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BEING MORAL AND HANDLING THE TRUTH*

By Laurence Thomas

Example 1: Professor Jamella Osenstadt has a truly marvelous rapport with students. Alas, one of her very best students surprises her by making the following remarks: "Professor Osenstadt, in view of the extraordinary bond that you have with students, a lot of us have been wondering whether you have ever felt any sexual attraction towards a student?" What is the appropriate answer to that question?

Example 2: Suppose that Miriam, an eight-year-old child, asks her parents whether she was wanted from the very moment of conception. As it happens, this was not at all the case. The pregnancy was hardly intended; and to both the husband and the wife, abortion seemed to be the most reasonable option. But unrest while traveling abroad delayed their return home for an entire month. It was too late for an abortion. Upon giving birth to Miriam, who is ever so much the darling of their lives, the parents wonder how they could have ever thought about having an abortion. But indeed they had done so. What should the parents' answer be to their daughter's question? No one will ever know the truth unless either or both of them tell it.

I. Truth as an Excess

In the *Groundwork of the Metaphysics of Morals,* the great philosopher Immanuel Kant rightly maintained that telling the truth is one of the foundations of a stable society. For countless are the ways in which every person depends upon individuals telling the truth, from the request for directions to an inquiry regarding the value of a house, from a concern about health that is raised with a physician to a question asked of a neighbor regarding an expected mail delivery. And so on. Society would be intolerable—indeed society would perhaps disintegrate—if lying were the norm. Yet, from Kant's consideration that truth-telling is foundational to the stability of society, it does not thereby follow, as Kant supposed,

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that lying is necessarily a vice. Recall Aristotle's view articulated in the *Nicomachean Ethics* that virtue is the mean between two extremes: the extreme of deficiency in one case and the extreme of excess in the other. If Aristotle's account of the virtues applies to truth-telling, then what would seem to follow is that (a) lying is not necessarily a fundamental moral fault and (b) truth-telling is not necessarily a virtue.

It is quite clear that Kant can accept (b) or some version thereof, since he can accept both that (i) there are instances when the truth should not be volunteered and that (ii) there are various ways in which the truth can be told and it is not the case that the truth should always be told in the harshest possible manner. But, of course, it is (a) in the preceding paragraph that Kant unquestionably rejects. I will argue in this essay that Aristotle's account of the virtues yields an account of truth-telling and lying that is morally superior to Kant's view that lying is necessarily a moral wrong and truth-telling, when one must proffer an answer, is always right.[1] If, given the way we use the language, it seems odd to say that lying is sometimes an act of virtue, it suffices that we can sometimes say that lying is ever so morally appropriate—although I offer an example in Section III where surely the lie counts as virtuous. Finally, we must not ignore the reality that in telling the truth a person can be absolutely and unequivocally vicious.

I want now to illustrate that indeed truth can be told to an excess. This brings us to Example 1 above. As it happens, Professor Osenstadt has indeed had a few sexual fantasies about students on occasion. However, the professor has always been entirely proper in her interactions with students and has never given a student any reason whatsoever to suppose that she might have a sexual interest in her or him or, for that matter, any other student. Her approach seems appropriate, for I take it to be manifestly clear that there is simply no way for her to admit that she has had a few sexual fantasies about students without opening the proverbial Pandora's Box. Admitting that she has had such fantasies would leave her susceptible to a wealth of misconceptions and inappropriate speculations on the part of both students and colleagues (since surely such an admission to students would get back to colleagues). Doing so would certainly undermine her salubrious intellectual relationship with students. This would result even though Professor Osenstadt has never done anything that would warrant anyone thinking that she has found any student sexually attractive. Her telling the truth would be the moral fault of telling the truth to an excess in a way that accords entirely with Aristotle's view of virtue and vice. By contrast, there would be nothing at all vicious or misleading about Professor Osenstadt responding with the following lie: "Oh my! No such idea has ever crossed my mind." Indeed, the lie is entirely in keeping with the kind of professor that Professor Osenstadt has been and is unequivocally committed to being.

[1] For a very informative discussion of Aristotle's official views on the subject, see Jane S. Zembaty, "Aristotle on Lying," *Journal of the History of Philosophy* 31, no. 1 (1993): 7–29.

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An analogous example involves two close buddies, Johann and Pascal, having a conversation at a bar one night. For whatever reason, Johann asks Pascal the following question "Hey, man, have you ever been sexually aroused upon seeing my wife, Chandra, or had a sexual thought about her?" Well, Chandra is both gifted and beautiful and Pascal has indeed had a sexual thought here and there about her. Nonetheless, he has been entirely proper in his behavior. I should add here that Johann and Pascal are citizens of France, where it is customary for good friends to *faire la bise* (kiss on each cheek). But even here, Pascal has been absolutely judicious. Nonetheless, if we assume that the prevailing norms hold here, then there is simply no way for Pascal to answer affirmatively without occasioning Johann's ire and, as is most likely, even losing Johann's trust. So, Pascal responds with a resounding "*Absolument pas. C'est tout à fait hors de question.*" What is more, the lie does not in any way whatsoever misrepresent Stanley's moral posture. Quite the contrary, in a way that is analogous to the case of Professor Osenstadt, the lie is entirely in keeping with the wonderful kind of friend that Pascal is to Johann and is thoroughly committed to being.

