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**DEBATING PARTITION:  
JUSTIFICATIONS AND CRITIQUES**

**Brendan O'Leary**

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## ABSTRACT

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### DEBATING PARTITION: JUSTIFICATIONS AND CRITIQUES

Political partitions—fresh political borders cut through at least one community's homeland—have been regularly commended to resolve national, ethnic and communal conflicts. The strongest five political arguments in their favor are presented in this article. The neglected question of how partitions may be implemented is also considered. Then the seven most powerful political arguments of anti-partitionists are treated. Partition should only be considered when there is a high degree of confidence that genocide or mass expulsions will occur, and its proponents should consider that preparing for partition may precipitate the awful outcomes it is nominally intended to prevent.

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## DEBATING PARTITION: JUSTIFICATIONS, CRITIQUES AND EVALUATION

Brendan O'Leary

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### INTRODUCTION

Political partition has been defined as a fresh political border cut through at least one community's national homeland. It is thereby distinguished from adjacent but distinct phenomena, such as secessions which are attempted within existing recognized units (O'Leary, 2001: 54; O'Leary, 2005b). Explanations of partitions, both in particular and in general, are recurrent in political science and history (Mansergh, 1997a; Fraser, 1984; Hasan, 2002). This paper, by contrast, asks not what partitions are, nor why they take place, but rather focuses on the arguments that are used to justify them. It begins by examining the range of arguments that have been advanced to justify partition, describes the characteristic methods of partitionists, and reviews the principal anti-partitionist arguments.

### JUSTIFICATIONS OF PARTITION

The arguments which follow evaluate the merits of the partitionist case. Particular attention is paid to the methods proposed to achieve partitions. The typical critical response to partition proposals and consequences are then considered. The evidence and the arguments suggest that anti-partitionists are more realistic, politically prudent and wise. Throughout, the temptation to caricature is avoided, though there are some easy targets, because some appear to make a habit of arguing for partition amid any heated ethnic conflict. For example, Lord Carrington advocated the partition of Bosnia-Herzegovina and South Africa; and the UK journalist Anatole Lieven has argued for the partition of both Chechnya and Kosovo. But, just as no-one is a relentless advocate of divorce at the slightest hint of disagreement between couples, equally there are no truly relentless partitionists who argue for the partition of a national homeland at the slightest hint of ethnonational or group conflict.<sup>1</sup> Rhetoric, according to Aristotle, is argument deployed when, uncertain of our premises, we must persuade one another to take some course of action. Uncertainty certainly characterizes the typical situations in which partition (or re-partition) is proposed.

So what are the most powerful partitionist arguments for regulating or resolving ethnonational and communal antagonisms?<sup>2</sup> In order, these arguments may fairly be

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<sup>1</sup> Those who reject marriage and the state are not partitionists, but rather "anogamous" and anarchist.

<sup>2</sup> That is arguments made in defense of partitions of multinational polities. Parallel appraisals of arguments are underway on secessions, national liberations, pluralist federations, and consociations (e.g. McGarry and O'Leary, 2005, O'Leary, 2005a).

labeled historicist; "last resort"; net cost-benefit; "better tomorrow"; and the "rigorous end". The distinctive nature of the last of these leads me to describe it as "the fifth argument". Pleading the fifth is typical of the justifications of partitions that have happened.

### *The historicist argument*

Historicism, as defined and criticized by Karl Popper (1957), assumes that we can know that history is necessarily tending in a given direction. Many partitionists are historicists. They believe that nationalist, ethnic or communal conflicts, once started, will end in partition (or worse, genocide). They detect partitionist tendencies in residential, educational and employment segregation, in the formation of nationalist, ethnic or communal parties, and in the overheating of political systems with the demands of what WH Auden's poem on "Partition" satirizes as "*peoples fanatically at odds, With their different diets and incompatible gods*".

Historicism shapes argument because it is seen as both informed and realistic. That partition is inevitable, or is already happening, that facts have already been established "on the ground", are assumptions that may persuade policy makers that the process should be speeded up to reduce the pain involved. In 1993 two advocates of the partition of Bosnia *and* of "populations transfers", John J Mearsheimer and Robert A Pape, maintained that "transfer is already occurring. ... The only question is whether it will be organized, as envisioned by partition, or left to the murderous methods of the ethnic cleansers" (Mearsheimer and Pape, 1993). Similarly, in 1998, an exponent of partition argued that "ethnic wars always separate the warring communities", so it is not a question of "whether the groups will be separated but how" (Kaufmann, 1998: 123). It is a tempting argument, especially when extensive cleansing is afoot by militias, paramilitaries or police, but it cannot be a knock-down argument in the absence of evidence that all segregation—voluntary or forced—leads inevitably to the break-up of states.

### *The "last resort" argument*

The "last resort" thesis, unlike the first, explicitly acknowledges that alternative policies and strategies exist to manage or resolve national, ethnic or communal conflicts. It suggests that these alternatives should be attempted before partition is considered. It maintains that partition should be pursued to avoid genocide or large-scale ethnic expulsions (outcomes universally acknowledged to be the worst possible outcomes). This argument is a version of "triage" in public health: let us cut where we can to save what can be saved.

Recent academic arguments sometimes make the triagist case through quasi-formal development of what is called the "security dilemma" (for example Jervis, 1978; Posen, 1993; Kaufmann, 1996a, 1996b, 1998). It is suggested that in conditions of emergent anarchy, for example when an empire or a regime is collapsing, a security dilemma may emerge among ethnic groups akin to that of individuals in a Hobbesian state of nature. One community, distrustful of another, will take action to enhance its security, which will enhance the insecurity of the other communities,

creating a vicious and escalating circle of insecurity. Ethnic groups that have strong and durable identities will be relatively easily mobilized for war in conditions of insecurity, and tempted either to attack ethnic islands of the other community, or to protect ones belonging to their own, by expelling others (for example Posen, 1993). In these conditions, partition may be justified, it is suggested, because it ends the imperatives to cleanse and rescue, and renders war unnecessary to achieve mutual security (Kaufmann, 1996a, 1996b, 1998).

### ***The cost-benefit argument***

This third line of argument need not depend on any belief in either the security dilemma or that partition is absolutely necessary to prevent genocide or large-scale national, ethnic or religious expulsions. It suggests that partition offers, on balance, a better prospect of conflict reduction than the maintenance of the existing borders. It suggests, in other words, that partition is desirable in its own right as a preventative strategy; it need not be the option of last resort. Though Kaufmann titles his defense of partition with the claim "*When all else fails*" (1998), upon scrutiny it is clear that he considers it an appropriate and prudent prior policy choice in circumstances with ethnically intermixed populations, which are merely in principle capable of sustained pogroms, massacres, expulsions and genocide. After all, of which groups could that not be said? Genocide has occurred in every continent, within every major religious civilization, and in all political systems (though under some more than others), and in all periods of human history (Chirof and McCauley, 2006).

The cost-benefit calculus argument, namely that the benefits of partition would outweigh the costs, was maintained in the last years of British imperial rule by the leading politicians of minorities who opposed independence within existing colonial borders—by Ulster unionists in Ireland, who were prepared to abandon their fellow unionists elsewhere on the island; by Zionists in Israel who thought some sovereign Israeli land was better than hoping for Eretz Israel; and by the Muslim League in India, which decided that southern Muslims would have to fend for themselves (Fraser, 1984; Mansergh, 1997a). The Muslim League affirmed a "two nations" theory; Ulster unionists generally insisted they were not part of the Irish nation, but of the British, and "Ulster" arguments started to outweigh "Irish unionist" arguments; among Zionists the tactical judgment was that partition would help the formation of a Jewish state, and need not preclude the formal abandonment of the ambition of eventual control of all of "Eretz Israel". In each of these cases it was argued that partition was justified to prevent a loss of freedom—not that genocide and ethnic expulsions were going to be carried out by Irish, Indian and Palestinian nationalists.

### ***The "better tomorrow" argument***

The historicists, the triagists, and the calculators all agree that after partition there will be a reduction in actual violence and conflict recurrence, and that the new more homogenized polities that emerge will have better prospects of stable democratization, development and better relations in general. The analogy is with divorce. After the trauma and pain is over, the former partners will be able to conduct themselves better because their interests will not interfere so intimately with one another's iden-

tity, pride and emotions. There is little need to provide references to show that this is the staple assessment of those who have supported the view that historic Palestine be partitioned, or repartitioned, or left partitioned to create "two states".

