



# Ethnopolitics

Formerly Global Review of Ethnopolitics

ISSN: (Print) (Online) Journal homepage: [www.tandfonline.com/journals/reno20](http://www.tandfonline.com/journals/reno20)

## Can Subaltern States Speak? The Case of the Basque Political Agreement

Jon Azkune Torres, Galder Sierra Zapirain & Mario Zubiaga Garate

To cite this article: Jon Azkune Torres, Galder Sierra Zapirain & Mario Zubiaga Garate (18 Jun 2024): Can Subaltern States Speak? The Case of the Basque Political Agreement, Ethnopolitics, DOI: [10.1080/17449057.2024.2363675](https://doi.org/10.1080/17449057.2024.2363675)

To link to this article: <https://doi.org/10.1080/17449057.2024.2363675>



Published online: 18 Jun 2024.



Submit your article to this journal [↗](#)



Article views: 4



View related articles [↗](#)



View Crossmark data [↗](#)

# Can Subaltern States Speak? The Case of the Basque Political Agreement

JON AZKUNE TORRES <sup>\*</sup>, GALDER SIERRA ZAPIRAIN <sup>\*\*</sup> &  
MARIO ZUBIAGA GARATE <sup>\*\*</sup>

<sup>\*</sup>Department of Sociology and Social Work, University of the Basque Country (UPV-EHU), Leioa (Biscay), Spain, <sup>\*\*</sup>Department of Political Science, University of the Basque Country (UPV-EHU), Leioa (Biscay), Spain

**ABSTRACT** Contemporary evolution of the concept of sovereignty posits a post-Westphalian scenario in which statehood is conceived in a relational, strategic way. Firstly, this article raises the possibility of applying the concept of subaltern statehood to certain nations which do not have official statehood, but which have strong state institutions. Secondly, by considering the Basque Country a subaltern state, we analyse the recent proposal for a Political Agreement that outlines a model of confederate sovereignty of pre-Westphalian inspiration. This proposal would make it possible to overcome the subaltern character of Basque statehood in the current post-Westphalian context.

## Introduction

Debates about the nation, nationalism or the State, far from disappearing, are constantly being updated, raising new questions and offering new answers.

In this regard, in recent decades demands for sovereignty have changed. We have seen that the national-cultural aspect has weakened, and that issues relating to welfare and the capacity for democratic self-government have become stronger (Azkune, 2020; Blas, 2012; Goikoetxea, 2014; McEwen, 2006; Blas, 2018).

Although the idea of sovereignty has evolved, it continues to be a fundamental element in understanding the notion of a democratically governed political community. As a result, we believe that it is necessary to adopt a strategic, relational approach regarding the idea of nation and the state that can address the current complexity. We cannot limit statehood to the classical model of the nation-state, nor nationalism to the study of ethnicity and culture (Keating, 2009).

Based on this theoretical and practical evolution, and following the proposal of Azkune (2018; 2021), instead of nations without a State, we believe that the category that best describes nations with state capacity for self-government on an ontological level is that of subaltern states. For this reason, the analysis of contemporary nationalism goes

---

*Correspondence Address:* Jon Azkune Torres, Department of Sociology and Social Work, University of the Basque Country (UPV-EHU), Barrio Sarriena s/n, Leioa (Biscay), 48940, Spain. Email: [jon.azkune@ehu.eus](mailto:jon.azkune@ehu.eus)

beyond the cultural approach to address the question of ‘how and to what extent subaltern States can speak’ (Azkune, 2021, p. 111).

In line with this research, in the updating exercise of Basque self-government<sup>1</sup> which began in 2017, there emerged the idea of a Political Agreement that uses the foral or charter quasi-confederal philosophy of the Economic Agreement which is linked to taxation, and applies it to the whole model of distribution of powers and guarantee systems in self-government (Zubiaga, 2022, p. 24). In this way, the pre-Westphalian concept of sovereignty can be brought up-to-date in a post-Westphalian political context.

The objective of this article is to connect the renewed theoretical premises on sovereignty and the State with recent political proposals of Basque nationalism. Thus, to expound our theory, we will be guided by the following hypothesis:

The legislative proposal called the Basque Political Agreement proposes a new framework that, inspired by the pre-Westphalian idea of confederal sovereignty, offers an instrument to overcome Basque state subalternity.

Regarding the structure of our research, based on the organisational method of the strategic relational approach, we will begin with an analysis at an abstract and simple level, offering new planes of analysis step by step to lead us to a more concrete and complex level (Jessop, 1982, pp. 213–220). As a result, our reflection will be structured using the following four steps:

- (1) Firstly, we will reflect on the idea of sovereignty and its reinterpretation in a dynamic context.
- (2) Next, we will define what we understand by subaltern statehood.
- (3) Thirdly, we will synthesise the two previous sections and apply them to the Basque case.
- (4) Finally, our study will analyse the proposal for a Basque Political Agreement.

### **The Question of Sovereignty in a Dynamic Context**

Democratic government in complex states is based on a continuous interaction between two axes: on the one hand, the relationship between the political community and the state institutions, and on the other, the relationship between the different institutional levels.

Briefly, we could say that the first dimension has been more closely linked to the study of popular sovereignty and democratisation (Dardot & Laval, 2020; Goikoetxea, 2013; Tilly, 2007; Blas, 2018) and the second with studies on federalism and more recently re-scaling (Burgess, 2009; Elazar, 1991; Keating, 2013). Despite separating them analytically, both interact in a dialectical, conflictive way, since they are the axes on which current sovereignist conflicts pivot.

In this respect, regarding the first interaction, Dussel reminds us that the political community always has power potentially (*potentia*), and that this becomes real thanks to institutionalisation (*potestas*) (Dussel, 2006). There is a split between *potentia*, the power of the political community as seat, origin and foundation (the hidden ontological level) and *potestas* carried out by institutions which allow power to become real, empirical and feasible (Dussel, 2006). Sovereignty could be seen as the relationship that brings the community and its government together.

According to Hinsley, the necessary conditions for political organisation are the following: on the one hand, confrontation between the community and the forms of its State and, on the other, the State's possession of power resources in the community (1986). Thus, on the one hand, democratisation needs contentious political mobilisation to organise its citizens and promote political demands that have a channel in the regulated government process, or that allow those channels to open to new demands (Sierra, 2022a; Zubiaga, 2008). On the other hand, institutionality is founded on enabling the production, reproduction and stable increase of the life of citizens in a political community (Dussel, 2006), but to carry it out, this process will require political capacity on part of the government (Tilly, 2007). This capacity will offer the necessary feasibility tools so that a community can exist as a political community in itself and for itself (Dussel, 2006). This double requirement determines both the historical development of the concept of sovereignty and the democratisation process itself (Dardot & Laval, 2020).

However, this process is far from peaceful, because the government acts both in an obedient manner, enabling the democratic reproduction of the political community, and in a non-obedient or self-referential manner, limiting the democratisation process (Dussel, 2006), which is the development of popular sovereignty (*potentia*), i.e. as an extension of the rights of citizenship and protected consultation (Tilly, 2007). Thus, although the gap between state sovereignty (*potestas*) and popular sovereignty (*potentia*) would be, in this sense, unbridgeable, the extent to which government action responds obediently to the demands of the *demos* will determine the degree of systemic stability, in terms of effectiveness and legitimacy.

However, this institutionalised *demos* is not an abstract and universal community, but rather a concrete community that lives in a certain territory and defines itself as a nation, people or country. If in the former dimension the conflicts surrounding sovereignty occur within the framework of the demands and the brakes on democratisation, in the latter dimension there are also questions related to the territorial and institutional scale in which this democratisation process takes place. Given the complex and multiscale nature of our societies, this conflictual dimension manifests itself in multiple scenarios, but it acquires greater relevance in cases where there are competitive nation-building processes. In the case we are analysing, the conflict arises between Basque democratisation and Spanish.

