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We the Peoples?

The Birth and Death of Self-Determination

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ABSTRACT This paper traces the discourse of self-determination, its rise and possible demise. Self-determination evolved in three phases. The concept emerged from the intra-socialist debate on how to reconcile socialism and nationalism. The Bolshevik Revolution subsequently transformed this ideological debate into a “speech-act,” an act predicated, practically and ethically, on a specific speech. The concept was then universalized by Western diplomacy. Drawing on both content and discourse analysis, I argue that while self-determination as a political concept is still alive, as a universal speech-act it may be dying. Three trends undermine self-determination’s ideal of duality (pertaining to both the individual and the collective) and mutuality (for the self as well as for others): (1) overshadowing the self-determination of peoples with the other-determination of states; (2) increasingly excluding non-colonized and ethnic peoples from the realm of eligible groups; (3) defending existing states while denying statehood to stateless peoples, due to both globalization and the rising emphasis on the state’s functions, to protect and to represent, as prerequisites for self-determination. I conclude by suggesting that self-determination may be gradually developing to focus less on advancing new polities and more on justifying existing ones.

“We the Peoples of the United Nations ...” begins the preamble to the UN Charter (1945: 147-172), presuming an ineluctable link between peoples and nations. The latter, understood as “states” (wrongly, since states typically contain more than one nation), here becomes an extension of the peoples’ determination. Indeed, the self-determination of peoples has been enshrined in the theory and praxis of global politics (deceptively dubbed international relations) since the end of World War I. The principle is again clearly stipulated in Article 1(2) of the UN Charter, delineating the purposes of the organization as, *inter alia*, developing “friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.” The peoples, determined to create nations – read states – then aspire to improve inter-state relations by drawing on the self-determination of peoples. This confusion of teleology and tautology might have been comic were it not for the disastrous results of the international community’s failure to clearly determine self-determination. This paper will chart anew key aspects in the history, ethics, and politics of the self-determination of peoples by focusing on the discourse of self-determination, a lens too often overlooked in existing analyses.

In *National Self-Determination as a Problem for All of Us*, Charles Tilly (1993) argues that the principle’s “extraordinary force as a justification for political action,” has unfortunately been often overshadowed by academia’s interest in nationalism.¹ He thus urges “students of nationalism” to “perform a magnificent service by displacing some of

1 Mayall (1999: 479-480) argues that both the “primordialist” and “modernist” schools of nationalism have paid only “little attention to the international implications of their theories,” and “in neither of these two accounts does the demand for self-determination feature prominently.”

their attention to the principles that advocates and combatants so frequently invoke – the principles of national self-determination.” This paper will contribute to such an effort by following up on some of Tilly’s suggestions for research; “[h]ow, where, and why did ideas of national self-determination form, crystallize, change, and gain a following?” and by examining the state of self-determination in the wake of the disintegration of the Soviet Union and Yugoslavia.

Self-determination often seems ubiquitous, a constant of global politics. “We live now in the age of self-determination” argued Ronen (1979: 119); and this may still be the case today. Since 1945, argue Sambanis and Zinn (2005; see also Sambanis 2005), “more than 300 groups have organized to demand a greater degree of self-determination,” and “the presence of these movements suggests a persistent demand for self-determination across more than half the countries of the world.” In the last two years alone, three key events brought the age-old principle to the fore. Kosovo’s independence from Serbia, declared on 17 February 2008, was heralded by many as self-determination incarnate, albeit qualified as a *sui generis*, not to be applied elsewhere.² Nonetheless, applied elsewhere it was. The Russian Parliament was quick to respond: “The right of nations to self-determination cannot justify recognition of Kosovo’s independence along with the simultaneous refusal to discuss similar acts by other self-proclaimed states, which have obtained de facto independence exclusively by themselves” (*New York Times*, 19

2 See remarks made at the Security Council’s debate (18 February 2008) including comments by British and US ambassadors to the UN; an announcement made on behalf of the Council of the EU and the Commission (European Parliament Plenary session, Strasbourg, 20 February 200, SPEECH/08/91).

February 2008).³ The Russia–Georgia War over the fate of South Ossetia broke out a few months later (7–16 August), explicitly invoking self-determination as a *casus belli* by the Russians. Then, in May 2009 the Sri Lankan government defeated the Liberation Tigers of Tamil Eelam (LTTE), which had since 1983 waged a violent struggle in the name of Tamils’ right to self-determination. These cases represent but the tip of the iceberg.

Self-determination is never completely off the agenda; however, its discourse is both heterogeneous and dynamic. Below is a glimpse of the concept’s dynamism. The findings are part of an incipient mixed-method research project on the discourses of nationalism, ethnicity and self-determination. The chart outlines the results of the survey in the *New York Times*, from 1914 to the present. Monitoring the number of references to the explicit phrase “self-determination” reveals that the concept of self-determination is, in fact, not a constant but a highly fluctuated variable. Its trajectories in the last century point to several interesting ups and downs. The three major peaks are (1) the years following World War I coinciding with the concept’s inception into Western diplomacy, subsiding in 1922; (2) the heydays of decolonization (1955-1962), with an all-time high in 1961; and (3) the aftermath of the Cold War (1989-1991). There are two other, less conspicuous, peaks: the years (1938-39) leading up to World War II and the second wave of decolonization (until the early 1980s). Interestingly, a nadir has been reached in the third millennium; 2001-2010 present, on average, the lowest point since the first half of the 1930s. Self-determination, which “has proven to be the most volatile instrument of

3 The report then briskly clarifies that “experts and officials said they did not expect simmering conflicts to break out into significant violence as a result of Kosovo’s declaration.”

twentieth century political movements” (Suzuki 1980: 1247), may be losing ground in twenty-first century political discourse.

Regarding self-determination, Neuberger (2001: 391, 1995: 297) contends, “there may be no other term in modern political discourse which is used with more emotion and passion,” while Crawford (2001: 65) argues, “the principle of self-determination shows no sign of disappearing from the language of international relations with the virtual demise of Western colonialism.” This survey and the subsequent analysis suggest, however, that while the concept of self-determination abides, there is an ongoing erosion of self-determination’s salience and function in Western discourse. Self-determination is not dead, but it may be dying.

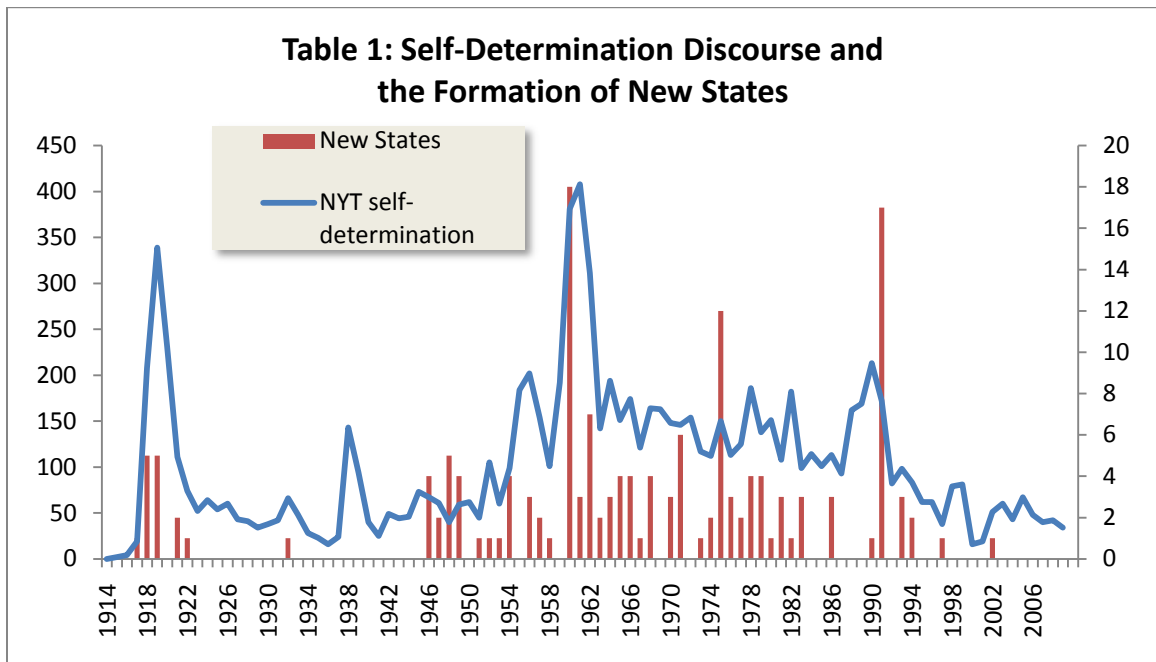
The indicative findings of the charted *New York Times* survey call for revisiting the concept of self-determination and re-charting its birth, evolution, and possible demise. Such a task challenges a certain “scholarly fatigue” in the study of self-determination: a growing sense that all, or most, has already been said about the topic. Introducing an edited volume on peoples’ rights with self-determination at their core, Altson (2001: 2) reflects on the state-of-the-art scholarship in the field, concluding that for more than a decade – following Crawford 1988 – there has not been “a great deal to add to those particular debates [about self-determination]” that often seem too divorced from political praxis, and too focused on decolonization.

The *New York Times* survey should obviously be qualified. Although the *New York Times* is a major US paper, it does not represent the whole Western, or even American, media, and its references to self-determination may well be at odds with non-Western allusions to the concept (e.g. Indian *Swaraj*, Gandhi 1944; Mohanty 1991; Parel 2000).

There may indeed be a mismatch between the declining predominance of self-determination in the West, and its continued saliency in other parts of the world.

Moreover, to what degree do discourse trends correspond with processes in the domain of real politics, such as minority repression and civil wars? And if such correlation exists, does it imply that self-determination discourse is more its cause or effect – a trigger or mere barometer for other political phenomena? A comprehensive multi-cultural and multi-linguistic study, which combines quantitative and qualitative analysis, is needed to further validate both of the discursive trends hinted at by this survey and their import.

These qualifications notwithstanding, this paper invites a fresh look at self-determination and its relevance to both political theory and practice, through a normative-narrative approach to the study of self-determination, based on content and discourse analysis.



If the apparent decline in the discourse of self-determination is to be taken seriously, how are we to explain it? The immediate suspects are the exhaustion of decolonization and the disintegration of both Yugoslavia and the Soviet Union. These processes have provided the main impetus for self-determination since its WWI inception. As these have subsided, there has been little room or reason for a resurgence of self-determination. Indeed, as Table 1 illustrates, there is a high correlation (0.54) between self-determination trends and the ratio of state independence. The highs and lows of the establishment of new states are often reflected in the ups and downs in the talk of self-determination. This explanation, however, is insufficient. Decolonization has hardly expunged the deep discrepancy between ethnic/linguistic/religious affiliations and state borders (Alesina et al. 2003; Fearon 2003). In fact, in numerous cases decolonization has augmented this mismatch: in much of the Third World, states and peoples are at odds (Posner 2004). One then may attribute this discursive decline to the resolution of this mismatch in the West. However, little has changed in the last 50 years regarding the state-to-nation tension in the West, while the volume of Western discourse on self-determination has become marginal relative to that of the second half of the twentieth century.

The disintegration of Yugoslavia and the Soviet Union has likewise created numerous state-to-nation imbalances in the newly formed polities (Cederman 1997; Miller 2007). Furthermore, other multi-ethnic and multi-religious “big states” still exist (Alesina et al. 2003; Fearon 2003). Five of the six most populous countries in the world – China, India, Indonesia, Brazil, and Pakistan (sidestepping the US) – are home to substantial national minorities, which are geo-demographically concentrated in condensed regions. The same goes for the world’s two largest countries – Russia and Canada. This requires us to look

elsewhere for complementary explanations for the decline in the discourse of self-determination.

A discursive approach to the study of self-determination is not common. More prevalent has been the study of the concept via diplomatic (e.g. Heater 1994) and legal (e.g. Quane 1998) perspectives. Important as these vistas surely are, discourse analysis provides a necessary complementary lens. If “the biggest challenge to self-determination today is that it means different things to different peoples,” (Castellino 2000: 7), discourse analysis is a vital key to deciphering the current predicament of the principle. “For all its vagueness and ambiguity,” argues Alston (2001: 1) “the right of peoples to self-determination succeeded during the second half of the twentieth century in transforming not only many of the basic tenets of international law but also in reshaping the international community.” Self-determination has indeed attained such a unique place in twentieth century political thought and practice that it would be beneficial to reexamine both the historical record and the ramifications of its current state and status. Both are relevant to an understanding of twenty-first century global politics.

This is not an advocacy article, nor a celebration or lament for the possible death of self-determination. This paper discerns between the idea, the ideal, and the real: between the discursive concept, the ethical-political principle, and its use, misuse, and abuse in real political settings. I trace these intertwining aspects by exploring and (hopefully) elucidating the historical trends of self-determination. I argue that the genesis of self-determination manifested itself as a three-phase process. The concept was born out of the intra-socialist debate on how to reconcile socialism and nationalism. The Bolshevik revolution subsequently transformed it into a speech-act: an act predicated, practically

and ethically, on a specific speech. Subsequently, in the aftermath of WWI (and perhaps consequently), Western diplomacy universalized this speech-act.

