

**This is the accepted manuscript draft for the article, forthcoming in *The Southern Journal of Philosophy* (<https://onlinelibrary.wiley.com/doi/10.1111/sjp.12509>).
Feel free to cite.**

A Cosmopolitan Instrumentalist Theory of Secession

Daniel Weltman

danny.weltman@ashoka.edu.in

Existing theories of the moral right to unilateral secession mostly fall into one of three groups. Remedial theories hold that there is a right to secede from a state that badly violates human rights. Associationist theories hold that any group that desires to rule itself has a right to secede. Ascriptivist theories hold that nations — groups that share an encompassing culture — have a right to secede.¹ In this paper I describe and defend a neglected fourth alternative theory. This theory holds that a group has a right to secede only if secession would lead to more cosmopolitan justice. This is a theory that many cosmopolitans are already committed to, albeit typically without realizing or acknowledging it. It is also the theory that cosmopolitans ought to be committed to, even if they are not so committed. And so the theory is interesting in two ways. First, it is compelling, especially for theorists with certain other commitments. Second, it sharpens our understanding of what a commitment to cosmopolitanism entails, and perhaps serves as a *reductio* against cosmopolitanism to the extent that the theory is not compelling. So, both supporters and opponents of this theory of secession should find its elucidation illuminating.

In section 1 I briefly cover the main existing theories of secession and describe the cosmopolitan instrumentalist alternative. In section 2 I explain why cosmopolitans ought to accept the cosmopolitan instrumentalist theory of secession. In section 3 I explain why we should find the cosmopolitan instrumentalist approach attractive. Section 4 addresses objections and section 5 concludes.

1. Theories of Secession

Allen Buchanan's division of theories of secession into three categories is still mostly comprehensive (Buchanan 1997). Remedial theorists, like Buchanan himself and Wayne Norman, attribute a right to secede to groups that have been subject to a deeply unjust state (Buchanan 1991a; Norman 1998).² Associationist theories hold that any group (that is, any association of people) which wishes to secede may secede, subject to only a few limitations, like Andrew Altman and Christopher Heath Wellman's stipulation that both the secessionists and the remaining state (the "rump state") must be able to adequately protect human rights (Altman and Wellman 2009, 51; Beran 1984; Tideman 2004; Wellman 2005; Lefkowitz 2008; Angell and Huseby 2020; Vaca and Artiga 2021). According to ascriptivist views, groups with certain ascriptive characteristics (invariably, the characteristics which constitute nationhood) have a right to secede (Margalit and Raz 1990; Miller 1995, ch 4; 1998). In addition to the three traditional sorts of theories, we may add cosmopolitan instrumentalism, which is described in more detail immediately below. Cosmopolitan instrumentalism holds that a group has a right to secede only when the secession in question would promote

¹ The threefold division is not exhaustive. See for instance Margaret Moore's theory (Moore 2019a). But most theories of secession fit comfortably into one of the three categories. For more on theories that don't fit into any of the traditional categories see below, footnote 44, and (Weltman, manuscript a.).

² Amandine Catala convincingly argues that remedial theories do not represent a distinct alternative to other theories, and so we may want to strike this category (Catala 2013). But my argument does not depend on this.

cosmopolitan justice, where “cosmopolitan justice” is understood according to one’s preferred cosmopolitan theory of global justice. All theories of secession are also theories about the right to self-determination, because to have the right to secede is to have the right to political self-determination in a form strong enough to justify secession (Brilmayer 1991).³ The right to rule one’s own state, which is the right entailed by secession, is the right to more or less complete self-determination.

1.1. Cosmopolitan Instrumentalism about Secession

Cosmopolitan instrumentalism about secession is very simple. It says that a group has a right to secede if this secession would better promote cosmopolitan justice than the present situation. So, if a group of people wishes to secede, we do not ask whether they are subject to a deeply unjust state (like the remedial theorist asks). We do not ask whether they could protect rights in their new state and whether the rump state could continue to protect rights (like the associationist asks). We do not ask whether they constitute a nation (like the ascriptivist asks). Rather, we ask whether (according to our theory of cosmopolitanism global justice) the world would be more just if borders were drawn the way the secessionists want to draw borders. If the answer is yes, then there is a right to secede. If the answer is no, there is no right to secede.

Thus, properly speaking, cosmopolitan instrumentalism does not deliver a true “right” to secede. A right has weighty moral significance. Rights may for instance entail a right to do wrong (Waldron 1981; Stilz 2021a; Wellman 2021; forthcoming). Margalit and Raz, for instance, argue that the right to self-determination is a right for a nation to secede and to make other decisions, even if “this nation ought not to exercise its right to self-determination, because this will be bad” - a right, that is, to do wrong (Margalit and Raz 1990, 455). As Buchanan notes, “sometimes one ought not to do what one has a right to do” (Buchanan 1991a, 68). Even if rights do not amount to a right to do wrong, rights, including a right to secede, can’t be held hostage to considerations about (for instance) whether things would be all-things-considered better were the right exercised. Rights would be toothless if their exercise were contingent on the exercise of the right being better overall than its non-exercise. Rights, including the right to secede, need not be “absolute nor unconditional,” and indeed few theories of secession hold that the rights are this strong (Margalit and Raz 1990, 461).⁴ But the right has to be something which “may not be overridden merely on the grounds that doing so would maximize social welfare” (Buchanan 1991a, 27).

The cosmopolitan instrumentalist right to secede may not be overridden by considerations of social welfare, but it *does* evaporate when its existence would not entail more justice overall, which renders it almost as toothless. The cosmopolitan instrumentalist theory does not shy away from this implication. Strictly speaking, there are no “rights” to secede except in a rather trivial, uninteresting sense, which is that when secession would promote justice, there is nothing wrong with promoting justice via secession, and thus one has a right to secede. (One may even have a duty to secede.) But the corollary, which is that if secession would not promote justice one lacks a right to secede, is also true. Thus in this way the right to secede according to cosmopolitan instrumentalism is like the right to use deadly force in warfare according to revisionist just war theory: there is no general right to kill enemy combatants, but rather the right to violence is typically held only by those defending justice (Fabre 2012).⁵

³ The converse does not hold: a right to self-determination need not necessarily be a right to secession (Jewkes 2014).

⁴ See also (Miller 1998, 75).

⁵ Another example: the right to secede according to cosmopolitan instrumentalism is like the right to acquire

1.2. Cosmopolitan Justice

What precisely counts as “justice” will depend on one’s theory of cosmopolitanism. There are many different sorts of cosmopolitanism with differing conceptions of justice. Cosmopolitan instrumentalism works no matter which theory one finds most plausible.⁶ What is “cosmopolitanism,” and what are cosmopolitan theories? This is a contested topic (Scheffler 1999; Waldron 2000; Beitz 2005; Held 2005; Brock 2011; Blake 2013; Ypi 2013a). For our purposes, cosmopolitanism is roughly “the view that human beings are the primary *loci* for moral concern and respect and have equal moral worth. It is individualist, egalitarian, and universal, and insists that the mere fact that individuals belong to a particular group rather than another has no bearing on what they are owed as a matter of justice” (Fabre 2016, 3). What more this entails is immaterial for our purposes (albeit a very important question more generally).

Cosmopolitan theories are committed to global duties of justice, such that our duties are not simply to those with whom we have special ties of nationality, citizenship, family, friendship, and so on. Extreme cosmopolitans like Richard Arneson hold that there are no special tie moral duties at all, or no special tie moral duties at the level of states (even if there are special tie moral duties at the level of families and friends) (Arneson 2016). For the purposes of this article all the relevant cosmopolitanisms are statist cosmopolitanisms, which hold that cosmopolitanism is compatible with the state system, because secession is only a relevant topic insofar as states exist (Beitz 1994; Ypi 2008; Mikalsen 2017).⁷

I will illustrate cosmopolitan instrumentalism with Charles Beitz’s and Onora O’Neill’s cosmopolitanisms (Beitz 1979; O’Neill 2000). But one can substitute any theory of cosmopolitan justice. When we pair a cosmopolitan theory of justice with cosmopolitan instrumentalism, we arrive at a view of secession.

1.3. Beitz’s Cosmopolitanism

Beitz argues that “claims of a right to self-determination,” which include the right to secede, “are properly understood as assertions that the granting of independence would help reduce social injustice in the [seceding group]” (Beitz 1979, 104).⁸ If secession would not promote justice, there is no right to secede, even in cases where we might think the right to secede is the most defensible, like when a colony wishes to become independent of its colonizer (Beitz 1979, 103–4).⁹ Thus cosmopolitan instrumentalism, married to Beitz’s view

parental authority over children according to Anca Gheaus’s proposal that this authority should be given to the best available parent, rather than always given to the people who conceived the child (Gheaus 2021). One difference: Gheaus gives parental rights to the *best* parents, while cosmopolitan instrumentalism posits the right to secede in any instances of secession that would be *better*.

