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**What Kant Said, or Why Is It Impermissible to Lie for the Sake of Good?**

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*The article stresses the consistency and agreement between Kant's categorical claim about impermissibility of lying and his moral philosophy. Rejecting the case-study approach to Kant's essay, the author treats it as a most appropriate illustration of the ethics of duty, seeing in the forbiddance of lying a necessary consequence of Kant's absolutist ethical. As a solution to some practical situations allegedly allowing ethical dishonesty, the author proposes to consider the norm "Do not lie" as a categorical requirement in the realm of speech, thus giving the individual an ability to maintain his moral integrity and at the same time remain within the bounds of practical prudence.*

The title of my remarks is intended to emphasize that I am joining the discussion about lying insofar as it touches on Kant's "On an Alleged Right to Lie for Philanthropic Reasons" and disputes the position espoused in it. I see my task not simply as defending Kant's position in the given question. It stands firmly on its own merits. I wish to show that

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Kant's position is a direct consequence of his understanding of morality. In my view, one cannot accept Kant's ethical absolutism in the form in which it is expressed in the doctrine of the categorical imperative, and at the same time cast doubt on his idea that lying for the sake of good is impossible.

**Commentary on Kant's essay**

Essentially, this short essay introduces nothing new into the content of the ethics of duty, but it does lay bare its essence. In it the ethics of duty stands forth expressly and insolently, concentrated at the pivot about which Kant overturned the moral world. Here its characteristic features are deliberately exaggerated, almost to the point of caricature. The whole essay is built around – to some extent even reduced to – a single example, which demonstrates that a person must observe the requirement "Do not lie" even if he has to answer a murderer who has asked whether the person's friend, whom the murderer is pursuing, is hiding in his house.

First of all, it must be noted that this example does not come under the heading of what is called today a case study. It does not describe or model a real situation. Its

purpose is to examine and compare for correctness different variants of practical conduct that are possible in the given case. The example under consideration is, in fact, an illustration or schematic representation of the idea of duty – an idea that takes here the concrete form of the prohibition on lying in situations in which a person cannot avoid giving a definite answer and in which the untruth to which he is compelled is aimed at saving someone from a terrible crime. The example is designed to stress the unconditional nature of the prohibition on lying by showing that it must be observed even in those extreme cases where from the point of view of commonsense it seems completely absurd.

Attempts to refute a philosophical theory by means of facts that obviously contradict it have long been known, at least since Diogenes of Sinope objected to a proof of the impossibility of motion by starting to walk back and forth (Diogen Laertskii, VI, 39). The discrediting of theoretical propositions by reference to things that seem obvious to commonsense is usually practiced in relation to ethical doctrines, whose authors try to avert criticism by examining such "refutations" – above all, those of them that appear the most convincing. Thus, Plato, substantiating the thesis that it is preferable to suffer rather than perpetrate injustice,

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considers the case of Archelaus, who became ruler of Macedonia as the result of a series of crimes, including a number of murders. He shows that even though it might seem that any sane person – given such an improbable choice – would prefer the fate of Archelaus to that of one of his victims, an ethically correct and logically sustained analysis leads to the opposite conclusion: being murdered is a lesser evil and injustice than being a murderer (Gorgii, 475f.). The Stoics, elaborating on the ideal of remaining imperturbable through the twists and turns of fate, especially analyze cases when fate presents a person with a quite unacceptable challenge – when, for instance, he cannot avoid cannibalism. The Stoic sage will calmly accept the challenge and eat human flesh if such are the circumstances (Diogen Laertskii, VII, 121). Another example – perhaps the most indicative – is related to Tolstoy's doctrine of not resisting evil by violence. Does nonresistance retain its morally binding force in a situation when before your eyes a murderer has raised a knife over a child? Tolstoy was repeatedly asked this question and investigated all its aspects. In none of the cited cases was the ethical doctrine shaken by reference to a factual example in obvious contradiction to it. And not only because a doctrine can be refuted by another doctrine, by logical arguments and proofs, but not by an appeal to feelings. Also and above all because an ethical doctrine does not summarize or generalize existing examples: it is itself a source of examples. An ethical doctrine is created not for the purpose of describing how people behave, but in order to say how they should behave.

The example of the friend in the essay "On an Alleged Right" has the same status as the example of the person facing the dilemma of whether to borrow money by falsely promising to repay it (the second in the sequence of four famous examples to be found in Kant) in *Groundwork of the Metaphysics of Morals*. Both involve a so-called perfect duty, which allows for no exceptions in favor of inclinations – not even in favor of the feeling of friendly attachment. Both examples serve the purpose of schematizing (illustrating) the idea that the prohibition on lying is categorical and

unconditional in character and that there are no circumstances under which it can be suspended or evaded.

While in *Groundwork* the obligation to be truthful is considered in its properly ethical aspect, as a person's obligation to himself, in the article "On an Alleged Right" it appears as the ethical-legal obligation to be truthful in making statements. Correspondingly, in this second example Kant does not confine himself to the formal analysis that demonstrates

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that lying, conceived of as a universal law, is a self-contradiction and therefore a violation of duty in general. At the same time, he investigates false statements from the point of view of their role in the course and outcome of a concrete event, of its legal consequences.

