their exclusion or to offer principles upon which it might be remedied.

Flowing from advances made in critiquing both the empirical and normative foundations of traditional liberal theories of the state, a third advance made by the new approach to nationalism has been positive rather than negative. In other words, not a reaction to existing approaches but a proactive argument that nationalism should be taken seriously by democratic theory, thereby dispelling myths that nationalism is somehow inherently incompatible with liberalism or democracy. The importance of national identity as a 'context of choice' shows not only that nationalism and liberalism are not incompatible, but that in fact a coherent model of liberalism must be able to accommodate the political and constitutional aspirations of state and sub-state national societies if it is to remain loyal to fundamental democratic principles such as freedom and equality. What is required is the recognition of national identities and the constitutional facilitation of them so that the values of liberty and equality might be made more real for those individuals who can only meaningfully possess these freedoms in the context of their own flourishing national society.

As he both rehearses and builds upon these debates in the early chapters of the book, it is clear that Norman is a close follower of the Kymlicka school and its critique of traditional liberalism. Although little new ground is broken, the arguments are presented in an engaging and fluent style. In terms of the political landscape in Europe today, the importance of this body of work which *Negotiating Nationalism* has joined is reflected in the fact that sub-state nationalist movements are constructing ever more sophisticated constitutional aspirations in light of a changing international environment. We see this in UK devolution with calls for increased powers in Scotland; the

[11] Requejo, n 9 *supra*.

[12] For example, Kymlicka, n 2 *supra*. See also F. Requejo, 'Democratic Legitimacy and National Pluralism', in F. Requejo (ed.), *Democracy and National Pluralism* (Routledge, 2001), 157–177.

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extension of devolution in Wales;[13] the new Statute of Autonomy for Catalonia;[14] and the ongoing debate over the constitutional future of the Basque Country.[15] In fact, as Norman observes, it seems that the resilience of sub-state nationalism, and the entrenchment of a new way of understanding the values underpinning liberal democracy, have combined to create a political reality whereby national pluralism within the state is set to become a fixed feature of the political map. In other words, not only are the political and constitutional dynamics of sub-state nationalism maturing rather than disappearing, but the acceptance of this diversity as a core commitment of liberalism means that there is now no prospect of the kind of assimilation that accompanied the birth of nation-states in the past.[16] This is an observation often made also by Kymlicka,[17] and indeed with the heightened demands for democracy, human rights and self-determination worldwide, combined with the deepening of the Liberalism II model particularly in Western states, this argument seems sound.

Nation-Building: A Challenge for Europe

One issue which is of great relevance to European states is how national cohesion might continue to be consolidated in a way that remains consistent with liberal commitments to individual rights and cultural pluralism. In this context, not only is nationalism increasingly seen to be compatible with liberalism, but it is also widely viewed as an important anchor in an age of flux where state power is challenged externally by globalisation and supra-national polity-building, and internally by multiculturalism. The former issue calls into question the very functionality of the state, whilst the latter examines its capacity for integrating a body of citizens around a common constitutional project. This makes all the more relevant another focus of Norman's book, namely mechanisms to consolidate 'social cohesion in diverse modern states'.[18] The new linkages being drawn between national identity and citizenship have refocused attention on nation building and the 'utility of national identities as a form of "social cement"'.[19] Again at the level of the EU there are obvious parallels in the debates of the past decade or so over attempts to mix sufficient social cement with which to build a genuine European polity.[20]

In this context, a fundamental distinction requires to be drawn between, on the one hand, nationalism as either an ideology or a specific political agenda and, on the other, national identity as a cultural marker. Over the past two centuries the former has played the role of helping to entrench national identity within political and constitutional institutions, and in turn the nation has become the central functional device in

[13] Government of Wales Act 2006.

[14] Organic Law 6/2006 of 19 July, on the Reform of the Statute of Autonomy of Catalonia, Parlament de Catalunya, available at http://www.parlament-cat.net/porteso/estatut/estatut_angles_100506.pdf.

[15] M. Keating and Z. Bray, 'Renegotiating Sovereignty: Basque Nationalism and the Rise and Fall of the Ibarretxe Plan', (2006) 5 *Ethnopolitics* 347.

[16] *Negotiating Nationalism*, Preface, at xiii.

