

Right, Virtue and Lying: Kant's Openness to the Lie

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Introduction

One cannot do philosophy without hearing the following ethical conundrum: you are in Nazi Germany. In your attic, you are harboring a long-time friend and associate who also happens to be a Jew. A Nazi soldier knocks at your door and asks, "Are you harboring a Jew in your attic?" What do you do? Is it ethical to lie for the sake of your friend or must you tell the truth, to the detriment of your friend and the forwarding of the Nazi regime? This is a complicated question, for one must consider not only the issue of lying but also the obligation to friends, the implicit acceptance (and advancement) of an immoral government, and one's duty to oneself. Naturally, much depends on your personal moral system.

Immanuel Kant provided one such moral system, commonly termed 'deontological' (from the Greek *deon*, "duty"). Though traditionally seen as a strict ethical code, denying inclinations and ends as valid means of making moral judgments, Kant's system proves to be quite intricate. The above misconception appears to stem from a limited reading of Kant's *Groundwork of the Metaphysics of Morals* (hereafter, *Groundwork*),¹ ignoring the fact that it is a 'groundwork,' not the full ethical system. Kant's moral theory is best seen in his *The Metaphysics of Morals* (hereafter, *Metaphysics*). In the following, I will present an overview of the distinctions Kant makes between the doctrine of right and the doctrine of virtue, giving primary focus to the latter, following which I will examine the problem of the Jew in light of this reading.

¹ All references are taken from the Mary J. Gregory translation in *Practical Philosophy* (Cambridge: Cambridge University Press, 1996).

Right and Virtue, Jurisprudence and Morality

Kant's doctrine of morals is divided into two distinctive parts: the doctrine of right (which he also terms "legal expertise" and "juridical science" [Metaphysics, 386]) and the doctrine of virtue (also designated as "ethics" and "morals" [Ibid, 512]). In relation to right, Kant gives three criteria within which the "concept of right" is constituted: 1) in those matters wherein the external actions of one has adverse influence on another; 2) where the desires of the one acted upon are not taken into account, only the choice that springs from those desires; and 3) where ends are not taken into consideration (Ibid, 387). The extrinsic nature of 'right,' with the denial of ends, will be easily recognized by those familiar with the *Groundwork*.

Within the *Groundwork*, Kant gives primary credence to what has been termed the Formula of Universal Law (hereafter, FUL): "*I ought never to act except in such a way that I also could will that my maxim should become a universal law*" (57; emphasis in original). Thus, it has been argued, when one is put upon by an ethical dilemma they need only ask, "Could my action be universally done by all and still remain non-contradictory?" With this criterion, according to a strict application of FUL, an individual could not lie for if lying became a universal action, applied in all particular cases, mass confusion would ensue.

The first and second criterion deals with the manner of enforcement of the doctrine of right: "there is connected with right by the principle of contradiction an authorization to coerce someone who infringes upon it" (*Metaphysics*, 388). Hence, it is within the doctrine of right that external constraints may be utilized to enforce the FUL. Right's full concern is

with the maximization of freedom: “Any action is *right* if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with universal law” (*Ibid*, 387). In accord with the FUL, this form of enforcement can only rest on a principle of “reciprocal coercion” wherein “external constraint...can coexist with the freedom of everyone in accordance with universal law” (*Ibid*, 389).

In dealing with jurisprudence, the duty not to lie relates to juridical punishment should the lie be found out. As in Kant’s *On a Supposed Right to Lie from Philanthropy* (hereafter, *Philanthropy*), the application in this matter is quite clear: “if you have *by a lie* prevented someone just now bent on murder from committing the deed, then you are *legally* accountable for all the consequences that might arise from it. But if you have kept strictly to the truth, then *public justice can hold nothing against you, whatever the unforeseen consequences might be*” (612; emphasis mine). As he notes in *Metaphysics*, “in the doctrine of right an intentional untruth is called a lie only if it violates another’s right” (552).² The deceptive simplicity of the usual reading of Kant starts to become more apparent.

The third criterion will be familiar to the reader of the *Groundwork*: in the doctrine of right, ends are not taken into consideration. Kant terms the concept of right as being “completely external” in its purest form: “strict right, namely that which is not mingled with anything ethical, requires only external grounds for determining choice” (*Ibid*). It becomes obvious, then, that Kant’s doctrine of right has no concern for internal drives, feelings or motives for any particular action. If left on its own, the doctrine of right would

² Elsewhere he states, “Now whatever is wrong [according to right] is a hindrance to freedom in accordance with universal laws [i.e. FUL]” (*Metaphysics*, 388).

be a viable ground for juridical law, but it would be insufficient as it relates to the most common notion of ethics, which encompasses the doctrine of virtue.

