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Finally, I dedicate this book to my husband, in recognition of all that his interest, criticism, and support have meant.

PREFACE

Over ten years have passed since this book was first published, in 1978. During that period, the issues of truthfulness and deceit have received considerable debate. I can no longer subscribe, therefore, to the claim I made in the Introduction, that those issues have received extraordinarily little contemporary analysis. Questions of truthfulness and deception are now taken up in classrooms as in the media and in scholarly literature. Codes of ethics, such as the 1980 “Principles of Medical Ethics” of the American Medical Association, have incorporated clauses stressing honesty.

More than debate, however, will be needed to press for changes in actual practices of lying, especially as those most tempted to engage in such practices find it easiest to ignore all hard questions about what they are doing. New examples have come to supplement those of Watergate and Vietnam and others mentioned in this book. In Wall Street investment firms, as among TV evangelists, in political campaigns, and in the interlocking schemes of the Iran-Contra scandal, we have seen how pervasive the resulting damage can be to: those who lie, equivocate, and resort to innuendo as well as to their dupes. We have also seen the erosion of public trust as lies build up into vast institutional practices.

Rather than updating Lying to take these new developments into account, I have chosen to consider many of them in two
books published in the intervening years: Secrets: On the Ethics of Concealment and Revelation (1982) and A Strategy for Peace: Human Values and the Threat of War (1989). In the first, I could do so while pursuing issues, such as that of self-deception and secrecy, that I had explicitly set aside in writing Lying in order to be able to concentrate on clear-cut lies. And in the second, I have incorporated constraints on lying and on excessive secrecy into a moral framework that can be shared by religious and secular traditions alike, and that is applicable both within and between nations.

—Sissela Bok
June 1989

INTRODUCTION

When regard for truth has been broken down or even slightly weakened, all things will remain doubtful.
—St. Augustine, “On Lying”

Doth any man doubt, that if there were taken out of men’s minds vain opinions, flattering hopes, false valuations, imaginations as one would, and the like, but it would leave the minds of a number of men poor shrunken things, full of melancholy and indisposition, and unpleasing to themselves?
—Bacon, “Of Truth”

After prolonged research on myself, I brought out the fundamental duplicity of the human being. Then I realized that modesty helped me to shine, humility to conquer, and virtue to oppress.
—Camus, The Fall

Should physicians lie to dying patients so as to delay the fear and anxiety which the truth might bring them? Should professors exaggerate the excellence of their students on recommendations in order to give them a better chance in a tight job market? Should parents conceal from children the fact that they were adopted? Should social scientists send investigators masquerading as patients to physicians in order to learn about racial and sexual biases
in diagnosis and treatment? Should government lawyers lie to members of Congress who might otherwise oppose a much-needed welfare bill? And should journalists lie to those from whom they seek information in order to expose corruption?

We sense differences among such choices; but whether to lie, equivocate, be silent, or tell the truth in any given situation is often a hard decision. Hard because duplicity can take so many forms, be present to such different degrees, and have such different purposes and results. Hard also because we know how difficult it is to face the truth, how it is to be excusable by those who tell the lies and who tend also to make the rules. Government officials and those who run for elections often deceive when they can get away with it and when they assume that the truth state of affairs is beyond the comprehension of citizens. Social scientists condone deceptive experimentation on the ground that the knowledge gained will be worth having. Lawyers manipulate the truth in court on behalf of their clients. Those in selling, advertising, or any form of advocacy may mislead the public and their competitors in order to achieve their goals. Psychiatrists may distort information about their former patients to preserve confidentiality or to keep them out of military service. And journalists, police investigators, and so-called intelligence operators often have little compunction in using falsehoods to gain the knowledge they seek.

Yet the casual approach of professionals is wholly out of joint with the view taken by those who have to cope with the consequences of deception. For them, to be given false information about important choices in their lives is to be rendered powerless. For them, their very autonomy may be at stake.

There is little help to be found in the codes and writings on professional ethics. A number of professions and fields, such as economics, have no code of ethics in the first place. And the existing codes say little about when deception is and is not justified.*

The fact is that reasons to lie occur to most people

*Scholars in many fields have had no reason in the past to adopt a code of ethics. But some are now exerting so much influence on social choice and human welfare that they should be required to work out codes similar to those that have long existed in professions like medicine or law.
quite often. Not many stop to examine the choices confronting them; existing deceptive practices and competitive stresses can make it difficult not to conform. Guidance is hard to come by, and few are encouraged to consider such choices in schools and colleges or in their working life.

As I thought about the many opportunities for deception and about the absence of a real debate on the subject, I came to associate these with the striking recent decline in public confidence not only in the American government, but in lawyers, bankers, businessmen, and doctors. In 1960, many Americans were genuinely astonished to learn that President Eisenhower had lied when asked about the U-2 incident, in which an American spy plane and pilot had been forced down in the Soviet Union. But only fifteen years later, battered by revelations about Vietnam and Watergate, 69 percent of the respondents to a national poll agreed that “over the last ten years, this country’s leaders have consistently lied to the people.”

The loss of confidence reaches far beyond government leadership. From 1966 to 1976, the proportion of the public answering yes to whether they had a great deal of confidence in people in charge of running major institutions dropped from 73 percent to 42 percent for medicine; for major companies from 55 percent to 16 percent; for law firms from 24 percent (1973) to 12 percent; and for advertising agencies from 21 percent to 7 percent.

Suspiciousness of widespread professional duplicity cannot alone account for the loss of trust. But surely they aggravate it. We have a great deal at stake, I believe, in becoming more clear about matters of truth-telling, both for our personal choices and for the social decisions which foster or discourage deceptive practices. And when we think about these matters, it is the reasons given for deceiving which must be examined. Sometimes there may be sufficient reason to lie—but when? Most often there is not—and why? Describing how things are is not enough.

Choice requires the formulation of criteria. To lie to the dying, for example, or to tell them the truth—which is the best policy? Under what circumstances? And for what reasons? What kinds of arguments support these reasons or defeat them?

Since I was trained in philosophy, it is natural for me to look to moral philosophers for guidance in answering such questions and providing the needed analysis; for the choices of standards, of action, of goals, and ways of life, as well as of social systems, are the essential concerns of moral philosophy.* Is there, then, a theory of moral choice which can help in quandaries of truth-telling and lying?

Once again, the paucity of what I found was astonishing. The striking fact is that, though no moral choices are more common or more troubling than those which have to do with deception in its many guises, they have received extraordinarily little contemporary analysis. The major works of moral philosophy of this century, so illuminating in other respects, are silent on this subject. The index to the eight-volume Encyclopedia of Philosophy contains not one reference to lying or to deception, much less an entire article devoted to such questions. Even if one looks back over the last few centuries, the little discussion which is to be found is brief and peremptory. And works in other disciplines—in psychology, for example, or in political science—most often approach problems of deception in a merely descriptive or strategic manner.

It is difficult to understand all the reasons why so few efforts have been made to analyze our everyday dilemmas

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*xOne of the simplest and, in my opinion, best definitions of ethics is that of Epicurus, quoted by Diogenes Laertius, Lives of Eminent Philosophers (Cambridge, Mass.: Harvard University Press, 1925), Book 10, Ch. 30: “Ethics deals with things to be sought and things to be avoided, with ways of life and with the telos.” (“Telos” is the chief good, the aim, or the end of life.)
of truth-telling. The great distance which so often separates philosophers from applied concerns of any kind provides a partial answer. In philosophy, as elsewhere, professionalization has brought in its wake a vocabulary, a theoretical apparatus, and academic boundaries forbidding to outsiders and confining for those within. In part, also, the very background of truth and falsity against which lying must be seen has led many thinkers to set ever greater preliminaries to the moral questioning of situations where truth seems to be at issue. How can we even begin to probe such situations, they ask, unless we first know what “truth” means? In ethics, finally, attention has gone primarily to questions of meaning and theory quite remote from problems of concrete moral choice.

I have often had to go back, therefore, to the classical period and the Middle Ages for a more direct grasp of the questions central to this book: What actual choices should we make when we are wondering whether to lie or to tell the truth? And why? Issues such as whether to perjure oneself to protect a political refugee, or whether to feign worship of a hated deity in order to escape persecution, were once hotly debated among theologians and philosophers.* What remains of their debate may be fragmentary, at times unsystematic. But their writings are alive to us still; I have drawn on them often.

Some now look back with derision or impatience at the Stoics, the Muslim mystics, the Early Christian fathers, or the rabbis for their passionate pursuit of minute distinctions. Nevertheless, we have much to learn from these traditions. Without such groundwork, larger distinctions often blur, as they now have.

It is high time to take up once more this debate, set forth its contours, and try to bring to it a comprehensive treatment that is still lacking—one that will try to examine all the plausible factors and all the reasons given for lying, and see whether they can be made to shed light on the choices we make, as individuals and in society. And it is important to see the debate in the contexts in which human beings confront such choices. I have tried, therefore, to use examples from literature, from private life, and from work. They are merely examples; many others will spring to mind. While completeness is obviously out of the question, the cases selected may shed light on the major kinds of lies, ways in which they vary, and excuses used for telling them. And the juxtaposition of examples from very different walks of life may help to remove them from the customary narrowly professional or personal perspectives.

These purposes are best served by concentrating on choices between truth-telling and clear-cut lying, rather than on other forms of deception such as evasion or the suppression of relevant information. If some clarity can be brought to questions about actual lying, then the vaster problems of deception will seem less defeating.

The main task will not be to produce a sordid catalogue of falsehoods and corrupt dealings, nor to go over once again what each day’s newspaper reveals about deception in high places. Rather, I want to stress the more vexing dilemmas of ordinary life; dilemmas which beset those who think that their lies are too insignificant to matter much, and others who believe that lying can protect someone or benefit society. We need to look most searchingly, not at what we would all reject as unconsciousable, but at those cases where many see good reasons to lie.

Chapters I to IV examine the nature of lying, how it affects human choice, and basic approaches to evaluating lies. Chapter V examines white lies to show why those approaches are inadequate. Chapters VI and VII consider in detail what circumstances help to excuse lies, and whether some can actually be justified in advance. Chapters VIII to XV take up in greater detail certain kinds of
lies commonly thought justifiable: lies in wartime, for example, or to children; lies told to protect confidentiality or to conduct research.

If I can show that we have all been poorly served by the dominant practices, then the most important remaining questions are: What are the alternatives, for society and for each of us individually, to merely going along with such practices? And how can we act so as to change them? What institutional and personal incentives may be needed? And what real risks might dissuade would-be liars? In the conclusion, I have begun—but no more than begun—to raise these questions. I recognize that the alternatives I have envisaged are directed primarily at less coercive societies. But I hope that the study of the problems of truth-telling will shed light also on the relation between coercion and deception, whether in a family, an institution, or a society.

