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## Challenges and limitations of applying Kant's universal moral principle to Kenyan political unrest

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### Abstract

This paper focuses primarily on the practical challenges and limitations of applying Immanuel Kant's universal moral principle to the political unrest in Kenya. Kant's universal moral principle embedded in the categorical imperative argues that we should act in a way that our actions can be at the same time be regarded as universal moral laws. From a critically unbiased lens, there are some challenges and limitations that are encountered during the application of Kants ethical principle to specific situations in Kenya. A more contextualized and nuanced ethical approach is required to navigate the intricate moral landscapes of political conflict effectively. In this regard, exploring compatibility with other ethical frameworks provides a more comprehensive understanding and approach for addressing political violence in diverse settings.

**Keywords:** Political Violence; Categorical Imperative; Good Will; Duty; External Borrowing; Autonomy.

### 1. Introduction

There are several ways in which we can apply Kant's ethical principle in unravelling the specter of political unrest in Kenya. The idea of "duty for duty sake" remains relevant in carrying out political duties and responsibilities. However, applying Kant's ethical framework to political violence in Kenya presents substantial challenges. Much as Kant's universal moral principle is praised for its aptness in addressing ethical issues, it does not perfectly fit into some specific situations that politically influence our wellbeing. Kantian ethics, grounded in the principles of duty and the categorical imperative, emphasizes moral absolutes and the inherent dignity of individuals. However, the complex realities of political conflict, particularly in the context of Kenya's historical and socio-political landscape, often clash with Kant's idealistic principles. This paper explores the challenges and limitations of applying Kant's ethics to political violence in Kenya, highlighting issues such as police brutality, misappropriation of public funds, over-taxation and the nature of morality in repressive regimes.

#### 1.1. Challenges and Limitations

Ethics primarily deals with the actions and behavior of man in the society. It entails evaluating man's character, therefore investigating the nature of a virtuous life in the society that he/she lives. This implies that in ethics, we direct our focus to what is going on around us, through observation, evaluating and making judgement. However, Kant makes this task more challenging through putting the primacy of *a priori* in judging actions of man in the society. This is seen throughout his arguments, where he basically claims that certain actions are right and wrong irrespective of how we might feel, or how their consequences are.

Their goodness or badness is independent of their outcomes. For instance, according to Kant, telling a lie is wrong irrespective of the circumstances leading to telling of the lies or the outcome of the lies. We should not lie at all, period.

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This means that Kant's ethical teachings praises actions that are avoided not because they are evil in themselves, but because it is our duty to avoid them. Conversely, an action is good if the motive is purely from duty only.

On the same note, Kant also claims that we should be considerate in the actions that we do. The actions should bear a universal imprint in them. To mean, we should only do actions which we can at the same time vote them to become universal law. Such actions should be permissible to all people, not just ourselves or a number of people. Going back to the example of telling a lie, we should lie if and only if we are convinced that everyone else should also lie.

But such an action would render the universe full of lies and nothing true would come out of us. In turn, this would make the universe very chaotic. Therefore, we should not lie. This is what is referred to as Kant's universal moral principle. In spite of making a dramatic turn in the area of ethics, Kant's universal principle comes with a huge burden. The burden entails applying it to real world situations.

Despite Kant making a big leap, there is still some discord between his theory and practice. In this chapter, therefore, we are devoting ourselves to the expounding some insights into this discord. To understand fully the relevance and application of Kant's universal principles, it is important to look at some challenges and limitations of applying it. Kant's universal moral principle provides excellent angle in unravelling the spectre in Kenyan Political unrest. However, this is not so clearly spelt. Under a keen look, one easily notices a discord in the application of that principle. The dissonance is visible in areas like anti-tax protests, street demonstrations and picketing, abductions, extra-judicial killings, ethnic conflicts, post-election violence, organization of crime gangs among others.

