

IN DEFENSE OF THE *FALSILOQUIUM*

Scott M. Sullivan, Ph.D.
University of St. Thomas

MAY ONE TELL A LIE IN ORDER TO AVOID HARM to self or others, and yet still avoid sinning in the process? From the earliest history of philosophy, we see divergent opinions on this matter. Plato permitted the “noble lie” to bring about good,¹ while Aristotle indicates telling untruth is always wrong.² This divergence continues through the Church Fathers. Differences aside, all recognize the moral dilemma involved with maintaining a virtue of honesty while at the same time dealing appropriately with the classic, “What do you tell a Nazi at your door when he asks if there are any Jews in your cellar”?

What we are seeking is if there is such a thing as a *falsiloquium*; that is to say, intentionally false speech that is not sinful. Does such a thing exist? The theological weight of Augustine and Aquinas dominates the answer in the Western Church, and that answer is “no”. This position is absolute, all speech that is contrary to one’s mind (*contra mentem*) is a lie, and lying is always a sin against truth, to which humans, being intellectual beings, are naturally suited. Thus, one may not tell a lie without sinning, even if to save another from injury. This is the ascendant teaching of the great majority of moralists in the West and not surprisingly is the prevailing position in manuals of moral theology and ethics. There is, though, another tradition which allows for some leniency on the matter. This tradition also has some theological “heavies” from the Greek Fathers up to Cardinal Newman. This essay will summarize both positions and then argue that the latter, or what we will call the “non-absolutist” position, while being the minority opinion, is nevertheless the preferable option.

Augustine and Aquinas’ “Absolutist” Position: All *Contra Mentem* Speech is Lying

“But let your speech be yea, yea: no, no: and that which is over and above these, is of evil.” (Mat 5:37)

Augustine’s position on this matter is well known and needs little elaboration. Lying is always a sin. Purity of soul is preferable to bodily purity and this holds without exception. The resourceful Augustine, every ready with imaginative examples, considers that not even extreme cases, like rape or being forced to “eat poop”, is sufficient to merit avoidance by lying:

One must conclude then that the sins of others, be they what they may, those always excepted which defile him on whom they are committed, a man must not seek to avoid by sin of his own, either for himself or for any other, but rather he must put up with them, and suffer bravely; and if by no sins of his own he ought to avoid them, therefore not by a lie.³

Augustine does not change his mind in the *Contra Mendacium*, written decades later. A lie is still not allowable even if to save one from injury. Biblical examples to the contrary, like that of Jacob, Augustine maintains are not lies, but mysteries.⁴ Augustine remains constant in this position through the *Enchiridion*. There are no lies that are not sins:

But every lie must be called a sin, because not only when a man knows the truth, but even when, as a man may be, he is mistaken and deceived, it is his duty to say what he thinks in his heart, whether it be true, or whether he only think it to be true. But every liar says the opposite of what he thinks in his heart, with purpose to deceive. Now it is evident that speech was given to man, not that men might therewith deceive one another, but that one man might make known his thoughts to another. To use speech, then, for the purpose of deception, and not for its appointed end, is a sin. Nor are we to suppose that there is any lie that is not a sin, because it is sometimes possible, by telling a lie, to do service to another. For it is possible to do this by theft also, as when we steal from a rich man who

¹ Plato, *The Republic* (414b-415d)

² Aristotle, *Nich. Ethics* 4.7

³ *De Mendacio*, XV

⁴ *Contra Mendacium*, 24

never feels the loss, to give to a poor man who is sensibly benefited by what he gets. And the same can be said of adultery also, when, for instance, some woman appears likely to die of love unless we consent to her wishes, while if she lived she might purify herself by repentance; but yet no one will assert that on this account such an adultery is not a sin. And if we justly place so high a value upon chastity, what offense have we taken at truth, that, while no prospect of advantage to another will lead us to violate the former by adultery, we should be ready to violate the latter by lying? ⁵

Aquinas takes the Augustinian standpoint, and a consideration of the virtue of truth will shed light on what a lie is. The type of “truth” about which we are speaking is moral truth. “Ontological truth” is the conformity of a thing to its concept, “logical truth” is when what is said corresponds to reality, but *moral truth* however, is the conformity of speech and life to the mind:

Truth whereby a man, both in life and in speech, shows himself to be such as he is, and the things that concern him, not other, and neither greater nor less, than they are. ⁶

Lying is a vice opposed to the virtue of truth. A truthful person is one who conveys signs (words, actions, or any sort of communication) that are in conformity to things. Aquinas provides two arguments for why the virtue of truth is good and lying evil, the “function” argument and the “social” argument.

