Lying, Deception, and Dishonesty: Kant and the Contemporary Debate on the Definition of Lying

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Abstract: Although Kant is one of the very few classical writers referred to in the current literature on lying, hardly any attention is paid to how his views relate to the contemporary discussion on the definition of lying. I argue that, in Kant's account, deception is not the defining feature of lying. Furthermore, his view is able to acknowledge non-deceptive lies. Kant thus holds, I suggest, a version of what is currently labelled Intrinsic Anti-Deceptionism. In his specific version of such a view, furthermore, dishonesty is the distinctive feature of lying. Finally, I highlight the important methodological differences between Kant's normatively minded account and the primarily descriptive contemporary discussion, with regard to the role of intuitions and definitions.

Keywords: lying, deceiving, dishonesty, morality

1. Introduction

Lying is currently an important focus of the philosophical debate, after having been rather neglected for quite some time.[1] One of the very few classical authors who consistently feature in the recent discussion, along with Augustine and, more occasionally, Aquinas, is

[1] The state of the art is best represented by the recent *Oxford Handbook of Lying* (Meibauer 2018b). An helpful general survey is provided by Meibauer 2018c and, more specifically, Mahon 2018b. Mahon even suggests that "today, more philosophers than ever before are working on the subject of lying." (Mahon 2018b, 32)

Kant.[2] Remarkably, most part of the history of moral philosophy is entirely neglected, as it is apparently believed to have contributed nothing to the matter. Even the few writers who are in fact considered, however, are not always examined in depth. Among the classical authors, Kant is arguably the one whose views play the most prominent role in contemporary discussions. Nevertheless, the frequent interaction with his examination of lying is mostly confined in rather specific boundaries. In fact, Kant's view enters the stage of the contemporary discussion, basically, in only three, not mutually exclusive ways. First and foremost, it is customary to refer to Kant's view as the paramount example of the perplexing absolutist claim that lying is never allowed. According to many contemporary writers, Kant's remarks display most clearly the counterintuitive traits of such a notion. Second, and related to that, writers often point out passages from the lecture notes where Kant is reported to have allowed exceptions to the universal prohibition of lying, as this would show that Kant himself entertained a less rigoristic notion at some point. Third, the increasingly unpopular idea that lying is by definition morally worse than deception is mostly discussed, and often rejected, as a Kantian idea.

If these ways to consider Kant's contribution to the philosophical analysis of lying do show some interest, they are nevertheless significantly restricted.[3] Kant's arguments for the apparently counterintuitive claim that lying is always wrong are hardly taken under scrutiny. The understandable attention, even puzzlement, for the passages from the lectures that allow us to reconstruct a much more nuanced view should rather be modulated by the consideration that those passages cannot lessen the official absolutist claim. In fact, the considered view in the later writings should be taken even more seriously in light of the earlier differentiated explorations. The most notable trait in the predominant way of treating Kant's

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[2] See e.g. Meibauer 2018a, 334. What counts as the classical views on lying is summarised in Mahon 2018a.

[3] As James Mahon has pointed out: "More than any other element of his moral philosophy, Kant's writings on lies have elicited an unprecedented amount of abuse" (Mahon 2009, 201). The remark still holds true ten years later.

view from the standpoint of the current debate, however, is that there seems to be no genuine interest for his perspective on one prominent topic in the contemporary discussion itself, namely the definition of lying. Most current debates primarily concern this complex issue, under the apparent assumption that the entire previous history of philosophical investigations of lying share one and the same traditional notion of what a lie is. Thus, surprisingly little attention is paid to the care that Kant devotes to how lying is best defined.[4] His view on the foremost issue in the contemporary discussion is implicitly assimilated to that of the other classical writers without any qualification. The limits of this consideration hinder the possibility of a fruitful exchange between current perspectives and Kant's take on the matter. Both our understanding of Kant's view and the discussion on the defining features of lying would gain from a closer dialogue.

For the sake of a fruitful dialogue, the most relevant question to address is how lying in general is construed. The contemporary discussion is for the most part focused on this central issue, with the aim of finding a definition that is able to account for most, if not all, features of the highly complex activity that is called lying. The interest is thus primarily descriptive, in contrast with the primarily normative interest of Kant's examination, whose main aim is to establish whether lying is morally acceptable or not, and why. This contrast, however, should not be overemphasized, but it should rather be clarified. Also a normatively minded analysis like Kant's entails an understanding of what is to be called lying at all. I will leave aside many interpretive questions and disregard the broader context of Kant's moral theory, which should be taken into account for a full examination. More specifically, the aim of my examination will be to clarify Kant's account of lying with regard to the terms of contemporary debates, not to corroborate or justify it, which would require further work.

I shall thus first consider where Kant stands in respect to the most central questions in the contemporary discussion on lying, that is, whether lying is to be understood as a form of deception. A closer look into the role that deception plays in lying will allow to clarify Kant's

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[4] One partial exception is Carson 2010, 67 ff.

construal of lying in general. I shall suggest that, in Kant's view, deception is not, and cannot be, the defining feature of lying, in spite of several passages in which Kant appears to advocate a so-called 'traditional definition' of lying, according to it essentially requires an intent to deceive. To the contrary, Kant's view is able to accommodate non-deceptive lies, such as so-called 'bald-faced lies'. I shall suggest, thus, that Kant's view should be construed as a specific variant of Intrinsic Anti-Deceptionism. Then, I shall examine where Kant's account stands with respect to a recent proposal to consider dishonesty, instead of deception, the pivotal notion in discussing lying. Finally, I shall comment on some important methodological differences between Kant's account and the contemporary discussion, with regard to the role of intuitions and definitions. Last but not least, the comparison with the terms of the contemporary discussion is helpful also to highlight some notable methodological features of Kant's approach to this issue, which provides a good example of his way to develop a moral theory, in contrast with currently widespread methodological assumptions.