⁶ The one exception is that cosmopolitan instrumentalism collapses into another theory of secession if one’s theory of cosmopolitan justice prioritizes (for instance) self-determination rights for all groups or for nations. I do not think these forms of cosmopolitanism are compelling (or, at least, they are not cosmopolitan) and so we can say that cosmopolitan instrumentalism is a distinct theory of secession once we properly understand cosmopolitanism. More on this below. See also Hsin-Wen Lee’s argument against Miller’s instrumentalism, with which I agree (Lee 2019).

⁷ However, one advantage of the cosmopolitan instrumentalist view is that, with slight modification, it can work for cosmopolitanisms that reject statism, because we can be instrumentalists not just about state borders but about other arrangements of political authority that would exist if states did not exist.

⁸ Beitz writes “colony” where I substitute “seceding group” because he is addressing the narrower question of whether colonies have a right to political self-determination, but there is nothing particularly special about colonies on his account.

⁹ One might wonder why the relevant criterion is whether secession would promote justice for the secessionists,

of cosmopolitan justice, presents a distinct and radical alternative to the three other theories of secession. Those subject to an unjust state, groups of people who wish to secede, and nations who wish to secede: none has a right to secede unless their new state would be more just than existing arrangements. Nor do groups that wish to secede need to be subject to an unjust state, or share a national character. They need only be able to promote justice through their secession.

Of course, this is not *too* radical of a claim, because seceding from an unjust state, seceding to form one's preferred state, or seceding to become a nation-state, often *will* promote cosmopolitan justice. So, cosmopolitan instrumentalism will often agree with other theories of secession about which groups have a right to secede. In obvious cases, it will deliver the clearly right answer just as easily as the other theories. But sometimes it will not agree with the other theories. If, for instance, the secessionists are predominantly wealthy plutocrats who want to establish a more inegalitarian state for the sake of reducing their tax burden, cosmopolitan instrumentalism will deny their right to secede, whereas associationism will support it, as will ascriptivism if the secessionists constitute a nation.¹⁰ Below I will address the degree to which cosmopolitan instrumentalism is a distinct theory compared to the other three. First, however, we will examine another version of cosmopolitan instrumentalism built on Onora O'Neill's cosmopolitanism.

1.4. O'Neill's Cosmopolitanism

O'Neill's Kantian conception of cosmopolitanism stresses the importance of figuring out how to set up institutions which can increase the degree to which everyone's freedom is respected. Because the "very abstract principles of justice do not guide action with any precision" and because it isn't "possible to achieve a flawless realization of justice under human conditions," there are situations, particularly on the scale of global justice, where we must "recognize this reality" and then work on coming up with "interlocking political and economic institutions... which jointly provide an extensive and effective set of guarantees of external freedom" (O'Neill 2000, 139). States can be (and likely are) justified because "alternative, non-state institutions - for example, anarchic or feudal structures - secure even less respect for external freedom" than states (O'Neill 2000, 139). Cosmopolitan instrumentalism suggests that this is the justification not just for states in the abstract sense, but for specific states. That is, just as we pick states as one of the institutions that we must set up in order to do as best we can when it comes to securing the external freedom of all, we can ask which states we ought to establish, recognize, support, and so on. This is the question that secession raises: ought there to be two states where before there was one?

Thus if we marry O'Neill's cosmopolitanism to cosmopolitan instrumentalism, we examine whether having two states (via secession) would guarantee external freedoms of

rather than for everyone involved (or everyone on Earth, or in the universe, or something like this). I do not think Beitz can coherently restrict the justice we are interested in to justice for the secessionists. This restriction is arbitrary in ways that conflict with his overall theory of justice. But, presumably Beitz thinks people have a right to secure justice for themselves without having to worry about whether these actions secure justice for everyone involved, or for everyone full stop. If this is defensible, then this explains why Beitz's criterion is justice for the secessionists rather than justice for everyone.

¹⁰ Friedrich Dietrich has a relevant discussion (and defense) of secession of the rich (Dietrich 2014). Some view Basque and Catalan secessionism as akin to this sort of case. I do not want to claim this is correct, but if it is, they are cases which illustrate cosmopolitan instrumentalism's attractions. Even if the secessionists in each case and the rump state (the rest of Spain) can constitute just states, and even if they are a nation, one might think the Basques or the Catalans have no right to secede, because distributive justice concerns favor continued transfer of wealth from the richer Basques or Catalans to the poorer remainder of Spain. South Sudan is a similar potential illustration.

everybody (within and without the states) better than the single existing state. If the answer is yes, then we have a reason for preferring the two states under O'Neill's conception of cosmopolitanism, and thus also a reason for thinking that the group in question has a right to secede. If the opposite is the case, then there is no right to secede. A right to secede may easily be a duty to secede, on O'Neill's view, because if we can establish better institutions, then perhaps we ought to do so. The right to secede would not necessarily imply a duty, though, because secession may entail costs to the seceding group that are great enough to outweigh the duty they would have to create beneficial institutions (a duty that we would all have).

Notice that despite the theory's Kantian roots, O'Neill is unconcerned with speaking in terms of balancing, trade-offs, and compromises: we are worried not just about injustice that "can be prevented" but also injustice that can be "minimized," and because we can't achieve perfect justice, we should worry about avoiding institutions that "secure even less respect for external freedom" rather than just picking the perfect institutions which secure all of our external freedoms (O'Neill 2000, 139). This demonstrates an important point, which is that cosmopolitan instrumentalism is not an inherently consequentialist or utilitarian theory.

1.5. Cosmopolitan Instrumentalism as a Distinct Theory

A similar process could be undertaken for any cosmopolitan theory of justice. In cases of clear injustice, where secession will certainly improve things, cosmopolitan instrumentalism will deliver the right verdict (as will remedial theories and associationist theories). Similarly, in the most defensible cases of nationalist secession, where the nation aims to rule itself in a more suitable manner than its current situation, cosmopolitan instrumentalism will agree with the nationalist theories (and the associationist theories, and the remedial theories too, if the current state is unjust, like if for instance it is a colonial regime). The goal of cosmopolitan instrumentalism is not to defy intuitions or deliver different results than other theories of secession all the time.

Given that cosmopolitan instrumentalism will deliver verdicts similar to other theories of secession, one might wonder whether it represents a distinct theory at all.¹¹ This is especially true when cosmopolitan instrumentalism is compared with remedial theories, because remedial theories entail that there is a right to secession when a deep injustice is occurring which could be remedied by secession, which is precisely what cosmopolitan instrumentalism would say about such a situation.

There are three replies to this worry. The first is to note that the worry might apply to most theories of secession. The second is to deny that this is a worry at all. The third is to highlight cases where cosmopolitan instrumentalism gives a different answer than other theories, especially remedial theories.

First, notice that for any case where a remedial right theory says there is a right to secede, it is not just the cosmopolitan instrumentalist who will deliver the same result. The associationist will basically always deliver the same result too, and if the oppressed group is a nation, the ascriptivist theory will also agree. Often the oppressed groups are in fact nations: a paradigmatic example often used by remedial rights theorists is that of the Kurds in Iraq (Buchanan 1991a, 67; 1997, 37; Seymour 2007, 397).¹² Thus there is significant overlap when it comes to the prescriptions that theories of secession give when presented with the most obvious cases of potentially justified secession.

Second, it counts in favor of a theory of secession if it delivers results similar to other

¹¹ I thank a reviewer for this journal for suggesting I say more about this topic.

