

THE MORALITY OF SECESSION: A NORMATIVE EVALUATION OF THE KURDISH CASE IN TURKEY

By
Dilan Okcuoglu

Submitted to
Central European University
Department of Political Science

In partial fulfilment of the requirements for the degree of Master of Arts

Supervisors: Professor Zoltan Miklosi
Professor Janos Kis

Word Count: 19,338

Budapest, Hungary
2007

ABSTRACT

This paper aims to demonstrate that secession is a moral question that has to be framed within the limits of remedial right only theory. Neither choice theories, nor self-determination argument can provide an accurate account of secession which might enable minority groups to pursue their ultimate goal of achieving some form of self-government or independent statehood by acting in accordance with the principles of justice. In this study, therefore, I pursue the justice-based approach to self-determination and secession. From this angle, I will tackle with the normative assessment of the Kurdish case in Turkey through mentioning the centrality of the pre-conditions of a legitimate secession and also the relevance of post-secessionist conditions. In doing so, I will illustrate that the Kurds in Turkey deserve some degree of autonomy/self-government, not because of the virtue of their being a nation or ethnic group but because of their status as being a victim of continuous economic, political and social injustice.

.

TABLE OF CONTENTS

ABSTRACT	1
INTRODUCTION	3
CHAPTER 1: NATIONALISM - DEFINING ELEMENTS AND REMEDIAL RIGHT TO SELF-DETERMINATION	6
1.1 Conceptual Elements	7
1.1.1 The formations of ethnic groups:	8
1.1.2 Political aspirations to acquire a form of self-government:	9
1.2 Nations and Nationalism	9
1.3 Remedial and Non-Remedial Right to Self-Determination	12
1.3.1 Justification for Remedial Approach:	12
CHAPTER 2: THE MORAL REASONING FOR THE RIGHT TO SECEDE	15
2.1 The Need for the Moral Right to Secede	16
2.1.1 Justificatory explanation	16
2.2.3 Strategy	19
2.2 Theories of Secession	21
2.2.1 Choice Theories (Primary Right Theories (Associative Group Theories~ Plebiscitary Right View)	21
2.2.2 National self-determination View (Nationalist Theories of Secession)	23
2.2.3 Just-Cause Theories (i.e. Remedial Right Only Theories)	25
2.3 Exploring Theories of Secession in Buchanan's and Moore's Framework	27
2.3.1 Allen Buchanan's theory of secession	27
2.4.2 Margaret Moore's Theory of Secession	37
CHAPTER 3: A UNIFIED TURKEY OR AN INDEPENDENT KURDISTAN? A NORMATIVE EVALUATION OF THE KURDISH QUESTION IN TURKEY	40
3.1 Background Context	40
3.2 Normative Assessment of the case	41
3.3 Possible Solutions to Kurdish Question in Turkey	52
3.3.1 Rational Choice Analysis	58
CONCLUSION	61
BIBLIOGRAPHY	63

INTRODUCTION

In the age of catastrophes and ethnic cleansings, theories of nationalism and purported definitions of nations/ethnic groups are widely discussed subjects on the political and theoretical agenda. To take the issue seriously is a moral responsibility so long as nationalism leads to persistence of wars and tragedies all around the globe. For those who are in the middle of the battlefield, there is no more urgent need than conflict resolution. For this reason, this research is devoted to depict one of the possible solutions to nationalist aggressions, which is, secession. Instead of providing sociological and historical explanations, I will pursue a normative theoretical framework which is concerned about the moral reasoning of secession within the context of either international (liberal) institutions or nationalist mobilizations.

As nationalism is a contentious concept, the field of study is extensively divided. In general, it is appropriate to claim that the term “nationalism” is used to describe two phenomena: (1) national identity and (2) national self-determination. While the former begs questions about the nation and its different perceptions, the latter addresses the dilemma between the territorial unity of the state and its legitimacy and the claim right of minority groups to achieve the aim of their own jurisdiction. In my thesis, nationalism is primarily attached to the group demand for a specific form of self-government and/or for an independent statehood. Therefore, I will start by discussing the legitimacy of remedial and non-remedial forms of self-determination. While the former enables us to pursue the justice-based approach, the latter is more likely to suffer from falling into nationalist and particularist position which necessitates a strong justification.

In my thesis, I will particularly focus on the debates on the ethics of secession in general, and argue that the justice-based approach which relies on the premium of liberal understanding of equal-respect and individual autonomy is more feasible compared to other

theories of secession such as strong self-determination argument and choice theory in particular.

As there is a serious gap between these presumptions and the actual world for a long period of time, it is useless to iterate that political philosophy should offer an accurate baseline through which the justificatory power of claims to right to secede may be tested. In this respect, following Margaret Moore (2001), it is possible to generally classify theories of secession as: i) just-cause theory of secession; ii) democratic-choice theory of secession and iii) national self-determination basis through which the borders of the domain of jurisdictional authority has to be redrawn.

Indeed, secession cannot be understood in a conceptual vacuum, which means that there are certain conceptual elements without which morality of secession will be incomplete, i.e. national identity, ethnic groups, nations, state legitimacy, personal identity, state neutrality, self-determination and so forth. My main objective is to define the right of self-determination and secession as remedial rights and to make a normative evaluation of a Kurdish question in Turkey within the limits of normative theories of secession. To my mind, this issue is very important. Like nationalism, secession is a modern phenomenon which has upsurged especially in recent years. Although secessionist movements have always existed from the beginning of the century onwards, yet most of them could not achieve their ultimate goals of separate sovereign state. The primary reason for this failure is the grave influences of secession for the both parties. As it targets to redraw the political boundaries of the existing states, secession needs to be justified. Thus, my thesis is mainly concerned with the conditions under which secession might be legitimate. In doing that, it also attempts to question the morality or immorality of secession in the Kurdish case of Turkey.

This thesis is divided into three sections. First, in chapter one, I will try to elaborate on the origins of secession through referring to theories of nationalism and of nations/ethnic

groups. Here, initially, I will introduce my own perception of nationalism through which two basic conceptual elements, i.e. ethnic groups and its political aspirations will be highlighted. In the second section, first, I will explain three versions of theories of secession, i.e. national self-determination, choice and justice-based approaches and after that, the presentation of certain strengths and weaknesses of each will be depicted. Indeed, the second section aims to represent the feasibility of the remedial right only theory of secession under certain conditions and by doing that, secession is framed within the principles of justice which can only be used as a last resort. Finally, in the last chapter, through addressing the Kurdish case of Turkey as an exemplary case for the normative evaluation of theories of secession, I will demonstrate the need for contextualizing theoretical accounts of secession, which enables constructing the link between the practical and the theoretical.

CHAPTER 1: NATIONALISM - DEFINING ELEMENTS AND REMEDIAL RIGHT TO SELF-DETERMINATION

A proper theory of secession entails the centrality of political aspirations in the formation of a demand for independence. Recently, most of the ethnic groups/nations believe that they deserve to have their own political arrangement. To seek some sort of official status is of vital importance for two reasons. First, it is reasonable and fair given the centrality of the state in modern life, as Kymlicka (1997) suggests. More significantly, the deprivation of those groups from political recognition would entail a specific form of injustice in some circumstances. Hence, I believe that my endeavor to explore the value and quest of secession is remarkably related to the political aspirations of nations and/or ethnic groups to acquire a form of political independence, which might be named as the right to self-determination¹. However, my understanding of self-determination is not a “non-remedial right to independent statehood”, that is, nations are valuable in and of themselves that make them to claim a right to independent statehood. On the contrary, I agree with Buchanan who argues that:

There are remedial rights of self-government and of secession, and that nations sometimes have these rights. The idea of a remedial right of self-determination is the idea that a group can form its own political unit and secede from another state if necessary, in order to escape serious injustices that are being inflicted on it, at least if there is no other recourse.” (Buchanan 1998, 285).

With regard to this, in the present chapter first, I will explore the conceptual elements, i.e. ethnic groups/nations and political aspirations to acquire some form of self-government, that are crucial for an accurate understanding of my specific conception of nationalism as a right to self-determination. Second, I will attempt to justify that my conception of self-

¹ In my study, instead of briefly mentioning the role of different forms of nationalisms, I prefer to understand nationalism as a demand for an autonomous political structure to stop or at least to mitigate the existing injustice, which is defined as a remedial right to self-determination. For this reason, I will not separately discuss theories of nationalism; instead, after mentioning my specific conception, I will explain some core concepts of my approach to self-determination as recourse for injustice that has been imposed on those victimized groups.

determination generates moral rights and moral claims of self-government for certain groups and most important of all, its deprivation would be the violation of a right, either basic or derivative.

1.1 Conceptual Elements

Before embarking on the issue, it is necessary to delineate basic conceptual components in order to provide a proper account of remedial right to self-determination. There are two concepts that I want to raise: (1) the ethnic group and (2) the political aspiration of the group for some form of self-government.²

It would be an asset to emphasize that the literature on these concepts might come to a fully-fledged agreement about what particular characteristics might draw the boundaries of ethnic groups and might make them different than other groups such as nation, and national minority. There is no consensus on this subject; however, it would be hard to deny that the nations are mere political forms of ethnic groups. For instance, R. Sata claims that “nations and national minorities are political phenomena, while ethnic groups are not” (Sata 2006, 52). Slightly different than his claim, I believe that ethnic groups are also political forms but they are not as organized and institutionalized as nations.³ Indeed, all these concepts are categories of analysis but they differ in degree, which means that depending on the circumstances ethnic group might be smaller in scope and further, it might not be essentially political. However, as political consciousness is something that can be acquired in time, and in relation to this, the transformation of ethnic groups to nations is more likely to happen in this era, the ethnic groups are also seriously politicized. So while nations are essentially political, ethnic groups become political.

² Buchanan also draws attention to this second point in his definition of a nation.

³ This argument does not mean that all nations possess statehood; rather it claims that the degree of political mobilizations and aspirations for some form of self-government is relatively high in nations than ethnic groups.

1.1.1 The formations of ethnic groups:

In a brief sketch, given the ambiguity embedded in the definitions of the aforementioned concepts, i.e. nations, national minorities and ethnic groups, it is not an easy task to depict the characteristics of ethnic groups. Each ethnic group may have its own characteristics in different contexts since the identity construction and the form of state-building are endless processes. Namely, there is a reciprocal relationship between the term and the conditions under which its insight has been shaped. Nevertheless, it seems to me that an ethnic group is a category of analysis which might be identified by both objective and subjective elements⁴. Indeed, the former is constituted by a common past, common language, and more specifically, by a precise definition of the boundaries of a group which separates between members and non-members. Insofar as ethnic groups depend on the marking off group differences, “to some extent they might be exclusive and ascriptive (Kirisci and Winrow 1996, 16).

Additionally, I believe that the formation of ethnic groups requires a political aim. Of course, there might also be some instances of non-political ethnic groups that are not concerned with the accomplishment of a political aim which is no more than acquiring some form of self-government. But still, the category of ethnic group is the most appropriate form when normative evaluation of the Kurdish question in Turkey is considered (This is the main subject of the final chapter) because Kurds have a political aim for acquiring some form of self-government which is illustrated by the existence of several legal and illegal political organizations like PKK-Kurdistan Workers’ Party- YEKBUN, Rizgari and DDKD (Eastern Revolutionist Association). However, every ethnic group might not possess a well-defined statehood and unified economic and legal prospectus of rights. In short, ethnic groups might not have sovereignty.

⁴ It is also possible to distinguish between pre-modern and modern components of ethnic group affiliation.

Consequently, in this thesis, ethnic groups are prescribed by the existence of a common history, common language, a limited claim on territoriality, a formation of group boundaries, the myth of common ancestry and the aspiration for a political recognition which might take either a form of certain degree of autonomy within the larger state or independent statehood.

1.1.2 Political aspirations to acquire a form of self-government:

For Buchanan, the political aspirations for some form of self-government together with the historical attachment to a particular territory constitute the core of the nationhood (Buchanan 1998, 287).⁵ Indeed, it seems to me that Buchanan's account of a nation is illuminating in the sense that it paves the way for differentiating between limited and unlimited right of self-determination and secession (or remedial and non-remedial right of self-determination). Here, by political aspiration, I understand the existence of a political struggle for acquiring some kind of self-government and further, people's mobilization around a specific political target such as independence.

