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[13]
      Immanuel Kant ~ A Lesson in Lying
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      MICHAEL SANDEL: Last time we began by trying to navigate our way through
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      Kant's moral theory.
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      Now, fully to make sense of Kant's moral theory in The Groundwork,
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      requires that we be able to answer three questions.
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      How can duty and autonomy go together?
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      What's the great dignity in answering to duty?
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      It would seem that these two ideas are opposed, duty and autonomy.
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      What's Kant's answer to that?
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      We need someone here to speak up on Kant's behalf.
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      Does he have an answer?
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      Yes?
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      Go ahead.
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      Stand up.
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      MATT: Kant believes you only act autonomously when you are pursuing
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      something only in the name of duty and not because of your own
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      circumstances, such as--
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      You're only doing something good and moral, if you're doing it because of
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      duty not because of something of your own personal gain.
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      MICHAEL SANDEL: Now, why is that acting--
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      what's your name?
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      MATT: My name is Matt.
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     MICHAEL SANDEL: Matt, why is that acting out of freedom?
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      I hear what you're saying about good.
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      MATT: Because you choose to accept those moral laws on yourself, and
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      they're not brought on from outside on to you.
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     MICHAEL SANDEL: OK, good.
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      Because acting out of duty is following a moral law--
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      MATT: That you impose on yourself.
      MICHAEL SANDEL: --that you impose on yourself.
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      That's what makes duty compatible with freedom.
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     MATT: Yeah.
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     MICHAEL SANDEL: OK, that's good, Matt.
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      That is Kant's answer.
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      That's great.
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0035 Thank you.

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      So Kant's answer is it is not insofar as I am subject to the law that I have
      dignity, but rather insofar as with regard to that very same
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      law, I'm the author.
      And I'm subordinated to that law on that grounds that I took it, as Matt
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      just said, I took it upon myself.
      I willed that law.
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      So that's why, for Kant, acting according to duty and acting freely,
      in the sense of autonomously, are one and the same.
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      But that raises the question, how many moral laws are there?
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      Because if dignity consists in being governed by a law that I give myself,
      what's to guarantee that my conscience will be the same as your conscience?
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      Who has Kant's answer to that?
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      Yes?
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      KELLY: Because a moral law trend is not contingent upon subjective
      conditions, it would transcend all particular differences between people
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      and so it would be a universal law.
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      And in this respect, there'd only be one moral law
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      because it would be supreme.
      MICHAEL SANDEL: That's exactly right.
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      What's your name?
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      KELLY: Kelly.
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      MICHAEL SANDEL: Kelly.
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      So Kelly, Kant believes that if we choose freely, out of our own
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      consciences, the moral law, we're guaranteed to come up with one and the
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      same moral law?
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      KELLY: Yes.
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      MICHAEL SANDEL: And that's because when I choose, it's not me, Michael
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      Sandel, choosing.
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      It's not you, Kelly, choosing for yourself.
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      What is it exactly?
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      Who's doing the choosing?
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      Who's the subject?
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      Who's the agent who's doing the choosing?
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      KELLY: Reason.
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     MICHAEL SANDEL: Well, reason--
      KELLY: Pure reason.
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MICHAEL SANDEL: Pure reason, and what you mean by pure

