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**A CRITICAL ANALYSIS OF THE CAUSES OF CHILD MARRIAGE IN SOUTH
SUDAN IN THE LIGHT OF KANT'S MORAL PRINCIPLES**

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**A LONG ESSAY WRITTEN IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE AWARD OF THE BACCALAUREATE DEGREE IN PHILOSOPHY**

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DECLARATION

I certify that this long essay is my original work which I attained and accomplished through my tireless hardworking research from the libraries, internet sources, and critical reflection. This paper has not been presented in any other university, college or institution and it is to be submitted in partial fulfillment for the requirement of baccalaureate in Philosophy.

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DEDICATION

I dedicate this long essay to all my family members and in a special way, I profoundly dedicate this work to our Late mother Rose Hilaya Paterno for her love and care for us. May her soul rest in peace Amen.

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Always and for everything give thanks to God the father in the name of our Lord Jesus Christ (cf. Eph 5:20). First and foremost, I would like to thank the Lord God Almighty for the good health to complete this long essay.

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ABBREVIATIONS AND ACRONYMS

AIDS:	Acquired Immune Deficiency Syndrome
CI:	Categorical Imperative
CPA:	Comprehensive Peace Agreement
GBV:	Gender Based Violence
GESS:	Girls' Education in South Sudan
HIV:	Human Immunodeficiency Virus
NGOs:	Non-Governmental Organizations
PLE:	Primary Leaving Examination
STDs:	Sexually Transmitted Diseases
STIs:	Sexually Transmitted Infections
UNICEF:	United Nations International Children's Emergency Fund
YCS:	Young Christian Students

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OPERATIONAL DEFINITION OF TERMS

AUTONOMY: The capability of moral agents to act self-governing in moral matters.

CATEGORICAL IMPERATIVE: It is a rule of behavior which is absolute for all agents.

ETHICS: Moral values which govern people's behavior.

GENDER BASED VIOLENCE: Harmful acts directed to an individual or individuals based on their gender.

GENDER DISCRIMINATION: Treating people unequally because of their gender.

GENDER EQUALITY: It is giving people of all genders the same rights.

GENDER EQUITY: It means being fair to both men and women.

LANDLOCKED COUNTRY: A country that does not have territory connected to an ocean.

LIBIDOS: A person's desire for sexual activity.

MORALITY: Values which sustain that an action is either good or bad, right or wrong.

ABSTRACT

Child marriage is still a major problem in South Sudan hence, this paper studies the causes of child marriage in South Sudan and its impact to women and children in the light of Kant's moral principles. It tries to explicate the certainty of Kant's moral principles in taking responsibilities concerning morality i.e., taking choices not only based on superstition, but to make choices based on rational justification. Making choices based on rational justification will make young girls' moral agents. In South Sudan, child marriage is mostly common to young girls nevertheless there are few cases of boys being involved in child marriage. In spite of the fact that boys can sometimes be affected by child marriage, the effects are not extreme and thus in this paper, the emphasis shall be mainly on girls.

The main aim of this research is to study more about child marriage, to investigate the causes of child marriage, and how it occurs and finally to give a way forward towards ending its occurrence. The focus of this work will be put on children below 18 years entering marriage.

Child marriage is a violation of human rights which has an impact on children's wellbeing, education, equality, and freedom from abuse and exploitation. This work also emphasizes on the rights of children and the need to eradicate child marriage in the country. This work revealed that domestic violence, increased numbers of school drop outs, health problems and gender discrimination as the consequences of child marriage.

The theme that the researcher has pointed throughout this paper is that child marriage is still a major challenge to the current society of South Sudan. This paper also illustrates why child marriage is an immoral practice, an abuse of human rights, a criminal offense and a health concern that has resulted into increased violence against women and children in the country. Not only that, but it also denies girls their right to make right choices about their health and well-being and it forces them out of school with an increased risk of abuse, ill health or even death. This study further looks at the circumstances under which the practice of child marriage in South Sudan occurs besides to enhance girls state of affairs.

The methodology that will used in this research is philosophical analysis which outlines child marriage from the traditional perspective, analyzing the various causes of child marriage in South Sudan. Moreover, this paper attempts to evaluate the state of affairs, the consequences, various programmes as well as the way forward on the reduction of child marriage. From this paper, it is recognized that one cannot make a comprehensive statement underlying the causes and the factors of child marriage, but one must be conscious of certain state of affairs in the specific areas. The researcher made conclusions concerning the fundamental factors and causes of child marriage are further to be presented in this work.

1. CHAPTER ONE: GENERAL INTRODUCTION

This long essay will be based on the causes of child marriage in South Sudan and it will concentrate more on the analysis of the importance, and less-inspected topics of the causes of child marriage. This topic deserves a broader and a general analysis; evaluating the findings to fully understand the causes of child marriage, which has increased abuse of women and children in South Sudan. In addition to that, a serious discussion will be made elucidating the way forward to end child marriage in South Sudan.

The main objective of this long essay is to investigate the underlying causes prompting child marriage looking at South Sudan as a case study. The long essay will be centered on the experience the researcher had with the people who have encountered the cases of child marriage.

South Sudan is a landlocked country in East Africa; it is bordered to the east by Ethiopia, to the north by Sudan, to the west by the Central Africa Republic, to the south-west by Democratic Republic of the Congo, to the south by Uganda, and to the south-east by Kenya. It has a population of 12 million, mostly of the Nilotic peoples, and it is demographically among the youngest nations in the world, with roughly half under 18 years old. The majority of inhabitants adhere to Christianity, or various indigenous faiths.¹

South Sudan got her independence from Sudan on 9th July 2011 following the CPA which was signed in Naivasha-Kenya in 2005. Before its independence, South Sudan had experienced twenty-one (21) years of civil war with the Khartoum Government.

¹ [https://en.wikipedia.org/wiki/South_Sudan#Independence_\(2011\)](https://en.wikipedia.org/wiki/South_Sudan#Independence_(2011)) 23.11.2020 at 11:30AM.

South Sudan is incredibly diverse with 64 different ethnic groups and each of these ethnic groups has many traditional, cultural, social norms, unique lifestyle and linguistic differences. It is a country which is founded on the values of the family, community life, richness and diversity of cultures and customs. Nevertheless, these values and the family as a whole are threatened by the conflict, inter communal conflicts, insecurity, inadequate health services, domestic and gender-based violence, as well as the practice of child marriage.

South Sudan faced many problems in her history including problems such as lack of good governance, poverty, tribalism, nepotism, weak judiciary system, corruption, violation of human rights, land grabbing, economic crisis, ethnic conflicts, cattle raiding, poor infrastructure among others. The context of this study, will concentrate on the causes of child marriage as a challenge affecting the youngest African nation.

The main objectives of this paper are to comprehend the notion of child marriage from the traditional standpoint, to identify the consequences faced by women and children in regards to child marriage, and to propose ways on how to end child marriage in South Sudan. The researcher will also examine questions such as; what is child marriage, what are the main causes of child marriage, what is the significance of child marriage on women and children, and what are the health consequences of child marriage?

1.1. Background of the Study

Marriage is a union between a man and a woman who have legally accepted to marry each other. It is a foundation through which family life and social life is established and where children from childhood can learn moral values. It is an event of great communal importance in most societies,

that is it signifies the union not only of the bride and the bridegroom, but also of the two families. Marriage is very important for both an individual and the community. For the community, it unites several individuals from different families, that is when a woman is married to a particular family, she belongs to that family and as well as learning the new cultures, traditions and customs of the new family to which she is married.

From the traditional point of view, marriage is not a choice but is compulsory for all grownups. Marriage is compulsory for adult boys and girls and it is not an option in that no grownup will decide not to marry even though issues which concern sexual intercourse were understood as secret and sacred and were only discussed with those who have reached adolescent stage. In addition to that, it was regarded as a taboo to discuss matters of sexuality with those who have not reached adolescence.

