

A DISCREET LANGUAGE:  
KEEPING SECRETS WITHOUT TELLING LIES

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Most of us grow up knowing the rule that we must not tell lies. Most of us also know some truths we would rather not reveal. Some of them ought to be revealed, whether we like it or not. When a child is asked by her mother whether or not she has done her homework, an answer of “no” may bring some unpleasant consequences, but should be given anyway, if it is true. Others, on the other hand, are properly kept secret. A doctor who is asked about the medical condition of one of his patients by an interfering stranger should not give away the requested information. Often, he can keep the secret by a mere refusal to answer the question, but sometimes this may not be sufficient. And sometimes, the reason for keeping the secret may be very grave indeed: a life may be at stake. Is it then permissible to tell a lie in order that the secret might be kept?

In its treatment of the Eighth Commandment, the Catechism of the Catholic Church lays out the Church’s teachings on the moral virtue of truthfulness and the offenses against it. Among the offenses it defines the lie, and with regard to the virtue it affirms the duty of secrecy in certain circumstances. How is this duty to be carried out without incurring the offense? The Catechism suggests either silence or “making use of a discreet language,”<sup>1</sup> but does not explain this any further. It is the goal of this paper to examine several proposals of what kind of “discreet language” may be permitted. In order to do this, it will first examine the definition of a lie, the reasons why lying is wrong, and the situations in which the truth may be concealed, before turning to various means of concealing the truth. Hopefully, this will contribute to the understanding of Our Lord’s injunction to be “wise as serpents and innocent as doves.”<sup>2</sup>

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<sup>1</sup> Catholic Church, *Catechism of the Catholic Church* (Vatican City: Libreria Editrice Vaticana, 2000), #2489. (Henceforward abbreviated CCC; paragraph numbers, rather than page numbers cited.)

<sup>2</sup> Matthew 10:16

I. What is a Lie?

The Catechism of the Catholic Church defines lying as follows: “A lie consists in speaking a falsehood with the intention of deceiving”<sup>3</sup> and “To lie is to speak or act against the truth in order to lead someone into error.”<sup>4</sup> The first of these definitions comes straight from St. Augustine; the second amounts to a rephrasing of the same thing, though extending the definition to actions as well as words. St. Thomas, who takes his definition of lying from Augustine as well, also includes actions in the concept of a lie: “As Augustine says, words hold the chief place among other signs. And so when it is said that *a lie is a false signification by words*, the term *words* denotes every kind of sign. Wherefore if a person intended to signify something false by means of signs, he would not be excused from lying.”<sup>5</sup> This being said, however, Augustine, Aquinas, and the Catechism all confine most of their remarks to lying speech, and I will do likewise.

Each of the two definitions in the Catechism attributes two essential elements to the lie: first that it be false, or against the truth, and second that it involve the intention to deceive or lead into error. The first condition would seem to preclude true statements from being lies, but according to both Augustine and Aquinas, this is not the case. “Falsehood” does not mean that the thing spoken or signified must actually be false in itself, but rather in the speaker’s mind; the speaker must intend to say what he thinks to be false. So Augustine says that a person lies who “holds one opinion in his mind and who gives expression to another through words or any other outward manifestation” regardless of

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<sup>3</sup> CCC 2482

<sup>4</sup> CCC 2483

<sup>5</sup> St. Thomas Aquinas, *The "Summa Theologica" of St. Thomas Aquinas: Part II. (Second Part) QQ. CI-CXL*, trans. Fathers of the English Dominican province (New York: Benziger Brothers, 1922), 87. (IIallae Q.110 art. 1 reply obj. 2)

which is actually true. It is thus that “duplicity is the central feature of the lie,”<sup>6</sup> and that “the heart of a liar is said to be double, that is, two-fold in its thinking.”<sup>7</sup> In the same way, a false statement is not a lie if the person who speaks it thinks it is true, because he intends to tell the truth; what he thinks is the case and what he says is the case is the same – there is no duplicity. According to St. Thomas, such a statement would be false “materially and accidentally” but not “formally and essentially” and it is the latter that matters more. “Hence it is more in opposition to truth, considered as a moral virtue, to tell the truth with the intention of telling a falsehood than to tell a falsehood with the intention of telling the truth.”<sup>8</sup> So, to clarify, the first essential element of a lie is that the liar says or otherwise signifies something which he or she thinks to be false.

The second essential element of the lie has to do with the intention for which it is told, that is, to deceive or to lead someone into error. This is an important qualification, as it excludes many kinds of “falsehoods” from the definition of a lie. Jokes, figurative language, fictional stories or plays, and certain social conventions may involve speech that is materially false, but because they do not intend to deceive anyone, they are not lies. St. Augustine dismisses “jocose lies” from the very beginning of *De Mendacio* as having “never been considered as real lies, since both in the verbal expression and in the attitude of the one joking such lies are accompanied by a very evident lack of intention to deceive.”<sup>9</sup> St. Thomas, it is true, does count jocose lies as real lies, but classifies them as lies told “with a desire to please,”<sup>10</sup> and so clearly includes in this category far more than mere jokes. It is likely that what Thomas means by a

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<sup>6</sup> Paul J. Griffiths, *Lying: An Augustinian Theology of Duplicity* (Grand Rapids, Mich: Brazos Press, 2004), 26.

