

# The Secessionist Processes from Libertarian Perspective

## *Los procesos secesionistas desde una perspectiva libertaria*

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### **Abstract**

The aim of the article is to present the position on the libertarian ground, especially in anarcho-capitalistic movement represented by Murray N. Rothbard, Hans-Hermann Hoppe, Llewellyn H. Rockwell and Thomas Woods that should be used when talking over the question of secession and freedom pursuits in the world.

I will present the line of argumentation that leads libertarians to support pro-secessionist attitude, argumentation taking form of postulate of individual level secession. Next, I will show different libertarian argumentations defending this position, namely deontological, utilitarian and institutional argumentation etc. I will also try to show the consequences of secessionist processes. Next, I will try to describe a mechanism that could be applied to realize the ultimate libertarian goal, which is in this case, the secession of an individual.

In the last section of the article, I will mention some doubts and questions which appear when trying to put through those ideas.

*Keywords:* Libertarianism, secession, secessionist movements.

### **Resumen**

El propósito de este artículo es presentar la posición del libertarismo, especialmente en el movimiento anarco-capitalista representado por Murray N. Rothbard, Hans-Hermann Hoppe, Llewellyn H. Rockwell y Thomas Woods, posición que debe ser aplicada allí donde se discute sobre la cuestión de la secesión y la búsqueda de libertad en el mundo.

Se presenta la línea de argumentación que guía a los libertarios en su apoyo a la actitud pro-secesionista, argumentación que toma su forma del postulado de la

secesión individual. A continuación se muestran las diferentes argumentaciones libertarias que defienden esta posición, a saber, la argumentación deontológica, utilitarista, institucional, etc., tratando igualmente de mostrar las consecuencias de los procesos secesionistas. Posteriormente se intenta describir un determinado mecanismo que podría ser utilizado para realizar el objetivo último del libertarismo, que en este caso es la secesión del individuo.

En la última sección de este artículo, se hace mención de algunas dudas y preguntas que emergen cuando se intenta llevar a término estas ideas.

*Palabras clave:* Libertarismo, secesión, movimientos de secesión.

## 1. Introduction

National self-determination and secessionism are among the most controversial problems in international relations. While they are the chance to fully realize ideals of individual rights and freedom, they also constitute one of the most imminent concerns of the state that fears for its stability – both intra- and international.

Although self-determination is one of the international laws, it is not manifested in practical terms since there is a significant dissonance between declarations of international law and practice followed by governments. It is caused by the fact that the governments decide on particular laws themselves, and later on, they are the organs that have a great influence on their interpretation (they are a judge in their own case, violating the rule of *nemo iudex in causa sua*).<sup>1</sup> This is why issues concerning secessionism, as well as calls for independence and self-determination should be examined in a different, coherent and logical context, namely from the libertarian perspective.

The basic notions that will be used in this article include secessionism and libertarianism. While presenting libertarian stance on secessionist processes, an argumentation for the secession on the level of an individual, both from the point of view of natural law and utilitarianism, will be provided. The consequences of secessionism from the perspective of pragmatics (political) and the problem of creating and establishing new borders will also be included, as well as the characteristics of subsequent stages on the path to achieving the “pure model” that would be e.g. famous idea of a “Thousand Liechtensteins Europe” presented by Hans-Hermann Hoppe. The closing section of this article will mention certain doubts and problems that would arise while putting these ideas into practice.

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<sup>1</sup> M. Missala, *Geneza i współczesne dylematy samostanowienia narodów*, in K. Trzciniński (ed.), *Dylematy państwowości*, Warszawa, Oficyna Wydawnicza ASPRA-JR, 2006, p. 33.

## 2. Defining libertarianism and secessionism

While analyzing secessionist process from libertarian perspective, for the sake of order and clarity of the article, it would be difficult not to define libertarianism itself. Depending on the author, libertarianism is described as: ideology, a cluster of political doctrines, “extreme individualism”,<sup>2</sup> political philosophy,<sup>3</sup> a specific combination of classical liberalism, anarchism, conservatism and other solutions,<sup>4</sup> theory or political movement.<sup>5</sup> Libertarianism is founded upon two basic principles: *self-ownership* (each person is one and only owner of his/her body) and the *non-aggression principle*<sup>6</sup> (the only ethically justifiable and legitimized use of force is a reaction to the initiation of aggression committed by another individual or group of individuals, i.e. self-defense), which are complemented by the *action-axiom* and “*a priori of argumentation*” axiom.<sup>7</sup>

The abovementioned rules and principles are axiomatic in nature and therefore, they apply to *everyone*, regardless of time and place *ergo* they are *same and equal* rules for each individual (children’s rights is another issue, however, libertarians do not agree over it). It means that there are *aprioristic rules of justice* formulated within the libertarian ethics.

In an attempt to build a general understanding, to find a common denominator, within such a broad and heterogeneous thought as libertarianism, one can claim that: “from the philosophical perspective, libertarians are ontological, ethical and methodological individualists. As sociological nominalists (ontological individualists) they believe that the basis for existence of society is not government or any other kind of social group, but individuals; it is individuals who are the basic source of any social relations and institutions [...]. All social systems are voluntary societies,

<sup>2</sup> M. J. Chodakiewicz, *O prawicy i lewicy*, Warszawa-Gdańsk, Patria Media, 2013, p. 40.

<sup>3</sup> According to the definition provided by Brad Miner, libertarianism is a political philosophy whose “emphasis is on consent, that is, if two people agree to do a thing, and if that thing is not harmful to another, their agreement should not be prohibited by any authority other than their own wills.” (B. Miner, *The Concise Conservative Encyclopedia*, New York, Free Press, 1996, p. 163). However, it seems that this definition lacks acknowledgement that except for the unacceptability of prohibition of such an activity, all other kinds of external interference (e.g. licenses) are unacceptable as well.

