

## ARTICLE

# KANT AND THE PERFECT DUTY TO OTHERS NOT TO LIE

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### INTRODUCTION

A great contempt for lies and liars is evident in all of Kant's writings on practical philosophy and theology.<sup>1</sup> Despite the frequency and the virulence

<sup>1</sup>References to Kant's works in the text and endnotes are given parenthetically, according to the abbreviations listed below. Pagination is as follows: first to the volume and page number in the standard edition of Kant's works, *Kants gesammelte Schriften*, edited under the auspices of the Königlische Preussische Akademie der Wissenschaften (Berlin: Walter de Gruyter, 1908–13) second to the page number in the respective translation. Unless otherwise indicated, all emphases are in the original.

*A: Anthropology from a Pragmatic Point of View (Anthropologie in pragmatischer Hinsicht)* (1798), translated by Mary J. Gregor (The Hague: Martinus Nijhoff, 1974).

*AN: Announcement of the Near Conclusion of a Treaty for Eternal Peace in Philosophy (Verkündigung des nahen Abschlusses eines Traktes zum ewigen Frieden in der Philosophie)* (1796), translated by Peter Fenves, in *Raising the Tone of Philosophy: Late Essays by Immanuel Kant, Transformative Critique* by Jacques Derrida edited by Peter Fenves (Baltimore: The Johns Hopkins University Press, 1993) 83–100.

*C: Correspondence (Kant's Briefwechsel)*, translated and edited by Arnulf Zweig (Cambridge: Cambridge University Press, 1999).

*CPR: Critique of practical reason (Kritik der praktischen Vernunft)* (1788), translated by Mary J. Gregor, in *Practical Philosophy*, translated and edited by Mary J. Gregor and Allen W. Wood (Cambridge: Cambridge University Press, 1996) 133–271.

*E: The Educational Theory of Immanuel Kant (Über Pädagogik)* (1803) (edited by Friedrich Theodor Rink), translated by Annette Churton (Ann Arbor, Michigan: University of Michigan Press, 1960).

*G: Groundwork of the Metaphysics of Morals (Grundlegung zur Metaphysik der Sitten)* (1785), translated by Mary J. Gregor, in *Practical Philosophy*, 37–108.

*LE: Lectures on ethics (Vorlesungen über Ethik)* (1924) translated by Peter Heath and edited by Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press, 1997).

*MM: The metaphysics of morals (Die Metaphysik der Sitten)* (1797), translated by Mary J. Gregor, in *Practical Philosophy*, 353–603.

*M: On the miscarriage of all philosophical trials in theodicy (Über das Misslingen aller philosophischen Versuche in der Theodizee)* (1791), translated by George di Giovanni, in *Religion and Rational Theology*, edited and translated by Allen W. Wood and George di Giovanni (Cambridge: Cambridge University Press, 1996) 24–37.

with which lies and liars are condemned, however, and the fervour with which truthfulness is advocated,<sup>2</sup> Kant's practical philosophy (the ethics and the philosophy of right) leaves us with at least two important questions about the duty to be truthful. Or, to be clearer, and to avoid any confusion with the duty to be candid in his ethics,<sup>3</sup> it leaves us with at least two important questions about the duty not to lie. The first is whether the duty not to lie is an ethical duty or a duty of right, or whether there is both an ethical duty not to lie and a duty of right not to lie. The second is whether, if there is an ethical duty not to lie, it is a duty to others or a duty to oneself, or whether there is both an ethical duty to others not to lie and an ethical duty to oneself not to lie.

*O: Observations on the Feeling of the Beautiful and Sublime (Beobachtungen über das Gefühl des Schönen und Erhabenen)* (1764), translated and edited by John T. Goldthwaite (Berkeley: University of California Press, 1973). *R: Religion within the boundaries of mere reason (Die Religion innerhalb der Grenzen der blossen Vernunft)* (1793), translated by George di Giovanni, in *Religion and Rational Theology*, 39–215.

*RL: On a supposed right to lie from philanthropy (Über ein vermeintes Recht aus Menschenliebe zu lügen)* (1797), translated by Mary J. Gregor, in *Practical Philosophy*, 611–15.

<sup>2</sup>Lack of space prevents an exhaustive inventory of Kant's invectives against liars and lying. In *Observations on the Feeling of the Beautiful and Sublime* in 1764 Kant concurs with *The Spectator* that 'no more insulting reproach could be made to a man than if he is considered a liar' (*O*, 2 (233): 83). In the *Critique of practical reason* in 1788 Kant says that a person should choose to die rather than 'give false testimony against an honorable man' (*CPR*, 5 (30): 163). In *On the miscarriage of all philosophical trials in theodicy* in 1791 Kant says that the 'principal affliction of human nature' is the propensity to 'mendacity (falsity, even without any intention to harm)', and that a liar has the evil of 'baseness, whereby all character is denied to the human being' (*M*, 8 (270): 29). In *Religion within the boundaries of mere reason* in 1793 Kant claims that without 'sincerity (that everything said be said with truthfulness)', the 'human race would have to be in its own eyes an object of deepest contempt' (*R*, 6 (190 n.2): 206 n.2). In his lectures on ethics given in 1793–4 Kant says that 'A man who lies demeans himself in the eyes of others, in his testimony and judgement he loses all credibility; for society, he is to be regarded in all his tales as a mute, since we never know how far he can be trusted' (*LE*, 27 (605): 351). In the *Doctrine of Virtue*, Part II of *The Metaphysics of Morals*, in 1797 (among other places) Kant points out that 'It is noteworthy that the Bible dates the first crime, through which evil entered the world, not from fratricide (Cain's) but from the first lie (for even nature rises up against fratricide), and calls the author of all evil a liar from the beginning and the father of lies.' (*MM*, 6 (431): 554) And in the lectures on pedagogy, published posthumously in 1803, Kant says that 'truthfulness . . . is the foundation and very essence of character. A man who tells lies has no character' (*E*, 9 (484): 90). It is interesting to note that in all of these invectives Kant does not distinguish between lies, or different circumstances in which lies are told. All lies are uniformly and equally condemned. Arnulf Zweig has pointed out that 'Kant spoke of his father as honest, hard working, and deeply intolerant of lies – an intolerance that his son evidently internalized' ('A Sketch of Kant's Life', in *Immanuel Kant: Groundwork for the Metaphysics of Morals*, translated by Arnulf Zweig and edited by Thomas E. Hill, Jr., and Arnulf Zweig (Oxford: Oxford University Press, 2002) 8).

<sup>3</sup>In addition to (as I argue) the two duties not to lie in Kant's ethics, there is also the duty to others to be candid to others (cf. *MM*, 6 (433 n.1): 556 n.1). Unlike the two duties not to lie, which are perfect negative duties, the duty to be candid is an imperfect positive duty. For more on the imperfect positive duty to others to be candid to others in Kant's ethics, see my 'Kant on Lies, Candour and Reticence', *Kantian Review* 7 (2003) 101–33.

In this article I shall concentrate on Kant's ethics, and leave to one side his philosophy of right.<sup>4</sup> I believe that one can find two duties not to lie in Kant's ethics or, as I shall put it, two ethical duties not to lie. Both of these ethical duties are exceptionless negative duties. The first is *the perfect duty to others not to lie to others*. This ethical duty can be found in the lectures on ethics in 1762–4, in the lectures on ethics in 1784–5, in the *Groundwork of the Metaphysics of Morals* in 1785, and in the lectures on ethics in 1793–4. This ethical duty is not referred to, however, in any of Kant's publications after 1785. The second is *the perfect duty to oneself not to lie to oneself or to others*. This ethical duty can be found in the lectures on ethics in 1762–4, in the lectures on ethics in 1784–5, in the letter to Maria von Herbert in 1792, in the lectures on ethics in 1793–4, and in the *Doctrine of Virtue*, part II of *The Metaphysics of Morals*, in 1797. It is also briefly mentioned in a footnote in *On a supposed right to lie from philanthropy* in 1797. This ethical duty is not referred to in the *Groundwork*, however.

In this article I am concerned with the first exceptionless negative duty, the perfect duty to others not to lie to others.<sup>5</sup> I shall argue that one argument for this duty, drawn from the Universal Law Formula of the Categorical Imperative, fails to generate the requisite exceptionless negative duty. This argument cannot prohibit a certain class of lies to others, namely, lies told to liars (or at least, to those who are believed to be liars). I shall also argue that another argument for this duty, drawn from the Humanity as an End in Itself Formula of the Categorical Imperative, also fails to generate the requisite exceptionless negative duty. This argument also cannot prohibit a certain class of lies to others, namely, lies told to those who have consented to being lied to, without knowing which lies they are to be told. I shall conclude that no argument drawn from the Categorical Imperative can generate a perfect duty to others not to lie to others.

Before proceeding, an explanatory remark about the naming of these two ethical duties is in order. Kant is normally concerned with lies that are told to other persons. He does hold, however, that it is possible for a person to lie to herself. The perfect duty to others not to lie does not prohibit lying to oneself. It only prohibits lying to others.<sup>6</sup> But the perfect duty to oneself not to lie does prohibit lying to others.<sup>7</sup> It prohibits lying to oneself and lying to

<sup>4</sup>I will discuss lying in Kant's philosophy of right on another occasion. I should say here however that I believe that there are two duties of right not to lie in Kant's philosophy of right. There is the duty of right to others not to lie to others, and the duty of right to humanity in general not to lie to others.

<sup>5</sup>I will discuss the perfect duty to oneself not to lie to oneself or to others on another occasion.

<sup>6</sup>Kant provides no argument as to why the perfect duty to others not to lie does not prohibit lying to oneself.

<sup>7</sup>Nelson Potter has commented on this:

In the *Tugendlehre* [*Doctrine of Right*] lying is classified as a violation of 'The Human Being's Duty to Himself Merely as a Moral Being'. In fact, it is the greatest such

others. Thus the scope of the duty to others is narrower than the scope of the duty to oneself. As a result, the first duty is properly named the perfect duty to others not to lie to others. It is a duty to others, regarding others. The second duty is properly named the perfect duty to oneself not to lie to oneself or to others. It is a duty to oneself, regarding oneself and others. For convenience, however, I shall sometimes refer to these two duties as the duty to others not to lie and the duty to oneself not to lie.