1.2 Nations and Nationalism

The definition of nationalism, on the normative and empirical basis, involves great controversy insofar as it provokes different meanings depending on the context in which it is discussed. This multiplicity in the conception of the issue of nationalism produces shifting definitions and a variety of meanings, which makes nationalism ambiguous and opaque both as a conceptual signifier and a political practice. Here, I agree with Hakan Özoğlu who states that:

Shifting definitions of the term are also among the greatest assets of nationalism. This inadvertent flexibility provides nationalism with ideological compatibility. The term's variant meanings make nationalism seem to be compatible with even contradicting ideologies such as socialism, religion, secessionism, imperialism, anti-colonialism and fascism (Özoğlu 2004, 4).

⁵ He further adds that this aspiration for self-government should not necessarily be for independent statehood.

The peculiarity of nationalism stems from its ability to articulate even with the conflicting ideas and concepts. *Kemalism*, as an eclectic ideology and practice, is a specific instance of such an articulation of different elements⁶. Considering this fact, it is possible to interpret several dimensions in the discourse of nationalism: historical, political, cultural, ethnic, religious and economic components of nationalism require a multi-layered analysis for formulating an accurate theory. Specifically, my concern here is to understand the possible answers to the following question: “is any form of nationalism morally permissible or justified and, if not, how bad are particular forms of it?” (Miscevic 2005, 17).

When it comes to ongoing debates on the surge of nationalist predicaments of stateless groups (Palestinians, Jews, Kurds and Armenians), there are several moral standpoints which highlight the importance of the right to statehood in order to preserve the culture and the self-respect of the group in question (Raz and Margalit 1990; Kymlicka 2001; Kymlicka 1995; Ignatieff 1993). According to scholars who prescribe the right of national self-determination as a moral question, national self-determination must be understood as a human need. In the words of Raz and Margalit:

The idea of national-self government, in other words, speaks of groups determining the character of their social and economic environment, their fortunes, the course of their development, and the fortunes of their members by their own actions, i.e., by the action of those groups, in as much as these are matters which are properly within the realm of political action. Given the current international state system, in which political power rests, in the main, with sovereign states, the right to determine whether a territory should be an independent state is quite naturally regarded as the main instrument for realizing the ideal of self-determination (Raz and Margalit 1990, referred in Kymlicka 1995, 80).

Here, the link between territory and national feelings plays a central role in shaping the demands of national groups for control over their own destiny through acquiring their own political organization. In this theoretical account, it is important to determine that the nation-state is treated as inherently valuable, and therefore it is perceived as an ultimate goal to

⁶ Here, I am concerned with the Kemalist nationalism that is one of the widely accepted variants for the contemporary Turkish nationalism.

achieve for those groups. More specifically, the protagonists of the nationalist account believe that these national groups will be subjected to excessive violence and suffering if they continue to be subjugated by “others.” Even though I find these approaches illuminating to some extent, it is obvious that they are seriously flawed because they have to clarify that some minority groups might deserve to have statehood in order to be protected from external threats in the absence of an international institutional mechanism. In this respect, self-determination of some minority groups might be a matter of justice and unless they don’t acquire any from of self-government, injustice will be out there. Instead of doing this, these scholars mentioned above prefer to base the issue of self-determination on the foundations of national affiliations. For instance, Kymlicka emphasizes the role of culture and language in the determination of one’s personal identity. In his words:

The desire to live and work in one’s culture is simpler than the complicated psychodynamics of maintaining one’s dignity in the face of external forces, and it is deeper and wider, since it found equally in the members of larger and powerful national groups (Kymlicka 1997, 62).

Unlike those mentioned above, I reject the feasibility of the standpoint which attributes a unique moral status to nations and/or encompassing cultural groups. Instead I pursue Buchanan’s perspective that emphasizes the necessity of the self-determination under certain conditions such as preventing injustices or remedying the past and present harms inflicted on a group. In that respect, I might only differentiate between minority and majority nationalisms if the former has experienced grave injustices that justifies its claim to statehood; otherwise, both forms of nationalisms are the same in essence especially when their insistence on the role of national sentiments in the construction of personal identity is concerned.

1.3 Remedial and Non-Remedial Right to Self-Determination

1.3.1 Justification for Remedial Approach:

Insofar as my thesis is based on the moral claims of justice-based approach to secession, the self-determination argument that I have raised in this chapter is not a strong claim in its traditional meaning. In my thesis, similar to Buchanan (1998), the “strong self-determination”⁷ argument is understood as *a thesis that relies on the presumption that the nation, as such, is intrinsically valuable which deserves a special form of self-government and/or independent statehood* (Buchanan 1998, 283-284). The emphasis, in this definition, is both on the intrinsic value of the nation as such and its entitlement to the right of self-determination since nation has a moral standing. Insofar as the principles of justice serve as a baseline by which the feasibility of the demands for self-determination is measured, my claim is that a strong self-determination thesis is not morally and practically permissible because from moral side, it needs very strong justification for its presumption that every nation is special that means every nation deserves its own statehood and every state should contain only one nation. This specialty attributed to a nation itself cannot be morally acceptable as long as it suffers from several flaws.

First, suppose that there is a state whose population is homogenous, namely, it constituted by a single nation and this state which is owned by a nation A, lets say, has committed certain crimes to its neighboring nation B. Then, how those who defend the viability of the strong self-determination thesis would justify the demands of a nation A for its independent statehood if it has such a criminal past? Can we claim that every nation, without any restriction and specification, deserves a certain degree of self-government merely because of a virtue of being a nation? If this is a viable hypothesis, first and foremost, even those

⁷ This is what Buchanan calls to all those self-determination arguments which believe that nations as such have a right to independent statehood. For more details see Allen Buchanan, “What’s So Special About Nations?” in *Rethinking Nationalism*, ed. J. Couture, M. Seymour, K. Nielsen (Calgary: University of Calgary Press, 1998), 284.

totalitarian regimes, which presume the superiority of their nation, can be accepted as legitimate. More specifically, this strong self-determination argument is not feasible because first a state can never become homogenous, but it might only contain a majority national group. If all those groups who claim for nationhood would try to exercise this right, then it is likely that this would intensify the ethnic conflicts. This is what Buchanan calls “infeasibility objection” which he defines as:

The point is that because nations are so intermingled in most parts of the world and because there is no international institutional order capable of imposing a peaceful relocation of group according to some master plan, the likely effect of legitimizing the idea that every nation has a presumptive right to its own state would be to exacerbate existing territorial disputes and ethno-national conflicts (Buchanan 1998, 292).

Of course, the protagonists of the self-determination thesis might reply that the ascription of the right to self-determination does not need to be performed by every nation. This might sound as an accurate reply; however, my claim is that strong self-determination argument is flawed not because of its impracticality but because of its moral defect. This means it has to justify why nations, as a political community, but not other groups have a right to self-determination. And an answer which is based on the moral standing of the nation cannot be a valid objection as long as it gives certain privileges to a certain group of people which in turn “violates the principle that persons are to be accorded equal respect” (Buchanan 1998, 293). While the former have powerful resource for achieving their goals the latter has lack of this opportunity and thereby they are disadvantaged.

After reflecting on the inherent flaws of the non-remedial right of self-determination, the next step is to indicate why remedial right of self-determination is compelling. In real life, unlike ideal conditions, there are various degrees of injustices. Some of these might emanate from one’s status of being a member of a specific ethnic group and this injustice needs to be compensated insofar as the requirements of the principles of justice are morally binding. Moreover, the avoidance of these injustices imposed on minority groups would contradict

with the tenets of liberal political theory, which is the equal-respect for everyone regardless of all his/her personal affiliations. Therefore, I agree with Buchanan who argues that “the most influential arguments in favor of rights of national self-determination, whether as basic or derivative rights, are weak and at best inconclusive (Buchanan 1998, 285). Following this, in the next chapter, I will explore the theories of secession by showing their strengths and weaknesses, and finally, I will illustrate the reasons for my support to justice-based approach.

CHAPTER 2: THE MORAL REASONING FOR THE RIGHT TO SECEDE

There are a variety of competing moral theories of secession which can be classified accordingly. Although there are different labels for the same aforementioned theory, in consequence, most of them have some common features: first, following Buchanan, they all attempt to develop an account of moral right to secede, e.g. all accept the necessity to specify the conditions under which secessionist claims may become legitimate; second, all point out the need for getting grips with the facts of each particular case (Miller 1998, 75); third, all attempt to determine either institutional or non-institutional baseline by which secessionist claims can be assessed. Finally, most of them raise questions about political authority, about historic identities, about economic justice and about the rights of minorities (Miller 1998, 65) insofar as secession lies at the hearth of all these concerns and further, challenges to the pre-determined scope of all these subjects.

In this broad context, at first, we have to specify a certain strategy and to bring about some guiding criteria/principles which would help us to differentiate between strong and weak circumstances that are in favor of or against secession. By this way, morality of secession becomes meaningful not only for the analysis of different cases but also for the assessment of the dynamics of secession. Furthermore, if we can identify some important reasons that would favor the moral right to secede under some conditions, then we would presumably be able to attribute a lexical priority to the principles of secession⁸ meaning that

⁸ Here, principles of secession are defined to be those of which conduct everyone, namely secessionist groups, rump state and the third parties, in the assessment of the validity and invalidity of secession with the constitution and most important of all, these principles or criteria would guide national as well as international law in their analysis of secession. That is, they will provide us an institutional framework by which secessionist claims might be examined for each particular case in the prevailing conditions of non-institutionalism.

we would be able to make judgments about cases where the claimant group has a right to secede without any doubt.

In the following section, first of all, I will discuss why an adequate theory of secession is necessary in contemporary political theory. Then I will pursue my strategy in defining the right to secede as well as in exploring the possible limitations to right to secede. In section III, after displaying the justificatory explanations and strategy, I will discuss different normative theories of secession in general and Buchanan's qualified theory of secession in particular. By doing that, my aim is to show that Buchanan's theory is the most elegant approach to the subject at length, however, it also suffers from certain shortcomings. Here, my argument is that normative theories need to be elucidated and reified through appraising different cases from different regions of the world.

2.1 The Need for the Moral Right to Secede

2.1.1 Justificatory explanation

Before going into depth about the subject, following Miller and Buchanan, it is worth asking a question of why we need a theory of secession.⁹ Insofar as secession is defined as “a withdrawal from the state or society through the constitution of a new and independent state” (Coppetiers & Sakwa 2003, 4), those who are concerned about the subject should consider the costs and benefits to both sides, i.e. secessionist groups and the remainder state. With regard to that, each theory of secession, in general, should have two main characteristics: first, it has to provide a framework in which the demands of secessionist groups' can be analyzed in fair terms, that is, the theory should not treat to the members of a secessionist group, who have not been subjected to permanent grievances ranging from entrenched discriminatory policies in

⁹ Unlike choice and nationalist theorists, those who defend the just-cause thesis suggest that there is a burden on secessionist to make justification for their demand because secession does not lead to positive outcomes in all circumstances. It may even foster ethnic cleansing and may lead to a creation of new ethnic cleavages.

the social, economic and political fields to genocide,¹⁰ as if they are under the risk of death and exclusion. Second, the pursuit of secession for the claimant group should not lead to a state of affairs in which the inhabitants of the rump state are so deprived that they cannot achieve justice among themselves. This is the distributive justice perspective which argues that both groups, i.e. secessionist and rump state, should have resources and territory to preserve the principles of justice at home. Namely, one group's being better off should not come into existence at the expense of the other groups' becoming substantially worse-off.

If secession may lead to the stimulation of new group conflicts and may intensify conflicts between groups as D. Horowitz points out,¹¹ why do we still insist on the clarification on the subject of secession and determination of some criteria? In other words, what is our moral motivation behind theorizing secession? Given pre-existing ethnic cleavages that produced ethnic conflicts at substantial degrees, secession is more likely to change the ethnic and political climate because it presumes to dissolve the existing boundaries into separate territories which has severe consequences for the two parties. In this respect, secession is a phenomenon which may lead to positive and negative outcomes; thus, I agree with Buchanan who points out that "there is an urgent need-a practical necessity- for an adequate theory of secession (Buchanan 1991, 2).

