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Secrets vs. Lies

Is There a Moral Asymmetry?

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Most people believe that there is a moral asymmetry between keeping secrets and lying.¹ Most people think that it is generally morally permissible to keep secrets, and generally morally wrong to lie.² It is important to include ‘generally’ in stating the common view. Most people think that there are circumstances in which it is morally wrong to keep a secret, and most people think that there are circumstances in which it is morally permissible to lie.

The traditional way for moral philosophers to state the common view of the moral asymmetry between keeping secrets and lying is to state it as a difference in kind between the moral status of keeping secrets and the moral status of lying. They say that lying is *prima facie* morally wrong (i.e., *finally* morally wrong, or *decisively* morally wrong, unless undermined by some other moral consideration, in which case not morally wrong *at all*; the moral wrongness is all or nothing), or *pro tanto* morally wrong (i.e., *always*, to some degree, morally wrong, but capable of being *outweighed* by some other moral consideration; the moral wrongness always has weight but is not always decisive),³ whereas keeping secrets is *prima facie* morally permissible (i.e., finally or decisively morally permissible, unless some other moral consideration makes it finally or decisively morally wrong), or *pro tanto* morally permissible (i.e., always, to some degree, morally permissible, but capable of being outweighed by some other moral consideration).⁴ That is, they say that one morally ought not to lie (lying is finally or decisively morally wrong), unless there is some other moral consideration in favor of lying—such as the prevention of a significant harm to an

¹ As it will be argued in this chapter, ‘keeping a secret’ means not sharing (believed) information, without any deception being involved. Secrets, therefore, are not deceptive.

² By ‘morally permissible’ here is meant either morally optional or morally obligatory.

³ On the distinction between *prima facie* morally wrong and *pro tanto* morally wrong, see Kagan (1989: 17) and Reisner (2013). *Prima facie* moral wrongness is in one way stronger than *pro tanto* moral wrongness, since it entails final moral wrongness (unless undermined), whereas *pro tanto* moral wrongness is just a negative moral consideration. *Prima facie* moral wrongness is in another way weaker than *pro tanto* moral wrongness, since the moral wrongness is entirely canceled out when it is undermined, whereas *pro tanto* moral wrongness is never canceled out, even if it is overridden.

⁴ This statement of *pro tanto* moral permissibility is, admittedly, awkward, but that is because ‘*pro tanto* morally permissible’ is a peculiar moral status.

innocent person, or the promotion of a significant amount of good for an innocent person—that is significant enough that it makes it the case that this lie is not morally wrong at all, but rather is morally justified (lying is *prima facie* morally wrong).⁵ Or, they say that it is morally wrong to lie (lying always has some negative moral weight), but this moral wrongness can be outweighed by other moral considerations in favor of lying, such that the lie is morally wrong but is the lesser of two moral wrongs (lying is *pro tanto* morally wrong).⁶ If the lie is justified, or is the lesser of two wrongs, then the lie may be told, or even, the lie must be told.⁷ By contrast, they say that it is morally permissible to keep a secret (keeping a secret is finally or decisively morally permissible), unless there is some other moral consideration that is significant enough that it makes it the case that keeping this secret is finally or decisively morally wrong (keeping a secret is *prima facie* morally permissible). Or, they say that it is morally permissible to keep a secret, but other moral considerations can outweigh this moral permissibility, and make it on balance more wrong to keep this secret (keeping a secret is *pro tanto* morally permissible). In such cases, the secret must not be kept.

Sissela Bok states the common view of the moral asymmetry between keeping secrets and lying accepted in this traditional way. She says that, “Lying and secrecy differ, however, in one important respect. Whereas I take lying to be *prima facie* wrong, with a negative presumption against it from the outset, secrecy need not be. Whereas every lie stands in need of justification, all secrets do not.”⁸ Since this traditional way of stating the common view of the moral asymmetry is the default way of stating it for most moral philosophers, I will call this traditional way of stating the common view of the moral asymmetry DEFAULT.

DEFAULT

Lying vs. Keeping secrets

Prima facie (or *pro tanto*) morally wrong *Prima facie* (or *pro tanto*) morally permissible

Moral philosophers with very different approaches to normative ethics may be said to accept DEFAULT. Act-consequentialists believe that the moral rightness or wrongness of any action depends entirely on that action’s consequences. On this view, of all the actions (including omissions) open to us to perform at any given moment, one morally ought to perform that action that will produce the best consequences overall. Since it is usually not possible to calculate the consequences of every available action at a given moment, one must adopt rules of thumb—that is,

⁵ W. D. Ross used “conditional” as a synonym for “*prima facie*” (Ross 1930: 19). If lying is *prima facie* morally wrong, then lying is conditionally morally wrong, and not unconditionally morally wrong.

⁶ Marcia Baron has distinguished between “more often than not objectionable, but sometimes not at all objectionable,” and “always objectionable and to be avoided, but sometimes is the best option” (Baron 2014: 108). This distinction is similar to the distinction between *prima facie* moral wrongness and *pro tanto* moral wrongness.

⁷ If doing something is *pro tanto* morally wrong, then, even if the balance of moral considerations allows it, or demands it, doing it leaves a moral remainder, or a moral residue. There is no such moral remainder or moral residue if doing something is *prima facie* morally wrong but not morally wrong all things considered.

⁸ Bok (1983: xv). Although Bok talks of lying being “*prima facie* wrong,” her claim that there is a “negative presumption” against lying is consistent with lying being either *pro tanto* morally wrong or *prima facie* morally wrong.

guidelines—for how to act in ways that will produce the best consequences overall, whenever one cannot calculate the consequences of every available action at a given moment.⁹ Insofar as they have rules of thumb, act-consequentialists may be said to accept a version of *prima facie* moral wrongness and *prima facie* moral permissibility. In general, lying produces worse consequences overall than telling the truth. Hence, for act-consequentialists, it is a rule of thumb not to lie. In general, keeping secrets produces better consequences overall than being candid. Hence, for act-consequentialists, it is a rule of thumb to keep secrets. Act-consequentialists may therefore be said to accept DEFAULT.

Many non-consequentialists who are virtue ethicists may also be said to accept DEFAULT.¹⁰ Plato, for example, who defends the ethical virtue of justice, can be said to hold “that there are allowable exceptions to every moral rule, or virtually every moral rule, of conduct.”¹¹ Plato has the character of Socrates assert in the *Republic* that when it comes to “telling the truth” it is “sometimes unjust” to tell the truth, although it is generally just.¹² Even though Plato does not say so explicitly, it can be assumed that he holds that when it comes to keeping secrets, it is sometimes unjust to keep a secret, although it is generally just. According to many contemporary virtue ethicists, someone who has the ethical virtue of honesty “recognizes ‘That would be a lie’ as a strong (although perhaps not overriding) reason for not making certain statements in certain circumstances, and gives due, but not overriding, weight to ‘That would be the truth’ as a reason for making them.”¹³ Honesty is an ethical virtue, and it can be said about the rules or principles of virtue ethics that they are “rules or principles which have a pretty *general* application and the *best* blend of specificity and flexibility, but which nevertheless do not hold in every conceivable case.”¹⁴ Meanwhile, the honest person is not “tactless or indiscreet,”¹⁵ and hence, keeps secrets, except when doing so would be vicious. Insofar as they accept that it is sometimes unjust to tell the truth, and that the rule about not lying does “not hold in every conceivable case,” Plato and many contemporary virtue ethicists may be said to accept that lying is *prima facie* or *pro tanto* morally wrong, and that keeping secrets is *prima facie* or *pro tanto* morally permissible. Hence, they may be said to accept DEFAULT.