THE PERFECT DUTY TO OTHERS NOT TO LIE  
TO OTHERS PRIOR TO THE *GROUNDWORK*: THE EARLY  
LECTURES ON ETHICS

In his lectures on ethics in 1762–4 (as recorded by Johann Gottlieb Herder) Kant says that the definition of a lie in the philosophy of right, according to which a lie is an untruthful declaration that harms another person (what he elsewhere in his lectures calls a *'falsiloquium in praejudicium humanitatis'* [falsehood that damages another person] (*LE*, 27: 448 (p. 203)), is too narrow for ethics. In ethics an untruthful declaration is a lie, and is ethically impermissible, regardless of whether or not another person is harmed: 'Lying is simply too restricted, as an injury to the other; as untruth, it already has an immediately abhorrent quality' (*LE*, 27: 59 (p. 25)). It is important to point out that Kant makes the same claim about lies many years later in the *Doctrine of Virtue*:

In the doctrine of right an intentional untruth is called a lie only if it violates another's right; but in ethics, where no authorization is derived from harmlessness, it is clear of itself that no intentional untruth in the expression of one's thoughts can refuse this harsh name.

(*MM*, 6: 429 (p. 552))

In these early lectures on ethics Kant argues that being truthful, or not lying, is both an ethical duty to others (a duty 'of virtue' to others) and an ethical duty to oneself (a duty 'of virtue' to oneself):

*Value of the love of truth*: It is the basis of all virtue; the first law of nature, Be truthful!, is a ground (1) of virtue towards others, for if all are truthful, a man's untruth would be exposed as a *disgrace*. (2) of virtue to oneself, for a man cannot hide from himself, not is he able to contain his abhorrence.

(*LE*, 27: 60 (p. 26))

violation... This classification has had a certain amount of attention from scholars, since more commonly, and perhaps more intuitively, lying is considered a violation of duty to the person lied to.

('Duties to Oneself in Kant's Ethics', in *Kant's Metaphysics of Morals: Interpretive Essays*, edited by Mark Timmons (Oxford: Oxford University Press, 2002) 386)

Here Kant criticizes Alexander Gottlieb Baumgarten, whose textbooks on practical philosophy Kant used in his lectures,<sup>8</sup> for arguing that a lie only violates an ethical duty to oneself. A lie, or at least a lie told to another person, also violates an ethical duty to others: ‘Certain untruths are not called lies, because the latter are *strictly untruths* that are contrary to *duty*; not, however, as our author [Baumgarten] thinks, merely to the *duty* to myself, but also to that *towards others*’ (*LE*, 27: 61 (p. 27)).

In his lectures on ethics in 1784–5 (as recorded by Georg Ludwig Collins), under the heading ‘Of Duties to Oneself’, Kant says that ‘The lie is more an infringement of duty to oneself than to others, and even if a liar does nobody any harm by it, he is still an object of contempt, a low fellow who violates the duties to himself.’ (*LE*, 27: 341 (p. 123)) This statement is ambiguous. It can be read as stating that a lie to another person that does not harm the other person only violates an ethical duty to oneself. If so, then Kant is not here defending an ethical duty to others not to lie. Alternatively, it can be read as stating that a lie to another person that does not harm the other person does indeed violate an ethical duty to others, as well as an ethical duty to oneself. If this is so, then Kant is here defending an ethical duty to others not to lie, and Kant should clearly state ‘and even if a liar does nobody any harm by it, he is still a low fellow who violates the duty to others, and the duty to himself’.

Later in these same lectures, under the general heading ‘Of Duties Towards Other People’ (*LE*, 27: 413 (p. 177)), Kant discusses lying and truthfulness under the heading ‘Of Ethical Duties Towards Others, and Especially Truthfulness’ (*LE*, 27: 444 (p. 200)). Here he says that ‘In human social life, the principal object is to communicate our attitudes, and hence it is of the first importance that everyone be truthful in respect of his thoughts, since without that, social intercourse ceases to be of any value.’ (*LE*, 27: 444 (p. 200–1)) He does not, in his further discussion of being truthful, explain why others are owed the duty to be truthful. He does however insist that ‘If everyone were well disposed, it would not only not be a duty not to lie, but nobody would need to do it, since he would have nothing to worry about.’ (*LE*, 27: 448 (p. 204)) The first part of this claim, however, seems false. Even if everyone were well disposed to everyone else, it would still be a duty to others not to lie to others.

<sup>8</sup>Kant used Baumgarten’s *Introduction to Practical First Philosophy (Initia philosophiae practicae primae)* (3rd edn, 1760) and his *Philosophical Ethics (Ethica philosophica)* (1st edn, 1751, and 2nd edn, 1763) as textbooks in his lectures on ethics (he was required by law to use textbooks). Baumgarten’s two Latin textbooks are reprinted in Vols 19 and 27, respectively, of the *Königliche Preussische Akademie der Wissenschaften* edition of the works of Immanuel Kant.

THE PERFECT DUTY TO OTHERS NOT TO LIE TO OTHERS IN  
THE *GROUNDWORK*: THE PREFACE AND SECTION I

The very first moral law stated in the *Groundwork* is ‘thou shalt not lie’ (*‘du sollst nicht lügen’*). This law is given in the Preface. As with all moral laws, it applies to all rational beings, and not merely to all human beings. Or at least, it applies to all rational beings who are *capable* of lying.<sup>9</sup>

Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity; that, for example, the command ‘thou shalt not lie’ does not hold only for human beings, as if other rational beings did not have to heed it, and so with all other moral laws properly so called.

(G, 4: 389 (p. 44–5))

Following the Preface, in Section I of the *Groundwork* Kant gives an early statement of what he later (in Section II) calls the Categorical Imperative, in its Universal Law Formula: ‘*I ought never to act except in such a way that I could also will that my maxim should become a universal law*’ (G, 4: 402 (p. 57)). Here he immediately moves to consider the question ‘may I, when hard pressed, make a promise with the intention not to keep it?’ (G, 4: 402 (p. 57)) Thus the very first example of a maxim of action considered in the *Groundwork* is the maxim of lying to gain money.

Kant argues here that such a maxim cannot be made into a universal law.<sup>10</sup> That is, as one commentator has put it, the maxim cannot ‘universally determine everyone’s conduct, and hence . . . become everyone’s principle of action’.<sup>11</sup> There cannot be a universal law of gaining money by means of making a lying promise to repay money if it is given. This is because, if there were a universal law according to which everyone who wanted money made a lying promise to repay money if it were given to her, then those in the position to lend money, knowing this law, and not being naturally disposed to give away their money, would not lend money to anyone who promised to repay money if it were given to her. They would refuse, or lie in return, because of the possibility that the person who promised to repay the money was following this law and was lying, and because they are not naturally

<sup>9</sup>In the *Anthropology* Kant considers the following possible rational beings: ‘It could well be that some other planet is inhabited by rational beings who have to think aloud—who, whether awake or dreaming, in company with others or alone, can have no thoughts they do not *utter*.’ (A, 7 (333) 192) Such rational beings would not be capable of lying. Hence the moral law ‘Thou shalt not lie’ would fail to apply to them.

<sup>10</sup>As will become apparent below, I favour the interpretation of the Formula of Universal Law according to which a universal law is a law of nature. Further, I favour the interpretation of a law of nature according to which a law of nature is a causal law.

<sup>11</sup>Leslie Mulholland, ‘Kant: On willing maxims to become laws of nature’, *Dialogue* 18 (1978) 95.

disposed to give handouts to others.<sup>12</sup> Hence, no one who wanted money would *ever* gain money by means of making a lying promise. Making a lying promise to gain money would result in the person *not* gaining money. Making a lying promise to gain money would be *futile*.<sup>13</sup> Since the ‘form of lawfulness is the form of order or regularity in the production of an effect’,<sup>14</sup> and since the effect (gaining money) would not be produced by the cause (making a lying promise), it follows that there cannot be a universal law of gaining money by this means:

However, to inform myself in the shortest and yet infallible way about the answer to this problem, whether a lying promise is in conformity with duty, I ask myself: would I indeed be content that my maxim (to get myself out of difficulties by a false promise) should hold as a universal law (for myself as well as for others)? and could I indeed say to myself that every one may make a false promise when he finds himself in a difficulty he can get out of in no other way? Then I soon become aware that I could indeed will the lie, but by no means a universal law to lie; for in accordance with such a law there would properly be no promises at all, since it would be futile to avow my will with regard to my future actions to others who would not believe this avowal or, if they rashly did so, would pay me back in like coin; and thus my maxim, as soon as it were made a universal law, would have to destroy itself.

(G, 4: 403 (p. 57))

<sup>12</sup>Kant does assume that, among other things, it is a contingent truth about people that they are not naturally disposed to give handouts to others. As Shelly Kagan has pointed out: ‘Regardless of which interpretation we accept, it is worth drawing attention to the fact that the argument makes use of various contingent, empirical facts. The argument assumes, for example, that people have memories’ (‘Kantianism for Consequentialists’, in Immanuel Kant, *Groundwork for the Metaphysics of Morals*, edited and translated by Allen W. Wood (New Haven: Yale University Press, 2002) 131).

<sup>13</sup>Mulholland argues that Kant’s argument is that *making promises* would be impossible, and hence, that making a lying promise to obtain money would be impossible, and hence, that obtaining money by means of making a lying promise would be impossible:

given that no one believed what was promised him, it follows that it would be impossible to make promises. Promises are made only if they are accepted. But promises are accepted only if they are believed. Hence, if no one believed what was promised him, promises could not be made.

(Mulholland, 1978: 98)

My argument is the weaker one that Kant’s argument is that *obtaining money*, by means of making a lying promise, would be impossible, since lying promises would not be believed. I do not argue that Kant argues that making a lying promise to obtain money would be impossible, much less that he argues that making promises would be impossible. Here I agree with Allen Wood that

it is far from self-evident that if M2 [the maxim] were a universal law of nature then there could be no promises at all. It is much easier to convince oneself that U2 [the universalization of the maxim] as a universal law of nature would simply render it impossible to achieve one’s ends by making false promises.

