

## **SELF-DETERMINATION, INTERNATIONAL SOCIETY AND WORLD ORDER**

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### I INTRODUCTION

In this article I locate some of the fundamental problems of self-determination within the context of an evolving international society.<sup>1</sup> First, I argue that one particular manifestation of self-determination, that of national self-determination, is both a solution to the enduring problem of territorial legitimation in international relations as well as the source of subsequent challenges to territorial stability. Since the end of the Cold War, these challenges have been intimately linked with the growing number of civil wars as well as patterns of collective violence that blur the boundary between civil and inter-state war. Second, I claim that the dominant theoretical approaches to the study of world order in International Relations (IR) provide inadequate prescriptive guidance to cope with the challenges ahead. The article concludes by suggesting that, although secession may be justified under certain conditions in order to cope with the central paradox of national self-determination in international society, it is also an inadequate response. In the 21<sup>st</sup> century, the only enduring solution to the problems of self-determination is to sever the historical link between self-determination, nationalism and territorial sovereignty. In the final part of the article, I explore some of the ways in which it may be possible to transcend the tensions between territorial sovereignty and national self-determination in contemporary international relations.

### II SOVEREIGNTY, SELF-DETERMINATION AND WAR

There are two key 'moments' in the history of international society which provide the historical context for understanding the main obstacles to reconciling self-determination with international law and order. The first symbolic moment is the Westphalian settlement (1648) that inaugurated the modern system of states based on the principle of territorial sovereignty. The second is the French Revolution

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<sup>1</sup> See generally Hedley Bull, *The Anarchical Society* (1977). See also Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (2000).

(1789), when the concept of national self-determination was promoted as a democratic ideal of representative government, theoretically applicable to all humankind.<sup>2</sup> According to the political thought of the Enlightenment, governments should be based on the will of the people, not the monarch. People not content with their government should be able to secede and organise themselves as they wish. This strain of political thought meant that people were no longer mere subjects of the monarch, they were now citizens of the nation-state. From its inception, the concept of *national* self-determination was a threat to the legitimacy of the established order, and remains so today. However they are defined, there are simply many more nations than there are states, and there are no juridical processes available to redistribute humanity according to the principle of national self-determination without a severe disruption to the territorial integrity and rights of existing states.<sup>3</sup> In short, the society of states is at an impasse.<sup>4</sup>

Contemporary international society is an evolution of the European society of states, which, in turn, grew out of what was regarded as the universal Christian society of medieval Europe. This pre-modern idea of international society was conceived by the natural law thinkers of the period as a universal society of humankind bound in their relations with each other by moral laws derived, in part, from the natural law tradition, but also from the traditions and customs of Empire and Church in Christian Europe. The transformation of Christian international society into European international society was an outcome of the changing structures of political power in Europe and the intellectual challenges of the period.<sup>5</sup> The Reformation weakened the political and moral legitimacy of the Universal Church and the Holy Roman Empire, and subsequently also challenged the idea of a single moral authority in the political community. At the same time, the notion of political sovereignty and a conception of the state exercising exclusive jurisdiction over a territory and its inhabitants were becoming clearer. According to the conventional interpretation of international society, the Westphalian Peace Treaties constituted for the first time an international society in which the criss-crossing relations between diverse feudal conflict-units and the hierarchical claims of Empire and Papacy were, at least in Europe, superseded by formal relations

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<sup>2</sup> Malcolm Anderson notes that the term 'self-determination' originates from a translation of the German *Selbstbestimmungsrecht* in the 19<sup>th</sup> century, but the idea itself 'derives from the Reformation, which established the primacy of the individual conscience, and from the contractarian political philosophers of the seventeenth and eighteenth centuries': Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (1996) 37.

<sup>3</sup> As William Connolly bluntly points out: '[t]he nation-state is not a universalizable form. This simple fact...either makes some form of multiculturalism an ethical necessity within territories or sets up a future pattern of violent drives to nation-statism that makes the American holocaust against the Indian but an early shot in an endless series of civil wars.' William Connolly, 'Pluralism, Multiculturalism and the Nation-State: Rethinking the Connections' (1996) 1 *Journal of Political Ideologies* 60.

<sup>4</sup> For an extended treatment of the problem, see generally James Mayall, *Nationalism and International Society* (1990).

<sup>5</sup> See generally Adam Watson, *The Evolution of International Society* (1992).

between modern sovereign states.<sup>6</sup> Central rulers consolidated their exclusive sovereignty by controlling the instruments of foreign policy; namely, the armed forces, diplomacy and treaty-making.<sup>7</sup> International relations came to be institutionalised in permanent embassies, coordinating international affairs through regular diplomatic intercourse. This intercourse was governed by binding diplomatic protocols, which were discussed at regular multilateral congresses.

By the mid-17<sup>th</sup> century, only central rulers in charge of these prerogatives became subject to and makers of international law based on mutual recognition to the exclusion of rival domestic centres of power. Territorial sovereignty had repressed the independence of the nobility to act legitimately as autonomous war-lords, blurring any clear distinction between domestic and international spheres. Central rulers arrogated the means of violence to themselves and established bounded territories. As a result, the field of politics was formally differentiated into distinct domestic and international spheres based on an internal political hierarchy and an external geopolitical anarchy. After the Westphalian settlement, non-sovereign lords and other corporate actors 'dropped out' of international relations in Europe. At the same time, territorial sovereignty and the discourse of *raison d'état* secularised international relations by undermining the power of religion as the dominant mode of legitimacy, and in particular, by curtailing the universal ambitions of the Roman Catholic Church. The separation between international politics and religion entailed the recognition of the peaceful coexistence between legally equal members of international society. This separation was embodied in a code of international law that acknowledged mutual recognition, non-interference, and religious toleration between states, if not within them. Henceforth, universal conceptions of empire or *res publica christiana* gave way to power as the natural regulator of competitive international relations in a multipolar anarchical environment.<sup>8</sup> In the period between the Peace of Westphalia (1648) and the Peace of Utrecht (1713), the international states system started to display distinctly modern forms of international relations.

The framework of international law that emerged from the practices and agreements of emergent European states in the sixteenth and seventeenth centuries always exhibited critical tensions. Its chief contradiction lay in justifications of rules and practices rooted, on the one hand, in the prescriptive sovereignty of states and, on the other, in Christian obligations to other human beings. However, Christian theology was conducive to a rather sharp separation of the temporal and the spiritual, which in practice devolved almost unlimited domestic licence to temporal rulers, epitomised in the edict from the Gospels to 'render unto Caesar what is

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<sup>6</sup> On the claim that Westphalia represented a revolutionary change in world politics, see Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (2001).

<sup>7</sup> For the best guide to this process in the academic literature, see Charles Tilly, *Coercion, Capital and European States, AD 990-1990* (1990).

<sup>8</sup> The classic account of the balance of power is Edward Vose Gulick, *Europe's Classical Balance of Power* (1955).