This style of prediction, or set of predictions, rests on several counterfactual assumptions, namely that without partition there would be more conflict and conflict recurrence; that more heterogeneous polities have poorer prospects of democratization, political development and reasonable conduct in foreign policy. One author claims that the evidence from Ireland, India, Palestine and Cyprus confirms that partitions reduce violence and conflict recurrence, and even insists that the post-partitioned entities were no less democratic or culturally exclusive than their precursors (Kaufmann, 1998).

### ***The "rigorous end" (the "fifth") argument***

The tough-minded partitionist does not wince from recognizing that any difficulties with partition flow from insufficient resolution—in carrying out a thoroughgoing revision of borders, one which cleanly separates the relevant antagonistic communities. Such partitionists pride themselves on their willingness to stare reality in the face. Good fences make good neighbors; bad fences provoke disputes. If heterogeneity creates security dilemmas, and encourages communal or paramilitary violence, then policy makers must devise borders—and provide incentives for controlled population movements—that will sufficiently reduce heterogeneity, and create sufficient homogeneity so that the incentives for national, ethnic, religious and communal violence are correspondingly reduced. Some cuts are better than others, and maybe another cut will be required to complete the surgery if it was botched the first time.

To criticisms of failings and horrors in historic partitions such partitionists are likely to respond that the partitions were insufficiently thoroughgoing. Their claim is that the job was not properly done: Northern Ireland was too heterogeneous, by contrast with what became the Irish Free State; Pakistan was too heterogeneous—at inception it had too many Sikhs and Hindus; Israel was too heterogeneous after 1948—there were still too many Arabs amid Jews.

To work, it is claimed, partition must lead to radical demographic restructuring, reducing the military and political significance of the new minorities. Thus Mearsheimer and Pape and subsequently Mearsheimer and Steven van Evera (1995) argued for the partition of Bosnia, "shrinking it to save it", as they put it. They did so in response to genocide and ethnic expulsions, and because they deemed unworkable the alternative federal formula developed under the plan proposed by former US Secretary of State Cyrus Vance and former UK Foreign Secretary David Owen. Mearsheimer and van Evera went on to criticize the 1995 Dayton settlement, negotiated and effectively dictated by US diplomats, as "an unfinished peace", precisely because it did not arrange a three-way partition of Bosnia between Muslims, Serbs and Croats, but just an incomplete two-way split between the recently constructed Muslim-Croat federation and Republika Srpska. They regarded the Dayton

provisions for the return of refugees to their homes as “surreal”, and saw Dayton as a veiled partition, a view shared by many of Dayton’s own makers.

### ***The justifications assessed***

These five standard arguments for partition, briefly summarized here, are both political and moral. They are not on their face apologies, or excuses for land-grabbing or indeed dereliction. I have carefully avoided selecting arguments which appear to be “racist”, “sectarian” or “civilizationist” in character. But these five arguments are only partially testable. Either one accepts historicist philosophies, or approaches, or one does not. Some historicism may rest on demographic analyses that are scientific. But the leap from demographic trends to assumptions of future political behavior may not be so scientific. The fifth argument, the “realistic rigor” gambit, is probably not testable because in the face of evidence of catastrophe it can always be claimed that the tragedies of partition lie in the imperfection of the attempted partition rather than the idea itself. But one must assume that partitionists do predict a linear relationship between degree of heterogeneity and the security dilemmas that provoke violence.

Many partitionists’ claims, however, are empirical. They insist that “restoring civil politics in multiethnic states shattered by war is impossible because the war itself destroys the possibilities for ethnic cooperation”. They insist that the “stable resolution of ethnic civil wars is only possible when opposing groups are demographically separated into defensible enclaves” (Kaufmann, 1996c 137). These arguments have a powerful normative implication. It is foolish to insist on maintaining unviable multinational states; that prolongs the likelihood of public suffering.

## **METHODS OF PARTITIONISTS**

Pro-partitionist arguments do not always tell us who the agents should be, or how they should go about their work. Flesh-and-blood partitionists, by contrast, come in two general types—proceduralists and paternalists—though also in fusions. Proceduralists generally favor agreement; paternalists favor imposition in others’ interests.

### ***The proceduralist approach***

Proceduralists advocate the involvement of the “affected parties”, to achieve as much reciprocal consent on the new border as possible. They try to establish rules to which reasonable partitions should conform. They see roles for commissions, and particularly judges and technical experts, in appraising the claims for appropriate boundaries.

The British Empire was a procedural partitionist in the twentieth century. It set up boundary commissions in Ireland, in Palestine, and in India. The UN, building upon a British legacy, attempted to be a proceduralist in Palestine in 1947. Honest proceduralists reject any partition proposal that does not meet requirements considered essential for fairness and feasibility. Some proceduralists are less honest, and even

claim that it is not they or their governments who partition. During the passage of the Government of Ireland Act through the House of Commons, Austen Chamberlain maintained that it was not “we who are dividing Ireland, not we who make party coincide with religious differences” (Hansard House of Commons *Debates*, 1920, 127: 981). In an equally strained case, Viceroy Mountbatten declared in the course of his radio broadcast of 3 March 1947, which announced the plan to partition India, “I felt it was essential that the people of India themselves should decide this question of partition” (Ahmed, 1999: 119). He created arrangements for the provincial legislative assemblies of Bengal and the Punjab (excluding European members) each to meet in two parts, one representing “the Muslim majority” districts, the other the rest of the relevant province. The districts were to be defined, not by the past votes for the members, but with reference to the 1941 census. A simple majority in either part would be sufficient to trigger partition of the relevant region.<sup>3</sup>

Arend Lijphart has specified the procedural requirements of a fair partition (1984): it can be acceptable where it is negotiated by all the affected groups rather than imposed; when it involves a fair division of land and resources; and where it results in homogeneous, or at least substantially less plural, independent states. The major difficulty with this reasonable conception is the sheer unlikelihood of the first requirement: non-imposition. The affected parties—politicians and their publics—are most unlikely to agree unanimously, and even if representative politicians did concur, it is most unlikely that all the adversely affected people will agree, even if offered significant compensation. A fully participatory and procedurally agreed border adjustment is only likely to occur in conditions such as those arising from a shift in the course of a river bed, or from a shift in maritime boundaries following the immersion of an island. This is another way of stating the obvious. Partitions involving the movement of people or of their sovereign territory are not likely to proceed with technical agreement and political consensus.

Lijphart’s second and third criteria offer feasible benchmarks against which to evaluate the fairness of partitions of binational or multinational polities. In Ireland there was not a fair division of land, though there is argument about debt provisions. In Ireland one more homogeneous entity was created, the Irish Free State, but Northern Ireland had a larger minority in percentage terms than pre-partition Ireland, and was therefore more heterogeneous than Ireland had been. The Radcliffe “Award” in Bengal in 1947, by contrast, almost perfectly met Lijphart’s second and third criteria. West Bengal, an area of 28,000 square miles, was to contain a population estimated at 21.19 million people, of whom 29% were Muslims. East Bengal, to become East Pakistan, an area of 49,000 square miles, contained a population of 39.11 millions, of which 29.1% were Hindus (Chatterji, 1999: 191). West Bengal was to get 36.6% of the land to accommodate some 35.1% of the Bengal population, while East Bengal was to get 63.6 of the land to accommodate 64.8% of the

<sup>3</sup> In the Punjab the newly constructed West section of the Assembly voted against partition by 99 votes to 27, while the newly constructed East voted in favor by 50 votes to 22 (Ahmed 1999: 121). Punjab as a whole therefore had 121 assembly members’ votes against and 77 for, but under Mountbatten’s rule the partition process continued.

population. The ratio of the majority to the minority populations was almost identical, and the resulting entities more homogenous than their predecessor, partitioning a polity with a Muslim:Hindu ratio of 56:44 into two with 70:30 majority:minority ratios. But we might equally and justly conclude that Radcliffe created two large Northern Irelands out of Bengal.

Jan and Birgitta Tullberg have also proposed procedural criteria for a fair partition (1997).<sup>4</sup> They believe that borders should be drawn to leave as few people as possible in the "wrong" state; propose that an equal number of people from each group should be wrongly placed after a partition; and argue that the partitioning border ought to be as "natural" as possible. They also propose rules for "transfers": in a binary partition each state should be responsible for accepting people of its own nationality; each individual may emigrate to the "right" state; and each state should be entitled to evict members of the other group.

