

SYMPOSIUM
TERRITORY, BELONGING
SECESSION, SELF-DETERMINATION AND TERRITORIAL RIGHTS
IN THE AGE OF IDENTITY POLITICS



TALKING SECESSION

BY NEERA CHANDHOKE

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Talking Secession

Neera Chandhoke

I am indeed gratified that such eminent political philosophers have taken the trouble to engage with the argument in *Contested Secessions*, and done so in a spirit of friendly criticism. I appreciate each one of these responses. My own rejoinder to the insightful issues that have been raised, and to the reservations that have been expressed, will, in all probability, prove inadequate. That is perhaps a given. Few authors can claim that they have said what needs to be said, and that nothing more needs to be said. I am certainly not one of them. I believe that the purpose of scholarship is to keep a conversation going. Profound gratitude to Sebastiano Maffetone, Gianfranco Pellegrino, and Michele Bocchiola for providing the space and the opportunity for one such conversation is, therefore, in order. Many thanks to Valentina Gentile for making this happen.

Let me begin my response to these comments by reiterating a point made in the book on methodology. I do not buy into notions of exceptionalism, or to the idea that the study of political phenomenon in the global south demands a qualitatively different set of presuppositions and theories. The perspective is, of course, disputed. A number of distinguished scholars, speaking of the distinctiveness of the Indian experience, argue strenuously that western theories cannot possibly apply to the postcolonial world. Authenticity and indigenous social science are undeniably the flavour of the current intellectual season.

The proponents of indigenous social theory make a valid point, but they also miss out on a great deal. In today's world, the central problem for societies is that of realising justice and institutionalising democracy. We have a great deal to learn from each other on this count. On a lighter note, we, in the postcolonial world, can hardly duck theories that come to us in waves from western universities and think tanks. How is it possible to do so? We have cut our academic teeth on them. Western philosophers and philosophies are part of the folklore of the Indian academy, ironically much more than canons of Indian political thought.

Still doubts about the capacity of these theories to negotiate a qualitatively different political context remain. Take secession, the contrast between the Quebec, Scotland and Catalonia on the one hand, and Kashmir, Baluchistan, and Tamil Eelam in Sri Lanka on the other, is striking. Can theories that take as their referral the decision of the Canadian Supreme Court on Quebec, adequately deal with the complexities of the Kashmir problem? That was at the back of my mind when I suggested that in contexts stamped by excessive violence, third party intervention, mobilised minorities, and illiberal leaderships of the separatist movement, even limited advocacy of the right to secede might well become much more wary and hesitant.

I

Allen Buchanan casts a sceptical eye on this suggestion. What is so specific about the Kashmir case he asks, are not all cases of secession contested? They certainly are. Contestation is, indisputably, inbuilt into secession. A month ago Crimea broke away from the Ukraine vide a referendum, and was incorporated

into Russia. According to plebiscitary theories of secession this particular case of procedural secession should have occasioned little controversy. The decision, however, took the western world by storm, prompted hysterical predictions of another cold war between an existing super-power and a resurgent one, and led to the imposition of sanctions on Russia. The secession of Crimea from Ukraine and incorporation into Russia was not contested by the erstwhile parent state, but both acts were vociferously opposed by the international community.

Secession is a particularly difficult theme for political philosophy, points out Valentina Gentile, for it is difficult to accommodate the international and the domestic aspect of secession in the same theory. Indeed, the point is well taken. Yet in some cases the duality does not pose a problem in practice and, therefore, for theory. Bangladesh, for instance, was accepted as a member of the United Nations almost three years after it declared independence; that is after Pakistan recognised the new state. This is clearly in keeping with the conventions of international law; that the recognition of a new state by the U.N. is dependent on the recognition of the state by the erstwhile parent country.

