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Moral Foundations of Peace-building Initiatives: A Philosophical Approach to the Search for Sustainable Peace in Africa

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Peace-building initiatives in Africa are deliberate political measures aimed at securing and restoring lasting and sustainable peace in the continent and beyond. Peace, in a more loose sense, is ordinarily interpreted to mean the absence of war or conflict of any kind. States and governments have political obligations to ensure that their citizens are secure and enjoy peace at all times. The critical question is whether peace can be imposed on the people, i.e., from external forces. That notwithstanding, peace must be understood in a twofold sense. First, it refers to peace of the individual that is necessitated by the harmony between the two faculties of the mind, the intellect and the will. Second, the term “peace” refers to harmonious co-existence in society, without war or conflict of any kind; and this underscores the fact that man is a social being, a being with others. In the former sense, one is at peace with oneself when they conduct themselves in accordance to the dictates of reason whereas, in the latter sense, one is (said to be) at peace if they are not in conflict with others. It is in this latter sense that we are making a reflection of the peace initiatives in Africa, given that Africa is characterised by conflicts among countries or tribes within a country. This paper is an attempt to interrogate peace at the level of the individual and peace at the level of the community vis-à-vis tribes and nations in view of finding a solution to the problem of political instability in Africa, which in turn jeopardizes economic prosperity in a continent blessed with enormous resources. The paper argues that acting in respect of the moral law, the only law of humanity, and from which all other laws ensue, is the only way peace among individuals, tribes and nations shall prevail since this entails duties and obligations for every individual; a situation where the inner self is congruent with the outer self.

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INTRODUCTION

The human person is a rational animal due to their possession of sensitive life and rationality. Although he has feelings and passions, he is also a thinking being, who interrogates things and discerns the order of things. More importantly, he is able to discover how he must order himself to be able to attain his ultimate good, the purpose of his existence. Accordingly, he inherently knows that he must order his actions, albeit freely, in a certain direction. It is in this that the moral law ensues, the command that good ought to be done since it is only by doing the good that happiness, which is the ultimate good, is attained. What this means is that in spite of being free to follow the desires of the body or passions, a human being has an obligation to do good. Passions, therefore, are good in as much as they are in conformity with or aid in acting in accordance with, the obligation to do good. If they are in conflict with the obligation to do good, the moral law and the first law of practical reason, they are bad and following them amounts to choosing evil over good. A complete human person, effectively, is one whose free acts are in harmony with the moral law or dictates of reason. This paper discusses the foundation of the universality of morality in the moral law and relates the moral law with social harmony. It then proceeds to evaluate rights and duties in relation to the moral law. Consequently, the paper briefly discusses peace-building initiatives in Africa by analyzing rights and duties as mutually dependent.

MORAL LAW AND UNIVERSALITY OF MORALITY

Rationality is intertwined with morality in such a way that one cannot be talked of without implying the other. On the one hand, morality refers to the quality in human acts by which we call them good or bad, right or wrong while on the other hand, the human being is one and is defined by the human rational nature. Individual human beings only partake in the same nature, and their acts are ordered by this nature, commonly known as rationality, which entails theoretical intellect and practical intellect. While the theoretical intellect discerns the truth in everything, including the truth about good and evil actions, the practical intellect discerns the goodness of human acts. Thus, human nature at the theoretical level is interested in truth in everything whereas at the practical level, it is expressed through the moral law, which is, *ipso facto*, the first principle of conduct. In his *Metaphysical Psychology: Rational Psychology*, Joseph Nyasani avers that "...the intellect is the capacity (faculty) of the mind whose task it is to understand, think and reason.... Broadly, it may translate into mind or intelligence having the potential or capacity to conduct mental and rational activities lurking all the while in the state of potency in the human consciousness. It also happens to be the faculty from

which the will flows.”¹ In point of fact, Nyasani explains the relationship between the two faculties of the mind and emphasizes the fact that without the theoretical faculty of the intellect, the will as the practical faculty is blind. The latter needs to be informed by the intellect of the right course of action to take and then it naturally moves itself toward the action. Thus, “the intellect...is always behind the acts of the will explicitly or implicitly, or in other words, the will must always involve the intellect in producing its own effects, unless it chooses to exceed or disobey the dictates and specifications of the intellect.”² The net effect of the latter situation is one committing evil acts for which one must take responsibility for conducting oneself contrary to the dictates of reason.