2. Lying and Deception

Lying is a topic of interest from many different standpoints. Linguistics, psychology, philosophy of language, moral, legal, and political philosophy share a common interest in the widespread activity that is usually called lying. This multidisciplinary relevance has contributed to bringing the topic to the foreground in the recent philosophical discussion. Because of the variety of perspectives that come together in sharing that interest, the issue of a satisfactory definition of lying, which should provide the necessary common ground, has been attracting much attention.

According to the general outlook of the contemporary discussion, lying has been traditionally defined as a kind of deception or essentially based on an intent to deceive. Views that understand lying in these terms are thus usually labelled Deceptionist. It is mostly assumed that this holds true for Kant's view, too, as representative for the traditional

conception of lying. Furthermore, it is usually assumed that absolutist views that regard lying as unconditionally wrong have to entail a commitment to a deceptionist notion of lying. As Don Fallis observes, "'[d]ivorcing lying from deception' only looks like an unhappy result if we have a preexisting commitment to the wrongness (or at least, *prima facie* wrongness) of lying. Of course, many philosophers (most notably, Augustine and Kant) clearly do have such a commitment."[5] Accordingly, Kant is widely considered to hold a deceptionist conception. In the following I shall put this assumption under closer scrutiny.

Kant's remarks on lying do include formulations of some version of a traditional definition. In the *Doctrine of Virtue*, the first of the casuistical questions that follow the treatment of lying in § 9 asks: "Can an untruth from mere politeness [...] be considered a lie?". Kant answers: "No one is deceived by it" (6:431).[6] The remark seems to follow from the assumption that one statement cannot count as a lie if it cannot possibly deceive anyone.[7] Yet, the remark is not unambiguous, given that in other passages Kant argues against the permissibility of lies said out of politeness (see e.g. 27:701). A deceptionist thought is expressed much more explicitly earlier in the same section, however. When Kant introduces the possibility of what he calls an 'inner lie', he observes that a lie "requires a second person whom one intends to deceive" (6:430). Other passages are analogously suggestive of an intrinsic connection between lying and intent to deceive. In the Vigilantius lectures notes from the early 1790s, Kant is reported to have explained to his students that "an untruth differs from a lie in this, that both, indeed, contain a *falsiloquium*, i.e., a declaration whereby

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[5] Fallis 2015, 93.

[6] All references to Kant's writings are given by volume and page number of the Academy Edition. For the *Ethik Kaehler*, I follow the edition provided in Kant, *Vorlesung zur Moralphilosophie*. Ed. Werner Stark. Berlin–New York: De Gruyter 2004. The English translation of the quotations is taken from the Cambridge Edition of the Work of Immanuel Kant, where available, and, for the *Groundwork for the Metaphysics of Morals*, from Jens Timmermann's revision (Cambridge University Press, 2011).

[7] This is Mahon's reading (Mahon 2009, 207), who in general holds that for a statement to be a lie, in Kant's view, "it must be intended that the untruthful statement be believed to be true" (Mahon 2009, 207).

the other is deceived, but the latter is uttered with an associated intention to injure the other by the untruth" (27:700). It soon becomes clear that this definition is specifically relevant to the juridical domain, since Kant is reported to have further observed: "In ethics [...] every *falsiloquium*, every knowing deception [*jedes wissentliche Hintergehen*] is impermissible, even though it be not immediately coupled with an injury" (27:700).[8] The main focus of attention, here as in other texts, is the distinction between cases in which the possible harm done to another person through an intentional untruth is relevant, or not. In both sorts of cases, however, lying is an intentional deception, according to these remarks.

A deceptionist account of lying, however, cannot merely amount to providing a definition in terms of the intent of deceive. Two further important elements belong in such an account: (1) the thought that the intent to deceive is what explains the wrongness of lying; (2) a more precise characterisation of the nature of the deception involved in lying.

As to the first point, a deceptionist conception of lying traditionally entails that the wrongness of lying is determined by the intent to deceive.[9] A classical attempt is to construe lying as deception in terms of manipulation, to which the wrongness of lying would ultimately come down. In this view, "deceiving people (or at least some people, in some circumstances) is an example of using or manipulating them, and that that is what is wrong with it".[10] But Kant never suggests such a construal of lying. This would fall under what he understands as the possible harm done to others by lying to them. His main point, however, is that what makes lying *as such* wrong, both in the juridical and in the ethical sphere, is independent from any harm (see 6:430, 8:426). There are two main issues with this way of framing a deceptionist conception that could apply to Kant's view. First, this view would

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[8] Here I cannot comment on Kant's changing usage of the Grotian distinction between lie (*mendacium*) and *falsiloquium*, which is a crucial aspect of Kant's work on a more precise determination of the notion of lying. On this see Timmermann, manuscript.

[9] See Mahon 2018b, 51.

[10] Williams 2002, 93. See e.g. also Bok, 1978, 21-22.

reduce lying to a more general vice, that is, the infringement of others' right to autonomous choices. This does not correspond to Kant's perspective, though, which always underscores the immediate wrongness of lying *per se*. Second, this view would make lying a merely other-regarding wrong, whose moral salience would only be in the relationship to others. But this is not what Kant maintains. Not only he construes lying as a violation of an ethical duty to oneself (see 6:420 and 429; I shall come back to this central thought in the following section). Also in the juridical case examined in the *Supposed Right to Lie* essay lying is condemned regardless of the relationship of the liar to another person, since Kant argues that it is wrong towards "humanity in general" (8:426; cf. Kaehler 328, 27:447). In neither case the wrongness of lying is determined by the intent to deceive someone else, thereby harming a particular other person.