¹² The Kurds in Iraq do not constitute the *entire* Kurdish nation, but we will ignore this complication. For discussion see (Weltman, manuscript b.).

theories, especially what is perhaps the most pre-theoretically intuitive theory, which is the remedial theory.¹³ We should expect that in most actual cases, theories of secession will agree with each other, because one desideratum of an acceptable theory is that it is at least broadly extensionally adequate in the sense of correctly saying that what we take to be *prima facie* justified secessions are in fact justified, and vice versa for *prima facie* unjustified secessions. It is true that all theories ought at least to have the leeway to be partially revisionist with respect to our pre-theoretical intuitions. Indeed, one of the reasons for developing a theory of secession is so that we will have a firm basis for making decisions beyond just our intuitions, and with such a firm basis we ought to be open to rejecting some of our initial intuitions. But it would be surprising if a theory of secession told us the Kurds had no right to escape a genocidal dictatorship.¹⁴ So it is a benefit, rather than a drawback, that cosmopolitan instrumentalism can give us the answers that other theories give us when it comes to clear cases like Kurdish secession in Iraq.¹⁵

Finally, it is not as if cosmopolitan instrumentalism cannot be distinguished from any of the other theories in any actual cases. Consider for instance the Californian secessionist movement, which has ebbed and flowed over the years.¹⁶ There is effectively no case to be made that California has been mistreated by the United States government badly enough to qualify for a right to secede according to remedial theories.¹⁷ Californians do not comprise a nation, and support for secession does not approach the level necessary to generate a right according to associationist theories.¹⁸ If California were to secede, it might potentially implement far less restrictive immigration laws than are currently enforced in the United States. It might for instance allow free movement across the southern border for everyone, or at least for inhabitants of North and South America. For reasons described by advocates of open borders, this could potentially result in a more just world, granting the truth of practically any cosmopolitan theory of justice (Carens 2013).¹⁹ Granting all these suppositions, according to cosmopolitan instrumentalism, California would have a right to secede, while according to remedial and ascriptivist theories, it would not.

Cosmopolitan instrumentalism is thus similar to a theory of divorce which says that a spouse has a right to divorce if this would be better for the family, while remedial theories are similar to a theory of divorce which says that a spouse has a right to divorce if they are leaving an abusive spouse. Just as the former theory of divorce allows for more divorces,

¹³ If one disagrees that remedial theories are most intuitive, then this is not a large blow to my argument, because as noted immediately above, in many real life cases all the various theories converge.

¹⁴ And it is a bullet to bite for associationist theories that they compass a wide amount of justified secession compared to other theories.

¹⁵ Stilz, for instance, rightfully does not worry that her view delivers more or less the same results as remedial theorists: she says that secession is typically only justified “where that group has grievances... i.e. they are victims of current or historical injustice” (Stilz 2019, 137).

¹⁶ The possibility of Californian secession is often mooted in various contexts, for instance as recently as July 6, 2022 in an opinion piece published in the *San Francisco Chronicle*:

<https://www.sfchronicle.com/opinion/openforum/article/california-secession-17285860.php>.

¹⁷ California was arguably unjustifiably incorporated into the United States insofar as every state was unjustifiably incorporated into the United States, because all extant American states originated as unjust colonial enterprises. We will put this concern aside, not because it is irrelevant but because it does not help us understand the principle I am illustrating here. My impression is that most remedial theorists do not treat the United States as an unjust colonial enterprise: Buchanan, for instance, treats the injustice of British colonialism as a matter of unequal taxation of the American colonies, rather than as an unjust taking of land from indigenous Americans coincident with genocide and other forms of violence (Buchanan 1991a, 68–69). Whether they are right to treat it this way is another question. I think they are not, but that is beyond the scope of this article.

¹⁸ According to most associationist theories, smaller subsections of California could likely secede if they wanted to. The so-called “State of Jefferson” in northern California is an illustrative example (Hubler 2021).

¹⁹ Carens’s view does not rely on the truth of cosmopolitanism, but the cosmopolitan can adopt his arguments to explain why more open borders would be more just (Carens 2013, 109).

cosmopolitan instrumentalism allows for more secession than remedial theories. So there is no need to worry that cosmopolitan instrumentalism is indistinguishable from remedial theories.

Cosmopolitan instrumentalism is similarly easy to distinguish from associationism in cases which are the opposite of the above-described case. Imagine for instance that California's secession would lead to less justice, perhaps because California pays more in federal taxes than it receives in federal funding, and the redistributive effect of this wealth transfer is positive from the point of view of cosmopolitan justice. In this case, even if everyone in California wished to secede, cosmopolitan instrumentalism would say they would have no right to do so. Associationist theories, meanwhile, would claim the opposite. Associationist theories are similar to theories which say there is a right to divorce any time one wishes, even if this is worse for everyone involved.

The fact that cosmopolitan instrumentalism is a distinct theory does not give us any positive reason to endorse it. It does, however, clear the way for us to consider whether we ought to endorse it. So, there is no reason to worry that cosmopolitan instrumentalism fails to present an adequate alternative to extant theories of secession when it comes to its recommendations about particular cases. Even if, however, we grant the unlikely claim that cosmopolitan instrumentalism gives *exactly* the same answers as one or more competing theories in *every single possible case*, we can still distinguish cosmopolitan instrumentalism from its competitors. This is because cosmopolitan instrumentalism, unlike these other theories, has some surprising implications. The most notable is that if secession would not lead to more justice, then cosmopolitan instrumentalism must deny a right to secede, even when this requires the cosmopolitan instrumentalist to deny that a colony has a right to independence from the metropole (Beitz 1979, 104). This implication is so radical as to cause most to reject cosmopolitan instrumentalism out of hand.

2. Cosmopolitan Instrumentalism about Secession Defended

Given this bullet that cosmopolitan instrumentalism must bite (and also given the fact that it delivers some of the same answers as other theories of secession), why might we endorse cosmopolitan instrumentalism about secession? There are two reasons. The first is that some of us - the cosmopolitans - are already committed to it. The second is that cosmopolitan instrumentalism allows us to avoid tying our hands about other topics, which is what happens if we endorse other theories of secession. Or, in other words, we should not posit rights to things like secession unless there is good reason to do so, because the more rights we endorse, the less flexible our theorizing is. This section defends the view that cosmopolitans should be cosmopolitan instrumentalists. The next section describes the aforementioned attractive feature of cosmopolitan instrumentalism.

Why must cosmopolitans be cosmopolitan instrumentalists? Indeed, cosmopolitan instrumentalism is sometimes taken to be an objection to cosmopolitanism which they ought to wiggle out of, if possible. Margaret Moore, referring to colonialism in particular, notes that "it is hard to flesh out in the usual language of liberalism why exactly alien rule is unjust" (Moore 2016, 459).²⁰ This is doubly true for cosmopolitans, whose commitments to strong international distributive justice obligations typically rule out libertarianism, which can advert to the wrongness of any non-consensual government as the source of the wrongness of colonialism.

Some cosmopolitans are not worried about this. They already explicitly endorse the cosmopolitan instrumentalist theory of secession. Beitz is the clearest example.²¹ But other

²⁰ See also (Parekh 2004, 203–4).

²¹ For additional discussion see (Weltman 2019, 82–83; 2020; manuscript c; manuscript d).

cosmopolitans, like Anna Stilz, Cara Nine, and Oliviero Angeli, are concerned with carving out room for a right to self-determination, and thus room for a more nuanced approach to secession, within the framework of cosmopolitanism (Nine 2012; Angeli 2015; Stilz 2015; 2016; 2019).²² These approaches do not work. There is much to say on the topic (which I say elsewhere) (Weltman, manuscript e). However, the basic point can be made very simply. The clearest articulation of the cosmopolitan self-determination project in its most essential, stripped-down form is Cécile Fabre's:

On my cosmopolitan account of justice, individuals do have joint rights to political self-determination, for both instrumental and non-instrumental reasons. Instrumentally, there are good reasons for entrusting those individuals, via their political institutions, with the task of bringing about cosmopolitan justice for all. Non-instrumentally, once and so long as individuals have fulfilled their cosmopolitan obligations of justice, they have the right together to shape their collective future. (Fabre 2019, 394)

Fabre's account has an instrumentalist component, which is equivalent to the whole of cosmopolitan instrumentalism. Cosmopolitan instrumentalism says there is a right to self-determination if this promotes cosmopolitan justice, which is the same as saying there is a right to self-determination for instrumental reasons, when those instrumental reasons are cosmopolitan justice reasons. But Fabre's account also has a non-instrumental component. Her non-instrumental component, which any cosmopolitan account must have in order not to collapse into cosmopolitan instrumentalism, cannot be consistently defended by a cosmopolitan like Fabre. Either it is strong enough to turn the account into an associationist or ascriptivist account, or it is weak enough to be irrelevant.