(*Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999: 89)

<sup>14</sup>Mulholland, 1978: 95.

One commentator has argued that ‘What Kant in fact supposes to be universalized is not a law but a permission – ‘Everyone *may* make a deceitful promise when he finds himself in a difficulty from which he cannot otherwise extricate himself.’ This *would*, no doubt, lead to chaos. Then we should never know whether the maker of the promise meant to keep it or to break it’.<sup>15</sup> The reason for saying that Kant attempts to universalize a permission, and not a law, is that ‘The maxim, ‘People, when they make promises, shall always make promises they do not mean to fulfil’, is not one which would necessarily destroy itself. For if people acted always on this maxim every promise could be relied upon to be broken, and this would in many (though not in all) cases serve as well as if it could be relied on to be kept.’<sup>16</sup> However, this is wrong. Kant does indeed suppose a law to be universalized, and not merely a permission. The chaos that would ensue if everyone who needed money were to follow this law would stem from the uncertainty of those in the position to lend money as to whether the person was one of those following this law, or whether the person was someone who only needed a loan (as it were, someone following a different law, namely, make a truthful promise to repay money if it is given in order to borrow money). No amount of questioning could settle this matter, of course. This uncertainty, coupled with the fact that they are not naturally disposed to give handouts to others, would lead to their refusal or lying in return.

Since the maxim of gaining money by means of making a lying promise to repay money if it is given cannot be made into a universal law, it follows that acting on the maxim, that is, making a lying promise to repay money if it is given in order to gain money, is ethically impermissible. Kant’s conclusion in Section I of the *Groundwork*, however, is not merely that making a lying promise in order to gain money is ethically impermissible. His conclusion is that *lying for any purpose whatsoever* is ethically impermissible. That is, his conclusion is that lying, as such, is ethically impermissible, and that one has an ethical duty ‘To be truthful’:

To be truthful from duty, however, is something entirely different from being truthful from anxiety about detrimental results, since in the first case the concept of the action in itself already contains a law for me while in the second I must first look about elsewhere to see what effects on me might be combined with it.

(G, 4: 402 (p. 57))

Although Kant does say in these early parts of the *Groundwork* that ‘thou shalt not lie’ is a moral law for all rational beings capable of lying, and

<sup>15</sup>W. D. Ross, *Kant’s Ethical Theory: A Commentary on the Grundlegung zur Metaphysik der Sitten* (Oxford: Clarendon Press, 1954) 30. A similar interpretation has been offered by Thomas W. Pogge in ‘The Categorical Imperative’, *Grundlegung der Metaphysik der Sitten: Ein kooperativer Kommentar*, edited by Otfried Höffe (Frankfurt am Main: Vittorio Klostermann, 1989) 172–93.

<sup>16</sup>*Ibid.*: 30.

that there is an ethical duty ‘To be truthful’, he does not explicitly characterize this ethical duty as a duty to others. Presumably this is because he is not, in these early parts of the *Groundwork*, engaged in characterizing ethical duties.

### THE PERFECT DUTY TO OTHERS NOT TO LIE TO OTHERS IN THE *GROUNDWORK*: SECTION II

In Section II of the *Groundwork*, Kant says that he will enumerate ethical ‘duties to ourselves and to other human beings’, which he further divides into ‘perfect and imperfect duties’ to ourselves, and perfect and imperfect duties to others (*G*, 4: 421 (p. 73)). However, in enumerating these ethical duties, by way of examples, Kant does not state in so many words which particular ethical duties he has in mind. In particular, he does not state in so many words which particular perfect duty to others he has in mind. Nevertheless, I shall argue that the perfect duty to others he has in mind is the perfect duty to others not to lie to others.

In providing an example of a perfect duty to others in Section II of the *Groundwork*, Kant returns to the case described in Section I, that of a person ‘who has it in mind to make a false promise to others’ (*G*, 4: 429 (p. 80)). The ‘maxim of action’ (*G*, 4: 422 (p. 74))<sup>17</sup> that Kant considers is, ‘when I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know that this will never happen.’ (*G*, 4: 422 (p. 74)). Since, if one does indeed *borrow* money, it follows that one does, implicitly or explicitly, promise to repay it, this maxim is awkwardly expressed. It would be better to say ‘when I believe myself to be in need of money I shall take money and promise to repay it, even though I know that this will never happen’, or ‘when I believe myself to be in need of money I shall take money and lie that I am borrowing it’.

The argument here is the same as that given in Section I of the *Groundwork*. It is drawn from the ‘categorical imperative’, in its Universal Law Formula: ‘*act only in accordance with that maxim through which you can at the same time will that it become a universal law*’ (*G*, 4: 421 (p. 73)). The maxim ‘when I believe myself to be in need of money I shall take money and promise to repay it, even though I know that this will never happen’, cannot be made into a universal law. If everyone who needed money were to make a

<sup>17</sup>In the *Groundwork* Kant considers two kinds of maxim: maxims of action and maxims of ends. Maxims of action, such as ‘in order to gain money, I shall lie that I am borrowing money’, involve actions (here, the action of lying). Maxims of ends, such as ‘in order to enjoy myself, I shall neglect my natural gifts’, involve ends (here, neglecting one’s natural gifts). Many different actions may satisfy the end of neglecting one’s natural gifts. Consideration of maxims of action typically leads to perfect duties (e.g. the duty to others not to lie). Consideration of maxims of ends typically leads to imperfect duties (e.g. the duty to oneself to develop one’s natural gifts).

lying promise to repay money if it were given to her, then no one would ever gain money by this means. No one in the position to lend money, knowing that people who need money lie that they will repay it, and not being naturally disposed to give handouts to others, would ever lend money to anyone who asked to borrow it. They would ‘laugh’ at people who asked to borrow money:

For, the universality of a law that everyone, when he believes himself to be in need, could promise whatever he pleases with the intention of not keeping it would make the promise and the end one might have in it itself impossible, since no one would believe what was promised him but would laugh at all such expressions as vain pretences.

(G, 4: 422 (p. 74))

Since the maxim of gaining money by means of making a lying promise to repay money if it is given cannot be made into a universal law, it follows that acting on the maxim, that is, making a lying promise to repay money if it is given in order to gain money, is ethically impermissible. As he also says in Section II:

For example, when it is said ‘you ought not to promise anything deceitfully,’ and one assumes that the necessity of this omission is not giving counsel for avoiding some ill or other – in which case what is said would be ‘you ought not to make a lying promise lest if it comes to light you destroy your credit’ – but that an action of this kind must be regarded as in itself evil and that the imperative of prohibition is therefore categorical.

(G, 4: 419 (pp. 71–2))

Unlike in Section I, however, in Section II Kant does not say that the perfect duty to others in question in this example is the perfect duty to others to be truthful, that is, the perfect duty to others not to lie. Nevertheless, I believe that the perfect duty to others at issue here is the perfect duty to others not to lie to others.

I shall return to the argument used to generate this perfect duty to others. Before doing so, however, I want to examine passages in the *Critique of Practical Reason*, and in the later lectures on ethics, that have a bearing on this argument.

### THE PERFECT DUTY TO OTHERS NOT TO LIE TO OTHERS AFTER THE *GROUNDWORK*: THE CRITIQUE OF PRACTICAL REASON

The *Critique of Practical Reason* contains little discussion of duties in general, and little discussion of the duty not to lie in particular. Kant does

provide, however, as an example of a practical law or categorical imperative, the rule ‘never to make a lying promise’:

Now tell someone that he ought never to make a lying promise; this is a rule that has to do only with his will, regardless of whether the purposes the human being may have can be thereby attained; the mere volition is that which is to be determined completely a priori by this rule. If, now, it is found that this rule is practically correct, then it is a law because it is a categorical imperative.

(*CPR*, 5: 21 (p. 154–5))

One possible implication of this passage of the *Critique* is that the duty to others in Section II of the *Groundwork* is the perfect duty to others not to make lying promises to others, as opposed to the perfect duty to others not to lie to others. However, later in the *Critique* Kant summarizes the arguments of the second section of the *Groundwork*. Here he argues that a maxim of deceiving when it is believed to be to one’s advantage cannot be universalized. The implication is that the perfect duty to others that is at issue in Section II of the *Groundwork* is not merely the perfect duty to others not to make lying promises to others. It is, rather, the perfect duty to others not to deceive others.

Thus one says: if *everyone* permitted himself to deceive when he believed it to be to his advantage, or considered himself authorized to shorten his life as soon as he was thoroughly weary of it, or looked with complete indifference on the need of others, and if you belonged to such an order of things, would you be in it with the assent of your will? Now everyone knows very well that if he permits himself to deceive secretly it does not follow that everyone else does so, or that if, unobserved, he is hard-hearted everyone would not straightaway be so towards him; accordingly, this comparison of the maxim of his actions with a universal law of nature is also not the determining ground of his will.

(*CPR*, 5: 69 (p. 196))

Even here, however, Kant does not come out and say that there is a perfect duty to others not to deceive others. Later in the *Critique*, when discussing the teaching of virtue to children, Kant chooses the case of someone who is offered bribes, threatened by powerful figures, and implored by friends and family, to lie that Anne Boleyn is guilty (of adultery or sedition or some such crime), but who ‘remains firm in his resolution to be truthful, without wavering or even doubting’ (*CPR*, 5: 156 (p. 264–5)). He also quotes a favourite passage from Juvenal’s eighth Satire: ‘if summoned to bear witness in some dubious and uncertain cause, though Phalaris himself should dictate that you perjure yourself and bring his bull to move you, count it the greatest of all iniquities to prefer life to honor and to lose, for the sake of living, all that makes life worth living.’ (*CPR*, 5: 158–9, p. 267 n.1). Despite what is said here and in the earlier parts of the *Critique* about deception and

truthfulness, however, there is no statement in this work to the effect that there is a perfect duty to others not to lie to others.