<sup>7</sup> St. Augustine, *Treatises on Various Subjects* (New York: Fathers of the Church, 1952), 55. (*de Mendacio iii.*)

<sup>8</sup> Aquinas, *Summa Theologica*, 87. (IIaIIae Q. 110 art. 1 reply obj. 1)

<sup>9</sup> Augustine, *Treatises on Various Subjects*, 54. (*de Mendacio ii.*)

<sup>10</sup> Aquinas, *Summa Theologica*, 90. (IIaIIae Q. 110 art. 2)

jocose lie is more along the lines of saying “your hair looks great today” when the opposite is true than “three men walked into a bar...” when there were in fact no such men. In the first case, the speaker intends to deceive someone into thinking that her hair looks nice in order to give her pleasure, and this would properly be called a lie. In the second case, however, the speaker does not intend that his audience believe in the existence of the three men and the events associated with them, and so the joke is not a lie.

Figurative language and fictional stories involve the same lack of intention to deceive, and thus are not lies. Instead, they “serve the understanding of a truth”<sup>11</sup> and even fail to fit into the first part of the lie’s definition, for “even though one thing is signified by another, that which is signified is nevertheless true if rightly understood.”<sup>12</sup> “What I intend by the words “Jesus is a rock” is (something like) “Jesus can be relied upon in all eventualities”; and since I also seem to myself to assent to this claim, I am not duplicitous in making it.”<sup>13</sup> The speaker of this metaphor is not intending to deceive his hearer into thinking that Jesus is “composed of hard inorganic matter”<sup>14</sup>; he does not even intend the hearer to think that this is what he thinks himself; instead, he is using figurative language, which he expects will be “rightly understood” by the hearer, in order to communicate truth. In the same way, works of fiction, whether by secular authors or the parables found in Scripture itself, are, according to Augustine “invented in order that we may reach the matter intended by means of a narrative fictitious, to be sure, but bearing a true and not a false signification.”<sup>15</sup> Aesop’s fables are not meant to affirm the existence of talking animals, but to teach moral lessons. Conventional social language can also be

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<sup>11</sup> Augustine, *Treatises on Various Subjects*, 154. (*Contra Mendacium* x.)

<sup>12</sup> *Ibid.*, 160.

<sup>13</sup> Griffiths, *Lying*, 36.

<sup>14</sup> *Ibid.*, 35.

<sup>15</sup> Augustine, *Treatises on Various Subjects*, 162. (*Contra Mendacium* xiii.)

understood in this way: a lady who says she is “not at home” will be “rightly understood” to mean that she is not accepting visitors at the moment – she is not deceiving her callers but politely informing them of her true state of mind. Someone who replies “I’m fine” to the question “How are you?” when he is not actually well is not intending to deceive, but only politely participating in a social ritual that does not signify much at all besides general good will and friendliness toward the other.

St. Thomas does not count the intent to deceive as part of the species of the lie, but rather its perfection, since it has to do with the effect rather than the action itself, and one might not succeed in deceiving anyone by his lie. “The essential notion of a lie is taken from formal falsehood, from the fact, namely, that a person intends to say what is false.”<sup>16</sup> It is clear, however, that the Catechism does count the intention to deceive as part of the definition of the lie, since it is repeated three times, in paragraphs 2482, 2483, and 2508. But even without the inclusion of the intent to deceive in the definition the above examples can be excluded from the category of the lie because, arguably, the “intent to say what is false” would be also absent. In the case of figurative language or even the better kind of fiction, there is actually present an intent to say what is true. But even in jokes and other kinds of stories, the intent of the speaker is not “to say what is false” but rather to tell a joke or a story. So far then, the definition of a lie includes false speech and intent to deceive, but excludes jokes, figurative language, social conventions, and fictional stories or plays.

In the first edition of the Catechism, the definition of a lie included a third part. There, lying was defined as follows: “To lie is to speak or act against the truth in order to lead into error someone who has the right to know the truth.”<sup>17</sup> Besides jokes, fiction, and figurative language, then, this formulation would exclude from the definition of a lie a falsehood spoken to someone who does not have a right to know the truth. Its removal, it would seem, greatly expanded the range of acts which would count as

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<sup>16</sup> Aquinas, *Summa Theologica*, 87. (IIaIIae Q. 110 art. 1)

<sup>17</sup> Paul Dixon, “Police Lies and the Catechism on Lying,” *Irish Theological Quarterly* 78, no. 2 (2013): 163.

lies. The reason given for the change is that its being told to a person having a right to the truth is a circumstance of the act of lying, and not part of its definition. "It is always and to everyone that it is prohibited to lie."<sup>18</sup> It should be noted, however, that the definitive edition of the Catechism was published not to correct any errors in the previous edition, but to clarify the Church's teaching. "No changes in doctrine took place between the first and final editions."<sup>19</sup> Even if the circumstance of a person's right to know the truth is excluded from the definition of a lie, the Church's moral teaching on lying remains the same.

