HOW HISTORIC ARE HISTORIC RIGHTS? COMPETING HISTORIOGRAPHIES AND THE STRUGGLE FOR POLITICAL LEGITIMACY

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Historic rights and national legitimation

One of the most striking features of the re-emergence of minority nationalist demands in multinational states like the United Kingdom, Spain, Canada and Belgium is the prominence that historians have acquired in political debate. It is difficult to imagine a more effective refutation of the "end of history" thesis than the grounding of political arguments in a live and developing historical context. Another irony is that, in a world supposedly bound by single set of universal values, arguments for democratic self-determination and rights are so often rooted in particularist histories and traditions. On a more considered reflection, however, this is not so anomalous. In a post-sovereign world in which the nation-state is being demystified and its role as the foundation of legitimate order questioned, there is a scramble for legitimacy among competing forms of

social and political order. Political theory, while it has contributed much to debate on the principles of legitimate order within states, has struggled with the question of what states should exist and of who is the subject of the right of self-determination (Moore, 1998a; Lehning, 1998). Proponents of self-determination are therefore thrown back on empirically-based sociological arguments, to the effect that such and such a group consider themselves the subject of self-determination and wish to exercise the right, or on historical arguments to the effect that a group already has the right or had it in the past but lost it unjustly.

Historic rights arguments for self-determination also have their strengths (Herrero de Miñón, 1998) and their weaknesses. In their favour is the fact that they rely on exactly the same principles of legitimacy as do states themselves. Whatever the myths of social contract or national consent, the nation-states of today exist because they exist. This point is often ignored in debates on secession where the onus always seems to be put on the secessionists to justify their demands with reference to universalizable theories, while the existing state is never called on to justify its own existence. Historic rights therefore allow minorities to make the same sort of claims as the state itself, rooted equally in historic practice and consent. The doctrine has been given a particular and interesting slant recently. Late nineteenth and early twentieth century nationalists tended to forge myths of ancient independence, since the world was heading to system of states as the basic principle of legitimacy. This gets us straight into the fundamental problem of secession, that it cannot be universalized, since the claims conflict. The present conjuncture, of diffused and shared sovereignty, makes it more attractive as well as possibly historically more accurate, to recall a past of undefined sovereignty and shared authority. This may be used as a basis for forms of self-determination and accommodation falling short of statehood.

There are some principles universally seen as underpinning legitimate authority in the modern world, including constitutionalism, democracy, liberalism and respect for individual rights. All sides in these debates are therefore obliged to root their historic rights claims to a tradition that is more democratic and respectful of rights than the others. The trend in the contemporary world to delink human rights from national citizenship and the growth of transnational rights law undermines the claims of the state as

the only repository of universal values. So claims to self-determination or special status which previously might have appeared as a violation of universal principles can now be presented as not only compatible with them but even as a means to their realisation. Since mere ethno-history, particularism or romanticism are not enough to substantiate claims to self-determination in the late modern world, the battle is on to present particular histories that best incorporate universal principles. Supporters of the nation-state, who tended to win these arguments from the nineteenth century, are now very much on the defensive.

Another factor in the new historiography is the questioning of received social science accounts of national integration. These largely teleological accounts tended to identify state building and national integration with modernization itself. They saw market integration, industrialization, capitalism, cultural integration and the penetration of the modern state into all parts of its territory as linked processes, which would produce homogeneous nation-states without important cultural, ethnic or territorial cleavages (Deutsch, 1966). Some modernists portray both European integration and globalization more generally as a continuation of these diffusionist trends, leaving ever less space for particularisms. More commonly, however, European integration and globalization have served further to question the sovereign nation-state as the sole form of political order and have provoked scholars into looking again at pre-modern forms of authority and their similarities to the modern post-sovereign order. The sovereign nation-state can, in this account, be seen as an exception or interlude rather than the end point of political development. Already in the 1970s, Rokkan (1980) was presenting the construction of European nation-states as a problematic and incomplete process, leaving behind important cleavages (Rokkan and Urwin, 1982, 1983; Flora, 1999). Tilly (1990) has shown how different forms of nation-state emerged according to circumstances and that alternative paths, based on city regions, were in principle possible (Tilly and Blockmans, 1994). Even in international relations, scholars have begun to question the "Westphalian" paradigm as a historical account (Osiander, 1994; Spruyt, 1994) or as an adequate way of understanding contemporary politics (Agnew and Corbridge, 1995). I have also sought to present the territorial state as historical contingent, and the process of integration as at least potentially reversible (Keating, 1988a; 1998).

Competing Historiographies

There is nothing new in the use of history to conduct political argument. Most European nations have origin myths, typically tracing their descent either from the tribes of Israel, or from Trojan refugees. Medieval rulers employed tame scholars to invent genealogies and discover lost laws and traditions. The opening scene of Shakespeare's *Henry V* has the English monarch consulting his sages on the meaning and application of the old Salic law to sustain his claim to the crown of France. While modern historiography from the nineteenth century was supposedly more scientific, based on evidence and research, it has been scarcely less ideological, deployed in the interests of state and nation. It has rarely been completely uncontested and at times has been vigorously disputed.

To simplify, we can identify two competing historiographies in the four multinational states under discussion here, the state historiography and the peripheral one. State history follows the same line as the sociological diffusionists, but with a rather different method. History is seen teleologically as a progress to national unity, with the sovereign state as the final expression of this. As these accounts modernized themselves, origin myths could be dismissed as romantic nonsense. Indeed, historians could celebrate the diverse origins of the nation as a source of its strength and its success moulding them into one as a sign of the national genius but the teleology is only reinforced thereby as this unity is seen as the essence of progress. The pre-modern order of Europe, with its diffused authority is presented as an obstacle to progress and enlightenment. The estates systems, *fueros*, special laws, historic rights and the whole patchwork of authority that characterized the pre-state order are dismissed as bastions of reaction and privilege, obstacles to the advance of capitalism, markets and middle class liberalism. It is not only liberals who adhere to this view, since Marxists also see the rise of capitalism and the bourgeoisie and, in so far as it facilitated these, the nation-state as an essential phase in historical development and thus a force for progress. Engels" strictures on nations without history are well known and a modern Marxist historian like Hobsbawm can draw a distinction between large nation-states, which have a progressive potential, and minority nations, which tend to reaction. The same attitudes are found in analyses of the failure of the Austro-Hungarian empire, which historians have presented as doomed to failure because it was not a nation-state and

could never become one. This bias to the consolidated nation-state often accompanies a cultural disdain for the minority or non-state cultures and languages, which are also presented as signs of backwardness and obstacles to progress. An extreme form of this combination of statism and nationalism is the French "jacobin" tradition, itself largely an invention of the Third Republic, pitched into conflict with monarchism and the Church. Milder forms can tolerate the existence of municipal self-government but under the umbrella of absolute state sovereignty.

