SECESSION AND THE THEORY & PRACTICE OF INTERNATIONAL RELATIONS

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Abstract

Secession has been noticeably absent from International Relations theory although its role in the creation and recognition of states is clearly relevant. Traditionally, the dominant perspectives in IR have not questioned state formation and this has effectively barred secession as a topic since it cannot be thoroughly treated without looking across the inside/outside divide of state sovereignty. Secession must be placed in its historical context — as a phenomenon only possible in the modern era and only perceived as a global threat in this century.

Theorists from other disciplines who have discussed secession have relied on a problem-solving theoretical perspective which has kept them from considering secession as an outcome of problematic assumptions about identity and territory in the international system. In contrast, a critical theoretical perspective, which affirms the constitutive processes of historical discourse allows an analysis of secession which exposes the contingency of its basic assumptions.

Historicising the territorial state allows us to recognise the different structures of political power through which we have already passed and thus to theorise about different forms for the future. The secessionist imperative narrates the boundaries of a specific people who must be secured by a territorial state. Textual analysis of secessionist documents reveals that the narrative strategies they employ are exclusionist and historically short-sighted. Recognising identity as a continuous and relational process is a necessary step towards a post-territorialist order. If different forms of political space are practiced, democracy must also be re-theorised. There is no single model which can guarantee peaceful democratic politics since ambiguity and conflict are inherent in the political process itself and must be encouraged. However, an understanding of the intersubjective processes through which we have generated our present day politics of territory and identity can open up the theoretical space required for alternative politics.

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for Mom and Dad
who kept their doubts to themselves

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Acknowledgements

INTRODUCTION: METATHEORY

Now, a person who thinks should not try to persuade others of his belief; that is what puts him on the road to a system; on the lamentable road of the "man of conviction"; politicians like to call themselves that; but what is a conviction? It is a thought that has come to a stop, that has congealed, and the "man of conviction" is a man restricted; experimental thought seeks not to persuade but to inspire; to inspire another thought, to set thought moving.

Milan Kundera, *Testaments Betrayed*

The nature of the social and political organisation of people might be considered as the primary question of the social sciences. But the nature of this question itself, whether it is put as a question or pondered as an issue, determines to a great extent the path of scholarship which deals with it. That is, if the question is asked "what is the nature of human social and political organisation?" then the scholar proceeds with all empirical efforts required to muster a logically defensible answer. The asking of the question in itself contains the strong suggestion that the answer is determinable, is "out there", if the scholar is brilliant or thorough enough to ascertain it. If, however, the issue is not put as a question but as a statement of a state of being, "humans are socially and politically organised", the emphasis shifts from the discovery of a determinable nature to the semantics of "social", "political" and "organisation". Ironically, the statement contains more indeterminacy and interpretive space than the does the question. When we ask questions, we presume the existence of an answer, rather than the possibility that the answers are multiple and contextual. It is through the questioning of ontology, the nature of the real, and the implicit assumption that the answers are not singular or final but relational and inconstant, that scholars can adapt to change and theorise alternatives. Because theory both reflects and shapes our knowledge of reality, the ontological assumptions of the theorist have tangible implications for our collective experience. As Robert Cox puts it:

> Theory follows reality. It also precedes and shapes reality. That is to say, there is a real historical world in which things happen; and theory is made through reflection upon what has happened. The separation of theory from historical happenings is, however, only a way of thinking, because theory feeds back into the making of history by virtue of the way those who make history (and I am thinking about human collectivities, not just about prominent individuals) think about what they are doing. Their understanding of what the historical context allows them to do, prohibits them from doing, or requires them to do and the way they formulate their purposes in acting, is the product of theory.[1]

Theory then, is not only intertwined with practice, but it is an inseparable part of the political culture and thus of the making of political decisions. For International Relations theory, concerned as it is with the nature of global political organisation, the need to consider this indissoluble link between theory and practice is particularly decisive. The instability of formerly established patterns is becoming increasingly evident as the breadth and impact of globalization become clearer and International Relations is uniquely positioned as a discipline to offer appropriately multi-faceted perspectives on this flux in the spatial structures of the international.

Secession is one of the richest veins yet to be mined in International Relations, and it is especially responsive to an approach which questions ontological certainties. Persistent prodding at the assumptions of secessionists and many scholars who have theorised secession yields a wealth of mythical historical narrative, anti-political politics, illiberal liberalism and problematic problem-solving. An approach which is comfortable with ontological uncertainties readily exposes the contingency and ambiguity of conventional treatments of secession. The international (in the truest sense of the term) disruptions caused by secessionist movements are constant evidence of the impact of theory upon practice as they strive to perform the international legal norms of self-determination and sovereign territorial integrity. As in the quote above, their understanding of what the historical context allows them to do has been produced by theories of the nation and international order. Having been shaped by the expectations of the international legal and political structures of their era, secessionists respond with the pre-ordained logic of the territorial state. All too often it is the habit of theorists to accept the practices of states and secessionists as prior to their theorising, as question to be answered, or a problem to be solved through careful observation and analysis. But secession as a political phenomenon has not always been with us, nor did it abruptly appear as a nationalist fad. Secession implicates a host of historical accomplices related to the development of industrial modernity and considerable changes in the nature of sovereignty and the state. By historicising

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Robert Cox, "Towards a Post-Hegemonic Conceptualization of World Order: Reflections on the Relevancy of Ibn Khaldun," in *Governance Without Government: Order and Change in World Politics*, ed. James N. Rosenau and Ernst-Otto Czempiel (Cambridge: Cambridge University Press, 1992), 133.

secession, as I do in this thesis, it becomes possible not only to explain the historical transformations which have led to the current confluence of theory and practice, but to better question the possibilities and impact of current transformative interactions.

Robert Cox's discussion of problem-solving versus critical theoretical approaches provides a perfect illustration of the difference between the treatment of secession in this thesis and the treatment it has generally received in political science and theory (though not, strangely, in International Relations). Cox describes theory as belonging either to the problem-solving approach or the critical approach, each serving different purposes. The problem-solving purpose assumes the permanence of existing structure while the critical purpose explores the possibilities of structural transformation: "But whereas problem-solving theory assimilates particular situations to general rules, providing a kind of programmed method for dealing with them, critical theory seeks out the developmental potential within the particular."[2] Analysing secession with the problem-solving approach assumes the timelessness of territorial states and national identities, thereby foreclosing any discussion about the historical validity of these structures and the possibility that they may be implicated in the phenomenon of secession itself. A critical theoretical approach "does not take institutions and social and power relations for granted but calls them into question by concerning itself with their origins and how and whether they might be in the process of changing."[3] Critically analysing secession, therefore, requires a process of problematisation, a *dis*-assumption of institutions and relations, which puts the issue in a wider (changing) context, revealing hidden connections and weaknesses in the structures. Thus I seek here to historicise and question the concept of secession itself, and the component assumptions of territoriality and identity upon which it rests.

This approach to secession is quite unexplored in International Relations literature and I begin in Chapter One, *Secession in International Relations Theory*, with an explanation of the epistemological commitments which precluded IR theorists from analysing phenomena "inside" the state. This chapter also contains a discussion of secession's historical meanings and examines two nineteenth century cases commonly assumed to represent secession as we know it today. I argue that these cases do not reflect the politics of territory and identity which currently drive secessionist conflicts. In Chapter Two, *Theories of Secession*, I examine the theories of secession developed in other disciplines and reveal the fixed assumptions under which they

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Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," in *Neorealism and Its Critics*, ed. Robert O. Keohane (New York: Columbia University Press, 1985), 244.

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Ibid., 208.

proceed to be firmly within a problem-solving theoretical framework which is therefore incapable of problematising the constituent elements of secession. By treating secession as a structural feature of a stable system, conventional analysis has been unable to open new theoretical spaces which can view secession as a contingent rather than institutional phenomenon. Seeking to probe the historical conditions of secession's possibility, in Chapter Three, *Historicising Secession/Deconstructing Territory*, I undertake a conceptual analysis of territoriality and the changing assumptions of political space which accompanied its development. Distinguishing between *territory* as space and *territoriality* as the political legitimation of space, I argue that it is not until the twentieth century that political space as territoriality came to be a source of such absolute regulation that it could lead to the secessionist imperative. The linkage between territorial affiliation and political identity is more institutionalised now than it has ever been. I illustrate this with a discussion of the concepts of foreign-ness, citizenship and international, which converged with the modern state and nation to generate a regime of restrictions and control over identity. It is the nature of identity, then, that I problematise next, in Chapter Four, *Problematising Identity*, in which I discuss the concepts of nation and minority, and their dependence on boundaries both political and territorial. A discussion of identity in International Relations theory reveals that while many steps have been taken, there is some distance to go before the constructedness of identity has been fully explored as relevant for IR. Using William Connolly's identity\difference discussion as inspiration, I reiterate the need for the acceptance of ambiguity in identity relations and show, through a telling of the secessionist stories of Québec, the dangers of assuming and requiring secured (fixed) identities. Chapter Five, *Secessionist Performances*, carries this discussion further with a fuller analysis of the power of performative language in historical narrative. I examine several examples of secessionist literature, produced by the leadership of three movements (in Québec, Northern Italy, and Hawai`i). While treating them each as separate historical examples within a specific context, the one feature which I find these secessionist narratives have in common is the need to establish a historical basis for the separateness of their identities and a validation thereby of the need for an independent state which will bound and protect those identities. This chapter concludes with a discussion of Nietzsche's typology of mankind's three relationships with history, and a plea for the encouragement of a critical engagement with history. Finally, in Chapter Six, *Possibilities: Theory & Practice*, I discuss the implications of the previous discussion on (bounded) politics of democracy. Drawing on Derrida's concept of *ontopology* (the alignment of identity and territory in a social ontology of situated being), I introduce a variety of theorists who make it possible to question ontopological politics. I conclude, inconclusively, with a call for the practice of IR

theory in the manner of Nietzsche's critical history — specifically the practice of *forgetting* historical patterns in order to liberate theoretical space for future alternatives. It is my hope that a critical historical engagement with secessionist movements will reveal the constructed natures of both the identities and the territories they claim are justifications for sovereign independence. This thesis by no means asserts that identities are trivial, or that attachment to territory is insignificant, but rather, it intends to demonstrate that the drives which make secession appear as the only option for the enactment of inter-national relations are neither founded in primordial history nor dictated by pragmatic considerations. The discipline of International Relations, by practicing theory differently, is remarkably well-poised to make a significant contribution to a politics which will finally make secession a thing of the past.

Chapter 1.

SECESSION IN INTERNATIONAL RELATIONS THEORY

Secession is one of the few remaining options for the generation of new states in the international system; it would thus seem to be a subject of profound importance for the theory and study of International Relations. And yet it continues to be largely neglected by International Relations scholars both as a subject and as a concept. If the study of International Relations can be said to consist of either the examination of relations between states, or of the existence of a global system or society among states, or the relations between various state and non-state actors in the international system, or a combination of all of the above, then secession — as an event which involves and effects all three of these types of relations — must be acknowledged as a highly relevant feature of the modern international system. Serious secessionist movements, as potential states themselves, affect relations between states by presenting all of the states in the system with the dilemma of whether or not to recognise them, and thus whether or not to bestow upon them the legal status of sovereignty and thereby establish international relations with them. Given the considerable privileges which accompany the status of sovereignty, as well as the likelihood of upsetting relations with the remaining parent state, the recognition decision is a weighty one. In fact, the untidy nature of the international system reflects this difficulty, with such important non-state players as Taiwan and the Palestinian authority.[4] The international system itself is also affected by secessionist movements since their success or failure indicates the relative balance of the tension between the principles of self-determination and territorial integrity. The prevalence of one of the principles

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Even if the Palestinian authority eventually becomes a state, the existence of any non-state entity with international presence, even a short-lived one, is an exception to the system rules.

over the other in the process of state generation has a great impact on the territorial nature of all states in the system. The more successful the principle of self-determination becomes in mandating the legitimacy of independence movements as states, the greater the threat to the stability and legitimacy of the system as presently constituted. Each successful introduction of a new state into the system, no matter how peaceful, swings the pendulum away from territorial legitimacy as a concept by drawing attention to the arbitrary nature of all territorial borders. However, the collective behaviour of the society of states acts to safeguard its own perpetuation by continuing to emphasise territorial integrity as a binding principle, by limiting the definition of self-determination to decolonisation and previously independent entities, and by condoning intervention only sparingly. Finally, secession involves nothing if not intense relations between state and non-state actors, whether between the secessionist group itself and the resisting state, or between the group and international organisations which offer various forms of assistance or attention — including United Nations bodies.

Secession is thus implicated in all of the variations on the theme of International Relations studies. On any given day one might find upwards of fifty secessionist movements worldwide of varying intensity and duration — but each with the potential to cause tremendous rifts in the geopolitical structure, as well as violent conflict in the social and cultural fabric.[5] Secession not only has great practical relevance in terms of stability and conflict, it also raises important normative questions for International Relations scholars about the *rightness* of a system in which the players are so arbitrarily fixed and in which the fundamental rules are consistently challenged. In a theoretical analysis, secession sits at the juncture of the great abstract concepts of history, law, philosophy and political theory: sovereignty, legitimacy, territoriality, and identity. As a great breeder of violence and conflict, secession must be treated as a normative conundrum. As a concept on the borderline between the ideals of self-determination and territoriality, secession demands the most careful and rigorous theoretical analysis. The reasons for its neglect within International Relations theory are historical and epistemological, as the following discussion will demonstrate.

The Birth of the Discipline: The Historical Context

The rise of an academic discipline for the study of international relations was heavily contingent upon the perception and understanding of a global environment within which

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On a recent visit the *Homelands* website, which lists "autonomy, secession, independence and nationalist movements", I counted more than seventy sites dedicated to some form of change in the inter-state structure. See http://www. wavefront.com/~homelands/. Accessed 25 June 1999.

"national" entities operated and interacted. Thus the concept of International Relations itself depended upon the rise of the state and the development of sovereignty and a sovereign system. The systemisation of sovereignty and statehood in turn depended upon the secularisation of the political provided by the enlightenment and the concept of man as a rational being. In other words, International Relations both as a concept and as a discipline could scarcely have arisen any earlier than it did. Unlike the fields of history, law and philosophy upon which it relies, International Relations is fundamentally a child of late modernity. The first inklings of the concept of "international" arose in the late eighteenth century when legal philosopher Jeremy Bentham coined the term in his *Introduction to the Principles of Morals and Legislation*.[6] What Bentham referred to, however, was not an international system or society, but the existence of international law. It was indeed through law and legal relations that politics came to be internationalised, for Bentham's term "international law" reflected the realisation that the "law of nations" had come to mean law — and therefore relations — *between* nations rather than law applicable to all nations or peoples. So the secularisation of politics was reflected in the secularisation of law — from universal natural law principles towards more positivist practices. As Hedley Bull puts it:

> When they came to formulate the rules of coexistence, theorists of this period
> were able to free themselves of the universalist or solidarist assumptions
> inherited from mediaeval times, and to take account of the unique characteristics
> of the anarchical society. The term 'law of nations', *droit des gens,*
> *Volkerrecht*, not only drove out the term 'law of nature', with which it had
> previously always been coupled; it came quite clearly to mean not law common
> to all nations, but law between nations.[7]

It was this shift from the universalist to the particularist in European law that enabled the concept of relations in the international, or "between", sense to flourish. Previously, the world had seemed to consist of politics and law internal to the world of Christendom. The non-Christian world, specifically the Ottoman Turk, was an external Other which did not make up part of a universal whole and to which European legal and political conduct did not apply.[8] Even Hugo Grotius, famous for his juridical writings on the laws of war and peace, acknowledged a dual layer in which all of humanity was subject to the norms of natural law, and a select circle

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Discussed in Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977), 36.

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Ibid., 35-36.

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See Iver B. Neumann and Jennifer M. Welsh, "The Other in European self-definition: an addendum to the literature on international society," *Review of International Studies* 17 (1991): 327-348.

within Christian Europe followed the laws of Christ.[9] Not only does the concept of the international require secularisation, but also the possibility of relations between entities within a global environment which engage under apparently neutral rules. Thus international law as "law between nations" provided the necessary stepping stone for International Relations.

One further development was also necessary to complete the stage for the modern system of interacting sovereign states and thus for secession. This was the philosophical development of the concept of political legitimacy based on consent. The Enlightenment provided the momentum with its emphasis on rationality. Faith in the rationality of man fuelled the growing sense of individual worth and allowed the doctrine of popular sovereignty to develop. At the same time, the sense of patriotism and national identity which was springing up in England and France complemented and motivated the political aims of the American and French Revolutions. These revolutions caused a seminal shift in the European political fabric — "[a]fter the American and French Revolutions the prevailing principle of international legitimacy ceased to be dynastic and became national or popular."[10] It was these late eighteenth century revolutions which coloured the rise of nineteenth century theories of nationalism as a political doctrine holding the nation-state out as its ultimate object. Change became possible, and people who had never been identified with the polity (or protected by it) became its fiercest defenders (and creators) in the name of nationalism.

> [T]he French Revolution introduced new possibilities in the use of political power, and transformed the ends for which rulers might legitimately work. The Revolution meant that if the citizens of a state no longer approved of the political arrangements of their society, they had the right and the power to replace them by others more satisfactory....Here, then, is one prerequisite without which a doctrine such as nationalism is not conceivable. Such a doctrine would want to lay down how best a society should conduct its politics, and realize its aims, if need be by radical changes: the French Revolution showed, in a resounding manner, that such an enterprise was feasible.[11]

The French Revolution heralded the age of statehood and citizenship for *the people*. This was an anthem which would survive a century of imperial conquest and sound from the mouths of twentieth century statesmen attempting to construct a regime of world peace in the wake of the First World War.

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Ibid., 339.

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Bull, *The Anarchical Society*, 35.

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Elie Kedourie, *Nationalism*, 4th ed. (Oxford: Blackwell, 1993), 4-5.

The conjunction of international law, popular sovereignty, and nationalism produced a cocktail of circumstances which nurtured the present-day international system of sovereign states — the system which made possible the concept and study of International Relations. Moreover, the circumstances which made International Relations possible were also the conditions of possibility for the concept of secession. Secession requires a modern theory of the state in order to make sense — that is, one which relies upon international law to guarantee its sovereign status as a nominal equal, popular sovereignty to guarantee its internal legitimacy and identity, and nationalism to provide the territorial definition of the state's "natural" boundaries and peoples. It is only when groups of people can self-identify as a nation and use the doctrine of popular sovereignty to claim their right to an independent territorial state that secession can even be imagined. Contemporary conceptions of identity and territoriality have such critical implications for secession that they will be explored separately in Chapter 3: *Historicising Secession/Deconstructing Territory* and Chapter 4: *Problematising Identity*. The conclusion to be derived from all of this would seem to be that secession, like International Relations, is a twentieth century phenomenon, and this is very nearly the case. However, there are two prominent events of the nineteenth century which must first be addressed in order to clarify this argument.

The Hungarian Revolution of 1848 and the American Civil War from 1861-1865 both involved fiercely contested movements for territorial independence. Both movements were defeated, and both events have been described as secessions. However, I shall argue that while it is possible to categorize these events as instances of failed secession attempts, both are qualitatively different from the secessions of the twentieth century, and therefore they should be regarded as distinct, *proto-secessions*, for the purposes of this theoretical analysis. In the case of Hungary, the nationalists wished to gain independence for their once-sovereign territories from the Habsburg Empire — which, I shall argue, involves a process different from that of a self-determination movement which tries to carve out a piece of a modern territorial state. In the case of the American Civil War, the Southern states were actually attempting to separate from what they believed was a loose federation on largely economic grounds and issues of social class — the question of Southern nationalism as separate from the American identity did not arise.

Early Separatism and the Nature of the State

I. Hungary

In 1848, Hungary had been incorporated into the Habsburg Empire for nearly two hundred years, since the end of the seventeenth century, when it was freed from Ottoman Turk

rule. Prior to that it had been a feudal kingdom, and in the early nineteenth century still retained certain feudal structures. The territory of Hungary contained many peoples not of Hungarian (Magyar) descent, including Germans, Serbs, Romanians, and Croats. Since the mid-eighteenth century, Hungary had been granted the status of a separate kingdom of which the Habsburg's were monarchs. But while nominally ruled through the national assembly, the final authority in Hungary came from Vienna. Despite the many non-Hungarian members of the society, a strong national movement of Hungarian language speakers began in the late eighteenth century in response to a decree by Joseph II that German become the language of administration in Hungary. The uproar among the noble classes caused the decree to be withdrawn and the official language reverted to Latin. As the Hungarian economy, population, and culture prospered, a desire to use the Hungarian language (the language of less than half of the people in the broader Hungarian territory) in public life became more insistent. Although the ruling classes were largely conservative and the peasantry were ignorant of the ideals of the French Revolution, there were a number of lesser nobles and intelligentsia who had monitored the events in France and developed a close sympathy with the French (and Napoleonic) cause.[12] Two strains of pro-Hungarian sentiment developed. Hungarian revolutionaries wished to begin an inexorable process of Magyarisation in the quickest manner possible, while moderates felt only that Hungarian should be the official language and other languages could continue in private and educational use. Although they included social reforms beneficial for the peasantry, the radical policies, promoted most powerfully by Lajos Kossuth, a landless noble and a lawyer, began to alarm the non-Hungarian segments of the population, who considered their allegiance to be to the emperor.

When the tempestuous events of 1848 had begun in Paris and Vienna, the Hungarian Parliament took its cue and enacted a series of laws, the "April Laws", dealing with the taxation of noblemen, extension of the franchise (for Hungarian speaking men), abolition of peasant obligations to landowners, and the development of voluntary troops, among other issues. The central government in Vienna, dealing with its own local uprisings, placated the Hungarian leadership (Kossuth) by accepting the "April Laws" while also encouraging Croat fears of Hungarian domination. Finally, in September, the Croat Governor led a force, with the backing of the Emperor, into Hungary. The new Hungarian volunteer militia successfully resisted the Austrian/Croat forces. In April, 1849, Kossuth declared that the Crown was now forfeit, appointed himself as Regent — a royal rather than a republican term — and declared the

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[12] Zoltán Halász, *A Short History of Hungary*, trans. Csaba Szabó (Budapest: Corvina Press, 1975), 133.

independence of Hungary. But by this time, the new Habsburg Emperor, Francis Joseph, had obtained a promise of help from Tsar Nicholas I of Russia, and in July the new Hungarian state was surrounded by Austro-Croatian and Russian troops. They were defeated on August 9th, Kossuth fled and spent the remainder of his life in exile. The "April Laws" were revoked and Hungarian nationalists were imprisoned and executed. Although later the Compromise of 1867 led to a system of dual monarchy with Austria, Hungarian independence would remain a dream until the next century.

The most important point to make about the Hungarian Revolution is that it took place within a political context (the Austrian Empire) which differed from the political context within which the discipline of International Relations grew up, that is the post-Great War political society. So whether it is called a secessionist movement, a nationalist movement, a revolution — or all three — it is crucial to historicise the event, to try to gain insight into how it was understood at the time. Only by doing this can we understand the peculiarities of the relationship between secession and the development of International Relations theory. In taking this approach, I explicitly refrain from defining secession to include or exclude specific historical examples. As Nietzsche explained, "only something which has no history can be defined."[13] By this he means not that we are unable to insert definitions into our discourse for the sake of understanding and clarity, but that such definitions will always be the product of their historical contexts. Social and political concepts such as secession, nationalism, revolution, the nation-state, and so on — which certainly do have a history — must therefore be understood as signs or containers for social understandings which are in continuous flux. We must consider, in other words, "that anything in existence, having somehow come about, is continually interpreted anew, requisitioned anew, transformed and redirected to a new purpose...in the process of which their former 'meaning' and 'purpose' must necessarily be obscured or completely obliterated."[14] It is therefore crucial for the International Relations theorist who is dealing with such concepts to understand that the same terms have been endowed with meaning over time by people whose lives and understandings were profoundly different from our own.

Given this introduction, what can be understood of these early separatist movements? In the case of the Habsburg Empire, it is crucial to remember that although the French Revolution had already unleashed the ideals of popular sovereignty into the continent, its major

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Friedrich Nietzsche, *On the Genealogy of Morality*, trans. Carol Diethe (Cambridge: Cambridge University Press, 1994), 57.

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Ibid., 55.

effects were still chiefly confined to France. The rest of Europe continued to operate under the assumptions of traditional monarchy, even if there were nominal parliamentary bodies working alongside the crown. This was even more so for Austria — which comprised a large unwieldy realm of multiple languages, races and religions all connected by an inefficient bureaucracy and an allegiance to the person of the Emperor. The majority of the population were peasantry living under a feudal system of dues, including both compulsory labour and a tithe of the crop paid to the lord. Nonetheless, there was widespread support and affection for the monarch among the peasants and common people as befitted the paternal image of the ruler for his "children". Even the severely handicapped Ferdinand I, who was epileptic and mentally retarded, was known by his loyal subjects as "Ferdy the Loony".[15] The integrity and sovereignty of the Habsburg Empire was lodged in the person of the Emperor, unlike that of post-World War II states which enforce their integrity by making their boundaries absolute. Rather than being defined by its outside boundaries, the Habsburg Empire was defined by the unity of control which could be exerted over disparate peoples.

> In the Habsburg Empire and Prussia the monarchy was essential above all as a
> unifying force. In each case a state which was the result of the haphazard
> accumulation over generations of territories with no common interest or
> common history was held together by the dynasty, and by the army and
> bureaucracy which that dynasty had built up around itself....The emperor was
> not merely the symbol of unity but its active guardian and the only effective
> guarantee of its continuance.[16]

Not only did the monarch hold together disparate peoples, but his person was still considered to be sacred. The awesome totality of the French Revolution caused many shudders amidst the cheers, and if many could sympathise with republican ideals, few could wholeheartedly endorse the execution of the monarch — heretofore the body of the state. Thus Edmund Burke could write:

> They have seen the French rebel against a mild and lawful monarch, with more
> fury, outrage, and insult, than ever any people has been known to rise against
> the most illegal usurper, or the most sanguinary tyrant. Their resistance was
> made to concession; their revolt was from protection; their blow was aimed at
> an hand holding out graces, favours, and immunities. This was unnatural.[17]

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Alan Sked, *The Decline & Fall of the Habsburg Empire 1815-1918* (London: Longman Group UK Limited, 1989), 81.

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M.S. Anderson, *The Ascendancy of Europe 1815-1914* (London: Longman Group Limited, 1985), 65.

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Edmund Burke, *Reflections on the Revolution in France* (New York: Anchor Books, 1973), 51.

In comparison with France, the Hungarian Revolution of 1848 was of a very different order. The radicals sought more control over their own affairs, but did not seek independence from the crown at first. Nor, given the demography of nineteenth century Hungary, could the radicals have led an overtly nationalist revolution. Although the aims of the Hungarian leadership included greater political freedoms and benefits for the common man, the leaders themselves were of the nobility. The Hungarian leaders were hardly republicans and they were not subversive of the Habsburg monarchy; they claimed that it was Metternich, and the government ministers who were at fault. In a sense, the leaders of the Revolution in Hungary were conservatives, since their chief goal was to restore the Hungarian Constitution which had been subverted by Metternich. Therefore, the claims made throughout the course of the revolution had a basis in the April laws which had been agreed upon by the king. They felt that their revolution was "lawful" since it was based on these laws which had received royal approval (and thus royal legitimacy). However, when the Hungarian leadership insisted on increasing its control over military and financial affairs, going so far as to raise their own military forces and print their own currency, the monarch withdrew his assent. In the eyes of the Hungarians it was this act by the king which destroyed the old order, not their wish for greater autonomy. Certainly, there can be no thought that the Hungarian Revolution was a secession in the late twentieth century sense. Even if there were issues of nationalism at stake, the entire political menu differed. There was no question of carving out and establishing the legal boundaries of the new Hungarian state based on what could be militarily defended or who wanted to be included. Nor was there a question of legitimating the aristocratic Hungarian leadership who had a feudal entitlement. Although the French had introduced the idea of popular sovereignty, most Europeans (including Hungarians) had not removed the mantle of divinity from their monarchs, and continued to believe that hereditary princes offered a benevolent and even beneficially disinterested influence to counter the corruption of government officials. As the Archduke Albert explained:

> In a polyglot Empire inhabited by so many races and peoples the dynasty must
> not allow itself to be assigned exclusively to one of these. Just as a good
> mother, it must show equal love for all its children and remain foreign to none.
> In this lies the justification for its existence.[18]

In this sense, the Hungarian Revolution can be seen as more akin to a family quarrel than the separation and formation of a completely new self-determined political entity as are contemporary secessionist movements. It would be another seventy years before Woodrow

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Sked, *Decline & Fall of the Habsburg Empire*, 265.

Wilson's "Fourteen Points" would explicitly mention the right of "the peoples of Austria-Hungary" to a secured place among the autonomous nations of the world, thus giving voice to the principle of self-determination which would come to dominate the century.[19]

II. The American Civil War

The American Civil War was an event in marked contrast to the troubles on the continent. The United States was a wobbly new country trying to steady itself against a common nationality based on individual freedom — as opposed to the Habsburg's ancient amalgam of disparate peoples subject to feudal obligation under a pre-modern sovereign. The tensions which finally snapped in 1860 had been brewing for some time. As the country's territorial waistline swelled with the Louisiana Purchase, the annexation of Texas, and the settlement of the West, the southern states voiced ample concerns over the status of slavery in these areas. At stake was not simply the socio-economic culture of the new nation, but the legal option of southern plantation owners to move and settle westward with their slaves in tow. As the western territories were increasingly being settled by those with abolitionist or free-state sympathies and the number of free-states in the Union began to rise correspondingly, feelings in the South began to crystallise around hostility and paranoia against the North. In 1854, when Nebraska and Kansas were applying for statehood, Congress could not agree on whether the Missouri Compromise of 1820 (which permitted no slavery above the 36th latitude) should continue to be applied. In enacting the Kansas-Nebraska Act which left the choice to the respective territories, Congress repealed the Missouri Compromise which had held the Union together for 30 years. Nebraska was clearly declared a free state by its inhabitants, but Kansas was the subject of hot dispute. Northern abolitionists raised money to finance free-voting settlers while thousands of pro-slavery men from Missouri crossed into the state to vote illegally for a legislature which would approve slavery. Open fighting broke out and leaders on both sides were arrested and killed in a melee which lasted until 1858 and cost 200 lives. Meanwhile, the newly-formed Republican Party was gaining strength with a platform which favoured banning slavery in the new territories, and by the time of the presidential elections of 1860, the

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Woodrow Wilson, "Address to a Joint Session of Congress, January 1918," in *The Nationalism Reader*, ed. Omar Dahbour and Micheline R. Ishay (New Jersey: Humanities Press, 1995), 309.

party was poised to put a man in the White House. South Carolina declared that it would secede if a Republican candidate were elected.[20]

Although many historians have concluded that a majority of Southern voters was actually pro-union (due to poor turnout in the state election polls), James McPherson argues that this idea mistakes the nature of each sides' concept of union. In an eery echo of the Hungarian revolutionaries' anti-Metternich, pro-monarch sentiments, the Southern Unionists felt betrayed by the election of an anti-slavery president:

> As a Mississippi "unionist" explained after Lincoln's election, he was no longer "a Union man in the sense in which the North is Union." His unionism was conditional; the North had violated the condition by electing Lincoln. Cooperationists in Alabama who voted against secession cautioned outsiders not to "misconstrue" their action. "We scorn the Black Republicans," they declared. "The State of Alabama cannot and will not submit to the administration of Lincoln."[21]

After the election results confirmed the election of Abraham Lincoln, six southern states seceded. The war began in April 1861 when troops organised by the Confederacy fired upon and captured a Federal garrison at Fort Sumter in South Carolina. The war would last for four years, be led by veterans of the Mexican War who had fought side by side, pit brother against brother, cost 620,000 lives and be one of the bloodiest wars in human history up to that point.[22]

One of the critical questions of the American Civil War was the nature of the bond between the states. The Federal Union had never been fully challenged on the point of whether any one of the states had the right of separation. Until the Southern secession was successfully put down, the Union was regarded instrumentally as a useful means of protecting the revolutionary ideals of individual freedom and political equality. With its boundaries shape-shifting on a constant basis, and its internal composition continuously affected by immigration, the United States did not have a clear sense of its common identity in terms of a political union. The people called themselves American, but politically they hailed from different states. This was obvious to the visitor Alexis de Tocqueville, who wrote in the 1830s:

> The Union is a vast body, which presents no definite object to patriotic feeling. [The state] is identified with the soil; with the right of property and the

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While the Hungarians in 1848 thought of themselves as "revolutionaries", the Southern separatists called themselves "secessionists", thereby initiating a political meaning for the term which had not been in common use previously.

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James McPherson, *Battle Cry of Freedom: The American Civil War* (London: Penguin Books Ltd., 1990), 239.

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Both of the famed Civil War Generals, Robert E. Lee and Ulysses S. Grant, fought as officers in the Mexican War. Captain Lee commended Lieutenant Grant for his services in the attack on Mexico City. These thanks were delivered to Grant by Lieutenant Pemberton, who surrendered to Grant sixteen years later at Vicksburg. Ibid., 5.

> domestic affections; with the recollections of the past, the labors of the present,
> and the hopes of the future. Patriotism, then, which is frequently a mere
> extension of individual selfishness, is still directed to the state and has not
> passed over to the Union. Thus the tendency of the interests, the habits, and the
> feelings of the people is to center political activity in the states in preference to
> the Union.[23]

Until the end of the Civil War it was normal to refer to the United States in plural rather than singular form. In fact, secession had already been threatened by the New England states over the War of 1812, but the issue faded when the War ended and the United States resumed good relations with Great Britain. Despite this tendency towards political regionalism, there was also a noticeable assimilation towards a common society based on a general identification with the ideals of the Declaration of Independence. Again, Tocqueville provides a useful outsider's perspective:

> The observer who examines what is passing in the United States...will readily
> discover that their inhabitants, though divided into twenty-four distinct
> sovereignties, still constitute a single people; and he may perhaps be led to think
> that the Anglo-American Union is more truly a united society than some
> nations of Europe which live under the same legislation and the same
> prince....From Maine to the Floridas, and from the Missouri to the Atlantic
> Ocean, the people are held to be the source of all legitimate power. The same
> notions are entertained respecting liberty and equality, the liberty of the press,
> the right of association, the jury, and the responsibility of the agents of
> government.[24]

So there was certainly a recognition of being a common people with shared political values and institutions. Nevertheless, the ease with which secession was raised as a policy option for the states suggests that at that time they took the Union to be a federation of convenience, not an entity to which they owed national allegiance. In fact, until 1865 "it was unclear what the relationship between the many and the one in *E Pluribus Unum* should be, and entirely possible that the United States would disintegrate into several American nations."[25] In other words, the issue of whether self- government was a right vested in the states or in the federal government had not been settled. This was precisely the issue that the Confederate States were testing when they argued that their right to self-government included the right to slavery as a way of life. Yet, unlike the separatist movements of the twentieth century which would be based on the will and

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[23]
Alexis de Tocqueville, *Democracy in America*, vol. 1. Everyman's Library (London: David Campbell Publishers Ltd., 1994), 386.

[24]
Ibid., 392-393.

[25]
Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, MA: Harvard University Press, 1992), 432.

declared rights of national groups to be free of oppression by the central state, the Confederacy
remains a political oddity: a movement which seceded in order to withhold the freedom of much
of its population, the slaves, whom the central government was attempting (in its commitment to
a union based on principles of equality) to set free. Southerners argued that their freedom to
have self-government was being denied by the Union, but Lincoln's response declared that the
American protection of self-government was an individual not a collective one: "When the white
man governs himself...that is self-government; but when he governs himself and also governs
another man, that is more than self-government — that is despotism."[26] The issue of individual
political freedom was not at stake for residents of the Southern states. As Liah Greenfeld notes,

> It would be wrong to see the secession as in any way a result of Southern
> nationalism (namely the development of a specifically Southern identity, loyalty,
> and consciousness). Southern nationalism and secession were both responses
> to the unbearable inconsistency between American national ideals and slavery.
> In the framework of individualistic nationalism, secession was possible without
> the preceding development of a separate identity, as was so clearly
> demonstrated by the American Revolution itself.[27]

These American national ideals were what the North fought to apply to the whole Union, and
neither slavery nor secession could be tolerated if the glorious American model of freedom and
equality were to remain intact. In actuality, the North and the South were fighting to determine
which image of American identity should survive — the one in which the ideal of equality was a
unique model held out for the world to marvel, or the one in which there was thriving economic
prosperity for the equals, but it was based on the exploitation of those who were not even
politically visible, let alone equal. One of Lincoln's strongest arguments, and one which
motivated even those who were ambivalent about abolition, was that America was a great
political experiment which would be deemed a failure if slavery were allowed to continue. Philip
Abbott points out that this was crucial for the Northern conception of American nationhood: "In
essence, Lincoln was creating an argument that contended not only that slavery challenged
American identity but that the fate of the nation had a world significance, that America's
struggle with slavery constituted an even broader struggle, the outcome of which was of
immense importance to mankind."[28] The fascinating aspect of this struggle over the defining

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   Ibid., 480.

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   Ibid., 476.

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   Philip Abbott, "The Lincoln propositions and the spirit of secession," in *Theories of Secession*, ed. Percy B. Lehning
(London: Routledge, 1998), 185.

characteristics of the national identity is that it was a struggle which did not rest on a conception of a sovereign territorial whole. Rather, it was a struggle over the final definition of the *American people* — including those living in territories which were not yet part of the union. If the Southern states had succeeded in maintaining the Confederacy, they would have continued to be Americans — but their very existence as slave-owning Americans would have profoundly threatened the identity of the Northern states who wished the world to see America as the exceptional country based on principles of freedom.

This clash of ideals within a people makes the American Civil War unique among separatist clashes. The closest contemporary analogy would be the kind of polarisation which occurs over a political issue such as abortion — in which both sides are absolutely convinced that the other side must be made to see the issue in a specific way. In these cases compromise is failure. Indeed the rhetoric which surrounded the slavery issue was as vitriolic as what now passes for dialogue in the abortion context. Like abortion, the issue of slavery could not be settled by negotiation because its very existence was moral anathema to many in the free states, and the very threat of its demise was social, economic, and political anathema to those in the South. Thus, even though for many Northerners abolishing slavery was not as important as keeping the Union, the issue was too important to the South for any kind of compromise. Technically, the central government had done nothing to curtail the rights of those in the South to own slaves. There were even strict fugitive slave laws in place to force the return of escaped slaves as "property". What the South could not countenance was the confinement of slavery to its geographical area and the loss of balance in national representation. In the end, the Civil War did more to clarify the American sense of unified identity formed at the national level than any event before. In this effect it is most clearly unlike any twentieth century secessionist conflict.

Historicising Secession: Now and Then

The above discussion of nineteenth century secessionist conflicts illustrates that whether or not the term secession can be used to describe these events, it must be noted that they were understood very differently at the time from what we would recognise as secessionist conflict today, in the era of self-determination and the nation-state. This is relevant for an understanding of International Relations theory and the world it set out to describe. There are two separate points to be made in this section. First, it will be established that secession has a changing meaning which rests on our conceptions of the state and the international system, both of which have been influenced tremendously by the ideals of nationalism, democracy and self-determination in the last century or so. Just as the nature of the state and the international

system must be understood in historical context, so too secession cannot be taken as a timeless concept or possibility. The second point is that International Relations, as a twentieth century discipline, arose in response to an international system which had undergone profound change from the turn of the century onward, and thus the extent to which the discipline could account for secession depended upon its account of this radically altered context. Furthermore, the concept of secession as a political act, unlike the concept of the state itself, actually has a reasonably fixed starting point of comparatively recent origin. The word "secession" can be dated from the seventeenth century according to *The Oxford English Dictionary*.[29] However, it was not used then in a political sense, but meant, "The action or an act of going away from one's accustomed neighbourhood, or of retiring from public view." The verb *to secede* was defined by Dr. Johnson in 1755 as "To withdraw from fellowship in any affair." Although the term was also used specifically to indicate withdrawal from a religious organisation, as in the secession of the "Church, King and Kingdom of England from the Papacy" described by Coke in 1660, the first use of the noun *secession* in the political separatist context appears to have been in connection with the American Civil War. Ironically — for a political scientist — political usage of the verb *secede* is still described in the OED etymology as "rare". The original root of the word is Latin — *secedere*: to withdraw.

The unfamiliar history of the usage of this word in the English language should not be surprising once one realises the extent to which "political withdrawal" depends upon certain preconditions. For one thing, the origins of the root presuppose that the action is done unilaterally by the self — *se-ceder* or "self-cession". One withdraws from a group; one does not cause withdrawal. For this action to be translated into the political sphere, there must first exist the concept of a political collective from which a unit may withdraw, and there must also exist the concept of a political "self" within this collective which may effect the withdrawal. It is therefore understandable that the term does not enter political usage any earlier than the nineteenth century — it is practically dependent upon the concepts of the republic and popular sovereignty — and of course territoriality. In the age of princes and empires the state was indivisible because it was co-extensive with the body of the sovereign and only vaguely associated with a delineated geography.[30] This is best illustrated by Louis XIV's famous phrase, "L'etat, c'est moi." The sovereign body was the source of the symbolic power of the execution

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The Oxford English Dictionary, 2nd ed.

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For a complete treatment of this topic, see Ernst Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957).

of the king for the French revolutionaries. Only when the body of the sovereign had been (literally) destroyed could the people as a collective become (figuratively) sovereign. It is also, then, no accident that the term *secession* was first used extensively in the United States — a country in which the collective and the divisible notion of the people as sovereign had already been firmly established. One might even say that before there can be a concept of secession, or withdrawal from the whole, there must first exist the concept of the whole — which is made up not only of state-parts, but from the Union of all citizens. It was actually this latter definition of Union upon which the Northern states chose to insist in refusing the right of the South to withdraw.

The Conditions of Possibility

Having established a historical starting point for secession as a concept does not mean that we have established any kind of fixed understanding of the term. If anything, the concept of secession has, until very recently, been inexplicable within International Relations theory due to the modernism of the discipline's dominant theoretical structures. This is reflected in the very fact that the conditions of possibility for the discipline of International Relations itself are the conditions of the twentieth century.[31] International Relations as a discipline requires both a concept of the international (in the global and not simply European sense) and of relations between units within an international sphere which is markedly separate from the domestic one. These concepts depend upon the historical mix of popular sovereignty with nationalism and territoriality to create the perception of an international system of sovereign nation states, with clear boundaries between inside and outside concerns, upon which most International Relations work is based. This mix did not set until the end of World War I when the balance of continental empire-states seemed to have reached the end of its viability as a system. This was due in no small part to the acceptance of the idea of popular sovereignty and its translation into the principle of national self-determination.

Popular sovereignty, as advanced by the American and French Revolutions, was offered as a universal principle of political legitimacy. It was this universality which was the source of the idea's appeal. However, there was a difference between advancing the idea in theory and realising it in practice. The *ancien regime* was so long established that the "abolition of the conceptual legitimacy of all privilege, first in theory and then in reality, was a momentous

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That is, contrary to Neo-realist assumptions of the continuity of state forms since the ancients, the discipline of International Relations as it exists today could not have existed before the 20th century (in contrast to, say, the disciplines of History and Philosophy).

historical development, the final results of which are even now not fully determined."[32]

Although popular sovereignty may be considered as a theory based on universal individual rights, it cannot be applied universally. James Mayall explains "that although the sovereignty of the people, and the conception of individual rights on which it is based, are essentially universal, i.e., they apply to all human beings or to none, the political claims to which they give rise are *always and necessarily* advanced by, or on behalf of, a particular group of people."[33] Thus the application of popular sovereignty requires particularisation of both the people and the state. Enter nationalism and the concept of the nation-state. The shift in the basis of legitimate sovereignty from the prince to the people required a fundamental reconsideration of the nature of the state. If sovereignty stemmed from the people, how were they to be delineated? National identity provided the seemingly obvious answer, and translated the eighteenth century idea of popular sovereignty into the twentieth century principle of self-determination. Or rather, as Mayall puts it, "an accommodation was reached between the prescriptive principle of sovereignty and the popular principle of national self-determination...the one expresses a timeless political principle, the other the only historically relevant basis on which it should be exercised."[34] It is this combination of principles which provided the basis for the twentieth century international order; but it was the logic of this order — taken to its extreme — which undermined itself in the form of repeated secessionist challenges to the established nation states.

It should be noted that the triumph of nation-states over empires was by no means assured until the outcome of the First World War and the fall of the continental empires left a vacuum and an opportunity. It was the American president, Woodrow Wilson, who did more than any other individual at the time to make the nation-state become the acceptable political model. Although Wilson failed in his vision for the League of Nations, the formulation of autonomy for national groups spelled out in his "Fourteen Points" speech to Congress in January of 1918 was very important "in consolidating conceptions of national sovereignty as the 'natural' political condition of humankind, via a particular interpretation of the sovereignty-citizenship-nationalism relation. This was the most significant effect of the 'new system of law

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[32]

James Mayall, *Nationalism and International Society* (Cambridge: Cambridge University Press, 1990), 38.

[33]

Ibid., 40 (emphasis in original).

[34]

Ibid., 35-41.

and justice' among states that Wilson wanted to achieve."[35] Another effect of Wilson's legitimation of the nation-state and the creation of the League of Nations was a newly globalized international system. It was no longer simply Europe which made up the system of sovereign states. The Unity of Christendom and the Peace of Westphalia had to give way to the League of Nations and the Permanent Court of International Justice, as well as many more international organisations to follow. The impact on Europe was compounded by the sudden emphasis on autonomy for colonial peoples, the fifth of Wilson's fourteen points. Although World War I and the Treaty of Versailles are often cited as the political turning point into the current modern system, it must be emphasised that such events only serve as convenient markers for historical trends. The world did not change overnight in 1918 any more than the Soviet Union went from strength to pieces suddenly in 1992. And the nationalities which were to find their new international voices were crudely formed and ill-suited to the political task of providing sensible boundaries for the state.