This book is a personal exploration rather than an effort to dictate conclusions. It aims to narrow the gap between the worlds of the moral philosopher and those confronting urgent practical moral choices. In showing the path that I have taken, the work I have found helpful, and the tentative results I have reached, I hope to invite others to take up the debate.
IS THE "WHOLE TRUTH" ATTAINABLE?

"I was born for this, I came into the world for this: to bear witness to the truth; and all who are on the side of truth listen to my voice."
"Truth?" said Pilate, "what is that?"
—John 18:37

If, like truth, the lie had but one face, we would be on better terms. For we would accept as certain the opposite of what the liar would say. But the reverse of truth has a hundred thousand faces and an infinite field.
—Montaigne, Essays

Like freedom, truth is a bare minimum or an illusory ideal (the truth, the whole truth, and nothing but the truth about, say, the battle of Waterloo or the Primavera).
—J. L. Austin, "Truth," Philosophical Papers

The "Whole Truth"

Is it not naïve to set forth on a general exploration of lying and truth-telling? Some will argue that the task is impossible. Life is too complex, they will say, and societies too
diverse. How can one compare the bargaining in an Eastern bazaar, the white lies of everyday life, the lie for national defense, and that to spare a dying child? Is it not arrogant and myopic to conceive of doing so?

And even if these variations could somehow be encompassed, the argument continues, how can we ever attain the truth about any complex matter—the battle of Waterloo, in Austin's example—or even a single circumstance? How can one, in fact, do full justice to the words used in court: "The truth, the whole truth, and nothing but the truth?"

These words mock our clumsy efforts to remember and convey our experiences. The "whole truth" has seemed so obviously unattainable to some as to cause them to despair of human communication in general. They see so many barriers to prevent us from obtaining truthful knowledge, let alone communicating it; so many pitfalls in conveying what we mean.

How can a physician, for example, tell the "whole truth" to a patient about a set of symptoms and their causes and likely effects? He certainly does not know all there is to know himself. Even all he does know that might have a bearing—incomplete, erroneous, and tentative though it be—could not be conveyed in less than weeks or even months. Add to these difficulties the awareness that everything in life and experience connects, that all is a "seamless web" so that nothing can be said without qualifications and elaborations in infinite regress, and a sense of lassitude begins to steal over even the most intrepid.

This book is intended as a reply to such arguments. The whole truth is out of reach. But this fact has very little to do with our choices about whether to lie or to speak honestly, about what to say and what to hold back. These choices can be set forth, compared, evaluated. And when they are, even rudimentary distinctions can give guidance.

If arrogance there be, it lies rather in the immobilizing impatience with all that falls short of the "whole truth." This impatience helps explain why the contemporary debate about deception is so barren. Paradoxically, the reluctance to come to grips with deception can stem from an exalted and all-absorbing preoccupation with truth.

"Truth"—no concept intimidates and yet draws thinkers so powerfully. From the beginnings of human speculation about the world, the questions of what truth is and whether we can attain it have loomed large. Every philosopher has had to grapple with them. Every religion seeks to answer them.

One pre-Socratic Greek tradition saw truth—aletheia—as encompassing all that we remember: singled out through memory from everything that is destined for Lethe, "the river of forgetfulness." The oral tradition required that information be memorized and repeated, often in song, so as not to be forgotten. Everything thus memorized—stories about the creation of the world, genealogies of gods and heroes, advice about health—all partook of truth, even if in another sense completely fabricated or erroneous. In this early tradition, repeating the songs meant keeping the material alive and thus "true," just as creating works of art could be thought of as making an object true, bringing it to life.

Only gradually did the opposition between truth and error come to be thought central to philosophy, and the nature of verification itself spotlighted. The immense preoccupation with epistemology took hold with Plato and has never diminished since. In logic, in epistemology, in theology, and in metaphysics, the topic of "truth" has continued to absorb almost limitless energies. And since the strands from these diverse disciplines are not always

*A glance at the Index of the recently published Encyclopedia of Philosophy reveals the contrast. As mentioned in the Introduction, it has no reference to "lying" or "deception." "Truth," on the other hand, receives over 100 references.
disentangled, a great many references to "truth" remain of unsurpassed vagueness.

Truth and Truthfulness

In all such speculation, there is great risk of a conceptual muddle, of not seeing the crucial differences between two domains: the moral domain of intended truthfulness and deception, and the much vaster domain of truth and falsity in general. The moral question of whether you are lying or not is not settled by establishing the truth or falsity of what you say. In order to settle this question, we must know whether you intend your statement to mislead.

The two domains often overlap, and up to a point each is indispensable to the other. But truth and truthfulness are not identical, any more than falsity and falsehood. Until the differences are seen, and the areas of overlap and confusion spotlighted, little progress can be made in coping with the moral quandaries of lying.

The two domains are sometimes taken to be identical. This can happen whenever some believe that they have access to a truth so complete that all else must pale by comparison. Many religious documents or revelations claim to convey what is true. Those who do not accept such a belief are thought to live in error, in ignorance, even in blindness. At times, the refusal of nonbelievers to accept the dogma or truth revealed to the faithful is called, not merely an error, but a lie. The battle is seen as one between upholders of the faith and the forces of deception and guile.* Thus Bonhoeffer writes that:

* The confusion between "error" and "lie" underlying such a belief occasionally gives rise to the conclusion that those who are in possession of the truth—and thus not liars—are both infallible and incapable of lying. In order to sort out just what is meant by any one such claim, it is necessary to ask: Is the person believed infallible incapable of

Jesus calls Satan "the father of the lie." (John 8.44) The lie is primarily the denial of God as He has evidenced Himself to the world. "Who is a liar but he that denieth that Jesus is the Christ?" (I John 2.22)

Convinced that they know the truth—whether in religion or in politics—enthusiasts may regard lies for the sake of this truth as justifiable. They may perpetrate so-called pious frauds to convert the unbelieving or strengthen the conviction of the faithful. They see nothing wrong in telling untruths for what they regard as a much "higher" truth.

In the history of human thought, we find again and again such a confusion of the two domains. It is not unrelated to the traditions which claim that truth exists, that it can be revealed, that one can hope to come face to face with it. Even Nietzsche, at war with such traditions, perpetuates the confusion:

There is only one world, and that world is false, cruel, contradictory, misleading, senseless. [.] We need lies to vanquish this reality, this "truth," we need lies in order to live. [.] That lying is a necessity of lie is itself a part of the terrifying and problematic character of existence.

The several meanings of the word "false" only add to the ease of confusing the two domains. For whereas "false" normally has the larger sense which includes all that is wrong or incorrect, it takes on the narrower, moral sense when applied to persons. A false person is not one merely wrong or mistaken or incorrect; it is one who is intentionally deceitful or treacherous or disloyal. Compare, to see the difference, a "false note" and a


Is the "Whole Truth" Attainable?
“false friend”; a “false economy” and a “false witness.”

Any number of appearances and words can mislead us; but only a fraction of them are intended to do so. A mirage may deceive us, through no one’s fault. Our eyes deceive us all the time. We are beset by self-delusion and bias of every kind. Yet we often know when we mean to be honest or dishonest. Whatever the essence of truth and falsity, and whatever the sources of error in our lives, one such source is surely the human agent, receiving and giving out information, intentionally deflecting, withholding, even distorting at times.† Human beings, after all, provide for each other the most ingenious obstacles to what partial knowledge and minimal rationality they can hope to command.

We must single out, therefore, from the countless ways in which we blunder misinformed through life, that which is done with the intention to mislead; and from the countless partial stabs at truth, those which are intended to be truthful. Only if this distinction is clear will it be possible to ask the moral question with rigor. And it is to this question alone—the intentional manipulation of information—that the court addresses itself in its request for “the truth, the whole truth, and nothing but the truth.”

* To further complicate matters, there are, of course, many uses of “false” to mean “deceitful” or “treacherous” which do not apply directly to persons, but rather to what persons have intended to be misleading. A “false trail,” a “false ceiling,” or a “false clue” carry different overtones of deceptiveness.

† Messages between human beings can suffer from a number of unintended distortions or interferences, originating either at the source, en route, or at the reception. The speaker, for example, may be mistaken, inarticulate, or using a language unknown to the listener. En route, the message may be deflected by outside noise, by atmospheric conditions, by interruption. At the receiving end, deafness, fatigue, language problems, or mental retardation may affect the reception of the message.

But one obstacle remains. Even after the two domains of the ethical and the epistemological are set apart, some argue that the latter should have priority. It is useless to be overly concerned with truthfulness, they claim, so long as one cannot know whether human beings are capable of knowing and conveying the truth in the first place. Such a claim, if taken seriously, would obviously make the study of truth-telling and deception seem pointless and flat. Once again, the exalted and all-absorbing preoccupation with “truth” then comes to nourish the reluctance to confront falsehood.

Skeptics have questioned the easy certitudes of their fellows from the earliest times. The most extreme among them have held that nothing can be known at all; sometimes they have gone very far in living out such a belief. Cratylus, a contemporary of Socrates, is said to have refused discussion of any kind. He held that the speakers and the words in any conversation would be changing and uncertain. He therefore merely wiggled his finger in response to any words to show that he had heard them but that a reply would be pointless. And Pyrrho, in the third century B.C., denied that anything could be known and concluded that nothing could therefore be said to be honorable or dishonorable, just or unjust.7

For these radical skeptics, just as for those who believe that complete and absolute truth can be theirs, ethical matters of truth-telling and deception melt into insignificance by comparison with the illumination of truth and the dark void of its absence. As a result, both groups largely ignore the distinctions between truthfulness and falsehood in their intense quest for certainty regarding truth.8

But the example of Cratylus shows how difficult it is to live up to thoroughgoing skepticism. Most thinkers who confuse intentional deception and falsity nevertheless manage to distinguish between the two in their ordi-
nary lives. And those who consider the study of "truth" to be prior to any use of information put such concerns aside in their daily routines. They make informed choices of books in libraries, of subway connections and tools and food; they take some messages to be more truthful than others, and some persons as more worthy of their trust than others.10

Ordinary decisions can no doubt be made in spite of theoretical beliefs which confuse truth and truth-telling, or which set epistemological certainty ahead of ethical analysis. But the fact remains that moral choice is often harmed thereby; for to the extent that one has radical doubts about the reliability of all knowledge, to that extent the moral aspects of how human beings treat one another, how they act, and what they say to each other, may lose importance. Worst of all, this loss is especially likely to afflict one's own moral choices. For whereas it is only prudent to support morality in others, we are more hospitable to doubts about the possibility of moral choice when it comes to our own decisions.

