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SISSELA BOK ON THE ANALOGY OF DECEPTION AND VIOLENCE

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1. The Problem

Since ancient times the same case has been treated by moral philosophers who examine the ethics of lying. The case is this. An innocent man, fleeing from a crazed murderer who is close in pursuit, asks his neighbor to lie to save the fleeing man's life. As the murderer approaches him, the neighbor must answer the question, Is it right to lie if by doing so one saves an innocent person's life?

St. Augustine and Kant are the most famous philosophers to treat the question and are famous for their "no" answers to it.[1] They both argue that it is not right to lie even if one thereby saves an innocent person's life.

Few other philosophers, including Sissela Bok in her recent book, *Lying*, agree with St. Augustine and Kant. Bok mentions the most famous way of disagreeing with them. It is the way used by Benjamin Constant and Hugo Grotius. It proceeds by redefining lying. Augustine and Kant think of lying as, in Kant's words, "an intentional untruthful declaration to another person" (p. 286, cf. p. 34). Grotius and Constant agree that it should be redefined as an intentional untruthful declaration to another person *who has the right to the truth* (cf. pp. 39–382). Since the murderer has no right to the truth, one does not lie in making an intentional untruthful declaration to him to save the innocent person.

This way of opposing the Augustinian-Kantian position defines lying in terms of the right to the truth and denies that the untruth in question is a lie. Sissela Bok does neither. She uses a definition of lying quite like the one from Kant above. To Bok, a lie is "any intentionally deceptive message which is *stated*" (p. 14). This makes no reference to the rights of others. Also, Bok calls the deception in this test case a justifiable lie (pp. 94, 114–115) rather than saying it is justifiable because it is not a lie.

2. Bok's Criticism of Constant and Grotius's Solution to the Problem

Bok suggests that Kant and St. Augustine belong in a "strict tradition," characteristic of Catholicism and Calvinism, which absolutely prohibits all lying. She suggests that there is another tradition, a more permissive one, which allows lying for good reasons. She does not locate Grotius and Constant in this tradition since what they allow is not, they say, lying. There is, Bok holds, a definitional way of escaping the full force of the strict tradition while nominally maintaining allegiance to it. Bok places herself in the opposite and permissive tradition which she seems to think more forthright in calling a lie a lie but then arguing that it should be told anyway. She thinks the approach of Grotius and Constant is not forthright and is an extreme of evasion which dialectically results from the extreme of prohibition. Bok writes that "whenever a law or rule is so strict that most people cannot live by it, efforts to find loopholes will usually ensue; the rules about lying are no exception" (p. 15). She thinks that Grotius and Constant's way is similar to the Catholic doctrine of mental reservation in this regard.

There are two more reasons why Bok does not adopt the way Grotius and Constant use to oppose Kant. First, even if it is not lying to tell the pursuing murderer that your neighbor is in your house when you believe that he is in his own, and this because the murderer has no right to the truth, still, Bok suggests, this is an intentionally misleading statement and, as such, needs moral evaluation. Bok seems to think that it might be wrong to mislead even if doing so is not defined as lying (p. 15).

Second, she does not use the narrower definition of lying of Constant and Grotius because:

> a narrower definition often smuggles in a moral term which in itself needs evaluation. To say, for instance, that it is not lying to speak falsely to those with no right to your information glides over the vast question of what it means to have such a right to information. In order to avoid this difficulty, I shall use instead a more neutral, and therefore wider, definition of a lie: an intentionally deceptive message in the form of a statement. (pp. 15–16).

3. Bok's Analogy As Her Solution to the Problem

If Bok opposes Augustine and Kant, then, but does not use the argument of Constant and Grotius in doing so, what argument does she use? Though she finds additional support, I estimate that the argument which she considers her main one is what she calls "the analogy between the use of force and the use of deception" (p. 109). In the 14th of her 16 chapters, Bok mentions "the frequent parallels between force and deception noted throughout this book" (p. 225).

The analogy is succinctly stated in the form of a rhetorical question by Bok: "If to use force in self-defense or in defending those at risk of murder is right, why then should a lie in self-defense be ruled out? Surely if force is allowed, a lie should

be equally, perhaps at times more, permissible" (p. 43). She does not give more of an answer to her question than this and she always states the analogy with equal succinctness. For instance; "Deception – ..like violence – can be used also in self-defense" (p. 19). "Just as force would be justifiable as a means to prevent the murder, so it would be right to achieve the same objective through a lie" (p. 115). "We have already seen how the attempt to avoid serious harm can justify a lie, just as it allows the recourse to force" (p. 140). Finally, "whenever it is right to resist an assault or a threat by force; it must then be allowable to do so by guile" (p. 151).

