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SEPARATIST WARS, PARTITION, AND WORLD ORDER

JAMES D. FEARON

SHOULD ETHNONATIONALIST wars be resolved by formally partitioning states? The answer cannot be decided on a case by case basis, because two incentive problems cause ad hoc partitions to have effects that extend beyond the specific case for which the ad hoc partition was tailored. First, if some level of violence is the implicit criterion for major-power intervention in support of partition, then this encourages the use of violence by movements seeking to mobilize cultural difference to claim statehood. The Wilsonian diagnosis is wrong. Perpetual civil peace cannot be achieved by properly sorting “true” nations into states. Nations are not born but made, partly in response to international incentives and major power policies.

Second, an international order in which major powers carve up lesser powers on an ad hoc basis would make all states less secure. Ad hoc use of partition to solve civil wars would undermine an implicit and relatively stable bargain among the major powers, in place since the 1950s. The bargain rests on the expectation that if any one major power seeks to change interstate borders by force, others may follow, to the detriment of the first.

I argue that this norm has been valuable, functioning in some respects like an arms control agreement. It would be irresponsible to undermine it without a thought given to what might replace it, but this is what the advocates of ad hoc partition are doing: They urge us to use partition more liberally as a solution to ethnic conflict, with little regard to the ramifications of such a policy.

If the major powers want to start redesigning states, they need a political and legal framework that mitigates these two incentive effects. The best feasible solutions may be: (1) strengthening and making more precise international legal standards on human (and perhaps group) rights; (2) threatening to impose sanctions on states that do not observe these standards in regard to minorities, possibly including support for agents of the oppressed group; and (3) supporting the norm of partition only when it is accepted by mutual consent,

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but providing carrots and sticks when the state in question refuses to abide by minimal standards of nondiscrimination.

A HISTORY OF AD HOC RESPONSES

CIVIL WARS OF separatist nationalism raged around the globe in the 1990s, in the Balkans, India, Russia, Azerbaijan, Sudan, Indonesia, Great Britain (Northern Ireland), Turkey, Georgia, the Philippines, and Burma, to name only some of the more prominent examples. These wars caused considerable loss of life, massive refugee crises, economic devastation, strains on great power relations and important international institutions such as NATO and the United Nations, and a significant risk of nuclear war in South Asia.

What should be done? Thus far, the Western powers' approach has been ad hoc, with little public discussion of the broader implications of particular cases and the problems for the international system posed by separatist nationalism.¹

At least five sorts of ad hoc responses can be identified:

1. The imposition of weak international protectorates by stronger states through international organizations, as in Bosnia, Kosovo, Northern Iraq, and, earlier, in Cyprus.
2. Disapproval but little or no direct action, either due to lack of interest (Kurds in Turkey, Tamils in Sri Lanka, Tuaregs in Mali, and many other such cases) or due to the power of the states involved (Russia/Chechnya, China/Tibet, India/Kashmir).
3. Weak international attempts to facilitate partition when this is by mutual consent of some sort (East Timor, Eritrea, the Czech Republic and Slovakia, and, in a halting way, the West Bank).
4. Stable ceasefires and de facto partitions, as in Nagorno-Karabagh and Somaliland.
5. Some efforts to help negotiate powersharing agreements, as in Northern Ireland and Angola (the latter with a largely ethnic but not separatist war).

1. Exceptions include Amitai Etzioni. "The Evils of Self Determination." *Foreign Policy* 89 (winter 1992/93): 21–35; David D. Laitin, *Identity in Formation* (Ithaca, NY: Cornell University Press, 1998), ch. 12; and Gideon Gottlieb, "Nations without States," *Foreign Affairs* 73, no. 3 (May/June 1994):100–12. Alan Kuperman and Timothy Crawford have written on how the prospect of international intervention might encourage civil war. See Alan J. Kuperman, "Transnational Causes of Genocide, or How the West Exacerbates Ethnic Conflict," in *Yugoslavia Unravalled: Sovereignty, Self-Determination, Intervention*, ed. Raju G. C. Thomas, (Lanham: Lexington Books, 2003), 55–85; "Reducing the Moral Hazard of Humanitarian Intervention: Lessons from Economics" (paper presented at the 2004 annual meetings of the American Political Science Association, Chicago; and Timothy Crawford, "Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed," *Political Science Quarterly* 116, no. 4 (winter 2001–02): 499–523.

That international responses to wars of separatist nationalism have been ad hoc is not surprising. International relations is the realm of the ad hoc, and even if it were possible, it would be hard to imagine a general, one-size-fits-all approach which would make sense. The lack of discussion about the broader implications of different possible policies in particular cases is surprising, however. Here is a possible explanation.

For the Western powers, separatist nationalism is so perplexing and fundamental a problem that it has to be ignored as a general phenomenon. The problem is that the overwhelmingly accepted diagnosis of the cause of separatist nationalism implies a policy remedy no major power can stomach.

In brief, the standard diagnosis is Wilsonianism, the theory that separatist nationalism stems from bad borders and incompatible cultures. Wilsonianism holds that violent separatism arises when state borders are not properly aligned with national groups, which are fixed, preexisting entities. Separatism is due to the injustice of depriving proper nations of proper states. If one accepts this, then the remedy for nationalist wars is obvious. Just redraw the borders. Impose partitions.

Indeed, with each nationalist war foreign policy analysts in the—United States and elsewhere have called for partition as the obvious and proper solution.² In the wake of the intense killing and brutality of conflicts like those of Bosnia and Kosovo, partition has often seemed inevitable. Even if these people lived together once, analysts say, how can they live together now? If one accepts the general diagnosis, the argument for partition seems inescapably strong.