Crucial for ethics and for the right that embodies it is the question of the basis on which a person can be held guilty of an exclusively moral offense, or the basis on which he and he alone can be held guilty of a moral offense. Kant's answer is well known and in my view irreproachable: morality coincides with autonomy of the will; consequently, a person can be held guilty of a moral offense only on the basis of the correspondence of the maxims of his will to the moral law. In the example under discussion, it is his decision whether to remain honest in answering the question about the whereabouts of his friend: the fact of this decision, the moral quality of his choice, comes down to the choice between "yes" and "no." This decision is extremely simple, elementary, and unerring (in the technical sense) in character. It is such not by virtue of a special situation but due to its moral nature, because only such a choice – the choice itself insofar as it depends wholly on the person who makes this choice – can be moral. Figuratively speaking, we may say that a moral choice is a choice from point zero, where nothing can prevent a person from saying "yes" if he has decided to say "yes," or "no" if he has decided to say "no". Precisely this moment of autonomy of the will is for Kant the decisive argument in substantiating his "yes".

According to Kant, it is necessary to answer "yes" to the murderer's question because this is required not only by respect for right and by the duty of justice in relation to humanity in general, but also from the point of view of the subsequent development of the situation (the fate of the friend being pursued by the murderer), which does not depend directly and categorically on my "yes" or "no." The situation may take shape in such a way that after an honest "yes," which supposedly maintains loyalty to abstract morality through an act of treachery against a concrete friend, the murderer still fails to realize his criminal intent. Thus, Kant says, it may happen that while the murderer is looking for his victim the neighbors come running and intervene in the affair. It is not hard to envision many other possibilities that may save the friend: the murderer himself may have second thoughts, he may be struck down by radiculitis, he may stumble at the threshold to the house and dislocate his arm, and so on. On the other hand, circumstances may so turn out that, having said "no" and, as they say, burdened our soul with the sin of dishonesty

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for the sake of saving our friend, we doom him by this very answer. Kant models a situation in which the friend, having sensed danger, surreptitiously leaves the house, while the criminal, who has believed our negative answer, does not look for his victim in the house but overtakes him on the street. In this second variant, the person who has made a false statement, besides violating his moral duty, also becomes legally liable for the consequences that flow from this deception.

To the argument that there is no categorical connection between the householder's answer to the murderer's question regarding whether the person whom he is pursuing is in the house and the fate of the latter, the following objection can be raised. Yes, there is no categorical connection, but there is a probabilistic connection. It is precisely a false answer that maximizes the likelihood of saving the friend, and such an answer is therefore preferable. Probabilistic analysis is extremely important insofar as I am considering the substance of an action and inserting it into a complex system of external causality. But it has no significance when I am considering an action in its uniqueness and deciding the question of whether it may (should) take place as *my* action. As applied to the example under discussion, the object of moral reflection is not the question of what are the possible consequences of deception, but the question of whether the householder is prepared to choose deception as his action. The Stoics long ago discovered for us the truth that virtue has no degrees: "Neither he who is a hundred stages from Kanoba nor he who is one stage from Kanoba is in Kanoba" (Diogen Laertskii, VII, 120).

Moral decisions enter into the complex system of motives and external circumstances that shape the concrete actions of the individual and the events of his life. However, they determine only the fact of an action and not its contours, and cannot be made to depend on its possible course and outcome. They enter into the chain of determinations of behavior as a completely independent authority that is not subordinate to the logic of expediency but contains within itself its own value and foundations. Moral decisions are made not because something follows from them or because they follow from something but because they are moral. And they are moral because they have a direct connection with the inner worth of man as an end in itself. Such, according to Kant, is the status of the prohibition on lying – for lying is forbidden not because it leads to bad results of some sort, but because it is morally destructive in itself. This is an absolute prohibition. "To be truthful (honest) in all declarations is

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... a sacred and unconditionally commanding law of reason that admits of no expediency whatsoever."[\(1\)](#)

With this conclusion, Kant, in essence, goes beyond the bounds of formalistic ethics and gives the categorical imperative concrete normative meaning. He equates it with the prohibition on lying or – a formulation that he prefers – with the requirement to be truthful in making statements. The categorical imperative thereby ceases to

be merely a formal mechanism for revealing the moral quality of maxims of the will: it too becomes a maxim of the will.

### **Commentary on commentaries on Kant's position**

Criticism of the position that Kant expresses in the essay "On an Alleged Right" is nothing new in the literature. There is also nothing new in the fact that such criticism, as a rule, focuses on the example that in its time shocked the French critic of Kant. Professor R.G. Apressyan has transferred this dispute to Russian soil, and this in itself is worthy of attention. The checking and testing of ideas against Kant is a good school for ethical thinking. However, critical commentary on Kant is not simply of scholastic or narrowly professional interest. It acquires special relevance in the context of the general antinormativistic tendency in theoretical thinking and in the practice of social mores.

