

PARMENIDEUM

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The Truth About Lying:

Christine Korsgaard on Acting in the Face of Evil

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The question at hand is when, if ever, it might be permissible to lie. Christine Korsgaard, in *Creating the Kingdom of Ends*, takes up this question by examining Kant's famous example of a murderer coming to the door and asking to see the master of the house. The servant, in the imagined scenario, knows that the caller has murderous intent but the caller does not know that she knows this. Should the servant lie, thus perhaps saving a life? Or is the Kantian prohibition against lying so strict as to exclude it even in a situation that, *prima facie*, seems to demand prevarication on moral grounds? Korsgaard's intention is to defend Kant against charges of an excessive rigorism: that he clings to an absolutist prohibition in the face of moral decency. She will argue that on the first formulation of Kant's Categorical Imperative (or moral law) it is in fact permissible to lie in this case; that on the second and third formulations of the same law it is impermissible; but that nevertheless, there is consistency in Kant's position if we interpret it carefully. My intention is to show that Korsgaard is wrong: however much she would like to manipulate Kantian theory to provide for a more intuitively appealing outcome to the scenario, the simple fact is that for Kant lying is morally wrong in all cases, and that his rigoristic stance on this is indeed the correct one. I will demonstrate that Korsgaard's reading of the first formulation of the moral law is simply false, and, further, that her development of the notion of special circumstances that apply in the face of evil (of which lying is an instance) is a misinterpretation of Kant's purpose in describing the ideal of a Kingdom of Ends.

To begin with, let me offer a couple of cautionary notes. First, I will restrict my discussion of the permissibility of lying to an analysis of Kantian moral theory, and in so doing will take as given for the purposes of argument that Kant's theory is at least plausible if not wholly correct. Of course, there are other normative accounts that may achieve a different outcome to the question at hand (consequentialists, for instance, would find lying easily permissible if it benefited the greater good). But it exceeds my brief here to *also* provide a general defence of Kant's normative ethic. Readers who find Kant's position repugnant will not be persuaded from the start; but in consideration of its influential status as the cornerstone of all later deontological moral theories, there is good reason to consider how

lying fares under his treatment. Only if we can be clear about *this* can we then proceed to a comparison of his position with others.

Second, a word needs to be said about the famous scenario itself, which appears, not in his *Groundwork* but in a later essay entitled “On the Supposed Right to Lie Because of Philanthropic Concerns”¹. Of course, many will argue, the example is highly artificial (How many murderers simply ring the doorbell? Why is the servant placed in an either/or situation when there are numerous other options for action available? What if the servant didn’t know the caller was murderous? And so on). It has been suggested that one of the weaknesses of analytic moral philosophy is the implausibility and two-dimensionality of the cases it provides, and with this I generally agree². Lived situations are more complex and nuanced than an example within a purely conceptual framework, and we are rarely faced with the kind of stark choice which we find with this lying case. However, Kant’s example here, as his examples in the *Groundwork* (of false promises, suicide, the duty to aid others, and so on) are, on my reading, meant to be merely *illustrative* rather than to carry the weight of the argument itself and can be substituted for others, provided that the moral dilemma at hand is clear (and that we are faced with moral dilemmas in our lives is beyond question). Korsgaard’s position, for instance, relies upon how she “imagine[s] the case” to be³: that the murderer “must suppose that you do not know who he is and what he has in mind” (136) but that nevertheless you *do*. This may or may not be how Kant had originally constructed the scenario, or how we might prefer to imagine it. But I do not think that

¹ This essay first appeared in 1799 in *Berlinsche Blätter* (*Berlin Press*), fully 14 years after his publication of the *Groundwork of the Metaphysics of Morals*, his first articulation of his moral philosophy.

² See, for example, Martha Nussbaum, in “Finely Aware and Richly Responsible”, who argues that the kind of moral perception we need to make reasoned decisions can best be shown in literature. It “could not be shown in any abstract philosophical prose, since it is so much a matter of learning the right sort of vision of the concrete. It could not be shown well even in a philosopher’s example, inasmuch as an example would lack the full specificity, and also the indeterminacy, of the literary case, its rich metaphors and pictures, its ways of telling us how characters come to see one another as this or that and come to attend to new aspects of their situation”. In *Philosophy of Literature: Contemporary and Classical Readings*, eds. Eileen John and Dominic McIver Lopes, Blackwell Publishing, 2004: 329-340; p.337.

³ Christine Korsgaard, *Creating the Kingdom of Ends*, Cambridge University Press, 1996, p.136. References hereafter will appear in parentheses in the text.

Korsgaard's position—or Kant's, or mine—rests on the formulation of the example she uses, nor do I think that reconfiguring the scenario itself will make or break Korsgaard's argument (or Kant's or mine). Granted that we are working with an artificial case, the question remains whether lying is ever permissible—in any circumstance—and given that Kant's moral theory rests on *a priori* grounds, the *facts* of the matter should have no bearing whatsoever on the conclusions we arrive at. Thus for the sake of argument, I will accept Korsgaard's reading of the murderer scenario because I do not think that anything is riding upon it *per se*. Kant did not intend that his notion of duty could change on a case by case basis, so the reader is in fact quite free to re-imagine this situation—or provide another one—as a way of illustrating the point at hand. With these caveats, I can begin.

1. *The Universal Law.* Kant's primary statement of the moral law is as follows: "I ought never to act except in such a way that I could also will that my maxim should become a universal law"⁴. This law is purely formal (ie: it has no particular content) but nevertheless is meant to "determine the will" (p.14), or serve the will "as its principle" (p.15) when we deliberate about what actions could be considered morally obligatory, or prohibited, or permissible. That is, this law is a formula, that tells us *how* to determine whether any given proposed action is moral. Kant provides an example to illustrate the operation of the law by considering whether it is permissible to make a false promise. He writes:

to inform myself in the shortest and yet infallible way about the answer to this problem, whether a lying promise is in conformity with duty, I ask myself would I indeed be content that my maxim (to get myself out of difficulties by a false promise) should hold as a universal law (for myself as well as for others)? And could I indeed say to myself that everyone may make a false promise when he finds himself in a difficulty he can get out of in no other way? (p.15)

Because Kant's moral law is a rational *a priori* principle, it has the qualities of necessity and universality: what is moral must apply to everyone equally and its "ought" must command us categorically — with necessity — else

⁴ Immanuel Kant, *Groundwork for the Metaphysics of Morals*, ed. Mary Gregor, Cambridge University Press, 1998, p.15. References to this work will hereafter appear in parentheses in the text.

morality would be merely optional. Morality is meant to furnish us with imperatives or laws, and this is why Kant designates the moral law as providing a categorical imperative: “for only law brings with it the conception of an unconditional and objective and hence universally valid necessity, and commands are laws that must be obeyed” (p.27).

To determine whether a proposed action is moral, then, is to see whether we could universalize that action as a law for everyone. In this case,

I soon become aware that I could indeed will the lie, but by no means a universal law to lie; for in accordance with such a law there would properly be no promises at all ... and thus my maxim, as soon as it were made a universal law, would have to destroy itself (p.15).

With false promises, if we universalize this proposed action we find it results in a contradiction: one would be unable to make a false promise because if everyone did, “no one would believe what was promised him but would laugh at all such expressions as vain pretences” (p.32). The very notion of promising would thereby be destroyed, and promises would not just be impossible but actually inconceivable. And for this reason, we must reject the proposed action as impermissible.

When we apply this “Universal Law Formulation” of the categorical imperative to the murderer scenario, Korsgaard claims we will find that it is indeed permissible to lie to the murderous caller at the door. Lies in general, like false promises, cannot be universalized because they achieve their purposes by deception and “if they were universally practiced they would not deceive” (p.136). The efficacy of lies depends upon the fact that most people tell the truth most of the time, and so can only be performed by someone who makes himself an exception to the more common practice of truth telling. If we attempt to universalize lying as a practice, we destroy the notion of truth, or the common practice of generally believing what people say to us, and the result is as much a contradiction as in the case of false promises. In the imagined scenario, however, Korsgaard claims that “the lie will be efficacious even if universally practiced” because the murderer supposes that we “do not know who he is and what he has in mind” (p.136) (remember that in her construal of the case we *do* have this knowledge). If we construct a maxim of the sort that ‘it is universally permissible to lie to murderers at the door’, it will not result in a contradiction for the simple reason that murderers who come to the door generally do not suppose that we know them to be murderers and so do not conclude from the fact that

people in these situations always lie that *you* will lie here and now. Even if we published this maxim as a law in the press and all potential murderers read it, it could still be universally practiced because it depends on us lying only when we know we are faced with a murderer who at the same time does not know he has been unmasked (else he wouldn't have rung the doorbell in the first place). Korsgaard states this universal maxim more broadly as “[i]t is permissible to lie to deceivers in order to counteract the intended results of their deceptions”—or, it is all right to lie to liars. And the reason she provides is that the “deceiver has, so to speak, placed himself in a morally unprotected position by his own deception” (p.137).

But Korsgaard is wrong to conclude that lying in this case is permissible on the grounds of both the Universal Law formulation itself, and because of its relation to the second and third formulations as we shall see in a moment. Let us look more closely at Kant's notion of an imperative to make this initial case. He distinguishes between imperatives that command “hypothetically” and those which command “categorically”. Both are “formulae for the determination of action” (p.25) but only one can be considered moral. Hypothetical imperatives, he writes, “represent the practical necessity of a possible action *as a means to achieving something else* that one wills” or desires (p.25, my italics). In these cases “the action would be good merely as a means to *something else*” (p.25) but would not be good or right in itself. Its goodness is determined by whether it is efficacious in achieving the end goal that one seeks, and for no other reason. On this basis, we can see that a great many actions may be ‘good’ insofar as they allow us to achieve our goals or bring about the results we want, but this cannot make them morally good because it would license any number of immoral acts on the grounds of their mere efficacy. Further, they cannot be universalized because they are context-specific, or formed *a posteriori* based upon contingent circumstances and individual agents’ goals. Having the form ‘if you want *x* you must do *y*’, hypothetical imperatives depend on an agent’s actually wanting to achieve *x* which is a contingent matter and not universal (it is hardly the case, for instance, that all servants wish to save their masters’ lives!).

Categorical imperatives, by contrast, represent “an action as objectively necessary of itself, without reference to another end” (p.25); in this case they represent an action as “in *itself* good” (p.25). And for a deontological theory that disregards the consequences of actions as morally irrelevant, it is with these imperatives that the moral good lies. Kant seeks to delineate which actions are good *tout court*, or unconditionally good, where

their goodness does not rely upon any external factors such as desires or circumstances. What is right is not what leads to a hoped-for outcome, but is what we simply ought to do *because* we ought to do it. And the moral law is intended to help us discern what these obligations are.

If we consider Korsgaard's reading of the murderer scenario, we find that she has mistaken these two kinds of imperatives. She claims that it is permissible to lie to deceivers 'in *order to counteract* the intended results of their deceptions', or to achieve the end that we desire, namely the saving of the life of the master of the house. But while the end may be laudable—a potential life saved, after all—on Kant's view this end can never provide *moral* justification for the means employed to achieve it, and does not sanction that means as itself a moral act. We all know intuitively that there may be actions which are 'necessary evils' that we may be willing to perform for some greater good, including lying in this case. But Kant's point is that we should not fool ourselves into thinking that the end we seek justifies or condones the means we use to reach it: a necessary evil remains an evil, no matter what benefits it may bring about. Korsgaard may *want* to lie to the murderer at the door—as may we all—but she will have a hard time convincing Kant that her act was *moral* because she has conceived of it as a hypothetical imperative. Thus I contend, *pace* Korsgaard, that on the first formulation of the moral law, lying remains impermissible.

There remains something unsatisfying in all this, however; surely what makes an act impermissible cannot be *only* that it would create a logical or practical contradiction. While being universalizable may be necessary for an act to be moral, it hardly seems sufficient to explain what our duties and prohibitions actually are. A purely formal law seems in important respects to be empty. Kant was well aware of this, and responded with two more, and fuller, formulations of the categorical imperative. In her consideration of these, Korsgaard makes a more sophisticated argument in favour of the permissibility of lying that is no less spurious than her first, and I will turn to these now.

2. *Humanity as an end in itself.* While the universal law formulation tells us *how* to determine which acts are obligatory or permissible (or prohibited), it does not tell us *why* we should use it. The second formulation of the moral law, or the 'Law of Humanity' is intended to answer this further question. Of the many things that we may desire, their value largely comes from the fact of their being desired, and not from their being intrinsically desirable on their own terms. Wealth, for example, power, or any number of material objects would have no value if people were not

drawn to pursue them (and our desires for these things lead us to formulate hypothetical imperatives to attain them). Kant notes that “objects of the inclinations have only a conditional worth; for, if there were not inclinations and the needs based on them, their object would be without worth” (p.37) and we would not pursue it. By contrast, if there were something “the *existence of which in itself* has an absolute worth, something which as *an end in itself* could be a ground of determinate laws; then it, and in it alone would lie the ground of a possible categorical imperative” (p.36). Only something that has absolute and intrinsic value can act as the foundation of moral law, or give us the reason *why* we must act upon our perceived duty. And Kant finds this in the human being “*as a rational being*” (p.37). Only *we* are ends in ourselves, never means to some other desired end. Only *we* have intrinsic moral worth insofar as we are “persons”, or have the faculty of reason (p.37). And that we have intrinsic or unconditional worth that is not conferred on us by an external means gives us a dignity and value that is unique: we are ends in ourselves and because of this can never be merely the means to some other desired end.

From this insight, Kant constructs the second formulation of the moral law: “so act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (p.38). The reason why we have certain duties and prohibitions is because of the unassailable worth of human beings. And the reasons why the universal law formulation is an adequate calculus is that it will prohibit any act that treats another person as a mere means to our own ends, or that devalues their intrinsic worth. Kant writes of the false promise that,

He who has it in mind to make a false promise to others sees at once that he wants to make use of another human being *merely as a means*

and,

It is obvious that he who transgresses the rights of human beings intends to make use of the person of others merely as a means, without taking into consideration that, as rational beings, they are always to be valued at the same time as ends (p.38).

Respecting someone as a rational being also means respecting their right—and ability—to make their own decisions about their lives and their actions. To make a false promise to someone is to take this right and ability away

from them, to manipulate them or use them as a tool for personal gain: it is to deny their intrinsic value as equal to your own.

