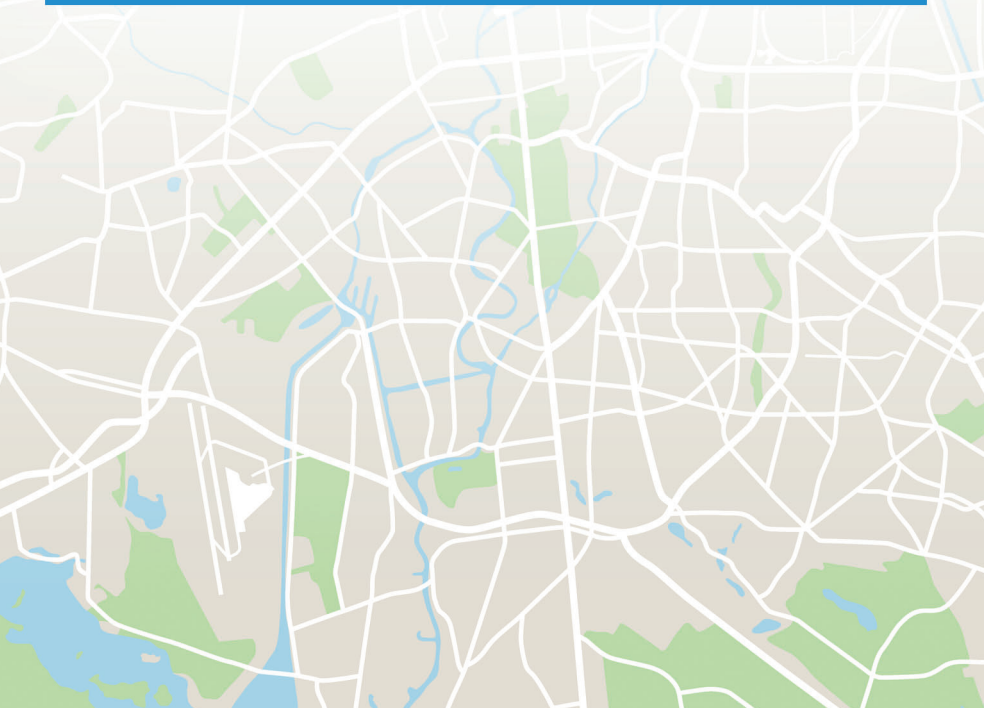


MURRAY N. ROTHBARD

**NATIONS** BY  
**CONSENT**



[Originally published in the *Journal of Libertarian Studies* 11, no. 1  
(Fall 1994): 1–10]

Reprinted in 2018 by the Mises Institute and published under the  
Creative Commons Attribution NonCommercial-NoDerivs 4.0  
International License. <http://creativecommons.org/licenses/by-nc-nd/4.0/>

Mises Institute  
518 West Magnolia Avenue  
Auburn, Alabama 36832  
[mises.org](http://mises.org)

# NATIONS BY CONSENT

by Murray N. Rothbard

LIBERTARIANS TEND TO FOCUS ON TWO IMPORTANT units of analysis: the individual and the state. And yet, one of the most dramatic and significant events of our time has been the reemergence — with a bang — in the last five years of a third and much neglected aspect of the real world, the “nation.” When the “nation” has been thought of at all, it usually comes attached to the state, as in the common word, “the nation-state,” but this concept takes a particular development of recent centuries and elaborates it into a universal maxim. In the last five years, however, we have seen, as a corollary of the collapse of communism in the Soviet Union and in Eastern Europe, a vivid and startlingly swift decomposition of the centralized State or alleged nation-State into its constituent nationalities. The genuine nation, or nationality, has made a dramatic reappearance on the world stage.

## I. THE RE-EMERGENCE OF THE NATION

The “nation,” of course, is not the same thing as the state, a difference that earlier libertarians and classical liberals such as Ludwig von Mises and Albert Jay Nock understood full well. Contemporary libertarians often assume, mistakenly, that individuals are bound to each other only by the nexus of market exchange. They forget that everyone is necessarily born into a family, a language, and a culture. Every person is born into one or several overlapping communities, usually including an ethnic group, with specific values, cultures, religious beliefs, and traditions. He is generally born into a “country.” He is always born into a specific historical context of time and place, meaning neighborhood and land area.