Since traditionally marriage is compulsory for both adult boys and girls, it can also be an arrangement between the families of the bride and the bridegroom. This can also be related to the relationship between families and friends in that a friend may organize to give his daughter to be married by the son of his friend whereby the friends know them and are aware that he is giving his daughter to a good family. The arrangement is made in such a way that the two partners do not know each other. The partners will get to know themselves when they are already together.

A child is any person under the age of 18 years old while child marriage refers to marriage which involves a person under the age of 18. It is quite a complicated issue to sort out the problem of marriage, child marriage and the appropriate age to marry. In a traditional environment, people would give different answers than those in the city. For instance, in a Nuer village a girl of 17 years old is not seen as an under-age person and hence is considered a matured person who is ready

to be married. From this perspective, it is very important to consider and evaluate the concept of the maturity of a person.

In the past, people were more matured at an early age due to the rich set of values of the traditional and cultural environment and solidarity in the tribe. Nowadays youth mature later in life. When can we consider a person mature enough to be married? Child marriage is certainly bad when it is too early. But it is difficult to determine what age to marry, especially from the traditional point of view? Based on this research work and some intellectual evidences, child marriage is an immoral practice and a criminal offense that has resulted into increased violence against women and children not only in South Sudan, but it is a problem which affects every nation and continent in the world.

Child marriage conciliates the dignity of girls since they are continuously coerced into marriages at a very early age when they are not yet matured or are not given the choice to agree marriage. In addition to that, a major problem to be overcome is the age gap between the bridegroom and the bride. Besides being an underage girl, she is also getting married to a man who is double her age. These facts aggravate her position at home, weaken her and make her more easily to be victim of gender-based violence consequently, child marriage interrupts with the rights of children and has lifelong consequences as it limits education and future dreams of both boys and girls. In addition to that, child marriage is not only a violation of human rights, but it is also a hindrance to the education of girls.

In South Sudan, child marriage has become a complex problem as it results from social and cultural dimensions involving widespread gender inequality leading to GBV. Therefore, this topic needs more research in order to come up with concrete ideas that discuss the problems of child marriage, and how this phenomenon can be prevented. In view of that, it needs a collective effort of both the government and NGOs in order to address the challenges and impact of child marriage to children, and how these challenges should be controlled.

Moreover, child marriage in South Sudan still continues to increase sharply, often violated by the family members and girls continue to suffer its consequences. In a bid to remedy the situation, the government should come up with resolutions outlining the need to end and eradicate child marriage. The resolutions should encourage the states to do everything possible to prevent child marriage and support girls' education.

1.2. Statement of the Problem

Although the Transitional Constitution of South Sudan (article 15) gives right to found a family; “Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry,” the challenge is that the law is not put into practice and the government gives less attention to it, as cases are still replicating among the children who involve themselves into child marriage. For that reason, the government should enact strong laws that will protect children against child marriage in the country, and implement those laws as well.

There should also be a collective effort by the government and the NGOs in order to address the challenges and the impact caused by this child marriage to children, and how these challenges should be eradicated. In addition to that, the government should also give free education to support children in order to encourage them to love school, especially in the cases of the villages where there are no schools. Not only that, but also these challenges and impact have to be addressed to parents particularly in the rural areas, through the help of local chiefs and which measures should be employed to end child marriage. Moreover, parents need to understand the importance of education to their children, rather than how they perceive it as a waste of time or money.

1.3. Research Objectives

- 1) To identify the causes of child marriage in South Sudan
- 2) To elucidate the effects of child marriage on women and children in South Sudan.
- 3) To determine how cultural practices in South Sudan influence child marriage.

1.4. Research Questions

- 1) What are the causes of child marriage in South Sudan?
- 2) What are the effects of child marriage on women and children?
- 3) How the cultural practices in South Sudan influence child marriage?

1.5. Research Hypothesis

- Child marriage is an immoral practice, a violation of human rights, a criminal offense and a health concern that has resulted into increased violence against women and children in South Sudan.
- Secondly, it dehumanizes the dignity of young girls and denies their rights to make right choices about their health and well-being; it forces them out of school with an increased risk of abuse, ill health or even death.
- Lastly, in the academic research in South Sudan, not much has been written about the causes of child marriage.

1.6. Scope and limitation

This research work will be based on the philosophical understanding of child marriage and further be grounded in the light of Kant's moral principles and the influence of other moral philosophers. It also considers other philosophical works that have an attitude on the issues of human rights. It will try to elucidate the certainty of Kant's moral principles in taking responsibilities concerning morality that is, for the children most especially young girls who are mostly affected to make choices not based on misconception, but to make choices based on rational justification in order to be moral agents.

The researcher will be using sources and materials from the library; books, news and the internet. This paper has discussed child marriage based on improving the standard of living of women and children in South Sudan. The researcher too will be very considerable and evaluate various sources in order to maintain a reliable comprehensible position and keep it impartial.

1.7. Justification of the study

Despite that child marriage is still a controversial issue among most of the communities in South Sudan, there is still need for more research in order to combat as well as avoid its occurrence. The researcher sees that there is still need to discuss and write about the causes of child marriage in South Sudan, since there is no improvement in the cases of child marriage and the reduction is still a gradual process which designates that ways to end child marriage are so far disappointing. Even though there are many campaigns done on that, child marriage affects most of young girls in the country and their capacities are not yet put into consideration.

Secondly, not much study has been done in South Sudan about child marriage. As a young South Sudanese, the researcher finds it important to further explore the issue of child marriage in South Sudan and create awareness to develop the standard of living of girls who are the most affected.

Due to high illiteracy rate in South Sudan, most parents are ignorant of the effects of child marriage to their children. Therefore, this paper includes ways to end the practice in the country. The researcher would like to understand better under which circumstances child marriage happens and how to make the lives of girls better. In addition to that, this paper will be based on the moral principles of Immanuel Kant as it sheds light on the morality of actions concerning child marriage. Finally, this paper will be beneficial to law makers, social workers, politicians, women and children's rights activists to evaluate the causes of child marriage.

Immanuel Kant, one of the most prominent moral philosophers holds that morality is not only objective and universal, but also absolute. According to Kant, all moral principles apply to all moral agents by the virtue of rationality directing us to show that emotions, desires or other motivations must not be the conditions for our moral actions.

1.8. Literature review

This research will be based on the moral principles of Immanuel Kant, according to whom all moral laws could be derived from reason and that all immoral behaviors are irrational in which we would all agree that, child marriage is an immoral behavior since it violates the rights of girls. It is an immoral evil because it is against human rights.

Kant made moral philosophy a comprehensive branch of philosophy and the purpose of his moral principles is to defend moral principles against the individualistic outlooks of the sophisticated world, the greediness of the modern time and from irrational philosophical attitudes.

There are several researchers, as well as other international agencies who have been establishing programs and writing essays about child marriage in an effort to address the practice, as well as to stop it. Nevertheless, the occurrence of child marriage still continues a predominant issue because of the complexity of the topic.

Girls Not Brides is a global network of more than 1,600 civil society organisations from over 100 countries committed to ending child marriage and ensuring girls can reach their full potential.²

“Child marriage happens because adults believe they have the right to impose upon a child. This denies children, particularly girls, their dignity and the opportunity to make choices that are central to their lives, such as when and whom to marry or when to have children. Choices define us and allow us to realize our potential. Child marriage robs girls of this chance”.³

Odera Oruka, one of the most prominent African philosophers in his ethics, explained about the fundamental universal human rights superseding the notion of the right to a human minimum.

The right to a human minimum refers to the minimum that a human being requires in order to exist, to live, and to function as a human being. It therefore refers to the meeting of the basic needs without which a human being cannot live as a human being with dignity and function as a human

² <https://www.girlsnotbrides.org/about-us/> 22.11.2022 at 12:00PM.