Although the nation-state has always been a prominent topic in the literature of political science and political philosophy in particular, secession has rarely been addressed. In post-Cold war era, "there have been at least a dozen secessionist attempts and more than a twenty-five new states have been formed out of fragments of old ones" (Buchanan 1998, 14). Interestingly, between 1947-1991 only one secessionist movement resulted in success; however, since 1991, as Margaret Moore puts forward:

¹⁰ The question of degree is so important in the sense that for the sake of the theory, we have to define the scope of harm and injustice if we justify the demand for secession on the ground of Harm Principle.

¹¹ For more details see Donald Horowitz. Self-determination: Politics, Philosophy and Law in *National Self-determination and Secession* Oxford: Oxford University Press. 1998.

Numerous multinational states have disintegrated along national lines, i.e. Soviet Union, Yugoslavia, Ethiopia and Czechoslovakia, and the process may not have exhausted itself yet, as many of the successor states are as multinational as the states they left behind. Nor is this limited to former communist countries. There are numerous secessionist struggles across the globe: in the First World (e.g. Quebec, Northern Ireland, Flanders, Catalonia, the Spanish Basque country, Israel/Palestine); and in the Third World (e.g. Sudan, Sri Lanka, Kashmir and Punjab and the Kurdish regions of Iraq and Turkey) (Moore 1998, 1).

All these recent changes also show the practical and theoretical need for an adequate theory of secession. Besides, international and domestic institutions are responsible for responding to the demands of millions of people who cannot live under safe and just conditions. Following T. Pogge (2002), it is highly probable that the demands of secessionist groups who are exposed to political economical and cultural discrimination cannot be ignored if it is possible to achieve feasible alternative to the existing institutional forms, namely, an institutional reform which might lead secessionist group to feel safe. Further, a new institutional arrangement might abolish the atmosphere of threat and conflict. Certainly, we can pause to ask a question of whether institutional reform within the constraints of existing structure can be resort to eliminate serious threat which leads to murderous results in cases such as Yugoslavia. In connection to this, a new question arises: If the degree matters in prescribing an adequate theory of secession, then how can we measure the level of injustice that the claimant group has been subjected? These are very significant questions for all theories of secession because in any case secession may be regarded as a problem that needs international or constitutional court for a proper resolution. At least in some cases, third parties' judgments may be necessary since the two including parties would probably be so far from rational solutions. However, it is important to keep in mind that in circumstances where the best solution comes through the international courts, there is always a price:

First, the conditions justifying secession would need to be stated in a form that a judicial body could apply, and this immediately slants the discussion in favor of certain criteria and against others and second, we also have to think about incentive effects of different definitions of the right of secession; we have to ask how inscribing one or other version of such a right in a constitution would alter the

behavior either of the existing state or of the would-be secessionists (Miller 1998, 63).

These concerns, however, lie at the periphery of the main problem of conceptualization, that is, the difficulty in identifying peculiar characteristics of secession and applying them to certain cases that are appropriate instances. Other than that, as Coppetiers and Sawka (2003) points out, normative theories of secession may also suffer from the problem of abstract deduction if they are not contextualized. For these reasons, we have to specify a proper way of examining secession; otherwise, like many other issues, secession will continue to be one of the severe problems which is far from being resolved or at least being mitigated.

2.2.3 Strategy

Before I embark on matters of substance, it is noteworthy to delineate my purported strategy in explaining normative theories of secession. Since secession is more likely to be defined within the frame of group rights, it is rationale to expect that communitarians would develop an adequate theory of secession. However, that is not the case: “neither communitarians nor liberals have taken the possibility of secession as a way of preserving a general commitment to liberal institutions while accommodating the fact that there are some forms of community that cannot flourish within the liberal state but which it would be wrong to try to force to conform” (Buchanan 1991, 5). With respect to some aforementioned causes for ignoring the political and philosophical relevance of secession, which is so baffling also, I propose describing theory of secession as a political theory. Here, I agree with Miller who advocates that “in contrast to the legalistic approach, I believe that a theory of secession should be seen as a political theory, meaning one that articulates principles that should guide us when thinking about secessionist claims” (Miller 1998, 64).

Almost until Buchanan, liberalism as a political doctrine in which individual civil and political rights place central role could not provide a theoretical account of secession insofar

as the topic, under some circumstances, might challenge two main premises of liberalism: universalism and individual rights.¹² Even though it is not acceptable, this ignorance may have a logical explanation as demands for secession might be seen as a group demand which is in contradiction with the main subject of liberalism, i.e. the individual. However, it is obvious that in liberal political theory there is a large and growing body of literature on the issue of a right to secede especially from Buchanan now on.

Indeed, secession is a topic which might be conducted both in terms of universalist and particularist accounts. And in this paper, I will pursue to focus on the universalist approach to secession since it paves the way for a compromise between liberal universalism and different forms of nationalism in general and secession in particular. This issue is of very importance because of several factors: first, it is a comprehensive topic which can best be understood from interdisciplinary perspective through referring to the most fundamental questions of political philosophy, such as justice, individual and group rights, state legitimacy and democracy; second, the very character of the subject leads us to work at the national-transnational interface which has inevitable impacts over institutions, i.e. the state, and their relation to the actors, i.e. the people and finally, in the contemporary world, secession is a very vital question affecting many people who suffer from the lethal threat of aggressive states.

After showing the relevance of the subject for the discipline of political philosophy and of the importance of liberals and communitarians' ignorance on the issue, in this part, my strategy follows in two steps: first, I will discuss the normative theories of secession, how these different approaches in normative studies reply to the demands of secessionist claims and to what principles these theories give priority in their approach to secession. Second, I will show certain drawbacks of each of these theories.

¹² Buchanan also concerns about this. Further, he describes more about the liberalist's blindness to the affairs of secession.

2.2 Theories of Secession

2.2.1 Choice Theories (Primary Right Theories (Associative Group Theories~ Plebiscitary Right View)

Primary Right Theories show that certain groups have a general right to secede if these claimant groups believe that it is the most feasible way of existence. In this theoretical framework, the decision to secede primarily depends on the personal choices of claimant groups. Unlike most scholars who advocate just-cause theory, choice theorists separate the idea of secession from injustice and harm. According to this theory, “a territorially concentrated majority express a desire to secede (in a referendum or plebiscite) for the secession to be legitimate, and do not require that the seceding group demonstrate that they have a special claim to the territory they intend to take with them” (Moore 1998, 5). Indeed, choice theorists are likely to ground their theories on the idea of *individual autonomy*. For instance, Buchanan, in the article *Democracy and Secession*, argues that while D. Philpott takes individual autonomy as a central value, D. Copp justifies the moral right to secede on the basis of equal respect (Buchanan 1998, 14-15). In doing that, choice theorists attempt to show that the right to secede is not so irrelevant from the justifications for democracy. People’s demand for secession might be regarded as a democratic demand which may provide a significant guidance for international institutional reform.

If this holds, what might be the choice theory’s drawbacks? First, this approach does not provide any morally strong argument because the claim that the right to secede can be legitimate as long as the group demands for it makes every secessionist movement legitimate. This means that in case of secession the secessionist group does not need to be ruled by certain principles which will protect others - inhabitants of rump state - from any deprivation of rights. Second, choice theory does not explain the relevance of cultural and ethno-

nationalist sentiments to secession. It is hard to deny that most of the secessionist movements are somehow nationalist movements. In the words of Moore, “this understanding of secession as simply an extended form of individual freedom fails to explain the territorial claim that these groups make” (Moore 1998, 5). Third, choice theorists pose severe challenges to the territorial unity and autonomy of states. Following W. Norman, it is worthy asking a question “what do choice theorists think is the role of the state and of the system of states?” (Norman 1998, 40). By defending the choice thesis to justify secession, this approach somehow appreciates statehood because secession, in this framework, is associated with the right of political association, which is the state itself. But, at the same time, by proposing a plebiscitary right to secede that is independent from the idea of injustice, choice theorists are not concerned about the majority nor are they interested in the negative consequences for the authority of rump state.

The objections of choice theorists in the name of basic liberal values may make a difference in the evaluation of secessionist arguments. Namely, here the main argument is that every demand would gain legitimacy from its value in and of itself because persons are capable of being responsible for their actions as well as for their decisions since they are rational and autonomous beings. Therefore, their choices should be supported even if it is for secession which is a serious event that may lead to severe problems in the future. That is, for choice theorists, there is an irresistible thesis that “the voluntary political choice of the members of a group (or the majority of them) and their decision to form their own independent political unit” (Buchanan 1997, 38-39) is all that matters. Interestingly, existing Primary Right theories go so far to pursue a view that there is a right to secede even from a

just state¹³, which performs all of its legitimating functions. Thus, choice theories need strong justification since their arguments are more likely to produce destructive outcomes.

2.2.2 National self-determination View (Nationalist Theories of Secession)

According to the nationalist view, nations have a right to self-determination, that is, every nation has a right to designate his future. Like other theories, it is possible to differentiate between different scholars who give priority to different values in their justification of a theory of national self-determination; however, all agree that “given that our world is a world of states and of a variety of ethnic, national, tribal and other groups, a moral case can be made in support of national self-determination” (Margalit & Raz 1995, 80).

Similar to choice theories, the national self-determination argument might provide the self-legitimation for every secessionist movement as long as the claimant group may justify that they are the “people” because in order to acknowledge a proper definition of the principle of national self-determination it is significant to answer these questions:

1. Who are the people?
2. What is the relevant territorial unit in which they should exercise self-determination?
3. Does secession have a demonstration effect? (Moore 1998, 2).

The first question primarily addresses the issue of which groups qualify to make a claim on territory. If the right of self-determination is attributable only to “the nations”, following Margalit & Raz, it is relevant to describe certain characteristics of groups who are eligible to make a claim for a separate state: the first is the *cultural aspect* which is no more than having a common character and a common culture that “encompass many, varied and important aspects of life, a culture that defines or marks a variety of forms or styles of life, types of activities, occupations, pursuits, and relationships” (Margalit & Raz 1995, 82). Second, the

¹³ Just state is, as Buchanan points out, is one that does not violate relatively uncontroversial individual moral rights, including above all human rights, and which does not engage in uncontroversially discriminatory policies toward minorities.

identification aspect which might be understood as being stigmatized by sharing the common elements of historical heritage such as language, patterns of attitudes towards members of the family and to others as well. Other than history, identification has two components: 1. Self-identification and 2. Identification by others. Indeed, it is hard to distinguish between these two elements because they are in reciprocal relationship which means that “our self-perception is in large measure determined by how we expect others to perceive us, it follows that membership of such groups is an important identifying feature for each about himself.” (Margalit & Raz 1995, 84). And the final characteristic is the *membership aspect* which can be defined as belonging to a specific group through your nonvoluntary attributes such as ethnicity. Moreover, recognition as a member of a particular group is a mutual process that one’s membership is being approved by the status of the other as being recognized as a member of the community. These are basic qualifications for those who claim for self-determination. Yet there might be other social groups which also fit into this designated frame. For instance, an attachment to a social class like being marked as a worker, or as a bourgeois may also be linked with the membership to the encompassing group. With regard to inadequacy of defining of a group, as I have mentioned above it is quiet possible to claim that nationalist arguments which are contingent on the belief that the groups can survive and/or flourish only if they can achieve their nationalist self-determination ideals, suffer from building upon implausible and incomplete criteria whose validity can not be measured. Besides, this problem raises another important problem which is the *arbitrariness*, that is, national membership/identity is a nonvoluntary criterion that is determined by the historical circumstances (The problem of arbitrariness will be addressed in the following chapter).

If we presuppose that the well being of individuals is seriously impacted by his/her membership in an encompassing community, the next step must follow a comprehensive discussion of the conditions for self-government, which is a correlative of secession in some

contexts. As intrinsic value of self-government quests for a strong justification, my argument is that to some extent the defense of self-government may be possible merely in instrumental terms. Yet it is possible to defend the value of self-government under some circumstances; the advocates still need more justificatory explanation because “whatever the advantages of independence it may, in the circumstances, lead to economic decline, cultural decay, or social disorder, which only make their members worse off” (Margalit and Raz 1995, 82).

