

# ON A SUPPOSED RIGHT TO LIE BECAUSE OF PHILANTHROPIC CONCERNS

## Immanuel Kant

In the periodical *France*<sup>2</sup> for 1797, Part VI, No.1, page 123, in an article bearing the title "On Political Reactions"<sup>3</sup> by Benjamin Constant<sup>4</sup> there is contained on p. 123 the following passage:

"The moral principle stating that it is a duty to tell the truth would make any society impossible if that principle were taken singly and unconditionally. We have proof of this in the very direct consequences which a German philosopher has drawn from this principle. This philosopher goes as far as to assert that it would be a crime to tell a lie to a murderer who asked whether our friend who is being pursued by the murderer had taken refuge in our house."<sup>5</sup>

The French philosopher [Constant] on p. 124 [of the periodical *France*] refutes this [moral] principle in the following way:

"It is a duty to tell the truth. The concept of duty is inseparable from the concept of right. A duty is what in one man corresponds to the right of another. Where there are no rights, there are no duties. To tell the truth is thus a duty, but is a duty only with regard to one who has a right to the truth. But no one has a right to a truth that harms others. "

The first fallacy here lies in the statement, "To tell the truth is a duty, but is a duty only with regard to one who has a right to the truth."

Firstly it must be noted that the expression "to have a right to truth" is meaningless. One must say, rather, that man has a right to his own truthfulness (*veracitas*), i.e., to subjective truth in his own person. For to have objectively a right to truth would be the same as to say that it is a matter of one's will (as in cases of mine and thine generally) whether a given statement is to be true or false; this would produce an unusual logic.

Now, the first question is whether a man (in cases where he cannot avoid answering Yea or Nay) has the warrant (right) to be untruthful. The second question is whether he is not actually bound to be untruthful in a certain statement which he is unjustly compelled to make in order to prevent a threatening misdeed against himself or someone else.

Truthfulness in statements that cannot be avoided is the formal duty of man to everyone,<sup>9</sup> however great the disadvantage that may arise therefrom for him or for any other. And even though by telling an untruth I do no wrong to him who unjustly compels me to make a statement, yet by this falsification, which as such can be called a lie (though not in a juridical sense), I do wrong to duty in general in a most essential point. That is, as far as in me lies I bring it about that statements (declarations) in general find no credence, and hence also that all rights based on contracts<sup>13</sup> become void and lose their force, and this is a wrong done to mankind in general.

Hence a lie defined merely as an intentionally untruthful declaration to another man does not require the additional condition that it must do harm to another, as jurists require in their definition (*mendacium est falsiloquium in praeiudicium alterius*).<sup>14</sup> For a lie always harms another; if not some other human being, then it nevertheless does harm to humanity in general, inasmuch as it vitiates the very source of right [*Rechtsquelle*].

However, this well-intentioned lie can become punishable in accordance with civil law because of an accident (*casus*); and that which avoids liability to punishment only by accident can also be condemned as wrong even by external laws. For example,<sup>15</sup> if by telling a lie you have in fact hindered someone who was even now planning a murder, then you are legally responsible for all the consequences that might result therefrom. But if you have adhered strictly to the truth, then public justice cannot lay a hand on you, whatever the unforeseen consequence might be. It is indeed possible that after you have honestly answered Yes to the murderer's question as to whether the intended victim is in the house, the latter went out unobserved and thus eluded the murderer, so that the deed would not have come about. However, if you told a lie and said that the intended victim was not in the house, and he has actually (though unbeknownst to you) gone out, with the result that by so doing he has been met by the murderer and thus the deed has been perpetrated, then in this case you may be justly accused as having caused his death. For if you had told the truth as best you knew it, then the murderer might perhaps have been caught by neighbors who came running while he was searching the house for his intended victim, and thus the deed might have been prevented. Therefore, whoever tells a lie, regardless of how good his intentions may be, must answer for the consequences resulting therefrom even before a civil tribunal and must pay the penalty for them, regardless of how unforeseen those consequences may be. This is because truthfulness is a duty that must be regarded as the basis of all duties founded on contract, and the laws of such duties would be rendered uncertain and useless if even the slightest exception to them were admitted.

To be truthful (honest) in all declarations is, therefore, a sacred and unconditionally commanding law of reason that admits of no expediency whatsoever.

