

A Kantian Deontology on Secession

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Thomas Jefferson, in writing the United States Declaration of Independence, established a standard by which the American colonies justified their separation from the British Empire:

... whenever any Form of Government becomes destructive of these ends [of securing natural rights], it is the Right of the People to alter or to abolish it, and to institute new Government... when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.¹

The interesting thing here is that in writing this, the patriots appealed not just to why they were justified to secede, but to their *duty* to secede given the “abuses and usurpations” under the British. In examining the validity of the 1776 decision to secede, we must ask the questions: *Is unlawful secession moral? If so, what are the conditions of that morality? Does a people being treated unjustly have a duty to secede?*

Exploring the duty behind an action leads to a Kantian deontological framework: a system for judging the morality of an action in *a priori* or abstract terms. Kant, in *Grounding for the Metaphysics of Morals*, contends that

there must be a “supreme principle of morality” that underlies all actions committed by a rational being. Since rational beings have the capacity to reason, there must be a purpose for reason: “inasmuch as reason has been imparted to us as a practical faculty. . . its true function must be to produce a will which is not merely good as a means to some further end, but is good in itself.”²

For Kant, this end is not happiness, but instead must be goodwill³, the only end that is *good-in-itself* and not intent on some hypothetical outcome. This principle extrapolated leads to the *Categorical Imperative*, the Supreme Principle of Morality: Never act except in such a way that you can will that your action should become a universal law⁴.

In order to begin assessing the morality of the action of unlawful secession, the motive behind the action must be isolated and broken down. Kantian ethics apply to actions *a priori*: considering only the *volition* or willing behind the action; not regarding any intent or supposed outcome of the action. Since the events surrounding the American Revolution are historically significant to a good deal of the Western world and are occasionally steeped in patriotism, it is especially critical to remove the context in which the Founders made their claim, and evaluate the claim itself.

Several aspects of secession need to be considered first. Given an intent to secede, Kant would identify several *hypothetical imperatives* that determine what secession may imply. These are sorted into two categories: rules of skill and counsels of prudence. Rules of skill are what are necessarily implied by an action, that “whoever wills the end, wills. . . also the means that are indispensably necessary to his actions and that lie in his power”⁵. In

the case of secession, necessary rules of skill include communicating, organizing a group of people to secede with, and agreeing among individuals in that group to break off. In other words, when the Founders willed to secede and wrote their Declaration of Independence, they implicitly willed these rules of skill.

Counsels of prudence are similar to rules of skill in that they are hypothetical (concerned with their effect; not an end in themselves), but differ by being non-analytic and indeterminate. To Kant, “the elements belonging to the concept. . . are unexceptionally empirical, i.e., they must be borrowed from experience”⁶. Counsels of prudence for secession are values or wills that would themselves tend to lead to a will to secede, but do not *necessarily* imply secession. Identifying unreasonable laws and policies, political neglect by a central government, a surge in legal or political philosophies indicating an unmet human right, or military conflict are among such counsels. In the case of the 18th century British colonies, the above values were all identified and thus contributed to a will to secede.

In addition to these hypothetical imperatives underlying secession, the crux of Kant’s moral system are the *categorical imperatives* that influence the will as well. The categorical imperative of an action is the principle that is good without qualification or *good-in-itself*. It, Kant contends, is the duty that must be appealed to if the action taken is moral: “[The categorical imperative] is not concerned with the matter of the action and its intended result, but rather with the form of the action and the principle from which it follows; what is essentially good in the action consists in the mental disposition, let the consequences be what they may. This imperative may be

called that of morality”⁷.

To assess the categorical imperative behind secession, we must apply Kant’s Supreme Principle of Morality: the maxim (the motive) of an action must be universalizable for it to be moral. The maxim behind the Declaration of Independence’s call for secession can be stated as thus: *Break a contract when the other party violates terms of the contract, so that you can be free from obligation to that party*. The Founders argued that England had gone against its written agreements and violated principles of English common law, and they willed to be free of ties to the Crown. As *Common Sense* stated, “We have every opportunity and every encouragement before us, to form the noblest purest constitution on the face of the earth. We have it in our power to begin the world over again”⁸. Thinking about a nation or empire as a contract between government and society is useful in defining the maxim: in this contract, government protects the rights of its people and the people must follow the government’s law (this conceptualization comes from Enlightenment-era Social Contract Theory).