There is a good chance that Bok learned of this analogy from Henry Sidgwick. She includes these lines from his *The Methods of Ethics* in her Appendix:

> Just as each man is thought to have a natural right to personal security generally, but not if he is himself attempting to injure others in life and property: so if we may even kill in defense of ourselves and others, it seems strange if we may not lie, if lying will defend us better against a palpable invasion of our rights: and Common Sense does not seem to prohibit this decisively. (p. 291)

Since Bok does not give more explanation and defense of this analogy when she states it, she must take it to be intuitively clear and in no need of elaboration. This is indicated, too, when Sidgwick appeals to Common Sense as the ground for accepting the analogy above. The only hint of something more than an appeal to intuition which I can find is a suggestion that the conclusion that it is right to lie follows in an *a fortiori* way from the belief that it is right to kill in this situation. Thus Bok says that "if force is allowed, a lie should be... more, permissible" (p. 43) and Bok quotes Sidgwick, saying, "so if we may even kill..., it seems strange if we may not lie" (p. 291).

4. Bok's Analogy Criticized

Is Bok's frequently repeated analogy clear to common sense and based in an intuition which we all share? Does the conclusion that it is right to lie if it is right to kill follow *a fortiori*? I think it is demonstrable that the answers are "no."

Consider this case in which, most people would agree, it is right to kill but not right to lie. The police have surrounded a house in which a fugitive murderer has sought refuge. They may rightly storm his hiding place if he refuses to surrender and, if he fights back, even kill him. But this does not mean that the police would be right in getting him to surrender by lying to him, by telling him that they have no intention of prosecuting him for murder if he surrenders. The right to kill him does not entail, *a fortiori*, a right to lie to him.

What does a right to kill in self-defense entail *a fortiori*? This may be answered by reference to the principle which justifies killing in self-defense. This is that one has a right to use as much force against an unjust aggressor as is necessary to stop

the aggression. This means that lethal force is justified only if no lesser amount will stop the attack. And it also means that the purpose of stopping the attack controls the situation. Thus, the right to self-defense entails *a fortiori* whichever lesser degrees of force will stop the attack.

Two things follow from this. 1) The right to use lethal force in self-defense entails *a fortiori* only a right to use other, lesser degrees of force. If it is right to use more force it is right to use less force. Lying is no kind of force, except in a metaphorical sense of the word. So no right to use force, contrary to Bok's analogy, entails a right to lie. The rule for the employment of one morally problematic means, physical force, does not entail a justification for the employment of a quite different and perhaps more problematic means, lying.

2) Even though a right to use less force is entailed *a fortiori* from a right to use lethal force, this does not mean that any lesser amount of force may be used. What controls is the purpose of the force, stopping the attack. Thus, if I have the right to kill a would-be murderer now attacking me, this does not mean that I have the right to knock him down and cut off his hands. Since knocking him down is enough to stop the attack, no more use of force is justified by an *a fortiori* argument. Since cutting off an attacker's hands is needlessly cruel and barbaric, yet is a lesser use of force than a lethal use of force, we should realize that *a fortiori* argument forms could easily be abused to seem to allow moral abominations. This seeming is achieved by claiming that the abomination is somehow less than some permitted thing. Here are some examples of the *a fortiori* argument form at its worse.

1) If a college dean can expel a student for cheating, the dean may rightfully retain the student in school but publish the fact of the cheating in the newspapers.

2) If the state may capitally punish a justly convicted murderer, the state may mercifully allow the murderer to live though the murderer will be tortured for years.

3) If one may abort the fetus within her, she may rightly go into the business of regularly conceiving in order to make a living in selling the aborted fetuses for research.

This latter point applies to Bok's analogy in this way. Since Bok holds that lying, as Aristotle says, is "mean and culpable" (p. 32), she runs the danger explained above, trying to justify an abomination by claiming that it is less in some way than a permitted action. Lying draws less blood than killing, so it is permitted if killing is, she implies. But this is like saying that the right to use more force entails the right to use *any* sort of lesser force and I have just shown why this is not so.

Another way to get at the reason why we should reject her analogy, related to the above ways, concerns Bok's imprecise choice of words. She usually says that if "force" is allowed in one's self-defense, then "lying" is also (p. 43, 115, 140). But she has made a bad choice in choosing the word "lying." Lying in ordinary language refers to something which it is wrong to do; it is a morally negative word just as "honesty" would be morally positive. "Force" is a morally neutral word or at least more neutral than lying. It contrasts with a morally negative word like "violence." If this is so, then, when Bok says that if morally neutral force is justi-

fied, morally negative lying is justified, she runs into a problem. If the *a fortiori* connection really holds, then lying would have to be morally neutral like force is, or perhaps morally positive. That is, Bok is saying something which jars those alert to the usual nuances of the word "lying" as a blameworthy activity. It is as if one said that torturing for a week is justified if imprisonment for a year is. The words "force" and "imprisonment" are not morally problematic but the words "lying" and "torturing" are. As Hume says, to learn the use of a language is to learn the moral evaluations made by the ethical words in that language and the word "lie" definitely connotes moral obloquy in English.[2]

The outcome of these criticisms is, I believe, that Bok's analogy of force and lying does not constitute an acceptable argument for lying to save an innocent person's life. Her analogy is not clear to intuition or common sense and is not an acceptable argument *a fortiori.*

5. The Correct Analogy

But Bok's analogy of force and lying could be recast, I believe, as a valid argument from analogy. In fact, I suspect that she thought of her argument as a good one because it is close to the good argument which I will sketch below.