<sup>4</sup> P. Bała, A. Wielomski, *Prawa człowieka i ich krytyka. Przyczynek do studiów o ideologii czasów ponowoczesnych*, Chicago-Warszawa, Fijorr Publishing, 2008, p. 193.

<sup>5</sup> J. Bartyzel, *Geneza i próba systematyki głównych nurtów libertarianizmu*, in: W. Bulira, W. Gogłozła (eds.), *Libertarianizm: teoria, praktyka, interpretacje*, Lublin, Wyd. UMCS, 2010, p. 15.

<sup>6</sup> “No man or group of men is morally entitled to «initiate» (to start) the use of physical force, the threat of force, or any substitute for force (such as taking something from another person by stealth) against any other man or group of men.” L. Tannehill, M. Tannehill, *The Market for Liberty*. Auburn, Alabama, The Ludwig von Mises Institute, 2007, p. 10.

<sup>7</sup> J. Wozniński, *A priori sprawiedliwości. Libertarianiańska teoria prawa*, in: J. Michalczenia, A. Sobiel (eds.), *Oblicza anarchizmu i libertarianizmu w filozofii i polityce*, Olsztyn, 2012, pp. 181-189.

creations dependent on individuals who create them. As ethical individuals, libertarians believe that the human himself is of the highest value and the basic principle is equal freedom understood as opposite of coercion [...]. As methodological individualists, libertarians believe that facts and social processes should be understood and explained from the perspective of individuals' attitudes, preferences and actions.<sup>8</sup>

Let us now proceed to defining secessionism and secessionist process.

Secession can be defined as a right of a particular group of people to dissociate from (detach from) the existing country in order to create a separate state structure or join one of the already existing states.<sup>9</sup> The former type of secession is called *separatism*, while the latter – *irredentism*. The original sense of secession was perceived as: “nothing more than a shifting of control over the nationalized wealth from a larger, central government to a smaller, regional one”.<sup>10</sup> It can be added that “secession always involves the breaking away of a smaller from a larger population and is thus a vote against the principle of democracy and majoritarian rule in favor of private, decentralized ownership”.<sup>11</sup> Some researchers claim that the fact that a certain territory pursues secession implies lack of compromise within one state.<sup>12</sup>

Secessionist tendencies are most often manifested on frontier territories. One of the types of secessionism, *territorial separatism*, has often been identified with the problem of minority groups on the territory of a particular country. It is claimed that secessionism emerged before the First World War (in the times of the fall of the Habsburg Empire and the Ottoman Empire) but it became a phenomenon on the global scale only after the end of the Second World War. Jean Yves-Camus emphasizes the fact that in the present, we are dealing with secessionist tendencies in the richest regions (such as Catalonia, Flanders, Venice or Bavaria) which do not wish to share the resources they have managed to accumulate.<sup>13</sup>

What is essential for the analysis of this issue is providing an answer for the basic question of *who* and *why* has the right to secession, the right to – as Herbert Spencer put it – “ignore the state”?

<sup>8</sup> D. Sepczyńska, “Libertariański”, “libertarianin”, “libertarianizm”. *Wczesna historia pojęć w Stanach Zjednoczonych*, in: *ibidem*, pp. 156-157.

<sup>9</sup> A. Antczak, *Kształtowanie się tożsamości narodowej wspólnot autonomicznych w Hiszpanii*, Warszawa, Akad. Obrony Narodowej, 2008, p. 79.

<sup>10</sup> H.-H. Hoppe, *Democracy: The God That Failed*, London, Transaction Publishers, 2007, p. 113.

<sup>11</sup> *Ibidem*, p. 114.

<sup>12</sup> *Współczesne separatyzmy na świecie: wulkany agresji i wzburzone tygrysy kulturowe*, 2010, retrieved February 21, 2016 from: <http://www.psz.pl/Wspolczesne-separatyzy-my-na-swiecie-wulkany-agresji-i-wzburzone-tygrysy-kulturowe>

<sup>13</sup> T. Jerzak, *Separatyzm i terroryzm o podłożu etnicznym w Europie Zachodniej*, retrieved February 21, 2016 from: <http://www.psz.pl/tekst-1132/Tadeusz-Jerzak-Separatyzm-i-terroryzm-o-podlozu-etnicznym-w-Europie-Zachodniej; Wspolczesne-separatyzy-my-na-swiecie..., op. cit.; Czy Hiszpania stanie się luźną federacją>, retrieved February 21, 2016 from: <http://www.rp.pl/artukul/178444.html>

According to the acts of international law and a customary, commonly accepted practice, the right of self-determination is attributed to nation. This is why, in order to solve this issue, we need to refer to the understanding of the nation from the perspective of methodological individualism, and consider it a group consisting of individuals, *eo ipso*, granting the right of secession to individuals.<sup>14</sup> As observed by Ludwig von Mises, talking about the right to self-determination of “nations” is a misunderstanding since: “it is not the right of self-determination of a delimited national unit, but the right of the inhabitants of every territory to decide on the state to which they wish to belong.” *Ergo*, as Mises continues:

The right of self-determination in regard to the question of membership in a state thus means: whenever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts, make it known, by a freely conducted plebiscite, that they no longer wish to remain united to the state to which they belong at the time, but wish either to form an independent state or to attach themselves to some other state, their wishes are to be respected and complied with. This is the only feasible and effective way of preventing revolutions and civil and international wars.<sup>15</sup>

Mises elaborates on the issue and defines the right to secession from liberal perspective:

If it were in any way possible to grant this right of self-determination to every individual person, it would have to be done. This is impracticable only because of compelling technical considerations, which make it necessary that a region be governed

