

### Secession as an International Phenomenon: From America's Civil War to Contemporary Separatist Movements

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## Review

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**Doyle, Don H. (ed.)** *Secession As An International Phenomenon: From America's Civil War to Contemporary Separatist Movements*. University of Georgia Press, \$24.95 ISBN 978-0-8203-3712-8

### Understanding Secession in a Global Context

The papers in this collection are the product of a conference held at the University of South Carolina in December 2007, directed by the editor of the present volume, Don H. Doyle, who is McCausland Professor of History at that university. The papers bring together philosophers, legal scholars, historians, and political scientists. These various authors discuss, in separate sections, the morality of secession, the American Civil War, secession in Mexico, European separatism, and secessionist movements in the Middle East, Asia, and Africa. Rather than offer a brief account of each of the eighteen papers in the book, I shall confine myself to a few of the contributions.

In "The Morality of Secession," the philosopher Carl Wellman argues that there is a *prima facie* right to secession, grounded on the right of groups to self-determination. This right can be overridden if secession would likely lead to human rights violations, but the burden of proof rests on those who would, in a concrete instance, deny the right rather than with the group that wishes to exercise its right to self-determination. In adopting this position, Wellman finds himself at odds with the most influential account in modern philosophical literature. Allen Buchanan famously opposed recognition of secession in international law, because such recognition would generate perverse incentives. States, faced with the prospect of possible secessionist movements, would tend to discourage decentralism, oppose open borders, and promote ethnic homogeneity. Wellman contends that, even if Buchanan is right about these incentives, they do not outweigh the right of self-determination.

Peter Radan, a law professor at Marquette University, makes a provocative claim in "Lincoln, the Constitution, and Secession." Lincoln contended that the southern states acted illegally in purporting to leave the Union. For him, these states were in rebellion against legitimate authority. Radan finds Lincoln's legal arguments woefully deficient. Contrary to Lincoln's assertion, the Union did not precede the states; rather, the states created the Union and the Constitution. To Lincoln's further argument that even if this is so, a state could not unilaterally break its contract with the other states, Radan is ready with a counterargument. The contention that ending a contract requires consent of all parties to it holds good only if the parties have not violated its terms. The seceding states could, with some justice, contend that this condition no longer held good. Lincoln's appeal to majority sentiment, without reference to the interests of the South, as a way to resolve the question of slavery in the territories broke with the prevailing understanding of the constitutional settlement. That being so, the South could argue that the contract to which Lincoln appealed was void.

Regardless of the merits of Lincoln's arguments, his words and actions have of course been vastly influential on subsequent history. In "Did Abraham Lincoln Oppose Taiwan's Secession from China?" Alan M. Wachman, who teaches at the Fletcher School of Law and Diplomacy at Tufts University, notes that the People's Republic of China has made use of Lincoln's Unionist rhetoric in opposing Taiwanese nationalist assertions that Taiwan is not part of China. Just as Lincoln viewed the South, the PRC leadership takes Taiwan to be a rebellious province. Wachman thinks that the Chinese authorities have misappropriated Lincoln's arguments. Taiwan is geographically separate from mainland China, so it is not at all clear that the Taiwanese independence movement can be seen in the same light as what Lincoln opposed, the secession of states from a contiguous national territory.

All of the essays, not just those singled out here, merit attention. Doyle has brought together a wide group of scholars, but it is surprising that there is nothing here from Clyde N. Wilson, a foremost authority on John C. Calhoun and secession, even though Wilson was a member of Doyle's own department until his recent retirement.

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