

Title: From the Right to Lie to the Responsible State: Reinterpreting Kant's 'Inquiring Murderer' as a Theory of Legal Imputation

Abstract Kant's essay *On a Supposed Right to Lie* has long been ridiculed as a failure of moral intuition, often summarized as a rigid command to "tell the truth even if it kills your friend." This paper challenges that traditional reading, arguing that the text is not a manual for personal virtue but a foundational blueprint for **Public Right (*Recht*)**. By analyzing the distinction between 'prohibition' and 'non-right,' this study demonstrates that Kant's primary concern was the **allocation of responsibility (Imputation)**. Ultimately, this paper proposes a new definition of the modern state: Law is not merely the ethical minimum, but the specific domain where the State has institutionally **assumed the responsibility** for judgment and enforcement, thereby liberating the individual from the infinite weight of consequences—provided they remain within the law.

1. Introduction: The Mislocated Dilemma

The 'Inquiring Murderer' scenario is perhaps the most infamous dilemma in Kantian ethics. For two centuries, critics have asked: "Is it not moral to lie to save a life?" However, this question fundamentally mislocates Kant's intent. Kant's 1797 essay was not written to guide personal conscience (*Tugend*), but to define the strict boundaries of Public Right (*Recht*). This paper argues that Kant does not impose a moral duty to become a saint who sacrifices friends for truth. Instead, he presents a rigorous legal argument: **"There is no legal right to lie."** This distinction shifts the focus from the moral goodness of the agent to the structural question of **Imputation**: When a tragedy occurs, who bears the burden of responsibility—the Individual or the State?

2. The Legal Status of Lying: Non-Legal, Not Just Illegal

Why did Kant assert that lying cannot be a right? It is not because lying is always a mortal sin, but because it is structurally incompatible with the concept of **Right**. For Kant, a 'Right' must be universalizable within a public legal order. Lying, by definition, undermines the very foundation of contract and communication upon which the legal system stands. Therefore, lying is not merely 'illegal'; it is **'non-legal.'** It exists outside the sphere of public guarantees. The State cannot legislate a "Right to Lie" without contradicting its own existence. When Kant adds the condition "if I cannot avoid answering," he is not forcing a moral confession. He is setting a boundary condition to test the locus of responsibility: in a forced utterance, does the law protect the speaker? If the speech is a lie, the answer is no. The law remains silent, and the shield of the state is withdrawn.

3. The Dual Structure of Imputation

The core of Kant's argument lies in the bifurcation of responsibility based on the agent's choice of means.

- **Scenario A: The Path of Law (Truth)** If the agent chooses to speak the truth, they remain within the boundaries of Public Right. Even if this act leads to the tragic death of the friend, the agent is not legally culpable. Why? Because the State and the Legal System **underwrite (assume)** the consequences of law-abiding actions. The responsibility for the crime is imputed solely to the murderer. The individual is protected by the objective validity of the law.
- **Scenario B: The Path of Willkür (Lying)** Conversely, if the agent chooses to lie for a

benevolent purpose, they step outside the protection of the law. By employing a non-legal means based on private judgment, the agent effectively declares, "I will handle this situation personally." Consequently, if an accidental tragedy occurs (e.g., the friend slips out and confronts the murderer), the State cannot absolve the agent. The responsibility for all consequences—even unforeseeable ones—is fully **imputed** to the individual. This is the heavy price of exercising private exception against the public order.

4. Redefining the State: The Theory of Institutionalized Responsibility

This reading leads us to a radical redefinition of the State. The traditional adage, "Law is the minimum of morality," is insufficient. It fails to explain the active nature of the State's boundary. Based on Kant's logic, we propose a new definition:

"Law is not merely a subset of morality, but the specific domain where the State has institutionally assumed the responsibility for judgment and enforcement."

The State coerces only where it can accept liability. It remains silent on inner virtue because it cannot take responsibility for the internal tribunal of conscience. The "No Right to Lie" thesis is, therefore, the State's declaration that it refuses to underwrite the risks of private deception. A **Responsible State** defines clearly what it answers for, and by doing so, it clarifies the burden that the mature citizen must carry alone.

5. Conclusion: Kant as a System Builder

Kant's 'Inquiring Murderer' is not a failure of heart, but a triumph of systemic clarity. It draws the necessary line between the **Public Sphere**, where the State bears the weight of consequences, and the **Private Sphere**, where the individual must face the existential weight of their own choices. Kant challenges us not to be moral saints, but to be **mature citizens**. He asks us: "If you choose to lie, are you prepared to bear the full weight of that choice without hiding behind the State?" In this sense, Kant is not a rigid moralist, but the architect of the modern **Responsible State**—a system that protects liberty precisely by defining the limits of its own responsibility.