## II. Why is lying wrong?

The Catechism is clear about the moral status of lying: "By its very nature, lying is to be condemned."<sup>20</sup> Following St. Augustine and St. Thomas, the Catechism gives two reasons for the condemnation of lying. First, it is an offense against the virtue of truthfulness, which is part of the virtue of justice. Men owe it to one another in justice to tell the truth, because life in society would be impossible if we could not trust that people were being truthful to one another.<sup>21</sup> Second, it is a misuse of the gift of speech, "whereas the purpose of speech is to communicate known truth to others,"<sup>22</sup> and against human nature, "for as words are naturally signs of intellectual acts, it is unnatural and undue for anyone to signify by words something that is not in his mind."<sup>23</sup> A liar injures not only his neighbour, to whom he owes the truth in justice, but also himself, because a lie disrupts the image of God in him.

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<sup>18</sup> Ibid., 169.

<sup>19</sup> Janet E. Smith, "Fig Leaves and Falsehoods: disagreeing with Thomas Aquinas, Janet E. Smith argues that sometimes we need to deceive," *First Things* no. 214 (June, 2011): 46.

<sup>20</sup> CCC 2485

<sup>21</sup> CCC 2469

<sup>22</sup> CCC 2485

<sup>23</sup> Aquinas, *Summa Theologica*, 92. (IIallae q. 110 art 3)

According to St. Augustine, our words are supposed to express our thoughts the way the human nature of the Incarnate Word expresses the eternal Divine Word.<sup>24</sup> When they do not, we injure our relation to the truth.<sup>25</sup> And the truth is a person, Jesus Christ, who is “the way and the truth and the life” (John 14:6) so that “a lie offends against the fundamental relation of man and of his word to the Lord.”<sup>26</sup>

Lying is therefore an offense against our neighbour, ourselves, and God, but, this being said, its gravity admits of degree. While St. Thomas affirms that every lie is a sin,<sup>27</sup> he considers as mortal sin only such a lie as is contrary to charity, whether in itself, in its intention, or accidentally. It can be contrary to charity in itself if its content is about God or about something important concerning which it would injure our neighbour if he should have a false opinion. It can be contrary to charity in intention if it aims at injuring God or our neighbour. And it can be contrary to charity by accident if it results in scandal. On the other hand, if the matter of the lie is something unimportant, or the intention is good, it would only be a venial sin.<sup>28</sup> The Catechism concurs in this opinion when it says that “if a lie in itself only constitutes a venial sin, it becomes mortal when it does grave injury to the virtues of justice and charity.”<sup>29</sup> Just because a sin is “only” venial, however, does not mean that it is permitted. While a venial sin does not completely cut the soul off from union with God in charity, it does weaken that charity. Furthermore, deliberate venial sin often leads to mortal sin in short order. Even if the matter is inconsequential and the intention is good, a lie is a sin and may not be told.

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<sup>24</sup> Griffiths, *Lying*, 83.

<sup>25</sup> CCC 2483

<sup>26</sup> CCC 2483

<sup>27</sup> Aquinas, *Summa Theologica*, 92. (IIaIIae q. 110 art. 3)

<sup>28</sup> *Ibid.*, 96. (IIaIIae q. 110 art. 4)

<sup>29</sup> CCC 2484



### III. Must the truth always be revealed?

In describing truthfulness as a virtue, St. Thomas shows that it is a mean between two extremes of excess and defect: “Excess consists in making known one’s own affairs out of season, and deficiency in hiding them when one ought to make them known.”<sup>30</sup> The Catechism reminds us that respect for the truth requires us to judge whether or not it would be prudent to reveal the truth to one who asks for it. “No one is bound to reveal the truth to someone who does not have the right to know it.”<sup>31</sup> Reasons for concealing the truth range from such things as the absolute secrecy of the seal of the confessional, professional confidentiality of doctors, lawyers, and the like, the common good and safety of others, a previous promise of secrecy, and just plain respect for privacy.<sup>32</sup> Confidential information must only be made known if there is a risk of grave harm if it were not;<sup>33</sup> one might even commit the sin of detraction if he were to make known another’s sin without good reason.<sup>34</sup> There are many situations, then, in which a particular truth ought not to be revealed, from the grave and almost proverbial modern example of being asked by the Gestapo about the Jews hiding in your basement, to the mundane and everyday occurrence of being asked an impertinent question by a busybody. However, though in these situations the truth must not be revealed, neither must a lie be told. The Catechism gives us two alternatives by which we may conceal the truth in these cases: silence, and the use of “a discreet language.”<sup>35</sup> It does not, however, explain exactly in what these may consist. Moral theologians, then,

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<sup>30</sup> Aquinas, *Summa Theologica*, 78. (II-II q. 109 art. 1 reply obj. 3)

<sup>31</sup> CCC 2489

<sup>32</sup> CCC 2489-2492

<sup>33</sup> CCC 2491

<sup>34</sup> CCC 2477

<sup>35</sup> CCC 2489 (Latin: *sermone prudenti*)

are free to debate regarding the precise kind of language that may be used in order to conceal the truth in situations when this is necessary or desirable.