The modern European nation-state, the typical “major power,” began not as a nation at all, but as an “imperial” conquest of one nationality — usually at the “center” of the resulting country, and based in the capital city — over other nationalities at the periphery. Since a “nation” is a complex of subjective feelings of nationality based on objective realities, the imperial central states have had varying degrees of success in forging among their subject nationalities at the periphery a sense of national unity incorporating submission to the imperial center. In Great Britain, the English have never truly eradicated national aspirations among the submerged Celtic nationalities, the Scots and the Welsh, although Cornish nationalism seems to have been mostly stamped out. In Spain, the conquering Castilians, based in Madrid, have never managed — as the world saw at the Barcelona Olympics — to erase nationalism among the

Catalans, the Basques, or even the Galicians or Andalusians. The French, moving out from their base in Paris, have never totally tamed the Bretons, the Basques, or the people of the Languedoc.

It is now well known that the collapse of the centralizing and imperial Russian Soviet Union has lifted the lid on the dozens of previously suppressed nationalisms within the former USSR, and it is now becoming clear that Russia itself, or rather “the Russian Federated Republic,” is simply a slightly older imperial formation in which the Russians, moving out from their Moscow center, forcibly incorporated many nationalities including the Tartars, the Yakuts, the Chechens, and many others. Much of the USSR stemmed from imperial Russian conquest in the nineteenth century, during which the clashing Russians and British managed to carve up much of central Asia.

The “nation” cannot be precisely defined; it is a complex and varying constellation of different forms of communities, languages, ethnic groups, or religions. Some nations or nationalities, such as the Slovenes, are both a separate ethnic group and a language; others, such as the warring groups in Bosnia, are the same ethnic group whose language is the same but who differ in the form of alphabet, and who clash fiercely on religion (the Eastern Orthodox Serbs, the Catholic Croats, and the Bosnian Muslims, who, to make matters more complicated, were originally champions of the Manichaean Bogomil heresy).

The question of nationality is made more complex by the interplay of objectively existing reality and subjective perceptions. In some cases, such as Eastern European nationalities

under the Habsburgs or the Irish under the British, nationalisms, including submerged and sometimes dying languages, had to be consciously preserved, generated, and expanded. In the nineteenth century this was done by a determined intellectual elite, struggling to revive peripheries living under, and partially absorbed by, the imperial center.

## II. THE FALLACY OF “COLLECTIVE SECURITY”

The problem of the nation has been aggravated in the twentieth century by the overriding influence of Wilsonianism on US and world-wide foreign policy. I refer not to the idea of “national self-determination,” observed mainly in the breach after World War I, but to the concept of “collective security against aggression.” The fatal flaw in this seductive concept is that it treats nation-states by an analogy with individual aggressors, with the “world community” in the guise of a cop-on-the-corner. The cop, for example, sees A aggressing against, or stealing the property of, B; the cop naturally rushes to defend B’s private property, in his person or possessions. In the same way, wars between two nations or states are assumed to have a similar aspect: State A invades, or “aggresses against,” State B; State A is promptly designated “the aggressor” by the “international policeman” or his presumptive surrogate, be it the League of Nations, the United Nations, the US president or secretary of state, or the editorial writer of the august *New York Times*. Then the world police force, whatever it may be, is supposed to swing promptly into action to stop the “principle of aggression,” or to prevent the “aggressor,” be it Saddam Hussein or the

Serbian guerrillas in Bosnia, from fulfilling their presumed goals of swimming across the Atlantic and murdering every resident of New York or Washington, DC.

A crucial flaw in this popular line of argument goes deeper than the usual discussion of whether or not American air power or troops can really eradicate Iraqis or Serbs without too much difficulty. The crucial flaw is the implicit assumption of the entire analysis: that every nation-state “owns” its entire geographical area in the same just and proper way that every individual property owner owns his person and the property that he has inherited, worked for, or gained in voluntary exchange. Is the boundary of the typical nation-state really as just or as beyond cavil as your or my house, estate, or factory?

It seems to me that not only the classical liberal or the libertarian, but anyone of good sense who thinks about this problem, must answer a resounding “No.” It is absurd to designate every nation-state, with its self-proclaimed boundary as it exists at any one time, as somehow right and sacrosanct, each with its “territorial integrity” to remain as spotless and unbreached as your or my bodily person or private property. Invariably, of course, these boundaries have been acquired by force and violence, or by interstate agreement above and beyond the heads of the inhabitants on the spot, and invariably these boundaries shift a great deal over time in ways that make proclamations of “territorial integrity” truly ludicrous.