THE PERFECT DUTY TO OTHERS NOT  
TO LIE TO OTHERS AFTER THE *GROUNDWORK*:  
THE LATER LECTURES ON ETHICS

In his lectures on ethics in 1793–4 (as recorded by Johann Friedrich Vigilantius) Kant argues that there is an ‘imperative of reason’ to ‘absolutely speak the truth’, or to not lie. He does so by way of an argument similar to that given in the *Groundwork*, namely, that a maxim of lying in order to gain a great advantage cannot be made into a universal law. Importantly, Kant claims that this argument establishes that there is a ‘perfect’ duty to ‘absolutely speak the truth’:

You shall absolutely speak the truth, is an imperative of reason, and in application a maxim which reason converts into a universal law. For suppose that someone were to have the maxim, that he might tell an untruth whenever he could thereby obtain great advantage, the question arises, whether this maxim could stand as a universal law. We would then have to presuppose that nobody will tell the truth to his disadvantage, and in that case nobody would continue to have any trust; the liar could thus never succeed in deceiving anyone by lying, and the law would therefore automatically destroy itself. So it is with all perfect duties; if the opposite were to occur, it would so determine the action as to bring about a contradiction with itself, which could never become a universal law.

(LE, 27: 496 (p. 264))

Although it is not stated, it may be presumed that the perfect duty to ‘absolutely speak the truth’ is a perfect duty to others. It is true that, later in these same lectures, when he contrasts the ethical definition of a lie with the legal definition of a lie, Kant only talks of a lie violating a perfect duty to oneself. However, later again in these same lectures Kant acknowledges that a lie does violate a duty to others – ‘the human duty towards others’ – in addition to violating a duty to oneself – the duty to ‘humanity in our own person’. It is important that Kant states here that a lie told to others, even if it harms no one, and hence, does not violate a duty of right to others not to lie, nevertheless violates an ethical duty to others not to lie.

There is always a violation in this of humanity in our own person, as well as in regard to others; we carry on a traffic with words, but not with thoughts, and so no communication can be thought of here, that would have reality... In *sensu juridico* [the sense of right], the *mendacium* [lie] is a *falsiloquium dolosum in praejudicium alterius* [harmful falsehood that damages another], but in *sensu*

*ethico* [ethical sense] it is already any deliberate untruth. To utter one cannot be called in any wise permissible. It violates the human duty towards others, as it does the humanity in our own person, which is hereby depreciated.

(*LE*, 27: 700–1 (p. 427))

Kant explains how it is that a lie, even a harmless lie, violates two ethical duties not to lie, in the course of explaining the difference between telling a lie and breaking a promise. A person who lies to another person immediately violates a perfect duty to himself not to lie, and mediately violates a perfect duty to others not to lie.

There is a difference between lying and breach of trust, or *mala fides in pactis servandis* [bad faith in keeping a bargain]. He who makes a promise allows the other to acquire *res vel praestatio facti* [the doing of a thing] over him, whose truth the promiser knew as such. But he acts unfaithfully if, because he regrets this promise, he fails to carry it out. The liar acts contrary to the duty of humanity in his own person, and mediately against the duty to others; the contract-breaker acts contrary to the duty towards others, and mediately against himself.

(*LE*, 27: 702 (p. 428))

Kant never refers to an ethical duty to others not to lie to others in any of his published works after the *Groundwork*. No mention of it is made, for example, in the extensive discussion of lying in the *Doctrine of Virtue*, where Kant is exclusively concerned with the ethical duty to oneself not to lie to oneself or to others. No mention is made of it in the *Right to lie*, where Kant is concerned with the duty of right to humanity not to lie, and in a footnote refers to the ethical duty to oneself not to lie to oneself or to others. There is also no mention made of it in the letter to Maria von Herbert, where Kant is also exclusively concerned with the ethical duty to oneself not to lie to oneself or to others.<sup>18</sup> One explanation of this could be that the ethical duty to others not to lie to others is covered by the duty of right to humanity not to lie, since duties of right are ethical duties from the point of view of virtue. The footnote in the *Right to lie* then merely indicates that he does not wish to also talk about the other ethical duty (to oneself) not to lie.<sup>19</sup> However, in the footnote Kant says the duty to oneself not to lie ‘belongs to ethics, but what is under discussion here is a duty of right’ (*RL*, 8: 427 n.1 (p. 612 n.1)). The implication is that the duty of right to humanity not to lie is not an ethical duty. Furthermore, the ethical duty to others not to lie and the

<sup>18</sup>We only possess a copy of this letter, as opposed to the letter itself. However, as Zweig points out, Kant ‘carefully copied and improved on the preliminary draft of his reply to her – unusual for Kant’ (*C*, 579). Thus we can be assured that this copy does not differ from the letter that was sent, and that it is a considered expression of his position.

<sup>19</sup>I would like to thank an anonymous referee for making this suggestion.

duty of right to humanity not to lie do not appear to be equivalent in content, even if they are equivalent in extension. According to Kant's explanation of the duty of right to humanity not to lie, 'I indeed do no wrong to him who unjustly compels me to make the statement if I falsify it' (*RL*, 8: 426 (p. 612)). Instead, I do wrong to 'humanity generally' (*RL*, 8: 426 (p. 612)). According to the ethical duty to others not to lie, however, it is always the case that, when I lie to another person, I wrong that person.

Despite the fact that Kant never refers to an ethical duty to others not to lie to others in any of his published works after the *Groundwork*, I believe that Kant did hold that there is an ethical duty to others not to lie to others. Before explaining what it means to say that this ethical duty is a perfect duty, I shall defend the claim that the duty to others under discussion in Section II of the *Groundwork* is the duty *not to lie*, as opposed to some other duty.

### A DUTY NOT TO LIE?

Although I have argued that the duty under discussion in Section II of the *Groundwork* is the perfect duty to others not to lie to others, commentators disagree as to which duty to others is at issue here. Some commentators have said that the duty to others under discussion is 'the perfect duty to others to keep promises'.<sup>20</sup> However, this is wrong. The obvious example of a maxim to consider for a perfect duty to others to keep one's promises would be a maxim of breaking a promise to another person in order to gain money, such as 'when I believe myself to be in need of money, I shall break my promise to another person to repay the money I have been given'. But the maxim that Kant considers in the *Groundwork* is not a maxim of breaking a promise to another person. It is a maxim of making a promise to another person that one does not intend to keep. That is to say, it is the maxim of telling a particular kind of lie to another person. Kant distinguishes between the breaking of a promise to another person (a 'breach of faith'), and a lie to another person, in the lectures on ethics given in 1784–5: 'There are also lies whereby the other is cheated. To cheat is to make a lying promise. Breach of faith is when we promise something truthfully, but do not have so high a regard for the promise as to keep it.' (*LE*, 27: 449 (p. 204)) He also distinguishes between the two in the lectures on ethics given in 1793–4, as noted above. Thus the duty under discussion in Section II of the *Groundwork* is not the perfect duty to others to keep one's promises to others.

<sup>20</sup>H. B. Acton, *Kant's Moral Philosophy* (London: Macmillan, 1970) 22. Many other commentators have made the same claim. See also, for example, *Grounding for the Metaphysics of Morals*, translated by James W. Ellington (Indianapolis: Hackett, 1981), 31 n.14.

Other commentators have said that the duty under discussion in Section II of the *Groundwork* is not an ethical duty to others, but a duty of right to others not to promise falsely (or lyingly) to others:

The illustration [in the second section of the *Groundwork*] of perfect duties to others—the duty not to promise falsely—is a prototype for the duties of justice which are later elaborated in the *Rechtslehre*. The action such duties demand (in this case not making false promises) is relatively well-defined and is owed to specifiable others; it can be legally enforced, for example, by giving those who are defrauded by false promisers rights of redress which can be pursued in the courts.<sup>21</sup>

It should be noted that if the duty under discussion in Section II of the *Groundwork* is a duty of right to others, then the *Groundwork* does not provide an example of an ethical duty that is a perfect duty to others. However, this is wrong also. The duty is a duty about lying as such, and it is an ethical duty.

First of all, the similarity, bordering on repetition, between the discussion of the promise that one does not intend to keep, called a 'lie', in Section I of the *Groundwork*, and the discussion of the lying promise in Section II of the *Groundwork*, points to the conclusion that both discussions are about the same duty. In Section I of the *Groundwork*, however, the conclusion that Kant reaches is that one has 'To be truthful from duty', and not merely that one has to not promise falsely (or lyingly).

Secondly, in Section II of the *Groundwork* Kant contrasts making a lying promise to another person with assaulting the freedom and property of others. In the case of assaults on the freedom and property of others, others' legal rights are transgressed, whereas in the case of making a lying promise to another person, her legal rights are not transgressed: 'This conflict with the principle of other human beings is seen more distinctly if examples of assaults on the freedom and property of others are brought forward. For then it is obvious that he who transgresses the rights of human beings intends to make use of the person of others merely as a means' (*G*, 4: 430 (p. 80)). This contrast between making a lying promise to another person, and assaulting the freedom and property of others, indicates that making a lying promise is not a violation of a duty of right to others.

This is consistent with what Kant says in the *Doctrine of Right*, Part I of *The Metaphysics of Morals*, where he argues that one does not violate a duty of right to others when one lies to another person:

This principle of innate freedom already involves the following authorizations . . . to do to others anything that does not in itself diminish what is theirs,

<sup>21</sup>Onora O'Neill, 'Kant's Virtues', in *How Should One Live? Essays on the Virtues*, edited by Roger Crisp (Oxford: Clarendon Press, 1996).

so long as they do not want to accept it – such things as merely communicating his thoughts to them, telling or promising them something, whether what he says is true and sincere or untrue and insincere (*veriloquium aut falsiloquium* [true statement or falsehood]); for it is entirely up to them whether they want to believe it or not.

