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Res ipsa loquitur ("The thing itself speaks")

Libertarians And The Civil War

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-Submitted by David Drumm (Nal), Guest Blogger

Jonathan Blanks, a research assistant at Cato Institute, has written an essay about the incoherent position of those libertarians who defend the Confederacy and claim that the Confederacy was within its rights to secede from the Union. Banks writes: “there is no legal or moral justification for supporting the Confederacy in the Civil War, it is impossible that there could be a libertarian one.” Slavery, as practiced in the Confederacy, would seem to be wholly inconsistent with libertarian principles. However, libertarianism is divided into economic libertarianism and personal libertarianism and these two views come into conflict regarding the Civil War.

In an ingenious observation, [Jason Kuznicki](#) noted that “Secession is the decision to step out of an existing political order, so it’s a category error to try to justify it legally.”

Some claim that the Confederacy represents a legitimate act of rebellion and point to the principles in the Declaration of Independence for support. But the Declaration of Independence places conditions on the right of the people to overthrow their government. “Prudence ... will dictate that Governments long established should not be changed for light and transient Causes,” and the overthrow must come after “a long train of abuses and usurpations.” If the new government that is instituted violates individual rights instead of securing them, then the new government is not legitimate by Declaration of Independence standards.

Current justification of the rebellion via the Declaration of Independence would have been met with derision in 1861. John C. Calhoun, a leading politician and political theorist from South Carolina, denounced the principle of that all men are created equal saying it was “inserted into our Declaration of Independence without any necessity. It made no necessary part of our justification for separating from the parent country, and declaring ourselves independent.”

The rationale for secession can be discerned by searching these four [Declaration of Causes](#). Contrary to revisionist claims, economic policy factors (except as it applies to slavery) are

nowhere mentioned. As Blanks states, “it is clear that the South’s actions—the catalyst for war—were explicitly motivated by freedom’s suppression.”

The “states’ rights” argument is also incoherent. As [Clint Bolick](#) puts it: “The very notion of states’ rights is oxymoronic. States don’t have rights, States have powers. People have rights. And the primary purpose of federalism is to protect those rights.”