The Tullbergs' critics pick out the overt difficulties with these proposals (for example Lustick, 1997; McGarry and Moore, 1997; Ryan, 1997). It is not obvious why an equal number of "wrongly" placed people should be a fair outcome, as opposed to an equal ratio of "wrongly" to "rightly" placed people in each jurisdiction. Surely fairness should involve some notion of proportionality, rather than mere numbers? One of the frequent complaints of Irish nationalists is "the double standards of British governments which, to avoid imposing on Ireland a system rejected by a quarter of its population, created and defended an artificial Northern Ireland rejected by one third of *its* population" (Laffan, 1983: 123). The notion of "natural" borders is highly problematic—even if very common among politicians and mass publics. Lastly, the proposed transfer rules are appalling—and illegal under international law. They both license ethnic expulsions, and create strong incentives for them. Such proposals also give insufficient recognition to the importance of the integrity of the territorial homeland in the eyes of at least one community. For them it is not the rules of partition with which they disagree, but the very idea. For them it is equivalent to a discussion of the modalities under which they are to be executed.

### ***The paternalist approach***

Paternalists, by contrast, assume that the local parties or communities are incapable of reaching a reasonable or a good agreement, except after protracted bloody and life-losing wars that end in stalemate. They propose that a sufficiently powerful outsider, a third party or parties, should determine a partition, one that that will be durable, reduce conflict as much as possible—and quickly. A settlement that addresses security imperatives is more important than meeting participation or procedural requirements or considerations that might flow from abstract social justice. Thus the partition of Cyprus by Turkish armed intervention and occupation has been defended on the grounds that there were only 12 deaths from interethnic violence between 1974 and 1998 (Kaufmann, 1998).

<sup>4</sup> They conflate partition with secession, but so too do most of their critics, for example Rothchild (1997).

Intellectual paternalists usually advise great or regional powers. A rash of enthusiasm for partition broke out among some American "realists" in the 1990s, just as it was once the currency of hard-headed English intellectuals when another Anglo-phone state was the planet's principal Colossus. Having started advocating the partition of Bosnia, Mearsheimer was moved to make similar arguments for Kosovo and he was not alone (for example, Mearsheimer and Pape, 1993; Mearsheimer and Van Evera, 1995; and Mearsheimer, 1999a, 1999b). There has recently been some enthusiasm for a "three state solution for Iraq" in some self-styled realist quarters, and the same historicist style of argument prevails: it is happening anyway so why not organize the process to minimize the pain? Interventionists are counseled by paternalists that they should avoid spending too much "blood and treasure". The partition of Bosnia was defended as "the best option", because it was "the only plan that doesn't deny the reality of what has happened ... and has a chance of being enforced without a major military embroilment" (Mearsheimer and Pape, 1993).

"Better rough justice than none" is the paternalist outlook. For contemporary Kosovo, Mearsheimer (1999a: 5) argues both that partition is "the only viable strategy for anything that resembles peace in the long term", and "the best of a handful of really lousy alternatives". His premise is that multiethnic states do not (or cannot?) survive, especially, he claims, in Europe. The histories of Poland, the USSR, Czechoslovakia, and Yugoslavia are treated as confirmations. He favors humanitarian interventions that work, if there are to be any, which means they must permit exit options. Interventions to hold multiethnic states such as Bosnia together will not work "unless we [the USA] stay there forever" (Mearsheimer, 1999a: 6), because the only way "you can force people to live together [is] at the end of a rifle barrel, a NATO rifle barrel". Paternalists are not against multinational or multiethnic states, in principle.<sup>5</sup> With a co-author, Mearsheimer claimed that the Clinton administration

shrank from partition because partition is ugly. But in Bosnia, sadly, it is also the only feasible scheme for peace. This error reflects a general American tendency to underestimate the power and intractability of nationalism; it reflects, too, a dogmatic American faith that other multiethnic societies can harmonize themselves, that ethnic groups elsewhere can learn to live together as America's immigrants have. ... US policymakers must be willing at times to decide that some states cannot be sustained and should instead be disassembled (Mearsheimer and van Evera, 1995: 21).

This completes the summary of the five most powerful arguments put forward by partitionists, and the contrasting methods they favor, namely procedural and paternalist—though some partitionists invoke both proceduralist and paternalist arguments. Let us now consider the most powerful rebuttals of these arguments.

<sup>5</sup> "I like the idea of multiethnic states but I'm not willing to put my son and daughters in harm's way to force those people to live together. So what we ought to do is partition Kosovo" (Mearsheimer, 1999a: 6). His commitment to multiethnic states is weakened by an aside, "When I hear Americans say how wonderful it is that Germans are moving back into Poland, I ask myself, what world are these people living in? If the Clinton administration had been around in 1918 instead of the Woodrow Wilson administration, it probably would have tried to hold the Austro-Hungarian Empire together. It probably would have tried to hold the Ottoman Empire together" (Mearsheimer 1999a: 5).

## CRITIQUES OF PARTITION

Anti-partitionists number both nationalists and multinationalists among their ranks. Nationalists reject the rupturing of the national territories they endorse; multinationalists reject the historicist assumptions of homogenizers. They share common appraisals of how partitions are perverse and of how they jeopardize existing relationships, and of the impossibility of achieving fair partitions. Their arguments may be grouped broadly into seven categories: the rejection of the rupturing of national unity; the possibilities of constructive bi- and multinationalism; the practical impossibility of just partitions; the high likelihood of worsening rather than reducing violence; the possible mirage of homogenization; the damage that partitions cause to the successor states; and the failure to make a clean cut, which renders both the surgery and the triage claims highly suspect.

### *The rupturing of national territorial unity*

This perspective, held by almost all anti-partitionists in particular episodes, holds that partition is a violation of the right to self-determination, of the right to territorial integrity of the entity that is being partitioned—and it is usually followed by the complaints that partition is being proposed or executed in the interests of privileged minorities, and that it is especially brutal in its impact on what will now become border communities.

One set, at least, of nationalists always oppose a proposed partition. In the twentieth century, partitions were rejected by most of the affected majority nationalists, whose national homelands were freshly cut. Irish, Indian, Palestinian and Cypriot nationalists argued that partition was a violation of their right to national self-determination and independence, and directly contravened the expressed preferences of the relevant majorities in their national territories. Bosniaks made the same claim—though uniquely they were a plurality but not a majority in the former Yugoslav republic. Irish nationalists maintained that

In the preceding five centuries of British rule Ireland had been regarded as an entity, in earlier centuries with a parliament of its own and since 1800 as one of the kingdoms merging in the United Kingdom of Great Britain and Ireland. If that Union were to be undone then, even having regard to British precedent alone, should not the exercise of self-determination by Ireland be as a unit, since it was as a unit that the Irish Parliament had approved of Union? If not, why not? (Mansergh, 1997b: 15).<sup>6</sup>

The most coherent answer, that there were two nations and not just one in Ireland, was not argued by the British cabinet, either by suggesting that there was an Irish nation and a British nation (which would have been an argument for the integration of part of Ireland into Great Britain), or by suggesting that Ulster Protestants were a distinct nation, neither British nor Irish (which would have been an argument, as in

<sup>6</sup> See also Gwynn (1950); Gallagher (1957); and Laffan (1983); and arguments summarized in McGarry and O'Leary (1995: ch. 1).

the Indian subcontinent, for the creation of two sovereign states, rather than the very strange arrangements proposed for the two new parts of Ireland).

Indian nationalists argued that their nation had a long past, and had been treated as an entity by the British Empire, prepared for self-government as such, and that India as a whole was the appropriate unit for self-determination (Nehru, 1989). To the claim of the Muslim League that there were two nations and not one in the subcontinent the Indian National Congress riposted that this was a false claim, proven by Congress's own Muslim voters and politicians, and that it was being made very late in the day—in the vested interests of privileged elites, regrettably manipulating communal and sectarian religious passions. In the Gandhi-Jinnah talks of September 1944 the Mahatma insisted that the two nations theory was not valid, and that there was no historical precedent for religious converts to be considered as a distinct and separate nation. Throughout 1940-47 Congress leaders tried to compel Jinnah to define Pakistan—believing that the claim that Pakistan should incorporate Calcutta and the non-Muslim districts of Punjab and Bengal showed the incoherence of the two nation thesis. Until the end, many Congress leaders regarded Jinnah's endorsement of the two-nation thesis as a bargaining posture. Many British senior colonial administrators shared the appraisal of Sir Sikander Hayat Khan, the leader of the Punjab Unionist Party, of the idea of Pakistan: "Jinnistan".