The most important reason why philosophers have done so little to analyze the problems of deception goes beyond particular views about truth and truthfulness, and is more general. In most fields, theory is more congenial, less frustrating, than application. Ethics is no different. Many hesitate to grapple with concrete ethical problems, intertwined as they are with psychological and political strands rendering choice so difficult. Why tackle such choice when there are so many abstract questions of meaning and definition, of classification and structure, which remain to challenge the imagination?

As philosophy has become an increasingly academic and specialized enterprise, this hesitation has grown. But it was always there. Thus Epictetus, in the first century A.D., refers to it as follows, using the "principle not to speak falsely" as his example:

The primary and most necessary part of philosophy is the application of principles as for instance the principle not to speak falsely.

The second part is that of the arguments, as in "Wherefore ought one not to speak falsely?"

The third confirms these, and distinguishes between them, as in "Wherefore is that an argument?" For what is an argument, what a consequence, what a contradiction [conflict], what truth, what falsehood?

Therefore, the third part is necessary because of the second, and the second because of the first; while the first is the most necessary, and is where we ought to remain. But we do the reverse; we squander our time in the third part, and to it goes all our zeal, while we utterly neglect the first. And thus we do lie, but are ready with the arguments which prove that one ought not to lie.11

Applied ethics, then, has seemed uncongenial and lacking in theoretical challenge to many moral philosophers even apart from any belief in epistemological priority and from muddles about the meaning of "truth." As a result, practical moral choice comes to be given short shrift, and never more so than in the case of lies. To be sure, many do make some mention of lying. It is often used as an example, or ruled out in some summary manner. But such analysis cannot help but seem inadequate to those confronting difficult problems in their lives—wondering, perhaps, whether to lie to protect a client's confidences, or to keep shattering news from a sick man.

For all these reasons, deception commands little notice. This absence of real analysis is reflected also in teaching and in codes of professional ethics. As a result, those who confront difficult moral choices between truthfulness and deception often make up their own rules. They think up their own excuses and evaluate their own arguments. I shall take these up in the chapters to come. But one deserves mention here, for it results from a misuse of
skepticism by those who wish to justify their lies, giving rise to a clearly fallacious argument. It holds that since we can never know the truth or falsity of anything anyway, it does not matter whether or not we lie when we have a good reason for doing so. Some have used this argument to explain why they and their entire profession must regretfully forego the virtue of veracity in dealing with clients. Such a view is stated, for example, by an eminent physician in an article frequently referred to in medical literature:

Above all, remember that it is meaningless to speak of telling the truth, the whole truth, and nothing but the truth to a patient. It is meaningless because it is impossible—a sheer impossibility. [...] Since telling the truth is impossible, there can be no sharp distinction between what is true and what is false.

 [...] Far older than the precept, "the truth, the whole truth, and nothing but the truth," is another that originates within our profession, that has always been the guide of the best physicians, and, if I may venture a prophecy, will always remain so: So far as possible, do no harm. You can do harm by the process that is quaintly called telling the truth. You can do harm by lying. [...] But try to do as little harm as possible.12

The same argument is often used by biomedical investigators who claim that asking subjects for their informed consent to be used in research is meaningless because it is impossible to obtain a genuinely informed consent. It is used by government officials who decide not to inform citizens of a planned war or emergency measure. And very often, it is then supplemented by a second argument: Since there is an infinite gradation between what is truthful and what is deceitful, no lines can be drawn and one must do what one considers best on other grounds.

Such arguments draw on our concerns with the adequacy of information to reach a completely unwarranted conclusion: one that gives carte blanche to those who lie take to be well-meant lies. The difference in perspectives is striking. These arguments are made by the liar but never by those lied to. One has only to imagine how the professionals who argue in this way would respond if their dentists, their lawyers, or their insurance agents used similar arguments for deceiving them. As dupes we know what as liars we tend to blur—that information can be more or less adequate; that even where no clear lines are drawn, rules and distinctions may, in fact, be made; and that truthfulness can be required even where full "truth" is out of reach.

The fact that the "whole truth" can never be reached in its entirety should not, therefore, be a stumbling block in the much more limited inquiry into questions of truth-telling and falsehood. It is possible to go beyond the notion that epistemology is somehow prior to ethics. The two nourish one another, but neither can claim priority. It is equally possible to avoid the fallacies which arise from the confusion of "truth" and "truthfulness," and to draw distinctions with respect to the adequacy and relevance of the information reaching us. It is therefore legitimate to go on to define deception and to analyze the moral dilemmas it raises.

Defining Intentional Deception and Lying

When we undertake to deceive others intentionally, we communicate messages meant to mislead them, meant to make them believe what we ourselves do not believe. We can do so through gesture, through disguise, by means of action or inaction, even through silence. Which of these innumerable deceptive messages are also lies? I shall define as a lie any intentionally deceptive message which is stated. Such statements are most often made verbally or in writing, but can of course also be conveyed via smoke signals, Morse code, sign language, and the like. Decepl-
tion, then, is the larger category, and lying forms part of it.*

This definition resembles some of those given by philosophers and theologians, but not all.† For it turns out that the very choice of definition has often presented a moral dilemma all its own. Certain religious and moral traditions were rigorously opposed to all lying. Yet many adherents wanted to recognize at least a few circumstances when intentionally misleading statements could be allowed. The only way out for them was, then, to define lies in such a way that some falsehoods did not count as lies. Thus Grotius, followed by a long line of primarily Protestant thinkers, argued that speaking falsely to those—like thieves—to whom truthfulness is not owed cannot be called lying.‡ Sometimes the rigorous tradition was felt to be so confining that a large opening to allowable misstatements was needed. In this way, casuist thinkers developed the notion of the “mental reservation,” which, in some extreme formulations, can allow you to make a completely misleading statement, so long as you add something in your own mind to make it true.§ Thus, if you are asked whether you broke somebody’s vase, you could answer “No,” adding in your own mind the mental reservation “not last year” to make the statement a true one.

Such definitions serve the special purpose of allowing persons to subscribe to a strict tradition yet have the leeway in actual practice which they desire. When the strict traditions were at their strongest, as with certain forms of Catholicism and Calvinism, such “definitional” ways out often flourished. Whenever a law or rule is so strict that

*It is perfectly possible to define “lie” so that it is identical with “deception.” This is how expressions like “living a lie” can be interpreted. For the purposes of this book, however, it is best to stay with the primary distinction between deceptive statements—lies—and all the other forms of deception.

†Consider the analogy with defining “hitting people.” Say that you have religious texts which proscribes all “hitting” of people absolutely. Then, if you still want to be allowed to hit another, perhaps in self-defense or in play, you will find it useful to define “hitting” so as not to include the kinds you wish to allow. You may say, then, that “hitting” people is to be defined as striking them when you have no right to do so.

‡I see nothing wrong with either a narrow or a wider definition of lying, so long as one retains the prerogative of morally evaluating the intentionally misleading statements, no matter whether they fall within the category of lying or outside it.* But a narrower definition often smuggeres in a moral term which in itself needs evaluation. To say, for instance, that it is not lying to speak falsely to those with no right to your information glides over the vast question of what it means to have such a right to information. In order to avoid this difficulty, I shall use instead a more neutral, and therefore wider, definition of a lie: an intentionally deceptive message in the form of a statement.

All deceptive messages, whether or not they are lies, can also be more or less affected by self-deception, by error, and by variations in the actual intention to deceive. These three factors can be looked at as filters of irregular thickness, distortion, and color that alter the ways in which a message is experienced by both deceived and deceivers. To complicate matters further, someone who intends to deceive can work with these filters and manipulate them; he can play on the biases of some persons, the imagination of others, and on errors and confusion throughout the system.

The interaction of these filters through which communication passes and is perceived is immensely complex. Each year we learn more about the complexity of communication and about the role of the brain in sending and
receiving messages. We see the intricate capacities of each person for denial, deflection, distortion, and loss of memory; but also for accuracy, regeneration, and invention. Add the fact that communication takes place over a period of time, sometimes long, and often between more than two persons. The many experiments on rumors show how information can be distorted, added to, partially lost, when passed from one person to another, until it is almost unrecognizable even though no one may have intended to deceive.\textsuperscript{17}

Merely trying to encompass these factors in our minds can lead to discouragement about the ethics of deception. It is for this reason that I propose that we remove the filters in the chapters that follow, so as to look primarily at clear-cut lies—lies where the intention to mislead is obvious, where the liar knows that what he is communicating is not what he believes, and where he has not deluded himself into believing his own deccies. We must, of course, always keep the filters in mind and never forget the underlying complexity. But with clear-cut lies we can make much sharper distinctions than if we look first at all the subtler variations. And it is important to try to resolve some of the problems these lies pose. After all, many of the most searing moral choices involve deciding whether or not to tell an outright lie.

If we could gain greater clarity for these choices and thereby narrow the margin of remaining doubt, we might then return to all the borderline difficulties with firmer ground under our feet. In the pages to come, therefore, clear-cut lies will often be singled out and considered separately. What do such lies do to our perception and our choices? And when might they be justified?

TRUTHFULNESS, DECEIT, AND TRUST

Suppose men imagined there was no obligation to veracity, and acted accordingly; speaking as often against their own opinion as according to it; would not all pleasure of conversation be destroyed, and all confidence in narration? Men would only speak in bargaining, and in this too would soon lose all mutual confidence.

—Francis Hutcheson, \textit{A System of Moral Philosophy}

A great man—what is he? ... He rather lies than tells the truth; it requires more spirit and \textit{will}. There is a solitude within him that is inaccessible to praise or blame, his own justice that is beyond appeal.

—Friedrich Nietzsche, \textit{The Will to Power}

Lying, after all, is suggestive of game theory. It involves at least two people, a liar and someone who is lied to; it transmits information, the credibility and veracity of which are important; it influences some choice another is to make that the liar anticipates; the choice to lie or not to lie is part of the liar's choice of strategy; and the possibility of a lie presumably occurs to the second party, and may be judged against some \textit{a priori} expectations; and the payoff configurations are rich in their possibilities ...\textsuperscript{18}

—Thomas Schelling, \textit{“Game Theory and the Study of Ethical Systems”}
Lying and Choice

Deceit and violence—these are the two forms of deliberate assault on human beings. Both can coerce people into acting against their will. Most harm that can befall victims through violence can come to them also through deceit. But deceit controls more subtly, for it works on belief as well as action. Even Othello, whom few would have dared to try to subdue by force, could be brought to destroy himself and Desdemona through falsehood.