The function argument In the tradition of Augustine, Aquinas argues that the natural purpose of speech is to express what is in one’s mind. Frustrating the natural end of a faculty is contrary to one’s rational nature. Speech of its very nature is to represent man’s thoughts, and if words are used to misrepresent one’s thoughts, their natural function is abused and prevented from attaining their natural end. Such an action is intrinsically evil, a sin in its very genus:

Now a lie is evil in respect of its genus, since it is an action bearing on undue matter. 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. ⁷

The social argument Humans are social animals and owe what is naturally necessary for the preservation of human society, in which it would be impossible for humans to live together without the reliability of honesty in communication. Lying damages the necessary commerce amongst humans and therefore tears at the very fabric of society. ⁸

In either case, Aquinas says the virtue of truth falls under justice, for truth is directed to another and involves a certain equality between things, arising from the *moral debt* one man has to another. ⁹ Unlike a legal debt (which can be demanded by another as owed by law, e.g., testifying before a court there is a legal obligation to speak the truth) One is not bound by law in a moral debt, but it is owed because it is his duty to render something under pressure of civility and integrity:

for this virtue does not regard legal debt, which justice considers, but rather the moral debt, in so far as, out of equity, one man owes another a manifestation of the truth. ¹⁰

This virtue of truth must meet a twofold mean of reason. The first mean is in the object, (one should not engage in an excess of boasting or a defect of minimizing what is in reality) and on the part of the act (speech should be said when and as one ought, avoiding excess in talking too much at inappropriate times and defect when omitted at a time when it should be said). So telling the truth at all times is not a virtue.

⁵ St. Augustine, *The Enchiridion*, Ch. 22

⁶ ST II-II 109.3.ad 3

⁷ ST II-II 110.3

⁸ ST II-II 109.3 ad1 and 114.2. ad1

⁹ ST II-II 109.3

¹⁰ *ibid*

One needs to acquire the habit of speaking in a manner appropriate to the circumstances; hence one who just speaks his mind on all occasions does not have the virtue of truth.¹¹

The Formal Nature of a Lie

The formality of lying involves willfully telling a falsehood. The key notion here is not a mere utterance of falsity, but the *intent* to say what is false. A *material falsity* is an utterance which happens to be false, but the speaker did not know or intend it to be so. A *formal falsity* is complete when intending to speak falsehood, *when the speaker simply says something he or she thinks to be false*. Even if the statement happens to be true, it is still lying because its truth is accidental to the speaker's intention. The liar says at least what he *thinks* to be false:

Accordingly if these three things concur, namely, falsehood of what is said, the will to tell a falsehood, and finally the intention to deceive, then there is falsehood---materially, since what is said is false, formally, on account of the will to tell an untruth, and effectively, on account of the will to impart a falsehood. *However, the essential notion of a lie is taken from formal falsehood, from the fact namely, that a person intends to say what is false*; wherefore also the word "mendacium" [lie] is derived from its being in opposition to the "mind." Consequently if one says what is false, thinking it to be true, it is false materially, but not formally, because the falseness is beside the intention of the speaker so that it is not a perfect lie, since what is beside the speaker's intention is accidental for which reason it cannot be a specific difference. If, on the other hand, one utters' falsehood formally, through having the will to deceive, even if what one says be true, yet inasmuch as this is a voluntary and moral act, it contains falseness essentially and truth accidentally, and attains the specific nature of a lie.¹²

So it is just the intention to speak contrary to one's mind that is both necessary and sufficient to constitute a lie. An additional intention to deceive is not required to determine speech as lying; it is only a later perfection of it. Just like form and matter are sufficient to make a body which then results in a tendency or perfection to fall, analogously it is the case that intentionally speaking what is known to be false is sufficient to establish a lie, while any intentions to deceive are just perfections of the lie since they are outside the species as such. Given this, we may schematically show Aquinas' position on the nature of the lie:

¹¹ ST II-II 109.2

¹² ST II-II 110.1

Features of Lying in Aquinas

Based on ST II-II Q. 110, A. 1

Act	Materially	Formally	Effectively
Physical body (analogy)	matter	form	inclination to fall
Lying	false speech	intention to speak <i>contra mentem</i>	intention to deceive
	material lie	formal lie	outside the species of lying

"the essential notion of a lie is taken from formal falsehood, from the fact namely, that a person intends to say what is false" (ST II-II 110.1)

"if one says what is false, thinking it to be true, it is false materially, but not formally" (*Ibid*)

"The desire to deceive belongs to the perfection of lying, but not to its species" (*Ibid*, ad.3)

Per the function argument above, lying is intrinsically disordered for Aquinas; it is an action bearing on undue matter because it is a perversion to use signs that do not signify one's mind. Even though the virtue of truth is habitually telling the truth under the right circumstances, circumstances do not seem to matter when it comes to *contra mentem* speech, and like all other intrinsic evils, lies are not to be done for any reason, even to save someone from danger:

A lie is sinful not only because it injures one's neighbor, but also on account of its inordinateness [ex sua inordinatione], as stated above in this Article. Now it is not allowed to make use of anything inordinate in order to ward off injury or defects from another: as neither is it lawful to steal in order to give an alms, except perhaps in a case of necessity when all things are common. Therefore it is not lawful to tell a lie in order to deliver another from any danger whatever.¹³

Aquinas does not consider harm to one's neighbor necessary for a lie. All that is formally needed is that a person intends to say what is false. The function argument is primary while the social argument takes a back seat. The intentionally false speech cannot even licitly come out of one's mouth without sinning; one has already sinned before any possible harm to a neighbor can occur. In other words, one can lie unsuccessfully, as when the hearer simply doesn't buy into it and so no harm is done; yet still a sin was committed. Nonetheless, Aquinas does make distinctions between certain *types* of lying. One can tell a falsehood charitably (a "white" lie), jokingly, or maliciously and Aquinas calls these *officious*, *jocose*, and *mischievous* lies respectively. This division is with regard to things that either aggravate or diminish the sinfulness of lying. It is the *officious* lie, a lie intended to help or avoid harm, that is of particular concern here. Interestingly Aquinas says this lie told for the good of another is the *least* sinful, less sinful than even the lie spoken in jest:

Now it is evident that the greater the good intended, the more is the sin of lying diminished in gravity. Wherefore a careful consideration of the matter will show that these various kinds of lies are enumerated in their order of gravity: since the useful good is better than the pleasurable good, and life of the body than money, and virtue than the life of the body.¹⁴

¹³ ST II-II 110.3 ad.4

¹⁴ ST II-II 110.2 Aquinas thinks Jacob, for example, was moved by a spirit of prophecy to claim what was due to him by God.