The first possibility is that the non-instrumentalist component constitutes associationism or ascriptivism. As Chris Armstrong notes, if an endorsement of self-determination would not promote cosmopolitan justice, then in effect this entails endorsing injustice for the sake of self-determination (Armstrong 2010, 331–32). That's a trade-off the associationist is willing to make, because their conception of injustice is not the cosmopolitan one, and thus it is not "injustice" but rather justice to allow a group to exercise self-determination even at the expense of cosmopolitan values (Altman and Wellman 2009, ch 6). It's similarly a trade-off the ascriptivist is willing to make, because they will compromise on global justice (or even deny its existence) for the sake of promoting the rights of nations (Miller 2007, ch 2-3). But it's not a trade-off the cosmopolitan can make, because the cosmopolitan prefers cosmopolitan justice to whatever we could trade it for. And so Fabre's account must collapse into associationism. If instead we allow cosmopolitan justice to always trump self-determination, there's no room for a true *right* to self-determination. We simply turn into cosmopolitan instrumentalists, who endorse a right to self-determination only when this is compatible with a promotion of cosmopolitan justice.

To see how this works, take some justification for the right to self-determination that we might try to defend while simultaneously endorsing cosmopolitanism (but attempting not to slide into cosmopolitan instrumentalism). Say for instance that we think Stilz is right to defend the importance of "correspondence," which is instantiated for someone "when her political institutions match her judgments in some way" (Stilz 2019, 107). For Stilz, the importance of correspondence and thus of someone's living "under an institution that she

²² Only Angeli identifies his theory as cosmopolitan, but Stilz and Nine are cosmopolitans in the thin sense of the term described above. If one disagrees that (for instance) Stilz or Nine is a cosmopolitan, this only helps my argument, insofar as it cuts down on the number of ostensible counterexamples to my claim that cosmopolitans cannot endorse a strong right to self-determination.

endorses, accepts, or believes to be justified or appropriate” stems from the way in which “it allows for individuals to experience autonomy, even while subject to political power” (Stilz 2019, 107). This grounds a right for people’s shared wills to be afforded self-determination (Stilz 2019, 107–11).

Now imagine that this right to self-determination comes into conflict with some traditional cosmopolitan value, like global egalitarian distributive justice.²³ Imagine for instance a group wishes to exercise political self-determination in order to secede and form a new state which devotes its resources to building a fancy opera house rather than preventing five million foreigners from dying of starvation. The current state, apart from the secessionists, has egalitarian leanings and wishes to tax the prospective secessionists in order to redistribute these resources to the foreigners instead. Either we privilege self-determination, at which point the right to self-determination is strong enough to ground associationism or ascriptivism about secession; or we compromise self-determination, at which point it is not clear why we wouldn’t compromise it in every case of potential secession and thus become cosmopolitan instrumentalists about secession; or we try to explain how we can eat our cake and have it too, by somehow developing a conception of self-determination that already builds in compromise.

This third route is the one chosen by Fabre, Stilz, and others: Stilz for instance argues that to have a right to self-determination, a group must respect “basic justice,” which entails respecting (among other things) subsistence rights for outsiders, such that we could explain what is wrong with the opera house example ostensibly without compromising self-determination (Stilz 2019, 113–14).²⁴ But the more this third route is distinct from cosmopolitan instrumentalism, the more it resembles one of the other traditional approaches to self-determination, and vice versa. Sometimes Stilz’s view seems similar to associationists like Altman and Wellman, like for instance her example of a group of people who wish to run a coffee shop together and whose shared will constitutes a distinct commitment which is the analogue of the sort of political commitment which deserves a right to self-determination (Stilz 2019, 108–9; 2019, 120–23). Altman and Wellman similarly compare self-determining groups to clubs whose autonomy ought to be respected in order to properly respect the autonomy of their members (Altman and Wellman 2009, 161–67). Both respond to similar objections, like the objection that states have many differences from clubs (Stilz 2019, 122–23; Altman and Wellman 2009, 161).

Other times Stilz’s view is similar to the ascriptivist view, like when she defends her endogenous approach to defining which group the “people” comprises, according to which “a ‘people’ is constituted when the state is upheld through the willing participation of its members” (Stilz 2019, 126). This is quite similar to the requirement in most ascriptivist theories that to count as a nation, the group must desire political self-determination, such that absent such participation, a cultural group has no right to self-determination strong enough to ground secession: Miller for instance argues that a right to national self-determination “requires that what the state does should correspond to what we might call the popular will,” which requires democracy or something similarly responsive to individual autonomy (Miller 1995, 89–90).

Returning to the opera house example, the question is whether there is a non-instrumentalist solution to the problem which does not simply adopt the associationist or nationalist response, on the one hand, or collapse into cosmopolitan instrumentalism, on the other. Or, more accurately, the question is whether there is a coherent defense of a non-instrumentalist solution to the problem which does not advert to justifications which would

²³ Or something similar, like prioritarianism, sufficientarianism, or luck egalitarianism (Arneson 2022).

²⁴ Moore has a similar requirement (Moore 2015, 181). Stilz technically does not say that respect for subsistence rights requires providing resources to outsiders until later in the book (Stilz 2019, 234–35).

equally serve to defend associationist or ascriptivist responses. If we want to say there is no right to secede, then this is because global egalitarian duties trump group autonomy. This is the cosmopolitan instrumentalist answer, and if we give it here, we have as much reason to give it every other time there is a conflict between self-determination and cosmopolitan instrumentalism, at which point we become cosmopolitan instrumentalists. If we instead the group can secede to build its opera house, then we have as much reason to privilege group autonomy every other time there is a conflict, on the basis of reasons adverted to by associationists or ascriptivists, at which point we become one of those theories instead.²⁵

This sort of argument applies to any cosmopolitan argument about self-determination like Stilz's, Nine's, and Angeli's.²⁶ This is because cosmopolitanism relies on the notion of the moral arbitrariness of borders, such that any associative duties (like special duties to nationals) or other things based on associations (like, crucially, a right to self-determination) can only be justified derivatively on the basis of universal moral concerns (Caney 2001; cf. Armstrong 2010). Cosmopolitanism does not necessarily rule out special ties, or self-determination, or anything like this. But, it justifies them instrumentally, on the basis of cosmopolitan moral concerns. And so a consistent cosmopolitan must be a cosmopolitan instrumentalist.

This may be a problem for the cosmopolitan. Certainly many cosmopolitans try to escape this by defending cosmopolitan theories of self-determination that are not meant to be instrumentalist.²⁷ Ultimately, cosmopolitan instrumentalism may reveal a weakness of cosmopolitanism, which is its inability to consistently and coherently account for rights to secession and self-determination more broadly (and thus its inability to explain what is *per se* wrong with colonialism). I do not think cosmopolitan instrumentalism constitutes a *reductio* against cosmopolitanism. But, some may view the theory in this way. That would still be progress, insofar as the theory would constitute a novel argument against cosmopolitanism and in favor of accounts which allow for a strong right to self-determination.

This argument has been very quick. One might hold out hope of defending self-determination from a cosmopolitan point of view, and thus hold out hope of avoiding the cosmopolitan instrumentalist theory of secession. One response would be to mount a fuller defense of the view that cosmopolitanism has no space for a strong right to self-determination. But, that would take us too far afield.²⁸ Since our focus is on secession, we will instead turn to a reason to stop holding out hope, so to speak. That is, we will turn to one advantage of abandoning a strong right to self-determination and choosing cosmopolitan instrumentalism about secession instead.

3. Tying our Hands and the Attractions of Cosmopolitan Instrumentalism

One chief attraction of cosmopolitan instrumentalism is that it is entailed by cosmopolitanism, and cosmopolitanism is correct. I will not here defend the view that cosmopolitanism is correct. Indeed, as noted just above, one could read the cosmopolitan instrumentalist argument as a *reductio* against cosmopolitanism. So, to some extent an article

²⁵ For a more extensive version of this argument see (Weltman, manuscript e).

²⁶ I believe Steven Weimer's arguments against associationist theories applies to views like Stilz's, although I cannot show this here (Weimer 2013). Nine notes that Ypi's view collapses into something like cosmopolitan instrumentalism (Nine 2020). Moore's view is also subject to this argument (Moore 2015, ch 6; 2019a). One way to notice that views like Moore's threaten to collapse into associationism is that they make central use of the notion of a "people," which plays a role very similar to that of a nation in associationist theories (Moore 2015, ch 3; 2018). Stilz classifies Moore, Altman and Wellman, and Rawls together as "peoplehood" theorists (Stilz 2019, 150–53).

²⁷ In addition to the above-mentioned examples, see for instance (Ypi 2008; 2013c; Pevnick 2011).