Indeed, the formation of a people subject to rights and obligations—*demos* building or democratisation—, the construction of a community feeling that shapes and unites these citizens—nation building—, and the institutionalisation of a state power—state building—that this national citizenship reproduces in a given territory, with the demands they respond to more or less obediently, are all interconnected historical processes. For this reason, as we will see later, those communities with state capacity for self-government will develop a process of *demos*, nation and state building that will compete with that of the parent state, modifying both the content and form of nationalist demands (Azkune, 2021; Goikoetxea, 2014; Zubiaga, 2008, 2013).

These competitive processes are taking place today at a juncture in which the very concept of sovereignty has become subject to profound revision. As Saskia Sassen says, territory, authority and rights are three components that assume contents, forms and interdependencies of a specific nature at each historical conjuncture (Sassen, 2010). In the context that has emerged since the late 1970s, there has been a process of reconceptualising nation-states, favouring a new assemblage on an international scale and the strengthening of actors and institutions on a global level. The reverse of this process is offered by the new

assemblage of territory, authority and rights on a regional scale and the reinforcement of new spaces for the articulation of differentiated processes of democratisation, nation and state building (Etxebarria, 2018; Goikoetxea, 2014; Zubiaga, 2008).

It is true that Foucauldian theoretical contributions about sovereign power and the evolution of globalisation processes or geopolitical rearrangement support the thesis of the decline of state sovereignty in its Westphalian version (Noguera, 2023). In addition, at an internal level, the centralised, vertical legal-political control of civil society is highly affected by the horizontal influences of governance. This drift has led to the definition of the current situation as post-sovereign (Grimm, 2019; Gümplová, 2015; Loughlin, 2003).

As a result, unambiguous conceptions of sovereignty have been replaced by multi-scale conceptions that express the diverse capacity that a given State has to assert its sovereign power. From this point of view, Krasner (1999) finds, from lesser to greater capacity, internal, legal-international, Westphalian and relational sovereignty. To a greater or lesser extent, the contemporary state maintains both internal sovereignty, i.e. the capacity to govern a territory legitimately, and legal-rational sovereignty, based on international recognition of state sovereignty. However, the ability to exclude other powers, or Westphalian sovereignty, and sovereignty related to the control of population flows across its borders, are greatly weakened.

Nevertheless, this does not by any means indicate that the sovereignty of the nation-state has disappeared (Cohen, 2012; Dardot & Laval, 2020; Maiz, 2017; Noguera, 2023; Sassen, 2007). Moreover, the matter is that, as Noguera points out, in the model of multi-scale and multidimensional conflictive legal pluralism, the control of conflict regulations at the frontiers of the law is what grants sovereignty. It is true that, in many cases, the norms that resolve disputes between conflicting normative orders come from supranational instances that undermine the Westphalian sovereignty of States. However, when the dispute occurs between internal regulations that are part of the same state, the conflicting rules are usually manifestations of the primacy of state sovereignty over subordinate orders. Thus, in the Spanish case, disputes between the Basque regulatory order and the central one are resolved by the Spanish Constitutional Court, which acts in this case as a 'conflict tribunal' and ultimate guarantor of state sovereignty.

### **Subaltern Statehood: A Non-essentialist Vision of the State and Nationalism**

#### *The State as a Social Relationship*

In our understanding, the State is not a structure and society is not the actors. The state is not essence and accumulation and the actors are not only action and contingency. The State is not the representation of the universal and the people in its particular instance (Goikoetxea, 2017). What we know as the state and what we define as society are dialectically related. In this sense, rather than an instrument in the hands of some social actors who can use it at their convenience or an entity with an autonomous life which is separate from society, we believe that the state is a complex social relationship (Poulantzas, 1979).

Defining the State as a social relationship means that the exercise of state power involves condensation determined by the shape of the changing balance of forces (Jessop, 2008, p. 46). According to Jessop, 'State power reflects the prevailing balance of forces, mediated by the state apparatus with its structurally registered strategic selectivity' (idem).

In that sense, power is not exercised by the state as such, but depends on the balance of forces both within society in the broad sense and within the state apparatuses themselves. As we have indicated, society and state are not two dimensions separate and opposed to each other. When studying the state we must understand it in its 'integral sense' (Gramsci, 1981), considering the complex interaction between what we have called society and what we consider the state.

In our case study, Jessop's Strategic Relational Approach<sup>2</sup> (2008) will be of great importance since nationalist actors will act strategically to advance their positions in the institutional structures, and they will try to use the latter to govern their society and generate state effects over it in line with its internal sovereignty (Krasner, 1999). In addition, we must include social mobilisation, not only of political parties, but also of trade unions and other types of social movements that are fundamental in any process of demos, nation and state building.

According to the above-mentioned approach, the key idea is that state power is an explanandum, not an explanatory principle (Jessop, 1990, pp. 117–118). The explanandum means something to be explained whereas explanans is the explanation itself (Jessop, 2015, 92). In that regard, we need to consider that:

- State theory cannot take the concept of state for granted as an analytical object; but it can and should explore the practices that produce highly variable state effects.
- The SRA rejects attempts to capture the 'essence' of the state and aims instead to elaborate useful theoretical and methodological tools to study its changing forms, functions and effects.
- The SRA widens its focus, so as to capture not just the state apparatus but the exercise and effects of state power as a contingent expression of a changing balance of forces that seek to advance their respective interests inside, through and against the state system.
- The SRA considers the role of discursive and material practices in delimiting territorial boundaries.

Thus, we have to explain the implications of changes in statehood for the analysis of current nationalist demands. For this reason, although some of the so-called stateless nations do not have a state in the traditional sense, as a consequence of the regionalisation process of the last few decades, some of them have State structures that change how we understand phenomena such as nationalism. We believe that it is necessary to explain the changes in the nature of statehood in order to explain the dynamics of contemporary nationalism.

After briefly outlining our strategic and relational heuristics, we now offer a definition of what we consider subaltern statehood to be.

### *Subaltern States: A Definition*

The term subaltern was introduced by Gramsci to develop a new approach in the history of the dominated (Gramsci, 1981). Subsequently, the concept was taken up by Gayatri Spivak (1988), in her essay 'Can subaltern speak?' From her point of view, despite the fact that subaltern subjects have the physical ability to speak, in reality, they do not have the ability to express themselves because they do not have a place of enunciation that

allows it. The colonial woman is the most radical example, since she is doubly subaltern, as a woman and as a colonial subject.

In this paper, we apply the concept by analogy to the relationship between sub-state political communities and state institutions, so that subalternity refers to the relationship of dependency and subordination existing between the subaltern state and the parent state.<sup>3</sup>

A parent State refers to the space–time settings of territory, authority and rights that have the status of State recognised by international law.

Subaltern states refer to the space–time settings of territory, authority and rights that put their state power into practice in accordance with the political capacity ceded by the parent state. This is a concept that formalises the status of many nations without a State institutionalised in non-composite states that, even though they do not enjoy legal-international or Westphalian sovereignty, do have some internal sovereignty. The concept is close to the idea of state fragments theorised by George Jellinek (2016). The German author refers to the existence, in certain qualified territories, of organs that exercise some, not all, but relevant competences of a state nature. However, our definition goes beyond the legal vision and approaches the issue from a dynamic viewpoint thanks to the SRA.

In that sense, subaltern states are structured coherently as a result of the interaction of the strategic selectivity of the structures, the strategic and structural orientation of the actors, and the discourses and the technologies of government. If this complex interaction is guided by the principles of popular sovereignty, the result will be the effect of a democratic state. Through this process, the demos will be produced and reproduced, and the nation will also be produced and reproduced democratically. For this reason, subaltern states are states within the parent state and (re)produce subaltern democracies within parent democracies and subaltern nations within parent nations.