#### IV. How may the truth be concealed?

In Note G. at the end of his *Apologia pro Vita Sua* on “Lying and Equivocation”, Bl. John Henry Newman outlines four courses of action open to someone who wishes to conceal the truth in a just cause. One of them, given also in the Catechism and universally approved by St. Augustine<sup>36</sup>, St. Thomas<sup>37</sup>, and Newman himself<sup>38</sup>, is silence. There is actually a range of meanings to this silence, all of which are considered lawful. First, there may be a simple refusal to speak, and even this Newman characterizes as, at least sometimes, a kind of “misleading, according to the Proverb, “Silence gives consent.”<sup>39</sup> Second, one may indicate in words that he will not answer the question or give the requested information. This is recommended by St. Augustine when one is being questioned as to the whereabouts of someone he does not wish to betray, because strict silence would actually give the person away. If we are asked not simply if we know where the person is, but whether that person is in a specific place, and keep silence, “the one who is searching realizes that he is there, because, if he were not there, the person who did not wish either to lie or to betray the man would make no answer other than that he was not there.”<sup>40</sup> In this case, the correct course of action according to St. Augustine would be to say “I know where he is but I will never disclose it,”<sup>41</sup> thus avoiding betrayal in any subsequent guess the searcher may put forth. Doing so might obviously have dire consequences for the person

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<sup>36</sup> Augustine, *Treatises on Various Subjects*, 152. (*Contra Mendacium x.*)

<sup>37</sup> Aquinas, *Summa Theologica*, 93. (IIaIIae q. 110 art. 3 reply obj. 4)

<sup>38</sup> John Henry Newman and Frank M. Turner, *Apologia Pro Vita Sua and Six Sermons* (New Haven, Conn: Yale University Press, 2008), 423.

<sup>39</sup> Newman, *Apologia*, 416.

<sup>40</sup> Augustine, *Treatises on Various Subjects*, 85. (*de Mendacio xiii.*)

<sup>41</sup> *Ibid.*, 86.

keeping the secret. Augustine acknowledges this, but considers that it is better to bear any torments rather than sin by lying.

There is a third form of silence, which comes closest to actual lying because it involves deception, and this is to tell only part of the truth. St. Augustine defends this by the example from the Old Testament of Abraham telling Abimelech that Sarah was his sister. Now Abraham said this because he wanted to conceal the fact that Sarah was his wife and to deceive Abimelech into thinking that she was not. He did not lie, however, because “it is not a lie when truth is passed over in silence, but when falsehood is brought forth in speech.”<sup>42</sup> As Abraham says later, Sarah is in fact his sister, “the daughter of my father, but not the daughter of my mother.”<sup>43</sup> St. Thomas also approves of this kind of silence, citing Augustine, saying that “it is lawful to hide the truth prudently, by keeping it back.”<sup>44</sup> Newman reminds us, however, that silence of this kind should only be resorted to for a just cause, otherwise it would “come very near to telling a lie, for a half-truth is often a falsehood.”<sup>45</sup> Indeed “silence is absolutely forbidden to a Catholic, as a mortal sin, under certain circumstances, e.g. to keep silence, when it is a duty to make a profession of faith.”<sup>46</sup> So, while silence is an approved form of concealing the truth, it is not without its moral content, and its prudence must be discerned according to the specific situation.

Another means Newman gives us for concealing the truth is evasion. This is akin to silence because like silence, it refuses to answer the question being asked. Instead, “the speaker diverts the attention of the hearer to another subject; suggests an irrelevant fact or makes a remark, which

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<sup>42</sup> Ibid., 152. (*Contra Mendacium* x.)

<sup>43</sup> Genesis 20:12

<sup>44</sup> Aquinas, *Summa Theologica*, 93. (IIaIIae q. 110 art. 3 reply obj. 4) *Licet tamen veritatem occultare prudenter sub aliqua dissimulatione.*

<sup>45</sup> Newman, *Apologia*, 423.

<sup>46</sup> Ibid., 416.

confuses him and gives him something to think about; throws dust into his eyes; states some truth, from which he is quite sure his hearer will draw an illogical and untrue conclusion, and the like.”<sup>47</sup>Of these examples, the last is the closest one to a lie, because it is the most likely to deceive. A clever hearer can usually tell when the speaker changes the subject to avoid answering a question, but may easily be deceived if answered with a truth that is misleading. Still, Newman considers it allowable, and cites the story of St. Athanasius in its favour, who, when asked by his pursuers, who did not recognize him, “Have you seen Athanasius?” replied “Yes, he is close to you,” and encouraged them that they would overtake him very soon.<sup>48</sup> This they did, while Athanasius escaped the other way, without saying anything that was untrue. Once again, however, Newman cautions us to use this device only when necessary: “I do not know, who does not use it, under circumstances; but that a good deal of moral danger is attached to its use; and that, the cleverer a man is, the more likely he is to pass the line of Christian duty.”<sup>49</sup>

A third means of concealing the truth is equivocation, or a play upon words. If a word has two meanings, so the reasoning goes, it is lawful to use it in one sense even if it is more likely to be understood in the other. One example of this comes from St. Raymond of Peñafort, who says that one might say “non est hic,” which usually means, and would be taken to mean, “He is not here,” but could also mean “he does not eat here.”<sup>50</sup> Paul Griffiths gives us an example in English: “to let” may mean either to allow or to prevent, such that the statement “I’ll let you borrow my car” could be uttered to mean exactly the opposite of what it would normally be expected to mean without lying.<sup>51</sup> This kind of play upon words is very similar to the last kind of evasion, and indeed the two are often grouped

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<sup>47</sup> Ibid., 422.

<sup>48</sup> Ibid., 423.

<sup>49</sup> Ibid., 425.

