

## Lecture Notes 5 : Lies

## A right to lie?

Kant's 1797 essay *On a supposed right to lie from philanthropy*, in response to an essay by Benjamin Constant. Constant writes:

The moral principle 'it is a duty to tell the truth' would, if taken unconditionally and singly, make any society impossible. We have proof of this in the very direct consequences drawn from this principle by a German philosopher, who goes so far as to maintain that it would be a crime to lie to murderer who asked us whether a friend of ours whom he is pursuing has taken refuge in our house.

He infers that:

To tell the truth is therefore a duty, but only one who has a right to the truth. But no one has a right to a truth that harms others. (Constant, cited in *On a supposed right to lie* 8: 425)

In response Kant says that in fact, with very few exceptions, if you have to give a 'yes' or 'no' answer, then you must never lie. Indeed, Kant seems to go even further:

If you have by a lie prevented someone just now bent on murder from committing the deed, then you are legally accountable for the consequences that might arise from it.

This sounds preposterous. But it is not: for Kant 'lying' (*mendacium*) is intentional untruthfulness that is *contrary to right*. He says:

the first question is whether someone, in cases where he cannot evade an answer of 'yes' or 'no', has the authorization (the right) to be untruthful.

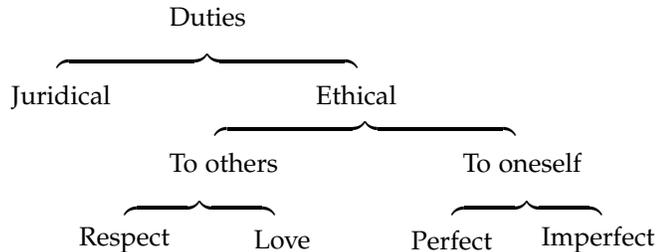
It follows that one can have the right to be untruthful. These are not the cases that interest Kant. A clearer formulation of Kant's own view of lying can be found here:

The only kind of untruth we want to call a lie, *in the sense bearing upon rights* [*im rechtlichen Sinne*] is one that directly infringes upon another's right, e.g. the false allegation that a contract has been concluded with someone, made in order to deprive him of what is his. (*Metaphysics of Morals* 6: 238n)

Analogy between murder (wrongful intentional killing) and 'lying' à la Kant (wrongful intentional untruth).

Kant's essay on lying is explicitly about duties of right. But Kant does not think only duties of right are duties proper.

## Kant's system of duties



(See Wood 2008)

**Juridical duties:** Associated with the right (*Recht*), protect individual 'external' freedom:

any action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law. (*Metaphysics of Morals* 6:230)

**Ethical duties:** Associated with Kant's Doctrine of Virtue: not coercively enforceable.

## Public lies and informal benevolent lies

Public lies: imagine a case where you have to commit perjury in a trial that is not biased, or procedurally unjust, to save the life of a friend of yours who has committed a horrible crime. (This is relevantly similar to the Constant case.)

Informal benevolent lies deprive people of knowledge about the realities of their life-situation and may thereby violate their autonomy.

## Anti-lying ethical duties

For Kant, raising oneself in the eyes of others by lying implies a form of self-contempt:

Lying in Kant's view betrays a profound error, itself based on deception, about the nature of one's own self-worth. The liar places that worth in what others (or he himself) can be deceived into thinking about him... (Wood 2008, 255)

Similar things apply to other forms of self-deception, e.g. religious belief.

## Suggested Reading

Hill, T.E. (1991) *Autonomy and Self-Respect*, CUP, ch. 3.

Wood (2008), *Kantian Ethics*, CUP, ch. 14.