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      reason is what exactly?
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      KELLY: Well, pure reason, it is--
      like you were saying before, it is not subject to any external conditions
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      that may be imposed on it.
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      MICHAEL SANDEL: That's great.
      So the reason that does the willing, the reason that governs my will when I
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      will the moral law is the same reason that operates when you choose the
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      moral law for yourself.
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      And that's why it's possible to act autonomously to choose for myself, for
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      each of us to choose for ourselves, as autonomous beings, and for all of us
      to wind up willing the same moral law, the categorical imperative.
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      But then there is one big and very difficult question left, even if you
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      accept everything that Matt and Kelly have said so far.
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      How is a categorical imperative possible?
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      How is morality possible?
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      To answer that question, Kant says we need to make a distinction.
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      We need to make a distinction between two standpoints, two standpoints from
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      which we can make sense of our experience.
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      Let me try to explain what he means by these two standpoints.
      As an object of experience, I belong to the sensible world.
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      There, my actions are determined by the laws of nature and by the
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      regularities of cause and effect.
      But as a subject of experience, I inhabit an intelligible world.
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      Here, being independent of the laws of nature, I am capable of autonomy,
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      capable of acting according to a law I give myself.
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      Now, Kant says that only from this second standpoint can I regard myself
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      as free, for to be independent of determination by causes in the
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      sensible world is to be free.
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      If I were wholly an empirical being, as the utilitarians assume, if I were
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      a being wholly and only subject to the deliverances of my senses, to pain and
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      pleasure and hunger and thirst and appetite, if that's all there were to
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      humanity, we wouldn't be capable of freedom, Kant reasons.
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      Because in that case, every exercise of will would be conditioned by the
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      desire for some object.
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      In that case, all choice would be heteronomous choice, governed by the
      pursuit of some external end.
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     When we think of ourselves as free, Kant writes, we transfer ourselves
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0110 into the intelligible world as members and recognize the 0111 autonomy of the will. That's the idea of the two standpoints. 0112 0113 So how are categorical imperatives possible? Only because the idea of freedom makes me a member of an intelligible world. 0114 Now, Kant admits, we aren't only rational beings. 0115 0116 We don't only inhabit the intelligible world, the realm of freedom. If we did, if we did, then all of our actions would invariably accord with 0117 the autonomy of the will. 0118 0119 But precisely because we inhabit simultaneously the two standpoints, the two realms, the realm of freedom and the realm of necessity, precisely 0120 because we inhabit both realms, there is always potentially a gap between 0121 what we do and what we ought to do. 0122 Between is and ought. 0123 Another way of putting this point, and this is the point with which Kant 0124 concludes The Groundwork, morality is not empirical. 0125 Whatever you see in the world, whatever you discover through science, 0126 0127 can't decide moral questions. 0128 Morality stands at a certain distance from the world, from the empirical 0129 world, and that's why no science could deliver moral truth. 0130 Now, I want to test Kant's moral theory with the hardest possible case. 0131 A case that he raises. 0132 The case of the murderer at the door. 0133 Kant says that lying is wrong. 0134 We all know that. 0135 We've discussed why. 0136 Lying is at odds with the categorical imperative. 0137 A French philosopher, Benjamin Constant, wrote an article responding 0138 to The Groundwork. 0139 Where he said, this absolute prohibition on lying is wrong. 0140 It can't be right. What if a murderer came to your door looking for your friend who was hiding 0141 in your house, and the murderer asked you, point blank, is your friend in 0142 0143 your house. Constant says, it would be crazy to say that the moral thing to do, in 0144 that case, is to tell the truth. 0145 Constant says, the murderer certainly doesn't deserve the truth. 0146

0147 And Kant wrote a reply. And Kant stuck by his principle that lying, even to the murderer at the 0148 0149 door, is wrong. And the reason it's wrong, he said, is once you start taking consequences 0150 0151 into account, to carve out exceptions to the categorical imperative, you've 0152 given up the whole moral framework. 0153 You've become a consequentialist or maybe a rule utilitarian. 0154 But most of you, and most of Kant's readers, think there's something odd 0155 and implausible about this answer. 0156 I would like to try to defend Kant on this point, and then I want to see 0157 whether you think that my defense is plausible. 0158 And I would want to defend him within the spirit of his 0159 own account of morality. Imagine that someone comes to your door. 0160 You're asked the question by this murderer. 0161 You're hiding your friend. 0162 0163 Is there a way that you could avoid telling a lie without 0164 selling out your friend? 0165 Does anyone have an idea of how you might be able to do that? 0166 Yes? 0167 Stand up. 0168 SPEAKER 1: I was just going to say if I were to let my friend in my house to 0169 hide in the first place, I'd probably make a plan with them. 0170 So I'd be like, hey, I'll tell the murderer you're here but escape. 0171 And that's one of the options mentioned. 0172 MICHAEL SANDEL: But I'm not sure that's a Kantian option. 0173 You're still lying, though. 0174 SPEAKER 1: No, because he's in the house, but he won't be. 0175 MICHAEL SANDEL: Oh, I see. 0176 All right, good enough. 0177 One more try. 0178 JOHN: If you just say you don't know where he is because he might not be 0179 locked in the closet, he might have left the closet. 0180 You have no clue where he could be. MICHAEL SANDEL: So you would say, I don't know, which wouldn't actually be 0181 a lie because you weren't, at that very moment, looking in the closet? 0182 0183 JOHN: Exactly.