³ <https://www.girlsnotbrides.org/articles/early-marriage-robs-children-of-their-opportunities/> 22.11.2022 at 12:00PM.

person. Being a person entails being a moral agent. As a moral agent, a human being has the capacity to reflect and make choices for which he or she is morally responsible.⁴

Here, Odera Oruka tries to show us that as moral agents, human beings have rights and duties in recognizing as well as respecting the rights of others. In relation to child marriage, the rights of children have to be respected and recognized and they should be given the freedom of who and when to marry? Respecting and recognizing the rights and duties of young adolescents on marriage will enable them to live with dignity and identify themselves as moral agents.

1.9. Theoretical framework

This long essay will be grounded on Kantian deontology on the rightness of an action. Deontology comes from the Greek word “Deon” which means duty, and “logia” meaning study. Therefore, deontology is the study of duty in moral matters. Duty is a moral obligation which has to be fulfilled according to the moral law. From Kant’s point of view, we would all agree that a right decision ought to be based on moral principles and this is what makes a decision rationally justifiable.

Another considerable deontological theory that expounds how we can make right decisions concerning our actions is the principle of autonomy. At the center of Kant’s ethical theory is the claim that normal adults are capable of being fully self-governing in moral matters. In Kant’s terminology, we are “autonomous.”⁵

⁴ Reginald M. J. et al, *Odera Oruka in the Twenty-first century*. USA, 2018, pg. 265.

⁵ Immanuel Kant, *the Cambridge companion to Kant*, Paul Guyer Ed (Cambridge university press 1992), pg. 309.

From the above-mentioned understandings, we would all agree that child marriage as an act contrast with the moral principles of Kant since in Kant's moral principles, morality must be based on the categorical imperative because morality is such that you are commanded by it, and is such that you cannot opt out of it or claim that it does not apply to you.⁶

1.10. The methodology of study

This long essay will be based on philosophical analysis; the analysis of concept which outlines child marriage from the traditional standpoint, analyzing the various causes of child marriage in South Sudan, asking many concrete questions like, what are the causes, effects and health problems of child marriage and analyzing them.

1.11. Conclusion

Briefly, this chapter has shed light on child marriage since the issue is still becoming common in most of the communities in South Sudan. There is a need for more research to identify ways to solve the issue. Moreover, there are concerns to be resolved and further investigated for future study when delving deeper into the challenges of this practice. There are explanations regarding the occurrence of child marriage nevertheless, most of them take a broader view and are contradictory.

By studying the factors and effects of child marriage, we will be able to make clear the aspect of child marriage. Subsequently, this will be done through using the researcher's perspective on child marriage. Consequently, this thesis seeks to enhance future research and to the argument of child marriage by offering an alternative understanding on the problem of child marriage.

⁶ Kant, Immanuel *Grounding for the Metaphysics of Morals*. Translated by Ellington, James W. (3rd ed.). Hackett pg. 30.

What is important in this chapter then, is the legal and rights implications of choices that young girls and boys should make. It is significant to emphasize that fixing a maximum age for marriage would be a double-edged method to prevent and end child marriage. Nonetheless, it will protect the rights of young girls who are most affected by child marriage.

2. CHAPTER TWO: THE MORAL PRINCIPLES OF IMMANUEL KANT

2.1. Introduction

This chapter tackles the moral principles of Immanuel Kant and why it necessitates us to be rational agents. We shall see how and why we must use rationality in order to behave morally, and be moral agents. Reason gives us the ability to make the right decisions at all times. As we shall also see in the next chapter that rationality should be always at the center of our lives in making decisions. This is because reason enables human beings to determine and make right decisions to live morally good. This will enable us to act rightly or do what we morally ought to do as human beings with rationality.

In addition to that, we shall understand why Kant's argument on the notion that respecting moral principles necessitates acting in accordance with obligations which are explicitly identified by human reason. According to Kant, it is our reason which should allow us to decide what has to be accomplished and acted in accordance with the principles which are applicable universally to everyone.

The universality of this moral principle will instigate us to do what we would like others to do for us in conformity with the golden rule which states "do to others what you would like them to do to you the same". In Kant's deontology together with the above-mentioned consistency, we shall see how we should approach and understand why child marriage is an immoral act and that children must not be used as a means to an end, but to use them as ends in themselves.

Dealing with morality was a greater interest of Kant and he considered that the certainty for the knowledge of the moral life of man is guarded by human reason. According to Kant, this human

reason is universal; it is the same to everyone and the principles attained by reason could be equally related to everyone. Not only that, but also the human reason is autonomous in that it allows individuals to freely choose the moral law they would follow.

According to Kant, morality applies to all rational agents therefore, its basis cannot be pleasure, emotion or desire. Kant also arrived at the conclusion that only reason can command the rules of morality. Immanuel Kant claimed to have discovered moral law that applies to everyone and he presented several formulations of this law, the first of which was "act by that maxim which you can at the same time will as a universal law." He called this law the categorical imperative.

2.2. The deontological theory of Immanuel Kant

The term deontology is derived from the Greek word “Deon” meaning duty and “Logia” which means study. Therefore, deontology is the study of duty in moral matters which is concerned with identifying the reasons for one is said to be obliged to the moral rules, and it seeks the conditions for what makes a person responsible for the things that he or she ought to do. Duty is a moral obligation which has to be fulfilled according to the moral law. Accordingly, saying that a person is morally obliged implies that he or she has to fulfill it unconditionally.

In ethics, the concept “duty” refers to that which makes us responsible for those things that we are morally expected to do or not to do; not because that we like it or not, rather it is a conscious deliberation to follow the commandments of a moral law. If the law says “do it”, one has a duty to do it, if the moral law says “do not do it”, one has a duty to refrain from doing it. ⁷

⁷ Walelign Emiru, *Moral Philosophy in Theory and Practice*, Kotebe College of Teacher Education Department of P.E.C. 2012- Addis Ababa pg. 173.

The foundation for Kant's deontological theory is reason. He calls it pure practical reason. It is from this position that he notes human beings are rational beings; individuals have the ability to reason and arrive at the right way to act by themselves without appeal to any outside authority. Besides that, Kant goes on to say that human beings can figure out for themselves what it is that they must do and that they must not do. The authority which is obligatory to rationalize morality is an individual's moral autonomy.

When we enter into a certain course of action without being forced or obliged by the sense of duty is an act done from one's inclination. An act done "from inclination" is the one that is done in one's own free choice, from one's liking or disliking, from the person's own taste. But if a person is under obligation or if a person is demanded or expected to act in a certain way, it would be an act done from duty. We have the obligation to act according to the moral laws, we have the obligation to be faithful, to fulfill our promises, to respect the life and property of others, to work for the common good of the people, to protect our family, to repay our debts, etc. Respecting and fulfilling these obligations is our duty.⁸

Deontological theory considers duty as a standard of moral judgment. In Kant's deontological theories, an act is justified by showing that it is right, not by showing that it has good consequences. This notion of right involved in deontological theories is not imposed or determined by any chief or king or divine being. Rather, obligations one feels are self-imposed. Hence, a person has a duty not to kill, not to tell a lie and as well as the duty to keep promises.

A human action is morally good, not because it is done from immediate inclination still less because it is done from self-interest but because it is done for the sake of duty. This is Kant's first

⁸ Ibid pg. 180.

proposition about duty, though he does not state it in this general form.⁹ Therefore, although an action is done out of duty, it is not morally good if it is done simply for self-interest.

Kant's second proposition is this: "An action done from duty has its moral worth, not from the results it attains or seeks to attain, but from a formal principle or maxim the principle of doing one's duty whatever that may be."¹⁰ Maxim is a value through which we perform our actions. It is a morally subjective principle which guides our behaviors, and can either be good or bad.

Contrary to Kant's deontological theory is the utilitarian theory which states that moral goodness and badness is determined completely whether the act is right or wrong and not about the goodness and badness of the character, motive or thought of a person. In summary then, the utilitarian theory emphasizes the morality of an action on its results.

