Weekly Forum Digest for Lectures 13 and 14 (lecture release date was April 23rd)

Two ways of rejecting Kant's refusal to lie to the murderer

Most people do not agree with Kant that we must tell the truth to the murderer at the door. It is important to recognize, however, that this response could lead you to two different conclusions:

(a) You might accept Kant's analysis that this conclusion follows from his ethical doctrine -- that lying violates the categorical imperative -- and be led to the conclusion that that the categorical imperative is not the supreme principle of morality.

(b) You might continue to believe that the categorical imperative is the supreme principle of morality, but reject that lying to the murderer violates the categorical imperative. Kant, you might think, is confused about what his own ethical doctrine entails.

Apply the different formulations.

In thinking through whether it is permissible to lie to the murderer at the door, it is worth trying to apply the two different formulations of the categorical imperative presented in lecture.

(a) Could you act on that maxim and at the same time will that it were a universal law?
(b) Does your act treat humanity as an end and not merely as a means?

Thinking through each of these questions will help you understand why it is that Kant thought lying to the murderer was wrong, and it will help you test whether you think Kant was right that (a) and (b) are only different formulations of precisely the same law.

'Kantian' Solutions to the problem of the murderer at the door

The Kantian students who wanted to claim that lies are always wrong often tried to avoid facing up to the fact that there may be situations where the misleading truth is not likely to work (note that the more people know that Kantian ethics allows for misleading truths, the more interrogators will be inclined to ask highly specific questions). Kantians who face the choice between a lie, on the one hand, and a truth that facilitates murder, on the other, will have to decide which is the greater of the two evils. Here are three possible ways that they may respond to this situation:

1) Conventional Response: It is wrong to lie even though this is likely to result in the innocent being murdered. The murderer can still decide not to murder the innocent once he knows his location, so the murder will be on the murderer's conscience rather than your own.

2) Moral Dilemma: In this situation, whatever one does is wrong, since it is wrong to lie and wrong to avoidably facilitate murder. A 'Kantian' who comes to this conclusion – Kant himself denied that such situations were possible - may rank the relative moral wrongness of each intrinsically wrong act and opt to perform the least wrong act.

3) Question whether Kant was right to think that the Categorical Imperative ruled out all lies. Suppose it's true that we cannot universalize a maxim such as 'I will lie whenever it is to my advantage'. Does it follow that we couldn't universalize a much more specific maxim tailored to the situation in which the murderer is at the door? E.g. consider the following maxim: 'I will always lie to someone when (a) this will preclude them from using this information to killing an innocent person, and (b) I have no reason to think that this lie will result in the deaths of other innocent people.'

Respect for the murderer at the door

Note that you might think that there is some moral value in trying to fob off the murderer at the door with a misleading truth rather than a lie even if you also think that, if a lie turns out to be necessary to save the innocent person's life, the lie should be told. For instance, you might think that:

1. There is moral value in treating wrongdoers with as much respect as possible consistently with preventing them from succeeding in carrying out the wrongdoing

2. Other things being equal, it is more respectful to tell someone the truth than to lie.

3. So, other things being equal, there is more moral value in telling the murderer a misleading truth than a straight lie.

This kind of consideration is also extremely relevant in debates about punishment and torture of evildoers who fail to act in a way that respects the dignity of others. Some will say that the moment X violates the dignity of others to a particular degree D, X is no longer entitled to be treated with dignity him or herself, while others maintain that it is important to maintain a higher standard and not to start acting like the evil doers ourselves.

Kant on Bill Clinton's Misleading Truth

Be clear that Kant wouldn't necessarily think that Clinton's act had some moral worth. E.g. if Clinton told a misleading truth instead of a lie because he had a self-interested concern to avoid perjuring himself, Kant will not think that this has any more moral worth than the shopkeeper who refrains from cheating his customer out of fear he will get caught.

Necessary vs. sufficient conditions

This is an important distinction and although many of you are probably familiar with it it is worth illustrating by means of a simple example. Suppose the sidewalk is wet. While both a) heavy rain and b) a person spraying water from a hose are sufficient for making the sidewalk wet, neither (a) nor (b) are necessary, precisely because either (a) or (b) are sufficient to make the ground wet.

Is actual consent sufficient to generate a moral obligation?

Turning now to the issue of the moral significance of actual consent. The reason why it is at least on the face of it plausible to think that actual consent generates a moral obligation is that the act of consent is an expression of a person's autonomy, i.e., her capacity to give herself laws or to act on reasons. Now, the question is whether any instance of actual consent (e.g. any instance of uttering the words "I agree" or signing a contract) can plausibly be counted as an expression of autonomy. The

reason to doubt that it is are instances where the person who consents lacks relevant information (e.g. market price for a service: for instance, a few years back there was a story in the papers about an elderly woman who agreed to pay a plumber several tens of thousands of dollars to fix her leaky toilet; she consented to pay the amount but she also clearly lacked knowledge of the market price for repairing a leaky toilet) or reasonable alternatives (e.g. a person dying of thirst in the desert agreeing to give over all of his positions for a bottle of water). And, if it is plausible to think that consent based on a lack of relevant information or reasonable alternatives does not count as an expression of one's autonomy, then it is also plausible to doubt that these forms of tainted consent give rise to moral obligations. Put slightly differently, it is plausible to think that actual consent is not sufficient to generate moral obligations.

Is actual consent necessary to generate a moral obligation?

One way to get at the intuition that actual consent is not necessary to generate a moral obligation is to ask whether it is plausible to think that something else might generate such a moral obligation, e.g. benefit. So, how exactly would the fact that one receives a benefit from somebody else's action give rise to a moral obligation toward that person (e.g. to pay her) even if one did not consent to the action? Here is one way of thinking about it: The fact that one benefitted from the action would make it reasonable for one to consent to the action, hypothetically speaking, even if one did not actually consent. And, perhaps even more strongly, there might be some cases in which it would have been unreasonable not to consent had the person been given the opportunity (e.g. administering an antidote to a dying, unconscious person).