The Birth of the Discipline: "Ain't gonna study war no more"

In the following sections I will present a very simple overview of the development of the discipline of International Relations. It is necessary to tell the story of the birth of the discipline in order to understand how secession was not simply overlooked but made irrelevant through an epistemological framework which precluded it as a proper subject. The seeds of IR's early "Utopian" theories were planted decades earlier by classical liberalism. Although political liberalism had developed significantly in the nineteenth century by drawing on the writings of John Stuart Mill and the correlating economic theories of Adam Smith, theories of government and politics were still considered the prerogatives of philosophy and diplomacy. However, World War I — the Great War — caused both the public and statesmen in Europe and North America to believe that never again could diplomacy be left to the diplomats and war to the 'professionals'. There was then a perceived need to study relations between states in order to avoid another such a catastrophe. The horror of the casualties and the ruin provoked a profound questioning within Europe of the great modern project of the rational man. Christopher Coker explains:

> The Great War was the first historical event of significance to confront modern
> man with a question whose implications were particularly grave: was it any
> longer possible to see progress in terms of a long historical trajectory, and could
> progress itself any longer be considered necessarily redeeming? Europe, of
> course, had known many earlier wars and catastrophes but by comparison even

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Anthony Giddens, *The Nation-State and Violence* (Berkeley: University of California Press, 1987), 259.

with the Thirty Years' War, the 'killing ground' of the Western Front seemed irredeemable. The carnage was absolute, the madness total. For a few, the catastrophe of trench warfare destroyed all possibility of belief in the future.[36]

The feeling of hopelessness was compounded by its juxtaposition against the expectations of modernisation and industrialisation. Europe had seen many great wars before — but none had merited that explicit title. Men had died and lands had been ravaged, but this war left a different taste. What had gone wrong? One thing which was markedly different was the degree to which men were willing to die in the name of a cause. It was still an age of certainty and purpose, in which time moved forward and humankind was on a steady course of progress. Men believed in, and fought for, the notion of modern progress. Paul Fussell's study of literary narratives of the war describes it thus:

> [T]he Great War was perhaps the last to be conceived as taking place within a seamless, purposeful "history" involving a coherent stream of time running from past through present to future. The shrewd recruiting poster depicting a worried father of the future being asked by his children, "Daddy, what did *you* do in the Great War?" assumes a future whose moral and social pressures are identical with those of the past. Today, when each day's experience seems notably *ad hoc*, no such appeal would shame the most stupid to the recruiting office. But the Great War took place in what was, compared with ours, a static world, where the values appeared stable and where the meanings of abstractions seemed permanent and reliable. Everyone knew what Glory was, and what Honor meant.[37]

In glaring contrast to the certainties of honour and glory at the time of the Great War, the recent Gulf War is the first armed conflict in which no U.S. Congressional Medal of Honor was awarded to any of the servicemen who participated.[38] As war becomes more mechanised, even virtual, the possibilities for heroic action have greatly decreased. Modernity was supposed to be the age of humanity's self-salvation — and instead, the Great War's aftermath reeked of an age of self-destruction. Yet the salvationist element was still evident in President Wilson's last public speech.

> Why, my fellow citizens, should they [mothers who lost their sons in France] pray God to bless me?...I consented to their sons being put in the most difficult parts of the battle line, where death was certain....Why should they weep upon my hand and call down the blessings of God upon me? Because they believe that their boys died for something that vastly transcends any of the immediate

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  Christopher Coker, *War and the 20th Century: The Impact of War on the Modern Consciousness* (London: Brassey's, 1994), 126.

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  Paul Fussell, *The Great War and Modern Memory* (London: Oxford University Press, 1975), 21.

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  Medal of Honor information is available from http://members.aol.com/veterans/moh.htm. Accessed 25 June 1999.

> and palpable objects of the war. They believe, and they rightly believe, that their sons saved the liberty of the world. They believe that wrapped up with the liberty of the world is the continuous protection of that liberty by the concerted powers of all civilized people.[39]

Ironically, the very fact that the war was fought under a moral banner was the source of the difficulty in finding a justification for its horror. How could the causes of such an immoral war have been moral? As Michael Walzer puts it, democratic idealism is objectionable because it declares goals which are impossible to reach, and this is a moral issue if soldiers are asked to die for these goals. "Their most heroic efforts, after all, can only bring a particular war to an end; they cannot end war. They can save democracy from a particular threat, but they cannot make the world safe for democracy."[40] But ending war was exactly the goal western political thinkers began to aim for. Surely, they concluded, the ultimate moral act would be to keep war from happening in the first place. And so the Great War became the "War to end all wars".

Despair over the failure of moral politics and diplomacy which led to the war ironically gave way to a modernist desire to approach war as a scientific problem which could be rationally analysed and solved. The war had occurred, they theorised, because of an improper understanding of the facts which cause war. Political thinkers looked at peace as a goal obtainable through rational analysis, based on "the assumption that the world is thoroughly accessible to science and reason and that it contains in itself all the elements necessary for the harmonious co-operation of all mankind."[41] Thus even while European society was feeling collective nausea at the horror and futility of the modern age as revealed by the Great War, theorists were responding from a perspective fully within the modernist framework, with further attempts to advance the cause of Enlightenment rationality. In keeping with this project was the League of Nations System championed so valiantly by Woodrow Wilson, in the belief that states would act rationally in their own interests in a voluntary self-policing system. Another famous "idealist" of the turn-of-the-century was Sir Norman Angell, who became infamous in 1908 by arguing that war was both irrational and economically unsound. In the inter-war period, Angell sided with those who wished to make — in the League of Nations — something which would supplant the anarchy of the international system and make war not only irrational, but

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  Quoted in Daniel Patrick Moynihan, *On the Law of Nations* (Cambridge, MA: Harvard University Press, 1990), 52-53.

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  Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: HarperCollins Publishers, 1977), 111.

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  Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, brief edition, rev. Kenneth W. Thompson (New York: McGraw-Hill, 1993), 41.

functionally illegal. In a sharply-titled volume, *The Intelligent Man's Way to Prevent War*, edited by Leonard Woolf, the common approach of the idealists was spelled out. After stating that civilization cannot survive another "world war", Woolf valiantly asserted

> War is not a "natural" catastrophe like a tidal wave or an earthquake. It is not inevitable; it is preventable in Europe like cannibalism, cholera, or witch-burning, all of which, though once common in this continent, have been abolished by civilization....Any intelligent man can with a little trouble understand the problem of preventing war. Though it is not a simple problem, it is not nearly so complicated as that of making a six-cylinder engine for a motor-car, and it is child's play compared with the intricate mass of problems which have been solved to make modern broadcasting possible.[42]

While the bulk of idealist authors were not quite so simplistic, they were united in the belief that war was an effect whose cause could be studied and altered. It is also clear from Woolf's use of terms like "civilisation" and war being preventable "in Europe", that the early concept of International Relations was more Euro-centric than it is today. In some sense, these European writers still viewed the League of Nations as another multi-lateral great power security arrangement like the Concert of Europe. Peace was something which could only come to those states where democracy had taken hold. While the idealists clearly hoped that the spread of democracy could work its magic on the rest of the globe in time, the term international was still apt to refer only to the "civilised world". And the "world war" which the idealists were trying to fend off, was envisioned as another war with its centre in the European continent.

The naïveté of the idealists, if not of their intentions, is encapsulated in the words of philanthropist Andrew Carnegie's bequest establishing the Carnegie Endowment for International Peace. Carnegie instructed that "when the establishment of universal peace is attained, the donor provides that the revenue shall be devoted to the banishment of the next most degrading evil or evils, the suppression of which would most advance the progress, elevation and happiness of man."[43] Given the optimism of the discipline's formative years, it is no surprise that a discussion of secession as a problem was left out of the laundry list of serious issues. In accordance with the methodology of rationalism, the question of secession might have been perceived as something which was contrary to national interest and which could, therefore, be avoided with studiousness and care. The days of the Peace Conference following the Great War were spent in serious consideration of the most effective national boundaries for the states

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Leonard Woolf, "Introduction," in *The Intelligent Man's Way to Prevent War*, ed. Leonard Woolf (London: Victor Gollancz Ltd., 1933), 9.

[43]

Quoted in Moynihan, *On the Law of Nations*, 131.

arising out of the newly splintered empires of Europe. Once the frontiers were set in 1919, they were meant to be permanent. Article X of the League Covenant required that State members respect the territorial integrity of frontiers. However:

> ...if that peace was to mean anything else than licence to commit acts of tyranny with impunity — if it was to be a true peace and not a mere fastening of shackles upon the defeated States — it was absolutely necessary that the minorities should be ensured such treatment as would take away from them all valid excuse for disaffection and irredentism.[44]

So the problem of nationalist sentiment and state boundaries was recognised but the remedy was the enactment of a system of minority protection treaties. In cases where the frontiers settled at the Peace Conference were simply unworkable, the appropriate procedure was deemed to be negotiation at the League Assembly — not that this procedure was observed in practice, but reworking the frontiers was considered an issue which could be raised. In short, the idealist approach was one which insisted on the maintenance of law and order in the international realm and which maintained that problems such as separatist movements could be dealt with peacefully because this was the way which made the most rational sense.

From the Ideal to the Real: IR's Coming of Age

If Idealism was a perspective in which the harsh facts of real life were to be subjugated to reason, then the Realism which followed was a perspective in which reason was to be subjugated to the harsh facts of reality. In his discussion of the genesis of International Relations as a discipline, E.H. Carr quoted Engels as saying "If society has a technical need...it serves as a greater spur to the progress of science than do ten universities". Carr then concluded that the "[d]esire to cure the sicknesses of the body politic has given its impulse and its inspiration to political science."[45] In responding to what he considered to be the misguided faith of Utopianism, Carr wrote what could be called a dialectical critique of the new discipline.[46] Carr differentiates the Utopian/Idealist approach to solving the problems of international politics (the inclination to ignore what was and what is in contemplation of what should be) from the Realist approach (the inclination to deduce what should be from what was and what is), and insists that

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   Gilbert Murray, "Revision of the Peace Treaties," in *The Intelligent Man's Way to Prevent War*, ed. Leonard Woolf (London: Victor Gollancz Ltd., 1933), 122.

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   E.H. Carr, *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations* (London: Macmillan, 1993 [1939]), 2-3.

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   Tim Dunne, *Inventing International Society: A History of the English School* (London: Macmillan, 1998), 37.

they are both part of a continuing and necessary equilibrium. Carr is often cited as the chief destroyer of the Utopian school of theory during the interwar period, and as the father of Realism. But his work was more subtle than that, and he obviously did not intend to discredit the creativity and normative emphasis of the idealist.[47] Carr understood the need for the normative, and also the fact that normative issues and politics are inseparable since "[e]very political judgment helps to modify the facts on which it is passed. Political thought is itself a form of political action."[48] Carr actually located and defended the value of Utopian theory even while skilfully critiquing its primary faults. Although he advocated a healthy equilibrium of the two approaches, his feelings about the existence of international society were somewhat pessimistic since he focused on the structural inequalities which would always subvert any attempt at moral order.[49]

Another chronicler of the Realist genre, Hans Morgenthau, was far less patient with what he called "scientific utopianism":

> The "scientific" era of international relations resulted in the substitution of
> supposedly scientific standards for genuine political evaluations; in some cases
> this went so far as to impede, if not entirely destroy, the ability to make any
> intelligent political decisions at all. Power, however limited and qualified, is the
> value which international politics recognizes as supreme. ....The question of the
> international "scientist" [idealist] is different. Since for him the history of
> international affairs amounts to a succession of scientific problems, correctly or
> incorrectly handled by informed or misinformed officials, the supreme value is
> not power but truth. The quest for and the defense of power then become
> aberrations from the scientific attitude, which looks for causes and remedies.[50]

For Morgenthau, the neglect of power as a primary force in international politics was irresponsible and misguided. Although as a Realist, he shared the rationalist view of the Idealists that society is governed by natural laws which may be ascertained through reason, Morgenthau's fundamental principle for the international system — and the one which became the cornerstone of International Relations theory — was that it was based on "interest defined in terms of power". According to Stanley Hoffmann, it was the missionary impulse of Morgenthau,

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Carr can even be read in support of the normative claims of critical theory. See Andrew Linklater, "The Transformation of Political Community: E.H. Carr, Critical Theory and International Relations," *Review of International Studies* 23 (1997): 321-338.

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Carr, *Twenty Years' Crisis*, 5.

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Dunne, *Inventing International Society*, 35.

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Morgenthau, *Politics Among Nations*, 48.

his air of conviction and certainty, which helped to establish the discipline of International Relations in the United States. "Steeped in a scholarly tradition that stressed the difference between social sciences and natural sciences, he was determined both to erect an empirical science opposed to the utopias of the international lawyer and the political ideologues, and to affirm the unity of empirical research and of philosophical inquiry into the right kind of social order."[51] In his attempt to describe the "real" and to make the social science of International Relations policy practical as well as policy relevant, Morgenthau mapped a field which took states and power as the actors and the interests, and considered the balance of power to be a fundamental natural law of the system. Almost as Carr predicted in his simplified model of realism, the Realist school of IR became focused on the deduction of what should be from the nature of what was and is. Thus Realists tended to take the international system as they found it and to theorise about states and power as if the system had always existed and would continue to do so in an unproblematic manner. Needless to say, this theoretical gaze was one which found secession to be an issue beneath its notice.

Although it began in the 1930s as a response to the Utopian nature of Idealism, the Realist school became well-established after the Second World War, in the era of confirmed cynicism and the beginning of the American-Soviet nuclear standoff. The structuralist assumptions of the basic Realist stance have resulted in scarcely a glance cast at matters which involve sub-state entities. Even Hedley Bull, a scholar with great knowledge of political and legal history, felt that the task of International Relations was restricted to the analysis of relations between states. He emphatically declared: "The starting point of international relations is the existence of *states*."[52] With the field so strictly circumscribed, it is hardly surprising that Realist theory (in response to the positivist methodological challenge) became rarefied and formalised, focusing strictly on state power and interests. This theoretical perspective reached its apex with Kenneth Waltz's *Theory of International Politics*. The formalised Neo-Realist world is carefully defined by the sovereignty divide of inside/outside, domestic/international. Given this definition of the space of international politics, social movements such as national separatist groups are problems for public administration or sociology, but should not concern the scholars of International Relations until such movements become responsible for state actions beyond internal borders. The Neo-Liberal challenge to this form of Realism, articulated by Robert

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Stanley Hoffmann, "An American Social Science: International Relations," (1977) in *International Theory: Critical Investigations*, ed. James Der Derian (London: Macmillan, 1995), 217. First published in *Dædalus* 106, no. 3 (1977).

[52]

Bull, *The Anarchical Society*, 8 (emphasis in original).

Keohane, did not serve to increase the scope for International Relations theory. The main differences between the two perspectives can be distilled to a general shift in focus by the Neo-Liberals to forms of state cooperation, regimes and political economy. The Neo-Liberal view encompasses intensions and perceptions and the role of institutions in mitigating anarchy in contrast to a more hard-line Neo-Realist insistence on relative gains, security and anarchy as driving forces behind state behaviour.[53] In ontological terms, however, the two perspectives are merely variations on a Realist theme, neither of which questions the existence and formation of states.

Realist ontology, with its assumption of the reality of states, cannot account for the making and breaking of states, and for the complexity that arises when the status of a state is called into question, as it is by secession. Because states simply *exist* as part of the "real world" for Realist theorists, they do not theorise how states come into being and what the nature of that being is. In Realism's defence, it can be argued that all academic disciplines must theorise from some starting point, thus taking certain things for granted, and that International Relations has clearly from its inception been about the relations between established states. However, when the ontological boundaries of the discipline blind it to political events which take place just beyond its theoretical gateways, there is a pressing need for reassessment. Realist International Relations theory describes a world so narrowly circumscribed that it cannot correspond to observable events. International Relations has been so concerned with inter-*state* relations that it cannot comprehend inter-*national* relations and all of their implications for politics at every level. Critical theorists, those for whom the reality of the world "out there" is one constituted and continually changed by human knowledge, do not assume the reality of states. Rather, critical International Relations theory must question the formation of states and the very nature of their existence. Secession, then, is a phenomenon which is an integral part of a critical theoretical approach to International Relations.

Realism continues to be the dominant ontological perspective within International Relations, although it has gone through several permutations, and power politics has continued to serve as the dominant theoretical justification for state policy. Certainly, there have been significant challenges and it can be argued that International Relations in its "inter-paradigm" stage is now "the site of a hundred (theoretical) flowers blooming", but there is also much reason

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Steve Smith, "The Self-Images of a Discipline: A Genealogy of International Relations Theory," in *International Relations Theory Today*, ed. Ken Booth and Steve Smith (Cambridge: Polity Press, 1995), 23.

to believe that this is an overly optimistic view.[54] There has been a traditional unwillingness within International Relations theory to grapple with certain philosophical questions as other social sciences have.

> [T]he questions and issues of ontology and epistemology — of the way we think and act in the world and understand reality — have either been ignored in International Relations or rendered marginal and barely relevant by a disciplinary orthodoxy that has interpreted the Western historical and philosophical story in a narrow, exclusionary, and inadequate manner.[55]

This unwillingness has resulted in an extensive disciplinary practice of dichotomising the relationship between facts and theory. This dichotomised approach has remained prominent even though in recent years International Relations has seen a fanning out of the field into areas well beyond the tradition of state-centred approaches. Texts designed to introduce students to the discipline must now include perspectives and topics as widespread as feminism, environmental issues, security studies, foreign policy, post-colonialism, post-structuralist and critical social theory, and culture and identity, to name a few.

Naturally, the discipline has become a much more interesting intellectual space as a result, with various texts questioning the nature of sovereignty, the state, and transnational interaction. But while the Realist ontological view (of a world beyond our reach) persists there are serious epistemological consequences. A perspective in which states and regimes are "real" leads to a system of knowledge which assumes that there is no human influence over them. This is the most profound implication of the theory/fact dichotomy discussed by Jim George. Although International Relations theorists are beginning to look beyond the state, as it becomes clear that the sphere of the global is much more complex than simple inter-state relations, there is still a pervasive tendency to practice social science as a deductive exercise. Theory which maintains its distance from practice also maintains silence on the foundational questions of modernist understanding. Questions of culture and identity cannot be adequately treated. The contingency of history and human existence must remain irrelevant.

These silences are nowhere more obvious than in a very recent attempt to take up secession as an International Relations subject, in response to its increased visibility in post-cold war international dynamics.[56] The author of this work, Viva Ona Bartkus, compares a great

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Jim George, *Discourses of Global Politics: A Critical (Re)Introduction to International Relations* (Boulder: Lynne Rienner, 1994), 14.

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Ibid., 16.

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Viva Ona Bartkus, *The Dynamic of Secession* (Cambridge: Cambridge University Press, 1999).

many examples of secession and separatism and applies a framework of cost/benefit analysis in order to quantify the factors which go into the decision to secede. This treatment, while useful and welcome, remains limited by its traditional theoretical perspective which envisions secession as an event susceptible to causal analysis and secessionist groups as fixed and unitary actors. The attempt to describe the causes of secession is comprehensive but silent on the crucial question of the formation and maintenance of social group identity. By accepting group identities and perceptions as "facts" which may be interpreted by the "theory" of an objective observer, this text cannot engage with the concepts of identity, difference, territoriality and sovereignty which — as mutually constitutive and contested concepts — must inform our understanding of secession. While these crucial issues remain unexplored our understanding of secession will remain truncated and out of context. Thus the features of international politics which make secession a possibility, and one which affects all of us, cannot be analysed from Bartkus's perspective, and remain entirely outside of its theoretical reach.

The fact/theory dichotomy reflects one of the most important developments in the evolution of International Relations as a discipline. That is, there is now an irreconcilable division between two meta-theoretical perspectives; Steve Smith calls them "constitutive" and "explanatory" theories. The divide is "between those theories that seek to offer explanatory accounts of international relations, and those that see theory as constitutive of that reality. At base this boils down to a difference over what the social world is like; is it to be seen as scientists think of the 'natural' world, that is to say as something outside of our theories, or is the social world what we make it?"[57] The constitutive theoretical perspective, imported from philosophy and social theory, has only recently taken hold in International Relations and has yet to achieve anything like parity with traditional explanatory theoretical approaches in the discipline. Even within each meta-theoretical approach there are widespread conflicts over various theoretical commitments. But the goal which the constitutive theory schools have in common is to adopt an approach which "reformulates basic *questions* of modernist understanding in emphasizing not the sovereign subject (e.g., author/independent state) or the object (e.g., independent world/text) but instead the historical, cultural, and linguistic practices in which subjects and objects (and theory and practice, facts and values) are constructed."[58] It is this recent development which has freed up the theoretical space for a look at secession which does not assume the objective presence of states and ethno-national identities. The point of all this theoretical space, as George

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Smith, "The Self-Images of a Discipline," 26-27.

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George, *Discourses*, 192 (emphasis in original).

points out, is not to establish a newly dominant "paradigm", but to disrupt discursive certainties; it is not to dismiss dominant readings in the discipline, but the show that they are actually contextual readings of reality rather than reality itself.[59]

This complex ancestral chart, only briefly described here, goes a long way towards explaining why International Relations theorists have traditionally failed to address the problem of secession in any meaningful way.[60] The hold which Realism has maintained over the many theoretical perspectives which have emerged in the last few decades has limited the ways in which the world can be viewed. Indeed, the very term *international* has been limited by the perception that this is a realm made up of states and organizations of states. So not only do Realist (explanatory) perspectives fail to adequately address the impact of sub-state separatist movements on the international system, but they cannot account for the diverse qualities of present-day states. Secession, as a concept that challenges the very underpinnings of sovereignty, statehood and territoriality can only be treated as an effect with determinable causes rather than as an integral part of the current (historically contingent) system. Thus any avenues for creatively thinking beyond the territorial state and secessionist self-determination are blocked. It is only through a constitutive theoretical approach, which does not accept international structures as given or unproblematic, that secession and all of the political difficulties it encompasses can be (re)solved.

While International Relations theorists have only rarely looked past the nature of the system as unquestionably based on states, there have been writers in others disciplines for whom the sub-state nature of secession has not posed a problem. These fields include political philosophy, political science/government, sociology and law. When secession is handled by these theorists, it is examined either in terms of moral justification for certain cases, or in terms of causal analysis. Such treatments have provided interesting if narrow discussions, but they have not problematised the nature of the state or the formation of political identities. That is, they have remained explanatory (or justificatory) rather than constitutive and thus there continues to be a pressing need for a "theory as fact" analysis of secession as a concept. In the next chapter, I will examine the body of literature on secession which has been built up from

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Ibid.

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The notable exception is James Mayall. See *Nationalism and International Society*, 61-69; James Mayall and Mark Simpson, "Ethnicity is not Enough: Reflections on Protracted Secessionism in the Third World," *International Journal of Comparative Sociology* 33 (1992): 5-25; "Self-determination Reconsidered: Should there be a Right to Secede?", *The Oxford International Review* 4, no. 1 (Winter 1993): 4-6; Rick Fawn and James Mayall, "Recognition, Self-Determination and Secession in Post-Cold War International Society," in *International Society After the Cold War: Anarchy and Order Reconsidered*, ed. Rick Fawn and Jeremy Larkins (London: Macmillan, 1996), 193-219.

other disciplines and discuss the implications of these works in terms of the new theoretical spaces opened up by constitutive International Relations theory.

Chapter 2.

THEORIES OF SECESSION

While International Relations literature has given only the barest nod in the direction of

secession (it is an inconvenient failure of statehood best left to human rights lawyers and conflict

researchers), there has been no lack of interesting discussion and analysis of the subject. Two

distinct categories of the conceptual treatment of secession have developed. Political

philosophers in the liberal tradition have provided ample argumentation for the nature of

secession as a political right which may be justified in certain circumstances. They tend to deal

in abstract models and are concerned with legitimate consent and representative democracy.

Secession in this framework is seen as given — an inevitable part of the international system, so

analysis is required for when it is justified. Causal analysts, on the other hand, consider

secession in terms of its causes and in terms of dispute resolution. Secession in this framework

is seen as causing conflict and disorder, but also as a possible resolution to conflict, and so its

causes must be understood in order to yield useful policy results. While many researchers in the

latter category are political scientists, they rarely supply a theoretical framework which is based

on International Relations theory.[61] Their work tends to fall into sub-disciplinary categories such

as conflict resolution or peace research. Thus, there is plenty of evidence that secession has been

neglected by International Relations as a discipline.

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[61] Indeed, as I asserted in Chapter One, *Secession in International Relations Theory*, this is because International Relations theory, as dominated by Realist assumptions of statehood and sovereignty, makes a sustained analysis of secession extremely problematic.

The point to be made in this chapter, however, is that the approaches taken by non-IR scholars are also unsatisfactory. In a sense both categories of analysis deal with secession only in part, and both analytic categories remain firmly within the explanatory theoretical framework. Thus many of the constructed elements of secession as a phenomenon are taken for granted. This theoretical perspective imposes strong limitations on how secession may be perceived and dealt with. Political theory (moral analysis) tends to sanitise secession by making all of its arguments based on assumptions about the rights of individuals. Causal analysis tends to simplify secession by making all of its arguments based on assumptions about group behaviour and the conditions of conflict. Neither approach considers secession to be the by-product of problematic assumptions about international relations and the nature of statehood and national identity. Rather, secession is seen as a problem which can be solved, a patient who can be cured, if only the appropriate model can be developed. This chapter grapples with representative samples of the existing literature on secession and demonstrates that the problems with it are two-fold.[62] First, on its own terms, the aims of these two tendencies in the literature are unattainable since the rights of all individuals to be protected within a territorialist self-determination framework can never be guaranteed, nor can a scheme or model be devised in which the decisions of national groups will be consistently predictable. Second, because this literature regards secession as a "problem" susceptible to a solution, it can never go beyond the creation of models and policy suggestions which continue to operate within the same parameters of an antiquated international system. Firmly grounded in Realist-style explanatory theory, and modernist epistemology, these models reproduce old assumptions about the nature of the international system which are limited both in terms of descriptive accuracy and in terms of ability to respond to international normative concerns. Ironically, although International Relations has long neglected this issue, the secession nut can best be cracked by an approach which critically (and constitutively) examines the meanings of both *international* and *relations*. That is, secession is most productively theorised in terms of an approach which sees theory as constitutive of reality and which assumes that the social world is not only socially constructed but is socially (and thus diversely) perceived, and so it cannot be objectively theorised through scientific deduction of the "laws" of international relations. A constitutive approach requires a problematisation, a questioning, of the primary assumptions upon which secession rests. These

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Although there has been a proliferation of literature dealing with secession in recent years, the epistemological assumptions I discuss here have not changed. The texts used in this chapter represent secession literature which is well-established in the subject area and to which many recent texts have responded. Most noticeable among recent publications on secession are: *Theories of Secession*, ed. Percy B. Lehning (London: Routledge, 1998); and *National Self-Determination and Secession*, Margaret Moore (Oxford: Oxford University Press, 1998).

assumptions go to the heart of statehood itself: the territoriality and sovereignty assumption, and the construction of identity on both the individual and collective levels. The theoretical approaches hitherto applied to secession have not dealt with the implications of these questions, as this chapter will illustrate.

The Political Philosophy of Secession

Few states can unabashedly claim to be composed of a single ethnic group. Yet the evolution of the modern political state has produced a system in which legitimacy derives from sovereign control over bounded territory even though the citizens who reside within may feel multiple forms of allegiance, which not only transcend cartography but which change in response to internal and external events. These multiple identities create enormous problems for modern political philosophy. The "people" who confer legitimacy upon the state may be defined as those who live within the fixed territorial boundaries of the state. But reading those "people" as members of a "nation", assuming that they feel both civic and cultural loyalty to each other, is a doubtful conclusion which endlessly calls into question the very concept of "nation-state". Self-determination has taken a strong grip on the political imagination as a means of solving this legitimacy dilemma. However, problems of interpretation have divided theorists into those who would limit self-determination to decolonisation—i.e., a "one shot" framework—and those who believe that self-determination must logically include a right of secession for people who define themselves as oppressed or alienated by their current government. Since the international system bulges with such oppressive regimes, and since national separatist movements are so often fought with bloody ferocity, allowing for the right of secession seems the only way to solve the problem. After all — theorists argue — the best way to stop a fight is to split up the antagonists. When couples fight irreconcilably, they are allowed a divorce. But the solution promised by secession is illusory. Political separation cannot be as clean and effective as a marital one. In fact, it is worth noting that perhaps the marital metaphor is apt in a way its proponents never intended since marital breakups are notorious for causing exploitation and pain to the involved parties, even when the laws are as liberal as possible. The problem is that these concepts of separation as a right or as a means of conflict resolution do not account for the fact that human beings become attached to each other in many different ways, and these bonds (not all of them necessarily ones of affection) cannot be broken by the "simple" process of separation. These social ties transcend time and space and efforts to essentialise them; they cannot be locked in or out by borders and walls. Secession merely continues to draw new boundaries around timeless patterns of shifting populations and evolving identities.

It is necessary at the start to properly define secession for the scope of this discussion. I use the term here to denote "self-cession"—the unilateral withdrawal of territory and people from a state for the creation of a new and separate state. The assumption therefore will be that secession is always disputed by the parent state as illegitimate. Undisputed separations, such as that of Sweden and Norway, or the Czech Republic and Slovakia, are not secessions for the purposes of this discussion; rather, they are peaceful political agreements for constitutional separation — deemed legitimate by both sides. I suggest this limitation in meaning, because to do otherwise is to obscure the very serious theoretical difficulty which secession presents for political theory of any sort — that is, the impasse between self-determination, territorial sovereignty, and political rights. One further qualification will help sharpen the analysis: I do not consider colonial independence movements to be true cases of secession within this discussion. Colonies contain populations which lack the benefits of full membership in the parent state to begin with, they are territories without a history of statehood in the modern international sense and therefore a colonial independence movement is closer to the creation of a state *de novo* than it is to the unilateral "withdrawal" of territory and population from a bounded state proper.[63] While these qualifications may appear restrictive, they are meant to clarify the debate. And a definition which regards secession as inherently conflictual more truly mirrors the nature of the debate which surrounds the concept.

Secession is an idea antithetical to the modern state. It is opposed by political leaders almost without exception because it involves a loss of territory — the lifeblood and defining characteristic of the state. While the precise nature of the boundaries, population, government and capacity of a state may all be called into question, there is no exception to the rule that a state must have control of some territory (however small) in order to be recognised as a state.[64] Territorial withdrawal by a disaffected group not only risks weakening a state economically and politically, but it also redefines the very identity of the state in question. The state which remains after secessionists have withdrawn must redefine itself as a state with a population which no longer contains that group or territory. Although the name of the state may remain identical, it is no longer identical with its pre-secession population, borders and sovereignty.

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Thus, the American War of Independence in 1775 was just that — a war to gain independence, to create the possibility of the status of citizenship for the revolutionaries — not a war of secession. In fact, there is some evidence that had British colonial policy been more conciliatory, the American colonists would not have had the collective will to fight for independence from the "mother country". See Philip McFarland, *The Brave Bostonians: Hutchinson, Quincy, Franklin, and the Coming of the American Revolution* (Oxford: Westview Press, 1998).

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For an amusing and thought-provoking (as well as legally accurate) text on the subject, see Erwin S. Strauss, *How to Start Your Own Country* (Port Townsend, WA: Loompanics Unlimited, 1984).

Thus its national identity must change in response to these differences. In addition to the basic foundation of the right to self-determination, theorists often rationalise a right to secession in terms of the rights of groups to protect their cultural identity or economic welfare. But theories which justify certain types of secession often fail to adequately account both for the rights of trapped minorities (on both sides of the new borders) and for the futility of matching territorial boundaries to the many variations on human political affiliation. Secession can only be a temporary and incomplete solution to problems of political consent. Its fatal flaw is that it perpetuates a framework in which territorial sovereignty is the only means of protection for disaffected groups. Separatists feel that fully-fledged statehood is the only satisfactory option. While statehood may appear to be the best option for members of the primary secessionist group, it creates new types of minority groups, within the seceding territory, or within the territory of the parent state, thus recreating the original problems inherent in state structure.

Not only does secession create difficulties as a long-term stable solution, but it poses strong normative problems because it ultimately sanctions segregation rather than co-operation and participation. Secession allows and encourages an increased number of boundaries between different groups of human beings — reinforcing the idea that exclusion is essential to the nature of territorial control and the maintenance of social identity. Even if separation is the best means of stopping two individuals from fighting, it is no guarantee that they will not fight again when next they meet. The immediate violence may be halted, but the conflictual nature of the relationship has not been resolved. Separation is simply a sweep of identity conflict dirt under the territorial rug. A state border between two groups is no guarantee of co-operation and peace, nor is it a guarantee that the majority identities will be secured and settled. John McGarry notes:

> Discontent in new states created by secession is not limited to ethnic minorities who want their own state, to be part of another state, or substantial political accommodation with the new state. In addition, there are those members of the majority group who have dual identities and who, while accepting the new state, regret the passing of the old.[65]

Calling it a "right" for secessionists to build the barriers of modern statehood between themselves and those in the remaining state represents an approach to political problems which condones the deepest intolerance. It is in fact a sanctioned form of ethnic cleansing because it is always based on the assumption of difference between two groups and therefore the assumption that separation is a right. Territorial boundaries do not guarantee freedom; and freedom does not require boundaries to be regarded and protected as a political right.

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John McGarry, "'Orphans of Secession': National Pluralism in Secessionist Regions and Post-Secession States," in *National Self-Determination and Secession*, ed. Margaret Moore (Oxford: Oxford University Press, 1998), 222.

Justification Theories: When is There a Right to Secede?

Among liberal democratic theorists who analyse secession in terms of moral rights, the marriage and divorce metaphor appears most compelling. This is rooted in a theoretical framework which places maximum emphasis on freedom of individual choice in the political sphere. This emphasis on the voluntary nature of political relationships underpins the analysis of Allen Buchanan, a prolific theoretician of secession, who states in his seminal book on the subject that political association is like marriage in the sense that it is an artificial institution designed to meet the needs of those subject to it.[66] Buchanan's marriage analogy, with its emphasis on the voluntary nature of political relationships, frees him to find a rationale for secession much broader than the commonplace one of oppressive government. Although in his book he exhaustively covers no fewer than twelve possible reasons for political "divorce", Buchanan later refines the argument by dividing normative theories of secession into two types: primary rights and remedial rights.[67] Primary right theories are based on the principle that any group which decides through a plebiscite should be entitled to secede. There are variations on whether the group may be based on national identity or not, but primary right theories are basically supportive of a general right to secession based on choice. Remedial right theories are based on the idea that secession is a qualified right, one which must be restricted to special cases. Again, there are variations on what the qualifications actually are, but, as Buchanan puts it, "What all Remedial Right Only theories have in common is the thesis that there is no (general) right to secede from a just state."[68] Buchanan, himself a firm advocate of remedial right theories, argues that secession should be permissible in two particular cases: 1) actual physical safety of a group is threatened, or other grave violations of human rights, or 2) a group's territory was unjustly taken. In considering secession as a remedial right rather than a general one, Buchanan confirms the present international legal order which continues to hold state territorial integrity sacrosanct. Since territorial integrity actually benefits citizens by maintaining a stable international legal order and creates incentives for cooperation and investment in legitimate political processes, Buchanan argues, "States, so far as their authority rests on their

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Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder, Colorado: Westview Press, 1991), 7.

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See Allen Buchanan, "The international institutional dimension of secession," in *Theories of Secession*, ed. Percy B. Lehning, (London: Routledge, 1998), 227-256.

68

Ibid., 232.

ability to serve the basic interests of individuals, have an *obligatory* interest in maintaining territorial integrity."[69] He is not alone in this approach. Anthony Birch also finds that any justification for breaking up an existing state must be serious and persistent.[70]

Birch's framework, not unlike Buchanan's, starts from the assumption that secession should not be encouraged, but should be available as a last option in certain troubling cases. The justifications Birch finds most persuasive are: 1) continuous refusal on the part of a people to give consent to membership in a union; 2) failure of the government to protect the basic rights of certain citizens; 3) failure to safeguard political and economic interests of a region; and 4) failure to keep a bargain made to preserve the interests of a region which would be outvoted nationally.[71] Though differently worded, the justifications presented by these two theorists are very similar. Birch's first justification, refusal to consent, can be viewed as the primary element of Buchanan's unjust taking of territory argument — since a territorial taking would only be considered unjust if the resident population continuously and vociferously protested. Protection of basic human rights is a straightforward justification for both writers and is certainly intended to address the persecution of minorities in various forms. Birch's third and fourth justifications, failure to protect interests and failure to keep a political bargain are variations on the possible qualifications of the remedial right theory category. The similarities evident between two liberal writers on secession indicate the limitations of liberalism as a framework for analysing the problems of secession. With its emphasis on the rights of the individual, liberal theory can only address secession as a necessary evil; one which should be controlled but which cannot be banished. Any approach which provides "guidelines" for justifiable secession will be subject to broad disagreement about the applicability and practicality of those criteria, especially when the rights of non-secessionists are added to the equation.

Even the most morally appealing justification, that of protection of general human rights, still yields contradictions when placed within the remedial right theoretical framework. For example, in the case of Kosovo compelling human rights violations suffered by the Kosovar Albanians are countered by the Serb claim that Kosovo is a land which was unjustly "taken" from them and settled by Albanians when Serbia did not have control over it. Which argument is more compelling? Obviously, threats to the physical safety of civilian people can never be

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[69]

Ibid., 242 (emphasis in original).

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Anthony H. Birch, *Nationalism and National Integration* (London: Unwin Hyman, 1989), 64.

[71]

Ibid., 64-66.

justified, but which group has the right to the land? One might continue to apply the marriage analogy and liken a repressive state to an abusive spouse. A battered spouse certainly has a right to a divorce, and in comparison, the spectre of brutal massacres in ethnically divided states compels a drastic solution. But the analogy cannot really be applied so neatly. The rights and obligations which regulate relations between two individuals do not translate into political relations among large groups of people. Separating even the lives of a single divorced couple is difficult; how can it be possible to cleanly separate groups of people who have been living amongst each other on the same territory for generations? While there is certainly a general human right to personal physical integrity, it is not clear that secession would be an outcome of that right. Buchanan compares the situation to the right of self-defence against lethal threat. But secession is not like self-defence in that it is not a defence open to everyone. It can be claimed only by groups privileged enough to be concentrated within a definable territory, and even then they must be powerful enough to withstand a military campaign by the state against secession. What about the self-defence of groups which are spread throughout the territory of a state? They are left exposed and defenceless by this "right". It is also interesting to note that neither Buchanan nor Birch seriously discuss the obligation of other states to intervene in cases of genocide or severe human rights abuses.[72] Further, neither writer addresses the question of why the creation of a new state would serve as protection of general human rights. Territory cannot itself serve as protection — it must be defended. Even states with control over large land masses have no "security" without peace treaties, co-operative agreements, and military strength. A political regime (or private group) bent on a campaign of ethnic eradication would not cease because its victims declared their independence. Such activities are not stopped by the declaration of a state border, they are stopped by force — or rather, by the *enforcement* of law and order. The sad example of Bosnia, where "ethnic cleansing" began in response to secession rather than being forestalled by it, serves to illustrate that secession can help to create a climate of fear and difference rather than a protective barrier between threatened and threatening groups.[73]

Also attractive as a justification for secession is the rectification of unjust takings of territory argument. Buchanan defines this as the previous incorporation of the seceding area

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    Buchanan does discuss the strengthening of international institutions but not in a manner which recognises the implications of a norm of intervention for the concept of secession as a right.

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    Although analyses of the conflict in the former Yugoslavia usually refer to its history of violent ethnic clashes, there is also no doubt that many peaceful mixed communities were forcibly polarised after Bosnia's secession by calculated political campaigns of terror.

directly by annexation into the existing state and gives the example of the Baltic Republics and the Soviet Union. Birch considers the Catholic counties of Ireland, and also the difficult cases of indigenous peoples in lands conquered by settlers. The power of the argument stems from its analogous link to stolen property. But again the analogy is not secure because it does not make sense in the collective form. Finding a right of secession for annexed groups is substantially more problematic than finding that these people have the right to remain in the land where their ancestors lived. A right of secession in this case depends not only on a firm commitment to the concept of collective ownership of territory, but on the means to legally organise and ratify such ownership. This position is fraught with practical pitfalls, and is difficult to support legally. For example, decisions about when such ownership becomes vested, when it lapses, and which persons are to be considered members of the "ownership group" would require the difficult foundation of an international recorder-of-deeds. Even Buchanan admits that "the history of existing states is so replete with immoral, coercive, and fraudulent takings that it may be hard for most states to establish the legitimacy of their current or past borders."[74] Allowing a right to secession in this case ignores the evolving and locomotive nature of group identities. It would allow groups to claim that a right to territory legally attached and remained fixed at some indefinable point in time despite subsequent processes of immigration and nation-building which may have gone on since. This analysis is not meant to condone conquest and land-grabbing, as, for example, the invasion of Kuwait by Iraq. The point is that by the time a territory has become fully integrated so that its inhabitants are citizens with the full complement of civil rights, then secession becomes extremely problematic. Groups from the parent state who have moved into the territory and consider it home also have rights which should be protected. This is the case in Northern Ireland, and also in the Baltic Republics, where the rights of ethnic Russians are proving a difficult issue. When this occurs, the "rights" of two or more groups come into direct conflict and the creation (or "reinstatement") of a new state is no longer a pristine solution. As Birch admits in his discussion of the Indians of North America, "[t]here is undoubtedly a sense in which these indigenous peoples have suffered cruelly from the white man's invasion, but it would be romantic to suggest that secession is now an appropriate answer to their problems."[75] A right of secession in these cases only encourages groups to remain isolated and separate and works against beneficial co-operation and political integration. The question then should not be

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Buchanan, *Secession*, 68.

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Birch, *Nationalism*, 64.

whether or not a group has "title" to territory, but whether the rights of the group as citizens and human beings are being protected by the existing political machinery.

Finally, there is the justification of discriminatory redistribution. This occurs, according to both Birch and Buchanan, when a political system sanctions deprivation, or ignores the crucial interests of a region. The interesting aspect of this type of unfair situation is that it can occur even in states which observe liberal democratic principles if they implement schemes which arbitrarily advantage some groups and disadvantage others. Both writers illustrate their concerns with examples from the U.S. Civil War. Buchanan mentions the fact that discriminatory tariffs were enacted against the Southern states through proper congressional procedures, causing Southern leaders to feel that their interests could never be protected in the Union. Birch discusses the fact that Congress broke the negotiated agreement that new states admitted to the Union would alternate between slave state and free state. Southern leaders felt that this move threatened their economic interests. Birch concludes that "[i]n terms of the liberal principles here proposed, this attempted secession was probably justifiable."[76] Amazingly, Birch does not discuss the moral imperative of slavery in this case. Nor does it seem to matter to his calculation that the inhabitants of the western territories which were being admitted to the Union as new states largely did not depend on slave labour and did not wish to enter as designated slave states. How were their rights as free citizens being protected in this framework? What this viewpoint fails to address is exactly why discriminatory redistribution translates into a good argument for secession. If a democratic state commits a serious injustice against the interests of a group or region within its jurisdiction, why should a newly-seceded democratic state not turn around and reproduce similar unfair schemes on its own populace? There is no certainty that re-partitioning territory will result in an equitable distribution of assets, either for those seceding or for those remaining behind.[77] In fact, liberal democracy has never been about the right to equal distribution — it is only about the right to an equal opportunity to participate in the political process. The voice — not the result — is all that democracy guarantees.[78] Why should secession be the answer to that political problem?

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Birch, *Nationalism,*. 66.

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Charles R. Beitz, *Political Theory and International Relations* (Princeton, New Jersey: Princeton University Press, 1979), 109.

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Buchanan does in fact further tease out the relationship between democracy and secession in terms of both involving a form of self-determination. See Allen Buchanan, "Democracy and Secession," in *National Self-Determination and Secession*, ed. Margaret Moore (Oxford: Oxford University Press, 1998), 14-33.

The discriminatory redistribution argument requires the assumption that governmental legitimacy depends upon nonexploitation of its citizens. That is, although "the state's distributive policies are to be allowed to affect different groups differently, there must be some sound moral justification for the differences."[79] What moral justifications would be considered acceptable for such differences? To whom must the arguments be presented? The argument implies that failure on the part of the state to justify its distributive policies effectively voids its claim to the territory in which those who are discriminated against reside. This seems a harsh solution for a problem which must be perceived and argued subjectively. Patterns of economic distribution are notoriously difficult to interpret normatively in the absence of the kind of discrimination or mismanagement which results in widespread physical suffering.[80] Additionally, there is the factor of time — discriminatory redistribution will cease to be profitable to the exploiting parties if, for example, the resources become hopelessly depleted or political fortunes change. As Buchanan acknowledges, it is part of the nature of political association and the construction of the state that the wealth of certain areas will be redistributed for the benefit of certain other areas.[81] Accurate determination of the point at which this activity ceases to be co-operation and becomes exploitation or neglect would prove prohibitively difficult. Since economists can scarcely agree on how best to stimulate and manage wealth, it seems exaggerated to find that a state has lost its legitimate claim to territory because wealth has been unfairly redistributed. This justification for secession begins to sound increasingly like a right to wise and good governance — a desirable but elusive thing in this world. Of course, some governments include discriminatory redistribution in a laundry list of oppressive and autocratic acts of state. These are serious issues. But secession is not a plaster which can patch up broken or harmful states. It only allows concentrated groups of people to redraw their political boundaries. The act of secession is blind to the problems of discrimination and the designations of "otherness" which occur every time a piece of territory is delineated.

While Birch and Buchanan approach secession as a remedial right, one which should only kick in when wrongs have been manifested, Harry Beran approaches it from the opposite

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Buchanan, *Secession*, 44.