As this is a relational concept, we cannot define, *ab initio*, a series of fixed characteristics that indicate when we are looking at subaltern statehood. However, when carrying out an empirical analysis, the criteria suggested by Requejo (2010a, p. 278) to define a nation without a state seem useful as a starting point. The most traditional characterisations of ‘minority nations’ are usually based on two basic criteria: the existence of historical, linguistic or cultural singularities and the desire to obtain self-governing status. He has put forward two empirical criteria which could be added to the more traditional ones. On his view, a national minority also needs to have autonomously functioning political institutions characterised by:

- 1) a distinct party system from that of its state-level counterpart
- 2) within which at least one secessionist party is present.

That is to say, these are nations which do not have official statehood, but which have strong state institutions and different political actors. We believe that in such a case, a differentiated process of nation, demos and state building may take, that sovereignty demands to deepen such a process will be requested and that the parent state will be used as a constitutive outside. This is a starting characteristic that allows one to speak of subaltern statehood.

But in addition, state subalternity includes material, strategic, and discursive elements (Azkune, 2021, p. 80).

The material dimension refers to the limited legal and political decision-making capacity of the subaltern political community to be able to produce and reproduce its demos in a

different way, as well as weak subaltern representation in the decision-making bodies of the parent State. Then last but not least, material subalternity manifests itself in the vulnerability and reversibility of the areas of competence that are recognised by the parent state, which often results in the erosion of its political capacity through recentralisation processes.

Furthermore, this material dimension also includes the demand for greater political capacity, including self-determination, which is permanently issued to the parent state, in an attempt to reach coherence between the majority will of the subaltern community (potentia) and the capacity of its institutions (potestas). This is a demand that is rejected by the parent-state.

Subalternity derives, then, from a lack of recognition by the parent state of the potentia or popular will of the citizenship in the sub-state community, which is characteristic of unitary state models.

In addition, this subalternity must be strategically articulated by political, economic and social actors that make clear the previously mentioned imbalance existing on this territorial-community scale between the majority will of the citizenry (potentia) and the available institutional capacity (potestas). Further, to the extent that it is a relational concept, it must also be discursively constructed by political parties, state agents, organic intellectuals, social movements and so on. In this process, the parent state is used as a 'constitutive exterior', that is, as an 'external enemy' responsible for the problems suffered by the population (Mouffe, 1999).

In summary, in subaltern states a differentiated process of nation, demos and state building is activated (Zubiaga, 2012), driven by a demand for greater sovereignty that is articulated discursively, turning the parent state into a constitutive exterior. In other words, we are talking about 'nations without a state' institutionalised within unitary parent states, which possess certain resources of state power that are considered insufficient by this community.

### **Subaltern State: The Basque Case**

In this section, first of all, we will offer a historical and political contextualisation of the Basque Country. Next, we will show to what extent it meets the requirements specified in the concept of material subaltern statehood, especially with regard to the erosion of jurisdiction suffered by the Basque Autonomous Community over the last decades.

#### *Pre-Westphalian Basque Statehood and the Rise of Basque Nationalism*

The conflict regarding the scale on which sovereignty should be exercised has had a long historical development in the area of the Iberian Peninsula and has evolved hand in hand with the different concepts of sovereignty that have tried to explain the relationship between community and government, potentia and potestas.

In the first pre-Westphalian phase, the formation of the Kingdom of Spain fitted a model that Hinsley defines as 'segmental sovereignty' (Hinsley, 1986). The permanent establishment of the modern state calls for the absolute identification between community and state, and until that happens it will be a 'segmentary state': a combination of the powers of the administrative forms of a central state and the segmented organisation of a society's power. As we have previously stated, the insurmountable tension between popular and state



sovereignty (Dardot & Laval, 2020) means that state-building is an ongoing, never-ending process: conceptually the state is never complete, perfected, except in the fantasy of a totalitarian state. However, we should not forget that this conflict is not only internal, relative to the state-populace dialectic, but between various proto-states vying for control of the same territory. That is, it also refers to the territorial scale of decision.

Throughout the Middle Ages, all the kingdoms of the Iberian Peninsula vied with each other to build states. The rivalry between Castile and Navarre was particularly fierce. This rivalry was not merely dynastic but had deeper roots; underlying it was a clash between two distinct ethnic groups or peoples. From the twelfth century onwards, the western Basque territories, which had until then formed part of the kingdom of Navarre, became dominions of the crown of Castile. To gain the loyalty of the newly acquired territories and their inhabitants, the segmentary kingdom-state of Spain granted them an autonomous status although they remained subordinate to the state; the same was the case with Navarre after the conquest of 1512 (Monreal & Jimeno Aranguren, 2012). Since then, recognition of the ‘special status of the *fueros* (Basque charters)’ has turned into the most telling expression of the Spanish segmentary state, a state whose state-building never reached completion (Cabo, 1989).

Thus, the self-government of the Basque state was maintained throughout the Middle Ages in constant tension with the process of state construction in Spain, whose relative weakness gave rise to an agreed institutionality in which the respective state capacities were relatively balanced, rather than in a clear relationship of subalternity. Although the essential notes of state sovereignty remained in the hands of the Kingdom of Spain, the Basque institutions, in accordance with a special jurisdiction or legal regime, maintained a relevant level of self-government: their own political institutions, jurisdictional guarantees, military exemptions and a differentiated fiscal regime (Agirreazkuenaga, 2004; Monreal & Jimeno Aranguren, 2009). Thus, we can say that pre-Westphalian Spain corresponded to a federal or confederal model *avant la lettre*, in which state sovereignty was personified in a compound monarchy, of a Habsburgian nature (Gloël, 2014).

Although this segmental sovereignty deriving from reciprocal limitations was maintained, not without tensions, throughout the Middle Ages, with the modern era and the reinforcement of a process of Spanish national construction of a unitary nature, the Basques’ own institutionality was gradually eroded.

The Bourbon monarchs used the systematic application of the Peace of Westphalia and the example of absolute monarchy that had already been established in France by then to make their first attempt to do away with the segmentary state in the kingdom of Spain in the early eighteenth century. In the Basque territories, this goal was not achieved at the first try, but the defeat of the foralist visions in the Carlist wars of the nineteenth century limited Basque self-government to taxation and the foral institutions in charge of these taxes (Castells, 2003).

With the Enlightenment and the bourgeois revolution, state-building was transformed into nation-building. The bourgeois revolution replaced the God-given legitimacy of the absolute monarchical state by seating a civil god on the throne of power and calling it the nation.

For this phase of state-building instigated by the new leap forward of capitalism to succeed, it was necessary to perform cultural nation-building. Therefore nationalism, the ideology whose goal was to build a nation, pursued the symbolic unification of states (as well as political and economic unification, of course) through the elimination of the particularities that had derived from the segmentary situation.

But Spain's nation-building process was a weak one, for the attempt to establish the hegemony of Spanish national identity throughout the whole territory of the Spanish state ended in failure. New nationalist actors emerged along national fault lines on the basis of the legal and political residue called *fueros*, granted in lieu of lost and half-forgotten statehoods, giving birth to a rival process of nation-building centred around both the western and eastern ends of the Pyrenees: the Spanish state wanted and needed a single Spanish nation but failed to achieve one, while the Basque nation needed and wanted its own state but could not get one (Letamendia, 1997; Mees, 2021). Meanwhile, France's state-building process made greater headway thanks to Bourbon absolutism and, subsequently, thanks to the nation-building unleashed by the revolution, with measurable consequences in the northern Basque regions (Ahedo, 2003; Urteaga & Ahedo, 2004).