Peripheral historiography presents a very different account. There is often a myth of primordial innocence and primitive democracy, before the alien intrusion of the modern state. Historians may present the incorporation of their territory into the state as an act of conquest, in which case it is illegitimate and was never accepted by the people. This may underpin arguments for secession. Alternatively they may present incorporation as the fruit of a pact, in which case they insist that historic rights were not surrendered, that the pact can be renegotiated. This underpins the union state (Rokkan and Urwin, 1983) or fragment of state (Jellinek, 1981; Herrero de Miñón, 1998), a form of asymmetrical incorporation which recognizes the continuing rights of territories. While state historians present historic institutions of the pre-state era as necessarily reactionary because they were not democratic or liberal, peripheral historians have two responses. Some present the old institutions as forms of primitive democracy in advance of their time. Others point out more reasonably that no institutions in the Middle Ages were democratic by modern standards and that there is no reason why estates, foral bodies or guilds could not have democratized in the same way that the British Parliament did. So there was more than one potential path to democratic modernization. As the state loses its mystique, these histories of diffused authority are refurbished as the basis for a post-sovereign political order and new forms of democracy.

The United Kingdom

Historiographical arguments in the United Kingdom go back to the Middle Ages, when the Norman-Welsh historian Geraldus Cambrensis sought to justify English suzerainty over the whole of Britain, against a

vigorous defence on the part of Scottish historians like Hector Boece, first principal of the University of Aberdeen (Ferguson, 1998). In the constitutional conflicts of the seventeenth century, a primitive democratic English constitution was evoked, sometimes counterposed to the "Norman yoke" imposed after the Conquest of 1066 — although at other times the Normans were seen as quintessentially English themselves (Kidd, 1999). For our purposes, however, the most influential school of historians in the nation-state tradition were the Whig historians of the nineteenth and twentieth centuries.

A central feature of this history was its focus on England. Almost all the works were entitled histories of England, tracing British history directly from English experience, with the peripheral nations putting in only occasional appearances and joining the central narrative only after union with England. Even Scottish historians like Macaulay and Hume wrote their "histories of England". Yet the meaning and confusion of the terms England, Britain and United Kingdom is almost never addressed explicitly and the terms are used interchangeably[1]. Instead the unions of 1536, 1707 and 1801 are treated as mere incidents after which English history continues. So Erskine May (1906) could entitle his book *The Constitutional History of England*, introduce it as an effort "to trace the progress and development of the British constitution" (p. iv) and argue that "nothing in the history of our constitution is more remarkable than the permanence of every institution forming part of the government of the country" (p. 273). Trevelyan (1926, p. 481), ignoring the mutual abolition of both Scottish and English Parliaments, wrote that "The Union involved the absorption of Scotland's Parliament and Privy Council in those of England". A logical consequence was that constitutional historians saw the United Kingdom as the product only of English constitutional practice, arguing that parliamentary sovereignty was absolute since this had been established in sixteenth and seventeenth century England (Dicey and Rait, 1920; Dicey, 1886, 1912) (for a critique of this see MacCormick. 1999). Maitland (1909) does give an account of the unions and the breaks in constitutional continuity of 1688-9, 1707 and 1801, but his account of constitutional law takes in only English history and he insists that Parliament has developed continuously from the old English one. Allied with anglocentrism is an

[1] A partial exception is Feiling (1959) who, in his *History of England* does use the terms Britain and British after 1707.

isolationist tendency, which sees the United Kingdom as something apart from Europe and in opposition to it.

Pre-Union Scotland, where it featured at all, was portrayed as a materially and intellectually impoverished country and its eighteenth century Enlightenment and nineteenth century industrialization attributed to the beneficent effects of union with England. Green's (1896) *History of England* claimed that the Union opened to Scotland "new avenues of wealth which the energies of its people turned to wonderful account … Peace and culture have changed the wild clansmen of the Highlands into herdsmen and farmers" (p. 130). Tevelyan (1926, p. 482) claimed that "By this great act of modern legislation, England placed upon the world's highway of commerce, colonization and culture, a small nation, hitherto poor and isolated", failing to mention that blunt threats to Scottish independent commerce had been used to get the Union. Yet while recognizing at one point that the name of the country had changed, he continues for the rest of the work to refer to it as England. A profound disdain for the Gaelic culture of Scotland pervades the work of a conservative historian live Trevor Roper (1983)[2]. Ireland was similarly presented as a backward periphery and the rich Gaelic culture of pre-conquest Ireland largely ignored. Well into the nineteenth century, Celts were seen as alien and threatening, although potentially civilizable according to English norms. By the late nineteenth century, a Germanic cult presented a racial basis for constitutionalism in England as in Stubb's (1908) *Constitutional History of England* whose title is for once correct but where the absent Celts are presumably beyond this civilizing and constitutional experience. Wales hardly featured in this historiography at all for, as Trevelyan (1926) put it, "From the Tudor settlement until the Nineteenth Century, Wales had no history, except that of slow social and religious growth".

English national bias was closely linked to the portrayal of constitutional development as smooth, consensual and tending ineluctably to liberalism and democracy. England was the exception in a

[2] In the celebrated Hobsbawm and Ranger (1983) book on the invention of tradition he writes that Celtic Scotland could have no independent tradition since before the seventeenth century its people and those of Ireland were the same. It is difficult to see what culture could survive this primordialist test — certainly not England. The book is a curious invention itself, with diehard conservatives and marxists agreeing to denigrate so-called inventions. One can only assume that the conservatives think that the only authentic practices are those that never change, while the marxists think that only cultures made *ex novo* are valid. The idea that Scottish culture is a living one and might have adapted and modernized seems not to occur. For an effective critique of Trevor Roper see Ferguson (1998).

Europe bound up in feudalism and absolutism. The medieval English parliament is presented as unique, despite the existence of parliamentary institutions in Scotland, Ireland, Wales and Cornwall, as well as in many parts of Europe. The conservative politician Balfour (1912) explictly argued that the superior English polity needed to triumph over the backward "tribal" organization of Ireland and the Scottish Highlands. Magna Carta featured strongly as the basis of English liberties, although it was arguably no more than a feudal pact of the sort common elsewhere in Europe and it seems only to have been rediscovered and given its prominence from the mid-seventeenth century (Davies, 1999). The struggles of the mid seventeenth century between King and Parliament are described as the "English Civil War" rather than the War of Three Kingdoms (Morrill, 1995; Barber, 1995; Davies, 1999)[3] with the Irish and Scots in walk-on parts. Its constitutional implications are thereby reduced to the development of English parliamentarism. The coup d'état of 1688-9 which brought William of Orange to the throne was celebrated as the "Glorious Revolution" laying the foundations for a democratic and liberal regime. Well into the twentieth century, Whig historians identified liberalism with Englishness (Stapleton, 1999)[4] against challenges from within and outwith the UK. The fact that the UK gained universal suffrage only in 1928[5] and was the last state in Europe to keep a hereditary chamber of parliament is not stressed. The identification of liberty with Englishness has sometimes required a bit of category stretching, to include the likes of William of Orange or the Hanoverian monarchs, and leads to extreme anachronism and invention when treating of the middle ages.