The knowledge of this coercive element in deception, and of our vulnerability to it, underlies our sense of the centrality of truthfulness. Of course, deception—again like violence—can be used also in self-defense, even for sheer survival. Its use can also be quite trivial, as in white lies. Yet its potential for coercion and for destruction is such that society could scarcely function without some degree of truthfulness in speech and action.*

Imagine a society, no matter how ideal in other respects, where word and gesture could never be counted upon. Questions asked, answers given, information exchanged—all would be worthless. Were all statements randomly truthful or deceptive, action and choice would be undermined from the outset. There must be a minimal degree of trust in communication for language and action to be more than stabs in the dark. This is why some level of truthfulness has always been seen as essential to human society, no matter how deficient the observance of other moral principles. Even the devils themselves, as Samuel Johnson said, do not lie to one another, since the society of Hell could not

* But truthful statements, though they are not meant to deceive, can, of course, themselves be coercive and destructive; they can be used as weapons, to wound and do violence.

subsist without truth any more than others. A society, then, whose members were unable to distinguish truthful messages from deceptive ones, would collapse. But even before such a general collapse, individual choice and survival would be imperiled. The search for food and shelter could depend on no expectations from others. A warning that a well was poisoned or a plea for help in an accident would come to be ignored unless independent confirmation could be found.

All our choices depend on our estimates of what is the case; these estimates must in turn often rely on information from others. Lies distort this information and therefore our situation as we perceive it, as well as our choices. A lie, in Hartmann's words, "injures the deceived person in his life; it leads him astray." To the extent that knowledge gives power, to that extent do lies affect the distribution of power; they add to that of the liar, and diminish that of the deceived, altering his choices at different levels. A lie, first, may misinform, so as to obscure some objective, something the deceived person wanted to do or obtain. It may make the objective seem unattainable or no longer desirable. It may even create a new one, as when Iago deceived Othello into wanting to kill Desdemona.

Lies may also eliminate or obscure relevant alternatives, as when a traveler is falsely told a bridge has collapsed. At times, lies foster the belief that there are more alternatives than is really the case; at other times, a lie may lead to the unnecessary loss of confidence in the best alternative. Similarly, the estimates of costs and benefits of any action can be endlessly varied through successful deception. The immense toll of life and human welfare from the United States' intervention in Vietnam came at least in part from the deception (mingled with self-deception) by those who channeled overly optimistic information to the decision-makers.

Finally, the degree of uncertainty in how we look at our
choices can be manipulated through deception. Deception can make a situation falsely uncertain as well as falsely certain. It can affect the objectives seen, the alternatives believed possible, the estimates made of risks and benefits. Such a manipulation of the dimension of certainty is one of the main ways to gain power over the choices of those deceived. And just as deception can initiate actions a person would otherwise never have chosen, so it can prevent action by obscuring the necessity for choice. This is the essence of camouflage and of the cover-up—the creation of apparent normality to avert suspicion.

Everyone depends on deception to get out of a scrape, to save face, to avoid hurting the feelings of others. Some use it much more consciously to manipulate and gain ascendancy. Yet all are intimately aware of the threat lies can pose, the suffering they can bring. This two-sided experience which we all share makes the singleness with which either side is advocated in action all the more puzzling. Why are such radically different evaluations given to the effects of deception, depending on whether the point of view is that of the liar or the one lied to?

The Perspective of the Deceived

Those who learn that they have been lied to in an important matter—say, the identity of their parents, the affection of their spouse, or the integrity of their government—are resentful, disappointed, and suspicious. They feel wronged; they are wary of new overtures. And they look back on their past beliefs and actions in the new light of the discovered lies. They see that they were manipulated, that the deceit made them unable to make choices for themselves according to the most adequate information available, unable to act as they would have wanted to act had they known all along.

It is true, of course, that personal, informed choice is not the only kind available to them. They may decide to abandon choosing for themselves and let others decide for them—as guardians, financial advisors, or political representatives. They may even decide to abandon choice based upon information of a conventional nature altogether and trust instead to the stars or to throws of the dice or to soothsayers.

But such alternatives ought to be personally chosen and not surreptitiously imposed by lies or other forms of manipulation. Most of us would resist loss of control over which choices we want to delegate to others and which ones we want to make ourselves, aided by the best information we can obtain. We resist because experience has taught us the consequences when others choose to deceive us, even “for our own good.” Of course, we know that many lies are trivial. But since we, when lied to, have no way to judge which lies are the trivial ones, and since we have no confidence that liars will restrict themselves to just such trivial lies, the perspective of the deceived leads us to be wary of all deception.

Nor is this perspective restricted to those who are actually deceived in any given situation. Though only a single person may be deceived, many others may be harmed as a result. If a mayor is deceived about the need for new taxes, the entire city will bear the consequences. Accordingly, the perspective of the deceived is shared by all those who feel the consequences of a lie, whether or not they are themselves lied to. When, for instance, the American public and world opinion were falsely led to believe that bombing in Cambodia had not begun, the Cambodians themselves bore the heaviest consequences, though they can hardly be said to have been deceived about the bombing itself.

An interesting parallel between skepticism and determinism exists here. Just as skepticism denies the possibility of knowledge, so determinism denies the possibility of freedom. Yet both knowledge and freedom to act on it are
required for reasonable choice. Such choice would be denied to someone genuinely convinced—to the very core of his being—of both scepticism and determinism. He would be cast about like a dry leaf in the wind. Few go so far. But more may adopt such views selectively, as when they need convenient excuses for lying. Lies, they may then claim, do not add to or subtract from the general misinformation or “unfreedom” of those lied to. Yet were they to adopt the perspective of the deceived, such excuses for lying to them would seem hollow indeed. Both scepticism and determinism have to be bracketed—set aside—if moral choice is to retain the significance for liars that we, as deceived, know it has in our lives.

Deception, then, can be coercive. When it succeeds, it can give power to the deceiver—power that all who suffer the consequences of lies would not wish to abdicate. From this perspective, it is clearly unreasonable to assert that people should be able to lie with impunity whenever they want to do so. It would be unreasonable, as well, to assert such a right even in the more restricted circumstances where the liars claim a good reason for lying. This is especially true because lying so often accompanies every other form of wrongdoing, from murder and bribery to tax fraud and theft. In refusing to condone such a right to decide when to lie and when not to, we are therefore trying to protect ourselves against lies which help to execute or cover up all other wrongful acts.

For this reason, the perspective of the deceived supports the statement by Aristotle:

Falsehood is in itself mean and culpable, and truth noble and full of praise.5

There is an initial imbalance in the evaluation of truth-telling and lying. Lying requires a reason, while truth-telling does not. It must be excused; reasons must be produced, in any one case, to show why a particular lie is not “mean and culpable.”

The Perspective of the Liar

Those who adopt the perspective of would-be liars, on the other hand, have different concerns. For them, the choice is often a difficult one. They may believe, with Machiavelli, that “great things” have been done by those who have “little regard for good faith.” They may trust that they can make wise use of the power that lies bring. And they may have confidence in their own ability to distinguish the times when good reasons support their decision to lie.

Liars share with those they deceive the desire not to be deceived. As a result, their choice to lie is one which they would like to reserve for themselves while insisting that others be honest. They would prefer, in other words, a “free-rider” status, giving them the benefits of lying without the risks of being lied to. Some think of this free-rider status as for them alone. Others extend it to their friends, social group, or profession. This category of persons can be narrow or broad; but it does require as a necessary backdrop the ordinary assumptions about the honesty of most persons. The free rider trades upon being an exception, and could not exist in a world where everybody chose to exercise the same prerogatives.

At times, liars operate as if they believed that such a free-rider status is theirs and that it excuses them. At other times, on the contrary, it is the very fact that others do lie that excuses their deceptive stance in their own eyes. It is crucial to see the distinction between the free-loading liar and the liar whose deception is a strategy for survival in a corrupt society.*

All want to avoid being deceived by others as much as possible. But many would like to be able to weigh the

* While different, the two are closely linked. If enough persons adopt the free-rider strategy for lying, the time will come when all will feel pressed to lie to survive.
advantages and disadvantages in a more nuanced way whenever they are themselves in the position of choosing whether or not to deceive. They may invoke special reasons to lie—such as the need to protect confidentiality or to spare someone’s feelings. They are then much more willing, in particular, to exonerate a well-intentioned lie on their own part; dupes tend to be less sanguine about the good intentions of those who deceive them.

But in this benevolent self-evaluation by the liar of the lies he might tell, certain kinds of disadvantage and harm are almost always overlooked. Liars usually weigh only the immediate harm to others from the lie against the benefits they want to achieve. The flaw in such an outlook is that it ignores or underestimates two additional kinds of harm—the harm that lying does to the liars themselves and the harm done to the general level of trust and social cooperation. Both are cumulative; both are hard to reverse.

How is the liar affected by his own lies? The very fact that he knows he has lied, first of all, affects him. He may regard the lie as an inroad on his integrity; he certainly looks at those he has lied to with a new caution. And if they find out that he has lied, he knows that his credibility and the respect for his word have been damaged. When Adlai Stevenson had to go before the United Nations in 1961 to tell falsehoods about the United States’ role in the Bay of Pigs invasion, he changed the course of his life. He may not have known beforehand that the message he was asked to convey was untrue; but merely to carry the burden of being the means of such deceit must have been difficult. To lose the confidence of his peers in such a public way was harder still.

Granted that a public lie on an important matter, once revealed, hurts the speaker, must we therefore conclude that every lie has this effect? What of those who tell a few white lies once in a while? Does lying hurt them in the same way? It is hard to defend such a notion. No one

trivial lie undermines the liar’s integrity. But the problem for liars is that they tend to see most of their lies in this benevolent light and thus vastly underestimate the risks they run. While no one lie always carries harm for the liar, then, there is risk of such harm in most.

These risks are increased by the fact that so few lies are solitary ones. It is easy, a wit observed, to tell a lie, but hard to tell only one. The first lie “must be thatched with another or it will rain through.” More and more lies may come to be needed; the liar always has more mending to do. And the strains on him become greater each time—many have noted that it takes an excellent memory to keep one’s untruths in good repair and disentangled. The sheer energy the liar has to devote to shoring them up is energy the honest man can dispose of freely.