Caesar's.' Nonetheless, within the constraints of the jealously guarded rights of states, important rules, especially relating to the conduct of war, codified a mutual interest in limiting the destructive side-effects of war. Such rules were often justified with reference to the Christian principle of protecting the innocent, which promoted rules designed to limit the destructive impact of war on civilians and their property, and to enjoin compassionate treatment of prisoners of war.<sup>9</sup>

The second crucial 'moment' in the evolution of international society exposed this contradiction in ways that have yet to be adequately dealt with at the international level, and which arguably cannot be dealt with within the existing architecture of international law. Following the French revolution, dynastic sovereignty – the divine right of monarchs – has given way to justifications of territorial exclusivity based on the idea of the nation-state, the self-determination of 'peoples', and popular sovereignty.<sup>10</sup> Meanwhile, Christian compassion has given way to the more secular language of human rights. The modern nation-state is now justified on the grounds of its expression of the unity and will of the nation that it represents. What was a prudential response by European princes to the carnage of the Thirty Years War (1618-48), namely the prohibition against intervening in the internal affairs of other states, has become entrenched in international law as a normative principle of paramount importance. Justification for the principle of non-intervention can thus be given not only with reference to pragmatic considerations of order and territorial integrity, but also with reference to the idea that political communities should be free to determine their domestic affairs according to their own particular values and beliefs.

Nonetheless, the new principle of territorial differentiation did not entirely replace its dynastic predecessor. Instead, it was grafted onto it in fits and starts. After the Napoleonic Wars, Poles, Italians, Magyars and Germans, as well as the ethnic minorities living among them, all advanced claims to self-determination. The Congress of Vienna in 1815 did not accept self-determination as a basis for reshaping the map of Europe, but similar demands from the oppressed peoples of the Austro-Hungarian and Russian empires later received more favourable treatment. Also, after the revolutions of 1848, national movements led to the formation of two new unified states, Germany and Italy.

Only after World War I, when the former European system began to disintegrate, did the principle of self-determination acquire principled advocacy through international figures as ideologically diverse as Vladimir Lenin and President Woodrow Wilson.<sup>11</sup> Despite Wilson's goal of enshrining the principle of self-

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<sup>9</sup> Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (1999) 24.

<sup>10</sup> It should be pointed out that although nationalism took on heightened political significance in the French revolution, its impact in Europe was delayed until well into the 19<sup>th</sup> century. See Alexander Murphy, 'The Sovereign State System as Political-Territorial Ideal' in Thomas Biersteker and Cynthia Weber (eds), *State Sovereignty as Social Construct* (1996) 95.

<sup>11</sup> See Robert Schaefer, *Warpaths: The Politics of Partition* (1990) 46-59. On the unlikely partnership between Lenin and Wilson, for whom self-determination and secession were

determination within the League of Nations' Covenant, the practical difficulties of realising the principle prevented its inclusion in the document's final text. Self-determination was only indirectly recognised as applicable to those territories placed under the League's mandate and to those colonies that succeeded their ruling powers after World War I. In fact, the League's covenant essentially established the inequality of peoples. For example, under Article 22, lands that received the status of mandated territories were to be guided by the 'advanced nations'. This arrangement essentially legitimised the colonial system.

World War II once again changed the political landscape, but the principle of self-determination affected these changes in the immediate postwar era only to a slight degree. During work on the United Nations Charter, differences of opinion emerged over the use of the words 'people', 'nation,' and 'state'. The right of self-determination in the Charter is associated only with 'peoples', and the notion of 'non-self-determined peoples' corresponds to what was traditionally described as a colony.

Determining exactly to whom (or what) the right of self-determination applies remains its most disputed aspect. President Wilson and Lenin considered 'peoples' and 'nations' to possess this right, but they did not specify the meaning of these terms. In the post-World War II era, it has been more or less commonly accepted that the right of self-determination applies only to colonies, which filled the ranks of the United Nations as sovereign states during the wave of decolonisation in the 1950s and 1960s.

The injustice of the colonial system led the UN General Assembly on 14 December 1960, to adopt the *Declaration on the Granting of Independence to Colonial Countries and Peoples*.<sup>12</sup> The preamble of this declaration emphasises that the refusal or obstruction of collective freedom brings about the intensification of conflicts. Article 2 states that 'All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development'. Furthermore, Article 3 states that, 'Inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence'.

Despite these developments, the debate over self-determination was by no means concluded. There were as many opinions informing the *Declaration on Decolonisation* as there were new countries it applied to.<sup>13</sup> The UN Commission on

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indistinguishable, see also Kalevi Holsti, *Peace and War: Armed Conflicts and International Order 1648-1989* (1991) 181-89.

<sup>12</sup> Declaration on the Granting of Independence to Colonial Countries and Peoples, GA Res 1514 (XV), UN GAOR, 15th sess, 947th plen mtg, UN Doc A/4684 (1961) ('*Declaration on Decolonisation*').

<sup>13</sup> Kaiyan Kaikobad, 'Self-Determination, Territorial Disputes and International Law: An Analysis of UN and State Practice' (1996) 1 *Geopolitics and International Boundaries* 15.

Human Rights has still declined to define the word 'people' and the term acquires little more precision in the UN charter itself. As Chris Brown points out:

In practice the right of self-determination has been attributed to all colonies, but the principle of *uti possidetis juris* has been applied, the effect of which has been to ensure that self-determination takes place within the boundaries determined by the colonial powers, or within pre-existing boundaries of federal systems in the case of the break-up of composite states such as the old Soviet Union.<sup>14</sup>

As I have demonstrated, contemporary international society is heir to two competing principles of international order, territorial sovereignty and national self-determination. Whilst the principle of national self-determination provides the primary justification for dividing humanity on the basis of territorial differentiation, it also challenges specific territorial boundaries that fail to respect this principle. In practice, however, the uneven and partial fusion of these principles in the form of the nation-state has played a key role in transforming patterns of war and peace in the modern era.

On the one hand, one could well argue that the uneven fusion of a popular-national with a territorial-political identity (the national state) partly explains the dramatic decline in the incidence of war between nation-states over the past three centuries. A state of war existed among the great powers about 88-89% of the time in the sixteenth and seventeenth centuries, but only 24-25% of the time in the nineteenth and twentieth centuries (up to 1975).<sup>15</sup> This pattern is particularly noteworthy in light of the growing number of states in international society. From 1840 to 1914, the number of states in the system was highly stable, varying roughly between 35 and 43. By the eve of World War II, however, that number was over 60; by the 1960s, it had doubled to 120; and in the 1970s, the average was 147 states in the system.