Palestinian Arabs maintained that the League of Nations had awarded Britain a mandate to prepare Palestine for sovereign self-government, within the boundaries of the former Ottoman Empire, and insisted that successive British and later UN proposals to partition Palestine were contrary to the mandate and the known preferences of the majority population.<sup>7</sup> They maintained that Britain's willingness to contemplate partition in the 1930s and 1940s violated the principle of national self-determination and the democratic will of the pertinent majority. They rarely suggested that the largest minority in their homeland, the Jews of Palestine, were colonials, which is scarcely surprising, given the recent arrival of most of these settlers and their Zionist practices, but some undertook to treat them as equal citizens once Palestine was independent, and to recognize Hebrew as a second language. Anthony Eden, in his submission at a British Cabinet meeting of 8 December 1937, in which he successfully rejected the partition plan of the Peel Commission, made his case as any Palestinian nationalist would. Partition would have to be forcibly implemented on behalf of a minority; compulsory movements of the Arab population would be required; and even if one conceded there were two conflicting nationalisms in Palestine, it did not follow that both had equally good claims to statehood:

The Palestine problem ... is created by one single and quite extraneous circumstance, that we ... bring into Palestine a steady flow of foreign immigrants from outside that territory, who are in fact, and setting aside for a moment Old Testament as-

<sup>7</sup> Article 22 of the League of Nations Covenant had "provisionally recognized" the existence as independent nations of former Turkish territories. The Balfour Declaration, invoked by Zionists, was not part of international law, and had not promised the formation of a sovereign Jewish state as opposed to a homeland.

sociations, as alien to present-day Palestine as the Greeks to Asia Minor and the Moors to Spain (cited in Fraser, 1984: 144).<sup>8</sup>

Cypriot nationalists insist that the partition of Cyprus, and the proclamation of the Turkish Republic of Northern Cyprus, violated Cyprus's integrity and its right to self-determination and sovereign independence—entrenched in three treaties between the UK, Turkish, Greek and Cypriot governments. They complain that the UK's resistance to Greek demands for decolonization and *enosis* (union) with Greece had led the imperial power in the 1950s to mobilize the Turkish minority in their support, especially within the police and the army, and that this encouraged Turkish Cypriots to demand *taksim*, the partition of Cyprus between Greece and Turkey. They too see the “counter-nationalism” of the Turkish minority either as inauthentic or manipulated or rooted in past privilege, believing that the British had played Greek and Turkish Cypriots against one another (Kyle, 1984: 5).

In all cases nationalists observe that “border communities”, which were previously not “border” communities, may suffer most—the Sikhs of the Punjab; the nationalists of south Armagh, Tyrone, Fermanagh, Derry city and Newry; and the peoples of divided cities, for example those of Jerusalem (between 1948 and 1967) and Nicosia.

#### ***The alleged difficulty of binationalism and multi-nationalism***

Nationalist anti-partition arguments are convincing if their premises are accepted. They can only be successfully rebutted by disputing these premises. That involves *either* insisting that within the pre-partitioned entities there was more than one nation with a right to self-determination, *or* by rejecting national self-determination arguments completely (an intellectual move that it is not necessary to evaluate here because partitionists do not reject nation-states).

Pluri-nationalists maintain that if one were to accept that there were two nations in Ireland, India, Palestine and Cyprus that did not automatically make a case for a partition. That argument is only compelling with additional premises, namely the undesirability, infeasibility or insecurity of efforts to establish binational, federal, consociational or confederal arrangements. It is just assumed by partitionists that such options are or were impossible. In three of the four cases just discussed, most of the relevant minority—Ulster Unionists, the Muslim League, and Zionists—appeared unwilling to propose or experiment with any such formulae. Their veto of alternative formulae was rendered effective by the declarations of the imperial power that they would not coerce the relevant minorities. These minorities' leaders sought and obtained partition either before, or coterminous with, the withdrawal of the imperial power, and refused or blocked all other options. Claims in these instances that partition was “a last resort”, or a regrettable choice “when all else had failed”, rang hollow then, and ring hollow across time. In Cyprus, by contrast, before independence

a generous constitutional arrangement was negotiated for Turkish Cypriots, but arguably one that was so generous in its over-representation of the minority that it was bound to provoke Greek Cypriot resentment. The pluri-nationalist case, therefore, is that pluri-nationalist arrangements must be properly exhausted before partition is considered genuinely as a last resort, rather than as a first resort.

#### ***The impossibility of just partition***

Even if we grant the argument that partition should be considered an option of last resort in cases of clashing nationalities that have rejected binational or multinational forms of shared rule and self-rule, that would not justify partition regardless of the circumstances—only fair or just partitions. In three of the four cases already discussed partition unduly advantaged the minority ethnic community (Ulster Protestants, Israeli Jews and Turkish Cypriots), and in India it occasioned mayhem for the Sikhs of Punjab.

Just partitions demand the wisdom of Solomon, which by definition is rare. According to the *Book of Kings* Solomon did not partition the famously disputed baby, but adopted a procedure, the threat of partition, to establish its true mother. No such procedure is likely to work so well in mass ethnonationalist politics. The credible threat of partition may—and usually does—provoke pre-emptive action, in the form of ethnic expulsions, to establish “facts on the ground”. These repercussions, sadly, are more likely than provoking the disputing parties to come to their senses.<sup>9</sup>

Kaufmann and partitionists get the causality wrong: it is partitionists who generate a self-fulfilling security dilemma. The credible threat of partition flows from decisions of a state or imperial authority—or of known plans by paramilitaries that have state support. It is this threat that occasion the “security dilemma”, not the mere presence of heterogeneous populations. It was partition which occasioned extensive violence in Northern Ireland between 1920 and 1922; “it was the *escalating possibility* of partition, and the tensions that unleashed, which caused the August 1946 violence in Calcutta and the subsequent “security dilemma” [of the] Hindus and Muslims of Bengal” (Bose, 2002: 179).

Critics observe that partitions require not just the wisdom of Solomon but also the powers of an empire and the legitimacy of a well-governed state if they are to be procedurally proper (an unlikely combination).

Nationalists, of course, claim that there can be no fair partition of their national homeland, and multinationalists that there can be no fair dismemberment of a multinational polity. They deny that a procedurally fair partition can ever be accomplished. International procedures, including World Court jurisprudence, are established, and have had some success in peaceably addressing border disputes be-

<sup>8</sup> For differences between the Foreign Office (against) and Colonial Office (for) over the merits of partitioning Palestine, see Klieman, 1979.

<sup>9</sup> Though long an advocate of resolutions of conflict in and over Northern Ireland that have strongly (but not only) consociational features I was once briefly tempted by the view that the threat of re-partition might prompt parties to reach a negotiated settlement (O'Leary 1989: 588). This thought should not have been published.

tween states. Typically, however, these arise from ambiguities in historic treaties or legislative documents (for example in disputes between the Netherlands and Belgium, Burkina Faso and Mali, Honduras and El Salvador, and over the Aouzou desert strip—at issue between Chad and Libya). Alternatively, they involve maritime jurisdictions (for example the recently concluded negotiations over the Timor Gap, disputes between Norway and Great Britain, and between the USA and Canada in the Gulf of Maine). Yet again, they may be occasioned by natural geographical changes in terrain and river beds (for example through “avulsion”)—see for example Prescott (1996). Legal procedures, involving past precedents and fascinating technical issues of boundary delimitation to resolve these matters, are not, however, appropriate for what is at stake in political partitions. It is significant that since 1945 only two disputes where homelands were arguably at stake, both involving marginal islands, have been settled by the International Court of Justice, one being the Minquiers and Ecrehos Islands located between the English-speaking Channel Islands and French Normandy.

Critics of partitions observe first that partitionists come from among the self-appointed, as with most paternalists, and therefore are unlikely to be impartial. The Peel Commission, which first proposed the partition of Palestine, exceeded its terms of reference, at the prompting of Professor Coupland, who became the chief enthusiast and crafted the text. The outgoing imperial power determined the procedures for partition in Ireland and India, and handed over some established groundwork for the UN partition plan for Palestine. In Ireland partition took place in 1920 before the UK negotiated with Sinn Féin in 1921. It was an invading Turkish Army in 1974 which determined the fresh cut in Cyprus, stopping at a line that the Turkish government had proposed in 1965 and which had been rejected by the UN mediator Galo Plaza (Kliot and Mansfield, 1997: 503). Anti-partitionists observe that boundary commissions usually give the pivotal power to the imperial arbitrator—rather than to an unbiased outsider. Thus the Irish Boundary Commission of 1924-5, and the 1947 Radcliffe Commissions in Punjab and Bengal, had British appointees as the decisive chairs. With some exceptions, the local appointees acted as partisan champions of the ethnonational or religious communities that they were appointed to represent—though they were constrained to make their arguments persuasive, and to make their proposals as consistent as possible with the commissions' terms of reference. If the local nominees to boundary commissions are bound to act to some degree as ethnonational champions, then that places the burden of decision upon the organizers and chairs of such commissions.