In connection with Apressyan's lecture, on which he has based the article published here, I would like to note the author's intellectual consistency and his good theoretical taste. For several years he has been concerned with relativizing the norm "Do not kill" and proving the supposed existence of cases of morally justified violence. From this starting point, it was inevitable that he should have a go at the norm "Do not lie." Frankly, having received before the discussion the theses of his lecture, I guessed their basic idea from the title alone, without reading the text itself. And I was not mistaken. It is an attempt to create a theoretical construction that casts doubt on the absolutistic claims of morality, that may not open wide the philosophical gates for all-encompassing license but at least leaves gaps in them for such license. I have to acknowledge that most participants in the discussion supported, developed, and supplemented his position. It did not just win their understanding; it also, I would say, gave them a sort of relief. It puts Kant into the commonsense outlook that satisfies all of us and at the same time frees us, weak as we are, of the heavy burden of ethical absolutism. However much I may sympathize

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as a human being with Apressyan's position, however much I might wish to unburden my own conscience, as a theorist and specialist who wants to remain in the realm of consistent thinking I cannot accept it.

I proceed from the view that both these principles – "Do not kill" and "Do not lie" – are absolute prohibitions that concretize and translate into categorical actions what we may call the humanistic essence of morality and is usually called "the commandment of love." They are an easily certifiable, unerring, and unconditional objective embodiment of morality in the sense of philanthropy. The identity between one and the other is so complete that merely by casting doubt on these prohibitions we forfeit the right to talk about morality and it becomes a diffuse concept, readily susceptible to distortion and demagoguery. This is a crucial point. People assert that it is permissible to lie for the sake of another person's good. Let me start by saying that in lying you already act against the good of another person – at least, as a

human being in general. Furthermore, there arises the question: is the one to whom you lie really not also "another person"? What about his good? By using the formula "lying for another person's good" we place ourselves in a situation in which we have to choose among "others," to carry out a selection among them on the basis of a moral criterion. But by embarking on this path do we really not abandon morality, understood as love for our neighbor, with everyone (including the Samaritan!), every rational being – to speak in Kant's language – being counted as our neighbor?! Finally, the formula "lying for another person's good" presupposes that we know what is another person's good. But can we know this? Do we have the right to decide the question of another person's good on his behalf? Good for Diogenes was to live in a barrel and not in a palace.

Let us suppose that we know what is another person's good (as in our example – to save the friend's life) and that we may resort to a lie for the sake of that good. But then it is necessary to prove that the other person's good in its concreteness directly depends on and is determined by our decision whether to lie. That it is precisely our lie that will save him, that without our lie he will perish. Kant deliberately chose this extreme example in order to show that there is no such connection. My friend – he for whose sake I am permitted to lie – might surreptitiously flee the house and become a victim of the murderer (who believed me) and thereby also a victim (at least in part) of my lie. For if through moral self-determination (my choice between "yes" and "no") I were able to take the situation, including my friend's life, fully under my control,

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then the problem as such would not exist. But I am not able to do this. Chance reigns in the world of events. The stone, once released from my hand, belongs to the devil. The same applies to the substance of an action. Then there arises the question: where can I be absolute in my actions, good without limit? Where, at what point does the good of other people, including my friend as one of them, depend exclusively on me? Only at this point where I am dealing with the principle: to lie or not to lie. By lying I have not simply committed an immoral action: I have sanctioned lawlessness. Not only have I not helped my friend; I have also enabled the murderer to justify his intended crime. For if it is permitted to lie, then why is it not permitted to kill?

To what other actions or reactions may a person resort in similar situations, having ruled out the illusory path of lying? This is not a question of theory. Nor is the question of how people actually behave in such cases. But even if no one behaves in the manner advocated by Kant, his reasoning retains its force. It is approximately the same as with the laws of Newton. Nowhere are bodies to be found that move uniformly, without encountering resistance. But this does not invalidate Newton's laws. So too here, with the law "Do not lie." We are discussing situations from which we cannot escape and in which we know precisely when we are lying and when we are not lying. The concept of a lie is used here not in some extended, metaphorical, or other vague sense, but in its most direct meaning of "an intentionally untruthful declaration against another person" (p. 293). It is not permitted to make a false statement: this is an absolute prohibition. Kant formulates it as the absolute requirement of truthfulness in making statements that cannot be avoided. Kant's

idea is that here, at this point, we are able to lay the foundation of our absolute relation to people. And this is a moral relation. If you undermine this point, then you undermine morality. If we allow that in one case lying is permissible while in another it is not, then we have to look for a new criterion that will enable us to classify these cases.

Apressyan interprets Kant's example as a conflict between obligations. Very well. But before the question of a conflict between obligations can arise, in order for this conflict to be possible, we must have an obligation with regard to obligations as such – we must have obligations. Why are we obliged to observe obligations at all? In exactly the same way, in order to fulfill promises we must first make a promise to fulfill promises. . . . In order to observe specific contracts, we must have a contract concerning contracts. For these things – obligations with regard to obligations,

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promises about promises, a contract concerning contracts – are given by prior moral principles of some sort, which must be and cannot but be unshakable. It is quite possible to imagine a theory of ethics that ascribes absolute significance to some quite concrete and special relation. Thus, Confucius ascribed unconditional moral significance to the reverent relation of son to father and of children to parents; on this basis, in particular, the judicial system of medieval China imposed the death penalty for denouncing one's parents. It is possible to have a doctrine that makes friendship and the protection of a friend's life into an ethical principle; we find something like this in Epicurus. But we are discussing Kant, for whom morality is identical to the moral law that is given as autonomy of the will. The lack and impossibility of exceptions, the categorical nature of requirements – this is an obligatory indicator of morality. And if there is any norm that coincides with the moral law, then it is precisely the norm "Do not lie." This is so because the given norm is a part of the grounding of social custom. This point in Kant's argumentation is of exceptional importance: "Truthfulness is a duty that must be regarded as the basis of all obligations founded on contract" (p. 294).