Given these distinctions, lying to a Nazi about the Jewish people hiding in your cellar is less sinful than a joking lie amongst friends because of the greater good (the good of life versus the good of pleasure) intended. So the gravity of the *officious* lie seems quite small.

Yet all lies are still sins. The man who lies to the Nazi still incurs purgatorial penalties. Again, lies are *evil in their very genus*, they are not just sinful because they injure another, but because of their inordinateness, viz., they bear on the undue matter of signifying by words what is not in one's mind. It is a fundamental moral principal that one may not do evil in order that good may result. Since one cannot steal in order to give alms, or commit adultery in order to save one from injury, one may not tell a lie to avoid danger.¹⁵ Aquinas does not think biblical examples like Abraham deceptively saying Sara was only his sister (Gen. 12 and 20), Jacob deceiving his father about his being Esau (Gen 28: 27-9), and Judith deceiving the Holofernes (Judith 15:10-11) were lies but that such statements are either misinterpreted as lies or must be taken as "figurative and prophetic".¹⁶

This is not to say that every lie is a mortal sin. Mortal sins are contrary to charity and only lies that are contrary to the charity of another are mortally sinful. For example, falsehoods pertaining to God and divine things are mortal because they are contrary to the charity of God. The same is true if a lie affects man's good by inflicting injury upon his neighbor. Jocose and officious lies however are usually only venial (unless they happen to cause serious scandal).

Developments

Adherents of the absolutist line nonetheless become uncomfortable with situations like the Nazi dilemma. Thus, the doctrine of *mental reservation*, while not mentioned by Aquinas, was developed in response to this problem, indicating some willingness to compromise a rigid absolutism in certain circumstances. The general idea here is that one may withhold qualifying information, such as a phrase or clarification, in order to speak only what is true, at least in some sense. This is done by reserving in one's mind what would complete the proposition from being completely understood as it is in the mind of the speaker. The listener doesn't notice that not-so-evident circumstance or extraordinary meaning, and this keeps some truth hidden from that listener. Building on this teaching of equivocation, the common distinction between "strict" and "wide" mental reservations arose. If it is possible that the listener could grasp the hidden secondary meaning (due to time, circumstances, or some way of figuring out the ambiguity) then this was called a *wide* mental reservation. If the hidden meaning of a phrase was the sole creation of the speaker and could not be figured out by the hearer (time, place, and other circumstances other than the speakers mind could not clue the listener in) then the mental reservation was *strict*. As Innocent XI condemned the strict mental reservation, theologians continued to promote the broad reservation.¹⁷

For example, St. Alphonsus Ligouri says it is permissible for an adulterous wife, after having been to confession, to answer her questioning husband by saying, "I am innocent of this crime."¹⁸ Most theologians holding this doctrine allow for saying to an inquirer at the door that "He is not at home" while restricting the meaning in the mind of the speaker to mean, "He is not at home for you, or to see you." One could presumably tell the Nazis at the door, "There are no Jews here" (meaning "here" in this vestibule).

It is arguable, however, that Aquinas himself would not allow for mental reservations. In the *Commentary on the Sentences* Aquinas *prohibits truthful speech spoken with intent to deceive*. A good thing can be done

¹⁵ *Ibid*, ad 4 Aquinas mentions here that one may however prudently hold truth back, but as we will see this does not mean he would accept the notion of "mental reservation". Holding truth back is different from speaking truth with intention to deceive.

¹⁶ *Ibid*, ad 3 Aquinas notes that Abraham justified his statement by Sara also being the daughter of his father "As to Abraham "when he said that Sara was his sister, he wished to hide the truth, not to tell a lie, for she is called his sister since she was the daughter of his father," Augustine says (Questions. Super. Gen. xxvi; Contra Mend. x; Contra Faust. xxii). Wherefore Abraham himself said (Gn. 20:12): "She is truly my sister, the daughter of my father, and not the daughter of my mother," being related to him on his father's side." (*ibid*)

¹⁷ For Pope Innocent XI's condemnation of strict mental reservations, see Denziger 1175, 1176, and 1177.

¹⁸ Cited in Rev. Julius Dorszynski, *Catholic Teaching about the Morality of Falsehood*: PhD Dissertation (Washington DC: Catholic University of America Press 1948, 71

for the wrong intention, and just like one who goes to Church in order to steal, likewise speaking truthfully with the intention to deceive is a form of lying.¹⁹ Even though the speech is true, the *intent to deceive* renders it as a species of lying. Additionally, Austen Rockcastle has argued²⁰ that Aquinas would regard mental reservations as morally unacceptable behavior because of Aquinas' association of the virtue of simplicity with the virtue of truth. When one's expression intentionally misrepresents what one really believes, a "duplicitous" occurs:

It is said simplicity is in opposition to duplicity, whereby, to wit, a man shows one thing outwardly while having another in his heart: so that simplicity pertains to this virtue. And it rectifies the intention, not indeed directly (since this belongs to every virtue), but by excluding duplicity, whereby a man pretends one thing and intends another.²¹

We leave it to the reader to decide if mental reservations fall under Aquinas' prohibitions of "speaking truthfully with the intention of deceiving" and a man showing "one thing outwardly while having another in his heart". For now, we need only say that invoking mental reservations as a solution to the Nazi dilemma could be at the cost of losing the authority of Aquinas in the process. For now, we move on to consider the alternative.