In both cases, there is a very fundamental and laudable reason why the truth would surely be excessive, namely that the truth legitimates a concern that in point of fact is out of order given the character of both individuals, Professor Osenstadt and Pascal. Professor Osenstadt has no intention whatsoever of having a sexual tryst with a student; and Pascal is as committed as anyone could possibly be to respecting Johann's marriage to Chandra. This admirable reality of each individual's character would be overshadowed by the truth. Now, to be sure, we might intone that people should be able to see the excellence of character that an individual has routinely displayed and therefore not entertain a concern that is clearly unwarranted in view of the behavior that has been observed time and time again. Alas, when it comes to matters of sexuality it would seem to be a fact about human beings that precious few, if any, are psychologically configured to operate in that way. This observation brings us to a point regarding paternalism.[2]

It might be thought that the lie in each case constitutes a measure of paternalism because the person is merely deciding what would be good for the speaker to hear. Fortunately, this line of thought is mistaken, since being considerate is not the same thing as being paternalistic. With paternalism, the idea is that the person who is being treated paternalistically lacks the wherewithal to (choose to) do what is good for herself or himself. Being considerate entails no such thing. The objective of being considerate is either not to cause a person unnecessary pain or anguish, or to offer a measure of assistance. To be sure, there can be a very thin line between being considerate and being paternalistic, which a person should

[2] For an excellent discussion of the subject of paternalism, see Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988).

be careful not to cross. However, the fact that the line is thin does not obliterate the distinction. Likewise, the reality that the line is thin between, for example, flirting and being friendly does not obliterate that distinction, and a person should be careful not to cross that line as well, at least when she or he is interacting with a married person (or others with whom flirting would be improper).

Now, it is a fact about the world that at any particular period in time language has a given uptake in any particular society (or subculture in that society). At this point in history close male friends in France can routinely say to one another "*Je t'embrasse,*" which literally means "I kiss you." In the United States, by contrast, close male friends can typically say something like that only when there has been a major success on the friend's part or the friend has lost a loved-one. And even here the appropriate utterance generally is "I love you, man"—as opposed to merely "I love you." Across the globe, though, it would seem that a male needs to be circumspect around a friend's spouse (or significant other). Of a dear friend's wife, the male friend may very well say to her "That is a lovely outfit you are wearing." With rare exception, however, it will surely be inappropriate for the friend to say to the wife "You look unbelievably sexy in that outfit." No doubt the reason for this measure of circumspection is the considerable power that sexual attraction is well understood to have across the globe and thus the extent to which it is known that such attraction can blind human beings to reasonable and proper behavior. Now, part of what it means to be a competent speaker of a language is to be mindful of the ways in which words are used and to make sure that one's utterances are properly mindful of that usage. That is precisely what we have with the lie in the above two examples that have been presented. As I have noted, in each case the lie is in keeping with the respect that the person has displayed for the students in one case and the friend's spouse in the other and the unshakable commitment that the person has to continuing to display that respect. Most significantly, owing to the prevailing views about sexuality, the truth would not be in keeping with that commitment.

I turn now to Example 2. It is manifestly obvious, I trust, that there is no nice way for parents to tell their eight-year-old child that she was initially unwanted. Doing so opens the door to quite substantial moments of insecurity on the part of the child, especially when her parents justifiably chastise her. And there can be no justification for willfully opening that door in the case of an eight-year-old child. Were the child twenty-four years old, for instance, it would be a different matter entirely, since at twenty-four years of age the person would have a rich history of parental love, along with a very rich understanding of human beings, against which to judge the admission that her parents had thought to abort her.[3] (As an aside, if

[3] We have a fascinating difference between parents telling their child that she or he was adopted and parents telling their child that they had considered aborting her or him. With adoption, stark physical differences between the parents and the child can invite an inquiry

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one believes that abortion is justified, then one believes that the couple did nothing morally wrong in having first made the decision to have an abortion. The fact that traveling complications got in the way of doing so most certainly does not retroactively render the decision wrong, especially in view of the fact that it is now the case that the couple so loves and adores the child.) Now, to be sure, the lie in the case of the eight-year-old daughter is paternalistic. However, that is uninteresting since a quite significant measure of paternalism is part and parcel of good parenting; hence, the paternalism is not automatically illicit. The fundamentally important point, though, is that we have here an incontrovertible example of a lie being rightly motivated by parental love. Once more, telling the truth in this instance could only be described as being to an excess.

Now, to be sure, the reality is that a person can start out having no love whatsoever for another individual and then go through a transformation as a result of which the person's love for that very same individual is most extraordinary and truly exemplary of what love at its very best should be. So it can be with romantic love or with the love of friendship or with parental love. In the first two cases, we can easily imagine the scenario in which one party says to the other something like the following: "I thought you were the most self-centered person on the planet until I got to know you." And that remark can lead to a most fructuous exchange. Indeed, between romantic partners the result can be a marvelous scenario of mutual sexual affection. In the first two cases, though, we have a relationship between equals in which, if things are as they should be, then at the outset both bring a very secure sense of worth to their interactions with one another. What is more, each is in the position to assess the depth of one another's present feelings and wonderfully appreciate the contrast.

With a child, however, things are far more complicated precisely because at the outset a child is so dependent upon her or his parents for acquiring a very deep sense of worth. On the one hand, there is no reason to insist that necessarily it would be devastating to a child to learn that originally she or he was not wanted (an abortion was wanted or another child was preferred for adoption). On the other hand, though, it would surely be a mistake to suppose that the typical child is in the position to appreciate the contrast and grasp that what matters now is not (so much) what the parents initially thought about her or him several years ago, but what they now think about her or him. Accordingly, parents who might want to teach their child that very lesson would surely have to choose their timing wisely when they do so. It is one thing to convey that information to a child who is sixteen years of age and thus can put things in perspective because the child is in the position to recall quite majestic moments of affirmation from her or his parents throughout the years, and so is a child whose sense of self is, on that very account, quite secure. It is quite

by the child. Even so, the child is being affirmed, whereas we do not have a concomitant affirmation with parents telling their child that they had considered aborting her or him.

another to convey that information to an eight-year-old child who is desperately in need of parental affirmation and who does not have the experience of affirmation over the years to put the claim in perspective. It is difficult to imagine an eight-year-old child not being deeply troubled if the parents were to tell the child that initially they did not want her or him. But this should not be surprising. After all, even between adults, it seems wise to refrain from conveying unflattering first impressions until quite sometime after the relationship is securely in place. And it is easy enough to think of instances where, even between adults, some things should never be said. Suppose that John and Mary are a romantic couple. However, when John first saw Mary in the cafeteria he mistook her for a prostitute; and when Mary first saw John in the bookstore, she was convinced that he was some sort of pedophile who watched child pornography. It is one thing to say to a person that one was not initially attracted to her or him; it is quite another indeed to say that one initially took the person to be someone who was engaged in morally unacceptable behavior. In the language of the late Bernard Williams, it takes a long and unobvious argument in order for there to be a reason to say the latter to a person. Surely, there could be a gifted eight-year-old child who could wonderfully handle the truth that she or he was not wanted at the outset. Good parents do not fail to see that they have such a child; nor, by contrast, do they merely assume that they have such a child.

