

NOMOS
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SECESSION AND SELF-DETERMINATION

Edited by
Stephen Macedo & Allen Buchanan

Secession And Self Determination Nomos Xlv

William A. Barbieri



Secession And Self Determination Nomos Xlv:

Secession and Self-Determination Stephen Macedo, Allen Buchanan, 2003-12 The many questions that surround movements for secession and self determination are both practically urgent and theoretically perplexing The United States settled its secession crisis in the 1860s But the trauma and unfinished business of those events are still with us Around the world secession and self determination are the key issues that cause strife and instability This volume provides an unusually comprehensive consideration of the many challenges of law and political philosophy that accompany them and offers theoretical insights that provide guidance for policy Among the questions considered are should the international community recognize a right to secede and if so what conditions must be satisfied before the right can be asserted Should secession and its conditions be recognized within domestic constitutions Secession is the most extreme form of political separation and there are modes of self determination short of it including indigenous peoples self government and minority language rights To what degree can these intrastate autonomy arrangements help ameliorate the injustices faced by indigenous groups

Secession and Self-Determination Stephen Macedo, Allen Buchanan, 2003-12-01 The many questions that surround movements for secession and self determination are both practically urgent and theoretically perplexing The United States settled its secession crisis in the 1860s But the trauma and unfinished business of those events are still with us Around the world secession and self determination are the key issues that cause strife and instability This volume provides an unusually comprehensive consideration of the many challenges of law and political philosophy that accompany them and offers theoretical insights that provide guidance for policy Among the questions considered are should the international community recognize a right to secede and if so what conditions must be satisfied before the right can be asserted Should secession and its conditions be recognized within domestic constitutions Secession is the most extreme form of political separation and there are modes of self determination short of it including indigenous peoples self government and minority language rights To what degree can these intrastate autonomy arrangements help ameliorate the injustices faced by indigenous groups

Identity, Self-determination and Secession Igor Primoratz, Aleksandar Pavković, 2006 Engaging with a range of interconnected and highly topical issues of identity self determination and secession this book discusses nationalism as an important component of identity of individuals and groups and also examines patriotism which has recently undergone a dramatic revival The book includes contributions by prominent philosophers and political and legal theorists from Australia Canada Israel and the United States The Right to Self-determination Under International Law Milena Sterio, 2013 This book proposes a novel theory of self determination the Rule of the Great Powers This book argues that traditional legal norms on self determination have failed to explain and account for recent results of secessionist self determination struggles While secessionist groups like the East Timorese the Kosovar Albanians and the South Sudanese have been successful in their quests for independent statehood other similarly situated groups have been relegated to an at times violent existence within

their mother states Thus Chechens still live without significant autonomy within Russia and the South Ossetians and the Abkhaz have seen their conflicts frozen because of the peculiar geo political equilibrium of power within the Caucasus region The Rule of the Great Powers which asserts that only those self determination seeking entities which enjoy the support of the majority of the most powerful states the Great Powers will ultimately have their rights to self determination fulfilled The Great Powers potent military economic and political powerhouses such as the United States China Russia Japan the United Kingdom France Germany and Italy often dictate self determination outcomes through their influence in global affairs Issues of self determination in the modern world can no longer be effectively resolved through the application of traditional legal rules rather resort must be had to novel theories such as the Rule of the Great Powers This book will be of particular interest to academics and students of law political science and international relations Constitutionalising Secession David Haljan,2014-11-01 Constitutionalising Secession proceeds from the question What if anything does the law have to say about a secession crisis But rather than approaching secession through the optic of political or nationalist institutional accommodation this book focuses on the underpinnings to a constitutional order as a law making community underpinnings laid bare by secession pressures Relying on the corrosive effects of secession it explores the deep structure of a constitutional order and the motive forces creating and sustaining that order A core idea is that the normativity of law is best understood through a constitutional optic as an integrative associative force Constitutionalising Secession critically analyses conceptions of constitutional order implicit in the leading models of secession and takes as a leading case study the judicial and legislative response to secession in Canada The book therefore develops a concept of constitutionalism and law making associative constitutionalism to describe their deep structure as a continuing integrative process of association This model of a dynamic process of value formation can address both the association and the disassociation of constitutional systems

