

Toward a Catholic Ethic of Self-Determination

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THOSE CONCERNED with the role of the church in conflict and peacebuilding must address issues of self-determination. One-third of all conflicts, a substantial number of which have a religious dimension, are over competing claims of self-determination.¹ From South Sudan and Senegal to Northern Ireland and Mindanao, the church has been deeply engaged in addressing conflicts over secession, taking a wide range of approaches that are sometimes difficult to reconcile. It is tempting to dismiss cases in which the church has supported—or opposed—secessionist self-determination as regrettable examples of an unhealthy mix of religion and nationalism. While that is sometimes true, in many cases, appeals to self-determination reflect a legitimate moral claim.

That begs a question: Is there a Catholic approach to self-determination? There is substantial church teaching and scholarly literature on religion and violence, religion and national or ethnic identity, and sovereignty and other norms governing international affairs. However, there is little in official Catholic teaching or, for that matter, in Catholic scholarly literature on self-determination and secession. In order to discern whether there is a Catholic position on secessionist self-determination, this chapter has a twofold task. First, it examines the church's praxis—three illustrative ways in which the church has

¹ From 1989 to 2009, sixty-four of 130 conflicts were intrastate conflicts over territorial issues related to self-determination (e.g., efforts to gain greater autonomy or full independence). *Uppsala Conflict Database*, September 16, 2010. Compiled by Rachel Miller for Wallensteen, *Understanding Conflict Resolution*.

responded to particular secessionist claims. Second, it relates that praxis to general principles of Catholic social teaching that relate to nationalism and self-determination, and proposes that Catholic praxis and teaching best fits with a remedial right approach to secession.

The Variety of Catholic Approaches to Self-Determination

Three sets of cases exemplify the range of positions the Catholic Church has taken on questions of self-determination. In the first set—Northern Ireland and Mindanao in the southern Philippines—the church differed on the legitimacy of secession, supporting the aspiration of a united Ireland while opposing the independent Bangsamoro state sought by Muslim rebels. Yet, in both cases, the church insisted that the right of self-determination could be achieved through “less-than-sovereign” alternatives; such as economic development, protection of basic human and minority rights, exercise of power sharing, various forms of autonomy within a federal or confederal system, and new conceptions of shared sovereignty.² A second exemplary case is South Sudan, where the church implicitly endorsed independence from Khartoum, but its principal focus was ensuring a peaceful, consensual divorce. A final example is the former Yugoslavia, where the church made a strong claim for unilateral, forcible secession.

Less than Sovereign Alternatives: Mindanao and Northern Ireland

The default position of the church on secessionist self-determination is represented by Mindanao and Northern Ireland, where the church sought alternatives to forceful secession that would respect minority rights and self-determination without infringing on the territorial integrity of the existing state.

In Mindanao, in the southern Philippines, the Muslim majority Bangsamoro (or Moro), which refers both to an identity and a homeland,

² Hannum, *Autonomy, Sovereignty, and Self-Determination*, 49.

has long resisted colonialism, first by the Spanish, then the Americans, and now the Christian-dominated Philippines. In addition, the *lumad*, the indigenous peoples of Mindanao, seek self-governance within their ancestral domain. Since the 1960s and early 1970s, various rebel groups have fought for independence, the two largest being the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF).

As is often the case, the bishops have not always had a unified or fully developed response to the self-determination issues underlying the conflicts. Instead, they have addressed the economic, social, and political marginalization of Muslims and indigenous *lumad*; promoted civic and interreligious engagement to bridge the deep historical divide between these two communities and Christians; catalyzed cross-community support for formal and informal peace processes; and cultivated a culture of peace in a region that has known little but war for generations.³

On the question of self-determination, the bishops have expressed a reluctance to address specific constitutional and political issues that are beyond their competence. Their most comprehensive statement on the issue in recent years came in response to the draft Bangsamoro Basic Law (BBL). The BBL would implement the Comprehensive Agreement on the Bangsamoro that was signed by the Filipino government and the MILF in 2014. This agreement grants significantly greater autonomy to Bangsamoro territories than they enjoyed under the Autonomous Region of Muslim Mindanao (ARMM), first created in 1990 after a plebiscite in numerous Mindanao provinces and cities.

Citing the overriding goal as finding a political solution that protects the common good and contributes to a just peace, the bishops defined the multiple dimensions of justice for the multiple parties as follows:

For the Bangsamoro, justice means the recognition of their centuries-old aspiration for self-determination, their right

³ For overviews of the church's interreligious engagement for peace, see Fitzpatrick, "The Mindanao Bishops-Ulama Conference," 117; Neufeldt, "Interfaith Dialogue," 344-72.

to chart their own destiny in dignity and freedom. For the whole country, justice requires the acceptance of the overarching right of national sovereignty and national territorial integrity. For Indigenous Peoples in the Bangsamoro, justice means respect for and protection of their right to their ancestral domain already officially recognized by the Indigenous Peoples Right Acts (IPRA). For non-Muslim and non-indigenous inhabitants in the Bangsamoro, justice is a recognition and protection of their fundamental human rights, such as religious freedom and property rights.⁴

The bishops contended that these various justice claims should be addressed through a constitutional process that grants greater autonomy to the Bangsamoro while respecting the national sovereignty and territorial integrity of the Philippines.⁵ They insisted, however, that greater autonomy should not be a step toward secession. Striking a proper balance between autonomy and respect for the integrity of the state would be consistent with the principles of subsidiarity and solidarity embodied in the Filipino Constitution.⁶ The bishops called for delineating clear and permanent borders for the Bangsamoro territory that did not change with demographic transformations, and welcomed provisions for decommissioning armed groups.

Further, they stressed the urgent need to protect religious freedom and property rights of and avoid discrimination against non-Muslims in the territory.

While the bishops have recognized the right and duty of the Filipino government to use limited military force against terrorists and rebels, they have opposed all-out war, insisting that dialogue is the only way to peace. As Cardinal Orlando Quevedo of Cotabato said, “[N]o one can quell a rebellion for self-determination with just guns Such is the nature of the Bangsamoro aspiration for self-

⁴ Catholic Bishops’ Conference of the Philippines, “Guide Our Feet.”

⁵ *Ibid.*

⁶ Cardinal Quevedo, Press statement.

determination which no successive regimes—colonial, Spanish, American or Filipino—could kill.”⁷

As in Mindanao, the conflict in Northern Ireland is a legacy of a centuries-long effort by Britain to colonize Ireland. The conflict over self-determination pitted a mostly Protestant-unionist majority—which wanted to remain part of the United Kingdom and feared being a minority in a Catholic-dominated Ireland—against a mostly Catholic-nationalist minority, which wanted to unite with the Republic of Ireland after a long history of discrimination and oppression at the hands of the Protestant majority in the north. While most nationalists pursued self-determination through nonviolent, constitutional means—from the late 1960s until the signing of the Belfast “Good Friday” Agreement in 1998—the Marxist-oriented Provisional Irish Republican Army (IRA) led a violent campaign for secession.