<sup>50</sup> Kenneth W. Kemp and Thomas Sullivan, “Speaking Falsely and Telling Lies,” *Proceedings of the American Catholic Philosophical Association* 67 (1993): 156.

<sup>51</sup> Griffiths, *Lying*, 206.

together under the term equivocation or mental reservation. Newman, however distinguishes between them, and considers the play upon words to be much more dishonest, without being able to explain exactly why. Griffiths, in commenting upon Newman, gives his own excellent explanation: because the equivocator must keep two distinct meanings of a word in his mind, he comes much closer to that duplicity (two-mindedness) which is the essence of the lie than someone who merely evades.<sup>52</sup> When Athanasius told his pursuers “he is close to you,” he did not have to be thinking of two meanings for this phrase. It was exactly true according to the plainest meaning possible. The source of the deception was the mistaken identity of the speaker. On the other hand, St. Raymond, with two meanings of “est” in his mind, comes very close to thinking one thing but saying another. In fact, the only thing that saves him from lying is that the two things can be expressed in the same words.

Finally, we come to the most controversial of Newman’s means for concealing the truth, which is “to say the thing that is not.”<sup>53</sup> This means falls directly into the Catechism’s definition of lying (to speak a falsehood or to speak against the truth) and thus would seem to merit to be judged unlawful without further comment. Newman, however, distinguishes between a formal and a material lie, and admits that a merely material lie may sometimes be lawful. He does this by comparing the commandment against lying to that against killing or stealing. Murder and accidental homicide both consist of the same material act, that of killing another human being. Murder, however, involves an intention and other circumstances that make it a formal sin against the commandment, while accidental killing, or lawful execution, or killing in self-defense do not. Similarly, a man who steals a loaf of bread to save himself and his family from starvation does not formally commit the sin of stealing, but steals only materially. As Janet Smith points out, these examples are not really “exceptions” to the absolute rule against murder and theft.

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<sup>52</sup> Griffiths, *Lying*, 207.

<sup>53</sup> Newman, *Apologia*, 422.

Murder is the direct and voluntary killing of an innocent human being. Theft is taking something against the reasonable will of the owner, and a reasonable owner would approve of taking property to protect important goods. Therefore, properly stated, although killing and the taking of property are sometimes morally permissible, the norms against murder and theft remain absolute, without exception.<sup>54</sup>

In the same way, it might be lawful in certain grave circumstances to tell a material lie without its being formally a sin, without rejecting or allowing exceptions to the absolute moral norm against lying.

The idea that certain falsehoods may be permissible for a just cause is an old one. Father Boniface Ramsey traces an entire tradition, prior to Augustine, of (mostly Greek) Church Fathers who held that lying was sometimes justified, including “Hilary, Chrysostom, Dorotheus of Gaza and John Climacus (not to mention Clement of Alexandria, Origen and Cassian).”<sup>55</sup> The eminence of these Fathers keeps us from being able to dismiss their position out of hand, though Ramsey is quick to point out that though it may be older and more popular (at the time) than that of Augustine, this does not mean that it is right. He speculates that “perhaps the tradition that allows occasional lying and deception takes its force, rather, from an intrinsic “human” and merciful quality, for want of a better way of putting it, and from the fact that the “generous” lie is the utterly natural response to an otherwise apparently impossible situation; it is what men and women have always done and undoubtedly always will do.”<sup>56</sup> Peter Kreeft would seem to agree. In a blog post on catholicvote.org, he reminds us that prior to definitions, universal principles, and deductions, we all have what he calls “moral common sense” that we should not ignore. Though the former are necessary, the latter is more immediate in concrete situations. He gives the example of his students when faced with the question of whether the Dutch were right to deceive the Nazis in hiding Jews from them. “They do not know whether this is an example of lying or not. But they know that if it is, than [*sic*] lying is not always wrong, and if lying is

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<sup>54</sup> Smith, “Fig Leaves and Falsehoods,” 47.

<sup>55</sup> Boniface Ramsey, “Two Traditions on Lying and Deception in the Ancient Church,” *The Thomist* 49, no. 4 (1985): 529.

<sup>56</sup> *Ibid.*, 533.

always wrong, then this is not lying.”<sup>57</sup> Morally sane human beings, he argues, recognize that this action of the Dutch was good, not evil, and though philosophy and logic are needed to explain exactly why, “any argument that begins by contradicting our moral common sense is almost certainly going to be wrong.”<sup>58</sup> He recognizes, of course, that our moral intuitions are not infallible, and that one may not use an evil means for a good end, but the thrust of his post is that somehow there must be a logical explanation for why a lie can, in certain situations, be a good thing.

The definition from the Catechism, however, and its absolute prohibition of lying still stand. If there is a permissible “discreet language” which consists in “saying the thing that is not,” as indeed our moral instinct would tell us there is, then it is up to moral theologians and philosophers to argue exactly how this particular type of speech is exempt from the definition of a lie. For at first glance, even a merely material lie would seem to fall in the category of “speaking or acting against the truth in order to lead someone into error” in a way that material killing does not always fall under the definition of murder or material stealing from that of theft. Moreover, some sort of argument is necessary, for the reason that the first three means of concealing the truth, silence, evasion, and equivocation, are not always possible. This is because “effective deception by clever verbal ploys cannot usually be done by ordinary people” and “our moral obligations depend on abilities that are common, not abilities that are rare.”<sup>59</sup> Besides which, no matter how clever we are, these methods might just not work. Let us examine several possible solutions to this problem which have been proposed in recent years.