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I am thinking here of the widespread starvation which occurred under Stalin and Mao Zedong. These famines clearly overstep the category of simple distribution and become issues of the general human right to life. The fact that Buchanan and Birch did not use these examples to illustrate the justification of discriminatory redistribution indicates that their conceptions of the right fall within the highly capricious parameters of western contemporary political economy.

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Ibid., 42.

side of the fence as a primary moral right from which there should be a presumption that secession is just.[82] Beran also compares his theory of secession to marriage and divorce, illustrating his point with three types of legal divorce: 1) cases in which it is only allowed on specific moral grounds such as adultery or cruelty; 2) cases in which the parties are so incompatible that they both wish to be apart; and 3) cases in which the marriage ends even at the wish of only one of the parties. Beran prefers the last case as a model for his theory of secession because it provides the greatest scope for satisfying parties in unhappy marriages. Ultimately, Beran argues, "liberal political philosophy requires that secession be permitted if it is effectively desired by a territorially concentrated group within a state and is morally and practically possible."[83]

From the starting point of democratic consent theory, Beran argues that the closer adult decisions are, in a contemporary democracy, to being voluntary, the closer such a society comes to matching the ideal liberal model. Citizens in a liberal state may work and live and marry as they choose, and governments are voted in and out of office by their choice. Under this scheme, according to Beran, no state can be indissoluble since that would limit the freedom of choice to the generation which formed the state in question. In other words, a group's right of self-determination is "the right to freely determine its political status."[84] There are two flaws in this argument. First, it is not so easy to determine which individuals belong to the group with this right; and second, it is based on the assumption that "political status" must mean the determination of a state with borders. Beran's reply to the problem of calculation of group members is quite simple: the reiterated application of the majority principle. In other words, Beran's theory holds that the determination of groups by continued referenda on the issue of secession is the only solution that is consistent with democratic principles. The elegance of this solution is chimerical. People will not be so cleanly divided into groups on the issues of identity and territory. They have plural identities, not majority/minority ones. Additionally, the language of any proposed referendum will itself largely dictate the outcome. Depending on how the secession issue is stated, different groups will find their interests represented, and the end result will not necessarily protect the political choice of all the parties. Forcing non-secessionists

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Harry Beran, "A Liberal Theory of Secession," *Political Studies* 32 (1984): 21-31; Harry Beran, *The Consent Theory of Political Obligation* (London: Croom Helm, 1987).

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Beran, "A Liberal Theory of Secession," 23.

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Harry Beran, "A democratic theory of political self-determination for a new world order," in *Theories of Secession*, ed. Percy B. Lehning (London: Routledge, 1998), 34.

to choose a political identity under these circumstances may actually offer them none of their preferences. For example, what protects the freedom of individuals within a seceding group who do not wish to leave? Their only means of remaining within the parent state is to move—hardly a protection for these involuntary victims whose actual choice is to remain within the original (whole) state.[85] Also, reiterated referenda do not affect the problem of dispersed or integrated minorities; they are people whose interests can never be addressed territorially.

The second flaw is the assumption that the right to determine "political status" must mean the right to create new state borders. Political organisation has existed in many forms throughout history and it is a narrow interpretation indeed that restricts its manifestation to the modern state. Territorial states as they are now, with strict border delineation and control, are a modern outgrowth of the nineteenth century.[86] There is no preordained requirement that our conception of political organisation be fixed to a territorial entity. Our understanding of what is meant by "the state" has already undergone alteration and continues to do so, especially in the face of increasingly private control of economics and finance. Within this context, liberal theory provides a restricted vision of political freedom. For many ethnic or national groups, the "freedom" of a territorial state is more responsibility than they have the resources to handle. For these groups, the notion of the state as the only manifestation of political freedom is actually a burden which limits them by presenting them with an all-or-nothing choice. Freedom can only be truly protected by flexible conceptualisations of political organisation, conceptualisations which recognise that political free choice can be directed at group membership rather than state citizenship.[87]

Beran further elaborates that his democratic theory of self-determination is meant to produce rightful borders, not necessarily good ones.[88] This statement assumes both that the right of secession is a moral right, and that stable and peaceful borders are not necessarily morally justified ones. In fact, Beran criticises Birch and Buchanan for failing to account for "the

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Beitz, *Political Theory*, 110.

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See E.J. Hobsbawm, *Nations and Nationalism Since 1780: Programme, myth, reality* (Cambridge: Cambridge University Press, 1990). This point will be further discussed in Chapter Three, *Historicising Secession/Deconstructing Territory*.

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One liberal theorist, Will Kymlicka, notably stands out in addressing the importance of group membership for the protection of free choice. See Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1989); and Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

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Beran, "A democratic theory," 39.

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compatibility of such a highly qualified right of secession with the fundamental principles of democracy."[89] But Beran then confuses the issue by allowing for limitations to the right of secession on practical grounds, and even for the suppression of secession by force where there is a "moral justification". Making a distinction between "ideal world" and "real world" theory, Beran concedes that in the "real world", secessionists may be resisted if they refuse to allow joint control of militarily essential territories, or if they refuse to share the benefits of scarce natural resources with the rump state, or if they will oppress minorities in their midst. He even hypothesises the case of the disintegration of the former Yugoslavia, saying that "if the Slovenes thought that the disintegration of Yugoslavia would in turn lead to a catastrophic war in Europe and the loss of millions of lives, they ought not to have exercised their right of secession at the time."[90] By conceding that the right of secession can be limited by certain expediencies such as territorial viability, monopoly of resources, oppression of minorities and the potential for catastrophic war, Beran conflates a moral/normative analysis of secession with a Utilitarian analysis, based on practicality and maximised interests. If the right of self-determination is tied to the individual right of free political association, how can the use of force to suppress secession ever be justified? A true *moral* right cannot be limited by the potential unhappiness it may cause. It is the concept of balancing benefits which ultimately weakens Beran's thesis. Once he allows for practical limitations on the "permissive" right, it becomes difficult to differentiate his outcomes from those of Birch and Buchanan. Beran's starting point of secession as a moral right which should be freely allowed ends in an intricate pattern of situations in which secession should be discouraged and even actively fought. The argument ends on a much less radical note than the one on which it opened.

The final writer to be examined under this approach is legal philosopher, Lea Brilmayer, whose "territorial interpretation" also seeks to overturn the standard account of secession and the right of self-determination.[91] Brilmayer seeks to reconcile the contradiction between the principles of self-determination and territorial integrity which arise in the secessionist context by making the argument that secessionist claims are actually much more about territory than they are about a distinct people. The current emphasis on self-determination, according to Brilmayer,

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Ibid., 41.

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Ibid., 54.

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Lea Brilmayer, "Secession and Self-Determination: A Territorial Interpretation," *Yale Journal of International Law* 16 (1991): 177-202.

obscures the debate rather than clarifies it, since the real normative force of a bid for secession comes from a claim to territorial legitimacy and not from that argument that the group constitutes a distinct people. By making this argument, one can clarify the confusion which reigns over contemporary international law about how the right of self-determination can be meaningful without necessarily supporting indefinite subdivisions of states. Brilmayer supports this limitation of the right of self-determination by attacking the understanding of consent as the key to legitimacy in liberal democratic theory. Although interestingly Brilmayer does not mention Beran, she tackles his arguments head on. Liberal theorists, she argues, have never intended for consent to be actual in the sense that refusal exempts the individual from state authority. Liberal democratic consent is, in fact, tacit and encompassed in the right to participate.

> Government by the consent of the governed does not necessarily encompass a right to opt out. It only requires that within the existing political unit a right to participate through electoral processes be available. Moreover, participatory rights do not entail a right to secede. On the contrary, they suggest that the appropriate solution for dissatisfied groups rests in their full inclusion in the polity, with full participation in its decision-making processes.[92]

As Brilmayer rightly points out, then, self-determination need not be considered as the necessary basis of secessionist claims since it does not encompass the right to "opt out" of state processes. She also raises the classical critique — where is the "self" in self-determination? Since the identification of peoples is notoriously arbitrary, Brilmayer argues that basing secession on territorial claims instead self-determination ones provides a more liberal and more consensual means of determining the right. After all, "[o]ne's geographical location is more nearly voluntary than one's ethnic identity."[93] What Brilmayer neglects however, is the possibility that ethnic identity and territorial association go hand in hand. Her point that every secessionist claim must include a justification of territorial taking is correct. Obviously there are many national groups which may not make a claim to a discrete piece of territory given their level of assimilation within the area of the entire state. Thus Brilmayer's shifted emphasis forces us to realise the problematic nature of current understandings of nations and peoples as territorially defined. Shifting the basis of the right of secession to territory, she seems to think, will make the assessment of the legitimacy of claims much fairer and simpler. But such a result is far from clear. Why should it be easier to assess the legitimacy of claims to territory than of claims to independent nationhood?

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Ibid., 185.

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Ibid., 186.

Brilmayer does provide two categories of argument which might indicate the superior legitimacy of one party against another over territory. First is the case of conquest or annexation in which the wrongdoer is the current state. The second argument involves the action of a third party (imperial power) which improperly fixed the borders but is no longer involved in the current conflict. Brilmayer illustrates the annexation argument with the example of the Baltic Republics and the Soviet Union, and the colonial case with the example of East and West Pakistan and Great Britain. She asserts that a territorial framework allows for a proper focus on the history of such disputes rather than the simplistic "rights of nations" analysis. It is the history of these claims that gives them the normative strength to attain legitimacy. Otherwise, all claims are dealt with equally on the basis of whether or not the seceding group constitutes a valid people. If United Nations principles of self-determination are taken literally, Brilmayer asserts, "then Turkish guest workers in Germany have claims on par with black Africans fighting colonial powers. So static a view of the division of a society into peoples cannot fully capture an important normative feature of separatists' demands, namely that the asserted historical grievance confers on it the right to a particular territory."[94] What Brilmayer does not provide is any kind of consistent guideline for prioritising normative rights. For example, why should black Africans fighting colonial powers have greater normative priority than Turkish "guest workers" who have been in Germany for several generations and yet continue to be refused basic citizenship rights? Presumably Brilmayer's reply would be that the historical association of the black Africans to their native soil creates a much stronger claim to territory than that of the Turks in Germany. This suggests that normative claims to territory can be quantifiable; for example a claim might be "created" if a certain number of years were spent by a group on a territory. But if we wished to establish such quantifiable standards for territorial benefits, how would we establish a fair international standard? Brilmayer seems to advocate an international legal principle of adverse possession for territorial claims. She recognises this problem and explicitly provides several factors which should help determine whether the status quo or the historical claim has more validity, including 1) length of time since the historical grievance occurred, 2) the extent to which the separatist group could keep the controversy alive, 3) the extent to which the population in the territory consists of members of the dominant group, and 4) the "degree of wrongfulness" of the original grievance itself. These factors are as susceptible to difficulties as those of the political philosophers described above. None of them would clarify the difficult territorial conflicts in Northern Ireland or Palestine, for example.

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Ibid., 191.

Furthermore, there are two issues which Brilmayer does not discuss which are crucial to an understanding of territorial claims. The first is that claims to territory are much more about power than they are about rights. It is only because control of territory is the prerequisite for the powers of sovereign statehood that groups fight so viciously for control of it. And it is only groups which are affiliated with statehood that gain recognition in the international sphere. Otherwise, why would groups which live in democratic states where the rights of citizenship give them protection and the tools of cultural maintenance nevertheless maintain such tenacious separatist struggles? The second issue, glaring by its absence, is the question of the extent to which a people is created and identified by its affiliation with some territory whether it is sovereign or not. Brilmayer writes as if a group's claims to be a people and its claims over a territory can be conceived of separately. In fact, the only groups for which this is true are nomadic ones, and they are rarely implicated in the problems surrounding separatist conflicts.[95] It is a serious oversight to neglect the extent to which national identities are territorially based. The relationship between territory and ethnic identity is not simply, as Brilmayer supposes, the purpose of keeping the historical grievance alive year after year, but it is also a constitutive one. It is precisely because territory provides a basis for identity that such fierce battles are fought over it — the same piece of territory may give meaning and identity to more than one group. Thus the "conquerors" come to feel like the "natives", and the aggrieved group may seem aggressive in turn, when it attempts to regain control of its homeland. These sentiments are not adequately captured by Brilmayer's use of the technical term "adverse possession", which implies that one might occupy the territory of a state as a business venture.

Brilmayer admits that her territorial interpretation does not provide easy answers, but she claims that it does force us to examine the crucial questions: "When a group seeks to secede, it is claiming a right to a particular piece of land, and one must necessarily inquire into why it is entitled to that particular piece of land, as opposed to some other piece of land—or to no land at all."[96] These are indeed crucial questions, however, a "territorial interpretation" goes very little way in answering them.

Causal Analysis: How Do We Fix the Secession Problem?

The political theorists discussed above share similar approaches to secession in that they are concerned with rights under liberal democratic theory and all ultimately find that secession

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Somalia, with roughly eighty-five percent of its population remaining nomadic, is an interesting partial exception to this.

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Ibid., 201.

must be permitted under certain circumstances in order to protect these rights. Writers in the causal analysis category have a slightly different focus. Their concern is with decreasing the level of separatist conflict and they therefore tend to see secession both pragmatically, as a necessary evil, and as a problem which may be solved through careful study. Causal analysts may also discuss the rights of separatist groups, but their chief concern is with international policy not political theory. While liberal theorists look past the nature of national group identity to analyse individual rights, causal analysts are more likely to perceive national identities as an intransigent stumbling block to conflict resolution. Rather than speaking in terms of marriage and divorce (a metaphor premised on liberal individualist assumptions), causal analysts speak in terms of power relations and violence:

> Bloodshed, chaos and suffering tend to accompany the birth of the secessionist child. It is likely to be illegitimate, spawned in conspiracy and the result of rape. The mother country must be dismembered. Maimed fractions must now become healthy wholes. Territory is lost, and with it, tenacious memories, people and vitality. Prolonged struggle demoralises all sections in the conflict equally, polarises and demoralises nearly all members, creates a garrison mentality, cripples democratic institutions, breeds fanaticism and helplessly accepts a distorted existence as normal and inevitable....The right to secede is as valid as the capability of forcibly wresting territory and people from another state.[97]

These analysts are drawn to study secession as a phenomenon not because of a concern with moral rights but because secession poses a significant problem for politics and policy in both the international and the national spheres. The first instinct for these scholars, then, is to identify recurring variables in secessionist cases (the usual suspects are national identity, territory, and sometimes economic benefit) and deduce processes which will ensure the smoothest possible resolution and transition to peace. These theorised processes involve judgements of some kind by the international community or a specially designated United Nations body. Other writers have concluded that secession only begets further conflict and that the best chance for a stable international order is one in which there is inter-ethnic cooperation and non-state forms of political representation.[98]

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Ralph R. Premdas, "Secessionist Movements in Comparative Perspective," in *Secessionist Movements in Comparative Perspective*, ed. Ralph Premdas, S.W.R. de A. Samarasinghe, Alan Anderson (London: Pinter, 1990), 12-13.

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Judgement-oriented writers include Buchheit, Heraclides and Frankel, discussed below. Horowitz and McGarry strongly favour non-secessionist forms of settlement such as devolution and EU-style supra-state unification. Premdas limits himself to providing an analytic framework for comparing secessionist movements with the goal implied (but unstated) of developing policy solutions for secessionist conflicts.

One of the first writers to discuss secession as a relevant concept on its own was Lee Buchheit.[99] Coming from a legal background, Buchheit sees secession as an integral part of the concept of self-determination. Refusing either to state that self-determination is limited to arbitrary categories such as decolonisation, or to leave the validation of secession to the future while focusing on nonintervention and use of force norms, Buchheit offers a third approach — a balancing test for determining which claims of secession are legitimate and should be allowed to proceed. Starting from the premise that secessionist movements are unlikely to decrease in number, Buchheit believes that setting international standards for the types of secessionist claims which can be considered legitimate will moderate both the reactions of external states and the tenor of the claims made by separatist groups.[100] His starting assumption is based on a sort of state-centred utilitarianism, which requires that "the institution of the existing State will be respected, unless to do so would contribute to more international disharmony than would result from legitimating the separation of a component group."[101] Buchheit finds that the factors of viability and "self"-ness for the separatists, and the increased balance of harmony for the world community, are not capable of being measured by absolute standards. Since each separatist case will contain a different blend of these elements, Buchheit suggests a balancing analysis between the interests of international peace and the strength of the separatists' claim. Although he discusses the nature of legitimacy and the possibilities for greater harmony in further detail, Buchheit never fully identifies what he means by the concept of world community. This is a fatal theoretical weakness for his argument. The attempt to ascertain whether an act will increase world harmony will surely fail if the "world community" remains undefined. Hence the expectation that this world community should perform the balancing analysis must also fail.

Buchheit's scheme depends on two factors which are both incapable of determination. Neither the subject nor the method is specified in his case by case approach. While Buchheit wishes to avoid the problems of theoretical rigidity, his suggestion for determining legitimacy is so vague as to distil into a single obvious maxim — that the international community should act towards secessionist groups in ways that resolve the situation peacefully and most beneficially for all concerned. The normative strength of this argument seems to be based on the premise

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   Lee Buchheit, *Secession: The Legitimacy of Self-Determination* (New Haven: Yale University Press, 1978).

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   Interestingly, though, Buchheit is willing to suggest several non-state forms of political association for dealing with compelling claims from entities which are not viable as states.

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   Ibid., 227.

that only those groups which are attempting to secede under conditions which are favourable for the rest of the international community will actually have a right to do so. Not only is this unhelpful as a solution to secessionist conflict, but it is of dubious moral value. Furthermore, Buchheit's "balancing test" approach seems wildly out of context in the international community. It is a term borrowed from American constitutional legal analysis, which requires both a body of law and a body of judges to make adequate use of its principles. Unless there is a designated body of individuals whose capabilities are recognised and trusted to carry out this balancing test, it remains a paper solution.

While Buchheit stopped short of proposing a more specific term than "international community", another legal scholar, Lawrence Frankel, takes his analysis further.[102] Agreeing with Buchheit that cases of secession must be decided by a neutral body on an individual basis, Frankel proposes a U.N. Commission which will be triggered as an automatic mechanism by the petition of organised secessionist groups. The Commission would apply a set of generally applicable standards which should be determined by international consensus:

> What is critical...is for there to be clearly enunciated, established standards for when secession should or should not be encouraged. Fortunately, there is reason to believe that principled, legitimate, workable guidelines for evaluating secessionist claims can be formulated.[103]

Frankel thus remedies the vagueness of Buchheit's balancing test, but falls prey to problems of his own. Asserting that both moral legitimacy and practical politics should be considered in the determinations of the Commission, Frankel suggests six standards which might find international consensus. They are a combination of human rights concerns with the practicalities of territorial control and economic feasibility. However, what Frankel does not provide is a realistic assessment of why the reports from his Commission will carry any more weight than those of the current Human Rights Commission, which is influential but hardly capable of resolving major conflicts. Frankel asserts that the recommendations will carry great moral force through the effects of "world opinion" since "[t]he hypocrisy of states voting against an impartial, carefully justified recommendation would be uncomfortably apparent."[104] Although he concedes that further U.N. action might be necessary if individual states refuse to take action.

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Lawrence M. Frankel, "International Law of Secession: New Rules for a New Era," *Houston Journal of International Law* 14 (1992): 521-564.

103

Ibid., 548.

104

Ibid., 560 note 116.

While Frankel goes some way towards specifying the kind of system to which Buchheit alludes, his framework remains little more than a variation on the international diplomatic means currently existing. Frankel relies upon the moral coercion of an established regime put in place by an international consensus. But in the absence of any serious treatment of the establishment of international norms, he fails to provide evidence that such a consensus on secession might ever be reached (especially given the tendency of states to see it as a vital threat to their interests) or that states might heed the recommendations of such a commission.

The writer who perhaps best exemplifies the approach to secession as "a necessary evil" is Alexis Heraclides. While writing from within the Western liberal perspective, he is far less concerned with whether secession is a right than with confronting the realities of separatist movements in the international system.[105] Heraclides examines three possibilities for a normative approach to secession and discards two of them. First, he considers the "Pandora Box" option — which permits unilateral secession for those capable of achieving it and which allows outside states to become involved as they see fit. The logic of this approach is something akin to a political version of the survival of the fittest, but with the additional corollary that "the unfit won't try". Not surprisingly, Heraclides finds this prospect destabilising and blind to the merits of each prospective case, "rewarding military prowess and diplomatic adroitness as if 'might' could be 'right'."[106] Next, Heraclides examines the "Window of Opportunity" approach, which basically describes the post-war limited-permission regime in which separation was possible only through partition or by mutual agreement. Heraclides believes this framework actually lasted until 1990 and the break-up of the Eastern Bloc. The "Window of Opportunity" tradition, Heraclides suggests, could be updated by adding an emphasis on minority protections and various forms of federation. Heraclides maintains that this scheme is unjust on the basis of unequal treatment of certain groups, since the idea cannot be maintained "that an arbitrarily carved colony or a unit of a federation which does not suffer inequality should have more of a right to independence than an ethnic or regional group which suffers systematic and flagrant discrimination...with no realistic prospect of change."[107] Ironically, Heraclides' distaste for this type of discrimination cannot be cured by any framework regarding the disposition of state territory, since the historical legitimacy of claims to territory can be disputed indefinitely.

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Alexis Heraclides, "Secessionist Conflagration: What is to be Done?", *Security Dialogue* 25, no. 3 (1994): 283-293.

106

Ibid., 285.

107

Ibid., 286.

Heraclides' final plan is the one which he advocates — that of allowing secession in specified cases. He retains the emphasis on the protection of distinct cultures and suggests, in addition, a method for ascertaining the legitimacy of unilateral independence. Heraclides also recognises a variety of interesting possibilities for minority self-rule without the need for secession, calling them "ethnosocial contracts". Such possibilities include an agreement on the part of a minority group to remain loyal to the state, or a non-secessionist oath, in exchange for mutual acceptance and accommodation. An ethnosocial contract, according to Heraclides, might also provide for non-secessionist autonomy or for some type of communal federation for the minority group. Ultimately, Heraclides sees the need for a specific framework which would identify justifiable cases of secession. His criteria sound familiar. Justifiable cases must be those where there is alien domination. Specific circumstances which would justify a unilateral secession must include 1) the existence of a sizeable compact community strongly in favour of statehood; 2) a pattern of exploitation on the part of the state against this group; 3) cultural rejection or attempts to forcibly assimilate this group on the part of the state; 4) the refusal of the state to consider any form of internal autonomy for the group.[108] Although Heraclides' step-by-step analysis for legitimating secession attempts to consider the needs of all parties, it still fails to account for the poverty of secession itself as a solution to political problems, and it leaves some confusion about its application.

If a state neglects the needs of a minority group within its borders, does that group have the right to secede? What exactly would constitute "neglect" in such a case? Since secession is widely considered to be disruptive, is it really a desirable approach in such a case — especially recalling Brilmayer's discussion of the tacit nature of political consent and the right of exit? Most glaringly, is it fair to grant the right of secession to aggrieved minority groups within a state simply because they have the good fortune to reside in concentrated numbers on delineated areas of territory? What a right of secession actually amounts to in this case is a right to a group identity and a state frozen at the moment of the vesting of that right. But cultural groups and their interaction with territory cannot be fixed in this way. Populations have been moving and mixing over the surface of the globe since time began. Now that travel has become faster, safer, easier, and cheaper, it seems hopeless to assume that the only means of political organisation available is one in which territorially bounded sovereign states must mirror the location of cultural and national groups as they adapt and change. Political freedom can be manifested and protected in other ways.

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Ibid., 289.

The writer who best epitomizes the causal analysis approach is political scientist, Donald Horowitz.[109] Horowitz's concern, with the causes of ethnic conflict in general, covers a much broader category of political and social relations, yet he does provide a fairly focused analysis of secessionist conflict. From the very preface of his substantial volume, Horowitz espouses a positivist empirical methodology — that is, he works on the assumption that there are objective patterns of ethnic conflict which are discoverable. Once having discovered these patterns, he aims to provide an analysis of methods of reducing conflict and their effectiveness. To that end, Horowitz asks the classic causal questions: "What accounts for the emergence of secession? What kinds of groups attempt to secede and under what circumstances? What accounts for the success of such movements, and what effects does success have, both in the secessionist state and in the rump state?"[110] Given his aspiration to ascertain the natural patterns of ethnic conflict, Horowitz's procedure seems somewhat arbitrary. While obviously well-versed in many different histories and cultures, and able to provide numerous examples of separatist movements and secession attempts, Horowitz does not provide relevant data to back up his stated categories. Quoting from Immanuel Wallerstein's comments on the likelihood of relative wealth strengthening a secessionist attempt, as it did in Katanga, Horowitz borrows the link between ethnic claims and the economic characteristics of the regions involved in order to create a matrix indicative of potential secessionist groups.

Noticing that many wealthy regions made no effort to secede, while many poorer regions did, Horowitz tries to expand Wallerstein's remark into a more explanatory framework. His matrix therefore counter poses "backward" and "advanced" regions against "backward" and "advanced" groups. Within Horowitz's analysis, "backward" groups are those with lower average education and per capita income, and "advanced" groups are ones which have generally higher education and higher levels of "non-agricultural employment". Regions can be characterised, in this analysis, by the relative economies measured by per capita regional income. These data are in fact, according to Horowitz himself, difficult to come by, especially for regions in Africa and Asia. Nonetheless, Horowitz insists that "identification of backward and advanced regions is not difficult."[111] Even if one willingly accepts that the determination of backward (as opposed to advanced) groups and regions is straightforward without precise assessment data, it

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Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985).

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Ibid., 229.

111

Ibid., 234.

would still be difficult to understand how Horowitz selects his "groups". His matrix includes twenty-one potential secessionist groups in four different categories, depending upon whether the groups are backward or advanced, and whether their regional economies are backward or advanced. Interestingly, Horowitz does not explain how he selected these groups from the myriads of cases he discusses throughout the book. He also includes six examples which are problematic both in terms of being distinct groups, and because they have never had a strong secessionist movement. If they have not had a strong secessionist movement, why should these groups be categorized within a matrix of potential secessionist groups? If the lack of a secessionist movement is no barrier to the analysis, then Horowitz might as well have included every territorially discrete group he could legitimately label as "ethnic" for the sake of comprehensive analysis. Notwithstanding the richness of the empirical observations throughout the book, there are notable lapses in his categorization of secessionist groups, specifically in examples from Western Europe and the Americas. The Québécois, for example, are missing from the matrix, as are the Catalans — although Basques are mentioned, as an advanced group within an advanced region. Additionally, many groups are included which have severe internal differences and/or divergent goals which makes them problematic for consideration as single distinct separatist groups. These include the Southern Sudanese and the Kurds in Iraq.

Horowitz readily admits that his framework overlooks certain difficulties for the sake of simplification. He states, for example, that deciding upon regional categories on the basis of per capita income excludes relevant information on varying levels of development between rural areas and urban centres. He also acknowledges that he does not account for the various differences within ethnic groups concerning choices about secession, but will rather deal "with central tendencies or merely with the outcomes of such debates."[112] What remains unclear is how this simplified categorization can lead to the proposed goal of determining the causes of secession and the indicators of its probable success. Horowitz states that "[t]he interplay of relative group position and relative regional position determines the emergence of separatism" but he also wishes to "reject direct causal relationships between regional economic disparity and ethnic secession."[113] This confusing formulation obscures the question of whether or not Horowitz can make any predictive or prescriptive claims on the basis of his matrix. He seems to want a foothold in both camps, claiming that regional position is a causal element in secessionism, but that it does not predict secessionism directly, rather it "conditions the claims

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Ibid., 235 note 9.

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Ibid., 235.

ethnic groups make and their response to the rejection of those claims."[114] What, then, can one conclude from the juxtaposition of these ethnic group variables?

Horowitz summarizes his claims in a second matrix, showing that the "backward" and "advanced" group and regional categories reveal tendencies in terms of types of political claims they make, the events (precipitants) which will most likely indicate rejection of group claims, the calculations each group tends to make, and the timing and relative frequency of actual secessionist claims. Thus the most likely secessionist groups are "backward groups in backward regions", while the least likely to secede are groups (both backward and advanced) in "advanced regions". There are no calculations provided of how many groups were considered in total, and which ones were placed in which categories. Horowitz simply presents his summary, conceding that every category has negative cases. Given the methods with which the matrices have been constructed, one concludes that their main purpose is descriptive rather than predictive. Despite a detailed discussion of the nature of ethnicity elsewhere in the book, Horowitz is forced to organise his analysis of secession in ways which take ethnic groups for granted as stable, unproblematic, and self-evident. Because of his chosen causal aims and methodology, Horowitz must ignore the very features of ethnic groups and secessionism which make them difficult to understand and predict in the first place. Classifications based on empirical methods always involve a cost in detail and abstraction, and these limitations are acknowledged. But Horowitz attempts to derive a causal explanation from a categorization, and this is where he fails. These methods yield a framework which is not effective in explaining a number of secessionist cases very well if at all. It also fails to account for the rarity of successful secessionist attempts in general. Horowitz argues that it is not the international principle of territorial integrity and the legitimacy of boundaries which has stood in the way of successful secession attempts. Rather, he concludes, it is the fact that intervening states provide inadequate support for secessionist groups, central governments exert great efforts to defeat them, and that the groups themselves suffer from internal problems. But it is precisely the strength of the territorial principle which moderates the aid of intervening parties, and increases the efforts of central governments to put down secessionist attempts. Also, it is international recognition of the legitimacy of a secessionist movement which will result in the creation of a legitimate state — or not. Thus the international community and the principle of territorial integrity play crucial — actually constitutive — roles in the success and failure of secessionist movements. A framework which

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Ibid.

does not consider them (and which ignores the contingency of group identity and group decision-making) has limited explanatory value.

Conclusion: Re-Placing Politics

The political philosophy approach which focuses on the rights of secession is essentially an outgrowth of the philosophical search for a good life and the liberal assumption that individuals must be free to determine (and consent to) the good life for themselves. Secession, however, assumes that a sizeable group of individuals agrees that a certain precise type of state (territory, population, structure, etc.) is necessary to preserve their ability to live the good life. Given the fact that such decisions are extremely difficult to reach precise agreement on, and that the result of imprecision is the denial of similar rights to those who disagree with separatism, it is far from obvious that secession really provides an assurance of the liberal right of free political association. The main source of inconsistency of the frameworks put forward by secession's apologists is the lack of protection for the rights of the groups which become trapped either within the seceding territory or which remain behind in the parent state. Such groups are the "children" of the metaphorical political divorce espoused by these theorists, and their best interests are as difficult to protect as those of the children of real broken marriages. Rights analysis which gives no consideration to the contingent and constructed nature of identities will never be able to fully account for the plurality of individual needs and preferences. Such "rights" then, require that those who claim them essentialise and privilege parts of their identities to the exclusion of others. This injustice is not accounted for in moral rights analysis. The arguments of political philosophers regarding the rights of secession are therefore internally inconsistent. Moreover, they do not take into account the practical weakness of secession in that it does not provide a long-term solution to conflict. Secession does not "solve" problems of group conflict, it merely redraws the boundaries around them.

The causal analysis approach to secession also yields confusion. Regarding secession as an objective problem which must be studied and thereby minimized or "solved" results in methods which can at best yield a case-by-case approach. Because causal analysis can not account for the contingency of ethnic or group identities, and because it must necessarily reduce the difficulties of identity and group decision-making into the simplistic model of unitary actor behaviour, it provides only shallow descriptive accounts. The identities of actors in secessionist conflicts are too intertextual and constructed to be captured completely within the presumption of state boundaries and political freedom upon which secession is premised. Presenting independent statehood as the sole legitimate political form for separatist groups only perpetuates

the conditions which allow nationalism to flourish in its most virulent forms. Once this is recognised, secession becomes illusory, both as a solution to intra-state conflict and as a means of protecting political freedom.

The problem which both of the theoretical approaches examined here share is what Bonnie Honig calls "the displacement of politics." Honig argues that political theorists of all persuasions have long attempted to remove conflict and contingency — the political — from political theory. Political theorists

> converge in their assumption that success lies in the elimination from a regime of dissonance, resistance, conflict, or struggle. They confine politics (conceptually and territorially) to the juridical, administrative, or regulative tasks of stabilizing moral and political subjects, building consensus, maintaining agreements, or consolidating communities and identities. They assume that the task of political theory is to resolve institutional questions, to get politics right, over, and done with, to free modern subjects and their sets of arrangements of political conflict and instability.[115]

By assuming the need for stable subjects and institutions, by depoliticising their theories of secession, many of the political theorists discussed above must take for granted the very contestations and constructions which make secession what it is. That is, they assume the stability of the minority and majority identity relationships in question, they assume the value and need of historical justification of claims, and they assume that territorial boundaries necessarily protect and secure the identities of national groups. By making these assumptions, political theorists shut out the very contingencies which are most at stake in secession. The failure to recognise or account for the ongoing unstable nature of identity formations results in theories which effectively lock identities in place, perpetuating a different kind of violence to the multiplicity of the self and failing to provide for the remainders caused by "the self's perpetual ill-fittedness" to established identities.[116] Engaging with Nietzsche, Honig suggests that the contestations of politics are necessary in order to continuously call into question the sedimentation of moral concepts. In Nietzsche's terms, resistance to such sedimentation is the equivalent of the battle between life and death.

> To attribute particular features, qualities, or moods to the world is to attempt to fix and order a world characterized above all by an impulse to change, although moving in no particular direction, an impulse Nietzsche identifies with life itself, sometimes calling it will to power.
> God, virtue, the ego, and the subject are not given; they are interpretive creations, fictions. To insist on their givenness (or rightness or expressiveness)

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Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993), 2.

116

Ibid., 9.

is necessarily to conceal their varied, violent, haphazard, and tenuously constructed origins.[117]

Secession, as the embodiment of conflict, must not be ordered into stable categories, nor should it be seen as the product of given forces such as identity, history and territoriality. All of these forces are the contingent and unstable outcomes of the impulse to change. The most productive way to analyse secession, then, is to call its assumptions into question, to loosen its sedimentation in order to free the creative powers brought forth by an awareness of politics and the will to power. The rest of this thesis will attempt to do just that, by unsettling the settled and resisting the will to order.

This chapter has examined and demonstrated the difficulties of current secession literature both in justifying secession as a right and in attempting to solve it as a problem of ethnic conflict. These approaches cannot achieve their aims because they continue to view secession as an established feature of international politics. It may be good or bad or neither, but it exists and must be examined almost as a structure. Such treatment, by institutionalising secession, creates a theoretically closed space within which to analyse it. By questioning the roots of territoriality as a concept, and by analysing the conditions for secession's possibility, one can view secession more constructively — not as a self-evident feature of international politics, but as an outcome of contemporary international impulses. Attempting to analyse secession without taking this step is a Sisyphean endeavour, not only fruitless but blind to the conditions of generation and thus of possible change. Secession, then, should be regarded as a troubling symptom of the international system which should induce us to make a wider analysis of the process of its construction. In the next chapter, I will penetrate the roots of the concept of secession through a conceptual history of territoriality and the rise of the modern(ist) state.

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[117]

Ibid., 44.

Chapter 3.

HISTORICISING SECESSION/DECONSTRUCTING TERRITORY

Political scientists have long recognised that the term "nation-state" is only marginally accurate as a description of contemporary political structures. While closely entwined in modernity, the concepts of the state and the nation were not born together. However, both can be represented as subjective contexts for political identity — constructions of the modern world. Modern individuals are embedded in interrelated and identity possibilities endlessly engaged in the process of becoming different; and regardless of which definition of nation is operative, individuals may identify with or feel sympathy for a number of various identities either simultaneously or consecutively. R.B.J. Walker describes modern political identities as "fractured and dispersed among a multiplicity of sites, a condition sometimes attributed to a specifically post-modern experience but one that has been a familiar, though selectively forgotten, characteristic of modern political life for several centuries."[118] It is ironic, then, that the international political system is based upon a presumption which privileges identities that are fixed arbitrarily and externally by territory and residence, thus limiting national identities to a concept of the state which apparently defines the outer limits of political possibility. National identities are too contingent and too infinite to be confined by the arbitrary and finite boundaries of the state. Onora O'Neill concludes that "[t]he concepts by which people define who they are — in which they articulate their sense of identity — are all of them concepts without sharp borders, and hence cannot provide a basis for sharp demarcations such as political boundaries

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R.B.J. Walker, "State Sovereignty and the Articulation of Political Space/Time," *Millennium: Journal of International Studies* 3, no. 20 (Winter 1991): 445, 445-461.

between states."[119] Thus while boundaries may make sense for practical administrative purposes, there is a strong disjunction between the strictly controlled territorial border and the boundless receptivity of human identities to the impulses of change.

Political theorists forge the link between national identity and territory with the concept of sovereignty. As the defining characteristic of statehood, sovereignty has become the focal point of the nation/state/identity nexus. This definition is problematic because identities cannot be constrained to finite categories without dangerously overlooking, and thus de-legitimating, certain diverse categories. These overlooked categories are the "remainders" which become focal points for contestation (often violent) of the categories themselves. Furthermore, the tenuous identity/territory link relies upon the concept of sovereignty as territorial control. It is critical, then, to recall that neither states, nations nor sovereignty are fixed historical entities. According to Walker:

> The patterns of inclusion and exclusion we now take for granted are historical innovations. The principle of state sovereignty is the classic expression of those patterns, an expression that encourages us to believe that either those patterns are permanent or that they must be erased in favour of some kind of global cosmopolis....Its fixing of unity and diversity...or inside and outside, or space and time is not natural. Nor is it inevitable. It is a crucial part of the practices of all modern states, but they are not natural or inevitable either.[120]

Just as many state boundaries were determined incidentally by military battle lines rather than by agreement, so the concepts of "state", "territory" and "sovereignty" themselves are historically contingent. These basic political concepts, which we so freely use, have developed and changed in response to human patterns of domination and organisation. From feudal princes, to the enlightenment principle of popular sovereignty as manifested in the French and American Revolutions, to the 20th century incarnation of nationally self-determined states, each age has understood the meanings of these terms in its own contextual way.

Successive manifestations of sovereignty and statehood have produced and have been produced by changing political identities in a dynamic inter-relationship. For example, an early 20th century shift from popular sovereignty to national sovereignty as the basis of state legitimacy mirrors an emphasis on the concept of the collective as opposed to the individual self as the basis for political identity. As James Mayall points out, there are no naturally given national boundaries for the collective self and thus: "the nation is ultimately a group whose

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Onora O'Neill, "Justice and boundaries," in *Political Restructuring in Europe: Ethical Perspectives*, ed. Chris Brown (London: Routledge, 1994), 78.

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Walker, "State Sovereignty", 460.

identity is forged by a particular interpretation of its own history."[121] The boundaries of such a nation, then, are limited only by the collective imaginations of its members. The boundless vitality of the collectively imagined nation puts it on a collision course with the intrinsically limited nature of the modern conception of the territorial state. Contemporary notions of statehood and nationhood are incapable of producing a perfect fit. This is not to suggest that states cannot be formed with nations in mind and vice versa, or that there are no possibilities for the growth of a "civic" national identity within the boundaries of the state. The problem arises with the introduction of the conception of sovereignty itself as territorial. Sovereignty over territory has come to symbolise privilege and superiority in the politics of the international such that "it is almost impossible for a people to feel equal to others if it does not enjoy the privileges of sovereign statehood....[A]s long as state sovereignty allows for the subjugation of peoples, it will continue to be sought by those who fear its use against them."[122] Because territorial sovereignty has become a badge of international legitimacy and a symbol of power, it aggravates the disjunction between nations and states. Secessionist movements are the inevitable result. Territory has not always been, and does not have to be, the source of sovereign legitimacy. Likewise, territory has not always been, and does not have to be, the foundation and security of national identities.

The failure to account for the dynamic of the interaction between territorial sovereignty, national identities and secessionist movements within the liberal framework is a theoretically fatal flaw. How can liberal theory claim to justify secession when its analysis is founded on the rights of the individual? Furthermore, how can liberal theory form a coherent framework when the identities of individuals are taken as fixed? Not only does this approach fail to address the plurality of group identities available to individuals, but it assumes that individuals will remain within groups and thus that group characteristics will not alter. Otherwise, why would secession be worth justifying for any group, given the violent tendencies involved? In fact, since identities continue to change, territorial solutions — such as secession — cannot provide long-term peace or guarantee rights. The focus must shift to strategies of social accommodation which allow forms of political control to be socially rather than territorially determined. Before this can happen, we must problematise the concept of territory and the many meanings with which it has been endowed in order to free ourselves from the discursive restraints of late

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James Mayall, *Nationalism and International Society* (Cambridge: Cambridge University Press, 1990), 51.

122

Kemal Shehadi, *Ethnic Self-determination and the Break-up of States* (London: The International Institute for Strategic Studies, Adelphi Paper 283, 1993), 30.

twentieth century understandings. It is only with this intellectual liberation, or temporary

forgetting, that we can be open to creative thinking about the problems of secession.

Understanding Territory

The very term "territory" comes loaded with a myriad of contextual understandings and

historical associations. What do we really mean when we refer to the territorial state? Or to

territorial sovereignty? Understanding this concept is much more complex than it would first

appear. As Nietzsche wisely counselled, nothing which has a history can be defined. All

definitions are products of their time and space. Just as forms of sovereignty and statehood have

undergone numerous metamorphoses, it is obvious that territory has played different roles

throughout the course of human history — its meaning is highly contextual. Territory, then,

may be examined in a similar fashion as sovereignty — through conceptual history. Concepts

reveal historical experience and thus close analysis of conceptual terminology leads to an

understanding of contextual meaning.[123] Jens Bartelson compares sovereignty, as a concept, to

fire — a substance which has never been scientifically defined but whose effects are both

devastating and life-giving. Bartelson proposes an analysis of how sovereignty is spoken of

rather than a questioning of what it is.[124] Implicit in this approach is a problematisation of any

foundational assumptions about the concept. If we are to understand territory through analysing

the manner in which it has been discussed, we are revealing an epistemological commitment to

ambiguity. Ironically, then, we can only gain clearer understanding of modern concepts through

a procedure which is antithetical to modernity.

The examination of texts which reveal historical concepts appears to be a logical and

simple procedure; it is not. Unlike sovereignty and fire, territory may be touched, walked on,

measured, quantified and captured in numerous physical ways. Like all physical objects, it is

both an abstract and a concrete noun — a signifier and a signified. Unlike sovereignty and fire,

territory is intricately bound up — as space — with the very existence of each human being. No

one can fail to occupy some of it. But this does not make territory either ahistorical or

primordial. Some have argued that since human history has been written in terms of

civilizations which occupy and defend specific territories, this must indicate the enduring, pre-

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See Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. Keith Tribe (Cambridge, MA: MIT Press, 1985).

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Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995), 4.

social, nature of territoriality.[125] This perspective assumes that because certain groups of people have always occupied a certain place their concept of that space (their concept of territory) has remained constant. Such an assertion confuses the idea that all people must occupy a space (and thus have a high likelihood of forming attachments to that space) with the notion that the relationship people maintain with a designated space can be some kind of objective constant. To assert that territoriality as a source of political legitimacy is primordial is to assert that all the things which are implicated by territoriality — human social and political relationships — are also somehow primordial or timeless.[126] Certainly, they are not.

How then are territory and space related? What is the question of territoriality? The "secret" of territoriality, in Bartelson's phrase, is the transformation of space from something which must be occupied to something which must be controlled. In other words, the question of territory depends upon the question of how space became politicized, transformed into the prerequisite for political legitimacy (in the form of the state). There is no history of this transformation, and we are left with a chicken and egg conundrum trying to determine which came first: society or territorial polity. In other words, did structured political entities arise before they came to be associated with specific territorial parcels or did territorially specific societies evolve into structured polities? How did space become politicized? As Bartelson points out "what comes first in this rather elliptical chain of development seems theoretically undecidable, unless we quite uncritically assume some exogenous shock in the dawn of statehood, lifting European man up from some primitive form of life to a more developed stage of spatial politics."[127] Thus any attempt for complete mapping of the concept of territory must be thwarted for lack of a discernible origin for the very concept itself. It is perhaps the better part of intellectual valour to focus instead on the discernible effects of this conceptual transformation of space. Even if we accept that the physical nature of territory as an object gives it certain lasting characteristics, the fact that territory has been perceived differently (politically, religiously, materially, etc.) by various societies at various times gives it a social (constructed) meaning which is as abstract as any philosophical concept.

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 See Steven Grosby, "Territoriality: the transcendental, primordial feature of modern societies," *Nations and Nationalism* 1 (July 1995): 143-162.

126

 I deliberately reject the use of the term "primordial" since its connotation of "from the beginning" would seem ontologically presumptuous in human social historical terms. The "beginning" is something which we cannot know.

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 Bartelson, *Genealogy of Sovereignty*, 41.

The etymology of *territory*, unsurprisingly, turns out to be both unsettled and fascinating.[128] It has possible origins both in the Latin *terratorium* meaning earth (*terra*), and *terrere* meaning to frighten (suggesting *territorium* as a place from which people are warned off).[129] Early references to territory as an administrative unit occurred in the fifteenth century when it was used both to refer to the land surrounding a town which is under its jurisdiction, and to the lands of a ruler. In the seventeenth century, the term's usage also included references to regions with undefined boundaries. And by the eighteenth century, the term was occurring in legal documents regarding jurisdiction and the state. The United States Constitution, ratified in 1789, gave Congress the power to make all necessary Rules "respecting the Territory or other Property belonging to the United States."[130] Ironically, contemporary usage of the term includes both the land which makes up a sovereign state's *territory* and a non-sovereign entity, non-self-governing *territory*, which is administratively subject to another state. The meaning which partially emerges from these various examples of *territory* is one of ancient and widespread use. Territory has generally referred to a specific type of space — a particular area of earth/land (*terra*) which has been categorized or mapped in some fashion so that it can no longer be considered unknown (*terra incognita*). The act of mapping and categorizing is, of course, a means of exerting control over such space. Hence territory is a place where one is "warned off", it is a place surrounding a town which has local jurisdiction, it is a piece of land which has been mapped and settled but which is not a state, and it is also the extent of the land which is controlled by a state's "internal" jurisdiction and which thus defines the borders of its sovereignty and of its citizens. Territory means all of these things. All of these things mean some form of control over land.