In an instrumental case, the basic motive in proposing the accomplishment of the self-government for claimant group is their “history of persecution”. Namely, suffering of a group makes people believe that groups’ enjoying political sovereignty enables the group to flourish and most important of all, “to feel at home”. But is it enough to make such a claim on a separate state for a minority group who is suffering in result of majority’s indifference or ignorance? If not, what is the most proper baseline in favor of self-government for those groups who do not feel attached to the existing political association and to its common culture? Is it impossible for minority groups to live in multinational states without feeling distanced and excluded? Once the possibility of a safe life for minority group living in pluralistic environment under the jurisdiction of a multinational state has been shown, the matter of persecution loses its power. Here I agree with Margalit and Raz who argue that “the instrumental argument for self-government is sensitive to counterarguments pointing to its drawbacks, its cost in terms of human well-being, possible violations of human rights, etc” (Margalit & Raz 1995, 88).

2.2.3 Just-Cause Theories (i.e. Remedial Right Only Theories)

Just-cause theories, in contrast to choice theories, do not assume a primary right to secede. For them, secession may be viewed as a last resort to resolve the ongoing conflict. The basic premise is that “no group has a general right to secede unless that group suffers

what are uncontroversially regarded as injustices and has no reasonable prospect of relief short of secession” (Buchanan 1997, 44). Indeed, just-cause theory is the most permissible one among others since it is more likely to be associated with the democratic values as well as with the domestic and international legal principles. Besides, it investigates the possible costs and benefits of secession for both sides, e.g. secessionist group and the rump state and further, it defends the idea of secession in accordance with the principles of justice and equality. Thus, this school places significant constraints on the right to secede which makes it more appropriate to accommodate with the principle of *state legitimacy* that is no more than the presumption that state’s right to preserve territorial integrity is morally legitimate and acceptable. If we handle the issue of secession from Buchanan’s standpoint, who argues for the merits of state legitimacy, “it serves two fundamental interests: the interest in the protection of individual security, rights and expectations, and the interest in the integrity of political participation” (Buchanan 1997, 49).

Unlike the aforementioned theories, Remedial Right only theory states that the moral right to secede might be legitimate only if secessionist group has been subjected to severe grievances. It is obvious that there is a pure rationale for secession in the cases of injustice and harm. No one can easily object to this cause. Yet just-cause theories pose a question of whether the existing grievances can be remedied by less radical solutions than secession because, following Buchanan, secession may in fact exacerbate the ethnic conflicts basically for two reasons:

“First, in the real world many, perhaps most, secessions are by ethnic minorities and unfortunately, all too often, the formerly persecuted become the persecutors. Second, in most cases, not all members of the seceding group lie within the seceding area, and the result is that those who do not become an even smaller minority and hence even more vulnerable to the discrimination and persecution that fueled the drive for secession in the first place” (Buchanan 1997, 45).

If so, the moral right to secede should fulfill two basic needs: first, for both involving parties, the benefits of secession must be more than its costs, otherwise, there will be a

controversy that the act itself might lead to new grievance which is the primary cause for desiring secession and more important, it should be a last resort for compensating past injustices.

Moreover, the connection between state legitimacy and remedial right only theory needs to be further investigated because adherence to the principle of territorial integrity grounds on the assumption that “this serves some of the most basic morally legitimate interests of individuals” (Buchanan 1997, 46). Yet the right to secede can not be merely justified as an individual right; just-cause theory has to develop a convincing argument which might also reply to a criticism that the central place of individuals should be modified in a way that might also reply to the patterns of expectations and of attitudes of groups.

To sum up, following both Buchanan and Norman, just-cause theory is the most reasonable theory of secession insofar as “it is the most plausible candidate for justifying secession institutions in constitutional and international law” (Norman 1998, 50). Yet it suffers from certain problems as I mentioned above this approach is still concerned with the accommodation of principles of justice with the moral reasoning for the right to secede.

2.3 Exploring Theories of Secession in Buchanan’s and Moore’s Framework

2.3.1 Allen Buchanan’s theory of secession

Secession, as I sketched earlier, has stringent moral status that compels many political theorists to contemplate on it. Not only theoretical interests but also rising secessionist movements indicate the urgency and the impacts of the issue for the various fields of life ranging from public policy to political theory and political economy. In this respect, Buchanan’s book, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*, is a masterpiece which has already initiated diversified debates on the very subject of secession. For Buchanan, the right to secede lies at the hearth of political

theory which should supply a convincing reply for those groups of people who struggle for being entitled to right to secede. Besides, secession is an issue which also affects those who are not involved in it. Therefore, for him, it gains significance to provide a coherent account of the claim-right to secede that will provide a guideline both for the national and international institutional and legal affairs.

Indeed, Buchanan's attempt to conceptualize secession is primarily a philosophical work which is concerned with the qualifications of specific conditions under which secession can be regarded as legitimate. He is not only interested in articulating conditions of morally permissible secession, but also in the international implications of all different types of theories of secession. In doing that, Buchanan can supply a comprehensive theory of secession in which he analyzes: first, what the problem of secession implies for the political thinking, second the moral and immoral cases which are in support of or against secession; third, the relevance of constitutional right to secede both for domestic and international spheres of affairs and finally, how all these above mentioned points might affect different secessionist movements around the globe. It is clear that his understanding of secession from right-based perspective is so congruous in the sense that it attempts to formulate the mixed system of rights that encompasses the liberal individual rights and a right to secede, which is one form of group rights. By doing that, Buchanan asserts that the criticisms against liberalism for being insensitive to group rights are erroneous insofar as they cannot see that group rights can also be justified on the basis of individualistic concerns and the vice versa. Contrary to tendency of understanding secession only in terms of individualistic or collectivist frames, Buchanan represents the necessity of combination of both, i.e. individual and group rights, for the sake of secession to be morally justifiable.

In order to provide a pervasive theoretical account of secession, he starts with illustrating the strengths and weaknesses of each theory of secession. For Buchanan, there are

basically four types of theories of secession: 1. The right to secede as a right to territory; 2. Remedial Right Only Theories; 3. Plebiscitary right theories and 4. Ascriptive right theories.

Before embarking on each, it is important to state that there are morally justified and morally unjustified cases of secession. Or to put it bluntly, there are unilateral and consensual forms of secession. While the latter is desirable for the stability of international principles of world order and for the state's legitimacy¹⁴, the former is more prone to result in serious amounts of human rights violations and ethnic cleansing. Of course, desire for defending state legitimacy might be conceived as supporting the existing *status quo*. However, this objection can be overridden by distinguishing between just and unjust states. In other words, the states which pursue the principles of justice in their affairs are just states and the rest is not. Most important of all, by doing that, for instance Buchanan, can present a plausible explanation of the extent to which state's legitimacy can be contested if it cannot pursue the principles of justice in the employment of its internal affairs for those within its jurisdiction.

Moreover, there is an important difficulty in examining the concept of secession because it is not so clear what secession means. The right to secede sometimes leads to confusions in the sense that the content as well as the scope of right to secede might be obscure because in the literature, it is not clear enough whether right to secede means to separate from a state to create a new state there or it also includes certain less radical forms of self-government for those seceding groups. With regard to this blurriness, Buchanan prefers to define secession as "a group claim in a portion of the territory of a state attempt to create a new state there; secessionists attempt to exit, leaving behind the original state in reduced form" (Buchanan 2007, 3).

Furthermore, another appealing aspect of Buchanan's approach to secession is his effort to differentiate between two similar statements which are generally misunderstood by many

¹⁴ This concept is taken for granted for every state and it is understood as a right of state to control over its own territory. This subject will also be raised in the following parts of the thesis.

scholars working on the issue: the first is the “the moral justifiability of the secession” and the second is “the existence of a moral claim-right.” Namely, Buchanan states that the question of legitimacy or illegitimacy of a specific instance cannot be same as granting a general right to secede for every claimant group. This differentiation is of very importance because then it opens a space for discussing the uniqueness of a particular case in question and further, paves the way for the possibility of providing event-specific recipes for different cases. In the frame of Buchanan, it is quiet apparent that the right to secede might be morally permissible if it rests upon the mere fact of serious and persistent grievances suffered by the secessionist group and in that way, one can place a significant constraint on unilateral secession which is a potential threat to peace and order.

According to Buchanan, Primary Right Theories, i.e. plebiscitary (choice~ majoritarian) and ascriptive (nationalist), are far from offering an accurate account of right to secede because both suffer from serious weaknesses. To strengthen his argument, his strategy to pursue his goal is to demonstrate the vital weaknesses inherent in the Primary Right theories. Of course, his criticisms change according to the character of the approach in question. But, in general, his main point is “to uncouple the unilateral claim right to secede from the various legitimate interests that groups-including national minorities- can have in various forms of self-determination short of statehood.” (Buchanan 2007, 9). If he succeeds in justifying unavoidable limitations of the above stated approaches of primary right theory, then he also partially enables to show the appealing of moral causes to support the Remedial right only theory. Of course, this is not sufficient for striving to Remedial right only theory and Buchanan also proceeds with supplying accurate and coherent replies to most of the criticisms especially coming from ascriptive (nationalist) approach to secession and plus, he manages to list the cogent reasons for why remedial theory makes difference and how it is important for

the sake of theory as well as for the world politics to have such a position regarding the issue of secession.

In his defense of Remedial right only theory, Buchanan starts with mentioning the relation between his conception of the right to secede and one of the predominant questions in moral philosophy: “what makes a state to claim on territory?” For him, “states that are just are immune to legally permitted unilateral secession and entitled to international support in maintaining territorial integrity” (Buchanan 2007, 9). Though it may seem a bit absurd in the first sight, Buchanan is so right in pointing out the significance of state legitimacy because: 1. Secession is merely a question of territoriality, 2. It is a problem that also quests for international institutions for a proper solution, 3. State legitimacy is also necessary for the emerging state (this is what he calls, “recognitional legitimacy”) that offers inevitable advantages ranging from funding affairs to legal procedures.

In the book *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*, Buchanan lists almost twelve justifications in support of moral right to secede:

1. Protecting Liberty;
2. Furthering Diversity;
3. Preserving Liberal Purity;
4. The limited goals of Political Association;
5. Making Entry Easier;
6. Escaping Discriminatory Redistribution;
7. Enhancing Efficiency;
8. The Pure Self-Determination or Nationalist Argument;
9. Preserving Culture;
10. Self-Defense;
11. Rectifying Past Injustices;
12. Consent (Buchanan 1991, 29-73).

Of course, all don't have the same weight in justifying secession; however, to certain degree, they are all important. Though Buchanan does not provide any moral rank between them, he is more likely to support (1), (2), (3), (6), and certainly (11). For him, (6) and (11) are the most strongest arguments for a moral right to secede. Besides, among all, (8) and also

(12) are the least plausible arguments for the defense of secession and (9) is not strong enough to support the right to secede because a group can also preserve its culture through other forms of self-government. In addition, for (7), Buchanan believes that it has of limited importance as long as its moral considerations override the concern for efficient outcomes. Another interesting point is his arguments about (10). For Buchanan, “even when the right to preserve a culture does not offer a compelling justification for secession, the right of self-defense can do so, under certain circumstances” (Buchanan 1991, 64). By self-defense Buchanan implies that the secessionist group is under the attack of an aggressor and secession is the only solution for the survival of the claimant group. This argument of self-defense is very important for my argument about the case of Turkish Kurdistan which will be discussed in the next chapter because it is one of the weightiest arguments in favor of secession for Kurds in Turkey. The same can also hold for an Armenian state.

Concomitantly, Buchanan establishes an analogy between Locke’s argument of right to revolution and his conception of right to secede. That is, for Locke, consent, whether explicit or tacit, is the source of the state authority and people are entitled to obey unless the state does not violate the premises of the contract between the two sides. With regard to that, Locke subscribes a right to revolt for the group of people whose rights are violated. In a nutshell, following the same arguments and rationale, Buchanan says that:

1. The right to secede comes to have only as a result of violations of other rights.
2. It is justified as a remedy of last resort for persistent and serious injustices like large-scale and persistent violations of human rights, unjust taking of a legitimate state and in certain cases, the state’s persisting violation of agreements to accord a minority group within the state.
3. The right to unilateral secession, here, is not primary, but rather derivative upon the violation of other, more basic rights (Buchanan 2007, 6).