The first of these recent proposals was made by Kenneth W. Kemp and Thomas Sullivan. They suggest that what is really meant when a lie is defined as speech against the truth or against what is in

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<sup>57</sup> Peter Kreeft, “Why Live Action did Right and Why We All Should Know That,” *Catholic Vote Blog*. Accessed July 13, 2013. <http://www.catholicvote.org/why-live-action-did-right-and-why-we-all-should-know-that/>.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

the mind is a specific kind of speech: an assertion. They thus define a lie as an assertion *contra mentem*, and explain that an assertion is “the use of a linguistic form which by convention is used in the circumstances of utterance to represent what the speaker believes to be true.”<sup>60</sup> That is, there are certain indications a speaker gives to let his audience know that he is telling them what he really thinks, and thus making assertions. There are other indications a speaker can give an audience to let them know that he is not, in fact, telling them what he thinks, and therefore not making assertions. He can do this explicitly, by actually telling them that what he is about to say is not true, or implicitly, by a gesture such as a wink or a sarcastic tone of voice.<sup>61</sup> The audience, thus warned, does not take the speaker’s words for truth, and is not deceived. Sometimes, the very circumstances of the speech indicate that it does not consist of assertions, for example, the speech of actors in a play, or words spoken during a ritual or a bluffing game.<sup>62</sup> In these situations, Kemp and Sullivan argue, it would be very difficult for a speaker to make an assertion even if he wanted to. His audience would not believe that he was telling the truth no matter how much he protested.<sup>63</sup> A necessary condition for the making of assertions, they say, is “a reasonable expectation that the speaker is using speech to communicate his thoughts to us.”<sup>64</sup> If such an expectation does not exist, the speaker cannot make an assertion. And, since a lie is an assertion *contra mentem*, if he cannot make an assertion, he cannot possibly tell a lie.

Kemp and Sullivan then turn to the “hard cases” of the debate about lying and show how the false statements made in most of them are not lies because they cannot be expected to be assertions. For example, a declaration of war from one country effectively tells the enemy country not to expect

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<sup>60</sup> Kemp and Sullivan, “Speaking Falsely and Telling Lies,” 160.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, 161.

<sup>64</sup> *Ibid.*



anything the first country says from that point on to be true. The very fact that international law specifies that the Red Cross or a white flag may not be used to deceive the enemy indicates that other forms of deceit are permitted and should be expected.<sup>65</sup> If the enemy is taken in by a ruse in time of war, it's his own fault for being so credulous after having been warned. This seems to be a clear case, because a declaration is made beforehand to warn the hearer that the speaker may try to deceive him. But Kemp and Sullivan extend the circumstances under which assertions cannot be expected to situations where no such declaration is made as well. They argue that a person who asks for information to which he has no right, such as a persecutor seeking a fugitive or even a busybody inquiring into personal secrets, ought not to expect the speaker to make an assertion in response. "Can anyone reasonable expect to be told the truth about matters that are, objectively speaking properly secret?"<sup>66</sup> In this case, it is the person who asks the question who makes it practically impossible for the speaker to make an assertion, and therefore to lie. Kemp and Sullivan extend this reasoning to any case of "legitimate secrecy in which pressure is placed on the secret-keeper" and say that it is permissible for victims of persecution, spies, and policemen to use a false identity to hide from or discover the secrets of aggressors or criminals.<sup>67</sup> Concentrating on the work of policemen in particular, Paul Dixon applies the same argument to investigative and interrogatory police work. Criminals ought not to expect the police to be making assertions to them, and even law-abiding citizens would implicitly give their consent to be deceived by the police if the deception were in the course of their duty to catch criminals.<sup>68</sup> Thus, any false speech by the police in these cases would not be an assertion and therefore not a lie.

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<sup>65</sup> Ibid., 162.

<sup>66</sup> Ibid., 163.

<sup>67</sup> Ibid., 164.

<sup>68</sup> Dixon, "Police Lies," 177-178.

Another interesting solution is proposed by Alexander Pruss. He brings up the important point that in order to communicate truth to another person, one must speak that other person's language. Moreover, one must speak the language the other person is expecting to hear. He gives the example of a German giving an American an unlabelled bottle and saying "Gift." The American, expecting to be spoken to in English, gratefully accepts it, drinks the contents, and dies, not knowing that "Gift" means poison in German. Even though the German gave the correct identification of the bottle in one language, Pruss maintains that he really told a lie, because his interlocutor was expecting him to be speaking another.<sup>69</sup> Like Kemp and Sullivan, Pruss takes the definition of a lie to be a false assertion, but extends it to a multilingual context. "The anti-lying principle in multilinguistic contexts then says that *you may not utter an assertion which you believe to be false when understood in your interlocutor's language (i.e., the language in which your interlocutor will take your assertion to have been made), with intent to deceive.*"<sup>70</sup> He then extends the concept of the multilinguistic context beyond merely a difference in language to a difference in usage. For example, to an upstanding citizen, the word "Jew" denotes something like "a human being who is ethnically and religiously Jewish" whereas to a Gestapo officer, it denotes "a sub-human, cold-hearted, shameless, calculating trafficker in vices."<sup>71</sup> Therefore, when the citizen is questioned by the Gestapo and says "there are no Jews in my house," she is telling the truth, according to the meaning of "Jew" in Gestapo-language. In fact, if she were to say that there were Jews in her house, then she would be lying, for she does not believe that the people she is hiding are "sub-human, cold-hearted, shameless, calculating traffickers in vices," which is what the Gestapo officer is really asking about. The same could be said in any case of someone hiding a fugitive from an unjust aggressor, for when the aggressor asks "Is X in your house?" what he really means is "Is there a

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<sup>69</sup> Alexander R. Pruss, "Lying and Speaking Your Interlocutor's Language," *The Thomist* 63, no. 3 (1999): 441.

