

Kant's Arguments Against Lying in "On a Supposed Right to Lie Because of Philanthropic Concerns" (appeared in *Berlinischer Blätter*, Sept. 1799), and in *Lectures on Ethics*

Kant begins the article by quoting a passage from Benjamin Constant, who argues that any moral principle requiring one to tell the truth unconditionally would result in morally absurd consequences. Thus, Constant uses the example of our refusing to lie to a murderer about a friend hiding in our house; this preference for truth over philanthropic concerns, Constant says, would make any society impossible. Kant summarized Constant's argument as saying:

- 1) It is a duty to tell the truth.
- 2) But the concept of duty is inseparable from the concept of right: a duty in one person is what corresponds to right in another person.

- 3) Accordingly, where there are no rights, there are no duties.

- 4) Thus, to tell the truth is a duty, but it is a duty only with respect to one who has a right to the truth.
- 5) However, no one has a right to a truth that harms others.

- 6) Hence, the murderer pursuing the friend hiding in our house has no right to the truth; and therefore, we can lie to him about our friend's whereabouts.

Kant points out that the key fallacy with this argument lies with premise 4, that telling the truth is only a duty when one has a right to the truth. First, to say that 'one has a right to truth' is meaningless; to claim an objective right to truth is the same as saying it is a matter of one's own will whether a statement is true or false; and surely this is an absurd claim to make. However, we can say that man has a right to his own subjective truthfulness. So Kant's response to Constant takes the following argumentative form:

- 1) Truthfulness in statements is the formal duty of a human being to everyone, even when speaking truthfully may work to his or others' disadvantage.
- 2) Even though by telling a lie, I do no wrong to one who unjustly compels me to make a statement, yet by my false declaration I wrong duty in general, insofar as I bring it about that statements in general now find no credence, hence that all contracts with others lose their binding force.

- 3) Thus, were I to justify lying in this case, I do a wrong to humanity in general.
- 4) A lie always harms another: if not some other human being, then humanity in general is harmed by such a false declaration.
- 5) Even a well-intentioned lie can have unforeseen consequences, some of which may be legally devastating.
 - a. If in telling the lie, you thwart an intended murderer from his goal, you are legally responsible for any consequences resulting from that lie.
 - b. On the other hand, if you adhere to the truth, public justice cannot punish you, no matter what the unforeseen consequences; also, neighbors might catch the murderer and prevent him from carrying out his deed.

- c. Also by truth-telling, it is possible that the intended victim might yet elude the murderer, whereas if you lie, he might escape and later be found and murdered by the stalker, and thus you would be causing the victim's death.

-
- 6) Thus, truthfulness is a duty that is the basis of all duties founded on contract, and the laws of such duties would be rendered useless if the slightest exception to them were granted. [Fuller argument about duties grounded in contract found in *The Doctrine of Right*.]
- 7) Therefore, by being truthful, he does not actually wrong himself or the other person, though the occupant suffers because of it; rather, this harm is caused by accident.
- 8) Finally, the person who is asked whether or not he intends to speak truthfully in any statement he is about to make, and who is not insulted by such a question already raises a suspicion that he might be a liar. Whoever asks permission to think first about possible exceptions – such a one is already a liar, since he does not acknowledge truthfulness as a duty in itself but wants to reserve himself as an exception from a rule that binds everyone else.

Certainly, Kant is right in his conclusion here that we should raise questions about the moral character of a person who wants to be excepted from the moral rules binding on everyone else. And surely, he's also right that we have a greater duty to humanity in general to speak the truth. But why accept premise 6, that even the slightest or a single exception to the general law of truth-telling will render null all duties and laws?

Kant has a better argument in his *Lectures on Ethics* (that posted on our webpage: Ak. 444 and following, under the heading 'Of Ethical Duties Towards Others, and Especially Truthfulness'). As best I can discern, here's the gist of it:

- 1) In human social life, our main object is to communicate our attitudes; so if we fail to do that, social intercourse ceases to have any value.
 - 2) Only when a person voices his opinions can another tell what he thinks, and in declaring one's thoughts, one thereby establishes sociality among humans.
 - 3) Fellowship among humans is the second thought of sociality, for the liar destroys this fellowship.
-
- 4) Thus, everyone must be truthful in respect of his thoughts, or no trustworthy communication can occur.
-
- 5) Hence, it is of primary importance to human social life that we be truthful with one another.
- 6) Nonetheless, a human being has a natural impulse to hold himself back and to disguise himself [the former is **dissimulatio** = concealment, the latter **simulatio** = pretense]; each of us holds back from fully revealing our weaknesses and transgressions; we might say that this proclivity for reserve and concealment is part of providential design that humans should not be wholly open, since we would appear to others in a foolish or hateful light, thus destroying the goal of sociality.
-