In bringing this section to a close, it is worth noting that none of the examples discussed involves a situation in which the question asked arises from compromising behavior on the part of the individual to whom the question is asked. Not even the appearance of impropriety is an issue. So none of these cases involves a need to tell an embarrassing truth as a form of damage control or as a means of accepting responsibility for inappropriate behavior. What is more, the truth is not one that either person who asks the question needs to know in order to have a proper grasp of either her or his own situation or the situation of the person to whom the question is put. Even more forcefully, there is no respect in which, on entirely independent grounds, anyone is entitled to the truth anyhow.

So it would seem that there is no good reason whatsoever to tell the truth in either instance save that the truth is the correct answer to the question that has been posed. And I maintain that this reason is not good enough in view of the following: (1) telling the truth will do tremendous (if not irreparable) damage; (2) the lie hides no wrong of any sort that has been committed by the individual who has been asked the question; and (3) there are absolutely no independent considerations in virtue of which the interlocutor is entitled to the truth in question.

II. Not Quite True nor False

Although every instance of lying constitutes an instance of not telling the truth by knowingly saying what one knows is false, it is of course

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possible to answer a question without either telling the truth or lying. There are lots of times when one can simply refrain from answering the question; and this one can do in a multitude of ways. One can remain silent to the question or declare the question beyond the bounds of propriety. Or, one can offer what I call a vague non-prevaricating evasive response that at least puts an end to the questioning, but which does not, strictly speaking, constitute an answer to the question—a response that is more of a non-lie than a truth.

Take, for example, the case of Rachel who was watching a pornographic film at home (per orders of her therapist). If Merilee asks Opidopo what Rachel was doing last night at home, he might declare the question beyond the bounds of propriety by insisting that it is not his place to report what Rachel was doing in her home. Or, if he had told Merilee that Rachel was watching a film, and, contrary to what he had expected, Merilee asks him what kind of film was she watching, Opidopo might very well offer the following vague non-prevaricating evasive response rather than tell Merilee that she was watching a pornographic flick: "Oh, it was one of those crazy nontraditional films. Please don't ask me to describe it." In all likelihood, Opidopo would thereby put an end to Merilee's questioning, although Opidopo's response would not be the truth about what Rachel was watching; his response would be more of a non-lie than a truth.

Vague non-prevaricating evasive responses often play on the prevailing norms of conversational implicature.[4] Pornographic films are certainly nontraditional films. In the United States, though, the expression "nontraditional film" usually calls to mind a foreign film rather than a porno flick, which is precisely why Opidopo responded as he did. So the response is at least somewhat misleading without being a lie. Sometimes a misleading response is innocuous enough. Sometimes a misleading response is vicious.

Suppose that I ask my wife, Ruzella, whether she had a nice day at the office, to which she responds "It was an excellent day, Dear. Things went much better than I had expected." Ruzella understands all too well that I am asking her about her job activities as company president. In fact, she is counting on us both having precisely that understanding of the question. It is just that what made the day excellent for Ruzella is the sexual affair with Jowell (that took place in the lounge compartment of her office) that had been in the planning for months. Without a doubt, my wife was at the office. Needless to say, in this case the misleading response is vicious, in that it was knowingly uttered with the intention of masking a wrong.

I shall not here attempt to offer an account of the difference between what I call vague non-prevaricating evasive responses that are innocent and those that are vicious, save to maintain that innocent responses do not mask wrongs; accordingly, such responses are generally not morally

[4] Cf. Paul Grice, *Studies in the Ways of Words* (Cambridge, MA: Harvard University Press, 1989), chap. 2.

objectionable. What suffices for the purposes of this essay is that an innocuous vague non-prevaricating evasive response is not always an option. Such a response is not an option in the case of the examples with which I opened this essay.

In Example 2, a profound kind of affirmation is at stake with the child's question; and one simply should not toy with a child's psychological well-being. Moreover, this question on the child's part most certainly cannot be declared out of bounds; for as a matter of fact there is nothing at all out of bounds about the question. Besides, so declaring the question would only make matters worse. Suppose that in the hopes of getting around the child's question, the parents respond "We have always loved you." If the child then responds "Oh, so that means you loved me from the moment of conception, right?" a clever and innocuous nonanswer on the part of the parents (who have committed no wrong in initially wanting to abort the fetus who became the child asking the question) is now out of bounds.

Likewise, anything but a direct and unequivocal "No" on the part of Pascal will be incriminating. No doubt, Johann ought not to have asked the question. However, there may be an emotional reason why he did—say, Johann was emotionally wrought by the betrayal of another friend. In any event, declaring the question beyond the bounds of propriety does not work, no matter how much Pascal insists upon the question's impropriety. Indeed, such insistence is only likely to make matters worse—a case of protesting too much. The same holds for clever nonanswers. If Pascal responds to Johann's question with "Man, I am sure that every red-blooded male who has seen your wife has experienced a spontaneous sexual impulse," Johann's retort will undoubtedly be "I am not asking about what feelings every red-blooded male has experienced with regard to my wife. I am asking you about what feelings you have experienced." Whatever else is true at this moment, a vague non-prevaricating evasive response is simply out of bounds.