Consequently, deontological ethics believes that acting in conformity with moral rules is obligatory that a person who should do it has to do it regardless of considering its consequences. This places on us a duty in order to act according to the moral law as well as to fulfill our duties hence, a person is said to be a good person as long as he or she fulfills his or her moral duty. Furthermore, deontological ethics deliberates duty as a standard of moral judgment and the principle of its theoretical claims.

⁹ Kant, Immanuel. *The Moral Law*. Translated by H. J. Paton 1948. pg. 10.

¹⁰ Ibid, pg. 12.

2.3. The Categorical Imperative

Firstly, an imperative is a command. Imperatives are expressed with the word “I ought” which means that I accept an objective principle which is applicable for all rational agents as such. Kant distinguishes two types of imperatives; the hypothetical imperative and the categorical imperative.

Hypothetical imperatives are imperatives which command conditionally on you having a relevant desire which implies that if I resolve to do this end, I ought to do such and such or this and that. “If you want to be a doctor, go to a medical school.” If you don’t want to go to medical school, this command doesn’t apply to you. Another example is that ‘if you want to be a priest, then join the seminary.!’ If one does not want to become a priest, then he is free to ignore the command.

The second type of imperative is the categorical imperative. This principle necessitates the will unconditionally. The categorical imperative is grounded on pure reason and it commands all the rational beings equally without any exception because it is an independent moral law. Therefore, unconditional commands are given by the categorical imperative commands. For example, “Don’t cheat on your taxes.” Due to the fact that morality is such that we are obliged by it and must adhere to it and cannot reject it or claim that it does not apply to us, you may not even cheat on your taxes even though you wish to and it would enhance your interests to do so. Therefore, morality then must be based on the CI.

The three formulations of the categorical imperative include the following;

“Act only on the maxim through which you can at the same time that it should be a universal law.”

“Act so that you treat humanity in your person or in that of another, always as an end and never as a means only.”

“Treat other people with the same respect and dignity that you expect to be treated with.”

The kind of imperative that fits Kant's scheme as a product of reason is one that universalizes moral principles of conduct. He names it the categorical imperative (CI): “Act only according to that maxim by which you can at the same time will that it would become a universal law.” The categorical, for Kant, is a procedure for determining the morality of any course of action. All specific moral duties, he writes, “can be derived from this single imperative.”¹¹

The general form of the CI is that I must do an action without giving any condition. The CI is unconditioned and absolute. Hence, the actions that the CI commands are morally good and they are not only good as means to other ends. Kant's categorical imperative which is a universal principle tells us that we should not lie, steal or cheat on others etc.

According to Kant, the formulation of the universal moral law designates that the maxim of our actions should become universal. Kant also argues that a person is moral not so much as he acts out of his emotions or desires, but rather as he acts in accordance with a universal value which is appropriate for himself, and for everyone.

The categorical imperative as a moral law commands that an action has moral value if it is good in itself and can be universalized. This moral law rests purely on duty, and it is made possible by practical reason hence, it is a law that operates independent of all kinds of desires and inclinations.

Kant identifies the categorical imperative as the supreme principle of morality and further claims that any action that is represented by the CI is in itself good. This supreme principle of morality states; “Act only in accordance with that maxim through which you can at the same time will that

¹¹ Louis P. Pojman and Fieser James, *Ethics Discovering Right and Wrong*, Eighth Edition. 2017. USA pg. 119.

it become a universal law”.¹² Therefore, according to Kant, a rational creature only acts out of obligation to the universal moral rule hence, an action only has moral value if it is performed in regard to this law. Furthermore, a human act has a moral value if it is acted in conformity with the commands of the CI.

The basis for the categorical imperative is the person. A person is never to be treated as a mere means to an end, but has to be regarded as an end in himself. Act in a way that will help the maxim from which you act becomes a universal law since it is what the moral law mandates with a categorical imperative. In this, Kant emphasizes that moral obligations are categorical, meaning that they apply to all people as people and not just to specific individuals. In this sense, it is universal.

2.4. The Principle of Autonomy

The word autonomy refers to the power and the act of self-determination. In other words, autonomy refers to the independence that one has from the decision and will of others. The word “will”, as it has been discussed before, is the capacity to choose, to control and determine our actions. Autonomy of the will for Kant means the will of human reason to direct itself without being affected by external factors as well as without being influenced by the desire of wealth, honor, pleasure, etc.¹³

Kant’s autonomy of the will makes all persons morally self-governing agents therefore, we do not need any authority to perform our actions. He believed that individuals have awareness of a good

¹² Immanuel Kant, *Groundwork for the Metaphysics of Morals*, edited and translated by Allen W. Wood. (New Haven: Yale University press, 2002) pg. 35.

¹³ Walelign Emiru, *Moral Philosophy in Theory and Practice*, Kotebe College of Teacher Education Department of P.E.C. 2012- Addis Ababa pg.184.

will, duty, respect for the moral law, fulfillment of obligations and freely act with such motives. According to Kant, without the autonomy and freedom of individuals there is no morality.

The opposite of autonomy is heteronomy: The heteronomous person is one whose actions are motivated by the authority of others, whether it is religion, the state, his or her parents, or a peer group.¹⁴ In this sense, a heteronomous person acts because he or she is influenced by desires, inclinations or even from the approval of others in that the person obeys the law because the culture or tradition commanded him to do so.

However, to Kant if a person obeys the law because his or her culture commanded him to do so, then such a person is not worthy of being a moral person since he or she was not free or autonomous in obeying the law but was forced by his or her culture to obey the law. This also we will see in the next chapter how the cultural practices in South Sudan influence the occurrence of child marriage.

At the center of Kant's ethical theory is the claim that normal adults are capable of being fully self-governing in moral matters. In Kant's terminology, we are "autonomous." Autonomy involves two components. The first is that no authority external to ourselves is needed to constitute or inform us of the demands of morality. We can each know without being told what we ought to do because moral requirements are requirements, we impose on ourselves. The second is that in self-government we can effectively control ourselves. The obligations we impose upon ourselves override all other calls for action, and frequently run counter to our desires.¹⁵

¹⁴ Louis P. Pojman and James Fieser, *Ethics Discovering Right and Wrong*, Eighth Edition. 2017. USA pg. 128.

¹⁵ Immanuel Kant, *The Cambridge companion to Kant*, Paul Guyer Ed (Cambridge university press 1992), pg. 309.

According to Kant, we have a necessary motivation to behave in the way we have to. Hence, we do not need an outside source of inspiration to regulate our behaviors. Nevertheless, in determining our actions freely, this does not mean that I do whatever I feel like to do, but I have to be guided by the CI which governs what our moral obligations are.

On the other hand, members of the special class cannot be excluded from this freedom. Therefore, the construction of the social order must represent and acknowledge the moral competence of the participants. We must think and decide for ourselves. The principle of autonomy is essential for our moral judgments since people are the authors of the moral law thus, doing what is right is not an act of submissive servitude but an act of dignified autonomy.

2.5. The Principle of Ends

Again, the principle of ends is this: “So act as to treat humanity, whether in your own person or in that of any other, in every case as an end and never as merely a means.” Each person as a rational being has a dignity and profound worth, which entails that he or she must never be exploited or manipulated or merely used as a means to our idea of what is for the general good (or to any other end).¹⁶

The principle of ends can be understood in two aspects in that;

We should treat human beings as ends in themselves.

Secondly, we should not treat human beings merely as means to ends or interests.

¹⁶ Louis P. Pojman and James Fieser, *Ethics Discovering Right and Wrong*, Eighth Edition. 2017. USA pg.126.

Here, Kant tries to show us that human beings have dignity and must not be treated, exploited or used as a means to an end; for personal interest or any other means. However, human beings have to be treated as an end in themselves as the principle of ends states that all rational beings have dignity by virtue of their rationality. Rational beings have an indispensable value which puts them above all simply temporarily valuable things in the world. They are what Kant refers to as ends in themselves.