Monsieur Constant remarks thoughtfully and correctly with regard to the decrying of such principles that are so strict as to be alleged to lose themselves in impracticable ideas and that are therefore to be rejected. He says on page 123 [of the German translation of Constant's piece that appeared in the periodical *Frankreich*], "In every case where a principle that has been proved to be true appears to be inapplicable, the reason for this inapplicability lies in the fact that we do not know the middle principle that contains the means of its application." He adduces (p. 121) the doctrine of equality as being the first link of the social chain when he says (p. 122): "No man can be bound by any laws other than these to whose formation he has contributed. In a very limited society this principle can be applied directly and requires no middle principle in order to become a common principle. But in a very numerous society there must be added a new principle to the one that has been stated. The middle principle is this: individuals can contribute to the formation of laws either in their own person or through their representatives. Whoever wanted to apply the former principle to a numerous society without also using the middle principle would unfailingly bring about the destruction of such a society. But this circumstance, which would show only the ignorance or the incompetence of the legislator, would prove nothing against the principle." He concludes (p. 125) thus: "A principle acknowledged as true must hence never be abandoned, however obviously there seems to be danger involved in it," (And yet the good man himself abandoned the unconditional principle of truthfulness on account of the danger which that principle posed for society, inasmuch as he could not find any middle principle that could serve to prevent this danger; and indeed there is no such principle to do the mediating here.)

If the names of the persons as they have here been introduced be retained, then the "French philosopher" confuses the action whereby someone does harm (*nocet*) to another by telling the truth when its avowal cannot be avoided with the action whereby someone does wrong to (*laedit*) another. It was merely an accident (*casus*) that the truth of the statement did harm [but not wrong] to the occupant of the house, but it was not a free act (in the juridical sense). For from a right to demand that another should lie for the sake of one's own advantage there would follow a claim that conflicts with all lawfulness. For every man has not only a right but even the strictest duty to be truthful in statements that

are unavoidable, whether this truthfulness does harm [but not wrong] to himself or to others, Therefore he does not himself by this [truthfulness] actually harm [*noceat*] the one who suffers because of it; rather, this harm is caused by accident [*casus*]. For he is not at all free to choose in such a case, inasmuch as truthfulness (if he must speak [i.e. must answer Yea or Nay]) is an unconditional duty. The "German philosopher" will, therefore, not take as his principle the proposition (p. 124), "To tell the truth is a duty, but is a duty only with regard to the man who has a right to the truth." He will not do so, first, because of the confused formulation of the proposition, inasmuch as truth is not a possession the right to which can be granted to one person but refused to another. But, secondly, he will not do so mainly because the duty of truthfulness (which is the only thing under consideration here) makes no distinction between persons to whom one has this duty and to whom one can be excused from this duty; it is, rather, an unconditional duty which holds in all circumstances.

Now, in order to go from a metaphysics of right (which abstracts from all empirical determinations) to a principle of politics (which applies these [metaphysical] concepts [of right] to instances provided by experience) and by means of this principle to gain the solution of a problem of politics in accordance with the universal principle of right, the philosopher will provide the following. First, he will present an axiom, i.e., an apodeictically certain proposition that arises directly from the definition of external right (the harmony of the freedom of each with the freedom of all others according to a universal law).<sup>16</sup> Second, he will provide a postulate of external public law (the will of all united according to the principle of equality, without which no freedom would exist for anyone).<sup>17</sup> Third, there is the problem of how to make arrangements so that in a society, however large, harmony can be maintained in accordance with principles of freedom and equality (namely, by means of a representative system).<sup>18</sup> And this will then be a principle of politics; and establishing and arranging such a political system will involve decrees that are drawn from experiential knowledge regarding men; and such decrees will have in view only the mechanism for the administration of justice and how such mechanism is to be suitably arranged. Right must never be adapted to politics; rather, politics must always be adapted to right.