Breaking a contract implies breaking a promise, since a contract is a binding agreement enforceable by law⁹. Kant indicates that breaking a promise is always immoral when he discusses the possibility of making a false promise in order to get one’s self out of difficulty:

“... anyone believing himself to be in difficulty could promise whatever he pleases with the intention of not keeping it would make promising itself and the end to be attained thereby quite impossible, inasmuch as no one would believe what was promised him but would merely laugh at all such utterances as being vain pretenses”¹⁰.

What Kant is suggesting is that allowing for promise-breaking to be a

universal law (that is, have nature require *anyone* to break a promise when it benefited them) would undermine the trust required to make a promise in the first place. Thus, universalized promise-breaking leads to a logical contradiction, indicating that it is immoral under the Categorical Imperative.

If promise-breaking is immoral, then the maxim of secession is really just an instance of the maxim, *Act immorally when someone else has been immoral to you, so that you can benefit from their immorality*. This fails the categorical imperative because if universalized, a single immoral action would set off a domino effect in which rationality destroyed itself. Additionally, willing to benefit from a rational being's irrationality is in itself immoral because it violates an individual's *imperfect duty*. A rational being cannot will for irrationality, as this would be willing a contradiction of what it means to be a rational being¹¹.

Thus, under Kant's system of morality this maxim of secession is immoral. Even when "justified" by hypothetical imperatives, the categorical imperative rules that any instance of unlawful secession is immoral.

In considering the implications of this conclusion, however, some concerns emerge with this application of Kantianism. Firstly, either universalizing or eliminating secession leads to total anarchy or dystopia, respectively. It would seem that in order for a social contract model of government to be established, there must be some allowance for secession, but not an overabundance of it. This leads into a discussion on just war or an inherent consent to be governed, both of which are outside the scope of this paper. Secondly, a categorical rule on unlawful secession may create

utilitarian problems. For example, while it may seem morally justifiable to some people for the British colonies in America or India to have seceded in response to mistreatment, they may think it immoral for a territory like the Crimean Peninsula to have seceded in 2014.

Ultimately, Kantian ethics appeals to me as a way to analyze the morality of actions a priori. As demonstrated by example, this can be especially useful in situations where the moral action is surrounded by a particularly rich context. However, the caveats in this example and in other critiques of Kant (such as in the question of lying to a murderer¹² or in Mill's assertion that Kant is universalizing while considering pleasure¹³) suggest to me that Kant's theories are not the be-all-end-all of morality, and that ethics may not entirely be reducible to a single Supreme Principle of Morality.

Notes

¹US, 1776.

²Kant, Immanuel. *Grounding on the Metaphysics of Morals* (1785), margin no. 395.

³Ibid., margin no. 393.

⁴Ibid., margin no. 402: "I should never act except in such a way that I can also will that my maxim should become a universal law."

⁵Ibid., margin no. 417.

⁶Ibid., margin no. 418.

⁷Ibid., margin no. 416.

⁸Paine, Thomas. *Common Sense* (1776).

⁹Merriam-Webster.com (2015), s.v. "contract"

¹⁰Kant, Ibid., margin no. 422.

¹¹Ibid., margin no. 423.

¹²Kant, Immanuel. *On a Supposed Right to Lie because of Philanthropic Concerns* (1797), margin no. 427: "if by telling a lie you have in fact hindered someone who was even now planning a murder, then you are legally responsible for all the consequences that might result therefrom. But if you have adhered strictly to the truth, then public justice cannot lay a hand on you, whatever the unforeseen consequence might be."

¹³Mill, John Stewart. *Utilitarianism* (1879), p. 6: "when [Kant] begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such as no one would choose to incur."