These understandings do not seem to contradict the thesis that territoriality is a primordial social form. But there is a crucial distinction to make. A simple shift to the derivative word form yields profound semantic consequences. Territory is a word with a basic meaning which probably pre-dates written human history. It refers to the very condition of physical existence — that is to the habitation of a particular space. Because every human being must occupy space, and because humans are social beings who tend to occupy space in groups, the

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    I am not the first to notice and interpret the strange etymology of the term. See William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), xxii; and Thomas Baldwin, "The Territorial State," in *Jurisprudence: Cambridge Essays*, ed. Hyman Gross and Ross Harrison (Oxford: Clarendon Press, 1992), 209.

129

    The Oxford English Dictionary, 2nd ed.

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    US Const, Art IV, § 3.

concept of mapping space is one which may be considered to be of very cognitive and linguistic ancient origin. It is important to note here that nothing in the meaning of territory itself requires the existence of either concrete physical borders or ownership. Territory as mapped or controlled land is not even inconsistent with nomadic social patterns since nomads do not continually roam in unknown places but instead form distinctive and repetitive cycles. The profound difference in meaning occurs with the simple addition of an ending meaning "of or pertaining to". The simple grammatical process of going from noun to adjective creates a very different meaning. While *territory* can be as simple as mapping and categorizing a piece of land, activity which is *territorial* presumes some kind of behaviour which is already based on territory. Territorial behaviour — *territoriality* — is one step removed from territory and already contains assumptions about territory. It describes not the simple designation of space, but the behaviour patterns which emerge from the political use (the occupation) of territory. Territoriality thus requires territory to be definitively bounded rather than loosely so, and thereby creates the conditions for the physical exclusivity of people. Politics may take place within a territory and yet be non-territorial politics. Such politics may be based on personality, on class, kinship, or other form, and while territory is necessary as the ground on which such politics occur, it is not the fundamental basis of the system. Territorial politics, on the other hand, are those which require the control of territory as the very basis of legitimacy. In this case, territory is not simply a location — it is a prize and a prerequisite. It is *territoriality*, which cannot be considered to be of ancient origin. Territoriality assumes that politics depends upon the control of a delineated space. It is no accident that the term does not enter common usage until the nineteenth century.

The clearest illustration of the modern manifestation of politicized space as territoriality is through the legal definition of statehood. According to customary international law a state must include a territory, population and government. This territory must be well-defined since "[t]he legal competence of states and the rules for their protection depend on and assume the existence of a stable, physically delimited, homeland."[131] Indeed, State leaders themselves codified the criteria in the 1933 Montevideo Convention on Rights and Duties of States which declared that a state should possess a permanent population, a defined territory, a government, and the capacity to enter relations with other states. These criteria are accepted as generally indicating the customary international standard for the requirements of statehood. Since recognition of statehood is a domestic matter and tends to be highly political, the application of these criteria have been tried in several respects. The matter of a defined territory has already

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Ian Brownlie, *Principles of Public International Law*, 4th ed. (Oxford: Oxford University Press, 1990), 108.

been called into question. However, even in finding that a state may be recognized with its borders under dispute, the international community accepted the deeply rooted assumption that the entire state system rests upon the foundation of territorial legitimacy. In the debate over whether or not to admit Israel to the United Nations in 1948, the following argument was made:

> The reason for the rule that one of the necessary attributes of a State is that it shall possess territory is that one cannot contemplate a State as a kind of disembodied spirit....[T]here must be some portion of the earth's surface which its people inhabit and over which its Government exercises authority.[132]

The assumption of the necessity of territory for the existence of a state, as revealed in this argument, indicates the operation of an extremely strong conception of territoriality — or the complete territorialization of politics. The statement above asserts, with an interesting and recurring metaphor, that the idea of a "disembodied" state cannot even enter the imagination. And yet it was not always the case. The "body" of the State was not always seen in such concrete and territorial terms. While social entities such as tribes, kingdoms, empires, and states have always, of necessity, occupied territory, the derivation of political legitimacy from territorial control is a relatively recent matter. In the next section I will analyse the concepts of territory and territoriality in historical context, with an eye to the clearer understanding of the former and the modern development of the latter.

States Taking Place: History and the Territorialization of Politics

One of the difficulties of conceptual historical method is the struggle against "presentism" in the interpretation of terms which have remained static while the meanings attached to them have changed. Thus words such as *state, people* and *territory* occur in the Renaissance texts of writers such as Machiavelli, More and Hobbes, whose existence and circumstances bore little resemblance to contemporary conditions. What did they mean when they used these terms? More importantly, what impact did these meanings have on political patterns? While the concept of the *state* could certainly be interpreted to refer to delineated entities occupying and controlling territory during the Renaissance, the states of that period were not precisely those of today. For example, the political system was not *territorial* in the sense discussed above. The main argument of this chapter is that territoriality in the twentieth century arises from a specific conception of territory that links it to the identity of the citizens, and it thus depends upon the rise of nationalist sentiment and popular sovereignty. The concepts of state and territory found in these early texts are ones in which territory is a source (and a symbol) of

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SCOR 383rd. Mtg., 2 Dec. 1948, 41. Cited in James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 1979), 37-38.

power, but not of identity or legitimacy. Thus there is an open-endedness to the classical concept of statehood. Territorial borders were approximate and negotiable. Princes could fight, marry, and bargain for more territory and greater political power. While these *states* or duchies or principalities were certainly territorial in the sense of being delineated territories under rule, they were not *territorial* states in the sense of being necessary for the creation and maintenance of national identity. The archetype of such a fully territorial state is a creature of the twentieth-century: the non-interventionist, anti-imperialist member of the international society of equals. The greatest impact of this concept of territoriality is a fully developed sense of the border as the beginning and end of national identity. Thus the territorial state seeks to stop both itself and others at its border. It wishes not only to defend against intrusion, but to avoid invasion and thereby incorporation of anything outside or other than itself. This conception of the territorial state is one which relies heavily upon (and which in turn contributes to) the concept of national identity. Given this understanding of the changes wrought by territoriality, it is clear why secession was not possible before the nineteenth century, and why it fully blossomed as an international concern in the twentieth. The acquisition of territory prior to this time was not an act which created or destroyed national identities. International relations were a kind of statecraft played as a game by aristocrats who were born or fought into its ranks rather than legitimated through political consent. Legitimacy was inherited or patronised. The *people* were largely irrelevant. Territoriality began to occur when the people started to have an identity, when they started to share an abstract sense of belonging — the "imagined community."[133] The territorial state arises from the identification of a people with a territory as a basis for political legitimacy. Thus the story of territoriality is indeed intertwined with the concepts of class struggle, the industrial revolution, literacy, and the philosophy of individual rights. Within the scope of this thesis, however, the emphasis will be on the historical and political understandings of territoriality as revealed in the assumptions occurring in representative texts.

Dante's *Monarchy*

Like any writer, the authors of the texts examined here were responding to the currents of their age. The eminent thinkers discussed here are not chosen because they accurately represent the politics of their age, but rather because they represent the reflections of what it was possible to think in their time. They are presented, then, as the problem solvers of their ages, attempting to solve questions of political identity as they were present in their day, just as —

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[133]

See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1993).

today — we consider secession as a response to problems of political identity. The impossibility of secession as a plausible response for these writers only emphasises the distinctiveness of our contemporary conceptions of sovereignty as deeply territorial.

Dante wrote *Monarchy* as a strong argument in favour of the power of the Holy Roman Emperor, "the Monarch", over that of the Pope. Dante equated the papal bid for political power with the disintegration of the Empire and thus of peace. He makes a universalist argument which would seem modernist if it were not for Dante's assumption of Christendom as the obvious basis for human commonality. Universalism under one monarch is the only system which ensures justice, liberty and peace for all, Dante asserts. The image Dante creates is one of harmony and wholeness: "mankind is most one when the whole human race is drawn together into complete unity, which can only happen when it is subordinate to one Prince."[134] Notably, Dante speaks not only of Christendom, but of the entire human race — equating humanity with Christianity in a particularly late Medieval way. Local identities, languages and customs, are irrelevant to his conception of the appropriate ruling structure. Dante argues that the Emperor's political legitimacy stems from approval by God, "as should be obvious". But Dante also presents numerous practical arguments for universal rule. Throughout the course of the work, it becomes increasingly clear that he abhors disunity. The modern international system with its anarchical relationship among states would have signified the utter collapse of human goodness for Dante. He sees in the person of the Emperor a natural judge over the disputes of princes, believing that "Justice is at its strongest only under a Monarch; therefore Monarchy or Empire is essential if the world is to attain perfect order."[135] The secret to order and justice, for Dante, is the power of the Monarch to "render each his due". Thus Dante's universalist conception of order is not only non-territorial, but antithetical to a territorialist order. For Dante, the Monarch, by having no territorial limits — "unlike other princes, such as the Kings of Castile and Aragon, whose jurisdictions are limited by one another's frontiers"[136] — would have no wish to acquire new territories and would be unclouded by unjust thoughts and warlike desires. Dante firmly believed that the breakup of the Empire would spell political disaster. But even this dichotomy was not between territorialist states and the empire — for the states of the fourteenth century were not such exclusivist entities. Although Dante was arguing against a nearly foregone

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Dante, *Monarchy*, trans Donald Nicholl (New York: Hyperion, 1979), 13.

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Ibid., 15.

[136]

Ibid., 17.

conclusion, the result of a weakened Emperor was not the creation of modern territorial states, but the consolidation of local princely powers. Although their territories and jurisdictions were defined, these states had no meaning independent of the various princes who used them to extend their power. It was the chaos of all the overlapping monarchs that led Dante to argue so passionately for the benefits of a single overlord in the person of the Emperor. But these princes and their so-called "states" were still a far cry from twentieth-century states recognized under modern international law. As Benedict Anderson aptly describes it:

> [I]n fundamental ways 'serious' monarchy lies transverse to all modern conceptions of political life. Kingship organizes everything around a high centre. Its legitimacy derives from divinity, not from populations, who, after all, are subjects, not citizens. In the modern conception, state sovereignty is fully, flatly, and evenly operative over each square centimetre of a legally demarcated territory. But in the older imagining, where states were defined by centres, borders were porous and indistinct, and sovereignties faded imperceptibly into one another. Hence, paradoxically enough, the ease with which pre-modern empires and kingdoms were able to sustain their rule over immensely heterogeneous, and often not even contiguous, populations for long periods of time.[137]

Not only were the monarch's subjects irrelevant for his legitimacy (a divine right), but monarchs were frequently "foreign" in the sense of having gained rule through marriage or invasion from another kingdom.

The sense of universalism to which Dante tried to appeal in *Monarchy* was strengthened by the widespread use of Latin among the literate classes. Since Latin was the only language in which one could be educated, there was in effect a single community of literacy throughout European centres of learning. Although vernaculars continued to flourish, amongst the intelligentsia there was a cross-cultural, cross-temporal dialogue. This "sacral language" allowed Dante of early fourteenth century Florence to write in what was essentially the same language as Grotius, of the seventeenth century Netherlands. Before the spread of printed works in the vernacular and of literacy, there was no medium for the development of regional identities. Before identities were recognized in the abstract as based upon language and culture, they could not have been territorial. They were at this point, if anything, identities of subjection — deriving from common status as "subjects" of the Prince. This form of political identity emerges quite clearly from Machiavelli's sixteenth century study *The Prince*.

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Anderson, *Imagined Communities*, 19.

Machiavelli's *The Prince*

This work has been interpreted in many ways since it was published in 1513.[138] It has variously put its author on a pedestal as the "father of political science" and also condemned him as an unprincipled "immoralist". These labels are unhelpful for a contextual understanding of Machiavelli's concepts. His handbook for the political success of sixteenth century princes carries an irony in its very title. Machiavelli's perception of a need for such a work — a book containing advice for the acquisition and maintenance of *states* by *princes* — and the structure and characteristics of the work itself indicate the vast changes in the meanings and understandings of these terms between the ages of the Renaissance and the United Nations. These different meanings are, in fact, the constant source of translator's complaints. Most notably with Machiavelli's use of the term *virtù* — a characteristic word with a highly contextual meaning and virtually untranslatable into any single word in English.[139] For the purposes of this chapter, the most important shift in meaning occurs in the word *Principe* itself — Machiavelli's chosen title. Our contemporary understanding of the term "Prince" is a far cry from the subject of this Renaissance work. In the late twentieth century, princes are quaint reminders of by-gone times, and they retain a faint mythical quality that evokes the agelessness of children's fairy tales. They do not do the one thing that Machiavelli's *principe* did — they do not rule.

> Machiavelli's prince is not our prince by a long shot — he may, for example, be what we would call a king or he may be a mercenary soldier; he may be elected, like a doge, or be a churchman like a pope....A "principality" [in English] is what a "prince" governs, and he is defined chiefly as not a king, not a duke, not a president, not a pope, not a condottiere — not even a prince, really, because in English usage a prince (like the Prince of Wales) doesn't govern, and that's one thing that Machiavelli's *principe* emphatically does. "Prince" and "principality" are chiefly defined in English by negatives, whereas for Machiavelli they are nothing if not positive and inclusive.[140]

Although explained by this translator as a difficulty between English and Italian, it is quite clearly more than that. The difficulty of translating Machiavelli is a temporal as well as linguistic

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See Isaiah Berlin, The Originality of Machiavelli," in *The Proper Study of Mankind*, ed. Henry Hardy and Roger Hausheer (London: Pimlico, 1998), 269-325. In 1972, Berlin found over 3000 items in a bibliographic search on Machiavelli.

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Virtù can be translated as "strength", "ability", "courage", "manliness", "ingenuity", "character", "wisdom", or even sometimes "virtue". Robert M. Adams, "Translator's Note," in Niccolò Machiavelli, *The Prince*, ed. and trans. Robert Adams, (New York: Norton, 1977), xviii.

140

Ibid., xvii.

one. Not only has the meaning of the word *prince* changed, but there are no twentieth century equivalents of *il principe* or *principato*. These terms, which described Machiavelli's world, are no longer relevant — even for contemporary Italian politicians.

Machiavelli addresses a world where the concepts of state and republic exist, but where the system as a whole had a profoundly different reality to what we understand today. Territorially delineated polities abounded, to be sure, but they were open targets for enterprising schemers. It is perhaps in contrast with twentieth century notions of state sovereignty, non-intervention and the sanctity of borders, that Machiavelli's advice to his prince acquires its most sinister aspect. But Machiavelli was not suggesting that modern states with national identity, symbols and sovereign recognition be invaded for personal gain. He had no concept of such uniform and territorialised units — and his concept of relations with other states was not one of a system of "international relations", but rather one of diplomacy amongst a variety of different political entities. Florence in 1513, was one of five major units of political power in the area of Italy, comprising Milan, Venice, Naples and the Papal states (under the dominion of Rome). These five city-states had maintained an uneasy balance of power because none was strong enough to rule the other four. They each had revolving internal struggles for rule and various systems of leadership. Naples was a kingdom (the crown of which was claimed by France, Spain, and the Pope); the Venetian doge and the Roman pope were nominally elected; Milan had been ruled by a family dictatorship which in 1450 was ousted by a professional soldier who had been born a peasant. Florence had an ancient history as a republic, but had recently been subject to sporadic rule by the Medici. In short, Italian Renaissance politics consisted of a motley bunch of wealthy successful cities which had control over the surrounding countryside and which were the objects of power struggles by various and sundry important people. Residents of the five city-states were, however, all considered to be Italian, and spoke dialects of the same language. They were all Catholic and had similar customs. This did not stop them from plotting each others' demise. Machiavelli's Florence was a city with a long history as a republic — yet it was not a "republic" in the contemporary sense of a "state with representative government" for it was not a state in the modern sense. Moreover, although Florence had the luxury of a history as a republic, that did not stop it from exercising rule over other cities in surrounding Tuscany. With a population of roughly 100,000, sixteenth century Florence (along with its four sister states) belongs in a category by itself.

Machiavelli begins his advice to the prince with a discussion of the types of states. There are two kinds, he says, republics and princely states. He designates the latter as his main concern, and specifically princely states which are newly acquired by the prince. Machiavelli

advises the ruler of newly acquired lands to extinguish the line of the previous prince and to keep the laws in place, "because in other matters, as long as you keep their old way of life and do not change their customs, men will live quietly enough."[141] Also, if the new acquisitions are in an area with different language and customs from the prince's own, "[o]ne of the best and most effective policies is for the new possessor of territories to go there and live."[142] Regardless of his own preference for republicanism in Florence, Machiavelli's assumption about the "people" here is that they are subjects. They may cause trouble if their customs are forcibly altered, but there is no expectation that the prince's rule is illegitimate because they did not consent to it. The "state" or "territory" is a possession, and Machiavelli uses that term quite literally in terms of its being acquired, kept and lost.

These states were not equal and sovereign. They were given political attention according to their military might and economic wealth. Machiavelli learned this lesson to his chagrin during his mission to the French court.

> Machiavelli discovered that his native city's sense of its own importance
> seemed to the French to be ludicrously out of line with the realities of its
> military position and its wealth....Although he tried making a speech 'about the
> security your greatness could bring to the possessions held by his majesty in
> Italy', he found that 'the whole thing was superfluous', for the French merely
> laughed at him.[143]

There were various territories, but the governing principle was anything but territoriality. There was no concept of permanency or of strict borders. Machiavelli does not even discuss sovereignty. It is not relevant as a principle of legitimacy for his historical context. Machiavelli would have found extremely odd the suggestion that a state's power was proportionate to the strict control of its boundaries regardless of the competence of its prince. The legitimacy of Machiavelli's prince derived from his *virtù*. If a man could rule well, then he was a prince — even if he were born a peasant (as Francesco Sforza) or the illegitimate son of a pope (as Cesare Borgia). Thus, "a new prince taking charge of a completely new kingdom will have more or less trouble in holding onto it, as he himself is more or less capable [*virtuoso*]."[144] For Machiavelli, then, *virtù* acts as a new principle of legitimacy, operating independently of divine right. So

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141

Niccolò Machiavelli, *The Prince*, trans. and ed. Robert M. Adams (New York: Norton, 1977), 6.

142

Ibid., 7.

143

Quentin Skinner, *Machiavelli* (Oxford: Oxford University Press, 1981), 7.

144

Ibid., 16.

although the pope continued to be acknowledged as God's representative on earth, he also played a political role and as such was included as one of the group of princes who would find Machiavelli's work useful. Two hundred years later, Dante's nightmare about the loss of universal allegiance and the disintegration of order amongst states seems to have come true. But it was not as simple as that. The Holy Roman Emperor was still a presence in the sixteenth century, but one with a decreased sphere of influence. Thus Machiavelli's world incorporated Dante's and also involved substantially different perspectives. Ironically, the men were both, two centuries apart, writing from Tuscany — thus illustrating the devastating effects wrought by temporal distance over the same geographical space.

More's *Utopia*

Sir Thomas More's *Utopia* was published in 1515 — not even three years after *The Prince*. Thomas More and Niccolò Machiavelli were living at opposite ends of the European continent as well as under very different local political circumstances. The English More was largely exempted from the turmoil of the constant exchange of rulers which plagued the Italian city-states. The two scholars were joined, however, by a common humanist upbringing with its emphasis on mastering the classical languages, history, philosophy and rhetoric. In fact, More wrote a number of works, including *Utopia*, in Latin. While More and Machiavelli had distinctly different intellectual commitments (one was willing to lose his life standing up for the unity of Christendom while the other maintained a frankly pragmatic approach to the papacy as another example of a power-seeking prince), they each spent years in the service of their prince, including diplomatic missions abroad. They both drew on years of political expertise in writing their works. But while Machiavelli's book contains many historical examples and aspires to be a genuine handbook, More's work resembles a parable which teaches through illustration. More's target is not the prince but the entire fabric of English society. Nonetheless it is clear from their texts that Machiavelli and More inhabited the same Renaissance time frame. The two writers share the same concept of the "prince" as ruler. More begins his book by referring to King Henry the Eighth as "most accomplished in all the virtues of an outstanding prince."[145] During that period, rulers as diverse as kings, popes, nobles and even accomplished military leaders were unified in one category. Although the Medicis (who sometimes ruled Florence and to whom *The Prince* was addressed) were not rulers in the same dynastic sense that the kings of England and France were, they were nonetheless entitled to recognition as legitimate rulers —

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Sir Thomas More, *Utopia* trans. Peter K. Marshall (New York: Washington Square Press, 1965), 1.

"princes". This discrepancy between power and title indicates that the principle of political legitimacy had far more to do with personal power than any concept of territoriality. Borders were not assumed to be permanent indicators of the beginning and end of the state, much less of the nation. Even dynastic kings had to exhibit competent leadership skills or suffer the humiliation of losing parts of their realm to enterprising neighbours. It was this world that Machiavelli and More shared — and criticised.

More's *Utopia* operates on dual levels of understanding, crossing easily back and forth between fact and fiction. While the story of the mythical island country, where money is unnecessary and all needs are provided for, offers sharp social criticism through a description of what an imaginary life would be like without certain evils, it also reveals the life and times of its author through contemporary details and More himself as first person narrator. Like *The Prince*, *Utopia* is about virtù, but in this case the meaning is confined to *virtue*. More is concerned with men's souls rather than political success. He describes in his mythical "non-place" of Utopia, a society in which "what is cherished as examples of virtue in More's present is turned into utmost vice."[146] The foremost of the vices targeted for criticism by More is the concept of private property. Every facet of Utopian life is meant to mitigate against the greed and unfair distribution of private ownership. While More's arguments must have seemed at the time like a glorification of the simple peasant communities of the Middle Ages, today they also have a distinctly proto-Marxist flavour. In fact, both nostalgic and futuristic hints can be discerned in the text.[147] Using classical rhetorical skills, More could not conceal his humanist education, nor could he hide the social assumptions of the world in which he lived. He imagines a new and unfamiliar world, but he cannot completely remove himself from his own perspective.

Territory in Utopia plays a much more definitive role than it did in More's Renaissance Europe. The Utopians are blessed with a naturally perfect geological basis for their state. By artificially creating an island out of a peninsula, they have provided themselves with boundaries against both invasion and their own greed. For Utopians have abolished pride and greed as the greatest vices, and obtaining territory for the sake of power would amount to an evil on the largest of scales. Indeed, More's narrative device, in the character of Raphael Hythloday, who

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Bartelson, *Genealogy of Sovereignty*, 121-122.

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In a link with the past, More specifically criticised the enclosure of common agricultural areas which was just beginning to take place in England at the time. Lands which were formerly cultivated collectively were being enclosed and claimed by private landowners — to the detriment of many of the poorest. See John Freeman, "A Model Territory: Enclosure in More's *Utopia*," in *The Territorial Rights of Nations and Peoples*, ed. John R. Jacobson, Studies in World Peace Vol. 2 (Lewiston, NY: The Edwin Mellen Press, 1989), 241-267. However, More also describes some startlingly advanced ideas about relations between the genders, crime and punishment, and political economy.

recounts to More (as first person narrator) the wonders of Utopia, provides an ample platform for More's own commentary on the nature of European politics. If he were to give counsel to princes in the midst of their most secret negotiations, Hythloday says, he would advise "that Italy should be left alone and the French stay at home; that the kingdom of France is practically too big to be conveniently administered by one man, so that the King should not think of adding others."[148] In this startling contrast to the typical princely concerns of the time, Hythloday verbalises More's own frustration at the effects of wilful princely rule. A virtuous society can only arise when the prince keeps his focus on the territory he already has. Hythloday would advise such a prince to "look after the kingdom he inherited, and embellish it as much as he could, and make it as flourishing as possible; to love his people and be loved by them; to live together with them and make his rule gentle; to say good-bye to other kingdoms, since the one that had fallen to his lot was enough and more than enough."[149] In fact, Machiavelli gives similar advice, asserting that the people who feel no connection to their prince will be troublesome and difficult to rule. More and Machiavelli are both responding to a world in which such civic attention was not the norm. Rule over territory was a matter of acquisition and the prince who cultivated the love of his people — his subjects — was a rarity.

The loyalties of the inhabitants of Utopia are to the collective project — which acts in More's scenario as a unified whole. Instead of owing allegiance to a Prince, Utopians submit themselves to the good of the system. This applies even to such personal matters as family planning. Each household in Utopia is kept between ten and sixteen adults. If the number increases for one family, the surplus will be transferred to smaller households. If an entire city exceeds its limits, the surplus is transferred to other cities or colonised. Thus the inhabitants of Utopia are moveable goods — filling in the gaps in the cultivable territory. This conception of More's assumes a far greater civic awareness than was common in his time, but it also leaves out any notion whatsoever of national attachment to place. The development of nationalism was yet embryonic and More could not have conceived of it in his vision of "no-place". So non-existent is the link between people and territory for the Utopians, that when their island population grows beyond its limits, citizens are chosen to colonise the nearby mainland, absorbing or conquering the native inhabitants.

> They take in any of the inhabitants of the country who wish to live with
> them....But those who refuse to live by their laws they drive out of the

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[148]

More, *Utopia*, 28.

[149]

Ibid., 29.

> boundaries they mark out for themselves. If they resist, they go to war against them. For they think it the justest reason for war when any nation refuses to others the use and possession of that land which it does not use itself, but owns in idle emptiness, when the others by the law of nature ought to be nourished from it.[150]

There could be no more convincing evidence for the lack of territorial attachments at the time than the suggestion by a scholarly man attempting to provide meaningful social commentary that justice would be served by violently expelling those who are unwilling to share their territory with a fair and industrious people. What a far cry from the *jus cogens* of the twentieth century and the near universal response in favour of territorial sanctity during the events of the Gulf War.[151] Given the impact that statement would have had if territorial sentiments were strong and widespread, More could not have made it without further explanation. He makes the suggestion as one who knows that it differs from the norm, but that it has some merit.

It would not be long in fact before the concept of nationalism would begin to take hold and the first inklings of non-intervention would provide a peaceful solution to the Thirty Years' War. More's own perspective was certainly still based on universal Christendom, and when Henry VIII decided to create his own version of the Church, More's steadfastness cost him his life. Greenfeld argues that More's beliefs were already out of date, and he was a pre-nationalist in a nationalist world (at least in England).

> Sir Thomas More was a Christian; this was his identity, and all his roles, functions, and commitments that did not derive from it (but were implied, for example, in being a subject of the king of England) were incidental to it. The view that "one realm" could be a source of truth and claim absolute sovereignty was, to him, absurd. "Realms" were but artificial, secondary divisions in the ultimately indivisible body of Christendom....He found the position of his judges incomprehensible. He failed to realize that they were already transformed, that being Englishmen, for them, was no longer incidental to their allegiances, as it was for him, but had become the very core of their beings.[152]

Whether or not this level of nationalism had already taken hold in England in 1532 does not matter for the present argument. Even if Henry could command his subjects to abandon

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Ibid., 58.

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It could be argued, to employ More's framework, that Saddam Hussein did not conform to More's requirements for just intent towards the territory, but Hussein's own arguments were that he did in fact have historical title to the area of Kuwait. This argument could easily have been re-stated in terms of the needs of the Iraqi people for the sustenance of greater oil reserves. The finer points of applying legal standards to balance the needs of the Utopians and the needs of the prior inhabitants are not raised by More, but the real point in this analogy is that More could not have written about territorial conquest the way he did if he had lived in a world like the one which reacted so violently to the invasion of Kuwait..

152

Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, MA: Harvard University Press, 1992), 30.

Christendom as they knew it because he was the symbolic head of their nation, this only indicates that personality, not territoriality, was still a primary factor in political legitimacy. National allegiance, such as there was, was fixed upon the person of the king. Territoriality itself was still a thing of the distant future. The important point to take from More is the complete lack of the concept of the *outside* in his *Utopia*. This is the clearest indication that his notion of sovereignty was non-territorial. The body of Utopia is an inside which has no outside because all of the territory beyond its borders is a potential part of itself. Utopia's borders have nothing to do with sovereignty, history, or the identity of its people. They are adjustable borders in accordance with the needs of the population for land resources. Any people living on this land which the Utopians simply absorb may become Utopians themselves. Thus all lands and peoples are potential Utopias in the making. This total elasticity in the conception of borders surely reflects More's commitments to the unity of Christendom. But it also indicates the extent to which the inside/outside dynamics of the territorially sovereign border were unthinkable for him.[153]

The Treaty of Westphalia

The seventeenth century was one in which the processes of both war and peace transformed the structures of European leadership. On the continent, the Thirty Years' War devastated the resources and terrain of Germany and finally broke Habsburg claims to Christian hegemony, while in Great Britain the question of religion plunged the country into a brutal civil war. The medieval theoretical model of the unity of all of Christendom was shattered by the spread of Protestantism and the increasing willingness of Catholic princes to proclaim political independence from the pope. As the hierarchy of the Empire gave way, and the coalition of French and Protestant powers succeeded in destroying the strength of the Habsburg forces, a new kind of relationship grew up among the political units which had not existed previously. Without the nominal universal authority of the Emperor, the variety of kingdoms, duchies and principalities suddenly stood in roughly equal relation at the negotiating tables. This is in stark contrast to the experience of Machiavelli as a forlorn Florentine diplomat in the court of the French king.

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This perspective could also reflect a growing awareness of the "openness" of the world afforded by the discovery and colonisation of the New World. If so, it is still far from the territorial sovereignty which later developed. John Herz argued that this period actually marked the beginning of the rise of the age of territoriality as anarchy could be continually pushed beyond the frontier, allowing for strict control of the territories of the European states. See John Herz, *International Politics in the Atomic Age* (New York: Columbia University Press, 1959), 68.

Two of the most memorable minds of this memorable century were Hugo Grotius and Thomas Hobbes. Grotius was an eminent diplomat who served both the Netherlands and Sweden during the course of the war. He died before the Treaty of Westphalia was negotiated, but not before he had noted and written about the need for some kind of ordering principle governing the relations between the newly autonomous segments of the empire. In writing his major work *De Jure Belli ac Pacis* (On the Law of War and Peace), published in 1625, Grotius explored the basis for laws in and among nations. Although writing as a devout Christian with an assumption of divine providence, Grotius attempted to create a secular basis for law among nations based on "unbroken custom". Thus blending natural law concepts with customary ones, Grotius intended to describe a body of laws which were acceptable to both divine and princely wills.[154] The concept of laws governing war had already been developed in the sixteenth century, but the aftermath of the Thirty Years' War had created an atmosphere which gave new potency to the concept of law among nations.[155] It is significant, however, that while the elements of the empire were becoming more and more independent, even to the point of being recognised as equals, the concept of territory was still relegated to a background role. Grotius himself defines the state as simply "a complete association of free men, joined together for the enjoyment of rights and for their common interest"[156] — thus emphasising the voluntary contractual aspect of the state as a political unit rather than its control over a specific territory. Grotius goes on to discuss the nature of the state as an association where an individual or a group has a relation of supremacy to the others, but again without explicit reference to territory. While Grotius's discussion of personal property rights implies that the state may indeed exist to protect territory, "these implications fall short of the conception of an area of exclusive jurisdiction, and they require assumptions other than those constitutive of Grotius's conception of the state."[157] Again, while territory continued to be vital to the existence and maintenance of political units, it

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Adam Watson, *The Evolution of International Society* (London: Routledge, 1992), 189.

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Nonetheless it would still be two hundred years before the word "international" would be coined.

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Hugo Grotius, *De Jure Belli ac Pacis*, trans. Francis W. Kelsey, ed. James Brown Scott (1925) (1.1.14), 44.

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Thomas Baldwin, "The Territorial State," in *Jurisprudence: Cambridge Essays*, ed. Hyman Gross and Ross Harrison (Oxford: Clarendon Press, 1992), 212. Baldwin provides a very competent historical analysis of the idea of territoriality, however, he inexplicably assumes that the territorial state was a medieval idea which enlightenment political theorists mysteriously failed to discuss. The modern territorial state has so captured the twentieth century intellect that it cannot explain the absence of territoriality in an era which had yet to conceive of it.

was yet to become the sole legitimating basis for a national state in the manner of the contemporary territoriality of the twentieth century state.

The other great seventeenth century theorist of the state was Thomas Hobbes. A well-travelled and well-known intellectual both in France and in England, Hobbes took refuge from the ravages of the English Civil War (and from possible retribution for his political views) at the Court of Louis XIV of France. The Thirty Years' War must have affected him personally, but instead of discussing peace between states, his famous *Leviathan* was concerned almost exclusively with maintaining stability within the state and avoiding civil war. *Leviathan*, subtitled *The Matter, Forme and Power of A Commonwealth Ecclesiasticall and Civil*, was published in 1651, just three years after the signing of the Treaty of Westphalia. Hobbes is often credited with having provided the model for the modern state because of his proposition that all men have equal status. Hobbes's citizens, using their naturally given freedom, voluntarily join a commonwealth for the sake of protection against the violence of the state of nature. The sovereign described in *Leviathan* may be a single person as in a monarch, or may be a group of people in the form of an assembly, but Hobbes insists on the necessity of its being absolute. Naturally, given that the basis of legitimacy for his sovereign was secular, and that his model for the equality of the citizenry precluded both aristocracy and bourgeoisie, Hobbes was politically unpopular with both sides in the English Civil War. Whatever his social standing, Hobbes was nonetheless recognised as one of the great thinkers of his time. It was during this period, as Grotius' concept of law among nations implies, that the concept of sovereignty began to take hold. Something beyond mere power of rule, sovereignty includes both the idea of internal absolutism and external equality. While Hobbes does not explicitly treat of relations among leviathan-type commonwealths, his sovereign provides order through absolute power to regulate the commonwealth within. The corollary of this notion of sovereignty is that it creates an inside and an outside — a peaceful orderly commonwealth inside, and a brutal state of nature outside.

Thus, Hobbes hit upon the very element of sovereignty which makes up the modern territorial state — its ability to delineate the borders between members and non-members, inside and outside. There is one crucial distinction, however. Unlike the sovereignty of the twentieth century state, Hobbes's delineation between commonwealth and state of nature was metaphysical and explicitly non-exclusive. Hobbes was not interested in allowing only certain national types into his commonwealth. His model was for all men. It offered the way out of the state of nature for any man who exercised his will and submitted to the laws of the sovereign. It is not accidental, then, that Hobbes's definition of the commonwealth does not include any mention of territorial boundaries or control. Hobbes's "Essence of the Common-wealth" is

> One Person, of whose Acts a great Multitude, by mutual Covenants one with
> another, have made themselves every one the Author, to the end he may use the
> strength and means of them all, as he shall think expedient, for their Peace and
> Common Defence.[158]

Hobbes's only mention of borders for the commonwealth occurs in connection with sovereigns defending their realms with "Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes".[159] But this is meant to contrast the state of war among sovereigns, which upholds "the Industry of their Subjects" with the natural condition of individual men in anarchy which is "misery", and not as a statement of the necessity of the territoriality of sovereigns. Seventeenth century political thought, then, was beginning to develop away from the universalism of medieval Christianity and from the Princely board game of the Italian city-states. The concept of the state as a container of peoples, and thus of relations among states as relations among units entitled to equal recognition and treatment, was making its first appearance. But it would still be over two centuries before states completely shed their erstwhile role as a measurement of princely power.

It was this concept of territory as princely property which was perpetuated in the Treaty of Westphalia, even though the Treaty is often cited as the foundational document for the European state system. Westphalia's contribution was to eliminate the top — unifying — layer of European politics, the authority of the Emperor. Fought partially on religious, partially on power-balancing grounds, the Thirty Years' War resulted in the final end of any concept of the unity of Christendom. The Catholic kingdom of France fought with the Protestant powers of Sweden and the German principalities to put an end to the ability of the Austrian-Spanish coalition of the Empire to exert control in their realms. The Treaty of Westphalia, signed at Munster, October 24, 1648, confirmed and redistributed territories among the victors. The Treaty also confirmed the terms of the ninety-three year old Peace of Augsberg which granted religious tolerance within the Empire according to the religion of each Prince in his realm (*cujus regio ejus religio*). The negotiations forced the Emperor onto a level field with the rest of the "Electors, Princes, and States" of the Empire. As Adam Watson describes it, Westphalia was a profoundly anti-hegemonic act, it was the "charter of a Europe permanently organized on an

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Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson (London: Penguin, 1985), chap. XVII, 228.

[159]

Ibid., 187-188.

anti-hegemonial principle."[160] So, although Westphalia can be said to have begun a new ordering principle within Europe (making it for the first time an order *among* the states of Europe), it still fell short of creating a system which resembles that of the contemporary United Nations system.

Territory was an important part of the Westphalian settlement, but it was still clearly regarded as the property of the prince, the stuff of the realm. Territory was not considered essential to the legitimacy of the prince, and also was not yet equated with the identification of the nation. The words of the Treaty itself indicate that it codifies the redistribution of goods among the Princes — not only land, but all that goes with it. The victorious French King acquired Alsace and a frontier west of the Rhine.

> All the Vassals, Subjects, People, Towns, Boroughs, Castles, Houses, Fortresses, Woods, Coppices, Gold or Silver Mines, Minerals, Rivers, Brooks, Pastures; and in a word, all the Rights, Regales and Appurtenances, without any reserve, shall belong to the most Christian King, and shall be for ever incorporated with the Kingdom of France, with all manner of Jurisdiction and Sovereignty, without any contradiction from the Emperor, the Empire, House of Austria, or any other: so that no Emperor, or any Prince of the House of Austria, shall, or ever ought to usurp, nor so much as pretend any Right and Power over the said Countrys, as well on this, as the other side the Rhine [sic].[161]

These items listed *shall belong* to the King of France. They are not the property of an abstract state or even of the French nation, for such entities did not exist. The Thirty Years' War was fought and won on behalf of individual princes. Its concluding Treaty instituted the novelty of a promise to refrain from involvement amongst each other's affairs, but it did not create a system of national territorial states. The prevailing order was still one in which politics was based upon personality. The state was not an abstract unity of peoples, but was still a "realm" which was ruled patriarchally by the prince. Westphalia can be noted for changing the principle of legitimacy from one of *divine right* to secular mutual recognition and agreement.

The Eighteenth Century

Once political legitimacy came to be seen as an earthly (though not secular) matter instead of a divine one, the way was paved for notions of individual rights and equality to

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Adam Watson, *The Evolution of International Society: A comparative historical analysis* (London: Routledge, 1992), 182.

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The Treaty of Westphalia. Peace Treaty between the Holy Roman Emperor and the King of France and Their Respective Allies, Munster, October 24, 1648, Section LXXVI, trans. British Foreign Office. Available from http://www.tufts.edu/fletcher/multi/texts/historical/westphalia.txt. Accessed 25 June 1999.

become widespread, as indeed they did throughout the eighteenth century. The most famous formulation (if not the first) of these ideals was perhaps the Jeffersonian one found in the American Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." The colonists of North America were antagonised into a revolutionary fervour by precisely the fact that their sense of what was due to them as *Englishmen* had been gravely violated. The American Revolution is sometimes mistakenly characterised as a secession. This is inaccurate since the Americans sought to create a state *de novo* where one did not exist. Their status as colonies of Britain was precisely what was so irksome to their political expectations. Furthermore, the independence of the colonies and the creation of the "united States of America"[162] left the government of Britain in form, structure and identity essentially untouched. Not only is this because the colonies were never fully integrated into Britain proper, but it is also because the concept of territoriality, so necessary to secession, had yet to make an appearance.[163]

The world of colonial America was still largely one which operated on European assumptions and models. As famous as Jefferson's opening sentences are, few are familiar with the paragraphs which follow. These contain a long and irritated litany of the faults of King George III, whose entire purpose in life, if the Declaration is to be credited, consisted in none other than "the establishment of an absolute tyranny over these States." The King is charged with several exaggerated sins, including calling meetings at distant locations "for the sole purpose of fatiguing them into compliance with his measures", and creating so many new offices that "swarms of Officers" appear "to harass our people, and eat out their substance." While the inconvenience of distant meetings and a multitude of public officials may seem an unlikely justification for revolution, there are several serious charges which were more calculated to boil an Englishman's blood. The monarch had imposed taxes without any form of representation or consent, he had cut off colonial trade, and had deprived the colonies of trial by jury, thus removing the legal protections that all Englishmen had come to expect. The colonies, then, were both *of* and *other than* Britain. They expected the full rights of Englishmen, but were not fully

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    The *united* was used as a simple adjective in the Declaration of Independence and thus not capitalised. In the opening lines of the Constitution thirteen years later, however, the usage has changed to "We the People of the United States".

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    The de-colonisations of the twentieth century could be seen as similar events which actually took place during the age of territoriality. I would argue that these de-colonisations were more about modern self-determination of subject peoples than was the American Declaration of Independence. The American revolutionaries would have, if given a choice, remained British as long as they could have the full complement of political rights. This situation is very unlike the anti-colonial movements of the post-World War II period.

integrated into a union with Britain. They had reached a point where it was either union or revolution. Americans found themselves increasingly treated with condescension by the British administration and continued to point out that they were entitled to the full complement of English liberties. John Adams stressed, "Is there not something exceedingly fallacious in the commonplace images of mother country and children colonies?...Are we not brethren and fellow subjects with those in Britain, only under a somewhat different method of legislation and a totally different method of taxation?"[164] The answer to this query came to be more and more clearly in the negative, and the union with Britain grew less and less desirable or likely.

As modern as the rights asserted in the Declaration seem to the contemporary ear, the structure of the document still bears traces of the hierarchy of feudal Europe. Rather than directing their ire to the British parliament, the colonial delegates focused their address upon the person of the King. *He* refused, and *He* imposed, and *He* abolished. The hated entity was not the abstract state with which we now deal in the international system, nor was it the English nation with whom the revolutionaries claimed brotherhood. It was the Machiavellian Prince. In short, the King was deemed in the Declaration to be "A Prince, whose character is thus marked by every act which may define a Tyrant, [he] is unfit to be the ruler of a free people." It was not the office of monarchy itself which the colonists rejected, it was the perceived injustice of the monarch's rule. While even Machiavelli had mentioned the need for judiciousness on the part of the wise Prince in order that his people would love him and not rise up, the theoretical ease with which the Declaration claims the right to freedom from tyranny indicates that the newly secularised principles of legitimacy were already at work.

The concept of territory in the colonies was still a European one. Spheres of jurisdiction and control were certainly delineated between the States, but there was no concept that the current borders were the final ones and must not be tampered with. In fact, the newly independent United States were in the uniquely privileged position of having vast amounts of frontier territories into which they could expand (the Native inhabitants being only a temporary impediment). So far were the Americans from seeing their original thirteen colonies as constitutive of their boundaries and identity, that one of their most grievous complaints against the King in the Declaration involved his attempts to control the growth of the colonies. He "endeavoured to prevent the population of these States; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and

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Cited in Greenfeld, *Nationalism*, 417.

raising the conditions of new Appropriations of Lands."[165] Americans were aware that the physical resources of the vastness of their land was one of the sources of their greatness. Far from seeing themselves as defined and contained by the boundaries of the established colonies, American identity was geographical in the continental sense. A federal union, and therefore the possibility of a national identity, was not assured until the Constitution was ratified in 1789.

The International System in the 20th Century — Citizens and Foreigners

The twentieth-century international system differs from any order that has gone before in being the first truly global order based on the nominal equality of all its members. Also for the first time, the acquisition of territory by conquest has been universally acknowledged to be illegal. The quintessential text of twentieth century territoriality is the United Nations Charter which asserts in Article 2.4:

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

States, by becoming members of the United Nations, agree to refrain from interfering in the internal affairs of other states, thus the territorial boundaries of states which have exercised the right of self-determination are held to be inviolable. The combination of these aspects has produced a type of territoriality that is more absolute than anything which existed previously. Geographical space has been claimed politically in all but the polar and deep sea bed regions. As every inch of space has been labelled and deemed to be under a specific sovereign, so also has every individual been labelled as a *national* of a specific state. Those identities which are not aligned with any sovereign polity have become both precarious and defensive, as the term "stateless persons" so aptly illustrates. State identities have become institutionalised as can be represented by the importance of passports for international travel. While no one would think of travelling abroad without one today (with the exception of intra-European Union travel, and across certain neighbouring borders deemed friendly by treaty) passports as national identity documents are a feature of the twentieth century.[166] The international passport regime first became established after World War I with the attempt to regulate (and also to help guarantee) travel rights. But travel was not impossible without such documents for most people until after World War II. For example, it was not illegal for American citizens to travel abroad without

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These words by the "Founding Fathers" seem especially ironic in light of the recent attempts of the U.S. Congress to restrict and control immigration.

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Daniel C. Turack, *The Passport in International Law* (Lexington, MA: Lexington Books, 1972), 137.

passports until legislation to that effect was passed in 1941. While passports are meant to extend protection and the right to leave and re-enter the issuing state to their bearers, the fact that they are a requirement for entry into states almost universally can have the opposite effect. Rather than merely aiding travel, passports serve to simplify the means by which states patrol their borders and maintain control of the people over whom they exert sovereignty. It is this form of control which is a so recently developed feature of our conception of the world.

According to David Campbell, this conception of citizen inside and alien (or foreigner) outside is dependent on the conception of the international itself — thus linking the study of international relations very closely with the study of foreign-ness, and lending a new meaning to the making (of) foreign policy.

