

ARTICLE

On the Ethics of Lying

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Abstract

The article considers various grounds on which lying is forbidden, even in the case of Nazis at the door searching for Jewish refugees. It discusses eight such grounds, seven philosophical (natural law) arguments, and one theological argument. It is concluded that whilst only one of the initial seven grounds appears to permit lying to the Nazis, the theological ground prohibiting lying is the strongest of all.

Keywords: Aquinas; Augustine; lying; natural law; Tollefsen

1. The problem

Let me begin by stating a proposition. Lying is morally wrong. It is not unreasonable to assume that most reasonable people would agree with this proposition. If asked *why* lying is wrong, perhaps most would cite the harm it causes to others, and if pressed on this point, they might be guided to the general truth that knowledge is something good, so that the perversion of truth is something bad, this being the locus of the harm perpetrated. I want to return to this truth later on.¹ But for the moment I would simply observe that this ordinary consensus that lying is morally wrong evaporates when confronted with certain concrete examples, in which it seems that telling the truth, or even remaining silent, perpetrates even greater harm.

I would like to start with a familiar example. You are concealing a Jewish family in your attic when the Nazis come to the door, demanding to know if you are harbouring a Jewish family. Do you lie? A classical and recent answer to the question is: no. Lying is without exception a sin, which nothing can justify. Nor does it achieve anything: the Nazis are coming in anyway. The most one can do is attempt to misdirect, or stay silent (both of which actions will simply raise the Nazis' suspicions even higher). Furthermore, the Catholic Church permits the use of (proportionate) violence

¹There are to be sure a few missing premises here: that there are kinds of 'bad' which are the result of no person's action and thereby do not qualify as moral wrongs, and that bringing about certain types of bad is not merely bad but wrong. But it is not necessary to evoke them in order to elicit the ordinary intuition with which this essay begins.

in defence of the weak. We therefore seem to be in the paradoxical position that lying to the Nazis is seriously wrong, whereas liquidating them is morally permissible.² How should we read this riddle? In his extended treatment of lying in his *Apologia pro Vita Sua*, Cardinal Newman reaffirms the Church's teaching that lying is always a serious wrong to be avoided.³ It is tempting to argue that Newman could not have anticipated the Nazis, nor the depth of evil to which they gave shape. He could not have predicted that the act of exterminating *this* Jewish family is not animated by the intention to kill this family, but is rather the intention to kill this family as one instance of a general policy to annihilate *all* Jewish families from the face of the earth: an intention from which the present act of killing is inseparable. But it is most unlikely that Newman would have created an exception even in this case, for he famously said that:

The Catholic Church holds it better for the sun and moon to drop from heaven, for the earth to fail, and for all the many millions on it to die of starvation in extremest agony, as far as temporal affliction goes, than that one soul, I will not say, should be lost, but should commit one single venial sin, should tell one willful untruth ...⁴

And he endorses the paradox lately mentioned: '[in the] case of a murderer asking you which way a man had gone, I should have anticipated that, had such a difficulty happened to him, his first act would have been to knock the man down, and to call out for the police; and next, if he was worsted in the conflict, he would not have given the ruffian the information he asked, at whatever risk to himself'. Neither of these quotations states an argument. The first merely affirms the Church's position; the second makes a claim. But both are implicitly endorsed as principles of natural law, and as *reasonable* modes of action.⁵ Of course, they are not held to be reasonable *because* they are natural laws; they are natural laws *because* they are reasonable. But what is it that makes them reasonable? The second part of this essay sets out some arguments for the reasonableness of the positions stated, and explores some of its dimensions. The third part offers a series of reflections on these arguments, offering some criticism but ultimately affirming the wrongfulness of lying.

But why should the topic of lying be considered important? Its importance stems from the fact that all lying is relative to a cause, good or bad. But if all lying that is relative to a bad cause is obviously bad, is lying for a good cause *ipso facto* good? Lying to the Nazis is a somewhat extreme example of lying in a good cause. The main burden of the present essay is to interrogate precisely this problem.