Be that as it may, a human person is a being endowed with rationality through which he both seeks understanding and puts knowledge into practice. The essence of this is that knowledge is a prerequisite for action; any action must be informed by knowledge. Both knowledge and action are functions of the faculties of the intellect and the will respectively. Mind orders action by commanding one on how they ought to conduct themselves. That being the case, it follows as a matter of logical necessity that only when we conduct ourselves in accord with the command of reason do we exploit our potential as rational beings and attain our perfection as human beings.

The interplay between the intellect and the will is such that the intellect discerns the good, at the moral level, and presents it to the will, dictating that the will does it without fail. However, it is not always the case that the will follows the dictates of the intellect. The will deliberates as to whether it should follow the dictates of the intellect or not and finally makes an informed free choice on the right course of action to take: “The will is the faculty of conscious and deliberate choice of action. It is the

faculty of human volition which, in its functionality, must necessarily entail actions which are freely willed and which, in moral education, are referred to as voluntary actions.”³ Were the will to follow the dictates of reason of necessity, man’s conduct would not be in question. One would always act in accordance with his nature by doing good without fail. Freedom could be meaningless and morality impossible since man could not be in control of his actions. On the contrary, conduct is voluntary and deliberated before they are consciously undertaken. It is preceded by a decision which is voluntarily willed for which reason it attracts unshakable moral responsibility on the part of the doer.

Thus, in spite of the fact that man is rational, he is also free. He makes a choice of the course of action to take at any given time, for which reason he also takes responsibility for such action. In this sense, responsibility is being answerable for not acting in accord with reason by either doing evil which one is under an obligation not to do or doing good which one has an obligation to do. What this means is that inasmuch as reason dictates that one’s conduct be good, the reality is sometimes different. It is not always that the will follows the dictates of reason even though that is the state of affairs as it ought to be. According to the dictates of reason, good ought to be done. On account of the fact that *oughtness* implies the necessity of action, it follows necessarily that morality is universal, that is, it applies to all human beings in the same way. In effect, an “ought” has no exception whatsoever but calls for the necessity of action regardless of circumstances. If human nature were not universal, it would make sense that morality is relative. Yet what ought to be done is what everybody must do. Being a rational animal, man is, thus, conscious of an obligation of a moral nature, the obligation to do good and avoid evil. A good human act is one, therefore, that is in conformity with the moral

¹ Joseph Nyasani, *Metaphysical Psychology: Rational Psychology* (Nairobi: Consolata Institute of Philosophy Press, 2013) 27.

² Nyasani, *Metaphysical Psychology*... 31.

³ Nyasani, *Metaphysical Psychology*...31.

obligation: an act in which conscience, as the command to do good, converges with a reason as expressed through the moral law. It must be emphasized here that man, through the will, desires the good in everything yet he does not attain it by necessity but by choice.

The moral law dictates that good must be done and conscience actualizes this by commanding one to do that which is good or avoid that which is evil that particular time one is about to take the action. In this regard, without conscience, all this will remain in the theoretical realm where there will be no judgment, and therefore, no ethics. Ethics deals with human acts to the extent they are good or bad. In this sense, if one obeys their conscience they do good and if they defy it they do evil and as a consequence take responsibility.

Effectively, the moral obligation is the guide to conduct and the source of all regulations that guide conduct. What this entails is that while man is free in the sense of having the power to do whatever they want, they are equally obligated to always choose that which is good and avoid that which is evil. Man's perfection is attained only by actualizing the rational potential by always doing good. It can be further deduced from the above that freedom is the necessity to conduct oneself in accord with the dictates of reason, that is, to choose to do that which is good, that which is in accord with reason.

