

KANT'S SUPREME PRINCIPLE OF MORALITY AS THE BASIS FOR AFFIRMATIVE ACTION

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IJASR 2021
VOLUME 4
ISSUE 3 MAY – JUNE

ISSN: 2581-7876

Abstract: This article intends to offer a philosophical basis for affirmative action. In our previous article we argued for the relevance of affirmative action in the 21st Century. We applied different ethical theories like consequentialism with its different types, that is; utilitarianism, ethical egoism, and ethical altruism. Mainly in these theories morality is based on the consequences. Consequentialism has its own advantages, however, when applied to controversial issues like affirmative action; it does not offer concrete solutions. It is due to this fact, that here we shall implore Kant's categorical imperative, the supreme principle of morality, as the basis of affirmative action. Both the proponents and opponents of affirmative action base their views on experience. Nevertheless, according to Kant all our cognition begins with experience, and so do all our actions, but it does not follow that either knowledge or action arises from or is a mechanical product of empirical factors. In either case, the *a priori* addition of absolute spontaneity is necessary to bring about the desired result. The categorical imperative, as the most basic standard by which moral value is measured, upholds affirmative action. This is done through highlighting the value of human dignity, acting on maxims that are universally and necessarily valid, plus the autonomy of human beings.

Keywords: Kant, Supreme principle, Morality, Basis, Affirmative Action, Categorical Imperative, *Apsteriori and Apriori*, Human Dignity, Universality, Freedom.

1.0. Introduction

In this article, we intend to study Kant's supreme principle of morality and how it is a basis for Affirmative Action. It is therefore vital for us first of all, to study the categorical imperative and to view the *a priori* and *a posteriori* principles. This is a way of following Kant's suggestion that, a law, if it is to be valid morally, should be sought in *a priori* concepts of pure reason. Rather than in the nature of the human being or the circumstances of the world in which he is placed. Another important task we shall concentrate on in this study is to give a response based on Kant's perspective. The reason behind this is to give a basis for affirmative action. We shall then explore the different formulations of the categorical imperative and their relevance. Finally, we shall also pay extra attention to the roots of human dignity, freedom and the limits of practical philosophy.

1.1. The Categorical Imperative

According to Kant all imperatives command, either hypothetically or categorically. The former represents the practical necessity of a possible action as a means to attain something else which one wills. In other words, hypothetical imperative says only that the action is good for some possible or actual aim. The categorical imperative on the other hand, is the one which represents an action as objectively necessary for itself, without any reference to another end.¹ Although Kant pays attention to hypothetical imperatives, his focus for the supreme principle of morality is not hypothetical but categorical.

The aim of the *Groundwork* is to seek out the supreme principle of morality. This principle is none other than the categorical imperative. This is the only imperative according to Kant, which qualifies as the imperative of morality. In other words, he identifies this rule as the most basic principle by means of which we measure moral value. Precisely, it is this rule that ultimately determines what we ought to do in specific cases. This however does not suggest that the *Groundwork* is a work in applied ethics, instead of providing a case-by-case analysis of concrete moral problems; it is concerned with a different task. This task is suggested in the work's title itself. The German

¹ Immanuel Kant, *Groundwork for the Metaphysics of Morals* Allen W. Wood, Ed., (Yale University Press New Haven and London, 2002), 31. Henceforth will be referred to as Kant, *Groundwork for the Metaphysics of Morals*.

word for groundwork is *Grundlegung*, which literally means, 'laying the ground'². The *Groundwork* lays the ground for practical philosophy; it offers a philosophical justification for the supreme rule upon which all practical philosophy is based. The categorical imperative thus is the standard of rationality and some of its features include being objective, necessary and unconditional. Therefore, it does not admit of exceptions, human beings are obliged to follow it always irrespective of their desires and inclinations. This also implies that all immoral actions are irrational since they violate the categorical imperative.

The categorical imperative, from that perspective, is the fundamental law or principle by means of which human beings determine what is practically required of them, that is, their duty, and what is not their duty. In other words, Kant as a deontologist stresses the need to identify the specific moral duties that apply to us as human beings. The categorical imperative itself plus the specific duties that derive from it require us to respect and treat with dignity all rational nature. Kant concentrates his attention on the duties we have towards human rational nature. Consequently, all rational natures without exception are worthy of respect.

Briefly, from Kant's viewpoint, duty is the necessity of an action from respect for law.³ When the categorical imperative determines that we have a duty to perform some action, we are necessarily obliged to perform that action. The fact about necessity is that, when something is determined to be a duty in a given case, it binds unconditionally. Before expounding more on the categorical imperative and its different formulations, it is important to pay attention to *a priori* and *a posteriori* principles as the grounds of action.