²Aquinas's teaching is that acts of self-defence, and defence of the weak, is legitimate if it is *proportional* to the situation and *natural*: 'Now moral acts derive their species from what is intended, and not according to what is outside intention, as this is accidental as explained above. Thus the act of self-defence can have two effects, one is the saving of one's life, the other is the killing of the aggressor. Therefore, since one's intention is to save one's life, this act is not unlawful, for it is natural to everything to keep itself in "being", as far as possible. But although proceeding from a good intention, such an act may be rendered unlawful, if it is out of proportion to the end': Aquinas, *Summa Theologiae* [hereafter ST] II-II.64.7c.

³JH Newman, *Apologia pro Vita Sua* (Penguin 1994) 247ff.

⁴Newman, *Lectures on Anglican Difficulties* (1852) Lect 8.

⁵See e.g. Aquinas, ST II-II.110.3 ad 4 ('it is unlawful [*non est licitum*] to tell a lie to deliver another from any danger whatever').

Before turning to this problem, it will be necessary to define what is meant by a 'lie'. Aquinas distinguishes between the *formal* and *material* aspects of uttering falsehoods.⁶ A material falsehood is an utterance contrary to fact that (crucially) is believed by the speaker. When the Nazis arrive at the door and demand to know where the Jewish family is hiding, I panic and direct them to the attic, where I believe they are, when in actual fact they have fled to the basement. What I said was untrue, but sincerely believed: not a lie. Contrariwise, if I tell the Nazis that the family is in the basement (where they truly are) but I believe they are in the attic, I have uttered something true, but nonetheless a lie. Aquinas marks the distinction by calling the latter a *formal* falsehood: a lie. This is in line with Aquinas's usual definition of sin that the will must be complicit in the wrong: I must *intend* to utter a falsehood, and actually will what I intend.⁷ Additionally, he goes on to describe various 'aggravations' of formal falsehoods, including that of a humorous [*iocosum*] falsehood, as when one repeats a joke the action of which never happened. Such falsehoods are not intended to deceive, but rather to please. Notice that the word 'deceive' in the preceding sentence is the first use of the word in this discussion. A more rigid definition of a lie is, therefore, to speak, write, or signal what is contrary to what is in one's mind.⁸ Nor does it matter whether the object of the lie is achieved. As we will be discussing deliberate attempts to deceive, let us revert to an ordinary understanding of the word 'deception' and state that it matters not whether the person lied to is deceived.⁹ (This leaves open the possibility that one who deliberately misleads by telling the *truth*, whilst not guilty of a lie, is guilty of a wrong, possibly a serious wrong.) In general, lying is opposite to truth, so whereas truth is a virtue,¹⁰ lying must be a vice: there are no good or virtuous lies. Indeed the human being's entire identity as a *social* animal depends upon truth (which is essentially about communication).¹¹

Before continuing with Aquinas's position it is worth exploring Augustine's analysis, which forms the basis of Aquinas's discussion. Augustine wrote not one but two works on lying, the first, *On Lying* [*De Mendacio*], which Augustine ordered to be expunged from his collected works, and the second, *Against Lying* [*Contra Mendacium*], which forms Augustine's attempts to define and impugn a form of lying in response to the tactics of certain Christian fathers in infiltrating the Priscillian sect.¹² The former was however restored: 'Therefore in this retractation of my works, as I have found this

⁶Ibid II-II.100.1c.

⁷Ibid II-II.100.2c.

⁸For example, a soldier (actually an enemy agent) gives a thumbs-up to her platoon that the battlefield is clear of the enemy when in fact it is not, with the intention of deliberately misleading the troops into the hands of enemy soldiers. See *Catechism of the Catholic Church* §2483: 'To lie is to speak or act against the truth in order to lead someone into error'. (Emphasis added).