Nevertheless, the disharmony does not render Kant's universal moral principle vague and useless. It should be clearly understood that, the limitations of applying Kant's ethical principle to the context of political unrest in Kenya does not imply that we are justifying the forms and causes of violence, neither do we imply that they are not solvable. The intention is to highlight some key areas where the universal moral principle is facing challenge and therefore needs the aid of other ethical principles in order to bear fruits. Let us now look into these areas where the rift is visibly wide.

#### *1.1.1. Good will and External Borrowing*

Kant believes that nothing can be thought of, whether in this world or outside, that is good without limiting factors except a good will. Instead of explaining in simple terms what a good will is, he just proceeds to give us actions that he thinks are related to the good will. He does not give an explicit account of what a good will is. He believes that the good will is the only thing good without limitations. By this he obviously does not mean that it is the only thing that is good, since he goes on to list and classify other goods whose goodness is not without limitation. What he means is that considered in itself the good will is something entirely good and in no respect bad. He explains this last point by saying that the good will is the only good thing whose goodness is not diminished by its combination with anything else, even with all the evil things that may be found in conjunction with it.

According to Wood (2003), a good will, often fails to achieve the good ends at which it aims. But its own proper goodness is not diminished by this failure, or even by bad results that might flow from it. Even if the good will achieved nothing good even if it were combined with all manner of other evils "Like a jewel, it would still shine by itself, as something that has its full worth in itself" (Kant, 2018). Kant does not say whether, on the whole, we should prefer the combination of a good will with bad consequences or other evils to the combination of a bad will with good results. But he thinks that the goodness of the good will itself is undiminished by such combinations (Wood, 2003).

The Kenyan government, in taking loans international bodies, since the taxes collected weren't enough, is aiming at funding its activities that are aimed at serving the public efficiently. In that situation, the it is either the government takes foreign loans or essential public services will stall. Some of these include salaries and wages to civil servants, pensions, laying and maintenance of infrastructure, funding of education and health services, funding of county governments, among others. All these are stipulated in the budget that is read every year.

The good will in it is to finance its activities for the following financial year. Therefore, according to Kant, even if the loans failed to fund the activities fully, or if the consequences of borrowing were dire, the borrowing itself would still be justified and praiseworthy, since a good will is good without limitation. The good will of borrowing loans to fund government activities, from a Kantian lens, will remain good. Even if the good will is combined with bad results, it will remain undiminished by such combinations. Let us consider some of the negative impacts of taking foreign loans.

According to Faster Capital (2024), external borrowing comes at a high cost of borrowing. When governments borrow from foreign lenders, according to Faster Capital (2024), they often have to pay higher interest rates compared to

borrowing from domestic lenders because foreign lenders consider the risks associated with lending to a foreign government, such as political instability or currency fluctuations. As a result, the cost of borrowing is significantly higher than what the government would pay for domestic borrowing.

Another risk of external debts is, according to Faster Capital (2024) is the currency Risk. When a government borrows from foreign lenders, it is exposed to currency risk. This means that if the value of the local currency depreciates, the government will have to pay more in local currency to repay the debt. This can be a significant burden on the government's finances, especially if the currency depreciation is significant.

Over-indebtedness is another major drawback of external borrowing (Faster Capital, 2024), especially to countries with weak economy like Kenya. This situation occurs when a government borrows more money than it can repay, leading to debt crisis that has a negative effect on Kenya's economic growth and development. Over-indebtedness can be severe, ranging from economic stagnation to social and political instability.

When a country is unable to service its debt, it may be forced to default its loans, which can lead to loss of investor confidence and sharp depreciation of its currency. According to Faster Capital (2024), some lenders may take advantage of Kenya's weak bargaining power to impose unfavorable loan conditions such as high interest rates or strict repayment schedules which will definitely make it difficult for the government to service the debt. At some point, the government may also be forced to cut public spending, hence affecting essential services like health and education, which can further brew political unrest in the country.

From a Kantian lens, it is argued that the good will in an act like foreign borrowing, even if associated with other goods, remains untarnished. It is the only good whose goodness is not diminished by its combination with anything else, even with all the evil things that may be found in conjunction with it, as explained in the previous paragraphs. This implies that nothing can make that act bad, not even the negative implications explained above.