The second half of the paper examines the possible demise of self-determination as a universal speech-act. I ascribe this change to self-determination as being both undetermined and undermined. I expound the moral double helix of self-determination, the concept's intertwined ethical pillars: duality, pertaining to both the individual and the collective, and mutuality, for the self as well as for others. I then develop my contention that this ideal of self-determination has been undermined by three main trends: (1) overshadowing the self-determination of peoples with the other-determination of states; (2) increasingly excluding non-colonized and ethnic peoples from the realm of eligible groups; (3) defending existing states while denying statehood to stateless peoples, due to both globalization and the rising emphasis on the state's functions (to protect and to represent) as prerequisites for self-determination. While the first trend is as old as the principle itself, the other two are more novel, and combined with the first have contributed to the principle's decline as a universal speech-act. In this discussion special attention is given to the aforementioned recent crises: Kosovo's independence and the wars in Georgia and Sri Lanka. I argue that in these cases it was the negation of self-determination, rather than its enactment, that dictated events. I conclude by hypothesizing that following the current impasse, self-determination may be gradually transforming to focus less on advancing new polities and more on justifying existing ones.

I. The Birth of an Idea: Self-Determination as a Universal Speech-Act

What is in a name? What is so important in uttering the explicit phrase, “self-determination”? How significant are its prefixes – “the right of,” “the right to,” “the principle of” – and its suffixes – “of peoples” “of nations” and more? At the onset of the concept Woolsey (1919: 302) noted on plebiscites and self-determination, that “[t]his is no new thing, though the phrase is new.” He admitted, with apprehension, the significance of this novelty. Granted, related terms have been in constant use for centuries: secession, independence, (popular) sovereignty, self-government, self-administration, autonomy, nationalism – these are but a few analogous, but not synonymous, concepts. However, since its inception about a century ago, self-determination has acquired such a unique place in the thought and praxis of global politics that tracing the exact phrase and its framing becomes paramount to our understanding of its origin, development, and impact. In this section, I expound the origins of the concept, arguing that in the aftermath of WWI it has become a universal speech-act: that is, an act predicated, both practically and ethically, on a particular (though not necessarily performative) speech, i.e., the speech did not necessarily constitute the act. Tracing the discursive roots of self-determination will help recover the concept’s history and current significance.

The literature on self-determination has rarely paid more than a passing reference to the inception of self-determination. Normally, this amounts to introductory remarks explaining its propagation by US President Woodrow Wilson, and at times also alluding

to its antecedent usage by Vladimir Ilyich Lenin. I would like to go further (in time) and deeper (in analysis) than this, expounding the concept's genealogy. I argue that self-determination was born out of an inner communist debate regarding the need and the will to reconcile the socialist imperative with the nationalist creed.

If there ever was an act to precede the speech of self-determination, it was, and still remains, the act of plebiscite. Self-determination and referendum, however, are not the same. It was the inception of the first as a speech-act that enabled the latter to become a universal praxis of an ethical-political doctrine. Still, plebiscites reveal concern for popular will. Even when manipulated, resorting to the people's vote and voice attests to the political potency ascribed to them by their rulers. Hence, the history of plebiscites is important in establishing the background for the emergence of self-determination.

Etymologically, "plebiscite" derived from the Latin *plebiscita*, the "decree" (*scitum*) of the "the common people" (*Concilium Plebis*). Ancient Greece and Rome were the first to apply it, moderately and with qualification, in their internal affairs. From the demise of Rome until the twilight of the Middle Ages, there is no evidence of referendums. In theory, the odd co-constitutive lord-vassal nature of feudalism might have facilitated plebiscites, for a transfer of fiefdom by the seigneur was predicated on the consent of the residing vassals. In practice, however, the population had little say in these matters. Moreover, popular consent was typically of little concern for the king (suzerain), except when ostensible popular support was deemed predictable and beneficial. Such was, for example, the case of the first known popular-based secession: the transfer of the Lyonnais (now Lyon) from the Holy Roman Empire to France in 1307. The slow decline of the Feudal system, during the 14th and 15th centuries, provided further impetus to the use of

these proto-plebiscites. Again in France we find the first few documented cases where peoples were asked to give or withhold their consent to changes of allegiance proposed by feudal lords. However, the *plebes* whose voice was heard were typically exclusively the bourgeoisie (Mattern 1921: 32-41).

The French revolution marks a milestone, with Avignon (1791) likely accounting for the first modern referendum. Following the French Revolution, a civil war broke out in the region of Avignon, which had belonged to the Pope since the fourteenth century, between the adherents of the Ancien Régime and the revolutionaries. The latter's appeal to the French Assembly for union was subjected to a (*viva voce*) vote of the population. The next substantial turn came in 1848, after which plebiscites become more salient and prevalent (in Europe) than ever before. From 1855 to 1866, there was scarcely a year without some endorsement of the method (Coolidge 1891; Wambaugh and Scott 1920; Wambaugh 1933). The 1856 Treaty of Paris and the 1860 Treaty of Turin, to take two notable examples, opted for referendums in order to settle the status of Moldavia and Wallachia, as well as of Savoy and Nice, respectively. However, from 1870 to 1917 plebiscites again subsided in European politics.

The year 1848 also signifies the onset of dawning awareness, among communist thinkers and activists, of the tension between the socialist imperative and the nationalist creed. The ideas and deeds that informed self-determination had already been in place since the first partition of Poland (1772), and the American and French Revolutions (Ronen 1979: 1-52; Raic 2002: 172-177; Keitner 2000). Reflecting upon European Restoration (1814-1848), Lord Acton ([1907] 2005: 284) held that whereas “[a]t first, in 1813, the people rose against their conquerors, in defence of their legitimate rulers,”

refusing “to be governed by usurpers;” then, “in the period between 1825 and 1831, they resolved that they would not be misgoverned by strangers... because they misgoverned, not because they were of a different race” and finally, after 1831, “began a time when the text simply was, that nations would not be governed by foreigners.”

It was, however, the demise of the Restoration and the Revolutions of 1848 that marked the genesis of the concept of self-determination (Kohn 1958: 527-528), especially for communists. The year that saw the publication of the *Manifesto of the Communist Party* was also the “Spring of Nations.” The quelled European revolutions signified a sea-change in global politics. The Prague Slavic Congress’s resolution on the “equal rights of all nations” to freedom serves as evidence for the pervasiveness of the idea and for the ideal of nationalism.

Communist and socialist thinkers could not but sense the upheaval. While Marx paid scant attention to nationalism (with the notable exception of Ireland), Engels tried to meet the challenge. In his postscripts to the 1893 Italian edition of the *Manifesto*, Engels (Marx and Engels [1848] 1898) contends that “if the Revolution of 1848 was not a socialist revolution, it paved the way, prepared the ground for the latter,” since “without restoring autonomy and unity to each nation, it will be impossible to achieve the international union of the proletariat... The battles fought in 1848 were thus not fought in vain.” However, Engels was grappling with identifying the qualified peoples: do only oppressed (or all) peoples have a right to national “autonomy and unity”? As Lowy (1976: 83) notes: “If Poland was only to be supported because her national struggle was also an anti-Tsarist struggle, did this mean that pro-Russian Slavs (like the Czechs) did not have the right to self-determination? This was precisely the problem with which Engels was

grappling in 1848–9”). Drawing on Hegel, Engels’s answer was to denounce “non-historic peoples” – peoples sans states – as non-revolutionary, and therefore doomed to national extinction.

Three years following Engels’ national retrospect on the *Manifesto*, the term “self-determination” explicitly appeared for the first time. The Second International Socialist Congress in London (1896) declared that “it stands for the full right of all nations to self-determination [*Selbstbestimmungsrecht*] and expresses its sympathy for the workers of every country now suffering under the yoke of military, national or other absolutism.” The theme is later evoked, with Lenin’s support, in the 1903 First Program of the Social Democratic Labor Party (RSDLP), declaring, “All nationalities forming the state have the right to self-determination.”

It is against this backdrop that one must view subsequent developments in the inner-socialist debate about self-determination. A prominent figure in this discourse was Rosa Luxemburg, a Polish, and later, German, Marxist theorist and revolutionary. In a series of articles on *The National Question and Autonomy*, Luxemburg ([1908/9] 1976), denounced the 1903 RSDLP platform. With the secessionist Polish case in mind, she depicted the right to self-determination as a *bourgeois* nationalism, which may endanger socialist internationalism (namely, promoting socialism in all countries). “The actual possibility of ‘self-determination’ for all ethnic groups or otherwise defined nationalities is a utopia” wrote Luxemburg, not least since small nations are dependent on big ones (with the decaying Ottoman Empire being an exception to the rule). She sarcastically commented, “The ‘right’ of a nation to freedom is only worth as much as the ‘right’ of each man to eat off gold plates.” This principle, she argued, is nothing but “a

metaphysical formula which leaves the determination of the nationality question up to each of the nationalities according to their whims.” Luxemburg concluded: “In a word, the formula, ‘the right of nations to self-determination’ is essentially not a political and problematic guideline in the nationality question, but only a means of *avoiding that question*.” Practically, in reference to Polish nationalism, Luxemburg favored a territorial autonomy within the Russian socialist republic over independence.

Joseph Stalin provides another interesting facet in the early socialist discourse on self-determination. Ostensibly in opposition to Luxemburg, Stalin ([1913] 1954) started by stating unequivocal support of the principle: The “right of nations to political self-determination,” he wrote, “has long been recognized by the whole of international Social-Democracy.” Sidestepping the individual, “the right of self-determination means that only the nation itself has the right to determine its destiny, that no one has the right *forcibly* to interfere in the life of the nation [...] It has the right to arrange its life on the basis of autonomy. It has the right to enter into federal relations with other nations. It has the right to complete secession. Nations are sovereign, and all nations have equal rights.” Yet, Stalin qualified, “[t]his, of course, does not mean that Social-Democracy will support every demand of a nation,” since “no demand of a nation which is striving for self-determination will ‘contradict the precise meaning’ of the Social-Democratic programme.” Where contradiction exists, the “the interests of the proletariat,” not “the rights of a nation” must prevail. Speaking in the name of the former, Stalin eventually rejected both cultural autonomy and full secession, instead arguing that “*regional autonomy is an essential element* in the solution of the national question.” Practically,

Luxemburg's international socialism and Stalin's (Russian) nationalist communism lead both to reject a full-fledged, namely potentially state-forming, self-determination.

Lenin's position was different. Kohn (1958: 528) argued that “[n]ational self-determination was for Lenin only a tactical means.” It was more than that. Lenin viewed self-determination as not only compatible with, but in fact a precondition for, the international socialist revolution (Raic 2002: 184-188). In a rebuttal to Luxemburg, and, in effect, also to Stalin, Lenin ([1916] 1964) wrote that “it would be a betrayal of socialism to refuse to implement the self-determination of nations under socialism,” and declared “We say: In order that we may have the strength to accomplish the socialist revolution and overthrow the bourgeoisie, the workers must unite more closely and this close union is promoted by the struggle for self-determination.” Contra Engels's distinction between qualified and unqualified peoples, and Luxemburg's and Stalin's rejection of self-determination as (potential) secession, Lenin ([1914] 1971) held that “it would be wrong to interpret the right to self-determination as meaning anything but the right to existence as a separate state,” and not just an “autonomous nation.”

The fall of the Tsarist regime in March 1917 signaled the ascendance of Lenin's proactive and extensive interpretation of self-determination, elevating the concept from the realm of intellectual polemics into that of international diplomacy. The Bolshevik *Declaration of the Rights of the Peoples of Russia* emphasized “the right of the peoples of Russia to free self-determination, even to the point of separation and the formation of an independent state” (cited in Daniels 1993: 66). The principle was harnessed by the Bolsheviks to target the Provisional Government (Page 1950), which finally announced

that it too sought to attain “a durable peace on the basis of the right of nations to decide their own destinies” (cited in Musgrave 1997: 17).

The Russian announcements were followed by declarations of independence by non-Russian groups. Self-determination was explicitly invoked. Ukrainian President Vinichenko’s proclamation of autonomy on 20 November 1917, for example, was followed by his plea for inclusion in the January 1918 German-Russian peace negotiations at Brest-Litovsk arguing from the outset that peace “must assure to every people, even the smallest, full and unlimited national self-determination” (Horne and Austin 1920: 25). The peace conference itself evidently showed how self-determination might be abused by great powers. For the Bolsheviks it became a two-edged sword, as they faced German demands to relinquish control of numerous former Tsarist territories, to be later associated with Germany and the Ottoman Empire, all in the name of self-determination.

In an apologetic note, recalling Bolshevik painful concessions at Brest-Litovsk, Leon Trotsky (1918) comments on their polemic retreat in the negotiations. After conceding “the right of self-determination of the Lithuanians, Poles, Livonians, Letts, Estonians and others,” the Bolsheviks told the Germans, “there was no room for self-determination. Now we want to see what is your attitude towards the self-determination of still another people, that of Russia.” Trotsky likewise demanded of the Allied Powers to “give the right of self-determination to the peoples of Ireland, Egypt, India, Madagascar, Indochina, et cetera,” asserting that acting otherwise would expose their claims as “the most naked, the most cynical imperialism” (cited in Manela 2006: 1331). It is in this context, in the twilight of World War I, that self-determination became a speech-act: by

speaking in the explicit name of self-determination, peoples asserted collective identities, and polities sought political ends.