In fact, if we permit ourselves to decide, depending on the situation, when to be and when not to be truthful, if we sanction lying, then we must give ourselves an answer to the question: on what moral foundations does the very binding force of contracts between people rest?

So far as conflict between obligations – in particular, between the obligation to protect a friend and the obligation to be honest in making statements – is concerned, it should be noted that Kant does not deal with this question. He investigates the question of whether there exists a right to lie for philanthropic reasons – but *not* the question of what should be done in order to protect the life of a friend (and how to do it). This is unconnected with Kant's attitude toward the phenomenon of friendship, which was of little interest to him, inasmuch as friendship is a type of special relation between people, and Kant as a moral philosopher was interested in the universal basis of these relations. Simply, as I have emphasized, the given example is no more than an illustration of a certain idea. And no broader significance should be attached to it. This is approximately the same as in mathematical exercises in which one is not allowed to go beyond the bounds of set conditions, and if you are told

about a train that moves from point A to point B then you should not ask what lies beyond point B or what would happen were the train to go to point C I would even say this: as the murderer asking the question is a rational being (otherwise

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it would not be necessary to answer his question), and the friend being pursued by him is also a rational being, within the framework of Kant's reasoning there is no difference between them, any more than there is between points A and B in a mathematical exercise. There is no difference because the question that interests Kant is not how to be a friend to a friend, but how to be a friend to all people.

If we try nonetheless to consider Kant's example within the framework of a conflict between obligations (although it is quite unsuitable for this purpose), then we can say the following. Protecting my friend is part of the concept of friendship, and by inviting him into my house I have assumed the obligation to protect him. But the arsenal of means by which I may protect him does not include abandoning the norm "Do not lie." First, because (as I have already said) there is no direct connection between my answer to the murderer and the fate of my friend. Second, my friend, while he remains my friend and acts by the logic of friendship, cannot wish me to commit a morally dishonest action.

Professor Apressyan says that Kant has no concept of the Other. This remark is quite correct. However, it is just as obvious as it is correct. Kant was not, of course, a theorist either of communicative ethics in general or of the ethics of dialogue in particular. He stands on the positions of ethical absolutism. He is interested in our duty to humanity, in humaneness as a duty, and not in our duty to a [specific] Ivan, Pyotr, and Makhmud. This is perhaps the weak side of Kant's ethics. But it is also its strong side. The specific duty (if we can speak of such a thing) to Ivan, Pyotr, and Makhmud exists within the framework of one's universal duty to humanity, of humaneness as a duty – as its extension and concretization. We can therefore agree that morality is not reducible to ethical absolutes, but it must also be acknowledged that outside of these absolutes morality is impossible.

In his article, Apressyan proposes sixteen variants of the situation investigated by Kant; these are designed to show how variable this situation can be. These variants are in the highest degree indicative of the author's position – as is the very idea of a multiplicity of variants of ethical choice. By this approach he goes beyond the canons of classical ethics, and I am not sure whether he remains within the boundaries of ethics at all or whether he crosses over to the positions of the sociology of morality. Human behavior is, of course, complicated and confused; it really does continually have to deal with a large if not incalculable sheaf of possibilities and variants. However, morality links up to behavior

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and reveals its indispensably effective force where these variants are reduced to a bare minimum, that is, to two – "yes" and "no" . . . where it is necessary to make a



clear-cut decision – either to cross the Rubicon or not. When Kant asks: "Does a person have the right to be untruthful in cases where he cannot avoid answering 'yes' or 'no'?" (p. 293), this must be understood as meaning that from his point of view all cases of moral choice are of this kind. He followed the great moral reformer of ancient times who taught: "But let your word be 'yea, yea' or 'nay, nay'; any more than this is of the Evil One" (Matthew 5:26). The part of the Evil One was played at that time by the scribes, who substituted sections of dead dogma for the living morality that God has handed down to everyone. The opposition between good and evil, between these "yea's" and "nay's" is not only the beginning of morality but also its end, not only the essential basis but also the entire wealth of its content. Indeed, morality is the view of the world through the prism of this opposition, setting the coordinates of individual being in the world.

And so, sixteen variants. True, it is not very clear why there are only sixteen variants and not thirty-six or one-hundred and sixty. No systematic basis for classification is given, and it is therefore possible to increase this number practically without limit. However, let there be sixteen. Even sixteen "arguments" justifying abandonment of the norm "Do not lie" are quite a lot. In this connection I have several remarks.