The author says, "A principle acknowledged as true (I add, acknowledged as an a priori principle, and therefore apodeictic) must never be forsaken, however apparently danger is involved in it. " But here one must understand the danger not as that of (accidentally) doing harm [*schaden*] but in general as the danger of doing wrong [*unrecht*].<sup>19</sup> And such wrongdoing would occur if I made the duty of truthfulness, which is wholly unconditional and which constitutes the supreme juridical condition in assertions, into a conditional duty subordinate to other considerations. And although by telling a certain lie I in fact do not wrong anyone, I nevertheless violate the principle of right in regard to all unavoidably necessary statements generally (i.e., the principle of right is thereby wronged formally, though not materially). This is much worse than committing an injustice against some individual person, inasmuch as such a deed does not always presuppose that there is in the subject a principle for such an act.

The man who is asked whether or not he intends to speak truthfully in the statement that he is now to make and who does not receive the very question with indignation as regards the suspicion thereby expressed that he might be a liar, but who instead asks permission to think first about possible exceptions--that man is already a liar (*in potentia*).<sup>20</sup> This is because he shows that he does not acknowledge truthfulness as in itself a duty but reserves for himself exceptions from a rule which by its very nature does not admit of any exceptions, inasmuch as to admit of such would be self-contradictory.

All practical principles of right must contain rigorous truth; and the principles that are here called middle principles can contain only the closer determination of the application of these latter principles (according to rules of politics) to cases that happen to occur, but such middle principles can never contain exceptions to the aforementioned principles of right. This is because such exceptions would destroy the universality on account of which alone they bear the name of principles.

## NOTES

1. (This essay appeared in September of 1799 in *Berlinische Blaetter* (*Berlin Press*), published by Biester. See H. 1. Paton, "An Alleged Right to Lie" in *Kant-Studien* 45 (1953-54).]
2. (The periodical *Frankreich im Jahre 1797. Aus den Briefen deutscher Maenner in Paris* (*France in the Year 1797. From Letters of German Men in Paris*), published in Altona.)
3. (*Des reactions politiques* had appeared in May of 1796, and it was translated into German in this periodical *Frankreich*.)
4. (Henri Benjamin Constant de Rebecque (1767-1830), the renowned French statesman and writer.)
5. "J. D. Michaelis in Gottingen (Johann Daniel Michaelis (1717-91), professor of theology in the University of Goettingen) had propounded this unusual opinion even before Kant. But the author of this article (viz., Constant) has informed me that Kant is the philosopher referred to<sup>6</sup> in this passage." --K. F. Craemer. (Karl Friedrich Craemer (1752-1807), the editor of the periodical *Frankreich*, was formerly professor of Greek, oriental languages, and homiletics at Kiel until his dismissal in 1794 because of his open sympathy for the French Revolution, after which dismissal he became a book dealer in Paris.)
6. I hereby admit that this was actually said by me somewhere,<sup>7</sup> though I cannot now recollect the place.-I. Kant.
7. (Kant does say something similar in the "Casuistical Questions" appended to the article on "Lying" contained in the *Metaphysical Principles of the Doctrine of Virtue* (Part II of the *Metaphysics of Morals*). See the Royal Prussian Academy edition, Vol. VI, p. 431.)
8. [footnote deleted.]
9. I do not want to sharpen this principle to the point of saying "Untruthfulness is a violation of one's duty to himself." For this principle belongs to ethics, <sup>10</sup> but here the concern is with a duty of right [*Rechtspflicht*].<sup>11</sup> *The Doctrine of Virtue* [*Tugendlehre*] sees in this transgression only worthlessness, the reproach of which the liar draws upon himself. <sup>12</sup>
10. [As contained in the *Metaphysical Principles of the Doctrine of Virtue* [*Tugendlehre*], which is Part II of the *Metaphysics of Morals*.]
11. [Duties of right are treated in the *Metaphysical Principles of the Doctrine of Right* [*Rechtslehre*], which is Part I of the *Metaphysics of Morals*.]
12. [See the *Doctrine of Virtue*, Ak. VI, 429-31.]
13. [See the opus cited above in note 11, Ak. VI, 271-75.]
14. [a lie is a falsehood that harms another.]
15. [This ensuing instance is similar to the one cited in note 7 above.]

16. [See the opus cited in note 11, Ak. VI, 230-31.]
17. [See op. cit. in note 11, Ak. VI, 311.]
18. [See op. cit. in note 11, Ak. VI, 313-15.]
19. [See above at Ak. p. 428, where Kant distinguishes *nocet* from *laedit*.]
20. [in accordance with possibilitY.]