However, this particular convention has hardly deterred individual countries from recognising a new state, even if the parent state and the United Nations have withheld recognition. Kosovo is a case in point. Notably the recognition of de facto states by powerful Western states has proved arbitrary and self-serving. Powerful Western countries have rushed to recognise Kosovo, but denied recognition to the free zones established by the Polisario Front, or to the Government in Exile declared by the Saharawi Arab Democratic Republic in Western Sahara, a region that has been annexed by Morocco. The existence of the Independent Republic of Somaliland has not been recognised by other states to date. Nor have important countries recognised the

right of the Palestine people to the establishment of a state of their own. Some cases of secessions are contested if not by the erstwhile parent country, by the international community. Others are contested by the parent country but not by powerful members of the international community. Clearly the laws that regulate secession in international relations are the laws of war. And this poses a problem for normative theory.

But the laws that negotiate secession or attempted secessions in the postcolonial world are also laws of war. The reason why secessions are so messy in the postcolonial world, compared to, for example, the impending separation of Scotland and Catalonia from their parent country, is fairly obvious. For countries that wrested independence from colonial powers in the second half of the twentieth century, secession signposts a dramatic failure, the failure to consolidate the territory of the nation state. The nation state is highly overrated, and in our part of the world—South Asia—it appears as one of the major mistakes of history. Even so, in a global context that continues to hold the belief that the only state worth its name is the nation state, and considering that nations are the chief legitimacy claim of states, postcolonial states simply cannot come to terms with loss of territory.

Matters are worsened because in the international community states that cannot hold their territories together are castigated, even dismissed as failed states, as crisis states, and as fragile states, by other governments, donors, rating agencies, and western academics for whom research on ‘failed states’ has become a profitable industry. Any one of these dubious titles casts a particularly dark shadow on state capacity. It is not surprising that the response of the state has been to accelerate ‘nation-building’ through coercive means. There are a great many tragedies waiting to happen in South Asia, simply because state making has not

been preceded by nation-making, as was the case in Italy and France.

Consider India that has historically been a highly plural, and regionally defined, society. There is little in common between a Hindu from Punjab and a high caste Brahmin from Tamilnadu. There is even less in common between a Sunni Muslim from the Valley of Kashmir and a Muslim from Kerala, or indeed a Shia Muslim from Kargil in the northern reaches of the state of Jammu and Kashmir. Heavy handed attempts to forge a nation have rebounded leading to a proliferation of secessionist demands. Both sides to the conflict have invoked and harnessed hyper-nationalism to their projects. And the country has been rent asunder by violence, by xenophobia and by bigotry.

Some years ago a film, 'Roja' by the noted director Mani Ratnam on the kidnapping of the South Indian protagonist by 'terrorists' in Kashmir, caused audiences in the south of the country to erupt in vociferous protests. South Indians are politically more concerned with the Tamil problem in Sri Lanka, than Kashmir which is geographically distant. But this film provoked immense rage over 'terrorism' in Kashmir. Cinema halls were nearly burnt down, anti-Pakistan slogans were raised, and very soon these slogans slid into verbal attacks on Indian Muslims. The immense potential of what is euphemistically called the 'Kashmir' problem, to spark off violence against fellow citizens who bear a Muslim name, is unbelievable. It is also very frightening.

Nationalist anxieties over the eruption of sub-nationalism legitimise extreme violence on both sides. Paranoia over territory lost and dreams of territory regained, sanctions the imposition of draconian laws, violations of basic civil liberties in the Valley, encounter deaths, and mass graves. And hyper-nationalism in the country has authorised the breaking of a contract that granted

regional autonomy to the state of Jammu and Kashmir. The argument in *Contested Secessions* holds that if the violation of a constitutional provision and the breaking of the contract was the original sin, injustice has been compounded by violations of fundamental rights and denial of democracy. This is enough cause to see secession as a *prima facie* right.

II

Margaret Moore disputes the argument. According to Moore the relevant question is not whether secessionists have just-cause to renege on political obligation to the state. The problem of secession, according to Moore, is grounded in a deeper and more fundamental analysis of the kind of thing that territory is; a normative account of the proper relationship of territory to the people living within it, or with interests in it, and its relationship with the state that claims jurisdictional authority over it. In the specific case of Kashmir, asks Moore, is the paramount problem of who holds territorial rights, India, Pakistan or China. Or should the state of Jammu and Kashmir be unified?