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      MICHAEL SANDEL: So it would be strictly speaking, true.
      And yet, possibly deceiving, misleading.
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      JOHN: But still true.
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      MICHAEL SANDEL: What's your name?
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      JOHN: John.
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      MICHAEL SANDEL: John.
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      All right, now, John may be onto something.
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      John, you're really offering us the option of a clever evasion that is
      strictly speaking true.
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      This raises the question whether there is a moral difference between an
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      outright lie and a misleading truth.
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      From Kant's point of view there actually is a world of difference
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      between a lie and a misleading truth.
      Why is that, even though both might have the same consequences?
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      But then, remember, Kant doesn't base morality on consequences, he bases it
      on formal adherence to the moral law.
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      Now, sometimes in ordinary life, we make exceptions for the general rule
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      against lying with a white lie.
      What is a white lie?
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      It's a lie to make--
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      well, to avoid hurting someone's feelings, for example.
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      It's a lie that we think of as justified by the consequences.
      Now, Kant could not endorse a white lie, but perhaps he could endorse a
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      misleading truth.
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      Suppose someone gives you a tie as a gift, and you open the box, and it's
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      just awful.
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      What do you say?
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      SPEAKER 2: Thank you.
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     MICHAEL SANDEL: Thank you?
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      You could say thank you, but they're waiting to see what you think of it,
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      or they ask you what do you think it?
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      You could tell a white lie and say it's beautiful, but that wouldn't be
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      permissible from Kant's point of view.
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      Could you say--
      not a white lie, but a misleading truth--
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     you open the box, and you say, I've never seen a tie like that before.
0219
0220 Thank you.
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0221 SPEAKER 2: You shouldn't have. MICHAEL SANDEL: You shouldn't have. 0222 That's good. 0223 0224 Can you think of a contemporary political leader who engaged? 0225 You can? 0226 Who are you thinking of? 0227 Remember, the whole carefully worded denials in the Monica Lewinsky affair 0228 of Bill Clinton? 0229 Now, those denials actually became the subject of very explicit debate and argument during the impeachment hearings. 0230 Take a look at the following excerpts from Bill Clinton. 0231 Is there something, do you think, morally at stake in the distinction 0232 between a lie and a misleading carefully couched truth? 0233 BILL CLINTON: I want to say one thing to the American people. 0234 0235 I want you to listen to me. 0236 I'm going to say this again. 0237 I did not have sexual relations with that woman, Miss Lewinsky. I never told anybody to lie, not a single time. 0238 0239 Never. 0240 These allegations are false. 0241 BOB INGLIS: Did he lie to the American people when he said I never had sex 0242 with that woman? 0243 GREGORY CRAIG: He doesn't believe he did, and because of the way--0244 let me explain, congressman. 0245 What he said was, to the American people, that he did 0246 not have sexual relations. 0247 And I understand that you're not going to like this, congressman, because you 0248 will see it as a hairsplitting, evasive answer, but in his own mind, 0249 his definition was not--0250 BOB INGLIS: OK, I understand that argument. 0251 MICHAEL SANDEL: So there you have the exchange. 0252 Now, at the time, you may have thought this was just a legalistic 0253 hairsplitting exchange between a Republican who wanted to impeach 0254 Clinton and the lawyer who was trying to defend him. But now, in the light of Kant, do you think there is something morally at 0255 stake in the distinction between a lie and an evasion, a true 0256 0257 but misleading statement?