Finally, many non-consequentialists who are deontologists also explicitly endorse DEFAULT. Bok, who is best understood as a deontologist, explicitly endorses it. But that is because she is a moderate deontologist, and not an absolute deontologist. She does not hold that lying is finally morally wrong.¹⁶ W. D. Ross, it seems, also accepts DEFAULT. Although there is a *prima facie* duty not to lie, derived from the *prima*

⁹ See Smart (1956).

¹⁰ Virtue ethicists are non-consequentialists who are not deontologists because they are teleologists. Not all virtue ethicists may be said to accept DEFAULT; see note 20.

¹¹ Sachs (1963: 157). ¹² Sachs (1963: 157). ¹³ Hursthouse (2016).

¹⁴ Hursthouse (1999: 58). ¹⁵ Hursthouse (2016).

¹⁶ Absolute deontologists (otherwise known as rigorists) are deontologists who hold that moral duties—such as the duty not to lie—may never be infringed. Moderate deontologists are deontologists who hold that moral duties may be infringed when a significant threshold is reached—for example, when a great amount of harm to innocent persons can be avoided, or when a great amount of well-being of innocent persons can be promoted. See Kagan (1998).

facie duties of fidelity and non-maleficence, there is no *prima facie* duty not to keep secrets.¹⁷ Not all deontologists accept DEFAULT, however. Immanuel Kant, who is an absolute deontologist, rejects DEFAULT. Although he may be said to agree that it is *prima facie* morally permissible to keep secrets,¹⁸ he holds that it is finally morally wrong to lie.¹⁹ His way of stating the moral asymmetry between keeping secrets and lying I will call STRICT.

STRICT	
Lying	vs. Keeping secrets
Morally wrong	<i>Prima facie</i> (or <i>pro tanto</i>) morally permissible

STRICT is merely a variation on DEFAULT, however.²⁰ It preserves DEFAULT's way of stating the moral status of keeping secrets, and hence, it preserves the most important part of DEFAULT's way of stating the common view of the moral asymmetry between keeping secrets and lying, which is to state it as a difference in kind between the moral status of keeping secrets and the moral status of lying.

DEFAULT could be an incorrect statement of the common view of the moral asymmetry between keeping secrets and lying, if its way of stating the moral status of keeping secrets were mistaken. If this were true, then the traditional way of stating the common view of the moral asymmetry between keeping secrets and lying would be mistaken.²¹ This chapter will argue that DEFAULT is an incorrect statement of the common view of moral asymmetry between keeping secrets and lying, because its way of stating the moral status of keeping secrets is mistaken. It follows that the traditional way of stating the common view of the moral asymmetry between keeping secrets and lying is mistaken and in need of revision.

1. The Moral Asymmetry between Keeping Secrets and Lying

Against Bok, it is possible to argue that every act of keeping a secret, as well as every lie, stands in need of moral justification. This could be true even if the moral justification needed for keeping a secret was weaker than the moral justification

¹⁷ Ross (1930: 21).

¹⁸ See Mahon (2009a).

¹⁹ There is not sufficient space here to defend this interpretation of Kant. See Mahon (2009b). Note that although Kant holds that lying is finally morally wrong, he does not hold that it is built into the meaning of lying that it is morally wrong, such that lying is morally wrong by definition, and that the moral judgment that lying is wrong is a tautology. This seems to be the position of Hugo Grotius (2005); cf. Bok (1999 [1979]: 14).

²⁰ Aristotle, Augustine, and Thomas Aquinas, who are all virtue ethicists, may also be said to accept STRICT, at least if they may be said to accept the idea of *prima facie* or *pro tanto* moral permissibility. See MacIntyre (1995). Among contemporary virtue ethicists, STRICT may be said to be accepted by Griffiths (2004) and Tollefsen (2014), at least—once again—if they may be said to accept the idea of *prima facie* or *pro tanto* moral permissibility.

²¹ Jennifer Saul has recently argued that the common view of the moral asymmetry between misleading with the truth and lying is mistaken, and that misleading with the truth and lying are morally on a par. See Chapter 4 of her *Lying, Misleading, and What Is Said* (2012: 69–99). The argument of the present chapter is more modest. It is that the traditional way of *stating* the common view of the moral asymmetry between keeping secrets and lying is mistaken.

needed for telling a lie, all things being equal. Against DEFAULT, in particular, it is possible to argue that the correct moral status of keeping secrets is that keeping secrets is also *prima facie* morally wrong or *pro tanto* morally wrong, even if its *prima facie* or *pro tanto* moral wrongness is not as great as the *prima facie* or *pro tanto* moral wrongness of lying. This would be the view that one morally ought not to keep a secret (keeping a secret is finally or decisively morally wrong), unless there is some other moral consideration in favor of keeping a secret that is significant enough that it makes it the case that keeping the secret is not morally wrong at all, but rather is morally justified (keeping secrets is *prima facie* morally wrong). Or, it is morally wrong to keep a secret (keeping a secret always has some negative moral weight), but this moral wrongness can be outweighed by other moral considerations in favor of keeping a secret, such that keeping the secret is morally wrong but is the lesser of two moral wrongs (keeping secrets is *pro tanto* morally wrong). In such cases, the secret may, or must, be kept.

Such a position on the moral status of keeping secrets would preserve the moral asymmetry between keeping secrets and lying that is accepted by most people, since the moral justification needed for keeping a secret would be weaker than the moral justification needed for telling a lie, all things being equal. It would nevertheless allow the common view of the moral asymmetry between keeping secrets and lying to be stated in an entirely different way. Instead of there being a difference in kind between the moral status of keeping secrets and lying, there would merely be a difference in degree. This way of stating the common view of the moral asymmetry between keeping secrets and lying I will call HARSH.

HARSH

Lying vs. Keeping secrets
Prima facie or *pro tanto* morally wrong > *Prima facie* or *pro tanto* morally wrong

HARSH preserves a moral asymmetry between keeping secrets and lying, but makes this asymmetry consist in the greater degree of moral wrongness of lying over keeping secrets. According to HARSH, it is generally morally wrong to keep secrets, or to lie, even if, all things being equal, lying is morally worse than keeping secrets.

It should be noted that HARSH may not be very harsh. It all depends on how weak the moral justification needed for keeping a secret can be. If the moral justification needed can be extremely weak, because keeping a secret, while *prima facie* or *pro tanto* morally wrong, is only very weakly *prima facie* or *pro tanto* morally wrong, then HARSH is not very harsh at all.

