



Christopher Heath Wellman

# A Theory of Secession

The Case for Political Self-Determination

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A Theory of Secession  
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*A Theory of Secession: The Case for Political Self-Determination* offers an unapologetic defense of the right to secede. Christopher Heath Wellman argues that any group has a moral right to secede as long as its political divorce will leave it and the remainder state in a position to perform the requisite political functions. He explains that there is nothing contradictory about valuing legitimate states while permitting their division. Once political states are recognized as valuable because of the functions that they are uniquely suited to perform, it becomes apparent that the territorial boundaries of existing states might permissibly be redrawn as long as neither the process nor the result of this reconfiguration interrupts the production of the crucial political benefits. Thus, if one values self-determination, then one has good reason to conclude that people have a right to determine their political boundaries.

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# A Theory of Secession

*The Case for Political Self-Determination*

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*For Tim*



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## Introduction

This book aims to supply a thorough and unapologetic defense of the right to secede. In particular, it argues that any group has a moral right to secede as long as its political divorce will leave it and the remainder state in a position to perform the requisite political functions.

To call this thesis a minority position is an understatement. Though the twin doctrines of state sovereignty and territorial integrity are currently undergoing a dramatic reassessment, and though most theorists now acknowledge that a group may have a remedial right to secede when it has suffered severe and long-standing injustices at the hands of its state, it remains highly controversial to suggest that a group might have a right to separate even when its state has in no way treated it unjustly. Moreover, the majority of those who champion a primary right to secede presume that such political self-determination must come under a nationalist banner. Thus, my view is doubly controversial: Not only does it allow for the unilateral division of perfectly legitimate states, it does not mandate that the separatists be a culturally distinct minority group.

It would not be surprising for an anarchist to be so open to state breaking, but I defend secessionist rights despite being a statist. As I shall argue, there is nothing contradictory or otherwise problematic about valuing legitimate states, on the one hand, and permitting their division on the other. Once one recognizes that political states are valuable because of the functions (e.g., securing a just peace) that they are uniquely suited to perform, it becomes apparent that the territorial boundaries of existing states might permissibly be redrawn as long as neither the process nor the result of this reconfiguration interrupts the production of the crucial political benefits. In short, there is nothing about insisting upon the

importance of states that requires us to preserve existing states in their present forms. And, once one concedes that states might permissibly be reconfigured, this raises the question of why the territorial boundaries of current states may not be redrawn in accordance with the wishes of their inhabitants. Admittedly, there is no chance that we can redo political boundaries in a way that pleases everyone, but this in no way implies that we must refrain from making changes that leave a greater percentage of people happy. The bottom line is that, if one values self-determination, then one has good reasons to conclude that people have a right to determine their political boundaries. These reasons are subject to being outweighed, of course, but I will argue that they are typically not outweighed whenever political boundaries can be redrawn without jeopardizing the requisite political functions.

Before summarizing the chapters to follow, let me explicitly acknowledge two features of my position. First, my argument is conditional: I suggest that *if* self-determination is valuable, then there is a primary right to secede from legitimate states. Those who come to this book skeptical of the importance of self-determination will not find a full defense of it here. Rather, I assume without argument that, other things being equal, people should be left free to be the authors of their own lives. The purpose of this book is to argue from this modest assumption to some striking conclusions regarding the morality of state breaking. Thus, my argument will admittedly have no purchase with those who do not share my view that this initial assumption is both modest and plausible.

Second, let me emphasize that I here defend the *right to secede* rather than *secession* itself. I stress this distinction because I am emphatically *not* a fan of secession. Although there are clearly some cases in which many lives could be dramatically improved by the division of existing states, I do not yearn for a world populated by countless tiny, more homogenous political units. On the contrary, I suspect that lives would more likely be improved if states continued to form more extensive international unions (if not outright mergers) that minimize the significance of political borders for the purposes of travel, trade, immigration, economic redistribution, and even culture. Still, just as one might defend the right to no-fault divorce for married couples even though one believes adamantly that people too often wrongly choose to separate, I defend the right to secede despite being no fan of state breaking. Put simply, whether it is wise for one to do X and whether one has a moral right to do X are separate issues. We are often morally entitled to act in ways that are not in our best interests, and here I defend the right to secede without offering any assurances that

separatist parties would exercise this right only in cases of which I (and others) would approve.

In Chapter 2, “The Case for Statism,” I show that one cannot merely appeal to freedom of association to ground secessionist rights. There are good reasons to allow people to choose their associates, but an unqualified defense of freedom of association is a recipe for anarchism. Statism is inconsistent with unrestricted freedom of association because states must be territorially contiguous in order to perform their crucial functions, and this contiguity would not be possible if states coerced only those subjects who freely consented. In the end, then, we must choose between viable political states and unqualified freedom of association. Anarcho-libertarians suggest that this choice shows why all existing states are illegitimate, but I argue that the converse is true. I propose that the legitimacy of territorially defined states implies that freedom of association must be qualified in the political context and that, as a consequence, it is implausible to posit unlimited rights to secede based upon an absolute right to freedom of association.

