

Between formal wrongs and fatal truths. Kant's defense of truthfulness as a perfect duty

Carmen Sánchez Polo¹
Universidad de Granada (Spain)

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Is it reasonable to maintain that being truthful is the only right option for the householder when the would-be-murderer ask for the hiding place of his friend? This is what Kant attempts to defend in this 1797 essay *On the Supposed Right to Lie from Philanthropy*. But is he ultimately successful? This is the question that any reader is inclined to ask when approaching the essay. Yet this is not – or at least not the only – question that Jens Timmermann seeks to address in the present study. Interpreters have often attempted to rescue Kant's rigorist position from its allegedly troubling consequences; others have argued that the essay constitutes merely a 'trap' (p. 182) into which Kant naively falls in response to Benjamin Constant's consequentialism. By contrast, Timmermann's strategy is clear from the outset: not to mitigate Kant's position, but to clarify it, so that the arguments advanced in the essay may be understood from multiple systematic and historical perspectives. In this regard, Timmermann's aim is less to defend Kant than to illuminate the range of criticisms that his 1797 position has historically provoked. As the study sufficiently demonstrates, Kant's arguments in the essay are both more coherent and *radical* than is often assumed in contemporary scholarship. This is why this study is, at first place, in my view, a reliable example or a model of careful historical, philological, and interpretive work. Nevertheless, the aim of the study is neither to merely accept that Kant's denial of a 'supposed right to lie' of the householder regarding the would-be-murderer is derived from a mere, blind absolutism; Kant's thought on the impermissibility of lying *without* exception is grounded in a principled concern for the conditions under which 'rights' in general are possible, as well as the – at least, intended – integrity of practical reason. However, whether one ultimately accepts Kant's conclusions, Timmermann makes it far more difficult to dismiss it, as he has done also in some previous works. This study takes us to an undetermined or undefined position regarding the 1797 essay on the householder case, from which it is not possible to strongly affirm whether Kant succeeds to defend a motivational rigorism view on rights and duties against pragmatist or consequentialist theories, as that of Constant.

The present study begins from where one would expect it to begin: the historical framework of the 1797 essay. The historical and philosophical enquiry of the first chapters aim not only to understand the genesis of Kant's thoughts in the 1797 essay, but also of the reason why the main concern of this essay is the debate over a 'right of truthfulness', in a broader, historical sense. Timmermann indicates this discussion as the 'common place' within the eighteenth-century debates (p. 96) on whether 'truthfulness' or veracity should be conceived as an – ethical – right or not. The relevance of the householder's case within this century thus lies in all the relevant concerns and issues it displays regarding the foundation of ethics, jurisprudence and even the foundation of society itself. This case was tackled, as Timmermann shows, along this century from many different philosophical standpoints: from Augustinian absolutism positions to utilitarian positions as that of Constant. Kant enters this debate not due to an interest related to this common discussion that can be already found in his previous philosophical developments, but because he was drawn into it; and this is one of the difficulties the essay presents for its understanding. It is true that the ideas displayed within the 1797 essay are in line with the *Metaphysics of Morals*, but, at the same time, these ideas are tackled by Kant in a really different way than he does in the *Metaphysics*. For, as Timmermann sufficiently shows, Kant treats 'truthfulness' and 'lying' from a juridical point of view, not from an ethical or moral perspective. So, in order to understand why these

¹ PhD researcher at the University of Granada. This PhD project is funded by the FPU Programme of the Spanish Ministry of Science, Innovation and Universities.

ideas are treated this way regarding the case of the householder, it is important to attend to Kant's different thoughts on veracity and lying along his philosophical works and lectures. In this regard, Timmermann traces a long trajectory from Kant's pre-critical lectures to the *Metaphysics* in the 1790s decade, through which the reader may observe how the classical distinction between *mendacia* and *falsiloquia* (p. 20) Kant seems to endorse in the early lectures is finally rejected by the time he writes the 1797 essay. In this work, the notorious change is that the harmfulness of a lie is not considered by Kant to be a part of the juridical conception and definition of lying. For, a lie is *wrong* even if it does not harm anyone. Any intentionally declaration toward another is a lie, strictly speaking. The idea from which this rejection is made is grounded, however, in Kant's ethical theory rather than in his Doctrine of Right: truthfulness is a duty to oneself, but it does not constitute any kind of 'right' in the juridical sense. This idea has often gone unnoticed to those who tries to read Kant's essay on the householder case as an ethical discussion instead of juridical. One of the main features of this essay is what is precisely considered surprising: Kant discusses lying and truthfulness in a juridical regard even though he does not consider it to be a right. But, why?

