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Spinoza, Bad Faith, and Lying: A reply to John W. Bauer

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In Part IV of the *Ethics*, Proposition 72, Spinoza says that “*Homo liber nunquam dolo malo, sed semper cum fide agit*,” which is commonly translated as, “A free man never acts deceitfully, but always in good faith.”¹ In his article “Spinoza, Lying, and Acting in Good Faith,”² John Bauer argues that in this proposition Spinoza lays down an absolute moral prohibition “never to lie” (57). Bauer’s argument has three parts. First, he argues that Spinoza’s target is lying. Second, he argues that the prohibition against lying is absolute. Third, he argues that the prohibition is addressed to everyone, and not merely to those who are free; hence, it is a genuine moral prohibition. In this reply, for reasons of length, I will address only the first part of Bauer’s argument.

Bauer argues that we are to understand “acts deceitfully” in Proposition 72 as including lying. Although “it is possible that Spinoza’s proposition might be extended to include certain forms of deceit” (45) that are not lies, every lie, at least, is a deceitful action, and hence, “acts deceitfully” includes lying.

To support this interpretation, Bauer argues that although the expression “*dolo malo*” in Proposition 72 means literally “bad faith,” it should be interpreted to mean “with deceitful intention” (41). This expression was used in the law to express the intention to commit fraud (42). Although Spinoza nowhere mentions a lie (*mendacium*), he has lying in mind when he talks of acting “*dolo malo*,” because this means acting with the intention to deceive. Since to lie is to act in a particular way with the intention to deceive, it follows that acting “*dolo malo*” includes lying. To put Bauer’s argument formally:

(1) To act “*dolo malo*” is to act with the intention to deceive;

¹ Baruch Spinoza, *Ethics*, translated and edited by G. H. R. Parkinson (Oxford University Press, 2000), 279.

² John W. Bauer, “Spinoza, Lying, and Acting in Good Faith,” *Parmenideum* IV, No. 1 (2012): 40-57. All page references in the text are to this article.

- (2) To lie is to act in a particular way with the intention to deceive;
-> To lie is to act in a particular way “*dolo malo*”.

Since Proposition 72 states that the free man never acts “*dolo malo*,” it follows that it states that the free man never lies.

There is, however, a problem with this argument. In order for this argument to be accepted, it must be true that all lying involves an intention to deceive. That is, premise (2) must be true. However, Bauer nowhere defends premise (2). Indeed, Bauer relies upon a definition of lying that makes no mention of having an intention to deceive.

Bauer accepts Aquinas’s definition of lying: “a lie is an assertion contrary to one’s belief” (43; 45). It is possible to argue that when one makes an *assertion*, one intends that one’s audience believe what one is saying.³ If this is true, then asserting what is contrary to what one believes is intending to deceive, because it involves intending that one’s audience believe something that is contrary to what one believes. However, it is also possible to deny that when one makes an assertion one intends that one’s audience believe what one is saying.⁴ Aquinas distinguishes between the intention to say what one does not believe, and the intention to deceive.⁵ Hence, Aquinas’s definition of lying seems to allow for a distinction between “an assertion contrary to one’s belief” and the intention to deceive by means of such an assertion. If this is correct, “an assertion contrary to one’s belief” is a lie *even if* it lacks any deceptive intention. To lie is simply to make an assertion contrary to what one believes, whether or not one intends that anyone believes it.

Of course, this definition of a lie, “an assertion contrary to one’s belief,” would have to distinguish between such untruthful assertions, on the one hand, and ironic statements, jokes, reciting lines on stage, etc., on the other, in order to avoid categorizing all of these actions as lies. However, it

³ Charles Fried, *Right and Wrong* (Harvard University Press, 1978), 56.

⁴ For the denial that assertion necessarily involves an intention to be believed, and hence, that lies can be untruthful assertions without any deceitful intention, see Roy Sorensen, ‘Bald-Faced Lies! Lying Without The Intent To Deceive’, *Pacific Philosophical Quarterly* 88 (2007): 251-264.

⁵ Thomas Aquinas, ‘Question 110: Lying’, in *Summa Theologiae* (II.II), 41: *Virtues of Justice in the Human Community* (NY: McGraw-Hill, 1972), 149-151.

- (1) To act “*dolo malo*” is to act with the intention to deceive;
- (2) To lie is to make an assertion contrary to what one believes (with the intention to deceive);
- > To lie is to act “*dolo malo*”

However, there is another possibility that must be investigated here. It is possible to read Spinoza differently. It is possible to read the expression “*dolo malo*” as “bad faith,” in the sense of (simply) being *untruthful* or *insincere*.