1.2. A priori and A posteriori Principles

A proposition is *a posteriori* when it is acquired or justified exclusively by appeal to the evidence of experience. In other words, *a posteriori* knowledge depends on experience or empirical evidence; it involves aspects of science and personal knowledge. On the other hand, *a priori* knowledge is independent of experience. This involves the mathematical truths, tautologies and the ontological proofs.⁴

For Kant, *a posteriori* representation only offers the basis for knowledge of contingent truths while *a priori* claims always involve claims to necessary truths which are known with certainty. *A priori* knowledge is knowledge inherent, intrinsic in the human mind. A proposition that is necessarily true is one whose negation is self-contradictory. For example, if we consider the proposition, all bachelors are unmarried; the other proposition that some bachelors are married is incoherent. Thus, contradictions are impossible, self-contradictory propositions are necessarily false and it is impossible for them to be true. The negation of a self-contradictory proposition is thus supposed to be necessarily true.

By contrast, a proposition that is contingently true is one whose negation is not self-contradictory. It seems plausible that all necessary propositions are known *a priori*, because sense experience can tell us only about the actual world and hence about what is the case; it can say nothing about what must or must not be the case. The opposition of *a posteriori* and the *a priori* pervades the whole of Kant's philosophy. The opening statement of the *Critique of Pure Reason* has close parallels in Kant's moral theory. In either field, sensibility comes first in the temporal order, but is not sufficient to accomplish the task at hand: the generation of knowledge or action. In either case, the *a priori* addition of absolute spontaneity is necessary to bring about the desired result.⁵

A closer inspection reveals that this model of interaction between sensibility and reason is a constant theme in Kant's philosophy of action. For example, Kant maintains that inclinations always have the first word. This tendency can also be detected in the examples that Kant uses to illustrate the first variant of the categorical imperative. The first illustration concerns one person, who through a series of evils that have accumulated to the point of hopelessness, feels weary of life but is still so far in possession of his reason that he can ask himself whether it might be contrary to the duty to himself to take his own life.⁶ This experience reveals that, inclination does not automatically translate into action. He can still reflect on the courses of action open to him and decide in the light of rational considerations.

² Sally Sedgwick, Ed. *Kant's Groundwork of the Metaphysics of Morals* (Cambridge University Press, 2008), 4. Henceforth will be referred to as Sedgwick, *Kant's Groundwork*.

³Immanuel Kant, *Practical philosophy* Mary J. Gregor, Trans. (Cambridge University Press, 1996), 55.

⁴Albert, Casullo, "A priori/a posteriori," in *A Companion to Epistemology*, eds. Jonathan Dancy and Ernest Sosa (Oxford: Blackwell,1992), 43ff.

⁵Jens. Timmermann, *Kant's Groundwork of the Metaphysics of Morals*(Cambridge, New York, 2007), 21.

⁶ Kant, *Groundwork for the Metaphysics of Morals*.38.

In the second example, another sees himself pressured by distress into borrowing money. He knows well that he will not be able to repay it; but he sees also that nothing will be lent him unless he promises firmly to repay it within a determinate time.⁷ Kant says that this person is inclined to make such a promise, but he has still enough conscience to ask himself whether it is not perhaps forbidden and contrary to duty to help oneself out of need in such a way.

A third person finds in himself a talent, which could, by means of some cultivation, make him into a human being who is useful for all sorts of aims. But he sees himself as in comfortable circumstances and sooner prefers to indulge in gratification rather than to trouble himself with the expansion and improvement of his fortunate natural predispositions.⁸ This also reveals that; inclination has the first word but it must not have the last.

In the fourth examples, regarding our duties to help those in need, Kant presents one who is well- off. He sees that others have to struggle with great hardships; however he asks himself, “What has it to do with me? Let each be as happy as heaven wills, or as he can make himself, I will not take anything from him or even envy him; only I do not want to contribute to his welfare or to his assistance in distress”⁹ Although it is possible that a universal law of nature could well subsist in accordance with such a maxim of indifference, it is impossible to will that such a principle should be valid without exception as a natural law. For a will that resolved on this would conflict with itself, since the case could sometimes arise in which he needs the love and sympathetic participation of others, and where, through such a natural law arising from his own will, he would rob himself of all the hope of assistance that he wishes for himself.