Whereas “the doctrine of right dealt only with the *formal* condition of outer freedom,” the doctrine of virtue “goes beyond this and provides a *matter* (an object of free choice), an **end** of pure reason which it presents as an end that is also objectively necessary” (*Ibid*, 513; emphasis in original). Thus, while the doctrine of right had no concern for *ends* or *aims* but only for external considerations, the doctrine of virtue deals primarily with such things. For readers of the *Groundwork*, Kant presents what has been termed the Formula of the Kingdom of Ends: “every rational being must act as if he were by his maxims at all times a lawgiving member of the *universal kingdom of ends*” (87; emphasis mine). The teleological aspects of this perspective may shock some who thought they understood Kant, but it is made more clear in Part II of the *Metaphysics*.

The doctrine of virtue has three primary characteristics: 1) it provides duties that are not capable of external lawgiving; 2) the laws given in the doctrine of virtue present themselves only as maxims, not actions; hence, 3) duties of virtue are wide duties, as opposed to right’s narrow duties (according to FUL; *Metaphysics*, 537). The first two criteria emphasize the internal nature of virtue in that they are judged primarily from intention, secondarily as action. Kant argues that “determination to an *end* is the only determination of choice the very concept of which excludes the possibility of constraint *through natural means* by the *choice* of another. Another can indeed *coerce* me to do something that is not my end...but not to *make this my end*” (*Ibid*, 514; emphasis in original). The same may be said for the second criterion: if the doctrine of virtue deals with issues that are not capable of external lawgiving, then it can only prescribe maxims for action, not the actions themselves. The third criterion now stands in need of emphasis.

By stating that ethical duties are ‘wide,’ Kant realizes that introducing *ends* as determinants of virtue “unavoidably leads to questions that call upon judgment to decide how a maxim is to be applied in particular cases” (*Ibid*, 538). While right demands that duties be determined “with mathematical exactitude,” it “cannot be expected in the doctrine of virtue, which cannot refuse some room for exceptions” (*Ibid*, 390).³ According to the second criterion above, the doctrine of virtue can only give designations of what our maxims should be, not how we act on them (hence making our maxims universal, but not necessarily our form of acting on them).⁴ Kant seems quite exacting on this point: “Fantastic virtue is a concern with petty details which, were it admitted into the doctrine of virtue, would turn the government of virtue into tyranny” (*Ibid*, 537).

The doctrine of virtue has two primary ends: “*one’s own perfection and the happiness of others*” (*Ibid*, 517). The latter duty, as it relates to our obligations to others, is divided into two primary maxims, each with three particular parts: *love – beneficence, gratitude and sympathy* (see *Ibid*, 571-9); and *respect – the lack of arrogance, defamation and ridicule* (see *Ibid*, 579-83). The three primary maxims that will become applicable later are that of *beneficence, sympathy and defamation*. Kant defines beneficence as “the maxim in making others’ happiness one’s end” (*Ibid*, 571). Sympathy is defined as “sensible feelings of pleasure or displeasure...at another’s state of joy or pain” (*Ibid*, 574-5), or empathy. Lastly, defamation is “the immediate inclination...to bring into the open something prejudicial to respect for others” (*Ibid*, 582). How these will become applicable will become apparent shortly.

³ “But a wide duty is not to be taken as permission to make exceptions to the maxim of actions but only as permission to limit one maxim of duty by another (e.g., love of one’s neighbor in general by love of one’s parents), by which in fact the field for the practice of virtue is widened” (*Metaphysics*, 521).

⁴ “...subjective principles of actions, that is, maxims, must always be so adopted that they can also hold as objective, that is, hold universally as principles, and so serve our own giving of universal laws” (*Groundwork*, 96).

One central concept of the doctrine of virtue is the principle of autonomy. As Kant argued in the *Critique of Practical Reason*, “autonomy of the will is the sole principle of all moral laws and of duties in keeping with them...under which alone they can accord with the supreme practical law” (166). In order for inner freedom/autonomy to be present, two principles must be enacted: the person must perform the act by their own will (i.e. not by inclination or habit) and they must be in control of themselves (*Metaphysics*, 535). In accord with the first, the person must act such that the *only* reason they are performing the act is for the sake and respect of ethical duty. The second is the most difficult: “Moral cognition of oneself, which seeks to penetrate into the depths (the abyss) of one’s heart which are quite difficult to fathom, is the beginning of all human wisdom... Only the descent into the hell of self-cognition can pave the way to godliness” (*Ibid*, 562). Because of the difficulty of discovering our inner motives for our actions, the primary thing one must do to ensure that their actions are moral (even the “the **First Command** of All Duties to Oneself” [*Ibid*; emphasis in original]) is to gain self-knowledge to such a degree that all personal inclinations are known and put in accord with universal maxims.