The Irish bishops’ position on self-determination reflected the constitutional, nonviolent tradition in Irish politics. They emphasized four main themes: unity, minority rights, nonviolence, and overcoming sectarianism through reconciliation. Since supporting Irish independence in 1921 as a reflection of the popular will of the nation, the bishops supported the long-term goal of a united Ireland. The bishops called the border between north and south “unnatural,” and Northern Ireland a fundamentally flawed temporary measure whose British-unionist character did not respect the nationalist minority.⁸ Nevertheless, a united Ireland was not a major theme of their statements and they spoke of it as a legitimate aspiration, not as a right. Moreover, rejecting the Republican claim of a single Irish nation on the island of Ireland, they insisted on respect for the legitimate self-determination claims of both nationalists and unionists. These claims could be realized within a united Ireland, the United Kingdom, or a variety of other political arrangements, such as the cross-border

⁷ Ibid. [Editor’s note: In a welcome development following peace talks held over several years, the Organic Law of the Bangsamoro Autonomous Region in Muslim Mindanao, also known as the Bangsamoro Organic Law, was signed by President R. Duterte on July 26, 2018.]

⁸ Cardinal O’Fiaich, Address to the Annual Brudermahl, 6–9.

institutions, power sharing within Northern Ireland, and protection of minority and human rights that were incorporated into the Good Friday Agreement.⁹

The political status of Northern Ireland was less important than protecting basic human rights, especially minority rights. Church statements emphasized the need to address disproportionately high unemployment, poor housing, abuses by the security forces, and other forms of social and economic deprivation suffered by Catholics.¹⁰ They also sought to address Protestant fears that their religious heritage would be at risk in a united Ireland that was a “confessional” state by, for example, supporting the removal, in 1972, of the “special position” of the Church in the Irish Constitution (Art. 44).

A persistent and primary theme of Church statements was the need for constitutional and political efforts to resolve conflicting claims of self-determination. They were outspoken in rejecting the IRA’s efforts to justify its terrorist violence, going so far as to say that members of the IRA had excommunicated themselves because of their actions. They emphasized, moreover, the role of violence in deepening sectarian divisions and the absurdity of trying “to bomb a million Protestants into a united Ireland.”¹¹

Finally, the Church insisted on the ultimate importance of overcoming sectarianism and promoting healing and reconciliation between the two communities in Northern Ireland. At the leadership level and through a plethora of local groups, the four major churches have been an important witness to the possibilities of ecumenical cooperation.

Consensual Divorce: South Sudan

South Sudan became an independent state in 2011 after a referendum on independence. The independence referendum was

⁹ Cardinal Cahal Daly, *The Price of Peace*, 5–6. For the claim that Ireland is one nation, see McVeigh, *A Wounded Church*, 81.

¹⁰ *The Catholic Church in Ireland*, 33–34.

¹¹ Joint Statement by Roman Catholic bishops of Northern Ireland, September 12, 1971, quoted in *The Catholic Church in Ireland*, 38.

part of the 2005 Comprehensive Peace Agreement, which brought a ceasefire after twenty-two years of genocidal conflict and restored the Southern Sudan Autonomous Region. The autonomous region had originally been created in 1972 to end the seventeen-year-long First Sudanese Civil War. Khartoum revoked autonomy in 1983, which sparked the Second Sudanese Civil War. These civil wars pitted an Arab- and Muslim- dominated government in Khartoum against the African South, which was mostly Christian or African Traditional Religion. South Sudan also has a history of conflicts between different tribal groups and political factions, conflicts that have marred the first years of independence.

Amidst these two north-south civil wars, the Catholic and Anglican Churches, the two largest denominations in the South, often were the only major functioning institutions, providing much of the health care, education, social services, and humanitarian aid. They also led a multiyear, multidimensional peacebuilding effort. Their “People-to-People” peace process in the 1990s helped reconcile warring tribes in southern Sudan, their parallel civil society peace process helped cement the 2005 peace agreement, and their civic education campaign and logistical support were instrumental in ensuring a peaceful and credible referendum on independence.

The Catholic bishops were careful to not expressly urge people to vote for independence. Instead, they emphasized that, regardless of the outcome, the paramount issue was respecting popular will, “the free and democratic choice,” in exercising their “basic human right of self-determination.”¹² At the same time, they decried a continuation of decades of Khartoum’s efforts to maintain highly centralized rule, marked by efforts to Arabize and Islamize regions of different ethnic, tribal and religious traditions.¹³ After reviewing the limited progress in establishing an autonomous government since the 2005 agreement and noting the ongoing war in Darfur, and Khartoum’s continued use of sharia law, human rights abuses, and repression by its national security

¹² Sudan Catholic Bishops, “Peace Be With You.”

¹³ Sudan Catholic Bishops, “Appeal of the Sudan Catholic Bishops’ Conference (SCBC).”

organs, the bishops offered their own conclusion about the “signs of the times” immediately before the referendum:

All indications are that unity has not been made attractive to the people of southern Sudan. At the same time, the root causes of the conflicts have not been addressed. . . . A unity which binds and oppresses, prohibits all opposition, a unity which imposes uniformity and condemns those who differ in faith and culture must be rejected.¹⁴

The bishops did not foreclose the possibility that, with a change of heart among those in power in Khartoum a united Sudan could ensure a just, free, and open society. They were most preoccupied, however, with the challenges that would come with independence. They reminded people that a change of political boundaries would not preclude the need for peace, reconciliation and collaboration between and within the north and south:

The outcome of the referenda should not be seen as a threat to either side, but an opportunity. If the outcome is secession, this does not mean the end of the relationship between north and south. Secession is a division of land, not a division of peoples. It need not be a breaking of relationships. Cooperation and collaboration must continue in a spirit of good neighborliness. Mutually beneficial compromises must be reached over issues such as oil, borders and citizenship.¹⁵

They also insisted that Khartoum would have to respect the freedom and human rights, including freedom of religion, of minorities in the north and that the government in the south would have to do the same. They also called for “good governance, with zero tolerance for corruption and nepotism,” improved services, and an end to interethnic and factional violence in the south.¹⁶

¹⁴ Sudan Catholic Bishops, “A Future Full of Hope.”

¹⁵ Sudan Catholic Bishops, “Peace Be With You.”

¹⁶ Sudan Catholic Bishops, “A Future Full of Hope.”