²⁸ For this fuller defense, see (Weltman, manuscript c; manuscript e).

defending cosmopolitan instrumentalism about secession is not very exciting. Unlike ascriptive and associationist theories of secession, which rest on defenses of self-determination and thus a right to secede directly and then secondarily (if ever) deal with the implications of this commitment for other topics, cosmopolitan instrumentalism rests on one's views on other topics, and only incidentally says something about secession. But this difference serves to illustrate one attractive feature of cosmopolitan instrumentalism versus other theories of secession. This feature is that cosmopolitan instrumentalism does not tie our hands with respect to many other questions compared to other theories of secession, and relies instead on more central claims about which we have more confidence. Thus when we engage in something like reflective equilibrium and decide which set of views to adopt, cosmopolitan instrumentalism does much better than other theories of secession.

Deciding on a theory of secession entails deciding on other topics, too. This is because a right to self-determination, which is entailed by a right to secede, covers more than just secession. It is the right to create and run a state according to one's choices. Indeed, any right to self-determination strong enough to allow a group to secede will allow for significant limits on immigration, because the right to secession is the right to constitute a "self" with certain borders, and if one can define the borders of the self via secession, one can enforce those borders via immigration limits (Walzer 1983; Altman and Wellman 2009, ch 7; Ypi 2013b; Moore 2015, ch 9).²⁹ For theorists with particularly strong theories of self-determination, this can include immigration limits which are racist, a conclusion Walzer accepts and which Altman and Wellman can only reject by claiming that racist immigration policies mistreat existing citizens (Walzer 1983, 47; Altman and Wellman 2009, 186–87). Depending on the contours of one's theory of self-determination, it can also exclude global duties of distributive justice (Rawls 1999; Moore 2015, 176–81).

The other theories of secession also require consistent endorsement of secessionist projects which pass the hurdles, even if those secessionist projects seem objectionable. For instance, neither the associationist nor ascriptivist can object to a racist secessionist project which aims to create an ethnostate, or to a callous secessionist project which aims to avoid continuing ties to needy co-nationals, or other secessionist projects which we might be inclined to oppose, like secession by the majority which leaves a small minority remaining in a small territory or frivolous secession which redraws borders for no particularly good reason.³⁰ In effect, associationism and ascriptivism about secession require us to *always* be associationists or ascriptivists. We don't have leeway for objecting to less intuitive cases of secession when those cases pass the associationist or ascriptivist test for the right to secede.

In principle there is nothing wrong with endorsing a theory which entails commitments in other areas (and which entails a univocal response to various secessionist claims). Indeed, I have argued that cosmopolitanism is precisely this sort of theory, because it commits us to (among other things) cosmopolitan instrumentalism about secession. So, what is wrong with endorsing some other theory of secession, such that it commits us to a strong right to self-determination and everything that this right entails?

One problem is that our intuitions about secession, and specifically the right to secede, are parasitic on our intuitions about justice, and thus we ought to let our theories of justice drive our theories of secession, rather than the other way around. Instances of obviously justified secession, like all actual cases of decolonization, are cases in which justice is clearly on the side of secession. Instances of less than obviously justified secession, like the secession of the southern states in the United States in order to preserve the institution of slavery, are cases in which justice is clearly against secession. In cases where

²⁹ Stilz's right to limit immigration is the weakest, as her theory is the closest to cosmopolitan instrumentalism (Stilz 2019, ch 7).

³⁰ For discussion of secession by the majority in contexts where it seems objectionable, see (Weltman 2021).

our intuitions about justice and our intuitions about secession clash, we have to pick which to preserve. Cosmopolitan instrumentalism is challenged precisely in these cases (to the extent any exist - if they don't, then cosmopolitan instrumentalism is already in a very good place). But so are other theories of secession. We have good reasons for preserving our intuitions about justice and the theories built on them. These intuitions are at the heart of our comprehensive theories of justice more broadly. Unless one is willing to go the route Altman and Wellman go, and build an entire theory of international justice around self-determination, at some point one's commitments in other areas are liable to clash with a strong right to self-determination.

Moreover, cosmopolitan instrumentalism about secession is already a more flexible theory than the other theories of secession. This is because the "right" to secession that cosmopolitan instrumentalism endorses is not really a right at all (as noted above). Therefore theories that require us to fundamentally rethink certain factors of our political arrangements, like Sue Donaldson and Will Kymlicka's suggestion that non-humans should be included in political theorizing, can be easily incorporated into a cosmopolitan theory of secession (Donaldson and Kymlicka 2011). Similar points apply to theories that suggest that (for instance) racism or sexism require radical rethinking of the foundations of political philosophy (Pateman and Mills 2007). Theories with strong rights to self-determination cannot easily incorporate radical shifts like this, because a *right* is strong enough not to be overruled by other considerations. Thus we must either reject any projects which ask us to radically rethink existing commitments, or compromise on the right to self-determination where it conflicts with these new considerations. Once we accept enough compromises of this sort, the other theories of secession are much less attractive. They will be full of *ad hoc* holes to admit other values that conflict with self-determination. This is not a knock down argument against theories with strong rights to self-determination, but it is one consideration that counts against them.

One challenge to accepting cosmopolitan instrumentalism for the sake of giving a compelling answer to particular cases is that it is easy to think up reasons for supporting a right to self-determination (like the fact that this helps make the case against colonialism) and hard to see how instrumentalism about the right to self-determination will help solve anything. But, if presented with some particular injustice which can be eliminated only by denying a right to secede, my suggestion is that we will prefer the flexibility of cosmopolitan instrumentalism (which can deny a right to secede) rather than a stricter theory of secession, according to which the right to secede will only vanish in cases of extreme emergency or something similarly dire.

Take for instance the case of the Quebecois in Canada. One consistent source of opposition to Quebec's secession has been the indigenous First Nations who live in Quebec and who fear that they would fare worse in an independent Quebec than they currently do in Canadian Quebec. One response the ascriptivist or associationist can make here is to suggest that the First Nations themselves secede from the independent Quebec, and then perhaps rejoin Canada. (Geographically this will be challenging, but no matter.) Is this response adequate? I think that, if we are quite concerned about how the First Nations fare, and at all skeptical that the Quebecois have compelling justice-based reasons for secession, then we will find this response inadequate. The Quebecois want to secede in part to avoid having to share their wealth with the rest of Canada.³¹ Whatever the merits of that desire generally, it should be outweighed by the justice-based considerations involved in ensuring the First Nations fare well. Cosmopolitan instrumentalism about secession can deliver the desired

³¹ This is a very controversial description of the situation. To the extent it is false, imagine a world in which it is true.

result.³²

Moreover, one of the alternative responses available to ascriptivists and associationists, beyond recommending more secession, is to claim that a group (whether it be a nation, for ascriptivists, or any other group, for associationists) does not have a right to secede if the new state would objectionably mistreat a group within the newly-seceded state (Miller 1995, 113; Altman and Wellman 2009).³³ In this way these theories can also deliver the desired result, but they do so by prioritizing justice over self-determination: specifically, justice for the internal minority. To the extent it is plausible to prioritize justice in these cases, we must ask whether it might make sense to prioritize justice in every case, which is what the cosmopolitan instrumentalist suggests. All theories avail themselves of justice considerations in some cases: the cosmopolitan instrumentalist simply lets justice do the work all the time, rather than having a bifurcated approach according to which sometimes justice takes precedence and sometimes group self-determination takes precedence. In this way, cosmopolitan instrumentalism gives a unified answer to the Quebec case and every other case of secession, whereas other theories of secession must depart from their guiding principle of self-determination to give the preferred answer to the Quebec case.

Or, take a more fanciful case. The Montagues and Capulets live together in a state. It is a nightmare. They do not get along at all. They're largely geographically isolated and a split down the middle via secession of one group or the other would make things much better. Justice would be much better served by two divided states: people would have more public spiritedness and would set up much better redistributive institutions, productivity would increase and everyone would donate more to the needy overseas, and so on. Neither the Montagues nor Capulets are a nation, nor does either group want to secede. (Perhaps they are stubborn and want the other group to secede, or they have a taboo against secession.) Nor has the state violated anyone's rights in any grievous manner. There is no right to secede for any of the groups according to the three main theories of secession. But there is a right (and perhaps even a duty) according to cosmopolitan instrumentalism.

The Quebec case is mainly a challenge to ascriptivist and associationist theories, which have to respect the desire of a nation to secede, even in the face of injustice (so long as the injustice is not massive). The Montague and Capulet case is mainly a challenge to the remedial and ascriptivist theories. The associationist theory can respond that as soon as the Montagues or Capulets change their minds, there will be a right to secede. I think this is a pretty good reply for the associationist, but one might disagree, in which case the Montague and Capulet case is a challenge to all three opposing theories.