The dominant historiography has also been profoundly Protestant. Historians have recognized that both Catholics and Protestants persecuted each other in their interludes of power in the sixteenth century, but tend to excuse the latter because they killed Catholics not for their religion per se, but because of their disloyalty to the state. Since, whatever the protestations of loyalty of Catholics themselves, Catholicism was defined as intrinsically incompatible with good citizenship, this amounts to a defence of a sectarian

3 Or, indeed, a part of the Thirty Years War being fought across Europe as a whole.

4 Curiously, Stapleton herself, writing in 1999, still fails to address the relationship of this Englishness to British or UK identity.

5 Even universal male suffrage was conceded later (1918) than in the United States, Germany, France, Spain, Italy, Belgium and the Scandinavian countries.

state[6]. The treatment of King James II and VII is particularly illustrative. James may have had many faults but was deposed in 1688-9 for introducing religious toleration for all, Anglicans, Presbyterians, Catholics and Dissenters. The revolutionary regime celebrated by the Whigs withdrew toleration for Catholics and Dissenters and imposed religious uniformity in each of the three kingdoms, ironically, in the celebrated Bills of Rights. It is not that Whig historians approve of religious persecution, but their willingness to deplore the excesses of Anglican oppression of Catholics and Dissenters does not extend to questioning the fundamentally sectarian nature of the developing British state. Trevelyan (1926) is typical, "The outcome (of the battle of the Boyne) subjected the native Irish to persecution and tyranny for several generations to come, but it saved Protestantism in Europe and enabled the British Empire to launch forth strongly on its career of prosperity, freedom and expansion overseas"[7]. The Stuart dynasty as a whole are presented as the incarnation of continental abolutism and their defeat in the earlier Civil War celebrated. Davies" (1999) view that they may have represented a form of enlightened despotism more progressive than the parliamentary oligarchy might be contentious, but it is a provocative counter-suggestion.

It would be wrong to claim that there is a coherent counter-history from the periphery. Scotland, Ireland and Wales have their own historiographies which themselves are rich in controversies and revisionisms. From the nineteenth century, national history schools developed in Scotland, Ireland and Wales, challenging anglocentrism and focused on key elements in their own political development. This picked up on earlier, pre-Union traditions. A Scottish historiography had been deployed to counter the claims of the English crown in the middle ages and Scottish historians have tended to root sovereign authority in the people. The Declaration of Arbroath (1320), while embroidered with origin myths, asserts the sovereignty of the Scottish people and their right to reject not only the English monarch but also, should be betray their trust, their own king Robert Bruce. English historians have tended to belittle the significance of this, pointing out that it was

6 Perhaps the main difference was that Protestants killed Catholics by hanging, drawing and quartering, while Catholics killed Protestants by burning at the stake.

7 Trevelyan (1926, p. 467) also includes among James sins the introduction into the army of 'shiploads of Celtic-speaking peasantry' whom the English were agreed in 'regarding…as foreigners and savages, whom is was the task of the Anglo-Saxon to keep docile and unarmed even in their own island.'

written by the monks of Arbroath and was little more than a typical medieval statement of conditional loyalty, yet its popular credentials appear better founded than those of Magna Carta or the Glorious Revolution and Scottish historians have emphasized its precocious annunciation of the doctrine of limited monarch (Cowan, 1998). Hector Boece's *History of Scotland* (1526) elaborated on these earlier ideas which denied absolute sovereignty and rooted legitimacy in consent and in the people (Ferguson, 1998) and this was pursued by George Buchanan (1506-82) after the Reformation[8]. Scottish historiography has also had a European bent, reflecting the continental travels and interests of scholars and the search on the part of Scottish monarchs for support in France and elsewhere against English claims.

While for centuries, Scottish historiography was deployed to support claims to national independence, from the late eighteenth century, the age of Enlightenment, there emerged a Scottish unionist historiography, critical of the "inventions" of the past and prepared to embrace English constitutional practice as more advanced (Kidd, 1993). This was founded in a Scottish form of Whiggism, also celebrating the Revolution of 1688-9 (which was a separate event in Scotland) and stressing the backward state of such Scottish institutions as Parliament, the law and the nobility. It is this perception that explains the willingness of Scottish intellectuals to abandon their own history and tradition and adopt the English Whig gospel (Finlay, 1998). With the re-emergence of nationalism in the nineteenth and twentieth centuries, however, a nationalist historiography reappeared, much of it based on the contested nature of the Union itself[9].

Scottish historians for their part have stumbled over how to treat the Highlands in their own history. On the one hand, the symbols and legitimacy of the early Scottish state was rooted partly in the Gaelic culture and tradition. On the other, Scottish monarchs from the sixteenth century strove to assimilate the Highlands to Lowland norms and extirpate the Gaelic culture. The Stuarts were forceful supporters of assimilation (Hunter,

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8 Trevor Roper attacked Buchanan's work as mere fabrication, but he in turn has been criticized (Ferguson, 1998) for accepting counter-fabrications and ignoring the historical roots of the Scottish tradition.

9 This periodization is itself a simplification. The intricacies of historical arguments about Scottish rights are detailed in Kidd (1993, 1999) and Ferguson (1998).

1999) yet ironically it was in the Highlands that Jacobitism (the movement to restore the Stuart dynasty) was strongest after 1688. Jacobitism after 1745 and especially in the nineteenth century was incorporated into a romantic view of Scottish nationalism, yet nationalism was also associated closely with the defence of the Presbyterian Church establishment threatened by the Stuart kings and secured by the settlement of 1689. Certainly Jacobitism was not the pure reaction depicted by the Whig historians – it had a popular basis and its programme included the restoration of the Scottish Parliament, while the Stuarts did have a record of religious toleration. Yet it sits uneasily with the Presbyterian tradition. Presbyterianism itself features strongly in Scottish historical myths, with its democratic forms, including the election of ministers and an ethos of social egalitarianism. This in turn provided the basis for a view of Scotland as a meritocratic society, emphasizing education and self-improvement, where the "lad o'pairts" from a poor background could make good.