As we can see, although in the transition from the nineteenth to the twentieth century the Spanish State managed to ensure its internal, legal-international and relatively Westphalian sovereignty (Krasner, 1999), this did not mean the end of Basque political demands. In the brief democratic period of the Second Spanish Republic, the unitary conception of the Spanish State was modulated and the right to autonomy of the historical regions was recognised: Catalonia, Galicia and the Basque Country. However, the Basque statute was approved during the war, in 1936, and Franco's dictatorship ended self-government. By the end of the twentieth century, the Basque Country had achieved recognition for self-government in the Spanish Constitution of 1978. It is precisely from that moment onward that the conditions began to develop for the possibility of what we are calling Basque subaltern statehood.

### *Basque Subaltern Statehood*

After this historical contextualisation, we will analyse to what extent the Basque Country meets the requirements made explicit in the theoretical concept of subaltern statehood. Firstly, we will briefly describe Basque statehood and secondly we will specifically explain its subaltern dimension.

*The peculiarity of the current Basque Institutions: statehood.* In this section, we will analyse to what extent the Basque case meets the requirements established in the definition of subaltern statehood in the previous section.

First, we look at the two criteria traditional requisites for analysing the existence of a nation without a state. On the one hand, the historical, linguistic or cultural specificities are clear in the Basque case.<sup>4</sup> To this, we can add the institutional singularity shown throughout history and the desire to obtain greater self-government and a differentiated status in relation to the central state as an expression of a stable national identity.

Since obtaining autonomy in 1979, the aspects linked to subaltern statehood have been consolidated. The current Basque state institutions belong to both a historical legacy and a global modification of the State in the transition from Fordism to post-Fordism (Calvo, 2015). From the late 1970s onwards, decentralisation or regionalisation processes were the intrinsic counterpart of the globalisation process (Jessop, 2008; Sassen, 2010). Despite its peculiarities, the form that this process has adopted in the Basque case is in tune with structural changes at international level, and shows multi-scale self-government of great complexity.

It goes beyond the scope of this article to analyse Basque State Institutions in depth, so we will explain their most distinctive characteristics. However, it is interesting to highlight some aspects that, beyond the distribution of material powers, allow us to speak of Basque statehood. In that respect, we will explain the main features of what has been called Basque federalism (Goikoetxea, 2013). Thus, when it comes to the legal provisions that configure Basque federal articulation, they are the result of the recognition of the historical rights of the chartered (foral) territories by the Spanish Constitution of 1978 and the Statute of Autonomy of 1979. Consequently, ‘the updated Basque Foral structures establish a quasi-confederal multilevel government system based on two pillars’ (Goikoetxea, 2013, 268):

1. The Law of the Historic Territories (LHT) articulates the territorial representation system. It enshrines the political autonomy of Araba, Bizkaia and Gipuzkoa and functions as if it was the Basque internal constitution.
2. The Basque Economic Agreement (Concierto Económico) sets up the pattern of relationship between the Spanish and Basque systems of Public Finance.

Because of those two keystones, we may talk about a multi-level quasi-confederal polity (or polities) that function on the principle of subsidiarity. Indeed, equality and parity are guaranteed thanks to the federal parliamentary system and the quasi-confederal finance system.

When it comes to the former, due to parliamentary representation of the LHT, territory has greater importance than individual representation and consequently, each Historical Territory sends the same number of members to the Basque Parliament (Goikoetxea, 2013, p. 268). The *Batzar Nagusiak*, that is, the Territorial Parliaments of Araba, Bizkaia and Gipuzkoa, follow a similar pattern. Thus, at both levels, Basque legislative bodies privilege territorial over individual representation.

Regarding the quasi-confederal Finance System, there are two main rules governing this system:

1. The Law approving the Economic Agreement with the Autonomous Region of the Basque Country (defining the basic rules of the system and the scope of autonomy of Basque institutions regarding approval of tax regulations).
2. The Law approving the method for determining the tax contribution of the Basque Country for each five-year period (Corcuera, 2006, p. 9).

When it comes to the Economic agreement, it was established for the period 1981–2001 and renewed in the middle of a highly political contention in 2002 (Uriarte, 2016, p. 110). It provides Basque territories with tax autonomy, i.e. with the power to establish the tax regulations applicable to the Basque Country and to set, manage and inspect all taxes levied (Goikoetxea, 2013, p. 270). After collecting taxes, each Territorial Government (Araba, Bizkaia, Gipuzkoa) must deliver a part of the revenues to the Basque Government, which does not have its own fiscal capacity. Despite the fact that it does not involve complete autonomy, it operates in important taxes such as Income Tax, corporation tax or wealth tax (Uriarte, 2016, p. 112).

The second feature of the system relates to what is known as the ‘Cupo’ or quota, that is, the tax contribution that Basque Territories make in order to cover the expenses of the

central state in the non-devolved areas. Thus, it is paid not in relation to Basque collection but Spanish investment.

In addition, statehood is manifested by the existence of a party system differentiated from its counterpart at the state level in which there is at least one secessionist party (Ibarra Güell et al., 2011).

For years, the Basque party system was classed as polarised pluralism (Llera, 1999). After the end of ETA's activity in 2011, the party system has moved closer to a system of moderate pluralism (Sartori, 1976). The weight of the sovereignist parties PNV and EHBildu makes the party system radically different from its counterpart at the state level (Blas, 2018).

In this sense, it is necessary to highlight the weight of sovereign Basque trade unionism, among which the ELA and LAB organisations stand out (Azkune et al., 2023; Sierra, 2022b) which together are clearly the majority in the Basque Country, or the relevance of a wide network of social movements which have followed a paradigm of alternative power of a sovereign nature in areas such as ecology, feminism, the social economy, occupation and the defence of the Basque language and pensions, and which also influence democratisation and construction of the state (Zubiaga, 2012).

In application of the aforementioned criteria, these elements have contributed to the construction of a differentiated process of nation, demos and state building in which the parent state has been discursively used as a constitutive exterior (Azkune, 2020; Goikoetxea, 2013, 2014; Zubiaga, 2012). In modern times, the demand for its own institutional framework and the right to the self-determination of the Basque people have been two constant demands by the two great blocks of Basque nationalism (Ibarra & Ahedo, 2004).

These institutional and socio-political elements place us at a level of statehood that exceeds that of a mere 'nation without a state.'

*Material dimension of subalternity: erosion of competences.* The subalternity of Basque statehood derives from the non-recognition by the parent-state of an equivalent legitimacy, the non-guarantee of the sphere of competence of self-government, and the material impossibility of accessing a qualitatively higher degree of self-government or sovereignty—legal-international—, should the Basque citizenry democratically call for secession.

In Krasner's terms (1999), it could be affirmed that, by having elected representative institutions and legislative autonomy, the Basque Country and Navarre have a certain internal sovereignty that allows them to maintain a limited democratisation process and a conditioned, partial national construction process, since it is not projected over the entire territory claimed by the Basque nation.

The Spanish autonomous model is not typical of a composite State so that, regardless of the scope of competence of the autonomous communities, they do not really have a federal relationship with the central institutions of a State that has a unitary concept of sovereignty (Elazar, 1991; Gagnon et al., 2015; Requejo, 2010b).

As a result, the scope of competence is unilaterally delimited by the Spanish state, which has not completed the pending transfers of competences since 1979 (Perez de Eulate, 2021). Moreover, in cases of conflict over the interpretation of the area of competences, primacy of the central statutes is guaranteed by a Constitutional Court in which there is no representation of the autonomous communities (Lasagabaster Herrarte, 2018).

However, there is perhaps a last factor, related to the vulnerability of having recognised competences, which is the determining element in Basque subalternity.