Unilateral, Forcible Secession: Yugoslavia¹⁷

Violent conflicts over self-determination—at times genocidal—engulfed Yugoslavia between 1991 and 1999 and led to its dissolution into seven newly independent countries.¹⁸ A process of economic and political decentralization and disintegration after the death of long-time communist dictator Josip Tito in 1980 accelerated after 1989, with the rise of democratic and nationalist movements in Croatia, Slovenia, Bosnia-Herzegovina, and Macedonia, alongside the consolidation of hardline communist-turned-nationalist regimes in Serbia and Montenegro. As Yugoslavia became dysfunctional, Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia sought independence. Unable to maintain a Serb-dominated, centralized Yugoslavia, Serb nationalists, backed by the Yugoslav army, fought for a more ethnically pure Greater Serbia. This would incorporate (and, in their view, protect) most of the 30 percent of Serbs who lived outside of Serbia. Similarly, some Croat nationalists sought to merge the Croat-majority areas of Bosnia into a Greater Croatia. While Slovenia and Macedonia avoided serious violence, the rump Yugoslavia and Croatia fought a short but brutal war in the fall of 1991, which was followed by a genocidal conflict in Bosnia-Herzegovina between 1992 and 1995.

In Kosovo, an autonomous province of Serbia that was majority Albanian-Muslim, the rump Yugoslavia resorted to “ethnic cleansing” in response to the rise of the Kosovo Liberation Army. Serbia was forced to relinquish any control over Kosovo after NATO’s (North Atlantic Treaty Organization) military intervention in 1999, which was followed by United Nations (UN) administration of the province until 2008, when Kosovo declared its independence.

Given that seven new states emerged over the course of two decades, it is difficult to generalize about the church’s approach to the breakup

¹⁷ East Timor presents another, quite different case of church support for secession; see Kohen, “The Catholic Church and the Independence of East Timor,” 19, and Smythe, “The Heaviest Blow.”

¹⁸ Kosovo declared independence in 2008 but, as of June 2015, is recognized by slightly less than half of all countries involved.

of Yugoslavia. While there were important differences, the church took a similar approach to Slovenia, Croatia, and Bosnia-Herzegovina. Kosovo, however, continues to present a particularly interesting and challenging case.

In 1991 and 1992, the Vatican took a leading—and controversial—role in recognizing Slovenia and Croatia, and later Bosnia-Herzegovina and Macedonia. When Croatia and Slovenia declared independence, the Catholic bishops of Yugoslavia and the Vatican presumed that newly independent republics could, through negotiation, remain integrated into a reconstituted confederal Yugoslavia. When what they viewed as an aggressive and unjust war against Croatia made negotiation of a confederal solution impossible, the Vatican supported full independence.

In making the case for independence, Church statements frequently appealed to arguments about historical precedents and the distinctive religious, cultural, national, and linguistic identity of each country. For example, statements by the bishops of Croatia supported the restoration of an independent Croatia that would be religiously Catholic and culturally Western.¹⁹ Much as in Poland, the “Church among the Croats” was considered a font of Croatian cultural and national identity. As Cardinal Franjo Kuharic of Zagreb said, “the guarantee of freedom for every ethnic nation is the state.”²⁰ But, particularly for the Vatican, the principal justification for independence was not ethno-religious-national distinctiveness. Rather, independence was seen as a defensive measure in the face of a failed Yugoslavia and the rise of aggressive Serbian nationalism, which manifested itself in the destructive war in Croatia and then in Bosnia. The hope and expectation was that independence would allow these fledgling democracies to finally escape the legacy of communism and integrate with a democratic Western Europe.

Like many states, the Vatican conditioned its recognition of these new countries on maintaining the existing boundaries of Yugoslavia’s former republics, and respecting basic human and minority rights.

¹⁹ Ramet, “Religion and Nationalism in Yugoslavia,” 305–8.

²⁰ Catholic Press Agency, Zagreb, *Glas Concila*.

Church leaders opposed Croatian extremists who sought to create an ethnically “pure” Greater Croatia and to partition Bosnia along ethnic-religious lines.²¹

The Church defended the right and duty of the new states to defend themselves against aggression in accord with the just war tradition and the laws of war.²² While some Catholic leaders spoke of a sacred duty to defend the nation, Church support for the use of force in self-defense was relatively restrained. Even during the worst of the ethnic cleansing in Bosnia-Herzegovina, the bishops did not embrace lifting the arms embargo imposed by the UN for fear of widening and escalating the conflict. Rather, with Pope John Paul II, they appealed for (mostly nonmilitary forms of) “humanitarian intervention” by the international community “to disarm the aggressor” and begin a process of demilitarizing the region.²³

Kosovo was a more complicated case. Since it was an autonomous province within the Serbian republic, recognizing Kosovo would require setting aside the condition that the borders of the former Yugoslavia republics would remain intact. However, facts on the ground made it difficult to maintain that condition, since Serbia had no effective control over the province after the NATO intervention in 1999. Bishop Dode Gjergji, the apostolic administrator of Prizren and the lone bishop in Kosovo, has supported Kosovar independence as the only alternative to war.²⁴ The Holy See has not officially recognized Kosovo. Some observers claim it has granted *de facto* recognition while holding back formal recognition, in part, because of its concern for its relationship with the Russian Orthodox Church and the Serbian Orthodox Church, which considers Kosovo to be the cradle of Serbian

²¹ For a fuller account of the Church’s approach to self-determination in response to the dissolution of Yugoslavia, see Powers, “Religion, Conflict, and Prospects for Reconciliation in Bosnia, Croatia, and Yugoslavia,” 221–52.

²² See, e.g., Croatian Catholic Bishops, “Urgent Appeal from the Bishops of Croatia” (1991).

²³ John Paul II, “Address to the International Conference on Nutrition,” 475; “Address to the Diplomatic Corps,” 587; Cardinal Puljic, “Address at the Center for Strategic and International Studies,” 7.

²⁴ “Independence for Kosovo is the only option says bishop,” *Catholic News Agency*, May 18, 2007.

Orthodoxy.²⁵ The fact that Kosovo was an autonomous province and not a constitutive republic of Yugoslavia might also be a factor. In any case, the Holy See has not taken the lead in developing an international consensus in favor of recognition, as it did for Slovenia and Croatia in Fall 1991.²⁶

These are just a few illustrative cases of Catholic approaches to secession. Many others, such as Ukraine,²⁷ Syria,²⁸ Iraq,²⁹ East Timor,³⁰ and Mozambique,³¹ could be examined. Northern Ireland and Mindanao, with their emphasis on less-than-sovereign means of achieving self-determination, represent the paradigmatic moral case. South Sudan's consensual divorce is the morally preferable approach when less-than-sovereign alternatives cannot protect the right of self-determination. Yugoslavia is the exceptional case in which unilateral, even forcible, secession may be a justifiable, last-resort remedy. Several threads tie these cases together: (1) a strong presumption in favor of resolving conflicts over self-determination through legal and political measures short of secession; (2) a deep respect for the intrinsic value of different religious, ethnic, and national traditions; (3) a close link between self-determination claims, especially secession, and claims of justice, human rights, and good governance; and (4) an insistence that conflicts over self-determination be resolved through political means, including referenda, with force the exceptional case. Finally, while it is a central issue in each conflict, the church is clear that resolving self-determination claims is just one piece of the much bigger, more complex peacebuilding puzzle.

