

Kant theory and justice

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Immanuel Kant concerns himself with deontology, and as a deontologist, he believes that the rightness of an action depends in part on things other than the goodness of its consequences, and so, actions should be judged based on an intrinsic moral law that says whether the action is right or wrong – period. Kant introduced the Categorical Imperative which is the central philosophy of his theory of morality, and an understandable approach to this moral law. It is divided into three formulations.

The first formulation of Kant's Categorical Imperative states that one should "always act in such a way that the maxim of your action can be willed as a universal law of humanity"; an act is either right or wrong based on its ability to be universalized. This belief is part of the "universal law theory" and states that to determine if an action is essentially "good" or "bad," one must essentially imagine a world in which everyone performed that same action constantly, and imagine if this would be a desirable world to live in. If not, then it is not okay to perform the action.

He believes that this "universal law" lives within us; it is not something that is imposed on us from the outside. For example if one kills oneself out of self-love, it is logically contradictory because self-love refers to respect for one's self as a rational being and rationality is based on objective (undistorted by emotion or personal bias). So, one can never justify suicide. The maxim of killing oneself cannot possibly exist as a universal law. The second formulation states that one must "treat humanity whether in thine own person or in that of any other, in every case as an end withal, never as means only. For example, if I were to lie to a girl so that she would choose to go out with me then I, in effect, use her. Kant would say that I treated her as

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a means to achieve my end, and he specifically prohibits manipulating or deceiving a person for the purposes of achieving a personal end. According to Kant, only people are valuable as ends. Any action that disregards this is in clear violation of Kantian morality, and purports to reduce an individual's autonomy; this consequently undermines a person's rational capability and reduces him/her to a thing.

This implies that if someone robs you and takes your wallet, he is treating you as a thing and not as a person. The third and last formulation requires that one sees oneself as the source of all moral law. This simply emphasizes the fact that the moral agent is the one who chooses to act morally. This third formulation tells us to imagine ourselves as the sole lawmaker in a society, and to choose the best possible set of laws that the society of rational beings would live by. Kant believes that we all have reason within us, but some choose to respond and act upon it while others do not.

We can reason the way things ought to be, and based on that is how we should act, which explains Kant's view that a moral action must be chosen through moral reason. For example, one does not cheat on a test because one's reason tells him or her that it is wrong, not the consequences that follow if one gets caught. Another example is that we do not need the law to tell us not to steal because it is immoral; we simply have to access our ability to reason to rationalize this. In a world where each individual recognizes his/her moral dignity and freely chooses to adopt the same universalizable moral law, all actions become good.

In opposition to the Categorical Imperative is Kant's Hypothetical Imperative, which states that a particular action is necessary as a means to some purpose. Kant believes that these actions are not always moral because they are not performed out of "pure good will" (pure duty), which is the only thing in the world that is unambiguously good. In the case of the ethical credibility of the principles of affirmative action, Kant's Categorical Imperative provides for the basis of approval. It is primarily out of a sense of duty that a society would seek to assist its struggling members who are in need of help.

The action so far seems good, but we must test its universality. Can we imagine ourselves living in a world in which all societies seek to aid the underprivileged and the disadvantaged at the slight expense of others? Absolutely yes. It is important for one to bear in mind, however, that it is the very action of helping that is being judged as inherently good or bad, and not the action's admirable or overbearing surrounding consequences. Secondly, we must test that the action is regarding everyone involved as ends and not as means to any particular purpose.

Since the aim of affirmative action is to help the current predicaments of those people who were victimized in the past, focus is placed on respecting every individual's autonomy. In this way, we can see that affirmative action is not a devious plan that seeks to manipulate, but one that seeks to compensate by adjusting the means (circumstances) and not the ends (individuals). Lastly, we must see if the action is establishing a universal law governing others in similar situations; one should behave as if one is the absolute moral authority of the universe.