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<sup>14</sup> We can then state that, even when referring to the norms expressed by international law that grant the right of self-determination to nations, in order to maintain consistency, a supporter of the said law should simultaneously be a supporter of granting this right to individuals since nation is a group of individuals. Otherwise, an oppose of the right to self-determine of individuals should answer the question of the reason why he refuses a particular individual a right to be considered a part of a nation; or how many members of a nation would have to advocate for secession to legitimize it. Would it had to be a consensus, a certain majority (80, 75, 66 or 51 per cent) or yet another option? If so, what should be the criterion for this? It should also be noted, that in a sense, a nation can be seen as a specific kind of minority group within the much broader group which is mankind. *Eo ipso* since “the smallest minority on earth is the individual,” *ergo* “those who deny individual rights, cannot claim to be defenders of minorities.” This implies that “there can be no such thing, in law or in morality, as actions forbidden to an individual, but permitted to a mob.” (A. Rand, *Collectivized ‘Rights’*, in: A. Rand, *The Virtue of Selfishness*, New York, Signet, 1964, p. 75; *eadem*, *America’s Persecuted Minority: Big Business*, in: *eadem*, *Capitalism: The Unknown Ideal*, New York, Signet, 1986, p. 61 and *eadem*, *The Cashing-In: The Student ‘Rebellion’*, in *eadem*, *Capitalism: The Unknown Ideal*, New York, Signet, 1986, p. 256).

<sup>15</sup> L. von Mises, *Liberalism in the Classical Tradition*, San Francisco, California, Cobden Press, 2002, p. 109.

as a single administrative unit and that the right of self-determination be restricted to the will of the majority of the inhabitants of areas large enough to count as territorial units in the administration of the country.<sup>16</sup>

We can see that Mises intuitively recognized the problem and was able to find a solution. However, he settled on a certain, intermediary stage of the secessionist process – secession to the level of one village.<sup>17</sup> However, to keep our reflections coherent, we need to come to final logical conclusions. If we are to acknowledge that the right of secession is granted to *every* group and therefore, *a fortiori*, to *every* individual, then *ipso facto*, we have to grant this right to any extent, which means: “there is no logical stopping-point short of the right of individual secession, which logically entails anarchism, since then individuals may secede and patronize their own defense agencies, and the State has crumbled”.<sup>18</sup> Therefore, the right of secession should be granted to regions, provinces, cantons, lands, districts, cities, villages, blocks of flats, households and eventually, individuals.

The next sections of this article will be devoted to different types of argumentation which justify the stance on the issue of the secession process proposed by libertarians, i.e. deontological, utilitarian, political and other types of argumentation.

### 3. Deontological argumentation

While examining the ethical basis for secession, we need to elaborate on to what extent an individual can decide on this matter. What conditions need to be fulfilled for the decision of secession or its rejection to be considered binding? We will analyze the legitimization founded on the natural law.<sup>19</sup>

Referring to iusnaturalist category of *self-ownership* proposed by John Locke<sup>20</sup> and followed by many libertarian authors, we take the stance that no individual or group of individuals *can be denied the right of secession in any just manner*.<sup>21</sup> Dec-

<sup>16</sup> *Ibidem*, p. 110.

<sup>17</sup> M.N. Rothbard, “Laissez-Faire Radical: A Quest For The Historical Mises”, in *The Journal of Libertarian Studies*, vol. 5, no. 3, 1981, p. 241.

<sup>18</sup> M.N. Rothbard, *The Ethics of Liberty*, New York, New York University Press, 1998, p. 182.

<sup>19</sup> “One common, flip criticism by opponents of natural law is: who is to establish the alleged truths about man? The answer is not who but what: man’s reason. Man’s reason is objective, i.e., it can be employed by all men to yield truths about the world. To ask what is man’s nature is to invite the answer [...]. The fact of man’s reason does not mean that error is impossible. Even such «hard» sciences as physics and chemistry have had their errors and their fervent disputes. No man is omniscient or infallible – a law, by the way, of man’s nature.” *Ibidem*, pp. 10-11.

<sup>20</sup> J. Locke, *Two Treatises of Government*, Cambridge University Press, 1998, Essay Two, Chapter II, § 4-17, pp. 106-112.

<sup>21</sup> S. Boykin, “The Ethics of Secession”, in D. Gordon (ed.), *Secession, State & Liberty*, New Brunswick, 1998, p. 66.

laration of secession is not an initiation of aggression nor is it a threat of the use of force against other individuals and groups (including governments). It is not even an act akin to the use of force (e.g. fraud) against any individual, *ergo* secession can be considered moral.<sup>22</sup>

What is more, one cannot claim that a particular majority (of people) has the right to impose subjugation of the opposing minority by use of coercion (through the state apparatus). It would be immoral, since: “If one man has no right to impose his wishes on another, then ten million men have no right to impose their wishes on the one, since the initiation of force is wrong (and the assent of even the most overwhelming majority can never make it morally permissible). Opinions – even majority opinions – neither create truth nor alter facts”.<sup>23</sup>

For many libertarians, for whom the non-aggression principle is the highest value (e.g. Murray N. Rothbard), a moral principle of natural law and a duty, this kind of argumentation is sufficient since it describes completely voluntary, non-aggressive actions of individuals to which each individual has the same, analogical, right, regardless of time and space. However, not everybody is a supporter of the natural law, not everyone accepts arguments based on *ius naturalis* and not everyone accepts libertarian position on the natural law. Therefore, in order to make their stance clearer and stronger, libertarians supplement it with utilitarian justification.