If we apply this formulation to the case of lying, we will find that it is never permissible because it violates the inherent dignity and worth of another person. Korsgaard writes that coercion and deception, as qualities inherent in lies, “involve attempts to take other people’s decisions out of their own hands, to manipulate their wills for one’s own ends”⁵. Because of this, “coercion and deception are the most fundamental forms of wrongdoing to others—the roots of all evil” (p.140). Lying, then, even for the laudatory aim of saving someone’s life, can never be morally permissible because it places its victim in the position of a means, or tool, to be used and manipulated in the cause of achieving some other end of our own devising and does not permit them to choose, or act upon their *own* reasons in any given circumstance. Korsgaard is quite clear that, on the second formulation of the categorical imperative, lying to the murderous caller would never be permissible. She states that “we must tell the truth so that others may exercise their own reason freely—and that means that, in telling them the truth, we are inviting them to reason together with us” that is, that we are treating them as rational beings with intrinsic worth (and reasoning abilities) of their own.⁶

The formula of humanity provides a deeper and more fundamental reason for prohibiting lying, as a form of deception and coercion. And on its basis, it seems clear that whatever putative universalizability for the lie that was found under the first formulation, it cannot hold once we understand the reasons for using the calculus in the first place. This makes it even more striking that Korsgaard would *still* seek to make the case that lying in this instance is morally right. Her claim hinges on the reasons she provided earlier: that the liar has ‘placed himself in a morally unprotected position by his own deception’. Korsgaard envisions circumstances in which the law of humanity does not apply to certain individuals *because* they are engaged in evil. And at these times, we do not have a duty to treat them as ends in themselves, or they in some sense relinquish the unconditional value that would normally be accorded them. Let us turn to this further argument.

3. *The Kingdom of Ends*. Korsgaard constructs her argument by considering Kant’s third formulation as a consequence of the second. The

⁵ Christine Korsgaard, “Introduction”, *Groundwork of the Metaphysics of Morals*, op.cit., p.xxii.

⁶ *Ibid.*, p.xxiii.

Kingdom of Ends is Kant's vision of an ideal human community in which people treat each other as ends and reason together about what they ought to do. It is a "systematic union of various rational beings through common laws" (41), an ideal democracy, if you will, where we are freely bound by the laws that we ourselves have legislated. Kant writes,

A rational being belongs as a *member* to the kingdom of ends when he gives universal laws in it but is also himself subject to these laws. He belongs to it *as sovereign* when, as lawgiving, he is not subject to the will of any other (41).

That is, I cannot legislate a maxim that would be inconsistent with the law of humanity, or that would treat others as means to my own end. The laws of this kingdom, Korsgaard notes, must be "the laws of freedom, both because it is the work of free citizens to make their own laws, and because the content of those laws directs us to respect each citizen's free use of his or her own reason"⁷. In this kingdom we are each master and servant simultaneously, governing ourselves and each other by universalizable laws on the basis of the formula of humanity, or the notion of human dignity and unconditional worth. If lying is impermissible under the second formulation, it should equally be impermissible here, with the aggregation of individuals into a society that operates collectively according to the same obligations that impinge upon us separately.

But Korsgaard does not interpret Kant in this way, and her reasoning hinges upon her claim that this community is *ideal*. She contends that it is consistent with Kantian theory to also hold that "morality itself sometimes allows or even requires us to do something that from an ideal perspective is wrong". The Kantian ideal, for Korsgaard, shows us that "we need special principles for dealing with evil" (135), such as in the case of lying. Her argument in essence is this: the universal law formulation (which for her permits lying in our scenario) and the formulae of humanity and the Kingdom of Ends (which do not) are not inconsistent and do not express disparate moral positions. Instead, the latter represent both a moral ideal "to live up to in daily life *as well as* a long-term political and moral goal for humanity" (153 my italics). But, she asserts,

⁷ *Ibid.*, p.xxv.

It is not feasible to always live up to this ideal, and where the attempts to live up to it would make you a tool of evil, you should not do so. In evil circumstances, but only then, the Kingdom of Ends *can become* a goal to seek rather than an ideal to live up to (p.153, my italics).

Korsgaard claims that there are legitimate circumstances when the second and third formulations of the moral law should be put on hold, or considered a goal toward which we strive but which at present cannot be realized. In these cases, she claims that the universal law formulation takes centre stage as the ‘real’ moral law in non-ideal situations, such as when we are confronted with evil. When we are subject to the will of another we cannot *be* legislators in our community; when we are not free, we cannot draft laws of freedom. Thus “lying to a liar is a form of self-defence” (p.144) because the liar is trying to use your honesty as a tool for evil. In such a circumstance, “you do not have to passively submit to being used as a means” (p.144), although whatever you do must still be universalizable to be permissible. The murderer has placed himself outside of moral protection by having evil intent, and by attempting to subject us to his will. In this case, we can fight back—the laws of the Kingdom of Ends are held in abeyance—and we can, in fact must, lie to him to counteract his evil and work towards the goal of achieving the political good.

This position is tantamount to drawing up rules for times of war, and Korsgaard cites Kant’s *Metaphysical Principles of Justice* as arguing that “the highest political good [the Kingdom of Ends] can only be realized in a condition of peace” (154). At other times peace functions “not as an uncompromising ideal to be lived up to in the present, but as a long-range goal which guides our conduct even when war is necessary” (154). She asks, “if a Kantian can hold such a view for the conduct of nations, why not for that of individuals?” (154) and argues by analogy that confrontation with a murderer is a specific instance of the genus of evil that is characterized as war.

4. *The Case Against Lying*. I do not deny that Korsgaard’s position has a certain amount of intuitive merit: self-defense, we would nominally agree, is a basic human right and situations of war or great oppression do seem to legitimize often radical responses in the name of some greater good, or at least in the name of counter-acting the oppression itself. But her arguments in defense of Kantian moral theory do not stand up to closer scrutiny. And if she is wrong about Kant’s position, not only has she failed

to justify lying but she leaves open the possibility that Kant's rigorism may indeed have been correct all along. I will iterate my objections to her position in reverse order, beginning with the third formulation of the categorical imperative and moving back towards the first, and the place where this paper began.

(i) To begin with, this lying scenario is not a case of *self-defence* but of the defence of another—the intended murder victim. The servant is not lying to save her own life, which on Korsgaard's rendering of the example is not in danger, but to save the life of her master. At first glance, the claim of self-defence is a non-sequitor. However, if Korsgaard wishes to claim that we can defend ourselves against lies at any time on the ground that they *are lies*, she has stretched the definition of self-defence to the breaking point. She is envisioning a radically retributive world, where we can lie to all liars, murder all murderers, steal from all thieves and so on. Not only do I not believe that this is her intention, or Kant's intention, but this makes a mockery of the idea of having moral laws in the first place. Morality is meant precisely to keep us from descending into the state of vengeance that her position allows for.

Further, even if it is morally permissible to defend ourselves against liars, for instance, or intended murderers, on the grounds that these actions are forms of evil, nothing in Korsgaard's argument provides for or defends the *form* this self-defence may take. That is, even if we grant that she is correct to claim that we are permitted to act to mitigate the evil with which we are confronted, she has provided no argument to support the position that this action must be of *the same kind* as the original evil act. The notion of self-defence does not entail in any way that the defensive action mirror the offensive one, or that the correct response to the liar is to lie. Telephoning the police could equally be construed as a defensive act that serves to mitigate the evil the servant is presented with: not only would it be universalizable but it would be morally unproblematic on any of the formulations of the categorical imperative. Thus even if we accept Korsgaard's imagination of the scenario *and* we accept her arguments for special circumstances in the face of evil, there are still no grounds to *also* accept that lying is the appropriate response in this case unless we agree to some unacknowledged retributive position which has not been made clear.

(ii) In her analogy to the rules of war Korsgaard relies on an undefended stance in favour of just war theory. At the very least, she must provide an independent argument as to why war is ever justifiable or, in her terms "necessary", in order to substantiate why lying is justifiable on these

same grounds. This she has not done, beyond her reference to self-defence. But just war theory does not only use the notion of self-defence to ground its claims to the legitimacy of waging war, and the onus is on Korsgaard to explain why self-defence is the only or the primary criterion for the justification of lying. She must further defend her assumptions in this analogy that (a) war is a form of evil to which we have a duty to respond; (b) lies or murder are equivalent forms of evil, or at least evils of the same kind if not degree; and (c) the political laws that govern nations are the same as those which govern individuals within them.

The last requirement may be most easily met, if we see that the law of humanity is simply writ large in the Kingdom of Ends. However, Korsgaard is happy to relinquish political obligations and maintain individual ones in the guise of the universal law formulation, thus suggesting that individual obligations stand when political ones fall. Yet laws in the Kingdom of Ends must *also* be universalizable, and if they can be superseded in times of war (or in the face of evil) why can they also not be superseded in the face of specific forms of evil that individuals face? The three forms of the categorical imperative are cumulative: the first one must be utilized in the second; the first and second in the third. Korsgaard appears to reverse this conceptual order to make an unwarranted slide from the national to the individual level in terms of what is obligatory or permissible, (or which formulations are binding), and she does not defend the assumptions about kinds of evil on which her analogy relies.

(iii) Korsgaard's interpretation of the Kingdom of Ends as a political goal rather than a moral ideal in fact renders it a desideratum that is subject to a hypothetical imperative: if we want *x* (an ideally democratic society) then we must do *y* (fight evil with evil). As such, the reasons to defend the desideratum are *not themselves moral reasons*. They are contingent rather than necessary, based upon our desires, and so cannot be either individually or collectively binding. What Korsgaard must provide—and which she has failed to provide—is some set of independent moral reasons for which the Kingdom of Ends can become a political goal rather than a moral obligation. That is, she must explain the defeasibility of one set of obligations in the face of another. Yet nowhere in his moral philosophy does Kant suggest that our duties have only *prima facie* force which can be overridden by others in certain circumstances, or for some higher moral goal. One of the main objections to Kant's rigorism is just that he does not allow for the potential conflict of duties that we may face. Korsgaard, rather than taking on this objection and refuting it, sneaks it in by the back door, if

you will, and suggests that the defeasibility of duties is part of Kant's actual position, when indeed it is not.

(iv) The question must be asked as to how *else* we could realize the Kingdom of Ends *except* by living it, or enacting it in our daily lives. It seems contradictory to suggest that we could attain an ideal society by actions that run against the very ideal we seek to achieve. Sadly, as we see in contemporary geo-politics, this contradiction is in play more often than not. But Korsgaard's interpretation of the Kingdom of Ends as a political goal in fact renders Kant's theory a utilitarian rather than a deontological account of the good: the means, for Korsgaard, justify the end, even when they run counter to what the end should comprise. There is no compelling argument here to convince me that the ideal society can be achieved *other* than by enacting that very ideal: we are a democracy only when and for as long as we act democratically. We are honest only when and for as long as we tell the truth. The Kingdom of Ends functions as an ideal only because all of its citizens are equally members and legislators, commanding and obeying its laws simultaneously. To suggest that this ideal can be achieved by other means is to approach a parody of the Kantian project.

Here, as with my earlier objections, we must allow for the possibility that Kant's theory is simply wrong, and that on consequentialist grounds lying is permissible as a means to some other end. But that is to abandon the Kantian position altogether, whereas Korsgaard's stated intention is to retain and even defend it. But this is not the way to do so, as we are left with something that is all but unrecognizable on her account.

(v) If we move back from the third formulation to the second, we find Korsgaard's problems multiply. The formula of humanity *is* the basis for the Kingdom of Ends, which in turn is an aggregation of the duties we have to other individuals and ourselves. But the basis of the formula of humanity is that we as persons have unconditional worth: how can we relinquish what is unconditional for some other reason? This is a conceptual error, as Korsgaard's argument makes human worth *conditional* upon some other goal. Korsgaard's position amounts to saying that on conditional grounds (a political goal) we can suspend unconditionality, or on moral grounds (self-defence in the face of evil) we can suspend morality. But for Kant, this is precisely what we can never do: as we have seen, only if there is something "the *existence of which in itself* has absolute worth" (36) can we ground the moral law. This is the cornerstone of his position, and if we relinquish it, we have no reason to act morally at all. There *can be* no other moral grounds than this one. Thus I take Kant literally when he claims that

we can *never* use another person as a means because the unconditional worth of humanity is the foundation and guide for all our moral deliberations. Not only is this the only way to achieve the Kingdom of Ends, but it is the only reason to act morally at all.

Korsgaard herself has noted that deception and coercion are the root of all evil precisely because these acts take away our right and ability to exercise our faculty of reason, which is what, for Kant, grants us the value that we have. On my reading of Kant, we can never be in a “morally unprotected position” as Korsgaard claims (137), because no action of ours can strip us of what is our intrinsic worth, and the basis of our inalienable right to be treated at all times as ends rather than means. This does not mean that we cannot be punished for our wrong-doing, or that we get a ‘free pass’ no matter our actions. But it does mean that we can never be used as a means for some other end — such as a deterrent to future crimes, or as a pawn in a political game, or as a means to combating evil—because, again, our unconditional worth is the only reason that justifies any action as moral at all. The consequence of this is not only that lying would devalue the servant, as a means to the end of combating evil, but it would *also* devalue the murderer as it similarly uses him as a means to our own goal rather than treating him as an end in himself. And on Kant’s view, while we may try to stop him, we must maintain that the murderer is a rational person who therefore has unconditional worth. We might wish to strip him of this value but we *cannot*, either by lying to him, or physically harming him, or killing him to protect others from his intent.⁸

(vi) This leads me to my final objection to Korsgaard, and the relation of the second formulation to the first. I note in passing that, if, as I have argued above, I am correct that lying cannot be universalized, there are no grounds whatsoever for Korsgaard’s contention that it is permissible. Lying to the murderer, I have claimed, is a hypothetical imperative and thus outside the scope of morality for Kant. But even if we grant Korsgaard’s claim that lying in this case *can* be universalized, her victory is pyrrhic at best. To claim permissibility *only* on the first formulation of the moral law remains an empty assertion: this tells us *how* to discern our duties but does not tell us *why* we have them or should act upon them. The universal calcu-

⁸ Of course, if the murderer is irrational, or a psychopath of some sort, this may change the nature of our duties towards him, from stopping him to in fact protecting him from himself and others. I leave this aside because in Korsgaard’s imagination of the scenario the murderer is quite rational, if having evil intent.

lus, as purely formal, does not on its own give us moral reasons to choose one act over another: that is the purpose of the law of humanity. Why would we universalize our maxims *unless* there was a reason they should apply to all people? Why would the failure of universalizability keep the servant from lying unless it had some more profound grounding? Without the law of humanity we have no reason *to be* moral; without some greater constraint on our will, lying, as much as any other act, would seem a plausible option, and that it might not be universalizable would not deter us from using it to achieve our other (hypothetical) aims. But once we invoke the law of humanity, we find that we are obligated to treat the murderer as having unconditional worth, as well as regarding ourselves in the same way. And given its strictures, mere lack of practical or logical contradiction provides no guide to justify our proposed action.

Thus the cornerstone of Kantian theory resides in the formula of humanity: it grounds both the first and third forms of the moral law. And if it is infeasible, then in no way can we treat others as mere means: we simply may not lie, ever. Of course, we simply may not murder, either: the caller as much as the servant is bound by the law of humanity as well as its application in the first formulation and its idealization in the third. But as much as murder—or intended murder—is a form of evil, *that* it is does not justify a departure from our duties to others, and provides no special circumstances that would alter our moral obligations. Yes, the murderer is wrong, and acting immorally both in the intention to commit murder and in the attempt to use the servant's honesty as a tool to achieve his evil ends. But as the strictures of morality do not allow the servant to return evil with evil, neither do they demand that the servant tell the truth to the caller: A Kantian response to the scenario, so simple and so easily neglected by Korsgaard, is to simply *refuse to answer the door*. Even if we accept Korsgaard's imagination of the scenario, we are not limited to the stark choices she considers in our response to it. To maintain moral integrity in the face of a difficult dilemma, we are still permitted to respond creatively and to seek a solution that will not negate our moral duties or jeopardize our moral values. And it is this solution, rather than a devolution to evil in the face of evil, that Kant would demand we consider.