Why not do it, then? Why are the major powers not leaping on partition as the obvious solution, rather than setting up costly and ineffectual protectorates? Are there good reasons to oppose partition, or are the Western powers just misguided, cowardly, or transfixed by a naive and dangerous commitment to multiculturalism?³ I argue below that there are indeed good reasons to

2. A few examples are: John J. Mearsheimer, "The Only Exit From Bosnia," *New York Times*, 7 October 1997, A27; Mearsheimer, "A Peace Agreement That's Bound to Fail," *New York Times*, 19 October 1998, A17 [regarding partition of Kosovo and Serbia]; Mearsheimer and Stephen Van Evera, "Redraw the Map, Stop the Killing," *New York Times*, 19 April 1999, A23 [Bosnia, Serbia, and Macedonia]; Makau Mutua, "The Tutsi and Hutu Need a Partition," *New York Times*, 30 August 2000, A23 [Rwanda]; Thomas L. Friedman, "Not Happening," *New York Times*, 23 January 2001, A21 [Bosnia]; Peter Schweizer, "Partition Provides Best Afghan Solution," *USA Today*, 29 October 29, 15A; Leslie H. Gelb, "The Three-State Solution," *The New York Times*, 25 November 2003, A27 [Iraq].

3. John J. Mearsheimer and Stephen Van Evera, "When Peace Means War," *New Republic* 18 December 1995, 221–42; Mearsheimer and Robert A. Pape, "The Answer: A Three Way Partition Plan for Bosnia and How the U.S. Can Enforce it," *New Republic*, 14 June 1993, 22–28.

be skeptical of partition as a general solution to nationalist wars. The most important of these are two types of incentive effects.

First, ad hoc partition applied to one trouble spot may help produce more violent separatist nationalist movements elsewhere, in addition to making existing nationalist wars more difficult to resolve. The world is not composed of a fixed number of true nations, so that peace can be had by properly sorting them into states. Rather, there is literally no end of cultural difference in the world suitable for politicization in the form of nationalist insurgencies. As long as controlling a recognized state apparatus is a desirable thing and nationhood is understood to ground claims to a state, ambitious individuals will try to put together nationalist movements to claim statehood. A de facto policy of partition that says, in effect, that a state can be gotten by mounting a bloody enough insurgency provides the wrong incentives. The more general point is that whether partition is good idea depends in part on one's theory of what causes separatist nationalism. I will argue that the dominant theory of Wilsonianism is misleading, and implies ad hoc responses that states are right to shy away from.

Second, the incentive effects of imposing partitions on weak states apply not just to relations between insurgents and governments, but also to relations among states. An international order in which coalitions of major powers go around carving up lesser powers on an ad hoc basis would make all states, including the major powers themselves, less secure. Such an order would publicly proclaim that a state's territory is secure only if it is militarily strong enough to be coded as a major power, and even then it must be lucky enough to find itself in the right major power coalitions. Incentives for arms build-ups, nuclear weapons proliferation, and other Realpolitik strategies would increase. In effect, ad hoc use of partition and recognition to solve civil wars would undermine a tacit bargain among the major powers in place since the early 1950s: If you don't seek to change interstate borders by force, then neither will we. I argue that this norm has been valuable, functioning in some respects like an arms control agreement. It would be irresponsible to undermine it without any thought to what might replace it.

If the major powers want to start redesigning sovereign states, they should have a political and legal framework that mitigates the two incentive effects just described.

NATURE AND CAUSES OF SEPARATIST NATIONALISM

WHAT OUGHT TO be done about separatist nationalist wars depends in part on how one thinks about the nature and causes of separatist nationalism.

In this section I quickly summarize the most prominent views and then sketch an alternative. First, however, a brief discussion of the meanings of nationalism.

TWO CLUSTERS OF MEANINGS

The word nationalism, as it is used in both academic and everyday discourse, has two clusters of meanings. These are rarely distinguished in academic writing. Instead, authors typically force the word into a single definition, with unfortunate consequences. Failure to distinguish the two meanings is an unrecognized source of dispute in the main academic debates on nationalism.

In the first cluster of meanings, nationalism refers to a feeling of affection or loyalty to one's nation, especially with a negative connotation of chauvinism regarding other nations. In this sense, nationalism is something like the dark side of patriotism, and it is not far from the capacious idea of group loyalty. An explanation for nationalism in this sense need have nothing to do with questions about separatism.

In the second cluster, nationalism refers to the political doctrine holding that the boundaries of states and nations should coincide.⁴ Nationalism in this sense refers to the doctrine of national self-determination, which in the hands of American foreign policymakers is called Wilsonianism. One can do no better than quote Elie Kedourie's formulation:

Nationalism is a doctrine [that] pretends to supply a criterion for the determination of the unit of population proper to enjoy a government exclusively its own, for the legitimate exercise of power in the state, and for the right organization of a society of states. Briefly, the doctrine holds that humanity is naturally divided into nations, that nations are known by certain characteristics which can be ascertained, and that the only legitimate type of government is national self-government.⁵

Failure to distinguish these meanings causes trouble. For instance, one of the central debates in the literature on nationalism has concerned the question of when nationalism began, with some saying it has deep premodern roots and others (the modernists) arguing that nationalism is a product of modernity, even the nineteenth century. Plausibly, nationalism as feelings of affection and chauvinism on behalf of cultural groups is old, even eternal, and no doubt one

4. Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), 1.

5. Elie Kedourie, *Nationalism* (New York: Praeger), 1.

can find examples of premodern cultural groups whose leaders argued for political privileges on the basis of cultural difference. It is equally plausible, as the modernists assert, that we do not encounter the formulation, and certainly not the success, of nationalism as a generalized doctrine of political legitimacy until the modern period.

This distinction is also important for understanding the causes of nationalism. Asking about the causes of nationalism-as-group-loyalty-and-chauvinism is not the same as asking about the causes of nationalist separatist movements.

PRIMORDIALIST AND MODERNIST EXPLANATIONS

Our concern here is with nationalism in the second sense, in particular with the causes of separatist movements that claim unjust violations of the doctrine that state and national borders should coincide. Two types of arguments are given.

First, there is what may be called the primordialist variant of nationalist doctrine itself. This holds that not only is humanity naturally divided into nations, but proper nations find the violation of self-determination intolerable and so naturally strive for independence. The cause of separatist nationalism is simply the violation of the principle of self-determination for some proper nation. Thus, the obvious and morally appropriate remedy is to redraw borders. It may be that this cannot be done without making some nation unhappy about the new borders, so that population transfers may be necessary. These are necessary compromises that will bring about peace and justice in the end, however.

