

## The Universal Immorality of Perjury

Perjury is a crime punishable by a sentence of up to fourteen years under the Canadian justice system. Yet, intuitively, what is illegal is not always immoral by necessity. Similarly, what is legal is not always moral by necessity. Though the law is universal, it fails to account for special circumstances in which otherwise moral actions can be perceived as immoral, and likewise circumstances in which immoral actions can be perceived as moral. Perjury with the goal of preventing injustice is perhaps one of these corner cases. With clear parallels drawn to white lies, perjury used to pursue just ends suggests an example of the illegal being moral in certain situations. Yet I posit that this is an inadequate and inaccurate example. Through a deontological lens, I will argue that perjury, under any circumstance, cannot be morally permissible. I will then defend this claim by demonstrating how mental reservation cannot be applied in this situation, rendering any utilitarianism-based argument worthless. Finally, I will demonstrate how truth and justice can never be mutually exclusive in the courtroom, as it is always possible to tell the truth while upholding justice.

Firstly, it is critical to investigate how deontology pertains to the situation at hand. At a very basic level, any form of perjury is also a form of deception. And regardless of whether or not deception is used to pursue just ends, it is instinctively more ethical for a situation to be free of lies than to be full of them, all else being equal. Lying ought to be avoided whenever possible, due to it being an inherently immoral action in and of itself. I assume here that society as a whole maintains a similar, if not identical stance on the matter—though many would argue that deception under special circumstances is morally permissible, a substantially larger proportion of people would generally condemn the act of lying. As an example, it appears intuitive that a parent, seeking the greatest moral education for their child, would discourage lies and deception from them. Thus

society already maintains that deception is generally immoral, due to it being an inherently immoral action—regardless of whether or not it brings about just results.

This line of reasoning can be further substantiated when analyzing deception through the lens of Kantian ethics. As a strand of deontology, Kantianism maintains the idea that deception is inherently immoral, and as such ought to be avoided. For much the same reason society condemns lies and deceit, Kantianism condemns deception due to the impossibility that a lie can ever be made with a *good will* (Kant, 1785). Any action motivated solely by a good will, by definition, is morally good in and of itself, and as such can only ever ethically benefit a situation, never causing it detriment. Though Kant does concede that bad consequences might arise from actions motivated by a good will, and that good consequences might arise from actions motivated by the opposite, he asserts that this has no bearing on the morality of the action itself (Kant, 1785). To act out of accordance of one's moral duty is never the proper course of action, regardless of whether or not the predicted consequences are favorable.

The epitome of this concept can be seen through Kant's *categorical imperative*, his evaluation method for motivations of action. Presented as an absolutist measure of morality, Kant uses the categorical imperative to define which actions ought to be taken, and others which ought not to be taken. An action which adheres to a universally-accepted moral code, according to the categorical imperative, is a morally good action (Kant, 1785). Kant uses this reasoning to declare lies and deceit as morally impermissible, due to it defying any potential universal code of morals. After all, lies will always have victims, regardless of net moral impact. Even in the case of a white lie, in which a lie is told to avoid moral detriment, whomever the lie is directed to will be indubitably harmed, due to the instinctive notion that no one would ever logically desire to be lied to (Kant, 1797). As such, a society in which lying is acceptable or even encouraged is undesirable.

Therefore, one should adhere to a moral code in which lying is forbidden, lest they encourage lying themselves.

I posit that an identical chain of reasoning must be applied to perjury. As such, I posit that any and all forms of perjury are impermissible. However, proponents against this idea may reference the doctrine of mental reservation, which states that when truth and justice are in conflict in the courtroom, justice ought to be prioritized over truth (Tutino, 2011). In essence, it recognizes perjury for a just cause as moral.

Foregoing the aforementioned deontological argument and analyzing mental reservation through a strictly utilitarian lens, mental reservation still only serves to undermine the validity of the justice system. Though I do concede that lies and deceit can be used to prove the innocence of an already-innocent defendant, limiting the scope of the lie's impacts to a single court case is both naïve and nearsighted. Assume, for instance, that a witness gives a false testimony to help prove the innocence of an already-innocent defendant, with the lie being later discovered. How can this affect the reliability of future witness testimonies, other than degrading their inherent believability? If mental reservation were to be morally permissible, it would be nigh impossible to determine fact from fiction in any court case. I argue that the overarching detriments of mental reservation on all court cases far outweighs the benefits of seeing justice realized in a single court case. Any utilitarian argument using a similar framework, therefore, fails to consider the immense scope perjury will cause in the courtroom. As such, I still maintain that perjury under any circumstance is morally impermissible.

Yet for the sake of argument, let us assume that I am completely incorrect thus far. Assume that the pursuit of justice ought to be of the utmost importance in all court cases, even in lieu of

the truth. Thus seeing an innocent dropped from all charges, regardless of the methodology, is the best possible scenario. However, it is still instinctively better to see innocence proven through the truth alone, as opposed to perjury facilitating the same result. This is the case because the truth, inherently, will always prove the innocence of an innocent. For the truth to ever do otherwise implies that a critical piece of information is either missing or has been miscommunicated. A truthful witness testimony, by definition, will be the most effective testimony to see justice realized. In all court cases, truth and justice are never mutually exclusive; they are instead one and the same. A witness testimony need only suggest that their truth is not the entire story to prompt the uncovering of missing information.

Therefore it is imperative that perjury remain both illegal and immoral. It matters not what potential benefits present themselves to those who lie and deceive, as those benefits can only extend to a singular court case in a sea of cases to come. And those benefits pale in comparison to one's duty to uphold a universally-accepted moral code, as well as the undermining of the justice system which naturally follows perjury. It seems intuitive, then, to simply tell the truth in any court case—and advocate for both truth and justice to be upheld in the process.

#### Works Cited

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