(MM, 6: 238 (p. 394))

Finally, in his lectures on ethics in 1784–5, Kant argues that lying is ethically impermissible by arguing against the possibility of universalizing a maxim of lying in order to obtain a large estate: ‘For example, lying, in order to obtain a large estate, becomes impossible to achieve if practised universally, since everyone knows the aim already. An immoral action, therefore, is one whose intention abolishes and destroys itself if it is made into a universal rule.’ (*LE*, 27: 1428 (p. 71)) And in the lectures on ethics in 1793–4, as noted above, Kant argues that the non-universalizability of the maxim ‘tell an untruth whenever he could thereby gain a great advantage’ establishes that ‘You shall absolutely speak the truth, is an imperative of reason’. In both of these cases the lie in question is not a lying promise, or at least, is not necessarily a lying promise. The conclusion in each case, however, is that lying is ethically impermissible and that there is a perfect duty not to lie.

The duty under discussion in Section II of the *Groundwork*, then, is the duty to others not to lie to others. The lying promise is merely an example of a lie told to others. It is now necessary to explain what is meant by saying that this duty to others is a perfect duty.

## PERFECT DUTIES AND IMPERFECT DUTIES

All ethical duties in Kant’s practical philosophy may be divided into perfect duties and imperfect duties.<sup>22</sup> Perfect duties differ from imperfect duties in at least two important respects. First of all, perfect duties are not constrained by any other duties—neither by any other perfect duties, nor by any imperfect duties. For example, the perfect duty to others not to murder others is constrained neither by the perfect duty to oneself not to commit suicide, nor by the imperfect duty to others to be beneficent to others, since it is never the case that one must commit suicide in order not to murder others, and since one may never murder others in order to be beneficent to others. However, imperfect duties are constrained both by all perfect duties and by all other imperfect duties. For example, the imperfect

<sup>22</sup>In my ‘Kant on Lies, Candour and Reticence’ (see n.3) I distinguished between duties of narrow obligation and duties of wide obligation, rather than perfect duties and imperfect duties. I now believe that although these two distinctions are equivalent in the *Groundwork*, they are not equivalent in the *Doctrine of Virtue*. Everything that I said about narrow and wide duties in the earlier article should be read as applying to perfect and imperfect duties.

duty to others to be beneficent to others is constrained by the perfect duty to others not to murder others, and by the imperfect duty to oneself to develop one's natural gifts, since it is ethically impermissible to murder others in order to be beneficent to others, and since it is ethically impermissible to be beneficent to others to the extent of never developing one's natural gifts. Thus the perfect duty to others not to murder others is the duty to others *not to murder others*, whereas the imperfect duty to others to be beneficent to others is the duty to others *to be ethically permissibly beneficent to others*.

The second major difference between perfect and imperfect duties is that there is no playroom ('*Spielraum*' (*MM*, 6: 390 (p. 521)), or discretion, incorporated into perfect duties. There is playroom, or discretion, incorporated into imperfect duties. There are at least two forms of discretion incorporated into imperfect duties. There is discretion about when (or how much) to act, and there is discretion about to whom to act. For example, it is possible to not murder another person all of the time. One can refrain from murdering another person continuously and perpetually. Therefore the perfect duty to others not to murder others does not allow for discretion as to when to not murder another person. One must *always* not murder another person (or, one must *never* murder another person). By contrast, for example, it is not possible to be beneficent to another person all of the time. One cannot be beneficent to another person continuously and perpetually. One must choose between different occasions on which to be beneficent to another person. Therefore the imperfect duty to others to be beneficent to others does allow for discretion as to when to be beneficent to others. One must be beneficent to others *some of the time* (or, it is *not* the case that one must be beneficent to others all of the time).

There is no discretion about to whom to act incorporated into perfect duties either. It is possible to not murder Conor, not murder Olivia, not murder Batiste, etc., simultaneously. Therefore the perfect duty to others not to murder others is the duty not to murder *anyone*. However, it is not possible to be beneficent to Conor, be beneficent to Olivia, be beneficent to Batiste, etc., simultaneously. One cannot be beneficent to everyone, simultaneously. One must choose between those who are to be the recipients of one's beneficence. Therefore, the imperfect duty to others to be beneficent to others does allow for discretion as to who will be the recipient of one's beneficence. One must be beneficent to *some others* (or, it is *not* the case that one must be beneficent to *all* others).

In sum, the perfect duty to others not to murder others, correctly stated, is the duty to others *not to murder any other person, ever*, whereas the imperfect duty to others to be beneficent to others, correctly stated, is the duty to others to be *ethically permissibly beneficent to some others some of the time*.

The ethical duty to others not to lie to others is a perfect duty. Hence it is the duty to others *not to lie to any other person, ever*. It is an exceptionless negative duty.

THE ARGUMENT AGAINST LYING TO OTHERS  
DRAWN FROM THE UNIVERSAL LAW FORMULA

The argument outlined above that generates the perfect duty to others not to lie to others is an application of the Universal Law Formula of the Categorical Imperative: '*I ought never to act except in such a way that I could also will that my maxim should become a universal law*' (G, 4: 402 (p. 57)). If a person acts on a maxim that cannot be made into a universal law, then she is performing an action for an end that cannot be performed by everyone, for that end, and succeed. Lying in order to gain money will *only* succeed *so long* as it is *not* the case that everyone who needs money lies in order to gain money. The liar, of necessity, applies a double standard: lying in order to gain money is permissible for her, but not for others.

To apply a double standard is to *exempt oneself* from a rule that one requires others to follow. Or, it is to have two rules: one for others, and one for oneself. According to Kant, *any* immoral action involves the application of a double standard:

If we now attend to ourselves in any transgression of a duty, we find that we do not really will that our maxim should become a universal law, since that is impossible for us, but that the opposite of our maxim should instead remain a universal law, only we take the liberty of making an *exception* to it for ourselves (or just for this once) to the advantage of our inclination.

(G, 4: 424 (p. 76))

In order for one to gain money by means of lying it is not only necessary that others who need money do not lie. It is also necessary that those who are in a position to lend money do not lie that they will lend money (that they do not, as Kant says, 'pay me back in like coin'). And it is also necessary that any intermediaries involved in getting the money to one (a servant, a bank teller, etc.) do not lie. Since, in principle, *anyone else* could be an intermediary, it follows that a person who lies applies the double standard that *lying is permissible for her, but not for anyone else*. A person who lies exempts herself from the rule (*do not lie*) that she requires *everyone else* to follow. Or, she has two rules: one for everyone else (*do not lie*), and one for herself (*lie*).

The basis for applying a double standard, or having one rule for oneself and another for everyone else, is a presumption of inequality. It is permissible for one to lie to another person, but not for the other person to lie to one, because the other person is not equal to one. To lie to another person, therefore, is to treat the other person as unequal to oneself. In particular, it is to treat the other person as *inferior* to oneself. All persons, however, are equal, in the sense that all persons are equally possessed of humanity. There can only be a single standard for our actions. Hence lying to another person is always ethically impermissible. This is what lies behind

the argument drawn from the Universal Law Formula of the Categorical Imperative for the perfect duty to others not to lie to others. One owes it to others to treat them as equals; hence, one owes it to others not to lie to others. (Such an argument, it is important to note, makes no mention of harm).

The same argument generates all other duties to others, such as the perfect duties to others not to steal, kidnap, torture, rape or murder others. For example, a thief applies a double standard: taking others' property is permissible for him, but not for anyone else. Otherwise, others could take property from him, and he could never possess anything, which is the end of theft. To steal from another person, then, is to treat her as an unequal, by taking property from her, and not permitting her to take property from one. *That* is what stealing is. Hence it is ethically impermissible to steal from others. One owes it to others to treat them as equals; hence, one owes it to others not to steal from others.

There is a further point to note about the argument drawn from the Universal Law Formula of the Categorical Imperative for the perfect duty to others not to lie to others. Kant's claim is that the maxim of obtaining money by means of making a lying promise to repay money if it is given is such that it 'cannot even be *thought* without contradiction as a universal law of nature' (*G*, 4: 424 (p. 75)). In general, Kant holds that any maxim that includes lying as a means to some end cannot even be conceived as a universal law, since it cannot be the case that any end could be achieved by means of lying if it was practiced universally. It is not the case that lying in order to achieve some end could be practiced universally, but that this end would conflict with other ends that the person has. Rather, lying in order to achieve any end whatsoever could not be practiced universally. In order for lying to be a means to achieve any end whatsoever, it must not be the case that lying to achieve this end is practiced universally. Since lying *requires* a double standard in order to succeed, it follows that lying necessarily involves the treatment of other persons as unequals. Hence, lying is necessarily ethically impermissible.

### THE ETHICAL IMPERMISSIBILITY OF LYING TO AGGRESSORS

The perfect duty to others not to lie to others prohibits lying to any other person, ever. Hence there is never an occasion on which it is ethically permissible to lie to another person. As Kant says in the lectures on ethics in 1784–5:

For example: You are not to lie; if this were to rest upon the principle of self-love, it would run: You are not to lie only if it brings harm your way, but if it profits you, then it is permitted. If it rested on the moral feeling, then anyone

not possessed of a moral feeling so fine as to produce in him an aversion to lying would be permitted to lie. Were it to rest upon education or government, then anyone educated or living under a régime where lying is permitted, would be at liberty to lie. But if it rests on a principle that resides in the understanding, then the injunction is absolute: You are not to lie, whatever the circumstances may be.

(*LE*, 27: 254 (p. 49))

In all of his published writings Kant insists that it is never ethically permissible to lie to another person. In the lectures on ethics in 1762–4 Kant says that ‘The importance of the love of truth is so great that one can almost never make an exception to it’ (*LE*, 27: 61 (p. 27)). Here he appears to make a concession to the excusableness, if not the permissibility, of lying to another person in certain circumstances: ‘If our untruth is in keeping with out main intent, then it is bad; but if I can avert a truly great evil only by this means, then . . . etc. Here goodness of heart takes the place of sincerity.’ (*LE*, 27: 61 (p. 27)) Nevertheless his last statement on the matter in this discussion appears to be a defence of the absolute prohibition on lying to another person:

A white lie is often a *contradictio in adjecto* [contradiction in terms]; like pretended tipsiness, it is *untruth* that breaches no obligation, and is thus properly no *lie*. *Joking* lies, if they are not taken to be true, are not immoral. But if it be that the other is ever meant to believe it, then, even though no harm is done, it is a lie, since at least there is always deception.