Chapter 3, “Valuing Self-Determination,” is the pivotal chapter of the book. Here I argue that a commitment to statism does not force us to turn our backs on the importance of self-determination. It is true that one cannot consistently affirm political states and endorse unlimited secessionist rights, but this does not imply that there can be no primary rights to secede. Drawing upon the account of political legitimacy advanced in chapter 2, I suggest that we must allow those secessions that would not interfere with the production of essential political benefits. Thus, I propose that all separatist groups that can adequately perform the requisite political functions (and would leave their remainder states politically viable) have a primary right to secede. The central point is that, even if the benefits of political stability are important enough to outweigh conflicting claims to freedom of association, self-determination remains valuable and should be accommodated in those cases in which doing so does not conflict with the procurement of those political benefits. In short, our choices are not limited to either enduring anarchic chaos or retaining our existing states in their present form; statists who value self-determination can and should point toward a third option: reconfiguring the territorial boundaries of existing states according to the preferences of constituents whenever this reordering will not interrupt the benefits of political stability.

In Chapter 4, “Lincoln on Secession,” I examine my permissive stance on unilateral state breaking in light of Abraham Lincoln’s objections to

the Confederacy's bid to secede. Discussing this case is instructive not only because it illustrates how my theory of secession would address an actual secessionist conflict, but also because it forces me to counter Lincoln's objections to state breaking, some of which remain popular today. After explaining the ten objections Lincoln raised against the South's separatist movement, I argue that none of them is cogent. I ultimately conclude that, though Lincoln's arguments did not themselves suffice, my account points the way toward an alternative argument that better explains why the Union was justified in resisting the political divorce.

In Chapter 5, "The Truth in Nationalism," I argue that a group need not be a cultural nation in order to qualify for the right to secede. Traditionally, the most vociferous advocates of political self-determination have been nationalists who propose that every nation has a right to form its own state. I acknowledge that national groups typically have the greatest interest in political self-determination, but I argue that cultural features are not central to secessionist conflicts. In my view, political abilities are paramount, and a group's status as a nation can at most play a secondary role in qualifying it for the right to secede, chiefly in cases where the group's cultural capital buttresses its capacity to perform the requisite political functions.

In Chapter 6, "Political Coercion and Exploitation," I address the worry that institutionally recognizing the right to secede will corrupt democratic decision making by allowing minority groups to hold their compatriots hostage. The basic worry here is that, by threatening to secede unless their demands are met, groups will be able to coerce and/or exploit their fellow citizens out of more than their fair share of the benefits of political cooperation. In response, I acknowledge that the dynamics of political decision making might well change, and that groups may occasionally capitalize on their ability to exit, but (after offering an analysis of the morality of coercion and exploitation) I suggest that my theory of secession does not permit a group to *impermissibly* exploit or coerce its compatriots. Moreover, I regard these changes largely as providing reasons *in favor* of constitutionally recognizing the right to secede. In my view, democracies are currently corrupt and stand to be improved by extending groups the political leverage that would likely accompany an effective right to exit.

In Chapter 7, "Secession and International Law," I explore whether the best international legal system would institutionally recognize and enforce the moral right to secede. I argue both that the moral rights to secede place the argumentative burden of proof on those who would

deny political self-determination and that there are reasons to doubt that the skeptics can defeat this presumption in favor of political liberty. In the end, I concede that this is not a question best answered solely by moral philosophers; international lawyers, sociologists, and theorists of international relations are among those better equipped to answer some of the empirical questions that must be asked en route to settling this matter. However, even if it turns out that it would be imprudent or even irresponsible to institutionalize the right to secede in the international law at this juncture, this implies neither that the moral right does not currently exist nor that we should not work to reform the immoral international actors who currently make it inadvisable to institutionalize the ideal of political self-determination.

Finally, in Chapter 8, “The Velvet Transformation,” I offer an optimistic prediction: We are not far from the day when political theorists and international actors respect the importance of political self-determination, and when that day arrives, groups will not vote in favor of secession. My hope and expectation is that as the continued emergence of international cooperation, international law, democracy, human rights, group rights, and self-determination gradually transforms the international landscape, we will witness corresponding decreases in injustice, group grievances, separatist passion, and, most significantly, the importance of state sovereignty. If so, there is every reason to expect that the charged tension of secessionist conflicts will ease as states offer less resistance to separatist movements and the motivations to achieve independent statehood correspondingly diminish.

## The Case for Statism

At first blush, it would not seem terribly difficult to construct a compelling argument in defense of unlimited, unilateral rights to secede: One need only appeal to the right to freedom of association. Think, for instance, of how we regard marital and religious self-determination. Freedom of association is paramount in marital relations; we insist that a marriage should take place only between consenting partners. I may not be forced against my will to marry anyone, and I likewise have no right to force an unwilling partner to marry me. Not only do we have the right to determine whom we would like to marry, each of us has the discretion to decide whether or not to marry at all, and those of us who are married have the right to unilateral divorce. In short, any law requiring us to marry by a certain age, specifying whom we may or may not marry, or prohibiting divorce would impermissibly restrict our freedom of association.

Freedom of religion is in many ways more complicated, but most of us feel similarly about religious affiliation: Whether, how, and with whom I attend to my humanity is up to me as an individual. If I elect to explore my religious nature in community with others, I have no duty to do so with anyone in particular and no right to demand that others allow me to join them in worship. This freedom of association explains why it would be objectionable for my parents or my country to force me, as an adult, to attend my family church or the official church of the state.

Against this backdrop, it is easy to see what is potentially worrisome about a political state requiring its citizens to remain in the union. If I have the right to choose my marital and religious partners, why may I not also choose my political partners? As David Gauthier explains: “Just