The key political difficulties with procedurally governed partitions, Solomon's agenda, can be seen by posing the following difficulties.

**Choice of units.** Which should be the units around which new boundaries should be drawn, or old ones redrawn? Which should be the units which determine borders? One cannot easily have elections to determine who should be among the electorates that have the final say. The Irish Free State thought that a plebiscite should be conducted in all the Poor Law jurisdictions in Northern Ireland—excepting in Belfast and County Antrim. Ulster unionists gerrymandered local government boundaries to make the border appear to be dominated by unionist jurisdictions, im-

PLICITLY assuming that the boundary commission would see these as the means to establish local preferences. Relatedly, should there be subunit opt-outs? If unit A opts to be with one state, but a concentrated minority within A wants to go with another, may it opt out?

**Determination of units' preferences.** If there is agreement on the units which should have a say, then how should the new boundary respect popular preferences as far as possible? Should this be done through local plebiscites, or through determining people's presumed preferences through their ascriptive identities as recorded in census data (which may be unreliable)? If there are to be plebiscites, what rule should be adopted for determining whether a given unit goes to one jurisdiction or another: a simple majority of those voting, an absolute majority of registered voters, a weighted majority? And, if working from census data, who should count: adults, or adults and children?

**Non-preferential determinants.** Should local popular preferences be considered just one criterion to be balanced among others, such as the maintenance of *contiguity* (at issue in the formation of Pakistan, and in the redistricting of West Bengal); *preserving a cultural heartland* (at issue in the division of Sikh sacred sites in the Punjab, in the placement of Jerusalem, and at issue in any proposals to partition Kosovo); *retaining a unit within an economic, geographical hinterland or infrastructure* (at issue in the location of Derry and Newry in Ireland, and in the waterways and canals of the Punjab); or *ensuring militarily secure borders* (at issue in every partition)?

**Weighting of preferences.** If there are to be non-preferential factors considered in designing new borders, should local popular preferences be subordinated to these other considerations, and, if so, which ones, and who should make that determination?

**Ratification procedure.** Should there be constitutional amendments and referendums to endorse the commission's proposals, and should there be provisions to enable their subsequent revision?

Given the difficulties of Solomon's agenda it is not surprising that Radcliffe, the man who drew the partition lines in Bengal and the Punjab, for ever refused to be interviewed on his work, and, according to some, refused payment for the work that he did.<sup>10</sup> Radcliffe worked in a hurry amid the heat of an Indian summer—and his commission mattered; its resolutions were implemented. The commission chaired by Richard Feetham in 1924 to consider partition adjustments in the light of article 12 of the Anglo-Irish Treaty did not work in a hurry, and eventually made no difference to the line of partition in Ireland. But consideration of the Irish Boundary Commission's procedural difficulties warrants some closer scrutiny.

<sup>10</sup> Very useful accounts of the work of the boundary commissions in Punjab and Bengal can be found in the works of Ahmed (1999) and Chatterji (1999) respectively.

The partition of the 1920 Government of Ireland Act was recognized by three groups as indefensible. In 1919 Ulster Unionists from Donegal, Cavan and Monaghan observed that every argument used to justify their exclusion from Northern Ireland could equally be used as regards Derry City, Tyrone, Fermanagh, south Armagh, south Down and the Falls area of Belfast.<sup>11</sup> Here they were at one with most Irish nationalists, who reasoned that there should be no partition, but if there had to be one, it should not coerce northern nationalists any more than Ulster unionists. So they argued for the exclusion of all the areas just mentioned, or for a four-county Northern Ireland that would exclude Derry city and Newry (predominantly nationalist and Catholic towns). Lastly, throughout the run up to partition, major British politicians, especially Lloyd George, recognized that any argument for making the six northern counties of Antrim, Down, Londonderry, Tyrone, Fermanagh and Armagh into a new jurisdiction could not be justified. Nine counties would correspond to an historic entity, Ulster, and would involve a fairly balanced bireligious jurisdiction, with little possibility for majority tyranny, while a small Northern Ireland of four counties (Antrim, Down, Londonderry and Armagh) had unionist and Protestant majorities in each of its units, and involved the coercion of a smaller proportion of Northern nationalists and Catholics.

The unreasonableness of the six-county cut was formally recognized during the negotiation of the Anglo-Irish treaty. In a November 12-13 1921 memorandum to Arthur Griffith, and assented to by him, Lloyd George proposed that in the event of giving Northern Ireland the right to opt-out of a dominion Parliament for "all-Ireland", then "it would be necessary to revise the boundary of Northern Ireland. This might be done by a Boundary Commission which would be directed to adjust the line both by inclusion and exclusion so as to make the Boundary conform as closely as possible to the wishes of the population" (Fraser, 1984: 57). The final treaty modified that clause by requiring that any new border should be determined in accordance with the wishes of the inhabitants "so far as may be compatible with economic and geographic considerations" (article 12 of the treaty; and see Laffan, 1983: 86). Instead of insisting on local plebiscites, as Eamon de Valera and Michael Collins had proposed, Griffith as the head of the negotiating team, had accepted Lloyd George's and Thomas Jones's idea that a boundary commission was "very much the same" (Laffan, 1983: 83).

That was not so, and never can be so. A boundary commission leaves proposals to commissioners, not to voters, though it can propose voting procedures. Griffith assumed that a commission would work in favor of the Irish Free State. Lloyd George took care not to contradict Griffith and Collins, assured James Craig of the Ulster Unionists of the converse, and told the British Cabinet that Northern Ireland might gain territory. The Irish negotiators tacitly appreciated the importance of the commission as an institution when they objected to the proposal that the British government should appoint all its members. Instead, it was agreed that each of the three governments (Westminster, Ireland and Northern Ireland) would appoint one commissioner, and the British government would appoint the chair. This, of course,

<sup>11</sup> See *Ulster and home rule. No partition of Ulster*, reprinted in Buckland, 1972: 412-16

left the British appointment with the pivotal vote. In addition to the flexible terms of reference, this would prove decisive in shaping the outcome.

The commission was not appointed until late 1924, after Lloyd George had fallen from power. The British government nominated the South African judge Richard Feetham as its chairman, while JR Fisher and Eoin McNeill were appointed by Northern Ireland and the Irish Free State respectively.<sup>12</sup> In November 1925 the commission's draft plan was leaked to a newspaper—and showed that it proposed only minor changes to the border, some of them, especially in Donegal, favorable to Northern Ireland. McNeill resigned; the report was suppressed; and the panicked Irish Free State government, recovering from civil war, sought reductions in its debt as a quid quo pro for burying the commission's report, and recognized Northern Ireland. The minimalist and mostly pro-unionist nature of the proposals flowed from Feetham's judgment of his terms of reference: "the Commission is not to reconstitute the two territories, but to settle the boundary between them. Northern Ireland must, when the boundaries have been determined, still be recognizable as the same provincial entity" (cited in Hand, 1969: 26-9; and see the excellent discussion in O'Callaghan, 2000). Feetham reasoned that if he respected the majority's preferences in Tyrone he would for geographical and economical reasons be obliged to support the transfer of Derry city and large portions of County Londonderry to the Irish Free State, but that such a large transfer would be counter to his terms of reference. In the cases of Derry and Newry, right on the new border and with nationalist and Catholic majorities, Feetham argued that economic and geographic ties to Northern Ireland were stronger than to the Irish Free State. In south Down, the location of a *new* reservoir to supply Belfast, not yet finished, incredibly became an argument for maintaining the existing border (O'Callaghan, 2000). Throughout, Feetham interpreted his terms of reference minimally, and maintained whenever there was a clash that economic and geographic factors in article 12 trumped local popular wishes. This case, of a failed boundary commission, illustrates just as vividly as Radcliffe's commission—which was largely implemented—the procedural conundrums attached to boundary commissions, and the unpredictable consequences of giving judges vague terms of reference. This is not yet to question Feetham's impartiality—though there are grounds for doing so (O'Callaghan, 2000).