#### 4. Utilitarian argumentation

Some people wish to maintain unity of the state, restraining or even destroying any secessionist endeavors. For those secessionist skeptics there is an argument: as a result of secession, detaching some part of the territory that is inhabited by people who no longer wish to be a part of this political unit, the country does become smaller and lose a number of citizens, however, owing to secession, “it will be more unified than before”.<sup>24</sup> Secession eliminates oppressive and extortive relations between different ethnical, cultural, religious, racial or language groups (that are forced to live on the territory of one state).<sup>25</sup> *Ipsa facto* secession prevents from revolutions and civil wars, it pursues the circumstances in which people are not subject to the state and rulers that were not chosen by themselves and that violate their freedom.<sup>26</sup>

What is more, contrary to territorial growth and expansion of the state power (political integration), secession is always compatible with economic integration. *Ceteris paribus*, secession must be considered as the only remaining tool for spreading

<sup>22</sup> L. Tannehill, M. Tannehill, *The Market for Liberty*, *op. cit.*, p. 10.

<sup>23</sup> *Ibidem*, p. 35.

<sup>24</sup> S. Boykin, “The Ethics of Secession”, *op. cit.*, p. 71.

<sup>25</sup> H.-H. Hoppe, “Economic and Political Rationale for European Secessionism, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, p. 218.

<sup>26</sup> D. Gordon, “Introduction”, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, p. XIV.



and promoting economic integration and prosperity on the level that significantly exceeds results that could be expected from reforms and policies undertaken by states. Hoppe argues, that the smaller territory and internal market, the greater possibility to advocate for free trade. The new secessionist government, in order to maximize utility and well-being of the citizens, should also advocate for privatization: the greater scale of privatization, the lower tax rates and the less internal regulations put on the market, the higher economic integrity and growth. Economic integration and growth will meet their optimum when all goods are privatized and the whole taxation system that burdens productive individuals (entrepreneurs, capitalists) abolished.<sup>27</sup>

As Hoppe explains:

Small governments have many close competitors. If they tax and regulate their own subjects visibly more than their competitors, they are bound to suffer from the emigration of labor and capital. Moreover, the smaller the country, the greater will be the pressure to opt for free trade rather than protectionism. Every government interference with foreign trade leads to relative impoverishment, at home as well as abroad. But the smaller a territory and its internal markets, the more dramatic this effect will be. If the U.S. engaged in protectionism, U.S. average living standards would fall, but no one would starve. If a single city, say Monaco, did the same, there would be almost immediate starvation. Consider a single household as the conceivably smallest secessionist unit. By engaging in unrestricted free trade, even the smallest territory can be fully integrated in the world market and partake of every advantage of the division of labor. Indeed, its owners may become the wealthiest people on earth. On the other hand, if the same household owners decided to forego all inter-territorial trade, abject poverty or death would result. Accordingly, the smaller the territory and its internal market, the more likely it is that it will opt for free trade.<sup>28</sup>

In one of his works, Hoppe adds: “Just as political centralization ultimately tends to promote economic disintegration, so secession tends to advance integration and economic development”.<sup>29</sup> Secession favors (if it is done on a great scale) monetary integration – as a consequence, it would be easier to restore commodity money, e.g. gold standard or bimetallism.

In the world of thousands of small governments (as a consequence of secessionist processes), an individual has a choice: to leave territory of one of them (provided

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<sup>27</sup> H.-H. Hoppe, “Economic and Political Rationale for European Secessionism”, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, pp. 212-215.

<sup>28</sup> H.-H. Hoppe, *Economics, Philosophy, and Politics (an interview)*, retrieved February 23, 2016 from: <https://mises.org/library/economics-philosophy-and-politics>

<sup>29</sup> H.-H. Hoppe, *Democracy: The God That Failed*, *op. cit.*, p. 114.



there are no arbitrary migration restrictions) – the one that they are currently on, but do not feel fine there and whose system they believe too oppressive, taxes too high etc. On the contrary, in the world with only several empires this choice is much more restricted and in the world-state completely rejected. What incentive would there be to change the place of living or conducting business activity if the same norms, rules, taxes were the same everywhere and everything was regulated, centralized and harmonized in the same manner?<sup>30</sup>

Nevertheless, we should put emphasis on the fact that these economic consequences of secession are likely to be observed in the long, rather than short, term. While analyzing this aspect of the utilitarian argumentation, a longer time horizon needs to be assumed since certain results both from the theoretical, as well as practical, perspective cannot emerge immediately: “The art of economics consists in looking not merely at the immediate but at the longer effects of any act or policy; it consists in tracing the consequences of that policy not merely for one group but for all groups.” What is more, in this kind of argumentation, we need to look for “all the consequences of a policy instead of merely resting one’s gaze on those immediately visible”.<sup>31</sup>

## 5. Pragmatic argumentation

While attempting to answer the question of how to make the implementation of solutions proposed by deontological and utilitarian argumentation possible, we can refer to the libertarian pragmatic argumentation, especially to its system aspect.

It should be noted that: “Even if as a result of a secessionist tendency a new government, whether democratic or not, should spring up, territorially smaller governments and increased political competition will tend to encourage moderation as regards exploitation. In any case, only in small regions, communities or districts will it be possible again for a few individuals, based on the popular recognition of their economic independence, outstanding professional achievement, morally impeccable personal life, and superior judgment and taste, to rise to the rank of natural, voluntarily acknowledged authorities and lend legitimacy to the idea of a natural order of competing judges and overlapping jurisdictions—an «anarchic» private law society—as the answer to monarchy *and* democracy”.<sup>32</sup> Secession means separation of a smaller group from a larger one – it is a voice of opposition towards democratic principle of majority and favors private (decentralized), and not majority, property and ownership.<sup>33</sup>

<sup>30</sup> H.-H. Hoppe, *A Lecture: The Advantages of Small States and the Dangers of Centralization* presented on 24-25 May 2005, retrieved February 23, 2016 from: <https://youtu.be/eBg23AqZlJI>

<sup>31</sup> H. Hazlitt, *Economics in One Lesson*, New York, Harper & Brothers, 1946, p. 5; 215.

<sup>32</sup> H.-H. Hoppe, *Democracy: The God That Failed*, *op. cit.*, pp. 74-75.

<sup>33</sup> H.-H. Hoppe, “Economic and Political Rationale for European Secessionism”, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, p. 218.