> The passage from difference to identity as marked by the rite of citizenship is concerned with the elimination of that which is alien, foreign, and perceived as a threat to a secure state....[I]t was not until Bentham coined the phrase *international* in the late eighteenth century that *foreign* came to be firmly associated with the different character of other nations. *Foreign* always signified something that was on the outside and therefore distinguished from the inside, but the parameters that constituted the demarcated space differed greatly from our contemporary understanding. In the first recorded use of *foreign* in the English language, the thirteenth-century term *chamber foreign* represented a private room in a house. From then until the seventeenth and eighteenth centuries, *foreign* served to indicate the distance, unfamiliarity, and alien character of those people and matters outside of one's immediate household, family, or region, but still inside the political community that would later comprise a state.[167]

There are several interesting correlations to the development of the word *foreign* and the coining of the word *international* in the late eighteenth century. It was at this time that the first appearance of the term *immigrant* occurred in the English language; it began specifically in reference to the population of the United States. It was also at this time that the concept of *citizenship* which had lain dormant since the demise of the Roman Empire had a revival in the wake of the American and French Revolutions. While the Romans used citizenship as a means of distinguishing residents of Rome from those of the conquered territories, it eventually came to cover all the incorporated residents of the empire. At that time, it had more to do with one's personal status as free versus slave than with any concept of national identity. Now, however, citizenship and nationality have become closely bound. With a universal presumption of free status (notwithstanding immense differences in relative statuses among individuals), citizenship

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David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, rev. ed. (Manchester: Manchester University Press, 1998), 36-37 (emphasis in original).

is no longer a social classification. One's citizenship creates legal ties to the associated state which preclude obligations to other states regardless of prior or ancestral national affiliations.

The concepts of *citizenship, foreign-ness,* and *international* which began in the late eighteenth century are by now closely intertwined with state and national identity. Taken together, they reflect the late modern tendencies of the state to assert sovereignty through territorial control. States achieve this through strict control over their borders and through control of the categories of citizens and foreigners or — even more bluntly — aliens. Nowhere is this more evident than in the interrogations involved in the process of *naturalization* or making the unnatural natural. In its process of admitting foreigners to the privileges of citizenship, the United States Immigration and Naturalization Service (INS) must make several determinations of eligibility based on certain factors. Aside from the various residency requirements, the INS informs applicants in its pamphlet *A Guide to Naturalization* that "To be eligible for naturalization you must be a person of good moral character. INS will make a determination on your moral character based upon the laws Congress has passed." Thus the INS suggests to prospective citizens (outsiders) that not only are those in the privileged (inside) class of superior moral standing, but that the nature of that superiority may be determined by the subjective decisions of the inside class itself and may be subject to change. Should the determination of moral character and other procedural requirements be made in the affirmative, an "alien" must then take *The Oath of Allegiance* which follows:

> *I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.*

The first half of this oath in particular evokes a much older era of sworn allegiance amongst crusading knights. It is the language of a sovereign commanding his (its) subjects, and the required renunciation of "all allegiance and fidelity" goes beyond the old citizenship concept of voting rights, tax obligations and military service. This is an oath of identity. It binds the declarant to the inside of the sovereign state and requires her to defend this inside against all *enemies, foreign and domestic.* Ironically, once one has become a citizen of the United States, one cannot be made to pledge allegiance, as freedom of political speech and conscience is a constitutional right. The naturalization process, however, remains a policing one, in which the

character and allegiance of the *un*-naturalized must be proven, and the collective identity of the inside must be protected.

Territoriality Lived — Characteristics of the Contemporary State

Nothing illustrates the odious novelty of contemporary systems of citizenship and identity as well as a social anthropologist's perspective on the changes which occurred in a European border town after the Second World War.[168] The village of Leidingen is a tiny place of 200 inhabitants which has been on the German-French border of the Saar-Lorraine region since 1815. Before the Second World War, the villagers had managed to ignore the border and maintain a village life with both French and German populations using the single church and school which were located on the German side of the border. Starting with the aftermath of World War I, however, the German government maintained tight controls over the border and by the end of the Second World War, a separate church and school had been built on the French side of the border. At this point, the earlier local German dialect was replaced by compulsory French on the French side. Not surprisingly, many village families were split by the war, with different members fighting on opposite sides. An ethnographic study of the perceptions of themselves by the children of the village revealed some surprising things about modern political identities. The close connections of the two national identities in the village had all but been wiped out for the children born after the war. The ethnographer's project involved having the young students of both the French and German schools visit the cemeteries on the opposite side of the border. Already there was a lack of familiarity with and connection to this part of their tiny village.

> The mood of these German students changed noticeably when we crossed the border, unmarked by customs posts or other indications and all but invisible for those who do not know about it. Arriving at the French cemetery, the girls had a laugh when they discovered plastic flowers on the graves, which were mostly covered with marble tombstones, and which displayed other features not common in German cemeteries. It was clear that only two of the girls had previously visited the French cemetery, although all four had lived in the village since birth. Their friends immediately demanded an explanation of the two who knew the cemetery, and suggestions were made about their apparent ancestral connections to the French. But the girls who were the butt of these jokes were

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Tomke Lask, "'Baguette heads' and 'spiked helmets': children's constructions of nationality on the German-French border," in *Border Approaches: Anthropological Perspectives on Frontiers*, ed. Hastings Donnan and Thomas Wilson (Lanham, MD: University Press of America, 1994), 63-73.

> to have the last laugh when it emerged the following day that in fact all four
> girls had relatives buried in the French cemetery.[169]

When asked to note the similarities and differences between the two churchyards, the students failed to notice the most obvious feature — both churches are Roman Catholic. A close look at the older German cemetery also revealed several graves from the eighteenth-century, one of which, dated 1772, was that of Jost Hillt. Hillt's family had a long history in Lorraine, and had come to Leidingen in the sixteenth century. "That he, as a Lothringian [i.e. from Lorraine], was buried in Leidingen is an indication of the minor importance of linguistic and regional boundaries to the population at that time, and is a clear example of how kinship and economic relationships extended across a number of social boundaries."[170] Not only had the recent generation been shielded from their connections across the (invisible) national border, but they had learned to apply national stereotypes and suspicion of motives to their French and German counterparts. When the two school groups were brought together there was much apprehension and in a short time a fight broke out.

> Apparently some of the German boys, aged 10-11 years, had initiated the
> conflict by imitating the French attempts to speak German. The French had
> immediately formed a bloc to defend themselves. The Germans who had begun
> the conflict now felt threatened and had called for their class mates. They began
> to push the French girls and earned some slaps on their faces in return. Stones
> were thrown, fists were brandished, and insulting gestures were made. Abuse
> was hurled at the other side, such as, "this will be the reason for the next World
> War, you bloody spiked helmet!", and "baguette head!"....When a German boy
> pointed out a French one, asking in German for his name, the French boy
> replied by hitting him before I could do anything about it. I told him that the
> German boy had only wanted to know his name, nothing else, and he answered:
> "How could I know that? I don't understand him, so I decided to beat him as a
> defensive measure. What he said might have been an insult."[171]

Hostile relations among the inhabitants of such a tiny village who share many blood relations have been brought about by the modern preoccupation with physically bounding national identities. The relations of this one village can be seen as a metaphor for national relations elsewhere which are based on simplistic typologies and willful ignorance of historical ties. This pattern is repeated throughout the global grid of interstate borders. Allowing territorial boundaries to dictate personal and national identities is one of the sad hallmarks of twentieth-

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[169] Ibid., 65.

[170] Ibid.

[171] Ibid., 66.

century territoriality. Examples such as the one of Leidingen show how extreme it can become, but it is hardly surprising that there has recently been a movement among scholars of international relations to question the arbitrariness and moral legitimacy of inter-state borders.[172] This questioning of modern statehood, and the legitimacy of national claims to territories cannot proceed meaningfully without an awareness of the historical changes which have occurred in our understanding of territory itself, and especially of the conceptual relationship between territory and political legitimacy. Furthermore, the symbiosis between territoriality and the recognition of national identities in the twentieth century cannot be ignored. As the example above shows all too clearly, modern territoriality not only allows but encourages the splintering and separation of identities which formerly were complexly intertwined. This process politicises both territory and identity in ways which threaten the security of both. The purpose of this chapter has been to explore the development of the administration of political space. Territoriality, upon which secession depends, is only a recent form of political control of space. Earlier periods solved problems of political identity and sovereign control in different ways. Secession, then, is not only a logical outcome of modern territorial structures, it is an outcome which is all but propelled by the momentum of international politics and the imperative of controlling the relationship of the sovereign inside with the outside other. In the following chapter, I will examine the role of identity politics in maintaining the inside/outside boundary and theorise strategies for encountering and politicising the other which preclude the exclusivism of secession as a means of securing identity.

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See *The Territorial Rights of Nations and Peoples*, ed. John R. Jacobson.

Chapter 4.

PROBLEMATISING IDENTITY

The previous chapter examined the changing role of territory in its political historical context and highlighted the development of the particularly modern conception of territoriality. This phenomenon, sharpened to perfection by the events and perspectives of the twentieth century, has compelled a perilous balance between the recognition and legitimation of political identities and the sovereign control of a physical territory. Not only must a national group maintain sovereign control in order to be legitimated as an international actor, but the actual drawing of the borders, the defining of the state's inside and its outside, creates schisms and clashes between groups which have taken on the status of 'minority' or 'majority' with the stroke of a cartographer's pen. Before territorial sovereignty became the badge of legitimacy, identities did not need to serve as political markers. Under contemporary international law's twin principles of Self-determination and Non-intervention, politics has inevitably come to rely upon the identification of the boundaries of the state and the proper delineation of its national membership. This arbitrary hardening of political boundaries has resulted in a paradoxical political dynamic. The contingent and boundless processes of social identity formation have been wedded to the static mythology of the sovereign territorial state. It should come as no surprise that the match is not made in heaven. This chapter will show that the modernist conception of securing identity through territory is a misguided goal. Identities cannot be secured without damaging the very diversity and richness that makes them valuable. Paradoxically, the "secured" identity is a stifled and dying one, while the identity which allows itself the constant challenge of recognising and accepting otherness is vibrant and resilient.

Naturally, these conclusions have broad implications — not only for secessionist politics, but for the territoriality of state security practices in general.

"Outsiders" Inside — Internal Insecurity

The making of group identity and security through the state creates a system which privileges the groups which identify with state power. The identity of the group which is in the most advantageous position (for reasons of historical contingency) will claim the national identity of the state itself — promulgating its particular histories and conceptions of security needs and social values. Those within the state who have identities which differ from the privileged national identity of the state will automatically be in a "minority" position and thus have "insecure" identities which are unexpressed in political ways. Yael Tamir argues that even if the political ideology of the majority advocates a nationally neutral system of redistribution and welfare, the identity of the decision-makers and bureaucrats will reflect a set of social values which cannot be kept out of the public sphere. Thus minorities "feel alienated from the public sphere, less able to understand its cultural origins, less capable of playing according to the 'rules of the game.'"[173] Minorities are free to familiarise themselves with the dominant national culture, she continues, but they will be devoting time and energy to understand what comes naturally to members of the majority. The expression of minority identities will not be equated with that of the nation as a political whole and they will become relegated to the status of a cultural and historical anomaly, useful for the promotion of tourism.

The smelting of sovereignty and territoriality out of which the modern state was forged, has very serious implications for identity formation. R.B.J. Walker says of territorial sovereignty:

> [it] fixes an account of where politics occurs, and what political life itself can be. It identifies who can be made secure: the political community inside state boundaries....And it denies the possibility of alternative arrangements on the ground that only through the state do we now seem capable of resolving all those contradictions — between universality and diversity, between space and time, between men and citizens, between Them and Us — that were once resolved by the subordinations and dominations of feudal hierarchy, monotheistic religion, and empire.[174]

Not only is the description of political life fixed in this "in" or "out" way, but this structure has become so entrenched that we now lack the ability to imagine any other — non-bounded —

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Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), 149.

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R.B.J. Walker, "Security, Sovereignty, and the Challenge of World Politics," *Alternatives* 15, (1990): 14, 3-27.

types of political community. This description highlights the particularly modern difficulty faced by groups which lack the privileging apparatus of the state — effectively those groups called "minorities". Ironically, though, this plight by no means restricts the definition of minority groups to the categories of ethnic minority identities currently in common linguistic use, since the minority/majority status of every national group is contingent on the placement and maintenance of state borders. The territorial sovereignty of the modern state exerts an irresistible pull through the certainty and stability of its defined scope of influence. The effective limitation allows those within the state to feel secure in their restricted, delineated, space. So powerful is this need for definition and certainty, and so clearly does the state seem to provide for the need, that we are now unable to conceive of secured identity and legitimacy without the rubric of the territorial state. But there is a structural flaw within this cozy setup.

In our rush to create definitions of, and defences against, the outside "other", we have overlooked the "other" that we ourselves are, and will continue to become. The statist presumption of identity as territory allows only an external location for the insecurity of otherness. This presumption has allowed the state to operate as the provider of identity and describer of security needs. To acknowledge that threats to identity may occur within the state is to abandon the reasoning behind the construct of the territorial (nation) state itself and to recognise the impossibility of legitimate, secured, identities within its realm. Yet it is the very nature of the state construct itself which gives rise to the internal "threat" of minority identities by pointing towards secession as the only means of legitimating their identities. All too often, minorities have been left little choice but to seek a separate territory within which they can recreate the state processes of identity legitimation and securitising. This includes the constant process of identity creation through the retelling of national histories and the continual participation of the group in its culturally distinct traditions and observances. This need for identity creation and affirmation has become part of the current scholarly fascination with nationalism and national movements. While nationalism is typically associated with ethnic identities, any group which makes a political claim for sovereign independence draws on a collective affirmation of the collective self of the group.

The mistake of postwar theorists and state leaders was to assume that national loyalty and patriotism were identical forces and that they were conveniently bounded by existing, or adjustable, state borders. The perfect match of bounded territories to homogeneous peoples has never existed and the ability of states, as political entities, to foster cohesive identities has been

greatly overestimated.[175] The nation-state as a project was never more than an ideal model.

Even so, the failure of this project has not resulted in a reconceptualisation of the doctrine of self-determination into a non-statist ideal. When the League of Nations plan for protecting minorities in the wake of the First World War resulted in miserable failure, state leaders began to focus on assimilation and accommodation. Many states contain minority groups which do not agitate for independence, while others contain groups with active separatist segments within generally stable minority identities. Finally, there are separatist movements so fully developed that they lead to partition, secession, or wars. Despite the recognition that minority identities can potentially coalesce into secessionist movements, such identities have inevitably defeated all attempts to locate objective predictive criteria.[176] The bonding of people into group identities has such a profoundly subjective basis that actual kinship or common descent need not exist. As one commentator put it, "it is not *what is* but *what people perceive as is* which influences attitudes and behaviour. And a subconscious belief in the group's separate origin and evolution is an important ingredient of national psychology."[177] Hence artificially emphasised histories are a potent piece of the nationalist repertoire and can be found in almost every example of nationalist rhetoric. Erik Ringmar argues that it is only through narrative that we can actually make sense of our individual or collective selves. Thus the identity of "we" is "neither a question of what essences constitute us nor a question of how we conclusively should be defined, but instead a question of how we are seen and a question of which stories are told about us."[178] The telling of histories is then a tool for creating a present which makes sense for the identities in question. This dynamic operates in two directions — we both create ourselves through our own telling and are created through the stories of others. Certain options are foreclosed to collective groups by the non-recognition of non-members.[179] Making collective and intersubjective use of historical

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Walker Connor, *Ethnonationalism: The Quest for Understanding* (Princeton: Princeton University Press, 1994), 69-70.

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For example, Donald Horowitz, with his extensive coverage of various ethnic conflicts, in *Ethnic Groups in Conflict*, only achieves a classification system rather than any truly predictive criteria. See Chapter Two, *Theories of Secession*.

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Connor, *Ethnonationalism*, 197 (emphasis in original).

178

Erik Ringmar, "On the Ontological Status of the State," in *European Journal of International Relations* 2, no. 4 (1996): 453, 439-466.

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An obvious illustration of this is also the most brutal example: namely the unwillingness of the Nazis to concede to Jews any role other than that of pestilence which must be eliminated — which left Jews little choice in creating their own story beyond the roles of martyrdom and victimhood.

narrative is how national identities are formed. This process can be and often is consciously manipulated.

The most well-known current example of the potency of the nationalist project is the conflict in the former Yugoslavia, where different religions and different imperial jurisdictions were revived from historical lapses to form the basis of the sharp delineations of a formerly integrated people into three. The fact that the three peoples had formed peaceful friendships and intermarriages for years (which could just as easily have served as the basis for forging a strong single national identity) came to no consequence when the identity-shaping rhetoric of nationalist leaders began to take hold. The bloodiness and brutality of nationalist wars have prompted collective confusion from the academic community which shrugs perplexedly that it cannot account for something so obviously irrational. Nationalism rejects common denominators and objective criteria. What has become increasingly clear, however, is that where matters of identity are concerned, the dry administrative claims of the state become inconsequential. The prize at stake is very precious indeed because without it, the social context of group identity fails and the individual as previously constituted vanishes. As one former resident of Sarajevo, currently living in London, has described it, she now comes from "nowhere" and has no national identity — or rather, an obsolete one. The child of a Serb and a Croat, she condemns all sides for demolishing the multicultural city that created who she is. The identity which comes from belonging to a national group, the most potent form of collective identity, has forever been lost to her.[180]

While the obliteration of a national identity constitutes a cultural tragedy for human diversity, it is crucial to recognise that the loss of an identity (through violent war or forcible assimilation) is not equivalent to the adaptations a distinct group may make over time which cause it to seem quite different from its earlier manifestations. All identities change and grow in new directions in response and in relationship to the course of historical events. In other words, although we make use of stories of a singular past in the creation of our group "selves", and revere traditions derived from "ancient" times, we cannot actually keep a group identity static, or "secured" as is so often attempted. For example, as compelling as the charms of rustic life can be, few late moderns have the desire or the fortitude to truly eschew the developments of the last two hundred years of Western technology and join the Amish in their devotion to the preservation of a distinct and isolated identity. For it requires the strictest codes of social isolation and resistance to innovation within in order to maintain the kind of continuity

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Conversations with the author, Spring 1995.

demonstrated by the Amish and similar communities.[181] Notwithstanding our reluctance to seriously live "in the past", nationalist sentiment often causes members of distinct groups to "re-live the past" in order to stoke the passions of an earlier — and thus now de-contextualised — conflict. Of course not all minority identities take on a militant nationalist agenda, but there is an intrinsically urgent drive behind groups which search for political recognition. Once a group has recognition, both internally and externally, it has substance and existence in the realm of international law and politics. It is an "actor" and therefore provides a legitimate identity for its members. Unfortunately, there are no rules about which groups may be eligible for political recognition. The doctrine of self-determination is ominously silent about the nature of the 'self' concerned, leaving the question of membership in the community of states a perilously open one.

Patriots, Nationalists and Minorities

In a recent discussion of modern nationalism, Thomas Franck states that the certainty of old categories of identity are no longer valid and that many of us must now rethink our identities. Franck takes upon himself the task of sorting through the complex meanings of commonly misunderstood terms: nation, state, people, ethnie, tribe, nationalism and patriotism. According to Franck, much of what we consider to be nationalism today is actually patriotic loyalty to the state, since "[i]n the twentieth century, the state has had pride of place in the construct of personal identity."[182] The point is that this type of nationalism recalls the late eighteenth century and the nation-building practices of the United States and France which focused around the abstractions of liberty and equality rather than essentialist qualities such as race. A century later, Franck argues, the nationalisms of Germany and Japan and other recent cases, "tended to define their enemies as those of different (and usually inferior) gene pools or religiocultural ancestry....[they] have turned inward in paroxysms of xenophobia."[183] This is the nationalism of contemporary notoriety, which can be placed at the scene of many an international crime. While Franck oversimplifies and thus confuses the difference between civic and ethnic nationalism, his main argument — that modern nationalist movements seek separate states for all the wrong

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Even then, they cannot be unaware of the urban ways of the "outsiders" living all around them, and for their own physical protection they have had to make concessions to the modernised existence of others around them, such as adding electric lights and blinkers to their buggies when driving amongst automobile traffic.

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Thomas M. Franck, "Tribe, Nation, World: Self-Identification in the Evolving International System," *Ethics & International Affairs* 11 (1997): 161, 151-169.

183

Ibid., 165.

reasons — is a point worth making.[184] Regardless of how one feels about the proper political

policies of a multiethnic state — even if one believes that assimilation under the concepts of a

civic ideal is actually another name for a form of cultural imperialism — there is something

troubling about the widespread nature of adamant claims for political independence. The self-

determination which separatists claim is their goal and their right can never actually be achieved

because identities (both individual and collective) are highly subjective and cannot be purified.

The whole concept of self-determination — as far as it concerns sovereign statehood — is based

on a dangerous myth. Franck terms the concept of a pure national state as nothing less than

"apartheid" and notes that it has become surprisingly "fashionable" again:

> [I]t has become socially and politically correct to aver that political and social
> organization should be based on the principle of 'likes-with-likes" whether
> 'likes' be defined in linguistic, ethnic, racial, religious, historical, cultural, or
> other terms....It does not seem much to matter to the force of a secessionist
> claim whether it is based on a demonstrable genetic-cultural-historical reality,
> or, more likely, is pure romantic invention.[185]

The point is, that even if a separatist claim is based on a harsh reality of oppression it also relies

on a patently false assumption — that political rule by one's own cultural group (however

defined) is a good and fair thing and is a fundamental right. The right of belonging to a cultural

group is one thing, but it should and must not be confused with an inherent right to the political

constitution of a state. To argue otherwise would be to assume that membership in national

groups should be maintained by objective criteria for the common good. Such an assumption

curtails the very freedom which was fought for in the first place.

> Isaiah Berlin said of national self-determination:

> It is a cry for room in which men can seek to realize their natures, quirks and all,
> to live lives free from dictation or coercion from teachers, masters, bullies and
> persuaders and dominators of various kinds. No doubt to do entirely as one
> likes could destroy not only one's neighbors but oneself. Freedom is only one
> value among others, and cannot be realized without rules and limits. But in the
> hour of revolt this is inevitably forgotten.[186]

Absolute freedom is neither possible nor desirable — because there is no common understanding

of its meaning amongst humanity, how can any single interpretation of the value of freedom be

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   See Will Kymlicka, "Modernity and Minority Nationalism: Commentary on Thomas Franck," *Ethics & International Affairs* 11 (1997):171-176. Kymlicka argues that both America and France used exclusivist (illiberal) methods of ethnic nationalism to unify the nations linguistically and culturally.

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   Franck, "Tribe, Nation, World," 167-168.

[186]

   Isaiah Berlin, "The Bent Twig: A Note on Nationalism," *Foreign Affairs* 5, no. 1 (October 1992): 28, 11-30.

privileged over all others? The independence sought by separatist groups is a kind of freedom which inevitably entails limitations on the freedoms of those who do not fit membership criteria or who demonstrate nonconformity within the group. The only form of "protection" an independent state can guarantee to members of a cultural group which already resides in a liberal democracy is the freedom to impose their own criteria of membership and thus transform themselves from the minority to the majority. This is not protection for the newly created majority identity because it will continue to be subjected to multiple interpretations both from within and without. The "protection" of state sovereignty then is nothing less than the pleasure of drawing boundaries by military means rather than social and legal ones. This just solution which separatists claim as their right, is, then, neither just nor a solution. In cases where the minority is genuinely oppressed and prohibited from expressing and creating its cultural identity, the blame lies with the state apparatus, and the right which the minority may exert is one which operates in favour of restructuring the state to allow for autonomy and cultural protections. In other words, there are no national rights to independent states, there are only rights of the protection of national (and multiple) identities within and across states. Any other assumption supports state-by-state apartheid, as Franck described. It is also fallacious to assume that a state border will end the oppression or hostility between national groups. In many ways, it is likely to exacerbate it. How many Yugoslavs, Israelis, and Northern Irish must be lost before the fallacy of self-determination is realised?

One suggestion, which many theorists agree upon, for easing the strain of national groups struggling to gain an international voice, is the creation and encouragement of international institutions which expressly provide fora for substate and trans-state identity groups. Franck and Kymlicka both favour increased franchisement for minorities and non-governmental organizations, but from vastly different perspectives. For Franck, an international forum for substate identities would act as a pressure valve and ease the force behind many separatist movements, thus resisting the trend towards the "two thousand-state global system". Kymlicka, on the other hand, finds that the idea has merit as one of the only ways in which minority groups may represent their interests and receive justice, since states so often ignore minority issues. Kymlicka further critiques Franck's support as contradicting his earlier representation of nationalism as being irrational, asking "wouldn't we be pandering to this irrationality by giving them representation at the United Nations or other international bodies? Wouldn't representation give legitimacy to their nationalist aims and self-identity?"[187] In doing

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Kymlicka, "Modernity and Minority Nationalism," 176.

so, however, he conflates national secessionist aims with the need for legitimating national identity. This is precisely the mistake which impels the separatist craze which Franck fears. National identities for minorities and majorities, wherever they might be, are in constant need of legitimation. But the institution of the state itself is a chimerical means of providing it. One of Franck's very first points was that there seems to be a global identity crisis in this post-Cold War era. Majority (or hegemonic) identities are in crisis in unsuspected ways. Russia is no longer the other superpower, and therefore what it means to be Russian has been called into question on a profound level. Further, with the splintering of the Soviet Union, there are now Russian minorities in former Soviet states and satellites whose identity is now one of clear political disadvantage. This pattern is merely one example. The White Anglo-Saxon identity of the United States is no longer "politically correct" and the nation struggles to find an identity which can be articulated by all while allowing expression for the multiple cultures currently swirling around in the melting pot. Kymlicka's critique then, falls away because the point of the proposal for international recognition of national identities is not to legitimate separatism, but rather to legitimate national identities themselves, regardless of their political status. The separation of national legitimacy from national statehood is a crucial and long overdue one. Political legitimacy through mutual recognition of equals is the only way to satisfy the true needs of self-determination. To this end, any such forum must include representatives from all national identities — including those which are associated with the national majorities of their home state. Only in this way can the voices of the minorities be legitimated as equally valid with those of the majorities. Such legitimation stands to benefit national identities all over the globe of whatever proportional status.

Kymlicka's critique contains another interesting point. He disagrees with Franck that minorities bear long grudges and often no longer face discrimination in democratic states. Indeed, he says, "I would argue that it is often members of the majority who exhibit an irrational commitment to an unrealistic and obsolete identity, refusing to accept the reality that they live in a multi-nation state."[188] This statement is undoubtedly true in many respects, but it also contains the germ of a counterargument. The best way to counter the irrationality of the blind majority which cannot recognise the needs of the minority is to work to raise the status of the minority identity to a fully legitimate one. In other words, Kymlicka's minority groups are necessary to force the majority to confront its multinational reality. Of course it puts the minority in a difficult position with no quick fixes and no easy answers, but surely a struggle for recognition is

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[188]

Ibid., 175.

more peaceful and more rewarding than a possibly military and certainly hostile struggle for sovereign independence. The way to handle the failure of majority groups to legitimate minorities in their midst is to continue to confront them with the reality of difference — not "difference as otherness", in the words of Young, but relational difference, which admits of the mutual and integral relationships among identity groups.[189] In other words, majorities and minorities *need* each other in order to be who they are, and also to fully confront the fact of legitimate differences among human beings. Kymlicka himself obliquely refers to this when he refers to the value of minority nationalism and how it "enhances the autonomy of its members." The benefits of membership in a cultural group are significant in ways which often go unrecognised by the majority group. In fact, the ideal of the autonomous self, espoused by liberalism and urged by Franck, is only possible if the individual has the ability to make choices about her identity. Identity choices are only possible and appreciated where there is an awareness of alternatives. As Tamir argues, "individuals will be unable to exercise their right to make cultural choices unless they live in a culturally plural environment."[190] Not only do multiple cultures provide the individual with an awareness of choice and help define his own identity, but they mitigate against cultural chauvinism and the tendency of the majority to assume that it has a claim on the sole true image of utopia. Those whose identity rests upon a certainty of conviction which rejects doubt are, in the words of Isaiah Berlin, "victims of forms of self-induced myopia, blinkers that may make for contentment, but not for understanding of what it is to be human."[191]

The contingency of multiple cultures and identities then is of critical importance. Minorities, as those who bring the reality of relational otherness before the complacent majority, are crucial for the full realisation of the identities of all individuals. The idea that sovereign state separatism is a solution for minority oppression neglects the necessary ambiguity of the identity dynamic, the constant reappraisal and recreation of the individual and collective self which requires contact with and respect for difference and which alone provides real recognition. Another way to describe this dynamic is to use the phrase put forward by Appiah and Gutmann, *interactive multiculturalism.* A society that is interactively multicultural allows all its

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Iris Marion Young, "Together in Difference: Transforming the Logic of Group Political Conflict," in *The Rights of Minority Cultures,* ed. Will Kymlicka (Oxford: Oxford University Press, 1995), 158.

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Tamir, *Liberal Nationalism,* 30.

191

Isaiah Berlin, *The Crooked Timber of Humanity* (New York: Alfred A. Knopf, 1991), 14.

individuals to be exposed to multiple cultural possibilities, and no single culture predominates within any individual identity.

> A society is interactively multicultural to the extent that individuals experience the creative effects of the mingling of different cultures. A culture need not be universally or equally appreciated by all individuals to be valuable. But, other things being equal, cultures are more valuable to the extent that more people have access to them.[192]

The important point here is that cultural identities should all be seen as equally valid and accessible public resources. One need not fully participate in a cultural identity to reap the benefits of its presence in her society. An Irishman may adore Manchurian cuisine and the music of West Africa. If he can have access to these cultural accoutrements without leaving Dublin then his Irish identity is not threatened or diminished but enriched. Additionally, the identities of immigrant groups or historic minorities are not warped by being thrown into constant relief against the cultural practices of the majority, rather they are enhanced, made fuller. The Francophones of Québec, as will be argued below, are not the same as the French of France. They have had more than two centuries of life and interaction on a different continent and under very different circumstances. Their French heritage and language is an important component of who they are today — but it does not mean that they are identical culturally to the citizens of contemporary France, any more than Anglo Americans are interchangeable with contemporary Britons. This unpredictable cultural palette is not something which should cause concern. Rather it should be hailed for allowing greater access and therefore more meaningful freedom for individuals in their continual processes of identification. Cultural identities do not have to conform to a single uniform ideal within the boundaries of a state in order for the civil institutions of that state to be a success and to be stable. The American ideal of the melting pot is actually profoundly illiberal in its aim to erase difference and create a homogeneous and single whole. Such a result is unobtainable and undesirable because it requires that individuals forsake (or repress) their complex and uncertain identities for something fixed as the ideal. Even were it possible, it would be a great loss of freedom for all rather than the reverse.

Identity in International Relations Theory

Even in this era of national uprisings and minority activism, International Relations theory has been slow to focus on the nature of identity and the importance of culture. The traditional theoretical structures of the discipline — sovereignty, statehood and anarchy —

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K. Anthony Appiah and Amy Gutmann, *Color Conscious: The Political Morality of Race* (Princeton: Princeton University Press, 1996), 175.

mitigate against epistemological commitments to ambiguity and multiple perspectives. International Relations theory has tended to regard issues of identity as stable and given, and questions of nationalism have been ascribed to a historically determined primordialism about which nothing can be done politically. This approach yields unhelpful and morally barren results, as described by Campbell regarding the reaction of the West to the crisis in Bosnia:

> [T]he representation of the timeless quality of the conflict is disenabling of our understanding of the cause of fighting, and thus detrimental to future attempts to deal with such instances. If ethnic and nationalist conflicts are understood as no more than settled history or human nature rearing its ugly head, then there is nothing that can be done in the present to resolve the tension except to repress or ignore such struggles. In this view, the historical animus has to be enacted according to its script, with human agency in suspension while nature violently plays itself out.[193]

If national identity is indeed primordial, the structure of international society becomes fiercely determinist and the need for political and social science at all becomes questionable. Given that nationalist conflicts are ones which threaten the basis of international society, it is difficult to justify the discipline's hitherto "hands-off" approach to questions of identity. In lamenting the late arrival of questions of identity and culture into the realm of IR, Yosef Lapid attributes the problem to one of world view. Citing John Shotter, Lapid states that "we have a choice: either to think of it as based in invariances (fixed things) and to treat change as problematic, or, to think of it as in flux (as consisting in activities) and to treat the attainment of stability as a problem."[194] The theoretical commitments of the discipline have been focused for too long on treating change as problematic, neglecting even the possibility of a choice between the two perspectives. But ironically, perceiving the nature of the world to be one of flux allows for more engagement with the dynamics of identity formation since identity and culture are most coherent if perceived as constructed and interactive.

If traditional International Relations theory was one of static structures with the variables being the interaction and balance of power and interests, then contemporary International Relations theory has evolved into a considerably broader enterprise. Far greater interdisciplinary overlap is considered permissible in the field today, and scholars are taking notice of the discourses of sociology, anthropology and psychology among others. The question of who we are and how our identity is defined have been and are of grave relevance to

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David Campbell, "Violent Performances: Identity, Sovereignty, Responsibility," in *The Return of Culture and Identity in IR Theory*, ed. Yosef Lapid and Friedrich Kratochwil (Boulder: Lynne Rienner, 1996), 173-174.

194

Yosef Lapid, "Culture's Ship: Returns and Departures in International Relations Theory," in *The Return of Culture and Identity in IR Theory*, ed. Yosef Lapid and Friedrich Kratochwil (Boulder: Lynne Rienner, 1996), 6.

international politics. As Zalewski and Enloe point out, a person's identity as a European Jew in the 1930s and 40s was a matter of life and death, but also a matter of whose definition of German was allowed to operate.[195] Identity politics have relevance today especially in the political wake of the Cold War. Since the consequences of identity are so great — from privilege to deprivation, from hostility to friendship — it is crucial for International Relations scholars to account for the process of identity formation and its connection to the state. Additionally, it is important to see identity as a two-way process; one which involves both the perception of the self and the projection of the other. So, "we need to think of identity politics as a process in which both the person seeking to answer 'Who am I?' and others who want to influence the answer are pushing and pulling each other, though often with unequal resources."[196] It is awareness of the discrepancy between the identity of the self and the identity perceived by the other encountering the self which provides scholars with the opportunity not only to understand identity dynamics but to encourage more effective political discourse on identity. As simple as this discrepancy seems, it has often been overlooked in the theoretical race to eschew ambiguity and provide stable "working definitions". Such definitions are the very antithesis of identity itself. That is not to say that identity must involve confrontation between two sides, but rather that it is negotiated in the encounter of the self with others. Thus the need for defining and encountering the other does not vanish when a national group establishes an independent state, regardless of the seeming tangibility of the physical border. The process of identity negotiation and the politics of group membership continues within the borders of sovereign states vis à vis minorities within and foreigners without. This process cannot stop, for when it does the self (individual or group) ceases to be — or rather, the self cannot be located in the world without the criteria of what it is and what it is not. This dynamic does much to explain the drive for human contact: it is self-knowledge. "Selves and cultures come to know themselves, construct their identities, in relation to a world beyond themselves. A sense of the world — a cosmological scheme, a vision or a representation of the world — sustains the culture or self, constituting its particular conceptions of what it means to be human (and a human community) in the world."[197]

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Marysia Zalewski and Cynthia Enloe, "Questions about Identity in International Relations," in *International Relations Theory Today*, ed. Ken Booth and Steve Smith (Cambridge: Polity Press, 1995), 281.

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Ibid., 282.

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Naeem Inayatullah and David L. Blaney, "Knowing Encounters: Beyond Parochialism in International Relations Theory," in *The Return of Culture and Identity in IR Theory*, ed. Yosef Lapid and Friedrich Kratochwil (Boulder: Lynne Rienner, 1996), 81.

In other words, the more closely the self encounters others, the more finely tuned will be the perception of the self and the perception which the other has of the self. The more one encounters strangers and different others, the more facets there are to the identity of the self. And also, there will be a greater likelihood of the self having grown to understand the need and respect for difference.

Applying these dynamics to International Relations theory requires close attention to the discourses of these identity encounters. In this sense, every public or diplomatic statement is one which plays a role in the constitution of identities, and consequently in the political strategies which follow. Language is a powerful political tool which can elaborate structures of meaning through subtle metaphors. Feminists have made primary contributions to International Relations literature on identity through their studies of the gendering of issues through language, particularly in the areas of defence and strategic studies. National security decisions in most countries have inevitably been made by men, and a profoundly gendered discourse has resulted. For example, during discussions by American nuclear physicists on the impact of deploying a specific type of counterforce attack, it was perceived by the group to be effeminate and unacceptable when one of them exclaimed that they were actually discussing attack models which would result in millions of human lives gone instantaneously. The male physicist told his story to Carol Cohn. "Wait," he said, "I've just *heard* how we're talking — *Only* thirty million! *Only* thirty million human beings killed instantly?...Silence fell upon the room. Nobody said a word. They didn't even look at me. It was awful. I felt like a woman."[198] Cohn elaborates:

> This story is not simply about one individual, his feelings and actions; it is about the role of gender discourse. The impact of gender discourse in that room (and countless others like it) is that some things get left out. Certain ideas, concerns, interests, information, feelings, and meanings are marked in national security discourse as feminine, and are devalued. They are therefore, first, very difficult to *speak*, as exemplified by the physicist who felt like a woman. And second, they are very difficult to *hear*, to take in and work with seriously, even if they *are* said. For the others in that room, the way in which the physicist's comments were marked as female and devalued served to delegitimate them. It is almost as though they had become an accidental excrescence in the middle of the room. Embarrassed politeness demanded that they be ignored.[199]

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Carol Cohn, "Wars, Wimps, and Women: Talking Gender and Thinking War," in *Gendering War Talk*, ed. Miriam Cooke and Angela Woollacott (Princeton: Princeton University Press, 1993), 227.

199

Ibid., 231.

Thus, things considered to be weak and unacceptable are discussed in terms of feminine metaphors while the prevailing acceptable culture is masculinised.[200] This pattern of silencing the prospect of alternatives is then repeated during international hostilities in terms of the enemy to be defeated (cowardly, feminine) and the members of the national armed forces (brave, masculine).[201] Thus the importance of language in the creation of identities and the negotiation of the encounter with the other must not be underestimated, and the implications far exceed gender politics. Analyses of the discourses among groups is the methodological key to understanding identity politics generally. These methods are difficult to employ since "sexuality, masculinity, concepts of racial otherness are hidden not just in an empirical sense but in an epistemological sense."[202] A comprehensive interpretation of identity politics therefore requires an understanding of linguistic categories which work "backstage" in ways which we all take for granted, but which must be exposed and debated in order for international *relations* to be understood.

Meanwhile, International Relations as a field has long taught and reproduced theoretical patterns which do not integrate easily with issues of identity. Notwithstanding the recent spate of attention on identity as a hot topic, the path is still largely untrodden in terms of applying theoretical lessons of identity politics to the large body of IR practice in both teaching and policy making. Zalewski and Enloe discuss how the traditional three paradigms into which the great majority of International Relations literature falls — Realism, Pluralism, and Globalism — are largely devoid of any meaningful discussion of the impact of identity dynamics. While Realism has exerted a powerful influence on thinking within the discipline since before the Second World War, its assumptions of sovereign statehood in an anarchic system and the relative search for power work to suppress the subtle workings of identity politics. Further, since conflicts are expected and integrated into Realist theory, there is little incentive to study the hidden relationships behind them. Secondly, Pluralism has shifted the focus away from the state and created intellectual space for the concepts of interdependency and transnationalism. While this would seem to be a positive step towards the understanding of identity issues, Pluralists have maintained a positivist epistemology which discourages any attempt to poke beneath the surface

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Zalewski and Enloe, "Questions about Identity," 290-291.

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For a fascinating analysis of the Viet Nam War in these terms see Jennifer Milliken and David Sylvan, "Soft Bodies, Hard Targets, and Chic Theories: US Bombing Policy in Indochina," *Millennium: Journal of International Studies* 25 , no. 2 (1996): 321-359.

202

Zalewski and Enloe, "Questions about Identity," 293.

of politics to find the cultural meanings. Finally, Globalism also introduces actors beyond and within the state, but it tends to operate within a homogenised world view based on a "capitalist global structure", and thus remains blind to the possibility of multiple perspectives. To summarise: "realists are far too committed to states and military-political affairs; pluralists are far too committed to the empirical nature of transnational processes; structuralists/globalists are far too committed to economics and classes to allow much room for the consideration of questions of identity in international relations."[203]

These mainstream theories are all hampered by their positivist ontologies. They are based on certain assumptions of objectivism and of fixed meanings. The most important outcome of this approach is the belief that theory is generated by the observation of reality and is not a participant in its (social) construction. No useful study of identity can be made if it presupposes the prior existence of an identity and then posits a descriptive theory regarding that identity as an object. Thus it is no surprise that IR theory has come so late to the social science theory-fest on the construction of identity and has been so helpless in the face of rampant clashes of culture. Traditional ontological commitments have proved a stumbling block to analysing multiple perspectives and cultural encounters. Post-positivist theories have finally begun to counteract this blind spot of International Relations. The hallmark of such theories is their express realisation that theoretical perspective impacts greatly upon the designation and interpretation of fact. Post-positivist theory is able to question the entrenched assumptions of identity and value and thus gives voice to the silenced and a more responsive answer to moral concerns. Positivist theories have prioritised certain issues and marginalised others, thus excluding many of the questions which are of profound relevance for relations in the international sphere. Zalewski and Enloe explain that the resistance to admitting issues of identity as relevant in the study of IR has actually hampered a sophisticated investigation into key questions:

> The assumption is made that sexual identity or gender identity can have nothing to do with the causation and enactment of war. But although these are just assumptions they do a great deal of work in defining what is and is not relevant to consider. When this ideological commitment is linked with a limited epistemological understanding of the construction of reality, it becomes easy for scholars within international relations to think that such things as the politics of identity can have no real importance to our understanding of the international system.[204]

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Ibid., 297.

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Ibid., 301.

Such assumptions, as we have already discussed, are not only intellectually confining but leave us with few options for a normative policy perspective in the face of frequent separatist violence.

Identity with Difference

The simple step taken by post-positivist scholars in recognising the implication of theoretical contributions in the construction of reality is actually a giant step in terms of its repercussions for social science. Once this step is taken, the road is paved for a deeper understanding of how identities and differences operate in the political sphere. These dynamics have been critically and deeply explored by political philosopher William Connolly in his seminal study *Identity\Difference: Democratic Negotiations of Political Paradox*. Connolly attributes the need for difference as a component of identity to the human problem of responsibility for evil in this world. In the Christian tradition, we have refused to allocate blame to god — therefore finding evil in differences which threaten us. Once god has been exempted, evil can only be located in human agency and those whom we perceive to be non-conforming with the traits of the dominant (moral) identity are evil through responsible choice. This is what Connolly calls the First Problem of Evil. The Second Problem of Evil stems from the development of universal truth so that any idea which questions this universal becomes a profound and intolerable threat. This is "the evil that flows from the attempt to establish security of identity for any individual or group by defining the other that exposes sore spots in one's identity as evil or irrational."[205] Connolly attempts to tease out the features of the dynamic of the second problem of evil in late modern society. Although god is no longer discussed in terms of cultural security, the pattern of ascertaining a responsible human agent for evil remains. This is especially cruel since, "no identity is the true identity because every identity is particular, constructed, and relational."[206] Yet we continue to privilege our own identities as true and capable of purity, and we continue to search for human others upon which to focus the blame, our Nietzschean *resentiment* for the sheer arbitrary helpless contingency of the human condition. Connolly believes that a general perspective, which resists totalitarianism, is possible through a continual resistance to binary oppositions. Although critics of such a postmodern stance claim that any general approach must presuppose truth, Connolly replies that the concept of truth does not necessarily contradict his approach since truth does not have to be singular. "[T]here is no

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[205] William E. Connolly, *Identity\Difference: Democratic Negotiations of a Political Paradox* (Ithaca: Cornell University Press, 1991), 8.

[206] Ibid., 46.

necessity that what must be presupposed as true at one moment must then be validated as unquestionable at the next or that what must be presumed in one gesture is unsusceptible to self-problematization in another....The point is to refuse to curtail thinking in the name of guarding the faith."[207] The recognition that there can be many truths opens the door to a perception of the other which does not fear difference as an existential threat. In fact, as discussed above, difference is absolutely necessary to an identity. "These differences are essential to its being. If they did not coexist as differences, it would not exist in its distinctness and solidity."[208] This requirement of difference is precisely what makes identity such an insecure experience — it is constantly subject to the resistance of others to the categories ascribed to them. Connolly describes the paradox of identity by saying that an identity may only be secured through the repression of otherness, and any recognition of the validity of difference requires the sacrifice of the secure identity.[209] Given the constant presence of difference and ambiguity in the late modern age, any attempt to secure an identity must fail or require tremendous efforts of repression. Connolly's approach resonates as an explanation of the drive to ethnically cleanse territories perceived as national properties. This is the application of the paradox of identity by means of military violence in order to crush difference out of existence. But such attempts to secure a national identity will fail for identity can never be truly secured — not by violence, not by state action, and certainly not by territorial sovereignty. Identity cannot be secured because it requires a constant engagement with the other and a constant mediation with difference. It is the intertwining rather than the opposition of identity and difference which needs to be recognised in politics today. Recognising the need of the self for the definition and understanding provided by the other gives rise to respect — even among those who are at war with each other. The recognition of otherness as valid and necessary, allows for acceptance rather than the need for annihilation. It is the need to annihilate relative truths in favour of a single absolute *real* truth, which still haunts the modernist legacy.

Connolly does not reject the need for or existence of stable social forms. In fact, social institutions form another paradox: humans require common social forms to function, but any kind of social institution requires some subjugation and cruelty. In other words, for every standard of the normal or the common there will be innocent individuals or groups which fall

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  Ibid., 60-61.

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  Ibid., 64.