This returns me to my comments at the beginning of the paper. We can now see that a rigoristic reading of Kant is the correct one: the moral law is infeasible, and our duties are absolute. However much Korsgaard may have wished for a different solution, none can be forthcoming on a close interpretation of Kant's position. Yet we can also see the limitations of

the scenario as she has imagined it, and the limitations of examples as they are constructed in analytic moral theory: even given a difficult moral dilemma, there is no stark either/or choice that weighs upon us. If we know the moral law, we have the means to find a response that upholds it, even while it helps to mitigate the evil with which we may be faced.

The Reality of Lies

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1. In *On truth and lie in an extra-moral sense*, the young Nietzsche describes intellect as a means for an individual's self-preservation through the elaboration of simulations. By 'simulation' he intends several things: "deception, flattering, lying and cheating, talking behind the back, posing, living in borrowed splendor, being masked, the disguise of convention, acting a role before others and before oneself"⁹. Men live deeply immersed in illusions and dream images, and the most substantial evidence of this situation is the fact that they allow themselves to be deceived in dreaming every night, for a whole lifetime, without their moral sentiment trying to prevent it. When Mephistopheles decides to punish Faust for the impudence shown by attempting to hold him in his office, he orders the spirits to put the unfortunate man to sleep and then enjoins that "dreamlike forms laugh at him / that he be drowned by a sea of empty shadows"¹⁰. The greatest lie, according to Nietzsche, is not using fictions, but rather trying to rub off their traces, behaving *as if* we were not simulating. Language, a result of mere conventions, is the means most often used to this end. "The liar uses the valid designations, the words, to make the unreal appear as real"¹¹. The twofold metaphor required for the constitution of words – when an object is

⁹ 1 F. Nietzsche, *Über Wahrheit und Lüge im aussermoralischen Sinne* (1873), *Werke. Kritische Gesamtausgabe*, Abt. III, Bd. 2: *Nachgelassene Schriften, 1879-1873*, hrsg. von G. Colli und M. Montinari, Berlin-New York: de Gruyter, 1973, p. 382; Engl. transl. *On Truth and Lie in an Extra-Moral Sense* (1873), in *The Portable Nietzsche*, ed. W. Kaufmann, 1976, retrieved at http://www.geocities.com/the_nietzschechannel/tls.htm.

¹⁰ J. W. Goethe, *Faust. Der Tragödie erster Teil* (1808), in *Goethes Werke*, Bd. III, hrsg. von E. Trunz, Hamburg, Ch. Wegener, 1948 ff., vv. 1510-1511.

¹¹ F. Nietzsche, *Über Wahrheit und Lüge im aussermoralischen Sinne*, *op.cit.*, p.371.

perceived, a nerve stimulus is transposed in an image, and the latter in a sound – is witness to the distance between language and reality. That which we call ‘reality’ is nothing but our own construction, made out of concepts, and lying is the ordinary life condition of man; what is worse, we have forgotten that we always deal with illusions, hence with lies, which we call ‘reality’ by convention¹². Lying is not a specific act of man: it touches upon every cognitive or linguistic act.

When we want to display the significance of a concept, we try to lay it out in its widest extension; at the same time, though, we risk calling by the same name things that are far apart, rather than alike. As Derrida¹³ points out, since Nietzsche asserts continuity between errors and lies, between truth and truthfulness, he treats lies from an extra-moral point of view, as a theoretical and epistemological question. It is a very interesting approach, except that lying, by its very nature, has nothing to do with the problem of knowledge and truth. Some fictions are not lies, e.g. tales, or mistakes, which do not depend on intentions. Yet, every lie implies a fiction. A lie is a kind of fiction, with a certain intentional element added to it (giving out truth as falsehood, or conversely). The thesis is a classical one, which has often been reiterated in the history of philosophy; it does not need to be proven, but to be clarified. Let me begin by examining three classifications of lies, one classical and two contemporary: the proponents, Augustine and Jankélévitch, are certainly more sober than Nietzsche when it comes to the pervasive character of lies.

In *De mendacio*, Augustine ranks the kinds of lies in a decreasing order of gravity: (1) the worst are those touching on religious doctrine and aimed at converting someone, then come (2) those that wrongfully damage someone without bringing any advantage to others, (3) those benefiting someone at the expense of someone else, (4) lies *tout court*, told for sheer pleasure or (5) for the sake of success in a conversation, (6) those that favour someone without harming anyone else, (7) that again favour someone without prejudice and furthermore help saving a life, (8) that do harm to no one and protect someone from suffering bodily damage¹⁴. Lies must be assessed according to their seriousness, yet under no circumstances can they

¹² Cf. *ibid*, pp. 374-375.

¹³ Cf. J. Derrida, *Histoire du mensonge. Prolégomènes*, Paris, L’Herne, 2005, p. 8.

¹⁴ Cf. Augustine, *De mendacio*, 14.25, which summarizes what he explains since chapter 7.10, and the final synthesis in 21.42. *Patrologiae cursus completus. Patres latini*, series I, accurate J.P. Migne, Parisii, Garnier, 1861, Vol. 40, 487.

be approved, regardless of their nature. The last three forms benefit someone without injuring anyone; despite this, they must be shunned, for “the good never lie”¹⁵. Augustine seems to show some condescension towards the liar in cases (7) and (8): although any question compels a truthful answer, and might therefore put someone into an obligation to betray a friend who has sought refuge with him, or to consent to a rape, the constraint may be eluded by misleading the evildoer¹⁶. Still, it is preferable to avoid one’s own sin rather than someone else’s, even though the former is less serious than the latter¹⁷. It is preferable to save the soul rather than the body, and since a lie corrupts the soul and puts eternal life at jeopardy, it must never be used in order to guard temporal life, be it one’s own or someone else’s¹⁸.

In his essay *Du mensonge*, Jankélévitch provides a classification of lies based on the relationship they entertain with truth, and another based on the motives urging a man towards them. According to the former, lies may be sorted into (1) dissimulations, which hide the truth, (2) alterations, which modify its nature, (3) distortions, which extend or restrict it, (4) antegories (*antégories*), which assert its contrary, and (5) fabulations, which forge ‘truth’ altogether¹⁹. Following the second classification, there exist “lies for self-preservation, for interest (pragmatic or economic lies), for pride or self-love, exaggeration, embellishment, gratuitous fabulation”²⁰. All these – Jankélévitch argues – are aimed at smoothing away the incompatibility between ourselves and the others, and installing us more comfortably in the world. Lies, therefore, fulfil a social role. Yet, what is the price to pay? A liar averts the difficulties that life lays before him, rather than solving them, and by doing so, he runs into huge complications. Since lies do not always have a ‘local’ character, a liar is in a state of permanent alert, constantly striving to bolster up and defend his constructions. The consequences of lying are phrased in terms that seem to echo – as we will see – the words of Sartre or Sartre:

The true punishment of charlatans is the loss of their ipseity: since they are neither what they are, hich they

¹⁵ *Ibid*, 8.11.

¹⁶ Cf. *ibid.*, 9.16, 13.22-24.

¹⁷ Cf. *ibid.*, 9.14.

¹⁸ Cf. *ibid.*, 6.9.

¹⁹ Cf. V. Jankélévitch, *Du mensonge*, Lyon, Confluences, 1942, 19452 ; Paris, Flammarion, 1998, p. 223.

²⁰ *Ibid.*, p. 225.

bury in silence, nor what they are believed to be, which they are only through fraud, it must be concluded that they are nothing at all.²¹

It is a severe judgment, but not a conclusive one, as we will see later.

Needless to say, other classifications may be given. One is provided by Aristotle on the basis of the liar's goals and intentions: in the *Nicomachean Ethics*²², a nameless virtue (our truthfulness) is described as something halfway between boasting and dissimulating. Another one may be found in Rousseau's *Rêveries du promeneur solitaire*²³. It is hard to reach a shared classification: the behaviours listed so far may certainly qualify as lies; yet, what common features allow to categorize them under the same heading of 'lies'? First of all, a relationship with truth. A lie is connected to truth in a twofold way: on one hand, it rules it out; on the other hand, it can entail it. Someone who is lying is not telling the truth; at the same time, he can be telling it and still be a liar, either because he does not realize that it is the truth, or because he does, but thinks he will not be believed. Therefore, lies are not contrary to truth in the sense of mutual incompatibility, since they can be present at the same time. The second element joining the different kinds of lies is the motive, the goal, the intentional factor. We may call it the subjective element, as opposed to the objective one already mentioned: the latter concerns truth, which is not subjective, although it is the subject who acknowledges it as such, or denies it.

2. Given all that has been said, we can put forth a tentative definition of lie, for working purposes: a lie is the utterance of a proposition, addressed to someone else, by someone who believes it to be true and gives it out as false (or conversely), with the intention of deceiving and gaining some benefit (the last condition does not always obtain). This traditional definition, shared by many classics of the history of philosophy, contains much of what I shall say, but not everything.

As it possesses an intentional element (concealing reality, selling off falsity as truth or vice versa), *a lie is distinct both from a false proposition and from an error*, i.e. a false statement uttered without the intention of lying. A pupil who is asked by his teacher where Napoleon died, and answers he died in Paris, is not lying: he is simply coming up with a

²¹ *Ibid.*, p. 230.

²² Cf. Aristotle, *Eth. Nic.* IV 13, 1127 a 13-b 32.

²³ J.-J. Rousseau, *Rêveries du promeneur solitaire* (1782), in *Œuvres complètes*, eds. B. Gagnebin et N. Raymond, Paris, Gallimard, 1959, vol. 1, p. 1029.

wrong answer. Combining the objective dichotomy of true vs. false (= non-true) with the subjective one of lying vs. being truthful (= not lying) gives the following tabulation:

	<i>telling the truth</i>	<i>telling a falsehood (= nontruth)</i>
<i>Lying</i>	truth-bearing lie	straight lie
<i>being truthful (= not lying)</i>	straight truth	error

Therefore,

1. we can lie by telling the truth, which gives a truth-bearing lie
2. we can lie by telling a falsehood, which gives a straight lie
3. we can be truthful by telling the truth, which gives a straight truth
4. we can be truthful by telling a falsehood, which gives error.

It follows that a lie possesses a propositional content, but may not be identified *tout court* with it; moreover, errors and lies belong to distinct contexts – even though in some cases the borderline may be blurred.

Here, a digression is required in order to avert Nietzsche’s claim that we live plunged in lies. Suppose I am talking to a friend and I tell him that the Lang Lang concert on June 21st, 2009 has lasted from 8.15 pm to 10.45 pm: if the true proposition is the one giving the exact times, I am obviously asserting a false proposition. But then, on the same premises, all propositions expressing a quantitative measurement are false²⁴: the distance between two towns, the capacity of a petrol tank, the results of a blood test, or the age of each of us – the latter involving the further complication of becoming. At the same time, though, saying that the concert began at 8.15 pm is not entirely wrong; it would be so, if I claimed that it began at 6 pm. Likewise, saying that Pesaro is 160 kilometres away from Bologna is not wholly incorrect, as it would be if I maintained that the distance is 15 kilometres²⁵.

²⁴ Because there may be a slight error in measurement, and because any measurement may be falsified by another carried out with a more precise unit of measure.

²⁵ For a relevant opinion on this point, see Aristotle, *Metaph.* IV 4, 1008 b 31-1009 a 5.

The obvious problem here is setting the boundary where a proposition becomes false. Notwithstanding that problem, it is a fact that we can successfully organize our existence amidst all these ‘lies’; hence they cannot be lies, nor can they be completely false. For a full account, a theory of degrees of truth (and falsity) would be needed (the scheme outlined above would accordingly become more complex); yet, I shall not work it out here. For the present purposes, it will suffice to stress that the examples previously cited are not lies: not only are they not meant to deceive anyone, but they allow us to find our way in the world.

3. The definition of lie proposed above is essentially taken after the one given by Augustine:

Not everyone who tells a falsehood lies, if he believes or opines that what he is saying is true [...] that man lies who has one thing in mind and affirms another, either with words or by any other means of expression. This is why a liar is said to have a double heart, that is, a double thought: one thought of the thing he know or deems to be true, and does not utter; another of the thing which he utters instead of the first, although he knows or deems it false. It follows that someone who is not a liar can tell a falsehood, if he believes that things stand that way, although they do not, and likewise that a liar can tell the truth, if he takes it to be a falsehood and affirms it as a truth, although things do stand that way. It is therefore from the intention of the soul, not from the truth or falsity of things by themselves, that we may judge whether someone is lying or not. [...] the liar’s fault is the desire to cheat when uttering his thought |by speaking against his thought²⁶.

Lying involves a contradiction between thoughts and words. It is not simply that a mistake is not a lie, but – as I said above – *a lie is not just a fiction*. When it is construed as a story made up by the author – which is what happens in literary texts – a fiction is not a lie, since it does not deceive, it does not pretend to be true (in the sense of direct correspondence), and consequently it may not either be false. Dürrenmatt is not shamelessly lying by writing in *Justice* that Felix Spät, one of the characters of the novel, has

²⁶ Augustine, *op. cit.*, 3.3.

sent him a manuscript. What a lie does, instead, is precisely to give out a falsehood as truth. On the other hand, an ancient proverb – ascribed to Solon and related by Aristotle²⁷ – asserts that “many lies are told by the poets”. I am not going to deal with the problem of fiction in this context; nonetheless, I must point out some of the many connections between literature and lies. (At any rate, If I had to choose between *Republic*, X and *Poetic*, 9, I would not hesitate to side with the latter).

A lie is an act – a semiotic act taking place between a speaker, who utters a judgment, and a listener, to whom the judgment is addressed. Unlike linguistic statements, a lie is *inseparable from the subject*: taken jointly, the two constitute a real object.

In *Hippias Minor*, Socrates upholds the thesis that wisdom is always preferable to ignorance, even when the one who knows is a cheater: he who does evil willingly is better than someone who does it unwillingly, and he who lies and knows is better than an ignorant, who does not know and therefore cannot lie²⁸. Those are liars, who “have the power to do many things, and in particular to deceive mankind”²⁹; they are sly [astute, smart, cunning] and deceitful, crafty [wily] and intelligent; shortly, “the false are they who are wise and have the power to speak falsely”³⁰. They choose to do so through a voluntary act: they could tell the truth, for they know it, but they can also tell a falsehood, precisely because they know. On the contrary, “a man who has not the power of speaking falsely and is ignorant cannot be false”³¹. Lying is an act of freedom, which presupposes knowledge³². As remarked by Hannah Arendt, *pseudos* can signify falsity but also fiction, error and lie, and this is why Plato is forced to distinguish “involuntary” and “voluntary” *pseudos*³³. In Hippias’ view, while Achilles lies “not intentionally, but unwillingly”, Odysseus always lies “willingly and intentionally”³⁴. A lie is an *act*³⁵, something more than a simple false proposition, and

²⁷ Aristotle, *Metaph.* I 2, 983 a 3-4.