In practice, as in the conquest of the borderlands, Lenin was increasingly willing to subordinate his notion of self-determination to Soviet interests (Pipes 1997). Intellectually, however, he remained loyal to the ideal. In his so-called *Ultimatum* to the Ukrainian Revolutionary government, Lenin (New York Times 1918: 430) declared, “All that concerns the national rights and the independence of the Ukraine we, the commissaries of the people, freely recognize without any limits or conditions,” and extended the same recognition to “the bourgeois Republic of Finland.” His ultimatum thus targeted policies, not polities. Five years later, in the twilight of his reign, he confronted Stalin following the latter’s conduct towards Georgia. In his “Last Testament” letter on *The Question of Nationalities or “Autonomisation”* Lenin ([1922] 1964) observed, “It is quite natural that in such circumstances the ‘freedom to secede from the union’ by which we justify ourselves will be a mere scrap of paper, unable to defend the non-Russians from the onslaught of that really Russian man, the Great-Russian chauvinist, in substance a rascal and a tyrant, such as the typical Russian bureaucrat is.” The sober prediction was realized shortly thereafter.

In an irony of faith, the torch of self-determination was carried not by Lenin’s Soviet successors, but by his bitter rivals from the liberal capitalist camp. The latter transformed self-determination further, into a *universal* principle of global politics. Since the literature emphasizes this venue, here I note only milestones in the concept’s evolution within the West during this formative period. Interestingly, the first explicit expression of self-determination in the West was made not by Woodrow Wilson, but by the British Prime

Minister Lloyd George. Outlining the three grand “British War Aims” on 5 January 1918 Lloyd George (1918) posited the principle as the cornerstone of the second aim: “a territorial settlement must be secured, based on the right of self-determination or the consent of the governed.”

Manela (2006: 1332) suggests that Lloyd George was motivated by concerns that “the enthusiasm of the left in Britain and other Allied countries for the rhetorics of Wilson and Lenin would compromise popular support for the war effort.”⁴ Conversely, Raic (Raic 2002: 179) emphasizes the Bolshevik Revolution and its emphasis on self-determination. While the January 1918 “Fourteen Points” speech made no explicit reference to the concept, shortly after Lloyd-George’s war aims speech, Wilson for the first time employed the exact phrase.⁵ In an address delivered on 11 February 1918, before a joint session of the US Congress, Wilson declared, “‘Self-determination’ is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril,” clarifying that “national aspirations must be respected; peoples may now be dominated and governed only by their own consent.” Unaware of its potential resonance in Europe and beyond, and without due planning, Wilson uttered “self-determination,” not as a programme, but as a creed, which was subsequently utilized to augment the war efforts (Lynch 2002).

4 On Wilson’s acquaintance with British political thought see Thorsen 1988.

5 Wilson used the phrase once before, in his 1915 State of the Union Address, but the context is substantially different: US must obtain commercial naval independence, without which “the whole question of our political unity and self-determination is very seriously clouded and complicated indeed.”

It is against this backdrop that we should recapture what is now a customary distinction between internal and external self-determination, with the first pertaining to the people's consent to authority, and the latter to a people's right to form a polity. While the first emphasizes democracy, the latter champions nationalism. The two may intertwine – a nation-state may have a democratic regime – but they are not the same. This is where Wilson's self-determination departs from Lenin's. "The key to the understanding of Wilson's conception of self-determination is the fact that for him it was entirely a corollary of democratic theory" (Cobban 1970: 63). In the context of global politics, it is clear that contra Lenin (capitalist nationalism as a prerequisite to socialist internationalism), Wilson's main aim was a democratic inter-state peace (Cassese 1995: 14-23).⁶ He thus bluntly accused the Germans of undermining "the ideals of justice and humanity and liberty, the principle of the free self-determination of nations upon which all the modern world insists" (6 April 1918; *New York Times* 1918: 277). Ultimately, the post-war years provided a victory for neither conception of self-determination: not all nations – not even the European – achieved independence, and many states' authorities were, or became, despotic.

Wilson's advocacy and the subsequent victory of the Allied Powers transformed self-determination into a universal speech-act: the first, and for now perhaps the last, overarching norm in the history of global politics. At the time it was partly the work of Wilson's propaganda bureau, particularly George Creel, head of the Committee on Public

6 In January 1920, Wilson in effect referred to the upcoming US presidential election as a question of self-determination, "a great and solemn referendum" on his foreign policy and, specifically, the peace treaties (*The New York Times*, 4 November 1920).

Information created in the spring of 1917, who leveraged Wilson's words at home and around the world (Vaughn 1980). At the dawn of modern racism, self-determination was color-blind, with "no 'racial' connotations," and was explicitly embraced by an overwhelming majority of the world political community (Kohn 1958: 536). Almost overnight, worldwide calls for political action were made in the name of self-determination. Speaking the words mattered: once self-determination was evoked by a people, it became, in effect, a nation, and as such, perceived itself entitled to political independence. Collective identity and the collective's polity became predicated on a specific speech.

Manela (2007) traces the immense and immediate impact that "the Wilsonian moment" had on colonized societies in Egypt, India, China, and Korea. Uprisings, reform movements and revolutions were carried out under the banner of self-determination. When disillusionment followed, revisionist radicalism took place. Discursively, the global resonance of self-determination was vividly captured by Muhammed Husayn Haykal, an Egyptian intellectual, in his obituary upon Wilson's death in 1924 (cited in Manela 2007: 215). Haykal denounced his contemporaries who disregarded "these great principles" of self-determination. "They are not illusions," he wrote, "they are a force which has built up over the ages, created by general suffering and hopes... and then, fate chose President Wilson to be their translator and spokesman... Wilson has died, but his ideas remain, and they will no doubt triumph." But Haykal's obituary also reveals the dark side of the idea. Fated victory is eclipsed in Haykal's depiction of global politics since the end of World War I as a "violent conflict between East and West, between imperialism and self-determination, between slavery and freedom, between darkness and

light.” Herein lies self-determination’s flipside, its abuse to produce the words and swords of a Manichean clash against a monolithic evil.

The use and abuse of self-determination are equally present in the rhetoric and actions of the West, not least in the post-war peace negotiations. “The British and American delegations [to the 1919 Paris Peace Conference] were anxious to confine self-determination to Europe, while the French and Italian delegations would have preferred to confine it to Utopia” (Cobban 1970: 66). I will not dwell here on the resonance of self-determination in these diplomatic maneuvers, as this topic is extensively covered in the literature (Whelan 1994; Cassese 1995: 23-33; MacMillan 2002; Raic 2002: 188-199). Instead, I will chronologically review indicative references to self-determination in a single British newspaper, London’s *The Times*, during the twilight of the Great War and its aftermath. This discourse, from the hub of the increasingly challenged British Empire, reveals the concept’s dynamism and how quickly it transformed into a universal speech-act.

Self-determination first appeared in *The Times* after its initial usage by Lloyd George (but before Wilson’s take) when depicting the Austrians as denying self-determination to the Czechs (24 January 1918) and Poles (9 February). After weeks (May 11), self-determination was enclosed in quotation marks – insinuating its inauthenticity – questioning the Flemish recourse to it as a manipulation, a product of malicious German intent. By the end of the year, self-determination is regarded as the core reason for fighting between Czechs and Hungarians (5 December). It then appeared in reference to non-European countries, evoked in South Africa both by Afrikaner Nationalists (13 December 1918, 20 January 1919; tellingly enclosed in quotation marks) and by the

South African Congress, promoting the rights of non-Whites (21 December 1918). India's National Congress proclamation on self-determination (27 December, reported in 3 January 1919) fostered a debate as to whether this was an expression of "Ordered Progress or Bolshevism?" (10 January), and triggered an advertisement entitled "Self-Determination?" which questioned whether there was indeed an emerging Indian Self (1 February). Self-determination was then alarmingly exported (too) close to home, with resurgent Irish demands (with self-determination again enclosed in questioning quotation marks; 25 February), amounting eventually to the establishment of the "Irish Self-Determination League" (24/25 October).

In a matter of months, a concept initially born at the turn of the twentieth century out of intellectual small-circle polemics became a universalized ethical-political principle, evoked by politicians, diplomats and public alike, effectively reshaping world politics. Wilson himself was aghast at the upshot of his words. Most revealing was a meeting held in Paris between Wilson and the American Commission on Irish Independence on 11 June 1919. It merits elaboration. The Irish case was presented by Frank Walsh, the Commission's chairman, a prominent lawyer with a good standing in the Democratic Party, who was appointed by Wilson to head the newly formed U.S. Industrial Relations Commission. A champion of the Irish national cause, he urged Wilson to live up to his words, and endorse the Irish people's right of self-determination:

Mr. President, when you uttered those words declaring that all nations had a right to self determination, that it was an Issue that had to be settled and once for all, and settled on the side of justice – those expressions I have read to you – you voiced the aspirations of countless millions of people that had been saying them to each other, and begging governments that oppressed them to recognize them. When you, as head of the most powerful nation in the world, uttered them, and they received the assent of the representatives of all the nations, it

became a fact, Mr. President. Those people are imbued with the principle. They may be killed trying to vindicate it, but they can no longer be kept in subjection by the action of diplomats, government officials, or even governments. They are freed now.

Wilson replied:

You have touched on the great metaphysical tragedy of today. My words have raised hope in the hearts of millions of people. It is my wish that they have that; but could you imagine that you could revolutionize the world at once, could you imagine that those peoples could come into that at once? [...] When I gave utterance to those words, I said them without a knowledge that nationalities existed, which are coming to us day after day. Of course, Ireland's case... is the outstanding case of a small nationality. You do not know and cannot appreciate the anxieties that I have experienced as the result of many millions of people having their hopes raised by what I have said... I tell them [to the leaders of Great Britain and France that their negotiations policies are]... not in accord with justice and humanity; and then they tell me that the breaking of treaties is what has brought on the greater part of the wars that have been waged in the world. No one knows the feelings that are inside of me while I am meeting with these people and discussing these things... It distresses me. But I believe, as you gentlemen do, in Divine Providence, and I am in His hands, and I don't care what happens me individually. I believe these things and I know that countless millions of other people believe them (United States Senate 1919: 838).

II. Death of an Ideal: Self-Determination Undetermined and

Undermined

In the process of becoming a speech-act, self-determination also acquired the unique characteristics of “an essentially contested concept,” one of those “concepts the proper use of which inevitably involves endless disputes about their proper uses on the part of their users” (Gallie 1962: 169). The above historical discursive analysis revealed how contentious the concept was in the inner-socialist debate. The same applies to its universal reincarnation. Robert Lansing (1921: 97), Wilson’s own Secretary of State, famously lamented his boss’s ethical-political plea: “When the President talks of ‘self-determination’ what unit has he in mind? Does he mean a race, a territorial area, or a

community? Without a definite unit which is practical, application of this principle is dangerous to peace and stability.” Little has changed since Lansing’s early critique of the concept. The question of definition, unresolved due to the seemingly inherent opaqueness of the concept, has continued to haunt practitioners and scholars alike (Woodwell 2007: 18-39). “The ‘right of self-determination of peoples’ is perhaps the most controversial and contested of the many controversial and contested terms in the vocabulary of international law,” writes Crawford (2001: 7).

My aim here is not to settle the debates, but to trace them, and find out why they have subsided in the last decade. I hold that the drastic diminution of self-determination’s rank and role as a universal speech-act has resulted from the concept’s being both undetermined and undermined. The idea of self-determination was initially fuelled by its ideal, but this ideal has been increasingly tarnished by polemics and politics. I thus begin by outlining what an ideal self-determination should look like, and proceed to examine the ethical-political developments that have undermined it.

Self-determination’s Double Helix: Duality and Mutuality

Self-determination is a noble ideal, perhaps the pinnacle of modern political ethics. In the best of worlds, self-determination should be dual and mutual. Duality means that it is not merely about the right of the collective Self to decide what polity suits it best (an independent state, self-governance, etc.); it is also about the right of the individual Self to establish its own identity in the first place (religious, ethnic, civic, lingual, etc.). Thus, the Self is both the individual and the collective, and the free choice of the first to align with the latter. In reflecting on Nationality, Mill (1862: 310) famously noted: “The question of

government ought to be decided by the governed. One hardly knows what any 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.” Self-determination’s *raison d’être* is thus not just the protection of the people’s identity (Raic 2002: 223) and polity, but of the individual’s social identity and the liberty to choose it. Collective identity and the collective’s polity are two sides of the self-determination coin: a determination *by* the self and *of* the self. Semantically, duality bears on the principle’s prefixes. While the “right *of*” self-determination denotes logic of appropriateness, a deontological right of belonging, of positing oneself within a collective, the “right *to*” self-determination prescribes logic of consequences, a teleological right to form a viable polity.

Ideal self-determination entails not only duality but also mutuality. This right is as much the Other’s as the Self’s. Self-determination, as a “relational concept” (Young 2004), does not posit non-interference, but rather non-domination. Non-interference implies, almost perforce, statehood; only by achieving statehood may groups hope to become immune to interference, read intervention. But “liberty [may] be lost without actual interference,” as with the case of the “non-interfering master” (Pettit 1997: 31). Conversely, non-domination means lack of subordination and protection against the *arbitrary* power of another. Through opposing living at the mercy of another, even if the latter does not interfere, non-domination becomes the antonym of slavery. It creates dialogic relations between the self and the other: mutual self-determination establishes self-emancipation as predicated on the other’s emancipation (and the corollary rights of identity and to polity). It is this reciprocity, the “equality of liberty, not to treat others as I

should not wish them to treat me” (Berlin 1998: 197), which bridges the gap between liberty and equality, establishing the precedence of the first over the latter. Practically, this is why, to take one notable example, Jewish and Palestinian peoples’ claims to self-determinations are ethically codependent.