From these examples, one would assert then that, if sensibility is insufficient to produce either knowledge or action, something over and above the empirical is required to complete the process: they must both rest on principles that are subject to rational evaluation. In action, it is up to us to reject the pretensions of inclination. We can conform the subjective principles from which our actions proceed to objective principles of reason. We would like to give in to our natural desires; but we are still free to do the right thing. Moreover, if knowledge and action are capable of rational justification, the grounds of theoretical and practical principles must be *a priori*.¹⁰ The *a priori* nature of ethical norms is borne out by the fact that, as in the case of knowledge, morality involves an element of necessity and accordingly, necessity cannot be encountered in experience.

1.3. The Response from Kant's Perspective

From the analysis of affirmative action, it is clear that it is based on experience, Kant's word for experience is that, sense experience can tell us only about the actual world and hence about what is the case; it can say nothing about what must or must not be the case. Sensibility comes first in the temporal order, but is not sufficient to accomplish the task at hand: the generation of knowledge or action. Kant states that, “All our cognition, begins with experience, and so do all our actions. But it does not follow that either knowledge or action arises from or is a mechanical product of empirical factors. In either case, the *a priori* addition of absolute spontaneity is necessary to bring about the desired result.”¹¹

Empirical judgements are always judgements of fact. Experience can tell us what is, and it cannot tell us anything more. Nevertheless, moral judgements tell us what ought to be done, or what we ought to do. Such judgements are distinct from empirical judgments and cannot be inferred from empirical judgements. Specifically, experience merely informs us about the way things are, not the way they ought to be. Despite this fact, it is also important to note that to say that judgements are *a priori*, in the sense that, they are not based on experience, is a negative description. It does not mean that we make moral judgements before experience begins, instead Kant stresses that no knowledge is prior to experience in time and that with experience all knowledge begins.¹²

Kant, while talking about the good will stresses that it is defined not with reference to its actions, but rather with reference to its inner disposition or motives. This implies that what we need to focus on while looking at affirmative

⁷ Cf. Kant, *Groundwork for the Metaphysics of Morals*.39.

⁸ Cf. Kant, *Groundwork for the Metaphysics of Morals*.39.

⁹ Cf. Kant, *Groundwork for the Metaphysics of Morals*.40.

¹⁰ Cf. Timmermann *Kant's Groundwork*, 22.

¹¹ Timmermann *Kant's Groundwork* 21-22.

¹² H.J Paton, *The Categorical Imperative: A Study in Kant's Moral Philosophy*, (Hutchinson's University Library: London, 1947), 20-21

action is the motive behind it. Thus the arguments against affirmative action fail to meet Kant's standards of morality. For Kant, "An action from duty has its moral worth not in the purpose to be attained by it, but in the maxim in accordance with which it is decided upon."¹³

A priori knowledge is also emphasized while talking about maxims. Maxims according to Henry, E. Allison are subjective principles of practical reason. As subjective, they are principles on which an agent actually acts. As contrasted with the objective principles or practical laws which are those on which an agent ought to act and would act if perfectly rational.¹⁴ Consequently, an action does not have its worth in any purpose other than duty. A good will is not motivated by objects of the faculty of desire. Its motivation does not derive, then, from its empirical nature; a posteriori or material incentives. A good will acts to realize some end, but the principle that determines it to act is formal or *a priori* rather than material or *a posteriori*.¹⁵

Kant also stresses that, "duty is the necessity of an action from respect for law."¹⁶ On the basis of what he has so far revealed about the motivation of the good will, we can infer that, an action grounded on respect for law is significantly different from the one grounded on empirical incentives. Accordingly, objects of inclination can never be objects of respect. If something satisfies someone, he will approve and even feel love for it, but it will not be for the person an object of respect. The key reason for this, he indicates here, is that objects of inclination are not products of free choice; they do not reflect the activity of the will. Instead, they are given to a person as effects of nature's programming. Kant clearly reserves the notion of respect for objects that are caused by the will. The will that acts from duty, then, is determined or motivated by the objective principle or categorical imperative.

Apart from *a priori* and *a posteriori* principles, we have so far identified the categorical imperative as the supreme principle of morality; one may pose a question however, on how this imperative works. This calls us to a better understanding of the official nature of Kant's ethical theory. For example, how can the principle, as he formulates it, "Act only in accordance with that maxim through which you can at the same time will that it become a universal law."¹⁷ Or, "never to will anything unless I can also will that my maxim be at the same time a universal law"¹⁸ yield concrete practical results?