As to the second point, Deceptionism should take a distinction of two kind or layers of deception into account. The intent to deceive can concern both the state of affairs at issue (the content of the communicative act) and one's own thoughts (the deceiver's belief). The main focus of attention is usually the first kind, or layer, of deception, namely how the liar aims at causing a false belief in someone else regarding a state of affairs. In contrast to this, Kant's view concentrates on the second sort of deception, that is, on how lying infringes the communication of one's thoughts. A liar is not someone who deceivingly generates false beliefs in other people, but someone "who does not himself believe what he tells another" (6:429). Lying is thus not necessarily about causing false beliefs in others, which is how deception is mostly understood in the contemporary debate.[11] The "second person whom one intends to deceive" (cf. 6:430) is, in fact, merely the addressee of an untruthful statement regarding one's thoughts. Kant's view excludes that the epistemic harm done to another person's beliefs must be considered as the distinctive feature of lying.

[11] See Mahon 2016, § 3. Positions differ on the matter only with respect to further conditions and qualifications concerning how a false belief is caused in others.

In spite of the passages that I have first mentioned, thus, Kant's view of lying cannot be merely construed as a version of Deceptionism, since it entails that (1) the moral worth of lying is not determined by its being deceptive, and (2) the deception that Kant refers to as belonging to lying primarily (or even solely) regards one's thoughts. We have thus to consider further elements in Kant's view.

3. Anti-Deceptionism in Kant's Ethics

In spite of the prominent role given to deception in the passages that I have considered so far, any reference to the intent to deceive is remarkably absent from the definition of lying in the *Doctrine of Virtue*, which should be regarded as the main statement of Kant's considered view on the matter, from the standpoint of ethics.[12] There Kant characterises lying as an "intentional untruth [*eine vorsätzliche Unwahrheit*] in the expression of one's thoughts" (6:429). The *Supposed Right to Lie* essay presents an equivalent definition: "a lie, defined merely as an intentionally untrue declaration to another" (8:426). Here Kant does not hint at any intent of deceiving, nor leaves room for it. The constitutive feature of lying is simply to declare an "untruth" in giving voice to one's mind.

As in the clarification given in the Vigilantius lectures (27:700), the definition in the *Doctrine of Virtue* differentiates the ethical from the juridical aspect of lying. The need for such a distinction stems from the different relevance of the harm done to other persons. From the juridical standpoint, lying must be condemned insofar as it infringes in another's individual rights, whereas this is not relevant to the ethical appraisal, which regards it as blameworthy, independently from that consideration. With regard to this difference, the

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[12] A general disregard for Kant's (admittedly difficult, even perplexing) account in the *Doctrine of Virtue* is widespread in the current discussion, in which the lecture notes and the notorious essay on the *Supposed Right to Lie* are often considered as the only relevant sources of Kant's thought, whereas the *Doctrine of Virtue* is most often entirely ignored. See e.g. Fallis 2010. A partial exception in this regard is Williams 2002, 106f., in addition to Mahon 2009.

Vigilantius notes and the *Doctrine of Virtue* are in agreement. The most notable difference between them, however, concerns exactly whether Kant's view can be appropriately construed as Deceptionism, since the *Doctrine of Virtue* drops any reference to deception, whereas the lecture notes still present lying as "knowing deception" (27:700) from the ethical perspective.

Contrasting the passages from the Vigilantius notes and the *Doctrine of Virtue* makes it apparent that Kant's treatments of lying include apparently diverse elements, which in the terms of the contemporary discussion would be considered incompatible. A closer inspection shows that Kant's view, however, must not be regarded as inconsistent. Kant rather deploys a traditional definition to make an original point. He does present lying as deceitful at some point, but develops an account that differs significantly from a conception centred on the intent to deceive.

Kant construes lying in a way that also covers cases in which the addressee is not justified in believing that the liar is truthful, nor any intent to deceive is in place. Beyond the nominal clarifications in terms of deception he sometimes deploys, Kant's account of lying, thus, is in fact able to accommodate cases of non-deceptive lying. Those are lies, even if they cannot intend, or hope, to deceive. Indeed, Kant mentions such cases, for instance in the following example, which is presented in lecture notes from the 1770s:

The Inquiring Thief: "Somebody who knows that I have money asks me: Do you have money on you [*bey dir*]? If I keep silent, the other concludes that I do. If I say yes, he takes it away from me; if I say no, I tell a lie; so, what is to be done? So far as I am constrained by force against me to make a confession [*ein Geständniß von mir zu geben*], and some unlawful use is made of my statement, and I am unable to get out of this by remaining silent, the lie is a defensive measure. The declaration extorted, which is to be misused, permits me to defend myself; for whether my admission or my money is extracted is all the same." (Kaehler 330, cf. 27:448.)[13]

Kant presents this case to discuss the permissibility of a "necessary lie", a *Notlüge*. Unlike in his considered view, at this point he is still willing to acknowledge that an untruthful statement might be allowed or excused, when the statement is given under duress. Kant's construal of the cases, however, shows that he does not understand the potential lie in terms of deception. The possibility of deceiving the thief is *per hypothesi* excluded, as he "knows that I have money". Kant points out, instead, that what would make the statement a potential lie, is that it is "a confession [*ein Geständniß von mir*]", that is, a declaration of the speaker's mind. If here Kant holds that that statement does not count as a lie is only because the declaration has been coerced, and thus cannot be taken as genuine. In absence of this condition, an untruthful declaration to someone who could not be deceived (and whom the speaker accordingly cannot intend to deceive) counts as a lie. Kant's take on the case, thus, is significantly different from a traditional deceptionist account.