Bok makes a big mistake, I believe, in thinking that she can indifferently substitute the word "force" for "violence" and the word "deception" for "lying" which she does throughout her book. For instance, she talks of "deceit and violence" on p. 19 but "lying" and "force" on p. 43. Here in one and the same sentence she uses all four words in the implied belief that she is using two sets of synonyms: "Even if *lying* may be justified in the face of *force* and in the name of self-defense, this very defense of self requires great caution, for *deception* cannot always be *aimed* only at others with the precision of many forms of *violence*" (p. 149, the underlining of the four words is mine).

It is naive to use these words as synonyms because ordinary language recognizes important differences between the words in each pair. It might take some Socratic questioning to make it clear, but I believe that the ordinary person means something bad by "violence" but something more morally neutral by "force." And one means something bad by "lying" but more morally neutral by "deception." Moreover, one thinks of the relation between each pair of words as that between genus and species. Thus, force is the genus and violence is a species of it, and deception is the genus and lying is a species of it. The outcome of this is that, as ordinary language marks the difference, one may sometimes deceive but should never lie, just as one may sometimes use force but should never be violent.

The correct analogy, then, is that lying is to deception as violence is to force. This means that neither lying nor violence are justifiable behaviors if those words are taken in their usual significance.

Why are neither lying nor violence behaviors considered moral in the ordinary use of the words? Asking this shows something else interesting about Bok's argu-

ment. The answers are that violence is that kind of force which it is wrong to use because it violates a person's right to physical well being and lying is that kind of deception which it is wrong to use because it violates a person's right to the truth. But this is the definition of lying which Constant and Grotius use while Bok sides with Augustine and Kant in rejecting it. And it is the only definition which makes sense of the ordinary way of talking which distinguishes the bad behavior, lying, from the neutral behavior, deception. That is, Bok has rejected this definition and substituted her analogy for it. But it turns out that her analogy, correctly understood, requires this definition.

Bok goes against ordinary language in even more respects than equating force and violence on the one hand and deception and lying on the other. She speaks of "*justifiable* lies" (p. 94), which is a self-contradictory term if all lying is wrong. The ordinary language would seem to insist that, if it is justifiable, it is not a lie, its a deception, yes, but, as Constant and Grotius would say, an untruth spoken to one with no right to the truth. Bok also says that deception requires justification (pp. 105, 152), but it does not require it if the term "deception" is taken in its ordinary sense. I may deceive you by wearing elevator shoes or padded shoulders but I owe you no justification. Bok disagrees then with the ordinary understanding of lies which cannot be justified and of deceptions which do not need justifications unless, of course, they are further specified so that they appear as lying deceptions.

Bok had claimed in her analogy that if force is justified, then lying is or deception is, and if violence is justified, then lying is or deception is. When one understands the evaluative meanings of these words though, it is clear that only force and deception can be justified, for the other two, violence and lying, are not in principle justifiable. But though force and deception can be justified, this does not mean that the second is justified because the first is. Both words, rather, mark permitted morally neutral behaviors on the same level. Neither is more basic in its justification than the other.

But because force and deception are both morally permissible, it is true, as Bok says for different reasons, that one may either shoot a would-be murderer to avoid the harm he threatens or one may evade him by deceptive driving in an auto chase. Its true that one may take deceptive means to avoid an attack though not because one may shoot the attacker. They are just two morally permissible ways of avoiding harm.

So, is there no truth to Bok's analogy that if force is justified, so is lying? Yes, there is, but Bok would have to accept the popular understanding of the difference between lying and deception and Constant and Grotius's definition of lying in order to realize this truth and trade upon it.

Imagine that two men jump another man, subdue him, throw him in a car and drive off. This appears to be a case of violence to the person at a distance who does not realize that the two men were plainclothes detectives capturing and arresting the most-wanted criminal. By the same token, you have just seen your neighbor, Mr. Green, enter his house while Mr. Blue watches. You then hear this

other neighbor, Mr. Blue, tell an inquiring stranger that Mr. Green did not enter his house. You immediately believe that Mr. Blue has lied to the stranger. But this appears to be a case of lying to you because you do not realize that the inquirer is a would-be murderer and Mr. Blue has correctly judged that he has no right to the truth about Mr. Green's whereabouts. Thus, if force is justified, then what will look like a lie to the inadequately informed person is justified. With these specifications, Bok's "if force *is* justified, then lying is" is an analogy with some truth to it.