The Moral Lie

Understanding Kant’s dual system of morality, I turn to the ethical conundrum mentioned at the beginning of this work: the case of lying to save a life. It should first be stated that this is not a simple situation, but is quite multifaceted. Three things in particular should be taken into consideration: 1) the adherence of the Nazi policy (whereby the Jew is to be taken) with the doctrine of right and 2) the moral obligation towards your Jewish friend as it relates to 3) the moral obligation to the regime and the moral obligation to

oneself. I will examine each in turn after which I will provide a general summary, giving the possibilities of virtuous action.

The Rightness of the Regime – was the Nazi regime, as it relates to this matter, in accordance with the doctrine of right? As the doctrine of right's primary concern is the maximization of the freedom of all who are under its power, the arbitrary genocide of a given race does not accord with right. As it relates to the FUL, the most natural consequence to the universality of this regime would be that genocide would become a common practice, both as it relates to governments and smaller social circles. The social chaos that would ensue (on large and small scales) would do nothing for right's main concern (i.e. freedom). It would appear, to little surprise to the reader, that the Nazi policy of the eradication of particular races is a "crime" in the fullest sense of the word (see *Ibid*, 378).

Moral Obligation to the Jew – as it relates to beneficence, turning your friend in to the Nazi soldier would do little to increase his happiness: your friend would most likely be subject to beatings, ridicule, torture and, eventually, a horrific death. Hence, beneficence would dictate that one not subject another to such actions. Sympathy would likewise require a sensitivity to the anxiety that your friend must be experiencing, not only for himself but also for his people (and which is greater would depend on the person). In addition, sympathy would take hold when one considers the future state of misery that would follow should your friend be taken.

Defamation stands as the more peculiar of the three and requires some elucidation. In addition to the definition given above, defamation is "the intentional *spreading* of something that detracts from another's honor - even if it is not a matter of public justice, and even if what is said is true" (*Ibid*, 582). Given the above analysis of the rightfulness of

the Nazi regime, turning your friend in would idealistically *not* be “a matter of public justice” as no justice is served by his apprehension. Further, the race distinction requested by the German officer demonstrates the immediate usefulness of appealing to this duty. The ultimate end in presenting this information to the questioner would be that it “diminishes respect for humanity as such” (*Ibid*) or makes one an accessory to this defamation, which is a direct violation of one’s ethical duty to others.

Obligation to the Jew as Compared with Obligation to the Self – here one comes upon the greatest difficulty, most particularly as it relates to lying. In a section titled “On Lying,” Kant states in no uncertain terms that “by a lie a human being throws away and, as it were, annihilates his dignity as a human being. A human being who does not himself believe what he tells another (even if the other is a merely ideal person) has even less worth than if he were a mere thing” (*Ibid*, 552-3). He goes on: “the speaker may even intend to achieve a really good end by it. But his way of pursuing this end is, by its mere form, a crime of a human being against his own person and a worthlessness that must make him contemptible in his own eyes” (*Ibid*, 553). These are powerful and straightforward statements: to lie is to do no less than deny one’s own humanity.

Here, then, one is left with three options, each taken in its own turn: first, one may accept the above without scrutiny, allowing the words as given here to speak for themselves. As such, lying is never to be done, no matter the possible end that may come from it. As this option appears to reject the doctrine of virtue (as the utilization of ends), it does not appear to be a coherent *ethical* possibility. Second, one may point out the statement given earlier, that the doctrine of virtue “cannot refuse some room for exceptions” (*Ibid*, 390), by way of allowing the obligation to the Jew to take primacy over one’s obligation to oneself. Last, one may say that this is an exception to the qualifier just

given, affirming that lying is always wrong. This last option has the same outcome as the first, for it denies the essence of virtue as it relates to ends. Thus, it probably should not be considered as a viable option. In the final section I will elucidate further on the second option, hoping to demonstrate its cogency as an option.