- 7) Hence, we order our behavior so that we in part conceal our faults, in part put a different face on them, thus appearing other than we really are. Accordingly, our greater desire for social interaction and acceptance habituates us to disguise our sins and weaknesses while adopting dispositions that produce good conduct.
-
- 8) Hence, nobody is truly open-hearted: if all men were good, nobody could hold anything back; but since this is not so, we must keep our shutters closed.
- 9) Given this complexity in human moral psychology, we are led to a dilemma from our natural impulse for sociality: if a man announces that he intends to disclose his opinions (Pr. 2), should he knowingly disclose them in full, or keep something to himself?
- If he says he intends to speak his mind, but does not, instead making a false statement, that is a **falsiloquium**, an untruth.
 - Naturally, I can make a **falsiloquium**, even if don't state my views: I can make a pretense by saying something else from which one can draw a conclusion I want without my actually lying. For example, if I pack my bags, intending others to think I am going on a trip, without my saying as much, and thus I can deceive them (as did John Law did by continuing to build, while milking people out of their money).
 - Also, I can commit a **falsiloquium** when I want to hide my intentions from another person, since his purpose is to make a wrongful use of the truth. So, if an enemy takes me by the throat, demanding to know where my money is kept, I can hide the information, since he intends to misuse the truth. Still, this is not a **mendacium**, a lie with the intent to deceive, for the other knows that I will withhold the information, and that he has no right to demand the truth from me.
 - Consider by contrast the case of a swindler. If he has cheated me, and I cheat him, I have done him no wrong, and he cannot complain of it. Yet I am still a liar, since I have acted contrary to the right of humanity.
-
- e. Thus, it is possible for a **falsiloquium** to be a **mendacium** – a lie – though it contravenes no right of any man in particular. In general, whoever may have told me a lie, I do him no wrong if I lie to him in return, but I violate the right of humanity, for I have acted contrary to the condition under which society of humans can come about (Pr. 1-3).
-
- 10) Hence, from the moral viewpoint, a lie is a falsehood damaging to humanity [a **mendacium** is a **falsiloquium in praejudicium humanitatis**], even when it is not also in violation of any particular special right of another person.
- 11) This has strong political consequences: when one country has broken the peace, the other cannot do so in retaliation; for if that were allowed, no peace would be secure.

- 12) Accordingly, every lie is objectionable and deserving of contempt, for once we declare that we are telling the other person our thoughts, and fail to do it, we have broken the social contract, and acted contrary to the right of humanity.
- 13) However, if in all cases, we were to remain faithful to every detail of the truth, we might often expose ourselves to the wickedness of others, who desire only to abuse our truthfulness. If everyone were well-disposed morally, it would not only be a duty not to lie, but nobody would need to do it. However, since humans are malicious, we must be mindful of dangers courted by punctilious observance of truth-telling.
- 14) Sometimes we can avoid unpleasant circumstances by being completely silent. But that won't help here – if I am silent when asked if I have money at home, the perpetrator will conclude that I do; if I say 'yes', he will take the money from me. In such cases, I am constrained by the force exerted against me to use the lie as a weapon of defense (a 'necessary lie'): by the declaration being extorted from me, which I know will be misused, I am permitted to defend myself by lying.

15) Hence, there is no case in which a necessary lie should occur, except where the declaration is forcefully wrung from me, and I am also convinced that the other individual means to make a wrongful use of it.

Roger Sullivan (*An Introduction to Kant's Ethics*, Ch. 3) argues that Kant's view on lying has been criticized as being excessively rigorous. Clearly, lies that injure others violate our duty of benevolence toward others. But what about lies that do not harm others?

- 1) Were we to use the first formulation of the Categorical Imperative, we would arrive at the following maxim for telling harmless lies:
I will tell lies that harm no one and may have good consequences, and I will a world in which everyone tells such lies.
- 2) But, the very notion of lying only makes sense when the purpose of some kinds of speech is that we communicate information (*Lectures on Ethics*, Pr. 1-2).

3) Then, everyone will use the same kinds of assertions in order to communicate both truth and falsehoods; and in such a world, we could never know whether any such verbal behavior counted as 'telling the truth'.

4) Thus, it would no longer be possible for anyone to tell a lie.

5) Hence, the essential evil of lying lies in the maxim itself, regardless of motives for and consequences of telling lies.

6) Accordingly, even if the deception is done from a benevolent motive, deception typically aims at manipulating others by treating them as mere tools for the liar's purposes.

7) Also, it's important to note that the rule "I may never lie" is not equivalent to the rule "I must always tell the truth"; we are not obligated to tell everything we know to everyone at every opportunity. As Kant points out in *Lectures on Ethics*, we must exhibit

prudent reserve in expressing our thoughts and feelings; we have a moral right to the privacy of our own thoughts, a right we should also respect in others.

8) Thus, there are usually many morally acceptable ways in which we may avoid telling the truth without telling a lie – silence, noncommittal answers, evasions, equivocations.

9) So, we may never lie after we have stated outright that we will tell the truth; however, honest but discreet people speak the truth but not always the whole truth; by contrast, dishonest people deliberately say what they know is false because they wish to deceive.

10) Even when there is a conflict between moral rules, at any given moment, we can have only one duty; a genuine conflict between duties cannot arise. ‘If it is our duty to act according to one of these rules, then to act according to the opposite rule is not our duty;’ in fact, all moral obligations are absolute.

11) So when our moral rules conflict, there can be only one ‘ground of obligation’ that actually binds us; hence the stronger ground of obligation prevails; then it is not only ‘not a duty but contrary to duty to act according to the other rule’.

12) Thus, following the negative rule against lying would be ‘contrary to our duty’ not because (as Constant thought) the other person has no right to the truth but because another duty (protecting another person’s life) temporarily overrides the usual rule. What we should do, when being interrogated by the would-be murderer is to misdirect him.