War was becoming less common for everyone, not just the great powers. International war has declined, in part, because the norm of mutual recognition of territorial sovereignty has produced a highly successful system of managing interstate conflict by increasingly delegitimising military conquest.<sup>16</sup> In the 19<sup>th</sup> century, international norms limited legitimate conquest only to certain areas. Since World War II, conquest has become so illegitimate that it is rarely attempted and even less often successful. As Iraq discovered to its cost in 1990-91, a stronger norm of respect for state sovereignty has solidified the international consensus against international aggression. It remains to be seen whether such respect survives recent speculation surrounding the legitimacy of preemptive force in the context of the recent war against Iraq. However, the United States and its partners in the

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<sup>14</sup> Chris Brown, *Sovereignty, Rights, Justice: International Political Theory Today* (2002) 78.

<sup>15</sup> Singer and Small define a war as a major armed conflict causing more than one thousand battlefield deaths in a twelve month period: David Singer and Melvin Small, *Resort to Arms: International and Civil Wars 1816-1980* (1982) 263.

<sup>16</sup> For further analysis of this process, see Mark Zacher, 'The Territorial Integrity Norm: International Boundaries and the Use of Force' (2001) 55 *International Organization* 215.

‘coalition of the willing’ justified the invasion of Iraq within the parameters of United Nations Security Council Resolutions despite their failure to elicit an explicit authorisation for their action.

On the other hand, since World War II civil war has become more common in the world than international war. Of the more than 150 wars that took place during the Cold War (resulting in the deaths of some 23 million people), the majority have been internal wars. For the post-Cold War decade, the discrepancy is clear: 92 violent civil conflicts in the decade 1989-98, nine civil conflicts with foreign intervention, and only seven pure interstate violent conflicts.<sup>17</sup> In 1995, all of the thirty major armed conflicts fought in the world were civil wars. This trend was even more pronounced throughout the course of the 1990s. The number of civil wars that began in the 1990s was roughly double the average for the previous decades, due mostly to the wars spawned by the breakups of the Soviet Union and of Yugoslavia.<sup>18</sup> If civil wars and international wars were roughly comparable in frequency for the nearly two centuries between 1816 and 1980, civil wars suddenly became far more common than international wars in the 1990s. If civil conflicts continue to overshadow interstate conflicts, this would mark a significant change.

This is not to say that all contemporary civil wars involve protagonists invoking the principle of self-determination to justify a struggle for independent statehood. However, Wallensteen and Sollenberg have found that at least half of the wars waged at the end of the 20<sup>th</sup> century feature claims by aggrieved groups that their right to self-determination has been breached by the states from which they seek to separate.<sup>19</sup> A glance at the most devastating of these conflicts, such as Indonesia (Aceh, West Papua), India (Kashmir), Russia (Chechnya), Yugoslavia (Kosovo), and the Israeli-Palestinian dispute, highlights how difficult such conflicts are to resolve. Many other tense situations, such as those which were once violent (Bosnia) or which could become more violent (Taiwan), feature a clash of the competing principles of territorial sovereignty and national self-determination. This is because within existing states, the principles of state sovereignty and national self-determination may oppose each other, sometimes leading to civil war. Inside multinational states, competition for power can become a competition for sovereignty over ethnic rivals. Groups are motivated to act out of fear for their survival. Ironically then, while the reciprocal recognition of territorial sovereignty ameliorates many international conflicts and makes them easier to manage, it increases competition for sovereignty *within* the state, potentially exacerbating domestic conflict.

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<sup>17</sup> Ted Gurr, Monty Marshall and Deepa Khosla, *Peace and Conflict 2001: A Global Survey of Armed Conflicts, Self-Determination Movements and Democracy* (2002) 7. For an overview of competing theories of contemporary patterns of war and peace, see Robert Jervis, ‘Theories of War in an Era of Leading-Power Peace’ (2002) 96 *American Political Science Review* 1.

<sup>18</sup> Ghassan Salamé, ‘Post-Cold War Wars’ in Marie-Claude Smouts (ed), *The New International Relations: Theory and Practice* (1998) 155.

<sup>19</sup> Peter Wallensteen and Margareta Sollenberg, ‘Armed Conflict, 1989-1999’ (2000) 37 *Journal of Peace Research* 635.

### III SELF-DETERMINATION AND INTERNATIONAL RELATIONS

A cursory examination of international history reveals the difficulty with which the society of states have sought to deal with the potential contradiction between the principles of territorial sovereignty and national self-determination. As Barkin and Cronin argue, the great powers in particular have not been able to determine consistently the priority that should be accorded to the competing principles of territorial sovereignty and national self-determination.<sup>20</sup>

Students of international relations have not fared much better. Although each of the two main discourses of world order (realism and liberal internationalism) rarely confront the problems of self-determination in a systematic fashion, their respective prescriptive stances can fairly be described in terms of containment and dilution. By 'discourses of world order', I refer to imaginative projects of purposive global change designed to promote specific values such as peace or individual freedom.<sup>21</sup> In this section, I examine the ways in which realists and liberal internationalists tend to approach the problem within ideological frameworks with widely accepted reference points and images of international order. As Torbjørn Knutsen observes, the dominant contemporary theories of world order reflect two 'major ideological traditions which inform contemporary speculation about politics: conservatism [and] liberalism'.<sup>22</sup> The meaning of world order is essentially contested between, and to a lesser extent within, realism and liberal internationalism.

In international relations theory, the dominant discourse of world order has been debated under the label of realism.<sup>23</sup> This is primarily a discourse of inter-state order. As its name suggests, realism need not defend its ideological conservatism because there are (it is claimed) certain fundamental characteristics of inter-state politics, the ignorance or belittlement of which renders all rival discourses idealistic. The familiar story starts from an acceptance of anarchy among states that allegedly imposes a degree of uniformity upon state behaviour and upon the outcomes arising from their struggle for power and security. International relations are defined as part of a domain apart from 'domestic' politics. A constant readiness for war is the natural state of affairs where there is no alternative means of

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<sup>20</sup> J Samuel Barkin and Bruce Cronin, 'The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations' (1994) 48 *International Organization* 107.

<sup>21</sup> In some ways the term 'discourse' is preferable to 'theory' since it problematises the distinction between theory and practice, and therefore opens the way to investigating how different combinations of knowledge and social practice constitute rather than merely reflect social entities: Norman Fairclough, *Discourse and Social Change* (1992) 3-4.

<sup>22</sup> Torbjørn Knutsen, *A History of International Relations Theory* (1992) 237. For further confirmation of their dominance and an analysis of these two approaches, see also David Sanders, 'International Relations: Neo-Realism and Neo-Liberalism' in Robert Goodin and Hans-Dieter Klingemann (eds), *A New Handbook of Political Science* (1996) 428-45.

<sup>23</sup> For an excellent overview of this discourse, see Jack Donnelly, *Realism and International Relations* (2000).

overcoming the security dilemma.<sup>24</sup> Compliance with the formal rules of international law, which require states to recognise each other as sovereign equals, depends on the degree to which power inequalities among states are managed. Realism is a discourse of tragedy and partial redemption in which a community of the powerful maintains a society of states based on procedural rules of the game.