The plausibility of this approach stems from its power of explaining and specifying the role of injustice. Namely, his attempt to provide a principled theoretical account of secession is of importance because it is in compliance with the tenets of domestic and global justice. Indeed, justice becomes one of the most rigorous criteria in his assessment of both versions of primary right theories. For Buchanan, ascribing the right of self-determination to individuals independent of their choice and specifically attach this right to the nations as such is seriously questionable and contestable because there are two points that adherents of nationalist account of secession have to reply: first is the *infeasibility objection* and second, *equal respect objection*. The former is at its infancy compared to the latter. In the article, *what is so special about nations?* Buchanan maintains that the infeasibility objection relies on the fact that “there are too many nations whose members are mixed together, and too few territories are capable of being viable states” (Buchanan 1998, 291). Of course, some scholars like Copp criticizes this objection and asserts that ascribing this right to nations does not entail that every nation will use it (1999, 40). But in any case, it is likely that the institutionalization of ascriptive right of secession will exacerbate the degree of ethnic conflict and cleavages as long as the right to exit is always there for all minority groups without executing any restrictions. More important, Buchanan, in his equal respect objection, argues that in the plurality of contemporary world, there are numerous groups and individuals with numerous life-prospects which imply that there is always an ongoing process of the demise of old allegiances and the rise of new identifications that makes it impossible to associate with the nationality and national identity as the sole basis of the “self.” Thus, he quests for the justification of this strong claim that every nation should be entitled to the national self-determination due to intrinsic value of the nation itself. For Buchanan, proponents of national self-determination argument must indicate what makes the nation so special for being entitled

to self-determination; otherwise, they are far from providing an accurate theory of self-determination and secession.

Buchanan's interpretation of plebiscitary (majoritarian) right to secede is so meaningful in the sense that he shows how this understanding fails to ground the right to secede on robust arguments. That is, insofar as plebiscitary theorists "make the determination of boundaries a matter of choice, or more accurately, of majority rule" (Buchanan 2007, 10), it needs further explanation for the problem of moral arbitrariness, which means that the those who claim on the right to secede ground their demand on the basis of their status of being inhabitant in the territory in question which should not be only in the hands of those who reside there at a particular time, but also of the people as a whole. Besides, there arise some procedural problems to be answered like: 1. How to decide what the majority is, and 2. How to decide on the rights of others who disagree with the decision in favor of secession and living in the same region with the defenders of secession? Thus, it is not an easy task as plebiscitary theorists assume and plus, this arguments need further elaboration in its unqualified approach to secession. So, in brief, the potential weaknesses of the plebiscitary (majoritarian-choice) theories can be enumerated as: "(i) its account of what grounds the secessionist right to the territory, (ii) its account of what grounds valid claims to territory; as far as the idea is based on the majority vote, valid claims to territory would come and go as majorities come and go, and (iii) its understanding of state boundaries which make them liable to extraordinary instability" (Buchanan 2007, 11-12).

The last criticism to plebiscitary theory might be perceived as its assertion on democratic ideals. That is to say, this theory is exposed to the tenets of democracy and popular sovereignty. At least, the proponents of plebiscitary theory (choice or majoritarian) presume that plebiscitary decision on secession is the most appealing one because it considers about the background of democratic conditions before secession comes true and thus, they

presume that this dedication to democratic principles will also hold after secession being realized. But, what is the exact connection between plebiscitary right to secede and the values of democracy? If they believe that what supports democracy would necessarily support the plebiscitary right to secede, they have to be able to justify this strong claim because Buchanan explicitly indicates how intrinsic and instrumental values of democracy do not coincide with the idea of majority vote on the issue of secession. The intrinsic value of democracy thesis tells us that who are members of a particular polity, but it does not tell us anything about the limits and boundaries of the polity. Further, the instrumental value of democracy thesis requires the contribution of democracy to the promotion of primary goods and to the well-being of individuals. If plebiscitary right to secede does not fail to provide this good for the lives of the people, then to some extent it might be morally permissible. However, as Buchanan represents, none of the justifications for democracy hold for the plebiscitary view to be valuable and supportable because, as I mentioned earlier, both justifications keep count of the process of decision making for a polity and of those who are the members of a specific polity but they neither consider about the content of the polity nor the scope of it.

Buchanan, as a Remedial right only theorist, argues that secession is only justifiable on the ground of injustices. He follows an argument that focuses on the response of international and domestic institutional structure to secession. In his words:

Moral theorizing about secession can provide significant guidance for international legal reform only if it coheres with and builds upon the most morally defensible elements of existing law, but that non-institutional moral theories fail to satisfy this condition (Buchanan 1997, 32).

For Remedial Right Only theories there is no general right to secede unless the particular group suffers from injustices. In this respect, special right for secession is obtained if i) the state grants a right to secede, ii) the constitution of the state includes the right to secede and iii) the agreement by which the state was initially created out of previously independent political units included the implicit or explicit assumption that secession at a later

point was permissible (Buchanan 1997, 36). As far as the level of injustices is concerned, Remedial Right Only theories may change in character according to their approach to specific issue under question, that it is obscure whether Buchanan proposes that the suffering group should illustrate its victimized position or prove the prevailing injustices that they are subjected to. But in general terms, according to this approach, a group has a right to secede only if:

1. The physical survival of its members is threatened by actions of the state (as with the policy of the Iraqi government toward Kurds in Iraq) or it suffers violations of other basic human rights (as with the East Pakistanis who succeeded to create Bangladesh in 1970) or

2. Its previously sovereign territory was unjustly taken by the state (as with the Baltic Republics) (Buchanan 1997, 37).

For Buchanan the most appealing and urgent side of the debate is provision of a guideline for international institutional response to secession crises. Seeking for the moral foundations of such institutional attitudes has some significant prospect not only for the determination of moral reasoning but also for the actual processes and practices of political associations. Through situating the issue of secession within the context of human rights, Buchanan puts forth a liberal doctrine whose unit of analysis is still the individual and preservation of his/her life-prospects. Therefore, he explicitly mentions that secession should not result in non-compliance with the territorial integrity and the unity of the legitimate state since “individual rights, the stability of individuals’ expectations, and ultimately their physical security, depend upon the effective enforcement of a legal order” (Buchanan 1997, 47).

Overall, here, Buchanan’s remedial right only theory sheds valuable insight into the debates on secession. Unlike other approaches, his theory can supply persuasive replies to several questions regarding secession. Further, it is so powerful in showing the flaws of other theories of secession and how fatalistic they are in answering the demands of secessionist groups. At the first sight, it may seem to be that primary right theories are more sensitive to

the demands of groups compared to remedial right only theory. But, the point is not to respond peoples' demands regardless of moral constraints. In this respect, my point is that we should be able to reply secessionist groups' demand if they are in accordance with the moral principles. If not, we have to seek the ways to enable the compromise between the right to secede and the principles of morality. For these reasons, Buchanan theory is the most appropriate one on the issue of secession.

2.4.2 Margaret Moore's Theory of Secession

Moore, in *The Ethics of Nationalism*, basically criticizes most of the philosophical work on the ethics of secession through addressing their avoidance of the causal link between secessionist movements and nationalism and more precisely, national identification. Most of the secessionist movements rely on nationalist discourses and have national motivations behind them. That is, those groups who quest for secession generally make claim on the separation due to preserve their culture, to resist assimilationist policies and to save their lives under any legal institution. It is worth mentioning here that the ultimate aim of all separatist movements is not achieving to establish a nation-state, and the level of gradation is context-bound and may change accordingly. Following Nenad Miscevic's classification of basic arguments on behalf of nationalism are:

- (1) The right to group self-determination.
- (2) The right to self-defense and to the redress of past injustices.
- (3) Success.
- (4) Intrinsic value and cultural proximity.
- (5) The argument from flourishing.
- (6) The argument from moral understanding.
- (7) Identity.
- (8) Diversity (Miscevic 2000)

The reason for listing all above is to show the multiplicity of arguments on nationalism and their intersection with the claim on self-determination and secession. Thus, from such an

angle, Moore's argument that the "theory of secession should be concerned primarily with the legitimacy of nationalist claims and with the potential problems attached to conferring political rights on nations" (Moore 2001, 2) deserves to be considered seriously. While liberal approaches mainly argue about the just distribution of goods and resources, "they haven't become so responsive to the issues of group identity, membership in the state (inclusion/exclusion policies), or cultural biases of the state" (Moore 2001, 2). As she is interested in developing a normative theory of nationalism, attaches the idea of secession to the 'dynamics of national mobilization' and critically evaluates the conventional liberal-democratic understanding of state neutrality and unity, she aims to develop more inclusive and responsive politics of membership and identity.

Moore, unlike Buchanan, has a positive assessment of national and cultural identity. That is, in Buchanan's theory, it is clear that the national or cultural claims to self-determination and secession cannot trump a state's claim to territory because state's legitimacy is driven from the inspiration of individual justice. On the contrary, Moore addresses the necessity of procedural right that should be institutionalized either in domestic constitutions or in international law, or both (Moore 2001, 240) insofar as the demands of minority groups for fair treatment is unavoidable if we intend to live in a more just world. Certainly, as I mentioned earlier, it is improbable and infeasible to suggest that each minority group should have their own nation-state in order to diminish the injustice and suffering. It would not be morally permissible to make such claim of impossibility. But, it is rather justifiable to criticize the unjust policies of most of the states¹⁵ and defend the thesis that this unjustness produces its counter movements in different contexts like Kurdistan, Yugoslavia and Lithuania. This does not necessarily mean that the slaughters of many people both in Iraq

¹⁵ David Copp, in his article called *the idea of a legitimate state*, mainly argues that there are certain criteria to test the legitimacy of the states and it may be a little bit straightforward argument to claim that the most of the states in contemporary world are illegitimate. Rather, they are unjust so long as they act in a fraud manner towards their citizens as well as foreigners.

under the dictatorship of Saddam Hussein and in Milosevic's Yugoslavia are due to merely state's attitudes and policies. There is always dialectic between two poles, but nevertheless it is morally acceptable to state that there is asymmetry between two poles, namely the minority nationalism cannot be as impressive as state's exclusionary and violent policies and more important, the impact of institutions and political associations can hardly be comparable to the political power of minority groups' nationalistic and secessionist movements who are permanently excluded from the basic structures of the overall society.

CHAPTER 3: A UNIFIED TURKEY OR AN INDEPENDENT KURDISTAN? A NORMATIVE EVALUATION OF THE KURDISH QUESTION IN TURKEY

3.1 Background Context

Especially from the early 90s now on, the world has witnessed upsurge of nationalist desires for independence. The rise of secessionist movements implies the existence of several minority groups that seeks their own statehood, that is, they have initiated either violent or non-violent reactionary movements towards their central authority. By violent action, I understand the use of force for the interests of a particular ethnic group in order to achieve the ultimate goal of independence. Here, non-violent actions are defined as all activities except violent ones. Given these developments, nation-state has been challenged from two sides in the age of globalization: from above at the supranational level and from below at the sub-national level (Samarasinghe 1990, 1). However, this is not the main concern of this thesis. It will attempt to show in what sense collective identity and more important, the demands for the political recognition of a particular identity become a challenge to the logic of nation-state which equates state with only one nation.

Admittedly, questioning the vital flaws inherent in the idea of nation-state is not new; it has a sociohistorical background which has both pre-modern and modern components. Even though it is not an easy task to identify and further, to make a clear-cut distinction between these two components, it is plain that the persistence of the nation-state is dependent on the strength of the two principles: 1. Its approval by the international and constitutional legal institutions at the supra-national level; and 2. The consent of its subjects. Indeed, the nation-state which is based on the two conceptual components, i.e. “sovereignty” and “exclusive

jurisdiction”, has been challenged in the contemporary world by the rise of multinational companies, by the emergence of global financial markets and technological innovations that result in the weakening of the significance of political boundaries. At the sub-national level, on the other hand, the historical demands of ethnic groups, the rise of a new wave of nationalisms, namely, minority nationalism have also undermined its central role.