This view implies that the project of redrawing borders can be completed. After enough redrawing, separatist nationalism will disappear as a problem because all proper nations will have received their own states. By this argument, there is no need to worry about the incentive effects of a policy of ad hoc partition. Proper nations are going to rebel when their self-determination is violated regardless of what is going on with other cases. In this Wilsonian form, nationalist doctrine is a theory of perpetual peace, with partition the means of getting there.

As a positive explanation for separatist movements and strife, the primordialist view is either implausible or tautological. Either we admit that the world is filled with proper nations that are not seeking self-determination, or the proposition is true by definition (that is, proper nations are those that actively seek their own state).

The second main view of the causes of separatist nationalism is associated primarily with the work of Ernest Gellner, Karl Deutsch, Benedict Anderson,

and Eric Hobsbawm.⁶ These modernists reject as unhistorical the idea that nations have always existed. Instead, they see nations and nationalism as the local political and psychological consequences of macrohistorical forces, economic modernization most of all. The core argument goes as follows: Nationalist movements arise in the modern period as economic modernization makes upward social and economic mobility possible for individuals, but contingent on the individual's culture (and especially, first language). When the son of the Czech-speaking peasant moves to town and finds his upward progress in local industry or the Habsburg bureaucracy blocked because his manners and language are insufficiently German, he becomes resentful and ready to be mobilized for a Czech nationalist movement. Separatist nationalist movements are argued to arise out of ascriptive barriers to upward mobility imposed by the state or the majority cultural group.⁷

For most modernist writers, the central determinant of whether a country will get a separatist nationalist movement is the extent of premodern cultural differences between populations. Deutsch argues that when these are large—as for example, between Germans and Magyars in Austria-Hungary—the rate of assimilation will be too slow relative to the rate of social mobilization. Gellner argues that psychological bias will lead the dominant group to attribute the effects of different educations to inherent cultural or genetic properties of the minority, giving rise to discrimination and oppression. When preexisting cultural differences are smaller, successful assimilation and national homogenization is more likely. For the modernists, the paradigmatic case of such assimilation is “peasants into Frenchman.”⁸

If the modernist account is valid, then two natural remedies for violence arising from separatist nationalist movements present themselves. First, states or majority cultures can somehow be brought not to discriminate along cultural lines of difference, the basis of popular support for separatist nationalism should be less. As a result, states with problems of separatism should, for their

6. Gellner, *Nations and Nationalism*; Karl W. Deutsch, *Nationalism and Social Communication* (Cambridge, MA: MIT Press, 1953); Benedict Anderson, *Imagined Communities* (London: Verso, 1983); and Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, and Reality* (Cambridge: Cambridge University Press, 1992).

7. In *Imagined Communities*, Anderson relies on the idea of barriers to upward mobility in his “blocked pilgrimages” argument explaining new world nationalist movements (chap. 4, “Creole Pioneers”). In pointing to these new world movements, Anderson is also suggesting that the barriers need not be cultural—the creoles of Latin America shared the culture of Spain. Rather, the key is that upward bureaucratic “pilgrimages” be blocked by an ascriptive trait, in this case, birth in the new world. Still, in the old world that Gellner and Deutsch had in mind, the barriers to upward mobility typically fell along cultural lines (see Anderson, *Imagined Communities*, chap. 3, on the “linguistic nationalisms” of Europe).

8. Eugen J. Weber, *Peasants into Frenchmen* (Stanford, CA: Stanford University Press, 1976).

own good, be urged not to discriminate and oppress cultural minorities. Of course, this is something they shouldn't do in any event, from a moral perspective. Second, the modernist argument has nothing in it that makes redrawing borders a bad thing, subject to practical constraints. As in the primordialist view, redrawing boundaries is a project that can come to an end, when the lines around states correspond to the set of preexisting cultural zones 'activated' by the secular tidal wave of economic modernization or "print capitalism".⁹

As a positive explanation for separatist nationalism, the modernist version is vastly more plausible than nationalist doctrine itself. Surely discrimination and oppression along cultural lines can breed resentment, anger, group solidarity, and movements on behalf of the group. It also remains largely untested, however. That is, we have almost no systematic efforts to measure and code the extent of preexisting cultural differences between minority and majority groups, and show that where these have been greater, ethnonational movements are more likely.

There are reasons to doubt that such a project could be wholly successful, for at least two reasons.¹⁰ First, by any measure of what preexisting cultural differences might consist of, there will be cases where similar levels of difference produced quite different levels of nationalist mobilization. Compare, for example, the case of Prussia/Germany with Serbia/Yugoslavia. Both had significant Catholic religious minorities that spoke varied dialects of similar languages. It would be difficult to argue that the degree of cultural difference between a Prussian and a Bavarian peasant was smaller in 1800 than was the difference between a Catholic peasant from Croatia and an Orthodox peasant from Serbia. It is not even clear that levels of political and economic discrimination were appreciably different.¹¹ Croatian elites resisted incorporation in

9. On print capitalism, see Anderson, *Imagined Communities*, ch. 2.

10. See, however, James D. Fearon and Pieter Van Houten, "A Return to the Theory of Regional Autonomy Movements," (presented at the annual meetings of the American Political Science Association, San Francisco, 25 September 1998), who show that language distance helps predict regionalist parties in Western Europe. Using the Minorities at Risk data set (Ted Robert Gurr, "Minorities at Risk III Dataset: User's Manual." CIDCM, University of Maryland, 1996, <http://www.cidcm.umd.edu/inscr/mar/home.htm>), James D. Fearon and David D. Laitin, in "Weak States, Rough Terrain, and Large-Scale Ethnic Violence since 1945" (presented at the annual meetings of the American Political Science Association, Atlanta, GA, 25 September 1999); and Ted R. Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington, DC: United States Institute of Peace, 1993), find no clear relationship between measures of cultural distance from the dominant group and a minority's probability of being involved in rebellion against the state. Using a much larger list of ethnic groups, Philip G. Roeder, "Clash of Civilizations and Escalation of Domestic Ethnopolitical Conflicts," *Comparative Political Studies* 36, no. 5 (June 2003): 509–40, does, however.