⁹By contrast, there are some occasions on which one may intend to utter a falsehood without an intention to deceive: one loudly proclaiming a speech in preparation for a play is literally to utter something untrue, deceives another who believes it to be a sincere expression of one's intentions; one who reads a novel aloud to an audience one of whom believes it to be a statement of fact. As deception is a necessary and important component of lying, and because it would be tiresome to observe the distinction in the context of this essay, I persevere with the ordinary conception of deceit as it enters into ordinary speech and action.

¹⁰ST II-II.109.1c.

¹¹ST II-II.109.3 ad 1.

¹²Augustine, *Retractationes* II.60.

still in being, I have ordered that it should remain; chiefly because therein are to be found some necessary things which in the other are not'. It will be mainly with the first treatise, located in *Retractationes* I, that we shall be concerned. Near the beginning of that work, Augustine observes that not everyone who utters something false lies, if he or she 'believes or opines' that utterance to be true. The person who believes something is aware that he does not *know* the object of the belief, but firmly believes it; whereas the person who opines thinks that he or she knows, but does not know, that of which he or she has an opinion. She or he who holds a firm belief or opinion of something does not lie, insofar as they faithfully reproduce in speech what is represented in their mind. This congruence between what is in the mind, and what is said or done, is the essence of truth, or rather its communication. 'For this he owes to the faith of his utterance that he thereby produce that which he holds in his mind, ... For it is from the sense of his mind, and not the truth or falsity of the things themselves, that he is to be judged to lie or not to lie'.¹³ There are thus two aspects to a lie: (i) a 'double heart', the knowledge that one speaks in contradiction to what is in one's mind, and (ii) a desire to deceive. The person who utters a falsehood unknowingly is him- or herself deceived.¹⁴ Augustine's definition, that someone lies who willingly utters a falsehood with the will to deceive, seems to extend to the utterances of certain Biblical figures, such as those of the Egyptian midwives, and of Jacob pretending to be Esau.¹⁵ Later, Aquinas goes to great lengths to explain that these apparent lies and deceptions are not real lies or deceptions, even to the extent of claiming certain utterances have mystical significance rather than mundane truth.¹⁶

Moreover Augustine states that there is a difference between lying and being a liar: someone may tell a lie unwillingly, whereas a liar is excited by lying and 'inhabits in his mind the delight of lying'.¹⁷ This is somewhat curious because Augustine earlier observed that lying involves the will directly; there cannot be 'unwilling lies'. Presumably he has in mind lies that are told under duress, lies that (at other points in both Augustine's and Aquinas's arguments) are characterized as culpable on the basis of the misrepresentation of what one knows or has in mind: in such circumstances one should remain quiet.¹⁸ Likewise, whoever states that a lie may licitly be told for the sake of the safety of an imperiled person's life 'does himself too much to swerve from the path of eternal safety and life [especially] if he says that, for that reason, one may swear by or blaspheme against God'.¹⁹

To return to Aquinas, these basic elements of Augustine's thought permeate Aquinas's discussion. Aquinas begins his account by observing that in order to understand the wrong, or vice, of lying, one must first consider truth, a question that forms the basis of his discussion in *Quaestio* 109 of the *Secunda secundae*. He begins by drawing a distinction between 'truth' in the sense of the agreement between the contents of the mind and the signals whereby one discloses them, and 'truth' in the sense of the

¹³Augustine *De Mendacio* §3 [hereafter *DM*].

¹⁴*Ibid.*

¹⁵Genesis 27:16; see Aquinas *ST* II-II.110.1 obj 2 & 3.

¹⁶Aquinas *ST* II-II.110.3 ad 3.

¹⁷*DM* §18.

¹⁸*Ibid* §31 ('the truth must always be spoken in the heart, but not always in the mouth, for if any cause of avoiding a greater evil requires that other than is in the mind be uttered by the voice...').