The second problem identified by Moore is whether the monarch in 1947 had the legitimate right to sign over the territory of Jammu and Kashmir to India. The act of signing the Instrument of Accession assumed that the existing state had the authority to make that kind of a decision. Was the existing state the fundamental holder of territorial rights, and could it transfer the right to not only to legislate across the domain, but also decide the terms and structures of the entity with jurisdictional authority without regard for people who lived on the land? The act ignored the interests of the inhabitants of J and K.

Specifically Margaret Moore's criticism hinges on the point of view that I follow the just-cause theory of secession grounded in the Kantian view that territorial rights are held by a just state, and do not consider the rival view that the people or the nation are the fundamental holder of jurisdictional authority. The idea of a plebiscite in *Contested Secessions* she suggests seems like a mechanism of conflict resolution, and not as a fundamental right that the people of Kashmir hold.

Two sorts of responses are in order here. The first has to do with the troubled concept of 'the people.' And that the concept is troubled can hardly be denied. The distinguished jurist Sir Ivor Jennings had famously declared that the principle of self-determination that argues 'let the people decide' was ridiculous. "The people," he remarked, "cannot decide until somebody decides who are the people."¹ On the other hand, Edmund Morgan suggests that 'the people' is an elaborate fiction deliberately designed by representatives during the English civil war to replace another fiction that had been discredited, the divine right of kings. In the name of the people the representatives succeeded in exercising power far in excess of what was warranted. Something has to legitimise the exercise of power. In democracies the people or the political public is a convenient ploy to do so.²

The slippery concept of the people has often by sidestepped by theorists, who prefer to speak of the rights of the nation to its own territory. Now the nation can be a sociological category, or an empirical one. To be the bearer of rights the nation has to reinvent itself as a political category through processes that

¹ Ivor Jennings, *The Approach to Self Government* (Cambridge: Cambridge University Press, 1956), 56.

² Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W.W Norton, 1988).

include as well as exclude. It is precisely this aspect of defining who belongs and who does not to the nation that is troublesome.

Consider that Pakistan was created as a homeland for the Muslim community. Yet in the country a sub-sect of Islam, the one million strong Ahmadiyya's, have been categorised as non-Muslim, and as heretics, because they believe that Mirza Ghulam Ahmad born in the 14 Islamic Century, was a prophet and a messiah. The Ahmadi's are interpreters of the Koran and proselytizers of the faith, yet they have been persecuted and hounded in the homeland of South Asian Muslims. Interestingly the headquarters of the community are in Qadian in Indian Punjab.

Clearly the claim that nations have a right to their own state reproduces infinitely the minority problem. If the new state has to confront the issue of minority rights as Pakistan did when the Bengali speakers asked for a state of their own, then the establishment of a state based on national self-determination can be, but, a temporary resolution. The problems of one minority can be resolved by secession, but the problem of other minorities within the new state remains. Even if we grant that an endless cycle of secession can provide a resolution to the 'minority problem,' the multiplication of nations and demands for statehood is not likely to make the minority problem go away.

The problem is not only that secession causes political instability; the problem is that secession is often seen as a way of resolving conflict. Yet conflict, as we have seen, cannot be resolved by the setting up of a new state. Is it not then more important to establish and strengthen structures that can contain conflict by democratic means? For these and other reasons elaborated in this work, I have argued that secession cannot be justified on the presumption that nations are entitled to their own states.

My second response to Moore's argument has to be empirical. There is no disagreement with the view that the plebiscite in J and K should have been held. This was in keeping with the commitment made to the people of the state by the Governor General Lord Mountbatten. But in J and K the holding of the plebiscite to determine the popular will was pre-empted by a number of factors. Shortly thereafter the issue was internationalised and the first war between India and Pakistan broke out over Kashmir. In this context the Security Council laid down that certain conditions had to be fulfilled before the plebiscite could be held. The Pakistani army and infiltrators from Pakistan were to withdraw, followed by the withdrawal of the Indian army. It is only then that the Indian Government could supervise the holding of the plebiscite. Both these conditions remained unfulfilled. And the plebiscite became one of those 'might have been' of history. After the first Indian-Pakistan war and the internationalisation of the Kashmir issue, the Government of India no longer had sole control over the territory, which in any case was divided between two, and then three states. I see little point in castigating the Indian government on this count, though it certainly can be castigated on others.