11. Perhaps they were even greater in nineteenth century Germany than in the first Yugoslav state. Recall the Kulturkampf in Germany.

the Serb-dominated interwar Kingdom and some developed an enduring separatist or autonomist ideology. By contrast, Bavaria was successfully incorporated into Germany after 1871 despite bitter anti-Prussian popular and elite sentiment as late as 1866.¹²

Second, it seems implausible to take “the degree of cultural difference” as a wholly exogenous factor, rather than something itself produced by politics. The perception of cultural difference is made as much as it is born. This point is relevant to the Germany/Yugoslavia comparison. What mattered for getting separatism in one case and not the other probably had less to do with degrees of cultural difference and discrimination “on the ground” as it did with the different ways that politics among the elites played out in the two cases, along with more international factors such as the advantage and prestige conferred by Germany’s great-power status.

SEPARATIST MOVEMENTS AS A CONSEQUENCE OF THE STATES’ SYSTEM

Despite some sharp differences, the primordialist and modernist explanations have something important in common. Both are bottom up in the sense that they locate the motivation for separatist nationalism in popular sentiments taken as inherent or as the result of economic and political discrimination along cultural lines. Separatist movements are indeed often animated by a powerful, popular sense of cultural nationalism. It is a mistake, however, to treat such sentiments as exogenous variables, as in primordialism, or things produced out of a fixed set of preexisting cultural difference by the slow, secular process of economic and political modernization. Rather, the sentiments of separatist nationalism can be and are shaped by elite politics. Here is a complementary account that focuses more on such factors.

Instead of lying in particular groups’ cultures or in relations between particular groups, the deeper sources of separatist nationalism are to be found in the logic of a system of nation-states. Think of a formally recognized state as a kind of candy that is hard to get. States are very good things for those who run them, and in short supply relative to demand. They are the object of great ambition and contestation.

How do you get a state? Either by winning control of an already established state or by establishing a new one. In the latter case, it helps enormously to have a claim to statehood that other states recognize as potentially valid. All manner of concrete benefits can flow from recognition of a valid claim,

12. Many in late nineteenth-century Europe, including in the Balkans, saw Serbia as naturally playing the role of Piedmont or Prussia for the South Slavs.

including military support in an independence struggle and, after independence, development aid, balance-of-payments finance, more military support, and a battery of rights, protections and privileges in international law on which other states condition some actions. Formal admission to the club of states is tremendously valuable.¹³

Interstate borders are pure conventions, a matter of tacit agreement among the states that respect them. States have powerful incentives to naturalize the boundaries, however, to provide a justification for why they are as they are so as to fend off internal and external challenges. Since the French Revolution, the nationalist doctrine has gradually become the dominant justification. Existing states justify their boundaries as delimiting the property of the nations they represent. Thus, those who would seek to establish a new state have an incentive to appeal for recognition and external support in precisely these terms, to say that they merit a state because they are a true nation, just like all the rest.

Ambitious state seekers therefore have an incentive to render their claim more plausible by actively cultivating the sense and appearance of distinct nationality in the population they wish to govern. One of the best ways to do this is to get a nationalist insurgency going with the current state, since the violence tends to divide populations according to putatively primordialist lines.¹⁴

If there were only a limited amount of cultural difference out there in the world suitable for politicization in nationalist terms, then this might not be so bad. A Wilsonian project of ad hoc partitions could conceivably come to an end, because eventually political entrepreneurs would run out of cultural differences they could develop into nationalist claims for autonomy or independence. If the primordialist and modernist views are wrong, however—if the world is filled with cultural differences that can be politicized, sharpened and interpreted in the direction of nationality claims—then a Wilsonian project of partition is inherently selfundermining.

To use an idea from economic theory, the nation-state system is not incentive compatible, meaning that the system itself creates incentives that work to

13. For example, the Taliban regime in Afghanistan several times offered the U.S. and the U.N. to end poppy cultivation, a major source of their tax revenues, in exchange for international recognition (Ahmed Rashid, *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia* [New Haven: Yale University Press, 2000]).

14. For example, John Mueller, "The Banality of 'Ethnic War,'" *International Security* 25, no. 1 (summer 2000); Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," *International Security* 20, no. 4 (spring 1996): 136–75; David Laitin, "National Revivals and Violence," *European Journal of Sociology* 36, no. 1 (1995): 3–43; and James D. Fearon and David D. Laitin, "Violence and the Social Construction of Ethnic Identity," *International Organization* 54, no. 4 (autumn 2000): 845–77.

undermine the system. Separatist movements will be a problem for as long as the “club” of states defines membership in terms of nationhood. Not only will dividing up states not make separatist nationalist movements go away, it may even increase their number.

PROBLEMS WITH AD HOC PARTITION

THERE ARE at least three sets of problems with using partitions imposed by strong states to settle ethnic nationalist civil wars. First, there are questions of practicality, efficacy, and justice in particular cases, such as Bosnia. Almost all of the public debate on partition has focused on these matters. I will quickly rehearse the main objections and discuss some points of contention, but my focus is on the incentive problems that have been little addressed. These come in two forms. There is the issue raised above in connection with theories of the causes of separatist nationalism: Would a policy of ad hoc partition increase incentives for more separatist wars and render current conflicts more intractable? Next, how would a policy of ad hoc partition affect states’ incentives in their dealings with each other? I will argue that such a policy would undermine some desirable features of the post-1945 international system.

EFFICACY AND JUSTICE

The question of partition arises in the first place when competing nationalisms seek to mobilize within a common international boundary, and especially when violence ensues. Drawing a new line to separate populations is problematic if any line will leave an unhappy and fearful minority on one or both sides. Unfortunately, this is by far the most common case.¹⁵ What to do when the area claimed by the disgruntled national minority contains a distinct group that prefers to remain in the undivided state? Examples include English-speakers and Native Canadians in Quebec; Serbs in Bosnia, Kosovo and Croatia (formerly); Hindus in Kashmir; Sinhalese and Muslims in the Sri Lankan Northern and Northeast provinces; Azerbaijanis in Nagorno-Karabagh; Georgians in Abkhazia; and so on.

Advocates of ad hoc partition tend for this reason to favor population transfers, arguing that this is likely to happen anyway: Why not have international actors intervene so that it is done properly and with a minimum of violence?¹⁶

15. Czechoslovakia, Slovenia, and Singapore are exceptions.

16. Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars.”