What is highly paradoxical is the fact that among those who oppose bottom-up and secessionist tendencies are the governments of democratic states. It is incoherent since this hostility towards smaller groups that wish to secede is contradictory to the idea that people themselves should be in power: “for clearly a government answers more closely to that description in smaller communities than in larger. Only in smaller communities can the citizens choose their rulers directly from men whom they know personally [...]. A further requirement is that there should be a public square or its equivalent, and that the choice of administrators should take place at the municipal level”.<sup>34</sup> Successful, efficient and functional decision-making would also make the use of electronic means of communication, the use of new technologies, e.g. in case of choosing solutions based on direct democracy, possible.

Secession – in contrary to arguments usually presented by its opposition – does not have to be *ex definitione* antidemocratic. It does not mean that secessionist reject legitimation of the government, but only that they wish do separate because (or among other reasons) the specific government functions badly.<sup>35</sup> For instance, in case of Spain, the advocates for unitarity and unity of the government cannot argue that the decision of the secession of Catalonia is to be made by all Spanish people, since it would be dictating others what they should do and how to behave. This would not be a lot different that dictatorship – it would be a dictatorship of the majority, not an individual person. If Catalonians wish to separate from Spain and choose their own sovereign government, it does not mean that they wish to abolish the government in Madrid, but only that they no longer accept its power and laws to which they are forced when being a part of Spain.

Therefore, it can be said that through secession a specific group of individuals can choose the government and the system they like most; the system that, in their view, will most efficiently govern territory that they live on, including the manner of making and enforcing decisions. In this variant, through secession, it is possible to reject any form of government as well, introducing anarchy. The only restraint in this issue constituted by libertarianism is the complete *voluntary* character of such actions, i. e. they are acceptable as long as they are *non-aggressive*.

## 6. Other consequences of secession

Secessionist process can also lead to cultural or cultural-economic consequences. As a result of secession, instead of *compulsory integration* (which very often is the basis for conflicts on the ethnic, religious, racial etc. background), there is *voluntary separation and segregation*.

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<sup>34</sup> B. de Jouvenel, *On Power*, Boston, Beacon Press, 1948, p. 258.

<sup>35</sup> D. Gordon, “Introduction”, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, p. XIII.

Secession can have a positive effect on the production which is manifested by the fact that one of the main aspects causing secession is “the belief of the secessionists that the region they live in or they themselves are excessively exploited by others,” which is called the paying for the poor syndrome.<sup>36</sup>

Secession can have a positive impact on culture,<sup>37</sup> since it does not lead to its unification and, as a result, lowering its quality but “stimulates a cooperative process of cultural selection and advancement.” “Secessionism and the growth of separatist and regionalist movements throughout the world represent not an anachronism, but potentially the most progressive historical forces [...]. Secession increases ethnic, linguistic, religious, and cultural diversity, while centuries of centralization have stamped out hundreds of distinct cultures”.<sup>38</sup> Moreover, secession can cause the end of “the forced integration brought about by centralization, and rather than stimulating social strife and cultural leveling, it will promote the peaceful, cooperative competition of different, territorially separate cultures”.<sup>39</sup> This phenomenon can be referred to as “cultural competition,” where the competition is – as is the case with most fields<sup>40</sup> – a highly desirable occurrence.

Libertarianism or anarcho-capitalism, advocated by Hoppe or Rothbard, means “the unrestricted proliferation of independent free territories, until the state’s range of jurisdiction finally withers away. To this end-and in complete contrast to the statist projects of «European Integration» and a «New World Order» -they promote the vision of a world of tens of thousands of free countries, regions, and cantons, of hundreds of thousands of independent free cities [...] and even more numerous free districts and neighborhoods, economically integrated through free trade (the smaller the territory, the greater the economic pressure of opting for free trade!) and an international gold-commodity money standard”.<sup>41</sup>

<sup>36</sup> R. Szul, *Język, naród, państwo: język jako zjawisko polityczne*, Warszawa, 2009, p. 31.

<sup>37</sup> Referring to Goethe’s opinion, Hoppe gives an example of the nineteenth century Germany, which consisted of 39 separate, independent political units (mostly principedoms) and simultaneously was highly developed, both academically (a number of educational facilities, universities) and culturally. This disintegration and decentralization within German/German-speaking nations was essential and beneficial. In contrast, neighboring France was centralized and bureaucratized. Hoppe believes unification of Germany, as well as Italy, to be unprofitable since it contributed to elimination of competition between complements of the country existing before. See: H.-H. Hoppe, *The Politics of Johann Wolfgang Goethe*, retrieved February 23, 2016 from: <https://mises.org/library/politics-johann-wolfgang-goethe>

<sup>38</sup> H.-H. Hoppe, *Democracy: The God That Failed*, op. cit., p. 114; 117.

<sup>39</sup> *Ibidem*, p. 117.

<sup>40</sup> Free competition is not necessarily always desirable, since “free entry and competition is not always good. Competition in the production of goods is good, but competition in the production of bads is not. Free competition in killing, stealing, counterfeiting, or swindling, for instance, is not good; it is worse than bad.” *Ibidem*, p. 275.

<sup>41</sup> *Ibidem*, p. 238.

## 7. Transitional stage: the issue of borders, enclaves, exclaves and “nations by consent”

The presented model is more normative than descriptive since it is a description of a state desired (positive) from the libertarian perspective. The following paragraphs will present steps that should be taken on a path from the centralized national states to the state of absolute domination of private property, the “pure anarcho-capitalist model” in Rothbard’s vision, to which we can get closer through secession.