In view of the above, one's free conduct must be in conformity with the moral law, which is the first principle of practical wisdom for such conduct to be good. In this state, one fully enjoys one's freedom, which is only realizable by acting virtuously. It can, therefore, be inferred that moral law is the foundation of the universality of morality due to the fact that it applies without exception and is the basis of all human acts. Now, of what use is the moral order in social harmony?

Moral Order and Social Harmony

Political philosophers have grappled with the question of the nature and origins of society and have come up with divergent views as how to society came into existence. Others have seen it as a Social Contract while others have seen it as a natural institution. Nevertheless, one fact is that society has always existed as long as man has existed. Society is arguably rational and natural in nature. It is a product of rationality neither can it be separated from it.

Given that man is not an island but a being with others, yet he is perfect when he is moral, it is necessarily the case that societal harmony must be founded on moral order. This moral order is revealed by man's conscience, which always commands one, when they are about to do a certain act, to do it if good or avoid it if evil; in this sense, obeying conscience implies conforming one's act with right reason or doing good: "man's will is, in principle, independent of the allurements of the phenomenal world; it is not subject to mechanical determination."⁴ Man is not under any obligation to follow his instinctive inclinations with necessity.

It goes without saying that failure of the free will to necessarily follow the dictates of the intellect is what initiates internal conflict or war. This is the war within oneself. The war of the *ideal* good that one ought to do and the *actual* evil that one wants to do. The essence of this is that a human being wants peace, he desires good, meaning that he is not intrinsically violent.

An individual's peace, therefore, depends on whether one acts in conformity with the ideal, i.e. the moral law, whether or not that is the actual, i.e. what one wants. In essence, one need not do what they want. It is only if what one wants to do is what they ought to do that they are obliged to do it. As a result, one may do what they want and that be what

⁴ I. Klinger and C. Rimiru, *Philosophy, Science and God: An Introduction to Theodicy* (Nairobi: Consolata Institute of Philosophy Press, 2008) 21.

they ought to do, in which case one's conduct shall be called good due to the congruence between the actual and the ideal; but it is also possible that one may do what they want and that be what they ought not to do, and in this case one's conduct shall be called evil, for the reason that the actual is in opposition with the ideal, the ought. Furthermore, one may choose not to do what they want to do yet that is what they ought not to do, in which case their act will be good because they would have avoided evil.

Notably, acting in accord with reason entails doing what is good or avoiding what is evil. In addition, therefore, one may choose not to do what they want and that be what they ought to do and, their act be evil. It must be borne in mind that the primary conflict in effect is the conflict with oneself; the conflict within. This conflict is caused by failure by one to act in accord with reason. Besides that, conflict with others follows due to the violations of fundamental rights; it is a violation of human nature itself.

Fundamental rights reside in and ensue from, human nature itself. It is factual that the human person has an intrinsic goodness that is inseparable from human nature itself and this is the source of basic rights and human dignity. To that effect, "...the practical imperative will require every one of us to act in such a way as to treat the rest of humanity in the most charitable manner possible so as to see them as an end in themselves and never as a means to an end."⁵ In this regard, by treating people with respect for human dignity and treating them with truth and fairness, peace can be guaranteed both inwardly and outwardly. Respect for the dignity of the human person will be the clearest manifestation of the equality of persons since "it is everyone's duty as a rational being to treat others in the same way as he would like them to treat him."⁶ This explains why human rights are said to be natural and

therefore inviolable. Consequently, any act which is in violation of these basic human rights is a violation of human nature itself and the source of all conflicts; whether within oneself or among individuals in the community. It is imperative that an act that is against human nature is not in accord with the universal moral law. The human rational nature is expressed through the moral law, and it is due to this fact that Immanuel Kant calls morality reason in action.⁷ It is the connecting link between conduct at the individual level and as a member of society. All other obligations, be they social, economic, political or legal have their foundation in the moral obligation. They would be non-existent were the moral obligation not to exist. Nonetheless, one may wonder how moral law is related to rights and duties.