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  Ibid., 66.

outside of it. But Connolly sees politics as a means of stretching and confronting these gaps and ambiguities, and in his eyes, "a society that enables politics as this ambiguous medium is a good society because it enables the paradox of difference to find expression in public life."[210] The point he also makes is that since it is clear that there is no natural utopian plan for human existence which we must simply discover and implement, the best system we can attempt is a "politics of agonism" which recognises difference and accepts it as valid. The first step in this system is to cease the insistence on harmony, since it tends to produce dogmatic results, and to give up any belief in one's own identity as primordial or deep. Connolly posits that "[i]f I take my identity to be chosen or deep *essentially*, I am likely to take you to share those traits too. There is a powerful pressure to interpret differences in your conduct through the categories of bad faith, false consciousness, innocence, deviation, sickness, and evil."[211] It is precisely this result that he wishes to avoid; but he cannot do so by advocating a singular counter-truth. Connolly's goal for politics is that it become the "medium for the enunciation of suppressed alternatives and the contestation of entrenched commonalities."[212] Thus he does not seek to bring everyone to his own conclusions — it will be enough if there is space in the political realm for the expression of difference. And the political realm which permits multiple interpretations and locations is not one which is "fractured", contrary to contemporary pundits, but rather it is one which more truly protects the freedoms of both individuals and groups.

There is much to be gleaned from Connolly's understandings of the operation of identity formation. The most important lesson perhaps is the need to embrace ambiguity and recognise the validity of different perspectives. In terms of political science research, the prevailing assumptions of the historical stability of national identity must be questioned and the underpinnings exposed. Despite the presentation of a united front, every national identity contains a multiplicity of practices within it. If these multiplicities are teased out and realised, it promotes a politics of awareness and recognition rather than one of exclusion and protection. Although it will be analysed textually in detail in the next chapter, the case of Québec's secessionist agitation will serve as an introduction to the contradictions inherent in the operating concepts of statehood and national identity.

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Ibid., 94.

211

Ibid., 117.

212

Ibid., 121.

Assuming Identity — The Case of Québec

Many who have proposed theories of secession as a right have done so on the assumption that group identities are a valuable good and should be protected when under threat. But what exactly are identities? Certainly they cannot be protected or preserved without some understanding of how they operate. Although they are an inseparable part of each human being, and therefore necessarily bound up in our conceptions of the good, can identities be secured? Is it desirable to do so? Because national (and other) identities are stabilised collectively through shared understandings of particularity and a perceived common past, the security of an identity (whether individual or collective) cannot take place without the control of its history. In other words, we must essentialise a certain history of ourselves or our nation in order to maintain it as an unchanging good. However, the processes involved in making such a (truth) claim give off a distinct odour of totalitarian "cleansing" and the worst excesses of religious zealotry. Such nation-building processes do not allow for contradictory — or even various -- versions of the collective history to flourish. It is this hidden side to the securing of identity that brings an ironic resonance to liberalism's support for the "right" to group identity. How can collective identities be guaranteed? They can only be so if they are assumed to be fixed. This essay is far from an argument for a global assimilationist project. Rather, it seeks to demonstrate the hidden contradictions in the commonly accepted understandings of national identity and the "rights" attached to its maintenance.

In teasing out the arguments of those making claims for a right of cultural preservation, it is revealing to look at a case which is actually made on these assumptions. The fixedness of identity is never overtly discussed, and this is exactly why the arguments seem coherent at first. A prime example is the liberal/political discussion concerning the secessionist movement in Québec. While there has been some popular resistance to the very idea of a secession taking place in wealthy, liberal democratic North America, most liberal theories cannot offer an explanation of why the Québécois should not be able to freely decide to become independent. After all, Québec does have a distinct identity within Canada, and it has a history as a well-defined semi-autonomous province, so why not? Aside from the basic notion of the social contract and consent, the secession of Québec has also been supported on the grounds of self-determination and the right to a cultural identity. Nielsen argues that the case of Québec is very clear: "The society or nation that is Quebec can rightly form a nation-state if it chooses....This comes in this circumstance essentially to majority determination. That decision can be made and

that state formed without violating anyone's rights."[213] In a rather odd conception of rights and majority voting, Nielsen seems to suggest that it is perfectly unproblematic to allow a distinct minority of a state population to secede on the basis of a simple majority vote, thus creating a further minority (made up of those who voted "no" as well as those with a different national identity) in the new state. Apparently, as long as the newly created minorities are protected in their turn, no wrong has been done. According to Nielsen, any other conclusion is "individualism gone mad."[214] One may argue that in the case of Québec the distinctness of the Francophone identity is under such consistent assault from a bombardment of Anglophone culture that any unfairness for the non-Francophones caught up in the new state is overshadowed by the need to give the Québécois identity its chance. One may argue this way and have a point. But Nielsen actually denies any unfairness to anyone at all on the basis of a simple majority vote. This is simple democracy at its — most simple. These arguments clearly imply that the identity of the Québécois is something concrete enough to be physically delineated in the form of a state. Ironically, since he argues on the basis of protecting the distinctness of the Québec identity, Nielsen shows a careless disregard for how identities are made and kept. As Ewin points out in his critique of Nielsen, "[t]he issue of Quebecois secession requires that the Quebecois be considered, not merely as persons, but as a people. What makes them a people means that we cannot simply ignore the history of how they came to be where they are and go ahead and treat the issue as one dealing with Canada as a momentary time-slice."[215] Ewin's point here is that group relations are complex and contextual over time and space, and arguing that there is a *prima facie* right to secession, as Nielsen does, seriously underestimates the importance of this dynamic.

The dangers of a simplified theory which fails to account for the formation of identity came into brutally clear focus in 1995 when the referendum on Québec yielded the extremely close result of 51/49 at the polls.[216] While these numbers perhaps make for a well-balanced parliamentary debate on a matter of civic importance, they are harbingers of doom where national identity and the state are concerned. The obvious counterfactual suggests itself. What

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Kai Nielsen, "Secession: The Case of Quebec," *Journal of Applied Philosophy* 10, no.1 (1993): 30, 29-43.

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Ibid., 30.

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R.E. Ewin, "Peoples and Secession," *Journal of Applied Philosophy* 11, no. 2 (1994):229, 225-231.

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Actually, the results were even closer: 50.58% voted to stay in the Canadian federation, while 49.42% voted for independence.

would have happened if the numbers had been reversed and 51% voted "Oui"? As it stands there are large numbers of disenchanted separatists feeling that their "rights" have been denied. They do not live in the state they would choose. But if the new state had come into being on the basis of a majority vote, would the result have been any more fair? Framing the issue of Québec's secession as a matter of a majority vote silences the voices who have a more nuanced outlook on the matter. The decision is cast as "Yes" or "No", but those who find themselves in these two camps have many reasons for their decision. Those who make a decision not to secede are cast as the outsiders, the non-nationals, those who have no feelings for the culture which is at stake. Even French-speakers who love and respect Québec's unique culture do not belong. The "outsiders" in Québec are actually a plurality of diverse people — not the simple Anglophone obstructionists, but immigrants, businessmen, native Indian tribes, and Francophones who fear disaster. The choice of secession does not allow these identities to flourish with their own validity. Many of these people feel that Québec is their home - but the polarisation of the "inside" or "outside" vote leaves them alienated.

What is really at stake here is not the right of a group to have and maintain an identity. It is the means by which they feel entitled to do so. Why is it that the Québécois — who have many protections against assimilation — feel entitled to a state? Nielsen himself concludes that "states are necessary evils, essential instrumentalities for security and the very possibility of something approximating a commodious life."[217] But this is not a conclusion which should be lightly made. Or, rather, having concluded that states are necessary for the good life, Nielsen should provide an argument supporting his connection between a state and a cultural/national identity. What rights does a state ensure for a national group beyond those they are entitled to as members of a democratic federation? Is the ability to make foreign and defence policy so crucial in this era of transnational interdependencies?

Nielsen continues:

It is indeed true that a people can have a sense of nation without having a nation-state, but what is also true is that this national consciousness, and the identities that go with it are, under modern conditions, only secure when people with these national identities gain control of the conditions of their existence by having the power that goes with having their own state: a state which protects and actively furthers these national aspirations. Multi-cultural or multi-national states have not worked very well.[218]

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[217] Nielsen, "Secession," 30.

[218] Ibid., 32.

Nielsen's assertions place the majority of the world's peoples in a position to feel that their national identities are under threat. It is no slip of the pen that causes Nielsen to associate the need for a national state with modernity. The modern evocation of the territorial sovereign imperative has already been discussed. But instead of accepting this framework as an undeniable given, one which is obvious and immovable, the role of the modern state should be examined closely and critically. Does the state provide the security that we think it does? Furthermore, there is a hidden subtext in this argument which is easy to overlook. People with a sense of national consciousness want the "control" and the "power" that go (or are perceived to go) with a modern state. They will feel insecure if "their state is controlled by foreigners".[219] If this argument ultimately hinges on power and control, it should not be allowed to masquerade as an issue of fundamental human rights. We all have needs as social beings, and these needs require an identity which allows us to feel part of a continuous whole. But how can liberal philosophy sustain the argument that our collective national identities require the exertion of power and control in order to be validated? The important point here is that "power" and "control" are not to be exerted *on* the self, but *by* the self against others. This is the goal of national identities in search of a state because that is the difference that a state border provides — the power to make decisions which affect the "other" by defining and controlling it. When Nielsen argues that a people need control over their own destiny, he neglects to fully parse the implications of that operation. How can a group control its destiny without causing serious ramifications for non-members of the group who happen to be in its path? Indeed, if Québec secedes, the effects will reach far beyond its territorial borders. It is this search for "national" control of destiny which has led to the fiercest territorial conflicts of recent years.

There might be some justification for this perspective if national identities were sharply and irrevocably fixed and determinable, and membership could never be an issue. But such a view would require that nations perceive themselves almost as separate species — unmixable and with permanent objective identifying characteristics. This would remove national identity from the social and place it squarely in the realm of the biological. The reality of the matter is infinitely (and thankfully) more complex than that. Instead, inclusion in national groups is subjective and changeable, and the self-perception of the group as a whole is contingent on the time and space of global social relations. Modern cultures, as Tamir describes, "need not necessarily be the linear continuation of long historical traditions beginning in the rural practices of small, closed communities entrenched in an ethos of the soil. They can be urban, open, and

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Ibid., 33.

democratic, even populistic."[220] Given the multiple options for interpreting a national culture, the criteria for membership are based on choice. The important criteria of membership, then, is not any kind of fixed feature or activity but rather participation in the ongoing practices and interpretations of a particular culture, since "at any given time, different cultural interpretations compete for recognition within each nation. Membership in the cultural community would then be expressed by participating in this debate, rather than by following one specific interpretation."[221] Cultural membership on the basis of participation allows for multiple loyalties and identities which reflect the true possibilities of modern lifestyles. Individuals may identify with the group into which they were born, or associate more closely with one of several cultural groups of which their extended family is made, or feel truly "multicultural" on the individual level. Additionally, a person might "go native" through marriage or business or educational associations. This diversity of valid possibilities allows for a confusing but appealing contingency in the making of the self and the collective. But it also provides a kind of freedom in its very indeterminateness. How free is the individual who resides in a (liberal?) national state where his identity is "protected" in a way which locks him forever into his group? For if we assume that "foreigners" and "outsiders" are a fixed and definite group, then our own national identities as "insiders" are also finite, determinable and limited. How else is the national identity to be protected but by creating constraints on the freedom of its members to leave? In fact, there are social constraints on the freedom of the Francophones of Québec who wish to remain unified with Canada. Their national loyalties — hence their identities as Québécois — are as suspect as the rest of those who voted "Non" on the referendum.

By refusing to allow for the possibility of alternative views from within their ranks, by presenting an independent Québec as the only possible desirable goal, Francophone separatists are creating "outsiders" within and among themselves. This policy creates internal borders and makes foreigners out of those living within the (proposed) state.[222] Such insistence on clear dichotomies of choice rely on what Young calls "difference as otherness", a logic of identity which sees groups as "mutually exclusive, categorically opposed."[223] This logic does not allow

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Tamir, *Liberal Nationalism*, 51.

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Ibid.

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See Roxanne Lynn Doty, "The Double-Writing of Statecraft: Exploring State Responses to Illegal Immigration," *Alternatives* 21 (1996): 171-189.

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Iris Marion Young, "Together in Difference," 158.

for the overlap and mutual constitution of identities, but rather sees them as necessarily opposed. Not only is this a deeply antagonistic perspective, but it is demonstrably incorrect. Identities seep and blend and bounce into and against one another and to view them as impermeable harmfully simplifies a delicately complex and unpredictable process. Thus, "the attempt to demarcate clear and permanent boundaries between things or concepts will always founder on the shifts in context, purpose and experience that change the relationships or the perspectives describing them."[224] The separatist Francophone identity is both dependent on and intermingled with the various other groups of Québec: Anglophones, Native Indians and Immigrants. Further, the Francophone identity itself contains ambiguous members — those who are non-separatist, among others. Instead of the logic of difference as otherness, Young suggests a relational conception of difference in which "a group exists and is defined as a specific group only in social and interactive relation to others," so "Group identity is not a set of objective facts, but the product of experienced meanings."[225] In this sense, group membership is always ambiguous and never capable of absolute definition. This is not to say that there are no recognisable social groups, or that group identity is not a necessary aspect of individual and collective existence. Young describes the positive aspects of separatism as calling attention to the particularities of the dominant group and forcing them to confront their own supposed cultural neutrality. It also provides a disadvantaged group with a focal point for political solidarity, giving it increased ability to achieve steps toward relief from oppressive policies. However, ultimately, separatist politics depend upon an exclusivist logic of identity — one which attempts to surround and secure a "pure" identity — and must result in a continued cycle of absolutist rather than compromising politics.

Identity politics, and especially those of separatism, hinge on the ability to control one's history. As Friedman acutely points out, since "history is the discourse of identity, the question of who 'owns' or appropriates the past is a question of who is able to identify him- or herself and the other at any given time and place."[226] Thus the question in Québec hinges on how the different groups perceive both themselves and the members of the other group(s) in historical context. The separatist identity clings to a concept of Frenchness based on descent from the

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Ibid., 159.

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Ibid., 161.

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Jonathan Friedman, "The Past in the Future: History and the Politics of Identity," *American Anthropologist* 94, no. 4 (1992): 854, 837-859.

French settlers of the seventeenth century. The domineering policies of the British after wresting control of the colony from France in the eighteenth century provoked a nationalist rebellion as early as 1837 which was suppressed. French Canadians, then, draw on a history of alienation and repression in the constitution of their identity which is formed in opposition to the concept of the English and Englishness. In fact, the French Canadians and Anglo Canadians of today are distinctly different from their continental cousins across the Atlantic. Canadians of both cultural groups have developed in relation to one another such that the Francophones would not be who they are without their history of living on a primarily Anglophone continent, and the Anglophones are distinctly different from their British counterparts who have lived without the experience of more than two centuries with a strong internal Francophone minority. Indeed, it would be difficult to identify the French of the early Québec period as French at all. When Papineau led his rebellion in 1837, thus reflecting a developed sense of "national" identity in Québec, the unity of the European French identity was itself highly questionable. It was not until after the Revolution that the state of disunity of the French identity became clear, and the leaders began to implement educational changes to eliminate the variety of patois and local customs which had caused many in the south of the country to see the French as foreigners. "If one's home happened to be in the south, then one could get to France by travelling toward Loire and Seine."[227] Even in the mid-nineteenth century, there were still an impressive number of citizens who did not speak French: 24 out of the 89 departments contained a majority of communes which were not French-speaking. In fact, many Frenchmen "did not know that they belonged together until the long didactic campaigns of the later nineteenth century told them they did, and their own experience as conditions changed told them that this made sense."[228] So what becomes of the precious and threatened "Frenchness" of the Québécois? If modern France was not even recognisable as a nation to its inhabitants until the early part of the twentieth century, what is the source of the historic identity of the Francophone Canadians? It is just that — they are Canadians as well as Francophones. The development of contemporary Québécois identity cannot be divorced from its history on the North American continent — including the history of contentious relations with the British Empire and Anglophone Federalist government. In attempting to preserve their identities as *separate* rather than *different*, the secessionists in

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Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914* (Stanford: Stanford University Press, 1976), 98. Weber explains that in patois a river did not have the definite article because it was treated as a person, hence "toward Loire and Seine", 93.

228

Ibid., 113.

Québec (and in general) deny the debt they owe to others (Anglophones, immigrants and native Americans) for the identity which they wish to keep "pure". By denying the contribution of the other, separatist identities thus deny a part of themselves.

In the next chapter, I will analyse the textual narratives of secessionist groups in an attempt to expose the mechanisms used in unifying identities as part of the justification for separation from the other. This analysis of the performativity of language in the creation of identity relations is a necessary illustration of the relevance of the above discussion of territoriality and identity in the secessionist imperative.

Chapter 5.

SECESSIONIST PERFORMANCES

Having exposed the contradictory imperatives of territorialisation and stabilisation of homogeneous identity groups, I will now examine the social expression of these conflicting norms as found in the narratives generated by the leaders of secessionist movements. Textual analysis shows the extent to which secessionists take their identities not only as historically but as territorially circumscribed, and confirms that they perceive agitation for a separate sovereign state to be the only means of maintaining that identity for the future. This chapter will explore in detail the secessionist narratives of three contemporary separatist movements: Québec, Padania, and Hawai`i. The point of this textual combing is to call into question the assumptions upon which secessionist claims are based and to reveal the linguistic processes of the politicisation (institutionalisation and materialisation) of identity which all such claims must involve. That is, secessionist narratives employ reiterated accounts of relational identity formations which operate to solidify the social and cultural boundaries of the secessionist group against Others and to frame the State as the only plausible institutional (territorial) manifestation of these boundaries. It is crucial to note that these analyses are not meant to be an exercise in the comparative approach. The examples were chosen for ease of access and current application; the choice is acknowledged to be accidental and thus should not be taken as an indication that these cases belong together as examples of single or contrasting categories within secessionist narrative literature. The singular common feature of these three cases is simply that they maintain an ultimate goal of sovereign independence. It is hoped that careful reading of these secessionist stories will highlight the process of the linguistic performance of secessionist politics—how the histories of the relevant group identities are created and validated through narrative as political

necessities. What this chapter definitively does *not* attempt is an analysis in search of causal patterns for secessionist activity. Such approaches have already been attempted and they rely on assumptions which directly contradict those of this thesis[229]. Specifically, a broad comparative approach assumes that there are ahistorical and acultural patterns to political behaviour which can be discerned if the sampling is wide enough and deep enough. Under this approach, no attempt is made to distinguish historical revolutions from modern guerrilla or terrorist warfare, or to understand secession as a historically dependent phenomenon. In direct contradiction, this thesis maintains that secession can only be understood as a by-product of the modern territorialist state system and that it must be historicised in order to be explained and in order for its effects to be dealt with meaningfully.

Constituting Nationalism

The analysis of secessionist texts in this chapter will show that the fruits of the modern territorialist assumption are exclusivist and violent. By definition, secessionists attempt to create a state based on a single identity group. These are not neutral or universalist political movements with open arms for all who wish to join. They are specifically aimed at defining and protecting an "inside" group, and no matter how loudly they proclaim that they will protect minorities and remain open to naturalised citizenship the very basis of their claim to statehood is national identity rather than political freedom. Even before the secessionist state materialises, its very purpose calls into question critical issues of civil and human rights. The nationalist foundations of such states are described by Robert Hayden as *constitutional nationalism*, in which states are created with "a constitutional and legal structure that privileges the members of one ethnically defined nation over other residents".[230] As Hayden explains, this structure does not necessarily result in overt discrimination, rather it is based on a vision of the state as the embodiment of self-determination for a particular nation, and thus the sovereignty of the state resides with the members of that nation and no one else. While Hayden takes the new republics of the Former Yugoslavia as his example, his description also applies to secessionist movements generally since they are based on obtaining sovereignty for a specifically defined national identity group and not an identity-neutral body of citizens. Additionally, as will become clear below, the language Hayden discusses from the constitutions of the former Yugoslav republics strongly

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[229]

See Viva Ona Bartkus, *The Dynamic of Secession* (Cambridge: Cambridge University Press, 1999).

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Robert M. Hayden, "Constitutional Nationalism in the Former Yugoslav Republics," *Slavic Review* 51, no. 4(1992): 655, 654-673.

resembles that of other secessionist texts. For example, the preliminary section of the Croatian constitution mentions as "Basic Sources" the "thousand year national independence and state continuity of the Croatian nation" and the "historical right of the Croatian nation to full state sovereignty".[231] The same document continues, asserting that Croatia is "established as the national state of the Croatian nation and the state of the members of other nations and minorities that live within it."[232] While such language does not seem at odds with the tenets of a liberal democratic state, it actually enshrines the principles of ethnic nationalism into the state's founding document. Hayden further clarifies that "Croatian nation" in this context has an ethnic rather than a political meaning in the native tongue. He also discusses similar relevant passages in the constitutions of Slovenia, Serbia and Bosnia-Herzegovina, but his most important point is the conclusion that European democracy and the principle of self-determination are incompatible.

The tragedy of Yugoslavia, as Hayden explains, was that the chauvinist politics of the seceding republics were accepted as democratic by Europe and the United States on the basis of the principle of self-determination. But failing to recognise the inherent contradiction between democracy and national self-determination as a political ideology can only lead to the continued agitation of separatist groups with exclusionist (cleansing) tendencies. Self-determination in the constitutional nationalism sense is not the neutral guarantee of political freedom referred to in United Nations declarations and covenants. It "establishes and attempts to protect the construction of a nation as a bounded unity: a sovereign being with its own defining language, culture and perhaps 'biological essence,' the uniqueness of which must be defended at any cost."[233] This kind of uniqueness is not the harmless neutrality of open citizenship, but rather the harbinger of institutionalised racism and the repression of free expression of identity. As one example, Hayden points to the citizenship laws enacted in the former Yugoslav republics which grant special rights to ethnic members of the nation who are non-resident, effectively giving them citizenship by virtue of ethnic heritage alone. These laws are accompanied by exceptionally rigid naturalisation laws for non-national residents (some of whom have long

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231

Ibid., 657.

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Ibid.

233

Ibid., 663.

resided in the country) who wish to become citizens.[234] Furthermore, the cloak of democratic rhetoric undercuts any protest by minority groups since their grievances will be viewed as traitorous in an institutional setting where all are purported to be equal. The result is that "Constitutional nationalism therefore builds a massive structural flaw into the polity that it is meant to define, since the permanent exclusion of minorities will likely make them at best indifferent and at worst hostile to the state."[235] Ironically, the states which are founded by national secessionist groups are likely to engender further secessionist agitation from their own minorities who have been defined outside of the sovereign nation.

Secessionist activities, then, tend to generate further political separatism since they are based on two incompatible principles of international law: the concepts of national self-determination and the sanctity of state territorial boundaries. Because national self-determination involves a continual process of discrimination between members and non-members, it always contains within itself the seeds of its own destruction. By defining its territorial sovereignty on the basis of the sovereignty of the people who are members of a specific nation, constitutional nationalism — and, by definition, secessionist movements — deny equality to people who are not members of the sovereign nation. The results can only be further unrest by groups who have been "minoritised" by this excluding process. Also, since the international political model remains one in which territorial states are the only legitimate actors, any organised alienated groups will logically seek the goal of an independent territorial state for themselves. It is no simple coincidence, then, that each of the secessionist cases analysed below contains the germ of further agitation from internal groups which will become *minoritised* if the movements succeed.

Language, Action, Politics

Before the introduction of particular secessionist texts, it is important to clarify the impact of narrative itself as a political act. Regardless of the many forms in which they may be told, the historical narratives of national groups have powerful effects upon both the tellers and the listeners. Secessionist leaders exert a kind of power in their telling of the nation. As Michael Toolan puts it:

> narrators are typically *trusted* by their addressees. In seeking and being granted rights to a lengthy verbal contribution...narrators assert their authority to tell, to

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[234]

Ibid., 666-667.

[235]

Ibid., 669.

take up the role of knower, or entertainer, or producer, in relation to the addressees' adopted role of learner or consumer. To narrate is to make a bid for a kind of power.[236]

Secessionist leaders exert authority as narrators of the nation, telling the stories which create the national identity as distinctive and worthy of statehood. Secessionist stories, then, tell the past as distinctive and glorious, and foretell the future as one of sovereign independence. In the cases below the addressees are primarily those who will be included within the identity-generating narrative, but they are also those who will become marginalised as outsiders within the secessionist state. Stories of nationality explicitly claim the authority to draw boundaries around social groups. They both unify and divide as they provide historical criteria for the inclusion of some and the exclusion of others from the national group. Such narratives constitute acts of power. They "act upon people" in two ways: "either by informing them and so modifying their perceptions or by defining them and so modifying the ways in which they are perceived by others."[237] These two effects are of course inter-related in the sense that one may have one's own perceptions modified at the same time that others perceive a modified view of oneself. Secessionist narratives operate in exactly this way — telling stories of the tragedy of a separate people who will finally triumph when they achieve sovereign statehood. At the same time, the texts define the membership of a seceding group and by implication create a category of all others as *not* of that group. Thus secessionist narratives exert great power and can be seen as *acts* which have political effects.

As J.G.A. Pocock describes in his discussion of speech as political act, no one's speech is strictly her own. Because language is so contextual and institutionalised, no statement has a completely pure meaning. Further, no statement is purely attributable to its author. Our language, both in utterance and understanding, is made up of words which have been formed "by sedimentation and institutionalization of the utterances performed by others whose identities and intentions may no longer be precisely known."[238] Our words, then, are only "borrowed" from countless others who have used and contributed to their meaning in the past. Language acts 'have been preinstitutionalized; they must be performed by institutionalized means....[I]nstitutionalization makes my language available to the person to or about whom I

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Michael J. Toolan, *Narrative: A Critical Linguistic Introduction* (London: Routledge, 1988), 3.

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J.G.A. Pocock, "Verbalizing a Political Act: Towards a Politics of Speech," in *Language and Politics*, ed. Michael Shapiro (Oxford: Blackwell, 1984), 28.

238

Ibid., 31.

speak for purposes of reply and refutation; he can, as we put it, answer me in my terms."[239] The application of this theory to the secessionist situation indicates the extent to which secessionists are both impelled and limited by the institutionalised setting in which they exist. If they wish to be recognised as possessing a valid identity, secessionists must speak in terms of sovereignty and the nation-state. The international sphere is one of sovereignty, democracy, territorial states and national self-determination. Each of these words has an ambiguous and intersubjective meaning which has come to limit the way in which a people may perceive itself and be perceived. In the institutionalised practice of the international sphere, a distinct people has only two choices: that of being a sovereign nation with a territory or that of remaining a "minority" within a sovereign state.[240] Given the starkness of these options, it is not surprising that despite their ambiguity, terms such as sovereignty and self-determination are understood by secessionists in their most absolute sense.

The performativity of speech must be understood as a two-directional action. According to Pocock, the intersubjectivity of language determines that there can never be an act of self-definition which is entirely pure. Identities can only be located by reference to others. Charles Taylor calls this a crucial feature of the self: "One is a self only among other selves. A self can never be described without reference to those who surround it."[241] This is critical to our understanding of the politics of self-determination.

> Now clearly [a nation] cannot say 'we' without redistributing a number of other human beings among the categories 'we', 'you', and 'they'. To do this to people can have very considerable consequences for them....Liberation, even, that image of such potency in the contemporary sensibility, involves an act of power over others: a speech-act by which I define myself is performed in another's universe and redefines him as well as me.[242]

Self-determination must also involve *other-determination* and thus constitutes an attack on the others' political understanding of themselves. This is not to argue that social boundaries and identity definition are harmful in general, but rather that institutionalising these boundaries within the territorial sovereignty of the state perpetuates the politics of identification by

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Ibid.

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I place quotation marks around the word minority because the term is only relevant as long as international practices continue to identify states with national groups.

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Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989), 35.

242

Pocock, "Verbalizing a Political Act," 39.

exclusion rather than by encounter with the Other. Secessionist groups, then, do not only cause a redefinition of the boundaries of the parent state, but of the social boundaries of the rest of the world. When Croatia and Slovenia seceded from Yugoslavia, they redefined themselves as national groups with international standing, and the rest of the international community was redefined as one which contained the actors "Croatia" and "Slovenia". Furthermore, the national identities now permissible were redefined from those of a world in which "Croatian and Slovenian" were subsumed under "Yugoslavian" (and the rest of the world could claim a non-Yugoslavian identity), to one in which non-Yugoslavian-ness did not rule out the possibility of being Croatian or Slovenian (and the rest of the world had to rethink itself as not just non-Yugoslavian, but also non-Croatian and non-Slovenian). And all this in just the simplest terms, excluding all the difficulties of re-definition for the many members of non-national groups within the newly defined areas.

Performing the Nation

Identities are necessary to all of us, so why should secessionist identity performative narratives pose any problem? Even while secessionist narrators assert their authority to tell us of their nation's history and cause, we (the non-secessionist listeners) also exert authority in our willingness to believe (or not) the validity of the narrative. Toolan concludes that "the ultimate authority for ratifying a text as a narrative rests not with the teller but with the perceiver/addressee."[243] However even if the text is recognised as a valid narrative, there is a further act of recognition which the addressee must grant a secessionist narrative — the recognition of the moral point of the narrative — that the national identity which the secessionists assert deserves sovereign statehood. This is the crucial distinction between narrative and non-narrative accounts, as Hayden White argues. Narrative necessarily refers to and creates a normative context for the subject. Thus, narrativity "is intimately related to, if not a function of, the impulse to moralize reality, that is, to identify it with the social system that is the source of any morality that we can imagine."[244] Secessionists do not write historical narratives for entertainment, they write them to create moral authority for their claims to a separate state. It is in this way that these texts are *performative*: they are discursive practices

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Toolan, *Narrative*, 8.

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Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: The Johns Hopkins University Press, 1987), 14.

which produce the effects which they name.[245] By continually asserting the terms of their identity, secessionists perform that identity. These performances become more meaningful and more authoritative to the extent that they are repeated and compelled. As Judith Butler explains: "Performativity is thus not a singular 'act,' for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition."[246] Repeated identity performances, then, have the cumulative effect of normalising their own assertions. The less we question these norms (i.e., the more hidden their performativity), the more successful they become at achieving authority as natural or ideal. This establishes a critical link between performative speech and norms which must be kept in mind while attempting to reveal the concealed processes which produce political conventionality. As Cynthia Weber explains:

> Key to understanding the difference between performance and performativity is their connection to normativity, understood as the ongoing citational processes whereby 'regular subjects' and 'standards of normality' are discursively co-constituted to give the effect that both are natural rather than cultural constructs.[247]

Normativity is the paradoxical element in the performative act, however. It provides both the end and the beginning. The performative subject cannot be engaged in the citation of norms without being herself created by them. Neither can these norms be resisted or re-articulated except by a subject which has been produced by the norms. This constitutive circle is what Butler calls "The paradox of subjectivation". Where does this leave the reader of secessionist narratives? The task here is both to reveal and to question the extent to which norms of national identity have been essentialised through authoritative performances. In revealing the underpinnings of secessionist identity performances, we must remember that the ideals which secessionists strive to authorise have arisen from the political norms of the current international system. In this sense, we are all implicated in the identity performances of others, even while we reiterate the performances which legitimate ourselves.

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Judith Butler, *Bodies That Matter: On the Discursive Limits of Sex* (London: Routledge, 1993), 13.

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Ibid., 12.

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Cynthia Weber, "Performative States," *Millennium: Journal of International Studies* 27, no. 1 (1998): 81, 77-95.

An Act Respecting the Future of Québec

On October 30, 1995, the government of the Canadian province of Québec held a province-wide referendum on the question of secession. The word "secession" was not mentioned, rather the question was posed as one of sovereignty under the terms of a Bill, called Bill 1, An Act Respecting the Future of Québec. The Bill, subtitled as "Declaration of Sovereignty", included a preamble, a text and an appendix discussing the schedule of political separation under the terms of the June 12, 1995 agreement among the three secessionist parties. The effect of a "yes" vote on the Bill would have committed the government of Québec to attempt to negotiate a treaty of economic and political partnership with Canada. One year after such negotiations would have begun, the Québec government would have had a mandate to declare Québec's sovereignty, either under the terms of the partnership treaty or after having determined that the negotiations had failed. As is now well-known, the 1995 vote ended with the narrowest of margins in favour of rejecting sovereignty. Nevertheless, the text of Bill 1 provides an excellent example of a secessionist narrative identity performance.

The Preamble of Bill 1 consists of about two and a half pages of the reasons why Québec is a nation and why it should be sovereign; the passage ends in a declaration of sovereignty. The Preamble is the stuff of great drama — narrated like a Greek tragedy, it contains a monologue of the history of the people, interspersed with songlike choral interludes. It begins:

I. *The time has come to reap the fields of history. The time has come at last to harvest what has been sown for us by four hundred years of men and women and courage, rooted in the soil and now returned to it. The time has come for us, tomorrow's ancestors, to make ready for our descendants harvests that are worthy of the labours of the past. May our toil be worthy of them, may they gather us together at last.*[248]

This opening paragraph provides a clear set of clues about the assumptions and goals of the Bill's supporters. It is heavy with territorial import. The agricultural metaphor of toil, sowing, harvest and reaping creates a strong tie between the Québécois and the territory of Québec. Moreover, there is an element of obligation implied in the references to the ancestors who have laboured so hard for four hundred years. It is the honourable choice, the words imply, to vote yes and bring to a culmination all the work of the "ancestors". In fact, this preamble speaks only to the national group of Francophones and excludes both immigrants and English-speakers, whose ancestors have not "toiled" for independence.

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Bill 1 *An Act Respecting the Future of Québec* (Introduction Québec Official Publisher 1995).

After this opening chorus, the Preamble continues to further describe the group for whom the referendum is specifically designed. They are "the pioneers" who had "come from a great civilization" and who "maintained the heritage of France". Despite the "conquest" of 1760, the determination of these pioneers' descendants to "remain faithful to a destiny unique in North America" continued. "Neither attempts at assimilation nor the Act of Union of 1840 could break their endurance." These passages cement an image of the heroes of the narrative: the gritty, tough hard-working settlers who fought to keep their French identity, despite deliberate assaults on their very Frenchness. This version of Québec history establishes a record of protest against domination, of the constant struggle not to succumb to the temptations of Englishness, no matter what the cost. It describes a clash of cultures in which an embattled minority of French speakers emerges victorious. To give the (un-named) authors some credit, they do acknowledge a debt to non-French peoples: "the First Nations" who further "enriched" their great civilization, the English community "that grew up at their side", and the immigrants "all have contributed to forming this people which became in 1867 one of the two founders of the Canadian federation." But if the native peoples, the English, and the immigrants did indeed contribute to the formation of the Québec people then why is the narration of Québec's history one which excludes their stories?

The Preamble continues with a series of points justifying the right of the people of Québec to choose their future. "Because the heart of this land beats in French" — the words resonate. "Because we inhabit territories delimited by our ancestors", and "because for four hundred years we have cleared, ploughed, paced, surveyed, dug, fished, built, started anew, discussed, protected, and loved this land that is cut across and watered by the St. Lawrence River." The insistence on four hundred years of history persists in excluding all who do not spring from the loins of the first French pioneers. Here is the performative "We" in clear relief — the "We" which enacts and creates the Québécois norm. The many histories, longer and shorter than four centuries, which went into — which were crucial to — the making of today's Québec are nullified in this text. The description of the nature of the land and the work done on it shows a staggering deafness to the history and rights of the tribes of the "First Nations". In the story told by this Preamble, the land simply had no existence before the pioneers came and called it "Québec". At most, the narrative allows that the natives and the non-French-speaking peoples can claim to have "contributed" to the making of the nation — a helpful, but not formative role. Meanwhile, those who can comfortably belong to this specific French "We" are exhorted by "the legacy of the struggles and courage of the past" to "take charge of [their] own destiny."

Interestingly, the Preamble's attempts to include "all those men and women who inhabit it" among the people of the land of Québec are fraught with contradiction. The non-Francophones are those who currently feel most threatened by the prospect of an independent Québec. They perceive their interests in self-expression to lie in a multi-cultural Canada rather than in a French nation which promises to uphold their rights. They also perceive their legal status to be at risk from a change of state governance. More specifically, the native peoples are parties to a treaty with the Federal Government of Canada respecting their rights and usage of reservation lands. This treaty covers a very large portion of the northern half of Québec's provincial territory. A secession by the province, the native peoples have warned, would be regarded as a unilateral (and therefore void) change in the terms of the treaty and would not be valid in their eyes. They would, moreover, claim a secession of their own in order to maintain control over their lands. In the referendum on this Bill which took place in October 1995, the English speakers and immigrant population, about 18 to 20% of Québec's total, voted solidly "no". These people were not convinced by the story of the Preamble — the story which excluded them and spoke to a particular national group, privileging it in the founding document of the proposed state. The story the Preamble tells, of an obligation to claim sovereignty over the land because "it is this land alone that represents our pride and the source of our strength, our sole opportunity to express ourselves" is a story which performs a particular subject. The people who claim "our pride", "our strength" and "our sole opportunity" for expression, are the "descendants" only of the French. They are the people whose Frenchness has been a baton passed by each generation, who feel that their very selves are imperiled unless they can be guaranteed the normative materialisation of a sovereign (French) state. The language of self-preservation and expression in the Preamble speaks only to Francophones. It is only they who feel so fiercely the connection between their cultural preservation and a secessionist state. Native peoples, immigrants, and English-speakers, by contrast, cannot identify with the embattled metaphor since their identities are not tied to the story of a French cultural struggle. In fact, these non-French identities fare far better in multi-cultural Federal Canada where they are subsumed in a plurality of identities, and where the state is no longer overtly linked to a particular (sub-federal) national identity.

The Preamble's second chorus sings:

II. *We know the winter in our souls. We know its blustery days, its solitude, its false eternity and its apparent deaths. We know what it is to be bitten by the winter cold.*

Here seasonal metaphors set the tone for a passage which discusses the difficult times in the history of the Québec people. The images of winter, blustery cold and "apparent death" narrate

the hopelessness and despair of the Québécois, of their thwarted dreams and aspirations to build their own sovereign nation. The story then takes a turn with the entry of Québec into the federation with Anglo-Canada "on the faith of a promise of equality" and "respect for our authority in certain matters that to us are vital." This description of the province entering willingly into a federative union misleadingly implies that it had a choice. The territory of Québec as a colony had been lost by France in a war with Britain. Thence it became a British territory to be governed as Britain saw fit, which eventually included unifying it with the rest of Canada as one administrative unit. The French-speaking province wished from the beginning to be recognised as "distinct" and vociferously withstood all attempts at assimilation. Although current Federal policies of bilingualism privilege Francophones beyond the proportion of their numbers within the Federation, they continue to long for a status beyond that of one culture among a multitude. They wish to be recognised as "unique", a "distinct society" and an autonomous national group. At this point, the Preamble introduces Anglo-Canada as the villain and paints a tale of betrayal: the arrangements within the Federation "did not live up to those early hopes. The Canadian State contravened the federative pact, by invading in a thousand ways areas in which we are autonomous". Attributing a unitary motive of trickery and deceit to the Federal government, the Preamble declares, "We were hoodwinked in 1982 when the governments and Canada and the English-speaking provinces made changes to the Constitution, in depth and to our detriment, in defiance of the categorical opposition of our National Assembly." These words maintain an assumption of bad faith on the part of "English-speaking" Canada which narrates a conflictual relationship between Francophone and Anglophone, making it likely to become a performative one. This belies the previous assurances of welcome given to the Anglophone minority of Québec. There can be no clearer statement of othering than that of *We were hoodwinked* by *Them*, the English-speaking provinces. Although the writers and supporters of Bill 1 clearly have no wish to alienate their own non-French minorities, they also cannot refrain from narrating Québec the way they see it — the way which involves an oppressed nation struggling to break free of the cultural chains of the Federalist state. For Québec, anything but total independence is an insult to its greatness. The other stories tied to the history of this province cannot be told without marring the purity of the movement for the liberation of the French "Us". The story told by the Québécois is one in which the very presence of the province in an English-speaking country is one of constant threat. Thus, the *We* "reached a decision never again to restrict [themselves] to mere survival but from this time on to build upon [their] difference". And this difference cannot flourish in a plurality but must have the freedom to be pure: "Because we have the deep-seated conviction that continuing within Canada

would be tantamount to condemning ourselves to languish and to debasing our very identity." The identity performativity of these words produces profound social divides. These words act upon the people of Québec to create two groups: those who are the "We" of French pioneer ancestry and who therefore *must* vote for independence as an act of self-preservation, and those who are the "Them" of Canada, of plurality, of multiculturalism, who will be excluded from this story of Québec no matter what they vote for. By producing the identities which it describes, such identity performative language serves to create and perpetuate social fault lines which are not easily repaired. These groups will remain at odds in Québec for as long as the issue of secession continues to be active, and would certainly not quietly assimilate within an independent state.

The third and final choral interlude of the Preamble reads:

III. *For the men and women of this country who are the warp and weft of it and its erosion, for those of tomorrow whose growth we are now witnessing, to be comes before to have. And this principle lies at the very heart of our endeavour.*

Images of woven fabric and of present and future set the tone here for a segment which elucidates the characteristics which will make the new nation great. It will be the very expression of the identity of the Québec people, an existential necessity regardless of the economic cost. "To be comes before to have". Contextually, this passage could only imply that *being* cannot be expressed in any way other than through a fully independent state.

The Preamble continues with a section about the distinctness of French language and culture. "In order that the profound sense of belonging to a distinct people be now and for all time the very bastion of our identity, we proclaim our will to live in a French-language society." The recurring phrase "distinct people" and its dependence on French language and culture reveals assumptions about the nature of the identity cherished by the Québécois. It is an identity which is seen as identifiable (distinct) and therefore as pure. The ferocity of the *will to be French* evinced in this document stems from a shared feeling that Frenchness is something definite, recognisable, fixed, and therefore capable of being adopted as a political agenda. Why else would there be a desperate need for a state? The assumption of the supporters of Bill 1 is that Frenchness is necessary for the identity of the Québec people, and that political sovereignty is necessary to guarantee Frenchness. This is a hidden — but nonetheless clearly present — statement of constitutional nationalism along the lines of those indicated earlier by Hayden.

Interestingly, the need to acknowledge the presence of non-French people in Québec surfaces immediately following the strong declaration of the need for a French identity. But again, the non-French elements of Québec are relegated to the place of attractive side dish,

definitely not part of the main course. The non-French peoples are described as "varied and new contributions" through which "our culture takes on fresh colour and amplitude." This is not an acknowledgement that modern Québec's identity is produced through continued contact and mutual absorption of various cultures, it is a statement of toleration under the wing of the French Québec nation. Thus the purity of Frenchness is preserved, and also enlivened, through contact but not mingling with other cultures. The Québécois see that "It is essential that *we* welcome *them* in such a way that never will these differences be seen as threats or as reasons for intolerance."[249] The non-French cultures are to be made "welcome" — they will be guests, tolerated — part of the state of Québec, but not part of its special Frenchness. Although the nature of the state envisioned by Bill 1 is that of a liberal democracy, it is a mistake to see it (and indeed, liberal democracies in general) as automatically culturally neutral. The whole raison d'être for an independent Québec is one of nationalism and identity. And although the rights of the English-speaking community "will be maintained" and also the rights of the First Nations will be "safeguarded", that does not erase the fact that the state which will be in charge of the maintaining and safeguarding them will be one which has an official national identity of Frenchness. This identity is actually mandated under the terms of the Bill in the section entitled *The New Constitution*. Clause 7 reads: "The new constitution shall state that Québec is a French-speaking country and shall impose upon the Government the obligation of protecting Québec culture and ensuring its development." Institutionalising the protection of a national culture in the state's constitution is the hallmark of a nationalist state.

One year after the 1995 referendum, the former leader of the Parti Québécois, Jacques Parizeau, contributed several articles to the newspaper *Le Devoir*. These were translated and published in Toronto by *The Globe and Mail*. In these articles, the secessionist leader clarifies his post-referendum stance and his continued insistence on a vision of a sovereign Québec in the future. In a piece poignantly titled "Who Are We? Where Are We Going?", Parizeau reiterates that "We" the people of Québec must have sovereignty: "Québec's sovereignty appears to me necessary for the Québec nation. It must be responsible for itself."[250] Defining it as a simple equation of rights and interests, he states: "Defending one's interests, promoting them, isn't just an option, it's absolutely natural." But Parizeau deliberately simplifies the complex question of *whose* interests and *how* they are to be determined. With the clarity of a purist, he sees the social

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Emphasis added.

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Jacques Parizeau, "Who Are We? Where Are We Going?", trans. P. Van de Wille, *The (Toronto) Globe And Mail*, 30 October 1996.

conflict as normal and acceptable. The behaviour of those who voted against secession is "perfectly comprehensible. They prefer to remain part of the Canadian majority rather than becoming a minority in Québec. Their interests dictate this attitude." There is nothing to condemn them for, *their* interests are not *our* interests — the *We*, the French. For Parizeau this is acceptable, because the *We* will prevail and the referendum will finally be won: "Afterwards, they will adapt." Thus with stunning simplicity, the foundations of the secessionist standpoint are laid bare. The *Us* of the nation must have sovereignty in order to preserve our fixed and definable identity. Others who are not of this identity may contribute to the life of the nation as long as they choose to also preserve and adapt to it. Any other non-national groups will be allowed to continue as institutionalised minorities with special "protections". However, the identity of "The Nation" will be enshrined in the state.

Parizeau himself answers the question of what is the Québécois nation with the response: "It is constituted essentially of Francophones (whatever their origin), sharing a culture unique to them." That is, anyone may be a Quebecker — as long as she speaks French, and joins in the French Québec culture. As for those other elements of the society, the native groups and English speakers, "once sovereignty is achieved they should, at their own pace, integrate themselves into the Québécois nation." The irony of this sentiment seems completely to have escaped Parizeau, who writes it with all apparent seriousness. The Québécois must not be assimilated into English-speaking Canada — this is an insult to their very identity, yet English-speaking Canadians should, in order to be Quebeckers, assimilate into French-speaking Québec. This is natural. Having writhed under the cultural constraints of bilingual Canadian federalism, the Francophone leader feels no compunction about advising the members of Québec's minorities to capitulate. He might as well have included the sentiment that French culture is superior to any of the others and therefore more worthy of being assimilated into. Of course, Parizeau himself does not see it as a question of exclusivity, but of open welcome to membership in the Québec culture: "We need to be responsible for ourselves. There is nothing racist or xenophobic in saying it: A Quebecker is whoever wants to be one. Case closed!"[251] What he does not allow for is the possibility that many people wish to be both Quebeckers and Canadians, or Quebeckers and Native Americans, or Quebeckers and representatives of various immigrant groups. The secessionist view of national culture is an absolutist one — you may be either "in" or "out" on the terms with which the secessionists have defined the nation.