²⁵ "Holy See has recognized Kosovo 'de facto,' says Vatican," U.S. Embassy cable, April 30, 2008, released by Wikileaks.

²⁶ Valente, "Kosovo and the Vatican."

²⁷ See Arjakovsky, *Russia/Ukraine*.

²⁸ "ASIA/SYRI—The five Patriarchs of Antioch in Damascus," on statement by Maronite Bechara Boutros Rai, the Greek-Orthodox Yohanna X, the Greek-Catholic Grégoire III, the Syrian Orthodox Aphem II, and the Syrian-Catholic Ignace Youssef III on June 8, 2015, Damascus.

²⁹ *Agenzia Fides*, "ASIA/IRAQ—The Chaldean Archbishop of Kirkuk."

³⁰ See Kohen, "The Catholic Church and the Independence of East Timor"; Smythe, "*The Heaviest Blow*."

³¹ Serapiao, "The Roman Catholic Church and the Principle of Self-Determination," 323–35.

The remainder of the chapter will evaluate this Catholic praxis related to self-determination in light of ecclesiological factors, the church's approach to nationalism, and the wider debate on the ethics of self-determination.

Ecclesiology and Self-Determination

Ecclesiology is one factor that must be taken into account in order to understand the Church's position on self-determination in these and other cases. Catholic social teaching does not purport to offer a blueprint for the political order; however, it provides moral principles that offer a foundation and framework for defining a just and peaceful political order. But it recognizes that a wide diversity of political arrangements could be consistent with those principles. Therefore, church leaders will naturally be wary of going beyond their competence and making definitive pronouncements about highly contingent political matters, such as secessionist claims. The Filipino bishops were especially clear about the limits of their competence as "religious and moral teachers:"

We are not political negotiators or political officials. We are not constitutionalists or lawyers. We refrain from delving into the constitutional issues raised by many. We leave those to constitutional experts to argue and to the Supreme Court to decide. Our mandate as religious leaders is altogether different. Ours is to proclaim, as Jesus did (Eph. 2:16), "glad tidings of peace." Our specific concerns are the religious and moral imperatives of peace.³²

Consistent with the ecclesiological concepts of the relative autonomy of the secular order and the lay vocation, the bishops in the Philippines, as elsewhere, see their main responsibility as providing a moral framework that can inform the prudential judgments about secession

³² Catholic Bishops' Conference of the Philippines, "Pastoral Statement on the Draft Bangsamoro Basic Law."

that are ultimately within the purview of secular policymakers and citizens. This restrictive understanding of their role is often reinforced, as it has been in Northern Ireland and Mindanao, by a desire to avoid further politicizing conflicts with a strong religious-nationalist dimension. It is not always easy to maintain these ecclesiological distinctions, however. In South Sudan, for example, where the church was one of the only functioning institutions, it sometimes had to go beyond its normal role and play a substitute political role. That is why it took the lead in providing citizens with basic educational materials about the independence referendum, coordinating aspects of the referendum process, and helping to verify that it was free and fair.

The Holy See's competence is different from that of local church leaders. As a state, it must decide whether to recognize other states. That decision will be based on a host of factors—such as the impact on the Holy See's relations with other states—which the local church, as a religious and moral teacher, would not consider. Such factors help explain the Vatican's role in generating international support for recognizing Slovenia, Croatia, and Bosnia-Herzegovina and its failure to do the same for Kosovo.

The fact that the Church is a unified transnational actor with a de-centralized operational structure is another factor that influences its approach to particular secessionist movements. Following the principle of subsidiarity, the Irish episcopal conference, which covers the whole island of Ireland, let the bishops of the Armagh Province in Northern Ireland take the lead in addressing the conflict there. Likewise, the Filipino episcopal conference deferred to the bishops in Mindanao. At the same time, the positions of the local bishops had to take into account of the needs and perspectives of the national conference. For example, while the vast majority of Catholics in Sudan were in the south, their position on independence was influenced by the perspective of the Catholic minority that would be left trapped in a rump Sudan with an extremist Muslim government. Similarly, the bishops in Slovenia and Croatia had to take into account the impact of their support for independence on the church in Bosnia-Herzegovina, Serbia, and other parts of Yugoslavia.

In secessionist conflicts, the church faces an acute pastoral challenge. Its ability to fulfill its mission as a peacebuilder is often enhanced by its inculturation: it is deeply rooted in and identified with the local community and culture; it works across economic, political, and ethnic divisions; especially in times of war and repression, its moral credibility is enhanced because it shares in the suffering of the community and often is a prominent defender of the community's rights and legitimate aspirations.³³ Precisely because it is so deeply inculturated, however, the church is often tempted, especially in conflicts over self-determination that have a religious dimension, to take refuge in a comfortable ethical and pastoral parochialism. The church can become a chaplain to its own community, undermining its ability to be a prophetic witness in the face of aggressive, chauvinistic, and exclusivist forms of nationalism. The Irish bishops' condemnation of IRA violence, despite charges by some Catholics that they were "pro-British," is an example of one effort to overcome this pastoral parochialism. The transnational nature of the church can also serve as a collegial corrective to pastoral parochialism. While the Holy See and many episcopal conferences supported Croatian independence, they also helped temper, and sometimes publicly criticized, insular and chauvinistic forms of religious nationalism within the church in Croatia.

Religion, Nationalism, and Self-Determination

In 2001, Gregory Baum bemoaned the fact that amidst the proliferation of nationalist conflicts that marked the post-Cold War world, little systematic theological or ethical reflection on nationalism had been done, nor was there much on the topic in the Church's official social teaching. He attributed this lacuna to the Church's repudiation of nationalism in the nineteenth century as a threat to the Papal States and a harbinger of secularism that threatened Europe's Christian civilization. Consequently, the Vatican did not endorse the

³³ Little, *Peacemakers in Action*, 4–6.

conservative, antidemocratic nationalism of French Catholicism or the anti-imperialist nationalism of Irish Catholics.³⁴ “To this day,” he concluded, “there is no Catholic theory to offer guidance to nationalist movements in Catholic countries such as Poland or Croatia.³⁵” Baum might be correct about the lack of a theory of nationalism, but Catholic social teaching does contain principles that inform an approach to the issue.