Self-determination is therefore morally right only on the merits of its duality (identity/polity) *and* mutuality (self/other). This is self-determination’s moral double helix. Sans both (not either) self-determination is unjust, thus ethically void.⁷

This ideal type of self-determination resonates with the distinction between claim rights and liberty rights. A claim right entails duties of others regarding the right-holder (e.g. conscription); conversely, a liberty right entails only permission for the right-holder (e.g. free speech). Most self-determination scholars do not pay attention to this distinction. Among those who do, the majority regard self-determination as a claim right (Buchanan 2007), while few (e.g. Lehning 1998: 35; Beran 1984) view it as a liberty right. The distinction and the dispute are important. Regarding the ideal of self-determination, however, I contend that the combination of the two lies at the concept’s moral heart: an ideal self-determination embodies the liberty-responsibility nexus of the two types of rights. Within the claimant group each individual has a liberty right to identity and a claim right via the group to join, or secede from it; the claimant group has a liberty right to determine its polity as well as a claim right from other groups to acknowledge it. Ethical global politics is predicated on the politics of recognition (Taylor 1994).

7 In this I subscribe to the Hegelian “Freedom as Justice” ethics (Ware 2000).

Furthermore, the duality and mutuality of an ideal self-determination prescribes that as a claim-right it is not only about entitlement vis-à-vis others, but an overall obligation that applies to the self as well. Calling for a proactive affirmation on the part of the individual and the group alike, self-determination in fact points more to “positive liberty” (self-mastery) than to “negative liberty.” It entails the freedom of choice the collective grants its possible individuals, for “wherever there is freedom [read liberty] there is responsibility” (Pettit 2001: 19). Claim-right here is thus a more encompassing responsibility-right, as well as duty – the responsibility to be responsible.

The discourse of self-determination, as an idea, reflects the inevitable clash between the ideal and the real. Rudolfo Stavenhagen, the former Deputy Director General of UNESCO, once commented that “the violence we see around is not generated by the drive for self-determination, but by its negation. The denial of self-determination, not its pursuit, is what leads to upheavals and conflicts.” (*Morgan Express*, “Human Struggle,” 29 May 2009). Most diplomats, however, would point to Blaise Pascal’s maxim: “Man is neither angel nor beast, and as ill-luck would have it, he who strives to be like an angel, acts like a beast.” For many, the ideal of self-determination may, and in fact has, led to that exactly. In words and actions, self-determination has all too often lacked duality and mutuality. Modern history abounds with attempts of outside parties to determine others’ self-identities or to exclusively appropriate the right to themselves while rejecting that of the Other.

Practically, the impairment of self-determination’s moral DNA has manifested itself in three key trends. First, overshadowing the self-determination of peoples with the “other determination” of states: providing the latter with the final call regarding the

identity and prospected polity of the people in question. Second, the difficulty in finding and defining the entitled peoples has led to the exclusion of non-colonized as well as of ethnic peoples from the realm of just, and politically correct, self-determination. Third, defending the state while denying statehood: asserting existing state's functions (to protect and to represent) as prerequisites for self-determination, while depriving stateless peoples from obtaining statehood. While the first trend has cast a significant shadow over self-determination from the outset, the two other trends are more recent, and their cumulative effect may account for the decade-long decline of self-determination. It should be noted that inner and external tensions are an inevitable part of every political concept's evolution. In a way, they may attest to its liveliness. Certain intense tensions, however, may be life threatening. This, I argue, is the current predicament of self-determination.

1. Self-Determination of Peoples / Other Determination by States

The first clash to undermine self-determination was and is waged between peoples and states. The crux of the matter is the mismatch of the nation-state duo. The widespread confusion of state self-defense with national self-determination is not new. Contrary to common assumptions, the international system was not created in 1648, at the Peace of Westphalia, but rather two centuries later, in the 1848 'Spring of Nations.' Whereas Westphalia marked the rise of states, and their right to self-defense and territorial integrity, the European Revolutions of 1848 marked the emergence of nations, and their right of self-determination. In the tensed amalgam of the "nation-state," the state is the peoples' significant Other, often being both the aim and the enemy of the people-turned-nation.

The former UN Secretary-General, Boutros Boutros-Ghali (1992), wrote “The sovereignty, territorial integrity and independence of States within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other in the period ahead.” At times, the tension between the self-determination of peoples and the self-defense of states is indeed reconcilable. A state may represent the self-determination of a people that in turn insist on their polity’s territorial integrity, often tantamount to *uti possidetis*, “as you possess” (Lalonde 2002). However, while the two principles may correlate, they are seldom equivalent.

Historically, there is no novelty in maintaining rights to one’s (collective) self while denying it to others. Referendum, an abiding self-determination praxis, was practiced in ancient Rome and Greece. However, while they “practiced the plebiscite or referendum in their internal affairs and thus recognized the principle of self-determination as applied to themselves in their doings at home, in matters of foreign relations, in their relations to their neighbors, they recognized no other rights than those of their own will and power. All other nations were deemed barbarians” (Mattern 1921: 31).

The moral comfort of dehumanizing the other in order to justify discrimination has been increasingly challenged in recent generations. However, while the terminology has changed, much of the ethical-political discrimination remains. Ever since the ascendance of self-determination to world politics, the interest and will of the state Other, not that of the nation Self, have usually prevailed. Statist predominance draws on a long line of political thought. We should not overstate the case by arguing that “contemporary philosophers write as if the world consisted of states eternally fixed in number and

borders” (Beran 1984: 22). However, on balance, states, not peoples, typically define politics and their properties. Shehadi’s argument (1993: 59) seems to reflect the opinion of most practitioners, that in meeting “the challenges of ethnic self-determination,” the international community must first “try to preserve the unity and territorial integrity of existing states by reducing the risks of living together for people who feel profoundly different.”

Responding to such contentions, Weller (2005: 4) forcefully argues, “those who operate the system have ensured that the very doctrine of self-determination that purports to enfranchise people actually serves to disenfranchise them, in the interest of maintaining peace and stability.” His view of the distorted praxis of self-determination induces Weller (2005: 4) to join up with the principle’s critics: “Rather than offering citizens a choice, the doctrine of self-determination has been constructed in a way that limits or denies choice. In fact, generally self-determination is a rule that empowers those who oppose choice, even by violent means, where the territorial definition of the state is concerned... Rather than preventing conflict, however, the rule of self-determination has generated a dynamic that sustains conflict.” Weller’s line of argument thus provides an angle on the discursive dynamics that brought about the downfall of self-determination as a universal speech-act: if the acts are so wrong, Weller seems to suggest, the speech (and, indeed, the principle) itself must be faulty.

State predominance over peoples has been evident from the inception of self-determination. “Wilson himself understood who could decide who the people were... the High Contracting Parties” (Castellino 2000: 18). Wilson’s original draft of the Covenant of the League of Nations (Draft Article III; 10 January 1919), while paying explicit

tribute to the “the principle of self-determination,” confirmed that the “Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary” (cited in Lansing 1921: 283). Ultimately, in the covenant’s final version “self-determination” was nowhere to be found.

State-determination likewise predominated in the post-World War II inter-state debate surrounding the formulation and implementation of self-determination in international law (see, for example, Cassese 1995: 45-52; Woodwell 2007: 20-21; Raic 2002: 199-220). It also reverberates in the diplomatic discourse of self-determination. “On the surface,” argued Sir Ivor Jennings (Jennings 1956: 56), the doctrine of self-determination “seemed reasonable: let the people decide. It was in fact ridiculous, because the people cannot decide until someone decides who are the people” (cited in Whelan 1994: 99). This logic was often employed to rationalize states predominance over peoples, substituting Other- for self-determination. The chronicles of the Cold War illuminate this point vividly.

The right of self-determination was evoked by the superpowers whenever it served to augment their might and interests. A survey of US presidents’ State of the Union Addresses throughout the Cold War shows that the phrase was never used beyond the scope of immediate US national interests. Careful not to alienate Bonn, Lyndon Johnson argued in his 1965 Address that “a great unfinished task is the reunification of Germany through self-determination.” A year later, justifying the increased involvement in Vietnam, he declared, “We are fighting to uphold the principle of self-determination, so that the people of South Vietnam may be free to choose their own future” (cited in Lowy

1976: 99). Jimmy Carter made self-determination one of “the values on which our Nation was founded,” second only to “individual liberty” (1979 Address), and subsequently utilized it to affirm his commitment to the US unincorporated territories as well as to the “self-determination and independence for Namibia” (1981 Address). In the twilight of the Soviet presence in Afghanistan, Ronald Reagan emphasized twice, in both the 1987 and 1988 Addresses, his support for the “genuine self-determination for the Afghan people.” His successor, George H. W. Bush, drew on the concept in the context of the clash in Nicaragua between the US-sponsored Contras and the Sandinistas. In his 1989 Address Bush committed to “be freedom’s best friend,” affirming that the US “must stand firm for self-determination and democracy in Central America, including in Nicaragua.”

Editorial Cartoon 1 – No Title
The Washington Post, Times Herald (1959-1973); Aug 16, 1961; ProQuest Historical Newspapers The Washington P
pg. A16



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Self-determination became an

indispensable and nondisposable normative resource in the Cold War blame-game,

underlying the concept's import while undermining its impact. US president Eisenhower urged Soviet Prime Minister Bulganin to withdraw troops from Hungary for the "achievement of Hungarian self-determination" (*The Times*, 5 Nov 1956). The following caricature (*Washington Post*, 16 August 1961), referring to the construction of the Berlin Wall, acutely captures the narrative-normative paradox: speaking highly in the name of the Self, whose rights are trampled by the (often superpower) Other.

In July 1958, the Soviet leader found his own opportunity to leverage self-determination, following the US military intervention in the Lebanon crisis, and the military coup in Iraq that toppled the pro-West Hashemite monarchy. Chairman Krushchev reproached the US on account of the first and rejoiced about the latter, all in the name of self-determination. Soviet recognition of the new Iraqi government was thus "invariably guided by the principles of self-determination of the peoples, and deeply respecting the just national aspiration of the people of Iraq" (*The Guardian*, 17 July 1958). A year later, Krushchev praised de Gaulle's "proposal for self-determination in Algeria" (*The Guardian*, 1 November 1959) incidentally leading to the formation of another non-aligned state. A decade later it was the war in Vietnam that attracted much of the self-determination discourse. In a joint declaration with their French counterparts, Soviet leaders emphasized the need to find a "settlement based on respect for the Vietnamese people's right of self-determination" (*The Times*, 14 October 1969).

While the discourse of self-determination reached its zenith during the Cold War, the realization of the principle was at ebb. The narrative and the normative dimensions have been working in inverse proportion, since – contra to the prevalent perception – decolonization seldom entailed true self-determination (Emerson 1960: 295-328). Kaveli

Holsti is quite right to point out that the “elites who led independence or national liberation movements under the doctrine of national self-determination often had no nation to liberate. Rather, they had a collection of communities that, aside from their dislike of colonialism, had little in common, and certainly no common identity” (cited in Archibugi 2003: 496). The self-determination of peoples was typically overrun by the *uti possidetis juris* of states, of preserving existent colonial boundaries upon decolonization (Freeman 2000: 358). Uganda, to take one example, ostensibly became independent in 1962. However, freedom from Britain did not signify, nor facilitated, the making of a nation out of the country’s diverse ethnic and religious groups, who were, at best, asked to elect authority, not to determine their polity. The later was given as a given. Indeed, with the possible exception of Bangladesh (Castellino 2000: 147-172), it is doubtful whether between 1948 and the fall of the Berlin Wall self-determination was ever truly implemented.

In theory, with the end of the Cold War, self-determination could play a real role in global politics. In practice, however, not much has changed. Mayall (1999: 475) is right in pointing that in the wake of the Cold War “an illusion of stability has given way to an equally illusory sense of flux;” the conventional outlook of global politics remains that of the existing sovereign states. As a result, self-determination’s double helix is as fragile as ever. Kosovo, Georgia, and Sri Lanka are cases in point. The first two present an odd symmetry. The dissolution of the Soviet Union and Yugoslavia are typically understood as self-determination incarnate (Neuberger 2001: 391). The former disintegrated into fifteen republics, the latter into seven countries and still counting. What could be more

Wilsonian? And, considering the recurrent conversion of the cause of self-determination into a *casus belli*, what could be more Lansingian?

A careful examination, however, shows self-determination, properly understood, as a lesser player in the state proliferation following the fall of the Berlin Wall twenty years ago. Germany's unification and Czechoslovakia's split following the Velvet Revolution are offshoots of real self-determination processes, as is, passably, the recently won independence of East Timor. The same, however, can hardly be said of the former Soviet Union or Yugoslavia. There, the former despots – Stalin and Tito – rather than the will of the local peoples, had charted the national-territorial delimitation of the two defunct mega-states. In the case of Stalin, a direct line leads from his perspectives on self-determination to a “state-sponsored evolutionism” (Hirsch 2000): a top-down nation-building effort amounting to the incorporation of non-Russians within the Soviet Socialist Republics. The end-result of the Kosovo and Georgia crises are thus more representative of the determination by Other (state) actors, be they Western or Russian, than of the main parties concerned.