III

There is a more fundamental problem at stake here. In principle it is not too late to hold a referendum on which way the people of the Indian part of the state of J and K want to go, reunification with the rest of the state (which requires negotiations with Pakistan and China) accession to Pakistan, independence, or remaining with India. However a great deal of water has flown under the bridges of the spectacular river of the

even more spectacular Valley of Kashmir, the Jhelum. In 1989 the uprising in the valley was centred on the demand for azadi/freedom, which can be interpreted either as independence or autonomy. The main grievances articulated by the people of Kashmir had to do with violations of the pact that granted regional autonomy, the closing of the political space, and corrupt electoral practices. By the mid-1990s the struggle had been hijacked by Islamist mercenaries from Afghanistan and Pakistan. They proceeded to bend the entire political agenda of an uprising against injustice to their own end, jihad.

The entry of third parties into a conflict situation, catapults to the forefront a question famously asked by Plutarch about the Ship of Theseus. If the wooden planks of an old ship, asked Plutarch, are replaced over a period of time in order to restore the ship, is the ship the same or a different one? Thomas Hobbes asked another question of the same phenomenon. If the original planks of the ship are not discarded but used to build another ship, which is the real ship of Theseus?

Witness the paradox. Concerned citizens of India have the moral obligation to express solidarity with fellow citizens who have been subjected to institutionalised injustice, and who wish to secede. Do we hold quite the same obligation when an entirely new set of agents come into the territory from outside the boundaries of the state, rework the litany of grievances, and assert a right to an independent state that will have room only for believers? We have to recollect that the Valley had been subjected to ethnic cleansing in 1990. By the mid-1990s, this process was fast-tracked, and not only Hindus and Sikhs but also moderate Muslims were either killed, or forced to leave the Valley that had been their home for generations. In the same period the leadership of the Kashmiri people withdrew from the armed struggle and opted for peaceful methods. The original ship of

Theseus has been remodelled; it is simply not the same ship. And if the original components of the ship are used to create a new ship, which is the ship of demands that merits wholesale defence? Who are the people who will decide their own fates in this case? Empirical evidence forestalls the taking of uncompromising positions on the proposition that the people should decide.

IV

We come to the question of minority rights, a question that Buchanan suggests is endemic to any problem of secession. The minority issue has caused in many philosophical circles a sense of permanent disquiet about secession, even if some philosophers like Harry Beran put forth the idea of recursive secessions. A number of liberal philosophers taking cognizance of minority rights have laid down elaborate procedures to ensure that the new state guarantees the rights of minorities. Does this position hold if the minorities have staked claim to a different political status, and if they have mobilised against secession?

The state of Jammu and Kashmir was an artificial creation a veritable patchwork of nationalities, linguistic and religious groups put together by the British. Many of the inhabitants of the territories that were attached to the Valley of Kashmir do not want to accede to Pakistan. Nor do they want independence from India. The Buddhist community in Ladakh had begun to assert a distinct identity as far back as the 1930s, and held that it preferred to be governed directly by the Government of India, or be amalgamated with Hindu majority regions in Jammu, or join East Punjab, or be reunited with Tibet. The Buddhists continue to reiterate the demand. In Jammu, the predominantly Hindu community has joined rabid right wing forces in demanding

autonomy from the valley, abandonment of regional autonomy, and firmer integration into India. The former residents of the Kashmir Valley, the exiled Hindu Kashmiri community, have begun to agitate for a separate homeland comprising the region to the East of the Valley and the North of the Jhelum. The nomads—the Gujjar community, which constitutes 9 per cent of the state’s population, have been given benefits that follow the grant of Scheduled Tribe status by the Government of India. The Pahari or the hill people have demanded separation from the Valley, as well as a distinct political status. And the residents of the Chenab Valley have also out forth a claim for an Autonomous Hill Council. The issue of the status of the state of J and K has simply been pluralised. Even if the leadership commits to minority rights, groups other than the Sunni Muslim majority in the Valley do not subscribe to the project of secession. This has foregrounded the clash of rights problem.