Newman and the Greek "Non-Absolutist" Position: Not All *Contra Mentem* Speech is Lying

"And I became to the Jews a Jew, that I might gain the Jews" (1Co 9:20)

A common thread among the non-absolutists is that this group denies that the formal malice of lying is in the non-conformity of language to the mind. Speech *per se* is morally neutral and receives its moral species from its relationship to society, putting the morality of lying under the *relationships between persons* and not under the *constitution of a person*. One's right to truth can be superseded by more important obligations. The right of the speaker to withhold truth, even by a false utterance, may exceed the right of the listener to have it. The common good only demands truthfulness as a general rule and would in fact be harmed with a "truthfulness across the board" policy. In cases where the good of the whole demands discordance between signs and thoughts, the listener is not due the truth. So a lie for the non-absolutist is a privation *only where the truth is due*. If the truth is not due, it is not a privation, and if not a privation then it is not evil.

The most renowned non-absolutist in relatively recent times is Cardinal John Henry Newman. Newman discusses lying in the process of defending himself and the Church from anti-Catholic charges regarding St. Alphonsus Liguori's doctrine of equivocation.²² While defending St. Alphonsus' opinion, Newman finds equivocation unsuitable to his tastes and respectfully chooses to follow other guidance on the matter. He implies that mental reservations are really just lies with a happy face, where the speaker still cleverly signifies by his words what is not in his mind by secretly using meanings contrary to the common custom of speech. Newman does not find this "Clintonesque" solution appealing:

¹⁹ Super Sent., lib. 3 d. 38 q. 1 a. 1 ad 4 "quod ex hoc ipso quod factum quod est de genere bonorum, fit perversa intentione alicui vitio appropriata, ad speciem illius vitii trahitur, sicut qui vadit ad Ecclesiam ut furetur: unde et vera vocis significatio, quando intentione fallendi fit, ad speciem mendacii trahitur"

²⁰ Austen Rockcastle (*St. Thomas Aquinas on the Nature and Morality of Lying*, PhD Dissertation, Houston: Center for Thomistic Studies, 1993)

²¹ ST II-II 109.2 ad. 4 "quod simplicitas dicitur per oppositum duplicitati, qua scilicet aliquis aliud habet in corde, aliud ostendit exterius. Et sic simplicitas ad hanc virtutem pertinet. Facit autem intentionem rectam, non quidem directe, quia hoc pertinet ad omnem virtutem, sed excludendo duplicitatem, qua homo unum praetendit et aliud intendit"

²² Anti-Catholic attacks were directed at Newman's conversion via the works of St. Alphonsus Liguori because, as we saw, Liguori allowed for mental reservations. This resulted in anti-Catholic Protestants calling St. Alphonsus "the patron saint of liars" (*Apologia* ch. 5, p. 278), the implication being of course that Cardinal Newman now associated himself with a church that allowed such obvious deficiencies. The fact that Newman did not make his own misgivings about the Anglican church known during this conversion process added fuel to these charges of "Catholic dishonesty".

I do not believe any priest in England would dream of saying, “My friend is not here;” meaning “He is not in my pocket or under my shoe.” Nor should any consideration make me say so myself.²³

Since nearly all admit that when there is a just cause there is some form of verbal misleading that is not a sin, Newman cites a division between the Greek fathers and the Augustinian view. The practical difficulty of Augustine’s view that all untruths are lies is what has led some to the notion of mental reservation and saying there are deliberate equivocations which are not untruths. Newman thinks it is better to say such equivocation *is* an untruth, as far as common modes of speech and understanding go, adding that contrary to Augustine, perhaps these untruths are not sinful after all. This is the position of certain Greek fathers, a position that offers a valid alternative to the faithful:

What I have been saying shows what different schools of opinion there are in the Church in the treatment of this difficult doctrine; and, by consequence, that a given individual, such as I am, cannot agree with all of them, and has a full right to follow which of them he will. The freedom of the Schools, indeed is one of those rights of reason, which the Church is too wise really to interfere with.²⁴

So what precisely is Newman’s position? There are just causes in very rare cases, such as when life is endangered, that require some form of misinformation. When this happens, there are four options one can take on the matter:

1. Material lies: This first is the most important because this is where he makes an important distinction between what he means by a material lie and a formal lie. In the same way that intentionally murdering the innocent is formal homicide while accidental killing is only material homicide; or a man who takes bread because he is starving commits only the material act of theft, there may be something called a *material lie*. A material lie is a special condition of lawful misinformation rectified by a just cause. In other words, Newman calls this an “untruth which is not a lie.” Newman thinks this can be done without sinning.
2. Equivocations: As we have already seen, Newman does not agree with this option, “For myself, I can fancy myself thinking it was allowable in extreme cases for me to lie, but never to equivocate.”²⁵
3. Evasions: Newman accepts evasion or “changing the subject” to be allowable, but since it is cleverness that enables a man to pass muster here, Newman thinks himself too unclever to actually use this option.
4. Silence: This option simply conceals some truth, what is spoken is true, but one does not give tell the whole story.