From its onset, affirmative action has been met with resistance by its critics and praised by its advocates. The contentious debate over affirmative action according to Eboni M. Gallaher¹⁹ is, in part, due to the insidious nature of White supremacy, patriarchal hegemony, and the unwillingness to correct historical discrimination on the part of those subscribing to these ideologies. Looking at affirmative action from Steven M. Cahn's²⁰ perspective, its defenders and opponents to a certain extent despairingly continue to restate their familiar cases, but the controversy appears to have come to a standstill. There are tactical victories and losses on both sides. The resolutions thus reached, are unstable, short-lived, and unsatisfactory. He attributes this to the fact that they are not the products of principle but of political in-fighting that is indicative of a failure to face the underlying deep moral disagreements. Without averting from this argument, Kant's supreme principle of morality is our remedy. Therefore, the task at hand is to show that each formula of the categorical imperative is important when it comes to affirmative action.

1.4. The Relevance of Kant's Formula of Universality

This formula calls for universality of our maxims as human beings, so that while acting we employ reason, not inclinations or interests which can lead to discrimination based on race, sex, country of origin among others. This is

¹³ Sedgwick, *Kant's Groundwork*. 70.

¹⁴ Henry, E. Allison, *Kant's Groundwork for the Metaphysics of Morals* (Oxford: New York, 2011), 95.

¹⁵ Cf. Sedgwick, *Kant's Groundwork*. 73.

¹⁶ Sedgwick, *Kant's Groundwork*. 73.

¹⁷ Cf. Kant, *Groundwork for the Metaphysics of Morals*, 18.

¹⁸ Jens Timmermann "Mrongovius II: a supplement to the *Groundwork of the Metaphysics of Morals*" in Kant's Lectures on Ethics. A Critical Guide, Lara Denis & Oliver Sensen, Eds. (Cambridge University Press, 2015),71.

¹⁹ Eboni M. Zamani-Gallaher, *The Case for Affirmative Action on Campus: Concepts of Equity, Considerations for Practice* (Sterling: Virginia, 2009), 52. Hence forth will be referred to as Zamani-Gallaher, *The Case for Affirmative Action on Campus*.

²⁰ Steven M. Cahn, Ed. *Affirmative Action and the University. A Philosophical Inquiry* (Philadelphia: United States of America, 1993), 144.

what Kant emphasizes that, the supreme moral law commands us to act only on maxims that are universally and necessarily valid, maxims that respect an end shared by all rational wills.²¹

In Kant's discussion of the principle of universality, he keeps on emphasizing the impossibility of an immoral maxim as a universal law, whenever we will a maxim that is contrary to duty, we do not actually will that our maxim should become a universal law. Doing so would be impossible, he says. The man for example, who from self-love wills the maxim to tell a false promise, then, does not really also will that everyone should act on this maxim. What the man wills, is that he should be allowed to break his promise while others continue to keep theirs. The man does not in fact will that breaking promises should become a universal law. Instead, he wills that there should be an exception to the rule of promise-keeping in his own case.²² The same can apply to those who are indifferent when it comes to discrimination. A world where people are denied opportunities on the grounds that they are inferior or different due to their gender, color, and disability is inconceivable.

Affirmative action seeks to end the effects of discriminatory practices that violate the inherent equality of persons on the basis of sex or skin colour, country of origin, disability among others.²³ The proponents of affirmative action first of all without considering the consequences of these policies have a good intention. This is what Kant emphasizes that, an action from duty has its moral worth not in the purpose to be attained by it but in the maxim in accordance with which it is decided upon. In other words, he favours the principle of volition in accordance with which the action is done. Secondly, a world where people are denied opportunities on the grounds that they are inferior or different due to those factors is inconceivable. Therefore, discrimination as such, cannot be willed universally.

Most of the views for and against affirmative action base on consequentialism. Timmermann²⁴ points out however, that, reason as such has nothing to say about consequences. He adds that if pure practical reason was without a formal foundation and had only the assessment of consequences to base its judgment on, it would indeed be idle and empty. Consequences are agreeable or disagreeable to inclination, not to reason. Here one may wonder then why reason rejects an action as immoral. The plausible answer is that the agent cannot consistently will the underlying maxim to be adopted by all agents at all times without being caught in a contradiction. An action is immoral because the agent is guilty of contradicting himself in action; and pure practical reason, like all modes of reason, approves of consistency and abhors contradictions.

There is a need here to know how an immoral agent is guilty of being at odds with himself. There are two kinds of contradictions that can make an action immoral, these are; contradiction in conception and contradiction in the will. An action is morally impossible either if its maxim cannot take place as a universal law or if its maxim actually can, but we cannot will this. Mrongovius uses two examples to stress the point, that is, the example of theft, which violates a perfect duty to others and that of charitable action, a wide duty towards others.