[17] Most recently, W. Kymlicka, 'The Global Diffusion of Multiculturalism: Trends, Causes, Consequences', in S. Tierney, *Accommodating Cultural Diversity* (Ashgate, 2007), at 17–34.

[18] *Negotiating Nationalism*, at 2.

[19] *ibid*, at 2–3. See also chapter 2.

[20] J. H. H. Weiler, 'The Reformation of European Constitutionalism', (1997) 35 *Journal of Common Market Studies* 97.

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fostering societal cohesion. In this context Norman addresses Miller's argument that the nation remains important in engendering the 'mutual trust' that is necessary to enable collective enterprises to pursue communitarian strategies such as welfare systems.[21] Norman argues that nation-building is indeed important today as societies become more and more diverse (and without such a cohesive focus, potentially fragmented), but that this does and should involve grassroots cultural development through the horizontal relationships among citizens, rather than merely between them and political elites. He refers to '"private-sector" identity-shaping activities'[22] by actors such as politicians, journalists, novelists, singers, etc. As such, nation-building is not a very helpful term. Norman tentatively deploys the term 'national-engineering' but is reluctant to use it as 'engineering' also seems to over-emphasise the self-consciousness of the processes at work, thereby under-estimating the accidental and subliminal factors present in the popular evolution of national identities. This suggests that as states confront their own national identities in an age of immigration, any process in national consolidation must be mindful that the success of such a strategy will depend upon this being an organic and—in a democratic context—a consensual process that seeks to embrace diverse identities within an open national identity, rather than to assimilate them within an already fixed idea of the nation. Nation-building for Norman is not just about creating a national identity or making national identity stronger, but also about shaping it qualitatively by 'addressing the values and beliefs that characterise the national identity in question, as well as the sentiments that bring it to life'.[23]

Although Norman's account of nation-building is very timely, it is notable that he does not focus to any great extent upon the new challenges faced by attempts to engineer some form of identity for the supranational polity of the EU.[24] This is perhaps due to his Canadian background where the context of supranational 'federalism' is less of an issue, but in a book purporting to theorise multinational federalism in general, it is a notable omission. As we address the prospects for social cohesion in Europe, the lesson that nation-building has been a horizontal as much as a vertical process seems to be that different forms of national engineering are appropriate for different types of polity.[25] If national identity is indeed a cultural artefact that is so heavily conditioned at the horizontal level of engagement among citizens, and if national consolidation increasingly depends upon popular participation, the lesson for the EU would seem to be that any attempt to impose a top-down national identity through constitutional engineering is unlikely to be successful and, in normative terms, highly problematic. We must also bear in mind that as multiple identities develop from sub-state to state to supra-state levels, a 'European' identity will vary in substance and strength, depending upon the particularities of the respective national identities through which it is filtered.

The question of nation-building begs the question of what the nation is and, in doing so, it leads us back to the somewhat hackneyed distinction between civic and ethnic nationalism. This binary apparatus has lost much of its purchase in the work of sociologists and political theorists[26] but it is still a useful caricature for theoretical purposes. The great aspiration of civic nationalism as manifested in American or

[21] D. Miller, *On Nationality* (Oxford University Press, 1995).
[22] *Negotiating Nationalism*, at 68.
[23] *ibid*, at 33.
[24] See, e.g., *ibid*, at 41 and 84.
[25] *ibid*, at 67.
[26] *ibid*, at 61.

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French constitutionalism is that of state neutrality on matters of culture. Norman argues that although neutrality may be impossible to achieve, a state should still aspire to it in order to remain faithful to liberalism: 'It cannot be neutral, but it can be more "inclusive" of other identities, and it can aim to "thin out" the majority national identity to facilitate nested dual identities for members of minority cultures'.[27] This is an important point because the thinning out of national identity may seem vital if multiculturalism is to be a complementary rather than a competing goal for nation-builders. In other words, a national identity must avoid excessive holism if it is to seem a welcoming environment to diverse cultures. However, this is a difficult balance to reach because the state identity—whilst seeking to be inclusive—must also be thick enough to foster cohesion and to make people feel they are part of a particular community. In this sense Norman is aware that we need to divorce the implicit connection between 'thinness' and 'civicness' in national identity. Civic identities can still be strongly held and rigorously promoted. It is generally assumed that civic identities are easier for immigrants to acquire, but some of the most stridently held identities which make the most intrusive demands on immigrants and national minorities in terms of assimilation are the civic models of France, Turkey and the USA, making these in fact 'thicker' than many ethnic national identities. In particular, the current problems with the French national model are a salutary reminder of the difficulties to be faced by those who would advocate an ambitious project of pan-European nation-building around a Jacobin model of civic institutions.[28]