OUGHTNESS AS THE FOUNDATION OF RIGHTS AND DUTIES

It should be clear by now that an ought traces its source in human nature itself which directs man to his greatest good and dictates the means to be used for its attainment, i.e., virtuous activity. Similarly, human rights are enshrined in the human nature from which they ensue and for which reason they are inviolable. This is where human dignity resides, an affirmation that man is naturally good, and it is in this inherent value of the human being that human rights grow and are inalienable. These rights and their corresponding duties which enhance them have an intrinsic relation with the moral law.

Thus, the moral law is the source of all rights and their corresponding duties. The word "right" has a twofold meaning, the first being "an act that is morally good" while the second is "entitlement." Both senses of the word "right" ensue from the moral obligation, which is the first principle of morality. However, it is only in the latter sense of "entitlement" that we talk of rights (plural of a

⁵ Joseph M. Nyasani, *Legal Philosophy: Jurisprudence* (Nairobi: Consolata Institute of philosophy Press, 2001), 26.

⁶ Nyasani, 26.

⁷ John Kemp, *The Philosophy of Kant* (New York: Oxford University Press, 1968), 56.

right). Consequently, rights are entitlements by nature; and, they ensue from the concept of “oughtness.” As we have noted above, man has an obligation of a moral (rational) nature to do good and avoid evil. His free acts must always conform to the moral law, and by that virtue, they must be good to oneself and to other people as well. Oughtness therefore entails how I ought to act, i.e., my duty; and the obligations of other people to me. Yet again, whatever I am entitled to by nature imposes a duty on all others to act in such a manner as to ensure that they do not hinder me from its enjoyment. Rights and duties, therefore, are correlative. There cannot exist a right without a corresponding duty.

That being the case, human nature dictates that good ought to be done and evil avoided, i.e., man as a rational being is obligated to do good and avoid evil. He has the duty to always act in accord with the right reason. What this essentially means is that the term “right” in the context of entitlement is equivalent in meaning to words such as “just,” “justice,” and “justify,” only to mention a few. In this sense, for one to have their rights guaranteed or respected they must be treated justly or fairly. This is demanded by human nature, and for this reason, rights are said to be inviolable. Any violation of these rights necessitates internal conflict. In other words, human nature itself reacts in defence of itself against such infringements. One then becomes restless from within oneself; restless that they are not being treated fairly. In such a situation, it is not possible to talk of peace, merely as the absence of war or conflict (external peace) even if people may appear to be enjoying peace.

Internal peace is therefore dictated by respect for rights and duties. It entails the desire to do what one is obligated to do, which inevitably means that other people will respect one’s rights and enable them to enjoy the same. It is, as a result, the lack of inner peace that eventually escalates into war among individuals, war among tribes and conflicts among nations, only to mention but a few. Whereas states

have political obligations that include but are not limited to, ensuring peace and security of persons, it is imperative that these obligations be firmly founded on the moral law. Social and political institutions, therefore, must fulfil their obligations by ensuring that human nature, as expressed through the moral law, is satisfied, by being as fair as possible; for justice is a *sine qua non* for peace and it entails treating everybody fairly. What do I ought to do, and what do we ought to do, are the critical questions in the search for peace in Africa and beyond.

Two Questions: Ethical and Political

Accordingly, two main and critical questions come to mind every time we reflect on the man and the question of peace in Africa. *First* is the question “How do I ought to live to live a good and peaceful life?” This is the question of peace at the level of the individual, the ethical question. It deals with what is morally right and its necessary connection with ultimate happiness. Wherefore, a moral act, otherwise called a virtuous act, is one which is in accord with (good) reason, it is an act freely done but which at the same time appeals to reason by being good in itself, good in its motive, and good in its circumstances. Reason, as a rational faculty, defines a human being and it is expressed at the moral level (level of conduct) through the moral law, which dictates that good ought to be done. Duty is, therefore, imposed on the human person to always act in obedience to this first law of practical wisdom, the moral law. Any act on the contrary is evil by virtue of being against, and therefore, detrimental to human nature. *Second* is the question “How do we ought to live to live well, i.e., a good, peaceful and harmonious life?” That is, how do we co-exist as a people in the community? This question also signifies that a human being, though an individual, lives with others (in the community) and his perfection partly depends on others. As it were, this is a question about a good and perfect society.