A. The position that the author upholds in the given case is the point of view of commonsense. Stop any twenty people on the street and ask them: "Is it good or bad to deceive someone?" They will all reply: "Bad." Go on to ask them whether there are situations when it is necessary to resort to deception for the sake of a good cause and deception is morally justified. I think that all twenty (if, of course, there does not happen to be a diehard Kantian among them) will reply that there are. This is just what Apressyan says. Why? The person on the street need not maintain consistency in his reasoning, but a theorist is expected to do so. Either "Do not lie" is a fundamental moral norm, in which case it does not allow for exceptions, or it can vary depending on concrete circumstances, in which case it is necessary to propose a different (non-Kantian) theoretical schema as a basis for determining the choice of one or another variant. In short, the first question that puzzles me is: What is the philosophical-theoretical meaning of the offered argumentation?

B. How does the proposed reasoning differ in general principle from another logic that is well known to us – the reduction of morality to

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proletarian-class expediency? [Leon] Trotsky gave splendid expression to this logic in his work "Their Morality and Ours" [Ikh moral' i nasha]. When they kill, that is bad; when we kill, that is good. Thus reasoned Trotsky, consciously adhering to the positions of ethical instrumentalism. It is apropos to note that the instrumentalist John Dewey, in his commentary on Trotsky's article, did not dispute the correctness of his initial thesis that the ends justify the means; he just thought that Trotsky did not adhere consistently to this thesis. When people say that in one case it is permissible to lie while in another it is not, that it is permissible to lie for the sake of others' good, are they really not demonstrating the same ethical methodology? After all, Trotsky too said that it is necessary to distinguish between killing and killing, and he justified revolutionary violence for the sake of the good of the majority, for the sake of a society in which there will be no violence! Since we have touched on the

concepts of ends and means, it is appropriate to ask whether morality belongs to the realm of ends or to the realm of means. More strictly speaking, does it belong to the realm of those relative ends that may also become means? Or does morality nonetheless occupy a special place in the system of human ends – a place where it cannot become a means, cannot be used as a means?

C. What is the status of the sixteen specified variations of the situation, even if we assume that they have all been carefully analyzed? And what is the disposition of the specialist-ethicist who has made this analysis in relation to moral practice? Does this mean that the specialist in ethics assigns optimal modes of behavior for different variants, just as a cookbook offers recipes for different dishes or a book on gymnastics prescribes exercises for different muscles? But do we really not proceed from the assumption that moral choice is the privilege and curse of the one who makes this choice?

Apressyan's argumentation may create the impression that he counterposes concrete analysis that takes into account the diversity of living moral experience to the position of abstract moralism. I think that this is not so. Kant's position, as I understand and accept it, according to which the norm "Do not lie" has absolute meaning and makes no allowance for exceptions, constrains the actions of the individual only by this norm, leaving him completely free outside these limits and ethically sanctioning this freedom. The norm "Do not lie" outlines a moral space within which the situation of each individual is not only distinct but also unique. I do not know how I would behave in the situation that Kant analyzes.

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And who can tell how Kant himself would have behaved in the same situation? But this is a different question – the question of whether *every* individual is capable of rising to the challenge of duty, and whether an individual is capable of rising to it *every time*. It is no secret that people often fail to observe the norm "Do not lie." But why do we need to consider such failure morally justified and worthy?! Why not leave this as visible evidence of moral imperfection?

D. Last, I am at a loss to understand the social pathos and lively passion that move the author when he presents his argumentation. When he relativizes the norm "Do not kill," I can understand him – he, apparently, wishes to give ethical sanction to the fight against terrorism or some other flagrant manifestation of violence. But what moves him to relativize the norm "Do not lie"? Do we really suffer, anywhere in life, from abstract, dogmatic adherence to the norm "Do not lie"? Where do we find such situations? In politics? In daily routine? In social everyday life? Is the opposite not the truth? Is it really not falsehood that permeates and poisons our social mores?!

To my arguments, especially to the penultimate one, the objection may be raised that the commonsense of daily life is also worthy of respect. That is undoubtedly so. But it is not worthy of being placed on a conceptual pedestal. When Ptolemy proceeded from the assumption that the sun rotates around the earth, that was commonsense. Science began when Copernicus, in defiance of what seemed obvious, said that the earth rotates around the sun. And what would we think of a person who cast doubt on Copernicus's assertion by citing, for instance, the rising

and setting of the sun? True, even to this analogy the objection may be raised that Ptolemy compiled a remarkable and useful (to this day, it appears) catalogue of the starry sky. I thus say: write your own ethical *Almagest* and try to compile a catalogue of situations in which deviations from the norm "Do not lie" are morally permissible. And you will see that this cannot be done. And if you do manage to compile such a catalogue, then you will discover that no one needs it.

### **It can be said, but it cannot be thought**

The concept of lying undoubtedly bears a negative value load; in the moral system of coordinates, it is located along the axis of evil or vice. Lying may be described as a morally prohibited line of conduct in giving testimony. Therefore, to say: "in certain cases, a lie is morally permissible"

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is the same as to say: "in certain cases, that which is morally prohibited is morally permissible." A so-called right to lie – an alleged right, as Kant justly calls it – cannot be expressed or conceptually formulated without falling into a logical contradiction. This will become especially obvious if we reduce the concept of lying to its closest generic essence and reformulate it as the concept of dishonesty. This reformulation makes it more obvious how the imprecision of an ethical judgment entails its logical vulnerability. No one, evidently, will attempt to substantiate a right to be dishonest or say that in certain situations dishonesty is morally permissible.