The issue confronting states today, as Norman illustrates, is, therefore, highly complex. The strengthening of national identity may be crucial for the consolidation of social projects such as state-wide welfare systems, but both the justice demands of liberal theory, and the prospects in practice for the success of any nation-engineering project, seem to lead back to Norman's idea that national identity can only be strengthened through the grassroots consent of citizens; in a multicultural society this means a national identity that can embrace rather than suppress the state's pluralism, recognising and accommodating the aspirations of diverse groups for recognition by, and inclusion within, the idea of the nation.

Liberal Theory and Constitution-Building in Plurinational States

Although *Negotiating Nationalism* is primarily 'a work of relatively abstract political philosophy'[29] it is also about institutional solutions for the multinational state.[30] As such it needs to be situated in the context of the recent second wave of work which seeks to build upon normative theory on the relationship between liberalism and nationalism by considering the constitutional implications of a normative commitment to multiple nation-building processes within the one state. Insofar as the early chapters of the book largely map existing terrain, it is in these later chapters that we would expect the book to break new ground. However, although containing interesting insights, as a comprehensive exercise in constitutional prescription it is disappointing in some respects.

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[27] *ibid*, at 52.
[28] H. Samule, 'French Identity Crisis in Tussle for National Vote', *Daily Telegraph*, 27 March 2007.
[29] *Negotiating Nationalism*, Preface, at xii.
[30] *ibid*, at 71.

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With a particular focus on federalism in multinational states, Norman suggests that although 'federalism facilitates the distribution and sharing of nation-building tools between national minorities and majorities', no theories of federalism, or almost none, address federalism 'as a way to manage a plurality of national communities and nationalist projects within a common political space'.[31] While in historical perspective this is undoubtedly true, matters have been changing in recent years with a wide expansion in the literature on multinational states in general, both federal and non-federal, much of which covers very similar ground to *Negotiating Nationalism*, but with which this book does not fully engage. Norman is aware of the criticism levelled by social scientists (in particular sociologists) to the effect that analytical philosophers have decontextualised the issues surrounding nationalism,[32] but arguably he leaves himself open to a similar criticism by venturing into normative theory of the multinational federal constitution without addressing some of the most significant work done by political scientists who have recently covered this terrain, combining empirical and normative perspectives. The most notable omission is any engagement with the work of Keating, and this is all the more surprising given that the states that are the main focus of *Negotiating Nationalism*—'relatively affluent multinational states with strong traditions of constitutional democracy such as like Belgium, Canada, Spain, Switzerland, or the UK'[33]—are the very states focused upon by Keating.[34]

Norman argues that chapters 3–6 'sketch a viable and defensible realm of self-determination for national minorities within, rather than apart from, multinational states'.[35] As has been noted, *Negotiating Nationalism* makes several references to the EU[36] but the failure of the book to engage with the interaction between sub-state national societies and the supra-state environment again calls into question the book's claim to comprehensiveness. Four of the five states mentioned in the preceding paragraph are European and three of these are EU Member States. Keating and others have argued persuasively that any attempt to understand the constitutional aspirations of sub-state national societies in these states must take into account the extent to which these aspirations are now informed in the most pervasive way by the parallel, ongoing processes of constitution-building at the level of the EU. It is surely just as important to address the supranational environment in any attempt to theorise justice issues surrounding constitution-building when this task, in both federal and non-federal states, is now, in Europe at least, so heavily informed by processes of 'federalisation' beyond the state.

Turning from Norman's substantive coverage, his methodology is to identify normative principles at a fairly abstract level rather than to offer detailed constitutional prescriptions: principles 'that both liberal democrats in general, and liberal nationalists in particular, should be willing to embrace'.[37] Furthermore, Norman's approach is to

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[31] *ibid*, Preface, at xvii–xviii.

[32] *ibid*, Preface, at ix–x.

[33] *ibid*, Preface, at xii.