HARSH must be contrasted with a different view of the moral asymmetry between keeping secrets and lying, one that is opposed to the common view. According to this view, lying is finally morally wrong, whereas keeping secrets is *prima facie* or *pro tanto* morally wrong. The statement of this view of the moral asymmetry between keeping secrets and lying I will call VERY STRICT.

VERY STRICT

Lying vs. Keeping secrets
 Morally Wrong *Prima facie* or *pro tanto* morally wrong

HARSH is usually not considered a correct statement of the common view of the moral asymmetry between keeping secrets and lying.²² More than likely, this is due to a mistaken conception of the act of keeping a secret. This mistaken conception of the act of keeping a secret makes the moral status of keeping secrets appear different in kind from the moral status of lying. Given a correct conception of the act of keeping a secret, HARSH may come to be accepted as a correct statement of the common view of the moral asymmetry between keeping secrets and lying.

In order to arrive at a correct conception of the act of keeping a secret, it will be necessary to situate the act of keeping a secret in the relevant spectrum of acts. Here is the relevant Spectrum of Acts, arranged according to the degree to which (believed) information is shared, from most to least (believed) information shared.

Spectrum of Acts

Candor/Non-acknowledgment/Informativeness/Reticence/Secrecy/Deception/Lying

Although it is possible to make further distinctions between acts, this spectrum will be sufficient for the purposes of arriving at a correct conception of the act of keeping a secret.²³

2. Informativeness and Candor

According to Paul Grice, people who are conducting a conversation, or more generally, having an exchange,²⁴ at least under normal circumstances, adopt various maxims (or norms) of conversation:

1. Make your contribution as informative as is required (for the current purposes of the exchange).
2. Do not make your contribution more informative than is required.
3. Try to make your contribution one that is true.
4. Do not say what you believe to be false.
5. Do not say that for which you lack adequate evidence.
6. Be relevant.
7. Be perspicuous.
8. Avoid obscurity of expression.
9. Avoid ambiguity.
10. Be brief (avoid unnecessary prolixity).
11. Be orderly.²⁵

²² As will be seen below, some philosophers may be said to accept HARSH, or something very similar to HARSH.

²³ Bullshitting has not been included in this spectrum of acts. Bullshitting is (or was originally) a certain kind of deception, namely, deception about having a concern for the truth of one's statements when one had no such concern (Frankfurt 1986). So-called 'bald-faced lying,' a type of non-deceptive act, has not been included in this spectrum of acts either; it is best understood as a form of non-acknowledgment.

²⁴ In this chapter discussion of the spectrum of acts will be restricted to the occurrence of these acts in exchanges. This should not be interpreted to mean that it is only possible to keep a secret, be reticent, etc., when one is having an exchange with someone.

²⁵ Grice (1989: 26).

The first two maxims, which concern “the quantity of information to be provided,” Grice calls “Maxims of Quantity.”²⁶ ‘Informativeness,’ in the Spectrum of Acts, means simply abiding by the two Maxims of Quantity of making your contribution as informative as is required, and not making your contribution more informative than is required, for the current purposes of the exchange. Informativeness can be defined more formally as follows:

A is informative with *B* about *p* in an exchange =_{df} *A* and *B* are having an exchange, *p* is the information that is required for the current purposes of the exchange, and *A* asserts that *p* to *B*.

There are different ways to depart from being informative. One can be more informative than is required for the current purposes of the exchange, and one can be less informative than is required for the current purposes of the exchange. ‘Candor,’ in the Spectrum of Acts, consists in being *more* informative than is required for the current purposes of the exchange. It consists in violating the second Maxim of Quantity. To be candid is to volunteer (believed) information to another person—(believed) information that one believes the other person lacks and that is not required for the current purposes of the exchange—in addition to (believed) information that is required for the current purposes of the exchange.²⁷ The expression “Too much information” captures the phenomenon of candor. For example, if you are buying a novel at a bookstore, and you inform the sales clerk that you are buying the book because one of the novel’s characters is based on your friend, then you are being candid.²⁸

Candor includes unknowing violations of the second Maxim of Quantity. Candor can be the result of not being strategic about sharing believed-information with others, and not knowing to filter what one is saying for one’s audience. That is, candor can be the product of innocence or naïveté. In Voltaire’s satire, *Candide, ou l’Optimisme*, the character of Candide is always candid, but he is candid out of ignorance of the norms of information-sharing in conversation.²⁹ Notoriously, children are candid, and only become less candid as they grow older. It is possible, nevertheless, to imagine a society in which the second Maxim of Quantity is not in force, and where everyone is candid.³⁰ But candor does not have to be the product of innocence or naïveté. People can decide to be candid rather than abide by the second Maxim of Quantity,³¹ and people can be compelled or

²⁶ Grice (1989: 26).

²⁷ I say “(believed) information” rather than information because I take information, by definition, to be true. I do not defend this claim here. Candor consists in making statements that the speaker believes to be true, which may or may not be true. See Mahon (2003).

²⁸ This may not be how the word ‘candor’ is commonly used. ‘Candor,’ in the Spectrum of Acts, may be broader in meaning than ‘candor’ as it is commonly understood and used.

²⁹ Voltaire (1759).

³⁰ See the film *The Invention of Lying*, written and directed by Ricky Gervais and Matthew Robinson (Radar Pictures/Media Rights Capital/Universal Pictures, 2009).

³¹ A humorous example of this can be found in “William’s Truthful Christmas,” one of Richmal Crompton’s children’s stories about the 11-year-old schoolboy William Brown (1925: 164–79). After listening to a sermon on Christmas Day about telling the truth, William decides not merely not to lie, but to be candid. When asked later in the day if he likes his presents of a book on church history and a geometry

forced or manipulated into being candid.³² Candor can be defined more formally as follows:

A is candid with B about p in an exchange =_{df} *A and B are having an exchange, p is more information than is required for the current purposes of the exchange, and A asserts that p to B.*

It is possible for people to be candid in order to keep a secret, if they are candid about irrelevant details, and not candid about the relevant detail. Properly speaking, however, they are *not* being candid in this situation. As Kant says in his lectures on ethics, “How are secrets to be kept? Men who are not themselves very garrulous, generally keep secrets well, but better still are those who talk freely, but with prudence; from the former, something might yet be elicited, but not so from the latter, for they always know how to interpose with something else.”³³ People may even be candid in order to be deceptive about something, either by being selectively candid, or by being candid, but not highlighting which (believed) information is important,³⁴ although this may be said to be merely another way of being selectively candid. Again, properly speaking, they are *not* being candid (about everything).

Being candid can be contrary to one’s self-interest, and is often considered foolish. Candide’s candor usually leads to him being taken advantage of by others. Kant argues that people should not be candid because it would be imprudent. In the *Doctrine of Virtue*, Part II of *The Metaphysics of Morals*, he says that: “Every human being has his secrets³⁵ and dare not confide blindly in others, partly because of a base cast of mind in most human beings to use them to one’s advantage and partly because many people are indiscreet or incapable of judging and distinguishing what may be repeated.”³⁶ His solution is to not share one’s views about “government, religion and so forth” unless it is with someone “intelligent—someone who, moreover, shares his general outlook on things” such that one can “reveal [oneself] with complete confidence.”³⁷ This is what Kant calls moral friendship.