Similar cases belong to the non-deceptive lies, the so-called 'bald-faced lies', which are currently one of the most intensely debated issues.[14] Even if lies are often, or mostly, motivated by an intent to deceive, the possibility that this does not have to be the case brings the alternative between Deceptionism and Anti-Deceptionism to the fore. The Inquiring

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[13] I have modified the Cambridge Edition translation, following Timmermann (manuscript), § 3.

[14] See Sorensen 2007, Fallis 2009, Carson 2010, Lackey 2013, Fallis 2015, Mahon 2016, Berstler 2019.

Thief is a case in point because of the features that I have highlighted.[15] Along similar lines, one of the most frequently examined cases in the current literature goes as follows:

> *The Cheating Student*: "Suppose that a college Dean is cowed whenever he fears that someone might threaten a law suit and has a firm, but unofficial, policy of never upholding a professor's charge that a student cheated on an exam unless the student confesses in writing to having cheated. [...] A student is caught in the act of cheating on an exam by copying from a crib sheet. [...] The student is privy to information about the Dean's *de facto* policy and, when called before the Dean, he (the student) affirms that he did not cheat on the exam. [...] The student says this on the record in an official proceeding and thereby warrants the truth of statements he knows to be false. He intends to avoid punishment by doing this. He may have no intention of deceiving the Dean that he did not cheat."[16]

The Cheating Student does not aim to conceal his guilt, if only because he cannot expect to deceive the addressee of his statements, the dean, about the matter at hand. One could suggest that a Deceptionist view can account for such cases too, after all, since the bald-faced liar does aim to "conceal information".[17] Still, her acts are not about generating or communicating a false belief about the matter at issue. The dispute is, thus, about why bald-faced lies do attract blame, even if they do not follow from an intent to deceive.

Now, it is often assumed that 'absolutist' conceptions of lying as such are not able to acknowledge bald-faced lies, primarily because a rigorous prohibition would have to be based on a strict definition, which is supposed to be unable to include such cases. This would

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[15] The Inquiring Thief case is briefly mentioned as an example of non-deceptive lie in Fallis 2009, 43 fn. 48. Fallis, however, does not discuss the complication that the statement is given under duress, which Kant there treats as morally salient.

[16] Carson 2010, 21.

[17] Lackey 2013, 241.

accordingly apply to Kant's view as well, in its traditional rendition.[18] In contrast to that assumption, I suggest that Kant's mature conception can in fact account for such cases, even if differently than contemporary Anti-Deceptionism. An "error *in alio*", as Kant puts it in the Vigilantius lectures, or even the mere intent to cause a false belief, is here not the issue. A bald-faced lie like that of the Cheating Student is blameworthy, even if harmless, because it is an intentionally untrue expression of his thoughts, in spite of not including any realistic intent to deceive. Importantly, such cases are not even about beliefs or information, since they reveal a mere unwillingness to manifest one's awareness of one's own acts. The Inquiring Thief case is not different, in this respect, as Kant stresses that the one condition for an untrue statement to be a lie is that it is taken to be a declaration of one's mind.[19]

In the terms of the lectures from the 1770s, the main requirement for a statement to be a possible lie is particularly demanding, since it should be explicit that the statement has to be taken as a genuine declaration. ("Not every untruth is a lie; it is so only if there is an express declaration of my willingness to inform the other of my thought [*seinen Sinn zu verstehen*

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[18] See Sorensen 2007, 263: "The plausibility of a strong condemnation of lying is normally protected with a narrow definition of 'lie'. Since no bald-faced lie involves the intent to deceive, I suspect Kant and Ross would regard the bald-faced lie as no more a lie than metaphor, hyperbole, or sarcasm."

[19] Berstler (2019, 29) presents another instance of bald-faced lie, which can be helpful to further clarify the matter: "suppose that a defendant, Jane, is testifying at a trial. The opposing counsel has just played a videotape of Jane robbing a bank. Everybody knows that Jane is in the video, and everybody knows everybody knows this (and so on). Nonetheless, Jane's attorney has cautioned her to admit to nothing on the stand. When the opposing counsel asks Jane whether she can identify the woman in the video, Jane says that she can't." Here the juridical setting is relevant and might be confusing, since Jane's lie must also be regarded as false testimony. Nevertheless, the general point is clear enough and applies outside of trial situations as well: Jane is unwilling to be truthful about herself, although it is impossible to deceive or conceal information about her acts.

geben]"; Kaehler 329; cf. 27:448.)[20] The unrealistic insistence on this prior quasi-contractual agreement of sorts is not present in the same terms in later texts.[21] Still, the general point remains very much in place. Someone lies when his statement presents his thoughts untruthfully. This is what Kant specifically calls declaration, which is the central notion in his official definitions of lying, quoted before.[22] An intentionally untrue expression of one's thoughts, however, does not have to aim at deceiving anyone.