²⁸ Plato, *Hipp. mi.*, 372 a-376 c; Engl. Transl. *Lesser Hippias*, in Id., *The Collected Dialogues Including the Letters*, ed. by E. Hamilton and H. Cairns, Princeton University Press, 1963.

²⁹ *Ibid.*, 365 d.

³⁰ *Ibid.*, 366 b.

³¹ *Ibid.*

³² Cf. *ibid.*, 366 e-367 a.

³³ Cf. H. Arendt, “Truth and Politics” (1968), *Between Past and Future: Eight Exercises in Political Thought*, Penguin Books, 1983, p. 376, n. 5.

³⁴ Plato, *Hipp. mi.*, cit., 370 e.

something different from error, which descends from ignorance and not from an intention to deceive.

Contrary to Derrida³⁶, I would not say that Plato's text fails to assign an intentional character to lies, and that it is rather Aristotle (in *Metaphysics* V 29, 1024 a-1025 b) who defines a liar as someone who does not simply happen to lie, but chooses to. It is true, on the other hand, that Aristotle rejects the inductive procedure of the *Hippias Minor*, which leads Socrates to the paradoxical thesis hinted at above. Besides the threefold meaning of the term *pseudos* (referring to things, statements and men), the novelty brought by Aristotle is the identification of a distinct kind of lie, i.e. the gratuitous lie, which is ranked fourth by Augustine: "a liar is a man who willingly and intentionally gives false speeches, for no other reason but for telling falsehoods"³⁷.

This is how Derrida formulates the "traditional definition of lie":

In its prevailing figure, acknowledged by everyone, the lie is neither a fact nor a condition: it is an *intentional act*, the act of lying. There is no such thing as "a lie"; there is a way of speaking, or willing-to-speak, which we call lying. We should not ask ourselves: what is a lie? But rather: "What does the act of lying do, and first, what does it want?" Lying implies addressing other people (we can only lie to someone else, not to ourselves, except if we consider ourselves as someone else), supplying them with one or several statements which the liar knows, in full consciousness – an explicit, thematic, and actual consciousness – to constitute totally or partially false assertions³⁸.

Most of what we read in this passage may be found in Augustine, Aristotle or Plato: after all, this is the "traditional definition". Still, Derrida underscores one particular point: a lie is not a fact, it is an act; there is not "a" lie, but the act of lying. We might say there are no kisses, but "the kissing"; no slaps, but "the slapping". It is difficult, though, to conceive the act of lying without a propositional content, allowing to distinguish lies from each other.

³⁵ Cf. *ibid.*, 373 d-375 d.

³⁶ Cf. J. Derrida, *op. cit.*, p. 10.

³⁷ Aristotle, *Metaph.* V 29, 1025 a 2-4.

³⁸ J. Derrida, *op. cit.*, p. 19.

A peculiar affinity connects some of Derrida's theses on lying with others laid out by Alexius Meinong in *Über Annahmen*. Both authors maintain that (i) lies fall under the category of fiction, but not every fiction is a lie; (ii) a sheer fictional account (a *tale*) is neither true nor false, neither veracious nor mendacious, and for that reason (iii) is not aimed at deceiving anyone; (iv) lies, on the contrary, include an intentional element, since we freely choose to lie, whereas (v) we can be mistaken, and thus tell something false, without lying, that is, without deceitful intentions.

Meinong's discourse on lying has a narrower scope than Derrida's, which extends to an ethical and political context, but is more analytical when it deals with lying as an act. The primary aim for Meinong is not talking about lies, but rather bringing out a particular kind of mental life-experiences, which he dubs 'assumptions'. Along with judgments, assumptions make up the class of thoughts; they are affirmative or negative, like judgments, but unlike these [judgments], they have no pretence to truth³⁹. In some cases, the presumptive character of mental experiences is evident, for example when the subject himself puts forward his own experience as an assumption, by saying 'suppose that...'. Other than through hypotheses, assumptions may be expressed by interrogative, optative or imperative propositions, or subordinate clauses (*daß-Sätze*) of propositions as in 'I fear that *p*, I deny that *p*'. First and foremost, though, an assumptive element is implied in the case of fictions, in 'as-if' contexts, most notably in art, play and – what is important to us – lies⁴⁰.

Concerning the play, Meinong has in mind especially the child who pretends (*fingiert*) to be someone else, to possess such-and-such qualities and find himself in such-and-such situations. In other words, he pretends to believe the fiction, as long as the game is on; but he does not deceive himself. He acts as if the chair were a horse, but does not take it for a horse⁴¹. Adults, too, play by pretence or simulation: it is the case, for instance, of war games in military schools, or firemen's practice drills, which involve simulating fires.

There is a close analogy between the play of a child, who is 'pretending' or 'fancying' (*sich einbildet*) to be someone else, and art, espe-

³⁹ Cf. A. Meinong, *Über Annahmen*, Barth, Leipzig 1902, pp. 2-3, 257; 19102, pp. 2-4, 340, 368.

⁴⁰ Cf. *ibid.*, 1902, pp. 26 ff., 37-40; 19102, pp. 33 ff., 106-109. Engl. transl. *On Assumptions*, University of California Press, 1983, pp. 80-82.

⁴¹ Cf. *ibid.*, 1902, pp. 41-42; 19102, pp. 110-112; Engl. transl. cit., p. 83.

cially drama: this is mirrored in the manifold meanings of the German word 'spielen' (as well as its English equivalent, 'to play'). What does an actor have in common with a playing child? Both fancy themselves as the character they are representing. During his performance, the actor behaves as if he were the character he is putting on stage. This act of identifying (*sich hineinversetzen*) with another person, of fancying oneself as someone else or 'putting oneself in someone else's shoes', does not exhaust the secret of drama, yet it brings out the role of assumptions, both in the actor's behaviour and in his mental life. An author, who is writing a story, equally identifies himself with the characters he depicts; sometimes he relates real-life events, but for the most part he constructs fictions, and "fiction is just assumption"⁴².

However, the borderline between lying and exerting imagination is not always clear-cut: this is true both of children and of adults who gladly narrate or play. In order to lie, good acting talents are often needed, as tone and gestures are important when uttering a lie. Still, one feature differentiates the behaviour of a liar, as opposed to a player or an artist: the attempt to deceive⁴³, repeats Meinong following the tradition. Someone who wants to mislead someone else will not fall victim to his own deception. More precisely – given that a liar can still tell the truth against his will – his opinion is not the one he pretends to have; he does not formulate for himself the judgment he wants to induce in others. Essentially, it is a rephrasing of Augustine's thesis of a "double heart", even though Meinong had almost certainly not read the bishop of Hippo. "The liar does not himself believe what he assumes the appearance of believing"⁴⁴. How, then, can he conceive what he wants other people to believe? There is no question of a contradiction between words and thoughts – as was suggested by Augustine, who seemed to deny that one might think something without believing it; on the contrary, according to Meinong, a liar does *not* believe what he says: he thinks it without believing it, as we may conceive many things we do not believe. Someone who sets out to affect someone else's convictions in a specific way, will deal with his own intention as with an object of desire: first of all, he will have to conceive it. In order to induce a belief in another person, the liar must conceive it himself – conceive exactly *that* judgment, not an abstract judgment 'given by someone'. He can do so by behaving as

⁴² *Ibid.*, 1902, p. 45; 19102, p. 115; Engl. transl. cit., p. 86.

⁴³ Cf. *ibid.*, 1902, pp. 45-46; 19102, pp. 116-117; Engl. transl. cit., pp. 86-87.

⁴⁴ Cf. *ibid.*, 1902, p. 47; 19102, p. 117; Engl. transl. cit., p. 87.

in a game or a performance (*Spiel*): that is, by pretending, taking someone else's place, identifying as much as possible in a situation, as if he truly believed what he is saying, or what he gets other people to believe⁴⁵ – just as Iago is convinced of what he is saying to Roderigo and wants Othello to believe, that is, that Desdemona is in love with Cassio⁴⁶. Quite often, indeed, someone who is trying to deceive other people ends up deceiving himself as well, for he eventually believes his own lie.

4. Let me recap what has been said so far: a lie is neither a false proposition, nor a mistake, nor a mere fiction; it is a type of fiction, an act, and precisely an intentional act. An act calls for a subject, and therefore a lie is inseparable from its subject. Together, they make up a real object: it has to be real, since a lie *produces effects* [not only in the private field but also in the public one], and the cause-effect relationship only holds between real beings. Therefore, like every act – we might as well say: like every real object – a lie unfolds, or takes place, in a (phenomenological) context. But there is more: it identifies a (dialectical) context, and at this level, it may become an instrument of knowledge, although it is no piece of knowledge by itself.

Finally, I have examined lies from an extra-moral point of view. Since a lie implies the presence of at least two people – as Derrida told us, “we can only lie to someone else, not to ourselves, except if we consider ourselves as someone else” – we have dealt with lies in an interpersonal setting. Nevertheless, we have restricted ourselves to the private sphere; lies, though, play a relevant role in a political context as well, exactly because they act on our world as a portion of reality. A distinction, specific to lies, between ethical and political sphere (or rather, ethical and legal) has been drawn by Kant, precisely on the basis of the effects that they may produce.

In his essay *Des réactions politiques* (1797), Benjamin Constant had claimed that the abstract principles of reason could only be enforced through realistic “middle principles”. If taken literally, as an abstract rule, the unconditional moral prohibition of lying (i.e. the unconditional duty to tell the truth) “would make any society impossible”. Constant cited as evidence for his thesis the consequences that “a German philosopher” (Kant) could have drawn from that principle, namely, that “it would be a crime to tell a lie to a murderer who asked whether our friend who is being pursued

⁴⁵ Cf. *ibid.*, 19102, p. 119; Engl. transl. cit., p. 89.

⁴⁶ Cf. W. Shakespeare, *Othello*, act II, scene I.

by the murderer had taken refuge in our house⁴⁷. Kant replied with a short essay *On a Supposed Right to Lie because of Philanthropic Concerns*. I will not comment on the terms of the dispute; I shall confine myself to laying out Kant's viewpoint.

The Kantian text discusses two issues. The first is “whether a man (in cases where he cannot avoid answering Yea or Nay) has the warrant (right) to be untruthful”. Kant's reply is sharp and does not leave much room for interpretation:

Truthfulness in statements that cannot be avoided is the formal duty of man to everyone, however great the disadvantage that may arise there from for him or for any other.⁴⁸

This statement is poles apart from Constant's thesis that telling the truth is only a duty towards those who have a right to it. Kant remarks that there is no such thing as a right to truth, since truth does not depend from someone's willingness to utter it; there exists only a right to truthfulness, that is, subjective truth in one's own person. Even when lying does not bring injustice to the person who unjustly compels us to an answer, it is still “an injustice to humanity in general”. Drawing on a thesis he had defended in the *Metaphysics of Morals*, Kant maintains that a lie, defined as “an intentionally untruthful declaration to another man”, “does not require the additional condition that it must do harm on another”, for it always produces such harm, perhaps not to an individual, but to humanity as a whole, “inasmuch as it vitiates the very source of right⁴⁹. Does every lie truly offend humanity? Kant's thesis that we are morally obliged to tell the truth under all circumstances – regardless of the distress that may arise from it – is abstract, formal, and terrible in its consequences. Those who hid the Jews from the Nazis were trying to save human lives, risking their own: if questioned, should they have told the truth, to avoid offending humanity?

⁴⁷ I. Kant, *Über ein vermeintes Recht, aus Menschenliebe zu lügen* (1797), *Kants gesammelte Schriften* (Ak.), hrsg. von der Königlich Preußischen Akademie der Wissenschaften, Berlin, Reimer; Berlin/Leipzig, de Gruyter & Co., 1910 ff., VIII, p. 425. Transl. “On a Supposed Right to Lie because of Philanthropic Concerns” (1797), *Grounding for the Metaphysics of Morals*, Hackett Publishing Co., 1993, p. 63.

⁴⁸ I. Kant, *Über ein vermeintes Recht...*, cit., Ak. VIII, p. 426. Engl. transl. *On a Supposed Right...*, op.cit., p. 64.

⁴⁹ *Ibid.* Engl. transl. op.cit., pp. 64-65.

It has to be specified that that theoretical context is legal, not ethical. According to the *Metaphysics of Morals*, lying is the worst violation [infraction, infringement, transgression] that man, regarded as a purely moral being, can perpetrate against himself. Such a stern assessment of voluntary falsity in conveying one's thoughts holds on an ethical level but not on a juridical one: in ethics, no authorization is derived from harmlessness, whereas in a legal sense, an intentional untruth is only a lie if it violates another's rights⁵⁰. By writing that the damage caused to oneself or to others has no bearing on the issue of lies, it appears that Kant is leaving the effects out of the picture; in fact, he is simply attempting to distance himself from arguments of a pragmatic kind. A lie always has effects, even disruptive ones: it annihilates [obliterates] man. In Kant's words, "by lying a human being throws away and, as it were, annihilates the dignity of a human being". A man who does not believe what he tells someone else is worth less than "a simple thing": while there is always some usefulness in a thing, a lie contradicts the natural end of communicating one's thoughts. This is why a liar "is a mere deceptive appearance of human being, not a human being himself"⁵¹.

Let me now turn to the second issue examined in *On a supposed right to lie*, that is, whether man "is not actually bound to be untruthful in a certain statement which he is unjustly compelled to make in order to prevent a threatening misdeed against himself or someone else"⁵². This is where Kant discusses the case of a benign lie (lying for saving a life), which had been envisaged by Augustine and retrieved by Constant. So, a murderer asks you whether his enemy is with you. If you lie, you prevent the crime, but you are responsible for the consequences of your act, which you may legally be required to account for; conversely, if you tell the truth, public justice may not lay a hand upon you. After all, once you have answered honestly to the assassin, his enemy might sneak off your house and hide in a safe place: in this case, by telling the truth, you have avoided the murder. By lying, on the other hand, you would get the assassin to leave and run into his enemy who was escaping, unknown to you, and thus to kill him: in that case, you may rightfully be held responsible for his death. If you had simply told

⁵⁰ Cf. I. Kant, *Die Metaphysik der Sitten*, cit., Ak. VI, p. 429; Engl. transl. *The Metaphysics of Morals*, Cambridge University Press, Cambridge 1996, p. 182. The same distinction is made *ibid.*, Ak. VI, p. 238 Anm.; Engl. transl. cit., p. 31, fn. (*).

⁵¹ *Ibid.*, Ak. VI, p. 429; Engl. transl. *op. cit.*, p. 182.