I find the idea of internationally sponsored and legitimized ethnic cleansing loathsome, all the more so since it will often be at the behest of opportunistic thugs. Advocates of partition often seem to make the sole moral standard the number killed due to ethnic fighting, at the expense of considerations of justice on other dimensions. Is it right that people should be uprooted from homes of longstanding and made permanent refugees? If the answer is no, then at a minimum we need to consider tradeoffs rather than making the number not killed the only value. It is not sufficient to argue that if partition is the policy that maximizes this, it is necessarily best.

Relatedly, critics have observed that partitions are often accompanied by significant violence, and may simply replace civil conflict with interstate conflict in the form of revanchism. Ireland, India, Palestine, and Cyprus are leading examples, with the world-threatening nuclear confrontation between India and Pakistan the most dramatic.¹⁷ Kaufmann maintains that the problem with these partitions was simply that they were incomplete and did not take the Wilsonian logic far enough.¹⁸ For instance, the problem with the Indian partition was the failure to divide Jammu and Kashmir and sort out populations there. A “clean” partition with population transfers need not eliminate revanchist tendencies, however. The relatively clean de facto partition of Azerbaijan has created camps filled with displaced, bitter Azeris who are actively developing a political ideology of revenge and return, for instance. In any event, the argument for partition needs to address politically feasible rather than hypothetical pure cases.

None of these objections are in principle insuperable for any particular case. Indeed, if there were no implications of ad hoc partition that extended from one case to another, then there really would be no argument against considering the merits and demerits of partition case by case.¹⁹ If, however, partition in one case of separatist nationalism can influence incentives elsewhere, then

17. See for example Radha Kumar, “The Troubled History of Partition,” *Foreign Affairs* 76, no. 1 (1997): 22–34; Nicholas Sambanis, “Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature,” *World Politics* 52 (July 2000): 437–83; and Robert Schaeffer, *Warpaths: The Politics of Partition* (New York: Hill and Wang, 1990).

18. Kaufmann, “When All Else Fails: Evaluating Population Transfers and Partition as Solutions to Ethnic Conflict,” in *Civil Wars, Insecurity, and Intervention* ed. Barbara F. Walter and Jack Snyder, (New York: Columbia University Press, 1999).

19. Kaufmann, “Possible and Impossible Solutions,” makes a much stronger claim, that the only appropriate and effective solution for a country beset by ethnic war is to partition it. Presumably, Kaufmann believes there is some threshold of ethnic violence such that below this, it is not necessary to partition the state; otherwise, many countries would fall under his knife. The criteria for deciding where this threshold is, however, are neither clear nor sharp (see Kaufmann’s brief mention of the issue on p. 159 of “Possible and Impossible Solutions”), making the strong claim quite difficult to evaluate or apply.

arguments for partition that refer only to the pluses and minuses of particular cases can't be decisive by themselves.

INCENTIVES FOR INSURGENCY AND COUNTERINSURGENCY

Any policy of ad hoc partition sets an implicit threshold or criterion for applying the policy. When major powers impose or push for the division of war-torn country X, they are saying, essentially, that if things get bad, they may step in to push the players toward a partition and recognition of a new state. To see that this is problematic, consider a hypothetical case of a very low threshold. The example is intentionally unrealistic.

Suppose that a small, violent separatist movement develops in the New York borough of Staten Island (which did see a 60 percent positive vote for independence from New York overturned in the courts in 1993). The active rebels begin threatening and assassinating individuals associated with the city, state, and federal governments, along with prominent Staten Islanders who do not agree with their program. Facilitating partition—sorting out those who identified with New York and those who identified with Staten Island—and giving the new state of Staten Island a UN seat would clearly be a huge mistake. No advocate of partition could deny that setting the implicit threshold this low would be an absolute disaster for international peace, order, and justice. No advocate of partition could deny that a threshold this low would encourage opportunistic thugs all around the world to try similar gambits.²⁰

Exactly the same issues arise at higher, more realistic thresholds, however. Making the implicit criterion for international intervention in favor of partition some level of violence and chaos gives the leaders of nationalist insurgencies an incentive to reach for this level. For example, prior to the Dayton agreement, there had been an ongoing debate among Kosovan Albanians about whether a violent insurgency or peaceful civil disobedience in the form of a shadow government was the best course for attracting international support and redressing wrongs in Kosovo. After Dayton, which the Kosovars reasonably interpreted as rewarding the violent Bosnian Serb leadership with virtual independence, the KLA broke ranks and initiated a guerrilla campaign. Deliberately provoking Serbian attacks, they succeeded beyond what must have been their wildest dreams, with NATO intervening on their behalf in 1999.²¹

20. If this example is too fanciful, imagine that the radical wing of the movement for an independent Hawaii becomes more radical.

21. Another important factor enabling the KLA insurgency (such as it was) was the procurement of weapons out of the Albanian anarchy in 1996; see Kuperman, "Transnational Causes

Chaim Kaufmann, the only partition advocate I know of who has addressed this first incentive problem at all, dismisses the issue in one sentence: “because government use of force to suppress them makes almost all secession attempts extremely costly . . . only groups that see no viable alternative try.”²²

There are two mistakes here. First, the argument implicitly treats ethnic groups as if they were unitary actors, making a collective decision about whether to fight for secession. This is rarely a plausible assumption, especially at the onset of violence. Instead, nationalist insurgencies are frequently initiated by small minorities within an ethnic group who take it as one of their central projects to cultivate and enforce support for their project. Violence directed at insufficiently supportive co-ethnics is one important means; provoking indiscriminate counterinsurgency by the state is another.²³ With respect to Kaufmann’s claim above, the implication is that the costs of government suppression will mainly be born by publics with little say in the decision about how to oppose the government. For the active rebels, possible costs are offset by their relative extremism and the prospect of heading a new state or autonomy.

Second, even if we could treat the minority ethnic group as a unitary actor choosing rebellion, it is still true that lowering the expected costs of separatist war by increasing the likelihood of international intervention increases the incentive for new nationalist insurgencies, while making intransigence a more attractive option in ongoing conflicts. This might be partially offset by an increased incentive for governments to be nice to cultural minorities in the first place. As I will discuss, however, there are better ways to provide such an incentive.