Obligation to the Jew as Compared with Obligation to the Soldier – the obligation one has to the soldier at the door lies primarily within the realm of the doctrine of right, though virtue may play a part. As it relates to jurisprudence, on the practical level one has the right to tell the truth to the soldier, for one may suffer juridical punishment should one be found in the lie (as argued in *Philanthropy*). In relation to right, one is left to ask whether it is moral to revolt against the powers-that-be or if one is truly under obligation to fulfill its dictates. As it relates to an *idealized* version of the doctrine of right, one is under no duty to fulfill the desire of the soldier due to the criminality of his request (and/or its ultimate aim). As it relates to right proper, the FUL categorically repudiates the possibility of revolt due to the chaos that would ensue should revolt become a universally applicable law.

In relation to virtue, the maxims given above (*love* and *respect*) could have sway on how one would answer: is the love and respect due to the soldier enough to create a duty, in this case, to answer his question truthfully? A strong case could be made in saying that the ethical obligation to your friend takes precedence over one's ethical obligation to a complete stranger (especially when the doctrine of right has little to no just claim on your friend). The final appeal for the soldier, then, appears to be according to jurisprudence, not virtue.

The Synthesis

After the above analysis, two primary points need to be made. First, it should be reiterated that Kant readily recognizes the occasional necessity of one virtuous maxim overriding another (see *Ibid*, 520). Second, Kant's warning against "fantastic virtue" (*Ibid*, 537) should be taken into consideration and given its due weight. With that, an appeal to Kant's political theory would appear to be necessary in order to answer the question of duty and right as it relates to revolt (in the least as it relates to Kant himself). For the time being, I will leave that analysis for another time. Here I will focus on lying as a virtue in this case.

The primary matter that needs rectifying is that of the clash of obligation to the Jew and obligation to oneself as it relates to lying. Already, given the above analysis, it appears that the three given maxims (of *beneficence*, *respect* and *non-defamation*) provide three cogent points for a strong virtue based obligation to the Jew. Further, the lack of juridical genuineness for the Jew's apprehension by the Nazi regime could present itself as a negative contribution to the correctness of lying. This is displaced by Kant's designating the lie as "the greatest violation of a human being's duty to himself" (*Ibid*, 552). For the individual, the issue is his or her own development of perfection as a duty, of which the lie would be a violation. One must continue to remember, though, the duty one has to the other whose life we value. I believe the best determination can be found in the concept of happiness.

For Kant, "the universal and sole condition of [one's] worthiness to be happy" is "a human being's observance of his duty" (*Ibid*, 595). This happiness is most readily (and assuredly) found in one's "moral feeling," or "the susceptibility to feel pleasure or displeasure merely from being aware that our actions are consistent with or contrary to the

law of duty” (*Ibid*, 528). If one were to accept that happiness and positive moral feeling comes from accordance with duty, the way is open for lying to save a life. As the duties that are at variance within this particular dilemma are the basic constituents of virtue (i.e. duty to oneself and duty to another), whichever is chosen (and chosen willfully) will be conducive to happiness and moral worth. Put another way, the fulfillment of either obligation is not categorically contrary to the attainment of genuine happiness. With this, it becomes apparent that within Kant’s system the possibility of lying is a living option.

With the above, there does appear to be one more line of defense for the Jew: as the fulfillment of either duty (to self or the other) is conducive to the happiness of the autonomous agent, might not the happiness of the Jew hold sway in the final analysis? “When it comes to my promoting happiness as an end that is also a duty, this must therefore be the happiness of *other* human beings, *whose* (permitted) *end I thus* make *my own end as well*” (*Ibid*, 519; emphasis in original). Hence, if forwarding the happiness of oneself were not a true duty, but a natural inclination, the happiness of the other (i.e. the Jew) as a duty would take natural precedence in relation to any given action. Bearing in mind that happiness is possible for the acting agent despite which duty is fulfilled, the duty to advance the happiness of the other appears to become the deciding factor. In the final analysis, it appears that a strong case can be made within Kant’s moral system, in accordance with its own principles, for the virtuosity of lying to save a life.

Conclusion

In the above, I have provided a brief analysis of Kant’s moral system, demonstrating the needed distinctions between right and virtue. From this analysis, I have

attempted to demonstrate the complicated nature of the common ethical problem of lying to save a life. Ultimately, I hope to have demonstrated that there is ethical precedence to lie *in this particular circumstance* given Kant's system, if not demonstrating that lying takes ethical primacy over not lying. Happiness for the acting agent appears to be guarded in either case, but the happiness of the one lied for is adversely affected, which fact appears to provide the final data necessary to make an ethical decision.