Lying is thus not about deceiving, but first and foremost about an intentional misrepresentation of the speaker's mind. This is exactly what bald-faced liars do. Their lies are a good showcase for the self-regarding nature of lying that Kant highlights in his ethics as its key moral feature. Kant is reported to have observed already in lectures from the 1770s that lie "is more of a violation of duty to oneself than to others" (Kaehler 172; cf. 27:341; see also 27:604; 11:332). Then his considered view in the *Doctrine of Virtue* centres on the thought that lying is exactly such a violation, in that it belongs to the ways of conducts that "make it one's basic principle to have no basic principle [...], that is, [...] make oneself an object of contempt" (6:420; see already Kaehler 172; cf. 27:341). The intentional untruth of a declaration infringes in the moral status of the liar because of his unwillingness to express his own thoughts. Bald-faced lies are exactly cases in which, independently from other considerations, someone "makes himself an object of contempt [...] in his own eyes" (6:430; cf. 27:700), thereby incurring the reproach of "worthlessness" (8:426; cf. 6:403), as Kant

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[20] Note that the same phrase, "zu verstehen geben", occurs in the lectures on natural right from the 1780s: "If I imply something to him [*gebe ich ihm etwas zu verstehen*], but I mean something else by that [*verstehe was andres darunter*] then it is *falsiloquium*" (27:1340). The point is obscured, I believe, in the Cambridge Edition translation, which reads: "If I get him to understand me about something one way but I understand it another way [...]". Kant's remark is not about succeeding in causing a false belief in another, but intimating something different from one's thoughts, that is, "declarare mentem suam", as per the Latin precept that Kant is commenting on with that remark.

[21] For a more extended assessment of this point, and the view presented in the Kaehler lectures in general, see Timmermann (manuscript), § 3.

[22] The crucial role of the term declaration in Kant's view has been emphasised by Wood 2008, 240 ff.

considers distinctive of lying. If the morally crucial feature in any lie is how it affects the liar and his moral capacity, the intent to deceive, or even to conceal information, cannot be regarded as the defining trait of lying. Rather than from an intent to deceive and thereby harm another person, lies stem primarily from the unwillingness to express one's thoughts truthfully. Rather than disregard for the truth of another's beliefs, they show disregard for truthfulness in declarations. The impossibility of deceiving anyone, which is distinctive of bald-faced lies, does thus not prevent the possibility of lying, in Kant's view. On the contrary, it can account for such lies as noteworthy examples of the central feature of lying in general.

This strand of Kant's view is especially apparent in his ethical theory, that is, in his treatment of lying as an ethical wrong. What about the juridical domain, however? Should we infer that Kant's moves away from the traditional Deceptionism only in ethics, but not in his examination of juridically relevant lies? As I have mentioned, however, the discussion of the *Supposed Right to Lie* essay is based on the same definition as the *Doctrine of Virtue*, in which there is no mention of an intent to deceive as a necessary condition for treating a statement as a lie. That a lie is juridically wrong in that special sense, even if it does not harm anyone, because it violates "humanity in general", implies that here too its wrongness is not construed in deception-related terms. A declaration is expected to be a truthful communication of one's thoughts.

Notably, Kant's take on the issue entails a rejection of the claim that deceitful lies and bald-faced lies are morally wrong for different reasons.[23] To the contrary, Kant's view accounts for the wrongness in both deceitful and non-deceitful lies, which, for him, share a feature that makes them blameworthy. In this respect, the difference between Kant's normative approach to the definition of lying and the contemporary descriptive approach begins to show. I shall come back to this important contrast in § 5.

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[23] See Sorensen 2007, 263: "You have good reasons to refrain from bald-faced lying but these are not the moral reasons that condemn disguised lies."

Contemporary Anti-Deceptionists hold that the attempts to construe all lying as cases of deception are ultimately motivated by "the worry that if lies are not always intended to deceive, it is difficult to explain th[eir] *prima facie* wrongness".[24] In contrast, Kant's view on lying is motivated by the aim to acknowledge both that (a) lies do not have to be deceitful and, in this respect, harmful to other people, even if only to their epistemic stance, and that (b) lies are nevertheless always morally wrong, independently from further considerations. Such a view is thus a version of Intrinsic Anti-Deceptionism, that is, a view maintaining that not only lying does not necessarily involve the intention to deceive, but which also holds that "lying itself is a morally relevant factor, or as we might put it, lying itself is a moral wrong-maker".[25]

4. The Peculiar Gravity of Lying as Dishonesty

A recurring topic in the recent discussion is how lying and deception compare as to their moral worth. If their relation is a key to understand them, how would this affect their normative status? In this respect, the supposed traditional view that lying is morally worse than misleading as a specific kind of deception is taken to be a Kantian idea. It is a currently widespread assumption that "[p]hilosophers who endorse the perceived moral distinction between lying and misleading almost uniformly derive their view from a particular strand in Kant's thought".[26]

The alleged 'Kantian idea' has recently been rejected by arguing that lying and misleading can differ either as to their outcome or the "method" they use.[27] Since neither of

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[24] Fallis 2015, 82.

[25] I borrow the label from Stokke 2019, 331.

[26] Berstler 2019, 11 f.

[27] See Saul 2012, 69 ff.

them clearly separates lies and cases of misleading, a clear-cut difference between them should be discarded. As to Kant's view, which is assumed to be the paradigm version of the traditional thought, the difference cannot be based on the outcomes, intended or actual, of the acts at issue. "The moral status of any particular deception depends on such things as its goal or its consequences"[28] only if we are willing to embrace a broadly consequentialist conception, which cannot be ascribed to Kant. In this picture, then, the feature of lying that makes it a distinctive wrong, worse than misleading acts, should be, for Kant, the use of language in assertions. Lying would be considered worse than misleading because it comes down to a misuse of the crucial function of language, which has to be sanctioned as such. In the same spirit, Bernard Williams accordingly sees in Kant a "fetishization of explicit assertion",[29] since it seems that the salient distinction is between saying vs not saying. Also those who, against Saul and other, endorse the alleged Kantian idea do it with regard to the use of language, maintaining that "conventional language matters, morally speaking".[30] It is usually assumed that on a view "commonly attributed to Kant", "falsely asserting degrades the practice of assertion. If even one person lies, she harms everyone else's ability to assert. If everyone lies, our capacity for assertion disappears altogether".[31]

Kant, however, does *not* hold that lying is worse than deception because of its nature of assertion. In other terms, he does not understand lying as deception plus assertion, as it were. Kant does not seem to be prone to the 'fetishization' that Williams points out, since what is important in a declaration, for Kant, is not that it is a speech act and that its misuse causes the common "capacity for assertion" to "disappear altogether". A declaration matters, instead, insofar as it provides a representation of the self as a subject that presents himself through his genuine thoughts. A declaration is thus morally salient as the manifestation of one's mind. In

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[28] Saul 2012, 99.