Even in an area where there is a very high degree of self-governance, despite the high level of autonomy provided by the Economic Agreement and its uniqueness in comparison with other European regions, its design and implementation is not the product of a relationship between two equal political communities. Thus, the approval of the Laws that determine both the Economic Agreement and the tax contribution ('Cupo' or quota) for each five-year period depends on the will of the central government, which at the same time is highly dependent on the political balance in the Spanish House of Representatives. The renewals of 2007, 2014, 2017 and 2023 have always been the result of the agreement between a minority government and Basque nationalists.

There have been numerous studies on the recentralisation and loss of political capacity of the autonomous communities in general (Calvo, 2014; Losada & Maiz, 2016; Maiz et al., 2010) and of the Basque Country in particular (Azkune, 2018; Goikoetxea, 2017; Nikolas & Urrutia, 2016). Due to the limitations of our work, we cannot analyse them in depth, so we will only mention the most important aspects, which illustrate the main argument.

On one hand, in the field of socioeconomic competences, we must highlight the modification of article 135 of the constitution in August 2011 in line with the austerity measures promoted by the European Union at that time. Article 135 was changed rapidly and with little debate despite the importance of its content. It was agreed by the main Spanish nationalist parties (PSOE and PP) without taking into account the minority parliamentary groups (which in the Basque Autonomous Community and Catalonia are the majority parties) or the institutional participation of the Autonomous Communities (Goikoetxea, 2017, p. 184). There have been further recentralising reforms in key areas of self-government (Nikolas & Urrutia, 2016; Perez de Eulate, 2021).

- Labour reform: this has entailed an increase in corporate power and a weakening of collective bargaining and trade union intervention.
- Financial services: this has promoted the transformation of savings banks into private banks.
- Influence over autonomous powers through state-spending: the executive has boosted the spending capacity of the central state in areas of exclusive competence of the Autonomous Communities.
- Standardising rules of the financial aid regime: this has reduced the legal capacity of the Autonomous Communities in the field of regulation of subsidies and aid.
- New market configurations: this is characterised by both financial and jurisdictional limitations on self-government. It privileges private interests in the name of market necessities without considering democratic principles and standards.
- New legal regime for the civil service: this has reduced the capacity of the Autonomous Communities through measures such as the ban on hiring new personnel in regional and local administrations, limits on internal promotions in universities, uniform regulation for remuneration and working hours, and the prohibition of contributions to pension plans.
- European regulation of national legislation: the implementation of EU legislation without considering the competences of Autonomous Communities and thereby depriving and conditioning their capacity to intervene.
- Local administrations: legislation on rationalisation and sustainability of local governments has changed the face of self-government through strictly economic means. It has promoted the privatisation of local communities and territories.

This erosion of powers, which has been systematically denounced by the Basque institutions, shows the subaltern nature of Basque statehood.

Nevertheless, the fundamental subalternity derives from the existence of a clear imbalance between the desire for self-government by the Basque citizens (*potentia*) and the effective capacity (*potestas*) of their own institutions. Given the hegemony of the nationalist political forces, this imbalance is manifested especially in the territory of the Basque Autonomous Community.<sup>5</sup> This is the clearest measure of subalternity: ‘the impossibility of speaking’, the inability to legally enforce the political will of the citizens regarding the status of their political community.

### *Proposals to Overcome Subaltern Statehood: The Basque Political Agreement*

The way in which the interaction between communities with a different political personality occurs depends on the conceptualisation of sovereignty in each historical circumstance. The era of segmental or Westphalian sovereignty gave rise to certain modes of coordination or subordination relationships which are different from those that the current post-Westphalian era demand.

The paradox is that the current formula for overcoming subalternity or at least adjusting the capacity (*potestas*) of Basque institutions to the will of its citizens (*potentia*) resides in the past, in its own institutions derived from the old segmental, pre-Westphalian sovereignty. These old institutions could be interpreted and updated within the framework of more modern federal (Maiz, 2018) or confederal political concepts to take on the plurinational character of the State (Cagiao, 2022).

We recall that, instead of talking about nations without a State, we prefer the idea of subaltern statehood and that, based on our main hypothesis, the recent proposal on the Basque Political Agreement offers an instrument to overcome this state subalternity. We will now briefly describe the most recent political context in order to understand the scope of this proposal.

The 1979 Basque Statute of Autonomy tried to justify the democratic legitimacy of self-government within the Spanish constitutional framework with legitimacy derived from the historical rights of the chartered (*foral*) territories, which appealed to a composite, pre-Westphalian conception of sovereignty.

However, given the merely rhetorical nature of this reference (Monreal, 2014), the Basque Country has not been able to prevent the constant erosion of its capacity for self-government over the last few decades.

Faced with this drift, the nationalist political forces, in majority in the autonomous Basque parliament, have defended two self-government reform proposals based on the same historical-democratic articulation that underlies the statute of ‘79, but reinforcing the agreed, non-subordinate nature of Basque self-government.

In first place, the legal-political debate on the scope of the articulation of the *foral* charters and the democratic principle as the double foundation of Basque self-government was taken up again in the Proposal for the Political Statute of the Community of the Basque Country, which was approved by an absolute majority in the Basque Parliament on 30th December 2004. This proposal, processed as an initiative for statutory reform, was presented by Basque President Ibarretxe himself in the House of Representatives, where it was rejected on 1st February 2005.

The proposal granted the citizens of the Basque territories of Araba, Bizkaia and Gipuzkoa, as part of the Basque people, the right to decide on their political framework and

relations with other political communities. In exercise of this right, the ‘Basque Community freely associated with the Spanish State’ was constituted (Art 1). This statute of free association derived, on the one hand, from the right of self-determination, and, on the other, from the updating of the historical rights recognised in the First Additional Provision of the Spanish Constitution. Although the confederal nature of the link was not expressly cited, it can be seen that the term ‘associated state’ was a model framed within the doctrine of federalism and meant a true renegotiation of sovereignty in terms similar to a confederation (Keating & Bray, 2006).

After the end of ETA’s armed activity in October 2011 and the return of the PNV to the Basque Government in 2012 under Basque President Urkullu, the debate on the need to renew the Statute of 1979 was resumed, and in March 2014 a parliamentary report was started with this objective. In July 2018, the PNV and the nationalist coalition EHBildu closed a Base Agreement that was to serve as a reference for an articulated text proposal. The PSE-EE and the PP were left out of this agreement, although the bases related to Rights and Duties with text proposed by Podemos, were accepted by the PNV and EHBildu.

The Base Agreement that was approved by the majority of the Basque Parliament is clear regarding the confederal nature of the relationship with the Spanish State that is proposed, and gives continuity to the double legitimising apparatus—historical and democratic—present in the Statute of 1979 and in the reform proposal approved by the Basque Parliament in December 2004.

In first place, the Base Agreement does not define the name that the Basque political community will adopt, although it is clear that the political subject is the one made up of the territories of Araba, Bizkaia and Gipuzkoa and their citizens, although the fact of defining it as ‘member’ of the Basque Country refers to a broader entity that would encompass the territories of Navarre and the French Basque Country, with which it would be possible to establish some type of political relationship, including the constitution of a common political subject. In a way, this entails the recognition of a democratically formed Basque nation (Base II).

Secondly, the agreed bases propose that the Basque political community be ‘linked to the Spanish State by a singular and bilateral relationship of a confederal nature, within the constitutional framework.’ Throughout the text, this idea is reiterated with continuous references to a relationship that ‘will be based on mutual respect and not on subordination, establishing a bilateral relationship system for this purpose’ (Base III).