One of Newman’s justifications for 1 is his acceptance of 4. Insofar as he allows for silence (after all, no one is obligated to tell all), and since what is said by silence is a “half truth” and by implication a “half-untruth”, why should he not also allow the material lie? This assessment seems to be a result of Newman’s desire to be brutally honest with himself and avoid a distasteful legalistic understanding of lying. Whenever someone offers a partial truth or equivocation, they know good and well they are being deceitful to their listeners, even if they can justify the action with a technicality that would impress the best of defense attorneys. The man who says, “Why no officer, I haven’t been drinking” (secretly meaning in the last five minutes), is as deceptive as the man who is not quick witted enough to think of these verbal sleight of hands on the fly. Newman thinks it is preferable to go ahead and admit that, yes, such actions are deceptive, but not all deceptive speech qualifies as sin. Sure lying is addressed in the Decalogue but so is murder and theft, “If all killing be not murder, nor all taking from another stealing, why must all untruths be lies?”²⁶

So Newman’s position is that material untruths are not lies in the formal sense. But Newman is not alone! After all he does mention the backing of the Greek fathers of the Church and indeed he is quite correct here. This position goes at least as far back as St Clement of Alexandria. St. Clement says that just like St.

²³ *Ibid*, 280

²⁴ Newman, *Apologia*, Note G, p. 342

²⁵ *Ibid*, 349.

²⁶ Newman, *Apologia*, 348

Paul “became a Jew in order to gain the Jews”, thus a virtuous man may at times justly convey false information for a good purpose:

...medicinally, as a physician for the safety of the sick, he may deceive or tell an untruth... But for the benefit of his neighbors alone, he will do things which would not have been done by him primarily, if he did not do them on their account... If, then, he does these things according to duty and right reason, he does them piously and justly.²⁷

Additionally, perhaps the greatest defender of “medicinal lies” or “good deceit” is St. John Chrysostom, who like Newman, thinks when these are done for a good end they should not even be considered lies at all:

For there is also a good deceit; such as many have been deceived by, which one ought not even to call a deceit at all. Whereof Jeremiah speaks; "O Lord, Thou hast deceived me, and I was deceived"(3) (Jer. xx. 7); for such as this one ought not to call a deceit at all; for *Jacob* also deceived his father, but that was not a deceit, but an economy.²⁸

In fact, this Doctor of the Church has no problem with saying the evil of intentional deception is not absolute, but *becomes good or bad because of the end*:

For if the evil of deception is absolute, and it is never right to make use of it, I am prepared to pay any penalty you please... But if the thing is not always harmful, but becomes good or bad according to the intention of those who practice it, you must desist from complaining of deceit, and prove that it has been devised against you for a bad purpose; and as long as this proof is wanting it would only be fair for those who wish to conduct themselves prudently, not only to abstain from reproaches and accusation, but even to give a friendly reception to the deceiver. For a well-timed deception, undertaken with an upright intention, has such advantages...²⁹

Like Clement of Alexandria, Chrysostom thinks such untruths have a great “medicinal” value, and *it is a sin not to be deceitful in certain situations*:

Do you see the advantage of deceit? And if any one were to reckon up all the tricks of physicians the list would run on to an indefinite length. And not only those who heal the body but those also who attend to the diseases of the soul may be found continually making use of this remedy. Thus the blessed Paul attracted those multitudes of Jews: with this purpose he circumcised Timothy, although he warned the Galatians in his letter that Christ would not profit those who were circumcised. For this cause he submitted to the law, although he reckoned the righteousness which came from the law but loss after receiving the faith in Christ. *For great is the value of deceit, provided it be not introduced with a mischievous intention.* In fact action of this kind ought not to be called deceit, but rather a kind of good management, cleverness and skill, capable of finding out ways where resources fail, and making up for the defects of the mind... For that man would fairly deserve to be called a deceiver who made an unrighteous use of the practice, not one who did so with a salutary purpose. *And often it is necessary to deceive, and to do the greatest benefits by means of this device, whereas he who has gone by a straight course has done great mischief to the person whom he has not deceived.*³⁰

Yet another doctor of the Church, St. Hilary of Poitiers, shares Chrysostom’s sentiments:

²⁷ St. Clement of Alexandria, *Stromata*, Book VII ch. 9. St. John Chrysostom also will cite 1Co 9:20 as a prooftext for saying there are falsehoods which are not sinful.

²⁸ St John Chrysostom, *Homilies on Colossians*, Homily VI

²⁹ St John Chrysostom, *Treatise on the Priesthood*, I.8

³⁰ Chrysostom, *ibid*

A lie is sometimes necessary, and falsity at times is useful whenever one wishes to lie about a person hiding from a murderer, or when one wishes to deceive one who is in danger, or when one deceives a sick person regarding the difficulty of his cure.³¹

We could go on in citing other Church fathers, mostly from the East. Jerome cites Origen as endorsing medicinal falsehoods, like that used by Jacob.³² Origen even allows for a certain degree of divine deception, and is followed in this regard by St. Gregory of Nyssa, who sees the Incarnation and Redemption as a deceptive move against the Evil One.³³ Moving westward, John Cassian explicitly justifies speaking untruth and uses Rahab and Jacob as examples, where not only was such deceit not sinful, but God sees it as meritorious and confers glory because of it.³⁴ One might also add St. Ambrose, Augustine's early mentor, to the side of the non-absolutist position. Why? Interestingly, St. Ambrose thought it wholly praiseworthy *for a woman to commit suicide in order to avoid being raped*.³⁵ Augustine holds the opposite,³⁶ and naturally does not allow for woman to lie her way out of being raped either.³⁷ If it is safe to assume the same consistency in St. Ambrose, insofar as a woman may kill herself to avoid rape, *a fortiori* she may lie to do so as well.