However, in real sense, the implications are practically worse and far reaching. If the government continues with foreign borrowing, the economy might become crippled, hence leaving the country in a mess. In the midst of the mess, political unrest creeps in. Instead of relying blindly on the good will of foreign loans, the government should find alternative means, especially cutting down expenses and curbing misappropriation of public funds.

Therefore, Kant's idea of good will is good theoretically but when it comes to pragmatic relevance, it needs to be restructured in order to maintain its relevance in the midst of political unrest in Kenya. In support of Aristotle, virtue lies in the middle. The government should balance well foreign borrowing, so as to curb its adverse effects which only turns worse if not addressed on time.

### 1.1.2. Duty and Over-taxation

An action is prescriptive when it requires or makes it imperative that moral agents perform it. Generally, in one way or the other, we have actions which are our requirement to perform. These actions could be prescribed by either the government, a group of individuals or by our own individual. Again, every human action is motivated by certain factors. Thus, no thought arises out of a vacuum.

The motive behind every human action, as Abraham (2019) argues, can either be consequential motive or out-of-duty motive. It is thus not inconceivable to assess morality based on motive. We establish that motive is very influential in doing acts for the sake of duty itself. Indeed, when an action that has a moral content is assessed based on the motive of duty, it can be conceived that the moral agent can be held morally responsible, and justifiably so, for his actions and inactions.

This is because, intent of duty is *a priori*, and it is a rational activity to which the moral agent has control over. In other words, one becomes fully responsible for actions that she chooses as a matter of full thought. Abraham (2019) gives us an example of a mad man who is clinically pronounced mad. When such a man commits a crime, is likely to escape punishment. Rather, he will be detained in a psychiatric hospital where he/she should actually be prior to the committal of the crime.

According to Guyer (1998), Kant's principle of morality gives rise to a fourfold classification of duties, resulting from the intersection of two divisions: between duties to oneself and to others, and between perfect and imperfect duties. Perfect duties are proscriptions of specific kinds of actions, and violating them is morally blameworthy; imperfect duties are prescriptions of general ends, and fulfilling them is praiseworthy.

The four classes of duty are thus: perfect duties to oneself, such as the prohibition of suicide; perfect duties to others, such as the prohibition of deceitful promises; imperfect duties to oneself, such as the prescription to cultivate one's talents; and imperfect duties to others, such as the prescription of benevolence (Guyer, 1998). It is straightforward what a perfect duty prohibits one from doing; it requires judgment to determine when and how the general ends prescribed by imperfect duties should be realized.

Our duty, as Kant argues, is not to perform those actions with the aim of producing certain results. Duty has an absolute rule, that is, "duty for duty sake." This implies that an action has a moral worth if it is done from the motive of accomplishing one's duty. Any action that is done with other motive and not duty, no matter how good they are, they lack moral worth.

For instance, it is important that we all pay taxes to the government so that we may enjoy essential services. It is through paying tax that the expenditure of the government is funded. From a Kantian perspective, the obligation of citizens in paying taxes for the sake of compliance to government directives is a moral praiseworthy action. This means that, in order for our act of paying tax to the government to bear moral relevance, it must be purely done with the motive of doing our duty.

However, the problem comes in when the citizens pay tax dutifully, but the government does not effect the taxes as it should be. Instead, the revenue collected is misappropriated. Another problem comes when the government decides to raise tax to its citizens.

In 2021, as reported by Wasike (2021), Kenyans lashed out angrily on social media to denounce the high cost of living after President Uhuru Kenyatta signed a new Finance Act on June 30 that targets basic commodities relied on by millions. According to Wasike's (2021) report, the price of commonly used 13-kilogram (8-pound) of cooking gas skyrocketed July 1 from an average of 2,000 Kenya shillings (\$18.50) to 2,350 shillings (\$21.77) - a 350 shilling, or 16%, value-added tax.