¹⁹Augustine, *Contra Mendacium* §39.

virtue of saying something that is true.²⁰ Truth in the first of these senses can relate to speech, external actions, or any external things [*res exteriores*]. In the second sense, truth is a moral virtue, the mean between the vices of saying more than is true of oneself and of saying less than is true of oneself.²¹ As with any field of human action, virtues and vices obtain their species from what is directly intended, not what is accidental or beside the intention.²² This specifies the object of the true: my telling the truth to A may result in B's demise, without B's demise being in any way linked to my intention. B's demise may be an unforeseen or otherwise foreseen-yet-unwanted side effect of my having told A the truth. For example, I may give true information to a policeman in order to help him solve a crime, the result of which is that B hangs himself rather than face justice for the crime. In fact, truth is an aspect of justice, for it concerns what we owe to one another.²³ But to Augustine's distinction between a lie that inadvertently tells the truth and one which tells the truth in order to deceive, Aquinas introduces a new and superior vocabulary: if one says what is false thinking it to be true, then it is a materially false but not formally so, and thus is not a 'perfect' lie; but if one tells a falsehood in order to deceive, even if what one says is actually true, then it is a lie (i.e. it is formally a lie). Thus another way of marking the distinction above, between intention and side-effect, is to say that we judge a thing in terms of what it is formally and essentially rather than what it is materially or accidentally.²⁴ If someone courts the appearance of evil by performing some good under the guise of evil, then although he or she is not guilty of that evil, they are guilty of the dissimulation, which itself is evil.²⁵

Everywhere, Aquinas operates on the principle that deception is more sinful than injury, for in all cases of deception, injury is a collateral product of the deceit, which is always primary: without the deceit there would be no injury.²⁶ Thus perjury is a mortal sin irrespective of whether it results in the conviction of an innocent, for its species is the act of calling upon God in some false matter:²⁷ 'Hence falsehood directly annuls the end of an oath: and for this reason, that perversity in swearing, which is called perjury, takes its species chiefly from falsehood. Consequently falsehood is essential to perjury'.²⁸ The opposite situation, if one were to perjure oneself in order to aid an innocent who would otherwise be killed, is close to the example that falls for discussion in Part II; so I will not develop this here. From all of this, some basic criteria can be enumerated.

A lie therefore usually has the following components: (1) it is (a) an utterance or (b) an act, that (2) may be true or false, but that (3) is thought by the utterer to be false,

²⁰ST II-II.109.1c.

²¹Ibid ad 3. See also II-II.111.1c. Aquinas also operates with a third concept of truth: that of truthfulness, which differs from the other two in that it does not require a propositional attitude (I thank a previous reader for this point on an earlier version of this essay.) I leave it to context to make clear which concept of truth is intended in the pages that follow.

²²Ibid II-II.109.2 ad 2.

²³Ibid II-II.109.3c.

²⁴Ibid II-II.100.1 ad 1.

²⁵Ibid II-II.111.1 ad 3.

²⁶Ibid II-II.111.3 ad 2.

²⁷Ibid II-II.98.1c. (The example is my own.).

²⁸Ibid.

and (as is sometimes added) (4) with the intent to deceive the hearer. I say that these are the ‘usual features’ of lying for one may contrive examples that do not fit precisely into these forms: a known liar L wishes A to avoid a dangerous road and instead to take a safe path. So L tells A to go by the dangerous road in the expectation that he or she will consider the information untrue, and thus take the safe path instead, which was L’s hope all along. Or: L (a known liar) tells A a lie to avoid admitting to an embarrassing secret even without the remotest hope of deceiving A, and indeed deceit is not the aim but rather is giving vocal expression to the denial. For example, the denial might be in response to the exclamation ‘have you started dyeing your hair?!’ or the statement ‘You have had cosmetic surgery on your nose’. Alternatively, Tollefsen argues that a lie is a false assertion, not merely one that is unjustified or spoken to one who has no *right to the truth*.²⁹ This would remove (4) from the definition, and the psychological element from (3). But I shall in the main prefer the more expansive approach in the rest of this essay, whilst, for the purposes of discussion, ignoring the specious argument that defines all lies as *unjustified* assertions.