[29] Williams 2002, 81.

[30] Berstler 2019, 31.

[31] Berstler 2019, 17.

fact, nothing in Kant's observations on lying appears to commit him to exclude the possibility of even non-linguistic declarations. The distinctive feature of a declaration is its presumed task of presenting one's thoughts in a shape that is assumed to be truthful. This task is most commonly performed through language, for sure, but it does not have to be so. Even the one passage in Kant's mature writings in which he seems to come closer to presenting language as the distinctive ground of lying does nothing more than emphasise that any moral subject is "bound [...] to the condition of the agreement of the declaration" of himself as a moral subject (6:430).[32] Thus the linguistic character of lying does not play a decisive role in Kant's considered view. Language might prove to be the best means to that end, if only because, as Kant suggests at some point, thinking is deeply informed by language (see e.g. 7:192), but is not the only means available.[33] The peculiar gravity of lying does not derive from its being an essentially linguistic act.

In Kant's view, thus, the difference between the two way of acting, lying and misleading, does not concern what Saul calls the "method", that is, how the wrong is done. It is, rather, a different kind of wrong. Misleading and lying might share some descriptive features. From the standpoint of Kant's moral theory, however, their normative status makes an important difference apparent. Compared with misleading, lying is an altogether different activity, which is intentionally aimed at others and may well include an intent to deceive them. Nevertheless, its distinctive wrong consists in injuring the subject's own capacity to act morally. The difference from misleading resides, thus, not so much in features that can be discovered in a descriptive investigation, but in a different normative status. (I shall come back to this important underlying difference from contemporary debates in § 5.)

Jennifer Saul argues, furthermore, that the traditional thought that misleading is generally better than lying has to do with the fact that "when we consider the morality of particular acts, as we do when presented with cases of lying and misleading, we actually think

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[32] For further comments on this passage, see Bacin 2013, 249 f.

[33] Here I find myself in disagreement with Mahon 2009, 203 f.

about more than just the morality of the acts", that is, about "the virtuousness of the *actor*".[34] Saul thereby comes closer to Kant's own perspective on lying. What matters in lying and makes it wrong, is, for Kant, not the consequences of the corresponding acts, but that it determines a trait of the liar that affects his moral status. Kant's central claim that the wrong of lying lies in its self-regarding character is here crucial. Although one lies to another person,[35] lying is nevertheless construed by Kant as "the greatest violation of a human being's duty to himself regarded merely as a moral being (the humanity in his own person)" (6:429).[36] This is why, for Kant, lying is deeply wrong, in a way that is specifically different from that in which deceiving or misleading is wrong. Since lying affects the moral standing of the liar, it represents a violation of one of the duties to oneself, which, in Kant's view, enjoy a specific priority on other obligations.

The thought that the "method" of lying, i.e. verbal statements, cannot be the ground of its wrongness leads some writers to argue that "lying is not a distinct moral category",[37] which can in turn lead to suggest that the morally relevant features of the corresponding acts should be framed differently than within the current alternative between deceptionist and anti-deceptionist accounts. This happens in a recent proposal, which is helpful to consider in comparison with Kant's view, since this new angle to the contemporary discussion provides a further opportunity to characterise Kant's notion more precisely.

A limit of describing a view as Anti-Deceptionism is that the label only expresses that that view does not reduce lying to deception or deceitful intent and misses how it positively characterises lying. With regard to the contemporary discussion, it might thus seem that the debate should move past the focus on lying, deception and misleading. As has been recently proposed, one way to do this would be to shift the perspective and look at cases of lying

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[34] Saul 2012, 86.

[35] I leave aside here the issue of the supposed lies to oneself, which requires deeper examination.

[36] On this important claim, on which here I cannot comment further, see Bacin 2013.

[37] Barber 2020, 8.

through the lens provided by the broader notion of dishonesty. Whereas the discussion concentrates "on the boundary between saying and merely intimating, insinuating, etc.", a more productive examination should focus, instead, "on the boundary between what is and is not expressed in a communicative act, irrespective of whether it is actually said".[38] Focusing on dishonesty entails that the alleged prejudice in favour of language would be overcome, but also that lying should be regarded as a derivative, secondary notion. Alex Barber thus defines dishonesty as "expressing that *p* when one knows *p* to be untrue".[39] The main feature of this alternative construal of untruthful expressive acts is that they would then not be about deceiving, as dishonesty is "not equivalent to seeking to cause someone to believe that *p* when one knows *p* to be untrue".[40] In Barber's account, lying as well as other dishonest acts would be characterised by the distinctive wrong of consisting in an "abuse of communication". Thus, we would have to "include expressive meaning as well as the literal use of language".[41]

Barber follows Saul's critical references to Kant and his supposed proneness to a fetishising idea of language as the only means of morally relevant communication. In fact, however, Kant frames the issue analogously to the dishonesty-centred suggestion, with an important difference. His genuine view differs not because it holds to a merely assertive notion of lying, since it is in fact able to acknowledge as lies or non-assertive, maybe even non-linguistic declarations. Kant's view does not explain the wrongness of lying through an abuse of communication, but in purely moral terms. What is abused is the moral standing and, consequently, the participation in relationships between moral subjects. Untruthful declarations prevent that the liar can legitimately present himself as a subject with a moral standing. Barber remarks that the dishonest "will in the past have falsely represented herself as

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[38] Barber 2020, 2.