The confederal link is later developed in more detail in the EHBildu text that articulates a Proposal for the Political Statute using a novel concept—the Basque Political Agreement—, which extends the model of the Basque Economic Agreement, now linked only to taxation, to the whole of self-government:

The final text, in development of relational bilateralism, will make up a sort of Political Agreement, which will be an instrument or body for the political and institutional monitoring and treatment of the area of competences. It will be a framework that enables a confederal relationship between the Political Subject and the Spanish State. (Base III)

The renewal of jurisdictional assets is very ambitious in the Base Agreement. In order to prevent the growing erosion of self-government that has characterised the evolution of the autonomous model, on the one hand, it proposes a distribution of complete public policies

rather than subject matters, and on the other, the powers of the State are limited to those expressly recognised as such. In addition, the scope of Basque competences is extended by means of a residual power clause.

However, given the confederal nature of the proposed link, the most notable innovation in the Base Agreement is the new bilateral relations system with the State, i.e. the dynamics of the jurisdictional scope and the system of guarantees. In the proposal made in the articles of the EHBildu text, there would be three types of competence:

- Concerted, which could be made on an exclusive or agreed basis. In the former case, the Political Agreement would recognise the institutions of the Basque State Community in full; legislative power, regulatory power and executive function, exclusively and unconditionally. In the latter, the Basque State Community would have legislative power, regulatory power and executive function within the framework of the common regulatory principles or minimum agreed with the State. These agreed principles would not be directly applicable, and would have to be integrated or transposed into the legal system of the Basque State Community by Basque legislation.
- Not concerted, in which the Basque State Community would exercise, within its territory, the functions and powers of execution, which would include regulatory, executive, organisational, inspection and sanctioning powers, in matters pertaining to the State. In this way, in the legislative spheres reserved for the Spanish State, the competence of execution would correspond to the Basque Institutions, as happens in executive federal State models, such as Germany (Albertí, 1989).

Regarding the system of guarantees, the Base Agreement itself provides for the creation of a body—the Mixed Commission for Political Agreement—, which, very like the Mixed Commission planned for the Economic Agreement, serves as a framework for bilateral cooperation and resolves conflicts that may arise between the Basque State Community and the State. Ultimately, the bases presume the necessary intervention of the Constitutional Court, which would create a special tribunal courtroom with equal representation, where jurisdictional conflicts that could not be resolved in the Mixed Commission would be investigated.

Thirdly, the plurinational model of a confederal nature that is proposed in the Base Agreement, in addition to the recognition of the equal relationship between various political subjects endowed with full political capacity (a status derived from the legitimising framework of historical rights) also includes the right to decide the content and scope of relations with other political communities—other territories of the Basque Country, the Spanish State or other European or international actors. This right would be guaranteed because in the new status, the Basque institutions would have exclusive power to regulate and hold consultations and referendums.

This would be the maximum expression of the right to decide: the existence of a constitutionally guaranteed procedure to secede, in the event that a majority of the citizens in the political community should call for it.

Without a viable possibility of ‘exit’, the joint ‘voice’ can be left at risk of the circumstantial correlation of forces of the (con)federate political subjects (Hirschman, 1977). Consequently, a relevant part of the doctrine considers that the constitutional regulation of the conditions of secession may be the best way to achieve the ‘loyalty’ of the



parties, and, therefore, the maintenance of the political bond (Alaez, 2015; Alaez & Bastida, 2018; Sorens, 2012).

Without abandoning its ultimate goal—political independence—, the national subject, the confederal relationship and the right to decide are the three pillars of the current demand for self-government made by the Basque nationalist forces. At this historical juncture, the discrepancies between the two nationalist parties lie not so much in the content of the agenda, but in its concrete management.

In this way, the proposal for a new Basque statute supported by the nationalist party, in majority in the Parliament of Vitoria, can be seen as a way of overcoming Basque subaltern statehood. Meanwhile, the Basque Political Agreement reinforces the specificity of the Basque legal system by appealing to historical rights and foral aspects, so that its legitimacy would not depend on its insertion into the Spanish constitutional framework, but rather on an original Basque sovereignty that is integrated into the Spanish legal system by a confederal pact between equal actors.

If its statehood were reinforced through the Political Agreement, the Basque Country would overcome those aspects that condemn it to subalternity with respect to the parent state.

## Conclusions

The construction process of the Spanish state in the pre-Westphalian period was inspired by a segmentary conceptualisation of sovereignty, characteristic of a composite monarchy. In that context, the different political identity of the Basque territories was recognised in such a way that they were able to maintain an institutional structure of a state nature that, although it was not fully sovereign, was based on the political pact between the kingdom of Spain and the Basque chartered territories. Thus, we could define such statehood as partially subaltern, while the material capacity of Basque medieval self-government and the discourse associated with it fit into a composite conception of the kingdom and sovereignty that in modern terms would be similar to a confederal model.

To the beat of the progressive development of the Westphalian model in Spain, accelerated at the beginning of the eighteenth century with the arrival of the Bourbon dynasty, the subaltern states that existed in the Kingdom saw their differentiated statehood either suppressed—as occurred with the loss of Catalan charters with the Nueva Planta decrees (1707–1716)—, or its subalternity progressively accentuated through a progressive weakening of its own institutions, as in the Basque case. The end of the Carlist wars at the end of the nineteenth century entailed the repeal of the Basque foral regime as such, although relevant institutional remnants remain, such as the fiscal autonomy laid down in the Economic Agreement.

After the eventful first half of the twentieth century, in which a brief acknowledgment of Basque self-government during the civil war was followed by a long dictatorship, the new constitutional regime established in 1978 recognised autonomy and resumed, at least partially, the pre-Westphalian legitimacy under the protection of the historical rights of the chartered (foral) territories. The Basque demand for a more explicit recognition of the old compound concept of sovereignty was not recognised.

Since the approval of the Statute of Autonomy in 1979, Basque subaltern statehood derived from the 1978 Constitution has seen its subaltern character accentuated due to

the erosion of its areas of competence that have expanded the capacity of the central State to the detriment of territorial autonomy.

In a post-Westphalian context in which the concept of sovereignty linked to the Modern State has become more complex, and the Basque political demand remains unanswered, the proposal for a new statute promoted by the Basque nationalist parties proposes a new Political Agreement with the parent State that would recover the pre-Westphalian philosophy of the segmentary state linked to historical Basque rights, chartered liberties and federalism.

The proposal for a new statute seeks to reconcile the majority demand of Basque society (potentia) and the capacity of its institutions (potestas), diminishing or limiting the subaltern nature of contemporary Basque statehood both in the discursive-relational and the material aspect.

In the first place, with regard to the discursive dimension, the proposal for a new statute answers a double political demand—nationalist and sovereignist—, which is in the majority in Basque society at this historical moment. On the one hand, the recognition of the Basque nation as a political subject responds to the nationalist political demand; and, on the other, the embodiment of the right to decide satisfies a claim for sovereignty that maintains that political decisions about the legal-political status of the Basque community should lie with its citizens.

Secondly, with regard to the material dimension, related to the self-government capacity of the Basque state, the proposal for a new statute broadens the powers of its own institutions and shields self-government by proposing a confederal relationship with the Spanish State through the Political Agreement, whose management must be carried out by mixed bodies of equal representation.

For this reason, as we have described, in the Basque Political Agreement (CPV) proposal, new post-Westphalian times are managed by resorting to pre-Westphalian-inspired (con)federal formulas that take us back to complex concepts of sovereignty, open to a dynamic accommodation of authority and rights in the Basque territory.

Thus, in line with changes in contemporary nationalism, in this new era the key to Basque demands for sovereignty is how and to what extent the Basque subaltern state can speak.

## **Disclosure Statement**

No potential conflict of interest was reported by the author(s).

## **Funding**

This work was supported by Parte Hartuz Research Group.