Within this discourse, there is a potential tension between the particular interests of the most powerful states and the general requirements of order, and much debate among realists about how this tension might be minimised. Classical realists emphasised the importance of particular kinds of great powers who, in acknowledging the responsibilities which accompanied their rights to supremacy, conducted themselves in a manner that reduced incentives for the weak to engage in revolutionary behaviour against rules guaranteeing a minimum level of peaceful coexistence. According to Hans Morgenthau, George Kennan and Reinhold Niebuhr, the cold war era was one of extreme disorder because the superpowers were poor substitutes for the 19<sup>th</sup> century Concert of Europe.<sup>25</sup> The Soviet Union was a revolutionary power which professed scant regard for the norms of international society, whilst the tendency for US foreign policy to veer from isolationism to internationalism boded ill for the nuclear age.

The concept of containment is usually discussed in the context of American foreign policy towards the Soviet Union during the Cold War. With regards to the tension between territorial sovereignty and national self-determination, however, the concept is just as appropriate in describing the realist prescription for international order. Classical realists promote the containment of national self-determination both internally (via the privileging of the state over the nation, or dynastic sovereignty over popular sovereignty) and externally (via their approval of cooperation among the great powers to preserve the territorial status quo). For example, Hans Morgenthau claimed that, 'it stands to reason that two or more entities – persons, groups of persons or agencies – cannot be sovereign within the same time and space'.<sup>26</sup>

From this alleged indivisibility of sovereignty, Morgenthau's preference for a dynastic interpretation of state sovereignty follows naturally, as in the following passage:

[I]n any state, democratic or otherwise, there must be a man or a group of men ultimately responsible for the exercise of political authority. Since in a democracy that responsibility lies dormant in normal times, barely visible through the network of constitutional arrangements and legal rules, it is widely believed that it does not exist, and that supreme lawgiving and law-enforcing authority, which was formerly the

<sup>24</sup> A good overview of the dynamics of the security dilemma in contemporary international relations is provided in John Mearsheimer, *The Tragedy of Great Power Politics* (2001) 29-54.

<sup>25</sup> See, eg, Hans Morgenthau, 'World Politics in the Mid-Twentieth Century' (1948) 10 *Review of Politics* 154; George Kennan, *Realities of American Foreign Policy* (1954); Reinhold Niebuhr, *Christian Realism and Political Problems* (1953).

<sup>26</sup> Hans Morgenthau, *Politics Among Nations* (5<sup>th</sup> ed, 1978) 329.

responsibility of one man, the monarch, is now distributed among the different co-ordinate agencies of the government, and that, in consequence, no one of them is supreme. Or else that authority is supposed to be vested in the people as a whole, who, of course, as such cannot act. Yet in times of crisis and war that ultimate responsibility asserts itself ... and leaves to constitutional theories the arduous task of arguing it away after the event.<sup>27</sup>

Externally, the classical realists sought to accommodate the superpowers through resuscitating 18<sup>th</sup> century and early 19<sup>th</sup> century European diplomacy. Morgenthau nostalgically rued the passing of European hegemony, aristocratic statesmanship and the transcultural values and norms among ruling elites that allegedly moderated the struggle for power in Europe from 1648 to 1792, and to a lesser degree from 1815 to 1914.<sup>28</sup>

Such nostalgia clearly illustrates the realist preference for containing national self-determination within existing state boundaries. The Congress of Vienna (1815) suppressed the nationality principle and restored the balance of power based on dynastic legitimacy. This meant that territories could be traded among the great powers regardless of the wishes of the affected populations. For the sake of preserving the balance of power, the Congress allowed territorial partition without popular consultation. With rare exceptions (such as the case of independence for Greece and Belgium, and unification of Germany and Italy), the maintenance of the balance of power was designed to protect certain states (dynasties) from internal upheaval and revolution.

By the late 1970s, however, the sense of crisis combined with nostalgia for 19<sup>th</sup> century European statecraft had been replaced by a more complacent attitude within the framework of structural realism.<sup>29</sup> The very factors that Hans Morgenthau originally identified as most inimical to international order – bipolarity and nuclear weapons – were later credited by Kenneth Waltz as the structural prerequisites for systemic stability.<sup>30</sup> The Soviet Union, it was argued, had been contained less by the deliberate efforts of its prime adversary than by the incentives for socialisation generated by the bipolar ‘adversary partnership’ between the superpowers.

Among realists, the post-Cold War era has revived debates about the merits of unipolar versus multipolar balances of power, and many scholars are again examining the potential for some version of the 19<sup>th</sup> century Concert system whereby a loose coalition of great powers would cooperate to tackle global problems through organisations such as the UN and the Group of Eight.<sup>31</sup> However,

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<sup>27</sup> Ibid 331.

<sup>28</sup> Ibid 225-27. Henry Kissinger, *A World Restored: Europe After Napoleon* (1990) embodies a similar nostalgia for the Concert of Europe.

<sup>29</sup> For further analysis of this shift in attitude, see Martin Griffiths, *Realism, Idealism and International Politics* (1995) 102-30.

<sup>30</sup> Kenneth Waltz, *Theory of International Politics* (1979).

<sup>31</sup> Charles Kegley and Gregory Raymond, ‘Must We Fear a Post-Cold War Multipolar System?’ (1992) 36 *Journal of Conflict Resolution* 573.

insofar as national self-determination is one of those problems, it is unlikely that the United States (alone or in cooperation with other states) will be more successful than the Concert system at containing the phenomenon. On this issue, if not others, structural realists are more persuasive than their classical opponents in noting the benefits of bipolarity.

If containing self-determination within the territorial boundaries of existing sovereign states is the best method of dealing with the problem, there were three main ways in which this was achieved under bipolarity. First, as many radical critics of what Mary Kaldor called the 'imaginary war' have pointed out, the superpowers could appeal to the theoretical possibility of nuclear conflict between them to impose internal discipline within their respective spheres of influence.<sup>32</sup> The internal pay-off from these external threats (imagined or otherwise) was more functional for the Soviet Union than for the United States, as its internal collapse was facilitated by Gorbachev's bold but ultimately masochistic attempt to redefine Soviet security needs in the late 1980s. Partly as a result, the Soviet Union has fractured on the basis of contested internal national boundaries whose limits are yet to be determined.

Second, the Cold War imposed certain limits to decolonisation. Since decolonisation was less a product of revolution from below than the inability of European states to maintain their former empires, nation-building became the imperative for Third World elites who ruled over what Robert Jackson calls the 'quasi-states' that proliferated during the late 1950s and early 1960s.<sup>33</sup> In turn, these quasi-states were assisted in their attempts at maintaining colonial borders between the new states (particularly in Africa) through external alliances with the superpowers to ward off internal challenges to their legitimacy.