Also targeted were mobile phone airtime and data from 15% to 20% and a 20% excise duty on loan fees. This came as commercial banks and mobile loan companies increased rates amid a high borrowing appetite by Kenyans (Wasike, 2021). Kenyans turned to social media to say that even before the tax hikes they were facing tougher times. Kenyatta signed the Finance Act to fund the 2021-2022 fiscal budget. The government aimed to raise at least 1.5 trillion Kenya shillings (\$13.8 billion) from new taxes. according to the Treasury Department (Wasike, 2021).

According to Tilly (2009), in order for a government to maintain power, it needs revenue, among other things. This revenue is collected is garnered in different ways, the main one being taxation. However, the in cases where the revenue collected is not enough, the government seeks foreign aid and loan. Although avoiding overreliance on taxes is one way of avoiding the need to directly bargain with citizens over the level of use of taxes (Lakin, 2020).

As a way of avoiding burdening the citizens with high taxes, the government has the ability to exploit the natural resources it has. According to Moore and Schneider (2004), a government that can control natural resources that they can exploit directly, or that operate state enterprises on state land, can contribute directly to revenue collection without over-taxation. This can calm political unrest resulting from absurd tax measures. However, Kenyan government has been slow on this. Its focus on export of natural resources has been hijacked by few selfish leaders who want to benefit privately from the country's natural resources and minerals.

Kantian ethics advises that in the course of over-taxation, the citizens should engage the government through dialogue, proposing reforms, voting in individuals who mind welfare of the citizens and other legal forums. However, Kenyan citizens have tried all these. The pertinent questions that we ask ourselves are, what next after the government has failed to listen to us? With what motivation should we continue to pay high taxes, given that the government has shown signs of lack of transparency?

Therefore, Kant's universal moral principle fails to give a practical solution on the problem of over-taxation. This evident where the duty of government to collect taxes is marred with over-taxation, lack of transparency and accountability, while the citizens are painfully required to abide by the policies of the government on taxation. This calls for merging of Kant's ethical principles with other ethical principles to draw the middle ground. Otherwise, such a gap would lead to rise in political tensions in the country, hence crippling the economy more.

### *1.1.3. Categorical Imperatives, Violating Moral Laws for a Good Cause and Police Brutality*

According to Stanford Encyclopedia of Philosophy, Kant defines categorical imperatives as commands or moral laws all persons must follow, regardless of their desires or extenuating circumstances. As morals, these imperatives are binding on everyone. Kant's categorical imperatives are based upon the universalizability principle, in which one should "act only in accordance with that maxim through which you can at the same time will that it become a universal law" (Kant, 2018). In simple terms, this simply means that if you do an action, then everyone else should also be able to do it.

His categorical imperatives serve as a fundamental concept in his ethical philosophy. They are a central principle for determining moral duties and guiding ethical decision-making. Kant formulated the categorical imperative in various formulations, but the core idea remains consistent throughout. The categorical imperative is different from hypothetical imperatives, which are conditional statements based on achieving certain goals or desires. The categorical imperative, on the other hand, is an unconditional moral principle that applies to all rational agents, regardless of their personal desires or goals (Wood, 2003).

Kant introduces several formulations of the categorical imperative, but the most famous and widely discussed ones are; Formula of universal law which says that we should act only according to that maxim by which we can at the same time will that it should become a universal law. In other words, consider whether the principle or rule behind that action could be applied universally without leading to logical contradictions or inconsistencies before taking an action. If a contradiction arises, the action is morally impermissible (Korsgaard, 1985).

The second is the formula of humanity which says that we should act in such a way that we treat humanity, whether in our own person or in the person of any other, never merely as a means to an end, but always at the same time as an end. This emphasizes the intrinsic value of human beings and suggests that we should respect and value others' rationality and autonomy (Korsgaard, 1985).

Finally, is the formula of kingdom of ends, according to which we should act according to maxims of a universally legislating member of a merely possible kingdom of ends. This formulation envisions a community where rational agents respect each other as ends in themselves and collectively establish moral laws that all rational beings could follow (Korsgaard, 1985).