Scottish nationalist histories stress the corruption involved in the negotiation of the Union of 1707 and the popular opposition it aroused at the time (Ferguson, 1977), thus undermining its legitimacy. Riley (1978, p. xvi) concludes that, "The union was made by men of limited vision for very short-term and comparatively petty, if not squalid, means", and only gained broader acceptance much later, although recognizing that the alternatives might have been worse. The intellectual arguments advanced during the union debates by Andrew Fletcher of Saltoun, and his plea for a confederal order, have continued to inform nationalist scholars (Scott, 1992). In the 1990s, they have even found sustenance in Fletcher for a united Europe recognizing the rights of small nations. There have been efforts to rescue the old Scottish Parliament from the bad image given it by unionist historians (Young, 1998), and to stress the plurality of authority in pre-Union Scotland, divided among the Crown, Parliament, courts and Kirk (Kidd, 1993). Scottish nationalist historians have also tended to stress the democratic traditions in Scottish society, including the organization of the Church of Scotland. Scots law has featured prominently as a form of continuing legitimacy through the Union and as more rational and European than its English counterpart. In the 1990s, Scottish historians have critically examined their own historiography (Ferguson, 1999; McCrone, 1999) and have stressed the continuation of an autonomous Scottish civil society within the union state and the regular adjustments of

the terms of union (Finlay, 1997; Devine, 1999; Paterson, 1994). Above all, non-unionist historians have sought to present the Union as a pact between sovereign nations, which could not be changed except by mutual consent. Analysts of the union debates have argued that this sovereignty was so ill-defined as to leave little in the way of legal theory (Robertson, 1995) but the doctrine survived and led directly to the Claim of Right of the Scottish Constitutional Convention in the 1980s, whose very name linked to historic precedents (CSA, 1988). In a famous case in 1953 (McCormick vs. Lord Advocate) it was held that the Union of 1707 was indeed superior law and not changeable by the Parliament of the United Kingdom, but the courts did not assume the right to redress the revealed wrong (the use of the title Elizabeth 11 in Scotland). Nearly fifty years later, MacCormick's son was pointing to the "Scottish anomaly" of Scottish sovereign rights within an ostensibly unitary Parliament and pointing to the need to resolve this within a broader European order of divided sovereignty (MacCormick, 1999). Indeed it may be that the very vagueness of old Scottish doctrines of national sovereignty served them ill in the era of emerging nation-states but, like its Catalan equivalent, it may be more useful in more complex modern conditions.

Irish historiography was complicated by the presence on the island of three distinct groups, the Old Irish of Gaelic or Celtic extraction, the Old English descended from Norman settlers of the middle ages, and the New English descended from Protestant settlers in the seventeeth century and who were in fact mostly Scots. All developed a distinctly Irish account of history, borrowing freely from each others" experiences while often intermarrying (Kidd, 1999). After the Reformation, the Old Irish and Old English were drawn together by their common Catholicism and new Irish identity, largely forged by Geoffrey Keating[10] (1570-1644) tied in the Normans to a continuous pattern of assimilation of incomers into Irish society. This new Irish identity was accompanied by a doctrine that Ireland had never been incorporated into the English crown but was merely a "lordship" whose personal head might happen to be the king of England (Kidd, 1999). Seventeenth century Irish lawyers recalled that Magna Carta had been sent over to Ireland in a distinct form, and called for respect for

10 Geoffrey is Norman in origin. Keating, with all respect to the family myths, is Welsh in origin. The Keatings were Cambro-Normans who arrived with Strongbow Earl of Pembroke in the twelfth century.

the old Irish parliamentary institutions (Morrill, 1995). At times of reduced sectarian tensions, even the New English could buy into this Irish identity, adopting the history of the other two groups. During the eighteenth century, efforts were made to deny the backwardness of pre-conquest Ireland by playing on the alternative myth of the "land of saints and scholars", and portraying the "ancient constitution" of Ireland as balanced and parliamentary. Others argued that pre-conquest Ireland had an advanced system of trade and commerce under its own laws (Kidd, 1999). Such historical accounts legitimized the Patriot Parliament (Grattan's Parliament) in the late eighteenth century, which repudiated Poyning's law and claimed sovereign legislative power asserting that, like the Scots, they had never been conquered, merely brought into a monarchical union. Allied to the modernizing impulse of the French Revolution, they underpinned the United Irishmen and their democratic nationalist rising of 1798. Yet the institutions which it supported remained the property of the Anglo-Irish Protestants and the patriots never succeeded in bringing in the Catholic majority. So from the nineteenth century mainstream Irish nationalism drew instead on accounts of conquest and oppression, turning to forms of nationalism rooted in Celtic identity and Catholic culture. A whole "Story of Ireland" genre of historiography confirmed the primordial vision of national continuity and separateness (Foster, 1998). The corollary of this account was not a re-accommodation of Ireland within the union, but separatism. Meanwhile in England, Scotland and Wales racist stereotypes depicted the Catholic Irish as ignorant savages. Oddly, however, Maitland, author of the unitarist account of constitutional history, in the introduction to his translation of Gierke's work on medieval political thought, identified the British problem in Ireland as their lack of a theory of authority between absolute dependence and absolute independence, although tucking this shrew observation away in a footnote (Maitland, 1900, p. x, note 1). The Scots covenant tradition was exported to Ireland but for the Protestants of Ulster, who used it as an instrument against incorporation into a home rule state.

The implication of the dominant unionist and anglocentric historiographies is that British constitutional development is English constitutional development, that the peripheral nations have left no contribution to it, and that the British Parliament is the heir to the unitary English state tradition. In the absence in the UK of either a successful

absolutism or a jacobin republican tradition, this provides the intellectual underpinning for an uncompromisingly unitary state. Yet in the last fifteen years or so, an alternative historiography has developed, in parallel with the renewed political mobilization in the periphery, challenging both the anglocentric History of England school and the practice in the four nations of sustaining separate national histories (Ellis, 1995). This new approach sees the histories of the (British) Isles as linked in complex ways with each other, and as part of a wider European history and regards the final outcomes, with one secessionist state, one union and a disputed territory between, as non inevitable (Pocock, 1975; Brockliss and Eastwood, 1997; Ellis and Barber, 1995; Kearney, 1995; Davis, 1999).