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Jacques Parizeau, "The objective is sovereignty, not partnership," trans. P. Van de Wille, *The (Toronto) Globe and Mail*, 19 December 1996.

This analysis does not presuppose malicious intent upon the drafters of any particular secessionist text. Rather, these texts are the logical outcome of a political ontology of national being which blindly impels an exclusivist ideology towards disastrously conflictual results. These texts show that the Pandora's Box of secessionism is actually more like a Russian doll. Having been denied a fulfilling sense of recognition for their identities, secessionists feel the need, in turn, to create pure political spaces for themselves where their identities may be sheltered and protected. This constitutional nationalism, in turn, threatens the identities of members of non-national groups — many of whom have made their home in the country for centuries, if not actually indigenous. The driving forces behind secessionist movements which enable them to succeed in the difficult goal of state creation are invariably nationalist. If a people do not feel the ties of a common identity, no matter how recently constructed (or reconstructed), they will not be willing to suffer the difficulties and uncertainties of creating a new state. This is especially the case now when global economic interdependence has greatly increased the possibilities for regional prosperity based on global markets. This dynamic will be illustrated most clearly in the next set of narratives.

The Northern League

The activities of the Northern League (*Lega Nord*) of Italy represent an interesting blend of radical secessionism and practical politicking. The Northern League itself is both a political party with a respectable presence in the Italian parliament and a political movement for independence for the North of Italy. The thirteen regions of the North have been given the national name "Padania" after the god of the Po River which runs through the area. Padania has a flag (a green Celtic star on a white background) and a national symbol (a medieval warrior with sword raised — commemorating the struggles of the North Italian communes for self-rule in the 12th and 13th centuries). There is a parliament of Padania which has 200 members elected from a field of 1,175 candidates. Identification cards and currency have been designed, but are not in general use. These activities are largely due to the efforts and motivation of one man, Umberto Bossi, the founder of *Lega Nord*. Tapping into the economic frustration of heavily taxed businessmen of the North, Bossi attacked Rome both with pleas for a federalist structure in which the North would have autonomy and with threats of secession if this did not occur. The political activities of the Northern League in Rome's parliament carry a high percentage of local support. However, support for secession is calculated at a maximum of 20%.[252] Despite having

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Alexander Stille, "The Fall of Rome?" *George*, September 1997, 102-108.

been coy about the possibility of secession in his speeches to the Italian Chamber of Deputies in Rome, Bossi took steps to set up a government for Padania. He announced the approval (by the Constituent Assembly of the Regions of the North) of a provisional "Constitution of the North" on 24 March 1996. On 4 May 1996, the Parliament of the North changed its name to the Parliament of Padania, and began the business of forming a government of Padania. Eight days later, the Padanian Parliament chose its first Prime Minister, Giancarlo Pagliarini, and appointed a Committee for the Liberation of Padania. On 15 September 1996, a ceremony announcing the Declaration of Independence and Sovereignty of Padania was held on the banks of the Po River. The State of Padania currently exists in virtual limbo — no longer a simple political party, but also not a recognised state with an international presence (despite its symbolic efforts and "foreign office"). Its public relations documents indicate a certain ambivalence between the contradictory goals of sovereign independence and a federalist restructuring of the Italian state. Most of the population of Padania considers itself to be Italian, but that does not seem to bother Bossi, who declares "History is made by minorities, not the majority."[253]

The Declaration of Independence and Sovereignty of Padania is a textual performance which attempts to produce an identity for Padanians on several levels. On its face, it acts as a document for the purpose of declaring that Padania is a separate state. But through its language and style, it evokes an image of Padania as one of a distinguished company of secessionist revolutionary nations destined for democratic greatness. The opening passage of the Declaration is taken more or less directly from the American Declaration of Independence of 1776:

> When in the course in [sic] human events it becomes necessary for one Peoples [sic] to dissolve the bands which bind them with another, to establish themselves as an independent and sovereign community, and to assume the role assigned to them by the Natural Law of Self-Determination among the nations of the Earth, respect for International Society and all of humanity requires that they should declare the reasons which impel them to the separation.[254]

The Padanian version of this passage has been slightly altered to fit more securely into the 20th century system of international legal norms. Thomas Jefferson's text made no reference to the "Natural law of Self-Determination" (a post-World War I form of usage), but instead refers to "the Laws of Nature and of Nature's God". The slight differences in language between these two passages serve to highlight the vast differences in effect between the two documents on the whole. While the American document is largely one of complaint and invective against the

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[253]

Ibid.

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Declaration of Independence and Sovereignty of Padania, 15 September 1996. Available from http://151.4.58.42 /eng/declar.htm. Accessed 25 June 1999.

monarch, referring to the Lockean doctrine of equality to support its (then novel) claims for popular sovereignty, the Padanian declaration strives to locate itself within a context of sovereign states based on historical national rights. While the Padanian declaration, like the American one, accuses the central government of abusive colonialist policies toward its people, its main claim to legitimacy derives both from the concept of national self-determination and the identification of Padania as a historical nation which belongs to Europe and the tradition of democracy.

The Declaration strives to produce a distinctive "We" in the people of Padania: "Since time immemorial, we live, we build, we work, we protect, we love these lands handed down to us by our forbearers, bathed and quenched by the waters of our great rivers". In order to lay valid claim to the principle of self-determination, a people must be distinct. Thus: "Here we have invented an original way of living, of developing the arts, and of working....We therefore constitute a natural, cultural, social, and economic community founded on shared values, culture, and history, and on harmonious social, moral, and economic conditions". Not only is Padania a historical entity (regardless of the fact that its name is of recent vintage), but its independence is necessary for the security of the cultural identity of its people: "Padania is our pride, our precious resource, and our only chance for freely and fully expressing our individual natures and our feeling of community". These are the performative words of secessionist speech acts in operation—the differentiation of a people, and the declaration that those people cannot live under the rule of any other people but themselves. The definition of the people in Padania's case is almost entirely based on prior administrative territorial delineations. The fact that Venice and South Tyrol have vastly different histories is casually ignored in order to assert the unity of identity within the declared boundaries. And since there is no distinct language to help distinguish the differentness of Padania, grounds must be elaborated for the distinctness of its people from those of the south of Italy. In other words, not only must the Padanians declare that they exist as a people, but they must clarify how different they are from the people with whom they are now forced to share a political system. This is a crucial part of every secessionist movement. Without this process of *social* and *cultural* othering, there can be no justification for the *territorial political* othering which they hope to achieve.

In Padania's narrative southern Italy, symbolised by the Italian State, is painted in the colours of a colonialist power which bleeds the wealth of Padania dry. In contrast to honest, hard-working Padania, "the history of the Italian State has become the history of colonial oppression, of economic exploitation, and of moral violence; The Italian State has, over time, systematically occupied Padania's economic and social system through its parasitic bureaucratic

apparatus; The Italian State has systematically annihilated every form of autonomy and self-government of our Towns, our Provinces, and our Regions". But again, unlike the American Declaration of Independence, which refers to the British people as "our brethren", the writers of the Padanian Declaration find it necessary to make a national case beyond the one of colonialist exploitation. The Italian state, they claim, "has deliberately attempted to suppress the languages and the cultural identities of the Peoples of Padania through the colonization of the public education system". Also, the laws of the Italian State are not only unfair, but are "applied with racist criteria" and enforced by "Roman-style prefects and law enforcement officers applying the most hateful forms of Statist colonialism". These grievances finally lead to the necessary conclusion: "We are profoundly convinced that the continued presence of Padania within the confines of the Italian State would lead to gradual extinction of all hope of rebirth and the annihilation of the identities of its Peoples". Thus, despite the fact that technically Padania is still very much a part of *The Italian State*, the performative rhetoric of its secessionist leaders attempts to effect a social chasm between residents of Padania and the rest of Italy.

The advocates of Padanian secession adopt two contradictory metaphors to validate the need for independence. The first image is one of history, the continuity of the present day Padania with the communes of the medieval Northern Italy, as symbolised by the medieval warrior of the national symbol. This image tells a story of Padania as a continuous entity whose ancestors struggled and toiled to build a prosperity which the current people are bound to protect. But in direct opposition to that, the narrative also tells a tale of Padania as a new baby being birthed by the secessionist leaders and embodying new hopes for the inclusion of Padania in a Federation of European regions. Thus, the assertion, "Padania will become a political and institutional focal point for the construction of a Europe of the Regions and of the Peoples"; and the proclamation that "the hour has finally arrived to set forth on the great enterprise of giving birth to this new Country which we baptize today with the name Padania". On September 15, 1996, Umberto Bossi enacted the baptismal metaphor by pouring a jug of Po River water into the Venice lagoon after having read the Declaration of Independence to a crowd of one hundred and fifty thousand.

Having read out the Declaration, Bossi and his supporters have the heavy task of creating a sense of nationhood among the residents of Padania if they are ever to be taken as a serious secessionist movement. A document titled "Padania: The Foundations of a Nation" provides further details of the points hinted at in the Declaration.[255] This text also indicates the

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Padania: The Foundations of a Nation. Available from http://151.4.58.42/eng/remake.htm. Accessed 25 June 1999.

extent to which the secessionist leaders of Padania are aware of the performative potential of their language and the intentional re-presentation of history. This document is replete with irony and narrative sleight of hand. In a section called "Reclaiming Our History", the author condemns the tactics of the Italian State in attempting to create an artificial nation by confusing the people into believing that States and Nations are the same thing: "Italian officialdom professes to teach us Padanians that we should regard ourselves mentally and emotionally closer to the inhabitants of the southernmost islets off Sicily, than to, say, those of neighbouring Southern Switzerland, sharing the same mode of speech with Lombardy. How can we build a Europe of the Peoples on such an artificial basis?" The People of Padania, the text goes on, are more definitively a Nation than the Italian State, "which for 135 years has attempted in vain to define itself as a Nation". Moreover, according to this history, Padania has long had close ties to the rest of the continent of Europe, looking northward rather than towards Rome from the sixth century onwards. In the Middle Ages, the history continues, Padania was the site of the development of the Free Communes which developed "profound differences in civil life and social organization" from the rest of the Italian peninsula, and which "reached the heights not only of industry, commerce, and finance, but also of culture, indeed, of Western civilization." Moreover, we read, the description of the entire territory of the Italian state as the "Italian peninsula" is an erroneous and "thinly veiled attempt to instill the idea that the 'Nation-State' is eternally defined by nature itself." A glance at the map, the Padanian historian tells us, would show that only 130,000 square kilometres of Italian State territory are peninsular. The remaining 120,000 "are clearly part of the European continental land mass." Therefore, Padania is geographically as well as historically pointed towards Europe and its "geographical position in the center of Europe has made it a strategic area for communications, and also for warfare." Thus Padania's history must be narrated to re-situate it as different, not only politically from the modern Italian central state, but also historically as an entity which was never a natural part of the rest of the Italian territory. Old ways of understanding and speaking of Italy must be swept away, and "When we hear people talk about the 'northern part of the Italian peninsula' in reference to the Alpine-Padanian regions, we must object to the incontrovertible abuse of this expression."

In a segment of the *Foundations of a Nation* document titled "The Padanians Rise to Consciousness", the Padanian narrator attacks even the notion of linguistic compatibility by claiming that the language of the Padanian area is not a dialect of Italian, but rather an entirely different language group: "According to distinguished scholars, the Romance languages (neo-Latin dialects) are divided into two large groups: Western, including Gallo-Romance and Iberic

idioms; and Eastern, including Italian and Romanian." The border between the two language groups apparently (conveniently) runs right along the southern border of the would-be state of Padania.[256] But, the author continues, knowledge of this linguistic border "is rigorously forbidden in Italian schools so as to make people believe that our modes of speech are dialects of Italian." Of course the point that most residents of the Italian State can freely communicate with one another is bypassed in the haste to establish — scientifically — that the people of southern Italy are *different*. With the Padanian Declaration of Independence, it became crucial to enact a unique culture in order for secession to take place. Since the doctrine of Self-determination is lauded as the linchpin behind the right of Padania to sovereignty, the Padanian *self* must be determined. Economic prosperity has never been the appropriate theme for narrating a unique culture, and so the Padanians must proclaim their cultural difference as historical. The Padanian narrator emphasises that the culture of the North is not simply its tax base: "the Padanian identity cannot be explained a priori as the reaction to the oppressive tax burden, the mafia, uncontrolled immigration, the arrogant bureaucracy, the inefficiency of the Italian State...etc....The reality is that we Padanians identify Rome and the unitary Italian State as the carrier of all these threats to the progress and stability of OUR life in civil society."[257] This litany of the faults of Rome cleverly strengthens the colonialist metaphor, while serving to outline the cultural differences by implication. Without saying so explicitly, the Padanian historian implies identity through negativity. Whatever Rome *is* (oppressive, corrupt, out of control, arrogant and bureaucratic, inefficient), Padania *is not* (liberal, incorrupt, controlled, polite and decentralised, efficient). Thus being subject to all the evils of Rome will taint the good Padanian regions. But does inefficiency in the central government thereby create a unique culture among those people who wish to impose efficiency? Is this what self-determination is meant to achieve? The re-telling of Padanian history illustrates very clearly the means by which a unique culture can be "found" among people of the same language, religion and geographic region. Moreover, once this unique culture is asserted, its leaders can easily argue that separation is necessary for survival, as in this case: "The Italian State, the Italian rule-by-party/vote-pandering system is a beast afflicted with incurable ills which thrives on forcibly and deceptively holding together

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The orthodox view appears to contradict this assertion, placing all of Italy together within the romance language category. See *Atlas of the World's Languages*, ed. Christopher Moseley and R.E. Asher (London: Routledge, 1994), 247; *The Atlas of Languages: The Origin and Development of Language Throughout the World*, ed. Bernard Comrie, Stephen Mathews and Maria Polinsky (London: Bloomsbury, 1997), 40.

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Emphasis in original.

Peoples of different civic traditions." Thus not only will Padania fall ill with the same fatal disease if it is not set free, but it also should be free based on the purity of its "civic tradition".

The medical metaphor of the Italian State as sick and on the verge of infecting Padania continues throughout the document. The Italian State is "impotent", it has "been infected" by the "cancer of the Mafia" and it uses its "transmission mechanism" to infect Padania as well. Furthermore, the demographics of the South of Italy combined with Padania's negative rate of population growth have created a "risk of moving down the path to extinction." The purity of Padanian identity is also threatened by the laxity of Italian immigration control and the "massive non-European immigration" which "causes serious problems of public order" and "endangers the identity of our Peoples." Secession is once again called upon to protect the dubious idea of cultural and racial purity, regarding migration and immigration as invasion: "The point is that a People have the human right not to be invaded by other Peoples, thus risking to become foreigners in their own land." Only if a culture believes in its own inviolable purity and distinctiveness can it ever become a "foreigner" in its own land — by refusing to accept and embrace difference as a necessary contribution to its *self*.

The Padanian focus on the fact that the immigration is "non-European" is no accident — it is part of a tactic of identifying Padania with Europe (efficient, wealthy, successful) and distancing the south of Italy as something "other" than European (lazy, poor, corrupt). In a section of the Padanian narrative called "Padania Towards a Europe of the Peoples and of the Regions", a specific vision is set forth of Padania as a unique regional voice within Europe. But the Europe envisioned by Padanian leaders is one which encourages local authority in the regions and avoids "mere transfer of power from the bureaucratic State capitals to the super-bureaucratic institutions of Brussels." In a decentralised Europe of the Regions, Padania would shine as a local power and become further differentiated from its southern neighbour. The Padanian European vision is one in which southern Italy is isolated by its inefficiency and corruption. For the Padanian narrator, localism "is a European-wide phenomenon which the retarded and provincial Italian State, culturally and economically mired in the backwaters of Europe, cannot and wishes not to see for evident reasons of self-interest." Ironically, (since the Italian State is a full member of the European Union) the Padanian version of Europe — the true Europe, the one of regional autonomy — excludes the south of Italy.

Thus Padanian secessionists envision their role as European regional power in a Europe which somehow, oddly, excludes Italy. The distancing tactic employed in this Padanian text resembles the phenomenon formulated by Edward Said as *Orientalism*. The Orientalist perspective "refers to pervasive patterns of representation of cultures and societies that privilege

a self-confidently 'progressive,' 'modern' and 'rational' Europe over the putatively 'stagnant,' 'backward,' 'traditional' and 'mystical' societies of the Orient."[258] Strangely, in the Padanian narrative, the "Orient" is southern Italy. While Padanian historical narrative cannot give southern Italy a past within the Ottoman Empire, it links the south with all of the same undesirable characteristics usually associated in the European mind with the Orient. This othering tactic is not necessarily limited to the Ottoman/Christian dichotomy, but includes a whole symbolic geography of Europe which distinguishes among axes between eastern and western churches, communist and non-communist states, and northern and southern cultures. As Bakić-Hayden and Hayden point out, a rhetoric similar to orientalism,

> has been preserved and applied in regard to another orientation of post-war symbolic geography, one in which an underdeveloped, poor south is contrasted with a developed, rich north. This modern economic geography of the world reflects and continues an older European political geography in which "undisciplined," passionate" peoples of southern Europe (e.g. Italy, Spain, Greece) were contrasted to the industrious, rational cultures of the north.[259]

So even though most of the region which is historicised as Padania in this narrative has been referred to as "Italian" for centuries, there is a conscious and overt need on the part of the secessionist leaders to dissociate Padania from Italy and its Oriental (negative) connotations. This dissociation extends even to the Pope — Padanian documents refer to the medieval history of the region and describe Papal rule as a "conservative, sometimes oppressive regime", which had a stagnant economy (unlike the north) and "worst of all, the Papal State acted as a barrier (both political and cultural) between the South of Italy and Europe."[260] Thus Padanian texts vividly illustrate the political uses of historical narratives and the norm-creating potency of the performative language used to declare and enact a separate people. By definition, because of the requirements for state recognition and the understanding of self-determination, secessionist movements can not be neutral. They must rely upon narratives of othering and difference, and also by definition exclusion of that difference. But as the situations of Québec and Padania have shown, not only do these attempts to separate and purify identities make for hostile and violent politics, they are also futile since even so-called "distinct" and "unique" cultural identities must be created in an interactive process with the Other.

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Edward Said, *Orientalism* (New York: Vintage, 1979) cited in Milica Bakić-Hayden and Robert M. Hayden, "Orientalist Variations on the Theme 'Balkans': Symbolic Geography in Recent Yugoslav Cultural Politics," *Slavic Review* 51 no. 1 (Spring 1992):1, 1-15.

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Ibid., 4.

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Fighting for the Freedom of North-Italy. Available from http://151.4.58.42/eng/intro.htm. Accessed 25 June 1999.

The Kanaka Maoli

The population of Hawai'i literally embodies the contradiction between a purifying preservationist narrative of secession and the inescapable mutuality of human interaction. In the two centuries since the isolation of the indigenous peoples was breached by the arrival of Europeans, a diverse ethnic mixture has come to populate the islands which includes, along with the native Kanaka Maoli, Caucasian, Japanese, Filipino, Chinese, Portuguese, Vietnamese, Korean, and other Pacific Island peoples. The Hawaiian spirit of *aloha* has permeated the cultural mix and resulted in the ready acceptance of intermarriage and mutual respect among the different cultures, to such an extent that few individuals would claim unmixed heritage of any sort, and pure Kanaka Maoli have practically vanished. Therefore it is all the more surprising that there is a strong (if tiny) secessionist movement astir in this multiculturalist archetype, and that it is overtly based on racial criteria. No one denies that the history of Hawai'i has been one of exploitation and dishonest dealings by the United States. Beginning in 1893 when the Hawaiian monarch was overthrown by resident Americans in cooperation with the U.S. military, the United States acted unilaterally and unlawfully by annexing Hawai'i (1898) and turning it into a territory of the United States (1900). Further, in 1946, when Hawai'i was designated by the United Nations as a non-self-governing territory and placed under the authority of the United States, the option for full independence was never given, and the 1959 vote on the question of Hawai'i's immediate statehood included U.S. military personnel and others who had resided on the islands for only a year. In 1993, the U.S. Congress finally passed a law known as the "Apology Resolution" which officially apologised for the illegal overthrow of the Kingdom of Hawai'i and recognised that "the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty."[261] Given the discrimination and socio-cultural disadvantages which accompanied U.S. territorial administration and statehood, many of Kanaka Maoli descent feel entitled to reparations. These range from better funding for the Office of Hawaiian Affairs, to some form of autonomy over public lands, to fully-fledged sovereignty.

Sovereigntists claim that Hawai'i is currently in a state of occupation but is undergoing a transition phase towards restoration of the original Hawaiian Nation. On January 16, 1994, a coalition of sovereignty organisations gathered in Honolulu to endorse a document called *The Proclamation of Restoration of the Independence of the Sovereign Nation State of Hawai'i*.[262]

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United States Public Law 103-150. (November 23, 1993).

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Proclamation of Restoration of the Independence of the Sovereign Nation State of Hawai'i (January 16, 1994). Available from http://www.hawaii-nation.org/proclamall.html. Accessed 25 June 1999.

Apart from declaring independence, the Proclamation authorised the Council of Elders (`Aha Kapuna), to act as Hawai`i's provisional government and to take steps towards restoration and the development of a constitution. The Proclamation narrates a story of injustice — the invasion and suppression of an indigenous people. It consistently speaks for "We, the Kanaka Maoli" who reestablish their Sovereign Nation and "join the World Community of States." Its very title emphasises that this people do not claim self-determination to create a new state but to restore a historical one. "We have resided here forever, from time immemorial. We have displaced no other people. We, the Kanaka Maoli, are the original inhabitants and occupants of these Islands." Kanaka Maoli historical narrative does not list character traits or language differences in order to demonstrate the distinctness of this people. Rather, the Kanaka Maoli define themselves strictly and simply by genetic relationship. "The current citizens of the Independent and Sovereign Nation of Hawai`i consist of all those who are descendants of the Kanaka Maoli prior to the arrival of the first westerners in 1778, and [those who are descendants of persons] who have lived in Hawai`i prior to the illegal overthrow, invasion and occupation of January 17, 1893". This is constitutional nationalism in its clearest form, and especially striking in a population famous for the breadth of its genetic mix. The strictness of this definition of nation does not allow political space for those who have some Kanaka Maoli heritage but do not identify themselves with the national movement, or for people with a Hawaiian lineage more recent than 1893. Although possibly fourth or fifth generation, these "habitual residents of Hawai`i" must apply for citizenship by means of naturalisation, according to the Proclamation. Thus the Kanaka Maoli identity performative language is stunning in the sharpness of its delineation, and therefore in the finality of its exclusion.

One of the primary reasons for restoring sovereignty is the feeling by the sovereigntist Kanaka Maoli that their culture is in danger of being wiped out. The Proclamation declares that the new state will revive the traditions of the pre-1778 nation: "We, the Kanaka Maoli, today embody within our governmental structure traditional customs and culture of the `Aha Kuka O Na Kupuna (Council of Elders), based on mutual respect, traditional practice, and family order. Their consultation on many decisions is highly regarded as the basis of all authority and principle, as handed down through generations of teachings." The assumption underlying these sentiments is that ancient traditions can and must be resurrected and preserved from the destructive forces of modernity. That is, the ancient Kanaka Maoli culture is something knowable and reproducible in the late twentieth century; and further, that it is Hawai`i's only salvation. "We must protect our sacred `aina [land] from such invasion and exploitation, to liberate it from alien destructive forces, and preserve and protect our Cultural Heritage for future

generations, from the devastation of extinction." Designating the land as something "sacred" immediately establishes a relationship with it which has religious connotations in terms of purity and reverence. In conjunction with designating the land of Hawai`i as sacred, the Kanaka Maoli have associated non-Hawaiians (aliens) with destruction, and their own native traditions with preservation. Such clearly drawn social boundaries preclude the possibility that non-native Hawaiians might wish to love and protect and claim Hawai`i as their home also. This narrative establishes the Kanaka Maoli not only as a people with cultural traditions in need of respect and protection, but as the sole legitimate arbiters of the fate of Hawaiian territory. The Proclamation describes those non-Kanaka Maoli who now "illegally occupy our Territory" in no uncertain terms as "Those who disregard the Principles and Rule of the Law of Nations, Justice, Integrity, Morality of Character, and Humanity, by force and acts of aggression". Institutionalised national exclusivity of this sort can only lead to bad feelings between the Kanaka Maoli and all the various peoples who call Hawai`i their home.

Exactly one year after the Proclamation was read out, the Kapuna (elders) met to sign the national constitution.[263] As a document which details the type of law and government a society will have, how its powers will be both mandated and circumscribed, a constitution may be considered essential reading for theorists of political narrative. The Hawaiian Constitution does not disappoint. It begins with a Preamble describing the members of the nation not as "We the People", but as "We the Kanaka Maoli Nationals and Descendants". As a people who have been "subjected to the international crimes of Genocide and Crimes Against Humanity", the Preamble asserts, the Kanaka Maoli have a right to self-determination and to "freely determine to restore Our political, economic, social, and cultural rights".[264] The difficulty is that the new Hawaiian State, as envisaged in the Constitution, is one which creates legal discrimination against non-Kanaka Maoli citizens, regardless of whether they have resided in Hawaii since 1778 or wish to become naturalised. There are officially two separate types of citizenship defined in the Hawaiian Constitution, and they are endowed with different rights. The Kanaka Maoli are referred to as "Nationals" and defined in Article XV as "any person who by birth or national origin and ancestry is a descendant of the original inhabitants who prior to 1778 exercised sovereignty over the Archipelago of Hawai`i." The second definition, "Citizens,

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Hawai`i Constitution (16 January 1995). Available from http://www.hawaii-nation.org/hawaii-nation.html/constitution.html. Accessed 25 June 1999.

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The claim of genocide against the Kanaka Maoli has never been made legally, and would be difficult to substantiate, but the use of the term has great shock value in confirming them as victims of great evils and therefore entitled to serious reparations.

Naturalized", covers anyone not descended from the original inhabitants and is defined as "all persons who qualify and choose to become citizens of the Nation." The qualifications are left open for enactment by the Legislative General Assembly. The differences between these two classes of citizens are apparent throughout the Constitution. The constitutional structure of the proposed Hawaiian government is based on a tripartite system with Legislative, Executive and Judiciary branches. The proposed Hawaiian Legislative General Assembly contains two parts, the Na Kapuna Council and the Citizen's Assembly. The former shall consist only of Kanaka Maoli Nationals, while the latter shall consist of "56 Nationals" and "56 Citizens". The duties of the Na Kapuna Council include laws relating to "the preservation of Hawaiian cultural values" or "maintaining cultural values". Consent by the General Assembly may occur concerning the passage of Bills on cultural values, but it is not necessary as "the Council law shall have supremacy". The Executive Administration consists of "the Head of State, a Deputy Head of State, and all Ministries established for the purposes of executing the laws and business of the Nation." The office of the Head of State or Deputy Head of State shall *only* be held by a person "who is a Kanaka Maoli National and Descendant". Thirdly, the Judiciary consists of National Tribunals as the Legislative General Assembly sees fit, and one Supreme Tribunal. All judges are to be selected by the Na Kapuna Council, and "Every judge shall be a Kanaka Maoli National". Thus, the Hawaiian Constitution describes a State in which there are two classes of citizens with one, the "Nationals", definitively privileged over the other in exercising governmental power. Of the three branches of government, one (the judiciary) is entirely closed off to non-nationals; one (the legislature) restricts membership to one half of one of the two chambers; and the third (the executive) allows non-nationals only as appointed to the ministries with the consent of the Na Kapuna Council.

Despite its references to international law and human rights, the Hawaiian Constitution contains provisions which would alarm the most jaded of peace negotiators. Not only do non-Hawaiian descendants have limited access and representation in government, but they are constitutionally locked out of the communal land tenure system which is part of the Restoration of the Hawaiian regime. "Prior to 1778, the Kanaka Maoli Nationals lived in a communal land tenure system, and every National had the right and privilege to receive and acquire the use of land." Once the "transition" to an independent Hawaiian State has been made, all National land will be held in trust "for the Kanaka Maoli Nationals" by the government. Thus not only will all private ownership of land vanish but only individuals of the proper lineage may apply for use of the communal land. Institutionalised discrimination of this sort can never make reparation for

past wrongs, it can only further exacerbate the friction among the various groups that make up Hawai'i's richly various culture.

Secessionist Narratives and the Uses and Disadvantages of History

Any examination of secessionist texts soon reveals an assumption shared by them all — that the nation in question had a common history and that it was glorious and deserving of preservation through the continued reverence and traditions of the national population today. But what is also clear is that history can be narrated in many ways, and that the politics of secessionist identity performance require it to be told in an exclusivist, boundary-drawing fashion. The secessionist nation ("We") performs its identity against non-nationals ("Others") in ways which neglect the necessity of the non-national for the identity of the nation. Historical narrative is the tool used for this social and political boundary drawing, and as such its meanings have become as contested as the territorial space to which it so often refers. Nietzsche recognised and criticised this use and abuse of history, considering it an encumbrance on human abilities. He wished for history to be used in the pursuit of life being lived, rather than that lives should be dedicated to the perceived fulfilment of history. Nietzsche argued that man could only feel happiness during moments of forgetting, or feeling unhistorically, since history burdens us by circumscribing our identities.[265] He compares humanity to animals, reminding us of how much the latter are unburdened by memories of a historical past. Mankind cannot live, or have an identity, without a memory, but, Nietzsche might argue, the essence of truly living occurs in the space between remembering and forgetting. That is, we must remember in order to know who we are, and forget in order to become what we may be. The disadvantages of historical narratives, for Nietzsche, are that they focus on the past to an extent which limits the possibilities of the present and the future. In terms of the secessionist texts discussed here, historical narratives have been used to limit the terms of identity of the particular groups and to call on the members of these groups to fulfill their historic destiny by fighting for independent statehood. The vision is one of constraint (by perceived historical imperatives) rather than freedom. Because their Frenchness, their Northern Italian-ness, or their Hawaiian-ness was narrated historically in certain circumscribed ways, these secessionist groups now maintain that their current and future identities must perpetuate these patterns. But Nietzsche's critique equates such historical identities with death; they are the identities of the dead, and therefore to

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  Friedrich Nietzsche, "On the Uses and Disadvantages of History for Life," *Untimely Meditations*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1983).

maintain the pattern of the past is to *mortify* your own present identity, excluding the possibilities of the living present.

Nietzsche provides a useful schematic of humanity's three types of relationships to history and how history is necessary for life. These uses of history contain recognisable echoes of secessionist narratives. He describes the first relationship as *Monumental History*, which involves the belief that "the great moments in the struggle of the human individual constitute a chain, that this chain unites mankind across the millennia like a range of human peaks...that is the fundamental idea of the faith in humanity".[266] But, Nietzsche argues, it is this demand for eternal greatness that causes great conflict. Monumental history inspires foolish courage and fanaticism. "As long as the past has to be described as worthy of imitation, as imitable and possible for a second time, it of course incurs the danger of becoming somewhat distorted, beautified and coming close to free poetic invention; there have been ages, indeed, which were quite incapable of distinguishing between a monumentalized past and a mythical fiction".[267] Monumental history clearly plays a role in secessionist narratives in the way that the past is told as a story of grand struggle and the mythical ancestors whose toil and oppression shall not have been suffered in vain. Secessionist movements do not confess to the faults in their national histories: to the violence against indigenous peoples, or the exploitative use of cheap immigrant labour or the long intervals of peaceful integrated living amongst different groups. National histories must be exalted as sacred and worthy of political enshrinement through sovereign statehood.

Nietzsche's second category of man's relationship to history is that of *Antiquarian History*. The antiquarian historian is a preservationist, painstakingly recording the conditions of his existence for the generations to come. This kind of history builds on the sense of communal continuity: "the contentment of the tree in its roots, the happiness of knowing that one is not wholly accidental and arbitrary but grown out of a past as its heir, flower and fruit, and that one's existence is thus excused and indeed, justified".[268] But Nietzsche finds antiquarian history to be problematic in its extreme restrictedness of vision. Everything old and of the past is taken to be worthy of equal reverence, while everything new is rejected. He compares antiquarian history to a tree's awareness of its roots. It judges its roots by the size of its visible branches,

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Ibid., 68.

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Ibid., 70.

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Ibid., 74.

but if "the tree is in error as to this, how greatly it will be in error regarding the rest of the forest around it! — for it knows of the forest only that in it which obstructs or favours it and nothing beside."[269] Antiquarian history, too, is a recognisable part of secessionist political discourse. The attempt to recreate the past as the only system worthy or valuable, and the rejection of change (and the present) as destructive and threatening bear all the hallmarks of Nietzsche's typology. This is perhaps most clearly reflected in the wishes of the Kanaka Maoli to resurrect all of the ancient patterns of governance, including the land tenure system, because these patterns were theirs historically. The Kanaka Maoli are exhibiting great reverence for the roots which they cannot see and are neglecting the impact of their actions on the rest of the forest.

The third relationship is one Nietzsche describes as *Critical History*. This is the necessary mode because if man is to live fully, he "must possess and from time to time employ the strength to break up and dissolve a part of the past: he does this by bringing it before the tribunal, scrupulously examining it and finally condemning it". This sweeping away of the past is necessary to liberate mankind from the burden of history. Furthermore, no group is immune because "every past...is worthy to be condemned — for that is the nature of human things: human violence and weakness have always played a mighty role in them."[270] But, Nietzsche warns, critical history is difficult and dangerous, since it is always hard to know when to stop — the complete denial of the past results in a denial of one's own participation in the chain of human history, and therefore also of the responsibility of being human. According to Nietzsche, the best we can do is maintain knowledge of our inheritance and try to combat it with the cultivation of a new instinct, a new habit. The logical outcome of critical history is in fact the downfall of nationalist identities, since a thoroughly scrupulous look into any nation's past will crumble its monumental and antiquarian pretensions. This is what E.J. Hobsbawm meant when he wrote that a serious historian of nations or nationalism could never be a dedicated nationalist: "Nationalism requires too much belief in what is patently not so."[271] It is critical history which is missing from (indeed which vitally threatens) secessionist historical renderings. Rather than examining their histories as burdens and restraints on their present, secessionists must persist in the veneration of the past, in both monumental and antiquarian terms. Such uses and abuses of

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Ibid.

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Ibid., 76.

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E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme, myth, reality* (Cambridge: Cambridge University Press, 1990), 12.

history fail to create a "new origin" which will bequeath a less violent and weak legacy upon the future. What Nietzsche's categories urge is that we realise our identities as socially constructed and therefore historically indebted, but also that we recognise the contingency of history and use that contingency to open up the critical space required for living a creative politics.

The critical relationship is a frightening way to engage with history, but it is a necessary one if the cycle of violent encounters is ever to ease. As Michel Foucault commented in his discussion of the Nietzschean typology, "The search for descent is not the erecting of foundations: on the contrary, it disturbs what was previously considered immobile; it fragments what was thought unified; it shows the heterogeneity of what was imagined consistent with itself."[272] For Foucault, history can only be seen as productive to the extent that it exposes the discontinuities (or contingency) of our existence, thus disturbing the myths of monumental history and the reverence of antiquarian history. As Foucault elaborates:

> Where the soul pretends unification or the self fabricates a coherent identity, the genealogist [critical historian] sets out to study the beginning — numberless beginnings whose faint traces and hints of color are readily seen by an historical eye. The analysis of descent permits the dissociation of the self, its recognition and displacement as an empty synthesis, in liberating a profusion of lost events.[273]

It is this critical vision of history which secessionist politics obscures and obstructs in its attempt to lay claim to a purity in the present and the worthiness of the past. But it is this critical history which is so necessary to the generative rather than preservative form of politics. This is not a call to forget, or disrespect history — but rather an urging to dig more deeply into history in order to lessen its hold on the living present. Nietzsche urges us to confront our inherited nature through our knowledge of it, and thus to grow the seeds of new habits and patterns for the future. The possibilities and new habits liberated by the political space formed by critical history provide the basis for the speculations of the final chapter of this thesis.

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Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice*, Selected Essays and Interviews, ed. with introduction by Donald F. Bouchard (Oxford: Basil Blackwell, 1977): 147, 139-164.

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Ibid., 145-46.

Chapter 6.

POSSIBILITIES: THEORY & PRACTICE

The previous chapters have discussed the internal contradictions of the relationship between the territorialisation of politics and the contingency of identity formation. As this journey through several secessionist texts has shown, groups must emphasise their differences in order to make secession a credible option. In drawing the necessary social boundaries, secessionists must carve a political space for their national identity which is exclusive — thus secessionist movements inevitably display troubling tendencies towards discrimination and concepts of ethnic purity which easily lead to violence against perceived others. This is not because national identities are inherently violent, but because the territorialisation of any identity establishes an exclusive claim to space which provokes contestation by those defined outside the nation. These dynamics have been institutionalised through the apparent customary requirements of international society. Secessionist activity, as a phenomenon which grows out of the twentieth-century territorial nation-state and its inherent tensions, occurs within (and is defined by) certain institutional limits. These are: the international legal framework which upholds both self-determination and territorial integrity, the political framework which allows only states to have an international voice, and the social framework which privileges majority identities over minority ones according to arbitrary boundaries. All work to encourage secession as the only viable option for unrecognised (internationally illegitimate) identity groups. Unfortunately, secession turns out to be a pyrrhic victory, for it recreates and perpetuates the tensions and incoherencies already enmeshed in the nation-state, often inflaming the violence of cultural encounters.

The problem of secession — and secession is a problem rather than a solution — is that it occurs as a logical outcome of the structure of the international system today. As discussed in Chapter Three, *Historicising Secession/Deconstructing Territory*, political identity in the last century has become more closely associated with territorial claims and control than ever before. Derrida calls this phenomenon a "*primitive conceptual phantasm* of community, the nation-State, sovereignty, borders, native soil and blood."[274] This phantasm is outdated, Derrida argues, because of its reliance on *ontopology*. Ontopology is defined as a social axiom "linking indissociably the ontological value of present-being [*on*] to its *situation*, to the stable and presentable determination of a locality, the *topos* of territory, native soil, city, body in general".[275] David Campbell argues, in his discussion of the Bosnian war, that ontopology assumes "that the political possibilities have been limited by the alignment between territory and identity, state and nation, all under the sign of 'ethnicity,' supported by a particular account of history."[276] Because we have identified (and thereby limited) politics as a function of power exerted over territory, we have all but required any group craving political recognition to exert a claim to specific territories as well. Thus the system ensures that "secession" will continue to lurk beneath the surface as the only pathway to political viability for certain determined groups. If identity was a neat, pure and stable thing this would not present a problem. Indeed, there would be little reason for the violence of the conflicts we see now amongst groups struggling to "cleanse" their identities of those who might "taint" them or keep them from being recognised. Stable identities would be instantly recognisable, and thus would require no protection — they would have no "others" in the sense discussed here. Difference among us would be a non-constitutive thing — and we would obviously also be lacking in much of the adaptability and learning capacity that makes us human.

Because we are all profoundly affected (created) by the presence of others, and our identities are thereby contingent through a process of constant negotiation with others, the territorialisation of politics presents a major problem. Not only does it provide a constant temptation for unrecognised groups to create their identity through seizing territorial control by whatever means are available to them, but the territorialisation of politics is based on the false

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Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, trans. Peggy Kamuf (New York: Routledge, 1994), 82.

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Ibid.

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David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minneapolis: University of Minnesota Press, 1998), 80.

assumption of uniformity among those who do reside within "legitimate" territorial states. Territories do not come "stranger-free". There is no way to territorialise pre-existing, homogenous comprehensive group identities in neat state-packages. Such identities cannot exist — and even if they could, locking them into a fixed territorial space (which must maintain strict control over movement inward and outward) can hardly be the most desirable or liberty-driven of outcomes. Social identities cannot be locked in to a place — or out. What appears to be the historical rootedness of groups is due to the "performative" nature of identity. Performativity, as described and applied by Campbell, includes both the creative and the stabilising effects of discursive identity formation.

> Rather than viewing identity — which is an inescapable prerequisite of being — as either given by intentional human activity or granted by natural extra-human forces, the idea of performativity draws attention to "the reiterative and citational practice by which discourse produces the effects that it names."[277]

Performativity, then, points to the enormous power of language to create, through repeated terms and relational understandings, a sedimentation of meaning which, though contingent, appears historically settled. In other words, when secessionists claim that they "are a nation", their words (in stories, speeches, political actions and declarations) generate narrative performances which, repeated unproblematically, produce nationhood (in a joint conceptual sense) over time. Secessionists can legitimate their nationhood through an *ex post facto* constitutive decision. Any sovereign entity can be traced to a foundational moment in which its legitimacy was simply declared and then became actual through the continued absence of contestation.[278] It is thus that secession performs a Derridean *coup de force* — a legitimating act which "receives its interpretive justification as true after the fact," as does, for example, the declaration of independence of a new nation.[279] Yet, even if it was never contested, secession as an identifying act would not be a neutral choice. "Self-cession" is self-removal, but it is also an "other-removal" by definition. By creating social and territorial boundaries around the declared nation,

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David Campbell, *National Deconstruction*, 24, citing Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 2.

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In this sense, sovereignty is much like currency — it maintains legitimacy and strength through continued use and the absence of sustained challenges. A variation on the *coup de force* concept is William Connolly's "paradox of political founding", in which the will of the people must be created by the effect (social spirit), and the cause (good laws) would have to become effect in order to generate social spirit, and so on. The upshot of this is that political legitimacy is an illusion. See William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), 138.

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Campbell, *National Deconstruction*, 26.

secessionists both delineate and remove the "other". "Self-cession" is also a call for self-cleansing.

If secession is only a symptom of these inherent conflicts and not a solution to them, what then? How can identities flourish in a political space which does not depend on territorial legitimacy or definition? What alternative form of political legitimacy is possible given the tensions between territory and identity? Can democracy operate under conditions which differ from those of the modern territorial state? These questions can only be approached through the continuous process of international politics. There can be no perfect unitary model which stops all the conflicts and creates universal harmony. But certain possibilities are not necessarily unforeseeable. The future will be an outcome of this present, and the particular choices it creates can already be recognised in the variations on political space which currently exist. What is crucial for our understanding of future possibilities is an awareness of the shifting meanings of our most important political concepts today. Anyone who undertakes a conceptual history must realise that not only do concepts "teach us the uniqueness of past meanings," but they "become the formal categories which determine the conditions of possible history."[280] As Koselleck puts it:

> It is only concepts which demonstrate persistence, repeatable applicability, and empirical validity — concepts with structural claims — which indicate that a once "real" history can today appear generally possible and be represented as such.[281]

Concepts, then, allow us to recognise certain histories as possible, to trace their paths through past and present meanings, and furthermore, to allow for future possibilities. The importance of Koselleck's statement extends not only into our understanding and reading of history, but also into our understanding of our choices for the future. The political concepts we are currently operating under will be the conditions of a possible future. We are not bound to maintain our contemporary understandings of these concepts, but they will be the basis of our future understandings of the conceptual signifiers. Just as the words *territory, sovereignty* and *state* had very different meanings in 1648 than they do at the turn of the second millennium, so these same terms, these same concepts will carry different meanings in the future. We cannot set goals for the universal achievement of world peace according to a single model and expect to see them reached. But we may make possible now the changes in conceptual meaning which will

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Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time,* trans. Keith Tribe (Cambridge, Massachusetts: The MIT Press, 1985), 90.

[281]

Ibid.

compensate in future for the obvious failures of the past. In this vein, anything which problematises the ontopology of the state is to be encouraged as a step in a helpful direction. The authors examined in this chapter all question, or make it possible to question, ontopological structures and are thus useful in exploring alternative ways of performing future politics. By allowing our concepts of identity and statehood to grow beyond the ties of territory, our concepts of the national and the international to grow beyond the state border, and our concepts of law and recognition to grow beyond sovereignty, we provide both the link to a "real" history and to the conditions of possible futures.

Within and Without the State

I have referred to the nation-state in various ways in this text, and although I have tried to problematise this concept, its very presence — unquestioned — perpetuates its meaning as a solid unchanging uniform thing. In actual practice, however, it has already become commonplace to point out the variations on the nation-state theme. Not only are all nation states in the world today the territorial (if not political) home of individuals of more than one ethno-cultural group, but the political structures of each state provide countless interpretations of voting, citizenship, representation, legitimacy and the role of the state. International Relations has traditionally been silent about the "domestic" political systems of states, but in fact these variations are highly relevant for our understanding of new forms of political space, and thus for the future of the concept of the international.

Various theorists have examined the changing nature of the state and discussed the need for new political perspectives, some of which will be treated below. But any discussion involving the nature of political space would be incomplete without a nod to the theorist who first fully articulated the concept of the political. Carl Schmitt merits the dubious distinction of being at once a brilliant critical politico-legal theorist and an unrepentant anti-democrat with close ties to the Nazi party. Yet, his theories on politics nonetheless bear further scrutiny. His definition of the political highlights the division of political space into sovereign units, but his insistence on the identity-constitutive nature of politics serves also to undermine the legitimacy of state boundaries. He is a theorist, then, who both underpins and undermines ontopology, and for that reason, he is worth a look.