It is common in recent literature on nationalism to distinguish between illiberal ethno-religious nationalism and liberal civic nationalism. Ethno-religious nationalism is rooted in myths about the link between ethnic, religious, and national traditions that are exclusivist, chauvinistic, and often oppressive to minorities and aggressive toward other ethnic, religious and national traditions. Civic nationalism is inclusivist, pluralistic, and democratic, based not on tradition but on common political citizenship, respect for basic human rights, and the rule of law.³⁶ In the cases summarized above the local church has sometimes been identified with one or the other of these forms of nationalism.

Catholic identity—and often freedom of religion and the flourishing of the church—is sometimes tied to strong forms of ethno-religious nationalism. The exclusivist implications of identifying Catholicism with Croatian national identity—encapsulated by the moniker, “the Church of the Croats”—reflect this strand of nationalism. The fact that the struggle for religious freedom and respect for Gaelic culture was inseparable from Ireland’s struggle against British colonialism, which was identified with Protestantism, reinforced ethno-religious nationalism among elements of the Catholic community in Northern Ireland.³⁷ In weak forms of ethno-religious nationalism, religion is a proxy for ethnic and national identity. Just as “Catholic” and

³⁴ Baum, *Nationalism*, 5–8.

³⁵ *Ibid.*, 8.

³⁶ See, e.g., Little, “Religion, Peace, and the Origins of Nationalism,” 61–99; Hibbard, “Religion, Nationalism, and the Politics of Secularism,” 123; Elshstain, “Identity, Sovereignty, and Self-Determination,” 97–104.

³⁷ Irish Council of Churches/Roman Catholic Church Joint Group on Social Questions, *Violence in Ireland*, 13–16.

“Protestant” became “ethnic terms with cultural and political connotations” in Northern Ireland,³⁸ “Catholic,” “Orthodox,” and “Muslim” were convenient markers of national identity among protagonists in the violent dissolution of Yugoslavia, even though many were not religious believers.³⁹

Forms of civic nationalism are more evident in the approach taken by Catholic bishops in Northern Ireland since the 1960s, in South Sudan and in the Philippines. In these cases, the church has not identified religious, ethnic, or national identity as the main issue. Instead, it has focused on the need for more equitable economic development, stronger protections for basic human and minority rights, support for democratic and peaceful processes, and, most important, the insistence on respect, collaboration, and unity among diverse religious, ethnic, and national groups.

The problem with this tidy division between illiberal ethno-religious nationalism and liberal civic nationalism is that most cases are hybrids of both. A hybrid approach, which is more in keeping with a Catholic understanding, has several strengths. First, it reflects reality. Even nations like the United States that are considered exemplars of civic nationalism are built not just on common citizenship, but also on myths of ethnic, religious, linguistic, and national traditions.⁴⁰ Second, ethno-religious nationalism and civic nationalism are not mutually exclusive. The former often reflects a legitimate expression of human dignity, a desire to protect traditions and identities in the face of unrepresentative or repressive regimes and empires, be it communism in Yugoslavia, the legacy of colonialism in Northern Ireland and Mindanao, or a repressive Arab-Muslim regime in Sudan. Moreover, the demand for respect for diversity embodied in ethno-religious nationalism can be tied to a desire to achieve the universalist values embodied in civic

³⁸ Desmond Fennell, “The Northern Ireland Problem: Basic Data and Terminology,” 2–3, quoted in O’Malley, *The Uncivil Wars*, 10. For an argument that religion is a considerable factor, see Badham, “The Contribution of Religion,” 45–67.

³⁹ Mojzes, *Yugoslavian Inferno*.

⁴⁰ Baum, *Nationalism*, 122; Hibbard, “Religion, Nationalism, and the Politics of Secularism,” 104.

nationalism. While the ethno-nationalist conflicts in Yugoslavia reflected strong elements of illiberal, insular nationalism, church leaders in Slovenia, Croatia, and Bosnia-Herzegovina made an ethno-nationalist case for independence primarily because they saw it as the only hope for achieving civic nationalist goals of religious freedom and democracy, and integrating with Western Europe in the face of communism and Serbian dominance. Third, as Baum contends, “ideological liberals want to rob people of their history.”⁴¹ Civic nationalism appeals to universal values, such as rule of law and respect for human rights, but it is often experienced as an imposition of particularistic forms of Western secularism and political and economic liberalism that are exclusivist insofar as they do not respect legitimate diversity, including religious traditions that are considered illiberal.⁴² By dismissing other ethno-religious-nationalist traditions as reactionary, efforts to export secular forms of civic nationalism often lead to a reaction that reinforces the chauvinistic forms of nationalism they seek to displace.⁴³

The hybrid approach to nationalism is consistent with the way Catholic social teaching addresses the problem of exclusivity and inclusivity, or particularism and universalism. As a communitarian ethic, Catholic teaching places great value on protecting what is distinctive about and ensuring the participation of different religious, cultural, national, and ethnic groups as indispensable to respecting the social nature of human beings.⁴⁴ As a cosmopolitan ethic, Catholic teaching emphasizes the universality of human dignity and human rights, the need for solidarity and unity amidst diversity, a human-centric rather than state-centric understanding of international affairs, and cooperative security over narrow conceptions of national security.

⁴¹ Baum, *Nationalism*, 123.

⁴² Hibbard, “Religion, Nationalism, and the Politics of Secularism,” 109–11.

⁴³ Baum, *Nationalism*, 123.

⁴⁴ *Ibid.*, 112. As Baum notes, “Undifferentiated universalism is an ideology of domination” because it arrogantly tries to make its particular ideology or paradigm (e.g., economic or political liberalism, communism, technocratic globalization) a universal norm.

Catholic social teaching's both/and approach to the particular and the universal is evident in two sets of themes. First is the idea of bringing unity out of diversity, which John Paul II grounds in truthseeking:

[E]very culture is an effort to ponder the mystery of the world and in particular of the human person: it is a way of giving expression to the transcendent dimension of human life. The heart of every culture is its approach to the greatest of all mysteries: the mystery of God. . . . every culture has something to teach us about one or other dimension of that complex truth. Thus the "difference" which some find so threatening can, through respectful dialogue, become the source of a deeper understanding of the mystery of human existence.⁴⁵

Cultural diversity and the church's deep identification with particular ethnic and national communities are not, on the one hand, problems to be overcome by a false universalism or, on the other, ends in themselves. Rather, they are indispensable dimensions of our common humanity, commitment to objective truths, and catholic universalism.

Second are the virtues of *pietas pro patria* and solidarity. Patriotism requires loyalty to one's country for the sake of the national common good, but not at the expense of universal moral norms, which is idolatry. Solidarity ensures that love of country not devolve into contempt for other nations or narrow pursuit of national interests at the expense of the global common good.⁴⁶ It calls for collaboration among individuals, groups, and nations to build the structures of cooperative security that can promote authentic human development and the global common good. Loyalty to one's particular ethnic, cultural, and national group must go hand-in-hand with being a global citizen

⁴⁵ John Paul II, Address to the United Nations.