Although I will not talk about nationalism here, all these aforementioned points gain significance in the sense that they altogether constitute the background in which Kurdish question has come about. These issues will later be discussed in relation to the national self-determination thesis and its appropriateness for the Kurdish question in Turkey in the following parts.

As a background context, it is important to frame Kurdish question as one of the chief challenges to the insights of Turkish nation-state tradition. The question itself appears to be more contested given the external challenges of the international community through insisting on the issues of human rights. The multi-layeredness of the question at hand explains why the issue is still a hot topic that demands an urgent response not only from national authorities but also from international bodies.

The purpose of this paper is to examine whether the normative theories of secession are capable of explaining the case of Turkish Kurdistan and of exploring the best political structure that is most suitable. Before embarking on the subject, it is necessary to outline the pre-requisite conditions that enable us to discuss the Kurdish issue within the framework of normative theories of secession. My claim is that the demands of (Turkish) Kurds on territory cannot be illegitimated from both perspectives, namely, a priori and a posteriori views of secession.

3.2 Normative Assessment of the case

The scholars, who participate in the normative debates about the rise of nationalist movements, differ on the basis of their different perceptions of the relationship between the right to self-determination and the right to secession. They can be divided into two camps: *a priori (non-remedial)* and *a posteriori (remedial)* (Song 2003, 228-229). According to this, for the former group the right to secession is a part of the national self-determination (Beran 1984; Nielsen 1998; Philpott 1995). It is a given right which primarily depends on the choice of the secessionist groups. The second camp, which is *a posteriori*, is more demanding and seeks robust moral arguments that favor secession. Unlike *a priori* approach, here national self-determination can only be one of the factors in support of secession; that is why a claimant group needs stronger moral justifications. Unlike the former group, those who take place in the second camp defend a more restricted view of the right to secession. However, I argue that there is not a huge gap between these approaches given the complexity of the practical aspect of the issue. Specifically, their baseline for justifying the issue differs radically; but both sheds light on the fact that the form of nation-building might be so vital especially in some contexts and, moreover, the solution should be case-specific. In addition, it would be a bit straightforward to assert that both theories of secession, i.e. *a priori* and *a posteriori*, has no direct relationship because it is also feasible to substantiate secessionist claims on the basis of theoretical components that are articulated from both sides. Here, I agree with Song who argues that in practice both theories capture attention to the promotion of right to secede that should be qualified, and circumscribed (Song 2003, 229) in order to prevent the production of further injustices.

In order to provide a strong foundation of Kurdish question, it is a consistent strategy to start with describing the pre-requisite conditions which ensure the necessity of discussing the issue on a normative ground: (i) the existence of a political community/group who demands for secession; (ii) the legitimacy of its claim over the territory where it resides; (iii) the

subjection of the secessionist group to the systematic grievances executed by the official authority; (iv) the lack of opportunities for the political representation of the group in question; (v) impossibility of accommodating the existing grievances by a specific form of autonomy, i.e. cultural or political. Besides, the topic requires determining some post-secessionary conditions on behalf of the secessionist group in order to preclude the morally impermissible case: (1) assuring the regional stability and peace settlement after secession and (2) respect for the human rights of minority cultures/groups in the new state.

This theoretical framework says that if a secessionist movement satisfies the preconditions stated above, then a normative analysis of the case is possible. Indeed, it is hard to find a case that satisfies all these aforementioned criteria. But it is likely to make judgments on the question of whether an independent statehood or a specific form of autonomy is defensible for Turkish Kurdistan.

(i)The existence of a political community/group who demands for secession: Most of the debates on national self-determination start with displaying the meaning of the “self”, namely, what kind of a group is entitled to the right to secession and/or to the right to self-determination? To answer this question it is necessary to portray different descriptions of the “self” and then to understand the status of the Kurds with respect to the existing definitions.

There are two definitions of “self” in the literature: a self can be defined on the basis of either ethnicity or territoriality/ political boundaries. According to the former line, a group must be identified by the principle of ethnicity, that is, the members of the claimant group should have the same ethnic origin and they have to constitute the “spirit of solidarity” and togetherness on the grounds of ethnicity. For the latter, territory plays the central role in the determination of the self-definition. Indeed, the constitution of the self is both self-defined and other-defined. That is, political recognition is an integrative part of the self-constitution.

Until WWII, “an ethnic or national community constituted a people entitled to political self-determination.” (Song 2003, 238). After the exploitation of the concept especially by Nazism and more important, of its exclusive and discriminatory features, the understanding of political community on the basis of ethno-national elements has been discredited. So long as those who do not belong to specific ethnic identity could not be supplied with the political membership, and frequently were subjugated to grave harm, ethnicity-based definition of a political community needs to be reformulated to contain a more inclusive and democratic component, namely, territory.

In light of all these changes, territory-based identification of a political community emerged as an alternative pattern which is more likely to satisfy the requirements of morality. Given these conceptual elements, i.e. “ethnicity” and “territorial concentration”, the main problem is how to analyze the legitimate demands of ethnic groups for independence over the territory they reside? What kinds of criteria should be articulated in the normative assessment of these claims in general, and of the Kurdish question of Turkey in particular?

In order to answer these questions, it is important to display a brief discussion on the concepts of ethnic group, nation and ethnic category and to evaluate on which to apply to the case of Kurds in Turkey. By doing that, I aim to show that Kurds as a “distinct people” deserves a right to secede merely because (1) their subjection to grave injustice by the authority of the Turkish state in the form of physical, and symbolic oppression, assimilation, “cultural genocide” as well as economic discrimination is more likely to end up (justice-based argument); and (2) as a group which is still in the process of ethnic-identity formation and is still being transformed from an ethnic group to a nation, the Kurds, as a stateless nation with the highest population with around 20 million people, need a state for their economic growth and more important, for the preservation of their cultural integrity. The former is compatible with the moral requirements while the latter needs justification, as it is a very strong claim

which might result in serious problems. Therefore, for me, it is more likely to defend the idea that the former, that is the subjection to grave injustices, is a weightier reason for secession even though the latter, i.e. (2), is still a non-trivial argument which might also be a remedy for specific forms of injustices in some conditions.

For the sake of the discussion, it is important to keep in mind that the distinction between all these categorical elements, i.e. nation, ethnic group and ethnic category, is somewhat artificial, that means, there might always be some cases which do not exactly fit or might be an amalgamation of two specified categories. Here, I prefer to understand the Kurds as a group of people who are self-defined and other-defined. More important, they are politically motivated as well as politically mobilized group of people who show their desire to acquire a form of autonomy and/or independence.¹⁶ However, the basic problem is the dispossession of their own statehood. Indeed, this raises an important question whether Kurds constitute a separate nation or they are less politicized and less organized ethnic group. In order to answer this question, I will briefly sketch what differentiates a nation from an ethnic group.

Nation is the most politically significant category because it needs for the political recognition of other national and supranational authorities. To qualify as a nation usually a group should exhibit, *inter alia*, a common division of labor or economic unity, have legal codes with rights and duties for all, and have a territorial base (Kirisci 1997, 9). Indeed, these features are not associated with an ethnic group even though it might also have a claim on territory and might also possess its own traditional codes. The point is that “most of the nations involve a dominant ethnic group; however, only some ethnic groups are counted as nations” (Kirisci 1997, 7-8). As both terms are a bit vague, instead of listing various qualifications for both, it is more accurate to state that unlike nations, ethnic groups are more

¹⁶ This has historical background. But as this is not in the scope of this thesis for those who want further details see Abbas Vali (ed.). 2003. *Essays on the Origins of Kurdish Nationalism*. California: Mazda Publishers.

parochial and limited in scope because most of the nations have their own state while ethnic groups rarely do. Furthermore, a nation is inherently a political entity but ethnic group is not necessarily so. Insofar as nations are more institutionalized, this enables them to make decisions about entry and exit, which in turn means that they are political. To be sure, this does not mean that ethnic groups are not political entities; but their political struggle is more dependent on the ambitions of their leaders and elites.

In the light of all, Kurds are defined as a separate political community having political aspirations to a kind of autonomy. Indeed, it is not an easy task to determine their desires especially when their scattered population is being considered. As they are an ethnic group which attempts to build nationhood, are struggling for the accomplishment of secessionist claims for a long time now,¹⁷ and are recognized as a people, Kurds, then it is morally permissible to claim that Kurds might have the right to secede not only as a nation or ethnic group but also as a resistant group that struggles against the assimilationist policies, and continuous political, economic and social oppression. As a last word, even though there are conflicting national identities among Kurds which complicates to act collectively as a nation and to establish the majority will for political independence, the question is not whether independence is achievable; rather whether Kurds are entitled to a certain degree of autonomy and/or total independence.

(ii) ***Territorial dimension:*** Territory is the most contested aspect of the secessionist crisis because it requires redrawing the prevailing domestic boundaries as well as state boundaries. So it has both internal and external dimensions to consider. While arguing about different forms of self-determination, Moore criticizes “administrative boundary conception of self-determination” which relies on the thesis that there is a historic, religious or cultural claim to territory (Moore 1998, 137). For her, this argument is implausible insofar as it

¹⁷ PKK has initiated his guerilla movement in the early 1980s. Although their demands changed over time, to construct a separate state and to achieve independence has always become one of the chief goals.

depends on the biased values like group tradition or culture. In essence, this thesis might lead to exacerbation of the degree of inequality between the dominant national identity and other dominated identities. If the group which strives for self-determination is politically stronger than other neighbor groups living in the same territory, then the implausibility of the above stated thesis becomes apparent because it ignores the cases where the parties might have conflicting claims over the same territory and more crucial, it also avoids the asymmetry in political strength/influence among claimant groups. Thus, it is fundamental to discuss different territorial claims of secessionist groups and to evaluate their validity on normative grounds.

In any event, secessionist groups might attempt to provide numerous arguments to strengthen their main objective of secession. For the purposes of the discussion, I will only take into account those which sound morally valid and therefore might be contested and argued. One of the criteria might be “historical/past annexation of territoriality” proposed by Buchanan. According to this theory, if the territory in question is being annexated or conquered by force at some time in the past, the political community who inhabited there at that time has a legitimate claim to the territory because annexation is unjust which needs to be remedied. Besides, a claimant group might also appeal to historical and cultural arguments which emphasize their particular characteristics; but they have no legitimate basis as long as those who share the same culture and history can only accept them, namely, they rely on subjective basis that prevents others to make any judgments. Thus, we need objective and morally acceptable ground by which territorial claims of different conflicting parties could be assessed.

To my framework, both the past and present injustices, as I mentioned before, weights so much in favor of secession. Here, I also add some further injustices that might make the groups’ claims to secession legitimate: the lack of infrastructure and of capital (including

human capital), which are consciously not being invested by the host state. For instance, suppose that there are two main national groups, i.e. group K and group T, living in a multinational state A. Since group T is a majority and has more political strength, it does possess statehood and the power of deciding where and how to invest within the country. Under these conditions, the best that group K can do is to cultivate and to make his/her investment into land by his/her means, which in turn produces an inevitable attachment to the land for group K. But the point is not so simple because if this argument is tenable, then those who support it should also defend the statement that an attachment to the land has developed and this preclude other groups to claim a right on that territory. This, in turn, makes their arguments invalid.

In the Kurdish case, one of the chief problems is that the Kurdistan is not a well-defined territory. The region known today as Kurdistan¹⁸ comprises substantially the east part of Turkey, Northern Iraqi, Iran and Syria. Those scholars who defend the independence of Kurdistan from the international law perspective need to justify their thesis on some basis other than self-determination because in the case of Kurdistan there are some controversial points which are against self-determination. First of all, as I mentioned before, Kurdistan is not well-defined territory and second Kurds are scattered between different states whose political cultures and history are different. This in turn affects Kurds' political aspirations towards self-governance.

Furthermore, Kurds can and should find stronger arguments than self-determination thesis which is not inherently valuable and defensible since it might involve some essentialist and nationalist components. Besides, Kurdish scholars or politicians don't need to be nationalist while they struggle for achieving the aim of independence or of a certain form of autonomy. Thus, it is more rational for them to find a justice-based ground. Other than that, it

¹⁸ It is impossible to talk about "Kurdistan" in the official and daily life of Turkey. However, it is implicitly known to which region people mention when they call "Kurdistan."

is hard to come to an agreement if both parties would support the self-determination argument because while secessionist group demands to secede, the rump state, based on the same thesis, can also claim that the separation of a particular territory would violate his right to self-determination. So for Kurdish case in Turkey, the territorial claim can only hold if the Kurds might justify that the Turkish state does not provide sufficient service and permanently deprive them from accessing to fair economic and social policies which in turn pushes them to resolve their own problems with their limited resources and thus, strengthen their attachments to territory in question.