V

Negotiating the conflict between rights is the precise challenge for anyone who sets out to study the complexities of the Kashmir problem. The two set of rights—the right to secede, and the right not to secede are incommensurate. And there is nothing in the vocabulary of rights that tells us how to resolve conflict between rights; there is nothing that tells us what to do in cases of clashes between rights. What is clear is that we, as democrats, cannot privilege one set of rights over another. In order to forestall the overriding of one right by another I suggested in the work that the rights of all parties should be upheld and protected, by reducing the scale of the good they aspire to. The best way of doing this is to accommodate the demand for azadi within a

loosely articulated federal system that grants considerable autonomy to regions, and also reduce the demand for closer integration into India.

A loose and de-centralised polity might serve to deflect secession, though of course we cannot be confident that regional autonomy will realise this hope. Whether decentralisation can or cannot prevent secession is an enduring debate, and the jury is still out on the issue. But we can try. The idea is not new or particularly innovative. It is there, embedded in the constitution in the form of Article 370 that grants special status to J and K. The sanctity of constitutional guarantees, which have been seriously infringed, has to be reinstated. There is no other option. This is the first step towards the restoration of peace in the state. India has to honour the structure of the federal system, as well as strengthen minority rights.

VI

This brings me to the point raised by Valentina Gentile, i.e., the shift from non-ideal to ideal theory. Gentile referring to the chapter on empirical and normative pluralism holds that theories of community sensitive liberal pluralism are problematic when we move to the real world. These theories do not enable us to negotiate ill-liberal views.

Let me restate the larger point before I negotiate this specific issue. I argue in the work that a political theory of secession cannot deal only with the contiguous and the direct implications of the act of separatism. Political philosophy is a normative enterprise, and we have to ask where exactly secession fits into the classical concerns of this genre of reflection and critical

engagement with pressing issues. It is important that we do so because otherwise we get bogged down in the here and the now. A sense of urgency and of immediacy tends to abstract political practices from long term perspectives as well as impede both moral and political judgement.

For this precise reason we should try to evaluate secession from the vantage point of the following question. What sort of a society provides an enabling political context for persons and groups? Do human beings realise themselves and their projects in a society that is bound together by shared meanings provided by one language, and one religion? Or do plural societies, or societies that contain within their territorial borders a number of communities, each of which subscribes to a distinctive conception of the good, provide such a context?

To synthesise a larger argument, plural societies make for enabling political contexts because they enable access to other perspectives and world views, because exposure to other cultural groups fosters the spirit of toleration, and because democratic dialogue demands, as an essential precondition, a plurality of views. In monochromatic societies, people inhabit closed off spaces, stripped of challenges or confrontations that can act as a touchstone for their beliefs. This still does not help us to address the question raised by Gentile: how do liberals deal with illiberal cultures. It is well known that liberal theories of toleration come unstuck at the precise moment when liberals are confronted with illiberal cultures. Why should we tolerate illiberal cultures which do not tolerate us, and which are heedless of the rights of their own members, particularly the rights of women? But then the concept of toleration acquires meaning only when we are confronted with the intolerable.

Let me suggest one possible resolution to this problem by referring to an argument that I had made in an earlier work on

secularism.³ Why should we subscribe to the notion that each individual/group is free to practice his/her/its own religion, and that this right is equally held by all, *unless* we subscribe to the generic right to freedom and equality? And why should a society subscribe to these rights unless it subscribes to the value of democracy?

Secularism as understood in India as equality of religions is not an autonomous concept. In order to unravel the meaning of secularism, we try to unravel the implications of the foundational concepts that give it [secularism] meaning—equality, freedom, and democracy. The antecedent moral principle that informs the practice of secularism in India, as equality among religions, is that of equality.

But if we begin to look closely at equality we find that it is by no means a self-evident concept. Whereas in a purely formal sense equality means that each should be treated equally, this interpretation ignores the fact that the constituency for equality is supremely unequal. If we apply formal equality in an unequal society we land up reproducing inequality, which is something that the egalitarians have been warning against.

