

## ON A SUPPOSED RIGHT TO LIE FROM ALTRUISTIC MOTIVES\*

Immanuel Kant

In the Journal *France*, for 1797, Part VI, No. i, page 123, in an article entitled "On Political Reactions" by Benjamin Constant, there appears the following passage:

The moral principle, "It is a duty to tell the truth," would make any society impossible if it 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 so far as to assert that it would be a crime to lie to a murderer who has asked whether our friend who is pursued by him had taken refuge in our house.

The French philosopher on page 124 refutes this principle in the following manner:

It is a duty to tell the truth. The concept of duty is inseparable from the concept of right. A duty is that which in one being corresponds to the rights of another. Where there are no rights, there are no duties. To tell the truth is thus a duty: but it is a duty only in respect to one who has a right to the truth. But no one has a right to a truth which injures others.

The **πρωτου φευδος** in this argument lies in the sentence: "To tell the truth is a duty, but it is a duty only toward one who has a right to the truth."

It must first be noted that the expression, "to have a right to truth" is without meaning. One must rather say, "Man has a right to his own truthfulness (*veracitas*)," i.e., to the subjective truth in his own person. For to have objectively a right to truth would mean that it is a question of one's will (as in questions of what belongs to individuals generally) whether a given sentence is to be true or false. This would certainly produce an extraordinary logic.

Now the first question is: Does a man, in cases where he cannot avoid answering "Yes" or "No," have a right to be untruthful? The second question is: Is he not in fact bound to tell an untruth, when he is unjustly compelled to make a statement, in order to protect himself or another from a threatened misdeed?

Truthfulness in statements which cannot be avoided is the formal duty of an individual to everyone, however great may be the disadvantage accruing to himself or to another. If, by telling an untruth, I do not wrong him who unjustly compels me to make a statement, nevertheless by this falsification, which must be called a lie (though not in a legal sense), I commit a wrong against duty generally in a most essential point. That is, so

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\* From Immanuel Kant, *Critique of Practical Reason and Other Writings in Moral Philosophy*, ed. and trans. Lewis White Beck (Chicago: University of Chicago Press, 1949), pp. 346-50.

far as in me lies I cause that declarations should in general find no credence, and hence that all rights based on contracts should be void and lose their force, and this is a wrong done to mankind generally.

Thus the definition of a lie as merely an intentional untruthful declaration to another person does not require the additional condition that it must harm another, as jurists think proper in their definition (*mendacium est falsiloquium in praeiudicium alterius*). For a lie always harms another; if not some other particular man, still it harms mankind generally, for it vitiates the source of law itself.

This benevolent lie, however, can become punishable under civil law through an accident (*casus*), and that which escapes liability to punishment only by accident can also be condemned as wrong even by external laws. For instance, if by telling a lie you have prevented murder, you have made yourself legally responsible for all the consequences; but if you have held rigorously to the truth, public justice can lay no hand on you, whatever the unforeseen consequences may be. After you have honestly answered the murderer's question as to whether this intended victim is at home, it may be that he has slipped out so that he does not come in the way of the murderer, and thus that the murder may not be committed. But if you had lied and said he was not at home when he had really gone out without your knowing it, and if the murderer had then met him as he went away and murdered him, you might justly be accused as the cause of his death. For if you had told the truth as far as you knew it, perhaps the murderer might have been apprehended by the neighbors while he searched the house and thus the deed might have been prevented. Therefore, whoever tells a lie, however well intentioned he might be, must answer for the consequences, however unforeseeable they were, and pay the penalty for them even in a civil tribunal. This is because truthfulness is a duty which must be regarded as the ground of all duties based on contract, and the laws of these duties would be rendered uncertain and useless if even the least exception to them were admitted.

To be truthful (honest) in all declarations, therefore, is a sacred and absolutely commanding decree of reason, limited by no expediency.