[39] Barber 2020, 12.

[40] Barber 2020, 13.

[41] Barber 2020, 17.

trustworthy".[42] Analogously, the Kantian liar expresses untruth under the shared tacit assumption that what he says represents his thoughts, which corresponds to the oddly unrealistic condition of an antecedent pact in the lectures from the 1770s that I have mentioned before. That is in fact the condition that is built in the notion of declaration, in Kant's specific sense.

The definition of these closely related words has to be stipulative at some point, if they are to serve as univocal technical terms, as both Kant and the contemporary discussion intend. Barber presents dishonesty as a characteristic of acts, whereas the term more often denotes a quality of agents, as opposed to 'insincerity', which is then used to mean a property of assertions.[43] More explicitly, others present dishonesty as a character trait.[44] For Kant, talking of dishonesty is clearly about a quality of the actor, instead of the act. In fact, Kant uses the term (or a German term that it is plausibly rendered with 'dishonesty') in a crucial passage, to denote exactly the general moral quality that a subject determines for himself in truthfully communicating his thoughts:

> Truthfulness in one's declarations is also called *honesty* [*Ehrlichkeit*]" and, if the declarations are promises, *sincerity* [*Redlichkeit*] (6:429).[45]

Here sincerity is not presented as a quality of truthful statements, but as the moral quality of a person who refrains from a specific kind of lies, that is, "lies whereby the other is cheated" (Kaehler 330; cf. 27:449), which correspond to the lying promise discussed in the *Groundwork* (4:403, 419). Honesty, and its vicious counterpart, dishonesty are thus more basic moral qualities that are determined by the truthfulness, or untruthfulness, of one's

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[42] Barber 2020, 18.

[43] See e.g. Stokke 2018.

[44] See Carson 2010, 257-265.

[45] Carson 2010, 21.

declarations. Kant's account of lying can thus be regarded as a version of Intrinsic Anti-Deceptionism that regards dishonesty as the distinctive feature of lies and liars.

5. Defining Lying by Normative Principles: Concluding Remarks on Method

The assumption that Kant's view should be assimilated to the Deceptionism of the traditional conception, analogously to the other classical authors, proves to be not merely inadequate with regard to taxonomy. More importantly, it prevents to understand Kant's remarks enough to allow a dialogue with contemporary perspectives on the issue. Although some tension between deceptionist and anti-deceptionist elements is still detectable in Kant's remarks on lying, the most distinctive features of his account bring him in the anti-deceptionist camp. In light of the terms of current debates, thus, I have suggested that the view put forward by Kant can be understood as a variant of Intrinsic Anti-Deceptionism, because it does not construe lying in terms of an intent to deceive, while maintaining that lying is wrong independently from any other considerations. The claim that lying is morally worse than misleading is also based, in his account, on the peculiar self-regarding character of lying, which consists, for Kant, in disregarding the moral necessity of a truthful expression of one's thoughts. This idea suggests, finally, that in Kant's view lying can be positively characterized as dishonesty.

The comparison with the terms of the contemporary discussion, however, is also helpful to highlight some notable methodological features of Kant's approach to this issue, which provides a good example of his way to develop a moral theory, in contrast with currently widespread methodological assumptions. In the contemporary discussion on the definition of lying, the different positions unfold mainly from a consideration of particular examples. A concurrent account is rejected as inadequate because it "fail[s] to count as lies

assertions that clearly are."[46] An unsatisfactory account is either too broad or too narrow, because it either equates to lying statements of a different sort or proves unable to cover some examples, which are supposed to be uncontroversial cases of lying. Most of the sophisticated recent debate is thus about how to account for the features that are apparent in those examples. Accordingly, the discussion relies heavily on intuitions ("That's clearly lying!")[47] or on the ordinary use of language,[48] with the primary aim to formulate definitions that are able to accommodate them. Contemporary philosophers appeal to empirical evidence, observing for instance that "there is empirical evidence that most people are disposed to count such statements as lies",[49] in order to justify that the salient features of the corresponding cases are to be accommodated by a satisfactory definition.[50] Although this strategy is related to the interdisciplinary interest in a descriptively adequate account of lying, the methodological background and the problems related to an intuition-based approach are usually not discussed.[51]

Kant does *not* develop his view in a similar way. His main interest in the topic is not descriptive, but normative. The aim of his examination of lying is not to sketch a definition able to cover all particular cases, but to explain what is the moral significance of lying. Kant regards lying as an inherently normative notion, which must thus be treated accordingly.

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[46] Lackey 2013, 245.

[47] See e.g. Fallis 2009, 33, 43, 46, 51, 53; Lackey 2013, 238.

[48] See e.g. Lackey 2013, 238 fn. 7; Williams 2002, 96 f.

[49] Fallis 2009, 42, fn. 47.

[50] On the state of the empirical studies on lying see Wiegmann and Meibauer 2019.

[51] To the best of my knowledge, the only exception to this general trend is Carson, who discusses the problematic status of appealing to intuitions and rejects that approach (see Carson 2010, chap. 6). This might be related to the fact that Carson's primary interest goes to the ethical dimension of lying, not to an descriptively adequate taxonomy. Saul takes also a critical stance towards intuitions in her discussion of the lying vs misleading preference; see Saul 2012, 70 f. For further critical remarks on the appeal to intuitions in the discussions on the definition of lying and misleading, see Cappelen & Dever 2019, 40f. (Thanks to Stefano Lo Re for referring me to Cappelen & Dever's book.)