(*LE*, 27: 62 (p. 28))

There is one passage in his lectures on ethics given in 1784–5, however, in which Kant appears to permit lying to another person under certain circumstances:

Now, however, since men are malicious, it is true that we often court danger by punctilious observance of the truth, and hence has arisen the concept of the necessary lie, which is a very critical point for the moral philosopher. For seeing that one may steal, kill or cheat from necessity, the case of the emergency subverts the whole or morality, since if that is the plea, it rests upon everyone to judge whether he deems it an emergency or not; and since the ground here is not determined, as to where emergency arises, the moral rules are not certain. For example, somebody, who knows that I have money, asks me: Do you have money at home? If I keep silent, the other concludes that I do. If I say yes, he takes it away from me; if I say no, I tell a lie; so what am I to do? So far as I am constrained, by force used against me, to make an admission, and a wrongful use is made of my statement, and I am unable to save myself by silence, the lie is a weapon of defence; the declaration extorted, that is then misused, permits me to defend myself, for whether my admission or my money is extracted, is all the same. Hence there is no case in which a

necessary lie should occur, save where the declaration is wrung from me, and I am also convinced that the other means to make a wrongful use of it.

(*LE*, 27: 449 (p. 204))

Before commenting on this passage, it should be noted that Kant says a little later in the same lecture, 'But the lie is intrinsically a worthless thing, whether its intentions be good or bad, because it is evil as to its form; it is still more worthless, however, when it is also evil as to its matter. For by lies something evil may always result.' (*LE*, 27: 449 (p. 205)) Nonetheless, the passage in which Kant appears to permit lying to aggressors intent upon immorality should be addressed.

The 'necessary lie' to another person that is introduced in this lecture is a 'very critical point for the moral philosopher', because if there are no restrictions as to what is to count as a necessary lie, then everyone will be left to judge for herself as to when lying to another person is necessary, and the prohibition against lying to another person will be undermined. Hence conditions are provided for ethically permissible lying to others. There are three conditions that must be met. It is only ethically permissible to lie to another person when: (i) one is unable to remain silent and a declaration is 'wrung' (or 'extorted') from one; (ii) one is being attacked, or at least being threatened with violence, by another person; and (iii) one believes that this other person intends to use the information contained in the declaration to act immorally.

The first condition that must be met for a 'necessary lie', however, is an impossible condition. It cannot be the case that one is unable to remain silent and able to either make a truthful declaration or tell a lie. In a courtroom cross-examination, for example, when one is directed by a judge to reply to a question, it is false that one is unable to remain silent. One is able to remain silent. (Of course, one may be penalized for doing so). Alternatively, if one has been drugged with a truth serum, hypnotized, etc., such that one is unable to remain silent, then it is false that one is able to either make a truthful declaration or tell a lie. One can only make a truthful declaration. Likewise, if one has been drugged with a 'lie serum', hypnotized, etc., such that one is unable to remain silent, then it is false that one is able to either make a truthful declaration or tell a lie. One can only tell a lie. If it is ever true that a person is unable to remain silent, then it is false that the person is able to either make a truthful declaration or tell a lie. And if it is ever true that a person is able to either make a truthful declaration or tell a lie, then it is false that the person is unable to remain silent.

Kant talks about a declaration being 'wrung' from another person. If a declaration is not the product of drugs, hypnosis, etc., but is a free act, then it is not 'wrung' from another person. Insofar as a declaration is a free act, a person chooses either to tell a lie or to be truthful. This is the import of Kant's favourite quotation from Juvenal referred to earlier: 'if summoned to

bear witness in some dubious and uncertain cause, though Phalaris himself should dictate that you perjure yourself and bring his bull to move you, count it the greatest of all iniquities to prefer life to honor and to lose, for the sake of living, all that makes life worth living.’ (*CPR*, 5: 158–9 (p. 267 n.1)) If one is able to remain silent, or be truthful, rather than perjure oneself, and as a result be murdered, then one is able to remain silent, or be truthful, rather than lie to an aggressor, and as a result have one’s money stolen.

Granted this problem with the first condition for a ‘necessary lie’, it should be abandoned. Note, however, that the remaining second and third conditions remain extremely restrictive. If one is not under threat of violence from another person oneself, then lying to another person remains ethically impermissible. It is only ethically permissible to lie in self-defence. If, for example, the other person is threatening the lives of others (only), then it is ethically impermissible to lie. Furthermore, even if one is under threat of violence oneself, one may not lie to another person unless the information contained in one’s declaration is going to be used for immoral ends. If, for example, the other person is threatening one’s life, but the information contained in one’s truthful declaration is merely, say, personal information, or common knowledge, and the aggressor simply wants to know this, then it is ethically impermissible to lie. Even if the first condition is abandoned, then, it is still only ethically permissible to lie to another person in self-defence when the information contained in one’s declaration is going to be used for immoral ends.

Some commentators would appear to defend such an amended argument for ethically permissible lying: ‘One is to ask whether a universal law of deceiving to save lives is a possible universal law. It seems clear that it is.’<sup>23</sup> The problem with this amended argument for ethically permissible lying, however, is that even in these circumstances lying is ethically impermissible, by the argument drawn from the Universal Law Formula of the Categorical Imperative. A maxim for this action, such as ‘when I believe myself to be under the threat of violence from another person, who will use the information of my truthful declaration to act immorally, I shall lie to the other person in order to defend myself and thwart immorality’, cannot be made into a universal law. This is because, if there were a universal law according to which everyone, in self-defence and in order to thwart

<sup>23</sup>Barbara Herman, ‘Moral Deliberation and the Derivation of Duties’, in *The Practice of Moral Judgment* (Cambridge, Mass.: Harvard University Press, 1993) 152. See also Sally Sedgwick, ‘On Lying and the Role of Content in Kant’s Ethics’, *Kant-Studien* 82 (1991) 42–62. I take it that this is also the argument of Thomas E. Hill, Jr., when he says

There are many cases where lies could have saved innocent people from being sent to a miserable death in a concentration camp. Aware of this and other extraordinary circumstances, many people could honestly say that their maxim is to tell lies, but only in cases of that sort.

(*Immanuel Kant: Groundwork for the Metaphysics of Morals*, 163)

immorality, were to lie to aggressors, then aggressors, knowing this law, would not believe anyone whom they threatened. They would 'laugh at all such expressions as vain pretenses'. Hence, no one in these circumstances would ever defend herself and thwart immorality by means of a lie. Lying in order to defend oneself and thwart immorality would not succeed. Since the effect (self-defence and thwarting immorality) would not be produced by the cause (lying), it follows that there cannot be a universal law of lying to aggressors in order to defend oneself and thwart immorality. Acting on such a maxim, that is, lying to another person in order to defend oneself and thwart immorality, is therefore ethically impermissible. As another commentator has pointed out 'any maxim along those lines would fail to pass the test for the categorical imperative. Willing to lie is self-effacing as a universal maxim; the murderer would not believe such a lie if it was a universal law to lie for the sake of protecting one's friends.'<sup>24</sup>

### THE ETHICAL PERMISSIBILITY OF LYING TO LIARS

Some commentators, however, have argued that it is ethically permissible to lie to another person, by an argument drawn from the Universal Law Formula of the Categorical Imperative:

These reflections might lead us to believe, then, that Kant was wrong in thinking that it is never all right to lie. 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. The deceiver has, so to speak, placed himself in a morally unprotected position by his own deception. He has created a situation which universalization cannot reach.<sup>25</sup>

The argument here is that a maxim of lying to someone whom you believe is lying to you, in order to counteract the intended result of her lie, is universalizable. That is, a maxim of action such as 'When I believe that I am being lied to by another person I shall lie to the other person, in order to counteract the intended results of her lie', can be made into a universal law.

When one lies to another person, one does not believe that the other person believes that one is lying to her. If one believed that she believed that one was lying to her, then one would not lie to her, since one would not believe that one would be able to deceive her, which is the point of lying to

<sup>24</sup>Jens Timmermann, 'The Dutiful Lie: Kantian Approaches to Moral Dilemmas', *Kant und die Berliner Aufklärung: Akten des IX. Internationalen Kant-Kongresses*, edited by Volker von Gerhardt et al. (Berlin & New York: de Gruyter, 2001) 350. See also Norman Gillespie, 'Exceptions to the Categorical Imperative', reprinted in *Kant und das Recht der Lüge*, edited by Georg Geismann and Hariolf Oberer (Würzburg: Königshausen and Neumann, 1986) 85–94.

<sup>25</sup>Christine M. Korsgaard, 'The right to lie: Kant on dealing with evil', reprinted in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996) 137.

her. One would believe that it is pointless to lie to her. Hence one lies to another person only when one does not believe that she believes that one is lying to her.

If there were a universal law whereby people lied to those whom they believed were lying to them, and liars knew this law, then liars would always believe the law to be irrelevant. That is, liars would always believe that this law fails to apply in the case of their victims. This is because liars would not believe that their victims believe that they are being lied to. Since liars would not believe this, and assuming that they would not have any reason to believe that their victims are (spontaneously) lying to them, they would believe that their victims are telling the truth. Hence liars would believe what they are told by their victims.

Someone who believed that she was being lied to by another person, and who did not let on, would be able to counteract the intended result of the other person's lie, by lying in return. Because the liar would believe what she was told, the victim would counteract the intended results of the other person's lie. Since the effect (counteracting the intended results of lying) would be produced by the cause (lying), it follows that there can be a universal law of lying to those whom one believes are lying to one in order to counteract the intended results of their lies. Acting on such a maxim, that is, lying to someone whom you believe is lying to you in order to counteract the intended results of her lie, is therefore ethically permissible.