<sup>70</sup> *Ibid.*, 443.

<sup>71</sup> *Ibid.*, 445.

person worthy of death/torture/imprisonment in your house?” If you do not believe that X is such a person, you can honestly say “No.”<sup>72</sup> The interesting difference between this analysis and that of Kemp and Sullivan is that Pruss considers a secret-keeper responding to questioning to be making actual assertions. The reason these assertions are not lies, when on the surface they seem to be false, is that they are true assertions when understood in the questioner’s “language”.

In response to Pruss’ article, Benedict Guevin proposes the additional component of “ethical context” to the analysis of an assertion.<sup>73</sup> He stresses St. Thomas’ teaching that a lie is contrary to reason and justice because it destroys “the rational ordering of human communication” which “fosters the mutual trust needed to live together in society”<sup>74</sup> and argues that there are certain contexts, Nazi Germany for example, where the “communication” engaged in cannot foster this mutual trust. A falsehood spoken in such a context would not be a lie because it would not violate the virtue of truthfulness, which is a part of justice. If there is no “mutual trust” in the society in which one lives, one can hardly violate it by a falsehood. Guevin seems to approach the argument of Kemp and Sullivan that when the truth cannot reasonably be expected, a falsehood is not an assertion and therefore not a lie. However, he does not go so far with his claim. He stays on the level of what is owed to another in justice, and makes the “ethical context,” which is a circumstance, to be part of the moral object of the speech act. This would have fit well with the earlier Catechism’s definition of a lie, which included the concept of the hearer’s right to know the truth. Since, however, this concept was taken out of the definition on the grounds that it is a circumstance and not part of the object, it is hardly convincing to include another circumstance in the definition in its place. Guevin himself explains St. Thomas’ teaching on the matter when he says that “a voluntarily false correlation between sign and signified is always

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<sup>72</sup> Ibid., 452.

<sup>73</sup> Benedict M. Guevin, “When a Lie Is Not a Lie: The Importance of Ethical Context,” *The Thomist* 66, no. 2 (2002): 267.

<sup>74</sup> Ibid., 273.

opposed to the nature of human communication and the virtue of truthfulness. Such willed false correlations are lies and morally evil.”<sup>75</sup> The fact that in certain circumstances the nature of human communication has already been eroded should not be an excuse to erode it even further by a lie.

Finally, Janet Smith takes up the problem by going back to St. Thomas’ explanation that the evil of a lie is in its being against the nature of speech. “Aquinas holds that the purpose of all enunciative signification is to convey the concepts in one's mind.”<sup>76</sup> However, she argues, since the Fall, this is no longer the only purpose of communication and language. “Now, language must serve many other purposes besides the conveyance of the concepts on our minds. We need to correct, console, encourage, and deter one another. These actions need not involve falsehoods, but they are a use of language that differs from the fundamental purpose of communicating truth.”<sup>77</sup> If therefore, we are using language for a purpose other than communicating truth, then it cannot be immoral to fail to communicate truth by it, if the person to whom we are speaking knows that this is how we are using it. Smith’s argument is very similar to that of Kemp and Sullivan, since their definition of an assertion is essentially that of speech for the purpose of communicating truth. Any speech which does not have this purpose is not an assertion and so cannot be a lie. The insight she adds is a reason why speech may have another purpose: “After the Fall ... all communication is between human beings damaged by sin.”<sup>78</sup> Because we cannot always fully trust each other, we recognize that there are times when we should not and do not expect the truth in answer to our questions. This would not have been the case before the Fall. According to Smith, St. Thomas’ prohibition of all false statements is based on his evaluation of the

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<sup>75</sup> Ibid., 269.

<sup>76</sup> Smith, "Fig Leaves and Falsehoods," 46.

<sup>77</sup> Ibid., 47.

<sup>78</sup> Ibid.

nature and purpose of speech as it would have been before the Fall; if he had taken into account its new nature in the postlapsarian world, he would have ruled differently.<sup>79</sup>

#### V. Conclusion

The Catechism clearly teaches that lying is always wrong. It also clearly teaches that certain truths need not and ought not to be told to just anyone; legitimate secrets must be kept from those who have no right to know them. How then can this apparent conflict be resolved? In many cases silence, evasion, or equivocation, which stand securely outside the definition of a lie, will be sufficient to put off a prying questioner. In some cases, however, whether of themselves or because the speaker is not clever enough to use them to advantage, these means may give the secret away as surely as if it had been spoken directly. Is it possible, in these limited cases, to say the thing which is not, without committing the sin of telling a lie?