There are only two good ways to respond to these sorts of worries about tying our hands and ignoring justice and yet to avoid cosmopolitan instrumentalism about secession. The first is to accept instrumentalism about secession but deny cosmopolitanism. There is not much room here for plausible views. Instrumentalism conflicts with a strong right to self-determination, and a strong right to self-determination is crucial to key alternatives to cosmopolitanism, like nationalism, or libertarian theories like Harry Beran's or Hillel Steiner's (Beran 1987; 1984; Steiner 2008). But to the extent that plausible views exist in this space, it is not my project here to argue against them. That will await a more detailed presentation of a view that fits into this space.

The second option is to endorse a remedial theory of secession on the basis of

³² Remedial theories can probably also deliver this result, but as noted below, I think these can be rejected for other reasons.

³³ The mistreatment in this case would have to be more serious than just denying the group a right to self-determination strong enough to ground secession, because by hypothesis we are considering a case where the ascriptivist or associationist is giving a different reply to this objection, rather than recommending another secession.

methodological concerns about institutionalization. Buchanan defends the remedial theory of secession by suggesting that a theory of secession should be one which is suitable for adopting into international law (Buchanan 1997). This means that Buchanan's remedial approach already incorporates many practical considerations, which mean that his approach neither ties our hands (because he lets practical concerns determine the shape of the right to secede, rather than relying on a strong right to self-determination) nor ignores clear injustices (because any good institutions will be designed to avoid severe injustices).

This institutional approach is subject to a number of powerful objections (Nielsen 1998; Freeman 1998; Wellman 2005, 165–66).³⁴ To the extent it makes sense, it is best to see it as a second separate question to ask about how to institutionalize secession, rather than a direct answer to the question we are asking here about the moral right to secede (Wellman 2005, 160–61). Cosmopolitan instrumentalism is thus probably compatible with, rather than an alternative to, Buchanan's remedial theory and other institutionally-focused remedial theories (a category which is exhaustive of remedial theories of secession).³⁵ Accepting this would mean that cosmopolitan instrumentalism (or, for that matter, ascriptivism or associationism) is a theory about what in principle ought to happen if we look at things merely from the point of view of morality, and remedial theories of secession are about what we ought to practically do with respect to current institutions.³⁶

The divide between institutional and non-institutional approaches, or in other words between remedial theories and other sorts of theories (including cosmopolitan instrumentalism) is thus best seen as similar to the divide between non-ideal and ideal theory. Non-ideal theory tells us what to practically do in certain circumstances, whereas ideal theory is about what ought to happen in ideal circumstances. Similarly, institutional approaches to secession (like the remedial theories) tell us what to do in practical terms, while non-institutional approaches (like cosmopolitan instrumentalism, associationism, and ascriptivism) tell us what we ought to do if there were no practical limitations.³⁷

It is only if we say that remedial theories are the *only* correct theory about secession that we generate a conflict with cosmopolitan instrumentalism. The canonical defenders of remedial theories do make a point of noting that they are remedial right *only* theories: that is, in addition to positing an (international legal institutional) remedial right to secession, they argue that there is no *other* right to secession (Buchanan 1997). If we accept this, then we should endorse cosmopolitan instrumentalism rather than remedial theories for the same reason we should reject other competing theories of secession.

4. Objections

4.1. Colonialism and Annexation

The biggest objection to cosmopolitan instrumentalism is that it denies any strong right to self-determination, and in doing so it must endorse some implausible consequences. Cosmopolitan instrumentalism holds that neither groups of people who desire self-determination nor nations have a right to self-determination, whereas according to associationists, the former groups have self-determination, and according to ascriptivists, the

³⁴ Recall also that I think Catala's argument poses a fatal problem to remedial theories of secession. See footnote 2.

³⁵ Daniel Weinstock's theory is another remedial theory which adopts the institutional approach (Weinstock 2000; 2001).

³⁶ I thank an anonymous reviewer for suggesting I discuss this idea.

³⁷ One might worry that, just like ideal theory is impractical for applying to actual situations, non-institutional theories like cosmopolitan instrumentalism are impractical for implementing in the real world. On this see section 4.3 below.

latter have a right to self-determination. If we deny a right to self-determination, either for whoever would like it or for nations, we seem to endorse all sorts of absurdities. Altman and Wellman suggest self-determination is needed to explain the wrongness of colonialism and annexation (Altman and Wellman 2009, ch 2). Without such a right it is not clear how colonialism or annexation could be *per se* impermissible. They could be impermissible if they lead to less justice, for the same reason secession would be impermissible. And so the cosmopolitan instrumentalist does not need to allow for the possibility of every instance of colonialism or annexation. But the cosmopolitan instrumentalist cannot rule out at least the bare possibility of a just colonial enterprise or a just annexation, because to do so requires a right to self-determination strong enough to ground a right to secede. The possibility of justifiable colonialism in particular is most jarring, because we might rightfully think that colonialism has generated most of the worst injustices ever committed by humans.³⁸

Here the cosmopolitan instrumentalist bites the bullet. There is nothing *per se* wrong with colonialism. Beitz clearly bites this bullet, as noted above (Beitz 1979, 104). Laura Valentini has also defended the view that colonialism is not *per se* wrong (Valentini 2015). She argues that if colonialism is wrong because it violates the wills of certain individuals in the colonized states, we would have to conclude that governments are justified only if they secure the consent of every single citizen, which is an implausibly strong requirement (Valentini 2015, 316–23).³⁹ Alternatively, if colonialism is wrong because it violates the will of some collective group, then this requires us to abandon the thesis that all human individuals are “equal and ultimate units of moral concern” (Valentini 2015, 324). It is implausible to abandon this thesis for many reasons, one of which is that if we favor collectives over individuals, we will have to respect a tyrannical state’s will (as a collective) even if most individual members of the state would prefer the state’s will be overridden (Valentini 2015, 324). Valentini argues that the wrongs of colonialism are instead exhausted by the wrongs of any objectionable political arrangement. Thus in principle (although not in practice) colonialism could be justified in the same way any other arrangement of political power could be justified (Valentini 2015, 329–30). There is nothing about colonialism *per se* that makes it objectionable.

Valentini’s argument is convincing, and so there is no point in re-litigating this issue anew.⁴⁰ The cosmopolitan instrumentalist need not worry about this objection for the reasons she notes. Obviously colonialism as it has been practiced throughout history is wrong, for all the obvious reasons colonialism has been terrible. So there is no reason to think cosmopolitan instrumentalism will give us the wrong results with respect to actual cases of colonialism. Indeed, it is so manifestly obvious that colonialism as it was actually practiced was unjust from the point of view of, for instance, Beitz’s theory or O’Neill’s theory that it’s hard to imagine charging cosmopolitan instrumentalism with endorsing any actual historical colonization. But the cosmopolitan instrumentalist’s objection to colonization is not based on the mere *form* of government, as Valentini demonstrates. Therefore it’s not *colonialism* which is wrong, *per se*, but rather all the bad stuff attendant to colonialism, which could also occur under non-colonial governments. So, the cosmopolitan instrumentalist secession can accept this consequence of the theory.

The colonialism challenge is a large one. Biting the bullet is not attractive on the

³⁸ Worries about this approach to colonialism are among the biggest reasons that cosmopolitans try to avoid instrumentalism in any context. For discussion see (Ypi 2013c; Moore 2016; 2019b; Nine 2020; Weltman 2020).

³⁹ Beran is a theorist of secession who is willing to bite this bullet (Beran 1984; 1987).

⁴⁰ Valentini is largely responding to Lea Ypi, and technically limits her discussion to “procedural” wrongs of colonialism, but because the procedural wrongs are the only ones that are potentially distinct to colonialism, her argument allows us to say there is nothing distinctively wrong (full stop) about colonialism. For additional discussion of Ypi’s argument see (Ypi 2013c; Nine 2020; Weltman 2020).

surface. There is much to say on the topic that cannot be covered here, both for and against the instrumentalist approach (Ferguson and Veneziani 2021; Weltman 2020; manuscript c; manuscript f). Here the goal is just to provide the instrumentalist answer, which, as seen from Beitz, is (and always has been) to bite the bullet.