Thomas Nagel has also argued that people should not be candid. In his essay “Concealment and Exposure,”³⁸ he argues that only “a maniac will express absolutely everything to anyone” and that “civilization would be impossible if we could all read each other’s minds.”³⁹ He thinks that “The idea that everything should be out in the open is childish,” and says that “As children we have to learn gradually not only to express what we feel but also to keep many thoughts and feelings to ourselves in

set, he replies no, that he is not interested in church history, and that he has a geometry set at school, and then he adds that even if he hadn’t a geometry set at school, he still wouldn’t want a geometry set.

³² See *The Whole Truth* (season two, episode fourteen, of *The Twilight Zone*, written by Rod Sterling, and directed by James Sheldon (1961)), in which a used car salesman buys a haunted old car that makes him be candid with his customers, wife, and employee.

³³ Kant (1997: 202).

³⁴ As Malcolm Gladwell has pointed out, Jonathan Weil, the reporter at the *Wall Street Journal* who first scrutinized Enron’s accounting practices in late 2000, simply “read a series of public documents that had been prepared and distributed by Enron itself. . . . ‘There was no dispute about the numbers,’ Weil went on. ‘There was only a difference in how you should interpret them.’” (Gladwell 2007).

³⁵ Kant does not distinguish between keeping secrets and being reticent; they will be distinguished in this chapter.

³⁶ Kant (1996b: 586–7).

³⁷ Kant (1996b: 587).

³⁸ Nagel (2003).

³⁹ Nagel (2003: 9, 4).

order to maintain relations with other people at an even keel.”⁴⁰ Nagel thinks that not being candid is required for us to get along with each other without conflict, and to facilitate our developing an “inner life,” something that we need to express to those with whom we are intimate.

An act of imprudence, no matter how foolish, is not in itself a morally wrongful act, since it is not morally wrong to act contrary to one’s self-interest.⁴¹ The failure to develop an inner self, no matter how deficient it leaves one, is not in itself a morally wrongful failure. If candor is imprudent, or prevents one from developing an inner life, then this does not make an act of candor a morally wrongful act. It is true that being candid may be morally wrong if, say, it harms innocent people. For example, it would be morally wrong to declare one’s love for a co-worker at work, with the result that the co-worker is adversely affected, or to be candid with terrorists about the location of the children’s school, with the result that the children were killed. Being candid may also be morally wrong because it involves violating a moral duty. It would be morally wrong to be candid with people about something that one has promised someone not to discuss with other people, such as one’s friend’s financial troubles. Nevertheless, an act of candor, in itself, is not morally wrong. Sharing with others what one is thinking, in itself, is not morally wrong. More generally, providing more (believed) information than is necessary for the purposes of a current exchange, in itself, is not morally wrong. Being candid is *prima facie* morally permissible, or *pro tanto* morally permissible.

3. Non-Acknowledgment and Reticence

Nagel contrasts ‘concealment’ with candor, and he includes at least four different kinds of act under ‘concealment’: “concealment [includes] . . . not only secrecy and deception but also reticence and nonacknowledgement.”⁴² However, non-acknowledgment, reticence, and even secrecy should not be classified as types of concealment, since concealment is best understood as a form of deception. Hence, the four different kinds of act that Nagel includes under ‘concealment’ will be considered as separate kinds of acts.

‘Non-acknowledgment’, in the Spectrum of Acts, consists in a speaker not acknowledging some (believed) information to a listener, where the information is believed or known by both the speaker and the listener (or at least, the speaker believes the information is believed or known by both), and where both believe or know that both believe or know this information (or at least, the speaker believes this), and where the information is believed or known by both to be relevant to the

⁴⁰ Nagel (2003: 8, 4).

⁴¹ For consequentialists, it is only morally wrong to act contrary to one’s self-interest if acting according to one’s self-interest produces the best consequences overall, which is rare. Even for those deontologists who defend the duty to oneself to develop one’s talents or to improve oneself, such as Kant and Ross, there is nothing morally wrong with acting contrary to one’s self-interest, since there is no duty to oneself to promote one’s self-interest.

⁴² Nagel (2003: 4).

exchange.⁴³ The expression “the elephant in the room” captures the phenomenon of non-acknowledgment.⁴⁴ Nagel provides an example of non-acknowledgment. He imagines *A* and *B* meeting at a cocktail party. *A* has recently written a critical review of *B*'s book, and both of them know this, and both of them know that both of them know this. But neither of them speaks of this. Instead, they speak, “a bit stiffly,” about “real estate, their recent travels, or some political development.”⁴⁵

Since, in an act of non-acknowledgment, the speaker and the listener believe or know what it is that nobody is stating, no information is being kept from anyone (or at least, this is what the speaker believes). This is why non-acknowledgment in a conversation may also be referred to as an ‘open secret’ in a conversation. Nevertheless, it is best to consider non-acknowledgment as a form of violation of the first Maxim of Quantity. Although no information is being kept from anyone, there is an intentional refusal to acknowledge relevant (believed) information believed or known by the speaker and listener. Non-acknowledgment can be defined more formally as follows:

A engages in non-acknowledgment about *p* with *B* in an exchange =_{df} *A* and *B* are having an exchange, *A* and *B* believe that *p*, *A* and *B* believe that *A* and *B* believe that *p*, and *A* and *B* believe that *p* is relevant for the current purposes of the exchange, and *A* does not assert that *p* to *B*.

It is possible for an act of non-acknowledgment to be morally wrong. It may be that such an act is a way of failing to be respectful toward another person. For example, if it is not acknowledged between two people who have just slept together that one of them does not desire to do this ever again, something that becomes obvious to both of them as they say goodbye, then it may be that one of them is not being sufficiently respectful of the other, in the way that admitting that there is no desire to do this ever again would be more respectful.

Nevertheless, an act of non-acknowledgment, in itself, is not morally wrong. Refraining from stating the obvious, or what is commonly believed or known, is not morally wrong. More generally, not acknowledging (believed) information that is believed or known to be believed or known, and that is relevant to the current exchange, is not morally wrong. Non-acknowledgment is *prima facie* morally permissible, or *pro tanto* morally permissible.

In contrast to non-acknowledgment, ‘Reticence,’ in the Spectrum of Acts, consists in a speaker not saying something that she believes or knows the listener does *not* believe or know. Nagel says the following about reticence: “The first and most obvious thing to note about many of the most important forms of reticence is that

⁴³ In Ernest Hemingway’s 1927 short story, “Hills Like White Elephants” (Hemingway 2002: 50–5), an American man and a woman have a conversation at a train station in Madrid. The unnamed man wants the woman to have an “operation.” It is implied that both know that the operation is an abortion, but neither acknowledges this.

⁴⁴ According to the *Wikipedia* entry on “Elephant in the room,” in the Kilivila language, spoken on Kiriwina, the largest of the Trobriand Islands near Papua New Guinea, “mokita” means “truth we all know but agree not to talk about.” <https://en.wikipedia.org/wiki/Elephant_in_the_room#Similar>, accessed October 2, 2015.