The notion of treating rational beings as ends in themselves makes them as free rational agents and be able to make decisions for themselves. In addition to that, it makes them ends in themselves which brings the idea of equality in treating human beings. Therefore, since human beings are ends in themselves, this makes individuals as dignified beings which deserve respect from others. The implication of this view is that we have to give others the opportunity to decide for themselves in moral matters. This is what it means by treating and respecting human beings as an end in themselves; to respect people's capacity to freely and knowingly choose for themselves.

The second aspect of this principle which we have mentioned above; "Stop treating others as means". To use others as a means involves using them as an instrument for the interests and desires of others. This is not only wrong in itself, but also the manifestation of all immoral acts. A moral person should treat others with dignity believing that individuals are free rational agents that can make decisions for themselves. Hence, to use rational beings only as a means to an end denies individuals as free rational agents.

Furthermore, denying their freedom and autonomy leads to using them as merely a means to an end. People can be used or treated as a means to an end in many ways; human exploitation, human trafficking, slavery, prostitution, by denying people to make choices and decisions on moral

matters, taking the properties of others without their consent etc. In view of that, in the next chapter we shall see how child marriage as an act is being used to treat young girls as simply means to ends but not as means of ends in themselves.

2.6. Kant on Moral Worth

According to Kant, an act done with a feeling of duty has moral value, while an act done without being obliged by rules, promises and responsibilities are free acts, which are done only in line of the person's inclination and have no moral value. The reason is that, such acts could not be judged as good or bad; they are acts of the person's interest, something like reading a book. A mere reading of a book to satisfy one's interest has no moral value, but if a person promised someone to read the book and to produce an article from it has a moral value.¹⁷

Therefore, as we fall into obligations or duties our acts will have a moral worth if not, it has no moral worth. In other words, a man is said to be acting morally good only when he does those things from his or her responsibilities, and not from his or her inclinations.

To Kant, people's moral worth is defined by their reasons for doing particular actions, rather than by the quality of the outcomes of their actions. To him, people can only be morally valuable unless they are morally obliged. Alternatively, if the actions of people are controlled by their emotions and desires, they cannot have moral value. Moral worth comes only when we act out of duty because we know that it is our responsibility regardless of whether we like it or not.

¹⁷ Walelign Emiru, *Moral Philosophy in Theory and Practice*, Kotebe College of Teacher Education Department of P.E.C. 2012- Addis Ababa pg. 180.

Kant defined a good person as someone who always fulfills his or her obligations because it is their obligations. It is good if they love doing it, but they must be capable of performing the task without enjoyment. Here, the general theme is that a good person is one who acts morally upright. Therefore, we can conclude that an individual is morally good if his or her actions are performed out of reverence for the moral law.

According to Kant, “only acts done from duty have moral worth. Even acts done in the line of duty but not from the motive of duty have no moral value. They lack the form of morality, that which precisely gives them their moral quality, and this can be nothing else but respect for the law, which is what he means by duty. Thus, an act is not good because of the end to which it leads, but solely because of the motive of duty from which it is performed”.¹⁸

2.7. Conclusion

In summary, this chapter presented to us that the groundwork of morality in Kant’s philosophy is the categorical imperative which commands rational beings to be self-governing in moral matters. As a result, rational beings adhere to the laws that they establish for themselves without being influenced by external factors such as emotions, desires, and feelings. Kant’s categorical imperative serves as a guide to the right course of an action and ought to be taken whenever moral deliberations are being made.

¹⁸ Gonsalves Milton A., *Fagothey’s Right and reason Ethics in theory and practice*. Eighth edition.1985 USA. Pg.152.

3. CHAPTER THREE: CAUSES AND EFFECTS OF CHILD MARRIAGE

3.1. Introduction:

In this chapter, we shall see the causes and effects of child marriage which hinders the rights of young girls and put their lives and future at risk. This chapter will also explain Kant's defense that human beings have value and dignity which has to be respected. This is because the value of human dignity is a unique possession that all rational beings own. Therefore, all human beings must respect one other.

Moreover, we shall see in the arguments that marriage must only be entered with the permission and full agreement of those who are to get married. Nevertheless, part of intimidation is stereotypically complex in child marriages in most of the cultures and traditions of South Sudan so much so that parents, guardians, and family members coerce children into child marriage. This part of intimidation involved in child marriage makes it difficult to follow Kant's principle of autonomy since children are not free in making decisions about who and when to marry.

3.2. Causes of Child Marriage

In South Sudan, several factors contribute to the causes of child marriage. Firstly, it is a deeply rooted traditional practice. It is significant to understand that poverty is the main cause of child marriage moreover, younger wives are considered to be more obedient.

In South Sudan, Child marriage has caused more harm than good. The following are the main causes of child marriage in South Sudan; cultural and traditional practices, poverty, high bride price, lack of a strong law to protect children against child marriage, limited access to education, lack of parental guidance and peer pressure.

3.2.1. Cultural and traditional practices

Child marriage is common in most of the cultures and traditions of South Sudan. Traditionally, these practices have been administered by the customs and traditions of specific tribes. These customs and traditions continue to influence social interactions through inter-marriages and gender relations among ethnic groups in the country. Traditionally, girls are considered to be prepared for marriage when they reach their adolescence and the onset of their menstruation means they are ready for marriage.

Customarily, the parents are the ones to choose who to marry their daughters and, in this case, girls have no choice at all to refuse but they are to accept the marriage and if they do so, they will be severely beaten or even killed. Even though child marriage has increased violence against women and children, traditionally it is seen as a way of protecting girls from irresponsible sexual behaviors most specially to preserve the virginity of girls so as to avoid early and unwanted pregnancies outside marriage. Therefore, children must be born within the family. Furthermore, parents send their girls for early marriage because they believe that girls have a long fertility period.

3.2.2. Poverty

Poverty makes parents and guardians marry their daughters and they view the practice as a chance for financial gain because they will receive bride price prompting their daughters to get married at an early age in order to improve the financial status of the family. In situations where there are inadequate financial incomes, child marriage provides the family with money or whatever has been paid to the family.

In South Sudan, parents consider their girls as an economic burden and their marriage is a way of ensuring the families' survival as it provides the family with the bride price. In addition to that, parents hope that by giving their girls for marriage, it reduces the families' financial burden.

Father marries teenage daughter to rich man for house¹⁹.

Due to the war, unemployment, polygamous marriage where by parents have many children, and the economic crisis in South Sudan, some parents cannot afford to send their children to school, and also provide for their basic needs. These also forced young girls to go and be forced for marriage at a younger age. In addition to that, child marriage happens especially in the cities and towns when parents or guardians cannot be able to afford to pay the school tuition for girls.

3.2.3. High bride price

Bride price can be money, wealth or even property paid by the bride to the family of the bridegroom. In the past, bride price in most of the ethnic groups in South Sudan is as an appreciation to the family of the bride for the upbringing of their daughter while as now, parents see their daughters as a source of wealth and hence, parents let their daughters to be married at a younger age in order to get the wealth.

The payment of high bride price is a significant effect for the occurrence of child marriage in South Sudan, whereby girls are seen as a source of wealth to the family through the bride price. On the other hand, the bride price differs from one ethnic group to another.

Nevertheless, the bride price also when paid in a large quantity not to the expected one, leads to violence whereby the family of the bridegroom will be mistreating the bride due to the large

¹⁹ <https://eyeradio.org/father-marries-teenage-daughter-to-rich-man-for-house/> 5:00PM 10.1. 2022.

amount of money or cows given and they will see the wife as a property of the husband and sometimes she has to over work, as well as experience physical and mental violence.

Allowing young girls for child marriage for the purpose of fetching the bride price makes them like commodities and objects to be used as means to an end. This violates the indispensable value of young girls which has to be honored and respected. Therefore, child marriage needs rational deliberation.