⁵² Id., *Über ein vermeintes Recht...*, cit., Ak. VIII, p. 426; Engl. transl. cit., p. 64.

the truth, perhaps your neighbours would have intervened and caught the murderer, and no crime would have been committed.⁵³

The argument is not particularly persuasive, not just because nobody is a murderer before killing someone, but for the large number of possibilities that should be examined, once the example is up for discussion. However, the key contention is clear: when a lie brings injury on others, the liar is accountable before a law court, because “truthfulness is a duty that must be regarded as the basis of all duties founded on contract”⁵⁴. A principle admits of no exceptions⁵⁵; being veracious is an imperative of reason, which holds unconditionally and does not discriminate between those towards which we have this right and those towards which we can waive it.

In the *Metaphysics of Morals*, Kant makes it clear that someone who lies – even if he does no harm to anyone, and obtains some advantage for himself or a friend – is not worthy of being happy⁵⁶. Not lying is an absolute necessity, required by reason; it is a duty, and “a human being’s observance of his duty is the universal and sole condition of his worthiness to be happy”⁵⁷.

Kant is believed to be akin to Augustine in several aspects, and he is indeed. I will just recall three such aspects: first of all, the thesis that we must never lie, even if this can bring some good; secondly, the devastating consequences that a lie would entail – for one author the corruption of the soul, for the other the destruction of man and his debasement below the level of inanimate things; finally, the punishment that ensues, i.e. the loss of eternal life and its Kantian equivalent, which is unworthiness of happiness.

Yet, is a liar really unworthy of happiness? When he made this claim, we must suppose that Kant had in mind situations with a high ethical, legal or political significance; if he did not, then his idea of unconditional commitment to truth ignores the complex world of life. In the *Religion within the Boundaries of Mere Reason*, he had taken quite a different stance: being evil is not simply committing an act that conflicts with the moral law, but choosing maxims that contradict the law as guiding principles of one’s

⁵³ Cf. *ibid.*, Ak. VIII, p. 427; Engl. transl. p. 65.

⁵⁴ *Ibid.*

⁵⁵ Cf. *ibid.*, Ak. VIII, pp. 427, 430; Engl. transl. pp. 65, 67.

⁵⁶ Cf. I. Kant, *Die Metaphysik der Sitten*, cit., Ak. p. VI, 481; Engl. transl. *The Metaphysics of Morals*, cit., pp. 224-225.

⁵⁷ *Ibid.*, Ak. VI, p. 482; Engl. transl. p. 225.

actions⁵⁸. Those unworthy of happiness would then be people like Iago or Dolmancé, not anyone who tells a lie.

As for Augustine, he has fewer reasons than Kant for displaying so much rigour: not because he wrote “love and do what you will”, but because of the theory of grace, which implies lapsing into sin. The principle is high, but the grace is still higher: in a contingent situation, I make a responsible decision against the principle, and place my trust in grace. “What does it mean to tell the truth?” Dietrich Bonhoeffer asked himself in Tegel prison in 1943/44. A Lutheran minister, he was well acquainted with both Augustine and Kant. First of all, assess how things really stand: it is simply cynical to claim that we must ‘tell the truth’, no matter where, when and to whom; by doing so, we produce a “mock-up of truth”, which has nothing to do with “living truth”. “A truthful word is not a quantity which is constant: it is alive as life itself”⁵⁹. Truth is not transparency and lying is not just speaking against one’s own thoughts. In order to tell the truth, I must consider who is inducing me to speak, what entitles me to do so and where I happen to be; besides, I must place the object of my discourse within that context. Augustine and Kant present us with a dramatic scenario, where the alternative is either to *always* tell the truth, or else to face unhappiness or the loss of eternal life. If that is the case, either of them will appoint himself as the supreme judge of other people’s consciousness, and pass a sentence without appeal.

So far, I have dealt with lies from the point of view of the liar; for the point of view of the deceived, let us turn to Sartre’s *Cahiers pour une morale*. The section on violence includes both dimensions of lying, the private and the public (or political). The starting point is that a lie bears effects:

a lie is made for inciting somebody to do something which we want him to do, or not to do something which we do not want him to do.⁶⁰

A lie originates from the avowal of a failure: someone else’s action, based on reality, goes against my will; therefore, I hide reality from him. He is still free to choose, but he will do so on wrong premises, since I have altered

⁵⁸ Cf. I. Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft* (17931, 17942), in *Ak.* VI, p. 20; Engl. transl. *Religion within the Boundaries of Mere Reason*, Cambridge University Press, Cambridge, 1998, p. 46.

⁵⁹ Dietrich Bonhoeffer, *Ethik*, München, Kaiser, 1949, p. 309.

⁶⁰ Cf. Jean-Paul Sartre, *Cahiers pour une morale*, Paris, Gallimard, 1983, p. 203.

them. A boaster who, in order to be praised, claims to have accomplished an act which he did not truly accomplish, puts forward a fictitious situation, which he induces another person to believe as real. No doubt freedom is preserved throughout, yet it is reduced to a thing, “for it is surrounded by emptiness”⁶¹. Another example: a member of Gestapo executes Jean-Pierre Bourla and his father, then he gets his father’s lover to believe that both are alive in a detention camp, and induces her to write letters, which he would deliver to the two men; instead, he burns them. All the woman’s gestures are free and, in a sense, effective, since she actually writes the letters, breaks down emotionally, cries, gives up hope, then hopes again; yet her freedom is a limited one, which runs aground in imagination. “The content of the consciousness of the deceived” Sartre argues “may only be *explained* through the deceiver’s intentions”⁶².

Lying “turns a man into a thing”, even though in most cases it tends to keep him free. Such reification encompasses the cheated as well as the cheater: a boaster is praised for merits he does not have, hence he is also not praised, for the object of the praises is not himself as he is, but as others take him to be, or rather, it is the one who truly performed the act, even if the boaster provides the substance for the praise. The liar’s duplicity is directed at exerting control over the relationship between reality and another person’s subjectivity. The liar’s goal is truth, understood as “a given subjective state in another person which is deemed to conform to truth”; still, he does pursue such goal by telling the truth. Why so? “Because it would risk being misinterpreted. Thus there is mistrust in the other person”⁶³.

Like violence, mendacity regards freedom as both a means and an end; it aims at achieving the end immediately and by any means, and subdues a free consciousness, changing it into a thing. Like violence, it is self-justifying: “since I cheat, I have a right to cheating”. On the other hand, the element of destruction in a lie is reversed with respect to violence: while the latter affirms the primacy of the world over consciousness, the former destroys the world-for-another’s-consciousness, concealing it with fictions. A specific category of lies are “those which are done for a cause to the advocates of that very cause”⁶⁴. To this effect, Sartre introduces two differ-

⁶¹ Cf. *ibid.*, p. 205.

⁶² Cf. *ibid.*, p. 206.

⁶³ Cf. *ibid.*, p. 207.

⁶⁴ Cf. *ibid.*, p. 209.

ent examples, which he takes to be similar: religion for the people, and the lies that the leaders of a party tell to party members.

Popular religion is aimed at preserving the social order. To this purpose, an enlightened élite carries out a complete mystification of every individual's acts. A religious person lives in a lie; his whole life is stolen from him, since "every act is performed in the perspective of divine justice and will, which do not exist"⁶⁵. What he thinks he is doing – saving his soul – is nothing. A religious man is robbed of his thoughts, which are projected beyond him and determined by artificial motives (fear and hope), as well as of his acts, which are as worthless as the efforts made in a dream. He is dehumanized, reified, subject to continuous violence.

Sartre's arguments may be paralleled to a passage from the *First Letter to the Corinthians*, where Paul declares that "if Christ has not resuscitated, your faith is vain": now, according to Sartre, God does not exist, hence Christ has not resuscitated; the consequence is obvious. Still, a false belief is not necessarily a lie. Founding one's life on a false conviction makes it useless, not mendacious. In *Being and nothingness*, Sartre distinguishes between error and lie⁶⁶; here, conversely, he seems to be including the former within the domain of the latter. His argument presupposes (I) that an enlightened atheist élite deceives the people consciously and intentionally, (II) that religion permeates the whole life of the people, every gesture and thought of any of its members. As a matter of fact, these two universal theses have a limited import: (II) is certainly true of many people and of some particular moments in history, but not today for most of what Sartre calls 'the people'; (I) draws attention on the role that the relationship between religious leaders and the people plays in shaping a given religion, yet it is far from explaining that complex phenomenon which we call 'religion'.

At any rate, if living for something that never materializes amounts to being cheated, the principle applies indiscriminately to all those who have spent their life for an ideal which has not come true. Sartre is aware of this, which is why he examines the "lie in the party", bringing out the following aspects: (1) the cheater and the cheated belong to the same party and fight the same battle; (2) if the essence of an individual is what he was, the essence of a party member is what he was, is and is to be; (3) such essence is the source of a deep will and a deep interest; (4) every member must be entitled to express the will of the party, but may also be asked to relinquish

⁶⁵ *Ibid.*

⁶⁶ Cf. Sartre J.-P., *L'être et le néant* (1943), Editions Gallimard, Paris, p. 86.

his own freedom and become a means for an end; (5) the leader understands me better than myself, he knows the deep will of the party, I live before his eyes. The leader is not comparable to the élite that wants a religion for the people, but is rather like a priest; eternal life is comparable to a future out of reach, beyond the threshold of a Revolution; the latter represents death.

Summing up: the more a goal is out of reach, the less it is defined; insofar as the connection of ends and means becomes undetermined, such goal will appear to be independent, and *all means* will become legitimate in order to attain it, since by itself it rules out (almost) none.⁶⁷

The situation may be likened to the case of popular religion. What should be done? Bring the goal closer.

When the goal is concrete and finite, and the future is on a human scale, violence – according to Sartre – is ruled out: resort to it will be limited and will in any case appear unwarranted. Violence and lies are alike in that they tend to speed things up and get straight to the result. If I devise a world where man is treated as an end and not as a means, and if this world recedes away *ad infinitum*, then I will use the men as means, and I will destroy the end.

The solution of the antinomy is to make no distinction between ends and means, and to treat man as an end to the same extent to which I consider him as a means, that is, in driving him to freely think and will himself as a means in the moment I treat him as an end, insofar as I do so, and in signifying to him that he is an absolute end in that very decision he has made of regarding himself as a means.⁶⁸

However, since truthfulness is assumed to reside in the actual realization of the goal, and not in his realizability, such a commitment does not help to overcome the dilemma brought up by Sartre: if the world where man is an

⁶⁷ *Ibid.*, p. 215.

⁶⁸ *Ibid.*, p. 216.

end and not a means fails to come true, those who have lived for such an ideal have lived in a lie.

The victim of a fraud leads a false, stolen, mendacious life. A fraud is pervasive; it involves life as a whole, every gesture, every word. From this point of view, the liar himself is not much better off, except that he is leading the game. Even outside religion and politics, everyone can believe he is right, but quite often he cannot know it; on the other hand, the fact that the leaders cheat does not necessarily imply that the aim is not to be pursued. Just like Augustine and Kant, Sartre portrays a grim scenario, which seems to debar mercy and benevolence for men and their weaknesses.

A different feeling pervades the answer given by Jankélévitch to the question: why does a liar lie? His reply is, for want of love and generosity by the others (and yet, we know he was not especially lenient with liars). Is that all? No, but it is part of the answer.

5. I have previously said that a lie, as an act, is inseparable from the subject, and that it constitutes a real object since it bears effects. Like any real object, *a lie takes place in a (phenomenological) context and identifies a (dialectical) context*. Here, I shall assume an ontological model which does not construe what we call an ‘individual’ as an independent, separate and autonomous being, but rather as a *continuum*: that is, individuals are shaped by a continuity of reactions and relations with both the phenomenological context – the spatio-temporal context which the being is part of – and the dialectical context, which consists of the relations that the object sets up, according to its properties⁶⁹. The dialectical context is given by a network of objects, not necessarily perceptible or belonging to the phenomenological context, which enter into relationships with the initial object, and whose existence is necessary for its own existence, and accounts for the fact that it is the way it is; eventually, we end up defining a constellation of objects, which all contribute to shape the identity of the object we set out to describe. Therefore different objects, situated in the same phenomenological context, may be associated with different dialectical contexts.

On my desk there are books, and a mobile telephone. They share the same phenomenological context, but the dialectical one is different: the books refer, amongst other things, to their authors and editors, whereas the phone refers to a cellphone company, to a set of aeri-als, relay stations, a satellite, telephone switches, transmitting stations, mobile networks, and

⁶⁹ I have dealt with this issue in “Individui e continui”, *Rivista di estetica*, XLVIII, n.s. 39, 2008, n. 3, pp. 189-214.

electromagnetic waves. Without such entities, it would not be a mobile phone, since it would not work as one. Together, the context and the object make up a 'portion of the world'; thus every object, in accordance with its properties, entertains relationships with other objects and identifies a portion of the world. All artifacts refer to the dialectical context constituted by the beings which are involved in their creation and – in the case of technological artifacts – by those allowing them to operate.

The same ontological model applies to living beings: an example is the process of chlorophyll photosynthesis, whose general import is obvious since plants are at the bottom of nearly all food chains in the planet. A man may hardly be regarded as a distinct and autonomous being, since he depends on all four Empedocles' elements (water, air, earth and fire) and on many other entities, whose existence is essential in order for him to be. Moreover, the model holds for social objects (promises, contracts, rights, marriages), which require at the very least the presence of two or more individuals performing an *act* (perhaps a tacit one), thereby producing an *object*, ratified by an *inscription*⁷⁰. Finally, it holds for the objects of our historical world, the facts, the propositions that describe them, and even the lies. At this level, lies can become an instrument of knowledge, and play a relevant function in political, social, and economic life.

It has been said that causal relations [cause-effect relations] may only exist between real objects and facts; they never hold between non-beings, such as the alleged fact (which did not obtain) related by a lie, and beings, such as the concrete acts of the person who has been deceived by the lie. At the same time, this particular non-being is an important one, as it gives a direction: lies do not produce identical effects, and if we are to distinguish them from each other, we must admit that each expresses something fundamentally different. If connected to real beliefs, this 'something' may have a role in producing effects, but it is the beliefs that ultimately bring them about. A context must therefore be given; furthermore, the lies must be voiced by specific subjects.

Iago's lies have the effect of driving Othello to assassinate Desdemona. Now, Iago is no ordinary person: he is someone who enjoys Othello's complete trust. If the same sentences had been pronounced by an anonymous gentleman, they would hardly have produced such an effect. The same is true of George W. Bush's assertion that 'Saddam owns mass destruction

⁷⁰ Cf. M. Ferraris, *Dove sei? Ontologia del telefonino*, Bompiani, Milano 2005, pp. 154 ff.

weapons'. If I had uttered that same sentence in a bar, the effects would not have exceeded an animated discussion with a friend and a couple of extra beers. If Berlusconi had said it, some would have believed him, others wouldn't, Italian media would have commented on it, and finally an official statement would have been issued by the Government, declaring that the Prime Minister's view has been misinterpreted by left-wing newspapers. In both cases, the effects of that assertion would have been limited, and it certainly would never have been related with the need for a war on Iraq. Instead, it was pronounced by Colin Powell at the UN (on February 5th, 2003) and repeated by George Bush in his address to the nation (on March 18th, 2003): that is, it was pronounced by two persons who were holding precise political and institutional positions. A sketchy analysis brings out two fundamental characteristics of mendacious discourse: (a) the identity of the subject who lies (who he is, but also what he is) and (b) the importance of context, not just the phenomenological, but also the dialectical one. From now on I will only refer to Bush.