Having said that, every person desires to live in a good society, a society where respect for one another prevails, a flourishing society where people's rights are not violated at will and people are not treated as tools or means to some other end as Kant holds. In view of the foregoing, whether we shall be good persons is equally dependent on whether those with whom we live are good persons, i.e., whether we live in a good society. A good society is a just and free society.

Aristotle argues in this sense that the perfection of the community comes prior to that of the individual. In other words, it is the perfect society which breeds good individuals. Nonetheless, society is comprised of individuals, yet it is due to the rational nature of (the individual) man that he is also social. Subsequently, a perfect society breeds good individuals but it is also true that good individuals bring about a good and perfect society. The two questions, therefore, point to one fact, the fact that man is both an individual and a social being. Thus, he is both a moral and social being. As an individual,

man is a thinking animal. To think is to trace relations, to bring universal principles to bear on particular cases, to distinguish what is essential from what is merely accidental. The power to think makes it possible for man to reflect upon the meaning of his own life, and consciously to order that life in accordance with the requirements of its true nature. Thus, the possession of intelligence makes man a moral being.⁸

What this means is that morality flows from intelligence although not as a necessary consequence.

While reason dictates that good ought to be done, it also enlightens us on what the good is and, we are in turn desirous of doing it. Essentially, human

nature, unlike those of other things, orders man's life; and morality is a product of intelligence. By virtue of the fact that man is rational, he is potentially moral, i.e., he has the capacity to act morally and constitute a good person. In this view, we can aver that man is good by nature and this is underscored by the fact that he naturally desires to do the good. No one desires evil even when they end up doing it. Rationality and morality cannot be separated much as morality does not encompass the entire rationality. Morality is entailed in rationality and it flows from it. Thus, reason, through rationality, dictates that one must always conform their free acts to it. Good acts are those that are in accord with good reason. It is this power of reason that distinguishes man from the rest of beings and makes him reflective of his life and consciously search for his destiny.

It is argued that "reflection also shows that man is 'by nature' social, that is, adapted for life with other men: the perfection of character which is his true end can only be attained in an organized community."⁹ Man, so to speak, needs other people for his perfection. So, does the perfection of society come prior to, and guarantee, the perfection of the individual as the immortal Aristotle puts it, or does the perfection of an individual necessarily lead to the perfection of society? Apparently, there is a mutual relationship between the individual and society. Whereas it can be argued that society is created by man for his own perfection, it is absolutely true that good individuals bring about a good and perfect society. On account of the fact that man is naturally moral in the sense of desiring to always act in accord with reason and social in the sense of being adapted for life with others, the social order must trace its origins in the moral order. So as I have argued in some of my published works, "the moral obligation is the source of all obligations: social, economic or political."¹⁰ To that effect,

⁸ Margaret E.J. Taylor, *Greek Philosophy: An Introduction* (London: Geoffrey Cumberlege, 1947), 129.

⁹ Taylor, 129.