III. Some Reflections on Kant and Telling the Truth

A few remarks about Kant's views are in order. As I noted at the outset, Kant held that lying constitutes a blatant disrespect for the truth. Hence, a person should not lie even when she or he has very good reason to believe that telling a lie would save a person's life. Kant has been adequately criticized for this view.[5] Interestingly, a criticism of Kant's view comes from the concern with saving a life. Just as respect for the truth has a foundational role in society, it is also the case that respect for life has a foundational role in society. Yet, no one can plausibly suppose that this means never taking a life. If the only way to prevent Jackson from killing

[5] See, e.g., Christine M. Korsgaard, "The Right to Lie: Kant on Dealing with Evil," *Philosophy and Public Affairs* 15, no. 4 (1986): 325–49.

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three innocent individuals is by killing her, it is difficult to imagine anyone objecting to doing just that. Indeed, we can easily enough imagine a case in which the killing of an innocent person is justified in order to save the innocent lives others.

Suppose that innocent person Alpha has been programmed to kill me and the only way that I can prevent this is to kill Alpha, then surely I may kill Alpha in order to save my life, notwithstanding both Alpha's indisputable moral innocence and my indisputable respect for life. What is more, my doing so in the case of this individual who has been programmed to kill me would not in any way call into question my respect for life. This is because what respect for life entails is not that one may never under any circumstances kill a person, even an innocent one, but that one may never do so for certain kinds of reasons. Significantly, self-defense is not the only exception where killing an innocent life is permissible. Suppose that innocent Alpha has been programmed by a vicious gang to kill my two children. When I arrive home all that is left for Alpha to do is pull the string that will release the blade that will cut off the head of each my children. As an aside, the children need not be mine. They could be my neighbor's children. Nor, again, need the targeted individuals be children.

In any event, surely I may stop Alpha even if the only way to do that is to kill her. Suppose that Alpha's entire body is covered accept for her left earlobe (for cell phone use); and it is that ear that is turned towards me. If I shoot Alpha in that ear, Alpha will surely die, since the bullet will pass through her brain. As it turns out, I work for the special police force and I am an expert at accurately hitting targets from a distance. Given these considerations, there is no doubt at all that I may shoot Alpha in the ear; and my doing so will surely not constitute an instance of disrespect for life. Nor need the justification be tied to a crass utilitarian calculus; better that one innocent life should be lost than two innocent lives. For my killing here would be no less permissible if, instead of two children, there is only one child whom Alpha will kill. But what if I miss? Not only that, what if the bullet ricochets off the wall and shatters the huge window next to Alpha causing a large piece of plate glass to fall upon and kill a person who just so happens to be passing by? This entire scenario is quite improbable. Still, it is certainly possible. Yet, no one would think for a moment that this mere miniscule possibility militates against my attempting to stop Alpha by shooting her (especially in view of my skills in accurately hitting a target).

Together, these two cases make it clear that under very special circumstances killing another person, including an innocent individual, is compatible with having respect for life, even where self-defense is not involved. In neither case is killing done as a matter of convenience or in order to profit at the expense of another or in order to hide a wrongdoing of any sort. Respect for life and its importance to our social reality is compatible with killing. It is not, however, compatible with arbitrarily killing others or killing others merely in order to advance one's self-interest. With the

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relevant changes made, surely this point holds no less so with to respect to telling a lie. In this regard, the views of Aristotle regarding moral behavior are so much better than the views of Kant.

Of course, there is a nontrivial difference between killing even an innocent person who has been programmed to kill other innocent individuals and telling a lie to in order avoid a horrific misunderstanding with respect to one's intentions; typically one can be public about the first kind of case but not the second kind. However, this does not count against the moral quality of the second kind of scenario. There are various acts of moral decency about which ne'er a word should ever be uttered. Suppose that a very poor but brilliant and tremendously hardworking student of Professor Smith is robbed. The robbed student calls Professor Smith and is drowning in tears; for it was the rent money that had been taken. Smith meets up with the student at the institution's student-center that is open twenty-four hours a day, seven days a week and Smith does what is entirely unexpected, namely gives the student the amount of money that is needed to pay the rent. The only condition is that no one, save the two of them, is ever to know about the very kind act of assistance. An act can be universalizable and yet not be one that the relevant parties should ever make public. It is significant to draw this distinction since I suspect that we unwittingly associate being public with being universalizable. A tremendous act of moral decency can be one that should never be made public; yet, it can be one with respect to which everyone similarly situated should so behave. I remarked above that no one is ever to know about Professor Smith's kindness. As an aside, while the student may report and even talk about the robbery, it very much looks as if the student will at least need to utter a vague non-prevaricating evasive response to the question "How did you get the rent money?" Indeed, the student might understandably say what is false: "My parents lent me the money." Even so, it is clear that no one is harmed.

Here is a final example of a moral decency that should never be uttered. Suppose that a young man is very close to the married couple that lives next door. During the young man's college years, he and the couple have numerous intense conversations and during these conversations what is revealed is that when the young man was a child he was sexually abused by his father who is now deceased. The couple provides the young man with the emotional support that he needs, thereby contributing to a healing on his part that no one could have anticipated. Did they do the right thing? That question receives a resounding "Yes." Probably anyone similarly situated should so behave. Even so, there is no respect in which the couple should ever be public about the good that they did for that male student, let alone the personal pain that he suffered. Universality does not entail publicity. Some of the deepest forms of trust are tied to the conviction that not only will the truth not be volunteered but that the truth will not be told if a person should manage to ask just the right question. I say more about this below.

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IV. The Virtuous Lie

I want to push the intellectual envelope by now offering a case in which lying to a person thereby exhibits a moral excellence with respect to another as opposed to merely blocking an untoward misunderstanding. Significantly, we may lie about ourselves for the good of another, where this is not paternalistic, as I shall now argue. I shall start with the simple case of withholding the truth.