⁴⁶ See, e.g., Hinze, "A Distinctively Catholic Patriotism?" 132–35; John Paul II, Address to the United Nations, para. 11.

concerned about the global common good. Hinze nicely summarizes how the universal and the particular are held together in a Catholic understanding of patriotism:

Amor pro patria for contemporary Catholics will be expressed in varied ways, all sharing an embodied appreciation for country in its land, peoples, cultures, history, and heritage; a moral commitment to advance the common good of local community, nation, and world; and an encompassing religious and ecclesial loyalty that provides the perspective from which to sift the wheat from the chaff in the laws and practices of the land, and to discern the appropriate forms of their obligations and duties to serve their neighbor and the common good.⁴⁷

To sum up, the distinction between illiberal ethno-religious nationalism and liberal civic nationalism presents a false choice. The former can be associated with liberal, cosmopolitan values while the latter can be associated with an oppressive uniformity imposed on other cultures. A Catholic communitarian and cosmopolitan approach to nationalism incorporates a hybrid of the two, which emphasizes the necessity and possibility of creating unity out of respect for diversity, and the inseparability of the virtues of patriotism and solidarity.

A Moral Framework for Self-Determination

An understanding of Catholic social teaching as consistent with a hybrid form of civic nationalism and ethno-religious nationalism informs the Church's teaching on self-determination. The *Compendium of the Social Doctrine of the Church* mentions, without elaboration, "a right to self-determination and independence" in the context of economic globalization.⁴⁸ While he does not use the term, Paul VI, in *Populorum Progressio*, calls for "[a]n ever more effective world

⁴⁷ Hinze, "A Distinctively Catholic Patriotism?" 141.

⁴⁸ Pontifical Council for Justice and Peace, *Compendium*, para. 365.

solidarity [that] should allow all peoples to become the artisans of their destiny.”⁴⁹ Similarly, the 1971 Synod of Bishops said that developing peoples “will authentically manifest their own personalization” by “taking their future into their own hands.” Given global inequalities, they argued that “a certain responsible nationalism gives them the impetus needed to acquire an identity of their own. From this basic self-determination can come attempts at putting together new political groupings allowing full development to these peoples.”⁵⁰ The statements of episcopal conferences use similar language, most often referring to self-determination, as the Sudanese do, as a “basic human right.” The Filipino bishops speak of the Bangsamoro’s “*aspiration* for self-determination,” but then define that in terms of a “*right* to chart their own destiny in dignity and freedom.” The U.S. bishops defined self-determination as a right of peoples “to participate in shaping their cultural, religious, economic, and political identities.”⁵¹

Under the topic “the rights of nations,” which he defined as “human rights fostered at the specific level of community life,” Pope John Paul II summarized his view on the relationship between a nation’s rights, self-determination, and sovereignty:

This fundamental right [of a nation] to existence does not necessarily call for sovereignty as a state, since various forms of juridical aggregation between different nations are possible, as for example occurs in Federal States, in Confederations or in States characterized by broad regional autonomies. There can be historical circumstances in which aggregations different from single state sovereignty can even prove

⁴⁹ Paul VI, *Populorum Progressio*, para 65.

⁵⁰ Synod of Bishops, *Justice in the World*, para. 17.

⁵¹ National Conference of Catholic Bishops, *The Harvest of Justice is Sown in Peace*, 28–29. This general definition of self-determination in Catholic documents parallels that in international law. The “self-determination of peoples” is a “principle” in article 1(2) of the UN Charter and a “right” in common article 1 of the human rights covenants. The UN General Assembly’s 1970 Declaration on Friendly Relations defines self-determination as a right of all peoples “freely to determine, without external interference, their political status and to pursue their economic, social and cultural development.”

advisable, but only on condition that this takes place in a climate of true freedom, guaranteed by the exercise of the self-determination of the peoples concerned. Its right to exist naturally implies that every nation also enjoys the right to its own language and culture, through which a people expresses and promotes that which I would call its fundamental spiritual “sovereignty.”⁵²

These references ground self-determination in human rights, particularly freedom and participation, “the legitimate wish [of human beings] to share responsibility for decisions that shape their individual and collective futures.”⁵³ Self-determination is necessary to permit the full expression of communal identity, to protect minority rights and basic human rights, to permit authentic human development, and to enable all peoples to contribute to the common good. The fundamental good of self-determination is enabling people to shape their own future, especially but not only their political future, and to join with other peoples in shaping a common future for humanity.

Consistent with its general teaching on human rights, church statements on self-determination and sovereignty emphasize not just rights of nations, what John Paul calls “requirements of particularity,” but also responsibilities of nations, “the requirements of universality.” Nation-states first have a set of negative duties, including avoiding abuse of basic human rights, oppression of minorities, and forms of aggressive nationalism that seek to subjugate or dominate weaker nations. Nation-states also have a positive obligation to live in “a spirit of peace, respect and solidarity with other nations;” to enhance the global common good and strengthen the unity of the human family.⁵⁴

⁵² John Paul II, Address to the United Nations, para 8. The pope’s emphasis on the variety of ways to achieve self-determination is consistent with the UN General Assembly’s Declaration on Principles of International Law concerning Friendly Relations (1970).

⁵³ Himes, *Christianity and the Political Order*, 302.

⁵⁴ John Paul II, Address to the United Nations, para. 8, 13.

Elaborating a more systematic Catholic ethic of self-determination requires considering Catholic praxis and teaching in the context of the wider normative debate on secession. Historically, international law has reflected a restrictive approach, limiting secession to countries escaping colonial rule or foreign military occupation. Under the principle of *uti possidetis*, the newly independent state must retain its colonial borders. This highly restrictive approach prioritizes territorial integrity and political unity of existing states over secessionist claims.⁵⁵ It presumes that self-determination can and should be achieved by less-than-sovereign alternatives.⁵⁶ This is the default Catholic position. As John Paul II noted in his 1995 address to the UN, self-determination does not require full independence; federations, confederations, and various forms of autonomy are legitimate alternatives. The *Compendium* begins a brief discussion of minority rights with an acknowledgment, without elaboration, of the fact that “[F]or every people there is in general a corresponding nation, but for various reasons national boundaries do not always coincide with ethnic boundaries.”⁵⁷ In each of the four cases, the church presumed that self-determination should, if possible, be achieved within the existing state.

This restrictive approach to secession has much to recommend it. First, strengthening international law and international institutions is central to the Church’s vision of cooperative security as a basis for international order. Therefore, the Church will give considerable deference to international law in addressing issues of self-determination. Second, and more important, a restrictive approach to secession is consistent with the Church’s approach to sovereignty as an important norm in maintaining international order. Catholic social teaching recognizes that sovereignty (and the corresponding norm

⁵⁵ For a summary of recent cases and current law, see Gray, *International Law and the Use of Force*, 55–66.

