An Alternative to Traditional Deontology: Is Two Greater Than One?

I

Imagine you are alone in your house and you hear a knock on your door. You open the door to find a complete stranger in obvious distress. He states that he is being chased by a murderer and he needs to hide in your house. You agree and let him inside your house. He goes off to hide. A few minutes later, you hear knocking at your door once more. You open the door to find the murderer asking if you have seen the stranger, the one that you have just allowed into your house to hide. This is the set up for the famous, or rather infamous, murderer case that Immanuel Kant discusses.

The homeowner has two choices: he can lie to the murderer, or he can tell the murderer the truth. Each choice has its own consequences. Kant explicitly states that the homeowner is bound by his duty not to lie, and therefore must tell the murderer the truth. This effectively ensures the death of an innocent stranger. The other option is to lie, therefore saving the innocent stranger's life.

In this essay, I will explore Kant's response to the murderer case. After I explore Kant's response, I will explain my response as to why if I were in the homeowner's place, I would lie to the murderer. I will attempt to show that even as a deontologist, lying to the murderer is the best option. We ought to lie to the murderer, because we are serving more duties by telling a lie, than by telling the truth. My ultimate objective is to show that the Categorical Imperative in conjunction with the Formula of Humanity compel us to lie in this instance.

II

Kant's choice to tell the truth stems from his application of the Categorical Imperative. In his work, *Groundwork For The Metaphysics of Morals*, Kant lays out his Categorical Imperative: "I ought never to proceed except in such a way that I could also will that my maxim should become a universal law."[1] The Categorical Imperative establishes that what we ought to do must be universally applicable, meaning capable of becoming a universal law. Therefore if such actions, or inactions, become universal, unalienable duties arise. To abide by this universal law, we must only do or not do things that are in keeping with the maxim. It is fairly obvious why Kant values the duty not to lie. Not lying is surely a "maxim [that] should become a universal law". In theory at least, this duty not to lie seems to promote good will. If Kant believes that not lying is such a duty, then he is bound to not lie to the murderer because the duty not to lie is a part of universal law.

Kant allows his Formula of Humanity to guide our decisions as well--when we are unsure if the maxim of our action is within universal law. Kant's Formula of Humanity states:

> . . . A human being and generally every rational being exists as an end in itself, not merely as a means for the discretionary use for this or that will, but must in all its actions, whether directed towards itself or also to other rational beings, always be considered at the same time as an end .[2]

This works as a guiding principle for our everyday lives. Before someone does something, they must consider how they are treating other people. To treat someone "merely as a means" is something we should never do under Kant's Deontological framework. To treat someone merely as a means is to disrupt their ends in favor our own ends. In essence, we should not do actions

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[1] Immanuel Kant, *Groundwork of the Metaphysics of Morals,* eds. Mary Gregor and Jens Timmermann (Cambridge: Cambridge University Press, 2012),17.
[2] *Ibid,*. 40.

that disrupt someone else's goals in favor or furthering our own. By treating all "rational beings" as ends is akin to respecting the goals of others. This produces a respect for people which Kant hopes will ensure an ethical way of life, in accordance with his Categorical Imperative.

In Kant's first section of *Groundwork For The Metaphysics of Morals,* Kant poses the question about lying as conforming with duty. In this scenario Kant questions whether it is right to make a lying promise when you are in trouble: " . . . whether a lying promise conforms with duty-I ask myself: would I actually be content that my maxim (to extricate myself from a predicament by means of untruthful promise) should hold as a universal law…".[3] Kant determines moral goodness by appealing to the "maxim" and then evaluating whether that maxin should be a part of universal law. For a maxim to be a part of universal law, it must be one that can be applied to everyone under the universal law. This is why Kant rejects the notion that we ought to make a lying promise even if it conforms with our duty. He states:

> Then I soon become aware that I could indeed will the lie, but by no means a universal law to lie; for according to such a law there would actually be no promise at all. Since it would be futile to pretend my will to others with regard to my actions . . . and hence my maxim, as soon as it was made a universal law, would have to destroy itself.[4]

I think Kant is correct in saying that lying can never be a part of universal law. What I am proposing is more complicated than allowing lying to be accepted as a just action, part of universal law. I propose that only in the service of more duties, should we be permitted to lie. Further into my essay, I will give concrete explanations of my conditional defense of lying, and

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[3] *Ibid,*.18.
[4] *Ibid,*. 18.

how such an act is in greater accordance with deontological principles than Kant's response to the murderer case.