After the first lies, moreover, others can come more easily. Psychological barriers wear down; lies seem more necessary, less reprehensible; the ability to make moral distinctions can coarsen; the liar’s perception of his chances of being caught may warp. These changes can affect his behavior in subtle ways; even if he is not found out he will then be less trusted than those of unquestioned honesty. And it is inevitable that more frequent lies do increase the chance that some will be discovered. At that time, even if the liar has no personal sense of loss of integrity* from his deceitful practices, he will surely re-

*The word “integrity” comes from the same roots which have formed “intact” and “untouched.” It is used especially often in relation to truthfulness and fair dealing and reflects, I believe, the view that by lying one hurts oneself. The notion of the self-destructive aspects of doing wrong is part of many traditions. See, for example, the Book of Mencius: “Every man has within himself these four beginnings [of humanity, righteousness, decorum, wisdom]. The man who considers himself incapable of exercising them is destroying himself.” See Merle Severy, ed., Great Religions of the World (Washington, D.C.: National Geographic Society, 1977), p. 167; and W.A.C.H. Dobson trans., Mencius (Toronto: University of Toronto Press, 1963), p. 132.
gret the damage to his credibility which their discovery brings about. Paradoxically, once his word is no longer trusted, he will be left with greatly decreased power—even though a lie often does bring at least a short-term gain in power over those deceived.

Even if the liar cares little about the risks to others from his deception, therefore, all these risks to himself argue in favor of at least weighing any decision to lie quite seriously. Yet such risks rarely enter his calculations. Bias skews all judgment, but never more so than in the search for good reasons to deceive. Not only does it combine with ignorance and uncertainty so that liars are apt to overestimate their own good will, high motives, and chances to escape detection; it leads also to overconfidence in their own imperviousness to the personal entanglements, worries, and loss of integrity which might so easily beset them. 7

The liar’s self-bestowed free-rider status, then, can be as corrupting as all other unchecked exercises of power. There are, in fact, very few “free rides” to be had through lying. I hope to examine, in this book, those exceptional circumstances where harm to self and others from lying is less likely, and procedures which can isolate and contain them. But the chance of harm to liars can rarely be ruled out altogether.

Bias causes liars often to ignore the second type of harm as well. For even if they make the effort to estimate the consequences to individuals—themselves and others—of their lies, they often fail to consider the many ways in which deception can spread and give rise to practices very damaging to human communities. These practices clearly do not affect only isolated individuals. The veneer of social trust is often thin. As lies spread—by imitation, or in retaliation, or to forestall suspected deception—trust is damaged. Yet trust is a social good to be protected just as much as the air we breathe or the water we drink. When it is damaged, the community as a whole suffers; and when it is destroyed, societies falter and collapse.

We live at a time when the harm done to trust can be seen first-hand. Confidence in public officials and in professionals has been seriously eroded. This, in turn, is a most natural response to the uncovering of practices of deceit for high-sounding aims such as “national security” or the “adversary system of justice.” It will take time to rebuild confidence in government pronouncements that the CIA did not participate in a Latin American coup, or that new figures show an economic upturn around the corner. The practices engendering such distrust were entered upon, not just by the officials now so familiar to us, but by countless others, high and low, in the government and outside it, each time for a reason that seemed overriding.

Take the example of a government official hoping to see Congress enact a crucial piece of antipoverty legislation. Should he lie to a Congressman he believes unable to understand the importance and urgency of the legislation, yet powerful enough to block its passage? Should he tell him that, unless the proposed bill is enacted, the government will pull for a much more extensive measure?

In answering, shift the focus from this case taken in isolation to the vast practices of which it forms a part. What is the effect on colleagues and subordinates who witness the deception so often resulting from such a choice? What is the effect on the members of Congress as they inevitably learn of a proportion of these lies? And what is the effect on the electorate as it learns of these and similar practices? Then shift back to the narrower world of the official troubled about the legislation he believes in, and hoping by a small deception to change a crucial vote.

It is the fear of the harm lies bring that explains statements such as the following from Revelations (22.15), which might otherwise seem strangely out of proportion:

26 Lying
These others must stay outside [the Heavenly City]: dogs, medicine-men, and fornicators, and murderers, and idolaters, and everyone of false life and false speech.  

It is the deep-seated concern of the multitude which speaks here; there could be few contrasts greater than that between this statement and the self-confident, individualistic view by Machiavelli:

Men are so simple and so ready to obey present necessities, that one who deceives will always find those who allow themselves to be deceived.

**Discrepant Perspectives**

The discrepancy of perspectives explains the ambiguity toward lying which most of us experience. While we know the risks of lying, and would prefer a world where others abstained from it, we know also that there are times when it would be helpful, perhaps even necessary, if we ourselves could deceive with impunity. By itself, each perspective is incomplete. Each can bias moral judgments and render them shallow. Even the perspective of the deceived can lead to unfounded, discriminatory suspicions about persons thought to be untrustworthy.

We need to learn to shift back and forth between the two perspectives, and even to focus on both at once, as in straining to see both aspects of an optical illusion. In ethics, such a double focus leads to applying the Golden Rule: to strain to experience one’s acts not only as subject and agent but as recipient, sometimes victim. And while it is not always easy to put oneself in the place of someone affected by a fate one will never share, there is no such difficulty with lying. We all know what it is to lie, to be told lies, to be correctly or falsely suspected of having lied. In principle, we can all readily share both perspectives. What is important is to make that effort as we consider the lies we would like to be able to tell. It is at such times of choice and judgment that the Golden Rule is hardest to follow. The Muslim mystic Al-Ghazali recommended the shift in perspectives in the following words:

If you want to know the founess of lying for yourself, consider the lying of someone else and how you shun it and despise the man who lies and regard his communication as foul. Do the same with regard to all your own vices, for you do not realize the founess of your vices from your own case, but from someone else’s.

The parallel between deception and violence as seen from these two perspectives is, once again, striking. For both violence and deception are means not only to unjust coercion, but also to self-defense and survival. They have been feared and circumscribed by law and custom, when seen from the perspective of those affected by lies and by assaults. In religion and in ethics alike, they have been proscribed, and advice has been given on how to cope with the oppression in their wake.

But they have also been celebrated through the ages when seen from the perspective of the agent, the liar, the forceful man. The hero uses deceit to survive and to conquer. When looked at from this point of view, both violence and deceit are portrayed with bravado and exultation. Nietzsche and Machiavelli are their advocates, epic poetry their home. See, for example, how Athena, smiling, addresses Odysseus in the *Odyssey*:

Whoever gets around you must be sharp and guileful as a snake; even a god might bow to you in ways of dissimulation.  
You! You chameleon!  
Bottomless bag of tricks! Here in your own country would you not give your stratagems a rest or stop spellbinding for an instant?

You play a part as if it were your own tough skin.
No more of this, though. Two of a kind, we are, contrivers, both. Of all men now alive you are the best in plots and story telling. My own fame is for wisdom among the gods—deceptions, too.¹⁰

The Principle of Veracity

The perspective of the deceived, then, reveals several reasons why lies are undesirable. Those who share it have cause to fear the effects of undiscovered lies on the choices of liars and dupes. They are all too aware of the impact of discovered and suspected lies on trust and social cooperation. And they consider not only the individual lie but the practice of which it forms a part, and the long-term results which it can have.

For these reasons, I believe that we must at the very least accept as an initial premise Aristotle’s view that lying is “mean and culpable” and that truthful statements are preferable to lies in the absence of special considerations. This premise gives an initial negative weight to lies. It holds that they are not neutral from the point of view of our choices; that lying requires explanation, whereas truth ordinarily does not. It provides a counterbalance to the crude evaluation by liars of their own motives and of the consequences of their lies. And it places the burden of proof squarely on those who assume the liar’s perspective.

This presumption against lying can also be stated so as to stress the positive worth of truthfulness or veracity.¹¹ I would like, in the chapters to come, to refer to the “principle of veracity” as an expression of this initial imbalance in our weighing of truthfulness and lying.

It is not necessarily a principle that overrides all others, nor even the one most frequently appealed to. Nor is it, obviously, sufficient by itself—witness the brutal but honest regime or the tormentor who prides himself on his frankness. Rather, trust in some degree of veracity functions as a foundation of relations among human beings; when this trust shatters or wears away, institutions collapse.¹²

Such a principle need not indicate that all lies should be ruled out by the initial negative weight given to them, nor does it even suggest what kinds of lies should be prohibited. But it does make at least one immediate limitation on lying: in any situation where a lie is a possible choice, one must first seek truthful alternatives.¹³ If lies and truthful statements appear to achieve the same result or appear to be as desirable to the person contemplating lying the lies should be ruled out. And only where a lie is a last resort can one even begin to consider whether or not it is morally justified. (Mild as this initial stipulation sounds, it would, if taken seriously, eliminate a great many lies told out of carelessness or habit or unexamined good intentions.)

When we try to move beyond this agreement on such an initial premise, the first fork in the road is presented by those who believe that all lies should be categorically ruled out. Such a position not only assigns a negative weight to lies; it sees this weight as so overwhelming that no circumstances can outweigh it. If we choose to follow that path, the quest for circumstances when lying is justified is obviously over.

*The function of the principle of veracity as a foundation is evident when we think of trust. I can have different kinds of trust: that you will treat me fairly, that you will have my interests at heart, that you will do me no harm. But if I do not trust your word, can I have genuine trust in the first three? If there is no confidence in the truthfulness of others, is there any way to assess their fairness, their intentions to help or to harm? How, then, can they be trusted? Whatever matters to human beings, trust is the atmosphere in which it thrives.
IV

WEIGHING THE CONSEQUENCES

What harm would it do, if a man told a good strong lie for the sake of the good and for the Christian church [. . .] a lie out of necessity, a useful lie, a helpful lie, such lies would not be against God, he would accept them.

—Martin Luther cited by his secretary, in a letter in Max Lenz, ed., Briefwechsel Landgraf Philipps des Grossmütigen von Hessen mit Bucer, vol. I

Falsehood, take it by itself, consider it as not being accompanied by any other material circumstances, nor therefore productive of any material effects, can never, upon the principle of utility, constitute any offense at all. Combined with other circumstances, there is scarce any sort of pernicious effect which it may not be instrumental in producing.

—J. Bentham, The Principles of Morals and Legislation

I do not necessarily do you any harm at all if, by deed or word, I induce you to believe what is not in fact the case; I may even do you good, possibly by way, for example, of consolation or flattery. Nevertheless [. . .] it is easy to see how crucially important it is that the natural inclination to have recourse to it should be counteracted.

—G. J. Warnock, The Object of Morality
The Role of Consequences

Unlike the theories discussed in the last chapter, utilitarianism generates no controversies over how to define lying. It requires no special leeway for mental reservations in order to acknowledge some deception as justified; it need not define some falsehoods as not being true lies, nor yet some truthful statements as not being duties. Utilitarianism simply requires an evaluation of courses of action, be they deceptive or not. For those, on the other hand, who claim that all lies are absolutely wrong, the precise definition of a lie is obviously crucial.