¹⁰ Crispin Isaboke, John Muhenda and Josephine Nyambedha, "Moral Obligation as the First Principle of

conducting oneself in accordance with the moral order, as enlightened by reason and guided by conscience, is a necessary condition for social harmony. Nyasani shares the same views when he avers that “the objective principle that the categorical imperative is, becomes the supreme practical law and the source of all laws of will.”¹¹

Accordingly, any laws of conduct which are in contradiction with the moral law are repugnant and cannot guide conduct. This explains further why however good the end of an act can be, it cannot justify the means used for its attainment if they are bad. It is not even the circumstances of an act that can alter the moral worth of an act for the moral law allows no exception. Taylor adds, “...it follows that the highest manifestation of life in our world is the life of men acting nobly and pursuing knowledge in a well-ordered state”¹² In point of fact, society is comprised of individuals, though it is through the rational nature of the individual (man) that he is also social. Were this not true, that man is rational, society would definitely not have existed. This underscores the fact that society is rational and therefore natural. In brief, what the two questions translate to is that what I ought to do must be what we ought to do, signifying that the objective of both is the same: doing good. This is the only way there can be peaceful coexistence among people of diverse interests and backgrounds.

PEACE-BUILDING INITIATIVES IN AFRICA

“Peace-building” is a concept understood within the United Nations to mean “sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems...”¹³ These

problems are brought about due to the violation of basic rights. Peace-building, therefore, included measures like disarmament, restoration of order, weapon destruction, repatriation of refugees, training security forces, monitoring elections, advancing the protection of human rights, reforming institutions and promoting political participation.¹⁴ Although, it is abundantly evident that such measures have not borne much fruit given that inter-tribal as well as inter-state conflicts and wars are still so rampant, more so, in those areas where these measures have been employed: “These measures, for the most part, associated with short to medium term international interventions, do not carry the notion of being sustained efforts that address underlying causes to put an ‘achieved peace on a durable foundation.’” That being the case, these interventions fail to come up with a lasting solution to the problem of lack of peace in Africa. The reason for this is that they focus on external indicators of peace, which may be in conflict with internal ones.

What can be deduced from the above argument is that, for sustainable and peaceful co-existence in Africa, it is imperative that we shift the focus of the peace-building initiatives from the second question, “How do we ought to live to live well (good and peaceful lives),” to deep reflections on the first question, “how do I ought to live to live a good and peaceful life?” Our emphasis is that a peaceful community must be founded on, or comprised of, good and moral individuals. Peace, so to say, is a necessary consequence of justice yet justice is a moral imperative. Reason, through the moral law, commands man to freely do good and avoid evil. Man’s free actions, commonly known as *conduct* or *human acts*, must be in conformity with the moral

Practical Reason and Foundation of Universal Consciousness of Good and Evil” in *London Journal of Research in Humanities and Social Sciences*, Vol. 22, Issue 12 (London: London Journals Press), 1-12.

¹¹ Joseph M. Nyasani, *Legal Philosophy: Jurisprudence* (Nairobi: Consolata Institute of Philosophy Press, 2001) 26.

¹² Taylor, 129.

¹³ UN, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping. Report of the Secretary general, United nations GA nd SC. A/47/277, S/24111. 17 June 1992, 57.

¹⁴ *ibid.* 55.

law in order for them to be good. Lack of such conformity is what moral evil consists of and this is the fountain of conflicts due to injustices as a result of violations of others' rights. In any case, happiness, which is man's Greatest good, and which is inseparable from peace and freedom, is only attainable through virtue, in spite of the fact that human acts have the quality of being good or evil.

Therefore, it is only through virtue that happiness can be attained, implying further that it is only when every person acts in accordance with the moral law (dictates of reason) that they attain peace at the individual level. It follows as a logical consequence that the moment every individual is satisfied from within themselves (internal harmony or peace) that justice is being done to them, peace at the level of the community prevails and true freedom is experienced. True freedom entails living without fear of any kind, be it of losing one's life, or property and fear from any form of insecurity. Such is the kind of peace envisaged in Africa and the world over. It must be borne in mind that this is the peace that all the peace-building initiatives in Africa must be aiming at; not merely the external peace that ensures law and order without caring whether the individuals are at peace themselves.