Imagine, for example, that your friend asks you to give her money, telling you that she will pay you back. You believe that your friend is lying to you, and that she has no intention of paying you back. Why you believe that she is lying to you is not important; you simply do. Imagine also that there is a universal law of lying to those whom you believe are lying to you in order to counteract the intended results of their lies. And imagine that both you and your friend are aware of this law. When you lie in return to your friend, and tell her that you will lend her money the next day, then, assuming that she has no reason to believe that you are (spontaneously) lying to her, she will believe you. Your lie will succeed. This is because she would not be lying to you unless she did not believe that you believe that she is lying to you. Since she does not believe that you believe that she is lying to you, she will not believe that you are following the law of lying to those whom you believe are lying to you in order to counteract the intended results of their lies. Not having any other reason to believe that you are (spontaneously) lying to her, she will believe that you are telling the truth. She will believe that you will lend her money the next day. In lying to her that you will lend her money the next day you will have counteracted the intended result of her lie—that is, her gaining your money. So the universal law of lying to those whom you believe are lying to you in order to counteract the intended results of their lies works, even when the liars are aware of the universal law.

It may be argued here that if there were a universal law of lying to liars, then liars would be extremely cautious about lying to others, and might

desist entirely from lying to others.<sup>26</sup> However, even if no one ever lied to another person, it would still be true that, if anyone were to lie to another person, it would be ethically permissible to lie to her in return. Hence, if no lies were ever told, it would still be true that it is ethically permissible to lie to liars.

The result is that it is ethically permissible to lie to others, by an argument drawn from the Universal Law Formula of the Categorical Imperative. It is ethically permissible to lie to others whom you believe are lying to you. It follows that there is no perfect duty to others not to lie to others, short of Kant having a different argument.

### THE ETHICAL PERMISSIBILITY OF MURDERING (ETC.) LIARS

The argument drawn from the Universal Law Formula of the Categorical Imperative for the ethical permissibility of lying to persons whom one believes are liars succeeds because of the necessary condition of belief on the part of liars about their victims' beliefs. In order for a liar to lie to someone, she must not believe that her victim believes that she is lying to her. This is true in the case of a victim lying in return to a liar just as much as it is true in the case of a liar lying to a victim. In the example given above, the victim must not believe that her lying friend believes that she is lying in return to her. Otherwise she can't believe that she can deceive her friend by means of a lie that she will lend her money.

However, this argument is not merely an argument for the ethical permissibility of lying to liars. It is also an argument for the ethical permissibility of doing anything whatsoever to liars. Maxims of action such as 'When I believe that I am being lied to by another person I shall murder the other person, in order to counteract the intended results of her lie',<sup>27</sup> or 'When I believe that I am being lied to by another person I shall steal from the other person, in order to counteract the intended results of her lie', can also be made into universal laws. Liars would always believe that these universal laws fail to apply in their cases, since they would not believe that their victims believe that they are being lied to. The result is that one would be able to successfully murder liars and steal from liars. Thus murder and

<sup>26</sup>I would like to thank an anonymous referee for this objection.

<sup>27</sup>It may be argued here that murder is the killing of a person, against his or her will, whom one believes is innocent of any wrong-doing whatsoever, and whom one believes is neither a threat nor a shield of a threat. Since a person whom one believes is lying is not someone whom one believes is innocent of any wrong-doing, it follows that it is impossible to murder someone whom one believes is a liar. If the definition of murder is amended, however, to simply the killing of a person, against his or her will, whom one believes is innocent of certain kinds of wrong-doing, and whom one believes is neither a threat nor a shield of a threat, then it is possible to murder someone whom one believes is a liar.

theft are ethically permissible, according to the argument drawn from the Universal Law Formula of the Categorical Imperative. The ‘morally unprotected position’ that the liar places herself in ethically permits one to do anything whatsoever to a liar.

Since this result is a disastrous one for Kant’s ethics, the success of this argument, drawn from the Universal Law Formula of the Categorical Imperative, raises a problem for the Universal Law Formula of the Categorical Imperative as the source of an argument for a perfect duty to others not to lie to others.

### ANARCHIC ENDS

Another problem with the argument against lying drawn from the Universal Law Formula of the Categorical Imperative is the problem of a person having a ‘diseased purpose’,<sup>28</sup> or an anarchic end, such as the complete breakdown of trust between all persons (Kant would probably call this a diabolical end). A maxim such as ‘In order to create a complete breakdown in trust between all persons, I will lie to another person’, can be made into a universal law. If everyone lied to others in order to create a complete breakdown in trust between all persons, then a complete breakdown in trust in all persons would occur. Since the effect (a complete breakdown in trust between all persons) would be produced by the cause (lying), it follows that acting on the maxim, that is, lying in order to create a complete breakdown in trust between all persons, is ethically permissible.

It may be argued that the anarchic liar needs to rely upon the trust of others in order to pursue other ends that she has, and that the end of a complete breakdown in trust between all persons is an end that conflicts with other ends that she has. Hence, a rational person cannot will to lie to others in order to create a complete breakdown in trust between all persons.<sup>29</sup> However, this would only establish that there is an *imperfect* duty to others not to lie to others. Kant wishes to argue that lying to others violates a *perfect* duty to others, and hence, that a maxim of lying to others in order to create a complete breakdown in trust between all persons ‘cannot even be *thought* without contradiction’ as a universal law. Since such a maxim can be conceived as a universal law, however, it follows, once again, that the argument drawn from the Universal Law Formula of the Categorical Imperative fails to generate the requisite exceptionless negative duty.

<sup>28</sup>This expression is used by Christine Korsgaard in ‘Kant’s Formula of Universal Law’, reprinted in *Creating the Kingdom of Ends*, 100. The example that follows is my own, however.

<sup>29</sup>I would like to thank an anonymous referee for this objection.

The end need not be anarchic, however. A maxim such as ‘In order to end the practice of interrogational torture, I will lie to torturers’<sup>30</sup> can also be made into a universal law. If everyone lied to torturers seeking information, then the practice of interrogational torture would cease. Since the effect (cessation of the practice of interrogational torture) would be produced by the cause (lying), it follows that acting on the maxim, that is, lying in order to end the practice of interrogational torture, is ethically permissible.

Given these failures, it is best to turn to another argument for the perfect duty to others not to lie to others, drawn from another formula of the Categorical Imperative.

### THE ARGUMENT AGAINST LYING TO OTHERS DRAWN FROM THE HUMANITY AS AN END IN ITSELF FORMULA

Another argument for the perfect duty to others not to lie to others can be drawn from the Humanity as an End in Itself Formula of the Categorical Imperative: ‘*So act that you use humanity, whether in your own person or in the person of another, always at the same time as an end, never merely as a means.*’ (G, 4: 429 (p. 80)) The argument against lying drawn from this formula is also to be found in Section II of the *Groundwork*:

[H]e who has it in mind to make a false promise to others sees at once that he wants to make use of another human being *merely as a means*, without the other at the same time containing in himself the end. For, he whom I want to use for my purposes by such a promise cannot possibly agree to my way of behaving toward him, and so himself contain the end of this action.

(G, 4: 430 (p. 80))

According to this argument, with respect to any other-regarding action, in order for that action to be an ethically permissible action, it must at least be the case that it is *logically possible for the other person to consent to the action*. The vast majority of other-regarding actions are such that it is logically possible for the other person to consent to them. Giving another person a gift is an other-regarding action to which it is logically possible for the recipient to consent. Saving someone from an oncoming lorry is an other-regarding action to which it is logically possible for the other person to consent. Some other-regarding actions, however, are such that it is not logically possible for the other person to consent to them. Theft,

<sup>30</sup>By ‘interrogational torture’ is meant torture for the purpose of obtaining information from the victim. Not all torture is interrogational torture. Terroristic torture, for example, has the purpose of intimidating people other than the victim. See Henry Shue, ‘Torture’, in *Torture: A Collection*, edited by Sanford Levinson (Oxford: Oxford University Press, 2004) 53f.

kidnapping, torture, rape and murder are examples of such actions. The victim 'cannot possibly agree to my way of behaving toward him'. It is of course possible for a person to consent to losing a possession, to being falsely imprisoned, to being electrocuted, to having sexual relations, and to being killed, by others. However the other-regarding actions of theft, kidnapping, torture, rape and murder incorporate the further element of being carried out without the consent of the victim. This is because it is an element of the other-regarding action that the person's consent is not sought or that the person refuses consent. It is not logically possible to consent to an action one element of which is that one's consent is not sought or that one refuses consent. It is not possible, for example, to consent to being kidnapped by others. It is an element of being kidnapped by others that one's consent is not sought or that one refuses consent. If one did consent to being falsely imprisoned, then one would not be consenting to being kidnapped, but to being falsely imprisoned. Insofar as a person consents, she is not being kidnapped.

Other-regarding actions to which there is no logical possibility of the other person consenting cannot be ethically permissible actions. Necessarily, they are ethically impermissible actions. To act towards another person in a way that necessarily precludes her consent is to ignore her capacity to determine her own ends for herself. However, the capacity to determine one's own ends for oneself characterizes what Kant calls humanity: 'The capacity to set oneself an end – any end whatsoever – is what characterizes humanity (as distinguished from animality).' (*MM*, 6: 392 (p. 522)) Hence to act towards a person in a way that precludes the possibility of her giving consent is to treat her as a thing that does not have humanity. Persons, however, have humanity. When one fails to treat a person as having humanity, one fails to treat her as person. Failing to treat a person as a person is ethically impermissible. What makes theft, kidnapping, torture, rape and murder necessarily ethically impermissible is that they are other-regarding actions in which, by definition, one fails to treat the other person as a person. This is true regardless of whether the other person is harmed or benefits from not being treated as a person. A person may, for example, benefit from being kidnapped by others. This does not alter the fact that in kidnapping a person one treats her as a non-person, and not as a person, and it is ethically impermissible to treat a person as a non-person.<sup>31</sup>

According to this argument, then, when one lies to another person, one treats her in such a way that she 'cannot possibly agree to my way of

<sup>31</sup>In the film *Ruthless People* (Touchstone Pictures, 1986; directed by Jim Abrahams and David Zucker), the character played by Bette Midler is kidnapped and held for ransom by a married couple, but the end result is that her life is improved in various ways (for example, she exercises and loses weight, something that she has tried and failed to do in the past). To quote from the film's publicity: 'getting abducted may be the best thing that's happened to their victim in a long time'. This does not entail that she was not kidnapped, or that it was not ethically impermissible for the married couple to kidnap her.

behaving toward' her. One acts towards her in a way to which it is not logically possible for her to consent. To do this is not to treat her as a person. For example, if one is in need of money, one may tell another person of this, and ask her for money. This provides the person with the opportunity to freely make it an end of hers to give one money. To do this is to treat her as a person. To do this is to treat her as a co-operator in one's pursuit of money. Alternatively, one may lie to the other person, and tell her that one wants to borrow money from her. This deprives her of the opportunity to freely make it an end of hers to give one money, and provides her with the false opportunity to freely make it an end of hers to loan one money. To do this is not to treat her as a person. To do this is to treat her as a tool in one's pursuit of money. Once again, this remains true regardless of whether or not the other person benefits from not being treated as a person. A person may benefit from being lied to. This does not alter the fact that in lying to another person one treats her as a non-person, and not as a person. Since, however, it is ethically impermissible to treat another person as a non-person, and not as a person, it follows that lying to another person is ethically impermissible.