As a modernist-realist, Carl Schmitt saw the political in terms of the friend/enemy distinction. The nature of the political, he pointed out, is rarely discussed, but it must depend upon a particular set of distinctions as do the concepts of morality (good and evil), aesthetics

(beautiful and ugly), and economics (profitable and unprofitable).[282] For Schmitt, the friend/enemy distinction "denotes the utmost degree of intensity of a union or separation, of an association or dissociation" but it is also very important to separate this distinction from private dislike: "The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions."[283] Schmitt carefully distinguishes the political as a *public* rather than a *private* concept, in an attempt to strip the concept of the emotions of personal friendship and enmity and define it as something more fundamental. The enemy is not necessarily hated, but "he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible."[284] Although he describes the relationship in an individualistic third person tense, Schmitt (writing in the 1920s and 30s) refers to states in the classic modernist sense as self-contained units: "In its entirety the state as an organized political entity decides for itself the friend-enemy distinction."[285] This perspective does not lessen the import of his contribution however, since the definition of politics as constitutive carries great significance at whatever level it is applied. The major contribution of this distinction is the clarification of the meaning of politics as the process which determines the "who". In other words, politics is irrevocably bound up with identity — the two concepts cannot be separated. As Schmitt himself points out, so-called political terms such as sovereignty, society, class, constitutional, and even state are "incomprehensible if one does not know exactly who is to be affected, combatted, refuted, or negated by such a term."[286] Any decision or process which determines who will be included in a group and who will be excluded is thus a political one.

Although he discusses his concept of the political in the context of a theory of state relations, Schmitt recognises that the use of the term "politics" carries strong meaning domestically in the interaction among political parties and interest groups. He sees this as the

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Carl Schmitt, *The Concept of the Political,* trans. with intr. by George Schwab (Chicago: The University of Chicago Press, 1996 [1932]), 26.

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Ibid., 27.

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Ibid.

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Ibid., 29-30.

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Ibid., 31.

result of the "intensification of internal antagonisms [which have] the effect of weakening the common identity vis-à-vis another state."[287] Given that the determination of enemy is made by the possibility of combat, it is possible for the Schmittean friend/enemy relationship to take place within the state if "domestic conflicts among political parties have become the sole political difference [and] the most extreme degree of internal political tension is thereby reached; i.e., the domestic, not the foreign friend-and-enemy groupings are decisive for armed conflict."[288] When the friend/enemy grouping takes place within the state, the conflict is likely to end in civil war — or secession. But Schmitt does not equate politics with war, insisting that war is merely the extreme case and that a decision to pursue peaceful relations may be a good political one. The possibility of war is the exception which proves the rule of the political relationship. And conversely, if ever the friend/enemy distinction were eliminated, there would be no possibility of war and it would therefore be "a world without politics".[289] Schmitt refrains from comment about whether this result would be desirable or not. But he comments that if the attempt to eradicate politics (the possibility of war) were ever to become the justification for a war, it would "constitute the absolute last war of humanity":

> Such a war is necessarily unusually intense and inhuman because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral and other categories and is forced to make of him a monster that must not only be defeated but also utterly destroyed. In other words, he is an enemy who no longer must be compelled to retreat into his borders only.[290]

Writing this in the thirties, Schmitt appears almost prescient. Further, the implications of such absolutist views of politics are frightening in terms of territorialising identity. Should the conflictual nature of friend/enemy relations ever be overcome, it would involve the eradication of the enemy and thus of politics. But universal peace (the absence of politics) requires the annihilation of the other. Schmitt adopts a pretext of neutrality about the concept of the universal, but when he hypothesises about a world state it is clear that he neither desires it nor feels that it would be possible to achieve. To begin with, a world state would only nominally be a state, based primarily on economic needs and regulation. In the absence of any global enemy,

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[287] Ibid., 32.

[288] Ibid.

[289] Ibid., 35.

[290] Ibid., 36.

interest groups would become completely apolitical and be reduced to navigating between ethics and economics. Finally, Schmitt poses the core question of where the power for a world organization would fall.[291] In a universal state, humanity would either be totally oppressed or totally free — but in the latter case, free for what? Without politics, people would have no identity. Without the knowledge of who the other was, people would not know who they themselves were, and thus would end loyalty, friendship and belonging — the concepts for which today we entertain the ever-present possibility of conflict (politics). Universalism, then, presupposes homogeneity, and homogeneity, as we have seen, requires the suppression of all difference.

In his anti-essentialism, Schmitt encourages the existence and maintenance of diversity, and he clearly contributes to the understanding of identity as an integral part of the political equation. But Schmitt in the end must be seen as an apologist for secession since he refuses to acknowledge the impossibility of cleansing the enemy (other) from within. Schmitt operates on the assumption that a purified collective self is the essence of the state — the "friend" in his friend-enemy equation. When difference is found within, it must be suppressed or a civil war must ensue which will recreate the sovereign boundaries surrounding the world's political friend-enemy units. These assumptions, while acting as the foundation of realist theory for many decades, have completely failed to account for or anticipate the changes in the state system. The proliferation of political spaces within and across state borders continues to present problems for ontopological assumptions. Some of the theorists who delve into these problems are discussed below.

The Future is Many

As we search for political forms which accommodate multiple and overlapping loyalties, the domestic structures of the state become highly relevant for the stability and composition of international society. In a sense, any attempt to freely speculate about the possible shapes of future political spaces requires a touch of (political) science fiction, for otherwise we can scarcely escape the intellectual confinement of our contemporary understandings. Perhaps because it has even less claim than most to ethno-cultural homogeneity, North America provides a fertile theoretical ground for thoughts on a future politics of state-transcended identity and difference. Robert Kaplan provides some "futuristic" speculations about the political shape of the future

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Ibid., 57.

based on his recent travels throughout the North American continent. Some of Kaplan's conclusions do indeed have the ring of science fiction:

> Imagine a land in which the dominant culture is an internationalized one, at every level; in which the political units that really matter are confederations of city-states; in which loyalty is an economic concept, when it is not obsolete; in which "the United States" exists chiefly to provide military protection...[This land] is no longer beyond the horizon.[292]

But alarmist as this introduction sounds, Kaplan is ultimately fascinated by current developments which hint at shapes of the future and sees them as something to be embraced rather than resisted. He predicts not only the demise of traditional bordered states as we know them, but believes that their successors are already taking shape in the north and southwest of the North American continent. The border between the United States and Mexico, he concludes, is "an artificial, purely legal construct [which] will one day revert to what it always has been: an unruly and politically ambiguous 'brown zone' of desert, several hundred miles wide, where civilizations (Spanish and Anglo, Athapaskan-speaking Indians from the Arctic, and Aztecán Indians from southern Mexico) once mingled."[293] As a consequence, there is a widespread process of integration and of "bi-nationhood" developing, as cities on both sides of the border become economically dependent on each other.

Cities in these areas of mingling cultures are playing host to a new kind of "internationalist" culture which allows multiple identities to flourish side by side without any one threatening the other. Kaplan, remarking on the size of a Chinese supermarket in Los Angeles (with its "forty aisles, each a hundred yards long, devoted to noodles, pork, taro, tofu, pea sprouts, dried shrimp, soybean paste, spicy bean cabbage, dried seaweed, rice spirits, and so on") finds himself speculating on the future of the American nation in the face of an onslaught of immigration:

> Traditionally nations rise and fall; but at the 99 Ranch Market I wondered if America might escape that fate by shedding its skin as a nation altogether and revealing an international civilization based on a single continent....Why, I asked myself, worry about 'the Asian threat'? The best way to contain Asian economic dynamism...is to absorb it, which is exactly what the United States is doing by attracting and Americanizing so many Asian immigrants.[294]

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Robert Kaplan, "Travels Into America's Future," *The Atlantic Monthly* August 1998, Available at http://www.theatlantic.com/issues/98aug/amfuture.htm. Accessed 25 June 1999.

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Robert Kaplan, *Empire Wilderness: Travels into America's Future* (New York: Random House, 1998), 135.

294

Ibid., 85-87.

The main lesson to be learned from Kaplan's speculations is not to fret about the future. The "loss" of apparent national homogeneity is not a loss at all but a gain of new forms of the nation. These questions are particularly relevant for the wealthy nations of the West which currently harbour numerous ongoing battles about the sanctity of their borders and the "threat" or "economic salvation" posed by large groups of immigrants in search of a better life. These issues resonate deeply with identity politics, but they are also issues of economics and perceived limitation of resources.

While the United States is often seen as a natural breeding ground for multiculturalism due to its history as a land of large frontiers and settlement opportunities, its current blend of rich diversity continues to generate struggle and conflict. The flashpoint is the question of the extent to which new immigrants must assimilate in order to become "American", and the extent to which a common American identity even exists or is desirable. While diversity and choice are deemed good, there is growing concern about the lack of a shared sense of community. Recent changes in demographic balances (resulting in pluralities rather than strong majority/minority relationships) have led Americans to "demographic balkanization" and a "powerful preference to see [themselves] through a racial prism, wary of others, and, in many instances, hostile."[295] The traditional story of immigration as an upward progress towards economic success and the accompanying social assimilation is giving way to economic "mobility traps" and a perception that there is no dominant mainstream into which immigrants may assimilate. Nevertheless, whites have long tended to lump groups into broad ethnic categories:

> It is a particularly American phenomenon, many say, to label citizens by their ethnicity. When a person lived in El Salvador, for example, he or she saw themselves as a nationality. When they arrive in the United States, they become Hispanic or Latino. So too with Asians. Koreans and Cambodians find little in common, but then they arrive here they become "Asian," and are counted and courted, encouraged or discriminated against as such.[296]

Failure to treat many immigrant identities with respect for their distinctiveness, and instead focusing on the simplest way to differentiate them from the (White European) mainstream, has contributed to this demographic balkanization and struggle along ethnic lines. However, the old broad racial categories continue to stick as the composition of the nation becomes a political issue.

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[295] William Booth, "One Nation, Indivisible: Is It History?," *The Washington Post* Sunday, 22 February 1998, A01.

[296] Ibid.

Nothing reflects the entrenchment of American racial politics like questions about the US Census. Since 1971, there have been only five racial categories on the Census form: black, white, Asian or Pacific Islander, American Indian or Alaskan native, and other. But the last time the Census was taken, in 1990, there was a 45% increase in the number of respondents checking the "other" category. Birth data now indicate that the number of children of mixed race couples is increasing faster than the number of children born to single race couples, thus prompting a movement to add a new Census category called "multiracial".[297] The categorisation of Americans has become even more politicised with the entitlements of affirmative action, apportionment, educational and research funding, which have been applied to redress historical inequalities in recent years. In fact, it is members of established "minority" groups who are the strongest critics of the multiracial category. They consider it a threat to their organisations and hard-won political strength since many of their members could conceivably "defect" to the multiracial category. It has even been estimated that at least seventy-five percent of those who currently define themselves as "Black" would be able to check the Multiracial box because of their mixed heritage.

Such a statistical swing would drastically affect the civil rights programs at the state and federal levels, leading many to question the validity of any racial classification at all. But without such classification, it has been argued, civil rights protections may fall prey to lurking discrimination and prejudice which remain statistically significant in American society. However, official categories of racial classification may exacerbate racial conflict: "By creating social welfare programs based on race rather than on need, the government sets citizens against one another precisely because of perceived racial differences."[298] Additionally, by offering specific categories of race for census respondents to select, the government takes a hand in restricting and enforcing the racial identities of its citizens. This is especially problematic when the identity category is as troublesome to define as "race".

Many Americans do not have a clear understanding of who they are racially, as illustrated by a study in which 5.8 percent of the participants who considered themselves to be Black were described as White by an interviewer. Almost one third of self-described "Asians" were considered to be Black or White by outside observers, and the same result was true for 75

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Seth Schiesel and Robert L. Turner, "Is Race Obsolete?," *The Boston Globe Magazine* 22 September 1996, 13.

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Lawrence Wright, "One Drop of Blood," *The New Yorker* 25 July 1994, 54.

percent of self-identified American Indians.[299] This study does not even begin to illustrate the complexity of identity in racial terms of someone with cross-cultural heritage on both sides of the family. The larger question in America's race debate is one of group membership and the extent to which an individual's identity must be articulated in terms of membership in a group (or many groups). In this sense the debate is a variation on the struggle to simplify and politicise (territorialise) national identity and this aspect gives it broader relevance as an example of the internal politics of identity and difference which "threaten" the state. The idea that people can be counted and compartmentalised on such bases is an illusion: "To be effective, the concepts of individual and group identity need to reflect not only who we have been but who we are becoming. The more these categories distort our perception of reality, the less useful they are."[300]

The intensity of the racial classification debate appears in stark contrast to Kaplan's futuristic musings of multicultural, economically dynamic "polycentric urban pods", which appear bland and uniform by comparison. In fact, one of Kaplan's sources, a business journal editor in Orange County, California, admits that there is little local loyalty or community feeling since most people have migrated to the county from elsewhere primarily for economic benefit. He concludes that "In the future, patriotism will be more purely and transparently economic."[301] But Kaplan himself wonders whether urban areas such as Orange County, which act as magnets for motivated entrepreneurs, can really maintain the stability they appear to present in the absence of shared notions of patriotism or civic virtue. Libertarianism thrives in such "urban pods" and the side effect of this independent-minded pursuit of the good life is social fragmentation and inequality: "the threatening and unsightly poor are kept out of sight; hence the growth of social- and income-exclusive residential areas."[302] In contrast to the individualism of Orange County, Kaplan identifies another model for the regional political space of the future — the revival of the city-state as exemplified by Vancouver, British Columbia. Geographically, economically, and socially isolated from the rest of Canada, British Columbia maintains a strong regional identity. Fuelled by a large, wealthy Asian immigrant pool, the city of Vancouver is

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Ibid, 53.

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Ibid., 55.

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Kaplan, *Empire Wilderness*, 101.

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Ibid., 97

developing an "East-West hybrid culture" of economic success. But it also maintains a cohesive sense of identity which generates civic loyalty of the kind necessary for perpetuating a new type of political space.

As a Vancouver urban geographer enthused:

> "This is all you need to be sovereign in the phase of history we are entering; a dynamic and highly educated population and strategic transport links. Cities and their environs already provide you with everything you need — garbage collection, schools, neighborhood whatever — but they get the least of your taxes. The bulk of your tax money still goes to the state or province and the federal government, and what do they do for you....Isn't it antiquated? But that will change. In the coming decades your tax money will increasingly go to the place you really care about....Though I guess we should all pay taxes to that Information Age military you are creating in Washington, D.C. They'll in effect sell us the protection we will need against terrorists and other bad people. You see, we don't need *you* [he meant America], and we certainly don't need Canada. What we need is your military!"[303]

Whether or not these speculations are accurate, what Kaplan and his sources tell us is that change is afoot, and even wild approximate guesses as to what shape the future may take are a more positive approach than denial and resolute insistence on the forms of the past. One of the biggest problems for Kaplan's thesis that the state structures of North America will disintegrate into a combination of urban pods and city-states is that it fails to address the question of whether the current success of these areas can be maintained without the support of the state structures within which they currently sit. The urban geographer envisioned contracting out for military protection, but national politics cover many more issues such as health, education, welfare, environmental protection and a strong legal system. This is not to say that these issues cannot be resolved in the future space Kaplan has in mind, it is only to point out that the question of future political spaces is a complex one and cannot ever be thought of as "solved" by a single theorist, however courageous his musings.

The fact that this discussion of Kaplan's work has apparently been restricted to local urban areas rather than states and the sphere of the "international" by no means makes it irrelevant to International Relations theory and secession. The future of such regions will certainly change the nature of international relations by changing the type of political body among which the inter-relations take place. International Relations theorists would neglect such possibilities at the peril of a disciplinary descent into irrelevance. True, Kaplan's ideas are particularly based on North American conditions and therefore can be seen as culturally possible only in the Western New World. But the ties of economic interdependence and inter-cultural

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[303]

Ibid., 317 (brackets in original).

relations are so widespread now that no such change could be strictly *local*. Furthermore, while these forces of inter-relationship and change cannot be fully controlled, they can be analysed and accounted for in any vision of future possibility. The key is to appreciate the necessity of complexity, and to fight the tug of comfortable certainty, in attempting to understand the new politics of space and time.

Democracy *sans frontieres*

Given the intensity with which political power is being pulled in multiple directions on a multitude of issues, both locally, as in Kaplan's models, and regionally, as economic and strategic coalitions such as the European Union and NATO illustrate, national governments can no longer claim to be the sole relevant bodies for dealing with a large number of political questions. Globalisation, Held and McGrew argue, has led to a new kind of "boundary problem", in which states' decisions affect not only their own citizens but many others who have had no voice.[304] This raises tricky questions of accountability and responsibility which badly tangle the happy clarity of the old sovereign inside/outside divide. Held and McGrew remark that "Political space for the development and pursuit of effective government and the accountability of power is no longer coterminous with a delimited political territory."[305] What, then, becomes of the post-Cold War project of spreading democracy as a means of achieving peace? This "boundary problem" is actually a crucial question of political theory — making political decisions which are legitimate and accountable. Global government is certainly not the answer to this question, and Held and McGrew are quick to point out that globalisation does not act as homogenisation. States still maintain unquestionable power over the big political issues concerning their territory — namely military security and border control. But in most other areas of the political sphere, as it is currently fashionable to point out, the pretensions of states to dominance are wearing thin. In short, authority over many political questions is now being transformed, by the simple collective force of world shrinkage due to the vast increase in the speed with which we conduct all of our transactions. Held and McGrew urge that "If the most powerful geo-political forces are not to settle many pressing matters simply in terms of their own

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The most stinging examples of this phenomenon occur in questions about the environment — for example, the failure of Brazil to adequately protect its rain forests, and the continued overproduction of dangerous waste by much of the developed world. For a clear discussion of how these questions relate to sovereignty and International Relations theory, see Thom Kuehls, *Beyond Sovereign Territory: The Space of Ecopolitics* (Minneapolis: University of Minnesota Press, 1996).

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David Held and Anthony McGrew, "The End of the Old Order? Globalization and the Prospects for World Order," *Review of International Studies* 24 (December 1998): 235, 219-243.

objectives and by virtue of their power, then existing institutions and mechanisms of accountability need to be reconsidered."[306] To this end, they identify a "taxonomy of prospective world orders": four established schools of thought which focus on the reallocation of political power.

The first of these is the increasingly popular neo-liberal school, in which economic forces cause transnational networks to develop and marginalise the influence of the state. Market forces become authoritative and consumerism pervades, causing a new identity to prevail over traditional societies. "The global spread of Western liberal democracy further reinforces the sense of an emerging civilization defined by universal standards of economic and political organization."[307] Another school of thought is liberal-reformism which seeks to promote "a new global civic ethic based upon 'core' values that all humanity could uphold." Liberal reformists, in the tradition of the great liberal ideals of the nineteenth century, with their "faith in progress and human rationality...have argued that creating a peaceful and democratic world order is far from a utopian project but, on the contrary, a necessity in a world of growing interdependence."[308] Rather than relying on the market to push democratic standards, liberal-reformists would make states more accountable through reform of international institutions. Thirdly, in contrast, there are those who adhere to the 'radical project', emphasising a 'bottom up' means of change in world order. Radicals do not rely on individualism or rationality, but believe alternative mechanisms such as social movements which "challenge the authority of states and international agencies as well as orthodox definitions of the 'political'." Thus, the radical version of 'humane governance' is based on "a multiplicity of 'communities of fate' and social movements."[309] Finally, Held and McGrew identify the cosmopolitan project, which aims to specify principles of accountability for "forms of power which presently operate beyond the scope of democratic control."[310] Cosmopolitans believe that citizenship and loyalty will be "mediated" through different and multiple traditions and communities and that this will increase the possibility of mutual understanding. Democratisation, in the cosmopolitan project, involves

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[306]
  Ibid., 238.
[307]
  Ibid.
[308]
  Ibid., 240.
[309]
  Ibid., 241.
[310]
  Ibid.

not only "deepening" democracy within states and local communities, but also encouraging "cosmopolitan citizens to gain access to, mediate between, and render accountable, the social, economic and political processes and flows which cut across and transform their traditional community boundaries."[311] Cosmopolitanism, as envisioned here, centres on the legitimacy of politics and how that can be reconceived as democratic principles in a non-territorial fashion. Held and McGrew conceive of these four schools of thought, or 'projects', as constituting an invigorating political debate — in contest against one another. That a multi-faceted discussion of the new possibilities of non-territorial politics is necessary seems obvious enough. What is not clear is why these "schools" should be seen as competing against one another for ultimate and exclusive success. There is nothing about the features of neo-liberalism, liberal-reformism, radicalism, or cosmopolitanism as described here which shuts out the indicators of other projects or requires mutual exclusivity. Rather, one should require of Held and McGrew a vigourous defence of why global market forces, international institutional reforms, global social movements, and cross-boundary citizenship cannot all occur at once. In fact, they are all occurring today as we struggle to discern trends and order in a confusing and transitional global ethos.

It is the extension of accountability for constituencies which span territoriality that lies at the heart of the concern for new forms of a democratic order. Held examines this idea in another piece (elaborating the cosmopolitan project) in which he points out that our prior assumptions about democracy have been bifurcated by the inside/outside sovereign divide. The international system has been distinguished by "democracy *in* nation-states and non-democratic relations *among* states; the entrenchment of accountability and democratic legitimacy *inside* state boundaries and the pursuit of power politics (or maximum advantage) *outside* such boundaries; and democracy and citizenship rights for '*insiders*' and their frequent negation for '*outsiders*'."[312] Globalisation obviously threatens the legitimacy of a democratic system manifested solely within the state. Held's point in advocating a "cosmopolitan democracy" is that we must reconceive of democracy as a system which applies to all the constituencies which should monitor accountability regardless of territorial boundaries and national identities. Held envisions referenda of transnational groups on issues such as energy policy and the formation of regional authorities, because cosmopolitan democracy is "based on the recognition that

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[311]

Ibid., 242.

[312]

David Held, "Democracy and the New International Order," in *Cosmopolitan Democracy: An Agenda for a New World Order*, ed. Daniele Archibugi and David Held (Cambridge: Polity Press, 1995), 103 (emphasis in original).

democracy within a particular community and democratic relations among communities are interlocked, absolutely inseparable, and that new organizational and binding mechanisms must be created if democracy is to survive and develop in the decades ahead."[313] The question remains, What kind of mechanisms and how can they be created? Held is aware of the difficulties of asserting a specific global program, since it is arguable that globalisation has sparked the renewed affirmation of particular identities and separatist tendencies. He is careful to assert that the existence of cosmopolitan communities requires neither integration nor consensus along political and cultural lines, since "part of the appeal of democracy lies in its refusal to accept in principle any conception of the political good other than that generated by the people themselves."[314] In other words, democracy is the only system which conveys legitimacy upon limitless numbers of competing "narratives of the good". What must be instituted globally in order for Held's vision to become meaningful is a "precommitment" to follow democratic procedures — each political entity or interest must "recognize the other as a legitimate presence with which some accomodation must be made; and each must be willing to give up exclusive claims upon the right, the good, the universal and the spatial."[315]

Covert Coercion and the Liberal Utopia

With the idea of pluralistic recognition and participation of all perspectives, and the abandonment of a single claim to the truth, the theoretical difficulties of democratic politics become more apparent. How are the multiple voices to be heard without the strong and the numerous drowning out the weak and the few? National boundaries have much less to do with the dynamics of democratic accountability than popularly acknowledged. The problem of "coercion" is one which has plagued democratic theory since its inception. Jane Mansbridge goes so far as to argue that true political legitimacy cannot exist in the real world: "If coercion is legitimated only by equal power in the decision to coerce, and if no real democracy can achieve equal power, then no real democracy — especially no real large-scale democracy — can ever fully justify the coercion it exercises."[316] Legitimacy, then, can only be approximated but never

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[313]

Ibid., 112.

[314]

Ibid., 115-116.

[315]

Ibid., 116.

[316]

Jane Mansbridge, "Using Power/Fighting Power: The Polity," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 54.

fully achieved. Coercion, in the sense of unequal deliberative power over decision-making, is always present, even in the smallest groups. Thus political accountability and representation problems are present within as well as among national identity groups. On one hand, this would seem to dissolve the importance of borders for political democratic decision-making through the equally "coercive" conditions to which all participants are subject in any political process. However, it does little to attract one to the cosmopolitan project since the conditions of democracy as a whole are severely called into question. So how can the democratic process be legitimated? How can its participating identity groups be validated? Mansbridge herself considers that the coercive nature of democratic deliberation, if recognised, can serve to drive the process of compromise and accommodation continually onward, forcing us to realise that the state of equality and justice is never actually achieved.

> Each balance of power creates a new underdog, each settlement a new group who would benefit from unsettling. Each settlement accordingly creates not only the necessary capacity for action but also the need to protect and facilitate in some way those who have lost. Because no democracy ever reaches the point at which justice is simply done, democracies need to recognize and foster enclaves of resistance.[317]

This is a crucial point — *justice is never done* — both in the sense that it is never simply achieved and that the process of trying to achieve it must continue. This is so because there can be no common perception of justice determined in a coercion-free deliberative environment. The best democracies, then, are never stable, but always poised on the point of unsettling balances, shifting alliances and toppling the powerful. We must always be aware of the need for opposition and resistance.

As Chantal Mouffe puts it, "the relation between social agents becomes more democratic only insofar as they accept the particularity and the limitation of their claims; that is only insofar as they recognize their mutual relations as one from which power is ineradicable."[318] For Mouffe, the notion of a democratic system which is freed of power relations is a dangerous illusion. She advocates a project of "radical and plural democracy" in which "the specificity of modern pluralist democracy — even a well-ordered one — resides not in the absence of domination and of violence but in the establishment of a set of institutions through which they

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Ibid., 58.

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Chantal Mouffe, "Democracy, Power, and the 'Political'," in *Democracy and Difference*, ed. Seyla Benhabib, 248.

can be limited and contested."[319] In her critique of John Rawls's concept of just society, Mouffe asserts that any attempt to resolve with finality the question of what constitutes justice in a democratic community yields dangerous consequences. Rawls's theory of the well-ordered society is one which has eliminated politics because a common conception of justice has been realised by "reasonable and rational citizens" who act in accordance. These citizens' mutual "differences" occur in their conceptions of the good, but these conflicting ideas are private and do not affect the public sphere. All disputes over public issues are resolved through the agreed upon principles of justice. But any dissent about what constitutes these principles of justice must be by an "unreasonable" or "irrational" person who must be forced to submit. This coercion, however, is legitimated, in Rawls's society, by its source in the communal exercise of reason. Mouffe concludes that "Rawls's 'liberal utopia' would then, be a society in which legitimate dissent would have been eliminated from the public sphere."[320] Because Rawls and others who attempt to maintain a fixed definition of justice, assume that an "ordered" society is one in which there is full agreement about political processes in the public sphere, he has consigned all "difference" to the private sector. But this is to profoundly miss the constitutive nature of politics itself. Democratic order is not the staid absence of dissent in the public realm, but rather the realisation that "undecidability is the condition of existence of democratic politics."[321] The more contentious and indefinite are relations among participants in a society, the better the democratic project of giving voice to the plurality has been approximated.

> Instead of trying to erase the traces of power and exclusion, democratic politics requires bringing them to the fore, making them visible so that they can enter the terrain of contestation. The fact that this must be envisaged as an unending process should not be cause for despair, because the desire to reach a final destination can only lead to the elimination of the political and to the destruction of democracy. In a democratic polity, conflicts and confrontations, far from being a sign of imperfection, indicate that democracy is alive and inhabited by pluralism.[322]

The only way to properly accommodate identity and difference within political theory is to recognise the inevitability of conflict (politics) among the many selves and conceptions of the

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[319]

Ibid.

[320]

Ibid., 252.

[321]

Ibid., 254.

[322]

Ibid., 255.

good. This conception of democracy has profound implications for the conclusions reached by most theorists of secession and has been largely ignored.

Leaving Home

Political theorist Bonnie Honig makes a crucial connection between the "inescapability of conflict" and the concept of "home". If we are to attempt to seriously integrate the concept of identity\difference into democratic theory, we must "give up on the dream of a place called home, a place free of power, conflict, and struggle, a place — an identity, a form of life, a group vision — unmarked or unriven by difference and untouched by the power brought to bear upon it by the identities that strive to ground themselves in its place."[323] Honig is not making a call for the primacy of the individual and the relative unimportance of group identities. Rather, she is emphasising the need to recognise that "home" is a collective illusion which hides the struggle of the constituted identities taking part in it. The inter-relationship of identity and difference (as discussed in Chapter Four, *Problematising Identity*) cannot be ignored or downplayed in any discussion of secession and international politics. Instead this relationship must be brought to the forefront in order to uncover the flaws in our assumptions about the nation and the homeland and the goal of "solving" ethnic conflict. Difference is not only the self we are not, it is an actual part of our "self". Identity contains difference within it, difference is "what identity perpetually seeks (and fails) to expunge, fix, or hold in place."[324] Honig's "politics of home" reflects on the urge to reside within the illusion of a collective identity, where values are shared and difference is kept out. Democratic politics within such a *home*-land would be free of conflict because of the common identity and — thus equality — of the participants. But we have already learnt to be wary of complacency in politics since it refuses to acknowledge difference and thus hides the oppression of dissent. Because it must be unitary to maintain its trouble-free identity, the politics of "home" strives to withdraw from or conquer the difference within. As Honig warns:

> The dream of home is dangerous, particularly in postcolonial settings, because it
> animates and exacerbates the inability of constituted subjects — or nations —
> to accept their own internal differences and divisions, and it engenders zealotry,
> the will to bring the dream of unitariness or home into being. It leads the
> subject to project its internal differences onto external Others and then to rage
> against them for standing in the way of its dream — both at home and
> elsewhere....This zealotry takes shape as a propensity either to withdraw from

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 Bonnie Honig, "Difference, Dilemmas, and the Politics of Home," in *Democracy and Difference*, ed. Seyla Benhabib, 258.

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 Ibid.

> conflicts or to conquer them: withdrawal (to a supposedly safe home that is
> elsewhere, away from all this tumult) and conquest (of that tumultuous disorder
> in order to build a supposedly safe home here) are two sides of the same zealot's
> coin. Both signal an unwillingness — on the part of constituted subjects or
> formed nations — to settle for anything less than a phantasmatic imaginary of
> home.[325]

Through this perspective, secession can be seen as both the attempt to withdraw from difference and the attempt to conquer it. Both involve the unyielding attempt to purify the identity of the collective self — a fruitless and unsavoury task. Given the anti-democratic implications of this attempt, secession becomes a phenomena which no democratic theorist ought to justify. But, as I have mentioned before in this thesis, secession is not a *problem* which can be *solved* through carefully reasoned methods and analysis. It is an *outcome* of a certain way of thinking about identity and politics. When these ways of thinking have changed, secession will no longer be relevant.

What, then, becomes of our concept of home and our obvious need for some kind of rooted identity? Honig theorises optimistically that acceptance of the state of conflict and difference and the impossibility of the conventional notion of home is the admission of "a vulnerability that may *look like* homelessness", but actually allows a reconceptualisation of home as a "coalitional arrangement".[326] Such an arrangement of home is the required first step to a true understanding of the freedoms we do have, an understanding that rejects home as "spaces of privacy and integrity that depend upon the displacement of abjection onto Others, spaces of identity that seem to require for their survival the displacement, conquest, or conversion of difference and Otherness that relentlessly intrude upon us."[327] So the response to our need for home and a rooted identity is to recognise the illusive nature of the quest. Like justice, home is a concept which can never actually be realised, and, like justice, the desire for it is never sated. But this assertion is not a call to abandon order and civil society. To the contrary, it is an urgent appeal to recognise the need for constant coalitional negotiations and the wide variety of possibilities for the social self in terms of multiple affiliations. With such an understanding of home and of the self, we are at once far less secure, and also far less bounded — that is, more free to realise the complexity of the self (both individually and collectively). This seeming homelessness is the ethical option, in terms of refusing to hide or rename attempts to

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[325]

Ibid., 270.

[326]

Ibid., 271 (emphasis in original).

[327]

Ibid., 272.

eliminate difference. There is also an element of the psycho-analytical perspective in this understanding — it is Julia Kristeva's recognition of the foreigner within. Kristeva realises the political possibilities of an "ethics of psychoanalysis" in the discovery of our own "disturbing otherness". If we recognise our *own* "uncanny strangeness we shall neither suffer from it nor enjoy it from the outside. The foreigner is within me, hence we are all foreigners. If I am a foreigner, there are no foreigners."[328] For Kristeva, the politics of psychoanalytic ethics would involve:

> a cosmopolitanism of a new sort that, cutting across governments, economies, and markets, might work for a mankind whose solidarity is founded on the consciousness of its unconscious — desiring, destructive, fearful, empty, impossible....[For] the difference within us in its most bewildering shape [is presented by Freud] as the ultimate condition of our being *with* others.[329]

Thus, theories of cosmopolitan democracy and of the politics of psychoanalytic ethics cross disciplinary boundaries to reach very similar conclusions. This should not come as a surprise to political theorists, since the determination of the self, the "us" and "them" is *the* foundational question of politics.

Different Democracy

In conjunction with the discussions above about the constitutive inter-relationship between identity and difference, it seems clear that even if there were widespread agreement about the value of universal peace and organisation, it would be antithetical to democratic values to eliminate difference, or, in Schmittean terminology, to eliminate the determination of friend/enemy and thus politics itself. However, taking Schmitt's thesis from a modernist to a post-modernist stage allows us to contemplate mechanisms for appreciating the self/other distinction on the inside as well as the outside of the sovereign border, and thus to theorise ways of dealing with internal difference and the nature of democratic accountability. For William Connolly democracy has been injured by its irrevocable theorisation in terms of state institutions. Political theorists have assumed the state territorial foundations of democracy without questioning the contradictory impulses of democracy itself. The territorial state provides the (liberating) organisation of electoral institutions, but also, Connolly asserts, the (confining) limitations of democratic "energies" which seek to find points of identification without regard to

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Julia Kristeva, "Strangers to Ourselves," in *The Portable Kristeva*, ed. Kelly Oliver (New York: Columbia University Press, 1997), 290.

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Ibid. (emphasis in original).

geographical markers.[330] Rather than seeing democracy as altered or inauthenticated by a non-territorial reconceptualisation, Connolly envisions democracy as deprived of the full manifestation of its capabilities while it continues to be restricted to the confines of the territorial state. These capabilities exceed the concept of democracy as a form of rule and encompass it as "an egalitarian constitution of cultural life that encourages people to participate in defining their own troubles and possibilities, regardless of where these troubles originate and how narrow or broad they are in scope".[331] Thus democracy can be seen as a social process which continually overturns settled conventions, thrives on ambiguity and circumvents the attempts of one perspective to claim the final truth. In other words, *"its role as a mode of governance is balanced and countered by its logic as a cultural medium of the periodic denaturalization of settled identities and conventions."*[332] It is this problematising aspect of the democratic ethos that allows it to exceed the confines of the state's political space and to generate spaces of its own. Connolly does not argue that the dissolution of territorial governance is imminent or desirable. Instead he argues for the "pluralization" of democratic spaces, the allowance of new allegiances and identifications without regard to state institutions. Such allegiances are indeed already taking place in terms of financial structures, social movements and media, to name a few. The point is not to identify or name the structures of future political spaces — that would resemble the type of essentialist project which would contradict the very democratic disturbances which fuel the changes in the first place. Connolly proposes a recognition of the (anachronistic) limitations imposed by the state on democracy and a pluralistic response to the "democratic aspiration to have a hand in shaping corporate, strategic, distributive, ecological, and military practices that enable, discipline, and endanger our lives."[333]

It is important to accept the fact that no single vantage point on the shape of pluralized democracy can be gained. The new political spaces can only be recognised and encouraged — they cannot be fully preconceived lest they deteriorate into utopian illusions or uncompromising irrelevancies. Connolly compares today's development of pluralized democratic spaces to the

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Connolly, *Ethos of Pluralization*, 152.

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Ibid., 153.

332

Ibid., 155 (emphasis in original).

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Ibid., 161.

relationship between Italian city-states and the growth of state-territorial organisation in the sixteenth century. It cannot be fully imagined:

> It is protean, unformed, and unrealistic from the perspective of fixed identities and conventional boundaries. Epistemic realists will always find it difficult to participate in the activation of new energies if they demand the solidification of future possibilities into fixed objects prior to the representation of them.[334]

Seeking solidity will prioritise certainty over ambiguity and perpetuate sameness at the cost of oppressing difference.

The big question which suggests itself upon consideration of the pluralizing ethos is to what extent can diversity be encouraged before fragmentation endangers the collective good? Connolly replies that the question assumes a misunderstanding of the inter-relationship between identity and difference by identifying "extensive cultural *diversification* with the loss of cultural *connections*....To pluralize, therefore, is not to fragmentize. To dogmatize is to fragmentize."[335] To illustrate his point, Connolly examines the ever-present tree metaphor of society, with a deeply rooted base from which the limbs of diversity may branch. He rejects this metaphor in favour of rhizomatic growth which depends upon the continual interconnection of both roots and shoots, and which spreads in many directions instead of the unidirectional tree.[336] Within the rhizome metaphor, diversification indicates the flourishing strength of the plant, with multiple roots and shoots each connected with others by criss-crossing runners. The diversified pluralized culture which grows from these rhizomatic connections is helped along by a relationship among participants which Connolly calls "agonistic respect" — it is a certain reciprocal "forbearance" and "generosity"[337] in pressing and responding to claims which stems from widespread acknowledgement of the ambiguity of identity and the impossibility of an objective standard of truth. The politics of agonism are to be understood in contrast to those of antagonism. Unlike antagonism, agonism recognises the necessity of the different other in the constitution of the self and therefore it concedes to the other a measure of respect. Like Schmitt's friend-enemy distinction, agonists exist on level and equal terms — each necessary for the other to exist. An agonism of difference is one in which:

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  Ibid., 160.

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  Ibid., 196-197.

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  Ibid., 94. Actually, Connolly borrows the rhizome metaphor from Gilles Deleuze and Félix Guattari.

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  Ibid., 193.

each opposes the other (and the other's presumptive beliefs) while respecting
the adversary at another level as one whose contingent orientations also rest on
shaky epistemic grounds. An antagonism in which each aims initially at
conquest or conversion of the other can now (given other supporting
conditions) become an agonism in which each treats the other as crucial to itself
in the strife and interdependence of identity\difference. A "pathos of distance"
(to borrow a phrase from Nietzsche) begins to unfold whereby each maintains a
certain respect for the adversary, partly because the relationship exposes
contingency in the being of both.[338]

The relationship of agonistic respect thus smooths the way for connections among the many
identities in a pluralized democracy and into the multi-bounded political spaces beyond the state.
But agonism can also have profound meaning for international relations in both its inter-
national and inter-*state* senses. Showing agonistic (rather than antagonistic) respect for the
national aspirations of an opponent allows that opponent to feel recognised (not unlike the
international legal recognition which constitutes a state), and therefore removes the aspect of
zero-sum politics from the game. If the starting assumption is that the "other" identity not only
has a right to exist but is intrinsic to your own "self" identity than the very definition of security
politics undergoes a deep transformation and the possibility of communication and
understanding (even if unaccompanied by friendship) is greatly facilitated. Secessionist politics
would become increasingly irrelevant as states became less dominant as the sole validative fora
and the politics of pluralizing democracy expanded through the growing organic ties of the
rhizomatic structures.

*In*conclusion

While the increasingly anachronistic relationship between state and territory would
seem to pose a threat to democratic politics, it only points to the conditions of possibility for the
creation of new political spaces and more authentic democratic practices. We can seek now to
create different meanings for the conceptual signifiers *politics, state, identity* and *democracy.*
The modernist territorial meanings for these terms that we struggle with today are becoming less
and less relevant, but they contain the seeds of new *post*-modernist meanings which can make
better sense for the emerging patterns of the globalised world. As stated above, future politics
cannot be made to conform to a pattern or model — this would be imposing one vision over
another. It would be to advocate fragmenting dogma rather than pluralising rhizomatic patterns

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William Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox* (Ithaca: Cornell University Press,
1991), 178-179.

of relations. Because we (can) have no model, we are scarcely able to recognise contra-

ontopological patterns. As Roland Bleiker points out,

> Discourses live on and appear reasonable long after their premises have turned
> into anachronistic relics. More inclusive ways of theorizing and living world(s)
> politics cannot surface overnight. There are no quick solutions, no new
> paradigms or miraculous political settlements that one could hope for.
> Changing the practice of IR is a long process, saturated with obstacles and
> contradictions....It is in our daily practices of speaking, of forgetting and
> remembering, that slow transformative potentials are hidden.[339]

We should be wary of elegant solutions as subversive of pluralistic and agonistic politics.

Politics is a messy, conflictual business; there is no quick fix. Nor, however, are there

permanent structural patterns which determine the way politics must be done. A historical

discourse of antagonism between nations need not dictate the precise course of the future.

Enemies have become friends and friends enemies. The nations of Western Europe, engaged in

total war a short half-century ago, now allow free passage across the borders internal to the

European Union. While there are still many modernist ontopological aspects to EU discourse,

with a constant tension between the whole entity and the particular states, the levelling of

economic and legal practices hints at a new willingness to break away from territorial politics.

The fact that EU politics proceeds with maddening slowness is due partially to member states

clinging to their shreds of power and partially also to the lack of a supreme plan or consensus.

European unification is a process which does not ask (and therefore cannot answer definitively)

"what is the nature of European unification?" Rather, the EU simply engages in a continual

questioning and re-establishing of the semantics of *European* and of *Union*. Continual

redefinition, without recourse to the determination of a historical model, allows the EU to

venture beyond the familiar patterns of statehood in which regions and social movements have

options for transborder recognition and cooperation. I do not wish to represent the EU as a

model of contra-ontopology. The EU does maintain modernist conceptions of inside/outside

territoriality, but the fact that the external borders are even somewhat negotiable, and that

internal relations occur across state borders, hints at a willingness to conceive of new forms of

political space.

    As mentioned above, it is the daily practices of speaking, forgetting and remembering

that yield the full transformative potentials of alternative theorising. Bleiker discusses forgetting

in Nietzschean terms — that is, one must forget history in order to free the future from its grasp.

It is a special kind of forgetting, which allows the remembering of historically constructed

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[339] Roland Bleiker, "Forget IR Theory," *Alternatives* 22, no. 1 (1997): 79, 57-85.

identities, but also the remembering of the contingency of those constructions and therefore the forgetting of the determination of history and the recognition of alternatives for the future. As Milan Kundera says, "Remembering is not the negative of forgetting. Remembering is a form of forgetting."[340] This is the kind of forgetting which allows the Blacks in America to remember slavery but forget the shame of bondage and re-establish their identities as integral to the building of the country; it allows Whites to remember that they participated actively or tacitly in a system which condoned slavery, but to forget the hatred they felt for the Other and recognise that the White identity in America was constructed against the Black and therefore contains Blackness within it. This is the kind of forgetting which is going on currently in South Africa, Viet Nam and Chile, but it is a long, slow and painful process and there are always some who persist in remembering the narratives of exclusion. Their voices are a part of the ambiguity of agonistic politics, and they cannot be silenced. Secessionist narratives are a form of history which remembers without forgetting. They perform a politics which attempts to re-member the nation in terms of maintaining the identities (membership) of the mythical historical nation of the past. Secessionists are trying hard not to *forget*.

Examples from Western Liberal Democracies are in fact the "easy" cases. Conflictual and angry as relations between these groups remain, they are still relations under conditions of peace. What do we say to the groups caught in the cross-fire of the Balkans? They eat, drink and breath ontopological convictions. How do we *practice* our *theory* of forgetting in Serbia? Listening to the nationalist mythical historical narratives stemming from all sides of the various conflicts, one pattern repeats itself: "We can never live with them after what they did to us." It is tempting to use these stories as the basis for peace. The wars between these groups have been so horrible, the quickest option to stop the fighting is also the easiest. If they cannot live with each other, then surely they should not have to. The solution most easily implemented always consists of boundaries, separation, autonomy — control over territory. But these are the solutions of history, and they are the "solutions" which made the current conflicts possible. The Dayton Agreement, with its blotchy birthmark patchwork of territorial entities held together by the thinnest threads of federal structure, is nothing if not a monument to modernist ontopological thinking. For the moment, there is peace in Bosnia, but it is very doubtful that there is any forgetting.[341] Can our theories about alternatives for the future be useful in solving active

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Milan Kundera, *Testaments Betrayed* (London: Faber and Faber, 1995), 128.

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As I write in June, 1999, the agreement over the withdrawal of Serbian forces from Kosovo and the deployment of NATO-led troops to guarantee the "security" of Albanian refugees has just been signed. Nothing in this agreement

conflicts? I suggest that they can, but they must be *practiced* first. Without the coercion and guidance of an ontopological teleology, the practice of forgetting and remembering is difficult. But when ethnic groups in conflict claim that their history prohibits them from co-existence, it is time to forget. Nationalist performances based on the territorial exclusion of the other must not be credited as structural imperatives for the future. Any solution must involve the slow hard process of reconciliation and mutual recognition. The opponents need not be friends, they need only understand their mutual dependency. This requires the establishment of stable institutions which give voice and rights to all perspectives regardless of national affiliation — in other words, a free press, independent judiciary and multi-party democracy. A new path for "war-torn societies" (Kosovo, or Northern Ireland, or Palestine) involves the refusal by peace brokers to countenance the exclusivist claims of historical nationalist identities. But more than that, groups caught in conflict must be given encouragement to engage with each other, to claim responsibility for, but also to *forget* their histories by freeing up space (both political and territorial) for different relations in the future. The relations will take shape as needed and as performed on a daily basis, but they must be nurtured and protected against the fragmentizing dogmatic tendencies of the separatist imperative.

Thus new types of spatial politics will change our understanding of the national and the international — and International Relations Theory and Practice must change along with it. We cannot continue to assume that identity stops at the state's border — politics are constitutive of the self and the other. *International* politics occur wherever groups claim a national identity of the self, regardless of the institutional or spatio-temporal setting. Comprehending this dynamic is crucial for the future relevance of International Relations as a discipline — and of course for theorists of secession. As we recognise the transcendence of state boundaries and the separatist politics they engender, so we come to recognise secession as an anachronism, and eventually as history.

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recognises the need for Albanians and Serbs to *forget* Kosovo's history. Nothing about this settlement indicates that relations between Serbs and Albanians will be "settled". All the borders — territorial and political — remain intact.

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