Kant's categorical imperative provides a framework for evaluating the moral permissibility of actions by focusing on the principles behind those actions and the rational dignity of all individuals. It emphasizes moral duties, ethical principles that are binding on all rational agents, and a sense of moral universality.

As Muscente (2020) puts it, in Kantian philosophy, a truly good act is one that can become a universal law; a merely self-serving act is by nature not generalizable and thus, nonexistent in a Kantian universe. This principle has its merits from an ethical standpoint, however, there are some cases in which the universalizability principle does not always apply. This occurs in cases where we have to violate moral law for a good cause.

In Kenya, we have witnessed the police using excessive force during street demonstrations. For instance, in the 2024 anti-finance bill demonstrations, police used excessive force to unarmed citizens who only carried national flags, handkerchiefs, mobile phones and bottles of water. Some demonstrators were dispersed with teargas canisters, water tankers with hot and itching water, others were maimed and beaten, others shot with both rubber and live bullets, leading to deaths of many citizens and injuring of others.

From a Kantian lens, police should not have used violence or excessive to disperse the demonstrating citizens since they were exercising their constitutional rights. We should always treat fellow humans with dignity and respect. This is in accordance with moral laws that require us to act in accordance with laws that we can at the same time wish other people acted upon.

However, such a universal moral principle becomes hard to apply especially in situations where the moral laws are to be violated for a good cause, for instance in cases where the police have to be brutal to protestors in order to maintain peace.

According to report by International Justice Mission (n. d), in Kenya, police abuse of power is commonplace. Historically, police officers have had the freedom to bribe, abuse, falsely accuse and imprison, and even kill citizens with little fear of any consequences. An astounding number of citizens have disappeared or been murdered at the hands of the Kenyan

police. People living in poverty are often defenseless against this abuse of power, with no recourse to defend themselves or their loved ones. As it stands now, a mere fraction of cases ever end up in court (International Justice Mission, n. d).

The role of the police is to protect and defend. But in Kenya, police are often feared for their reputation of crime and violence against the most vulnerable in their communities. According to the research, “One in every three Kenyans have experienced police abuse or harassment especially during demonstrations while over 500 killings by police in Kenya have been documented between 2019 and 2021” (International Justice Mission, n. d).

It is evident that in their cause to maintain law and order, Kenyan police respond violently, sometimes causing injuries or deaths to the victims. At some point, they abduct conceived law breakers without going through the legal process outlined in the constitution.

From a Kantian ethical standpoint, the we should only act in accordance to the maxims in which at the same time we can will that they become a universal law. When applied to police handling violent protestors, the police actions should be grounded in principles that can be universally applied without contradicting one another.

This universal moral principle demands that police should treat all protesters with respect, even those engaged in violence. The use of excess force or brutality outrightly violates this fundamental right. From Kant’s perspective, they police should prioritize de-escalation tactics to prevent violence from escalating. This involves using communication and negotiation skills to resolve conflicts peacefully.

However, to apply this universal moral principle in the heat of a violent protest is very challenging. External factors such as personal safety of the police, safety of the non-violent citizens amidst or near the demonstrations and the potential for property damage undeniably complicates decision-making and timely application of the principle. This implies that the Kantian Universal moral principle’s practice may be not be very perfect for a humane and balanced outcome.

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## 2. Conclusion

In this paper, we have analyzed Kant’s universal moral ideas and some political situations in Kenya where they cannot provide solutions without being aided by other principles. Kenya has experienced political unrest, marked by instances of violent demonstrations, over-taxation, police brutality, among others. These incidences expose deep-seated issues of governance and integrity within Kenyan leadership. Nevertheless, political unrest in the country persists, raising questions on the pragmatic application of Kant’s universal moral principle in Kenya and the consequent challenges and limitations in that context. While Kantian ethics provides a robust foundation for understanding moral behavior, its application in real-world scenarios, particularly within the realm of political violence in Kenya, necessitates a critical re-evaluation.

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## Compliance with ethical standards

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There are no possible conflicts of interest.

### *Statement of ethical approval*

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