Analysis

This is the dividing issue: *precisely where* is the sin in speaking falsehood? The absolutist position places the essence of lying merely in the discord between thought and speech, viz., that there is no real distinction between intentional speech contrary to the mind and outright lying. The non-absolutist on the other hand, defines lying in the negation of truth that is due to another. So for the absolutist, speaking something one knows to be false is sufficient for committing a sin. Nothing else needs to be considered because a natural faculty has already been abused. For the non-absolutist, this may be a necessary condition for lying but it is not sufficient. There needs to be this other element, someone's right to the truth needs to have been violated in order to count as a lie.

The crucial difference rides upon definition. If it can be shown that lies are intrinsically evil, then the non-absolutist position becomes unworkable – one cannot do evil so that good may result. Interestingly, the society argument is irrelevant here because both positions agree on this much. Lying is wrong because it is harmful to society in some way or another. So there seems to be no reason to think the society argument tips the scales in favor of either position. So the decisive disparity hinges upon the success or failure of the function argument. If the function argument fails or is inconclusive, and speaking falsehood is not inherently evil, then the non-absolutist is free to launch a counter-offensive of his own. We now evaluate this argument.

³¹ St. Hilary of Poitiers *Tractatus in Ps.* 14 v. 2, 3

³² “But a man on whom necessity imposes the responsibility of lying is bound to use very great care, and to use falsehood as he would a stimulant or a medicine, and strictly to preserve its measure, and not go beyond the bounds observed by Judith in her dealings with Holofernes, whom she overcame by the wisdom with which she dissembled her words. He should act like Esther who changed the purpose of Artaxerxes by having so long concealed the truth as to her race; and still more the patriarch Jacob who, as we read, obtained the blessing of his father by artifice and falsehood. From all this it is evident that if we speak falsely with any other object than that of obtaining by it some great good, we shall be judged as the enemies of him who said, I am the truth.” (St Jerome, *Contra Rufinus*, I.18)

³³ “it was by means of a certain amount of deceit that God carried out this scheme on our behalf. For that not by pure Deity alone, but by Deity veiled in human nature, God, without the knowledge of His enemy, got within the lines of him who had man in his power, is in some measure a fraud and a surprise... so in this instance, by the reasonable rule of justice, *he who practiced deception receives in return that very treatment*, the seeds of which no had himself sown of his own free will. He who first deceived man by the bait of sensual pleasure is himself deceived by the presentation of the human form.” (St Gregory of Nyssa, *The Great Catechism*, XXVI) emphasis added. It is only on this basis that I include St Gregory as possibly allowing human beings to speak untruth in dire circumstances.

³⁴ John Cassian, *The Conferences*, II, XVII, ch. XVII

³⁵ Ambrose, *De Virginibus* 3.7.32-37

³⁶ Augustine, *De Civitas Dei*, I.17

³⁷ Augustine, *De Mendacio*, XV

The Function Argument: Is Lying Parallel to Contraception?

Is not truth the natural end of the faculty of speech? Someone like St. Thomas might respond that Newman's examples of the distinction between formal and material breaches are disanalogous. As we saw above, Aquinas' view is that the formality comes simply from willing to speak the untruth, and not from any further intention or circumstance. In this case, lying would be like contraception, a misuse of a natural faculty. Thus, the act of speaking falsely is analogous to something naturally disordered like contraception and evil by nature.

However, the absolutist faces three hurdles in demonstrating this to be the case:

1. Is the natural purpose of the speech faculty to communicate truth?
2. If the answer to 1 is demonstrated to be yes, then we need to ask is it always the case that the good here is opposed?
3. If the answer to 2 is demonstrated to be yes, then one then needs to show why contraception is the only acceptable analogy versus other crimes that allow for exceptions.

The function argument must clear all three of these difficulties in order to succeed. Why?

First, one must show exactly what the purpose of the speech faculty is. It is indeed to communicate what is in one's mind, but this could also mean what one *desires* to communicate, which may not always be objectively true. The end of communication is dependent upon the will. So the fundamental relation between the faculty and its exercise may not be speech to truth, but speech to the idea the speaker wishes to convey. This would mean the sin of lying needs an additional element. Contraception, on the other hand, differs, in that the good of the act is innate in the physical dimension of the act itself. The end of conjugal act is not dependent on the will like speech is. The good of communication always requires the will and intellect, but the good of procreation does not. Speaking untruth then would not be a misuse of a natural faculty, which would make it disanalogous to contraception.³⁸

Putting this aside, if one could show, or even if we grant, that untruth in speech is a misuse of a natural faculty; this does not settle the issue. Not all misuses of natural faculties oppose the good. Aquinas himself argues that "to apply any part of one's body to another use than that to which it is naturally ordained, as if, for example, one were to walk on his hands, or do with his feet something that ought to be done with his hands" is not evil because "by such inordinate applications as those mentioned *the good of man is not greatly injured*".³⁹ So walking on one's hands is a misuse of a faculty, but it is not a sin because it does not injure the good of man. Hence it seems that one can say the misuse of a natural faculty is only a *necessary* but not a *sufficient* condition for sin. In the same way, speaking falsehood in order to save a life could be like that, to wit, the misuse of a natural faculty (materially inordinate or a material "lie") but done in a case where the good of man is not opposed (not a formally inordinate act).