In arguing that secession attempts are very costly and “only groups that see no viable alternative try,” Kaufmann suggests that the “elasticity” of supply of separatist movements is negligible with respect to changes in international support for partition. Evidently, he thinks would-be leaders of nationalist movements do not condition their behavior much on anticipated international support or censure. I suspect this is incorrect. Even if it is not, however—even if the elasticity is very small—the potential effects would still need to be considered to make a serious case for partition as a solution to particular ethnic conflicts.

of Genocide,” 81n36, on this and other factors behind the KLA escalation. On NATO’s moral hazard problem with respect to encouraging violence by the KLA in Kosovo, see also Crawford, “Pivotal Deterrence and the Kosovo War.”

22. Kaufmann, “Possible and Impossible Solutions,” 170.

23. Kaufmann, “Possible and Impossible Solutions,” 140–45, is aware that violence “hardens” ethnic identities, but sees violence purely as a product of mutual fears produced by a weakened central government, rather than by individuals and factions with their own ambitions and agendas. Cf. John Mueller, “The Banality of ‘Ethnic War’ on the war in Bosnia.

For one thing, there is a tremendous amount of “raw material” for violent separatist movements in the world, so even if the elasticity is small the implications may be significant. In other work, I provide a list of 822 ethnic groups in 161 countries that formed at least 1 percent of country population in the 1990s.²⁴ Of the 708 of these groups that are minorities, at least 100 (14.1 percent) had members engaged in significant rebellion against the state on behalf of the group between 1945 and 1998.²⁵ In the 1990s alone, almost one in ten of these ethnic minorities engaged in significant violent conflict with the state. Not all of these groups had avowedly separatist or autonomist aims, but some three quarters did.²⁶ In addition, many of the minorities that did not openly rebel were coded by the Minorities at Risk Project as displaying “latent,” “historical” or “active” separatism (69 of the 198 quiescent groups coded by MAR, or 35 percent).

These data suggest, first, that violent conflict between states and ethnic groups or their would-be leaders has been quite common since 1945, with most of it occurring in the form of separatist struggles.²⁷ Second, though common, there is ample potential for more, both from the groups with members who have already demonstrated the possibility, and those that have not but that have latent or active but nonviolent separatist movements. Finally, these statistics do not account for the possibility discussed earlier, that political entrepreneurs may cultivate new “ethnic groups” and movements in response to domestic and international political incentives. In other words, we should not take my list of 822 groups listed as primordially fixed in stone (or DNA).²⁸

24. James D. Fearon, “Ethnic and Cultural Diversity By Country,” *Journal of Economic Growth* 8 (2003): 195–222.

25. I matched the groups in Fearon, “Ethnic and Cultural Diversity by Country,” with the Minorities at Risk (MAR) groups (Gurr, “Minorities at Risk III Dataset”), and then counted the number of matched groups that scored 4 or higher on the MAR rebellion scale (that is, “small,” “intermediate,” or “large-scale” guerrilla activity, or “protracted civil war”) for at least one five-year period since 1945). This underestimates the number of ethnic groups in violent conflict, since the non-MAR groups are not considered. Because MAR tends to select, in effect, on violence, however, the underestimate is probably not very far off.

26. Judging by the scores of the MAR groups in my list that were coded as showing separatism on the MAR variable SEPX.

27. Compare, for instance, the one-in-seven minority-state dyads experiencing violent conflict to the 3.2-in-1000 share of the contiguous country dyads that fought an interstate war in the years from 1946–1992. This figure was calculated using data generated by Eugene D. Scott Bennett and Allan Stam, “EUGene: A Conceptual Manual,” *International Interactions* 26, (2000): 179–204).

28. A reviewer wondered if these observations were inconsistent with the argument I made in James D. Fearon, “Commitment Problems and the Spread of Ethnic Conflict”, in *The International Spread of Ethnic Conflict*, ed. David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 107–26, against the likelihood of significant transnational “demonstration effects” of ethnic conflict. There I was arguing against the proposition that the mere presence of an ethnic conflict in one country would raise the likelihood in other countries. Here my concern

To recap, a policy of ad hoc partition would implicitly set criteria for international intervention in support of redrawing borders or otherwise reconstituting states. If the implicit criterion is some level of violence and chaos, this creates perverse incentives. There are ample grounds for thinking that a responsible consideration of partition as a means to resolve ethnic wars should take this into account.

Would some other criterion be workable? If nationalist doctrine were literally true, then we could objectively ascertain which of the world's cultural groups are proper nations, and propose to intervene only on their behalf and at their behest, irrespective of levels of violence. The nationalist doctrine is false, however. What is a proper nation is political question, a matter of dispute. No one agrees on just which the proper nations are, and no one agrees on objective, non-manipulable criteria defining nationhood. This is one reason that violence has become the implicit criterion. Scholars, journalists and government officials often infer proper nationhood from the costs that "groups" are willing to bear in struggles for independence.

An extreme alternative would be self-selection. Why not have the international community support the claim of any self-defining national group, or a majority of the putative group in a plebesite, that demands self-determination and its own state? Showing a clear understanding of the incentive problem, international lawyers recognized early on that self-determination could not be construed as a right to be exercised voluntarily. In a report on the 1920 dispute in which a League of Nation's Commission of Jurists heard demands by Aaland Island residents that they be allowed to secede from Finland to join Sweden, the Jurists wrote:

To concede to minorities, either of language or religion, or to any fractions of a population the right of withdrawing from the community to which they belong, because it is their good wish or pleasure, would be to destroy order and stability within States and to inaugurate anarchy in international life; it would be to uphold a theory incompatible with the very idea of the State as a territorial and political unity.²⁹

A more promising alternative would be to condition international support for cultural minorities on the state's treatment of the minority. Suppose that international intervention and pressure in favor of partition were linked to

is with a change in great power policies that would affect cost-benefit calculations for many different ethnic disputes.

29. Cited in David Wippman, ed., *International Law and Ethnic Conflict* (Ithaca: Cornell University Press, 1998), 9–10. It is ironic that the generally neorealist-influenced advocates of partition in the United States should not see the threat to the states system that the lawyers have long understood.

measures of systematic political and economic discrimination and a plausible case that these were unlikely to change. Then governments with cultural minorities would have an increased incentive to treat their members as equals in the polity. If authorized international observers saw a nationalist insurgency but no systematic discrimination, no support would be offered, thus undercutting the incentive problem.