⁴⁵ Nagel (2003: 9).

they are not dishonest, because the conventions that govern them are generally known. If I don't tell you everything that I think and feel about you, that is not a case of deception since you don't expect me to do so and would probably be appalled if I did."⁴⁶ Nagel's view about reticence may be divided into two points. The first point is that reticence is distinct from deception. If someone intends to deceive another person—i.e., intends to have the other person believe something false—by not sharing certain (believed) information with that person, then this act is an act of (attempted) deception, and not, properly speaking, an act of reticence. To describe this act as an act of reticence is to under-describe, and hence mis-describe, this act. While it is true that every (intentional) act of deception involves an act of reticence about the (believed) truth, there is more to deception than reticence.

Nagel's second point about reticence is that, in an act of reticence, the (believed) information that is not shared is information "you don't expect" the person to share, because of "conventions that govern" the exchange of information. That is why reticence is not deceptive. As he says: "one has to keep a firm grip on the fact that the social self that others present to us is not the whole of their personality either, and that this is not a form of deception because it is meant to be understood by everyone."⁴⁷ Although, in the case of reticence, the speaker is not sharing (believed) information with another person that she could share, she believes in the existence of conventions of not sharing information. A speaker engages in an act of reticence when she has some (believed) information that she believes or knows is not believed or known by the listener, and she intentionally does not share this (believed) information with the listener, according to conventions governing what information is and is not to be shared, and without the intention that the listener have any false belief. An example of reticence would be not informing the stranger sitting beside one on the airplane, with whom one is having a conversation, about what one had for breakfast (because it is of no interest to her), or one's current health problems (because it is too intimate to be shared with a stranger), or one's salary (because it is none of the stranger's business). In refraining from sharing such information, one is not keeping a secret. There are conventions about sharing and not sharing private or personal information with strangers. If the stranger were to accuse one of keeping it a secret that one had recently been diagnosed with an inoperable tumor, or what one was earning, because one had not shared this information with her, and she somehow knew or discovered this information, then this accusation would be mistaken. One is merely being reticent.

In an act of reticence, the speaker intends to not share (believed) information with the listener. Nevertheless, that (believed) information is not believed by the speaker to be relevant, for the current purposes of the exchange. In the case of the exchange with the stranger on the airplane, for example, the current purpose is simply to make conversation. It is not relevant, therefore, that one had Alpen for breakfast, that one has an inoperable tumor, or that one earns a good salary. It is best to consider reticence as not violating the first Maxim of Quantity ('Make your contribution as informative as is required (for the current purposes of the exchange)'), as well as

⁴⁶ Nagel (2003: 6).

⁴⁷ Nagel (2003: 7).

abiding by the second Maxim of Quantity ('Do not make your contribution more informative than is required'). Reticence is best understood as *not* being candid. Reticence can be defined more formally as follows:

A is reticent about p with B in an exchange =_{df} A and B are having an exchange, A believes that p, A believes that B does not believe that p, A believes that p is not relevant for the current purposes of the exchange, and A does not assert that p to B.

It should be noted that it may be keeping a secret to not share the same (believed) information with a friend or family member that one does not share with the stranger on the airplane. If, for example, one does not share with one's son that one has an inoperable tumor, or does not share with one's spouse what one's salary is, then this may be an act of keeping a secret. Even if this is true, not sharing this information with the stranger on the airplane is still not an act of keeping a secret. Telling her about one's breakfast that morning, one's current health problems, or one's salary, would be being candid.

It is possible for an act of reticence to be morally wrong. It may be that by being reticent one fails to help someone whom one believes could help. For example, if you happen to believe that the stranger on the airplane could benefit from some tax advice, or from consulting a dermatologist about a suspicious-looking mole, then it may be morally wrong not to share this information. Even if this were a morally wrongful act, nevertheless, an act of reticence, in itself, is not morally wrong. There is nothing morally wrong in simply refraining from providing information that one believes is not relevant for the current purposes of the exchange. Reticence is *prima facie* morally permissible, or *pro tanto* morally permissible.

4. Keeping a Secret

In contrast to lying and deceiving, surprisingly little has been written on what it is to keep a secret, and how it should be defined. Bok is one of the few people to address this matter. In the section of her book on secrets entitled "Defining Secrecy," Bok says:

A path, a riddle, a jewel, an oath—anything can be a secret so long as it is kept intentionally hidden, set apart in the mind of its keeper as requiring concealment. It may be shared with no one, or confided on condition that it go no farther; at times, it may be known to all but one or two from whom it is kept.⁴⁸

I consider Bok to be mistaken here. A *thing* cannot *be* a secret, either because no person has yet discovered it,⁴⁹ or because it "is kept intentionally hidden" from others by someone.⁵⁰ Nor do people *keep* a *thing* secret, properly speaking. Rather, people keep (believed) *information*, about a thing, secret. For example, people keep (believed) information about a surprise birthday party—that it is being

⁴⁸ Bok (1983: 5–6).

⁴⁹ For example, the dinosaur-inhabited plateau in South America in Sir Arthur Conan Doyle's *The Lost World* (1912), or the dinosaur-inhabited island in Edgar Rice Burroughs' *The Land That Time Forgot* (1916), are not themselves secrets.

⁵⁰ For example, the walled garden in the grounds of Misselthwaite Manor in Frances Hodgson Burnett's *The Secret Garden* (1911) is not itself a secret.

organized, its location, who is attending, etc.—secret. A secret is an intentional act of keeping (believed) information from other people. Bok gets closer to the truth when she stops talking about things, and talks about information:

To keep a secret from someone, then, is to block information about it or evidence of it from reaching that person, and to do so intentionally; to prevent him from learning it, and thus from possessing it, making use of it, or revealing it.⁵¹

There is at least one problem with what Bok says here about keeping a secret. Since ‘prevent’ is a success or an achievement verb, according to Bok, keeping a secret entails that the other person does not acquire the (believed) information. That is, keeping a secret is a success or achievement concept, requiring that the other person does not acquire the information, at least for some amount of time. On her account, if we are having a conversation about our mutual good friends Gisele and Tom, and I know that they are getting a divorce, and I keep this information from you, and unbeknownst to me you already know that they are getting a divorce, because another friend told you, then I am not keeping a secret. This seems wrong. Surely you are correct in accusing me of keeping a secret, and not merely of *attempting* to keep a secret, if you find out that I am keeping this information from you, even if you already know this information.

It might be argued here that since you do not know that I know that they are getting divorced, I am keeping one secret from you, namely, that *I know* that they are getting a divorce. The information that I know that Gisele and Tom are getting a divorce is distinct from the information that they are getting a divorce. I am keeping the information about what I know from you, and this is a different secret. Normally, when I keep some information secret, I also keep it a secret that I believe or know this. But these are distinct secrets. In this conversation, it may be argued, I am indeed keeping from you the information that I know that they are getting a divorce.