But it is very difficult to imagine impartiality in the appointment and management of a boundary commission—an empire has its own interests, as has an interventionist state, and their officials will take great care over appointments to such bodies. Michael Collins, Ireland's most realist hard-liner, may have anticipated the difficulties that the boundary commission would pose. That is why before his death he sought agreement with Craig to negotiate the new border directly between the two new units in Ireland (Hopkinson, 1990).

<sup>12</sup> Technically Craig refused to make a Northern Ireland appointment, but JR Fisher had his approval.

### The likelihood of disorder and violence

Anti-partitionists turn the tables on the question of violence; they maintain that partitions encourage ethnic expulsions; they trigger partially chaotic breakdowns in order, leading to flight, opportunist killing, rapes, and looting; they have invariably led to more violence than that which preceded them; they have domino effects; they contribute to post-partition wars, and insecurities; and the precedent set may lead to demands for re-partitions.

Partitions are perverse: they achieve the exact opposite of what they nominally intend; they increase conflict. First, they cause conflict that accompanies the partition, and such conflict is consistently worse than that which preceded it. In raw numbers of dead and forcibly displaced, the critics are correct across the cases of India, Palestine, Ireland and Cyprus. The partition of India was accompanied by a death toll, variously credibly estimated at between 200,000 (Moon, 1998) and 500,000 (Khosla, 1989—see Hasan, 2002; Kumar, 1997: 12). Figures of up to two million are also cited. The number of voluntary and expelled cross-border refugees and displaced persons that moved in both directions may have approached 15 million. The scale and intensity of the brutal coercion, rape, abduction of women, family fragmentation, of the looting and resettlement pains were appalling.<sup>13</sup> The partition of Palestine and the war that accompanied Israel's declaration of independence led to the deaths of approximately 6,000 Israeli Jews, and over 10,000 Arabs, and to the expulsion and flight of over 750,000 Palestinians who became homeless refugees (United Nations, 1949), and whom Israel refused to allow to return. As a direct by-product of the partition, and of Israel's war of independence, over half a million Jews were expelled from surrounding Arab states. In the Turkish invasion and partition of Cyprus, 6,000 Greek Cypriots were killed and 2,000 reported missing, and some 1,500 Turks and Turkish Cypriots were killed. After the partition more than 10,000 Greek Cypriots were pressurized into leaving Northern Cyprus, on top of the nearly 160,000 who had already fled before the invading Turkish army (Kliot and Mansfield, 1997: 503); and there was a parallel movement of Turks from the south. The partition of Ireland was accompanied by the least violence amid twentieth-century partitions, in both raw numbers and taking into account the scale of the population. The deaths accompanying the formation of Northern Ireland between 1920 and 1922 have been estimated at between 232 and 544 (O'Leary and McGarry, 1996: 21), but thousands of Catholics were expelled from their jobs and their homes in Belfast and fled south; and either death figure is much higher than the death toll in Ulster before the partition.<sup>14</sup>

It therefore beggars belief that Kaufmann (1998) argues that in all these cases partition successfully reduced violence. In Cyprus he may seem to have a *prima facie*

<sup>13</sup> The horrors are preserved in the memories of survivors. See inter alia Ahmed (1990); Ansari (1999); Bhalla (1994); Butalia (2000); Cowasjee and Duggal (1987; 1995); Haque (1995); Hasan (2000); Husain (1994); Kidwai (1987); Kumar (1998); Pandey (2001); Seervai (1989); Shahid Hamid (1986); Wali Khan (1987); and Zaman (2000).

<sup>14</sup> The Irish war of independence, 1919-21, was largely waged between the IRA and British armed forces outside Ulster, and led to about 1,500 dead.

case, given that significant inter-communal killings between 1960 and 1974 preceded the partition (for example Loizos, 1988). The argument only looks convincing if one fails to count the human costs of the partition itself, or if one claims that the likely scale of inter-communal killing if there had not been partition would have been even worse than the deaths occasioned by the partition—which in the Cypriot case seems incredible. At bottom, Kaufmann's claim is counterfactual: without partition the conflict would have been worse.

Kaufmann's defense of the allegedly security enhancing merit of partition nevertheless warrants scrutiny, because similar arguments are made by politicians, paramilitaries and soldiers, both before and after partitions. One move that he makes is to compare post-partition internal violence in the new units with the violence that accompanied the partition—which begs the appropriate evaluative question by discounting the conflict immediately caused by the partition itself. In three of the cases—Ireland, India, and Palestine—Kaufmann maintains that it was independence from Britain, and the collapse of its military and policing authority, rather than partition that caused large-scale violence. This is not convincing. He attributes the catastrophic communal conflict in the Punjab to the failure to protect refugees properly, and the attempts to push them through a warring region by train. This begs the question. Had the imperial authority transferred power to a single central authority, then the security dilemma would surely have had less resonance than one accompanying partition and the formation of two new governments.

The last partitionist move in these circumstances is to plead the "fifth argument", and to defend partitions through counterfactual propositions: partition was not the problem *per se*, but rather the particular partition was defective in key respects. Kaufmann regards the leaving of intermixed populations as potential triggers of future insecurity (for example, Catholics in Northern Ireland; Arabs in Israel). This leads him to neglect the obvious. The reason the Cypriot partition, on his criteria, was "better" than any of the others was because of the successfully planned and implemented ethnic expulsion that accompanied it. Kaufmann's argument shows that it is easy to slip from a defense of partition as a last resort to tacit support for ethnic expulsions, or "population transfers" in the standard euphemism.

Partitions are especially perverse when they have domino effects—triggering post-partition wars and insecurity. Post-partition security dilemmas now take an interstate rather than inter-communal form. The Arab-Israeli wars of 1956, 1967, and 1973, and the Israeli-Lebanese war, show that the partition of Palestine was not the end of conflict in the region. India and Pakistan have fought three wars, in 1948, 1965 and 1971. All were triggered by two regions troubled by the repercussions of the 1947 partition: Kashmir in the first two, and East Bengal in the third. Jammu and Kashmir was not partitioned by Radcliffe. Instead, the UK left it to its princely head, as with all other princely states, to determine its future. Princely states would determine their accession to Pakistan or the Indian Union—princely self-determination was Great Britain's last contribution to the normative theory of partition management. Under coercive pressure from Pakistan, its Hindu ruler took his majority Mus-

lim province into the Indian Union.<sup>15</sup> War was triggered, leaving Kashmir divided by a line of control and with a UN presence. Nehru promised the region a referendum, which has never been held, creating a grievance that has fuelled some Kashmiris' discontent. India and Pakistan still confront one another over what Pakistanis are inclined to call the "unfinished business" of partition, but now with each state in possession of nuclear arms. The Pakistan that resulted from partition was divided by a thousand miles—a security nightmare for any armed forces. Its internal divisions proved deeper than geographical non-contiguity: East Pakistan's Bengalis experienced discrimination and domination at the hands of West Pakistan's power elite, and when the latter refused to allow authentic federalism or authentic democratization, and engaged in genocide, the secession of Bangladesh was fought for, and won, in 1971, with the aid of a decisive Indian intervention (Nasr, 2001).

The United Kingdom and Ireland have not fought a war, but partition led Ireland to repudiate its recognition of Northern Ireland in its 1937 constitution. Neither the UK nor Ireland recognized each other by their official nomenclature because of the legacy of partition, which helped keep Ireland from joining the UK and its Allies in the second world war, and out of NATO. The history of control under the Ulster Unionist Party's hegemony in Northern Ireland, and the emergence of pogroms against Catholics in Belfast in 1969, led the Irish cabinet to contemplate military operations to protect northern nationalists—which directly led to the UK's decision to send troops to Northern Ireland, and in several accounts led to quasi-official Irish funding support for the establishment of the Provisional IRA. Incidentally, it was the loss of control by the Ulster Unionist regime, not intermixing per se, that led to the breakdown of security in Northern Ireland after 1969.

The partition of Cyprus is maintained by the presence of the Turkish Army, and by UN peace-keeping forces in buffer zones. It perennially threatens war between Turkey and Greece, two NATO "allies", while the non-recognition of the Turkish Republic of Northern Cyprus threatened the complex diplomacy attached to the accession to the European Union of Cyprus (as a whole). Official Cyprus is now within the EU and has the ability to help veto Turkey's accession.