What are Bush's constitutive features, those implied when we pronounce his name, which allow us to refer to him even though our knowledge of him is not complete (as it could never be)? One such feature is, quite obviously, that he has been the President of the United States during a certain historical period. In this capacity, throughout the eight years of his term, he was both the US head of State and the commander-in-chief of the army. Clearly, Bush possesses many other qualities and characteristics (physical, moral, and the like). Finally, since any concrete object can only exist in a context, he must be located in a spatiotemporal context, which we have called 'phenomenological', and in a dialectical one. Like every animal, Bush needs all the Empedoclean elements in order to exist. If we regard him as a man, we may point to other elements necessary for his existence, and for his being what he is: for instance, relationships with individuals of the same species who have been important for cultural, social, economic, emotional intercourse, and who have had a role in defining the officer, then the governor, and eventually the president of the United States. Bush needs a context, made up of the beings he relates to; for a large part, these beings are common to all living organisms, to all men, to men and women in the United States in the early twenty-first century. As is well known, by Aristotelian divisions we do not reach the individual, but the lowest species; this is why we have amended Aristotle's 'vertical' approach with a 'horizontal' one, i.e. Hegel's account of properties in terms of relations: because of some

properties of his, Bush entertains a series of relations with other beings, without which he would not exist or would be different from the way he is.

As an object which is distributed continuously over time, Bush appears in different contexts; let us consider him while he is addressing the nation in Washington, as a president of the United States, on March 18th, 2003. Bush's phenomenological context is common to other members of the government, while his dialectical context is different, since no one else is the president of the United States: this role causes Bush to enter into specific relationships with a whole network of objects, institutions and individuals, with the United States as a country as well as with other NATO countries. Let us now consider the assertion 'Saddam owns weapons of mass destruction'. Its dialectical context is defined on the basis of the fact that the sentence has been uttered by the president of the US, and not by someone else who happened to be in the same place. Through him, that lie has established connections with our world, and it has been exploited for performing concrete acts, like waging war, destroying, killing, profaning, and finally – yet another lie – exporting democracy.

Once a lie has made contact with our world, it is what it is not just because of its properties and propositional content, but also by virtue of a system of relations that cause it to play a certain role, that is, to bring some particular effects. This is what happened with 'Saddam owns mass destruction weapons', uttered by Bush and relayed by the media all over the world. We all understand what this sentence means; moreover, we know that it designates nothing concrete, since they actually searched for the weapons and could not find them, and they eventually had to admit to the world public opinion that, indeed, they were wrong. We also know, though, that the lie in question has been the main reason alleged by Bush for waging war on Iraq. If we think of those 'weapons', we are not thinking of nothing: behind that expression there are things like official statements, or pages of the US intelligence reports, hence they are not a simple nothing, because they connect to a vast portion of the world which may be identified precisely on the basis of that 'nothing'.

An important distinction is in order here, which connects to what has previously been said: admitting a mistake does not mean confessing a lie. If we assume that lying has to do with good faith, we may prove – as Derrida remarked⁷¹ – that someone was wrong, but we may never have con-

⁷¹ Cf. J. Derrida, *op. cit.*, pp. 18-19.

clusive evidence that he lied; the consequences of this view “are frightening and boundless”. Why, then, do we say it was a lie?

First of all, we are not dealing with a mistake, intended as a wrong answer to a question, because no one had asked such a question, nor are we discussing a general theoretical thesis, since that proposition was supposed to designate a specific individual fact. The suspicion that it was a lie arises by considering that such a statement entailed political and economic advantages. More important yet, expressing an opinion and passing it off as a true and objective statement are not quite the same thing. I may hold some convictions and express them in perfect good faith, but if I have no elements for claiming that my opinion is something more, i.e. a truth, then no matter how strong and intense my belief is, it will not qualify as a true proposition. I am not entitled to take that step, and if I do take it for specific reasons – in the case at issue, justify the outbreak of a war – then it is reasonable to believe that I have lied. Although I cannot produce evidence that Bush told a lie, that he acted in bad faith, I can support my belief with arguments, which are not meant to prove it, but to justify it; which is just what philosophy generally does with its discourses.

Spinoza, Lying, and Acting in Good Faith

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Spinoza’s *Ethics* includes the proposition ‘The free man never acts deceitfully, but always in good faith.’⁷² The terms he uses, ‘never’ and ‘always’, should immediately attract our interest. Yet Spinoza’s claim about ‘good faith’ and the ‘free man’ has been largely overlooked in the field of Spinoza scholarship. One of the few to provide commentary on the subject, Jonathan Bennett, dismisses Spinoza’s prohibition as ‘puzzling’ and even ‘wrong’.⁷³ Another is Don Garrett, who also describes Spinoza’s words as

⁷² Spinoza, *Ethica* IVp72: “*Homo liber nunquam dolo malo, sed semper cum fide agit.*”

⁷³ Jonathan Bennett, *A Study of Spinoza’s Ethics*, Hackett Publishing Co. 1984, 317.

‘puzzling’ but who argues that the proposition, which he says requires the free man always to be ‘honest’, must hold absolutely.⁷⁴

Using some of Garrett’s analysis but in important ways departing from it, I shall argue that Spinoza was making an ethical claim that includes a rule against all lying. The essay will begin with an examination of Spinoza’s relatively brief treatment of the subject. Since Spinoza does not actually use the Latin term for ‘lie’, I shall first provide exegetical evidence to suggest that it was in fact the practice of lying that he sought to condemn. Operating on this assumption, I shall next demonstrate in what manner lying is contrary to what Spinoza calls the ‘dictates of reason’, and in doing so will show that Spinoza’s restriction was absolute. Spinoza suggests that the lie is for the ‘free man’ always absurd because a lie cannot be told in good faith. Finally, I shall consider possible objections but nonetheless shall argue that Spinoza’s good faith ‘free man’ proposition qualifies as a genuine moral absolute.

Throughout the course of the essay, I will use the requirement to act in good faith as an occasion to advance Spinoza’s absolutist position against lying. Good faith, I shall argue, is fundamental to the order of communication. Without faith, communication between reasoning men is absurd. Because of this, Spinoza’s proposition shows us the close interrelationship between the dictates of human reason and faith between persons, demonstrated in the way in which reason urges us to be truthful.

I. There are many good reasons to believe that the proposition in question (*Ethics* IVp72) is meant to include lying, even though Spinoza did not specifically state it as such. Uncovering these reasons will be the task of this section. By closely examining Spinoza’s words, I shall draw a connection between his use of the term *dolo malo* (‘with deceitful intention’) and the phrase *verbis convenire* (‘coming together in words’), two key phrases which appear in the proposition and its accompanying proof.

Dolo malo. Stated once again, the proposition translated from the original Latin says: “A free man never acts with deceitful intention [*dolo malo*], but always in good faith.”⁷⁵ The proof that follows his proposition can be summarized as such. According to Spinoza, the free man always acts in accordance with reason, and proper reason excludes acts done with *dolo malo*. Spinoza says that anything done with *dolo malo* is against reason

⁷⁴ Don Garrett, “‘A Free Man Always Acts Honestly, Not Deceptively’: Freedom and the Good in Spinoza’s Ethics”, *Spinoza: Issues and Directions*, eds. E. Curley & P-F. Moreau, Leiden, E. J. Brill, 1990, p. 224.

because if all men acted in such a way – namely, if at the time of their agreement with one another they intended to break faith – then it would be impossible to have rights and laws in common with other men. To attempt to establish common laws in bad faith, says Spinoza, would be an absurdity.

The first thing we might notice from Spinoza's argument is that there is a tension between my thesis and Spinoza's choice of words, words which point to the connection between the dictates of reason and good faith. One could plausibly argue, from the words of the proposition alone, that the proposition really has nothing to do with lying. Spinoza simply says that the dictates of reason, under which the 'free man' *always* operates, requires him to be a man of good faith. And it is not immediately apparent what Spinoza means exactly by 'good faith'. Additionally, nowhere throughout the course of the proof does Spinoza use the Latin word for lies (*mendacia*) or even related words such as deceit or deception. How, then, are we able to come to the conclusion that Spinoza's proposition has anything to do with lying?

The first bit of evidence supporting my claim comes from Spinoza's use of the term *dolo malo*. I have translated *dolo malo* as 'with deceitful intention' following the standard English translations, but the term literally means 'bad faith' or 'bad devices'. In Classical Latin, *dolo malo* was, among other things, a legal term used to express the intention to commit fraud. The term 'with deceitful intention' is appropriate here, in part because of the term's close connection with the Latin term *simulatio*. *Simulatio*, which was often associated with *dolus malus*, was a term used by the ancients to describe acts of bad faith in international law, such as when one party agrees to a peace treaty which they have no intention of fulfilling.⁷⁶ *Simulatio* is also closely related to lying. Thomas Aquinas, for example, condemned *simulatio* absolutely, arguing that "*simulatio* is properly a lie so to speak."⁷⁷ So while Spinoza's use of the term *dolo malo*

⁷⁵ We should note that Spinoza's actual words are not 'good faith' but rather 'acting with faith'. For the purposes of this discussion, we will introduce the modifiers 'good' and 'bad' to describe 'faith' rather cautiously, recognizing that Spinoza had his own nuanced use of the terms. Spinoza's technical definition of 'good' and 'bad' is beyond the scope of this essay.

⁷⁶ See Everett Wheeler, *Stratagem and the Vocabulary of Military Trickery* (Leiden: E.J. Brill, 1988), 78. For example, Julius Caesar used the term *simulatio* to reproach the presumed insincerity of the German Ubii, who agreed to a truce but then launched a surprise attack against his forces. cf. Caesar, *Bello Gallico* 4.13.

⁷⁷ See Aquinas, *Summa Theologiae*, II-II q.111 a.1.

conveys the wrongful or ‘always illicit’ sense, it also implicitly expresses the intention to lie – that is, the intention to act in bad faith.

I shall pause briefly in order to clarify the exact definition of a lie used throughout this essay. Derived from Aquinas, it is the following: a lie is an assertion contrary to one’s belief. For the purpose of clarification, I must add that all lies include *an intention to lie*; accidental falsehoods are excluded from the definition.⁷⁸ This addendum, the intention, will in the final section become more important to this essay than even the precise definition. In fact, the precise definition is not essential to the overall argument, and for this reason almost all of the customary definitions could perhaps also suffice.⁷⁹

Verba convenire. Returning to the question first posed at the beginning of this section, I shall now endeavor to show in what way Spinoza’s proposition addresses lying. Consider the words of the proof itself. In the first part, what Spinoza calls the demonstration, Spinoza says that if acting in bad faith were a virtue, then it would be best for all men ‘to come together in words’ [verbis convenire] but yet lie to one another, which is absurd. It is also here that Spinoza specifies what he means by acting with *dolo malo*: “to come together in words, but to be contrary to one another in reality.”⁸⁰ It should be noted that Spinoza’s use of the phrase ‘to come together in words’, in this context, serves a very important function. Spinoza uses the phrase to show the absurdity of, on the one hand, intending to enter discourse, but on the other, intending to do so with *dolo malo*. This claim, I shall argue, rests upon the assumption that when people enter into conversation with one another, a tacit agreement is being made that what is spoken by the speaker is believed true. This idea, which can also be found in Augustine’s treatment of lying, had been included in the seminal work

⁷⁸ Here I follow Chisholm and Feehan, who say, “We believe, with St. Thomas, that, if a man lies, then he ‘intends to say what is false.’” Roderick Chisholm & Thomas Feehan, “The Intent to Deceive” *Journal of Philosophy* 74 (March 1977): 148.

⁷⁹ The one exception is that all definitions making use of the notion of a ‘right to the truth’ must be excluded. Such definitions, because they rely upon evaluative terms, are incompatible with absolutism as I understand it.

⁸⁰ Spinoza, *Ethica* IVp72d: “*consultius esset, dolo malo agere, hoc est (ut per se notum) hominibus consultius esset solummodo convenire, re autem invicem esse contrarios; quod est absurdum.*”

written by the Dutch jurist Hugo Grotius a few decades earlier.⁸¹ Grotius, in *On the Law of War and Peace*, had said,

Insofar as the notion of lying is forbidden by its very nature... no other account can be given than this: it is the violation of a standing right... that human beings who engage in verbal discourse owe to one another and is thus understood by a kind of tacit agreement.⁸²

If ‘coming together in words’ always presupposes a certain, fundamental sentiment of mutual sincerity, then to enter into conversation with another in bad faith, according to Spinoza, is always absurd. Thus, bad faith is against the dictates of reason.

Since we see that men entering into conversation with one another illustrates for Spinoza the absurdity of the ‘free man’ acting in bad faith, the next question that naturally arises is this: What are the exact conditions under which someone is guilty of bad faith in verbal discourse? Interestingly, Aquinas’s definition of a lie seems well suited to answer this question, since his definition is remarkably similar to the notion of contrariness Spinoza uses in his demonstration. Aquinas says, “[S]ince words are naturally signs of intellectual acts, it is unnatural and undue for anyone that he should signify by words something that he does not have in his mind.”⁸³ A division between one’s thought and his words, or using Spinoza’s terminology an opposition between ‘reality’ (*res*) and ‘words’

⁸¹ Some Spinoza scholars have acknowledged the connection between Spinoza and Grotius, such as J.M. Alter and more recently Matthew Kisner. See M. Kisner, *Spinoza on Human Freedom* (Cambridge: Cambridge University Press, 2011), 117 n12. Spinoza had a copy of Grotius’s seminal work *De Jure Belli ac Pacis* in his own personal library. This voluminous work by Grotius, who like Spinoza was Dutch, was no doubt highly respected in Spinoza’s day. Grotius is now widely regarded as the ‘father of international law’.

⁸² Grotius, *De Jure Belli ac Pacis* III 1.11: “[M]endacii, qua naturaliter illicitum est... nulla videtur alia dari posse praeter repugnantiam cum iure existente... quam homines colloquentes his quibus colloquuntur debere quali pacto quodam tacito intelliguntur.”

⁸³ Aquinas, *Summa Theologiae* II-II q.110 a.3: “...cum enim voces sint signa naturaliter intellectuum, innaturale est et indebitum quod aliquis voce significet id quod non habet in mente.”

(*verba*), happens to be at the very root of what it means to lie.⁸⁴ This notion is by definition the essential element behind all ‘assertion contrary to belief’.

