

Christine Korsgaard, “The Right to Lie: Kant on Dealing with Evil”

Kant seems to endorse the following:

One must never under any circumstances tell a lie

If one does tell a lie, then one is responsible for all of the consequences of that lie.

Usually, in light of the murderer at the house case, ethicists argue that either:

- (a) We should reject Kantian ethics,
- (b) Become Rossians, or
- (c) Kant “misread” himself.

Korsgaard argues for three things:

- A. Under the Formula of Universal Law, the case of murderer at the door can be shown to be morally permissible.
- B. When the case is treated from the perspective provided by the Formula of Humanity or the Kingdom of Ends, then lying is wrong in every case.
- C. Since the case *does not* impugn Kant’s ethics as an *ideal* system, what structure must an ethical system have to accommodate these *special principles* for dealing with evil.

Universal Law

The Formula of Universal Law:

Act on a maxim just in case one could at the same time will it to be a universal law.

A maxim inconceivable as a universal law without contradiction is in violation of perfect duty which assigns us a particular action or omission.

1. We should do only those actions that conform to rules that we could will to be adopted universally.
2. If we were to lie, we would be following the rule “It is permissible to lie.”
3. This rule could not be adopted universally, because it would be self-defeating: people would stop believing one another, and then it would do no good to lie.
4. Therefore, we should lie.

The contradiction is a *practical*—the universalized maxim contradicts itself when the efficacy of the action as a method of achieving its purpose would be undermined by its universal practice.

So, “could this action be the universal method of achieving this purpose?”

Yes → Universal Law

No → Universal Law

The *purpose* of lying is to deceive, but if everyone lied or willed the maxim, “It is permissible to lie” then this could not achieve the purpose of the action. Thus, it fails at being a Universal Law. Hence, it is wrong.

However, the murderer does not realize you know who he is and what he wants to do. Thus, it appears that one could make a Universal Law of lying in these circumstances. If everyone lied in this way, they could achieve the purpose of their action since the murderer does not recognize that you intend to deceive.

So, it is permissible to lie to deceivers in order to counteract the intended results of their deceptions, for the maxim of lying to a deceiver is universalizable.

Humanity

The Formula of Humanity,

Act so that you treat humanity always as an end and never as a means only.

‘Humanity’ has a special meaning for Kant – it is that capacity to determine ends through rational choice.

Now, if one deceives another, then that person cannot rationally *choose or assent* to an action since they are not given a chance to do so.

The question of whether another can assent to your way of acting can serve as a criterion for judging whether you are treating her as a mere means.

Any action that depends for its nature and efficacy on the other’s ignorance or powerlessness fails this test and lying falls into this category.

In the case of the lying promise, the person does not have a chance to choose the end.

Coercion and deception and hence lying are fundamentally wrong because they take away the possibility of assent or rational choice.

The Kingdom of Ends

A person as an end in themselves is a *free cause* – a first cause.

As a first cause, it determines what happens in causal chain.

$A \rightarrow B \rightarrow C \rightarrow D \rightarrow \dots$

Any action that treats you as a mediating cause not a first cause is treating you as a means and not an end.

Coercion treats someone’s reason as a tool and it is a direct violation of their autonomy.

To treat others as ends in themselves is always to address and deal with them as rational beings.

If you want someone to contribute to your ends, then you must try to reason with her and not coerce her.

It is a rational being's prerogative to share in the "destiny of things".

Humanity and Universal Law

Note that Formula of Humanity and Universal Law are inequivalent.

They are connected though – if your maxim fails the Formula of Universal Law, then you are treating your reason as exceptional and thus others as means. Hence, it will fail the Formula of Humanity.

However, one can view lying to a liar as a case of *self-defense*. Kant writes,

If we were to be at all times punctiliously truthful we might often become victims of the wickedness of others who were ready to abuse our truthfulness. If all men were well-intentioned it would not only be a duty not to lie, but no one would do so because there would be no point in it. But as men are malicious, it cannot be denied that to be punctiliously truthful is often dangerous...if I cannot save myself by maintaining silence, then my lie is a weapon of defense.

Two Casuistical Problems

Will this license us to lie to liars whose purposes are good? Consider the case of the lying philanthropist...

Here we could universalize a maxim to lie to philanthropist (when they do not know we know the gig is up).

Thus, it would not be wrong to lie to the philanthropist; however, they should not lie since it is "sneaky".

Ideal and Non-Ideal Theory

Rawls's distinction between an *ideal* and *non-ideal theories*.

An ideal theory determines "what a perfectly just society would be like" (434) whereas a non-ideal theory deals with a world where evil things happen and thus needs punishment, war, and compensatory justice.

According to the ideal theory, we assume that (a) everyone will act justly and (b) the realization of the ideal is feasible – there are no natural conditions or historic injustices that prevent this.

Thus, in these circumstances, we can replace formal equality with inequality to take us from the non-ideal situation to the ideal one. Korsgaard writes, “For example, if formal equal opportunity for blacks and women is ineffective, affirmative action measures may be in order” (435).

Utilitarians do not (and maybe cannot) make this distinction between the ideal and non-ideal, they can only draw a distinction between better and worse (in terms of human happiness).

With respect to Kant’s theory, Korsgaard writes,

The standard of conduct he sets for us is designed for an ideal state of affairs: we are always to act as if we were living in a Kingdom of Ends, regardless of possible disastrous results. (435)

The problem of the non-ideal generates a morally-inspired religious faith for Kant. We trust that our actions *are* contributing to the Kingdom of Ends.

Utilitarians cannot respond to William’s objection concerning personal integrity – there is no action savage enough that it cannot lead to the best consequences. Korsgaard writes that one can never say “bad consequences or not, this is not the sort of thing I do; I am not that sort of person” (436).

Kantians have another problem, “The trouble is that in cases such as that of the murderer at the door it seems grotesque simply to say that I have done my part by telling the truth and the bad results are not my responsibility” (436).

Kantian Non-Ideal Theory

Thus, we have a two level theory:

Ideal \Rightarrow The Formula of Humanity & Kingdom of Ends

Non-Ideal \Rightarrow The Formula of Universal Law

So, lying to an evildoer can be justified under the Formula of Universal Law but not under the Formula of Humanity. In the former, there is evil in the world and in the latter there is not.

Suicide is also an evil that should not occur in the ideal world and is forbidden under the Formula of Humanity, but it may not be under the Formula of Universal Law.

Conclusion

Thus, Korsgaard has developed a two-level Kantian theory. In an world with evil, the Kingdom of Ends becomes a goal to sought after. In the worst circumstances, the Formula of Universal Law tells what we strictly speaking cannot do – that which is impermissible.