3.2.4. Lack of a strong law to protect children against child marriage

Although the transitional constitution of South Sudan (article 17)²⁰ emphasizes on the rights of children, there is no clear mechanism for implementing this law as communities still depend on traditions and social customs which regulate girls' willingness to get married. Traditionally, girls are accepted for marriage as soon as they have reached their adolescence and the first sign of their menstruation period is a sign that they are ready for marriage. The failure of enforcing these laws into practice leads to child marriage.

3.2.5. Lack of parental guidance

Initially in South Sudan, parents were so much concerned about their children's welfare and were so much concentrated in protecting and preventing their children from harm, all forms of irresponsible sexual behaviors and any practice which will harm their children's future. In this modern time, parents spend most of their time at work to support their families to the point that

²⁰ The Transitional Constitution of the Republic of South Sudan, 2011, Art 17, pg. 5.

neither the father nor the mother have time to take care and look after their children. They believe that they can only support their children monetarily of which this will not help.

In addition to that, parents believe that teaching their children about sex education at adolescence is inappropriate. Thus, they entrust the teaching of morals and sex education to the teachers in the schools which is not fitting since this makes the children end up in to the hands of men who might have difficulty in regulating their libidos therefore, at the end helping these girls in return for their bodies. These girls live their lives without realizing what it actually means to give away their bodies in exchange for money due to the lack of parental direction and assistance.

3.2.6. Peer pressure

Peer pressure simply is the influence on an individual by one who is the same age he is. Peer pressure can be either be in a positive or negative way, and it is not only applied to child marriage alone. Peer pressure is helpful when adolescents are inspired by their peers towards constructive behaviors and conducts like charity. For instance, during my early years of adolescence, I was influenced by a friend to join YCS a catholic youth movement run by students. On the other hand, peer pressure can also have harmful effects when adolescents engage themselves into risky behaviors like smoking, stealing and drinking alcohol.

The early initiation of teenagers being involved in a love relationship influences them to child marriage; this is common especially in the urban areas. Engaging in pre-marital sex resulting to unwanted pregnancies and early marriages.

3.2.7. Lack of access to education

Lack of educational infrastructure and the inadequate quality of education most especially in the villages makes it still difficult to end child marriage in South Sudan. Unambiguously, the curriculum does not permit children and their parents to criticize gender-based customs in a bid to protect young girls from the negative consequences of child marriage.

Furthermore, the failure of parents to allow their children to go to school influences child marriages in the country and it is a major drive that many girls drop out of school. Even though child marriage interrupts with the education of girls, parents in South Sudan see educating their girls is a waste of resources and as well as a waste of time this is because they do not value education, but the bride price to be given them.

Some parents are afraid of sending their daughters to school because they think that school may put their daughters at high dangers of pre-marital sex and unwanted pregnancies which also decreases the chance of fetching high bride price in marriage. In addition to that, most of the girls are married at a younger age as a result of inadequate parental education levels and difficult access to schools, mainly in the villages.

Although the Transitional Constitution of South Sudan (article 29) states that; education is a right for every citizen and all levels of government shall provide access to education without discrimination as to religion, race, ethnicity, health status including HIV/AIDS, gender or disability.²¹ The law is not yet practiced especially in the rural areas where there are no schools.

²¹The Transitional Constitution of the Republic of South Sudan, 2011, Art 29 (1). Pg. 9.

3.3. Effects of Child Marriage on Women and Children

Evidently, the effects of child marriage in South Sudan have due to the conflict, traditional and cultural practices involving gender inequality, poverty, high bride price, domestic violence and the standard of living towards urban way of life. Girls married at a younger age normally experience violence, abuse and forced sexual relations due to GBV making them more likely to get STIs along with HIV. The effects of child marriage include domestic violence, lack of education, social isolation, school dropout and the denial of right to consent marriage.

3.3.1. Domestic violence

Child marriage exposes married young girls to physical, mental and even sexual abuses by their husbands. Married young girls also suffer abuse and harassment from co-wives who are older than them and other relatives. Additionally, girls who resist to engage in forced marriages suffer brutal consequences, and in worst circumstances they risk being murdered by their husbands or even by their family members.

3.3.2. Social isolation

In addition to isolation, child marriage can also cause depression. Married young girls face social issues such as discrimination, inappropriate socializing and lack of leadership skills. Furthermore, young married girls frequently stay at home rather than attending school isolating them from friends and family members. In addition to that, girls who get pregnant at a younger age may experience shame, rejection, and high chances of isolation from their parents, friends, relatives and as well as their classmates.

3.3.3. School dropout

When young girls get pregnant at an early age they automatically drop out from school. Young girls who dropped out of school do not gain knowledge and skills that can sustain their life in the future. Aside from being unable to engage in family decision making due to their inferior position, young girls also run the risks of domestic violence and GBV.

Lack of education has an impact on the rising high rates of child marriages, particularly among girls who are the most affected. Nevertheless, child marriage prevents most girls from completing school, and change their living circumstances as well as that of their family members and of the community where they live.

3.3.4. Health consequences

Married younger girls suffer more health consequences since they are not prepared either physically or psychologically to become wives. As a result, we can argue that young girls are not physically and emotionally prepared for sexual activities and giving birth intensifying the risks of maternal health problems. Child marriage can even be considered as a way of suppression because it harms the health of girls, their education, and employment prospects.

In general, child marriage has numerous physical and psychological effects. Frustration and depression are common among girls married at a young age. As a result, these circumstances can sometimes lead to suicide. In addition to that, when young people are married at an early age, early intercourse and pregnancy are generally followed by difficulties that can be deadly due to the undeveloped body.

Health issues such as girls married at a young age being helpless to experiencing high risk pregnancies. One more effect felt by females who marry at a young age is associated with mental health. Young girls often experience stress when they leave their families and are responsible for their own families.

Child marriage denies young girls the opportunity to develop health wisely. When physically matured; women have higher chances of surviving during delivery, and also can take good care of their babies. Early deliveries put the life of girls at a higher risk of dying. In addition to that, their babies might also face a high mortality rate.

The health consequences of child marriage include; obstetric fistula, miscarriage, limited access to health-related information; high risk of contracting STDs, which can lead to higher mortality rates of both the mother and the child.

Due to high levels of illiteracy and poor health facilities in South Sudan, young girls and mothers lack specific information about the dangers of STDs; how they are contracted and how they can be prevented, maternal health care, as well as making decisions about their health. Child marriage is a major driver of mental health consequences to young girls and this also affects them as they grow leading to anxiety, depression, low self- esteem; they always rely on the decision of family members and that of their husbands.

3.3.5. Denial of right to consent marriage

Even if the Transitional Constitution of South Sudan (2011) article 15 gives right to consent marriage; “No marriage shall be entered into without the free and full consent of the man and

woman intending to marry.”²² The challenge is, the law is not being put into practice since there are still numerous instances of children being coerced into early marriages without their consent. Moreover, we can all agree that even the consent of a child is not to be considered a fully free consent because he/she may lack the strength to stand up for what he/she believes, to follow his/her will as well as the maturity to stand up and speak his/her mind.

Furthermore, no one is able to inform tell them about the duties which come with marriage such as problems related to sexual matters, labor pains, parenting and other family responsibilities reason behind this is that, the children do not have the right to decide who or when to marry and that whatever their parents have agreed upon, the children should not oppose. Once a young lady shared with me her story that she did not sit for her PLE because her parents arranged her marriage without her consent. She gave birth to her first born when she was 15 years old.

3.4. Conclusion

In a nutshell, this chapter has described and discussed the causes and effects of child marriage. In this chapter, it was also revealed that lack of education, in addition to poverty, is the cause of child marriage because parents who are illiterate incline to coerce their daughters for child marriage since they do not appreciate education nor the consequences of child marriage to their children. According to this study, children with parents or guardians who are less educated or illiterate are not interested in completing their education and instead choose to drop out of school and decide to go for marriage.