Here an important difference emerges. In general, Kant's moral theory does not start off from intuitions about particular cases. In Kant's view, such a method would amount at trying to infer normative standards from examples, which is not a viable option, as he argues in the *Groundwork* (see 4:408f.).[52] Instead of referring to intuitions about what a lie is, thus, Kant examines lying on the basis of normative standards.

A normatively minded account of lying can be developed in at least two different ways: either by taking the normative reaction to which lying is subject (e.g., blame) as the starting point from which lying is construed, or by focusing on an obligation, in order to determine which kind of conduct violates it.[53] Kant takes the second path. In the lecture notes from an early course, Kant is reported to have remarked about the white lie: "it is an *untruth* that breaches no *obligation*, and thus is properly no *lie*" (27:62). The remark stems from the early 1760s and pre-dates many significant developments in Kant's thought, also specifically concerning his account of lying. Still, it provides an apt phrasing for the distinctively normative take on the subject that Kant followed on in the next decades. From this standpoint, the defining feature of lying is that it is a violation of an obligation. Thus it must be defined not by providing an accurate description of the various instances of what is usually called lying, but by clarifying which obligation is violated by lying, and in which respect. A normative approach to the definition yields the definition via a clarification of the wrong-making feature of lying. Note that also Kant's emphasis on the distinction between ethical and juridical considerations of lying follows from this normative approach. Maintaining that "Kant does not give a single answer to the question of what is a lie", because "he tells us what

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[52] A full clarification of the grounds and the extent of the difference between the method of Kant's moral philosophy and the contemporary appeal to intuitions requires a broader examination, which I shall present in a separate paper.

[53] In the recent discussion a normative approach to the definition of lying can be found in Cuneo 2014, whose approach follows the first option. Pallikkathayil (2019) is very close to taking the other path, as she distinguishes, in a broadly Kantian fashion, a duty not to deceive from a duty not to lie, but then argues that "it seems both possible and appropriate to conduct our moral inquiry without settling the definition of lying".

a lie is in the ethical sense, what a lie is in the juristic sense, and what a lie is in the sense of right",[54] is thus somehow misleading. Kant's view does not aim at generating multiple notions of lying, as if the descriptive difficulties in the traditional approaches could be overcome simply by substituting the concept at issue with three different notions. Still, the care to distinguish between different perspectives is necessary, as it reflects Kant's distinctive approach. The two perspectives have to be distinguished (even if not separated) because they follow from the different application of moral laws in the ethical or juridical appraisal.

Kant famously held that philosophical investigation cannot, and should not, start off from providing definitions: "in philosophy the definition, as distinctness made precise, must conclude rather than begin the work" (KrV A731/B759). This general thought is relevant here as well. In fact, it helps to shed light on a significant fundamental difference between Kant's view and the contemporary debate. A descriptive approach, which focuses on particular instances, "can often infer much from some marks that we have drawn from an as yet uncompleted analysis before we have arrived at a complete exposition" (KrV A730/B758) of the concept of lying. It cannot include all relevant traits, though. Accordingly, a proper definition of lying, for Kant, cannot be the starting point for an investigation into the morality of lying, but it should rather be the outcome of a philosophical examination that has first clarified the standards of moral obligation. Only once it has been made clear which obligation applies to cases of what is usually called lying, it is possible to provide a proper definition of what lying is.

Some writers suggest that Kant belongs into a long tradition, in which lying is defined very strictly, so that many deceptions cannot count as lies and many false statements can be considered permissible. An absolutist take on lying would thereby be made consistent, in spite of the most common linguistic use, which, the other way around, displays a broader understanding of lying, combined with the willingness to make room for permissible sorts of

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[54] Mahon 2009, 209. Mahon rightly observes that the three senses of lying correspond to three duties not to lie. He, however, does not further investigate the grounds for introducing the distinction.

lies.[55] This way of framing Kant's approach, however, obscures a crucial point, namely that, in his perspective, there is no other starting point than a normative principle. It is not the case that a strict definition is given in order to easily accommodate the conditions posed by an absolute prohibition. Rather, Kant cannot but provide a specific definition of lying, since the definition follows from the morally relevant traits to which principles give significance. Aim of this approach is not to protect an arbitrary absolutist assumption, but to account for the proper significance of lying. If lying is first and foremost a normative notion, why should we consider cases in which the notion does not apply? There is nothing artificial in examining lying through the lens provided by moral principles, if the moral meaning of the notion is ultimately the relevant one.

Unlike contemporary discussions on the definition of lying, thus, Kant's normative approach entails a (mildly?) revisionist perspective on the ordinary understanding of what is a lie. Here a distinctive trait of Kant's moral philosophy overall becomes apparent. Its general aim is to clarify the standards of moral appraisal that are available to ordinary moral thinking without necessarily confirming the consolidated outcomes of the ordinary application of those standards. By rectifying the notion of what makes lying morally wrong, Kant's moral theory eventually provides a definition of lying that may partially revise the ordinary understanding of what a lie is. Such a revision is possible because the examination draws not on the features of empirical instances, but on the underlying standards through which a statement is judged to be a lie.[56]

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[55] See e.g. Sorensen 2007, 263; Saul 2012, 69.

[56] I should like to thank Jens Timmermann for many conversations on this topic through different times and places. Lately, the discussion in a workshop on his manuscript on *Kant's Supposed Right to Lie*, held in St Andrews in December 2019, has been extremely helpful to me. To Jens' manuscript I owe many important clarifications, even beyond what I have made explicit in the footnotes here. Thanks also to Sorin Baiasu and James Mahon for discussion at the workshop and to Stefano Lo Re for very helpful remarks on this paper.

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