Ulrich Hammerschmidt

Annexation, Secession, Occupation—Confusion

Backgrounds and Solutions to Territorial Conflicts World-Wide

Ulrich Hammerschmidt

ANNEXATION, SECESSION, OCCUPATION —CONFUSION

Backgrounds and Solutions to
Territorial Conflicts World-Wide

ibidem
Verlag

Bibliografische Information der Deutschen Nationalbibliothek
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über http://dnb.d-nb.de abrufbar.

Bibliographic information published by the Deutsche Nationalbibliothek
The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at http://dnb.d-nb.de.

Cover picture: © Copyright 2025 by Jasmin Hammerschmidt

ISBN (Print): 978-3-8382-2180-9
ISBN (E-Book [PDF]): 978-3-8382-8180-3

Leuschnerstraße 40
30457 Hannover
Germany / Deutschland
info@ibidem.eu

Printed in the EU

Table of Contents

Foreword

"Life can only be understood backwards, but it must be lived forwards."
Søren Kierkegaard[1]

Anyone strolling through the historic center of the Ukrainian city of Lviv (Ukrainian: Lwiw, Polish: Lwow, Latin: Leopolis) will encounter evidence of this beautiful city's diverse history at every turn. The archcathedral of the Assumption of Mary, built under Polish King Casimir III, the numerous administrative buildings erected during the Habsburg era, the High Castle built by Galician Prince Daniel Romanovich at the edge of the city center—all bear witness to Lviv's eventful history.

This makes Lviv one of the typical examples of regions that were the scene of bitter fighting in the past because different nations claimed them as part of their territory. Even today, intense discussions can be followed on social media in which Poles claim that the Lviv region "actually belongs to Poland". Ukrainians counter this by pointing out that the city was founded by a prince from the Rurikid dynasty, who ruled the Kyiv Empire, as a gift for his son Lev (to whom the city also owes its name).[2] Recently, Russians have also been speaking out, considering everywhere that speaks a Slavic language to be part of the "great Russian family" that must be brought "back into the fold".

Similar discussions are taking place in relation to numerous other areas around the world. Given thousands of years of migration and wars, alliances, mergers and divisions of empires, inheritances and purchases, references to different nations existing today can be found for almost any area. Given this complex past, can there even be a scenario in which the historically justified territorial claims of all states and nations are satisfied?

To find a solution here, numerous questions must be answered. Does every historical connection justify a territorial claim?

1 Søren Aabye Kierkegaard (1813–1855), Danish philosopher and theologian.
2 Lew = lion, Leopolis = city of lions.

And how can the different claims to a territory be evaluated? Is there an objective standard that allows us to determine to which state a territory belongs? Such a standard must not only take historical facts into account but also meet legal and ethical standards. And last but not least, the result of such considerations must also stand up to the practical requirements of realpolitik.

In this book, we will attempt to develop a standard that evaluates nations' territorial claims and questions of belonging according to objective, reasonable criteria. Will fanatics be impressed by this and abandon unjustified demands for territorial restoration of (supposed) past glory? Probably not. But the broad mass of reasonable people will be enabled to raise the discussion to a factual level.

In order to put the standards we have developed to the test, we will take a look at a few regions that have been, are, or potentially will be the subject of particularly bitter disputes between different nations. Do the results of our considerations pass the plausibility test?

The book begins, however, with an examination of the concept of the nation. What is a nation, actually? Why do we need nations, or do we need them at all? Have nations always existed? Are nation and state the same thing? Without establishing a common understanding here, it is impossible to create a set of rules that answers the question of belonging. Of course, there are a large number of relevant books by eminent experts on the subject of nation and aspects of international law—but these discussions are often very academic and not accessible to the general public. We want to close this gap.

The aim of this book is to enable those interested in politics to participate in discussions about territorial conflicts on a factually sound basis. After all, objectifying the discussion is the first step towards resolving these conflicts.

Vienna, 2025

1. Nation—what is that?

"Nations make up Europe, their culture, their language, their differences and their similarities, and these nations are much older than the nation states."
Joschka Fischer[3]

Before we can answer the question of which nation a territory belongs or should belong to, we must first clarify what a nation actually is. Have nations always existed, or are they merely an invention? Is every person born with a national identity, and is nationality, so to speak, embedded in our genes? When does a group of people constitute a nation, and when is it just a group of people with certain things in common? Does a nation always need territory? And if so, how is this territory defined, especially in relation to other "national" territorial claims? Why do we need nations at all, or is the concept obsolete in the face of globalization?

These are many questions. There may be obvious answers to some of them. But even the obvious often becomes blurred when questioned critically.

The word "nation" derives from the Latin "*natio*", which means birth, tribe, species, genus, class, or clan.[4] The origin of this word in turn lies in the verb "*nasci*" (to be born), which makes it clear that belonging to a nation was seen as determined by birth.