Confronted with the emerging crisis in the Socialist Federalist Republic of Yugoslavia (SFRY), the international community at first insisted on the territorial integrity of the country. American President George H. W. Bush stated on 28 March 1991 that “the United States . . . will not encourage those who would break the country”; the Soviet Union and the European Union followed suit in April and May 1991 (Lalonde 2002: 174). However, encouraged by the relatively peaceful disintegration of the Soviet Union – and pushed by Germany, Austria, and the Vatican – the wind changed. Nonetheless, the direction of the change was not towards the right of the *peoples* of Yugoslavia to self-

determination, but rather towards the “self-determination,” including secession of the decaying country’s constituting *republics* within which “minorities and ethnic groups” should be granted “human rights and fundamental freedoms” (The Arbitration Commission of the Peace Conference on the former Yugoslavia, 11 January 1992; Pellet 1992: 179). This interpretation, Trbovich (2008: 266) accurately notes, in fact contradicts the SFRY’s 1974 constitution, which stipulates that the “peoples of Yugoslavia, stemming from the right of every people to self-determination (*Vetëvendosje*), including the right to secession, on the basis of their freely expressed will... have joined together into a federal republic of free and equal peoples and nationalities” (Preamble, Basic Principles I). In transposing the peoples right of and to self-determination onto the states’ right to determine identities and polities for them, the international community’s normative approach towards the Yugoslav crisis has considerably undermined the principle. The West’s handling of the Kosovo crisis, as noted below, essentially extends the same Other-determination logic one level down the *uti possidetis* scale, from the republic to the province level.

Sri Lanka's victory over the Tamil Tigers provides another illustration of state predominance over peoples. In the aftermath of the violent showdown, the UN Human Rights Council (26 May 2009, A/HRC/S-11/2) issued a special report. The resolution was ostensibly guided by “reaffirming the purposes and principles of the United Nations as contained in articles 1 and 2 of the United Nations Charter, including the principle of non-interference in matters which are essentially within the domestic jurisdiction of States.” Thus, without mentioning “the principle of equal rights and self-determination of peoples” enshrined in Article 1 of the Charter, the Council, whose “unique mandate from

the international community [is] to promote and protect all human rights,” chose to rely solely on the “the principle of the sovereign equality” of UN members, namely states, as stipulated in Article 2. The conclusion seems inevitable. The Council opted for “reaffirming the respect for sovereignty, territorial integrity, and independence of the Democratic Socialist Republic of Sri Lanka, and its sovereign rights to protect its citizens and combat terrorism,” while “condemning all attacks that the LTTE (Liberation Tigers of Tamil Eelam) launched on the civilian population and its practice of using civilians as human shields.” This is not to argue that the Tigers’ struggle truly enacts self-determination, but rather to point to the ways in which the principle is trumped. Often, states – rather than the peoples from whom states should in principle derive their legitimacy – not only hold the mightier sword, but also have the final word.

2. Finding / Defining Peoples

The literature on self-determination abounds with efforts to find and define the “right” types of identities and polities: who is entitled to be a Self, and what range of political determination may the Self justly acclaim? The Self may be an individual or a collective; and if the latter, it may be ethnic, religious, civic, or class-based. It may, or may not, be subjected to oppression. The continuum of political determination spans limited non-territorial autonomy, self-administration, self-government, full-fledged territorial autonomy, suzerainty, and full sovereignty. This section deals with the contentious meaning of the Self; the next section expounds upon the continuum of political determination.

A key to deciphering the eligible Self is its equation with peoplehood. In most formulations of self-determination, the right is assigned to peoples, rather than to general human groupings. The ethical-political link between peoplehood and self-determination emanates from Enlightenment ideas of popular sovereignty (Musgrave 1997: 2-4; Lagerspetz 2003; Connor 2002), whereby peoples hold the rightful power to establish polities and elect authorities. Under this doctrine, a distinction is made between people as a collection of individuals and *a* people as a collective, a whole that is greater than the sum of its parts, and that may thus claim a right to its own polity. But what may turn people into *a* people? While it is hyperbolic to say that “no notion could be more vague” (Archibugi 2003: 490), peoplehood is indeed an oft-contested concept. Two basic sub-questions emerge: first, what qualifies a group to be/become a people? Second, do all peoples have the right of and to self-determination? Self-determination may be a “law of the peoples,” but finding and defining the latter is elusive.

In theory, sans objective criteria, a subjective, or rather an intersubjective, touchstone is often employed. Once a group speaks in the name of “a people” it is one. During its investigation of the 1972 events in East Pakistan, the International Commission of Jurists commented, “a people begin to exist only when it becomes conscious of its own identity and asserts its will to exist” (cited in Vidmar 2009: 810). Due to the subjective emphasis, seldom has self-determination been denied because of the group not being (recognized as) a people. The Palestinian-Jewish conflict is such a case, in which the rival parties have engaged in negating the other’s peoplehood, thereby speaking in the name of self-determination while undermining mutuality. More common, however, is the opposite case, notably prevalent in decolonization: “a people” is hastily constructed, and

collectivity is imposed on its constituting individuals in order to justify political independence, thereby speaking in the name of self-determination while undermining duality (determination for identity and polity alike).

The second question, regarding the types of eligible peoples, has further undermined – *inter alia* through indetermination – the ethics of self-determination. Prima facie, international law makes no distinction between peoples in terms of their right to self-determination. In addition to the UN Charter, several international resolutions, declarations, and covenants reiterate the universality of the principle. The 14 December 1960 *Declaration on the Granting of Independence to Colonial Countries and Peoples* (UN Resolution 1514) holds 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.” Article 1 to the two *Human Rights Covenants* of 1966 stipulates that “[a]ll peoples have the right of self-determination.” The resultant syllogism is clear: if “we are a people,” and “all peoples have a right to self-determination,” then “we, the people, have the right to self-determination.”

In practice, however, the prefix “all,” ostensibly rejecting distinction and discrimination between peoples, is impaired. One age-old prevalent qualification is the size of the people. Small peoples have been considered innately inept to make their own polities, especially independent states (Woolsey 1919: 304-305; Emerson 1971: 469-473). Moreover, as Connor (1994: 172) observes, “the ‘demonstration effect’ has had a very discernible, chain reaction impact upon the evolution of nationalism,” particularly in the process of decolonization. However, equating self-determination with secession, and extending the right to all peoples, big and small, has led many to *reductio ad absurdum* in

self-determination's demonstration effect (Etzioni 1992: 27; Neuberger 1995: 313-316; Gellner 2006: 2). In his *Agenda for Peace*, Boutros-Ghali (1992) warned, "If every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve." This fear reverberated from New York City to Washington DC. "If we don't find some way that the different ethnic groups can live together in a country, how many countries will we have?" Warren Christopher asked rhetorically at his confirmation hearings before the Senate Foreign Relations Committee in 1993; "[w]e'll have 5,000 countries rather than the hundred plus we now have" (*New York Times*, 7 February 1993). The domino effect, whereby one people's self-determination (read secession) triggers the next, combines with the "Matryoshka doll" effect, whereby minorities in infant states claim secession as well, to make self-determination a Pandora's box better left unopened.

The fear of a secessionist chain reaction, triggered by stateless small peoples, has cast its shadow over self-determination from the outset. There are, however, two more recent and relevant qualifications of peoplehood. The first is against non-colonized, or else not suppressed, peoples. Mayal (1999: 475) overstates the argument that "the right of self-determination referred only to colonies," but there is little doubt that in the last two generations, in the eyes of most scholars and political practitioners, self-determination to its full, potentially secessionist, extension does not apply to non-colonized peoples. Thus, tracing international judicial tradition, Crawford (2001: 37-38) observes that while for colonized peoples self-determination makes a "clear law, *lex lata*," for non-colonized peoples, it "is still uncertain... *lex obscura [ferenda]*. The problem with self-

determination, outside the colonial context, is this: while authoritative sources speak to its existence, it is an intensely contested concept in relation to virtually every case where it is invoked.” Thus, “outside the colonial context there remains a strong presumption in favour of territorial integrity and against secession” (Crawford 2001: 63-64).

Furthermore, the so-called “internal colonization,” whereby a distinct group is oppressed by the regime, equally disqualifies the oppressed group from claiming self-determination, at least in the sense of secession (Crawford 2001: 65). The conclusion is acutely conveyed in the twilight of decolonization by Emerson (1964: 64): “What emerges beyond dispute is that all peoples do *not* have the right of self-determination: they have never had it, and they never will have it.”

The decolonization discrimination is prevalent in international law and current political philosophy alike. Buchheit (1978: 2) asserts that the “moral appeal of the principle [of self-determination] seems to arise from a recognition of the harsh treatment and exploitation that have historically been the fate of groups ruled by an ‘alien’ people.” Sans such exploitation, there is no just cause for self-determination. Buchanan (1997) arrives at similar conclusion. He rightly distinguishes between remedial right and primary right justifications of self-determination, and argues that the remedial justification, applicable only to suppressed peoples, “is superior” to the primary (universalist) approach. Buchanan thus strongly recommends “avoiding the dangerously expansive notion that all ‘peoples’ are entitled to their own states, in a world in which virtually every existing state includes more than one ‘people,’ in which several ‘peoples’ claim the same territory, and in which there are no international institutional principles or mechanisms for sorting out these conflicting claims.”

The decolonization/oppression discrimination is one of the two main qualifications to entitled peoplehood. The second major qualification draws on the tension between a genealogical definition of the people (a “blood-based” ethnic collectivity) and a geographical definition (a land-based, often civic, collectivity). While religion and class have also been suggested as foundations of peoplehood, their modern resonance in the idea and praxis of self-determination is marginal. The division of British India into an independent India and Pakistan is the only case where self-determination was evoked to re-chart decolonized territories along predominantly religious lines. In most cases, where religious cleavages existed, they were overshadowed by ethnic affiliation. A case in point is the 1947 UN partition plan of Mandatory Palestine, which explicitly denoted the peoples in question as predominantly ethnic, rather than religious (Yakobson and Rubinstein 2008: 12-64).

Ethno-nationalism was part and parcel of self-determination discourse from the outset. However, while socialist perspectives on peoplehood and self-determination were imbued in the nineteenth century European experience of resurgent ethno-nationalism, the US interpretation differs. “Projecting their own experience onto the rest of the world,” Muller (2008) critically argues, “Americans generally belittle the role of ethnic nationalism in politics.” In tune with the American non-ethnic patriotic ethos (Huddy and Khatib 2007), Woodrow Wilson had in mind a land-based people: a potentially civic nation (Ronen and Pelinka 1997: 49-50). Although questions of nationalism were not prominent in Wilson’s mind until World War I, “Wilson assumed, as did many other Allied policymakers, that attachment to state and attachment to nation must be as coincident in East-Central Europe as they were deemed to be in the North Atlantic

political cultures” (Lynch 2002: 424). Consequently, argues Steel (1998: 25) when, in the wake of the Versailles Treaty, national and ethnic borders did not correspond, “Woodrow Wilson dealt with this problem by pretending that it did not exist.” This is somewhat unfair, since as negotiations progressed, and Wilson came to grasp the European complexities, he himself noted that “[p]ushed to its extreme, the principle [of self-determination] would mean the disruption of existing governments, to an undefinable extent” (cited in Lynch 2002: 425), thus embracing a more pragmatic, and more ethnically inclined, strategy towards the post-war arrangements.

In the inter-war period, in the wake of the Versailles Treaty, the ethno-national interpretation of peoples, as implemented almost exclusively in Europe, was at its zenith (Whelan 1994). Since then, it has lost favor in Europe and beyond, which is an ethical-political trend that in the last generation amounts to a growing moral negation of ethno-nationalism, in effect undermining the right of self-determination of (ethnic) peoples. Instead, self-determination has been increasingly re-conceived to entail only the “right of the majority within an accepted political unit to exercise power” (Higgins 1963: 103-105) so “boundaries have been drawn without regard for the linguistic or cultural composition of the state” (Moore 1998: 3). Judge Dillard’s (1975: 122) dictum, that “it is for the people to determine the destiny of the territory and not the territory the destiny of the people,” has been turned on its head. Peoplehood, for its qualification for the right of self-determination, is increasingly predicated on external geo-political trajectories, often sidestepping the real will of the people in question.

The debate over ethnic peoples’ right to form separate states predated the inception of self-determination. John Stuart Mill feared that a multi-ethnic state would lead a

government to endorse authoritarian divide and rule policies. Thus, rather than having “any of the peoples artificially tied together,” Mill (1862: 312, 313) proposed that “it is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities.” In a rebuttal, Lord Acton ([1907] 2005: 290; originally published in 1862) extolled the poly-ethnic (multinational) state: “the coexistence of several nations under the same State is a test as well as the best security of its freedom. It is also one of the chief instruments of civilization...”⁸

The introduction of self-determination as a key principle of global politics further enriched this debate. In the language of the two aforementioned ethical pillars of self-determination, critics of ethno-nationalism have pointed out that it tarnishes both. First, the pillar of duality – applying self-determination to both the individual and the collective – is ruined by ethno-nationalism, since the latter binds the individual to a deterministic genetic-like ascription. In the words of German historian Friedrich Meinecke, “it leaves individuals little scope to choose to which nation they belong” (cited in Alter 1989: 14). Second, argue the critics, history has taught that ethno-national self-determination is innately prone to violence, oppression, and often racism against others (Vries and Weber 1997). Thus, “states which adopt an explicit or implicit ethnic definition of national identity are more vulnerable to self-determination conflicts than those with a civic national identity” (Shehadi 1993: 68). Since “it would be impossible to argue that self-

8 Reassessing this debate from the postwar perspective, Connor (1967: 50) concludes that, empirically, Mill was proven right: “the multination state faces a dual threat, consisting of demands for self-determination from below and governmental programs of assimilation from above... [furthermore] postwar developments indicate a link between multinationalism and pressure for nondemocratic actions.”

determination itself has normally been achieved by peaceful means or in generally peaceful situations” (Emerson 1960), self-determination is better terminated or tamed, not embraced.