Firstly, we should allow for the possibility of creating “nations by consent,” i.e. groups of individuals that would advocate for particular type of secession through voluntary decisions: “In short, every group, every nationality, should be allowed to secede from any nation-state and to join any other nation-state that agrees to have it. That simple reform would go a long way toward establishing nations by consent. The Scots, if they want to, should be allowed by the English to leave the United Kingdom, and to become independent, and even to join a Gaelic Confederation, if the constituents so desire”.<sup>42</sup>

Secondly, it is necessary to organize a *complete privatization of land* in a way that no square meter of land would be public, i.e. under the control of the governments. Rothbard claims that: “Total privatization would help solve nationality problems, often in surprising ways”.<sup>43</sup>

Thirdly, considering that one of the problems that could emerge would be the issue of the mixed regions, *enclaves* and *exclaves*, the abovementioned process of privatization would constitute the basis for resolving conflicts (through development of contractual rights of access) resulting from, e.g. the possibility of the access to the territory that belongs to one group but is surrounded by territories of other groups (a case of the access corridor). Since it is difficult to even imagine the purchase of a land “without making sure that his title to the land is clear; in the same way, in a fully privatized world, access rights would obviously be a crucial part of land ownership.” The owner of the land would then *ex ante* make sure that he purchases the access rights to the mentioned corridor as well. Many conflicts existing today could be solved this way, e.g. Nagorno-Karabakh and Northern Ireland issues.<sup>44</sup>

In order to realize this scenario, the *sine qua non condition* is for regions, provinces, cities and villages to claim independency, proclaiming the status of “free territories.” To make this significant first step on the path to secession and independency, these regions should refer to one of the essential elements of secessionist endeavors: local identity and loyalty, provincial and local sentiments. When this occurs, “With

<sup>42</sup> M. N. Rothbard, “Nations by Consent: Decomposing the Nation-State”, in *The Journal of Libertarian Studies*, vol. 11, no. 1, 1994, p. 6.

<sup>43</sup> *Ibidem*.

<sup>44</sup> *Ibidem*, p. 8.

every successive act of regional secession the power of the central State will be diminished. It will be stripped of more of its public property, its agents' range of access will increasingly be restricted, and its laws will apply in smaller and smaller territories, until it ultimately withers away".<sup>45</sup>

However, we should not limit this process to the "political secession," since secession needs to go beyond, aiming at privatization of property so that provincial and local governments should be deprived of public property, to which they do not have more right than the central government to the state property. This is why "Provincial or communal public property: roads, parks, government buildings, schools, courthouses, etc., must be returned to their genuine *private* owners and owner associations" according to the rule that "each owns according to his (compulsory) contribution to this property" (proportional to the sum contributed through taxation) and through restitution of nationalized property.<sup>46</sup>

Next, we should consider the possibilities of changing the state borders since this is the issue inherent to secession. All human action is inextricably linked to the territory and therefore, all secessionist endeavors must be connected to the postulates of claiming ownership of a part or the whole of the territory, usually that on which the secessionist groups live whilst proposing such desiderata.

If we accept that a logical consequence of secession is *each time* and *ex definitione* a change of existing borders, then *a fortiori* we cannot take the stance expressed in e.g. Helsinki Final Act (the final act of the Conference on Security and Co-operation in Europe) of August 1, 1975 without being incoherent.<sup>47</sup>

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<sup>45</sup> H.-H. Hoppe, "Natural Order, the State, and the Immigration Problem", in *The Journal of Libertarian Studies*, vol. 16, no. 1, 2002, p. 94.

<sup>46</sup> *Ibidem*, p. 94.

<sup>47</sup> This document lists ten principles that parties involved declared to follow, including *Sovereign equality, respect for the rights inherent in sovereignty and Inviolability of frontiers*. As is the case with the documents prepared by the UN, this one is tainted by incoherence as well. The former principle states that countries involved declare "that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement," while the latter contradicts it even in the title itself (if something cannot be violated how can it be changed? Each modification is the change of the *status quo*, the previous state). What is more, the principle of inviolability of frontiers states that: "The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State." Therefore, we can see that in the light of these records, the modifications of borders through secession could be acceptable if they were introduced in peaceful manner. However, they could also be considered unlawful since the inherently collective doctrine of international law gives the basis for finding a particular secessionist group representatives of "the participating State" *ergo* qualifying their action as violation of the inviolability of the frontiers, referring to it as "assaulting the frontiers." See: *Helsinki Final Act*, retrieved February 25, 2016 from: <http://www1.umn.edu/humanrts/osce/basics/finact75.htm>

Libertarian stance on the issue of borders is the following: *all state borders shall be considered unlawful and unfounded since they came into existence through the aggression of agents that themselves constitute the monopolistic agency of the use of force and coercion that was created by the means of conquer and initiation of aggression.* The acceptance of the prevailing *status quo* would *de facto* mean the acceptance of “putting our stamp of approval upon the countries and territories created by previous imperial aggression”.<sup>48</sup> Moreover, the state borders cannot be treated as borders in relation to the ownership since the state is not a lawful, legal owner of the territories that it purports to have the right to the same way it is not the owner of any other resources. It can only be their possessor.<sup>49</sup> This is why, when postulating the secession at the level of individual, we should accept the possibility of changing the borders as a consequence of rebellions launched by the inhabitants of the occupied territory e.g. owing to the aid of private groups in the form of supplying with equipment or volunteers.<sup>50</sup>

The principle that the borders of the state need to reflect the territory inhabited by a certain nation, rooted in nationalism, is unacceptable. Any attempt of forcibly imposing the concept of “national state,” where a particular nation is “bound” to a particular geographical region can only cause conflicts and wars, in other words: “a great human and social cost which will ultimately endanger the existence of the national reality itself”.<sup>51</sup>

The aim of libertarianism in the covered issue is constituting new borders that would reflect the just and legal borders of private property.

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<sup>48</sup> M.N. Rothbard, *Egalitarianism as a Revolt Against Nature and Other Essays*, Auburn, Alabama, Ludwig von Mises Institute, 2000, p. 197.