Finally, the danger of nuclear war and the mutual interest of the superpowers in sustaining their global supremacy placed strict limits on the degree to which each sought to promote national self-determination in the Third World. Particularly after the Cuban missile crisis, the threat of mutually assured destruction channelled Cold War tensions into the support of proxy wars in the periphery, but not to the extent of endangering the central balance itself.<sup>34</sup> The collapse of détente in the late 1970s demonstrated the difficulty of arriving at any formal codification of rules of engagement between the superpowers, but not their implicit acknowledgment. Thus the end of the Cold War threatens, in turn, an end to the compromise between the nationalist ideal of universal self-determination as a basis for world order, and the distribution of territory at the end of the Second World War. As Fred Halliday correctly observes, that compromise was 'arbitrary and messy, but it stuck. There

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<sup>32</sup> Mary Kaldor, *The Imaginary War: Understanding the East-West Conflict* (1991).

<sup>33</sup> Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (1990).

<sup>34</sup> Amitav Acharya, 'Beyond Anarchy: Third World Instability and International Order After The Cold War' in Stephanie Neuman (ed), *International Relations Theory and the Third World* (1998) 159.

was only one case of secession – Bangladesh – and only one fusion of independent states – that of Vietnam’.<sup>35</sup>

The likelihood of containing self-determination in the 21<sup>st</sup> century is diminished by the absence of these constraints. Talk of a New World Order during the first Gulf War assumed that the United Nations could at last function as planned in 1945 before the Cold War began. Optimism was also bolstered by the nature of the first Gulf War, which in certain respects fitted into the precise category of ‘aggression’ across state frontiers that the 1945 regime of collective security was designed to deter and, if necessary, punish. In hindsight, it is clear that President George Bush Sr’s vision had a short shelf life. Half a century after World War II, the institutions created in its wake are in a state of crisis. In particular, the idea of collective security, even in the modified form represented by the United Nations’ procedures for maintaining international peace and security, is inadequate to meet the challenges of fragmentation attending the dramatic rise in the number of states and candidates for statehood at the end of the millennium.

As some scholars have noted, the ideological divide between East and West may be in the process of being replaced by a new division between zones of peace and zones of war.<sup>36</sup> Today, the probability of war between the strongest states in international society is virtually nil.<sup>37</sup> It is not clear what common interests or incentives they have in containing nationalist struggles for self-determination within existing state frontiers unless these take place in regions of direct strategic significance for them. Despite the attenuation of factors that assisted the containment of national self-determination during the Cold War, however, contemporary realists continue to promote the idea of containment. For example, the fear of instability within Iraq is one of the reasons why contemporary realists opposed the use of force to expel Iraq from Kuwait in 1991, and the war in Iraq in 2003.<sup>38</sup>

In principle, there are glaring differences between the realist vision of world order which is confined to a series of debates about the relative costs and benefits of the distribution of power among states, and the discourse of liberal internationalism. These two discourses offer quite different interpretations of and solutions to the problem of self-determination and world order. Liberal internationalists seek to promote a world order that not only diminishes the likelihood of inter-state war, but

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<sup>35</sup> Fred Halliday, ‘International Relations: Is There a New Agenda?’ (1991) 20 *Millennium: Journal of International Studies* 63.

<sup>36</sup> See especially Max Singer and Aaron Wildavsky, *The Real World Order: Zones of Peace, Zones of Turmoil* (1996).

<sup>37</sup> Josef Joffe, *The Future of the Great Powers* (1998) 52.

<sup>38</sup> See especially Robert Tucker and David Henrickson, *The Imperial Temptation: The New World Order and America’s Purpose* (1992); John Mearsheimer and Stephen Walt, ‘An Unnecessary War’ (2003) 134 *Foreign Policy* 50-59. See also Jennifer Welsh, ‘I is For Ideology: Conservatism in International Affairs’ (2003) 17 *Global Society* 176. As Welsh demonstrates, when containment fails and war begins, realists tend to argue for partition and the creation of ethnically homogeneous states to restore peace and stability.

increases the scope for human freedom within states as well.<sup>39</sup> In particular, there are three crucial differences between liberal internationalism and realism that explain the former's endorsement of what might be called 'dilution from below' (as opposed to 'containment from above').

First, whereas realists often look back with nostalgia at the political independence from societal pressures of the absolutist state, liberal internationalists have always attacked this not only because of the empirical weakness of the hypotheses linking polarity to the incidence of war, but also because such a divorce is unlikely to promote political or economic liberty for citizens within the state.<sup>40</sup> By contrast, liberal internationalists have sought to attenuate state power over civil society through the instantiation of political principles such as dividing the polity internally (that is, the spatial, representational, and functional differentiation of constitutional federalism), and governance by consent mediated by the rule of law.

Second, whereas realists insist on portraying interstate politics as a domain of continuity and repetitive behaviour and appeal to the constancy of human nature to affirm their suspicion of historicism, liberalism is an inherently progressive discourse based on the power of reason to supply a telos of emancipation from the realists' reified constraints. The interests of states are not static and cannot be deduced in any straightforward fashion from any particular level of analysis. In particular, what John Ruggie calls the 'dynamic density' of the global economy makes the realist premise that states are functionally undifferentiated unusually problematic.<sup>41</sup>

Finally, there is the perennial liberal faith in the pacifying effects of growing interdependence as states open their borders and adapt to the global market.<sup>42</sup> In particular, the work of Robert Keohane over the past two decades testifies to the liberal belief that the common interests of states in maintaining the absolute gains from cooperative 'regimes' can transcend concerns about their relative distribution, and therefore perpetuate patterns of cooperation despite changes in the underlying balance of power.<sup>43</sup>

Since the end of the Cold War, and especially in light of the way it ended, all three dimensions of the liberal internationalist discourse on world order have been re-

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<sup>39</sup> On the tensions between liberal internationalists' dual commitment to international order and individual freedom, see Antonio Franceschet, 'The Ethical Foundations of Liberal Internationalism' (1999) 54 *International Journal* 463.

<sup>40</sup> Ronen Palan and Brook Blair, 'On the Idealist Origins of the Realist Theory of International Relations' (1993) 19 *Review of International Studies* 385 examines at length realist nostalgia for the organic unity of the state.

<sup>41</sup> John Ruggie, 'Territoriality and Beyond: Problematising Modernity in International Relations' (1993) 47 *International Organization* 139.

<sup>42</sup> See, eg, Strobe Talbot, 'Self-Determination in an Interdependent World' (2000) 118 *Foreign Policy* 152.

<sup>43</sup> See especially Robert Keohane, 'Governance in a Partially Globalized World' (2001) 95 *American Political Science Review* 1.

examined at length.<sup>44</sup> One book in particular has attracted a great deal of critical attention not merely for its title, but because its author, Fukuyama, attempted an ambitious synthesis of all three ingredients of the liberal internationalist recipe.<sup>45</sup> He treated the dynamics of commercial and republican liberalism as complementary aspects of historical progress towards the 'end of history', whereby the secular, liberal capitalist democratic state satisfies both the material and psycho-social requirements of human nature; the striving for physical comfort as well as *thymos* and the desire for equal recognition guaranteed by the rule of law.