⁵⁶ John Paul II, Address to United Nations, para. 8. The U.S. bishops also emphasize protection of human and minority rights as ways to protect the right of self-determination. *Harvest of Justice is Sown in Peace*, 29.

⁵⁷ Pontifical Council for Justice and Peace, *Compendium*, para. 387.

of non-intervention) is a bedrock principle of the international legal order. Protecting a nation's independence and territorial integrity from illegitimate outside intervention or internal threats is an instrumental norm that is necessary to ensure international and domestic peace and to protect the rights and freedom of nation-states, especially the small and weak. Limiting self-determination, in most cases, to political arrangements short of full independence protects order by preventing the violent Balkanization that could occur if the one-third of states with self-determination movements faced armed rebellions. The principle of subsidiarity is relevant here. On the one hand, since authority should be exercised at the lowest level possible, overly centralized states (or a global super state) that do not adequately represent or grant authority to lower levels are problematic.⁵⁸ On the other hand, subsidiarity also requires that authority should be exercised at the highest level necessary to deal with the range of complex economic, political, and security issues that define a globalized world.⁵⁹ That element of subsidiarity would argue against a proliferation of new states that could replicate problems secession was meant to resolve, by creating unviable microstates or transforming dominant majorities into trapped minorities, such as Serbs in Croatia or Protestants in a united Ireland.

Despite its obvious merits, the restrictive approach historically taken by international law is ultimately unsustainable for several reasons. It provides no way to realize the right of self-determination in cases like Sudan or Yugoslavia where a centralized government systematically represses minorities on the periphery or where the existing nation-state has, for all intents and purposes, failed. If freedom from subjugation is the justification for permitting secession in the colonial context, should it not be permitted in comparable cases of subjugation that are outside the colonial context? Denying the right to secede has not prevented violent secessionist movements, nor has it encouraged existing states to accommodate legitimate minority rights and aspirations.

⁵⁸ Ibid., para. 441.

⁵⁹ John XXIII, *Pacem in Terris*, para. 140.

One alternative to the restrictive approach is a permissive primary right to secede.⁶⁰ This approach grounds a right to independence in a people's distinctive history, culture, language, and other objective characteristics; as well as in the subjective popular will to secede, or consent. Cardinal Franjo Kuharic's contention that "the guarantee of freedom for every ethnic nation is the state"⁶¹ reflects the idea that every people or nation has a right to its own independent state. It is consistent with the *Compendium's* understanding of national sovereignty as representing "the subjectivity of a nation," including its culture, which "constitutes the guarantee for the preservation of the identity of a people and expresses and promotes its *spiritual sovereignty*."⁶² In each of the four cases, the church gave considerable weight to popular will, expressed through referenda or legislative action.

This primary right approach appreciates the importance of independence for maintaining one's distinctive identity and respects democratic decision making. But, given the many hundreds of distinct ethnic and national groups, it would open the door to the proliferation of unviable microstates. Moreover, the link between ethno-religious nationalism and sovereignty can reinforce insular and chauvinistic forms of nationalism. Finally, and most important, a distinctive identity and a demonstrated desire to be independent are weak reeds on which to base the rights of sovereignty because they do not show a will and capacity to fulfill the responsibilities, or functional purposes, of sovereignty: protecting human dignity and human rights, and promoting the national and global common good.

A third approach—a remedial right to secede⁶³—is most consistent with Catholic praxis and principles. A remedial right to secession is less restrictive than traditional international law and more restrictive

⁶⁰ This typology is drawn from Buchanan, "Secession, State Breakdown, and Humanitarian Intervention," 189–211.

⁶¹ Catholic Press Agency, Zagreb, *Glas Concila*.

⁶² *Compendium*, para. 435 (italics in original).

⁶³ See Buchanan, "Secession, State Breakdown, and Humanitarian Intervention," 189–211; Farer, "The Ethics of Intervention in Self-determination Struggles," 382; Cassese, *Self-Determination of Peoples*.

than the primary right approach. Given the instabilities and imponderable consequences associated with secession, the strong presumption in this approach is that the right to self-determination can and should be achieved through means that respect the territorial integrity and unity of the existing state. Secession is not a right but a last-resort remedy to be used only in the face of persistent, systematic, and grave injustice. In order to prevent endless secessions by ever-smaller entities, the remedial right approach interprets *uti possidetis* to allow only existing major substate entities, such as a republic or state in a federal system, to secede so as to maintain the internal boundaries of the original state.⁶⁴

While elements of a Catholic position fit with both the restrictive and permissive approaches, the best overall fit is the remedial right approach. The Sudanese bishops placed great weight on the primary right criterion of popular will, but a referendum on independence was justified, not because of the distinct identity of the south, but because of the inability to protect basic human rights within a united Sudan, “a unity which binds and oppresses.”⁶⁵ The Croatian bishops also incorporated various primary right arguments about the right of distinct religious-ethnic groups to their own nation-state, but they—and especially the Holy See—gave greatest emphasis to the fact that secession was a last resort in the face of the rise of aggressive, extremist Serbian nationalism that made a more democratic, federal or confederal Yugoslavia impossible. During the “Troubles” in Northern Ireland, the church did not embrace the IRA’s anticolonial arguments for independence or the ethno-religious identity arguments of traditional Irish nationalism. Instead, it insisted that self-determination required protecting the basic civil rights of the Catholic minority, promoting equitable economic development, and devising mechanisms for political power sharing and limited forms of shared sovereignty through cross-border institutions. Similarly, the bishops in the Philippines argued, in part, that independence for the Bangsamoro in Mindanao was not justified because their self-determination rights could be protected

⁶⁴ Buchanan, “Secession, State Breakdown, and Humanitarian Intervention,” 189–211.

⁶⁵ Sudan Catholic Bishops’ Conference, “A Future Full of Hope.”

within a united Philippines. The common denominator in all of these cases is that sovereignty is a qualified and instrumental norm that serves more fundamental values of protecting basic human rights and promoting the common good. Only when governments fail in this twofold responsibility and lose their legitimacy should other political alternatives be considered to fill the void.

Since secession is a last-resort remedy in response to long-standing, systematic, and egregious injustice, the newly independent entity must offer a more just, representative, and peaceful alternative than the state from which it is seceding. In the words of the U.S. bishops, “It is essential that any new state meet the fundamental purpose of sovereignty: the commitment and capacity to create a just and stable political order and to contribute to the international common good.”⁶⁶ In short, the new state must have a clear claim of legitimacy against the existing state.