These cases of post-partition inter-state tensions (Cyprus and Ireland) and inter-state war (in the Middle east and South Asia) hardly inspire confidence that partition offers a "realistic" settlement of security dilemmas. Bi-national and multinational states may often be precarious, but it is certainly not proven that partition is the only viable and credible method to prevent or stop an ethnic civil war. Contemporary Northern Ireland and Lebanon demonstrate, by comparison, that complex power-sharing settlements, with consociational institutions, are possible even after protracted ethnonational wars, and are at least as feasible as repartitioning intermingled populations (O'Leary, 1999; Hanf, 1993; Kerr, 2005; O'Leary and McGarry, 2007).

<sup>15</sup> Bose (2002: 183-189) documents Kaufmann's errors in understanding what happened in Kashmir.

### ***The vexed issue of homogenization***

Some critics of partition maintain that the only thing they "are unlikely to produce is ethnically homogeneous ... states" (Horowitz, 1985: 589). This argument may seem compelling especially in the light of the case materials we have considered. Post-partition India and Pakistan were both vast, populous and multiethnic, and remained multireligious; and west Pakistan experienced a fresh infusion of linguistically differentiated refugees. Post-partition Israel was left with a significant Palestinian Arab minority, and soon had waves of new Jewish refugees of diverse ethnic formation. Its subsequent settler colonial infusion policies in the West Bank and Gaza hardly aided the homogenization of the occupied territories. Northern Ireland was left with a unionist:nationalist ratio of 67:33, which later shifted to 60:40, and has moved more recently past 55:45 toward parity. Horowitz's argument needs to be qualified by considering the religious as opposed to ethnic homogenizing intention. Pakistan was certainly more Islamic than India, even though India had, and still has, the largest minority Muslim population in the world. (The secession of Bangladesh led to an irony: Muslims in India separately outnumber those in Bangladesh and Pakistan). In Ireland, ethnicity and religion were fused in most people's identities, and the Irish Free State was more Catholic, than pre-partition Ireland. Israel was more Jewish, and the West Bank and Gaza, more Muslim and Christian than pre-partition Palestine. The units of post-partition Cyprus are very ethnically, linguistically and religiously homogenized by comparison with pre-1974 Cyprus.

Critics of partition establish their point more effectively when they say that partition *alone* is unlikely to generate the presumably desired homogenization. The fifth partitionist argument has a tacit assumption: the necessity of expulsions.

Step back from the cases considered so far, and reflect on twentieth century European ethnonational and ethnoreligious history. None of the new European states created after 1919—after the collapse of the Czarist, Hohenzollern, Habsburg and Ottoman Empires—came close to being mono-national because of the Versailles settlement, and the settlements at other chateaux in the Paris region, or because of other subsequent border adjustments before 1939. In the seven that survived in some form after the second world war, the proportion of national minorities fell from 25% in the 1930s to 7.2% in the 1970s, a radical homogenization. But only a small proportion of this change was the consequence of border adjustments. The rest is accounted for by genocide, expulsion and assimilation (Horak, 1985: 4; Coakley, 1992: 357). The dark nights of Nazism, the second world war, and Stalinism—not partitions—"tidied up" Europe's states.

Partitions cannot be enough for rigorous homogenizers. They must pursue voluntary or quasi-voluntary "transfers", and therefore they are driven to condone or organize expulsions (Masahla, 1993; Shahak, 1989).<sup>16</sup> Matters are often not left there. Post-partition states may pursue policies of control that encourage potentially or ac-

<sup>16</sup> UK imperial administrators, especially in the Foreign Office, offered lucid and compelling criticisms of the Peel Commission's 1937 proposals for the partition of Palestine.

tively disloyal minorities to emigrate. They may encourage inward immigration of the "right" people to ensure the demographic advantage of the *Staatsvolk*.

Partitions without comprehensive expulsions, in short, generate two kinds of orphaned minorities: former prospective majorities, and formerly dominant minorities. The former are often double losers—they may have never shared in the self-government of their community as part of a majority, and now they are in another jurisdiction. Former prospective majorities and formerly dominant minorities may both become part of irredentist movements, or campaign for a further partition. Both give rise to security questions for post-partitionist states, which is why partitionists are so tempted to plead the "fifth argument".

### **Damage to successor states**

Anti-partitionists argue that not only do partitions generate new security crises, they may now take an inter-state rather than intra-state form. They cause significant economic disruption, and not just because they may be accompanied by communal conflict and warfare, and sudden flows of refugees. They disturb established monetary and exchange networks, increase transactions costs, enhance the likelihood of protectionism, and provide incentives for smuggling and other border-related criminal activity. They have led to the depreciation of significant capital investments in transport, as roads, railways and canals, and ports and airports, have their original functions terminated or significantly damaged, and to losses that may flow from failure to cooperate in agriculture, water management, and energy production and distribution.

Partitionists normally recognize that the new post-partition entities have common functional and infrastructural interests flowing from their shared pasts. So they usually end up, ironically, by advocating post-partition cross-border functional cooperation, or confederal arrangements—which put in question part of the necessity of partition in the first place. Great Britain accompanied the partition of Ireland with a proposed Council of Ireland, intended to link the Belfast and Dublin parliaments, and it insisted that the Irish Free State share a common crown and membership of the "British Commonwealth of Nations". The Council of Ireland failed to materialize, a victim of the failure of the Boundary Commission: it finally came into existence in 1999 as the North/South Ministerial Council. The United Nations proposed an economic union for the two states it suggested for Palestine. Throughout 1946-47, negotiations in India focused on the possibilities of confederation (or "loose federation") as a way of softening the impact of partition. The Turkish government endorsed proposals for confederal arrangements between the two entities in Cyprus—but only as long as they did not unwind all of the political consequences of partition, and did not concede surreptitious federal irredentism on the Greek Cypriot side.

Of the post-partition successor states considered in some detail here so far the Irish Free State has had, in the long run, the most successful state building, development and democratization experience. But its early years were deeply affected by the civil war that accompanied its inception—and that might have been avoided had there been no partition. Ireland's comparative homogenization, through its integration and

assimilation of its formerly dominant minority, the Anglo-Irish, suggests it was a beneficiary of the partition it opposed. This perspective, of course, neglects the costs of partition for Irish state building, especially in economic development. The new state began life without the industrial base of the Belfast region. It forgets the emergency legal regimes developed as a byproduct of the civil war and maintained thereafter. It omits to mention that with a larger Protestant minority the possibility existed that the long cultural sway of the Catholic Church over public policy in Ireland might have been less, and terminated earlier. Northern Ireland, by contrast, has been persistently unstable. Between the 1920s and the 1960s it was operated under a control system (O'Leary and McGarry, 2007: ch. 3). Since the 1960s its conflict made the UK the most internally politically violent established European democracy (O'Leary and McGarry, 2007: ch. 1).

Post-partition Pakistan is acknowledged as a developmental disaster (Samad, 1995; Nasr, 2001). Its nation building foundered most dramatically with the secession of Bangladesh. But even what was West Pakistan is cleaved by linguistic and territorial conflicts. Most remarkably, some of the "Mohajirs", literally the refugees (from partition), comprised of both Urdu and Gujarati speakers, are partially mobilized behind a campaign for a separate province. For much of its history Pakistan has been under military dictatorship, in cold or hot war with India over Kashmir—and most recently Pakistani regimes supported the Taliban in Afghanistan. India's state building and democratic institutionalizations, by contrast, have been far more impressive. But its counterinsurgency wars in its border lands, notably in Punjab and Kashmir, demonstrate that the legacy of partition runs deep and bitter. Its obsession with maintaining national integrity has inflamed non-Hindu and non-Hindi speaking peoples well beyond its northern borders, and made its leaders less flexible than they might have been.

The story of post-partition Palestine is known to the world. Palestinian Arabs were left without a state of their own, dispersed in multiple Arab regimes, and without any meaningful form of self-government until the Palestinian Authority emerged, under Israeli dominance, from the Oslo process. Israel, by contrast, has been a developmental success, and remarkably successful at establishing its existence, and in winning recognition, including from Arab governments. But its post-partition treatment of its Arab minority, and its post-1967 rule in the occupied territories, has persistently impaired its democratic credentials (Lustick, 1980). Even its domestic analysts describe it as an ethnic democracy (Smooha, 1990). The descendants of some of the victims of the Holocaust number among their ranks those who have built an ethnically and religiously prejudiced state.

The unrecognized Turkish Republic of Northern Cyprus has an unenviable reputation for corruption. The rest of Cyprus, while having greater developmental successes, and democratic institutionalization, has yet to assure Turkish Cypriots that it can be trusted as the demographically dominant partner in a new federation or confederation.