Utilitarians also differ from Kant (though not, as we have seen, from Augustine) in stressing the differences in seriousness between one lie and another. They are therefore much closer to our actual moral deliberation in many cases where we are perplexed. In choosing whether or not to lie, we do weigh benefits against harm and happiness against unhappiness. We judge differently the lie to cover up an embezzlement and the lie to camouflage a minor accounting error. And we judge both of those to be different in turn from a sympathetic lie told to avoid hurting a child’s feelings. In making such judgments, the difference has to do precisely with the degree to which the lie may cause or avoid harm, increase or decrease happiness.

But, as soon as more complex questions of truthfulness and deception are raised, the utilitarian view turns out to be unsatisfactory as well. First of all, the more complex the acts, the more difficult it becomes to produce convincing comparisons of their consequences. It is hard enough to make estimates of utility for one person, keeping in mind all the different alternatives and their consequences. But to make such estimates for several persons is often well-nigh impossible, except, once again, in the starkest cases. The result is that, even apart from lying, those conflicts which are most difficult to resolve, such as questions of suicide or capital punishment, cause as much disagreement among utilitarians as among everyone else.
A second reason to be wary of a simple-seeming utilitarian calculation is that it often appears to imply that lies, apart from their resultant harm and benefits, are in themselves neutral. It seems to say that a lie and a truthful statement which achieve the same utility are equivalent. Is there not, then, a contradiction between such a view and the principle of veracity which I set forth in Chapter II? For this principle holds, in effect, that before we even begin to weigh the good and bad aspects of a lie, the falsehood itself is negatively weighted; while such a negative weight may be overridden, it is there at the outset. To go back to Bentham's statement about falsehood, quoted at the head of this chapter, must it be taken to disagree with the premise that lies are to be negatively weighted from the outset? Not really. For in ordinary life, as Bentham would be the first to agree, falsehood cannot be taken "by itself"; most lies do have negative consequences for liars, dupes, all those affected, and for social trust. And when liars evaluate these consequences, they are peculiarly likely to be biased; their calculations frequently go astray. Therefore, even strict utilitarians might be willing to grant the premise that in making moral choices, we should allow an initial presumption against lies. There would be no need to see this presumption as something mysterious or abstract, nor to say that lies are somehow bad "in themselves." Utilitarians could view the negative weight instead as a correction, endorsed by experience, of the inaccurate and biased calculations of consequences made by any one liar.

The common assumption that lies can be evaluated on a risk-benefit scale determined by the liar can therefore be set aside on utilitarian grounds. The risks are different from those ignored in the moral vacuum conjured up by Bentham. And the chances for the liar to arrive at rationalizations in secret are unlimited. The long-range results of an acceptance of such facile calculations, made by those most biased to favor their own interests and to disregard risks to others, would be severe.

This stumbling block, though not fundamental to the utilitarian tradition, is deeply entrenched in much actual utilitarian writing on deception. The subject of lying appears there, as it does so frequently in moral philosophy, merely as an illustration. A brief example is given, followed by a quick calculation of pros and cons, with no weight accorded to the lie at the outset of the calculation. The result, most often, is an equally quick intuitive conclusion.

The well-known desert island examples of lying and promise-breaking exhibit this type of quick calculation. They ask what we should do in circumstances where a lie or a broken promise could accomplish a great deal of good, harm no one, and never be discovered.

I have promised a dying man on a desert island, from which subsequently I alone am rescued, to give his hoard of gold to the South Australian Jockey Club. On my return I give it to the Royal Adelaide Hospital, which, we may suppose, badly needs it for a new X-ray machine. Could anybody deny that I had done rightly without being open to the charge of heartlessness? (Remember that the promise was known only to me, and so my action will not in this case weaken the general confidence in the social institution of promising.)

Such textbook examples are designed to measure resistance to lying and promise-breaking in their own right, quite apart from any harm to the dying man or to society, which can never know about the act. They facilitate clear thinking about whether or not we consider the breach of promise or the lie reprehensible. They also provide a vivid illustration of the profound disagreement which exists among us. For in most groups asked to consider the example, a substantial number will choose each of the two answers.
But those who see in this example a vacuum where no one can be harmed ignore the risks to the liar himself of personal discomfort and loss of integrity, of a greater likelihood, however slight, of having to lie again to shore up the first lie; and of a somewhat diminished resistance to lying for causes he may wish to further in the future. Whatever one may decide in the desert island case, then, one ought not to proceed on the assumption that the choice has no harmful consequences whatsoever.

Choices between lies and truthful statements, therefore, exhibit the difficulties often thought to beset utilitarianism as a method for coping with moral conflict. But the problems mentioned so far might in principle be counteracted within utilitarianism. They need not invalidate the general effort to weigh factors in a moral problem. The hard tasks of interpersonal utility estimates may even arise less often than is now thought, once the powerful reasons against most lies are taken into account. The presumption against lying before any consequences in a particular case are evaluated can be acknowledged and explored, and steps can be taken to diminish the bias with which liars judge their choices.

**Systems**

Utilitarians can argue, then, that a far-reaching consequentialist system can account for any objections raised. Those adhering to other systems of ethics claim to cope with such objections through principles erected in place of, or in addition to, that of utility. These principles may in turn be derived from some authority, such as God’s will, or a holy text; they may also be worked out by using some method such as Kant’s Categorical Imperative: “Act only on that maxim whereby thou canst at the same time will that it should become a universal law.”

Many have labored to erect such systems: to find a method by which to judge moral choice, or some single principle from which judgments can be derived, or some hierarchy among principles so as to resolve conflicts. In this way, methods, principles, and priority rules have sprung up, forming elaborate and hotly debated structures.

These structures are often elegant: in operation, noble in design. They refine our moral perception and illuminate the intricacies of moral choice; they put a firm footing under our most indispensable moral judgments; and they help us make sense of human relationships, compare different levels of integrity, and shed light on models for how best to lead our lives or govern our societies.

But when we have to make difficult concrete moral choices, they give us little help. This need not be a criticism; many claim that systems of moral philosophy were not meant for such everyday tasks. Yet it is natural to try to use them at those times when we are most bewildered, when it seems that in obeying one moral principle we are transgressing another.

Unfortunately, there is no evidence that systems, or overriding principles such as that of utility, or priority rules among principles, lead us to clear conclusions, much as the mind strains for such a result. (I must stress here that I am talking about those concrete conflicts which conscientious persons find hard; needless to say, easier choices, such as the condemnation of torture, can be derived within any moral or religious system as well as through the use of common sense.)

For adherents of every moral system—be they Kantians, utilitarians, believers in God’s will or in Natural Law—have been found on every conceivable side of the difficult moral issues that have divideć mankind. On the subjects of suicide and abortion, revolution and war, opposed positions have been conscientiously worked out within each of the competing systems. Exactly the same is true of the hard choices raised with respect to lying.
A system of moral philosophy put to such uses is like a magician’s hat—almost anything can be pulled out of it, wafted about, let fly. No one can be quite sure it was not in the hat all along. And the philosopher is often in the end his own most amazed spectator. He may not know how he did it—but the doves are aloft, the silk scarves in his hands.

Uncertainty and imprecision beset hard moral choices. The more the intervening steps are multiplied and the more we are told that one thing can be explained in terms of another or derived from another, the more room is left for bias, self-deception, even sleight of hand. The methods advocated within many moral systems, moreover, for those who wish to arrive at solutions to concrete problems, are often so rudimentary that any answer can emerge, depending on what values are introduced at the beginning.*

What paths, what means of inquiry into the troubling questions of truth-telling and lying remain if systems help so little? I believe that any method, to be of help, should originate with the actual choices people make. It should have to look at the actual excuses they give, to themselves and to others, the arguments by which they appeal to principles, and the means by which they evaluate such arguments when others make them. To take such a path will require a search for cases, examples, descriptions of what happens. It will lead into working lives, family relationships, political practices.

Many have used such an approach to human problems. In every religious and legal tradition, individuals have labored to resolve difficult conflicts of conscience. The Roman Stoics were among the greatest practitioners of this form of applied ethics, with their thoughtful discussions of problems of suicide or slavery or even minor questions of politeness. Talmudic scholars and Early Christian thinkers pushed the discussion of concrete problems to great refinement.13

Cases of conscience cannot be examined in a moral vacuum. Traditionally, they have been discussed in a specific religious, moral, or legal framework. The religious and legal approaches illuminate important distinctions, and cannot be ignored in any inquiry into deception. But they are often influenced by considerations quite separate from those of ethics: considerations of faith, in religion, and of what it is appropriate and feasible to regulate, in law. The background for my inquiry will therefore be that of moral philosophy. And although I shall use no moral system from which to derive my conclusion, the questions which I shall ask of justifications advanced for different lies will, in the end, be questions of benefit and harm, questions asking why lying matters and what it does to individuals and to institutions.

(By following such a path I hope to make more headway than by trusting to intuition or staying with the abstraction of a system.) But certain intractable dilemmas will remain. There will be times when two alternatives, however different, present us with a near-equilibrium as we compare them. At other times there may even be alternatives which are quite equal, so far as our limited capacities can make out. At still other times so much uncertainty surrounds the moral alternatives that choice is difficult. At all such times, the question is not so much

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*This defect in method may be based in part on a semantic confusion. The word “method” has two meanings: the first comes from the Greek words μέτοχος and κόσμος, meaning a following after, a path, a means of inquiry. This is the sense in which we obviously need methods in moral philosophy. But a second sense, foreign to the Greek, was worked out in the sixteenth century in Latin by logicians: it is that of “systematic arrangement and order.” Some thinkers have mistakenly assumed that they possess a method in the first sense as soon as they have perfected a systematic arrangement of their theory, giving them a method in the second sense only.
what the right choice might be, but rather who should make the choice and what are the appropriate procedures for choosing.