This argument for a perfect duty to others not to lie to others, drawn from a different source, is nevertheless open to an objection.

#### THE IMPOSSIBILITY OF CONSENTING TO BEING TOLD A PARTICULAR LIE VS. THE POSSIBILITY OF CONSENTING TO BEING LIED TO WITHOUT KNOWING WHICH LIE ONE IS TO BE TOLD

It is true that telling a particular lie to another person is an other-regarding action to which it is not logically possible for the other person to consent. The person who is lied to 'cannot possibly agree to my way of behaving toward' her, because she is logically precluded from doing so. She is logically precluded from doing so because, in order for it to be logically possible for her to consent to being told a particular lie, it must be logically possible for her consent to be sought. However, it is not logically possible to seek a person's consent to be told a particular lie. To seek a person's consent to be told something that one believes to be false is to abandon the action of lying to her. One cannot consistently ask another person, for example, 'Do you consent to my lying to you that I will pay you back the money?' Insofar as one is seeking her consent, it cannot be her consent to being lied to that one is seeking. Rather, it is her consent to being told something believed false by one that one is seeking. Telling a person something believed false by one is a different action from lying to her, however. One may seek another person's consent to be told a fiction, but being told a fiction is not being lied to. If indeed a person does consent to being told something believed false by one, she is not consenting to being told a particular lie. Since it is not logically

possible for a person's consent to be told a particular lie to be sought, it follows that it is not logically possible for a person's consent to be told a particular lie to be given.

There is, however, a way to understand the claim that it is logically possible for a person to consent to being lied to by another person, according to which it is true. Consider, for example, the case of a person being lied to by her friends about where they are bringing her this evening, in order to keep a surprise party a secret.

Intuitively, it seems, it makes a great deal of difference if the person you are lying to has previously agreed to your doing this . . . And if mere hypothetical consent has force as well, this might also go some way toward justifying certain 'white lies.' For example, we might know that someone *would* have agreed to being lied to, for the sake of being thrown a surprise party.<sup>32</sup>

If this is read as the claim that it is logically possible for a person to consent to being told a particular lie by her friends, for the sake of being thrown a surprise party, then the claim is false. If her friend asks her 'May I lie to you that we are bringing you to the cinema tonight, for the sake of throwing a surprise party for you?', then the action of lying to her has been abandoned by her friend, and replaced with a different action, that of telling her something believed false.

However, if this is read as the claim that it is logically possible for a person to consent to being lied to by her friends, without knowing which lie she is to be told, for the sake of being thrown a surprise party, then the claim is true. If her friend asks her, 'May I lie to you in the future, for the sake of throwing a surprise party for you?', then the future act of lying to her has not been abandoned. It is logically possible to seek a person's consent to be lied to, without telling her which lie she is to be told. And it is logically possible for a person to consent to being lied to, without knowing which lie she is to be told. That is to say, while it is not possible to consent to being lied to, where 'being lied to' is read *de re*, i.e. the lie is specified, it is possible to consent to being lied to, where 'being lied to' is read *de dicto*, i.e. the lie is not specified.

This is only to say, however, that the consent may be sought, and that the consent may be given. Even if the consent is sought, and the consent is given, the result of giving such consent may be that no lies are ever told. If one consents to being lied to by another person, without knowing which lies one is to be told, for the sake of being thrown a surprise party, then anything that this person ever says to one afterwards may be a lie, since in principle the throwing of a surprise party could require lying about absolutely anything. It follows that one may no longer believe anything that this person

<sup>32</sup>Shelly Kagan, *Normative Ethics* (Boulder, Colorado: Westview Press, 1998) 116.

says, but instead believe that everything that she says is a lie.<sup>33</sup> The other person will know that one may believe that everything that she says is a lie, since one's distrust stems from an agreement that one has made with her. Hence, she may believe that one believes that everything that she says is a lie. As was argued above, a person will not lie to another person if she believes that the other person believes that she is lying to her. If she does believe that one believes that everything that she says as a lie, then she will not lie to one. Thus a possible result of one's agreeing to be lied to by another person, without knowing which lies one is to be told, for the sake of being thrown a surprise party, is that the other person will never lie to one.<sup>34</sup>

However, the other person will know that one may *not* believe that everything that she says is a lie. Hence, she may *not* believe that one believes that everything that she says is a lie. As a result, she may indeed lie to one, for the sake of throwing a surprise party for one. Since she has one's consent to do so, it follows that she is behaving toward one in a way to which one has agreed. She has given one the opportunity to freely make it an end of one's own to be deceived for the sake of being thrown a surprise party, and one has freely made it an end of one's own to be deceived for the sake of being thrown a surprise party. She has treated one as a co operator in the deception of oneself for the sake of being thrown a surprise party. Hence, in lying to one, she is treating one as a person. It is logically possible, therefore, for a person to lie to another person and to treat the other person as a person. Since it is logically possible to lie to another person and to treat the other person as a person, it follows that it is not ethically impermissible to lie to another person. It is ethically permissible to lie to another person who has consented to being lied to, without knowing which lies she is to be told. It is ethically permissible to lie to others by the argument drawn from the Humanity as an End in Itself Formula of the Categorical Imperative.

It may be argued here that, even if it is logically possible for one to consent to being lied to by another person, it is ethically impermissible for one to consent to being lied to by another person (and hence, it is ethically impermissible for another person to seek one's consent to be lied to).<sup>35</sup> This is to change from arguing that one 'cannot possibly' consent to being lied to

<sup>33</sup>This is, I take it, the conclusion of Korsgaard's rhetorical question: 'Perhaps what's being envisioned is that I simply agree to be lied to, but not about anything in particular. Will I then trust the person with whom I have made this odd agreement?' (Korsgaard, 'The right to lie: Kant on dealing with evil', 156 n.5)

<sup>34</sup>The implication of Korsgaard's rhetorical question (see n.33 above) is that if one consents to be lied to by another person, without knowing which lies one is to be told, then one will believe that everything that the other person says is a lie. Jonathan Adler has argued, against Korsgaard, that even if one consents to be lied to by another person, without knowing which lies one is to be told, nevertheless one may not believe that everything that the other person says is a lie: 'Contrary to Korsgaard, the answer to her rhetorically intended question, when applied realistically, is sometimes 'yes'.' ('Lying, Deceiving, or Falsely Implicating', *Journal of Philosophy* 94 (1997): 441)

<sup>35</sup>I would like to thank an anonymous referee for this objection.

by another person (and hence, that lying is necessarily ethically impermissible), to arguing that one *ethically ought not* to consent to being lied to by another person. Consenting to being lied to by another person is consenting to an attempt to render oneself deceived about some matter, and one ethically ought not to consent to that, because the attempt to render oneself deceived about some matter is an action against one's own humanity. One would be consenting to the use of humanity in oneself as a mere means for some other end—in this example, one's own end of having a surprise party thrown for one—and humanity in oneself may never be used as a mere means for some other end, whether it be one's own end or someone else's end, according to the Humanity as an End in Itself Formula of the Categorical Imperative.

The argument here is that one has a (perfect) duty to oneself not to consent to being lied to by another person. Notoriously, it is extremely difficult to demonstrate the existence of duties to oneself, since it requires that one demonstrate that it is possible to use humanity in oneself as a mere means for one's own ends.<sup>36</sup> Even if such a duty to oneself could be demonstrated, however, it would still be the case that the argument for a perfect duty to others not to lie had failed to show that one 'cannot possibly' consent to being lied to by another person, and hence, had failed to show that lying to another person is necessarily ethically impermissible. It would still be the case that there is a class of lies to others that this argument is unable to prohibit, namely, lies told to those who have consented to be lied to, without knowing which lies they are to be told.

Since the argument drawn from the Humanity as an End in Itself Formula of the Categorical Imperative fails to generate the perfect duty to others not to lie to others, it follows that there is no such perfect duty to others, short of a new argument drawn from some other formula of the Categorical Imperative. This new argument must be able to prohibit lies told to those who have consented to being lied to, without knowing which lies they are to be told. However, I do not believe that any such argument is forthcoming. Hence there is no perfect duty to others not to lie to others.

## CONCLUSION

As was stated earlier, Kant abandoned discussion of a perfect duty to others not to lie to others in his published works on ethics after the *Groundwork* in 1785 (assuming, that is, that this was the perfect duty to others under discussion in the *Groundwork*). In his later works on ethics he only discussed the perfect duty to oneself not to lie to oneself or to others. It is doubtful that he abandoned discussion of the perfect duty to others not to lie to

<sup>36</sup>For the best recent attempt to demonstrate the existence of duties to oneself, see Lara Denis, *Moral Self-Regard: Duties to Oneself in Kant's Moral Theory* (NY: Garland Press, 2001).

others because of the objections considered here. It may have been because he considered the ethical duty to be redundant, granted that he believed that all lies to others were prohibited by another ethical duty, the perfect duty to oneself not to lie to oneself or to others. Or it may have been because he believed that this ethical could be replaced by a duty of right, namely, the duty of right to humanity in general not to lie to others, which he argued for in the *Right to lie*. In any case, his earlier arguments for this duty, even if ultimately unsuccessful, remain the most important and powerful arguments ever made against lying to others.<sup>37</sup>

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