However, this still seems wrong. Surely you are correct in accusing me of keeping from you the information that Gisele and Tom are getting a divorce, and not merely of keeping from you that I know that they are getting a divorce. Indeed, if you know both that they are getting a divorce and that I know that they are getting a divorce (say, because some mutual friend told you this), you would still be correct in accusing me of keeping a secret, if I keep this information from you. Like lying, keeping a secret is not a success or achievement concept. Unlike an act of deception, an act of keeping a secret is not a perlocutionary act—it need not have any effect on anyone.⁵²

If Bok’s account of keeping a secret is amended to take account of this, then according to Bok, to keep a secret is simply to keep (believed) information from another person. However, this also seems incorrect. In order to see why, it will be useful to consider another writer on the subject of keeping a secret.

Kim Lane Scheppele has provided the following definition of secrecy: “A secret is a piece of information that is intentionally withheld by one or more social actor(s) from one or more other social actor(s).”⁵³ Scheppele avoids the error of thinking of a secret as a thing. As she says, “Secrecy is a property of information,” and a “secret

⁵¹ Bok (1983: 5–6).

⁵² Austin (1962).

⁵³ Scheppele (1988: 12).

society” is not a secret thing but merely an organization “about which the distribution of information is limited.”⁵⁴ Scheppele also emphasizes the point about intentionality that was made by Bok: in the case of a secret, the information is “intentionally withheld,” that is, “there must be a self-conscious and identifiable motivation for keeping someone else in the dark about something in particular.”⁵⁵ She agrees that one cannot keep a secret by accident. In order to keep a secret, one must be aware that one is keeping a secret. Indeed, Scheppele goes further and claims that it must be “a rational process, in the sense that we may expect people to be able to recognize that they are withholding information from others and to give reasons for why they are doing this.”⁵⁶

The third part of Scheppele’s definition—noted by the use of “social”—is that “secrets are always located in particular social contexts” and “secrecy always occurs against an important backdrop of particular social relations.”⁵⁷ What this means, for her, is that secrets can be kept “selective[ly].”⁵⁸ It is possible to keep a secret from one person and not from another, because of different social relations. Someone may reveal something to her partner, but not to her co-worker, for example, about an incident at work.

The fourth part of her definition—indicated by the use of “actor” instead of “person” or “individual”—is that “groups can be considered as creators and targets of secrecy.”⁵⁹ A person can keep a secret from a corporation, for example, and vice versa; a government agency can keep a secret from an entire population.

Unlike Bok, Scheppele’s concept of keeping a secret is not a success or achievement concept. So long as one person intentionally withholds a piece of information from another person, the former keeps a secret, even if, unbeknownst to her, the other person already knows it.

There are at least two problems with Scheppele’s definition of keeping a secret, however. First, Scheppele assumes that secrets are factive, since she defines keeping a secret in terms of information, and she insists that information is necessarily true: “lies, by purporting to be true, substitute for other information, which is true.”⁶⁰ If I believe that our mutual friend Becks is having an affair, and I withhold this believed information from you, and he is not having an affair, then, according to what Scheppele says, I am not keeping a secret. This seems incorrect. Surely you are correct in accusing me of keeping a secret—the ‘false information’ that Becks is having an affair—even if this believed information happens to be false. Similarly, it seems possible for you to ask me to keep something a secret, such as that our mutual friend Becks is having an affair, even if this turns out to be false. Keeping a secret is not factive.

The second and biggest problem with Scheppele’s definition of keeping a secret is also a problem with Bok’s definition. According to Scheppele’s official definition, to keep a secret is simply to intentionally withhold information from another person. This definition fails to distinguish between reticence and keeping a secret. Interestingly, whenever Scheppele talks about secrets, she supplements her official definition

⁵⁴ Scheppele (1988: 12).

⁵⁵ Scheppele (1988: 13).

⁵⁶ Scheppele (1988: 14).

⁵⁷ Scheppele (1988: 14).

⁵⁸ Scheppele (1988: 14).

⁵⁹ Scheppele (1988: 15).

⁶⁰ Scheppele (1988: 22).

with a reference to the information in question being *wanted* by the social actor from whom it is being withheld: “A is keeping from B a secret that B wants to know”; “A shares her secret with B and a third actor, C, wants to acquire A’s secret from B”; “A and B jointly create a secret and C wants to find out the secret from either A or B.”⁶¹ In contrast to her official definition, in the case of a secret, the social actor from whom the information is being withheld wants to know the information that is being withheld. To keep a secret is simply to intentionally withhold information from another person that the other person *wants* to know.

Nevertheless, it will not be sufficient to supplement Scheppele’s definition with the condition that the person from whom the information is being withheld wants to know the information that is being withheld. Since keeping a secret is intentional, it would have to be the case that the person withholding the information believes or knows that the other person wants to know the information. Supplementing her definition with this modified condition will be sufficient only if believing or knowing that the other person wants to know the information that is being withheld is what distinguishes reticence from keeping secrets. But this is not the case. I may believe or know that the stranger on the airplane wants to know if I am suffering from any kind of cancer, or what my salary is. It does not follow from this that I am keeping a secret from her by withholding this information. I am merely being reticent.

Another problem with supplementing Scheppele’s definition with this condition is that it may be that I am keeping a secret and the other person does not want to know the information that I am withholding, and/or even if I believe or know that the other person does not want to know this information. For example, you may not want to know that your partner is having an affair with another friend, and I may know that you don’t want to know this. I could still be keeping this a secret from you if we talk about him and I never mention it.

Rather than continuing to amend Scheppele’s definition of keeping a secret, it will be helpful to turn to what Thomas Carson has to say about “keeping someone in the dark.” In an effort to distinguish between lying and deception and “cases of preventing others from learning the truth,” Thomas Carson has provided a definition of “keeping someone in the dark,” as follows:

A person S keeps another person S1 in the dark about X (where X is something that S knows and S1 doesn’t know) if, and only if, either: 1. S actively and intentionally prevents S1 from learning about X, or 2. S fails to inform S1 about X when either (i) S knows that S1 wants the information in question and S can easily give it to S1, or (ii) S occupies a role or position in which he is expected to provide S1 with the sort of information in question.⁶²

Although Carson does not advance this definition of “keeping someone in the dark” as a definition of keeping a secret, it seems that this is what he is aiming at. Carson says, for example, that “I am not keeping my neighbor in the dark if I fail to inform her about my past membership in the Cub Scouts.”⁶³ Presumably, information about his childhood is not something that is relevant for the current purpose of his exchange with his neighbor. Not sharing this information with his neighbor would

⁶¹ Scheppele (1988: 16).

⁶² Carson (2010: 54).

⁶³ Carson (2010: 54).

count as reticence, and not as keeping a secret. His definition of “keeping someone in the dark,” therefore, will therefore be treated as a definition of keeping a secret.

The first disjunct of Carson’s definition—“S actively and intentionally prevents S1 from learning about X”—is similar to Bok’s definition of keeping a secret. Like her definition, it fails to distinguish between reticence and keeping a secret, and hence, it fails to show why not informing his neighbor about his past membership in the Cub Scouts is not keeping a secret. The first part of the second disjunct of Carson’s definition—“S fails to inform S1 about X when...S knows that S1 wants the information in question and S can easily give it to S1” is similar to Scheppele’s definition of keeping a secret. Like her definition, it fails to distinguish between reticence and keeping a secret, and hence, it fails to show why not informing his neighbor about his past membership in the Cub Scouts is not keeping a secret, even if his neighbor wants to know about this, and/or he believes that his neighbor wants to know about this.