There is a pattern here: one entity (Ireland; India; Israel; and Greek Cyprus) has done better than the other. Triage has not been equally good for all. If the claim of

partitionist surgeons is that they can separate Siamese twins, then the record appears to show that at least one of the twins has been badly maimed.

### ***The failure to make a clean cut***

Partitionists do not have an easy time in creating new maps. Not only do their maps bleed, but they do not look good. One can argue that they worsen the “compactness” of the post-partition entities by contrast with their precursors. Compactness refers to the physical shape or solidity of a state—something that once was widely believed to have implications for its military security, and arguably still affects popular assumptions about the right shape of a state, however much academics reject the thesis of “natural boundaries”.

It has been argued that an ideal state is a circle, with a capital at its center, a form that has multiple communications, control and security advantages (see Galnoor, 1995: 26). One compactness index measures the deviation of the state's actual boundary from that of the ideal circular circumference that represents the shortest boundary for that area. Another standard measure is obtained through the following formula:  $(2 \sqrt{\pi A}) / P$ , where  $A$  = Area and  $P$  = Perimeter. The most compact state, a perfect circle, would have an index score of 1, a perfect circle; a square state would score well too, as would a pentagon or a hexagon. The Peel Commission (1.8) and the UN Partition plans for Palestine (3.3) would both have worsened the compactness of the Jewish state by comparison with mandate Palestine (1.5), and the Israel that emerged from the 1949 armistice lines had a worsened index (2.1). Pakistan, of course, in two discontinuous entities, achieved no compactness. Northern Ireland's new borders created adverse security and transport implications because its compactness was worse than that of Ireland as a whole.

The potency of this argument is questionable to those who think that globalization has abolished geography, but their prophecy has yet to materialize. Compactness may, however, have less salience for military security and communications than it once had. It is also possible to think of partitions where compactness scores of at least one entity have “improved”. Hungary, as it emerged from the partition of the Austro-Hungarian empire, became fairly compact, with a score of 1.5, though its former elements were not so compact. Other entities that emerged from the partition of the Habsburg empire were less fortunate, and Hungary's compactness did not stop it becoming a territorially revisionist state in the second world war. If one doubts that partitionist proposals generally worsen compactness, a glance at Liam Kennedy's (1986) proposals for repartitioning Ulster should cure the skepticism (maps reprinted in McGarry and O'Leary, 1990).

### **CONCLUSION**

The partitionist and anti-partitionist arguments just considered are universal in scope; they recur in response to any proposed partition. They do not rely for their force on ideographic or particularist claims, and I have deliberately not biased the evaluation of either partitionists or anti-partitionists by attributing racist, chauvinist or sectarian claims or motivations to their exponents—though these are part of the his-

torical record, and no doubt part of the future. The claim is that these are typically the best arguments that accompany actual partitions, and defeats of proposals to have partitions. They must therefore enter any rounded explanations of why partitions do or do not occur. When partitions occur the arguments of partitionists have been compelling for at least one powerful agent, but in themselves they may not be sufficient to explain why they occur, especially given that the rebuttals of partitionist arguments seem more generally compelling—and are now endorsed in international law.

For those of us who are not historicists there can be no certainty that there will be no further partitions. But the anti-partitionists, the foregoing evaluation suggests, have better arguments, judged by realistic, political and moral criteria. Partitions have not generated better security environments. Most have been biased toward privileged or dominant minorities. Partition and post-partition arrangements have been worse than those predicted by supporters of partition for at least one successor unit. Partitionists are forced to argue that the pathologies that accompanied their preferred partition were the result of an imperfect design or of insufficient rigor and resolution, a response that is unfalsifiable, and unconvincing. Prudence mandates opposing partition as a tool of international public policy-making, and placing the burden of proof on its advocates.

It cannot be definitely known in advance that there will never be any cases where partition truly is a better policy option for the affected peoples than the alternatives. The standard for making that argument should be that partition is demonstrably the best way to prevent genocide, or large-scale ethnic expulsions, or their recurrence. But given that partitions should, in general, not be advocated, what follows on reversing partitions? Partitions are certainly reversible in principle, just as annexations and conquests are reversible. The partitions of nations have been reversed in our times: Germany and Vietnam have demonstrate this by consent, and by conquest and consent, respectively. It is a safe bet to predict the eventual overturning of mono-national partitions. Korea's unification may not be too far away. By contrast, no safe prediction can be made with regard to the reversal of the partitions of pluri-national territories. Neither a Greater Hungary nor a Greater Romania nor a Greater Syria appear likely. There are, however, places where people are intent on reversing partitions. The ambitions of some Irish, Palestinian and Greek Cypriot nationalists are plain; by contrast, few Indian nationalists advocate reunification with Pakistan, and the political weakness of pan-Bengali nationalism must be coded one of the key surprises of modern politics. In the cases we have considered above in some depth there remain vigorous champions of the original partition among their presumed beneficiaries: Ulster Unionists, Pakistanis, Israelis, and Turkish Cypriots, and, if we code Bosnia Herzegovina as a partial partition, the same holds for Bosnian Serbs. The partition of historic Kurdistan has four regional agents in favor of its continuation: Turkey, Syria, Iran and most Arab opinion in Iraq. Reversing that partition is not the operational goal of Kurdistan in Iraq's most successful political parties. Kurds wish to reverse the partition of the Kurdistan region within Iraq but for now within a federal Iraq rather than outside it (O'Leary et al, 2005).

Two brute factors are likely to determine the viability of reversing a partition: demography and geopolitics. If an orphaned minority becomes a majority in the successor entity of its rival it may then be able to champion reunification. This scenario may materialize in Northern Ireland. Its mere possibility is widely held to explain some of the greater reasonableness about power-sharing and consociation among Ulster Unionists. If Cyprus's accession to the EU is accompanied by full freedom of movement on the island it is not likely that the Turkish Cypriot entity can be upheld as one in which that community (or that community of communities) can remain a majority. Likewise, if local and global power-holders change, or shift their dispositions, this may facilitate the reversing of a partition. The United Kingdom is no longer a global imperial power; it is also no longer a strongly unitarist unionist state at home; it is a European power; and joint membership of the European Union means that the UK and Ireland find it easier to cooperate in overseeing a complex consociational settlement. They may one day cooperate in organizing a change in Northern Ireland's sovereign status, as their respective constitutions require them to do if there are majorities in favor in both units in Ireland.

Until now, in Cyprus and Israel, by contrast, the beneficiaries of partition have consistently been able to follow demographic policies of immigration, or of settler-infusion, and of rigorous control over the orphaned minorities. These policies are intended to inhibit the feasibility of reversing the original partitions. In Israel's case, these policies seem viable behind the borders established after 1948; they do not seem viable in all of historic Palestine; and the borders may be renegotiated, as Israeli leaders appear willing to consider. The Turkish Cypriots are geopolitically weaker than the Israelis. Greece and Greek Cyprus have a veto on Turkey's accession to the EU; Turkey, to date, wants to join that Union. A cosponsored federal and consociational reunited Cyprus is within the feasible set of options for all three states. The UN proposed just such a settlement, but it was too generous for Turkish Cypriots to win the assent of their Greek Cypriot counterparts; any new settlement will have to be crafted as part of Turkey's complex accession. By contrast, Israel is not so constrained, so far, by the interests of US foreign policymakers. Ireland and Cyprus are the most likely possibilities for the full reversal of partitions of plurinational territories, while Palestine and India-Pakistan are the least likely. But even if reversal happens in either Ireland or Cyprus, such changes will need to be accompanied by external state sponsorship and consociational pacts to reduce existential and other threats to the security and identity of the losers. The reversal of the status of Republika Srpska will require both the willing and supported return of its exiled minorities and the weakening of at least the federal dimensions of the constitution of Bosnia-Herzegovina.

The balanced conclusion is to emphasize that because one should generally oppose partition that does not mean that one should necessarily support all efforts to reverse partitions. The practical feasibility of overturning a partition does not mean that that is the best political option. The reunification of Ireland and of Cyprus under confederal and consociational formulae may be in the material and collective interests of all the majorities of the affected peoples. By contrast, reunification in either the Middle East or South Asia is less obviously in the interests of the affected peoples. It is possible to argue that the partition of Palestine was wrong, and should not

have happened, but to maintain that the full reversal of that partition would create more difficulties than it would resolve. Champions of a two-state solution to the Israeli and Palestinian conflict are probably right to argue that a binational state would not work now after all that has transpired since 1948.

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