This is accompanied by a revisionism within peripheral historiographies, notably in Ireland, where it counters the dominant nationalist accounts (Foster, 1989; 1998). The emergence of Irish nationalism in the nineteenth century is put in a broader European context, it is not anachronistically projected back to the Middle Ages, and its ultimate triumph not taken for granted. Ireland is also seen as part of a wider Isles community, its elites linked into developments in the other kingdoms, and the common history of northern Ireland and western Scotland is recognized[11]. Other scholars have traced the reforging of Welsh identity in the nineteenth century (Morgan, 1980) and problematized the relationship of the Highlands and Islands not just with the British state but with the Scottish state and society (Hunter, 1999). Even English historians are more ready to distinguish England from Islands history. Already in 1971 Sir George Clark prefaced his History of England by specifying that "I mean England in the strict sense, not Great Britain or the British Isles" (Clark, 1971, p. v). By the late 1990s it was possible to question not only the anglocentric history of the United Kingdom but the unitarist account of *English* history, as in Tomany's (1998) work on the distinctiveness of political history and constitutional practice in the North of England. This historiography in turn makes it easier to accommodate Scottish and Welsh devolution, the Anglo-Irish Agreement and the Good Friday accords and, in the peripheral nations if not yet in England, European integration. A post-nationalist historiography (Kearney, 1998) is thus a central element of a political order which, if post-nationalist, is post-sovereigntist.

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11 This may provide an underpinning for the new British-Irish Council, or Council of the Isles.

Spain

In Spain, too, history has become a potent weapon in modern political debate. A proposal in 1998 to reform the teaching of humanities in schools to emphasize common Spanish experience sparked a fierce dispute and the proposal was withdrawn following objections from the Catalan nationalists, on whom the government depended for support. In 2000 the conservative government, re-elected with a majority, proposed to reintroduce the proposal. Like the United Kingdom, Spain is a multinational state forged over centuries but without either expanding into the whole of its potential geographical space (in its case the Iberian peninsula) or assimilating its component nationalities into a single identity. Like the UK, it has a dominant national historiography challenged by competing historiographies in the periphery, which themselves have been more vocal at times of national tension, such as the late nineteenth century or the period since the 1970s. The dominant historiography is based on the expansion of Castile, seen as the heart of Spain and a teleological vision of the country attaining its natural destiny in union. The long struggles against the Moors are celebrated as the *Reconquista* and the union of the kingdoms of Castile and Aragon and the later incorporation of Navarre are presented as national victories. Like the UK, united Spain remained for centuries a complex and pluralistic order, with no obvious division between the metropolis and the empire (Artola, 1999) but national historians saw this as the sign merely of the incomplete state of national unity, evidence of a national malaise, looking with admiration on France and, curiously the United Kingdom which, confusing it with England, they saw as a unitary national state. National historiography attributes absolute sovereignty at an early stage to the monarchical state, and insists that the traditional privileges and *fueros* of the provinces and towns of Castile and those of the Basque territories, were merely gifts from the monarchy and not original rights. Castile is presented as the vertebra of Spain and unification as a process of incorporation into an essentially Castilian state and law. As in the UK, this is accompanied by a contempt for cultural outliers, like unassimilated Basques (roughly equivalent to the Highlanders or Irish) and a grudging respect but resentment towards the Catalans (equivalent to the Scots). The unification of Spain is presented as the source of all its greatness and achievements, and particularism as the sign of failure (Ortega y Gasset, 1975).

Yet while the dominant British historiography was inspired by a liberal teleology, Castilian-centred history has two distinct traditions, a conservative and a liberal one. For conservatives, Spain is essentially Catholic and traditional, committed to an imperial role in the world and pure in blood and spirit. All bad ideas, including liberalism, atheism and (once it was discredited) the Counter-Reformation, came from outside and violated the true Castilian spirit. Developed over centuries, this historiography underlay such ideology as the Franco regime possessed.

The liberal Castilian historiography is weaker than its English counterpart, although influenced in the nineteenth century by the British Whigs themselves. It sees absolutism as an alien importation from France which, under both Habsburg and Bourbon rulers, destroyed the municipal liberties of old Castile, but approves of Philip 11's foreign policy for defending the nation against outsiders (Fox, 1997). El Cid, used by the right as a monarchical hero, is turned by the liberals into a popular folk hero and defender of the peoples' rights. It is not anti-Catholic since, unlike their counterparts in France and Italy, Castilian liberals were not generally anti-clerical[12], but it is critical of ultramontane Catholicism and of the Counter Reformation and Inquisition as products of it. The incorporation of the peripheral territories of crown of Aragon (including Catalonia) and the Basque provinces into a unified state is presented as unequivocally good since it permitted the creation of a national market and stimulated capitalist development. Their traditional privileges and *fueros* are dismissed as mere props for dominant local power brokers, notably landowners and their abolition is seen as a step towards equal citizenship and democracy as well as freer trade and industry. For Cánovas, historian and politician, the old regime had given Castile too little local autonomy and Aragon and Catalonia too much, preventing the emergence of a unified liberal state (Fox, 1997). The "war of independence" against Napoleon is presented as a seminal moment in the construction of the political nation and the constitution of Cadiz as the basis for a legitimate national authority recognizing no internal divisions (Parada, 1996). Linguistic unity through Castilian is equally seen as a sign of progress and another step on the way to true national citizenship. De Blas (1989, 1991) traces a liberal Spanish nationalist tradition to the nineteenth century, linked to modernization,

12 The republican and socialist left were another matter, nurturing fierce anticlerical sentiments.

democracy and progress, contrasting it with peripheral nationalisms which often had their origins in conservativism and the defence of the *ancien régime*.

Spain indeed had its equivalent of the Jacobitism of the British Isles, in Carlism[13], a movement in favour of a rival branch of the royal family[14]. With their slogan "God and the old law" (or *fueros*) Carlists were religiously Catholic, conservative and traditionalist, and gained their main support in Catalonia and the Basque Country whose traditional privileges they claimed to uphold – indeed they were among the main precursors of Basque nationalism. This helps Spanish national historiography to link reaction with support for peripheral rights. This liberal version of a Castililanized history was propagated by the *Institución Libre de Enseñanza* founded in 1876 (Vicens Vives, 1970; Fox, 1997). While the conservative history underpinned the political right up to Franco, this liberal version was a guide to the *regeneracionistas*, the generation of reformers who sought to build a modern and liberal Spain after the defeat and final loss of empire in 1898. The outbreak of Basque and Calatan nationalism at the turn of the century was for some an affront to an already formed Spanish nation (Nuñez Seixas, 1993). For others, like Ortega y Gasset (1975) it represented the failure of Castile's historic mission to build the Spanish nation. For De Blas (1989), the appropriation of Spanish nationalist by Franco on the one hand and the undermining of it by the peripheral movements on the other, brought unmerited discredit on the liberal nationalist project and its potential.

There is again no coherent counter-history, but competing histories among the peripheral nationalities and within them. Catalan writers have long stressed the peculiar constitution of the Crown of Aragon and of Catalonia within it, based on divided sovereignty, pactism and constitutionalism (Moreno and Martí, 1977; Giner et al., 1996; Lobo, 1997). Some have pointed to the lack of Arabization during the Moorish occupation of Spain, and to the weakness of the Counter Reformation, Catalan

13 Both Jacobites and Carlists were inclined to the somewhat contradictory positions of absolute monarchy and respect for traditional territorial rights.