²² Ibid, Art. 15. Pg. 5.

This study also looked at discrimination against girls as another cause of child marriage. According to this research, the majority of parents marry their daughters and educate their sons. Therefore, girls are considered to be a source of wealth in addition to a waste of money if they are taken to school because they will get married and join the family of their future husbands. In this context, boys are valued more than girls as girls are perceived as incomes to the family.

4. CHAPTER FOUR: THE RELEVANCE OF KANT'S MORAL PRINCIPLES IN ANALYZING THE CAUSES OF CHILD MARRIAGE IN SOUTH SUDAN

4.1. Introduction

In this chapter, we shall discuss Kant's moral principles in relevance to the causes of child marriage in South Sudan, and how it can be applied to the topic. Despite the fact that Kant did not discuss directly on the problem of child marriage, still his moral principles which we have seen in chapter two have a greater impact on how to treat others most especially in respecting and protecting the dignity of human beings.

This chapter will further explore the implications of Kant's ethics. In Kantian ethics, the fundamental value is the humanity or rational being as ends in themselves. In affirming that each individual deserves respect and dignity as rational agents, this chapter further elucidates that child marriage is an exploitation to the rights of children especially girls because it brings a lot of complications in their lives.

In addition to that, in the discussion we shall mention that girls must not be treated as only means to ends, but they must be treated as ends in themselves. Therefore, we must treat all people with respect and dignity because according to Kant, all moral actions are based on duty. Lastly, we will also look at Kant's discussion about human dignity.

4.2. The deontological theory of Kant

Having seen Kant's moral principles therefore, deontological ethics places on each one of us a responsibility that is, acting in accordance with the morality, to be faithful to ethical obligations and to develop inner disposition to honor obligations without hope of reward or fear of punishment

because for deontological ethics, there is nothing to be praised as morally good other than fulfilling one's duty. Hence, a person is said to be good as far as he or she fulfills his or her moral duties.

Based on the theory of deontology, right actions are not to be obligatory by either our cultures, traditions etc. In this notion, young girls are neither to be informed nor forced for child marriage because it has to be an obligation which comes from their own free will. Therefore, both young boys and girls have a responsibility to take concerning morality; for them to make choices based on rational justification which will make them moral agents. In addition to that, right decisions must be based on moral principles and this determines what must be done or what must not be done.

4.2.1. The Categorical Imperatives

Kant demonstrates that rational beings are able to act only on the maxims that can be universalized. Therefore, whenever a person is acting, he or she should always ask whether the maxim he or she is employing is universally and necessarily valid and can be willed by all rational beings.²³ The implication of the CI is that all rational beings must strive for the moral principles of their actions to make it a universal law.

According to Kant's moral principles, from the groundwork of the CI, all human beings are ends in themselves this implies that the practice of child marriage in South Sudan contrasts with the moral principles of Immanuel Kant. The CI brings to our attention that before acting in a certain way, we have to be aware that the actions we do to others they too can do to us in the same way.

²³ Sedgwick Sally, *Kant's Groundwork of the Metaphysics of Morals*. (Cambridge: Cambridge University Press, 2008) pg.77.

In South Sudan, child marriage is mostly related to social and economic factors which affects the society on a daily basis and most of the times, child marriage is being addressed by customary laws in most of the cultures. In order to make child marriage as a universal law, there must be a minimum age set to enter marriage most especially no marriage should be entered into before the age of 18. Besides, girls are to choose who and when to marry with free and full consent. In addition to that, measures have to be taken in order to ensure that parents and guardians who deliberately force their daughters to child marriage are properly punished.

4.2.2. The Principle of Autonomy

Autonomy is the foundation of human dignity of every rational being. This principle as we have already seen in the preceding chapter states that “Treat other people with the same respect and dignity that you expect to be treated with.” In Kant’s understanding as far as this principle is concerned, we are capable of discovering the foundation of moral law without the help of an external intervention such as God, the government, our traditions, or someone else. In Kant’s definition of autonomy, an individual must be defined as a self-governing being. In addition to that, respect for an individual shows that rational agents are ends in themselves, which is the ability to act in conformity with self-governing laws. Therefore, since individuals are rational agents, then they are lawmakers.

Having seen Kant’s principle of autonomy, when young girls and boys have the principle of autonomy, then they will not need an authority from their parents or culture in order to let them being married at a younger age because they will be self-governing and independent as well as controlling themselves in moral matters be it their libidos or sexual urges. In addition to that, this principle of autonomy will make young girls and boys to do what is good, and avoid what is evil

without any external authority. In this sense, young adolescents should be given room to decide for themselves who and when to marry.

When young boys and girls are autonomous, this will help them to make right decisions concerning their actions consequently, rational moral autonomy is considerable in making our moral actions because self-governed rational obligations can be used to explicate the moral principle. Since we are rational agents, then we are lawmakers and are competent in acting to self-made laws as well as making us independent and lawmakers of the supreme moral law.

4.2.3. The Principle of Ends

As we have explained in chapter two Kant's principle of ends which stated that "Act so that you treat humanity in your person or in that of another, always as an end and never as a means only." The end which Kant talks about is an end in the sense of our motivation or the purpose for which we act upon certain actions. Therefore, our actions must have an end but however, such actions must be grounded on the principle of the CI which commands unconditionally.

From the causes of child marriage which we mentioned above, we can say that girls taken for marriage at a younger age is using them as merely a means to an end but not an end in themselves in that parents in most cases allow their daughters for child marriage in order to get the bride price. Therefore, we can say that the paying of the bride price must not require the buying and selling of girls as thought by some parents, but instead should be thought of in the traditional way as an appreciation for the family of the bride for the upbringing of their daughter.

Thus, all rational agents have dignity and substantial value which necessitates that they must not be oppressed, manipulated or merely use them for our own selfish ends. Moreover, Kant explicates that they must be respected as beings with absolute value. Kant claims that reason is significant

because it permits us to use conscious moral principles. Therefore, to Kant all rational beings must be regarded as ends in themselves but not only a means to an end.

4.2.4. Human Dignity

According to Kant, human dignity is to be grounded in a person's freedom and ability to subordinate his desires and inclinations to a universal law of morality as a universal moral code.²⁴ Kant is against human beings being used as mere means to other ends because according to him, all rational beings ought to be ends in themselves and whoever violates this law goes against the dignity of a human person. This implies that human beings have their indispensable value which prevents them from being treated only as a means to an end, and instead allows them as ends in themselves.

In this notion, the term dignity means that special inner-worth associated with human beings by the virtue of their rationality, and therefore having the capacity to function as moral agents. Thus, it is the basis of respecting human life; it is also the basis of respect, rights, and empowerment of an individual person. Kant believed that the freedom of all rational agents must be respected so that every human person can have the prospect of making choices that are worthy of their dignity and therefore, we will all agree that child marriage is an immoral practice since it assaults young girls and denies them their rights of who and when to marry.

Humanity's quest for moral principles has dignity because it can never be compared to items which have a monetary value. In the same manner, the dignity of young girls has to be respected and hence, taking them for marriage at a younger age for the purpose of fetching the bride price is using them as a means to an end and like properties. As we have already noted earlier in chapter

²⁴ Sullivan, Roger J. *Immanuel Kant's moral theory*. Cambridge: Cambridge University press 1989, pg.2.

two that Kant argued that in order for our actions to have moral value, we must act morally and responsibly in addition to that, acting in the proper manner. Kant also stated that we must do what is right and the actions must be morally right. For him, in doing the right thing we must not only act out of obligation but also to what obligation necessitates us to do that is to say, doing what is right.