There is only one way out of reproducing inequality through equal treatment, and that is to treat different groups differently or according to their specific circumstances. In this sense equality of religion would mean protecting those groups whose identities and religious beliefs are under constant threat of being subordinated to the majority. Of course this implies that we add to the original egalitarian agenda, which is closely involved with the notion of redistribution, the idea of recognition. It also means that we think out in detail the relationship between group rights and individual

³ Neera Chandhoke, *Beyond Secularism: The Rights of Religious Minorities* (Delhi: Oxford University Press, 1999).

rights. Individuals need access to their cultures/religious affiliations because this gives them their basic system of meaning. But groups and their rights are important only insofar as they are important for individuals. Therefore, individual rights cannot be subordinated to group rights. This is one way we can begin to address illiberal cultures. If these cultures or religious groups demand the right to equality, they must be prepared to treat their own members equally.

VII

The other substantive question that Moore raises has to do with the way I conceptualise democracy. Whereas she conceives of democracy as a way of guaranteeing equal political voice by the governed about the way they are governed, and who governs them, I conceptualise democracy in a looser way. In my definition democracy becomes coextensive with good things, which should normally be separate from democracy. Why does Chandhoke asks Moore, assimilate social and economic justice, redistribution, and political democracy which are distinct values? There are different values to legitimize a political order, there are principles of justice including principles to ensure the just distribution of benefits and burdens of cooperation, principles of democracy or equal political voice in the institutions of government, and principles of self-determination concerned with group or collective identities and aspirations of people in their collective identity to have control over collective conditions of their existence.

I think Moore and I do not differ greatly about the way we conceptualise what a good political society looks like. She would rather see different values emanating from different principles. I on the other hand see these values as intrinsic to the basic precept

of democracy for one basic reason. I may be wrong but I can think of few works that have worked out the relationship between democracy and justice in a systematic manner. Justice is not after all the prerogative of democracy, every authoritarian ruler in this world seeks to legitimise his rulings by reference to this or that authoritative text which establishes what justice is. So what is the relation between democracy and justice?

Suppose we were to work through the principles of democracy suggested by Moore, that of equal political voice. In order for people to have equal political voice, surely the state or some other institution should be charged with the responsibility of ensuring that background inequalities are addressed and neutralised to some extent for two reasons. Social equality and political equality are not siblings or first cousins, they are constitutive of democracy. Moreover, how can we escape the realisation that social inequality inhibits greatly equality of voice in the public sphere? Shapiro points out that “no conception of democracy as geared towards reducing domination can ignore the relations between the political system and the distribution of income and wealth.”⁴ At the same time he cautions that there is no demonstrable relationship between expanding the democratic franchise and downward redistribution, and that universal franchise democracies have coexisted with regressive redistribution. This problem might be circumvented when we draw on the resources of democratic equality to conceptualise justice—that each individual has the right to share equally in the benefits and in the benefits of her society.

The main problem with privileging different values as the outcome of different principles is that in the process concepts tend to stand in for each other, and diminish the significance of

⁴ Ian Shapiro, *The State of Democratic Theory* (Princeton: Princeton University Press, 2003) 105.

the concept they stand in for. One example that readily comes to mind is the contemporary debate on poverty. Consider how easily in a number of theories, redistributive justice has come to stand in for equality. But equality is not in the first instance about the redistribution of material and symbolic resources. It is about the standing that people hold *relative* to each other, and about the way they are *enabled* to participate equally in the multiple transactions of society. Redistributive justice is an essential precondition of equal political voice; it is not a synonym of equality. When philosophers focus on redistributive justice they often do so at the expense of equal moral worth. This is as true of the school of luck egalitarians as it is of the global justice debate. The emphasis has shifted from equality to the principles that should govern redistributive justice in the first case, and from equality to moral obligations of citizens of western countries in the latter. In both cases the global poor are dish out what appears as compassion.⁵