LA. Il'in encountered an analogous situation in a dispute with Leo Tolstoy. Wishing to give philosophical sanction to such a phenomenon as violence for the sake of good, Il'in ran up against the logical resistance of the very concept of violence; he overcame this resistance by substituting for it the concept of compulsion. Violence for the sake of good is morally impermissible because it is a contradiction in terms, but physical compulsion for the sake of good is permissible – such was Il'in's conclusion. Evidently, the critics of Kant need to carry out a similar procedure and speak not of a right to lie but, let us say, of a right to appear to lie. Or, like Il'in, they could think up a new term and say that while a lie is impermissible, deception for philanthropic reasons is permissible.

A lie to which a moral right has been obtained ceases to be a lie. In other words, it must be given a different name. In exactly the same way, for example, we do not – or, at least, for a long time we did not – characterize as deception the position of a physician who conceals a fatal diagnosis from a patient. However, if this is not a lie but something else, then what are we arguing about? In this case, Kant's position remains invulnerable, and the right to lie really is alleged.

### **A space within which morality has effect?**

Speaking of lying or deception, one is astonished by the ambivalent attitude toward this phenomenon in social consciousness and in everyday behavior. For example, there are quite a few proverbs and winged expressions that refer to lying in a perfectly calm if not positive tone. Thus, according to Vladimir Dal, there are such common proverbs as:

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"Everyone is capable of lying, and so are we"; "Without lies there would be no truth"; "Need is no lie, but can impel one to lie"; "Field is adorned with rye, and speech is adorned with lie." In English we even find such fixed expressions as "a white lie" and "a noble lie." Even moralists have been indulgent toward lying – Emerson, for instance, who once said that a lie can also be beautiful. In short, everyday experience with this question contrasts with the moral rigor that was already embodied in the Mosaic code. Of course, moral principles arise as a negation of social mores and as grounds for their criticism. The divergences between moral principles and social mores express the very essence of the matter. Nevertheless, social mores should also be understood and justified in their contradictory singularity. The main question that arises in this connection within the framework of our theme is the following. Are the normal, tolerable lie of daily life and the categorically unacceptable lie of the moralists – in particular, of Kant – one and the same phenomenon? Or do we have here the not uncommon situation in which diverse concepts conceal themselves behind a single word?

In arguing that a person does not have a right to be untruthful, Kant invariably adds that this applies to situations in which he cannot avoid a definite "yes" or "no" – not due to external compulsion but on account of his duty, on account of the fact that as a rational being he is bound by the obligation to bear honest testimony. Such an understanding is directly implied by Kant's definition of lying (cited above) as "an intentionally untruthful declaration against another person" (p. 293).

Somerset Maugham has a story in which a man learns in his old age that his wife – a respectable and in his eyes unprepossessing woman – once had a tempestuous affair with a young man who had fallen madly in love with her. The shaken husband talks with his friend, who turns out to know about this affair, and asks him to name the ex-lover, who by this time is already dead. The friend replies that he has no right to ask him about it, and advises him to ask his wife. I think that neither Kant nor any other moralist of his ilk could condemn this man's friend, because the latter had no obligation to give an answer and was able to avoid doing so. But he could not have avoided giving an answer if, for instance, he was being interrogated in court.

Kant denies a right to lie for *philanthropic reasons*. This means that he condemns lying in public behavior, in the space of ethical-legal relations. He understands that the very concept of lying arises only within the framework of these relations. Kant insistently stresses that he is talking about truthfulness (honesty) in *testimony*. Each time he inserts this reservation. In fact, the word "testimony" [*pokazanie*] appears at least ten times in the four or five pages of the essay's text. The translator's choice of this word was, in my view, very apt, bearing in mind that this Russian word is used precisely in a juridical, legal sense (unless, of course, it refers to readings of measuring instruments). The term translated as "testimony" is designated in the

German original by three words: *Deklaration*, *Erklärung*, but most frequently (in eight cases) *Aussage*. All three imply public, official declarations, especially before a court (at one place in Kant's text this is indicated directly). These are not simply utterances but precisely *testimonies* –that is, binding statements that a person makes in awareness of his responsibility and in readiness to answer for them.

In light of the foregoing, it is in my view necessary to pose the question of the object to which morality applies, the space within which it has effect. This is a question avoided by contemporary ethicists (both in Russia and, so far as I can judge, abroad) – greatly to the detriment of the quality of ethical theory. In these remarks, of course, I can touch on it only in a general form. Nevertheless, I consider it necessary to do so.