The Theory of Self-Determination Fernando R. Tesón,2016-04-06 In this book leading scholars re examine the principle of national self determination from diverse theoretical perspectives **Ethical Reasoning in International Affairs** C. Navari,2013-11-06 Arguing for a middle ground between idealism and realism this book considers the most pressing ethical and moral issues in contemporary international politics including intervention human rights and aid and sets about reasoning how to resolve them in politically realistic ways **American Secession** F.H. Buckley,2020-01-14 Americans have never been more divided and we re ripe for a breakup The bitter partisan animosities the legislative gridlock the growing acceptance of violence in the name of political virtue it all invites us to think that we d be happier were we two different countries In all the ways that matter save for the naked force of law we are already two nations There s another reason why secession beckons says F H Buckley we re too big In population and area the United States is one of the biggest countries in the world and American Secession provides data showing that smaller countries are happier and less corrupt They re less inclined to throw their weight around militarily and they re freer too There are advantages to bigness certainly

but the costs exceed the benefits On many counts bigness is badness Across the world large countries are staring down secession movements Many have already split apart Do we imagine that we almost alone in the world are immune We had a civil war to prevent a secession and we re tempted to see that terrible precedent as proof against another effort This book explodes that comforting belief and shows just how easy it would be for a state to exit the Union if that s what its voters wanted But if that isn t what we really want Buckley proposes another option a kind of Secession Lite that could heal our divisions while allowing us to keep our identity as Americans *Constitutive Justice* William A. Barbieri, 2015-09-15 Both classical and modern accounts of justice largely overlook the question of how the communities within which justice applies are constituted in the first place This book addresses that problem arguing that we need to accord a place to the theory of constitutive justice alongside traditional categories of distributive and commutative justice **The Ethnopolitics of Ethnofederalism in Ethiopia** Jan Erk, 2017-12-01 Ethiopia is the darling of development economists since 2005 the country s economic growth rate has consistently been over the 10% mark Ethiopia is also a regional superpower with political influence across East Africa and the Horn Furthermore the African Union has its headquarters in the capital Addis Ababa which further underscores the country s growing international profile On top of everything since 1995 Ethiopia has a federal constitution explicitly committed to granting political autonomy to all ethnic groups within the country Ethiopia s federalism has also direct relevance to the country s neighbours Eritrea Somalia Kenya South Sudan and Djibouti who have ethnic kin across the borders with Ethiopia Yet despite the generous promises to the country s ethnic groups stated in the constitution not everything is well As marked by the recent unrest throughout various regions of the country the federal constitution s promises and the reality do not always perfectly align But there is a shortage of even handed scholarly analyses of this complex country and in particular its unique federal system Based on chapters focusing on different parts of the federal system the collection takes stock of the last 20 years and distils lessons and insights for a broader international comparative readership The chapters originally published in *Ethnopolitics and Regional Federal Studies* *Contested Secessions* Neera Chandhoke, 2011-12-26 This book approaches contested secession and the more Western concept of consensual secession from a political theory perspective In particular it focuses on the Kashmir issue as a form of contested secession and examines whether the Kashmiri people have a right to secede **A Liberal Theory of International Justice** Andrew Altman, Christopher Heath Wellman, 2011-05-26 A Liberal Theory of International Justice advances a novel theory of international justice that combines the orthodox liberal notion that the lives of individuals are what ultimately matter morally with the putatively antiliberal idea of an irreducibly collective right of self governance The individual and her rights are placed at center stage insofar as political states are judged legitimate if they adequately protect the human rights of their constituents and respect the rights of all others Yet the book argues that legitimate states have a moral right to self determination and that this right is inherently collective irreducible to the individual rights of the persons who constitute

them Exploring the implications of these ideas the book addresses issues pertaining to democracy secession international criminal law armed intervention political assassination global distributive justice and immigration A number of the positions taken in the book run against the grain of current academic opinion there is no human right to democracy separatist groups can be morally entitled to secede from legitimate states the fact that it is a matter of brute luck whether one is born in a wealthy state or a poorer one does not mean that economic inequalities across states must be minimized or even kept within certain limits most existing states have no right against armed intervention and it is morally permissible for a legitimate state to exclude all would be immigrants

The Oxford Handbook of Practical Ethics Hugh LaFollette, 2005-09-15 This is a guide to contemporary thought on ethical issues in all areas of human activity personal medical sexual social political judicial and international from the natural world to the world of business

Negotiating Self-determination Hurst Hannum, Eileen Babbitt, 2006-01-01 Negotiating Self Determination takes an in depth look at what an understanding of conflict analysis can bring to the field of international law and the impact that international legal norms could potentially have on the work of conflict resolvers in self determination conflicts