VIII

One minor point might be in order. In his response to the argument in *Contested Secessions*, Buchanan suggests that I liken secession to divorce. I am afraid he misreads my argument. *Contested Secessions* concludes with the suggestion that the right of secession has to be taken seriously both by separatists and its defenders, and justified rigorously. Though in much of the

⁵ Neera Chandhoke, “Equality for What? Or the troublesome relation Between Egalitarianism and Respect,” in Gopal Guru (ed.), *Humiliation: Claims and Contexts* (New Delhi: Oxford University Press, 2009), 140-162; “Why Should People Not Be Poor?” in Thomas Pogge (ed.), *Freedom from Poverty as a Human Right* (Paris: UNESCO, series editor Pierre Sane); “How Much is Enough Mr Thomas? How Much Will Ever be Enough?”, in Alison Jagger (ed.), *Pogge and his Critics* (Cambridge: Polity Press, 2010), 66-83.

literature acts of secession are likened to divorce; the divorce analogy seems to be a rank misfit. Howsoever painful a process may be divorce; howsoever badly the act may scar the consciousness of erstwhile partners, it still does not involve the same scale of dislocations, violence, and major infringements of human rights as secession does. The right of secession can best be likened to the right of euthanasia, conceived of as a contingent right in precisely the same way as euthanasia is a qualified right. The précis of the book, which is carried in this Symposium, expands on this point more.

What is important is that secession can be forestalled by breaking the mould of the nation state, which has set and thereby truncated political imaginations as Buchanan suggests, modifying hysteria on national integration and unity, and decentralising power to grant regional autonomy. Within the region, minorities should be assured of constitutional protections against regional majorities. The suggestion is not new, but perhaps worth reiterating. The reframing of the issue as a challenge that democratic politics in India must take up and engage with, is meant to establish exactly the point made by Buchanan that democracies have resources that they can use to downplay the conflict and find a third way between secession and integration into the Republic of India.

IX

Finally on another lighter note. Margaret Moore in her incisive response to *Contested Secessions* concludes that though I offer useful suggestions both for a changed democratic order in India, and for a more modest idea of self-determination, these are not placed within a philosophical treatment of territorial rights.

Moore's response begins with the comment that *Contested Secessions* only partially delivers on its promise because the argument does not move out of the framework set by the original literature on secession; that of framing the conflict in terms of rights and consequences of asserting various rights. This lack she finds deplorable. In short, she thinks that I should have adopted a completely different perspective while studying secession.

The irony is that in the paragraph immediately preceding the conclusion in her response, Moore criticises my proposal that self-determination should be thought of as a constitutive aspect of democracy. I believe, according to Moore, that Kashmiri's instead of thinking of self-determination should just adopt another view. In a 'tongue in cheek' comment in the last sentence of the paragraph, Margaret Moore observes that many problems could be solved if people think in ways other than they do.

In two consecutive paragraphs the argument I make is criticized on the ground that I urge another frame of thought on the people of the valley. But I am also criticized for not casting my argument in another conceptual frame notably that of territorial rights. If I am guilty of imposing a view on Kashmiri's that they should think about democracy more and about self-determination less, I am also held guilty of not adopting the theoretical framework provided by theories of territorial rights. I should have engaged with this literature. Because I did not, this, according to Moore, limits the usefulness of my analysis.

But then all of us, including Moore, tend to view issues through our own sets of conceptual lens. We might have good reasons for doing so. This is perhaps not of significance. The moot point is not that other scholars should not think the way they do, but to accept that other points of view might worthy of being engaged with. On this front I have no quarrel with Moore.

To conclude, in situations such as Kashmir we confront an extremely difficult problem. The right of secession can be prima facie justified. At the same time, the right can prove weak when balanced against considerations that have a bearing on the right. What can a liberal theorist do in these circumstances? Defend the right irrespective of the fact that the original planks of the ship of Theseus have been replaced and it is no longer the same ship? Oppose it? Or strive toward second level mediation. The original injustice that was the cause of secession has still not been remedied, but the added complication is the one posed by competing rights? The problem is complicated and no easy solutions are on offer. And in the meantime references to Kashmir continue to overheat the political atmosphere. That is the story of secessionism in Kashmir.

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