A good place to begin is with the large category of white lies. It demonstrates both the futility of trying to rule out lies altogether and the shallowness of the intuitive utilitarian approach, which has regarded them as harmless and therefore acceptable.
VII

JUSTIFICATION

Truthfulness is a condition of any collective undertaking. It is interesting to observe the growing recognition of the need of publicity wherever democratic institutions prevail. Secrecy is a sort of treason.
—Ralph B. Perry, The Moral Economy

[Justification] presumes a clash of views between persons or within one person, and seeks to convince others, or ourselves, of the principles upon which our claims and judgments are founded. Being designed to reconcile by reason, justification proceeds from what all parties to the discussion hold in common.
—John Rawls, A Theory of Justice

Justification and Publicity

How can we single out, then, justifiable lies from all those that their perpetrators regard as so highly excusable? Assume, as before, that we are dealing with clearcut lies, deliberate efforts to mislead. We can examine the alternatives confronting the liar, and the excuses he gives. Which excuses not only mitigate and extenuate, but remove moral blame? And if we accept the excuses for some lies, do we thereby merely remove blame from the liar retroactively? Or are we willing to allow those lies ahead of time under certain circumstances? Could we, finally, recommend a practice of telling such lies whenever those circumstances arise—whenever, for instance, an innocent life is otherwise threatened?

We have already seen how often the liar is caught in a distorting perspective; his efforts to answer questions of justification can then show a systematic bias. His appeals to principle may be hollow, his evaluation flimsy. The result is that he can arrive at diametrically opposed weighings of alternatives and reasons, depending upon what he puts into the weighing process in the first place.

Justification must involve more than such untested personal steps of reasoning. To justify is to defend as just, right, or proper, by providing adequate reasons. It means to hold up to some standard, such as a religious or legal or moral standard. Such justification requires an audience: it may be directed to God, or a court of law, or one’s peers, or one’s own conscience; but in ethics it is most appropriately aimed, not at any one individual or audience, but rather at “reasonable persons” in general.*

Someone seeking moral justification must, in Hume’s words:

depart from his private and particular situation and must choose a point of view common to him with others; he must move some universal principle of the human frame and touch a string to which all mankind have an accord and symphony.¹

*See Virginia Held, “Justification, Legal and Political,” Ethics, 1975, 1-16. It is interesting to compare justification in law, ethics, and religion, from the point of view of what one is attempting to justify: an action, a choice, or an entire life? One can then compare these different types of justification also from the point of view of how it is thought to take place, why it is needed, before whom it occurs, and what results are envisaged: vindication, forgiveness, permission to proceed, or a slate wiped clean. For a penetrating comment on justification by faith in Paul, see K. Stendahl, Paul Among Jews and Gentiles (Philadelphia: Fortress Press, 1976), pp. 23-40.
Moral justification, therefore, cannot be exclusive or hidden; it has to be capable of being made public. In going beyond the purely private, it attempts to transcend also what is merely subjective. Wittgenstein pointed to these elements of justification in observing that “justification consists in appealing to something independent.” Many moral philosophers have assumed that such an appeal is of the very essence in reasoning about moral choice. John Rawls has set it forth most explicitly, under the name of *publicity*, as a formal constraint on any moral principle worth considering. According to such a constraint, a moral principle must be capable of public statement and defense. A secret moral principle, or one which could be disclosed only to a sect or a guild, could not satisfy such a condition.

Such publicity is, I believe, crucial to the justification of all moral choice. But it is, perhaps, particularly indispensable to the justification of lies and other deceptive practices. For publicity is connected more directly to veracity than to other moral principles. In ethics, publicity without truthfulness is mischievous and thus worthless. In addition, lies, inherently secretive, may call for submission to public justification more than openly performed problematic acts. Such acts are more likely to arouse controversy eventually, whereas lies, if they succeed, may never do so.

I would like to combine this concept of *publicity* with the view of justification in ethics as being directed to reasonable persons, in order to formulate a workable test for looking at concrete moral choice. It will be a test to weigh the various excuses advanced for disputed choices, and therefore for lies. Such a test counters the self-deception and bias inherent in the liar’s perspective. It challenges privately held assumptions and hasty calculations. It requires clear and understandable formulation of the arguments used to defend the lie—arguments which might otherwise have remained inchoate or seemed intuitively right without ever being questioned. Its advantages, moreover, are cumulative: the objectivity and ability to shift perspectives gained in each appeal to publicity carry over to subsequent ones. Basically, it is through the exercise of such appeals and the debates that they engender that a more finely tuned moral sense will develop.

The test of publicity asks which lies, if any, would survive the appeal for justification to reasonable persons. It requires us to seek concrete and open performance of an exercise crucial to ethics: the Golden Rule, basic to so many religious and moral traditions. We must share the perspective of those affected by our choices, and ask how we would react if the lies we are contemplating were told to us. We must, then, adopt the perspective not only of liars but of those lied to; and not only of particular persons but of all those affected by lies—the collective perspective of reasonable persons seen as potentially deceived. We must formulate the excuses and the moral arguments used to defend the lies and ask how they would stand up under the public scrutiny of these reasonable persons.

But exactly how is such a test best undertaken? Is the traditional appeal to conscience sufficient? Or, if there is to be more of a “public” involved, can it consist of just a few persons or need there be many? Need they be real or

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*The Golden Rule has a very powerful negative form, as in the Analects of Confucius:

Tzu Kung asked: “Is there any one word that can serve as a principle for the conduct of life?” Confucius said: “Perhaps... ‘reciprocity’: Do not do to others what you would not want others to do to you.”

See also Rabbi Hillel’s saying: “What is hateful to you do not do to your neighbour; that is the whole Torah, while the rest is commentary thereof.” (Babylonian Talmud, Order Moed, Tractate Sabbath, Section 31a. Translated by Rabbi Isidore Epstein, London: Soncino Press, 1958, p. 140). See, also, the Didache, Vol. I, p. 309.
can they be merely imagined? And what are the limitations of such a test? I shall take up these questions in turn.

Levels of Justification

The initial and indispensable first effort at weighing moral choice from a reflective point of view that is already somewhat “public” is familiar: it is to have recourse to one’s own conscience. Sometimes conscience is seen as another, and more exacting, self. But appealing to conscience often includes a confrontation with an inner judge as well. The judge may be an ideal one, perhaps even held divine; at other times, simply a commentator on one’s acts to whom one tries to justify one’s actions and beliefs. Seneca describes the appeal of such an onlooker in a letter to his friend Lucilius as follows:

There is no real doubt that it is good for one to have appointed a guardian over oneself, and to have someone whom you may look up to, someone whom you may regard as a witness of your thoughts. It is, indeed, nobler by far to live as you would live under the eyes of some good person always at your side; but nevertheless I am content if you only act, in whatever you do, as you would act if anyone at all were looking on; because solitude prompts us to all kinds of evil.¹

Some such method of personal soul-searching is undoubtedly necessary for even the most rudimentary moral choices. It is often all one can do. But it cannot be a sufficient guarantee that the conditions of publicity have been met. For while consciences can rage, they can also be very accommodating and malleable. Most often, those who lie have a much easier time in justifying their behavior so long as their only audience is their own conscience or their self-appointed imaginary on-

¹An interesting example of how such a process incorporates bias is to be found in Kant’s The Groundwork of the Metaphysic of Morals. Kant formulates the thought-experiment whereby one is to judge of particular duties: “Act as if the maxim of your action were to become through your will a universal law of nature.” He then proceeds to give four applications of this method that are not equally persuasive—to suicide, to borrowing money with a false promise of repayment, to neglecting one’s natural gifts, and to failing to help others.

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following example may illustrate the need to reach out for advice:

A newly elected high official was employing a "head-hunter" to find talented individuals to work for him. This "head-hunter," after locating good candidates for a position, had worked out a method for testing the strength of the recommendations provided. She wanted to make sure that these recommendations were not merely casually supportive. She therefore asked the colleagues of the candidates to respond to false statements about them and measured the strength of their protests. She might comment to them: "I hear X doesn't get along with his co-workers very well" or "People tell me X doesn't manage his affairs too competently" or "I understand X is not very innovative."

This "head-hunter" had no compunctions about her technique; on the contrary, she was proud of her new way to elicit accurate information. No inner guidelines troubled her; she felt no need to ask for justification. Yet had she asked others, it would not have taken long for someone to raise the very obvious moral problems implicit in such a technique.

The next "level" of public justification, then, goes beyond one's internal thought-experiment. Asking friends, elders, or colleagues for advice, looking up precedents, consulting with those who have a special knowledge in questions of religion or ethics—these are well-trodden paths which can bring objectivity, sometimes wisdom, to moral choices and lead to the demise of many an ill-conceived scheme.

Unfortunately, in the more difficult cases, where the stakes are high, such consultation is still insufficiently "public." It does not eliminate bias; nor does it question shared assumptions and fallacious reasoning. This is especially often the case, once more, in professional and powerful circles, where those who might object are not given a voice, and where those considered "wise"
can be those most likely to agree with the questionable scheme. There was collegial consultation, for example, in the decision to deny falsely that the United States of America was bombing Cambodia. And there was consultation before the adoption of a deceptive cover story for the Bay of Pigs invasion. Irving Janis has described the failures of such systems of consultation among the like-minded in foreign policy decisions:

The members' firm belief in the inherent morality of their group and their use of undifferentiated negative stereotypes of opponents enable them to minimize decision conflicts between ethical values and expediency, especially when they are inclined to resort to violence. The shared belief that "we are a wise and good group" inclines them to use group concurrence as a major criterion to judge the morality as well as the efficacy of any policy under discussion. "Since our group's objectives are good," the members feel, "any means we decide to use must be good." This shared assumption helps the members avoid feelings of shame or guilt about decisions that may violate their personal code of ethical behavior. Negative stereotypes of the enemy enhance their sense of moral righteousness as well as their pride in the lofty mission of the ingroup.

More than consultation with chosen peers is needed whenever crucial interests are thus at stake. Those who are in positions of trust should be accountable for lies affecting the welfare of others. The same is true for deceptive practices, even those, like placebos or lying to the dying, which seem harmless enough in each instance, yet are cumulatively damaging. How can "publicity" enter sufficiently into efforts to justify such choices and practices?

A third "level" of public justification is required here. At this level, persons of all allegiances must be consulted, or at least not excluded or bypassed. "Publicity" in this sense rules out the hand-picking of those who should be consulted. It is not so much a matter of whether many or
a few have access to the public justification, as that no one should be denied access. Naturally, the more complex and momentous the decision, the more consultation will be judged necessary.

We now have little public discourse about moral choice. It is needed in classes, in professional organizations, in government. It should be open, not closed to all but special interest groups. A good example of how it can operate at its best is to be found in the National Commission for the Protection of Human Subjects, established by Congress in 1974. It has examined very difficult, searing moral issues—of fetal research, psychosurgery, and the ethics of experimenting on prisoners, for example. Not only has it done so in complete openness, giving a chance for all views to be heard, but has arrived at conclusions in these difficult choices and, in so doing, has helped to shed light on much broader practices.7

There is great need for similar attention to issues of deception. If possible, such open discussion should take place before the initiation of the deceptive scheme, giving those to be deceived an opportunity to be heard. To do so is the only sure way of having the perspective of the deceived represented.