## **Notes**

1. Basque language or Euskera, is a very old language whose origins remain unknown and is not related to any other Latin language such as Spanish or French. The Basque Country also has many cultural peculiarities related to music, sport, dance, gastronomy, mythology etc.
2. SRA from now on.
3. We will develop this idea further and give some concrete examples below.

4. The Basque self-government was established in 1979 in the post dictatorship context. In this case, we refer to the debate that was opened in 2017 on a new statute of autonomy for the Basque Country.
5. The nationalist majority in the Basque Parliament has remained constant over time and in the surveys carried out in recent years, the opinion favourable to the right to decide exceeds 60%. [https://www.euskadi.eus/contenidos/documentacion/sociometro\\_vasco\\_56/es\\_def/adjuntos/14sv56.pdf](https://www.euskadi.eus/contenidos/documentacion/sociometro_vasco_56/es_def/adjuntos/14sv56.pdf) Consequently, on 30th March 2023, the Basque Parliament approved a non-legislative motion urging constitutional reform that recognises the plurinationality of the State and the right to decide of its nations, as well as the possibility of opting for a republican form of government in Spain. It has had the support of 77% of the representation in the Basque Parliament.

## ORCID

Jon Azkune Torres  <http://orcid.org/0000-0002-8085-8175>

Galder Sierra Zapirain  <http://orcid.org/0000-0002-1687-2781>

Mario Zubiaga Garate  <http://orcid.org/0000-0001-8684-4631>

## References

- Agirreazkuenaga, J. (2004). La constitución política foral de los vascos. De corporaciones político-forales a provincias concertadas y de reino a provincia de convenio (1808-1878). In J. Agirreazkuenaga (Coord) *Historia de Euskal Herria: historia general de los vascos Árbol académico: La crisis de la civilización de los vascos del Antiguo Régimen y estrategias de revolución liberal e industrial: 1789-1876*. (Vol. 4., pp. 139–216). Lur.
- Ahedo, I. (2003). Sistema administrativo y político de Iparralde. *Revista Vasca de Administración Pública Herri-Ardularitza Euskal Aldizkaria*, 66(66), 11–45. <https://doi.org/10.47623/ivap-rvap.66.2003.01>
- Alaez, B. (2015). Constitucionalizar la secesión para armonizar la legalidad constitucional y el principio democrático en estados territorialmente descentralizados como España. *Revista d'estudis autonòmics i federals*, (22), 136–183.
- Alaez, B., & Bastida, F. J. (2018). La acomodación constitucional de la secesión: el caso español. *Fundamentos. Cuadernos monográficos de Teoría del Estado, Derecho Público e Historia Constitucional*, (10), 243–297.
- Albertí, E. (1989). Algunas consideraciones sobre el Federalismo de ejecución. *Revista Vasca de Administración Pública Herri-Ardularitza Euskal Aldizkaria*, (25), 7–20.
- Azkune, J. (2018). *Can the subaltern states speak? Estatuaren eraldaketa eta burujabetza eskaerak Katalunian, Euskal Herrian eta Eskozian* (Doctoral thesis). <https://addi.ehu.es/handle/10810/28966>
- Azkune, J. (2020). Nationalism, hegemony and populism: The basque case as a symptom of a global phenomenon. *Ethnopolitics*, 19(3), 229–251. <https://doi.org/10.1080/17449057.2019.1700645>
- Azkune, J. (2021). ¿Naciones sin estado o estatalidades subalternas? Análisis del nacionalismo contemporáneo desde el caso vasco. *Revista d'Estudis Autonòmics i Federals - Journal of Self Government*, (33), 59–116. <https://doi.org/10.2436/20.8080.01.61>
- Azkune, J., Goikoetxea, J., & Romero, E. A. (2023). State construction and democratization: The basque union majority in the face of systemic exclusion. In J. Zabalo, I. Filibi, & L. Escajedo San-Epifanio (Eds.), *Made-to-Measure future(s) for democracy? Views from the Basque atalaya* (pp. 75–97). Springer. [https://doi.org/10.1007/978-3-031-08608-3\\_5](https://doi.org/10.1007/978-3-031-08608-3_5)
- Blas, A. (2012). The Basque State as an effective management tool: Diversity, democracy and Social Justice. In M. Zubiaga (Ed.), *Towards a Basque State: Nation-building and institutions* (pp. 73–93). Ipar Hegoa Fundazioa.
- Blas, A. (2018). Power-sharing coalitions in the Basque Country (1987–1998): Centripetal coalitions vs. consociational coalitions. *Nations and Nationalism*, 24(4), 998–1022. <https://doi.org/10.1111/nana.12391>
- Burgess, M. (2009). From dominance to partnership: The inheritance of majority nations in multinational federations. In A. Lecours & G. Nootens (Eds.), *Dominant nationalism, dominant ethnicity: identity, federalism and democracy* (pp. 173–195). Peter Lang.
- Cabo, C. (1989). *Formas precapitalistas y Estado Moderno*. PPU.
- Cagiao, J. (2022). *Democracia y nación*. Libros de la Catarata.
- Calvo, N. (2014). Crisis management, re-centralization and the politics of austerity in Spain. *International Journal of Iberian Studies*, 27(1), 3–20. [https://doi.org/10.1386/ijis.27.1.3\\_1](https://doi.org/10.1386/ijis.27.1.3_1)