<sup>49</sup> It is important to draw a distinction between contracts and treaties, where the former are made between individuals and the latter between governments: “A contract transfers, in a precise manner, titles to private property. Since a government does not, in any proper sense, «own» its territorial area, any agreements that it concludes do not confer titles to property.” This is why the concept of the “sanctity of treaties” should not be in any way identified with the concept of “sanctity of contracts”. *Ipso facto* if the government A (regardless of motivations) gives the government B a part of its territory, it does not mean that inhabitants of this territory lose the possibility (on the basis of the “sanctity of treaties”) to reunite with the government A, since everything included in the treaty between A and B, i.e. land, populace, capital are not a property of any of the parties involved. If Greece, acting under the treaty, gave Turkey Rhodes island or the Sporades, it would not mean that their inhabitants would be obliged to become Turkish/citizens of Turkey respecting the resolutions included in this international “agreement.” The case of the “inheritance” of the commitments (e.g. debts) under the agreements by new governments or revolutionary governments that abolish the *ancien regime* is similar. Therefore, the present generation is not obliged to follow the provisions of international treaties made decades ago when individuals that are forced to follow them today were not even born yet. *Ibidem*, pp. 82-86.

<sup>50</sup> M.N. Rothbard, *The Ethics of Liberty*, *op. cit.*, p. 196.

<sup>51</sup> J. Huerta de Soto, *The Theory of Dynamic Efficiency*, New York, Routledge, 2009, p. 102.



## 8. Hoppean model of the “Thousand Liechtensteins Europe”

A truly libertarian strategy leads to making Europe go back to its medieval model, when, between the twelfth and seventeenth centuries, it was divided into hundreds of free and independent cities.<sup>52</sup> Advocating for secession is a natural consequence considering the social history, economic theory and economic history.<sup>53</sup> This decentralization and existence of thousands of independent units (kingdoms, princedoms, counties, cantons, free cities etc.), i.e. “political anarchy,” was the reason for Europe’s civilization success. Separatist and secessionist movements could be the basis for new Europe, founded on multitude of minor political units that demand political, cultural and economic independence, and ideals of classical liberalism: private property, free trade and competition (in the areas of culture, economy, as well as politics), which are the inherent part of the historical development of the Western world.<sup>54</sup> According to Hoppe, secession on a sufficiently great scale would lead to “a Europe of hundreds of distinct countries, regions, and cantons, and of thousands of independent free cities [...], a Europe with greatly increased opportunities for economically motivated migration, and of small, liberal governments; and a Europe which is integrated through free trade and an international commodity money such as gold”.<sup>55</sup> In this world, there would be place not only for e.g. independent Catalonia and Scotland, but also for independent Balearic Islands, Orkney Islands, Hebrides, Shetland Islands, Tarragona, Lleida, Girona, Val d’Aran, Highlands, Lowlands, Aberdeen, Glasgow, Edinburgh or Barcelona, but also such islands as Mallorca, Minorca or Lewis, and free neighborhoods, such as Barceloneta, Sarrià, Vallcarca etc.

The accusations against separatist movements refer to the argument that realization of their postulates – secession of as many territories as possible – would lead to excessive fragmentation of national states while what we are now witnessing – especially in Europe – is the growth of integration processes. However, as Michał Missala points out, it is precisely the complete realization of the right of self-determination that is the *sine qua non condition* for realizing peaceful and democratic processes of integration.<sup>56</sup> What is more, the concern for the excessive fragmentation of existing countries is faulty in that people who say such things cannot objectively and precisely declare what would be the *optimum* number of national states in Europe (and in the world) and how *ipso facto* would such states look like in terms of territory. Moreover, those who are against the idea of secession should *eo ipso* be against the very

<sup>52</sup> H.-H. Hoppe, *Democracy: The God That Failed*, *op. cit.*, p. 291.

<sup>53</sup> *Ibidem*, p. 129.

<sup>54</sup> H.-H. Hoppe, “Economic and Political Rationale for European Secessionism”, in D. Gordon (ed.), *Secession, State & Liberty*, *op. cit.*, p. 191.

<sup>55</sup> *Ibidem*, p. 222.

<sup>56</sup> M. Missala, “Geneza i współczesne dylematy samostanowienia narodów”, in K. Trzeciński (ed.), *Dylematy państwowości*, *op. cit.*, p. 50.



ideas that led to the creation of the United States of America.<sup>57</sup> However, it is difficult to imagine that the opponents of secession would go that far in their argumentation.

## 9. Doubts and problems related to the implementation of libertarian model

In order to implement libertarian solutions to such issues as secession, we could use one of the following four strategies:<sup>58</sup>

1. *intragovernmental evolution* (gradual, slow actions by means of existing political structures and procedures);
2. *intragovernmental revolutionism* (avoidance of existing procedures);
3. *extragovernmental evolutionism* (gradual and slow actions aiming at creating organizations that would be alternatives for the government);
4. *extragovernmental revolutionism* (quick actions aiming at creating external pressure).

This can be reduced to dualistic, binary distinction between *gradualism* and *abolitionism*.

It seems that while truly abolitionist solutions, i. e. rejecting any contact with the government structures, aiming at the secession at the level of individual are theoretically coherent, defensible in terms of logic and ethics, in practice they could cause some problems that would have to be dealt with. Same goes with the gradualist solutions.

Firstly, libertarians tend to be very naïve, to omit, not elaborate on in detail or even avoid answering the question about the reaction of governments to such individual acts of secession. Should we assume that each state will just accept the will of each individual to secede? By no means. It is more likely that the government will do everything in its power (including threat of or the actual use of force) to stop it or to make lives of secessionists so difficult that it will seem a never-ending chapter of accidents and irresolvable problems. Let us consider an example:<sup>59</sup> the state can conditionally accept secession declared by an individual or a group of individuals, however putting some constraints upon it – e. g. prohibiting them from using the state infrastructure or other goods and services funded by tax payers' money. If an individual declares secession of their house, claiming that their estate is independent from the government power and jurisdiction, the government can *ipso facto* declare that each time the individual wishes to enter the territory under its jurisdiction and

<sup>57</sup> D. Gordon, "Introduction", in D. Gordon (ed.), *Secession, State & Liberty*, op. cit., p. IX.