4.2.5. Kant on Moral Worth

According to Kant, if a person obeys the law because his or her culture commanded him to do so, then such a person is not worthy of being a moral person since he or she was not free or autonomous in obeying the law but was forced by his or her culture to obey the law. In this notion, the practice of child marriage is not a morally worth act because it does not make children as moral agents since they enter into marriage obeying it as their cultures and traditions commanded them to do so.

In addition to that, child marriage does not have any moral worth since it denies young girls of their rights to marry, and it is an exploitation to the rights of children especially girls because it brings a lot of complications in their lives. Therefore, in order for young girls and boys to be moral agents as far as child marriage is concerned, marriage must only be entered with the permission and full agreement of those who are to get married.

4.3. Ending Child Marriage in South Sudan

Ending child marriage will support us to disrupt the intergenerational category of poverty by letting girls to contribute in the communities. When girls are enlightened about the negative effects of child marriage, they are better equipped to nurture and take care of their children which results in

healthier families. The broad purpose of this section then will be to examine the importance of empowering girls as an approach towards bringing child marriage to an end. The following are ways forward towards ending child marriage in South Sudan.

4.3.1. Raise awareness on child marriage

It is very important to inform communities especially in rural areas about the dangers and consequences of child marriage in order that they may change their perceptions and beliefs towards child marriage. In addition to that, there must be promotion of gender equality and gender equity.

4.3.2. Establishing laws to protect children against child marriage

The government of South Sudan should enact strong laws to protect children against child marriage besides implementing those laws. Not only that, but also for children to have the opportunity for legal rights. Applying child marriage laws and penalizing offenders will make a strong sign that child marriage is prohibited and that there is no exception. In addition to that, the judiciary system of South Sudan should establish and implement a dynamic law to prevent child marriage and making sure that appropriate individuals and institutions successfully enforce it. They can also facilitate enactment and implementation of rules and regulations against child marriage.

4.3.3. Empowering girls' education

Since in South Sudan, girls are the most affected by child marriage, the government should invest in girls' education; by providing incentives to girls. For instance, GESS is a program aimed at

increasing girls' enrolment and keeping them in school. Therefore, to get rid of child marriage in South Sudan, it is indispensable to empower girls.

However, despite the fact that the education of the girl child is empowered, the education of the boy child as well needs to be empowered as still there is a greater number of boys over South Sudan who are not fully supported at school ending being in the streets of towns because there is no any other organization aimed at empowering the education of the boy child. Therefore, there has to be gender equity in this sense.

The researcher would recommend that the government of South Sudan should conduct programs in both towns and villages regarding child marriage and STIs specifically by talking about the causes and effects of child marriage as well as involving teenagers in decision making which can change the mindset of the communities to end child marriage.

One of the main methods for empowering girls is to educate them. Girls who attend school have more opportunities in life which will enable them to take an active part in their communities and end the cycle of poverty. In contrast, married girls are less expected to attend school subsequently, girls need to be sent to school in order to be able to make choices about their health and wellbeing.

4.3.4. Protection from violence and exploitation

Children must be protected from violence, exploitation, negligence and harmful practices, as well as child marriage, sexual assault, sexual slavery and forced labor.

4.4. Conclusion

Briefly then, this chapter has discussed the relevance of Kant's moral principles in analyzing the causes of child marriage in South Sudan, and has further given the significance, the findings and the ways forward to end child marriage. According to this research work, there are customs and social problems which are disapproving so much so that they expose girls to the consequences of child marriage. In addition to that, parents must take on the responsibilities of inculcating moral values as well teach their children sex education during their adolescence.

4.5. GENERAL CONCLUSION

In general, the academic study on child marriage in South Sudan still has a lot of gaps. Consequently, this work tried to examine the importance of empowering the education of girls as an approach to stop child marriage. According to the results, supporting girls' education ought to be a tool which must be used to prevent and end child marriage in order to promote and protect the rights of girls. In this sense, the rights of girls must be respected and protected.

In spite of the fact that Kant did not discuss directly on the problem of child marriage, still his moral principles which we have seen throughout this work have a greater influence on how to treat others most especially in respecting and protecting the dignity of human beings. In this notion, taking away from young girls their rights to consent marriage and forcing them for child and forced marriages is wrong and it is against Kant's moral principles which were clarified in this work.

We have seen in the arguments that Kant's moral principle is universal and it applies to all human beings by the virtue of their rationality. Therefore, it is this rationality which commands them to do what is right which brings to our attention that all immoral actions are irrational. And because of this, we can conclude that child marriage is an immoral action because it oppresses young girls and most of all, it uses them as merely a means to an end. Not only that, child marriage also has resulted into many negative complications to the health of girls and violates their dignity.

Girls must not be regarded as commodities, but they must be considered as notable human beings who must not be victimized just as we have seen with the moral principles of Kant. Besides that, the government of South Sudan must coordinate efforts with the NGOs to make sure that laws and regulations allow young girls to exercise their rights.

However, in communities where child marriage is predominant especially in villages and rural areas, the government must make sure that the relevant universal laws are trained in the legislature to confirm that they are similar. Simultaneously, eradication of damaging social and traditional norms must be altered with the promotion of constructive methods that will help end child marriage. On the other hand, social workers must empower girls and safeguard them against underage marriages. Child marriage is an immoral act which deprives young girls of their dignity, rights to equality, education, freedom to consent marriage and destroys them in the sense that it makes them like a commodity to be sold.

The finding of this research revealed that the tradition of marrying young girls is to prevent them from indulging into irresponsible sexual behaviors like pre-marital sex. The second reason is to ensure that girls do not get pregnant before marriage and disgrace the family. Based on the findings, recommendations will be made for empowering the education of girls who are the most affected as far as the practice of child marriage is concerned. However, we shall also see that we should not only empower the education of girls alone, but also that of the boys as there are still a greater number of boys who are not fully supported at school ending up being in the streets taking drugs in most towns.

The results of this research work have shown that child marriage is a social, customary and a cultural tradition which denies girls' rights as well as the autonomy of who and when to marry. The main findings of this research indicates that empowering girls is a critical approach to avoid and end child marriage. Another finding is that the influence of social media also prompts to the causes of child marriage in South Sudan.

This research work also presented that among the causes contributing to child marriage are poverty and lack of education and thus, incompatible pieces of legislation have been identified as obstacles

against ending child marriage. Another finding was that, in families where there are many children, marrying the eldest daughters gives parents the means to have enough money to pay for the education of the younger children, especially the boys. Furthermore, some girls view child marriage as an opportunity to achieve material accomplishment and as a way to leave their family's difficult financial condition.

This research work will be important for parents in order to help their daughters avoid child marriage in consideration with the findings and recommendations of this research work. The findings will help the government to formulate effective legislative solutions to discuss the problems of child marriage. The study will also enhance our understanding of girls getting married at a younger age.

The significance of this research goes far beyond applying the policies of government and NGOs, but it will also be significant to social workers and the defenders of human rights. It will also act as a point of reference for researchers to further look at child marriage as a social and a traditional issue and a violation of the rights of children. As mentioned earlier that child marriage is a global concern which has resulted into increased violence against women and children, and it is not limited to any nation or continent. This brings to our attention that the practice of child marriage must be addressed in order to end it.

This research work recommends that in order to be effective and transformative, involvements to get rid of child marriage must include many different stakeholders and employ a variety of strategies, including initiatives which will illustrate how working with the communities and families directly can affect attitudes, behaviors, and gender norms. Future studies are required to determine the best ways to prevent and eradicate child marriage.

Finally, the study will be beneficial to legislators and activists in order to address the causes and effects of child marriage, and how to end this practice. This study will be significant to the government in educating people in the rural areas about child marriage and its consequences on the upliftment of the families. With the use of this knowledge, intervention strategies and policies to solve the issue should be able to be developed. Nevertheless, there are still some people who continue to be accept gender discrimination. In conclusion, attitudes towards child marriage are gradually improving, as seen by the rise in the number of girls enrolling in high schools, and graduating from universities.

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