6. Reply to Bok's Criticism of Constant and Grotius

Bok's own analogy turns out to need the definition of lying of Constant and Grotius. Bok had criticized and rejected this definition in the ways which I report in section 2 of this paper. Did she offer strong reasons for rejecting it? I do not think so, I think each of her criticisms can be answered.

First, her claim that it is extreme to adopt the "strict tradition" in which all lying is prohibited is wrong. Just as it is not extreme to say that all violence is prohibited or all murder is prohibited, so it is not extreme to say that all lying is prohibited. Thus, force and killing and deception, even to the extent of deceiving by saying what is false, are all permissible in this tradition for good reasons like self-defense.

Second, it can be wrong to escape a prohibition definitionally but it might be right also. In this regard, Bok is wrong in equating mental reservation of a certain sort and the right-based definition of lying. The kind of mental reservation she cites is certainly a dishonest way of trying to redefine one's behavior to attempt to justify it. Her example: "if you are asked whether you broke somebody's vase, you could answer 'No' adding in your own mind the mental reservation 'not last year' to make the statement a true one" (p. 15). This weaselly way of redefining lying to justify a behavior should surely not be equated with Grotius and Constant's way. This is so because this violates the latter way's norm concerning rights. If the person asking about the broken vase is the owner, then the person has a right to the truth about who broke the vase. This is so because the owner has a right to compensation for the breaking of the vase and, to get compensation, must identify the breaker. Incidentally, the kind of mental reservation which Bok cites and which she identifies with Catholicism was condemned by Pope Innocent XI in 1679.[3]

Third, Bok has not shown that an intentionally misleading statement needs moral evaluation and justification when it is not lying. If it is not lying it is deception only, and deception is morally neutral, just as wearing make-up and acting happy to cheer up a sick person even when you are really unhappy are morally neutral or even good.

Fourth, Grotius and Constant's definition of lying adds the moral term "right" to the analysis of the problem but it does not smuggle the term in or try to avoid needed moral evaluation as Bok suggests. Nor is it a "vast question" to decide

"what it means to have such a right to information." Rather, discussing the issue in terms of rights would seem to render the issue manageable, make the problem of justified deception solvable. It is clear that parents have rights against their children, wives against their husbands, employers against their employees, teachers against their students, police against suspects, property owners against property users. The latter members of each pair might often be severely tempted to make statements contrary to what they believe is true in dealings with the former members, but they cannot do so justifiably because it violates the rights of the former in most cases. Thus the student lies who says what is false to his teacher when the latter asks about an undone homework assignment, for the teacher has the right to know. But the student would not lie who says what is false to his teacher when the latter asks about the student's father's drinking problem, and asks it in front of the whole class, for the teacher does not have the right to know this (cf. p. 305).

7. Conclusion

Bok defines lying in the same way as Augustine and Kant. But she wants to oppose their position that one cannot lie to save an innocent life. This position was successfully and consistently opposed by Constant and Grotius who did so by redefining lying so that the untruth one tells to save an innocent life does not count as a lie since it does not violate a right. Bok refuses to use this way. She instead uses her analogy of deception and violence. But this analogy is not, as she believes it is, intuitively clear or a good *a fortiori* argument. Still, if one pays attention to the ordinary sense of the words Bok uses in her confused analogy, deception and lying, force and violence, one realizes that Bok's analogy has some persuasive power, not because violence and lying are right means to save a life, but because force and deception, or force or deception are. And to see why this is so requires that Constant and Grotius's way of opposing Kant, and their definition of lying, must be adopted. Bok's apparent success with her analogy of force and lying is due to the fact that it is a shadow of the more genuine success of the analogy of force and violence and deception and lying which requires Constant and Grotius's definition of deception and lying. Thus her way of opposing Augustine and Kant is weak in trying to do it in a new approach and demonstrates the advantages of Constant and Grotius's approach.

NOTES

1. The passages in which St. Augustine and Kant treat this question are given in the Appendix to the book discussed in this paper, Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Vintage Books, 1979), pp. 265 ff. Hereafter, references to this book will be made in my text within parentheses.
2. David Hume, *An Inquiry Concerning the Principles of Morals* (Indianapolis: Bobbs-Merrill, 1957), p. 8.
3. Julius A. Dorszynski, *Catholic Teaching About the Morality of Falsehood*, Catholic University of America Studies in Sacred Theology, 2nd series, No. 16 (Washington, D.C.: Catholic University of America Press, 1948), p. 29.