Ethnic Identity and Minority Protection Thomas W. Simon, 2012-03-28 In Ethnic Identity and Minority Protection Designation Discrimination and Brutalization Thomas W Simon examines a new framework for considering ethnic conflicts In contrast to the more traditional theories of justice Simon s theory of injustice shifts focus away from group identity toward group harms effectively making many problems such as how to define minorities in international law dramatically more manageable Simon argues that instead of promoting legislative devices like proportional representation for minorities it is more fruitful to seek adjudicative solutions to racial and ethnic related conflicts For example resources could be shifted to quasi judicial human rights treaty bodies that have adopted an injustice approach This injustice approach provides the foundation for Kosovo s case for remedial secession and helps to sort out the competing entitlement claims of Malays in different countries Indeed the priority of Thomas W Simon s Ethnic Identity and Minority Protection is to ensure the tales of designation and discrimination told at the beginning of the work do not become the stories of brutalization told at the end In short the challenge tackled in this text is to assure that reason reigns over hate

Justice, Legitimacy, and Self-Determination Allen Buchanan, 2003-08-21 This book articulates a systematic vision of an international legal system grounded in the commitment to justice for all persons It provides a probing exploration of the moral issues involved in disputes about secession ethno national conflict the right of self determination of peoples human rights and the legitimacy of the international legal system itself Buchanan advances vigorous criticisms of the central dogmas of international relations and international law arguing that the international legal system should make justice not simply peace among states a primary goal and rejecting the view that it is permissible for a state to conduct its foreign policies exclusively according to what is in the the national interest He also shows that the only alternatives are not rigid adherence to existing international law or lawless chaos in which the world s one superpower pursues its own interests

without constraints This book not only criticizes the existing international legal order but also offers morally defensible and practicable principles for reforming it Justice Legitimacy and Self Determination will find a broad readership in political science international law and political philosophy Oxford Political Theory presents the best new work in political theory It is intended to be broad in scope including original contributions to political philosophy and also work in applied political theory The series contains works of outstanding quality with no restrictions as to approach or subject matter Series Editors Will Kymlicka David Miller and Alan Ryan

Dream States Benjamin J. Cohen, Distinguished Professor Emeritus Department of Political Science Benjamin J Cohen, 2025-06-13 Around the world numerous communities seek the protections of sovereignty a dream state of their own to preserve their traditional way of life However these secessionist movements create a risk of prolonged conflict in countries of every size In *Dream States* Benjamin J Cohen analyzes a diverse array of examples from recent history to assess the dangers of separatist conflict and what can be done about it Given the increasing emphasis on territorial and ethnic identity in political movements globally this book is essential reading for anyone interested in separatism and the threat it poses to international peace

Negotiating Nationalism W. J. Norman, 2006-05-25 There are at least three times as many nations as states in the world today This book addresses some of the special challenges that arise when two or more national communities re the same multinational state As a work in normative political philosophy its principal aim is to evaluate the political and institutional choices of citizens and governments in states with rival nationalist discourses and nation building projects The first chapter takes stock of a decade of intense philosophical and sociological debates about the nature of nations and nationalism Norman identifies points of consensus in these debates as well as issues that do not have to be definitively resolved in order to proceed with normative theorizing He recommends thinking of nationalism as a form of discourse a way of arguing and mobilizing support and not primarily as a belief in a principle A liberal nationalist then is someone who uses nationalist arguments or appeals to nationalist sentiments in order to rally support for liberal policies The rest of the book is taken up with the three big political and institutional choices in multinational states First what can political actors and governments legitimately do to shape citizens national identity or identities This is the core question in the ethics of nation building or what Norman calls national engineering Second how can minority and majority national communities each be given an adequate degree of self determination including equal rights to carry out nation building projects within a democratic federal state Finally even in a world where most national minorities cannot have their own state how should the constitutions of multinational federations regulate secessionist politics within the rule of law and the ideals of democracy More than a decade after Yael Tamir s ground breaking *Liberal Nationalism* Norman finds that these three great practical and institutional questions have still rarely been addressed within a comprehensive normative theory of nationalism

Historical Title, Self-Determination and the Kashmir Question Fozia Nazir Lone, 2018-05-07 In *Historical Title Self Determination and the Kashmir Question* Fozia Nazir Lone offers a critical re

examination of the Kashmir question Through an interdisciplinary approach and international law perspective she analyses political practices and the substantive international law on the restoration of historical title and self determination The book analytically examines whether Kashmir was a State at any point in history the effect of the 1947 occupation by India Pakistan the international law implications of the constitutional incorporation of this territory and the ongoing human rights violations whether Kashmiris are entitled to restore their historical title through the exercise of self determination and whether the Kashmir question could be resolved with the formation of international strategic alliance to curb danger of spreading terrorism in Kashmir

A Legal Geography of Yugoslavia's Disintegration Ana S. Trbovich, 2008-02-05 The author explains the violent break up of the former Yugoslavia in the early 1990s in the context of two legal principles sovereignty and the self determination of peoples She also offers an analysis of Kosovo s future status international recognition of secession implications for other conflicts and much more

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