But is it not illogical to expect that those very persons lied to might be thus forewarned? Would this not eliminate any chance of the lie succeeding and thus rule out whatever benefit was hoped for? What is the use of prefacing a lie by consulting with those one plans to deceive?

Here we must distinguish, once again, between cases and practices. It would certainly be self-defeating to pref ace any one lie by consultation with the dupe. But it is not at all self-defeating to discuss deceptive policies beforehand, nor to warn the deceived themselves. For instance, in deceptive games, players obviously choose whether or not to participate. The same is true, as earlier mentioned, in those deceptive medical experiments where consent is required as a preliminary. Similarly, in the conduct of foreign policy, a national discussion of the purposes and limits of deception could set standards for allowable deception in times of emergency. Examples of past deceptions held necessary for national defense could be debated and procedures set up for coping with similar choices in the future.

What kind of consultation should be required beforehand? If consultation merely within an administration is inadequate, could federal judges or others be asked to give approval? And what degree of disclosure should be asked afterwards? How soon afterwards? The discussion of such questions publicly—in the press, in educational institutions, at public meetings—could use as examples different kinds of lies told as a matter of course by professionals.

Take the use of unmarked police cars. If a society has openly debated their use and chosen to allow it in order to lull speeders and others into false confidence, then those who still choose to break the speed laws will be aware of the deceptive practice and can decide whether to take their chances or not. Once again, while each deceptive act does not lend itself easily to public justification, nothing stands in the way of a public scrutiny of the practice.

Does the same hold true for more unsavory police practices, such as entrapment, where the police encourage a crime, often using decoys—in order to arrest and convict the criminal? Here, again, it is important not to bypass the requirement for publicity. So long as the deceptive element in entrapment is not recognized and balanced against possible alternatives and the reasons why its proponents think it necessary, we shall continue to have the present uneasy proliferation of troublesome practices haphazardly restrained by differing customs and regulations. What kind of society do we want to have?8 What deviations threaten communities so much that entrapment might be the only way out? Once such issues have been decided, however, there is nothing illogical or self-
defeating in the notion that publicity be given to deceptive practices and that dupes be forewarned.

The questions asked on page 93 about the nature of the publicity required for justifying lies can now be answered as follows. First, the "public" required for the justification of deceptive practices should ideally be wider than our conscience and more critical than the imagined audience, important though these are in their own right. If the choice is one of importance for others, or if, even though it seems trivial in itself, it forms part of a practice of deceit, then greater accountability should be required. Can the lie or the entire practice be defended in the press or on television? Can they be justified in advance in classrooms, workshops, or public meetings?

Second, there can be many or few in the public so addressed; but no one should be excluded from it on principle, least of all those representing the deceived or others affected by the lie.

If such issues were publicly addressed, then those who plan to enter professions where deceptive practices are common would have the opportunity in professional schools to consider how to respond before becoming enmeshed in situations which seem to require lying. They could confront hypothetical cases similar to many they will later encounter; articulate and weigh the reasons supporting the conflicting choices; and debate their strengths and weaknesses. A public test of this kind would remove the self-righteous belief in the unquestionable necessity for their lies on the part of those who operate with secret principles, fully trusting the blamelessness of their motives. And it would severely limit lies by professionals who believe that, as a group, they share a concern for the well-being of mankind which puts them beyond scrutiny.

The last question on page 94 asks about the limitations on this test of publicity. They are substantial. While the test is a useful check on bias and rationalization, and thus helps us go beyond our immediate intuitive judgments, it is no more than a check. It is obviously of no avail in situations where the opportunity to reflect and to discuss is absent, as where immediate action is required. Nor does the test work well in moral quandaries which have no good answer, given our limited information, powers of reasoning, and foreknowledge.

These two limitations can be reduced in scope: the test can be used in advance to consider what to do in situations where there will be no opportunity to reflect or to discuss; and it can help us to work out modes of response even to those circumstances where uncertainty prevents a clear choice to emerge as the best one—who is to decide at such times, for instance, and how. In this way, the process of consultation and discussion can push back the frontiers of the moral problems now thought too urgent or too difficult for reasoned consideration: limit them, and show that they are fewer in number than we think.

The test, finally, does not work well when there is a question about just how "reasonable" the available public actually is. One may even ask whether any public can be reasonable enough. This question is a crucial one for my scheme of applied publicity.

It is obviously impossible to be sure that the audience by which the choices of deception and truth-telling are discussed will be unbiased, let alone "reasonable" in any higher sense. Much has been written about the "tyranny of the majority." A shadowy gathering of imagined reasonable persons is one thing; the public in flesh and blood quite another. I have shown how an appeal to the former can be biased and incomplete; must I not recognize similar or worse defects in the latter? Surely such a public can persecute and oppress in a way the shadowy ones cannot.

This objection is extremely important, but it matters only for certain kinds of deception, for no public can discriminate against dupes in general without also discriminating against itself. When asked, therefore, whether lies to save a life or lies to repay a lie should be
undertaken, members of any public can readily be made to share the perspectives of both liar and dupe. Because lying and being lied to are such universal experiences, mere publicity, without too much concern over the composition of the public, often suffices.

But as soon as the question becomes one of deceiving, not just any random person, but members of identifiable groups—then the composition of the public becomes crucial. Whether to lie to the incompetent, to children, to persons considered religiously, politically, or sexually deviant by the majority—such questions invite biased responses. An inflamed and threatened public can be unreasonable in the extreme. The more unlikely it is that the public will ever share the predicament of the deceived, the more difficult the shift of perspectives becomes, and the more bias can creep into the evaluation.

The composition of the public, under such circumstances, must be looked at with care. In the chapters dealing with lies to such definable groups, as, for example, lies to the sick and the dying, I make suggestions to meet this problem. In all group conflicts, a shift in perspectives which might permit identifying with the predicament of the opponent is difficult for many. It takes a conscious effort of the imagination and strong institutional incentives.

Apart from lies to members of these groups, the shift is easier to make. We are all too easily aware of having been both liar and dupe, agent and person affected. In spite of the fact that this shift of perspectives is so rarely performed when moral choice to lie or to tell the truth is at stake, the publicity given to such a choice would require its performance.

The test of publicity is not always needed; where needed it cannot always be implemented; if implemented it does not always bring forth solutions to moral quandaries. Given these limitations, it can nevertheless reduce the discrepancy of perspectives, shed light on moral reasoning, and facilitate moral choice.

Caution and Risk-taking

What steps does public justification require? What might reasonable persons do, when presented with someone’s excuses for a particular lie? If they were asked to judge the degree of justification for, say, a practice of entrapment, how would they go about seeking an answer?

They would, first of all, look carefully for any alternatives of a non-deceptive nature available to the liar, for reasons explained in Chapter II. Assuming that lies always carry a negative value, they would only begin to consider possible excuses after ascertaining that no statement devoid of that negative value would do.

In the second place, they would proceed to the weighing of the moral reasons for and against the lie. In so doing, they would share the perspective of the deceived and those affected by lies. They would, therefore, tend to be much more cautious than those with the optimistic perspective of the liar. They would value veracity and accountability more highly than would individual liars or their apologists.

In weighing the moral reasons, the excuses advanced, and the principles invoked, these persons would keep in mind the analogy between the use of force and the use of deception. Both, in their view, would be acceptable when consented to, given certain restrictions. The consent would have to be based on adequate information and ability to make a choice; and there would have to be freedom to opt out of the violent or deceptive situation. Where such informed and voluntary consent obtains, there is no longer a discrepancy of perspectives between liar and dupe, agent and victim. Deceptive bargaining in a bazaar, for
instance, where buyer and seller try to outwit one another, would present few problems to these reasonable persons. The same is true of professional boxing matches. But deception can be justified in such situations only if they are knowingly and freely entered into, with complete freedom to leave. The naïve newcomer may not be informed; many others have little genuine free choice; and if the practice is known to be deceptive yet entered into for survival, as in the case of a widespread black market, there is no longer freedom to leave.

Both violence and deception, moreover, would be more acceptable to these reasonable persons when used for the purposes of self-defense or life-saving. Finally, both would be more excusable the more trivial their effect on others.

But under all circumstances, these reasonable persons would need to be very wary because of the great susceptibility of deception to spread, to be abused, and to give rise to even more undesirable practices. The third step in their debate, therefore, would have to look beyond the individual excuses brought forth by liars and the individual counter-arguments on behalf of dupes. Here, the importance of practices would be stressed, and the harm to persons quite outside the deceptive situation considered. Spread multiplies the harm resulting from lies; abuse increases the damage for each and every instance. Both spread and abuse result in part from the lack of clear-cut standards as to what is acceptable. In the absence of such standards, instances of deception can and will increase, bringing distrust and thus more deception, loss of personal standards on the part of liars and so yet more deception, imitation by those who witness deception and the rewards it can bring, and once again more deception. Augustine described the process thus:

[... ] little by little and bit by bit this will grow and by gradual accessions will slowly increase until it becomes such a mass of wicked lies that it will be utterly impossible to find any means of resisting such a plague grown to huge proportions through small additions.⁹

Reasonable persons might be especially eager to circumscribe the lies told by all those whose power renders their impact on human lives greater than usual. And they would wish to set up the clearest possible standards and safeguards in order to prevent these and other liars from drifting into more and more damaging practices—through misunderstanding, carelessness, or abuse.

The concern to counteract spreading practices of deception would lead these reasonable persons to opt for accountability wherever individuals now exert influence over others in ways for which they cannot be held to task. Their marked caution would be reinforced by attention to the practices of deception rather than to the individual instances alone.

Emphasis on either case or practice at the expense of the other deprives one of insight. It leaves human choice without texture or depth. Thus the reasonable persons should maintain to the best of their ability a dual perspective on both cases and practices, in addition to the dual perspective of liars and deceived. At times they might take precautions against a practice by refusing to justify it, while considering some individual instances as excusable. And at all times they have to look at the individual lie from the point of view of the likelihood that it might give rise to others.

Such, then, are the general principles which I believe govern the justification of lies. As we consider different kinds of lies, we must ask, first, whether there are alternative forms of action which will resolve the difficulty without the use of a lie; second, what might be the moral reasons brought forward to excuse the lie, and what reasons can be raised as counter-arguments. Third, as a test of these two steps, we must ask what a
public of reasonable persons might say about such lies.

Most lies will clearly fail to satisfy these questions of justification. But what lies might actually satisfy them? The chapters which follow will take up some kinds of lies often regarded as justified by the liars themselves. I shall do no more than begin to explore them.