(iii) Systematic grievances, and exploitation; and (iv) lack of political representation:

For the protagonists of the Remedial right only theory, as I noted earlier, deliberate discrimination, which might come in various forms like economic discrimination, political oppression and “cultural genocide”, constitutes the basis of a right to secede. Namely, injustice might exist in different degrees and in various forms and spheres.

Discrimination, oppression and cultural domination are the most relevant aspects to the analysis of Kurdish question in Turkey. At least, I believe that it is the most plausible starting point to discuss the issue. Indeed, Kurds are subjugated to grave physical, symbolic and discursive exclusion and injustices. There are several instances of human rights violations of Turkish state. Apart from the argument of injustice, it is obvious that the rationale of one-nation-state is so far from providing a space for those ethnic groups to survive and/or to flourish their culture and specifically, their “self-respect.” Especially from the establishment of the Turkish Republic (1923) until now on, we can count several human rights and minority rights abuses such as the prohibition of the use of Kurdish language in schools and public spaces,¹⁹ the ban of using Kurdish names,²⁰ forced assimilation, cultural genocide such as

¹⁹ Even though state officers and bureaucrats often claim that there is no official ban on the use of Kurdish in public space, for years Kurdish singers could not be part of music market which has a dominant Turkish character. Besides, Kurdish language cannot be still taught in schools and until recently, it was prohibited to learn Kurdish even in private courses.

most of the Kurdish songs have been adopted by the several singers into Turkish without considering about cultural property rights.

(v) *State intransigence and peaceful conflict settlement*: Secession involves the break-away of the old state and the emergence of new ones. This necessarily implies the change in status quo and the change in the balance of power. To be sure, depending on the strategic importance of the seceding part secession might result in non-peaceful conditions that can lead to anarchy. I agree with Song who argues that “secession generally causes disruption at different levels and in different ways. The most violent form of disruption is armed conflict, which can result from the failure of the central government and the secessionist party to settle the conflict.” (Song 2003, 248). These concerns inevitably raise the problem of the use of force for the both parties: under what conditions the use of force might be morally acceptable? Following the minimum requirements of justice, we can say that unless all the opportunities and the means of negotiations have been tried, the use of force to preclude an unjust outcome is not justified.²¹ Just war theory suggests that the use of force can be acceptable only as a last resort because the use of violence might have unintended consequences. Indeed, the ethics of secession still deals with this theme because somehow violence seems to be an inevitable aspect of the secessionist movements. It is possible to say that the state and/or secessionist group would invoke the use of force at some point during their struggle either to achieve their goals or to prevent other party to win. If so, normative theory should be able to offer a theoretical account, which would determine the legitimate conditions for the use of force, and more important, the threshold for understanding the degree of violence should be determined. Of course, it should be kept in mind that for the violent secession there has to be

²⁰ Even though some names are allowed, most of the names whose Kurdishness was obvious were not allowed to use.

²¹ Xiaokun Song also captures attention to the similar problem. For more details see X. Song. 2003. “Unified China or an Independent Taiwan? A Normative Assessment of the Cross-Strait Conflict,” in *Contextualizing Secession: Normative Studies in Comparative Perspective*, ed. Bruno Coppieters and Richard Sawka (Oxford: Oxford University Press, 2003), 228-251.

stronger/weightier reasons to are in support of use of force; otherwise, it is not morally acceptable yet it would prevent further injustices.

This issue is of seriously relevant to the Kurdish question in Turkey because Kurds are also involved in armed struggle against Turkish authority in order to gain their independence or at least a certain degree of autonomy. The closer examination of the PKK movement shows that it is the most leading actor in the settlement of the Kurdish question, but at the same time, it is also the most controversial one in the sense that it is influenced by different ideologies and aims to articulate them under the umbrella of PKK. More important, PKK and its nationalist aspirations have gone under serious alterations according to the changes in internal and external dynamics. Namely, PKK had to change not only because of the changes in state policies but also due to changes in the mind of its leadership.

Gülistan Gürbey, in the article called *The Kurdish Nationalist Movement in Turkey since the 1980s*, states that:

A significant characteristic of the Kurdistan Worker's Party (PKK) is that, on the one hand, it leads the guerilla war in the Kurdish regions of southeast Anatolia as a militant organization while, on the other hand, it has the political flexibility to adapt to international and regional conditions. It performs widespread, intensive activity abroad in public relations and has attempted to form a political wing in order to be able to act as a partner in dialogue. It has turned back from its ultimate aim of establishing an independent Kurdish state in favor of a federalist resolution within the boundaries of the Turkish state (Gülbey 1996, 24).

Indeed, PKK is characterized by both Marxist-Leninist ideology and Kurdish nationalism which in its development has essentially been influenced by the KDP-Iraq (Democratic Party of Kurdistan-Iraq). The main objective of this thesis is not to discuss PKK's or other Kurdish national movements' history, but rather to show that the Kurdish question in Turkey has a character of armed conflict which in turn has influence on debates about the ethics of secession. Under the influence of this fact, the third parties might doubt whether Kurds would success in establishing peaceful settlements after secession. To some extent, they might be right because Kurds are deprived of several resources to determine a

secure environment given the immediacy and the indeterminacy of the question itself. Namely, given the geographic location of Kurdistan surrounded by four nation-states that envisage Kurdish issue as a threat to their national unity, this question suffers from lack of possibilities in several dimensions: *lack of infrastructure* that includes lack of human capital, lack of political power and certainly, *the problem of immediacy*. If this argument is tenable, it is hard to claim that a peaceful secession, understood as acquiring an independent state on the eastern part of Turkey, would become true. Given the reluctance of neighbor states, I doubt whether Kurdish parties would be able to provide a peaceful settlement in which Kurdish citizens and other ethnic minorities under the jurisdiction of a new Kurdish state might be protected from external aggressors. Furthermore, Kurds should also be able to guarantee that they will respect the rights of minority groups living in the same territory.

To sum up, all these aforementioned points illustrate that the Kurdish secession in Turkey is not a feasible option unless it is the only alternative for the Kurds to survive and/or flourish. If secession isn't a feasible alternative, then what can kind of political structure can we propose for Kurds in Turkey to preserve their self-respect as well as their self-identification as a Kurd? This will be discussed in the following part.

3.3 Possible Solutions to Kurdish Question in Turkey

Although Kurdish question is widely discussed and somehow manipulated in media, it is an underdeveloped topic especially in academic circles. There might be several reasons for that especially, for instance, the intensity of censorship mechanism in Turkey. Besides, and indeed related to the former, the freedom of thought and of speech is still inchoate in Turkey. Apart from that, the Kurdish question has usually been conceived as part of an ongoing-armed conflict which might prevent people from taking any concrete standpoint.

Kemal Kirisci and Gareth Winrow (1997) in the book *The Kurdish Question and Turkey: An Example of a Trans-state Ethnic Conflict* examines Kurdish question from both national and international perspectives and further, they attempt to provide certain solutions. However, their position regarding the issue is problematic and shaky. While they accept that the Turkish army and the Grand National Assembly don't recognize the existence of the Kurdish question which somehow means that they don't even consider questioning the existence of a separate national identity other than Turkish, the writers wary of accusing state authority and even expecting that the international community to be aware of the Turkey's legitimate security concerns (Kirisci and Winrow 1997, 205). Most important of all, they propose a multicultural project for the compensation of the injustices the Kurdish community still experience. In fact, I find this suggestion so naïve. They are aware of the potential difficulties in implementing multiculturalism to Turkey; however, they don't consider the problem from the perspective of moral requirements. They never ask any question like how can we compensate the structural disadvantages of the Kurds in Turkey; rather they emphasize the importance of a stable and peaceful regional environment. But it is significant to remember that the state legitimacy does not only rely on the persistence of the stability but also on the realization of the minimum requirements of justice.²²

In the final section of the book, they list possible solutions to the Kurdish question. Starting from secession and including consociationalism, cultural and political autonomy, federalism, and further democratization, they attempt to understand which solution might be the most appropriate form of self-government in dealing with the issue. And at the end, they find multiculturalism as the most proper reply for satisfying the demands of the Kurds. In the following part of the thesis, I will argue the feasibility and infeasibility of this argument and

²² Allen Buchanan, in the article *Recognition Legitimacy and the State System*, mentions that he advocates a justice-based account of the appropriate criteria for recognition. By that, he means that "the minimal requirements of justice are necessary for recognition." For more details see A. Buchanan. 1999. *Recognition Legitimacy and State System. Philosophy and Public Affairs* 28 (1): 46-78.

in doing so, I attempt to show why this is not a realistic and morally unacceptable statement like secession. So the main task is seeking answers for the following question: what makes the multicultural project infeasible in the Kurdish case of Turkey?

Rather than summarizing the article in details, instead, I will focus on the main thesis that “once in place, an ideology of multiculturalism would transcend any ethnic nationalist ideology.” (Kirisci and Winrow 1996, 203). As I noted above, first of all, the resolution of ethnic conflict should require a normative perspective which primarily raises the question of morality, in the sense that non-representation of the ethnic groups (especially if they are minority), their subjection to grave discrimination and cultural oppression should be the main concern on the political agenda. This does not necessarily prevent us from considering about the compatibility of this thesis with the rights of other ethnic groups (majority) living in the same territory. But, for sake of the morality, I believe that we have to give priority to the rights of minority groups who are under the conditions of cultural, economic and political deprivation.

For Kirisci and Winrow: “In a multicultural society citizenship and full civil rights need not imply a particular cultural identity. No groups would be forcibly assimilated. Different cultural identities would be allowed to co-exist and even flourish.” (Kirisci and Winrow 1996, 203). In order to understand the irrelevance of this suggestion to Turkey, as a first step, I will briefly outline the pre-conditions for multiculturalism (“circumstances of multiculturalism”) to exist and then provide a useful overview of two basic concepts in multicultural theories, i.e. culture and equality. By doing that, it would be inevitable to see its possibility/impossibility for the Kurdish question in Turkey.

Paul Kelly depicts the tenets of multiculturalism as: “The fact of pluralism in the sense of the intermingling of national, ethnic and religious cultures through group migration has created what might be called the “circumstances of multiculturalism”-that is, the context

within which the problems raised by group differences arise and in which the issues addressed by multicultural theorists can be located.” (Kelly 2002, 3). So we can say that almost every government might face the question of multiculturalism, as it is merely conceived as the rise of group demands on the basis of the culture and identity.

Indeed, multiculturalism is not a monolithic tradition. On the contrary, there are radical multiculturalists like I. Marion Young or Nancy Fraser and mostly liberal multiculturalists such as Will Kymlicka and B. Parekh.²³ By combining the culture and egalitarianism, multiculturalism, despite its inherent diversity, is a new form of political theory which attempts to deal with the demands of group recognition. According to Kelly, multicultural theory is basically concerned with “what additional resources are needed by social and cultural groups to access the opportunities that others have on an equal footing” (Kelly 2002 11-12). Given the general features of multicultural theory, Kirisci’s and Winrow’s work cannot offer any well-developed or detailed idea about how multicultural project might be implemented in Turkey. Besides, they don’t provide any particular definition of multiculturalism. Although they list some conditions that multiculturalism requires, they don’t ask whether these are sufficient to resolve the conflict. In addition, for multiculturalism to be a genuine solution, first of all, I believe that the two conflicting parties/ethnic groups should be almost in equal strength and population. More specifically, none of the parties should question the legitimacy of the new political arrangement which relies on the equal respect for culture, equal provision of opportunities and equal access to resources. Certainly, there will be some procedural concerns like how we should redistribute the natural resources and how to organize the legislative, executive and judicial bodies that would equally represent different groups. But here my main objective is to illustrate why multiculturalism is an inappropriate

²³ It is important to keep in mind that liberal multiculturalists also distinguish among themselves according to their emphasis on culture, and equality. For instance while for Kymlicka the idea of group membership places at the center of thinking about egalitarianism, for Kukathas there are no group rights as such, there are only individual rights (Kelly 2002, 10).

alternative within the context of Turkey where Turks and Kurds, as the two main ethnic groups, don't have equal political power. Furthermore, multiculturalism is more likely to survive in a stable environment which is not easy for Turkey to maintain. Therefore, multiculturalism has usually been practiced in liberal states in which rights of individuals place a central role in policy-making. However, Turkish state cannot be defined as a liberal state because it neither places individual rights at the center of its policy-making nor follows democratic mechanisms in dealing with the group differences.²⁴ State officials, as a response, might claim that all nation-states somehow have to control and appropriate means of violence; however, this does not imply that they are immune from moral requirements such as complying with the principles of justice, that are, equality and respect. Therefore, multiculturalism cannot be feasible and further, it is a very wrong starting point because all those who are familiar with the Turkish state policies and the prevailing conditions of the conflict knows that first, most of the officials and bureaucrats don't favor the peaceful solution insofar as Kurdish question is taken as a strategic concern and moreover, is regarded as a "red line" for the future of the state sovereignty.