Legitimacy is inherently indeterminate. Given the risks to internal and international stability posed by secession, more stringent criteria for state legitimacy should be used for new states than for existing ones. The traditional criteria for recognizing the legitimacy of states were minimalist: a claim to and control over a defined territory and a permanent population, and the capacity and commitment to engage in formal relations with other states. In response to the proliferation of secession since the end of the Cold War, the international community has gone beyond these minimalist criteria to include what might be called good governance and global citizenship criteria. These broader criteria correspond to those that can be derived from church teaching, which can be summarized as follows:

1. The new state must be committed to a more just, open, and democratic society based on the rule of law.
2. The new state must be committed to respect basic human rights, particularly minority rights;
3. The new state must be committed to cooperating and living in peace with other nations, especially its new and

⁶⁶ National Conference of Catholic Bishops, *The Harvest of Justice is Sown in Peace*, 29.

former neighbors; and to abiding by and helping to strengthen international law, institutions and mechanisms of cooperative security.

4. The new state must be able to maintain a viable economy that meets basic needs, especially of the poor.
5. The new state must be committed to reconciling with the national, ethnic, and religious communities in its midst, especially those with whom they might have been in conflict over secession.⁶⁷
6. Under the principle of *uti possidetis*, only existing major substate entities, such as a republic or state in a federal system, may secede so as to maintain the internal boundaries of the original state.⁶⁸

If a remedial right approach permits unilateral secession in exceptional cases, is force by the secessionists and their foreign supporters justified?⁶⁹ In the four cases, church statements did not examine this question in detail. In the Catholic just war tradition, forceful secession, like violent revolution, is harder to justify than defense against aggression in interstate conflicts because it challenges domestic and international peace, it often leads to indiscriminate and uncontrolled violence by parties who lack political legitimacy or accountability, and it rarely resolves the underlying disputes.⁷⁰

⁶⁷ Versions of the first three criteria were proposed by the Catholic bishops of Quebec in a statement prior to Quebec's 1980 referendum on sovereignty. That statement also included a fourth criterion: that national sovereignty may not be considered a sacred good. I do not include that criterion because such insular and aggressive forms of nationalism would be excluded by the first three criteria. Criteria cited in Baum, *Nationalism*, 9–10.

⁶⁸ This criterion is implicit in some church statements. I rely here on Buchanan, who makes a convincing case that this criterion is critical for establishing the legitimacy of a secessionist's claim to govern a particular territory, to limit the redrawing of boundaries, and to prevent a proliferation of microstates. Buchanan, "Secession, State Breakdown, and Humanitarian Intervention," 189–211.

⁶⁹ This section is based on a more detailed analysis of forceful secession in Powers, "Self-Determination and the Ethics of Force."

⁷⁰ According to the Catechism, armed resistance against political repression must meet the following criteria: (1) there is certain, grave, and prolonged violation of fundamental rights; (2) all other means of redress have been exhausted; (3) such resistance will not provoke worse disorders; (4) there is well-founded hope of success; and (5) it is impossible reasonably to foresee any better solution. *Catechism of the Catholic Church*, para. 2243.

All of these reasons are cited by the church in rejecting IRA violence, and all were tragically present in the Yugoslav, Mindanao, and Sudanese conflicts. The strong presumption, which is apparent in the cases cited, is against the use of force and for political dialogue, negotiation, and adherence to legal processes. Forceful secession may be justified, in exceptional cases, like Croatia and Bosnia, when the criteria for remedial right secession and just war criteria, strictly construed, have been met. For foreign intervention on behalf of the new state, criteria similar to that used for humanitarian intervention would seem appropriate, including giving strong preference to interventions under the auspices of the UN Security Council.⁷¹ The new state, with support of the international community, also has an obligation to pursue a broader *jus post bellum* strategy of nation- and state-building and promoting reconciliation among ethnic, religious, and national groups within the new state and in the region.

Given the value of respecting the territorial integrity of existing states and other international legal norms, as well as the instabilities and imponderable negative consequences of unilateral secession, the church's default position on secession is restrictive: to find less-than-sovereign ways to protect the right of self-determination. While the church places great weight on the priority the primary right approach gives to protecting the rights of distinct religious, ethnic and national traditions, equating national identity with statehood would be a formula for an untenable global Balkanization. The remedial right approach is most consistent with the church's praxis and teaching. While any opening of the Pandora's box of secession risks some of the problems with the primary right approach, a blanket rejection of any possibility of secession reifies the status quo, no matter how unjust and unstable. The remedial right approach strikes a necessary balance between the two.

⁷¹ See, e.g., Powers, "The Meaning of War."

Conclusion

Considering the four cases in light of principles of Catholic social teaching and the wider ethical debate on secession, the elements of a remedial right approach to self-determination can be delineated.

1. Self-determination is a moral right, but a qualified one, a collective version of the individual freedom and the right of participation.
2. Self-determination is incompatible with chauvinistic and aggressive forms of nationalism; a Catholic conception incorporates a hybrid of ethno-religious nationalism and civic nationalism, which emphasizes the necessity and possibility of creating unity out of respect for diversity, and the inseparability of the virtues of patriotism and solidarity.
3. The presumption should be in favor of achieving self-determination through less-than-sovereign alternatives, from protecting basic human rights, including minority rights, to various forms of political autonomy, so as to respect the sovereignty and territorial integrity of the existing state.
4. Secession is a remedy not a right, which is only appropriate in response to long-standing, systematic and egregious injustices committed by the existing state, in effect voiding its authority to continue to govern the whole state. As a last-resort remedy, other less-than-sovereign ways of achieving self-determination must be exhausted.
5. Popular will and objective indicators of national identity are significant factors but they are not sufficient to establish the right of a people to independent statehood; the more important criterion is whether a people have a legitimate claim to govern, defined as the capacity and will to fulfill the purposes of sovereignty: protecting human rights and promoting the national and international common good.

6. In order to prevent an endless redrawing of borders, under a revised understanding of the legal principle of *uti possidetis*, only a major substate entity, such as a republic or state in a federal system, should be considered to have the legitimate claim to territory needed to make a case for secession.
7. The good likely to be achieved by secession must be proportionate to the likely direct and foreseeable harms, especially the risk of violence and internal and regional instability.
8. The means used to secure secession must be morally appropriate, with a strong preference for legal, political, and other nonviolent means and against the use of military force. In the exceptional cases where force is justified, it should conform to a restrictive interpretation of just war norms, and, when involving foreign intervention, should preferably be authorized by the UN Security Council.

This moral framework for secession is not a comprehensive formula for bringing about a just peace in places like South Sudan and Mindanao. As the church made clear in each of the four cases, self-determination is just one issue underlying the complex dynamics of these conflicts. For example, a morally credible approach to secession is necessary but not nearly sufficient to bring about reconciliation in the face of long-standing sectarianism. A more systematic approach to secession, such as the one I outline here, can fill a gap in Catholic praxis and teaching that could enable the church better to address this critical dimension of the larger peacebuilding project of preventing, managing, and recovering from the identity conflicts which continue to cause so much suffering in so many areas of the world.

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