4.2. Saving Self-Determination

Building on the previous objection, one might argue that this view either takes for granted the truth of cosmopolitanism, which amounts to begging the question against views which posit a right to self-determination strong enough to undergird an alternative theory of secession; or, it ignores the possibility of making some form of stronger self-determination right compatible with cosmopolitanism.⁴¹ These are two ways of describing effectively the same objection, because whether or not we label the theory in question “cosmopolitanism,” the charge is that there exists some correct theory which affords stronger self-determination rights than cosmopolitan instrumentalism. If there is some other account of self-determination more plausible than the purely instrumentalist one I have described here, then we can avoid not just the colonialism objection described above, but also reap other benefits, because perhaps an approach to politics with a stronger theory of self-determination is more plausible overall. This is a claim found in many recent views advanced by thinkers like Stilz, Moore, Ayelet Banai, Alex Levitov, Ryan Pevnick, Chris Armstrong, Lea Ypi, and others (Stilz 2015; 2016; 2019; Moore 1997; 2015; Banai 2010; 2013; 2015; 2016; Banai and Kollar 2019; Levitov 2015; Pevnick 2011; Armstrong 2010; Ypi 2013c). It has also all along been the claim of associationists and ascriptivists, both of whom grant pride of place to the right to self-determination in their views (see e.g. Tamir 1993; Wellman 2005, 34–64).⁴²

In response, it is important to keep in mind that, as noted above, cosmopolitan instrumentalism about secession can serve as a *reductio* against cosmopolitanism if one finds the view implausible compared to alternative accounts of secession. Whether it is most plausibly seen as a *reductio* or as an interesting and compelling cosmopolitan account of secession depends on how much one is attached to cosmopolitanism and its potential radical implications more broadly. There is significant debate over the degree to which cosmopolitan accounts of (for instance) global distributive justice duties or duties to potential immigrants are compatible with rights to self-determination strong enough to ground secession.⁴³ The goal here has to been to elucidate the consequences of picking the cosmopolitan side in an under-explored area, secession.

To fully defend cosmopolitan instrumentalism would require a more thorough examination of one’s preferred alternative. Because there are so many on offer, I have focused primarily on the traditional opponents, which are the three most popular sorts of theories of secession. In the fullness of time, a compelling cosmopolitan instrumentalist account owes us arguments against every competing view of self-determination. For now, though, the hope is that illustrating the costs and benefits of cosmopolitan instrumentalism can at least help us get clear on the structure of the debate. Thus far there is relatively little discussion of cosmopolitan instrumentalism: there is not even agreement on the proper term. Among the little discussion of the topic, it is sometimes labeled “functionalism” or “Kantian functionalism,” but this label is also sometimes applied to opponents of instrumentalism (Simmons 2016a, 59–90). A full defense of cosmopolitan instrumentalism would require

⁴¹ I thank a reviewer for this journal for raising this objection.

⁴² In addition to Valentini’s arguments above, many of these views face serious objections. See for instance (Miller 2016b; Simmons 2016b; 2019; Song 2019, 40; Mancilla 2020; Ochoa Espejo 2021).

⁴³ See e.g. (Banai and Kollar 2019; Frick 2020). Similar discussions arise for other views, like Stilz’s (Armstrong 2021; Stilz 2021b).

much more space than is available here.⁴⁴ This article is thus akin to Buchanan's "Toward a Theory of Secession," which mooted the possibility of remedial theories of secession in advance of his later book, *Secession*, which more fully developed the theory (Buchanan 1991b, 326; 1991a).

So, in one sense the discussion here does beg the question against other theories of self-determination, insofar as the goal is to elucidate a distinct cosmopolitan instrumentalist theory of secession and describe its initial attractions, rather than to conclusively defeat every single theory of self-determination and thus of secession that has been advanced. But in another sense the goal is closer to leveling the playing field, since most extant theories of self-determination largely ignore cosmopolitan instrumentalism, taking it as a given that a theory which must bite the bullet on colonialism and annexation is for this reason indefensible. That may be true, but if the reasons in favor of instrumentalism that I have described here have any weight, then perhaps it deserves to be taken more seriously.

4.3. Impracticality

One might agree that in principle cosmopolitan instrumentalism seems like a good approach to secession but object that it is typically difficult or impossible to know whether some proposed secession would promote justice or not. Thus we have no way to figure out whether the group has a right to secede, and the theory is useless. There are three responses to this point: the partners in crime response, the cosmopolitan theory choice response, and the standard of rightness as opposed to decision procedure response.

4.3.1. Partners in Crime

It's not clear that cosmopolitan instrumentalism does worse than other theories, both of secession and of political philosophy more generally, with respect to impracticality. Take first the other theories of secession, specifically the associationist and ascriptivist theories.⁴⁵

The associationist theories on the surface have a rather easy answer to the question of who has a right to secede. Just let any group draw their proposed borders, and then let the people within the borders vote (Beran 1984, 29; Altman and Wellman 2009, 49–50). So long as both the proposed state and rump state can protect human rights, there is a right to secede when a majority (or perhaps a supermajority) vote for secession.

But, if we take this seriously, it is not actually a good answer. It is impractical to find out who has a right to secede, since holding a (fair, binding) vote is difficult in many circumstances. Witness for instance the strife occasioned by Catalonia's 2017 secession vote, which involved police raids aimed at stopping the vote.⁴⁶ It is no use to wave away these practical concerns and suggest that *in principle* a vote would work just fine, because the cosmopolitan instrumentalist can wave away practical concerns and note that *in principle* a

⁴⁴ In addition to discussing these newer accounts of self-determination, a full examination of cosmopolitan instrumentalism would also contend with less common theories of secession, like those focused on non-domination and realist theories of secession (Catala 2017; Sanjaume-Calvet 2020; Perez-Lozano forthcoming). The above-mentioned libertarian theories of secession are most usefully seen as versions of associationism, but to the extent they are distinct, they would be another set of theories to examine.

⁴⁵ Remedial theories, because of their institutional focus, do not face as much of an impracticability objection. One might still charge the theories with impracticability on the grounds that we haven't the slightest idea how to design institutions in the ways recommended by the theories, but I will put this objection aside.

⁴⁶ For more worries about referenda, see (Moore 2019a, 624–30; Weltman, manuscript d). Assuming these worries are resolved, there are even deeper issues with the associationist's approach, because it is not clear they specify the relevant group that gets to vote without begging the question. I defend this view in (Weltman, manuscript e).

full accounting of the justice of the proposed secession would work just fine. Acquiring the latter is usually unworkable, but so is holding a vote. Sometimes we can figure out that secession will be more or less just than the alternative, like for instance if an oppressed minority is aiming to escape genocide by seceding. The Kurds in Iraq under Saddam Hussein may have been an example. And so even if we can sometimes hold a vote, it's not clear that associationist theories will typically fare better. Indeed, it may be *easier* to see that Kurdish secession in Iraq was justified according to the cosmopolitan instrumentalist theory than according to the associationist theory, since it's not clear how a fair, binding vote could've been held in those circumstances.

Ascriptivist theories inherit the same problem, because without a plebiscite it is hard to know what the "nation" wants. Ignoring all the questions about what it means to attribute a desire to secede to an entire nation when there are invariably individuals in the nation who don't have an opinion, have a confused opinion, or oppose secession, figuring out what to do in the real world requires addressing issues like whether the natural spokespersons for the nation (if any exist) are in fact representative of the nation's desires on the matter. Nations often form or become strong in situations where there is an opportunity to seize political power, and it is the elites of these nations that take advantage of these opportunities (Whitmeyer 2002, 323–26). The elites, though, do not always represent the interests of the masses, which means that nationalist secessionist movements cannot always be taken at face value and an ascriptivist theory of secession might require to ask empirical questions which are at the very least hard to resolve.⁴⁷

Even the remedial theorist is perhaps not entirely off the hook, because there can be edge cases in which it's not clear whether human rights violations have occurred, or whether the government is responsible for these violations in a way that legitimates secession, and so on.

Moreover, charges of impracticality can be leveled at many theories in political philosophy, not just cosmopolitan instrumentalism about secession. How practical are the recommendations given by, say, Beitz or O'Neill? A comprehensive examination of the plausibility of various political theories is far beyond the scope of this article. Suffice it to say that practicality may be a worry that targets a much broader swathe of theories than just cosmopolitan instrumentalism. Perhaps it is still a compelling objection (on which see the following section). But, it is not an objection that is unique to cosmopolitan instrumentalism.

4.3.2. Which Cosmopolitanism?

The second response is that if one is worried about practicality, one can adopt a cosmopolitan theory according to which it is more practical to figure out whether secession would lead to more justice. In other words, this is a challenge to cosmopolitan theories of justice which make it difficult or impossible to know whether something would or would not promote justice. Cosmopolitan theories which face this challenge pass the challenge on to the cosmopolitan instrumentalist theory of secession, but ultimately the worry is not about the theory of secession *per se* but rather the theory of justice which is itself not very illuminating.