Of the answers in the affirmative, I think the most convincing is that of Kemp and Sullivan. Given that when we think of language as a means of communicating the truth, what we are really thinking of is the type of speech that is the assertion, I think it is perfectly reasonable to specify the definition of a lie as an *assertion* against the truth, and thus to exempt from the possibility of lying any speech that is not an assertion. The trouble comes when specifying the types of situations in which assertions are not made because there is no reasonable expectation of them. I grant that certain cues or contexts, such as a sarcastic tone of voice or a play in a theatre, have the effect of indicating to the hearer that assertions are not to be expected. I am not sure that the same can be said in the case of a spy or a policeman assuming a false identity or someone being pestered by a busybody, because the criminals or busybodies to whom they are speaking are in fact expecting assertions from them, even if they shouldn't. Perhaps in the false identity cases, it is Pruss' argument that is more helpful. If a spy or policeman assumes a false identity and falls in with the aggressors or criminals he is trying to capture, he

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<sup>79</sup> Ibid., 48.

would naturally speak a “language” corresponding to his assumed identity, presumably the same “language” that the criminals are speaking. He would then be able to make assertions in this language without lying. As for the busybodies, I am not sure what can be done about them. I suspect that we would have to make do with evasion, or at most very obvious sarcasm.

It is important to note that all of these “exceptions” to the rule on lying, which, if correct, are not exceptions at all but simply fail to meet the definition of a lie, are considered to be lawful only in cases where there is a just reason to conceal the truth. If we are asked a question by someone who has the right to know the answer, and especially if we are under oath, no evasion, equivocation, or any other form of deception is permitted; we must simply tell the truth. These solutions are designed for situations in which there is a real conflict between the duty to keep a secret hidden and the duty not to tell a lie; they are not meant to give us a license to deceive anyone whenever we wish.

Toward the end of his note on Lying and Equivocation, Newman comments that theologians are sometimes more lax in their moral theories than they are in practice. He writes: “One special reason why religious men, after drawing out a theory, are unwilling to act upon it themselves, is this: that they practically acknowledge a broad distinction between their reason and their conscience; and that they feel the latter to be the safer guide, though the former may be the clearer, nay even though it be the truer.”<sup>80</sup> After studying their arguments, my reason inclines me to agree with Kemp and Sullivan, Pruss, Kreeft, Dixon, and Janet Smith, and their defense of certain falsehoods in certain cases. As for what I would do in a concrete situation, I am honestly not sure. I am not sure that my practical judgment would have the quickness and cleverness necessary to discern the correct evasion, equivocation, or even convincing false statement in a given circumstance. I suspect that if I did “say that which is not,” I would want to go to Confession afterward, even though my reason should tell me that my words were lawful under the circumstances. Like many Catholics, I would prefer to have a definitive statement from the

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<sup>80</sup> Newman, *Apologia*, 424.

Magisterium on the matter before having to act, but this is unfortunately unavailable right now. Our Lord has said “do not be anxious how you are to speak or what you are to say; for what you are to say will be given to you in that hour; for it is not you who speak, but the Spirit of your Father speaking through you.”<sup>81</sup> Perhaps it is best simply to trust to a well-formed conscience and moral intuition. While reasoned arguments about moral principles are important, we must not forget to pray for inspiration when our own words are not equal to our task.

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<sup>81</sup> Matthew 10:19-20

## Bibliography

- St. Augustine. *Treatises on Various Subjects*. New York: Fathers of the Church, 1952.
- Catholic Church. *Catechism of the Catholic Church*. Vatican City: Libreria Editrice Vaticana, 2000.
- Dixon, Paul. "Police Lies and the Catechism on Lying." *Irish Theological Quarterly* 78, no. 2 (2013): 162-178.
- Griffiths, Paul J. *Lying: An Augustinian Theology of Duplicity*. Grand Rapids, Mich: Brazos Press, 2004.
- Guevin, Benedict M. "When a Lie Is Not a Lie: The Importance of Ethical Context." *The Thomist* 66, no. 2 (2002): 267-274.
- Kemp, Kenneth W. and Thomas Sullivan. "Speaking Falsely and Telling Lies." *Proceedings of the American Catholic Philosophical Association* 67 (1993): 151-170.
- Kreeft, Peter. "Why Live Action did Right and Why We All Should Know That." *Catholic Vote Blog*. Accessed July 13, 2013. <http://www.catholicvote.org/why-live-action-did-right-and-why-we-all-should-know-that/>.
- Newman, John Henry, and Frank M. Turner. *Apologia Pro Vita Sua and Six Sermons*. New Haven, Conn: Yale University Press, 2008.
- Pruss, Alexander R. "Lying and Speaking Your Interlocutor's Language." *The Thomist* 63, no. 3 (1999): 439-453.
- Ramsey, Boniface. "Two Traditions on Lying and Deception in the Ancient Church." *The Thomist* 49, no. 4 (1985): 504-533.
- Smith, Janet E. "Fig Leaves and Falsehoods: disagreeing with Thomas Aquinas, Janet E. Smith argues that sometimes we need to deceive." *First Things* no. 214 (June, 2011): 45-49.
- St. Thomas Aquinas. *The "Summa Theologica" of St. Thomas Aquinas: Part II. (Second Part) QQ. CI-CXL*. Translated by Fathers of the English Dominican province. New York: Benziger Brothers, 1922.