14 It originated in 1833 when Don Carlos, brother of the late king, claimed the throne against the king's daughter, claiming that a woman could not inherit. There were two Carlist wars in the nineteenth century. The Carlists threw their lot in with Franco in 1936.

Catholicism being distinct and more tolerant. Emphasis is placed on Catalonia's European vocation, as the border of the Carolingian empire (the *Marca Hispanica*) and a land of passage between the continent and Spain. The implication is that it has been more open to progressive European social, political and economic ideas than has landlocked Castile. Unification under Ferdinand and Isabella did not, in this account, mean incorporation, but voluntary union with each part of the kingdom retaining its sovereign rights. Some would even credit the Habsburg monarchs with respecting those rights and attribute Catalonia's woes to the Bourbon victory in the War of Spanish Succession, which led directly to the suppression of Catalonia's self-governing institutions in 1714. Others see the Habsburgs in a less benevolent light and recognize their efforts to assimilate Catalonia in the seventeenth century. At the same time Catalonia is seen as part of the wider Spanish or Iberian community, participating fully in its development except when shut out by Castilian centralism. Vicens Vives (1970, p. 54), looking back to the earliest Spanish kingdoms, regrets the failure of the Catalan vision to triumph, "The cancellation of the imperial phantasm, the birth of a viable Spain forged with a Portuguese, Castilian and Catalan-Aragonese trident – such was the unquestionable merits of Ramón Berenguer[15]. He propounded a pluralism that never excluded an awareness of unity of purpose in Hispanic affairs"[16]. This pluralistic conception of Spain and vision of divided authority has informed Catalan nationalists to this day, giving rise to a debate on the multiple meanings of, and paths to, sovereignty (Puig, 1998). Catalan historiography also presents Catalans as inherently more commercial, hard working and entrepreneurial, portraying the typical Castilian as Don Quijote. This self-stereotype is perpetuated into the nineteenth and twentieth centuries and underpins Catalan visions of its place in Spain and Europe.

Basque history is more contentious and internally divided. One tradition sees the Basques as the original Spaniards, the most Spanish of the Spanish, drawing on their long presence in the territory and their prominent role in Spanish military, religious, political and economic affairs (Monreal, 1985). Another tradition, which overlaps with this, is provincialist, stressing the ancient rights of the "historic territories" of Vizcaya, Guipúzcoa and Alava, enshrined in their *fueros*, and the kingdom of Navarre. Conservative in

15 Count of Barcelona and Prince of Aragon, founder of the Aragonese-Catalan confederation.

16 Vives' book restores Catalonia to a prominent place in Spanish history but is silent on the Basques. He also consistently uses the term 'England' for post-Union Britain.

politics and deeply Catholic, this tradition fed into Carlism in the nineteenth century, with its slogan of God and the Old Law. This made an easy target for liberals who could now equate defence of the old territorial pluralism with reaction and obscurantism. Basque nationalism itself was a product of the modern era, distilled by Sabino Arana from Carlism and the old folk tales, fortified by the sense of ethnic identity and continuity (Garmendia, 1985). Given the lack of a literature in Basque (in contrast to Catalonia) much of the tradition was based on oral legend and this was especially susceptible to manipulation by nineteenth century romantics, either to support or discredit Basque claims. Anti-nationalists like Jauristi (1998) have attacked Basque historic rights discourse as little more than a farago of folk tales, many of them invented or borrowed from the history of other peoples. Nationalists see their culture as embodying a continuity of independent rights and shared sovereignty, albeit one that adapts to changing circumstances. What is certain is that Sabino Arana himself took great liberties with history, to convert a tradition of foral rights into a history of sovereign independence, first for Vizcaya, then for the Basque territories as a whole. According to this account, the Basque provinces had been sovereign states whose ruler merely happened to be the king of Castile and then Spain (PNV, 1995). This stands at the opposite pole from Castilian centralists for whom the *fueros* were privileges granted by the sovereign crown but both doctrines share the nineteenth century belief in a single national sovereignty. Consequently, Basque nationalism has had a much stronger separatist tendency than has its Catalan counterpart. The Basque Nationalist Party (PNV) refused to support the Spanish constitution of 1978 since the restored autonomy and fiscal privileges of the Basque provinces were presented as the product of the constitution and not the other way around. With the PNV recommending abstention, the constitution thus failed to gain the endorsement of a majority of Basques in the referendum, leaving a lasting legacy of bitterness and a problem of legitimacy. For Arana, Basque sovereignty was equally rooted in racial differentiation and superiority and the fundamental incompatibility between the Spanish (in which he included the Catalans and the Galegos) and Basque personalities. Purity of race and cleanliness of blood (*limpieza de sangre*), ideas used widely in Castile against the Moors and Jews, were refined in Basque terms and used against all other Iberian peoples. A doctrine of universal nobility rooted in Basque custom and tradition also served as an badge of racial superiority.

Modern Basque nationalism is altogether more liberal and has a strong progressive element. Doctrines of racial purity have been abandoned and while Sabino Arana is still revered as the founder of the Basque Nationalist Party, his racism and extremism are the source of some embarrassment[17]. There is also an effort to distance themselves from Carlism by arguing that the Carlists were really centralists who cynically used the foral argument to gain support in the Basque Country but, when the Civil War came, showed where their true loyalties like by backing the Spanish absolutism of Franco (Sorauren, 1998). Lacking the racial or ethnically exclusive arguments, modern Basque nationalists rely more heavily on institutional traditions and historic rights as embodied in territory. They see in old Basque society elements of primitive democracy. Universal nobility is less about Basques being superior to Spaniards and more about them being equal among themselves. The *fueros* are interpreted not as gifts of the Spanish state but as original rights, not as sources of privilege within Basque society but as a form of limited government and contractualism. To condemn them as not yet democratic is anachronism equivalent to attacking the English Magna Carta for not providing universal suffrage since they could have evolved into modern democracy, just as the early English Parliament did (Sorauren, 1998)[18]. Lorenzo (1995) argues that, while the abolition of the *fueros* allowed a capitalist take-off, the immediate beneficiaries were the bourgeoisie, and the losers were the common people. The foral regime, he admits, protected not only Basque sovereignty but the rule of the oligarchy within it, but the former could have been preserved while undermining the latter though foral modernization and democratization.

A problem facing all modern Basque nationalists is that of the unity of their country and whether to base their claims on the rights of a Basque people or of the seven historic territories (three of which are in France). Arana himself moved from provincialism to pan-Basque nationalism and the unity of the people is a theme in all nationalist doctrine, yet the autonomous Basque government functions as a federation of three provinces (or historic territories) and it is the provincial *diputaciones* who have the key revenue-raising powers. Alava has been the least nationalist of the three provinces in the Basque autonomous community and tends to a

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17 The fact that Arana died young after apparently recanting his more extreme anti-Spanish sentiments helps.