In its universalized form a maxim to steal when convenient would generate a contradiction: If it were a universal rule to take from everyone what is his, mine and thine would cease entirely. For that which I would like to take from another, a third party would take away from me...The problem is that, the thief commits the act to keep the stolen object as his own; and that a world without property in which the stolen object is at his sole, secure disposition is inconceivable. This constitutes a manifest contradiction. Stealing is immoral because the underlying maxim cannot be thought as a universal law. Mrongovius makes clear in the second example that the sense in which I would not be able to will a maxim of lovelessness is that it would thwart my own selfishness. If lack of charity was universally practiced, then I would also suffer myself, and this is impossible for me to will. Therefore, an uncharitable maxim cannot without contradiction be willed as a universal law.²⁵ This makes the point clear that this formula of universality can be practical when applied to different situations to see if a certain maxim can be willed universally.

²¹ Cf. Sedgwick, *Kant's Groundwork*. 109.

²² Cf. Kant, *Groundwork for the Metaphysics of Morals*, 108.

²³ LaFollette, Hugh *The Oxford Hand Book of Practical Ethics* (Oxford: New York, 2003), 272.

²⁴ Cf. Timmermann, "Mrongovius II: a supplement to the *Groundwork of the Metaphysics of Morals*" 74.

²⁵ Cf. Timmermann, "Mrongovius II: a supplement to the *Groundwork of the Metaphysics of Morals*" 74.

1.5. The Relevance of Kant's Formula of Humanity

Kant in his second formula of the law states that, "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."²⁶ This is a strong base for affirmative action since all that it stresses is human dignity. It is due to this fact that we need to consider the roots of human dignity, before discussing Kant's views.

1.5.1 The Roots of Human Dignity

There are four different sources of human dignity in the historical accounts, these are; the Greek and Roman heritage culminating in Cicero's notion of *dignitas*, the biblical conception of man and woman as being created in the image of God, Kant's dignity as opposed to price; and, finally, the concept of dignity that turned up after 1945 in numerous declarations and constitutional laws. *Dignitas* in ancient Rome was a social concept, describing the particular social role of a person. The bearers of the role and the people around them had to pay duty to this social role in their behavior. Cicero's famous letter to his son Tullius was one big guide to the numerous considerations and duties that belonged to the dignified life of a Roman aristocrat. What made Cicero's letter the founding document of human dignity, though, is his claim, adopted from the Greek Stoics, that part of our obligations towards ourselves and to others is due merely to our being human, which meant for him in the first place: being rational²⁷

Human dignity in the biblical tradition shared two features of the Roman understanding: first, dignity was regarded as something of high value which made strong demands on the bearer of dignity themselves. In contrast to the Roman conception, however, human dignity was not merely a basic, residual dignity at the bottom of all shades of social nobility. Quite to the contrary, the assumption that every human being was created by God as well as in the image of God was meant to trump and annihilate all social ranks instead. This is expressed in the following biblical passage thus,

God said, 'Let us make man in our own image, in the likeness of ourselves, and let them be masters of the fish of the sea, the birds of heaven, the cattle, all the wild animals and all the creatures that creep along the ground'. God created man in the image of himself, in the image of God he created him, male and female he created them. God blessed them, saying to them, 'be fruitful, multiply, fill the earth and subdue it. Be masters of the fish of the sea, the birds of heaven and all the living creatures that move on earth'. God also said, 'Look, to you I give all the seed-bearing plants everywhere on the surface of the earth, and all the trees with seed-bearing fruit; this will be your food. And to all the wild animals, all the birds of heaven and all the living creatures that creep along the ground, I give all the foliage of the plants as their food'. And so it was. God saw all he had made, and indeed it was very good. (Gen. 1:26-31.)²⁸

This portrays the heritages of human dignity in the Old Testament.

Apart from that text, there is other biblical text which reveals human dignity too. For example; 'Before I formed you in the womb I knew you; before you came to birth I consecrated you; I appointed you as prophet to the nations'. (Jeremiah 1:5.)²⁹ 'There can be neither Jew nor Greek, there can be neither slave nor freeman, there can be neither male nor female - for you are all one in Christ Jesus'. (Galatians 3:28.)³⁰ Show yourself in all respects to be a model of good works, and in your teaching show integrity and dignity. (Titus 2:7)³¹

In the *Groundwork*, Kant does not mention the expression "human dignity", however, it is in this book, that he develops his understanding of dignity. He distinguishes two kinds of value: On the one hand, the price of something, which allows for its substitution by something of similar price, and on the other hand, dignity, which

²⁶ Kant, *Groundwork for the Metaphysics of Morals*, 151.