As I’ve already mentioned, Spinoza’s words convey the assumption that once two parties have ‘come together’ in an exchange of words, a standing, tacit agreement of truthfulness always holds. So when free men make assertions that are contrary to belief – assertions that are expressed in violation of the standing agreement in place for all reasonable persons – there is for Spinoza not an explicit violation of a norm, but instead a contradiction. This is because ‘free men *always* act in good faith’ [my emphasis]. From this and the aforementioned connection between lies and *dolo malo*, it is evident that Spinoza’s prohibition implicitly includes the dictum ‘The free man never lies.’ This diagnosis is consistent with the handful of Spinoza scholars who have broached the topic.⁸⁵ So while it is possible that Spinoza’s proposition might be extended to include certain forms of deceit, I shall nonetheless limit my remarks in this essay to the assumption that his proposition prohibits lying.

II. Having established that Spinoza’s Proposition 72, at a minimum, addresses lying speech-acts, it is now appropriate to discuss in what way truthfulness is indispensable for the free man. In order to do so, I shall first explain what Spinoza means by ‘freedom’, and then overlay his notion of freedom atop his rather unique, deterministic naturalism. For Spinoza, freedom amounts to a possibility that is distinctly human. While human nature holds man in an irreversible state of bondage to his emotions, Spinoza nevertheless believes that the potential exists for humans to escape the emotions and be guided by reason.

Next, I shall describe in what way the idea of ‘good faith’ was not only important to Spinoza but also intrinsically connected to freedom. I will argue that Spinoza’s use of the term ‘good faith’ is not meant in a general sense, but rather in a way that is true to the etymological roots of *fides* and

⁸⁴ We might understand this principle of non-correspondence as being the foundation for Aquinas’s definition of a lie, since Aquinas famously defined truth as “*adequatio rei et intellectus*”. Aquinas, *De Veritate* 1.1. Spinoza defines truth in a similar way: “*Idea vera debet convenire cum suo ideato*” (A true idea must agree with that of which it is the idea). Spinoza, *Ethica* I Axiom 6.

⁸⁵ LeBuffe, Bennett, and Garrett are examples. While all three recognize IVp72 as addressing ‘honesty’, Bennett also explicitly mentions ‘lies’. See Michael LeBuffe, *From Bondage to Freedom: Spinoza on Human Excellence* (Oxford: Oxford University Press, 2010), 189-192; Jonathan Bennett, *A Study of Spinoza’s Ethics* (Indianapolis: Hackett Publishing 1984), 317-318; and Don Garrett, *op.cit.*, 221-238.

that is basic to what I shall call the order of communication. Because of this, lying as a breach of faith is *never* committed by the free man, and therefore reason demands that its prohibition be *absolute*.

Spinoza's ethics include two key elements, concepts that appear most prominently in Part IV: (1) the *conatus* doctrine and (2) freedom. These two elements also produce a natural tension for Spinoza since they at face value seem inherently in conflict with one another.

Conatus. According to Spinoza, to act from one's conatus is "to act, to live, to preserve one's own being (these three mean the same) under the guidance of reason, on the basis of seeking one's own advantage."⁸⁶ Spinoza uses the term conatus to refer to the way all things strive for their own self-preservation, a doctrine which can be traced back to the Ancient Greeks and which Spinoza situates at center-stage of his deterministic system.⁸⁷ For man, his conatus is essentially the natural appetite to increase in his own power [potential], an appetite that is equivalent to man's essence and drives him in accordance with human nature.⁸⁸ Spinoza believes that human beings are necessarily determined by their conatus. For this reason, conatus is the fundamental principle of human nature and the sole measure of human virtue.⁸⁹

When we pass through Spinoza's metaphysical lens and finally reach the core of his ethical system found in Part IV, we find that Spinoza describes humans in a state of bondage. Yet humans are in bondage, he says, not because of their *conatus*, but because of their inability to control their

⁸⁶ Spinoza, *Ethica*, IVp24: "agere, vivere, sum esse conservare (haec tria idem significant) ex fundamento proprium utile quaerendi."

⁸⁷ For a very comprehensive treatment of the philosophical lineage of the doctrine of self-preservation, see Harry Wolfson, *The Philosophy of Spinoza* (Cambridge: Harvard University Press, 1948), 196-97. Wolfson tells an extensive story about the historical connection between the Stoic term ὁρμη, an idea that was shared by Christian philosophers such as Augustine and Aquinas and retained by Spinoza in his notion of *conatus*. Although the Latin words used by Augustine (*vult*), Aquinas (*appétit*), and Spinoza (*conatus*) are different, Wolfson argues that the essential concept is identical, owing its origin to the Greek word ὁρμη (impulse, striving).

⁸⁸ See for example Spinoza, *Ethica* IIIp9s and III p35d.

⁸⁹ *Ibid.*, IVp24: "To act in absolute conformity with virtue is nothing else in us but to act, to live, to preserve one's own being (these three mean the same) under the guidance of reason, on the basis of seeking one's own advantage." (*Ex virtute absolute agree nihil aliud in nobis est, quam ex ductu Rationis agere, vivere, sum esse conservare (haec tria idem significant) ex fundamento proprium utile quaerendi*).

emotions.⁹⁰ This perpetual state of bondage prevents humans from acting fully in accordance with the dictates of reason. Emotions feed the human appetite and drive man toward a *conatus* that is a composite of mind and body, reason and emotion.⁹¹

Spinoza does, however, speak of a special *conatus* of the mind, and he uses this idea to clarify the association he makes between *conatus* and virtue:

[W]hatever we endeavor according to reason is nothing else but to understand. Again, since this *conatus of the mind* wherewith the mind, in so far as it exercises reason, endeavors to preserve its own being is nothing else but a conatus to understand... this conatus to understand... is therefore the primary and only basis of virtue.⁹² [my emphasis]

Thus, while *conatus* is a fundamental metaphysical principle for Spinoza, within each human being it is manifested in two competing principles: the *conatus of the body* and the *conatus of the mind*. According to Spinoza it is the human mind's endeavor to understand, which requires it to preserve itself, and only *indirectly* the body's desire for self-preservation, that forms the proper conditions for virtue.

Freedom. At the end of Part IV, we see the conatus doctrine collide with the notion of freedom present in Spinoza's characterization of the 'free man'. The free man, according to Spinoza, is the model of the ideal human life, the man who acts fully in accordance with the dictates of reason.⁹³ As such, he is not determined by either the body or the emotions, as is the case for the common human being. The resulting tension between freedom and the conatus of the body is most vividly demonstrated in the second part of the proof to Proposition 72. There, Spinoza says,

The question may be asked: 'What if a man could by perfidy free himself from immanent danger of death?

⁹⁰ Ibid., IV pref.

⁹¹ Ibid., IIIp9s.

⁹² Ibid., IVp26.

⁹³ Garrett, 232.

Would not consideration for the preservation of his own being be decisive in persuading him to be perfidious?⁹⁴

Here, Spinoza is challenging his own *conatus* doctrine, the doctrine of self-preservation, by suggesting that under some circumstances the only way to save one's life might be to commit perfidy, a term I shall define as 'breach of faith'.⁹⁵ So in Proposition 72 one dictate of reason (the principle of self-preservation) is pitted against another (the requirement to always act in good faith). In the context of the free man, this second requirement to act in good faith is Spinoza's chief concern. Perhaps this is because the human mind, according to Spinoza, exists eternally.⁹⁶ From this assumption, the preservation of the free man's physical existence is therefore pointless if he must sacrifice both his freedom and his *conatus* of the mind in the process.

Interestingly, the response Spinoza gives to the conflict between *conatus* and good faith in the scholium to Proposition 72 is not couched in terms of the 'free man', but rather in terms of all men. He says,

I reply in the same way, that if reason urges this, it does so for *all men*; and thus reason urges men in general to join forces and to have common laws only with deceitful intention [*dolo malo*]; that is, in effect, to have no laws in common at all, which is absurd.⁹⁷ [my emphasis]

⁹⁴ Spinoza, *Ethica* IVp72s: "*Si iam quaeratur: 'Quid si homo se perfidia a praesenti mortis periculo posset liberare, an non ratio suum esse conservandi omnino suadet ut perfidus sit?'*"

⁹⁵ Perfidy is an important term for Spinoza, as it was for Grotius. Grotius reserves the term 'perfidy' [*perfidia*] for those offenses deserving only the strongest censure. In his chapter entitled "Good Faith Between Enemies" (Bk III, Ch 19), the terms 'faith' and 'perfidy' are used throughout to emphasize one of his main themes: during war belligerents, and even mortal enemies, must always keep faith with each other, even if one side has already committed perfidy. See Grotius, BkIII, Ch19, SectXIII: "Faith must be kept even with the faithless" [*Servandum fidem ac perfidies*].

⁹⁶ Spinoza, *Ethica* Vp23. On the incompatibility of lies to the *conatus* of the mind, Spinoza was likely influenced by the non-canonical Jewish text the *Book of Wisdom*, which proclaimed, "[A] lying mouth slays the soul." Wisdom 1:11. Spinoza, himself raised a Sephardic Jew, was well-versed in Jewish scripture as well as the writings of eminent Jewish philosophers. Augustine also evokes this passage to advance his own absolutist condemnation of lies. See Augustine, *De Mendacio* 6.

⁹⁷ Spinoza, *Ethica* IVp72s: "*[R]espondebitur eodem modo: 'Quod si ratio id suadeat, suadet ergo id omnibus hominibus, atque adeo ratio omnino suadet homi-*

Spinoza is saying that the temporary suspension of good faith, even if one's life is threatened, is always against the dictates of reason – to deny good faith is to submit to human bondage rather than to choose freedom. Yet in making this claim, Spinoza speaks descriptively, rather than normatively. According to Spinoza, the completely free and fully reasonable human being *always* chooses to pursue true freedom and therefore always acts in good faith.⁹⁸

Good Faith. Up to this point, I have suggested that acting in good faith is somehow equivalent to truthfulness or honesty, but there is more that must be said. Spinoza's proposition – "The free man never acts deceptively but always in good faith" – centers around the Latin term *fides*. According to the 7th century etymologist Isidore of Seville, the term *fides* conveys the following idea: 'that which is promised will come about'.⁹⁹ Isidore says that for this reason *fides* is derived from the Latin *foedus*, meaning agreement or pact. Augustine remarks similarly when he relates *fides* to lying. He says,

[T]he term 'faith' in the Latin language means that the thing which is said is done. Hence, one does not exhibit faith when telling a lie.¹⁰⁰

Augustine says that it is not possible to lie and at the same time act in good faith. Considering Spinoza's own argument, he clearly agrees with Augustine when he seems to say that the person who lies always commits perfidy. If this is true, then it seems to be the case, from the etymology of the term *fides*, that the lying act always breaks faith.¹⁰¹ This is because a lie nullifies the agreement implicit to all conversation, an agreement basic to the very meaning of the term *fides*.

nibus, ne nisi dolo malo paciscantur, vires coniungere et iura habere communia, hoc est, ne revera iura habeant communia, quod est absurdum."

⁹⁸ Garrett says, "those who are most free will be the most honest" (Garrett, 231). Garrett also rightly points out that it is not unusual for an ethical theory to set forth an ideal for which man should strive (Garrett, 234). I take such theories to be perfectionist.

⁹⁹ Isidore, *Etymologiarum* VIII 2.4.

¹⁰⁰ Augustine, *De Mendacio* 20 (PL 40): "*Fides enim appellata est in latina lingua ex eo quia fit quod dicitur: quam manifestum est non exhibere mentientem.*"

¹⁰¹ Chisholm and Feehan confirm this point when they say, "Lying, unlike the other types of intended deception, is essentially a breach of faith." Chisholm, Feehan, 153.

It appears, then, to be no coincidence that the language appearing throughout Spinoza's proof is the language of agreement and contract, which includes the terms *pacisci* (to agree), *coniungere* (to join together), *convenire* (to harmonize or come together), and *iura communia* (common laws). Each serves to reinforce the central idea behind Proposition 72, namely, that an implicit understanding is always present between men who 'come together in words', an agreement of truthfulness.

Spinoza, as I have shown, issues a descriptive proposition asserting that the 'free man' always acts in good faith and therefore is always truthful. Up to this point, the line of argumentation has closely matched similar points made by Don Garrett. I have further interpreted Spinoza's proposition as saying 'The free man never lies'. This claim is built upon two main conclusions: (1) Spinoza was condemning lies as contrary to good faith, and (2) Spinoza in some sense condemned lies absolutely. In the next section, I shall add a third and final claim: (3) Spinoza's proposition is normative, and when these three claims are taken together, the proposition qualifies as a moral absolute.

III. It is perhaps difficult to reconcile a wholly deterministic metaphysics with moral responsibility and human action, for to say that man is fully determined by his nature is to suggest that man lacks free will. A metaphysics expressed only in terms of 'is' without leaving room for 'ought', one might assume, all but nullifies our common notion of morality. Nevertheless, in this final section, I shall argue that Spinoza's prohibition against lying is presented as a true moral claim, and because of this, his condemnation of lying should be understood as a moral absolute.

There are three main reasons for this claim. First, as has been mentioned, the scholium is addressed to all men, not just the 'free man'. Second, Spinoza holds the free man to be the model for human beings.¹⁰² The third reason is what I shall call Spinoza's regard for personal 'honor'.

Spinoza demonstrates a particular affinity for the virtue of *honestas*, an affinity made evident apart from his discussion of the free man. The following are two examples. Earlier in Part IV of his *Ethics*, he says,

[T]he desire to establish friendship with others, a desire that characterizes the man who lives by the guidance of reason, I call Sense of Honor [*honestas*]; and I use the term 'honorable' for what is praised by men who live by

¹⁰² Garrett, 232.

the guidance of reason, and ‘base’ for what is opposed to the establishing of friendship.¹⁰³

Spinoza suggests that men *can live* by the guidance of reason, and in doing so they live in accordance with honor. Of note in this passage is Spinoza’s use of the term friendship, which for Spinoza is not limited to people we would normally call our ‘friends’. What Spinoza means by friendship is more akin to harmony than a distinctly personal notion, a notion that is similarly conveyed in the expression *verba convenire* (to come together or harmonize in words).¹⁰⁴ Furthermore, the etymological connection between the English word ‘honor’, often used in the moral sense as it is here, and the word ‘honesty’ is also noteworthy, as is the equivalence in Classical Latin between the words *honestas* and *fides*. Both *honestas* and *fides* were terms often used to describe a person’s moral integrity.

A second example of Spinoza’s regard for *honestas* as a virtue is found in his *Theological-Political Treatise*:

Honesty and sincerity of heart is not imposed on man by legal command or by the state’s authority. It is an absolute fact that nobody can be constrained to a state of blessedness by force of law; to this end one needs godly and brotherly exhortation, a good upbringing, and most of all, a judgment that is independent and free.¹⁰⁵

Here we see evidence, once again, that ‘freedom’ according to Spinoza is not exclusively a characteristic of the ‘free man’, but rather that actual men *can live* in such a manner that is honest and free. This possibility for virtue, closely tied to the previously described notion of freedom, is precisely the central thrust of Spinoza’s ethics.