Suppose that Gabriel learns some very bad news regarding his health just three days prior to the wedding of Jeffrey, his dearest friend. Gabriel learns that he has terminal cancer, and that he has no more than eight months to live. Normally, Jeffrey would have been the first person that Gabriel would tell. But not this time. Gabriel flies in for the wedding and serves as Jeffrey's best man, as had been planned. A month or so later, Jeffrey learns the truth and is very upset that Gabriel had not breathed a word about this to him. Gabriel's response, of course, is simple enough: "I was not about to ruin your wedding. And your knowing would not have changed a thing." Without lying, Gabriel withheld information from Jeffrey; and this he did for the good of Jeffrey. Yet, Gabriel hardly did what was morally wrong. Quite the contrary, what he did seems to have been an especially decent thing to do. Moreover, although Jeffrey is upset, the reason why he is upset is not that he thinks that he has been wronged by Gabriel. Quite the contrary, it is simply that he would much rather have been there to help his friend cope with the devastating news.

No lie was told in the instance recounted above. But we can easily imagine a similar case in which a lie is told. Imagine that things proceed as follows: Gabriel flies in for the wedding and serves as Jeffrey's best man, as had been planned. During the wedding rehearsal, Jeffrey notes that Gabriel is looking a little pale and inquires as to why. Gabriel lies, and claims that he is just getting over a bout of influenza. When Jeffrey finds out the truth a month or so later, he is very upset. Alas, Gabriel remarks: "I was not about to ruin your wedding and the starting of your new life. Your knowing about my illness would not have changed a single thing." Given that Gabriel had lied, does Jeffrey now have more of a reason to be upset than in the preceding case? Does the lie reveal Gabriel to be more devious or malicious in some way? Does the lie taint his moral character in any way at all? Absolutely not. We do not have a remarkably decent person in the first scenario who is willing to keep his tragic pain to himself for the sake of a dear friend's precious moment in life, but a fallen angel, as it were, in the second example; for the lie adds nothing whatsoever that is negative to Gabriel's motives.

In both scenarios, information was withheld. But, of course, there is a lie in the second instance. Yet, in neither case can vicious or underhanded motives be attributed to Gabriel. Of course, with the modified scenario there is the obvious difference that Jeffrey has been lied to. But has Jeffrey been wronged? Surely not. For what we get with Gabriel's lie is not an

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extraordinary coincidence where by happenstance a lie turns out to be beneficial. Rather, we get something much more majestic.

No one could have blamed Gabriel or called him self-centered had he lost all composure upon learning that he has terminal cancer. But what Gabriel in fact did is extremely morally admirable or perhaps even saintly, showing at once both a level of selflessness and a level of integrity that is rare among human beings. And the lie that he told was pressed in the service of the realization of these virtues. Anything but the lie would have been the undoing of Jeffrey's wedding; and Gabriel simply was not having that.

Thus, the second scenario with Gabriel reveals the sublime truth that in lying a person can actually exhibit behavior that rightfully elicits our moral admiration precisely because it reveals the kind of deep and extraordinary character whereby a person is willing to make a considerable sacrifice for the good of another. The view, then, that all lying is crass and morally base is simply false. Far from revealing a weakness and a lack of self-control, Gabriel's lie evinces remarkable self-command. To be sure, Gabriel did not jump upon a hand-grenade in order to save a friend's life, but in terms of motivational structure what he in fact did is parallel to that sort of sacrifice. The lie in this instance, far from destroying trust, profoundly underwrites it. In Gabriel, Jeffrey has one extraordinary friend. Whatever else is true, Jeffrey should not conclude that Gabriel is none other than a quite paternalistic human being. Quite the contrary, Gabriel has shown himself to be marvelously considerate in choosing not to burden his friend when the friend should be enjoying one of the happiest moments of his life. Finally, in this vein, Gabriel is not trying to determine how Jeffrey should live his life, which is the very essence of paternalism. Rather, Gabriel's point is simply that he would be acting quite inappropriately, if not altogether selfishly, in burdening Jeffrey with the news about his (Gabriel's) health just days before Jeffrey's marriage is to take place, since there is absolutely nothing that Jeffrey could do that would make a difference for the better on Gabriel's part.

At its best, respect for the truth is not just about telling the truth. This is why it matters so very much why and when we tell the truth. For as I noted at the outset, the truth can be told either in a mean and hurtful manner or in a thoughtful and considerate manner; and one does not show respect for another by telling the truth to her or him in a mean and hurtful manner. This is the reason why there are lots of truths that we simply do not say. In fact, we sometimes refrain from saying things that are obviously true about ourselves precisely because we come across as arrogant or mean-spirited in doing so. Let me illustrate.

For example, everyone knows that University X is better than University Y. Yet, it is very rare for a professor at University X to say to a professor at University Y "The institution at which I am a faculty member is vastly superior in terms of academic excellence to the one at which you are a faculty member." Generally, doing so would be seen as a form of

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crass arrogance. Another common example would be the following. Suppose that it is manifestly obvious that Zephyr is vastly more attractive than Adalon. Everyone knows this, including Zephyr and Adalon. Nonetheless, there are very few scenarios, if any, where Zephyr (or anyone else) could say this to Adalon without coming across as mean-spirited. If they both ask the same person out on a date, it would be cruel beyond measure for anyone to say to Adalon "You are too ugly." Up to a point, at least, differences in body weight provide another example of this sort.

It goes without saying that we cannot respect a person by lying to the individual for no other reason than to advance our own interest or to harm the person. Nor can we respect a person by withholding information from the individual that she needs in order to make decisions about her very own life. This is why paternalism in medicine is seen as so objectionable. Nor, again, can we respect a person by presenting a false picture of the kind of person that we are in terms of our character, personality, or station in life; for this is tantamount to a vicious form of manipulation. Yet, from none of this does it follow that lying to a person necessarily entails failing to have the proper moral respect for that individual, as a lie need not violate any of the moral precepts just articulated. And one way to see this is to notice, as the remarks of the preceding paragraph make abundantly clear, that genuine respect for the truth is utterly incompatible with being unscrupulous about what truths we utter and when we utter them or how we utter them.