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In this essay, I will permit any evasive answer on the part of the vicious deontologist. The duty is "not to lie" and one answer to this problem is to say nothing at all to the murderer, therefore keeping your hands clean and the innocent safe. For a variety of reasons and for the simple fact that saying nothing to a vicious murderer is suspicious and dangerous, this option has no true grounding in this case. That is not to suggest that saying nothing is never a good option for the deontologist. When faced with certain situations in which lying might be the easier option, saying nothing may be the right course of action. I am simply omitting this scapegoat option on the grounds that it doesn't seem like a plausible response in this specific case.

While I consider myself a deontologist and agree with Kant's ethical framework, I object to his response. His answer to the muderer case, as it shall be referred to henceforth in this essay, seems to conflict with the spirit of deontology. Kant's answer seems to be in the spirit of consistency with the Categorical Imperative, as opposed to his guiding Formula of Humanity. My response to the murderer case is to lie to the murderer. My justification is that upon allowing the stranger into your house, you make an implicit promise of protection. Such a promise, which I see as a truth making statement, would be violated by telling the murderer the truth.

When you agree to let the stranger into your house, knowing that a murderer is after them, you are given knowledge that the stranger needs protection. This knowledge is what entails the implicit promise of protection. If you have knowledge that someone needs protection and

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agree to give them shelter, although you have never explicitly promised to protect them, the promise to protect is implicit in your allowing the stranger to enter and your consent to shelter the stranger.

One response to my use of implicit promises as justification would be that I should not have let the innocent stranger into my home if I had knowledge that my promise may result in breaking my duty not to lie. Perhaps we should not make a promise we *know* we cannot keep, but having the possibility of promise breaking seems essential to promise making. If we only made promises that we were absolutely certain of keeping, then perhaps the only promises we ought to make— if one is a deontologist— are promises that have no risk of failure or risk of duty breaking. This move seems to almost entirely negate the concept of promise making, as the only promises you ought to make, might be tautological. The idea of failure, and therefore the value of promises, includes the fact that there is always risk involved in making a promise. A promise is a pact, an agreement that you plan to fulfill. An agreement to fulfil what cannot otherwise fail does not appear to be promising anything at all. Perhaps all we can "promise" are statements that will always be true, such as "I promise that H_2O is water". Rather, these promises are not agreements at all; they are statements of fact. So the notion that we ought to reject making promises because we might fail, or that we might break a duty, isn't cohesive with our understanding of the nature of promises which will always entail some degree of risk that the promisor may fail to keep his promise.

Pushing this idea of implicit promises further, perhaps you have no knowledge of the danger posed to the stranger. What if the murderer catches you by surprise and asks if you know where the stranger is? What if you have no idea that this person is a murderer? What if you

have no idea whether the sense of danger felt by the stranger is real or imagined? Even then my understanding of duty points me toward protecting the stranger. Perhaps this notion is learned as a byproduct of my education and living in a culture of southern hospitality. Therefore this line of thinking is subjective and not cohesive to the deontological framework. But we still have an implicit promise to protect the stranger without any foreknowledge of the actual facts of the situation. When you agree to let someone enter your house, this includes protection from the forces of nature and the evils outside your door. If this is true, then your implicit promise stands, and you the deontologist, have a duty to uphold your promise.

In my view, promise breaking is equivalent to lying. Therefore I must not break a promise if I have that choice. To make a promise is to agree to certain standards set forth in the promise. The fulfilment of the promise, therefore the actions, are truth functional. If the actions violate the promise—a statement about the future or ongoing action—then, it is made false. So when making a promise, you are making either a true or false statement, and your actions determine the truth value of the statement. If you were to tell the truth to the murderer, your actions violate your duty not to lie because of your implicit promise to protect the stranger.

While the promise keeping aspect of the murderer case seems apparent, Kant's response introduced a contradiction between his Categorical Imperative and his Formula of Humanity, both of which he holds in high esteem. The Formula of Humanity as stated above seeks to ensure the treatment of all people as ends rather than as mere means. But Kant's response allows the stranger to be treated as mere means. If we should treat everyone as ends, do we not have a duty to prevent others from being treated as less than ends? This is not to say that you need to go around pledging yourself to every noble cause and living the life of an extreme altruist. On the

other hand, if you are given the direct opportunity to stop the degradation of personhood, I assume Kant would agree that we ought to stop it. Maybe this "duty to prevent degradation" or "duty to protect" is supported by the Categorical Imperative. I would go as far to say that it is *always* necessary to protect an innocent stranger that asks for help, if we can. If another unalienable duty arises from the Categorical Imperative, one that Kant has not stated, we must fall back on The Formula of Humanity to guide us. We must rely on the spirit of deontology because of the conflict between our duties.