Take, for example, the current mess in Bosnia. Only a couple of years ago, Establishment opinion, Received Opinion of Left, Right, or Center, loudly proclaimed the

importance of maintaining “the territorial integrity” of Yugoslavia, and bitterly denounced all secession movements. Now, only a short time later, the same Establishment, only recently defending the Serbs as champions of “the Yugoslav nation” against vicious secessionist movements trying to destroy that “integrity,” now reviles and wishes to crush the Serbs for “aggression” against the “territorial integrity” of “Bosnia” or “Bosnia-Herzegovina,” a trumped-up “nation” that had no more existence than the “nation of Nebraska” before 1991. But these are the pitfalls in which we are bound to fall if we remain trapped by the mythology of the “nation-state” whose chance boundary at time  $t$  must be upheld as a property-owning entity with its own sacred and inviolable “rights,” in a deeply flawed analogy with the rights of private property.

To adopt an excellent stratagem of Ludwig von Mises in abstracting from contemporary emotions: Let us postulate two contiguous nation States, “Ruritania” and “Fredonia.” Let us assume that Ruritania has suddenly invaded eastern Fredonia, and claims it as its own. Must we automatically condemn Ruritania for its evil “act of aggression” against Fredonia, and send troops, either literally or metaphorically, against the brutal Ruritarians and in behalf of “brave, little” Fredonia? By no means. For it is very possible that, say, two years ago, eastern Fredonia had been part and parcel of Ruritania, was indeed western Ruritania, and that the Rurs, ethnic and national denizens of the land, have been crying out for the past two years against Fredonian oppression. In short, in international disputes in particular, in the immortal words of W. S. Gilbert:



*Things are seldom what they seem,  
Skim milk masquerades as cream.*

The Beloved international cop, whether it be Boutros Boutros-Ghali or US troops or the *New York Times* editor-in-chief had best think more than twice before leaping into the fray.

Americans are especially unsuited for their self-proclaimed Wilsonian role as world moralists and policemen. Nationalism in the US is peculiarly recent, and is more of an idea than it is rooted in long-standing ethnic or nationality groups or struggles. Add to that deadly mix the fact that Americans have virtually no historical memory, and this makes Americans peculiarly unsuited to barreling in to intervene in the Balkans, where who took what side at what place in the war against the Turkish invaders in the fifteenth century is far more intensely real to most of the contenders than is yesterday's dinner.

Libertarians and classical liberals, who are particularly well-equipped to rethink the entire muddled area of the nation-state and foreign affairs, have been too wrapped up in the Cold War against communism and the Soviet Union to engage in fundamental thinking on these issues. Now that the Soviet Union has collapsed and the Cold War is over, perhaps classical liberals will feel free to think anew about these critically important problems.

### III. RETHINKING SECESSION

First, we can conclude that not all state boundaries are just. One goal for libertarians should be to transform existing

nation-states into national entities whose boundaries *could* be called just, in the same sense that private property boundaries are just; that is, to decompose existing coercive nation-states into genuine nations, or nations by consent.

In the case, for example, of the eastern Fredonians, the inhabitants should be able to secede voluntarily from Fredonia and join their comrades in Ruritania. Again, classical liberals should resist the impulse to say that national boundaries “don’t make any difference.” It’s true, of course, as classical liberals have long proclaimed, that the less the degree of government intervention in either Fredonia or Ruritania, the less difference such a boundary will make. But even under a minimal state, national boundaries would still make a difference, often a big one to the inhabitants of the area. For *in what language* — Fredonian or both? — will be the street signs, telephone books, court proceedings, or school classes of the area?

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.

A common response to a world of proliferating nations is to worry about the multitude of trade barriers that might be erected. But, other things being equal, the greater the number of new nations, and the smaller the size of each, the better. For it would be far more difficult to sow the illusion

of self-sufficiency if the slogan were “Buy North Dakotan” or even “Buy 56th Street” than it now is to convince the public to “Buy American.” Similarly, “Down with South Dakota,” or *a fortiori*, “Down with 55th Street,” would be a more difficult sell than spreading fear or hatred of the Japanese. Similarly, the absurdities and the unfortunate consequences of fiat paper money would be far more evident if each province or each neighborhood or street block were to print its own currency. A more decentralized world would be far more likely to turn to sound market commodities, such as gold or silver, for its money.

#### IV. THE PURE ANARCHO-CAPITALIST MODEL

I raise the pure anarcho-capitalist model in this here, not so much to advocate the model *per se* as to propose it as a guide for settling vexed current disputes about nationality. The pure model, simply, is that no land areas, no square footage in the world, shall remain “public”; every square foot of land area, be they streets, squares, or neighborhoods, is privatized. Total privatization would help solve nationality problems, often in surprising ways, and I suggest that existing states, or classical liberal states, try to approach such a system even while some land areas remain in the governmental sphere.