Whilst few liberals want to endorse Fukuyama's central thesis, most would take issue with the realist contention that international order can only be achieved in a minimalist sense because of the particular problem of war in an unchanging context of structural anarchy. Roy Jones claims that, 'the myth of the special problem produces boring answers to meaningless questions. Stable order is the problem and at both the national and international levels it is at root precisely the same problem'.<sup>46</sup> He points out that although the obsession with war has led many scholars to entertain the idea that inter-state politics is not susceptible to progressive political theory, the underlying premise is simply false:

[M]any pairs of states do not fight, do not plan to fight, and cannot, in their nature, fight: states like Britain and the Netherlands, Denmark and Sweden, France and the Federal Republic [of Germany] ... such dualities comprise a large network of perpetual peace.<sup>47</sup>

Insofar as nationalism is bound up with the dynamics of state-making when war is an ever-present possibility, then the solution to the nationalist problem lies in the spread of the conditions and processes that have contributed to the obsolescence of war among the most powerful states in international society.

At this point, one must note a crucial distinction for liberals between civic and ethnic nationalism. Immanuel Kant's plans for perpetual peace did not require the replacement of the state system by a world government, but the gradual evolution, over time and up a steep learning curve, of a League or Federation of limited constitutional states.<sup>48</sup> World order was not to be achieved via the supercession of the inter-state system per se, but by the internationalisation of the constitutional state. Such a vision presupposes a plurality of states whose external autonomy is

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<sup>44</sup> Mark Zacher and Richard Matthew, 'Liberal International Theory: Common Threads, Divergent Strands' in Charles Kegley (ed), *Controversies in International Relations Theory: Realism and the Neoliberal Challenge* (1995) 107.

<sup>45</sup> Francis Fukuyama, *The End of History and the Last Man* (1992). See also B Russett, 'How Democracy, Interdependence and International Organizations Create A System For Peace' in Charles Kegley and Eugene Wittkopf (eds), *The Global Agenda: Issues and Perspectives* (2001) 230; Michael Mandelbaum, *The Ideas That Conquered the World: Peace, Democracy and Free Markets in the Twenty-first Century* (2002).

<sup>46</sup> Roy Jones, 'The Myth of the Special Case in International Relations' (1988) 14 *Review of International Studies* 267, 273.

<sup>47</sup> Ibid 269.

<sup>48</sup> Jurg Gabriel, *Worldviews and Theories of International Relations* (1994) 51-59.

constrained by the processes outlined above, and whose conduct thereby does not conform to the Hobbesian image so beloved of realists. Civic nationalism poses no threat to world order, for it does not require citizens to define their identity in a chauvinistic, exclusionary and potentially aggressive manner. This distinction between civic and ethnic nationalism is a central motif in Michael Ignatieff's analysis of the resurgence of nationalism in the 1990s. According to him:

civic nationalism ... envisages the nation as a community of equal, rights-bearing citizens united in patriotic attachment to a shared set of political practices and values ... By subscribing to a set of democratic procedures and values, individuals can reconcile their right to shape their own lives with their need to belong to a community. This in turn assumes that national belonging can be a form of rational attachment.<sup>49</sup>

Ignatieff's praise of civic nationalism reminds us that liberalism and nationalism were 18<sup>th</sup> century allies in a common struggle against the absolutist state that threatened both of them. By the late 19<sup>th</sup> century, however, their paths traveled in different directions. In Central and Eastern Europe, nationalist movements drew inspiration from the German Romantic and expressivist reaction to the Enlightenment, in part to create the social prerequisites for industrialisation and modernisation in predominantly peasant societies where the imperial opposition embraced a cosmopolitan lifestyle whilst retaining the economic privileges of political centralism and the *ancien regime*.<sup>50</sup>

Ignatieff's attempt to reconcile rationality, communal attachment and individual freedom is part of a long-standing attempt to promote liberal democracy in order to tame and dilute ethnic nationalism, the subjective ethos of 'blood and belonging', whose political expression is the mythic appeal of an ancient homeland from which the people have been expelled and to which they will return. For example, the canonical liberal thinker John Stuart Mill held the view that liberalism and nationalism could support one another, and that the liberal principles of individual liberty, formal equality, and the rule of law could be favourably combined with claims to national self-determination. He warned of the dangers in a political community divided over the cultural content of the nation:

Where the sentiment of nationality exists in any force, there is a prima facie case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed. One hardly knows what any

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<sup>49</sup> Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (1993) 3. For a sustained defense of patriotism in contrast to nationalism, see also Maurizio Viroli, *For Love of Country* (1997). For a critical analysis of the distinction between civic nationalism and ethnic nationalism, see Patchen Markell, 'Making Affect Safe for Democracy: On Constitutional Patriotism' (2000) 28 *Political Theory* 38.

<sup>50</sup> See especially, Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (1994); and Hagen Schulze, *States, Nations and Nationalism* (1998).

division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves.<sup>51</sup>

Joining nationality, self-determination and democracy in this way led Mill to claim that:

[f]ree institutions are next to impossible in a country made up of different nationalities. Among a people without fellow feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist.<sup>52</sup>

Some contemporary liberals argue for the importance of national rights to self-determination on the ground that nationality is constitutive of individuals. This approach is exemplified by the work of theorists such as Tamir<sup>53</sup> and owes much to Lockean and Kantian liberal traditions in combination with some distinctively communitarian claims. Liberal nationalists accept the primacy of individual rights to self-determination as the ground for legitimacy of any given political order. However, they interpret the Kantian respect for individual autonomy to include respect for national identity, which in turn implies the right to nationhood and nationality.<sup>54</sup> Nevertheless, the ideal element in Kantian conceptions of individual autonomy acts as a counterweight to the notion of absolute respect for nationality and links liberal nationalism with liberal internationalism. It promotes liberal nation-states made up of liberal individuals, and not nationality.<sup>55</sup>

In light of the profound differences between realism and liberal internationalism, how much faith can we have that ethnic nationalism will be diluted into civic forms of self-determination via the engines of democracy and global capitalism? There are two reasons for scepticism. First, as a number of critics have observed, there is some danger that the policy implications of one liberal recipe for world order – the promotion of democracy – may be anything but benign.<sup>56</sup> For if democratic states are inherently peaceful, it follows that states that are anything but democratic (and the latter outnumber the former by at least three to one) are inherently prone to war. If the negative correlation between democracy and war comes as close to an iron

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<sup>51</sup> John Stuart Mill, *Utilitarianism, Liberty, Representative Government* (1910) 360-61.

<sup>52</sup> Ibid 361. Thomas Paine also argued that the nation and democratic government constitute an indivisible unity in his famous tract *The Rights of Man* (1791).

<sup>53</sup> Yael Tamir, *Liberal Nationalism* (1993).