If we can agree that there are two duties at work in the murderer case, how can we reliably make our choice? This is why I have introduced the concept of the implicit promise to my framework. Our duty not to lie and our duty to protect lead us to make the right choice in this case: to lie to the murderer. It may seem as though I have fallen into some pluralist paradigm, but I assure you I am not trying to weigh one duty against another. I don't think, as Kant did, that the duty not to lie is infinite. That seems to be false, given that other duties that arise from the Categorical Imperative conflict with the duty not to lie at times. It seems that Kant is the one tipping the scales. I am simply stating that if we on one hand have two duties, and on the other, have one duty, it makes sense to favor two duties over one.

W.D. Ross states plainly a common sense response to Kant's resolution of the murderer case. He swiftly resolves the tension between the conflicting duties by stating: "In virtue of being the breaking of a promise, for instance, it tends to be wrong; in virtue of being an instance of relieving distress it tends to be right"[5] He states that breaking our promises "tends to be wrong". The implication of such a statement is that maybe breaking promises isn't always

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[5] W.D Ross, "What Makes Right Acts Right?", *The Right and the Good*, Oxford, The Clarendon Press, 1930.

"wrong". It seems to me that breaking a promise and lying is *always* wrong, but we may be forced to do so by our other duties. I want to steer clear of the objection that I am being too pluralistic in my response. I do not believe that my choice to lie to the murderer isn't "wrong", in the sense that I haven't done something bad. But if we truly want to stay consistent to the spirit of deontology, and make the "right" choices, we sometimes have to do the "wrong" thing.

It is clear to me that my choice to lie to the murderer is immoral, as in I have done something bad. If I have any hope of persuading anyone, this must be stated clearly. I don't view my actions as right because they keep my hands clean; I view my actions as right because I am following the most duties in making that choice. I freely admit that I have subverted the murderer's ends by lying, and furthered my own ends as well as the stranger's. Simply because I have justification for my actions, that does not guarantee complete absolution. I think it is wrong to assume that because you have made the correct decision, morally speaking, that you have committed no wrongdoing.

I abhor the idea that it is acceptable to treat "bad people" badly because they are bad. In fact, the same standards that the Categorical Imperative establishes must be applied to bad people as well. I'm not breaking my duty not to lie because the murderer is a bad person. I'm breaking my duty not to lie because the other option follows more duties. My duty to not lie to the murderer isn't dissolved because he is doing bad things or is a "bad person". Similarly, I don't think we should consider people like the murderer, as less than rational agents. If we give into that idea then we open the door to treating them as less than persons. The Categorical Imperative would then no longer apply to people like the murderer, in the same fashion as with animals. If we suppose that they are not rational agents, this assumption still does not side step

the murderer case. The murderer is a rational agent making an irrational choice. Trying to

characterize the murderer as anything less is lazy and unfounded. Even if the murderer is having

a lapse of rationality, this does not negate the murderer's place in the universal law. The

treatment of those as irrational agents should only be reserved for those who truly need that

exception, such as the severely mentally ill or incapacitated. Arbitrarily applying the irrational

agent label denigrates its use for those who need and benefit from the release of the binding

duties generated by the Categorical Imperative.

<div align="center">IV</div>

As I have tried to express above, my response to the murderer case is not completely

outside of the deontological schema. In my opinion, Kant responds to the murderer scenario in

an extremely reductive manner. He fails to consider our duties to the stranger, and the implied

promise we made to him. Kant's response lacks a holistic application of the Formula of

Humanity, and instead his answer is based purely on the Categorical Imperative. I think he does

this to stay consistent with his claim that it is never right to lie because we have a duty not to lie.

Kant's response, while staying true to the letter of the Categorical Imperative, misses the

fundamental aspect or the spirit of the Formula of Humanity: not to treat others as mere means. I

understand this to also include not allowing others to be treated as mere means, if we have the

direct capacity to do so. If my extension of the formula is valid, then we have yet another duty to

follow. Then my conclusion is simple: Is it not better to serve two duties rather than one duty?

My answer is an emphatic yes!

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