It is for this reason that Immanuel Kant in his categorical imperative argues that "we act out of good will when we try to do the right thing. In trying to do what is morally right, we do not have our eyes on some advantage to ourselves, but only on the rightness of the action. We want nothing else but to do our duty."¹⁵ Reason dictates that we do good and avoid evil; it is therefore good to do good. What this means is that in Kant's view, duty and law go together in the sense that the law tells us what our duties are. Ideally, peace at the level of the community must be a true reflection of peace at the level of the individual, for society exists for the sake (good) of the individual rather than individuals

existing for the sake of the society since the latter only treats individuals as a means to an end, as a tool, and therefore, of no value. Yet society without man does not exist; man is the society due to his distinguishing feature of rationality.

Thus, there must be deliberate and concerted efforts to turn to the moral question, on account of the fact that the rational nature of man through which man orders his life is expressed at the practical level by the moral obligation. It is this rational nature that assigns man rights and duties but also dictates that one performs their duties without any conditional ties whatsoever. Rights are not limited except by duty, i.e., acting virtuously. Accordingly, whereas one expects others to respect and grant their rights, they are equally conscious that they have duties toward them; they are at the same time obliged to provide a conducive environment for the enjoyment of their rights as well. The two go hand in hand. In view of this, it is imperative that each and every person performs what is rightfully their duty and in so doing, none will infringe on another's rights.

In this regard, all peace-building initiatives in the form of dialogue, diplomatic or not, must demonstrate utmost good faith and political goodwill. As such, negotiations aimed at sustainable peace in Africa must be intended to ensure that governments guarantee political goodwill so that the resolutions are generally accepted by individuals, each at their level, and the antagonistic parties shall build confidence and be satisfied that resources and duties are distributed fairly. In this way, peace shall prevail in Africa and the world at large. Humanity shall have been elevated to a higher level of no want for all desires shall have been satisfied.

There is a need to realize that rights go hand in hand with duties and this is the foundation of a just and prosperous Africa. All peace-building initiatives must take this very seriously as a long-term

¹⁵ Norman Melchert, *The Great Conversation: A Historical Introduction to Philosophy*, Fifth Edition

(New York: 2007) 452.

Oxford University Press,

mitigation measure for lasting and sustainable peace in Africa. While mitigations centred on the external aspect (social order) are good, this can only be short-term if the peace within, which can only be necessitated by justice, is not given due attention. Yet there are no rights without (in the absence of) the moral law. Man alone is a moral agent and moral actions are essentially guided by the moral law; if they are in conformity with it, they are morally good and the converse is also true. What do the peace-building initiatives entail? They entail a demand that the basic as well as social and civil rights of the warring parties be respected, i.e., a guarantee that they shall be respected henceforth and that justice shall always prevail. In effect, peace is a necessary consequence of justice.

Rights and Duties: Two Sides of a Coin

Clearly, the moral law is an expression of human nature; therefore, even though man is a free being, he has the obligation to do good. It is from this obligation that rights and duties ensue; morality, as Kant puts it, is mind in action. It goes without saying that human nature, which defines the human person, is the same. The human being is one. Furthermore, according to Nyasani, “duty as a concept raises the issue of necessity and excludes any hypothetical or conditional imperatives that can arise in human moral conduct.”¹⁶ Nyasani goes on to say that “...duty both in the legal and philosophical sense of the word, is an ontological spontaneous intuition that compels the human conscience to act one way or the other or to refrain from pursuing a course of action that would be injurious to the exercise and enjoyment of another’s right, whether that right is moral or legal.”¹⁷ It both promotes and “stabilizes the legal social equilibrium that is strictly maintained by the observance of the principles of legal and social justice.... Justice becomes the principal object in the performance of duty.”¹⁸ Justice is, in this sense, intertwined with duty in

such a way that acting from the motive of duty ensures justice. Needless to say, justice is *a sine qua non* for a harmonious and peaceful co-existence in Africa.