Stuart Clem adopts the Augustinian definition of lying as ‘a lack of correspondence between what one believes to be the case and that which one intends to assert’.³⁰ As such, a lie is an assertion *contra mentem* (contrary to what is in one’s mind). But it is only ‘pernicious’ lies that constitute mortal sins.³¹ For sins against truth are sins against the purpose to which God instituted language.³² But he wishes to distance himself from some of Augustine’s doctrines, as espoused by Griffiths, principally that the vice of lying is a vice of justice: the virtue of truthfulness is merely ‘annexed to’ that of justice; ‘it does not generate claims of justice, precisely because it does not have the nature of debt’.³³ But this seems like a misstep: the Latin *debitum* carries the sense not only of debt but also of *due* or *owing*. Centuries after Aquinas, Grotius draws a distinction between an *aptitudo*, something that one in some sense deserves, and a *facultas*, something that is formally owed as of right. The written or spoken word can indeed generate claims of justice in either of these senses: a form of words may be due in strict justice to one who has been slandered; and words may be owed as a matter of civility, or (more seriously) of warning if one is about to walk off the edge of a cliff, or drive into a flooded section of road. Clem states that ‘... any proposal that seeks to locate the wrongness of lying in an exceptionless moral norm will be laden with insurmountable difficulties’.³⁴ But his own theory that circumstances may conspire to make a choice between a venial lie and other sinful options suggests that he too would recognize the virtue of truthfulness as a universal norm, and that lying can never be done well.³⁵ His main distinction is between lies that are merely contrary to truthfulness, and lies that

²⁹C Tollefsen, *Lying and Christian Ethics* (Oxford UP 2014) 7 (‘a lie does not involve just any kind of “saying” but only *assertion*; and that the definition of a lie contains within it no moral qualifiers such as “unjustified false assertion”’) (emphasis in original). Tollefsen’s book conforms to, and builds upon, the natural law theory of Grist, Finnis, and Boyle, and for its convenience and clarity I will refer to it in preference to that more expansive literature.

³⁰S Clem, *Lying & Truthfulness: A Thomistic Perspective* (Cambridge UP 2022) 91 (hereafter *LT*).

³¹Clem, *ibid* 87 (quoting Aquinas), 61.

³²Augustine, *Enchiridion* §22; also *De Doctrina Christiana* preface 17, quoted by Clem 50.

³³Clem *LT* 53.

³⁴Clem *LT* 27.

³⁵But see Clem *LT* 9.

are also contrary to justice or charity.³⁶ But this overlooks the fact that *all* lies are contrary to charity, for Aquinas makes clear in an Article on loss of charity due to mortal sin, that Peter's loss of charity stemmed from a sin (NB not mortal!) 'through some passion of desire or fear'.³⁷ For such a passion either promotes some created good as being more desirable than God, or the fear of some temporal experience as being above the love of God. The theological dimension to the discussion is not a disposable feature of the discourse: for 'what matters most fundamentally about the lie is not what it does to the liar's relations with others, but what it does to the liar's relations with God'.

Clem argues that lying *per se* violates a norm of truthfulness, and only in certain circumstances does it violate a norm of justice: only when it does so is the sin mortal in nature. Sins against the eighth commandment do not include lying simply, but only when attended by aggravating factors such as lying in court, under oath, or slander.³⁸ Clem makes great efforts to point out that lying to the Nazis amounts to no more than a venial sin, not because (as the Catechism of the Catholic Church used to say) the Nazis have no right to the truth, but because (i) there is no contrariety to justice, and (ii) the situation is one in which there is no alternative but to sin: either by lying or, by one's silence, alert the Nazis to the Jewish family thereby breaking one's duty in justice to protect them. Several responses need to be considered here. First, if there is no contrariety to justice, this must at least involve the claim, and perhaps rest substantially upon it, that the Nazis have no right to the truth. One must then enquire why they possess no right to the truth, and the answer must be that their past and present actions have marked them out as vile murderers on an industrial scale. The implicit argument here is that of defending the innocent against the aggressor: a fine natural law precept but one that is most intuitively invoked to justify physical defence against the aggressor, that is to say, physical acts against the physical acts of aggression. The analogy to speech-acts (of enquiry and assertion) is broken-backed due to the potential range of speech-acts open to the defender at the door. Second, there is the moral duty toward the family hiding in the house, and the duty the defender possesses not to reveal their presence by words or by silence. But again, no moral duty can imply further duties to commit (what would be) an immoral act. One could suggest that the circumstances render such acts morally legitimate, but the language of venial sin, along with the entire point of the discourse, suggest that the acts in question retain an immoral character, whatever else is said about them. A third issue: is it the case that another's immoral act can induce a situation in which one has no other alternative than to commit a sin?³⁹ I discuss this possibility below.