²⁷ Paulus Kaufmann, Hannes Kuch, Christian Neuhäuser, Elaine Webster, Eds. *Humiliation, Degradation, Dehumanization Human Dignity Violated* (Springer: London New York, 2011), 8. Henceforth will be referred to as Kaufmann, *Humiliation, Degradation, Dehumanization Human Dignity Violated*.

²⁸ The New Jerusalem Bible.

²⁹ The New Jerusalem Bible.

³⁰ The New Jerusalem Bible.

³¹ The Holy Bible, English Standard Version.

forecloses such an exchange. Almost everything of value merely has a price, according to Kant, yet only persons have dignity because the categorical imperative puts us under the obligation never to treat someone's humanity as a mere means.³²

It is also important to note that Kant's conception of dignity is indebted to Cicero and the Roman conception of dignitas, according to which dignity is an elevated position or rank. The Roman dignitas has further connotations like worthiness, duties and privileges. Many of these are reflected in present day usage, as when one speaks of a dignitary or behaving with dignity. However, the additional connotations are not essential to dignitas. The essential component is that dignity expresses a relation, an elevated standing of something over something else. Cicero applied this notion to all human beings: all human beings are said to be elevated over the rest of nature in virtue of having a certain capacity, that is, reason. Thus having reason logically yields a normative requirement, a duty to behave in a certain way.³³

Considering the above argument, we ascertain that dignity ontologically refers to a relational property of being elevated. However, what is raised above depends on the context in which Kant uses the word dignity. For example, Kant uses expressions like the dignity of a monarch to refer to the elevated position of a king in the state; when he talks about the dignity of humanity he is expressing the view that human beings are special in nature in virtue of being free. When he talks about the dignity connected to morality. He is saying that morality is raised above all else in that only moral dictates should be followed unconditionally.³⁴

In the *Groundwork* he deals with dignity as an addition to the formula of autonomy: "act only so that the will, could regard itself as at the same time giving universal law through its maxim"³⁵ Kant concludes the main passage on dignity by saying that autonomy, that is, the process of giving universal law or being morally good, is the ground of the realized dignity of rational nature. Therefore, one should not follow the categorical imperative out of inclination, but because of the unconditional worth of morality, moral dictates are categorical. Kant uses dignity to express the elevated position morality has in terms of worth.³⁶

What Kant stresses in the formula of humanity according to Hill Thomas is that, rational nature in each person is to be treated as an objective end in itself. Thus implying a special unconditional value setting limits on how any person may be treated. For him, in determining what is permissible, it is not simply your reason but reason in each person that must be consulted and satisfied. The practical reason that we do and must regard as authoritative in our deliberations is a faculty that we share. Therefore, as in logic and science, reason is a capacity that enables all who use it properly to determine conclusions justifiable to all. This however, does not rule out two facts that the world appears differently to individuals from their various perspectives and that their diverse desires often pull them toward conflicting policies and value judgments.³⁷

From the above argument, there is a need to clarify on treating people as mere means and treating them as an end. We treat persons as mere means when we deliberately ignore the need to obtain their consent in order to be able reasonably to do certain things to them. Specifically, we treat their rational nature as an end in itself only if we could justify our treatment to them, insofar as they are willing to consider the matter from the same shared perspective of common reason.

In Kant's account, dignity is something all rational natures have. A being has dignity, not because of its socio-economic status, religious beliefs, sex, or race. A being has dignity because of its practical rationality; it possesses the faculty of practical reason. It is important to note that, Kant does not equate practical reason with intelligence or cleverness. The capacity of practical reason refers, rather, to the faculty of free will or self-determination. To say

³² Cf. Kant, *Groundwork for the Metaphysics of Morals*, 151.

³³ Oliver Sensen, "Dignity and the formula of humanity", in *Kant's Groundwork of the Metaphysics of Morals; A Critical Guide* Jens Timmermann, Ed. (Cambridge, New York, 2009), 34. Henceforth will be referred to as Sensen, "Dignity and the formula of humanity".

³⁴ Cf. Sensen, "Dignity and the formula of humanity". 39-40.

³⁵ Kant, *Groundwork for the Metaphysics of Morals*, 120.

³⁶ Cf. Sensen, "Dignity and the formula of humanity". 115-118.