The question of the space or place of morality is the question of that meaningful activity which most fully realizes a person's moral striving toward an optimal or perfect state of being. The most general answer of philosophy has long been known – at least since Aristotle said and proved that the space of eudemonia is free time. Morality is situated on the far side of necessity; it is a very powerful force that leads a person out of the realm of necessity, be it necessity of a natural, economic, family-related, social, or any other kind. And in that socionatural realm of necessary and unavoidable daily life there exists a mass of situations and even turns of speech that closely resemble deception or concealment of the truth, but no one regards them as such – when, for example, a householder who is going out for a long time creates the illusion that someone is in the house so as not to tempt thieves, or installs secret locks to defend against them, when a mother tells her little boy that he was found in a cabbage, when

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the employees of a firm conceal certain secrets for the sake of commercial success, when a person responds to a polite query about his health and business by saying that everything is fine although in fact both are in bad shape, when police officers hide in secluded spots in order to catch violators of traffic regulations unawares, when military intelligence misleads the adversary, when someone wants to conceal some disarrangement in his clothing from those around him, while someone else who happens to have noticed wants to conceal the fact that he has noticed, and so on and so forth. Who in such cases would ever think of talking about lies, deception, or hypocrisy?! Insofar as a person remains within the realm of socionatural necessity, his behavior lacks a moral dimension, just as any natural process lacks a moral dimension. For example, the behavior of a merchant who holds on to a commodity with a view to selling it later at a higher price is also organically and morally neutral, as is the behavior of a predator patiently lying in wait for its prey. The realm of freedom is another matter: a person can fill it with whatever content he considers best. Morality is connected specifically with activity within the space of freedom. It is very difficult to demarcate the realm of necessity from the realm of freedom; it is hardly less difficult to escape from the former into the latter. Morality is precisely the sign of this boundary. Kant's assertion that freedom and morality refer to one another is a very great achievement of theoretical thinking. Morality grows out of the depths of freedom, and at the same time it is only thanks to morality that we immerse ourselves in freedom. Morality, through its principles and norms,

generates, outlines, and guards the space of freedom. It is the border zone of freedom, a sort of "plowed field" beyond which we find ourselves outside the limits of freedom, again degraded to the state of nature.

One of the key – I would say, central – questions of philosophical-ethical theory is the question of the goal-directedness and substantive content of that activity within the space of human freedom which is directly connected with a person's moral aspirations. In the history of European culture, there have been three different models or qualitative states of morality, which coincide with three historical epochs – antiquity, the Middle Ages, and modernity – and have in significant measure determined their spiritual outlook. Correspondingly, there have been three answers to the question of interest to us; these can be summed up in three words – Polis, God, Right.

Having proclaimed man the measure of all things, philosophers distinguished the natural basis of man from his social constructs (customs,

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norms, laws). While the former manifests itself in all people identically and inescapably, the latter are arbitrary and variable. Thus, beyond the closed realm of necessity they identified the open realm of freedom – the sphere of active human endeavor, which is determined by the acting individuals themselves and gives rise to extranatural relations among them. The practical efforts of people, insofar as they have free time and are able to think and do something more than simply maintain their natural existence, and the theoretical efforts of philosophers focused on the following questions. In what does the perfection of individuals and of relations among them consist? What must be done – and how must it be done – in order to attain this perfection?

Philosophers connected the perfection (virtue) of a person with rational behavior, with a cast of mind in which all parts of the mind are subordinated to correct judgments, so that the person directs his activity toward what he considers truly the best goals. Philosophy became split into three internally cohesive parts that constitute its concrete wholeness: logic, physics, and ethics. Logic elaborates the canon of reason. Physics is the application of this canon to natural necessity, gaining knowledge of it. Ethics redirects reason toward freedom, the formulation of programs of behavior.

Philosophers identified the main virtues in man (wisdom, courage, moderation, justice, etc.) and established that in their active unfolding they lead to the polis. The virtuous inclination of man finds its continuation in rational-just relations among people, aimed at the general good. The result and the arena of morally perfect human existence is the polis. A man reveals himself in his moral capacities and strivings not in the domestic economy (in his relations with servants and slaves, in the skills of his trade, and so on), not in the family (in relations with his wife, children, and servants), but in the public space of the life of the polis. When Aristotle called ethics the chief political science (science of the polis), he was expressing the general conviction of his epoch.

The fundamental change in the morality and ethics of the religious-Christian Middle Ages is that they are aimed at the perfection of God, at His mercy and justice, which find their embodiment in the afterlife. The virtues of antiquity were supplemented by and subordinated to the Christian virtues of faith, hope, and love. The space of the morally perfect existence of man was concretized as the realm of man's relation to God. The morality of the individual was determined by his ability to organize his spiritual powers and build his relations with other people in

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the context and perspective of his connectedness with God. An important place in the latter, of course, was occupied by religiously sanctioned self-renunciation and religious discipline.

As is well known, modernity was overshadowed by the spirit of antiquity; the breakthrough into modernity was accomplished as a rebirth of antiquity. This applies also to the moral thinking of modernity. Its vector shifts back from heaven to earth. The moral perfection of a person is no longer confined to a set of fixed virtues, but is now equated with personal autonomy – that is, a level of maturity at which the individual subordinates his behavior to norms grounded in his own rational will. As for the space of morally perfect existence and the substantive content of moral activity, the former coincides with the nationally organized state and the latter with the legally disciplined character of behavior. When Kant reveals the mystery of morality as autonomy of the will and equates the outer being of morality with right, when he formulates a moral law that is simultaneously the categorical imperative of right, he is merely generalizing and codifying in philosophical terms the specificity of the morality of his epoch.