18 Sorauren, too, confuses England with the United Kingdom.

provincialism hostile to pan-Basque ideology, represented in the 1980s and 1990s by the conservative *Unidad Alavesa*. Even more vexed is the issue of Navarre. Until 1838 Navarre had the legal status of a separate kingdom although it had been conquered by Castile[19] and not incorporated by pact. Although it lost most of its rights in 1841 and 1876, it kept its own fiscal regime and, unlike those of Vizcaya and Guipuzcoa, this even survived under Francoism, thanks to the support of Navarrese Carlists for the cause. So there is a strong argument from continuous historic rights for Navarrese autonomy. Culturally and linguistically Navarre is partly Basque, which has led Basque nationalists to call for its incorporation into the Basque autonomous community. Navarrese Basque nationalists like Sorauren (1998) try to reconcile these principles by arguing that Navarre was historically a Basque kingdom extending to the other Basque provinces and beyond and its practices rooted in a form of early constitutionalism. Other scholars observe quite logically that, if the three provinces of the present autonomous community preserve historic rights, then there is nothing to stop them federating and exercising them together or for Navarre to join them (PNV, 1995; Herrero de Miñón, 1998).

More recently, Basque nationalists have been seeking in the doctrine of historic rights a justification for divided sovereignty and contractual order within a wider European order. New historiographical work is under way, which would eventually allow the Basques to adopt a world view based on the post-sovereigntist discourse of the Catalans. The divisions of the society and the competing visions of Basqueness, however, make this a formidable challenge.

The historians' wars in Spain have been particularly bitter, without much middle ground. Recently, however, Javier Tusell (1999) has outlined a possible Spanish history based on pluralism and the notion of the state as a "nation of nations". This moderate position corresponds rather closely to that of the new British Isles historians, but the venture has a long way to go[20].

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19 Although to portray the 1513 annexation as the conquest of one 'nation' by another would be anachronistic.

20 It is also disappointing that Tusell insists that Spain is the only country in Europe with this problem and, like so many of his compatriots, does not appear to understand the difference between Britain and England. At one point he rejects the comparison because Ireland was never 'part of England'. The point, of course, is that Ireland (like Scotland) was part of the United Kingdom, and it is the *United Kingdom* not England, that is the functional equivalent of *Spain*.

Canada

While Canada is a much younger society than the United Kingdom or Spain, it too has competing historiographies, which are at the centre of contemporary political debate, notably over the place of Quebec and the native peoples in the constitutional order. Canada does not have as clear a founding moment as the United States, nor a developed doctrine of popular national sovereignty. It does, however, have a nationalist historiography, serving the cause of nation building since the last century. This presents Canada as a liberal nation with a British constitutional tradition, demarcated from the individualist society of the United States[21]. French Canadians are presented as a part of this society that has been treated liberally for the most part, with the lapses from tolerance (such as the refusal to implement bilingualism in Manitoba) as deplorable exceptions. Quebec nationalism is portrayed as intolerant, ethnically exclusive, divisive and disruptive but not historically important to the Québécois themselves. Nineteenth century Quebec, in this view, was a quiescent society dominated by a reactionary Catholic Church, based on pre-revolutionary France. The main concern of the Québécois was survival as a linguistic group and neither then nor now have they been motivated by political nationalism (Cook, 1995).

Countering this is a Québécois historiography, itself divided into distinct schools. All share the vision of Quebec as a distinct national society and of the Conquest of 1759 as a defining moment. One is more nationalist and separatist in inspiration, denying that Quebec ever was part of a wider Canadian political society, while the other is rooted in the vision of "two founding nations" (or, as was sometimes said "races") both of which form essential parts of the Canadian fabric. As Laforest (1995, p. 7) puts it "Historians, politicians and intellectuals in Quebec are just about unanimous in believing that two founding peoples, two nations, two distinct societies, two majorities, gave birth to Canada in 1867. This belief is deeply anchored in the Québécois people."

There are also conservative and progressive versions of the Quebec narrative, with the latter increasingly in the ascendant. The conservative vision, associated with the Abbé Groulx and Catholic particularism, sees

21 Although the common view among non-Canadians that Canadian identity is *defined* by non-Americanism or even anti-Americanism is the product of ignorance.

Quebec as a bastion against the evils of modern society, including liberalism and socialism. As expressed in the Tremblay report of the 1950s, "the French Canadians are almost all of the Catholic faith... The French Canadians are of French origin and culture... the French Canadians are the only group whose religious and cultural particularism almost exactly coincide. Only French Canada, as a homogeneous group, presents the double differentiating factor of religion and culture (Tremblay, 1973, p. 6)". The Conservative regime of Maurice Duplessis between the 1930s and the 1950s fostered this isolationist and conservative vision, providing objective allies to those in English Canada who saw Quebec nationalism as inherently anti-modern and reactionary. The Quiet Revolution, the programme of social and political reform that succeeded Duplessisme, did not challenge this view of the past in all respects, since the new intellectuals were intent on discrediting the old Quebec institutions to legitimize their new policy prospectus. They did, however, rediscover liberal traditions in Quebec political culture and a genuinely Québécois progressivism which had been frustrated by political oppression; key historical markers are the rebellion of 1837 and Papineau's fight for responsible self government in the name of *Canadiens*. The liberal tradition is also more pan-American, seeing Quebec as part of a wider continental society and free of anti-Americanism. This in turn plays into contemporary support for free trade as a way of weakening the Canadian frame and presenting an outward-looking and cosmpolitan vision of the nation. More recently, the myth of the Quiet Revolution itself has been questioned as Quebec is presented as a normal political society which has evolved in its own way to modernity. Recent work has even sought to show that the Duplessis era was not the *Grande Noirceur* of legend, but in many ways an evolving liberal society (Gagnon and Sara-Bournet, 1997; Beauchemin, 1997). Quebec therefore does not suffer from an ingrained ethnic virtue (for the conservatives) or pathology (for the liberals) but must be seen as a full national society in its own right, with all the internal conflicts that this implies.