In discussing Spinoza’s demonstration of the proposition, Bauer says the following:

It is here that Spinoza specifies what he means by acting with *dolo malo*: “to come together in words, but to be contrary to one another in reality.” This claim, I shall argue, rests upon the assumption that when people enter into conversation with each other, a tacit agreement is being made that what is spoken by the speaker is believed true If ‘coming together in words’ always presupposes a certain, fundamental sentiment of mutual sincerity, then to enter into conversation without another in bad faith, according to Spinoza, is always absurd. (43)

In this passage, Bauer nowhere speaks of deception. Instead he speaks simply of “sincerity.” If “*dolo malo*” means “bad faith,” and if speaking “*dolo malo*” means saying or asserting what one does not believe – that is, being *insincere* or *untruthful* – then acting “*dolo malo*” here means acting *insincerely* or *untruthfully*, rather than acting *deceptively*. If this is true, then Bauer’s argument could be reformulated, as follows:

- (1) To act “*dolo malo*” is to act in bad faith;
- (2) To lie is to make an assertion contrary to what one believes;
- (3) So, to lie is to make an *insincere* assertion;
- (4) So, to lie is to act in bad faith;
- > To lie is to act “*dolo malo*.”

If this is correct, then the translation of Proposition 72 would be something like “A free man never acts in bad faith, but always in good faith,” where ‘acts in bad faith’ simply means not believing in what one says

(or does). This would be very broad, and would include all insincere assertions. Some – perhaps most – of these insincere assertions would be deceptive. But not all of them would be. Or at least, they would not have to be.

There is, however, at least one problem with this broad interpretation of acting “*dolo malo*.” In the scholium to Proposition 72, Spinoza considers the question ““What if a man could, by a breach of faith, free himself from the immediate danger of death; would not reason always advise him to break faith, in order that he may preserve his being?””⁹

The witness in the trial mentioned earlier could free himself from the threat of being killed by the murder suspect if he was simply insincere when speaking on the witness stand. It is not necessary for him to deceive anyone. However, this does not seem to be the case that Spinoza has in mind. Spinoza seems to have in mind the case of a person who could, by an insincere assertion, free himself from danger, because the insincere assertion is *believed*. This means that it is necessary for him to *deceive* someone. For example, if you were a soldier captured by the enemy, and you told the enemy your own side’s battle plans, and the enemy released you, and then your own side asked you if you had been captured, and – knowing that your own side would kill you if they found out you had been captured – you lied and said that you had not been captured, this lie would only save your life if your own side believed you. That is, the lie would only save your life if you deceived people.

If Spinoza does have deception in mind here, then it seems that acting in bad faith, acting “*dolo malo*,” does not merely mean acting insincerely (in general). It means acting deceptively.

What Spinoza says in the rest of the scholium about acting in bad faith, that if people were “to agree with one another, to join forces, and to have common laws, in bad faith only,” it would mean “not really to have common laws,”¹⁰ does not decide this matter. If people were insincere in their agreements, without deceiving each other, there would not be common laws, just as much as if people were to be deceptively insincere in their agreements.

In conclusion, I believe that it is under-determined that what Spinoza means by acting “*dolo malo*” in Proposition 72 is the narrower

⁹ Spinoza, *Ethics*, 279.

¹⁰ Spinoza, *Ethics*, 279.

‘acting with the intention to deceive,’ as opposed to the broader ‘acting insincerely.’ Nevertheless, I do believe that it is probable that Spinoza has in mind by acting “*dolo malo*” the narrower ‘acting with the intention to deceive.’

However, I hold that Bauer’s definition of lying, taken from Aquinas, according to which “a lie is an assertion contrary to one’s belief,” is consistent both with lying being (merely) a matter of insincere assertion, and with lying being a matter of *deceptive* insincere assertion. Therefore, his argument that in Proposition 72 Spinoza lays down an absolute moral prohibition “never to lie” cannot distinguish between Spinoza laying down an absolute moral prohibition never to make insincere assertions, and Spinoza laying down an absolute moral prohibition never to make deceptive insincere assertions. Even if it were true that in Proposition 72 Spinoza lays down an absolute moral prohibition “never to lie,” because of the definition of lying that Bauer defends, this would not tell us if Spinoza meant to prohibit all insincere assertions, or all deceptive insincere assertions.