The second part of the second disjunct of Carson’s definition of “keeping someone in the dark”—“S fails to inform S1 about X when...S occupies a role or position in which he is expected to provide S1 with the sort of information in question,” is more promising. Failing to provide another person with information when one occupies a role or position in which one is expected to provide such information is certainly not being reticent. The problem is that Carson also says that, “withholding information can constitute deception if there is a clear expectation, promise, and/or professional obligation that such information will be provided.”⁶⁴ If one occupies a role or position in which one is expected to provide certain information, then there is a clear expectation that one will provide this information, and/or a professional obligation that one will provide such information. If one does not provide this information, then one is, by Carson’s own lights, engaged in *deception*, rather than keeping a secret. It seems that the second part of the second disjunct of Carson’s definition of “keeping someone in the dark” is actually a definition of deception.

It would be possible to weaken the second part of the second disjunct of Carson’s definition of “keeping someone in the dark,” so that it consisted of not providing another person with information that one was expected to provide, not because of some special role or position that one occupied, but simply because one was engaged in an exchange with the other person. Rather than continuing to amend Carson’s definition of “keeping someone in the dark,” it will be better to replace it with a new definition, based on Grice’s Maxims of Quantity.

‘Keeping a secret,’ in the Spectrum of Acts, consists in withholding (believed) information that is believed to be relevant, for the current purposes of the exchange. Keeping a secret, therefore, unlike being reticent, is a violation of the first Maxim of Quantity. Keeping a secret can be defined more formally as follows:

A keeps a secret from *B* in an exchange =_{df} *A* and *B* are having an exchange, *A* believes that *p*, *A* believes that *B* does not believe that *p*, *A* believes that *p* is relevant for the current purposes of the exchange, and *A* does not assert that *p* to *B*.

⁶⁴ Carson (2010: 56).

According to this definition, keeping a secret is intentional, since one is not keeping a secret if one does not believe that the (believed) information that one is not sharing is relevant for the current purposes of the current exchange (even if others disagree, or would disagree, and even if one believes that others disagree, or would disagree). That is, it cannot be the case that one is keeping a secret if one does not believe that one is keeping a secret.

5. Keeping Secrets and Deception

It is possible to keep something a secret in order to deceive someone. I may keep it a secret from you that I was at a concert in London over the weekend, in order to deceive you into thinking that I was working over the weekend on an important presentation. However, my intention here is that you believe something false. Hence, this is an act of (attempted) deception. To describe this act as an act of keeping a secret is to under-describe, and hence mis-describe, this act.

Roderick Chisholm and Thomas Feehan distinguish between “positive deception,” where the intention is to add to, or to maintain, a person’s stock of false beliefs, and “negative deception,” where the intention is either to reduce a person’s stock of true beliefs (without adding any false beliefs), or not to add to her stock of true beliefs when one could.⁶⁵ The first kind of “negative deception,” reducing a person’s stock of true beliefs, they call “negative deception *simpliciter*,” and the second kind of “negative deception,” not adding to a person’s stock of true beliefs, they call “negative deception *secundum quid*” (i.e., in a certain sense, or to a certain extent, or in a qualified way). Importantly, when they present this second kind of “negative deception,” they announce that some other moral philosophers do not consider this to be deception at all:

“*L* contributes causally toward *preventing D from acquiring* the belief in not-*p*” [where “*p*” is a proposition that *L* truly believes to be false]. This is an instance of negative deception *secundum quid*. We note that both St. Augustine and St. Thomas countenance this type of deception (but they do not call it “deception”). Thus St. Thomas writes: “it is lawful to hide the truth prudently, by keeping it back, as Augustine says.”⁶⁶

All four kinds of deception, according to Chisholm and Feehan, can either be acts of commission, or acts of omission. An act of omission of “negative deception *secundum quid*” is defined as “*L* allows *D* to continue without the belief in not-*p* [where “*p*” is a proposition that *L* truly believes to be false].”

Allowing a person to continue without a true belief that you could share with her is being reticent, if understood broadly, or keeping a secret, if understood narrowly. Either way, it should not be classified as an act of deception. Augustine and Aquinas are quite correct to refuse to call “negative deception *secundum quid*” deception, especially in cases of acts of omission.

Although Chisholm and Feehan say that “We are not here concerned with ethical or moral questions,”⁶⁷ they nevertheless rank different kinds of deception according

⁶⁵ Chisholm and Feehan (1977).

⁶⁶ Chisholm and Feehan (1977: 144).

⁶⁷ Chisholm and Feehan (1977: 143).

to “intrinsic disvalue.”⁶⁸ They rank omitting to add to a person’s stock of true beliefs—an act of omission of “negative deception *secundum quid*”—as the least worst kind of deceptive act, according to its intrinsic disvalue.⁶⁹ Omitting to add to a person’s stock of true beliefs is still intrinsically bad, however. Even if they are wrong in classifying an act of omission of “negative deception *secundum quid*” as an act of deception, they are among the few philosophers to maintain that not sharing information with someone is, in itself, at least *prima facie* or *pro tanto* morally wrong. That is to say, they are among the few philosophers to hold that being reticent and keeping a secret are, in themselves, at least *prima facie* or *pro tanto* morally wrong.

While Don Fallis does not follow Chisholm and Feehan in classifying an act of not adding to a person’s stock of true beliefs as an act of deception (“I reserve the term ‘deception’ for positive deception”⁷⁰), he does believe that leaving someone ignorant of something, by, for example, withholding information from her,⁷¹ is “arguably on the same ethical footing”⁷² with deceiving her about something. “Leaving someone ignorant seems to be morally objectionable on Kantian grounds for the same reason as deception is,” he argues, insofar as it is “just as much a way of manipulating her epistemic state and thereby her behavior,”⁷³ and this epistemic state is “a worse epistemic state than she might have been in.”⁷⁴ If this argument is sound, it entails that leaving people ignorant, either by being reticent or by being keeping a secret, is morally on a par with deceiving people. Since deceiving people is *prima facie* morally wrong or *pro tanto* morally wrong, it follows that leaving people ignorant, either by being reticent or by keeping a secret, is *prima facie* morally wrong or *pro tanto* morally wrong. As he says, “We are not morally off the hook just because our actions do not result in a false belief.”⁷⁵

Fallis does distinguish between intending to not mention something in a conversation, because it is of no interest to the person with whom one is having a conversation, and intending that the other person not know this thing.⁷⁶ In the case of merely intending not to mention something in a conversation, I do not have the intention that the person not know this thing. Only in the case of intending that the other person not know something do I intend that the person remain ignorant of something. This is what I intend when I am reticent or keep a secret, and what makes being reticent or keeping a secret *prima facie* morally wrong or *pro tanto* morally wrong.