The lesson of history is indeed crucial for tracing the discourse of self-determination and the causes for its current predicament. A key impetus to the growing negation of the ethno-national path to self-determination is its abuse in the inter-war period, not least by the Nazi regime. For instance, Rudolph Hess, Hitler’s deputy in the Nazi party, demanded that foreign countries nullify the Jewish boycott against German products since the boycott is “the sharpest contradiction to the once so loudly trumpeted principles of the right of self-determination” (*International Herald Tribune*, 28 June 1934). Moreover, Hitler’s foreign policy was daubed with self-determination justifications. Importantly, until the outbreak of World War II, self-determination was also perceived as a valid argument by many Westerners, public and politicians alike. If the socialist debate made self-determination a speech, the Bolshevik Revolution upgraded it into a speech-act, and Wilson universalized it, then Hitler and his acts soiled the speech. The importance of this shift merits certain elaboration.

The Nazi discourse on self-determination became salient in the Third Reich’s diplomacy with the re-union of the Saarland with Germany, supported in the 17 January 1935 plebiscite by 91% (see for example *New York Times*, 10 June 1934; *Manchester Guardian*, 15 Sep, 1934) and with the March 1936 remilitarization of the Rhineland, in violation of the 1925 Locarno Treaties. Likewise, intervention in the 1936-39 Spanish Civil War was explained by the Nazi government as intended “only to safeguard the benefits of civilization and European history and to allow the Spanish people to exert its

right to self-determination” (*The Times*, 7 May 1937). Germans, thus, were acting justly when they “helped as volunteers to break a tyrannical regime and to return to a nation the right of self-determination” (Hitler’s speech in Wilhelmshaven, April 1, 1939). The same goes for the *Anschluss*, the 13 March 1938 annexation of Austria: “[Western] protests carried neither moral nor material weight,” since they agreed with Wilson’s Fourteen Points, and “could not protest at Austria’s belatedly given self-determination” (*Manchester Guardian*, 14 March 1938). Warning that Austria’s fate was but “a sample,” Hitler accused “the democracies” of founding Austria “based upon a stark violation of the right of self-determination of the 6,500,000 people of German nationality” (*Washington Post*, 19 March 1938).

The Sudetenland followed the sample. The Sudeten Germans only sought self-determination, as did “ten million Germans” whose right to self-determination was violated in Versailles (*New York Times*, 30 March 1938). Two weeks before signing the Munich Agreement, in his speech at Nuremberg, Hitler explicitly demanded self-determination for the Sudeten, namely relegating the land to Germany (*Los Angeles Times*, 13 September 1938). According to British Prime Minister Neville Chamberlain, who met with Hitler in Berchtesgaden on 15 September, he was asked for an assurance that the British Government “accepted the principle of self-determination,” and agreed that “the frontier district between Czechoslovakia and Germany, where the Sudeten population was in the majority, should be given the full right of self-determination at once” (*The Times*, 1 October 1938). Chamberlain was not alone. British public opinion was also partly attentive to Hitler’s newspeak. “The principle of self-determination cannot be invoked on behalf of the independence of the Czechs and rejected in respect of

the Sudeten Germans,” wrote Noel-Buxton to the editor of *The Times*, while another reader warned: “It would indeed be a tragic irony if, having fought one war, as we are assured, for the principle of self-determination, we found ourselves involved in another to prevent its application” (*The Times*, 7 May and 2 June 1938; see also self-congratulations to *The Times* for its role in promoting a self-determination solution to the crisis, 3 October 1938).

Self-determination again became the discursive forerunner in the subsequent clash with Poland over Gdańsk/Danzig. In rejecting the Polish foreign minister’s proposals of compromise, Hitler clarified that Colonel Beck “ignores the right of self-determination” (*The Manchester Guardian*, 6 May 1939). Even after the outbreak of the war, in his first “state of the nation” address, Hitler turned to self-determination to explain the eruption of violence, since the previous war ended in a treaty, “whose main element is abolishing a nation’s [i.e. Germany’s] right to self-determination” (Speech at the Berlin Sportspalast, 30 January 1940). Hitler reiterated the theme two years later: “They misused the right of self-determination of the German nation,” and even “betrayed the Arabs on the subject of their self-determination, as for the Indian people, whom they needed in the war...” (Speech at the Berlin Sportspalast, 30 January 1942).

While the Third Reich tarnished the ethno-national path to self-determination in the first half of the twentieth century, Afrikanerdom carried the task in the second half. Although far from the murderous racism of the Nazi regime, Apartheid was portrayed by the Afrikaner National Party as “a form of decolonization,” and extolling the “right to survive separately,” the Bantustans were nothing but a means towards the self-determination of (the Bantu) peoples (Giliomee 2003: 458-460, 519-522, 534-536; see

for example, *New York Times* 23 December 1974). German Nazism and Afrikaner Apartheid do not, of course, exhaust the plethora of political violence linked to ethno-nationalism. The 1990s Yugoslav Wars are but the most recent European example of the phenomenon. In almost all cases the relevant rulers misused and abused self-determination, undermining the concept's two ethical pillars. Since they speak in the language of ethnic (volk) nationalism, the conclusion seemed evident to many: self-determination, at least to the extent of secession or annexation (mainly irredentism), must not be based on an ethno-national call, which has come to be seen as a euphemism or a prelude for oppression, violence, and racism (Brown 1999; Spencer and Wollman 1998). Here we should take note of the fact that race has only been excluded from self-determination discourse in the last fifty years. Indeed, as late as 1968 one may still find an Oxford Law professor arguing that "race (or nationality) is one of the more important of the relevant criteria," for establishing entitlement for self-determination (Brownlie 1968: 90). Today, most would consider such a proclamation an abomination.

The growing negation of ethno-nationalism in recent generations is evident. However, its impact on self-determination is far from uniform. We may distinguish between three ideal-type reactions: (1) refraining from self-determination, often amounting to an outright rejection; (2) reframing the principle, at times by redefining it, applying the right to state only to colonized/oppressed/civic peoples; and (3) refining self-determination as an ideal, insisting on the potential applicability of ethno-nationalism to its attainment.

Eschewing self-determination derives much of its rationale and appeal from the discussed inter-war experience. Prominent here are condemnations of the Versailles Treaty (for more on this see Albrecht-Carrie 1940), most notably by E. H. Carr. The

British historian was very critical of Woodrow Wilson's indiscriminate use of self-determination, and its outcome: the creation of European small states in the interwar period. In the 1939 first edition to his treatise on *The Twenty Years' Crisis, 1919-1939*, Carr (2001: lxxix) went so far as to argue that the Munich agreement had not only an element of power, but also that an "element of morality was also present in the form of the common recognition by the Powers, who effectively decided the issue, of a criterion applicable to the dispute: the principle of self-determination." From this assertion a nonlinear line leads to Archibugi's (2003: 502) contention, that "the principle of self-determination of peoples is becoming the opening for a new form of tribalism and is encouraging some of the most reactionary tendencies in contemporary world society."

In effect, holding that "self-determination is what Hitler made of it," many scholars and practitioners prefer to shy away from it as much as possible. In exposing the "evils of self-determination," Etzioni (1992: 21) holds that "ethnic identities can be expressed within existing national entities without threatening national unity." He regards (ethnic) self-determination as a "destructive" force, leading to "fragmentation and tribalism," and warns that "[s]elf-determination movements now undermine the potential for democratic development in nondemocratic countries and threaten the foundations of democracy in the democratic ones." In the realm of practitioners, the abovementioned concern of Secretary of State Christopher about "five thousand" ethnic states is indicative. When pushed further it finds expression in views such as Senator Daniel Patrick Moynihan's, who when reflecting in 1993 on the outcomes of the Cold War's end warned, "[t]he defining mode of conflict in the era ahead is ethnic conflict. It promises to be savage. Get ready for 50 new countries in the world in the next 50 years. Most of them will be born in

bloodshed” (*New York Times*, 7 February 1993). Moynihan later depicts the role of ethnicity in international politics as dwarfing people into “*Pandaemonium*”, the capital of Hell in Milton’s *Paradise Lost*. Due to ethnicity, “self-determination makes it way from the enlightenment of the eighteenth century to the darkness of the twentieth” (Moynihan 1993: 80).

Taming self-determination by reframing it (e.g. as self-administration or self-governance; Danspeckgruber and Watts 1997 and Danspeckgruber 2000, respectively) is a second prevalent reaction to the negation of ethno-nationalism. There are two major subdivisions here. One group holds that while the entitled peoples’ identity must not be genealogical (ethnic), it may be geographical (land-based, potentially civic). Thus, Carol (Gould 2006: 45) assigns self-determination only to peoples, “understood as those resident in a territory.” So do Halwani and Kapitan (2008). Crawford (2001: 63-64) asserts that “outside the colonial context, the primary subjects of external self-determination are the whole people of each state.” Conversely, another group holds that even a land-based people is ineligible for (secessionist) self-determination. Buchanan (1997), for example, denounces the primary approach to self-determination on both ascriptivist and associative grounds. He asserts that both an ethnonational identification and the voluntary (plebiscitary/majoritarian) path to self-determination are flawed, since “at the core of the liberal-democratic conception of the state, the state’s territory is properly conceived of as the territory of the people as a whole, not just those who at a particular time happen to reside in a portion of it.” Thus, only oppressed peoples may claim full self-determination.

Refining self-determination to cope with its explosive potential is a more subtle, and a relatively uncommon, reaction to the negation of ethno-nationalism. Here also, there are two main lines of thought. Few make the case that ethno-nationalism is in fact better than civic-patriotism. Todorov (1993: 172), for example, applauds the former for being “a path towards universalism – by deepening the specificity of the particular within which he dwells,” and denounces the latter as “a preferential choice in favor of one’s own country over the others – thus, it is an anti-universalist choice.” A more prevalent refining reaction recognizes the potential danger lurking in ethno-nationalism, but holds that it is neither inherent, nor exclusive: ethnic nationalism may be peaceful, and civic-patriotism may just as well deteriorate to violent and repressive fascism.

Margalit and Raz (1990), as well as Tamir (1993), are good examples of this school of thought, which often prefers not to speak outright of ethnic, but rather of “cultures” or “cultural identities” that merit protection and promotion via self-determination.⁹ More explicit is Moore (1997: 902), who argues against the “very narrow [territorially-based] conception of the right to self-determination,” depicting it as “inconsistent and ethically problematic.” She thus favors the right of all (subjectively defined) nations, including non-territorial ones, to self-determination, a right not predicated on past injustice or present discrimination. However, the right is “confined to areas which encapsulate territory where the national group resides,” and “the jurisdictional unit cannot encapsulate geographically concentrated national minorities which do not wish to secede” (Moore

9 Mello (2004: 196-197) offers a direct rebuttal to this “outcome-oriented” approach, since it “can contribute to the reification, homogenization, or naturalization of group identifications,” and “too narrowly focused on large, encompassing groups (ethnic groups, nations, cultural groups, and so on).”

1997: 906, 907). Where communities are heavily intermingled, secession should be avoided in favor of federalist or power-sharing arrangements.

However, key scholars who adhere to this approach do so somewhat apologetically. Miller (1995) is a case in point. He stresses the socio-economic solidarity that a nation-state, rather than a cosmopolitan order, offers to individuals. Importantly, Miller (1995: 10-11) asserts that “[1] nationality may be properly part of someone’s identity... [2] Nations are ethical communities... [3] people who form a national community in a particular territory have a good claim to political self-determination.” Miller’s third point illustrates the difficulty. Instead of arguing for “self-determination on a particular territory,” he apparently concentrates on territory as part of the eligible identity. It is not a coincidence that the concept of “diaspora” is missing from his analysis. Thus, although recognizing that “typically, though not always, a nation emerges from an ethnic community that furnishes it with a distinct identity” (19-20), Miller seems to overlay the ethnic with a civic dimension in order to justify the ethnic role in self-determination claims. Beran (1984: 21) makes a similar move, when he argues that “liberalism requires that secession be permitted if it is effectively desired by *a territorially concentrated group* and is morally and practically possible [my emphasis].” We should note here that once a people acquires a state, the state in turn invents a (sometimes new) people. An ethnic may thus give rise to a state that in time may construct a viable civic collectivity.

3. Defending States / Denying Statehood

The previous section traced the shifts in the task of finding and defining the peoples, namely the determination of the Self’s collective identity. This section deals with the

determination of the polity as the third major source of the current predicament in the discourse of self-determination. At its core lies an apparent paradox: defending an existing state while denying statehood as an expression of self-determination. As Lenin insisted, conceptualizing self-determination as inapplicable to the formation of a state voids the concept. Self-determination is not secession, but it may amount to it, as well as to other paths (e.g. decolonization, state-disintegration) that can lead to full state sovereignty. Without such a possibility, self-determination is an empty rhetorical vessel. First we discuss the diminution of statehood as an expression of self-determination; then we expound the two main causes for the shift: material globalization and the moral ascendance of the responsibilities to protect and represent.