0258 I'd like to hear from defenders of Kant. 0259 People who think there is a distinction. Are you ready to defend Kant? 0260 0261 DIANA: I think when you try to say that lying and misleading truths are 0262 the same thing, you're basing it on a consequentialist argument, which is 0263 that they achieve the same thing. 0264 But the fact of the matter is, you told the truth, and you intended that 0265 people would believe what you were saying, which was the truth. Which means that it is not morally the same as telling a lie, and intending 0266 that they believe it is the truth, even though it's not true. 0267 MICHAEL SANDEL: Good. 0268 What's your name? 0269 DIANA: Diana. 0270 MICHAEL SANDEL: So Diana says that Kant has a point here. 0271 And it's a point that might even come to the aid of Bill 0272 Clinton, and that is--0273 0274 well, what about that? 0275 Someone over here. 0276 WES: For Kant, motivation is key. 0277 So if you give to someone because primarily, you want to feel good about 0278 yourself, Kant would say that has no moral worth. 0279 Well, with this, the motivation is the same. 0280 It's to sort of mislead someone else. 0281 It's to lie. 0282 It's to throw them off the track and the motivation is the same, so there 0283 should be no difference. 0284 MICHAEL SANDEL: OK, good. 0285 So here, isn't the motive the same, Diana? 0286 What do you say to this argument that, well, the motive is the same? 0287 In both cases, there is the attempt, or at least the hope, that one's 0288 pursuer will be misled. 0289 DIANA: Well, you could look at it that way, but I think that the fact is that 0290 your immediate motive is that they should believe you. 0291 The ultimate consequence of that is that they might be deceived and not 0292 find out what was going on. But your immediate motive is that they should believe you because you're 0293 0294 telling the truth.

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     MICHAEL SANDEL: May I help a little?
      DIANA: Sure.
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     MICHAEL SANDEL: You and Kant.
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     Why don't you say--
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      and what's your name?
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      I'm sorry.
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      WES: Wes.
      MICHAEL SANDEL: Why don't you say to Wesley, it's not exactly the case that
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      the motive in both cases is to mislead.
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      They're hoping--
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      they're hoping that the person will be misled by the statement, I don't know
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      where they are, or I never had sexual relations.
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      You're hoping that they will be misled, but, in the case where you're
      telling the truth, your motive is to mislead while at the same time telling
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      the truth and honoring the moral law and staying within the bounds of the
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      categorical imperative.
      I think Kant's answer would be--
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      Diana, yes?
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      DIANA: Yes.
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     MICHAEL SANDEL: You like that?
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      DIANA: I do.
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     MICHAEL SANDEL: OK.
      So I think Kant's answer would be, unlike a falsehood, unlike a lie, a
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      misleading truth pays a certain homage to duty.
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      And the homage it pays to duty is what justifies that
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      even the work of evasion--
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      Diana, yes?
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      You like?
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      OK.
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      And so there is something, some element of respect, for the dignity of
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      the moral law in the careful evasion because Clinton could have told an
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      outright lie, but he didn't.
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      And so I think Kant's insight here is, in the carefully couched, but true
      evasion, there is a kind of homage to the dignity of the moral law that is
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      not present in the outright lie, and that, Wesley, is part of the motive.
0329
     It's part of the motive.
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0331 Yes, I hope he will be misled.

0332	I hope the murderer will run down the road or go to the mall looking for my
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0334	I hope that will be the effect.
0335	I can't control that.
0336	I can't control the consequences, but what I can control is standing by and
0337	honoring, however I pursue the ends I hope will unfold, to do so in a way
0338	that is consistent with respect for the moral law.
0339	Wesley, I don't think, is entirely persuaded, but at least this brings
0340	out, this discussion brings out, some of what's at stake, what's morally at
0341	stake, in Kant's notion of the categorical imperative.