##### *Open Borders, or the Camp-of-the Saints Problem*

The question of open borders, or free immigration, has become an accelerating problem for classical liberals. This is first, because the welfare state increasingly subsidizes immigrants to enter and receive permanent assistance, and

second, because cultural boundaries have become increasingly swamped. I began to rethink my views on immigration when, as the Soviet Union collapsed, it became clear that ethnic Russians had been encouraged to flood into Estonia and Latvia in order to destroy the cultures and languages of these peoples. Previously, it had been easy to dismiss as unrealistic Jean Raspail's anti-immigration novel *The Camp of the Saints*, in which virtually the entire population of India decides to move, in small boats, into France, and the French, infected by liberal ideology, cannot summon the will to prevent economic and cultural national destruction. As cultural and welfare-state problems have intensified, it became impossible to dismiss Raspail's concerns any longer.

However, on rethinking immigration on the basis of the anarcho-capitalist model, it became clear to me that a totally privatized country would not have "open borders" at all. If every piece of land in a country were owned by some person, group, or corporation, this would mean that no immigrant could enter there unless invited to enter and allowed to rent, or purchase, property. A totally privatized country would be as "closed" as the particular inhabitants and property owners desire. It seems clear, then, that the regime of open borders that exists *de facto* in the US really amounts to a compulsory opening by the central state, the state in charge of all streets and public land areas, and does not genuinely reflect the wishes of the proprietors.

Under total privatization, many local conflicts and "externality" problems — not merely the immigration problem — would be neatly settled. With every locale

and neighborhood owned by private firms, corporations, or contractual communities, true diversity would reign, in accordance with the preferences of each community. Some neighborhoods would be ethnically or economically diverse, while others would be ethnically or economically homogeneous. Some localities would permit pornography or prostitution or drugs or abortions, others would prohibit any or all of them. The prohibitions would not be state imposed, but would simply be requirements for residence or use of some person's or community's land area. While statist who have the itch to impose their values on everyone else would be disappointed, every group or interest would at least have the satisfaction of living in neighborhoods of people who share its values and preferences. While neighborhood ownership would not provide Utopia or a panacea for all conflicts, it would at least provide a "second-best" solution that most people might be willing to live with.

### *Enclaves and Exclaves*

One obvious problem with the secession of nationalities from centralized states concerns mixed areas, or enclaves and exclaves. Decomposing the swollen central nation-State of Yugoslavia into constituent parts has solved many conflicts by providing independent nationhood for Slovenes, Serbs, and Croats, but what about Bosnia, where many towns and villages are mixed? One solution is to encourage more of the same, through still more decentralization. If, for example, eastern Sarajevo is Serb and western Sarajevo is Muslim, then they become parts of their respective separate nations.

But this of course will result in a large number of enclaves, parts of nations surrounded by other nations. How can this be solved? In the first place, the enclave/exclave problem exists right now. One of the most vicious existing conflicts, in which the US has not yet meddled because it has not yet been shown on CNN, is the problem of Nagorno-Karabakh, an Armenian exclave totally surrounded by, and therefore formally within, Azerbaijan. Nagorno-Karabakh should clearly be part of Armenia. But, how then, will Armenians of Karabakh avoid their present fate of blockade by Azeris, and how will they avoid military battles in trying to keep open a land corridor to Armenia?

Under total privatization, of course, these problems would disappear. Nowadays, no one in the US buys 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. In such a world, then, Karabakh property owners would make sure that they had purchased access rights through an Azeri land corridor.

Decentralization also provides a workable solution for the seemingly insoluble permanent conflict in Northern Ireland. When the British partitioned Ireland in the early 1920s, they agreed to perform a second, a more micro-managed, partition. They never carried through on this promise. If the British would permit a detailed, parish by parish, partition vote in Northern Ireland, however, most of the land area, which is majority Catholic, would probably hive off and join the Republic: such counties as Tyrone and Fermanagh, southern Down, and southern Armagh,

for example. The Protestants would probably be left with Belfast, county Antrim, and other areas north of Belfast. The major remaining problem would be the Catholic enclave within the city of Belfast, but again, an approach to the anarcho-capitalist model could be attained by permitting the purchase of access rights to the enclave.