Some of the fiercest disputes, however, centre on a very recent piece of history, the patriation of the Canadian constitution in 1982 by Pierre Trudeau's government, without the consent of the Quebec National Assembly or people. Canadian nationalists note that Trudeau consistently won election victories in Quebec and that opinion polls at the time showed that most Québécois supported patriation. According to Ramsay Cook

(1995) this would have been the end of the matter had not Brian Mulroney foolishly re-opened the constitutional dossier by negotiating the Meech Lake Accord and seeking the recognition of Quebec as a “distinct society” within Canada. Québécois scholars see matters very differently. 1982 was not only a betrayal of Quebec but a repudiation of the very principle upon which the Canadian federation rested, that of the union of two peoples, who both needed to consent to anything as momentous as a new constitution. This interpretation was sustained by the Supreme Court which ruled that, while legally patriation was constitutional, it did violate the historical conventions that had governed Canadian practice hitherto. McRoberts (1997) agrees, arguing that the Trudeau approach fundamentally misconceived the nature of Canada as a historical political society. By the 1980s the demands of native peoples for recognition and self-government was added to the constitutional agenda, bringing in rather different historical arguments. In some cases, native demands are based on the injustice of conquest or the absence of treaties, in others on treaties signed by Britain or Canada but not carried out. Some argue that the destruction of native institutions and identities is the source of the economic and social problems afflicting many native peoples and call for a recognition of inherent rights to self-government. Others, in a manner analogous to state nationalists elsewhere, paint native traditions as undemocratic and inegalitarian, especially in gender relations, or condemn ethnically based government as in contradiction to modern notions of liberalism.

These problem, rather than arguments over the distribution of competences, remain at the heart of the Canadian constitutional debate. Many people in Quebec and among the native populations have invoked their own past in defence of limited sovereignty, contractualism and divided authority. Canadian nationalists, perhaps because of the threat to Canadian sovereignty from globalization and North American integration, have responded with a very traditional discourse. The Meech Lake Accord, which followed the “two nations” approach without using the term, was widely rejected as giving Quebec special status against the Canadian tradition. In 1999 the federal government published a bill which would refuse to recognize any Quebec referendum on sovereignty that did not frame the issue in separatist terms. The idea of Quebec as a people able to negotiate its place within a broader Canadian political order and post-sovereign world, was rejected completely.

Belgium

The case of Belgium is particularly interesting, since before the Napoleonic era this territory had not been incorporated into a nation-state and retained the diffused sovereignty and complex political order of the old imperial system. Under Burgundian, Spanish and then Austrian suzerainty, it retained traditional rights of autonomy, although the northern provinces broke away in the seventeenth century to form a nation state. The ancient Joyous Entry ceremony confirmed both the provinces" loyalty to the sovereign and their own privileges and rights. Both progressives and traditionalists were prepared to defend these rights against the enlightened despotism of the Austrians (Deprez and Vos, 1998) and during the protests of the late eighteenth century developed the idea that these were full national constitutions (Roegiers, 1998) just as Basque nationalists were to do a century later. Yet, while there was some occasional Flemish nostalgia for the old Burgundian regime, this past was based on provincial and municipal autonomy and so has not been available to the emerging Flemish and Walloon nationalist movements of the twentieth century. Belgian official national identity after 1830 was rooted in myths of ethnic continuity back to Roman times and, while historians might not have taken them seriously, they were not challenged in political debate until the rise of the Flemish movement. It does appear, however, that the revolution of 1830 was supported in both language groups so that Belgian identity was not pure fabrication of official propagandists (Stengers, 1995). Flemish identity, as far as it existed, underpinned this Belgian nationality (Wils, 1992, 1996) which was further reinforced by memories of the Peasants" Revolt of 1798, presented first as a conservative reaction against the secularizing French revolution, and then by liberals as a nationalist rising against France itself Raxhon, 1998).

As the Flemish movement developed in the nineteenth and twentieth centuries, it developed its own myths, but the movement was rooted in linguistic solidarity and economic concerns and largely failed to develop a historic rights doctrine. It did, on the other hand, construct its own myths and historical revisions (Morelli, 1995). The Battle of the Golden Spurs (1302) was reinterpreted as a saga of Flemish resistance to Francophone dominance, where previously it had represented the triumph of a precocious 'Belgian' resistance to the claims of the king of France. A myth of a

prosperous, industrious Flanders is also counterposed to an image of Wallonia as poor, declining and dependent, linking the medieval era to the present but passing quickly over Wallonia's era of industrial splendour during the nineteenth and early twentieth centuries. Yet historic claims about legal and constitutional rights are almost entirely lacking. Perhaps the strongest claim that can be made is that history has left to Belgium a relatively weak sense of national identity and that, unlike in France, elites failed to build a unified and culturally prestigious nation state, so that the transition to a post-sovereign political order in Europe has been less painful as a result.

Conclusion

It is a commonplace that getting history wrong is a requirement of all nationalist movements. Historical inventions and accounts of continuity feature widely, even among such unlikely candidates as Padania (Oneto, 1997). The aim of this paper is not to argue for a knowable "right" history to put against this nor to debunk ethno-histories or draw attention to the manifold falsifications perpetrated by state historians and their adversaries. It has been to show, rather, that most claims to sovereign authority are rooted in historical accounts and that the unified nation-state is just one contender. It has also shown that the statist accounts are not the only ones with universalist, liberal and democratic credentials. In fact the counter claims about original sovereignty, whether rooted in medieval or nineteenth century inventions, are less interesting than the, probably more accurate, history of divided sovereignty, plurinationality and accommodation. This, of course, does not present us directly with a set of principles for managing multinational states since we could not simply return to the past, even if we knew for certain what it had been. Nor does it justify ethnic groups seeking to reconquer territories long lost to other peoples, as certain historic claims do (Moore, 1998b). It is, rather, a basis for questioning the idea of unified state sovereignty and seeking other principles and discourses equally rooted in custom and practice[22]. This is easier in some cases than in others, since some stateless nations have more of a usable past and some accounts have a

[22] Other papers will address the normative issues in multinational accommodation and their relationship to modern ideas of democracy, equality and solidarity. See Keating (1998b, 1999).

firmer basis in practice. Catalan pactism, pragmatism and divided sovereignty, while only part of the complex history of that country, fit the emerging European order quite well. A return to the pre-1714 status as a self-governing community within complex layers of overlapping authority appears more like hard headed realism than impractical utopia. So does Scotland's tradition of popular but limited sovereignty, although Scotland was a nation-state, if a weak one, before 1707, and the official policy of the SNP favours a Europe of the states. Basque society can also invoke a practice of limited and conditional sovereignty, although the meaning and authenticity of this are more contested than in the Catalan case. The Belgian cases are more difficult given the even greater lack of correspondence between historic units and present claims, but Belgium is perhaps a trend setter in its linking of national disintegration with European integration. There is a story to be told about Europe itself, an enterprise just begun (Bartlett, 1993; Davies, 1997) to save it too from national historiography. An old saw holds that, while Europe has too much history, Canada suffers from an excess of geography. Yet, for all its youth, Canada does sustain competing historiographies. These might form the basis for an accommodation in mutual respect of the three cultural groups but at present the trend seems to be towards a reaffirmation of the traditional state-building strategy rather than an embrace of the old and new ideas.

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