The preceding two paragraphs bring out that the moral opprobrium that we attach to lying has much more to do with motives than is generally acknowledged. It is very rare that anyone prevaricates for the reasons that moved Gabriel (in the second scenario) to do so. Likewise, it is very rare that a lie is in fact profoundly in keeping with a person's moral posture and the kind of person that she or he is committed to being. And this tells us what we already know, namely that it is not commonplace for a person to have morally legitimate motives for lying. The same also holds for killing an innocent person.

V. Morally Appropriate Lying

I have taken it to be obvious that we have a case of morally virtuous lying in the second scenario with Gabriel. Thus, his lying was not just excusable. Nor, again, was it merely morally appropriate, as lots of things are morally appropriate without being virtuous. For example, a professor does what is morally appropriate and basically decent, but not morally virtuous, in accepting as an excuse for a late paper the fact that the student had just lost both of his parents. By contrast, the story above about Professor Smith who gave money to the struggling student who had been robbed of his rent money is about a professor who acted virtuously—and not just morally.

With a morally virtuous lie, (i) the person lies at considerable cost to himself in order to do something good for someone else, where (ii) the

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individual is not in any way masking a wrong that she or he has done and (iii) no person is in any way harmed or wronged. The point of significance here is that if there are morally virtuous lies, then it would seem that there can be morally appropriate lies. Clearly, it is (i) that secures the view that Gabriel's lie is morally virtuous. This suggests that condition (i) would not obtain in the case of a lie that is morally appropriate, but not morally virtuous. Needless to say, constraints (ii) and (iii) must continue to hold.

Let us suppose that, at the outset, there is a strong moral obligation not to tell a particular truth, where the basis for this moral obligation is not a prior promise. It is easy enough to think of cases of this sort. Certainly, if one knows the whereabouts of the black slave during American slavery who is seeking freedom or the Jew during Nazi Germany who is hiding from the Nazis, one has an independent and strong moral obligation not to disclose that information to anyone whom one has reason to believe would kill either individual. The same holds for a woman whom one sees fleeing her would-be murderer. In either case, this strong obligation has nothing at all to do with having promised anything to anyone. Rather, the obligation stems from the very constraints of moral decency, constraints that also supply the rationale for the claim that the obligation is independent. Now, in the typical case of lying to save a life, we can reasonably assume that the lie would satisfy conditions (ii) and (iii) but not condition (i); for moral theory does not require that we put ourselves at risk in order to save the life of another.

So the question is this: If a person has an independent and strong moral obligation not to volunteer the truth, where conditions (ii) and (iii) obtain, but not condition (i), is that obligation automatically overridden merely in virtue of someone managing to ask her or him just the right question, given that following conditions also obtain: (a) there is no way to declare the question outside of the bounds of propriety without making matters worse; (b) there is no way to avoid answering the question by giving a vague non-prevaricating evasive response; and (c) the truthful answer will cause nothing but considerable if not irreparable harm? Let us refer to a question asked under these conditions as an egregious morally infelicitous question. Imagine that Jessica has been outside mowing the lawn for the last two hours. A morally despicable person asks her whether she has seen anyone with a marked star on his face run by within the last thirty minutes. Strictly speaking, Jessica can truthfully answer "No," although as of three hours ago she and her husband have been harboring that very person in their home. Even so, Jessica has strictly speaking told the truth; for she has been outside for the last two hours whereas the person has been inside the home. Hence, during the last two hours she has not seen that person. Alas, as the scoundrel is walking away he turns around and asks "You would not happen to be hiding that person in your home would you?" Quite simply, there can be no basis whatsoever for Jessica to tell the truth. One can immediately see how this scenario would apply to either

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a white harboring a black during American slavery or an upright citizen of Nazi Germany harboring a Jew during the Holocaust.

It goes without saying that I believe that when great harm is at stake a lie is morally acceptable in the face of what I have called an egregious morally infelicitous question. The preponderance of reason favors this view. I shall just mention a few considerations in favor of lying given this backdrop. First of all, the continuum of the good characteristically admits of a multitude of gradations between the good and the bad. Indeed, no one thinks for a moment that all lies are equally objectionable on moral grounds. There is simply no comparison in terms of moral reprehensibility between the lies told by Nazis to deceive Jews and, say, the lie told by a parent to her child that she has never smoked cigarettes, when in fact she had done so for a year just before deciding to become pregnant. Perhaps this latter lie constitutes what is typically characterized as a white lie. In any case, if a lie can in fact be admirable, as I maintain is the case with Gabriel in the second scenario, then it stands to reason that a lie also can be only morally appropriate: less than admirable but clearly appropriate.

In this regard, it is easy enough to imagine that some morally appropriate lies are vastly more morally appropriate than the truth. For as we all know, the remark "I merely told the truth" has been used to excuse, if not justify, making extraordinarily malicious remarks about a person. Consider the case of someone who reveals an unpleasant and damaging truth—say that Smith had once been suspected of cheating in college—to the media on the grounds that it is always morally permissible to tell the truth.[6] Now, it is indeed true that Smith was suspected of cheating in college. However, it is also true that Smith was cleared of it all by a unanimous decision of the nine-person college judicial board; and this fact is ignored. One would be hard-pressed to make the case that either Johann who inquires regarding the sexual attractiveness of his wife or the parents of eight-year-old Miriam, in the examples above, have committed the greater wrong on account of their lie than the person who leaked this information about Smith to the media. It is simply a mistake, then, to suppose that the truth is inherently more virtuous than lying.

Second, as we have already seen in Section III, with the discussion of self-defense and killing to protect an innocent life: if killing an innocent life does not necessarily constitute disrespect for humanity, then it is thoroughly untenable to suppose that telling a lie necessarily does so. It goes without saying that respect for truth and life is necessary if human beings are to have any chance at all of living well. What does not follow from this truth, however, is that any instance of killing or prevaricating constitutes a lack of respect for truth or life respectively.