<sup>54</sup> For an explicit argument linking the individual to the nation in this way, see Avishai Margalit and Joseph Raz, 'National Self-Determination' (1990) 87 *Journal of Philosophy* 439.

<sup>55</sup> Ibid 42-48. For further examples of the attempt to dilute national self-determination through the promotion of human rights and democracy, see Robert McCorquodale, 'Self-Determination: A Human Rights Approach' (1994) 43 *International and Comparative Law Quarterly* 857-85; Stephanie Lawson, 'The Politics of Authenticity: Ethnonationalist Conflict and the State' in Kumar Rupesinghe (ed), *Conflict Transformation* (1995) 116-37.

<sup>56</sup> For an excellent analysis of the dangers of liberal internationalism, see Roland Paris, 'Peacebuilding and the Limits of Liberal Internationalism' (1997) 22 *International Security* 54-89. See also John Owen, *Liberal Peace, Liberal War* (1997); Robert Latham, *The Liberal Moment* (1997).

law as international relations scholars are likely to find, it is certainly not the case that this cosy relationship holds between democracies and non-democratic states.

Notwithstanding their complicity with the worst excesses of US foreign policy during the Cold War, there is some validity to the classical realists' charge that the militarisation of US containment policy after the Korean War stemmed in part from its conflation of the Soviet threat with an undifferentiated obsession with communism per se. Hans Morgenthau, for example, understood that it was precisely because the ideology of the Soviet Union was wrongly interpreted by many liberals in the West as inherently expansionist that the United States needlessly pursued a policy in Vietnam whereby its commitments would ultimately outstrip its military, economic, or political capabilities. In short, the seemingly benign liberal vision which helps to explain the emergence and consolidation of 'pluralistic security communities' in some parts of the world also provides a rationale for the creation of an 'other' whose very existence constitutes a threat to the achievement of a liberal world order.

The second reason for scepticism stems from the contradiction between the political and economic components of liberal internationalism. One of Fukuyama's main weaknesses lies in his presumption that commercial and republican liberalism – the twin engines of his unidirectional historical vehicle – can coexist within the territorial boundaries of the sovereign state. By contrast, much of the literature in search of a substantive term to describe the post-Cold War era is concerned with the contradictory dynamics of globalisation versus fragmentation. Globalisation is a blanket term that conveys the limits to state power and autonomy arising from the myriad dynamics of a global economy in which the state, in the absence of any sustained coordination with others, seems relatively powerless to manage its domestic economy, for instance, by traditional Keynesian counter-cyclical techniques. In particular, the integration of global capital, much of it speculative, tends to subordinate domestic politics to the demand for flexibility, efficiency and competitiveness on a global playing field that is anything but level. Consequently, as governments become less accountable to those they claim to represent over a broader range of issues, so the spectrum of democratic choice of citizens narrows.<sup>57</sup> To the extent that globalisation and fragmentation are operating at different levels of social, political and economic organisation, one could plausibly accept much of Fukuyama's argument and reach opposite conclusions to the ones that he draws; namely, that the engines of history are moving in opposite directions. Furthermore, on the reasonable assumption that global capitalism is exacerbating inequality both within and between states whilst simultaneously denying them a redistributive capacity to moderate its destructive impact, then one can have little faith in the liberal expectation that rational forms of civic nationalism or constitutional patriotism will prevail over ethnic nationalism.

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<sup>57</sup> Benjamin Barber, 'Can Democracy Survive Globalization?' (2000) 35 *Government and Opposition* 275.

At the end of the 20<sup>th</sup> century, the principle of self-determination is in dire need of creative analysis and greater flexibility in the manner of its expression than it has received thus far. Prior to the end of the Cold War, self-determination was limited to its close identification with the process of decolonisation. Since that process is now complete, at least in a formal sense, both the meaning of 'the self', and how that self determines how it should be governed, are ripe for imaginative reinterpretation.<sup>58</sup> Unfortunately, although the principle has been the focus of renewed scholarly attention in recent years, that has yet to be translated into effective global policy. As a result, which groups get to enjoy self-determination and which do not remains in large part a function of violence and the visibility of particular political struggles.

Today, the principle of self-determination is proclaimed by, and on behalf of, non-state populations as diverse as the Kurds, the Quebecois, the Basques and the Palestinians. Although the international community bestows a measure of legitimacy to some of these struggles, it does so in a haphazard manner. In part this is because self-determination struggles have appealed to opposing values of community and individuality that coexist uneasily. Self-determination involves a conflict between two competing selves.<sup>59</sup> As an expression of democracy, the principle is apparently a simple one. Let the people rule! As has often been said, however, the people cannot rule until it is decided who the people are.<sup>60</sup> And that decision, once taken, bestows upon the representatives of the people a great deal of leeway in limiting popular participation in the political process. It should also be noted that self-determination has adopted expansionist as well as disintegrative forms throughout history. For example, it has been used as an imperial doctrine to justify the expansion of the United States through 'manifest destiny', the conquests of Napoleonic France and, most notoriously, Hitler's quest for a greater Germany. Since the end of the Cold War it has taken on disintegrative forms in the former Soviet Union, and Yugoslavia.

Since the end of decolonisation, it has become clear that the diplomatic compromises that facilitated the transfer of political authority during that era are now obsolete. Today, the principle of self-determination lacks both definition and applicability. Saving it from a complete descent into incoherence will require a renewal of the links between autonomy, democracy, human rights and the right of self-determination. Central to cultivating this renewal should be the adoption of a more liberal and expansive interpretation of the meaning of self-determination. Self-determination does not have to mean irredentism, secession and the violent

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<sup>58</sup> On the exhaustion of the decolonisation model of self-determination, see Gerry Simpson 'The Diffusion of Sovereignty: Self-Determination in the Post-Colonial Age' (1996) 32 *Stanford Journal of International Law* 255-86.

<sup>59</sup> Thomas Franck, 'Tribe, Nation, World: Self-Identification in the Evolving International System' (1997) 11 *Ethics and International Affairs* 151.

<sup>60</sup> This point was first made by Sir Ivor Jennings in the context of the United Nations debates on decolonisation in *The Approach to Self-Government* (1956) 56.

renegotiation of territorial frontiers.<sup>61</sup> The promotion of minority rights, devolution, federalism and greater acknowledgment of the legitimacy of cultural self-expression are all expressions of self-determination.<sup>62</sup> It should be noted that such modes of achieving self-determination cannot be legislated in advance of particular contexts. As Michael Walzer points out, 'secession, border revision, federation, regional or functional autonomy, cultural pluralism; there are many possibilities and no reason to think that the choice of one of these in this or that case makes a similar choice necessary in all the other cases'.<sup>63</sup> Nonetheless, it may be useful to mention some of the most important ways to transcend the tension between territorial sovereignty and national self-determination.