<sup>58</sup> D. Sepczyńska, *Libertarianizm. Malo znane dzieje pojęcia zakończone próbą definicji*, Olsztyn, 2013, p. 149.

<sup>59</sup> I would like to thank Mr. Mateusz Machaj for this example and accurate observations.

use its pavements, roads, bridges etc., they need to get permission for that. Assuming that the government aims at refusing providing them with such a permission, the life of the individual is will be threatened and dependent on the mercy of those who voluntarily want to maintain contact with them and leave the state territory, entering the “secessionist region,” and all that under the presupposition that the government will not ban emigration (under the threat of or the actual use of force). Accepting the fact that a seceding individual cannot, neither ethically,<sup>60</sup> nor practically force the state which they leaving to undertake any actions, *ipso facto*, they can find themselves in a situation worse than before the secession.

Secondly, Hoppe’s postulate of privatizing goods remaining under control of the government and granting individuals property rights to them on the basis of their contribution through taxation seems highly problematic. This solution basically means accepting the legal robbery and theft committed by the government, i. e. taxation, which is *ex definitione* initiation of aggression, being an obvious violation of the fundamental principle of libertarianism, the non-aggression principle. What is more, the question arises if the awareness of the possibility of such solution, or lack thereof, would result in other actions undertaken by individuals and other reactions to interventions made by the state. We can imagine a situation when an individual purposefully pursuits raising their tax burden in order to raise their chance to get the property right to particular goods, e.g. a library building,<sup>61</sup> while others make use of the mechanisms of the tax optimization or tax evasion (*vide* tax havens), lowering their contribution to the public finance and by doing so, minimizing their chance of getting a share of the property rights to goods privatized in accordance with Hoppe’s proposition.

Thirdly, even if we are to assume that the policy makers and other individuals are good-willed on the issue, and that they accept the massive privatization process proposed by libertarians, the following question arises: is it technically possible to prove legal and just ownership of land, estates etc.? Can we definitely say that determining the lawful owners of the property rights would not cause doubts over e. g. credibility of records in the land registers? Do these records always grant ownership to lawful owners or to the state beneficiaries? What is more, is determining the identity of lawful owners or their heirs even possible? If not, then does accepting the variant in which particular goods are considered ownerless, they are in the state of nature and can be subject to Lockean *homesteading* cause sanctioning of the unlawfulness and injustice? Can the ownership granted in this manner be considered just from the

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<sup>60</sup> Since no individual is allowed to initiate aggression against other individuals or groups of individuals, in this case, the “secessionist individual” would not have any special rights or privileges that would allow them to force others (groups of individuals working for the government) to act in the way they believe right.

<sup>61</sup> However, we can ask about the likelihood of this scenario being realized, i.e. if any individual would be willing to undertake such actions. I am grateful to Mr. Paweł Nowakowski for this remark.

perspective of libertarian ethics and law? It seems that answering these questions and explaining any doubts in this issue is one of the greatest challenges that libertarian theorists examining the matter of secessionism need to face.

The fourth and final problem<sup>62</sup> is that not all of secessionist processes, even among those taking place today, lead to results pursued by secessionists. In some cases, they turn some people hostile towards them. For instance, irredentism on the Crimean Peninsula,<sup>63</sup> which ultimately led to incorporating this territory to the Russian Federation (this act was criticized by most of the governments in the world), provided the opposition of the secession with many counter-arguments. They can claim that such processes undermine the stability of the states, create new places of potential outbreaks of international conflicts or the permanent territorial dispute, in which each of the parties involved – the state from which the particular region was separated and the one to which it was incorporated – claim that their argumentation (depending on the particular case, for or against) over the secession is right and binding, referring to the international law. What we need to remember, and what often is forgotten even by libertarians themselves,<sup>64</sup> is the necessity of the thorough examination and declaration if actions like those undertaken in the Crimea are truly an example of a model or scenario of secession ethically acceptable from the libertarian perspective. In the light of the available information, an attempt to defend the Crimean irredentism from the libertarian perspective seems to be a rather stiff task.

The glimmer of hope for libertarianism and the secessionist tactics proposed by it, e.g. small-scale secession,<sup>65</sup> could be such initiatives as constituting a microstate called Liberland<sup>66</sup> on the border between Serbia and Croatia, so-called nobody's land (*terra nullius*). This seven-square-kilometer state created by Vít Jedlička is at the same time an example and a chance of realizing libertarian aspirations considering secession.

<sup>62</sup> I am grateful to Mr. Jakub Wozinski for pointing out this context.

<sup>63</sup> We can observe similar tendencies in reference to Eastern Ukraine.

<sup>64</sup> J. Raimondo, *Where Should Libertarians Really Stand on Crimea*, retrieved February 25, 2016 from <https://www.lewrockwell.com/2014/03/justin-raimondo/where-should-libertarians-stand-on-crimea>; M.S. Rozeff, *Did Russia Invade Crimea?*, retrieved February 25, 2016 from: <https://www.lewrockwell.com/lrc-blog/did-russia-invade-crimea>

<sup>65</sup> A. Kreptul, *Scotland and the Hoppean Blueprint for Secession*, 2014, retrieved 25 February 2016 from: [www.mises.org/library/scotland-and-hoppean-blueprint-secession](http://www.mises.org/library/scotland-and-hoppean-blueprint-secession)

<sup>66</sup> See: <https://liberland.org/en/main/>, accessed 25 February 2016.