However, belonging to one nation or another had no further consequences during Roman times. The decisive factor for citizenship rights was membership of the "*Civitas Romana*", the Roman citizenry. And this could also be granted to someone who was not born in the Roman Empire or had Roman parents. Even a member of a foreign nation could thus be a Roman citizen.

Over the centuries, the concept of nation has undergone numerous changes in meaning. This is one reason why today's discussions about national identity often seem confusing: Not everyone has the same definition in mind when talking about nations.

---

3 Joseph Martin "Joschka" Fischer (born 1948), former German Foreign Minister.
4 Der kleine Stowasser (The Little Stowasser).

Even at the beginning of the modern era, the concept of nation played no role in politics. It was not until the beginning of the 19th century that the "Holy Roman Empire" was reinterpreted as the "Holy Roman Empire of the German Nation" in order to be able to refer to a thousand years of continuity in the emerging debate about the German nation. However, although the addition "German Nation" had already been used in the 16th century, at that time it referred to the German part of the Holy Roman Empire and was therefore only a territorial qualification.[5] [6] For although the "Holy Roman Empire" consisted mainly of members of German tribes, it also included non-German ethnic groups. Belonging to one ethnic group (nation) or another had no further legal or political consequences for a person. What mattered instead in this social order, also known as the feudal system, was one's position as a subject (vassal) of the Roman emperor (feudal lord). The nation was merely a linguistic and cultural characteristic without political consequences. This understanding of nationhood was similar to that found in other European (multi-ethnic) states.

The focus on the person of the ruler was also reflected in the fact that there was no capital. The center of power was wherever the emperor happened to be.

Equally unimportant and therefore vague were national borders, which only became a central component ("territorial sovereignty") of the modern concept of nationhood in modern times.[7] In the Middle Ages, territories were defined by the subjects of a particular ruler. Where no one lived, there was no state, only a legal vacuum. This is reflected in the saying still common today, "Where there is nothing, the emperor has lost his right" (even if this saying has taken on a slightly different meaning today).

---

5 Romanik, Romantische Geschichtsauffassung und historische Quellen, in: Masiczek (ed.), Die österreichische Nation—Zwischen zwei Nationalismen, p. 181.

6 Zeumer, Heiliges römisches Reich deutscher Nation. Eine Studie über den Reichstitel.

7 Pankratz, Schneider, Die „Grenzen" des Nationalstaates, in: Ertl and Hensellek (eds.), Der Nationalstaat in Zeiten der Krise, p. 39.

The historian *Ludwig Rieß*[8] sees the beginning of the reinterpretation of the term "nation" at the end of the Middle Ages. The nation emerged "in Florence in the 14th and 15th century. There, in the fierce party struggles, the victors banished their opponents from the city and ruled with the help of their supporters, the *stato*, from which the concept of the state as a power complex arose. The expelled Florentines stuck closely together and claimed to represent the true *nazione* of their hometown, while accusing the ruling *principe* and his *stato* of usurpation. Through the writings of Machiavelli[9] , the idea of a contrast between state and nation spread to other countries where princely power had been consolidated more sharply since the 16th century." In the run-up to the French Revolution, it became necessary to find a new term for the body of the king's subjects. "The word 'nation', which had previously been used without any political connotations, was the obvious choice."[10]

Starting about 200 years ago, the concept of nation became increasingly linked to a territorial aspect. Accordingly, the Brothers *Grimm*[11] define nation in their German dictionary as "the (native) people of a country, a large state entity."[12] According to this definition, a nation has three connecting elements: a defined country (territory), an indigenous people, and a state (constitution).

However, *Grimms*' definition has two weaknesses:

- By referring to a state entity, it equates the nation with the nation state . From *Grimms*' perspective in the 19th century, this was probably the prevailing view. But as we will see, not every nation state corresponds to a nation, and vice versa. However, many of today's disputes over the territorial affiliations of regions and ethnic groups are based on

8 Ludwig Rieß (1861–1928), German historian.
9 Niccolò di Bernardo dei Machiavelli (1469–1527), Italian philosopher, diplomat, and writer.
10 Rieß, Die Basis des modernen Europa, p. 568f.
11 The Brothers Grimm, i.e., the linguists and folklorists Jacob Grimm (1785–1863) and Wilhelm Grimm (1786–1859).
12 Deutsches Wörterbuch (1852).

the terminologically inaccurate equation of nation and nation state.

- On the other hand, *Grimms*' definition is too static in reality because it is based on the status quo and does not take sufficient account of the emergence of nation states. In the 20th century in particular, however, we saw a large number of newly created nations and nation states whose legitimacy no one would question, but which had not "always been there."

We therefore want to be precise in our terminology and make a clear distinction between nation and nation state:

- nation as a cultural-political community with a clear distinction from other communities, and
- nation-state as a nation with its own territory and a state constitution.

We will elaborate on this distinction in more detail later on.

But let us return to the change in meaning of the term "nation" that took place 200 years ago. What was the reason for this change and why did it happen at that particular time? We will address these questions in the following sections.