The aforementioned negation of ethno-nationalism is heavily intertwined with denying statehood as a means and manifestation of self-determination. Gans (2002: 83, 165), for example, argues that “the statist conception should be rejected, at least as the normal way for implementing the right to national self-determination;” thus “the right to self-determination ought to be interpreted as a sub- and inter-statist right, and not as a right to an independent and homogenous nation-state.” Importantly, his argument is driven by support of multiculturalism at the possible expense of cultural (read ethnic) nationalism. McMahan (1996: 7) presents a similar argument, holding that “the right to self-determination... is primarily the right to internal control,” which is vital for the sustenance of the collectivity. He bestows the right to statehood only to groups that lack such control.

In the last generation, even scholars who are more ethically forthcoming to ethno-nationalism have shown reluctance to extend self-determination to a full polity – namely,

state sovereignty – favoring instead self-government and autonomy. This is mostly conspicuous regarding indigenous peoples. Subsets of both colonized and ethnic peoples, these communities have been the object of “successful colonization”: European newcomers have effectively marginalized the native population, rendering full-blown decolonization unattainable. Thus, for example, questioning the state’s jurisdictional authority over indigenous peoples and arguing for rectificatory justice, Moore (2003: 104) – bearing in mind the communities’ geographical dispersion and other factors – holds that “self-government for indigenous peoples will have to be within existing states.” Levey (2003) follows a similar path, and provides instrumental justifications, based on remedial and counterbalancing considerations, for intrastate autonomy. However, while most indigenous peoples have not opted for full statehood, the preemptive negation of even such possibility may turn out to be a two-edged sword, encouraging native population to reinterpret self-determination and seek state (Keal 2007). Still, for the overwhelming majority of scholars, such contingency does not detract from the cause of un-stating self-determination. The *raison d’être* of taming self-determination by denying statehood is well conveyed by Walzer (1982: 4):

Self-determination looks to be a principle of endless applicability, and the appearance of new states a process of indefinite duration. If the process is to be cut short, it is unlikely to be by denying the principle – for it appears today politically undeniable – but rather by administering it in moderate doses. Thus autonomy may be an alternative to independence, loosening the bonds of the composite state, a way to avoid their fracture. Instead of sovereignty, national and ethnic groups may opt for decentralization, devolution, and federalism; these are not incompatible with self-determination.

And indeed they are not, but limiting self-determination perforce to only sub-state options does amount to “denying the principle.” Self-determination is primarily a political, not cultural, principle (De-Shalit 1996); it is mainly about political

independence, not cultural preservation. While “federative and confederative arrangements, local autonomies” and sub-state solutions should satisfy cultural protection (Tamir 1993: 9), they often fall short of meeting political aspirations.

Before turning to two main – material and moral – causes for denying statehood, we should note a prevalent oversight in the discussion on the determination of polities. Typically, the literature distinguishes between two main types of political claims – state and sub-state demands (Archibugi 2003). However, there is another type of political demand and determination, which ostensibly lies in-between autonomy and state – but in fact operates on a very distinct level: demand to change the *raison d’être* of the state: not to secede or achieve autonomy, but to change the character of the state. Israeli Arabs’ demand to transform Israel from a Jewish to a bi-national state is a case in point (Abulof 2008).

Globalization is a key facilitator of the diminished appeal of statehood. A prevalent strand of thought in the literature begins with the apparent tension between globalization and self-determination: the first augments inter-state integration and codependence, leading to the diminution of sovereignty, while the latter reasserts the role of statehood. Studies of globalization often emphasize the “continued and increasing pressure for ‘self-determination’ in developing and transition countries – usually accompanied by violent conflict,” regarding “violence as an inherent dimension of self-determination” (FitzGerald et al. 2006: 1, 2). Local violence, moreover, is now globally dangerous: “it is not possible to compartmentalize the globe and wall off the strategic slums. Regional crises exist, they get worse when left unattended, and they have a way of imposing themselves on the Western agenda” (Crocker 2000).

Thus, runs the line of this argument, if self-determination often means violent conflicts, and conflicts in a globalized world are harder to contain, self-determination must be tamed by reducing it to the sub-state level. Linking the emergence of weak states to intra-state conflicts leads some to conclude that statehood should not, and indeed will not, continue to be accepted as a manifestation of self-determination. Exploring the impact of globalization and terrorism, Rosecrance and Stein (2006) present their edited volume with the telling title *No More States?*, and the assertion that “the era of national self-determination has finally come to an end.”

Some carry this conclusion further to surmise the end of states on both practical and normative grounds. Arguing that “[s]tate sovereignty leads to a disregard of justice and human rights of other nations, peoples, and states,” Gould (2006: 46) urges “reconceiving self-determination in ways that take it out of its older context of sovereignty and the claims of minority groups to secession.” Instead of state sovereignty, she argues, self-determination should be about fostering democracy and self-governing local communities, alluding to her concept of web-based “transnational localities.”

Furthermore, globalization not only necessitates, practically and ethically, the reduction of self-determination to sub-state levels, but it also makes state-seeking unproductive, and even counterproductive. For self-determination movements in a globalized world, argues Grygiel (2009), the state “is the ultimate goal no longer, and it is likely to be even less so in the future... The state is a burden for them, while statelessness is not only very feasible but also a source of enormous power. Modern technologies allow these groups to organize themselves, seek financing, and plan and implement actions against their targets — almost always other states — without ever establishing a state of

their own... Statelessness is no longer eschewed as a source of weakness but embraced as an asset.”

What is often lost in these accounts on the linkage between globalization and self-determination is its paradoxical nature: its impact on the principle's two ethical pillars of duality (identity and polity) and mutuality (self and other). First, while globalization typically diminishes the need and the will for a strict state polity, it increases the need and the will, as well as the capacity, to form and sustain social identities. Second, by facilitating and expediting social interactions, globalization augments the politics of recognition between Self and Other. Demands for this recognition now entail, more than ever before, not merely acknowledging polities, but also recognizing the validity of the constituting collective identities.

Globalization is not alone in denying statehood and undermining self-determination. Parallel processes, on both the formal and the informal normative level, have similar effects. In recent years, two doctrines – the responsibilities to protect and to represent – have contributed to this process. Prima facie, they should have gone hand in hand with self-determination. After all, these duties appear to aid exactly those groups that are the most prone to raise claims of self-determination. If the existing state fails to live up to its responsibilities to protect its population, or else does not adequately represent it, then the groups may rightfully ask for the international community's help. If the Uyghur people in China and the Armenians in Nagorno-Karabakh feel unprotected and/or underrepresented within existing states, seeking statehood through self-determination seems sensible. In practice, however, these emerging duo-responsibilities have thus far undermined self-determination. The core reason is that while both duties have these deprived groups in

mind, their vehicle for change is predominantly the already-existing states. While defending existing states, they deny statehood from stateless peoples.

Buchanan's theory of "political legitimacy" provides an appropriate aperture. "A wielder of political power," he argues (Buchanan 2002: 703), is just "if and only if it (a) does a credible job of protecting at least the most basic human rights of all those over whom it wields power, (b) provides this protection through processes, policies, and actions that themselves respect the most basic human rights, and (c) is not a usurper."¹⁰ In recent years the responsibility to protect (R2P) has surfaced from the realm of political philosophy to become a new hallmark of international law. Thakur and Weiss (2009) hold it to be "the most dramatic normative development of our time." R2P was first introduced by the International Commission on Intervention and State Sovereignty (ICISS) report (2001). It was subsequently endorsed by UN Security Council Resolution 1674 (28 April 2006) reaffirming the 2005 World Summit Outcome Document "regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

Explicitly, R2P is posed as a potential reason for external intervention, possibly in the name of (aiding) self-determination (Weiss 2007; Cooper and Voïnov Kohler 2008). Implicitly, however, R2P provides a refined, liberal version, of the statist Leviathan. After all, "the obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to protect them," for "[t]he end of Obedience is Protection" (Hobbes 2006 [1651]: Chapter XXI; see also Berkowitz 2008).

10 For a comprehensive self-determination discussion, much of which revolves around Buchanan's arguments, see Moore 1998.

R2P effectively reifies existing states and negates new ones, first by limiting the qualified group (for self-determination) to only those groups whose fundamental safety is under clear and immediate danger, and secondly by regarding existing states as the framework in which remedies must be found. Thus, as Tanguy (2003: 144) rightly notes, R2P carefully avoids “a challenge to the state as the core of the international system... the principle of state sovereignty is no longer absolute, but, paradoxically, it remains sacrosanct.” It still falls within “sovereignty discourse,” which Camilleri and Falk (1992: 2) denote as “a way of describing and thinking about the world in which nation-states are the principal actors, the principal centers of power, and the principal objects of interest.”

However, as hinted in Buchanan’s “non-usurper” proviso, R2P may be qualified by another state responsibility – to represent (R2R) its population. “The principle of self-determination,” argues Buchheit (1978: 7), “must be able to accommodate the demands of ‘selves’ who are located within an independent State but are clearly governed without their consent.” This qualification underlines an increased emphasis on internal self-determination (Crawford 2001: 26), somewhat reinstating self-determination to its Wilsonian interpretation: that is, self-determination as democracy. This emphasis has engendered a one-way linkage between internal and external self-determination. External self-determination is predicated on an internal one: sans democracy, a group is ineligible for self-determination. Thus, “self-determination claimant groups that have internalised liberal-democratic norms are more likely to receive international support for their claim

in the form of empowerment: efforts to elevate the status of the claimant group through wider participation or increased self-rule” (Gardner 2008: 550).¹¹

This is a relative novelty. In the aftermath of the World War I, “new states were created out of the debris of European dynastic empires, theoretically along national lines but with little attention to their democratic credentials” (Mayall 1999: 476). Likewise, decolonization, often wrongly understood as self-determination incarnate, was never predicated on democracy (Archibugi 2003: 495). Such a provision would have made the process much slower and possibly narrower. In practice, once external self-determination becomes real, its internal dimension may be perceived as just an aloof ideal. Again, much like R2P, the R2R has been used to defend states while denying statehood. Secessionist demands are curbed first by arguing that as long as internal self-determination is relatively intact, external self-determination demands do not merit intervention, and secondly by insisting that claimant groups should settle for better representation and rights within existing states. Containment through cooption, consociationalism, and various degrees of autonomy are increasingly suggested and employed to avert full secession.

The precept of avoiding secession at (almost) all cost is aptly illustrated by the Philpott’s (1995) case “in defense of self-determination.” One of the few contemporary political ethicists to favor extensive self-determination, Philpott regards ethnies as

11 Upon becoming the United States representative to the United Nations (1993), Madeleine K. Albright, subsequently the Secretary of State, remarked: “The international system is at a crossroads on the concept of what is a nation state. We need to make sure that when a country declares independence, individual as well as minority rights are guaranteed before granting recognition” (*New York Times*, 7 February 1993)

eligible peoples, and holds that “self-determination is inextricable from democracy; our ideals commit us to it... any group of individuals within a defined territory which desires to govern itself more independently enjoys a prima facie right to self-determination” (1995: 353). However, ascribing Balkans-like ethnic conflicts to self-determination, rather than to the lack thereof, Philpott (1995: 382) urges that “a presumption against secession should be adopted; other forms of self-determination should be sought... Secession, by this formula, truly becomes a last resort; it should be endorsed only when a people would remain exposed to great cruelty if left with a weaker form of self-determination.”¹² Thus, for example, for Iraqi Kurds, who are currently enjoying relative protection and representation – at least certainly more than under Saddam Hussein – secession is to be avoided.

In its effect on self-determination, R2R intensely intertwines with finding and defining the eligible peoples. R2R limits self-determination not only with regards to the claimant group, but also with regards to the existing state. If the latter is democratic, the claimant group, even if it is socially distinct, democratic, and determined to be politically independent, is ineligible to self-determination. The Supreme Court of Canada’s (1998) adjudication on the question of the secession of Québec is illuminating. The court established that “Quebec could not, despite a clear referendum result, purport to invoke a right of self-determination.” Self-determination, to the extent of secession, only applies to colonized and subjugated peoples. “A state whose government represents the whole of the people or peoples resident within its territory, on a basis of equality and without

12 Philpott likewise qualifies his endorsement of “democratic self-determination” with the “injustices it inflicts on the larger state” (Philpott 1995: 363)

discrimination, and respects the principles of self-determination in its internal arrangements, is entitled to maintain its territorial integrity.” Although the resolution was qualified on other grounds, here R2R practically pulled the rug out from under Québécois’ feet in their call for sovereignty.