First, there are cases of ethnically plural societies where governance is based on the principle of power sharing among several ethnic groups. These include Switzerland, Belgium, Austria and the Netherlands. Lijphart has argued that even India could best be described as a consociational democracy, at least during the first two decades of its independence. He identifies four characteristics of consociational political systems: A grand coalition of political leaders that represent all the significant communities and allow elite cooperation to develop; veto power for all communities on legislation that affects their vital interests; a system of proportionality in the parliament, civil service, and key governmental agencies; and a high degree of segmental autonomy for each community.<sup>64</sup> According to their defenders, consociational arrangements are successful because they provide stability to a potentially divided society. They also provide a legal framework to depoliticise potential conflicts, and prevent the emergence of a dominant ethnic group.<sup>65</sup>

However, consociational arrangements are not ideal, nor are they easily replicated. They tend to be more successful in small states where elite members know each other personally and develop cooperative relationships.<sup>66</sup> They can 'freeze' ethnic division and entrench ethnicity as the basis for political identity, and they are slow to adapt to changing circumstances and shifting demographic patterns.

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<sup>61</sup> On the difficulties of implementing secession as a form of conflict resolution in the former Yugoslavia, see especially, Peter Radan, 'Secessionist Self-Determination: The Cases of Slovenia and Croatia' (1994) 48 *Australian Journal of International Affairs* 183. For an analysis of non-violent instances of secession, see Robert Young, 'How Do Peaceful Secessions Happen?' (1994) 27 *Canadian Journal of Political Science* 773-92.

<sup>62</sup> Michael Freedman, 'The Right to Self-Determination' (1998) 25 *Review of International Studies* 370. As Michael Freedman notes, 'such solutions make the concept of sovereignty more flexible while avoiding the unrealistic policy of seeking to abolish it'.

<sup>63</sup> Michael Walzer, 'The New Tribalism' in Roland Beiner (ed), *Theorizing Nationalism* (1999) 215.

<sup>64</sup> Arend Lijphart, 'The Puzzle of Indian Democracy: A Consociational Interpretation' (1996) 90 *American Political Science Review* 258.

<sup>65</sup> Stephen Ryan, *Ethnic Conflict and International Relations* (1995) 45.

<sup>66</sup> Otto Kimminich, 'A Federal Right of Self-Determination?' in Christian Tomuschat (ed), *Modern Law of Self-Determination* (1993) 87.

A more fruitful path involves the development of interlocking networks of democratically accountable sub-national and supra-national political institutions. Their combined effect would be to improve the effectiveness and legitimacy of state institutions and frustrate attempts to promote illiberal forms of ethnic nationalism. The modern process of European state-making entailed the eclipse of numerous units of authority – cities, principalities, provinces, and estates – in favour of the nation-state. There are some signs that this process may be reversing, particularly in Europe, with a renewed interest in local government in response to the declining effectiveness of macroeconomic management and the retreat of the welfare state.<sup>67</sup> At another level, and again most evident in the European Union, one can observe the growth of supra-national political institutions such as the European Parliament, the Council of Europe, and the European Court of Justice. This process arguably hastens the decline of the historically close link between territorial sovereignty and national self-determination, giving rise to the idea of the European citizen within a transnational civil society of personal contacts, networks, social initiatives, firms and trade unions.<sup>68</sup>

Whilst it is difficult to recommend specific policies that would facilitate this development on a global scale, the logic of transcendence is clearly distinct from that of conservative containment, assimilation, and democratic dilution. Whatever the means adopted in particular circumstances, the logic of transcendence links the concept of self-determination with that of autonomy and respect for multicultural diversity.<sup>69</sup>

#### IV CONCLUSION

In this article I have made three arguments. First, I have demonstrated that contemporary international society promotes two principles of world order that are difficult to reconcile with one another, the territorial sovereignty of states and the self-determination of nations. Second, I have shown that despite the absence of a sustained focus on the problem of self-determination within contemporary international relations theory, it is possible to extract two logical prescriptive stances from the main discourses of world order that dominate the field, namely realism and liberal internationalism. On the basis of my critique of realist containment and liberal dilution of the challenge to world order posed by the principle of national self-determination, I have argued that the society of states must show more imagination in seeking ways to transcend the links between territorial sovereignty, nationalism and self-determination. The recognition of group rights at the expense of individual ones is not consistent with the ethical attraction of this

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<sup>67</sup> See Richard Batley and Gerry Stoker (eds), *Local Government in Europe: Trends and Developments* (1991).

<sup>68</sup> For further elaboration of new forms of political community emerging in the post-Westphalian era, see Andrew Linklater, *The Transformation of Political Community* (1998).

<sup>69</sup> See Ruth Lapidot, *Autonomy: Flexible Solutions to Ethnic Conflicts* (1996). In this book Lapidot discusses a variety of contrasting regimes of autonomy, including federalism, functional decentralisation, self-administration and associate statehood.

much abused concept.<sup>70</sup> When applied without criteria and limitations, it ends up producing devastating results. We must continue to respect the principle of self-determination, but as a relative, not absolute, value.<sup>71</sup> While the international community is not equipped to rule on whether any group is actually a ‘people’, it can evaluate and set limits on the means by which putative peoples pursue their claimed rights to self-determination.<sup>72</sup> Similarly, the principle of territorial sovereignty is important, but it cannot be taken as absolute. State sovereignty must be limited by the rules necessary to maintain coexistence. Acceptance of limited sovereignty is the only way to make the state compatible with the existence of international interdependence, of an international order, and with internal levels of authority at the regional and local levels. As Schell puts it:

Self-determination ... must yield to self-determinations and selves-determination – that is, to permission for more than one nation to find expression within the border of a single state and to permission for individuals and groups to claim multiple identities.<sup>73</sup>

The best hope for the future of self-determination is to ask *what* is being determined as well as *who* determines it, and not to assume that nationalists can provide the best answer.

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<sup>70</sup> On this point see Daniel Philpott, ‘In Defense of National Self-Determination’ (1995) 105 *Ethics* 352. See also Kok-Chor Tan, *Tolerance, Diversity and Global Justice* (2001); Geoffrey Levey, ‘Liberal Nationalism and Cultural Rights’ (2001) 49 *Political Studies* 670.

<sup>71</sup> Hurst Hannum, ‘The Specter of Secession’ (1998) 77 *Foreign Affairs* 13; Amitai Etzioni, ‘The Evils of Self-Determination’ (1992) 89 *Foreign Policy* 21.

<sup>72</sup> For attempts to generate normative criteria for such evaluations, see Allen Buchanan, ‘Self-Determination and the Right to Secede’ (1992) 45 *Journal of International Affairs* 347; Avishai Margalit and Joseph Raz, ‘National Self-Determination’ (1990) 87 *Journal of Philosophy* 439. For a clear elaboration of the arguments, see Ray Taras and Rajat Ganguly, *Understanding Ethnic Conflict: The International Dimension* (1998) 57.

<sup>73</sup> Johnathon Schell, ‘The Unconquerable World’ (2003) 306 *Harper’s Magazine* 53.