Pending total privatization, it is clear that our model could be approached, and conflicts minimized, by permitting secessions and local control, down to the micro-neighborhood level, and by developing contractual access rights for enclaves and exclaves. In the US, it becomes important, in moving toward such radical decentralization, for libertarians and classical liberals — indeed, for many other minority or dissident groups — to begin to lay the greatest stress on the forgotten Tenth Amendment and to try to decompose the role and power of the centralizing Supreme Court. Rather than trying to get people of one's own ideological persuasion on the Supreme Court, its power should be rolled back and minimized as far as possible, and its power decomposed into state, or even local, judicial bodies.

### *Citizenship and Voting Rights*

One vexing current problem centers on who becomes the citizen of a given country, since citizenship confers voting rights. The Anglo-American model, in which every baby born in the country's land area automatically becomes a citizen, clearly invites welfare immigration by expectant parents. In the US, for example, a current problem is illegal immigrants whose babies, if born on American soil, automatically become citizens and therefore entitle themselves

and their parents to permanent welfare payments and free medical care. Clearly the French system, in which one has to be born to a citizen to become an automatic citizen, is far closer to the idea of a nation-by-consent.

It is also important to rethink the entire concept and function of voting. Should anyone have a “right” to vote? Rose Wilder Lane, the mid-twentieth century US libertarian theorist, was once asked if she believed in womens’ suffrage. “No,” she replied, “and I’m against male suffrage as well.” The Latvians and Estonians have cogently tackled the problem of Russian immigrants by allowing them to continue permanently as residents, but not granting them citizenship or therefore the right to vote. The Swiss welcome temporary guest-workers, but severely discourage permanent immigration, and, *a fortiori*, citizenship and voting.

Let us turn for enlightenment, once again, to the anarcho-capitalist model. What would voting be like in a totally privatized society? Not only would voting be diverse, but more importantly, who would really care? Probably the most deeply satisfying form of voting to an economist is the corporation, or joint-stock company, in which voting is proportionate to one’s share of ownership of the firm’s assets. But also there are, and would be, a myriad of private clubs of all sorts. It is usually assumed that club decisions are made on the basis of one vote per member, but that is generally untrue. Undoubtedly, the best-run and most pleasant clubs are those run by a small, self-perpetuating oligarchy of the ablest and most interested, a system most pleasant for the rank-and-file nonvoting member as well as for the elite. If I am a rank-and-file member of, say a chess club, why



should I worry about voting if I am satisfied with the way the club is run? And if I am interested in running things, I would probably be asked to join the ruling elite by the grateful oligarchy, always on the lookout for energetic members. And finally, if I am unhappy about the way the club is run, I can readily quit and join another club, or even form one of my own. That, of course, is one of the great virtues of a free and privatized society, whether we are considering a chess club or a contractual neighborhood community.

Clearly, as we begin to work toward the pure model, as more and more areas and parts of life become either privatized or micro-decentralized, the less important voting will become. Of course, we are a long way from this goal. But it is important to begin, and particularly to change our political culture, which treats “democracy,” or the “right” to vote, as the supreme political good. In fact, the voting process should be considered trivial and unimportant at best, and never a “right,” apart from a possible mechanism stemming from a consensual contract. In the modern world, democracy or voting is only important either to join in or ratify the use of the government to control others, or to use it as a way of preventing one’s self or one’s group from being controlled. Voting, however, is at best, an inefficient instrument for self-defense, and it is far better to replace it by breaking up central government power altogether.

In sum, if we proceed with the decomposition and decentralization of the modern centralizing and coercive nation-state, deconstructing that state into constituent nationalities and neighborhoods, we shall at one and the same time reduce the scope of government power, the scope

and importance of voting and the extent of social conflict. The scope of private contract, and of voluntary consent, will be enhanced, and the brutal and repressive state will be gradually dissolved into a harmonious and increasingly prosperous social order.

THE MISES INSTITUTE, founded in 1982, is a teaching and research center for the study of Austrian economics, libertarian and classical liberal political theory, and peaceful international relations. In support of the school of thought represented by Ludwig von Mises, Murray N. Rothbard, Henry Hazlitt, and F.A. Hayek, we publish books and journals, sponsor student and professional conferences, and provide online education. Mises.org is a vast resource of free material for anyone in the world interested in these ideas. For we seek a radical shift in the intellectual climate, away from statism and toward a private property order.

For more information, see [mises.org](http://mises.org), write us at [contact@mises.org](mailto:contact@mises.org), or phone us at 1.800.OF.MISES.

Mises Institute  
518 West Magnolia Avenue  
Auburn, Alabama 36832

# MISES INSTITUTE

---

Ludwig von Mises Institute  
518 W. Magnolia Ave., Auburn, Ala. 36832