³⁷ Thomas E. Hill, JR. *Human Welfare and Moral Worth Kantian Perspectives* (Clarendon: oxford, 2002), 155. Henceforth will be referred to as Hill, *Human Welfare and Moral Worth*.

that the categorical imperative commands us to respect the dignity of all rational natures, then, is to say that it commands us to respect and promote the expression of practical rationality or freedom.³⁸

Consequently, it's not only important to use one's rational powers, but also to preserve them from harm, that is, by avoiding negative activities like drunkenness, gluttony, and suicide. Developing them, through education, self-scrutiny, honoring them through self-respect and respect for others is what we need. This links us to the very idea that dignity, unlike price, admits no equivalents. Thus, legislators must not think of the value of persons, like that of things.

In an attempt to understand human dignity, therefore, there is also a need to start with instances of its violation. Choosing a negative approach or starting from incidents where human dignity is violated is appropriate in appealing to human dignity. In some cases, for example, human trafficking, bullying, pornography and disabilities, where people are treated as means, not ends in themselves, affirmative action is necessary. In most of these practices, few people take advantage of those who are desperate. Kant's formula of humanity nevertheless, can be a remedy to such activities.

It is important to note here, that in spite of Kant's emphasis on human dignity, some people have questioned his views. This is based on the fact that he gave a scholarly perspective to the general biased Western attitude towards Africa. He held in his book *Von den Verschiedenen Rassen der Menschen, (From the People of Different Races,)* that, mankind consisted of only one race and the original human species was white, appearing as dark brown. The black race came as a result of humid weather conditions that bore upon the original white species. He went on to maintain that the indigenous Americans and the blacks are spiritually inferior in the human species. When Kant argues that the inferiority of the Negro has a biological quality, he is building his racist on a racialist theory.³⁹ The reason Kant says those things about Africans can only be twofold; that is, ignorance of the African person and prejudice. Putting it in mind that even the most educated can be biased, Kant can easily be perceived as a racist basing on those views. Despite that however, the ideas he developed later on especially in the *Groundwork* reveal that he had outgrown that.

1.6. The Relevance of Kant's Formula of Autonomy

Kant expresses the third formula of autonomy, as follows: Act only so that the will, could regard itself as at the same time giving universal law through its maxim. In other words, "the idea of the will of every rational being as a will giving universal law"⁴⁰ Here it is important to note that apart from rationality, Kant identifies another feature of self-legislation which applies only to human beings thus adding to their value.

Therefore, according to Kant, autonomy is the ground of the dignity of human nature and of every rational nature. It is in virtue of the fact that we are autonomous wills that we have dignity. To say of something that it has dignity, in his view, is to praise it; and he tells us that this term of praise is appropriately applied only to rational beings. Dignity, Kant claims, designates the special kind of value rational nature has. Kant keeps on referring to the conditional character of some goods like; wit, skill, and imagination with the purpose of emphasizing the unconditional value of dignity. Obviously, his claim is that the goodness of dignity is not contingent upon circumstance or upon the diverse and varying desires of individuals. The dignity of humanity instead consists in this capacity to give universal law.⁴¹

In section III of the *Groundwork*, we learn that human beings are not guided by nature. Unlike animals, they are not determined by inclinations. Therefore, the will must be a law unto itself, and that freedom makes it the case that the will views itself as legislating. Accordingly, freedom is the foundation of all morality.⁴² Freedom thus being a foundation of morality deserves further highlighting in this chapter.

³⁸ Cf. Sedgwick, *Kant's Groundwork*. 9.

³⁹ Maurice Makumba, *An Introduction to African Philosophy* (Paulines Publishers Nairobi, 2007), 37.

⁴⁰ Kant, *Groundwork for the Metaphysics of Morals*, 120.

⁴¹ Cf. Sedgwick, *Kant's Groundwork*. 148.

⁴² Cf. Timmermann, "*Mrongovius II: a supplement to the Groundwork of the Metaphysics of Morals*" 75.

1.6.1. Freedom

Freedom for Kant is the faculty which man enjoys determining himself to an action and to being its cause. Freedom thus in the most central sense consists in being self-determining, that is, in being a kind of causality whose determining ground is internal and not external. Given the ground we have already covered, we can easily see that, for him, a will determinable by reason itself, that is, a will that can give itself an end and a corresponding law of action, is also for this reason and at the same time a free will.⁴³ Man is the author of the free act. The cause of the free act is the person who fulfills it. Only man possesses it, while all the other things of this world lack it. Thus, the source of all practical value for him is freedom. Denying human beings freedom due to their races, gender, country of origin, disability is thus inconceivable. The goals of affirmative action deserve a foundation within Kant's ethics.