Third, it is ludicrous to think that a strong and independent moral obligation not to volunteer the truth is defeated merely in virtue of some-

[6] I owe this line of thought to Paul M. Hughes' informative essay "The Logic of Temptation," *Philosophia* 29 (2002): 89–110.

one managing to ask the right question, regardless of her or his manifestly malicious motives. Such a view makes a mockery of what it means to have this obligation, to say nothing of affording evil a power that it should not have, namely the power of entrapment where all it takes to get the truth out of someone is merely asking precisely the right question.[7]

In her influential essay "Moral Beliefs,"[8] Philippa Foot noted that if a just person can be too easily tempted to do what is unjust, then this suggests that the individual is not just after all. Accordingly, we can analogously say that if an obligation not to volunteer a truth can be too easily defeated, then it is not clear that we had such an obligation in the first place. It makes no sense whatsoever to say that we have a strong and independent obligation not to volunteer a truth if that obligation can be defeated by the right question being asked by a person who will clearly do what is manifestly evil upon obtaining that truth.

To be sure, it is possible that we are mistaken about a person's intentions. It is, for instance, possible that a serial killer has had a conversion experience since his last victim. But in the absence of quite substantial evidence or testimony from a most reliable individual, a would-be victim would be a fool to believe this; for mere possibility alone tells us nothing at all about actual likelihood. An outcome is not highly probable merely in virtue of the fact that it is possible. Although it is possible that I shall win the lottery tomorrow, the probability that I shall do so is, as we all know, extremely low. Whatever is true, then, it is simply not the case that a strong and independent obligation to refrain from volunteering the truth is defeated by the mere possibility that one can be mistaken in one's assessment that a person has utterly malicious motives in inquiring as to the whereabouts of a particular innocent person.

Bearing in mind the third consideration, it would seem that most discussions regarding whether telling a lie is morally permissible do not consider the case in which, from the outset, there is a strong independent moral obligation not to volunteer the truth. Roughly put, the thought seems to be that inquiries naturally create a prima facie obligation to tell the truth. Let us assume that this is the case. But what follows from this assumption? In particular, does it follow that the obligation to tell the truth that is created by an inquiry defeats any and all existing obligations not to volunteer the truth, given that one cannot simply declare the question out of bounds and there is no vague non-prevaricating evasive answer that will pass? Needless to say, the claim that it does follow would require an extraordinarily powerful argument. However, no such argument has been made. The closest argument in this regard pertains to respect; and we have already seen that just as respect for life does not entail that it is

[7] Nancy Sherman makes this point in *Making a Necessity of Virtue* (Cambridge: Cambridge University Press, 1997), as does Korsgaard in "The Right to Lie," 325–49.

[8] Philippa Foot, "Moral Beliefs" in her collection *Virtues and Vices: And Other Essays in Moral Philosophy* (Berkeley: University of California Press, 1978), 110–31.

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always wrong to kill even an innocent person, respect for truth likewise cannot possibly entail that it is always wrong to tell a lie.

Following Aristotle's remarks about being good, not only are there many ways to tell the truth, it is undeniable that truth can be told to an excess. Accordingly, the trust is not simply that we will tell the truth but that we will tell it in the right way and at the right time. In turn, this latter consideration entails that there are times when it can be inappropriate to tell the truth. In criticizing Kant, commentators roundly concede that it can be inappropriate to tell the truth, and so morally permissible to tell a lie, when an innocent person's life is at stake. It is just plain foolish to suppose that the only time when it is morally permissible to lie is when an innocent person's life is at stake. Indeed, as I have illustrated throughout this essay, we know that there are times when telling the truth can do enormous damage to a person's very well-being or that doing so can reveal a very deep measure of callousness. In the other direction, the example of Gabriel wondrously illustrates that telling a lie can bespeak a most admirable degree of excellence of character on the part of an individual.

Between the case of respecting life, on the one hand, and the case of respecting truth, on the other, the reality is that respecting life is basically the routine default mode with which most human beings go about life on a daily basis, in that they give no thought whatsoever to taking life and they are not faced with the issue of saving any life including their own life. Indeed, life would be far less bearable if things were otherwise. Alas, this entails that in the typical case most people cannot claim to be morally virtuous with respect to not killing. When it comes to telling the truth, however, things are just the opposite. The opportunity to say either too much or not enough or to say something in the wrong way routinely presents itself throughout any given day. Thus, being virtuous in the matter of telling the truth is far more demanding than being virtuous with respect to the matter of not killing. Being virtuous with respect to telling the truth requires considerable sensibilities on the part of the speaker with regard to the moral uptake that the words uttered will have with respect to the person who is being addressed. Having such sensibilities is part and parcel of being a morally decent person. It would seem that Aristotle grasped this truth to a far greater extent than Kant did.

It is not at all uncommon for friends and loved ones to speak about observations (strengths or weaknesses) each had made about the other but about which nothing was said. And to the question "Why didn't you say something?" there are various quite acceptable responses: "Had I told you then, you would have been devastated?" or "I understood that you needed to make the discovery for yourself," or "At the time, you were too angry to accept any observations about *that*—even from me." And so on. When the relationship is as it should be owing to the correct sensibilities with respect to the moral uptake on the part of the listener, then the listener acknowledges the validity of the response, characteristically expressing gratitude for the exercise of restraint on

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the part of the friend or loved one. Friendships and loves could not survive in the absence of the judicious application of the sensibilities just delineated. Moving beyond friends and loved ones, it is often the case that we do not say things, even though we know that our silence might be seen as, at the very least, the absence of disapproval because we correctly grasp that by saying something we would do much harm.

It is incontrovertible that truths should be uttered at the right time. What is surely false is that a person *ipso facto* creates the right time to be told the truth simply in virtue of asking someone an egregious morally infelicitous question which cannot be declared out of bounds or to which an evasive response is not possible, as the example of Jessica above makes so abundantly clear. What I have called sensibilities with respect to the moral uptake of words acknowledges this reality.