One problem with Fallis’s argument for the moral parity between leaving someone ignorant, by being reticent or keeping a secret, and deceiving someone, is that it does not seem to allow for a moral distinction between leaving someone ignorant, by being reticent, and leaving someone ignorant, by keeping a secret. For example, it does not seem to allow for a moral distinction between being reticent with a stranger on an airplane about having an inoperable tumor, and leaving her ignorant about this, and

⁶⁸ Chisholm and Feehan (1977: 145).

⁶⁹ Chisholm and Feehan (1977: 145 n. 3).

⁷⁰ Fallis (2017: 122).

⁷¹ Fallis distinguishes between the state of lacking a true belief (the state of ignorance), and the way in which this is achieved, holding that it is being in the state of ignorance that is morally relevant. See his “Shedding Light on Keeping People in the Dark” (forthcoming).

⁷² Fallis (2017: 129).

⁷³ Fallis (2017: 129).

⁷⁴ Fallis (2017: 121).

⁷⁵ Fallis (2017: 131).

⁷⁶ Fallis (forthcoming).

keeping it a secret from one's children or parents that one has an inoperable tumor, and leaving them ignorant about this. While it is possible to argue that there is no moral distinction between the two, there does seem to be a moral distinction between the two. Arguably, being reticent with a stranger on a plane about the fact that one has an inoperable tumor, and leaving her ignorant as a result, and keeping it a secret from one's children or parents that one has an inoperable tumor, and leaving them ignorant as a result, are acts that are not morally on a par. If they are not morally on a par, then what makes keeping a secret *prima facie* morally wrong or *pro tanto* morally wrong is not that one intends that someone remain ignorant of something, since one intends this when one is being reticent, also.

6. The Morality of Keeping a Secret

At least arguably, keeping a secret is morally wrong, all things being equal. If, for example, we are friends, and we are having a conversation at a conference in New York about places to visit during a free afternoon, and I know that a new art gallery that would interest you has opened up, and I keep this information from you, then, arguably, this is morally wrong, absent some further moral consideration. While it is true that you will be harmed by my keeping this secret, this is not the moral wrong that belongs to the act of keeping a secret. Someone else would be equally harmed if I overheard her conversation with another person at the same conference about places to visit and I did not interrupt the conversation to tell her of the new art gallery that I believed would interest her—an act that would not qualify as keeping a secret. Although she would be equally harmed, it is not clear that to do this would be morally wrong, or as morally wrong as my keeping a secret from you.

The moral wrong that arguably belongs to the act of keeping a secret consists in the speaker's choosing not to share (believed) information with the listener that she believes to be relevant, for the current purposes of the exchange, and that, rationally, the speaker would will that the listener share with the speaker, were the speaker to lack this (believed) information, and were the listener to have it. Since there is no difference between the speaker and the listener—both are finite, non-omniscient, vulnerable creatures who must rely upon others for relevant (believed) information—it follows that in keeping a secret the speaker treats the listener as less deserving of (believed) information than the speaker believes she is, simply because the listener is not the speaker, granted that the speaker would rationally will that listener not keep the (believed) information to herself, were the situation to be reversed. That is to say, in keeping a secret from you, when I would rationally will that you *not* keep the secret from me, I elevate myself over you, for no reason other than that I am me and you are you. To keep a secret from you is to fail to respect you as equal to me, when you are equal to me.⁷⁷

⁷⁷ This argument for the moral wrong that belongs to the act of keeping a secret is inspired by Kant's argument for the moral wrongness of lying to other people (Kant 1996a). See Mahon (2006). However, it is important to note that Kant defended keeping secrets. In his early work, *Observations on the Feeling of the Beautiful and Sublime* (1764), Kant says that the person who hates "lies or dissimulation" is a "good guardian of his own and others' secrets" (Kant 1973: 66).

This argument may be used to support the position that keeping a secret is finally morally wrong as well as the position that keeping a secret is *prima facie* morally wrong or *pro tanto* morally wrong. While it is presumably possible to argue that it is finally morally wrong to keep a secret, this conclusion fails to take into consideration cases of secrets that seem to be not morally wrong at all. Throwing someone a surprise birthday party, for example, necessitates keeping a secret from the birthday boy or girl (even if it does not necessitate deceiving anyone or lying to anyone), and this does not seem to be morally wrong at all. Keeping the sex of one's baby a secret from family and friends during one's pregnancy also seems to be not morally wrong at all. Peer reviewing for academic journals requires keeping the identity of the author, and of the reviewers, secret, and this does not seem to be morally wrong at all. The method of electing people to office by means of a secret ballot involves keeping one's voting preferences secret, and this does not seem to be morally wrong at all. Indeed, there are many laws that require that certain matters be kept secret from most people, including one's financial information, one's medical history, and one's university grades.⁷⁸ There are many, many examples of keeping a secret that seem to be not morally wrong at all.

Nevertheless, the fact that there are many, many examples of keeping a secret that seem to be not morally wrong at all does not necessitate the conclusion that keeping secrets is *prima facie* or *pro tanto* morally permissible, as is the case with being informative, being candid, not acknowledging something, and being reticent. In the case of all of the examples of keeping a secret that seem to be not morally wrong at all, it is possible to provide moral justifications for keeping these secrets. Although some are moral justifications of a self-interested kind (keeping the sex of one's baby a secret from friends and family during pregnancy gives one a morally permissible amount of privacy), many more are not. They are either of a mutually beneficial kind (keeping the identities of authors or reviewers secret), or of a beneficent kind (keeping a surprise birthday party a secret). The point is that these moral justifications must be provided. Keeping a secret is not something that may be done without moral justification. Even if there is a moral justification forthcoming for many secrets—indeed, even if there is a moral justification forthcoming for the vast majority of secrets—it is at least arguable that a proper understanding of the act of keeping a secret supports the conclusion that keeping a secret is *prima facie* morally wrong or *pro tanto* morally wrong. That is, it is at least arguable that a proper understanding of the act of keeping a secret supports HARSH rather than DEFAULT, because DEFAULT is too morally lax when it comes to secrets.

It is now possible to return to the Spectrum of Acts given earlier in this chapter, and to place these acts in a moral spectrum, in order to create a Moral Spectrum of Acts:

Moral Spectrum of Acts

Candor/Non-acknowledgment/Informativeness/Reticence vs. (Secrecy > (Deception > Lying))

Prima facie or *pro tanto* morally permissible *Prima facie* or *pro tanto*
morally wrong

⁷⁸ There is some overlap here between the concepts of secrecy, confidentiality, and privacy. For the classic defense of a moral, and legal, right of privacy, see Brandeis and Warren (1880).

7. Conclusion

The argument of this chapter is that the traditional way that moral philosophers have stated the common view of the moral asymmetry between keeping secrets and lying is mistaken. Instead of stating the common view as a difference in kind between the moral status of keeping secrets and the moral status of lying, it should be stated as a difference in degree between the moral status of keeping secrets and the moral status of lying. Accepting this conclusion will allow for a new debate, namely, whether the common view of the moral asymmetry between keeping secrets and lying, i.e., HARSH, is the correct view, or whether a different view, such as VERY STRICT, is the correct view.

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