Kosovo/Kosova presents another interesting case pointing to a revised and disabled “self-determination” based on state-determination, the negation of ethnonationalism, and a growing emphasis on R2P and R2R. Stating that “an R2P generation is coming,” Roger Cohen (*New York Times*, 21 February 2008) rightly pointed out that “an independent Kosovo, recognized by major Western powers, is in effect the first major fruit of the ideas behind R2P.” However, tracing the dynamics that led Kosovo from R2P to a self-determination *sui generis* is indicative of the doctrine’s hurdles. Lacking state protection, the Albanians in Kosovo were explicitly asked to find remedy within their existing state. The 1999 UN Security Council resolution 1244 explicitly reaffirmed “the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.” Rather than envisioning secession, it specifically endorsed “a substantial self-government for Kosovo,” which must take full account of “the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia.” Alternating phrases such as “meaningful self-administration” and “democratic and autonomous self-government,” the Council members in effect attempted to synthesize R2P and R2R, though not explicitly denoted as such, to justify intervention while preventing full secession.

When negotiations failed and independence loomed, the West’s panacea was threefold. First, Kosovo’s secession was qualified as a *sui generis*. Second, the new

state's borders were made outlining those of the autonomous province of Kosovo and of Metohija in the former Yugoslavia, providing a semblance of territorial integrity, now downscaling two levels. Third, the negation of ethno-nationalism became the new "line of retreat": the self-determination circle was squared by inventing a new people, the Kosovar people, who might now give rise to a new state. Thus begins the Preamble to the 2008 constitution: "We, the people of Kosovo, Determined to..." This is a misnomer, for it stands in contradiction to the current self-identification of the involved parties. The Balkans have known intense identity shifts in the last generation. However, there is little evidence for the existence of a "Kosovar people," a collectivity that is "conscious of its own identity and asserts its will to exist" as such. In time, as all collective identities draw on social imageries, such a land-based peoplehood (e.g. the American people) may come to pass. However, prior to independence, the bulk of Kosovo's inhabitants perceived themselves much more strongly as belonging to greater ethnic peoples, namely either as Albanians or as Serbs (Duijzings 2000; Blumi 2003; Kostovicova 2005).

While R2P and R2R may join (soft) power in determining a new self by other states (undermining mutuality), they may also in effect lead to defending existing states and rulers against their populations (undermining duality). US President Barak Obama's June 2009 reaction to the political turmoil in Honduras is a case in point. Denouncing the "constitutional coup" against Manuel Zelaya – but not Zelaya's impending self-coup – Obama (2009) said that "one of the clear policies that we want to put forward is that we stand on the side of democracy, sovereignty, and self-determination." Notably, this was not part of the opening statement, but a remark during the questions and answers section. Self-determination did not surface again. Focusing solely on the first two principles may

imply their equation with the third. Indeed, the context of Obama's remark is illustrative of the emerging R2R-R2P synthesis: qualifying each other and eroding self-determination. Immediately after stating the three principles, Obama lauded George Washington's decision not to be "President for life." He then quickly qualified: "But as I said, each country, I think, has to make these decisions on their own, and I think what's ultimately most important is that the people feel a sense of legitimacy and ownership, and that this is not something imposed on them from the top." If the people want a "president for life," so be it; it is a decision that "each country" has to make on its own. The question of whether this is just, or, for that matter, how to ascertain the people's will under such a regime, is not discussed.

This echoes a theme already conveyed by Obama following his inauguration. Acutely criticizing the Bush administration, he argued that the "mistake that was made is drawing an equivalence between democracy and elections. Elections aren't democracy... The first question is freedom from want and freedom from fear. If people aren't secure, if people are starving, then elections may or may not address those issues, but they are not a perfect overlay" (*Washington Post*, 19 January 2009). While the "elections aren't democracy" dictum could have meant that democracy should be fostered not only through ballots but also by promoting civil liberties (Muravchik 2009), Obama's conclusion is different. Democracy does not enhance security; it is predicated on it. If elections cannot deliver democracy, then the latter is less important than the security of the people, provided by the state. This effectively qualifies R2R with R2P: when in contradiction, state protection of its population trumps liberalism. The Leviathan is resurrected. The Social Contract may (or may not) follow.

The rise of R2P/R2R has far-reaching implications on the ethics of global politics. The state is the site where liberty meets responsibility. A severe dissonance between collective identity and the collective's polity severs the moral nexus between liberty and responsibility. A state that offers better resonance between the two, and that is predicated on the duality and mutuality of self-determination, can provide the geo-societal framework for the individual's conscience and collective identity to fully matter. Once the individual as well as the collective shoulder the burden of independence and of full political existence, one's life decisions reverberate with those of fellow individuals, and affect the moral codes and behavior of polities. Etymologically, this is where liberty parts from freedom, for "although liberty means the absence of (some particular) constraint, at the same time it implies the continuation of a surrounding network of restraint and order. It concerns exemptions within a system of rules... Freedom threatens to engulf the self, to release uncontrollable and dangerous forces out of the social underclass or the psychic underworld. Liberty implies an ongoing structure of controls... That, no doubt, is part of its appeal to liberals and Liberals, one reason why John Stuart Mill wrote his essay 'On Liberty' rather than on freedom" (Pitkin 1988: 543).

This is what ideal self-determination is all about, not the "tyranny of freedom" (Schwartz 2000), but the enactment and enhancement of the liberty-responsibility nexus on the political level. Full self-determination presents us with the challenge of transforming freedom fighters, with freedom as "just another word for nothing left to lose," into responsible liberals. For while freedom is the rallying cry for action, liberty is the sober goal. Defending states while denying statehood, *inter alia* undermining self-determination, may thus sever the modern Gordian knot between liberty and

responsibility. In effect, R2P and R2R unite to subvert the responsibility to be (politically) responsible. The mid-twentieth century flight from freedom (Fromm 1941) may have metamorphosed into a flight from responsibility.

Conclusions: Life after Death for Self-Determination?

This paper proposes a narrative-normative approach to the study of self-determination. First presenting preliminary quantitative findings about self-determination discourse, the bulk of the article is devoted to deciphering its birth and possible death. While self-determination was born out of intra-socialist discourse, it was Western diplomacy that transformed it into a universal speech-act in which the acts of determining the self's collective identity and the collective's polity are predicated, ethically and practically, on the explicit utterance of self-determination. The first part of the article expounds the discourse dynamics of the concept's inception.

The paper's second part attempts to explain the seeming demise of self-determination's pivotal role in world politics as a universal speech-act. I ascribe this change to the undermining of self-determination's ideals of duality (pertaining to both the individual and the collective) and mutuality (for the self as well as others). Three distinct trends in particular have tainted self-determination: (1) overshadowing the self-determination of peoples with the Other determination of states; (2) increasingly excluding non-colonized and ethnic peoples from the realm of eligible groups; (3) defending existing state while denying statehood from stateless groups, due to both globalization and the rising emphasis on the state's functions (to protect and to represent) as prerequisites for self-determination.

This paper aims not to issue a death certificate to self-determination, nor to lament or celebrate it. I rather aimed to expose, explore, and explain its current predicament in Western discourse. Indeed, while the salience of self-determination in Western media may be on the wane, non-Western contexts still provide ample venues for its persistence in its classical form. Kashmir, Kurdistan, Baluchistan, Bangladesh, Palestine, Punjab, Xinjiang/East Turkistan, Nagorno-Karabakh, Tibet, Québec, Western Sahara, Taiwan, and the Basque region – these are but some of the more salient cases in which self-determination is still evoked in public discourse.

Self-determination also surfaces in places not typically under media spotlights. Consider the following eclectic collection of self-determination references from the summer of 2009. The Falkland Islands government has pleaded to enhance “co-operative relations” with Argentina, provided the latter does not dispute Islanders’ “fundamental right to self determination” (*MercoPress*, 10 June 2009; *Falkland Islands News Network*, 18 June 2009). Lamenting that the “Falklands argument for self-determination [is] ignored” (*Gibraltar Chronicle*, 20 June 2009), Gibraltar politicians likewise insisted on the principle vis-à-vis “Spain’s attempts to deprive us of this most fundamental of human rights, our right to self determination” (address by the Opposition Leader, Joe Bossano, *Gibraltar Chronicle*, 10 June 2009). The appointment of Sonia Sotomayor, a daughter of Puerto Rican parents, to the US Supreme Court, resurfaced claims regarding the self-determination of the unincorporated territory (see *NYDailyNews.com*, 11 June 2009). The UN Special Committee on Decolonization “reaffirm[ed] that there was no alternative to the principle of self-determination, which was a fundamental human right” (10th Meeting of 2009; General Assembly, GA/COL/3197). It also “called on the Government of the

United States to expedite a process that would allow the Puerto Rican people to exercise fully their inalienable right to self-determination and independence” (GA/COL/3176).

Peru’s indigenous peoples have received some international support for their demand to the Peruvian government for “an end to the violence and full respect for the rights of full self-determination of indigenous peoples” (*amazonwatch.org*, 11 June 2009). The approaching January 2011 referendum on Southern Sudanese independence put self-determination at the forefront of the internal dispute (*Sudan Tribune*, 12 June 2009; *AFP*, 23 June 2009). The president of the Seneca Nation of Indians recently accused state authorities that a closure of a casino violates the Nation’s “social stability and fundamental self-determination” (*Wivb.com*, 15 June 2009). The Autonomiste Kabyle Movement (MAK) separatist movement in Algeria has increased its demands for self-determination to the Kabyle people (*MoroccoBoard.com*, 18 June 2009). Where free media is curtailed, and domestic public opinion is hard to decipher, diasporic discourse may fill in some of the gap. Amidst the Chinese crackdown on Uyghur dissidents in Xinjiang, Rebiya Kadeer, heading the World Uyghur Congress, demanded, “the right to self-determination in our Autonomous Region should be put into action” (*Wall Street Journal*, 8 July 2009). Finally, celebrating its newly won independence, Greenland’s Prime Minister Kuupik Kleist said in his speech, that while “other countries have obtained self-determination often through making a lot of sacrifices,” Greenland has secured it “through dialogue, mutual comprehension and reciprocal respect” with Denmark (*AFP*, 21 June 2009).

A cross-cultural analysis of self-determination discourse from both historical and contemporary perspectives is much needed to ascertain its relative import and impact.

Preliminary findings suggest that their political potency and function is typically peripheral. This seems to affirm that while self-determination as a concept is not dead, as a universal speech-act it is dying. The expression, though seemingly on the wane – at least in the West – is still in use. However, it is no longer an ineluctable rhetorical vehicle for substantiating relevant ethical-political claims.

This, of course, does not preclude resurgence. There are several paths to such renewal. One is driven by the possible linkage between the discourse of self-determination and the level of armed conflicts in the world. The former's transformation may be attributed to the latter's decline from the early 1990s until 2003, a process that is partially explained by the discussed rise of non-secessionist solutions for intra-state conflicts (Gurr 2000). However, since 2003, conflict ratios have been again on the rise, returning to their then-relatively high level of the late 1970s (Harbom and Wallensteen 2009). This trend has yet to be reflected in the quantity and quality of self-determination discourse. This may either suggest that the linkage is not substantial enough, or else that there is a delayed effect. Time, and more data, will tell.

Another path to such narrative-normative resurgence has 2008/9 as a turning point. The recent self-determination crises may inspire new demands and reignite dormant tensions. A poll conducted by the All-Russian Center for the Study of Public Opinion (VTsIOM) in Russia a year following the war in Georgia illuminates that potential. Whereas in March 2008 “respondents most often considered that every situation requires specific consideration” in July 2009 they “are more inclined to support the principle of the right of nations to self-determination and state independence for the unrecognized republics,” and clearly prefer “self-determination” over “the territorial integrity of States”

(Russian Public Opinion Research Centre 2009). While this predominantly seems to indicate support for the cause of Russian minorities within the former Soviet Republics, it may also signal to non-Russian minorities within Russia that secession – in the name of self-determination – is not out of the equation. For now, however, public opinion in Russia does not carry the same weight on governmental policies as it does in the West. Again, time will tell whether such developments may actually reinvigorate self-determination as a universal speech-act.

Sans such resurgence, what may the future hold for self-determination? Present undercurrents suggest two main patterns. First, much of the current self-determination discourse seems to suggest its transformation from a speech-act to an “act-speech”: while acts of socio-political liberation are no longer predicated on explicit utterances of self-determination, actions themselves often speak as loud as the declining phrase itself. Indeed, many of the alternative phrases discussed in this paper seem to be filling the void left by the relative discursive decline of self-determination. Second, “classical” self-determination may transform from an offensive to a defensive expression, to become the catchphrase not only of stateless peoples, but also of peoples already in possession of states: self-determination as a means to reassert the people’s right to their own, already existing, independent polity. Self-determination provides a silent *raison d’être* for the state (Koskeniemi 1994: 245), and as such may be evoked when the latter is cast into doubt.

This ironic twist finds several examples in today’s world politics. Defensive self-determination is now often invoked and evoked by Zionists to defend its new demand of the Palestinians to recognize it as a “Jewish state” (Ya’alon 2009: 10; Taub 2007). In

Macedonia, self-determination is utilized by both Albanians and (ethnic) Macedonians (Baros 2003). And the Falkland Islands' new Constitution, which came into operation on 1 January 2009, enshrines the principle in the first chapter: "all peoples have the right to self-determination... the realisation of the right of self-determination must be promoted and respected..."

More than four decades ago, amidst arguments to the contrary, Walker Connor (1967: 53) accurately asserted, "that pernicious and perhaps unrealistic principle termed 'self-determination of nations' is far from spent as a significant force in international politics." If self-determination is synonymous with nationalism, and more so, ethnonationalism, Conner's contention is still valid. However, while the ethnonational creed is far from exhausted, its rallying call no longer universally subscribes to the self-determination of peoples.

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