Finally, even if the function argument can show that yes, lying is a misuse of a natural faculty, and yes, it does harm a man's good, then still a third issue needs to be resolved. In order to use the contraception analogy, one would need an argument showing *why* speaking falsehood is analogous to contraception and not to say, killing a man. Killing a man also stifles a good human inclination towards existence, but is at times justifiable under certain circumstances and intentions. Why must lying be an assault on the good of a natural faculty in the contraceptive sense and not an assault on the good of a natural faculty in the killing sense? To simply assert the former would beg the question.⁴⁰ After all, Newman asks *why* can't the material act of telling the untruth function the same way as "to kill a man" does? Aquinas thinks killing a

³⁸ This is similar to an argument of Msgr. John Ryan, *The Norm of Morality* (Washington DC Edward Bros. 1944) p. 42-3

³⁹ SCG III ch. 122

⁴⁰ The same could be said for amputation. Amputation is an intentional assault against a natural faculty; it is evil when done for some reasons (say the selling of one's organs, the current fad amongst some youth, or a cultural act amongst Japanese Yakuza) but is permissible to remove a part of the body in order to save the whole. Why can't the truth of speech be amputated when intending to save a greater whole, like a group of hidden Jews in a cellar? Again, there would need to be an argument showing that speaking falsehood is analogous to an inherently evil act like contraception and not analogous to amputation.

man can be *materially* the same in two separate acts, yet morally (formally) different insofar as the intended end differs:

It is possible, however, that an act which is one in respect of its natural species, be ordained to several ends of the will: thus this act "*to kill a man*," which is but one act in respect of its natural species, can be ordained, as to an end, to the safeguarding of justice, and to the satisfying of anger: the result being that there would be several acts in different species of morality: since in one way there will be an act of virtue, in another, an act of vice. For a movement does not receive its species from that which is its terminus accidentally, but only from that which is its "per se" terminus. Now moral ends are accidental to a natural thing, and conversely the relation to a natural end is accidental to morality. *Consequently there is no reason why acts which are the same considered in their natural species, should not be diverse, considered in their moral species, and conversely.*⁴¹

What must prevent a definition of lying from being comparable? If lying is defined as inherently evil, then the choice could not be a morally good option, but must lying be inherently evil? True, the natural purpose of speech is not deception, but the natural purpose of human existence is not to be destroyed either. To paraphrase Newman above, if there can be licit self-defense killing, why can't there be licit "self-defense" lying?

At this point, the absolutist may counter by resorting to the social argument, to permit falsehoods at any time, even in cases of just cause, harms society. But this would not work, because we have already seen that the non-absolutist agrees with the social argument against lying. We might also add that at least for one who holds both the absolutist position and the licitness of mental reservations, the social argument proves too much. Could not broad mental reservations also be detrimental to society? Ambiguous speech can undermine confidence and trust just as quickly as overt lying. Some theologians who are adherents of the mental reservation doctrine allow even *gestures under one's cloak*, unseen by the hearer, as a circumstance sufficient enough to licitly render otherwise false speech into being true!⁴² (One wonders if the childish trick of crossing one's fingers when speaking qualifies) Or perhaps saying, "He went that way" as one points with their index finger, yet secretly intending the pointing of the other three fingers, bent the opposite way, to indicate the true direction. Can anyone really maintain, with a straight face, that the "trustworthiness of speech" is any safer here, or that somehow society is supposed to flourish better under cleverly manufactured ambiguous speech than it could under telling material falsehoods only when a *justa causa* is present? It seems clever equivocations arouse just as much loathing and on the face of it, one doesn't seem to harm society any more than the other.

So it does not seem to be the case that the function argument can overcome these three counterarguments, nor does it offer a better solution to the society argument, and so at best the absolutist position at this point remains undemonstrated.

Against the Absolutist Position

Having answered the main claim in behalf of the absolutist position and seeing it as inconclusive, we should now consider the marks against it. Given the weight the Christian tradition gives to historical priority, we would be remiss in not mentioning that the non-absolutist position is older and scholars such as Ramsey have recognized this:

we would be hard put to find in Christian antiquity an example of someone who, recommended to the Christian faithful, practiced truth-telling with all the rigor that Augustine demanded and with any of the tragic consequences that he indicated might befall one for so doing...We may risk saying, in any case, *that the more widespread view in both East and West, until the time of Augustine, was the one that permitted occasional deception.* After him, indeed, the West embraces his teaching, but it appears to have had little if any impact at all in the East. *It is Augustine, then, who must introduce his position into already occupied territory. And Augustine's position is really a new one, for the*

⁴¹ ST I-II Q. 1 A. 3, ad.3 emphasis added

⁴² Such as Voit, as cited by Dorszynski, 72

prohibition of lying and deception pronounced by the Scriptures and the Fathers previous to him, including even the Fathers who accept deception, required him to elaborate and absolutize it.⁴³

The non-absolutist stance on lying is older, making Augustine the innovator. This however, is not a conclusive argument by any means. Older does not always entail better, so there needs to be other considerations. There are at least two additional benefits in favor of the non-absolutist position 1) it better accords with our moral intuitions and 2) that the absolutist is forced into notions of mental reservation is indicative of an earlier problem.