Mr. Constant makes a thoughtful and correct remark on decrying principles so strict that they are alleged to lose themselves in such impracticable ideas that they are to be rejected. He says, on page 23, "In every case where a principle which has been proved to be true appears to be inapplicable, the reason is that we do not know the middle principle which contains the means of its application." He adduces (p. 121) the doctrine of equality as the first link of the social chain, saying (p. 122):

No man can be bound by any laws except to the formulation of which he has contributed. In a very limited society this principle can be applied directly and needs no mediating principle in order to become a common principle. But in a society consisting of very many persons, another principle must be added to this one we have stated. This mediating principle is: the individuals can participate in the formulation of laws either in their own person or through their representatives. Whoever wished to apply the former principle to a large society without making use of the mediating principle would invariably bring about the destruction of the society. But this circumstance, which would only show the ignorance or the incompetence of the legislator, proves nothing against the principle.

He concludes (p. 125) that "a principle acknowledged to be true must never be abandoned, however obviously danger seems to be involved in it." (And yet the good man himself abandoned the unconditional principle of truthfulness on account of the danger which it involved for society. He did so because he could find no mediating principle which could serve to prevent this danger; and, in fact, there is no principle to be interpolated here.)

If we wish to preserve the names of the persons as they have been cited here, the "French philosopher" confuses the action by which someone does harm (*nocet*) to another in telling the truth when he cannot avoid making a statement, with the action whereby he does the other a wrong (*laedit*). It was only an accident (*casus*) that the truth of the statement harmed the occupant of the house; it was not a free act (in a juristic sense). For to demand of another that he should lie to one's own advantage would be a claim opposed to all lawfulness. Each man has not only a right but even the strict duty to be truthful in statements he cannot avoid making, whether they harm himself or others.

In so doing, he does not do harm to him who suffers as a consequence; accident causes this harm. For one is not at all free to choose in such a case, since truthfulness (if he must speak) is an unconditional duty.

The "German philosopher" will not take as one of his principles the proposition (p. 124): "To tell the truth is a duty, but only to him who has a right to the truth." He will not do so, first, because of the ambiguous formulation of this proposition, for truth is not a possession the right to which can be granted to one and denied to another. But he will not do so chiefly because the duty of truthfulness (which is the only thing in question here) makes no distinction between persons to whom one has this duty and to whom one can exempt himself from this duty; rather, it is an unconditional duty which holds in all circumstances.

Now in order to proceed from a metaphysics of law (which abstracts from all empirical conditions) to a principle of politics (which applies these concepts to cases met with in experience), and by means of this to achieve the solution of a problem of politics in accord with the universal principle of law, the philosopher will enunciate three notions. The first is an axiom, i.e., an apodictically certain proposition which springs directly from the definition of external law (the harmony of the freedom of each with the freedom of all others according to a universal law). The second is a postulate of external public law (the will of all united according to the principle of equality, without which no one would have any freedom). Third, there is the problem of how it is to be arranged that, in a society however large, harmony may be maintained in accordance with principles of freedom and equality (namely, by means of a representative system). The latter will then become a principle of politics, the organization and establishment of which will entail decrees drawn from the practical knowledge of men, which will have in view only the mechanism of the administration of justice and how this may be suitably carried out. Law must never be accommodated to politics but politics always accommodated to law.

The author says, "A principle recognized as true (I add, recognized as an a priori and hence apodictic principle) must never be abandoned, however obviously danger seems to be involved in it." But one must only understand the danger not as a danger of accidentally doing a harm but only as a danger of doing a wrong. This would happen if I made the duty of being truthful, which is unconditional and the supreme juridical

condition in testimony, into a conditional duty subordinate to other considerations. Although in telling a certain lie I do not actually do anyone a wrong, I formally but not materially violate the principle of right with respect to all unavoidably necessary utterances. And this is much worse than to do injustice to any particular person, because such a deed against an individual does not always presuppose the existence of a principle in the subject which produces such an act.

If one is asked whether he intends to speak truthfully in a statement that he is about to make and does not receive the question with indignation at the suspicion it expressed that he might be a liar, but rather asks permission to consider possible exceptions, that person is already potentially a liar. That is because he shows that he does not acknowledge truthfulness as an intrinsic duty but makes reservations with respect to a rule which does not permit any exception, inasmuch as any exception would directly contradict itself.

All practical principles of right must contain rigorous truth, and the so-called "mediating principles" can contain only the more accurate definition of their application to actual cases (according to rules of policy), but they can never contain exceptions from the former. Such exceptions would nullify their universality, and that is precisely the reason that they are called principles.