Rationality, which is an essential feature of a human being, entails both the capacity to know and do the good. A human person, therefore, has the potential to know and do good. By virtue of his rational nature, a human being has the desire, enshrined in his nature, to know. A human being also naturally desires to be happy. In essence, happiness is the highest good of man, the reason for his existence. It is also abundantly evident that happiness as the highest good of man is only attained through virtuous activity. Yet human acts, which are the means through which man reaches his greatest good have the quality of being good or evil; man does not always act of necessity in accordance to the dictates of reason. To that effect, “animals and, indeed, all things in nature except man, behave in accordance with laws of nature, not in accordance with principles.”¹⁹ They do all that they do out of instinct. To add, “everything in nature works in accordance with laws. Only a rational being has the power to act in accordance with his idea of laws – that is, in accordance with principles – and only so has he a will.”²⁰ It can be inferred from the above that the will is free in the sense that it does not follow the dictates of reason out of necessity. If it did, man would be like any other object of nature and morality would be non-existent. Instead, a human being makes a free choice of the course of action to take, and due to that fact, he takes responsibility for everything he does. He has the ability to do good or evil, meaning that he has control of what he does in spite of the fact that his nature, through reason, obligates him to do good and avoid evil, and therefore take moral responsibility for whatever he does. He is answerable to his conscience which will demand answers for doing the evil one ought not to

¹⁶ Nyasani, Legal...,25.

¹⁷ Nyasani, Legal...27.

¹⁸ Nyasani, Legal...27.

¹⁹ Kemp, 58.

²⁰ Groundwork, IV 412.

do or for failing to do the good one ought to do. Immanuel Kant observes rightly that,

...action on impulse or in accordance with desire or inclination is, like everything else that is empirically grounded, subject to the laws of physical causality, and all talk of 'ought' is therefore here irrelevant – an 'ought' can arise only when man has a choice between doing what his inclinations, if unchecked by reason, would inevitably lead him to do, and doing what reason tells him is in accordance with the moral law. Moral laws are laws of freedom, as opposed to laws of nature; and man's conduct must somehow come under the first kind of law if there is to be such a thing as morality.²¹

Thus, an "ought" strikes a balance between passion and reason. Oughtness implies the necessity of action only that is occasioned by the fact that a person makes a choice of what to do, whether good or bad. It is a guide that even if one can make a choice, their choice must be in conformity with good reason. Kant's view is that the will can be determined by pure reason itself, and if this were not to be true, morality would be impossible. "Man, as a partially or imperfectly rational being, is in a unique position; he can act in accordance with rational principles but does not invariably do so. To man alone, therefore, the notions of 'ought' and 'duty' apply, and only men can be affected by what Kant calls 'imperatives.'"²² In addition, conscience is the court of last appeal in moral judgments, decisions and their implementation. It commands one to act in accordance with what reason shows to be good at that very moment one wants to act.

The rational nature not only defines man but also assigns him rights and dictates that one respects these rights and performs their corresponding duties without any conditions whatsoever. Effectively, while one expects others to respect and grant their rights, one also has the consciousness that one has duties toward them; one is equally obliged to create

a conducive environment for the enjoyment of others' rights as well: "perfectly rational beings, if there are any, invariably determine their wills according to objective laws; that is, invariably will in accordance with rational moral principles."²³

CONCLUSION

It is this realization that rights go hand in hand with duties that, for us, is the foundation of a just, peaceful and prosperous Africa; and in this sense, we can safely argue that all peace-building initiatives must take cognizance of the fact that an individual's peace is dependent on whether their basic rights are guaranteed and protected or not and, that the peace of society is wholly dependent on whether the individuals of that society are at peace. It cannot be true, therefore, that the peace of the society comes prior to personal peace as Aristotle argues. On the contrary, peace of the individual is a *conditio sine qua non* for a peaceful society, in this case, Africa. Hence, any and all peace-building initiatives must be detached from any selfish interests and be established on the firm foundation of the moral order. This must be taken very seriously as a long-term mitigation for lasting and sustainable peace in Africa.

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²¹ John Kemp, *The Philosophy of Kant* (New York: Oxford University Press, 1968), 57.

²² Kemp, 58.

²³ Kemp, 58.

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