At this point, one of the most important contributions of Timmermann's analysis in this study concerns to the relation of the concepts Kant mentions in the essay with those of his Doctrine of Right. Timmermann asserts that one cannot fully understand Kant's position toward the householder case without attending to the structural distinctions found in the *Metaphysics of Morals*, such as the distinction between duties and obligations, perfect and imperfect duties or even between obligations and grounds of obligation (pp. 56-59). However, not every distinction that appears in the *Metaphysics* is to be used as a resource for interpreting the 1797 essay, as Timmermann observes, such as the case of the 'casuistic' (p. 61), for it cannot override the constraints imposed by perfect duties such as 'lying'. Attempts to introduce permissible exceptions to perfect duties – whether through Hermann's appeal to ends or Paton's reinterpretation of the imperfect-perfect duties distinction – fail to respect the architecture of Kant's system of practical philosophy. According to the definition of perfect duties, lying is *never* morally permissible, so truthfulness is an inescapable duty for the householder when asked by the would-be-murderer. In the juridical regard, moreover, lying is regarded by Kant as 'formal wrong', which is the innovation of the 1797 essay regarding the *Metaphysics*, as noted by Timmermann (pp. 110-111). *Material* wrong consists in the violation of an individual's right; *formal* wrong consists in violating a more abstract right held by humanity. At this point, Timmermann advances a controversial thesis, after examining the sections where this distinction is found from a philological perspective: in the 1797 essay, Kant's claim is not that lying wrongs the murderer materially – since no one has a right to be told the truth, but to be truthful to oneself –, but that it constitutes a formal wrong against humanity. This leads to the striking conclusion that not all juridical wrongs are necessarily inflicted on individuals; some wrongs undermine the very conditions of right as *such*. This idea is highlighted by Kant's essay. For, as Timmermann clearly shows, the concept of *Menschheit* (pp. 115-117) used by Kant in this context is not referred to a 'rational' conception of human being, but to humankind generally considered. Lying undermines the implicit pact of truthfulness that makes contracts possible – and thus secure property relations, among others. A world in which lying is licensed under certain circumstances would erode the possibility of binding agreements and thereby the stability of rights.

Another relevant distinction to be found in the essay, emphasized by Timmermann, is that between 'ethical wrongness' and 'juridical punishability'. A benevolent lie told to save a friend is, for Kant, always ethically wrong, since truthfulness is an unconditional duty; yet it does not imply that it is juridically punishable by itself unless material harm results. For, the state is concerned with securing external freedom, not with legislating inner virtue. Although lying to the would-be-murderer constitutes a formal wrong and thus violates the duty of truthfulness, the consequences that may follow from being truthful are, in Kant's view, not morally nor juridically imputable to the householder. There is no necessary causal connection between being truthful and the harm inflicted by another's wrongdoing. This stark implication, however unsettling, reflects the position maintained in the 1797 essay: Kant denies any kind of right to lie; the householder is not straightforwardly liable to legal punishment within Kant's mature practical thought unless material wrong ensues. Timmermann arrives at what may be an unwelcome or disappointing conclusion: the essay's apparent absolutism may be sharper than what could be thought from the broader juridical theory of the Doctrine of Right.

Finally, following the conclusions drawn from the essay, Timmermann adds some original considerations from the point of view of moral psychology. From a realistic perspective attentive to the agent's empirical situation, a virtuous individual does not regard lying in the householder case as a genuine option. Deliberation concerns how best to fulfill duty – both to protect the friend and to remain truthful – rather than whether duty may be suspended. Timmermann even considers non-binary strategies regarding the case, such as misleading implicatures that avoid outright falsehood, thereby revealing the practical subtlety of Kant's conceptual distinctions. He concludes that once absolute side constraints are relaxed, nevertheless one risks arbitrary line-drawing or a slide into consequentialism. In any case, the analysis offered in this study, rather than enabling us to adopt what might be deemed the 'right position' regarding the householder case, ultimately leaves us in the very tension from which we depart. It is as if, in the particular circumstances of our lives, we are always required to sacrifice some ideas that, from another perspective, we would be unwilling to relinquish. We are thus led to suppose that no moral doctrine, whatever its commitments, can fully encompass all the subtleties of our experience as human beings.