From these passages, we see that Spinoza describes both freedom and the life of the free man such that both appear as *intrinsically*

¹⁰³ Spinoza, *Ethica* IVp37s1: “*Cupiditatem deinde, qua homo, qui ex ductu Rationis vivit, tenetur, ut reliquos sibi amicitia jungat, Honestatem voco, et id honestum, quod homines, qui ex ductu Rationis vivunt laudant, et id contra turpe, quod conciliande amicitiae repugnat.*”

¹⁰⁴ Ibid., IV App 12 and 17.

¹⁰⁵ Spinoza, *Theological-Political Treatise* 7 in *Complete Works*, trans. Samuel Shirley (Indianapolis: Hackett, 2002), 470.

desirable.¹⁰⁶ Garrett believes that Spinoza intends his description of the free man to be “inherently motivating”, and on this point I agree.¹⁰⁷ The question that arises, then, is how this descriptive account can amount to an ethic, and in particular one that can successfully convey a moral absolute.

I would submit that Spinoza’s description contains the two components that are essential to any moral norm: (1) a motivational component and (2) a specifiable rule. The criteria for a motivational component seems to be satisfied by Spinoza’s description of the life of the free man which, as I have said, is what Spinoza suggests that every reasonable man would want for himself. Likewise, the moral rule ‘A free man never lies’ not only qualifies as a norm, but it has been articulated in such a way that it is absolute. From this, I arrive at the conclusion that is my overall thesis: Spinoza’s proposition is rightly understood as a moral absolute. With this in mind, I will now consider two possible objections.

Is the Absolute Rule Against Lying Only Applicable to the ‘Free Man’? The first objection I will consider calls into question the moral applicability of Spinoza’s free man proposition, a problem that is voiced most clearly in Don Garrett’s article entitled “A Free Man Always Acts Honestly, Not Deceptively: Freedom and the Good in Spinoza’s Ethics.”¹⁰⁸ Garrett’s essay, written over two decades ago is undoubtedly the most comprehensive treatment of the subject that can be found in the literature. Perhaps for this reason and because of the respect Garrett demands as a Spinoza scholar, it also appears to be the most influential.

As has already been mentioned, Garrett’s essay is for the most part compatible with my first and second claims: (1) Spinoza was condemning lies, and (2) he condemned them absolutely. While Garrett uses the term ‘honesty’ rather than ‘truthfulness’ and ‘deceit’ rather than ‘lying’, the difference in terms is rather inconsequential to my overall argument.

¹⁰⁶ In this way, Spinoza sets the stage for what he states is the ultimate goal of his ethics, an explication of the ‘way leading to freedom’. See Spinoza, *Ethica*, preface.

¹⁰⁷ Garrett, 234.

¹⁰⁸ I should note that Garrett is not the only one that has expressed a view in conflict with my thesis. William Frankena argues that Spinoza’s ‘ethical egoism’ cannot rightly be called a ‘morality’ and therefore should not be viewed as having normative content. Frankena’s claim, however, lacks the depth and sophistication of Garrett’s, and as such I have chosen only to address Garrett’s objection here. William Frankena, “Spinoza’s ‘New Morality’: Notes on Book IV” in *Spinoza: Essays in Interpretation*, eds. E. Freeman & M. Mandelbaum (LaSalle, Illinois: Open Court, 1975), 85-100.

Yet the view advanced in this essay and Garrett's own view diverges when we consider to whom the proposition might apply. Garrett argues that the proposition applies only to the free man, whom he calls the 'ideal human being', and as such it represents the 'concept of a limit'.¹⁰⁹ Understood in these terms, Garrett says that what is good for actual humans can often differ from what is good for 'free men'. Absolute honesty is an example of one such virtue. It might not be good, Garrett argues, for one to be absolutely honest. For this reason, Garrett says, the proposition cannot apply to actual human beings since "circumstances can arise in which one's physical life can be preserved only by actions that would normally be regarded as deceptive" and thus "deception may under some circumstances nevertheless be good for actual human beings."¹¹⁰

The support Garrett enlists for his argument is sophisticated and draws upon broad textual support. I shall not attempt to re-present his full argument here. Instead, I will simply suggest that the interpretative difference may be the consequence of which ethical lens one chooses: perfectionist or consequentialist. Garrett seems to presuppose the mistakenness of the absolutist view in light of *anticipated* consequences, evidenced when an act of honesty will presumably result in the death of the truth-teller. The consequentialist would say that the rightness or wrongness of the lie is determined by the outcome of the act. This way of reading Spinoza, which emphasizes the fact that Spinoza equates *conatus* with virtue, points toward the possibility of a licit lie.

The problem with this view is that Spinoza not only specifically denies the prioritization of self-preservation over good faith, he also makes no allusion to exceptions for actual persons. Instead, I believe the only coherent reading of Spinoza's proposition is a perfectionist one. Spinoza's perfectionism points to an ultimate moral exemplar – the free man – who, although perhaps altogether unimitable, should according to Spinoza be nonetheless emulated. Yet this is not to say that Spinoza's ethics includes no set of deontic principles; the free man propositions, although perfectionist, are not expressed in a manner that is supererogatory. Instead, Spinoza clearly expresses the 'free man propositions' as rules of conduct. And at that, his list is very limited.¹¹¹ Yet among the five propositions that convey

¹⁰⁹ Garrett., 231.

¹¹⁰ Ibid., 226 and 230.

¹¹¹ Propositions 67-73, the so-called 'free man propositions', include the following dictums which could also be counted as rules: (p67) "A free man thinks of death

what could be considered ‘wrong’ actions, Proposition 72 alone is worded in absolutist language. The only other place absolutist language can be found is in his *conatus* doctrine – the fundamental principle applying to all men both free and in bondage – and there, only vaguely.

Perhaps this is why Spinoza readdresses his *conatus* doctrine within the context of Proposition 72; he seeks to resolve the tension between two competing absolutes. In doing so, he shows that truthfulness, not self-preservation, is most elemental to freedom.

May Perfidy Simply Be Wrong by Definition? The second objection I shall consider involves the claim that breaches of faith can sometimes be justified. Since it seems that promises can sometimes rightly be broken, it would follow that breaches of faith are a matter of justice. According to this line of criticism, a ‘breach of faith’ is wrong only if it amounts to an injustice, and hence it seems evident that breach of faith may under certain conditions be justified. Therefore, the requirement to keep faith cannot possibly be absolute.

One modified version of this view would be to say that justified breaches of faith are actually not true breaches of faith, properly speaking. One can act so as to appear to break faith, but if the act is justified, then it is not really a ‘breach of faith’. ‘Breach of faith’ is thereby to be reserved as strictly a term used to describe an illicit act. Under this view, the term ‘breach of faith’ is thus simply wrong by definition. While on the surface it may seem that making the adjective *wrongful* implicit to all so-called ‘breaches of faith’ might preserve Spinoza’s absolutism, in actuality it cannot.¹¹² For if this second alternative was accepted, then the action prohibited in Proposition 72 would not be specifiable – it would be empty of content. The definition of ‘breach of faith’, the action Spinoza deems ‘absurd’ for the free man, would depend on the inclusion of an evaluative

least of all things”; (p69) The free man is prudent in his courage; (p70) “The free man... tries as far as he can to avoid receiving favors [from ignorant people]”; (p71) “Only free men are truly grateful to one another”; (p72) “The free man never acts with deceitful intention, but always in good faith.” Spinoza *Ethica* IVp67-73.

¹¹² Moral absolutes, as John Finnis shows us, must be specifiable without reference to any evaluative term and thus cannot be defined in terms of their wrongfulness. Therefore, if breach of faith is defined in terms of injustice or wrongfulness, and since moral absolutes cannot include such terms in their definition, then under the line of argument used in this objection, it would at first appearances seem that breach of faith must be excluded from the realm of moral absolutes. John Finnis, *Moral Absolutes* (Washington, D.C.: Catholic University of America, 1991), 1-9.

term, such as wrongful, unjust, or illicit. It would be like saying that murder is defined as *wrongful* killing. And this is the kind of definition Spinoza would have to reject, lest he be accused of making a vacuous claim.

Another difficulty for the defense of my thesis is that Spinoza himself seems to present his own example of how a rule against breaking faith should not be held absolutely.¹¹³ When a pact is made between countries to form an alliance, he says, if one country were to later choose to withdraw from the alliance, it may rightly do so. Spinoza holds such promise-breaking to be licit because when one man makes a pledge and later changes his mind, Spinoza says that it is by a ‘natural right’ that the man may be permitted to break his pledge.¹¹⁴

There is an important distinction that must be made, however, between breach of promise [*fidem solvendam*] and breach of faith [*perfidia*]. Spinoza believes that breach of *promise* may in certain situations be justified. These include when the circumstances under which the original agreement was made have changed or if the agreement requires one of the parties to facilitate some wrongdoing.¹¹⁵ Therefore, there is no such thing for Spinoza as an absolute rule against breaking promises. So when it is just to break one’s promise, he says, such acts cannot rightly be called perfidy.¹¹⁶

Nevertheless, Spinoza asserts that the natural right to break promises does not annul the requirement to maintain ‘good faith’.¹¹⁷ Because of this, reason demands that the requirement to act in good faith holds absolutely. Therefore, Spinoza on the one hand holds *breach of promise* to be a matter relative to the situation, but on the other hand *breach of faith* is always wrong. Breach of faith is thereby synonymous with acting in bad faith. And acting in bad faith is, according to Spinoza, always opposed to freedom. The consequence of this distinction, then, is that Spinoza must reject the main premise that underlies the objection voiced at

¹¹³ Spinoza, *Political Treatise* 3.14 in *Complete Works*, 694.

¹¹⁴ *Ibid.*, 2.12, 686.

¹¹⁵ *Ibid.*, 3.14 and 3.17, 694-95.

¹¹⁶ Spinoza says, “[E]very commonwealth has full right to break a treaty [*foedum*] whenever it wishes, and it cannot be said to act treacherously or perfidiously in breaking faith as soon as the reason for fear or hope is removed.” *Ibid.*, 3.14, 694. The reason, he says, is that treaties are made in light of the circumstances of the time; when circumstances change, then reconsideration is not only fully warranted, it is expected.

¹¹⁷ “[W]hat we here say does not imply the annulment of that good faith which sound reason and religion bids us keep.” *Ibid.*, 3.17, 695.

the beginning of this section; namely, the possibility that some acts of perfidy may be justified.

In response to this objection, I propose that ‘good faith’ is basic to all human interactions in which words are communicated, and because of this Spinoza, following Augustine, holds that ‘breach of faith’ occurs every time a person lies.¹¹⁸ If this is correct, then what fundamentally underlies IVp72 is the belief that good faith is essential to the order of communication. Without the fundamental assumption that what is asserted is expressed in good faith, attempts to communicate are, as Spinoza says, rendered absurd.

Consequently, Spinoza’s use of the term ‘perfidy’ should not be understood as being simply wrong by definition. Instead, I have suggested that ‘perfidy’ should be understood in terms of the definition of a lie, which is not only compatible with the notion of contrariness made use of in Proposition 72, but is included implicitly within it. The essential element of the definition of a lie is the intention; when a person lies, he *intends* to communicate falsely. This happens to be the same intention present when one breaks faith, an intention that supervenes upon the implicit agreement already present every time two parties enter into conversation with one another. Thus, Spinoza says that to confirm this agreement, basic to the order of communication, but yet at the same time to not intend to follow through, is absurd. Because breaking faith is unreasonable, no free man would ever engage in such an act. Breach of faith is hence always against freedom, and for this reason the person who lies, because he acts in bad faith, always acts wrongly.¹¹⁹

¹¹⁸ The argument against lying as a breach of faith entered the so-called absolutist tradition with Augustine. Augustine had held that one element of the wrongness of lying could be found in the fact that the liar *always* breaks faith, even though he would want others to not break faith with him. Augustine says, “[E]very liar breaks faith in lying, since he wishes the person to whom he lies to have faith in him, yet he does not keep faith.” Augustine, *De Doctrina Christiana* I.36 (34): “*Nemo enim mentiens, in eo quod mentitur, servat fidem. Nam hoc utique vult, ut cui mentitur fidem sibi habeat, quam tamen ei mentiendo non servat.*”

¹¹⁹ Today, this idea is reflected in the international law of armed conflict, most recently in the 1977 amendment to the Geneva conventions. The 1977 amendment prohibits all acts of ‘perfidy’ during war. One example listed as being in violation of the treaty is the use of the white flag to feign surrender. In war, such acts would fit the definition of a lie, since to do so would be to actively communicate, using signs rather than words, an assertion (the willingness to surrender) that is contrary to the

Conclusion. Spinoza expresses an absolute prohibition against lying in terms of the irrationality of breach of faith. Breach of faith, as opposed to breach of promise, was understood in classical Latin as a form of treachery that was always illicit. The difference between breach of promise and breach of faith, while subtle, is nevertheless vitally important to my overall claim. Because breach of promise, Spinoza explains, occurs at some point after an agreement is made, breach of promise may be immune to the charge of acting in bad faith. This is because circumstances may change such that one party may be justified in changing their mind.

In contrast, I have here argued that every breach of faith is done in bad faith. As such, Spinoza's proposition includes the implied premise that breach of faith, or perfidy, occurs every time one party makes an agreement, whether implicit or explicit, that he or she has no intention of fulfilling. It also includes the implied premise that when one lies, faith is broken despite the tacit agreement reaffirmed every time men 'come together in words'. Under this view, a lie is therefore a breach of faith – breach of faith because it occurs coincident with actions that reaffirm this special, standing agreement of truthfulness. For this reason, breach of faith is also in a sense a lying promise. Because the agreement that is both implicit and fundamental to all conversation is always in place, perfidy may be understood as the same as lying and good faith as equivalent to truthfulness.

By reading Spinoza in this manner and then by applying a perfectionist lens, we help resolve the puzzle of Spinoza's absolutist language while also opening up the possibility for an underlying moral message. This message, as I have argued, is indeed compelling: if human beings wish to possess true freedom, then they must live by the dictates of reason, the demands of which require us to act always in good faith, and thereby never to lie.

mind (the intent to surprise or trap one's enemy). The convention prohibits such acts without exception.



– sessione internazionale di filosofia antica – che si svolge con cadenza annuale proprio nei luoghi che videro la genesi del pensiero eleatico. Nella consapevolezza di quanto fascino eserciti l’antica città di Elea e di come essa sia meta di pellegrinaggio per appassionati e cultori dei filosofi Parmenide e Zenone, con spirito visionario, si è creata una sinergia per dare vita a un appuntamento scientifico di rilevanza mondiale. Già a partire dal 1986, si è giunti ad ideare Eleatica, un evento capace di attirare nell’inimitabile cornice di Elea i principali studiosi e appassionati della scuola eleatica invitati ad ascoltare le lezioni magistrali di un filosofo di fama riconosciuta per dar vita a dibattiti di altissimo livello, sulla scia della grande tradizione della filosofia greca.

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