Between even the best of male friends, there is for all practical purposes never a right time for one friend to tell the other that he was spontaneously aroused sexually by the beauty of the other's spouse, even if the question happens to be asked. Invariably, the moral uptake in telling that truth is always horrendous. For a child whose parents were going to abort her, the moral uptake for an eight-year-old, who should not be told the truth when she asks whether she was wanted from the moment of conception, is quite different from what the moral uptake would be, should the question be asked sixteen years later, when the child is twenty-four years old. The moral uptake is typically horrific in the first instance, but not in the second one.

Crass indifference to the moral uptake of words can easily turn an instance of honesty or, at any rate, truth-telling into an instance of considerable moral damage.

VI. Conclusion

It is held by many commentators that Kant was simply mistaken in thinking that one could not be morally justified in lying in order to save the life of an innocent person.[9] No doubt the sentiment is animated by the thought that the loss of life constitutes an irreplaceable harm. Moreover, there is typically enormous clarity as to when life itself is at stake. Obviously, there is no gainsaying these points. Nevertheless, we know that the truth can cause irreparable damage to a person's psychological well-being. To be sure, we do not always have clarity when this is so. All the same, the reality is that things are more than clear enough in a great many cases. The depth of psychological damage is ever so real and the exceptions prove the rule. This is why we marvel at a Frederick Douglass or an

[9] For an excellent discussion in this regard, see Robert J. Benton, "Political Expediency and Lying: Kant vs. Benjamin Constant," *Journal of the History of Ideas* 43, no. 1 (1982): 135–44.

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Elie Wiesel. Each went on to flourish notwithstanding the fact that each passed through the very bowels of evil.

In this essay, I have focused upon those truths that a person already has a strong and independent moral obligation not to volunteer and then I have argued that this obligation is not defeated simply in virtue of a person asking what I have called in Section V an egregious morally infelicitous question; hence, it is morally appropriate to lie. It is owing to the horrendous moral uptake of the truths in question that a person has such a strong and independent obligation not to volunteer the truth; and an exacting question does not suffice to diffuse or alter in any significant way the horrendous moral uptake of the question.

The hope is that I have provided a satisfactory framework for when it might be morally permissible to tell a lie, although a person's life is not at stake. In this regard, we should bear in mind that even within a well-defined framework, there can be matters of considerable debate. Thus, while just about everyone thinks that self-defense is justified, it can be a matter of considerable debate whether or not a person has killed in self-defense. Joyce Hawthorne, the first battered woman to be acquitted on a plea of self-defense, shot her husband nine times. Commenting on this, Ms. Walker explained that "a woman's reasonable perception of danger may differ from a man's, and "*she may not be able to assess the amount of force required to subdue an attacker*" (emphasis added).[10] The general adequacy of a framework is not defeated simply by the fact that there is some disagreement regarding its applicability.

It might be objected that the moral permissibility to lie allows for too much discretion because there are many variables to take into account. In this respect, so the argument might continue, lying is unlike killing in self-defense, since relatively speaking the latter is much better defined. Alas, while it is true that options can overwhelm us, it is also the case that options can very often be an opportunity for moral excellence at its very best. Thus, the discretion that is a liability at one end can be an opportunity for tremendous moral excellence at the other end. Precisely what makes friendships and romantic loves at their best such extraordinary excellences is just that fact that each party can invariably be counted upon to choose well amid a vast multitude of available options.

This essay reflects the simple moral reality that telling the truth can indeed be a significant moral fault if the truth is told when it should not be told. With rare exception, truthfully answering an egregious morally infelicitous question counts as a considerable moral fault.

[10] I am referring to the phenomenon known as battered woman syndrome. The quote is from Teresa Carpenter, "The Final Self-Defense," *The New York Times* (December 31, 1989). For a discussion of the battered woman syndrome in legal theory, see, e.g., Joshua Dressler, "Battered Women and Sleeping Abusers: Some Reflections," *Ohio State Journal of Criminal Law* 3 (2006): 457, and Joan Krause, "Distorted Reflections of Battered Women Who Kill: A Response to John Dressler," *Ohio State Journal of Criminal Law* 4 (2007): 555.

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To conclude on a most interesting note: The thought that Kant's conception of truth-telling makes for a more stable society is none other than an illusion. For there is nothing remotely secure about a world in which all it takes to get the truth is the asking of an egregious morally infelicitous question. Handling the truth is about dealing properly with what a person asks; and that requires grasping what is and is not the proper thing to say in response and acting accordingly. It is a poignant reality that the truth can indeed do far more harm than good. The argument of this essay accords considerable discretion with respect to telling the truth. Alas, part of what being morally excellent entails is precisely that one says the right thing notwithstanding all the discretion that might be accorded to one. So the more profound question might not at all be "Can we handle being told the truth?" but rather "Can we handle the discretion that we invariably have and should have with respect to telling the truth?" Arguably what worried Kant is that very discretion. Aristotle, by contrast, masterfully grasped that moral excellence at its very best on the part of each and every person is inextricably tied to that individual having the wherewithal to do the right thing notwithstanding the considerable discretion that the individual has in terms of how she or he behaves. There is simply no gainsaying Aristotle's insight.[11]

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[11] Regarding the example of a friend acknowledging that he is experienced a measure of arousal with respect to his friend's spouse, it is interesting that in comparison to married individuals college students who are dating seem to be much more accepting of a friend making that admission. The explanation here seems to be twofold: (a) college dating rarely entails the same level of commitment as marriage and everyone knows this; (b) the character of college dating is much more susceptible to approval and disapproval. This is in keeping with the reality that exchanging marriage vows is typically transformative in terms of the depth of commitment that the two individuals express to one another, with that exchange often eliciting an extraordinary depth of emotion (even occasioning tears) on the part of both individuals taking the marriage vows.

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