In fact, such moves represent a long-standing tendency in international legal attempts to deal with the “destabilizing and anti-statist tendencies” of the norm of self-determination.³⁰ For example, many international lawyers agree that a group has a case for secession and independence if it is subject to genocide in the state it inhabits. Even in the reports on the Aaland Islands dispute, both commissions allowed that “secession might be justifiable as a remedy of last resort in states that failed to respect minority rights.”³¹ In addition, efforts to articulate a human rights regime since the Second World War, whether focused on individual or, more recently, group rights, in effect seek to develop internationally certifiable criteria of good behavior by states regarding their citizens.

While much better than using violence as the criterion for support for partition, conditioning the international response on aspects of government behavior is still problematic. In the first place, who adjudicates the application of the criteria in particular cases? While one can imagine states authorizing international courts to rule on whether a state is respecting some aspect of human rights in its domestic practices,³² it remains hard to imagine them allowing courts to authorize international intervention to break up a state if its domestic practices are sufficiently bad. Second, moral hazard problems do not disappear. The state can write laws that are technically neutral, but enforce them selectively or not at all. The authorized international authorities, whoever they might be, would require an intrusive apparatus and method for making determinations about state and majority group behavior, which it is again difficult to imagine the great powers authorizing. On the separatists’ side, many examples show rebel leaders deliberately seeking to bring down counterinsurgency on the heads of their own people. Clearly, if violations of human rights

30. See Wippman, *International Law and Ethnic Conflict*, 10. Also, Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*, (Princeton: Princeton University Press, 1999), who sees international agreements and interventions in favor of minority rights as evidence that the norm of sovereignty is continually violated. I would argue that minority rights regimes are better understood as attempts at agreements among sovereigns to preserve or make sovereignty viable despite incentive incompatibility.

31. Wippman, *International Law and Ethnic Conflict*, 10.

32. To an extent this has been happening, as in the ruling of the European Court of Justice against Britain’s counterinsurgency practices in Northern Ireland in the 1970s.

in the course of counterinsurgency were enough to justify international support for partition, then the incentive problem remains. Separatist insurgents would have strong incentives to provoke the state into counterinsurgency that violates human rights. Finally, prior to these questions there is the problem of deciding and getting agreement on what would constitute discrimination that justifies partition if it were not remedied. The U.S. government refused to sign the 1948 Convention on the Prevention of Genocide until 1989 in part out of fear that the definition of genocide was insufficiently tight. Definitions of actionable discrimination and oppression would seem impossibly more difficult.

INCENTIVES FOR INTERSTATE COMPETITION

The bad incentive effects of imposing partitions to resolve ethnic wars concern not only relations between insurgents and governments within states, but also relations among states. If the major powers recognize and support as a new state a government of rebels trying to secede from an already recognized state, they are setting a precedent that is potentially dangerous for themselves. What is to stop other states from recognizing a breakaway movement in one's own territory? If some majority of powerful states can agree to carve up a recognized state, what keeps one's own state safe from this end?

Realist international relations theory would probably say that the answer is only self-help, one's own armed strength. And because this is already the case, there is nothing lost if the major powers start carving up minor powers without their consent.

Actually, much would be lost. Members of the club of sovereign states have an agreement that says, in effect, "I will not support the *de jure* division of your state if you will not support the division of mine." This agreement is rendered more or less formally in the UN Charter and in much prior international law. Realist theory has long argued the irrelevance of international law, but at least in this case the argument is weak.

The agreement on mutual respect of territorial integrity among recognized, sovereign states is functionally similar to an arms control agreement. Such an agreement says, in effect, that one party will not increase its arms if the other party agrees to the same. This does not replace or render "self-help" irrelevant. States still keep arms as insurance against other states' use of arms and against potential internal challengers. An arms control agreement can add to states' security and welfare by spelling out the terms of a mutually advantageous form of coordination, however. If you armed more, I would want to race to keep up, yielding the risks and costs of a pointless arms build-up. Even though arms

agreements are nothing more than words and beliefs, they can have the real effect of helping to avert this bad outcome.³³

The same is true of an agreement on mutual respect of the territorial integrity of sovereign states. States of course do not rely wholly on this convention to protect their control of territory from internal and external challenges. They maintain armies and police forces. The scale of these costly efforts depends on the scale of other states' efforts, however. All can be better off if they can make a tit-for-tat deal that limits the extent and nature of challenges to territorial integrity, and thus the scale of self-help necessary to protect it.

To be sure, states have often violated the norm against supporting separatists in another country with shelter or military aid, probably as much since 1945 as before.³⁴ In this period, however, the major powers have refrained from interventions to carve up a previously recognized state to make new states without the consent of the state. In marked contrast to prior great power politics, the major powers since the 1950s have stuck to the norm of "no border changes imposed by force" with very few exceptions.³⁵

In a large part, the leaders of the major powers recoil from a policy of ad hoc, imposed partitions to settle ethnic wars for just this reason, out of concern for what seems to them a valuable standard. They realize that the formal equality of sovereign states is worth respecting, even if it is patently obvious that states are wildly unequal in substantive terms. The more the de jure fiction is abandoned, the more states have incentives to protect themselves de facto by arming, acquiring nuclear weapons, forming alliances, and so on. For instance, if Bosnia is forcibly partitioned but Chechnya left to Russia and Tibet to China because they are militarily stronger, how does this affect the incentives of minor and middle powers with potential separatist troubles, or Russia and China for that matter?

33. Cf. Alexander Wendt, *Social Theory of International Politics*, (New York: Cambridge University Press, 1999) on Hobbesian versus Lockean world orders. Also, Charles Glaser, "Realists as Optimists: Cooperation as Self-Help." *International Security* 19, no. 3: 50–90; and George W. Downs and David M. Roake. *Tacit Bargaining, Arms Races, and Arms Control*, (Ann Arbor: University of Michigan Press, 1990).

34. See, for examples, Steve Saideman, *The Ties that Divide: Ethnic Politics, Foreign Policy, and International Conflict* (New York: Columbia University Press, 2001). Still, there might be much more support for separatists in a world without the convention of mutual recognition of sovereignty. In Alexis Heraclides, *The Self-Determination of Minorities in International Politics*, (London: Frank Cass, 1990), Heraclides claims, for instance, that since 1945 insurgents in separatist wars have been less likely to receive international support in the form of military aid than have insurgents in non-separatist civil wars.