Is completing this action consistent with the application of moral law? If so, the affirmative action passes these three tests and the action is good. In his "Objections to Affirmative Action", James Sterba talks about why he believes that Affirmative Action is morally wrong. He argues that a person's race shouldn't control his or her point of interest. Sterba argues that Affirmative Action leads to injustice and it is unfair to the white nonminority males because "it deprives them of equal opportunity by selecting or appointing women or minority candidates over more qualified nonminority male candidates. He believes that the job of the government is to eliminate all kinds of discriminatory policies. He thinks that "alternative programs are preferable." Thus, the government should instead promote equal opportunities through programs within agencies and departments instead of through Affirmative Action which he believes is a fancy word for discrimination. He argues that it is not fair to those who are more qualified for certain opportunities and cannot receive them either because they are not women or because they are not part of the minority.

In his First Objection, he argues that Affirmative Action "is not required to compensate for unjust institutions in the distant past." He talks about Morris' argument that what occurred in the past is not the primary issue that puts all present-day African Americans at an unfair disadvantage; it is more about the issues of more recent origin. He makes a point that discrimination today could very well be the source of the disadvantaged disposition of African Americans and other minority groups, and it is certainly something that society could do without.

The question remains that in attempting to “level the playing field” and eliminate present-day discrimination in America, is Affirmative Action a practical approach and should such a program be endorsed? The Fourth Objection goes on to say that Affirmative Action “hurts those who receive it” because in many ways the people benefitting from it would not see the need to work as hard, and it places “women and minorities in positions for which they are not qualified. Sterba proposes that one of the solutions to this problem could be the installation of education enhancement programs to compensate for any lack of skills. He believes that this will in a short time ensure that minorities are appropriately qualified for a position.

In response to Sterba’s First Objection, Kant would agree that the rightness of Affirmative Action should be based upon the circumstances of the present situation and not what had occurred in the past; this is evident mainly through his a priori form of philosophical deductive reasoning that judges an action before the experience, or “in the moment. However, Kant would disagree with Sterba’s Fourth Objection because in my opinion, Kant’s deontological theory correlates with the correctness of the affirmative action in its very aim toward helping “the right” people. Affirmative action has not significantly diminished gender, racial, and all other forms of discrimination, but the action has promoted equality and diversity to a large extent. In a world where everyone performs the “good will,” there is justice; and the installation of this program only serves to come closer to this justice.

Discrimination is wrong because it violates a person’s basic and intrinsic moral rights. Thus, in itself the adoption of this program is an action that is good because without Affirmative Action it is true in many ways that

minorities would remain at a disadvantaged position in the educational system and not be allowed the opportunity to exercise their true potential. Kant would argue that it is a duty out of “good will” to treat people equally. The concepts of equality and autonomy are emphasized in the nature of this program because it strives to treat everyone as a free person equal to everyone else.

According to Kant, one should be treated as ends not as mere means. It can be argued that African Americans at a disadvantaged position were being treated as means by the dominant culture to achieve its own ends in the system. Discrimination cannot exist as a system of nature because those who discriminate would not want to be similarly discriminated against if things were reversed, and so Affirmative Action is justified because it aims to open the door of opportunities to those who have been oppressed for years.

That being said, Kant would examine the action itself and not the consequences of the action. When making decisions, one has to put oneself into other people's shoes and see if one wants to be treated the same way others have been treated; it is a duty to treat others as we ourselves want to be treated. Affirmative Action not necessarily needed in this society to reduce the inherent inequalities that are still existent, but it can certainly be used to assist in leveling the playing field. Affirmative Action has been successful on a short term basis, that is, in increasing the representation of minorities (including women) in areas of employment, education, and business from which they have been historically excluded. However, on the long term basis it can be argued that the program only serves to perpetuate a cycle of need. Kant advocates the idea of equality through his

deontological theory by saying that all people deserve equal treatment as rational ends in themselves and that this should never be compromised by the flaws in any social system.