If we come to the second question, which is the viability of multiculturalism in lieu of secession, first, we have to start considering the possible costs and benefits of each option. The baseline for testing the viability of the argument might be the accommodation of the interests of the Kurdish community provided that the citizens of the rump state (assumed that the most of them are Turks) would not be made worse-off. Namely, we should separately look at what secession and federalism offer to Kurds and then to Turks. It is obvious that we are responsible for the injustices that we, all, impose on Kurds since the conflict, imposing very harsh burdens on Kurds, persists for years and we, as humanity but especially all Turkish citizens, witness that extremity and expect to find the solution by means of war and violence.

²⁴ Here, group differences might be understood as all divergences from Turkish Sunni (a special cult of Islam) Muslim male citizen. Of course, the level of difference will affect how the central government or statist groups would respond to the group demands.

Under these extreme conditions, I believe that every solution would be better than the present case because people aren't only deprived of economic, social and political rights but they also live under the conditions of fear and threat. Thus, the objection of many Turkish politicians and scholars against federal solution shows the effects of manipulation during the ethnic conflict in addition to the power of nationalist sentiments which might sometimes override the concern for the morality. However, I move further and I attempt to challenge this conventional way of thinking by asking the possibility/impossibility of federalism in Turkey. In doing so, my aim is to show that the cultural and territorial autonomy are the best feasible options for the Kurds even though they should also have a legal and moral right to secede²⁵. Namely, secession is not the best alternative given the instability of the region and the lack of political and economic power of Kurds in Turkey.

Kymlicka, in his article *"Is federalism a viable alternative to secession?"* argues that "federalism may not provide a viable alternative to secession in multination states because federal solution suffers from a paradox: while it provides national minorities with a workable alternative to secession, it also helps to make secession a more realistic alternative to federalism" (Kymlicka 1998, 142). Following this statement, he proceeds with claiming that "after all, there seems to be no natural stopping point to the demands of increasing self-government" (Kymlicka 1998, 141). For him, at that point, any restrictions on the right to self-government of claimant minority groups should be justifiable. Indeed, I find this statement strong because he places groups' demands at the center of his approach to secession but it seems to me that he does not give equal weight to the requirements of justice, namely, he does not consider that the minority groups' desires to secession should not make other groups worse-off. Secession, as I mentioned earlier, is not an unlimited right. With regard to Kymlicka's argument, Kurdish question of Turkey might be resolved by either federalism or

²⁵ Here I am talking about a mixed structure that includes both cultural and political autonomy.

secession. In order to measure the validity of this argument, I suggest implementing a game-theoretical account that would be a guideline in understanding the reasons for why secession is not a feasible alternative in Turkish Kurdistan even though the option of secession should always be present and permissible for Kurds.

3.3.1 Rational Choice Analysis

To analyze the secession and federalism from a rational choice perspective, we will consider the costs and benefits for both actions regarding both strategies. As mentioned earlier, the possible actions for Kurds are either seceding or opting for federalism. This decision will also affect the Turks and hence the final outcome will depend on the interaction of both parties' moves.

The factors that will affect secession and federalism are as follows; (1) the political and economic power of the claimant group; (2) the political power of the rump state; (3) the role of international institutions, and (4) little or almost no trade between the rump state and federal unit in the case of secession whereas non-negligible trade relations in the case of federalism.²⁶ These factors will determine the extent of benefits and costs for each strategy. They will have different magnitudes for secession and federalism, for instance, the international institutions are expected to be more supportive of a federalist solution.

Next, we turn to the assumptions concerning the preferences of both actors and outside environment.

Assumption 1: Turkey is an illiberal state.

Assumption 2: Turkey is reluctant to both solutions. They neither want Kurds to secede nor to demand any form of autonomy.

²⁶ Certainly there is the possibility of trade even under secession, however for the sake of simplification we will assume that trade ceases to exist between the old and new state.

Assumption3: After secession, the relations between Turkey and new Kurdish state will be fragile because new political organization will be regarded as a threat to the unity of the Turkish state.

Assumption 4: The neighboring countries are also hostile to the Kurdish demand to achieve some form of self-government and/or independent statehood.

The third step would be the calculation of net benefits for the both parties, i.e. Kurds and Turks. Net benefits will include costs and benefits attached to each strategy available for both players. Let's call the net benefits for secession S in the case of Kurds, and ST in the case of Turks and net benefits for federalism F for the former and FT for the latter.

Net benefits for Kurds: S if secession;

F if federalism.

S (benefits-costs):

--Benefits: the ownership to state sovereignty, possession of homeland/territory, and the protection from external threat.

--Costs: the costs related to failure of secession attempts, which is very likely since the nature of territory is surrounded, the region as a whole is quite instable, capital and human capital is lacking, and military power of Kurds in Turkey is insufficient.

For Kurds to choose secession first of all its net benefits should exceed zero and it also it should offer higher payoff compared to federalism.

Federalism as a solution is not envisaged as radical as secession and thus, the hostility of the neighboring states including Turkey is more likely to be controllable. In addition, the above factors will be less costly for the federalism case because federalism will have the possibility of secession in the future when it is more likely to be successful as an additional benefit. This way, we'll alter Kymlicka's argument and discuss that initially the decision of federalism is more likely since secession is known to be very damaging. Thus the long run

political aspirations might play a reverse role and defer the secession. Whether the secession decision will be given in the future or not is very uncertain and probably depends on the success of the federalism ($F > 0$ and $S > 0 \rightarrow F > S$).

Also, as I mentioned the secession and federalism should take the net benefits for the Turks into consideration.

Net benefits for Turks:

ST if secession; if $ST > 0$, Turks will be likely to support the secession of Kurds.

FT if federalism; if $FT > 0$, then Turks will be likely to support the federal project for Kurds.

-Benefit: ST comprises of the possibility of resolution of ethnic conflict as a benefit

-Cost: For Turkish side, the costs include the fear that the other groups will also demand the same right to self-government and in the end, Turkish state will be separated into several sub-units. Most of the Turks believe that the independence of the Kurds will be an example for the other groups and this in turn will result in the dissolution of the country. Thus, ST is likely to be less than zero ($ST < 0$).

FT will be higher than ST since there will be territorial unity but there will be the risk of Kurds asking for secession in the future as an additional cost. Nevertheless net benefits from federalism for Turks seem to be higher compared to secession, and even comparable to status quo.

Therefore, federalism is the most beneficial option for both sides compared to secession given the immediate costs and benefits. Certainly, this framework has several shortcomings such as presuming that actors are instrumentally rational and net benefits from these two strategies could be ranked. Nonetheless, we still believe it provides a plausible description of the choice that would be made initially if one takes costs and benefits into consideration.

CONCLUSION

This study had two main objectives: first, to show the feasibility of the justice-based (remedial right) theory of self-determination and secession, and after doing that, to demonstrate the practical implications of secession in the Kurdish case of Turkey. In order to pursue my goals, I have preferred to start by differentiating between remedial and non-remedial right of self-determination. The non-remedial approach is the strong self-determination thesis which finds nations as virtuous political entities that deserve to acquire its own statehood. However, as it has been shown earlier, this argument is flawed because the belief that nations are intrinsically valuable and consequently deserve a separate sovereign state is morally impermissible and practically unfeasible.

In the second part, after rejecting both choice and national self-determination theories, I attempted to demonstrate that Buchanan's theoretical account of secession is the most feasible theory as long as it is based on the foundations of principles of justice. For him, a group is entitled to secession if it is subjected to discriminatory redistribution and some kind of past and present injustices such as political and cultural oppression, lack of equal access to resources, and the continuous implementation of discriminatory economic and social policies. I believe that this is the most qualified argument since others are seriously problematic and flawed.

In the final chapter, after enumerating the theoretical part of the subject, I attempted to put forward a normative evaluation of the Kurdish case in Turkey. I prescribed the pre-conditions for a legitimate secession and showed how the Kurdish case might be evaluated within the context of normative theory of secession and what the possible limits in their

exercise of the right to secede should be. In the last section of this chapter, I focused on the possible solutions for the Kurdish question in Turkey and I invoked a rational choice analysis in order to strengthen my argument, that Kurdish secession is not a feasible solution in the short run since it is more likely that costs/risks will exceed the benefits, despite the fact that the moral right to secede is present and permissible given the past and present injustices imposed on the Kurdish population by the authorities of the Turkish state.

BIBLIOGRAPHY

- Buchanan, Allen. 1991. *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Boulder: Westview Press.
- Buchanan, Allen. 1997. Theories of Secession. *Philosophy and Public Affairs* 26 (1): 31-61.
- Buchanan, Allen. 1999. Recognitional Legitimacy and the State System. *Philosophy and Public Affairs* 28 (1): 46-78.
- Buchanan, Allen. 2007. Secession. *Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu>, accessed in 5. Jan. 2007.
- Copp, David. 1999. The Idea of a Legitimate State. *Philosophy and Public Affairs* 28 (1): 3-45.
- Coppieters, Bruno and Richard Sawka (ed.) 2003. *Conceptualizing Secession: Normative Studied in A Comparative Perspective*. Oxford: Oxford University Press.
- Gülbey, Gülistan. 1996. The Development of the Kurdish Nationalism Movement in Turkey since the 1980s. In *The Kurdish Nationalist Movement in the 1990s: Its impact on Turkey and the Middle East*, ed. Robert Olson, 9-38. Kentucky: University Press of Kentucky.
- Kelly, Paul (ed.) 2002. *Multiculturalism Reconsidered*. Cambridge: Polity Press.
- Kirisci, Kemal and Gareth M. Winrow. 1997. *The Kurdish Question and Turkey: An Example of a Trans-state Ethnic Conflict*. Oregon: Frank Cass Publishers.
- Kis, Janos. 2001. Nation-Building and Beyond. In *Can Liberal Pluralism Be Exported?* ed. Will Kymlicka and Magda Opalski, 220-243. Oxford: Oxford University Press.
- Kymlicka, Will. 1997. The Sources of Nationalism: Commentary on Taylor. In *The Morality of Nationalism*, ed. Robert McKim and Jeff McMahan, 56-65. Oxford University Press: Oxford.

Miller, David. 1995. *On Nationality*. Oxford: Clarendon Press.

Miscevic, Nenad. 2000. *Nationalism and Ethnic Conflict: Philosophical Perspectives*. Chicago: Open Court.

Moore, Margaret. 2001. *The Ethics of Nationalism*. Oxford: Oxford University Press.

Moore, Margaret (ed). 1998. *National Self-Determination and Secession*. Oxford: Oxford University Press.

Norman, Wayne. 2006. *Negotiating Nationalism: Nation-building, Federalism and Secession in the Multinational State*. Oxford: Oxford University Press.

Pogge, Thomas. 2002. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge: Polity Press.

Sata, Robert. *Multicultural Pluralism: A Normative Theory of Ethnic Relations*, September 2006. CEU Political Science.

Seymour, Michael, Jocelyne Couture and Kai Nielsen (ed.) 1998. *Rethinking Nationalism*. Calgary: University of Calgary Press.