What is morality in its outer manifestation in the contemporary epoch? What does it become when extended and translated into the concrete language of active existence? What must a person do who wishes to reach the height of his moral worth, and how must he do it? Where in contemporary society is the realm of freedom that would be the space of morality and play the same role as the polis played in antiquity, God in the Middle Ages, and right in modernity? To these questions, which are in essence various formulations of one and the same question, there is no clear, all-sidedly substantiated, and conceptually coherent answer that would not at the same time be a renunciation of the very necessity of thinking in moral categories. Finding an answer, saying what it means to be moral today is the most serious challenge facing ethicists.

As regards qualitatively new characteristics (tendencies) of the contemporary moral situation by comparison with the classical epochs, it is possible to indicate at least two changes: (a) the ethical (moral) "de-tabooization" of forms of social activity; and (b) the individualization (personalization) of moral choice.

By detabooization I mean the fact that different forms of activity, occupations, and social positions are equalized with one another in moral terms, constructed in accordance with the logic of their own object-related content and with the general conditions of their functioning. They

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are not held in check by preestablished moral stimuli and constraints. The practice of selecting forms of object-related activity on the basis of a moral criterion (their division into noble and ignoble) has died out or is in the process of dying out. Of course, there are differences between skilled and unskilled labor, highly paid and poorly paid work, professional and nonprofessional activity, state service and private business, and so on, but these differences are not of a moral character: they are not marked by moral appraisals. From this point of view, social reality lacks inner moral differentiation and differs little from natural reality. An indirect expression of this is the attempt to develop an applied ethics that will overcome both the traditional closeness of social morality to the professions and the selective nature of professional ethics itself. The arena of applied ethics is the entire field of human social and labor activity.

By the individualization (personalization) of moral choice I mean the real moral solitude of the individual as his own master, determining for himself the program and concrete contours of his moral existence. I refer not to the metaphysical but to the wholly empirical status of the individual under conditions in which morally acceptable forms of behavior and decisions both in the large and in the small matters of life are so diverse and often divergent that he cannot – much as he might like to – rely on any generally applicable external canon.

The general tendency in the development of social practices is for morality to merge with personality and exist as personal morality. The special function of morality as a social institution is thereby increasingly reduced to affirming and guaranteeing the subjecthood of the personality, in order to elevate the individually responsible mode of existence in the world to a historically significant magnitude. This means that the materialization and external manifestation of morality coincide with the zones of personal presence. Correspondingly, the individual personality is entrusted with the right to demarcate the limits of its own morally responsible decisions, to draw its own boundaries, and to establish forms of interaction between the freedom of moral improvement and the necessity of socionatural existence.

In application to our theme, everything that has been said above leads us to the conclusion that today observance of the norm "Do not lie" – that is, the moral requirement of honesty – is not confined to the juridical sphere or, even more broadly, to the sphere of public witness. The moral consciousness of the contemporary person cannot reconcile itself to

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such a limitation. It considers that honesty cannot be selective. But it is equally clear that a person is entangled in daily life, which unavoidably places him in situations (they cannot be systematized, but examples were given above) that may be perceived as requiring deception. Hence there arises the need to draw a boundary between morally permissible and impermissible deception and cast doubt on the categorical nature of the very principle "Do not lie" – a need that has also, I think,



found expression in our discussion. Is it possible to resolve this contradiction between the belief of the contemporary person in the immorality of lying and his unavoidable entanglement in situations that compel him to lie? Perhaps it can be resolved in the following way. An attempt could be made to draw a distinction between a lie as an ethical concept ("an intentionally untruthful declaration against another person") and a false assertion as an epistemological concept – that is, saying of something that exists that it does not exist or, conversely, saying of something that does not exist that it does exist (in this second case, the assertion may be a mistake rather than an intentional falsehood, and even if intentional it need not necessarily be an untruthful declaration against another person). Such a distinction, however, does not solve the problem that interests us, for our problem arises precisely from the fact that cases of deception that are considered justified and even morally necessary fall clearly under the concept of ethical dishonesty. A real solution to our problem, it seems to me, could be to confine the rule "Do not lie" as a categorical requirement to the realm of speech. (We could say "the realm of public speech," but this qualification is superfluous inasmuch as speech is always public in the sense that it is uttered for someone.) When I say "confine to the realm of speech," I do not, of course, mean that deception is permissible but must not be admitted. I mean something else entirely: speech cannot and must not serve as the instrument of a lie. Speech is a conscious, rationally considered action, a communication that one person aims at another. And when speech is put to conscious use as the instrument of a lie, it appears outside of its proper function as the substance of thought, as a means of those forms of interpersonal connection that are based on reason and oriented toward truth. In this case, it appears simply as a means of giving recognition to instincts, of the egoistic self-affirmation of individuals. Adoption of the guideline that the arena of the norm "Do not lie" is the realm of speech will enable the individual to maintain his moral integrity and at the same time remain within the bounds of practical prudence, inasmuch as he has the

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right – like the aforementioned hero of Maugham's story – to hold his silence or ward off a question if he judges that a direct honest answer to it may place him in a morally false situation.

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## Note

(1) I. Kant, "O mnimom prave l'gat' iz chelovekoliubiia," in *Traktaty i pis'ma*, ed. A.V. Gulyga (Moscow: Nauka, 1980), p. 294. Henceforth references to this work will be given in the text with pages indicated.