One candidate theory which is much more practical than (for instance) Beitz's and O'Neill's theories is a cosmopolitan theory built on the "failure analysis" approach defended by David Wiens (Wiens 2012). Wiens proposes an approach to institutional design according to which one ought to identify and diagnose failures, and then design solutions that aim to avoid the failures. A similar view is proposed by Amartya Sen, who argues that a focus on "the prevention of manifest injustice" is a better basis on which to construct a theory of

⁴⁷ I explain many additional worries for the nationalist with respect to this question in (Weltman, manuscript e).

justice compared to “seeking the perfectly just” (Sen 2009, 21).

A cosmopolitanism built on this model would determine justice by identifying whatever institutions would remedy failures, along with some basic normative claims about not prioritizing failures that are geographically closer simply because they are closer, failures that affect one’s co-nationals simply because they are one’s co-nationals, and so on (so that the theory is cosmopolitan). Then we simply have to ask ourselves, with respect to any given instance of secession, whether this secession would better avoid any of the failures that we have identified and diagnosed than the alternative (which is no secession, or in other words the status quo). If the answer is yes, then there is a right to secede, because this secession will (hopefully) move us away from failures. If the answer is no, then there is no right to secede. If one is inclined to think that criticisms like those lodged by Wiens are effective, then this will tell in favor of adopting a cosmopolitanism that takes these criticisms to heart. And, crucially, it will *not* tell against adopting cosmopolitan instrumentalism about secession.

Cosmopolitan instrumentalism married to a theory like Wiens’s or Sen’s will generate a theory that on the surface looks very similar to a remedial theory of secession.⁴⁸ Like in remedial theories of secession, there will be a right to secede only when something has gone wrong. However, even the failures that Wiens’s theory points to, or the manifest injustices Sen’s theory points to, do not necessarily rise to the level of injustice that remedial theories are based on. Remedial theories of secession hold that there is a right to secede only from deeply unjust states, like dictatorships. According to a theory like Wiens or Sen, we can easily notice failures of justice in states that do not approach anything like the level of injustice of a dictatorship.

Imagine for instance an otherwise perfectly just state passes a law saying that people who live in the east side of the state must pay 20% higher taxes than everyone else, this despite their average wealth being somewhat lower than everyone else’s. Assume also that this is obviously unjust, as it would be according to many theories of justice. This injustice is nowhere near bad enough to generate a right to secede according to remedial theories. But, if this injustice could be easily remedied by having the eastern side of the state secede in order to form a new, separate state, then a cosmopolitan instrumentalist theory of secession based on something like Wiens’s view or Sen’s view would say the eastern side of the state has a right to secede.

Another way in which a failure analysis cosmopolitan instrumentalist theory of justice departs from remedial theories of secession is that the cosmopolitan instrumentalist theory is a cosmopolitan theory, whereas remedial theories are focused only on the particular state in question. Thus for instance imagine that if California were to secede from the United States, there would be no impact on justice within the United States (or in newly-freed California). From the point of view of justice, everything would continue as before. However, imagine also that if California secedes, the United States will lack the resources to carry out a coup to overthrow a new socialist government somewhere in South America. Assuming for the sake of the argument that the coup would be a tremendous injustice of the sort Wiens and Sen talk about, the cosmopolitan instrumentalist would say that California has a right (and perhaps even a duty) to secede. This is because the cosmopolitan instrumentalist cares about whether secession will promote *cosmopolitan* justice, which is justice that is not limited by borders, and so the impact of a secession on distant third parties is relevant. A remedial theorist will not be able to say anything like this.

4.3.3. Is the Theory a Standard of Rightness or a Decision Procedure?

⁴⁸ I thank an anonymous reviewer for suggesting I discuss this point.

Third, the cosmopolitan instrumentalist can adopt a distinction used in discussions of moral theory, especially consequentialist moral theories. This is the distinction between standards of rightness and decision procedures (Brink 1986). Standards of rightness tell us what is right and wrong, good and bad, permissible and impermissible, and so on. Cosmopolitan instrumentalism tells us when a group does or does not have a moral right to secede, so it is a standard of rightness. It may, however, not be a decision procedure. A decision procedure tells us what to do in some particular situation. Cosmopolitan instrumentalism may not be able to tell us whether to treat a group as if it has the right to secede, because we may not ever be in the epistemic situation according to which we could confidently say this. But it is not as if we have no information about this topic at all. We have the standard of rightness. Moreover, for many of the reasons mooted by Buchanan and by Daniel Philpott, when it comes time to figuring out how to structure institutions and otherwise put our theories into practice, we will likely not want to simply create institutions that try to directly implement the normative principles (Buchanan 1997; Philpott 1998).⁴⁹ Not all moral principles should be directly codified in law or in other institutions. So perhaps we should not worry that cosmopolitan instrumentalism is not very practicable, because practicability is a criterion for decision procedures (and for institutional design), not standards of rightness.

5. Conclusion

Cosmopolitan instrumentalism about secession is something of a non-theory. It says that the right to secede is not really its own distinct normative question. Rather, what we say about the right to secede is parasitic on what we say about matters of justice more broadly. This means that cosmopolitan instrumentalism about secession can be very easily adapted into a theory of much more than secession. For instance, we can be cosmopolitan instrumentalists about all border alterations. The main border alteration besides secession (splitting up a state) is the border alteration involved in joining two or more states. Traditionally this is referred to as annexation, and we can be cosmopolitan instrumentalists about a right to annex. In fact such a theory has already been defended by Fabre (Fabre 2016; Lippert-Rasmussen 2019; Fabre 2019).⁵⁰ I prefer the term “accession” to annexation, since there can be ways of joining countries that do not amount to the hostile act that annexation entails. For example, if one state wishes to peacefully join another state, this would be accession but not annexation. Cosmopolitan instrumentalism about the right to accede is a good theory of accession.⁵¹ One could also be a cosmopolitan instrumentalist about the right to close borders. This would represent an alternative to both open borders views (which entail that a state has no right to restrict immigration, even if this would have negative impacts on justice, like for instance if it contributes to brain drain from poorer countries) (Carens 2013) and closed borders views (which entail that a state has a right to restrict immigration, even if more open borders would promote justice) (Miller 2016a).

One could go further. One could endorse cosmopolitan instrumentalism about

⁴⁹ I argued above that Buchanan is wrong to think that the institutional approach is the way to answer the question of when a group has a right to secede. But there is nothing wrong with using the institutional approach to answer a different question, which is how to design institutions that best reflect the various considerations, including the existence or lack thereof of a right to secede. This is closer to Buchanan’s more recent approach to secession (Buchanan 2004). See also (Lee 2015).

⁵⁰ See also Kjartan Koch Mikalsen’s defense of instrumentalism about territory from the annexation objection (Mikalsen 2020).

⁵¹ I defend cosmopolitan instrumentalism about accession in (Weltman, manuscript g). Cosmopolitan instrumentalism about accession can also help us investigate related issues, like the right of Puerto Rico to become a full state in the United States, which I discuss in (Weltman, manuscript h.).

territory more broadly. As Wellman puts it: “Given that individuals are the only things that ultimately matter morally, and we want states only if and to the extent that they best protect humans, the utterly dismal historical record of state performance on this score seems to suggest an obvious solution: let’s break up the existing states and reorganise the world’s population into a new political configuration that maximally performs the requisite political tasks. Put bluntly, if states are justified in terms of the functions they perform, shouldn’t we organise them in whatever fashion functions best” (Wellman 2019, 375–76)? This is perhaps the most radical form of cosmopolitan instrumentalism. Lea Ypi notes that something like this approach is “implicit in many cosmopolitan theories of global justice” (Ypi 2013b, 251). I also think it can be defended. I have not argued for this here. Indeed, as suggested above, cosmopolitan instrumentalism may simply constitute a *reductio* for the entire cosmopolitan project, and the wider the scope of our instrumentalism, the harder it is to defend.⁵² But one point is clear: cosmopolitan instrumentalism is an interesting view, both about the right to secede and about other topics as well. And so it merits inclusion in discussions of the right to secede, and in other discussions as well.⁵³

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⁵² For instance, the above argument that cosmopolitan instrumentalism limits itself to secession and does not attack all rights to self-determination is harder to make when we endorse cosmopolitan instrumentalism about other topics, too.

⁵³ For comments on this paper I thank Sharon Berry, Tatyana Kostochka, Raja Rosenhagen, Kranti Saran, Alex Watson, and two anonymous reviewers for this journal. This paper builds on ideas I developed in my dissertation, which received very helpful feedback from Richard Arneson, David Brink, Saba Bazargan-Forward, Philip Roeder, and David Wiens.

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