Kant's views on freedom influenced other philosophers like Battista Mondin who claims that "man beyond being intelligent, is also highly free. Freedom is therefore, another title of his excellence and nobility, and represents another great window for looking into the mystery of man, with the goal of acquiring a more correct, more complete, more adequate comprehension of him".⁴⁴ In order to understand the nature of freedom, it is crucial first of all to establish in what way the free act develops itself. For instance, when one chooses to do one thing rather than to do any other thing, how does one arrive at such determination?

There are three principal moments in the free act, these are; deliberation, judgement, and election. Deliberation is the phase of exploration, research, and inquiry about the object of the acquisition or the action to perform. Judgement is the phase of evaluation. Election is the phase of decision. The free act requires that, that which is wished to be done is known, and therefore implies an attentive examination of the action that is wished to be performed or the object that is wished to be reached. The free act, which consummates itself in election, is a complex act, the result of a dialogue between the intellect and the will. In the choice two things coincide: one on the part of the cognitive power, the other on the part of appetitive power. On the part of cognitive power, counsel is required, by which we judge one thing to be preferred than another. And on the part of the appetitive power, it is required that the appetites should accept the judgement of counsel.⁴⁵

Lastly, in the kingdom of ends, all rational beings are expected to treat themselves and others as ends. The kingdom of ends is a mere ideal. An actual kingdom of ends, would be a world in which all rational beings acted only on universally valid maxims. Affirmative action if it bases on hypothetical imperatives is doomed to fail. Accordingly, the supreme principle of morality which we identify as the categorical imperative is the best basis for affirmative action.

1.7. Limits of Practical Philosophy.

After expressing the supreme principle of morality and how it is applied, it is important to point out the limits of practical philosophy. Here Kant is concerned with demarcating the limits to what we can know. So far he has established our right to think of ourselves as free, and the necessity of our thinking of ourselves that way. Nevertheless, he reminds us that he has not established that freedom of the will is a possible object of theoretical or scientific knowledge.⁴⁶ Freedom is thus unknowable from a scientific point of view. This claim about the status of freedom takes the form of the following repeated refrain: The idea of freedom can neither be explained nor comprehended. It is worth noting here that Kant is not suggesting that the concept of freedom is incoherent or unintelligible. His point instead is that no explanation of freedom is forthcoming from within the standpoint of nature. Thus the use of the word 'explanation', in this context, refers to scientific explanation.⁴⁷

The objects of scientific explanation are empirical; they appear to us in space and time. Freedom of the will on the other hand, does not fall into this category. Since the idea of freedom admits neither of comprehension nor of explanation from within the standpoint of nature, we also cannot expect to be able to provide, from within that standpoint, an account of how we can actually be motivated by laws of freedom. What we can explain from within

⁴³ Jenifer K. Uleman, *An Introduction to Kant's Moral Philosophy* (Cambridge: New York, 2010), 63.

⁴⁴ Battista Mondin, *Philosophical Anthropology* (Urbaniana University Press, 1991), 101. Hence forth will be referred to Mondin, *Philosophical Anthropology*.

⁴⁵ Cf. Mondin, *Philosophical Anthropology* 115.

⁴⁶ Cf. Sedgwick, *Kant's Groundwork*, 196.

⁴⁷ Cf. Sedgwick, *Kant's Groundwork*, 197.

the standpoint of nature is how empirical objects or appearances respond to deterministic forces of nature. We can trace the origin of our thoughts and actions back to the sensible impulses or desires that cause them. From the standpoint of nature, a subject has no freedom. But since we now consider ourselves also from the standpoint of freedom, we may think of ourselves as also belonging to a different order of things. Considered from the standpoint of freedom, we have a pure will and are thus capable of giving ourselves law.⁴⁸ This should act as a remedy to strengthen the views for affirmative action.

Conclusion

In this article, we have highlighted *a priori* and *a posteriori* principle, the response from Kant's perspective, the relevance of the different formulations of the categorical imperative. We have established the roots of human dignity and freedom. From this we have also pointed out the fact that affirmative action is still relevant. Many have lost track of its significance due to the fact that its advocates base on *a posteriori* knowledge, empirical evidence, and consequences. If we are to give affirmative action a new touch, there is a need to focus on Kant's supreme principle of morality, the categorical imperative. This principle focuses on *a priori* knowledge, a knowledge, which informs us the way things ought to be, not merely the way they are.

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⁴⁸ Cf. Sedgwick, Kant's *Groundwork*, 197-198.