- Calvo, N. (2015). *Building the Basque City: The political economy of nation-building*. Center For Basque Studies.
- Castells, L. (2003). *La abolición de los fueros vascos*. (p. 117–149). Ayer.
- Cohen, J. L. (2012). *Globalization and sovereignty*. Cambridge University Press.
- Corcuera, J. (2006). *The autonomy of the Basque Country*. Fundación Para la Libertad. [https://paralalibertad.org/wp-content/uploads/J\\_Corcuera\\_Ingles.pdf](https://paralalibertad.org/wp-content/uploads/J_Corcuera_Ingles.pdf)
- Dardot, P., & Laval, C. (2020). *Dominar: Estudio sobre la soberanía del Estado de Occidente*. Gedisa.
- Dussel, E. (2006). *20 tesis de Política*. Siglo XXI Editores.
- Elazar, D. (1991). *Exploring federalism*. University of Alabama Press.
- Etxebarria, E. (2018). Globalizazioa eta nazionalismoa: Euskal Nazio Askapenerako Mugimenduaren kasua. *Uztaro. Giza eta gizarte-zientzien aldizkaria*, 104(104), 61–84. <https://doi.org/10.26876/uztaro.104.2018.4>
- Gagnon, A., Keil, S., & Mueller, S. (2015). *Understanding federalism and federation*. Ashgate Publishing Limited.
- Gloël, M. (2014). Las monarquías compuestas en la época moderna: concepto y ejemplos. *Universum Talca*, 29(2), 83–97. <https://doi.org/10.4067/S0718-23762014000200007>
- Goikoetxea, J. (2013). Nationalism and democracy in the Basque Country (1979–2012). *Ethnopolitics*, 12(3), 268–289. <https://doi.org/10.1080/17449057.2012.711049>
- Goikoetxea, J. (2014). Nation & democracy building in contemporary Europe: The reproduction of the Basque demos, Nationalities Papers. *The Journal of Nationalism and Ethnicity*, 42(1), 145–164. <https://doi.org/10.1080/00905992.2013.830600>
- Goikoetxea, J. (2017). *Privatizing democracy. Global Ideals, European Politics and Basque Territories*. Peter Lang.
- Gramsci, A. (1981). *Cuadernos de la cárcel: Edición Crítica del Instituto Gramsci a cargo de Valentino Gerratana: Tomo I*. Ediciones Era.
- Grimm, D. (2019). Post-Sovereignty? In B. Leijssenaar & N. Walker (Eds.), *Sovereignty in action* (pp. 17–30). Cambridge University Press.
- Gümplová, P. (2015). On sovereignty and post-sovereignty. *Philosophica Critica*, 1(2), 3–18. <https://doi.org/10.17846/PC.2019.1.2.3-18>
- Hinsley, F. (1986). *Sovereignty*. Cambridge University Press.
- Hirschman, A. O. (1977). *Salida, voz y lealtad*. FCE.
- Ibarra Güell, P., Irujo, X., & Watson, C. (2011). *Basque political systems*. Center for Basques Studies, University of Nevada Reno.
- Ibarra, P., & Ahedo, I. (2004). Los sistemas políticos de Euskal Herria. *RIPS. Revista de Investigaciones Políticas y Sociológicas*, 3(1), 77–96.
- Jellinek, G. (2016). *Fragments of State*. Civitas.
- Jessop, B. (1982). *The capitalist state: Marxist theories and methods*. Oxford.
- Jessop, B. (1990). *State theory. Putting the capitalist states in their place*. Polity Press.
- Jessop, B. (2008). *El futuro del Estado Capitalista*. Libros de la Catarata.
- Jessop, B. (2015). *The state: Past, present, future*. Polity Press.
- Keating, M. (2009). *The independence of Scotland self-government and the shifting politics of union*. Oxford University Press.
- Keating, M. (2013). *Rescaling the European state: The making of territory and the rise of the meso*. Oxford University Press.
- Keating, M., & Bray, Z. (2006). Renegotiating sovereignty: Basque nationalism and the rise and fall of the *ibarretxe* plan. *Ethnopolitics*, 5(4), 347–364. <https://doi.org/10.1080/17449050600865503>
- Krasner, S. D. (1999). *Sovereignty, organized Hypocrisy*. Princeton University Press.
- Lasagabaster Herrarte, I. (2018). *El principio de primacía en la Constitución de 1978*. Marcial Pons.
- Letamendia, F. (1997). *Juego de espejos. Conflictos nacionales centro-periferia*. Trotta.
- Llera, F. (1999). Pluralismo y gobernabilidad en Euskadi 1980–1994. *Institut de Ciències Polítiques i Socials Working Papers*, (162), 1–33.
- Losada, A., & Maiz, R. (2016). The erosion of regional powers in the Spanish ‘state of autonomies’. In F. Requejo & K. Nagel (Eds.), *Federalism beyond federations asymmetry and processes of resymmetrisation in Europe* (pp. 181–223). Routledge.
- Loughlin, M. (2003). Ten tenets of sovereignty. In N. Walker (Ed.), *Sovereignty in transition* (pp. 55–87). Hart Publishing.
- Maiz, R. (2017). El Dios mortal. Implica la globalización una progresiva desaparición de los Estados? *Araucaria*, 19(37), 21–43. <https://doi.org/10.12795/araucaria.2017.i37.02>

- Maiz, R. (2018). *Nacionalismo y federalismo. Una aproximación desde la teoría política*. Siglo XXI Editores.
- Maiz, R., Caamaño, F., & Azpitarte, M. (2010). The hidden counterpoint of Spanish federalism: Recentralization and resymmetrization in Spain (1978–2008). *Regional & Federal Studies*, 20(1), 63–82. <https://doi.org/10.1080/13597560903174923>
- McEwen, N. (2006). *Nationalism and the state: Welfare and identity in Scotland and Quebec*. Peter Lang.
- Mees, L. (2021). *El contencioso vasco. Identidad, política y violencia (1643-2021)*. Tecnos.
- Monreal, G. (2014). La disposición adicional primera de la Constitución de 1978 en las Cortes. *Iura Vasconiae*, (11/2014), 239–386.
- Monreal, G., & Jimeno Aranguren, R. (2009). El Concierto Económico: génesis y evolución histórica. *Iura Vasconiae*, (6/2009), 647–708.
- Monreal, G., & Jimeno Aranguren, R. (2012). *Conquista e incorporación del reino de Navarra a Castilla*. Pamiela.
- Mouffe, C. (1999). *El retorno de lo político, comunidad, ciudadanía, pluralismo, democracia radical*. Paidós.
- Nikolas, Z., & Urrutia, I. (2016). The legal limits of decentralization in Spain: Accommodation or Secession? In P. Ibarra & A. Kolas (Eds.), *Sovereignty revisited: The basque case* (pp. 183–219). Routledge.
- Noguera, A. (2023). *El Asalto a las fronteras del derecho*. Trotta.
- Perez de Eulate, B. (2021). *La erosión silenciosa*. IVAP.
- Poulantzas, N. (1979). *Estado, poder y socialismo*. Siglo XXI Editores.
- Requejo, F. (2010a). Federalism and democracy: The case of minority nations, a federalist deficit. In M. Burgess & A. Gagnon (Eds.), *Federal democracies* (pp. 275–298). Routledge.
- Requejo, F. (2010b). Revealing the dark side of traditional democracies in plurinational societies: The case of Catalonia and the Spanish ‘Estado de las Autonomías’. *Nations and Nationalism*, 16(1), 148–168. <https://doi.org/10.1111/j.1469-8129.2010.00414.x>
- Sartori, G. (1976). *Parties and party systems: A framework for analysis*. Cambridge University Press.
- Sassen, S. (2007). *Una sociología de la globalización*. Editorial Katz.
- Sassen, S. (2010). *Territorio, autoridad y derechos de los ensamblajes medievales a los ensamblajes globales*. Katz Editores.
- Sierra, G. (2022a). Repensar la relación entre consenso y disenso ante el «momento populista». Un reto democrático. *Oxímora. Revista Internacional De Ética Y Política*, 21, 79–100. <https://doi.org/10.1344/oxi.2022.i21.37675>
- Sierra, G. (2022b). Ekintza kolektiboa euskal protesta zikloan: ‘Lizarra-Garaziko’ kasuaren azterketa (1995–2000). *Uztaro*, 120(120), 159–176. <https://doi.org/10.26876/uztaro.120.2022.9>
- Sorens, J. (2012). *Secessionism identity, interest, and strategy*. McGill-Queen’s University Press.
- Spivak, G. (1988). Can the subaltern speak? In N. Cary & L. Grossberg (Eds.), *Marxism and the interpretation of culture* (pp. 66–111). Macmillan Education.
- Tilly, C. (2007). *Democracy*. Cambridge University Press.
- Uriarte, P. (2016). *Nuestro Concierto: claves para entenderlo*. <https://elconciertoeconomico.com/nuestro-concierto-claves-para-entenderlo/>
- Urteaga, E., & Ahedo, I. (2004). La nueva gobernación en El País Vasco francés. *Revista Vasca de Administración Pública Herri-Arduralaritzako Euskal Aldizkaria*, (68), 11–44.
- Zubiaga, M. (2008). *Boteretik Eraginera. Mekanismoak eta prozesuak Leitzarango eta Urbina-maltzagako liskarretan*. Universidad del País Vasco- Euskal Herriko Unibertsitatea.
- Zubiaga, M. (2012). Democratization and contentious politics: Basque state-building as collective action. In M. Zubiaga (Ed.), *Towards a Basque State. Nation Building and Institutions* (pp. 94–117). IparHegoa Fundazioa.
- Zubiaga, M. (2013). *La transición española a la luz de la evolución de la legislación sobre los partidos políticos: 1978/2002. Partidos Políticos y elecciones*. Editorial Universidad Autónoma de Baja California.
- Zubiaga, M. (2022). Un modelo pre-westfaliano de soberanía confederal: el “Concierto Político” vasco. *Clivatge. Estudis I Tesitimonis Del conflicte I El Canvi Social*, (10), e39072. <https://doi.org/10.1344/CLIVATGE2022.10.5>