35. Germany's recognition of Croatia on 23 December 1991 is a plausible exception, although it might be argued that the federal government of Yugoslavia had ceased to exist by December 1991 and so there was no question of "consent." (This does not mean that recognition was a good idea in this case; see below.)

This is one important reason why Germany's unilateral recognition of Croatia in December 1991 and the subsequent recognition of Bosnia were so ill-advised. Prior to these acts, there would have been no legal obstacle to discussing the redrawing of Yugoslavia's internal borders to make successor states in a just and sensible way. Once Croatia and Bosnia were recognized, however, the internal administrative borders designed by Tito's regime became external frontiers enclosing new members of the states' "club" with all the formal rights and privileges this implies. Any partition plan now faces the obstacle of either discarding or implausibly finessing the norm of "no border changes of recognized states by force."³⁶

Of course, the strong states could simply cast these issues aside if they wish to dismember UN member state Bosnia-Herzegovina. They could do the same with Yugoslavia, by stripping off an independent Kosovo. They could declare each a one-time or otherwise special exception and employ international lawyers to find arguments to justify this. Doing so would take a toll on the overall implicit bargain, however. Ignored by advocates of partition, this issue ought to be considered in a responsible assessment of whether partition and recognition are good ways to resolve an ethnic war. How many one-time exceptions or special circumstances can be declared? Does doing this increase the demand for exceptions? At what cost to a possibly valuable interstate norm concerning sovereign equality? With what effect on the prevailing legal structure through which the major powers sometimes coordinate to resolve collective concerns and problems?

The incentive effects described in this section would apply only, or at least mainly, to cases of forcibly imposed partition. If partition has the formal consent of the state losing territory, then the norm of no border changes by force is formally respected, even if the consent is in part the product of a long fight (East Timor or Eritrea, for example). One way to mitigate the interstate incentive problem posed by partition might be to say that there is consent, and there is "consent." The Yugoslav government does not want to allow the secession of Kosovo, but perhaps sufficient carrots and sticks might persuade them to "sign off."³⁷ The Bosnian government after Dayton is a federation,

36. See Steven R. Ratner, "Ethnic Conflict and Territorial Claims: Where Do We Draw the Line?" in Wippman, *International Law and Ethnic Conflict*, 112–27, on the doctrine of *uti possidetis* and whether it was a good idea to apply it to Yugoslavia's internal frontiers.

37. John Mearsheimer and Stephen Van Evera, in "Redraw the Map, Stop the Killing" (*New York Times*, 19 April 1999, A23) suggest offering the Republika Srpska to Yugoslavia in exchange for agreement to let Kosovo go. They do not say if anything would be offered to the Bosnian Muslims in the Bosnian government to gain their assent, or if the partition would simply be imposed on them. In general, partition advocates have been unclear about how they would manage or direct the imposition of partitions on unwilling parties.

so it might be “legally” divided just by arguing that the state no longer exists when a component part votes “out” in a referendum; to hell with what the Muslim leaders say.

If partitions are going to happen, this is the most likely route. The major powers’ strong desire to formally respect the norm of no forcible border changes will make sure of this. It is equally clear that consent produced by big international sticks and carrots is not the same as consent. Rather, it is a form of coercion, or forcibly imposed partition. The more bald the coercion, the more the arguments and questions above apply.

Nonetheless, if some level of carrots and sticks will work to get a consensual partition of an country mired in an intractable ethnic war, this may be much better than imposing partition by military intervention and/or outright recognition of the separatists. It would still be problematic to condition the carrots and sticks on levels of violence reached in the civil war, for the reasons already described. Consider, however, conditioning the carrots and sticks—perhaps economic sanctions, quiet military support for the separatists’ efforts, public statements that a mutually acceptable partition should be considered by international negotiators—on the state’s unwillingness to do X, Y, Z with respect to policies of nondiscrimination. Such an approach might get around both kinds of incentive problems.

AGAINST AD HOC PARTITION

MY INTENTION has not been to argue against partition as a solution for problems posed by ethnic war in any and all circumstances, forever more. Rather, I have argued against a policy of ad hoc partition that would treat each case in isolation. Partition cannot be justified on an ad hoc, case-by-case basis, because the effects of a policy of major-power-imposed partitions extend across cases in diverse ways.

Before partition can be contemplated as a plausible and responsible policy option, two incentive problems posed by partition must be seriously addressed. First, if violence is the implicit criterion for major power intervention in support of partition, this will encourage violent separatist movements seeking to mobilize cultural differences to claim statehood. Second, for the major powers to forcibly intervene to carve up sovereign states would be to abandon a valuable agreement that has helped structure international relations since 1945—the standard of no border changes by force. Wholesale abandonment of this convention would move international affairs a step further in the direction of *sauve qui peut*.

What, if anything, can be done to get around these incentive problems? It would seem incredibly unjust to declare that the current interstate borders are the only possible borders, regardless of what is going on inside them or how murderous a state is to some fraction of its population. There is no obvious or clean answer, however, because the problem is foundational. It arises from the internal logic of a nation-state system, which justifies its organization by treating already recognized nations as given even as it creates incentives for new or unsatisfied nations to challenge the existing organization. To have a court that could authoritatively rule on and enforce who gets a state would be to end the states system!

At least at present, the best solutions are second-best and the first-best unclear. The best I can do here is this: Condition international support and pressure for a consensual partition on a state's unwillingness to observe some set of internationally agreed standards regarding human and minority rights.

The first incentive problem would be mitigated because separatist violence and ethnic civil war would not necessarily gain international support for partition; it would depend on the policies of the state in which the separatists lived. The second incentive problem would be mitigated because wholesale carving up of recognized states would be rejected in favor of inducements, and these in turn would be, in a weak sense, a matter of law. That is, there would be some notion of justifiable and general conditions under which the threats and inducements should be applied. Serious thinking is required to work out how to define and state such conditions, and it is not even clear that this can be done in a way that would be both practicable and acceptable to the major powers. The alternatives of the status quo or blundering from one ad hoc partition to another, though, are not attractive either.