The best argument against the absolutist position is the absurdities of trying to maintain that all *contra mentem* speech is sinful in light of the ubiquitous counterexamples that at least intuitively do not seem so. Not only is the right to preserve secrets jeopardized if one is forced to silence or evasion, but something as mundane as getting a friend to come over for an “important business meeting” only to set up a surprise birthday party would be a sin to the absolutist. As Dorszynski writes:

We do not believe that these actions [material falsehoods] are absolutely and intrinsically evil. If this were so, we would have to condemn all stratagems of war, and even stratagems of certain games and contests. We would have to condemn the occasional humorist who successfully, but innocently, fools his pleased victims. We would have to condemn the gentleman who, although fuming interiorly with anger, is politely patient with boors; or we would have to find fault with the cheerfully smiling man who does not wish to cast a gloom over society by narrating the woes of his broken heart.⁴⁴

The quarterback who misleads the defense with a deceitful handoff, the boxer who deludes his opponent by feinting the jab in order to land the left hook, the Greco Roman wrestler who fakes a grip to get a throw, not to mention all of the undercover cops, fugitive recovery agents, private investigators, etc., whose otherwise noble professions nonetheless are unavoidably tainted and wrapped up in a daily accrual of venial sins. In the absolutist position, truth becomes more absolute than life. The absolutist view is forced into the highly counterintuitive position of saying that one may blast the Nazi at the doorstep to kingdom come with a hand grenade, but *they better not dare lie to him*.

Reductions to absurdity are commonly used to indicate deficient moral principles, and it seems the same should apply here. If a moral principal leads to repugnant conclusions, it is a good indication we need to go back and rethink the principle. The absurd conclusions that result suffice to show that speaking *contra mentem* is not sinful in its very nature. Not all speech then is obviously a frustration of the natural end of speech

The only way out of these issues is an appeal to the mental reservation. But a solution only for the crafty should strike one at least as *prima facie* problematic. When you have a moral distinction that pardons the clever but not the unclever, this is a big indication that there has been a wrong turn made somewhere along the way. As Iorio argues, there is an intuitive indication here that a true moral solution should not be restricted only to the shrewd and crafty:

There is scarcely a word in the dictionary which could not be twisted into contradictory senses; this ability depends upon the sagacity and alertness of the one using the word...it seems right that there be present to all men, even to the ignorant and illiterate, a necessary means for hiding secrets; otherwise in the matter of guarding secrets a special privilege in a moral sphere would be granted only to the cultured class of men, which condition should not exist.⁴⁵

⁴³ B. Ramsey OP, "Two Traditions on Lying and Deception in the Ancient Church", *The Thomist* 49 (1985): p. 531, emphasis added.

⁴⁴ Dorszynski, 78

⁴⁵ Iorio, *Compendium Theologiae Moralis*, I, 365, cited in Dorszynski, 62. For a listing of more who are opposed to the solution of equivocation and mental reservation, including Duns Scotus, see Dorszynski, p. 27 and p. 61 n. 84

So on one hand the absolutist position is undemonstrated, while on the other hand the non-absolutist position is older, does not reduce to the counterintuitive commissions of sin, and it does not propose solutions that are only available to the witty and clever. The lack of evidence for the absolutist position and the counterintuitive results to which it leads indicates that the non-absolutist position is the preferable option.

To encapsulate this Newman/Greek tradition, one can say that the definition of a lie is *speech contrary to the mind which violates another's right not to be deceived*. Human beings are social animals and have the right to expect the means by which one needs to live a social life – one of which is trust in one's neighbor. If one could not trust his neighbor, he could not associate with him. This solution is also at least quasi-Thomistic in that it corresponds to Aquinas' notion of the virtue of veracity:

Since man is a social animal, one man naturally owes another whatever is necessary for the preservation of human society. Now it would be impossible for men to live together, unless they believed one another, as declaring the truth one to another. Hence the virtue of truth does, in a manner, regard something as being due.⁴⁶

Conclusion

Absolutists like Aquinas are certainly on the right track about the need for one being up front, but he doesn't seem to ever ask the question about who has the *right* to the knowledge. In not asking this question, and by relying primarily on the function argument, there is a problem with the way Aquinas sets the issue up and it is a real problem that cannot be finessed. There seems to be no good reason to exaggerate and elevate the right to true speech over and above life, liberty, and property, while there are good reasons (counterexamples) not to. And just as in extreme and unjust circumstances life, liberty, and property rights are removed or forfeited, so too can the right to truth be as well. It is an offense to the common good to tell a Nazi where the hidden Jews are. Like self-defense, untruth should be a last resort when other, more minor means have been exhausted or are simply impossible. Spoken untruths are manifestly evil when they harm another's right to expect veridical communication, but in those dire cases *contra mentem* speech does not violate one's right to hear moral truth, and thus there is such a thing as a *falsiloquium*.

⁴⁶ ST II-II.109.3 ad.1