[34] M. Keating, *Nations Against the State—The New Politics of Nationalism in Quebec, Catalonia and Scotland* (UK: Palgrave, 2nd edn, 2001) and n 3 *supra*. Another notable omission is any reference to Ferran Requejo's *Multinational Federalism and Value Pluralism*, n 5 *supra*. Although, as this was published only one year before *Negotiating Nationalism*, the omission may be due to a delay in the production process for the latter book.

[35] *Negotiating Nationalism*, at 77.

[36] e.g. *ibid*, at 130, and in reference to EU institutions, at 112–118.

[37] *ibid*, at 141.

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set out useful principles for the modification of constitutional structures rather than for a major re-writing exercise. The task, as he recognises it, is not to find a grand normative toolkit but to use as far as possible the classical justifications for federalism, adding to these to meet the needs of multinational specifics. This is surely the correct approach to exercises in constitutional prescription. Constitutional theory speaks specifically to the ongoing dynamics of constitutional activity and these are generally about constitutional processes within stable constitutional structures rather than dramatic constitutional change and major engineering projects to be undertaken *ab initio*. The constitutional theorist engages with constitutionalism as it exists in practice, and insofar as normative prescriptions can feed into this engagement they should, as Norman recognises, be able to do so at the interstices of extant constitutional projects and ongoing constitutional processes.

Norman's engagement with this issue, and indeed the related work done by Kymlicka, Requejo and other political theorists, highlights the failure of, and indeed the need for, constitutional lawyers properly to engage with the issue of constitutional prescriptions for the plurinational state. Helpful though the task of setting out normative principles as undertaken by Norman and others has been, we must now build on this work and address the specificities of constitutionalism as a discrete discipline, revising that methodology as required. Little work has been done so far by constitutional lawyers in unpacking the issues involved, and there are several areas of work where what is needed is specific and detailed constitutional engagement with the wide variations that exist from state to state in terms of the aspirations of sub-state nationalists, the constitutional context including the history of the state, etc, and the international environment within which the state operates. We might identify briefly four factors that seem to be central to any effective methodology of prescriptive constitutionalism in plurinational contexts. First, is constitutional interpretation. Prescriptions in the area of plurinational constitutions focus most often upon proposing changes to constitutional texts, thereby overlooking the possible scope for incremental, and at times dramatic, changes that can be achieved by alternative approaches to constitutional interpretation. A second issue specific to a constitutionalist approach to plurinationalism is to recognise which agencies (including judges) are in a position to influence constitutional behaviour, and to focus upon how they might alter the meaning or application of specific constitutional provisions. Again it is important to understand how particular courts operate, how open they are to the task of constitutional reinterpretation, and whether they are inclined to act either as centralising agencies or as bodies willing to recognise the plurinational essence of the state. A third point is to recognise that constitutional processes can be as important as the substantive terms of the constitution. Understandably, little attention is paid by political philosophers to the detail of constitutional processes from one constitution to another, but this issue—embracing as it does the crucial question of constitutional amendment—is central to the achievement of sub-state change and the blocking of centralising hegemony. In this context Norman offers interesting insights.[38] A fourth area of constitutionalism which is important as a source of constitutional prescription in the plurinational context is the relationship between formal and less formal constitutional processes. It seems that, despite its neglect by constitutional theorists, this can be particularly significant where sub-state nationalists think that implicit recognition of

[38] *ibid*, at 116.

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the plurinational nature of the state was in place either at the time of the formation of the constitution and/or at other points in its gradual development, a point also brought out nicely by Norman in the context of Canadian history.[39]

Negotiating Nationalism highlights both the successes and the understandable limitations of contemporary political philosophy when it engages with constitutionalism in practice in the context of issues such as federalism. But it also serves to remind us that at least political philosophers are engaging with these issues, whilst constitutional lawyers have largely failed to build upon the insights that philosophers have offered in their illuminating work on nationalism. The plurinational state demands a detailed approach that will tailor constitutionalist methodology to each state's constitutional specificities. This is an important undertaking in itself, but it also seems that only by such an approach will we be able to draw the fullest lessons possible from the plurinational state as a constitutional laboratory for the coexistence of more than one nation within a polity. As this remains the central constitutional conundrum facing the EU today, this task is vital indeed.

[39] *ibid*, at 131–138.

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