Fourthly, we might ask what makes a sin venial in character rather than mortal, and if so, what justifies the idea that a venial sin *should be* performed in any circumstances whatever? Clem suggests that mortal sins are sins against justice, whereas venial sins, in the above predicament, are merely 'regrettable' but 'forgivable'.⁴⁰ But this is true of

³⁶Clem *ibid* 3.

³⁷Aquinas ST II-II.24.12 ad 2. Cf P Griffiths, *Lying: An Augustinian Theology of Duplicity* (Wipf & Stock 2010) 180, who states (without authority) that only mortal sins are *contra caritatem*. But even holding back the truth, if accompanied by *dissimulatio*, is a mortal sin: 178.

³⁸See also Griffiths, *Lying* 183: a mortal sin is one that is harmful or malicious.

³⁹Clem *LT* 150, 151.

⁴⁰Clem *ibid* 150.

any sin, mortal or otherwise. And if an action is regrettable, then by ordinary meaning it should not be done. A more pressing matter: let us grant that lying to the Nazis is a venial sin. Part of the sin's being venial is (according to Clem) that it is forgivable. But sinning in the expectation of future forgiveness is itself a sin, one of greater gravity than the venial sin itself. Aquinas is unambiguous on the matter: 'It is not permitted to make use of something inordinate for the purpose of impeding harm or defect brought about by someone else ... and it is similarly illicit to lie for the purpose of saving another from danger of any kind'.⁴¹ Nevertheless, Clem suggests that lying is not opposed to truth [*veritas*] per se, but to the virtue of truthfulness [*veracitas*]. This raises an interesting question, for what if truthfulness brings about violence (the Nazis' slaughtering of the Jews), or care for others (*misericordia, humanitas*)? One's 'stable' inclination to truthfulness counts for little if one departs from it at the first encounter with a difficult or challenging situation. Thus, venial sin obstructs the very truthfulness (*veracitas*) that Clem wishes to make central: the Catechism of the Catholic Church (§1863) states that venial sin 'impedes the soul's progress in the exercise of the virtues and the practice of the moral good'.

With these criteria in mind, I will now set out the arguments for the position that one must never lie, even to the Nazis who inquire whether you are harbouring a Jewish family in your attic. The following arguments express principles of natural law, and it is on the plane of natural law that the discussion is founded, except for the final ground, which is theological in nature.

2. The arguments

The overarching principle involved in questions of lying is a specification of the general precept that one must never do evil that good may come of it.⁴² For (Augustine remarks elsewhere), what is the meaning of numerous passages of sacred Scripture but that it is *always* wrong to tell a lie?⁴³ Yet there are occasions on which one should hold the truth back: in the most innocent case, when one's speaking the truth about oneself would be boastful or conceited.⁴⁴ Or it may be that some element of one's testimony would cast suspicion on a person whom one knows is innocent. Or most clearly: when refusing to give a direct answer to Nazis who have arrived at your door demanding to know whether you are harbouring Jewish refugees in your attic. Whether or not one condones *lying* to the Nazis, clearly keeping silent on the substance of the direct question must be an element of your response to that unfortunate situation.

In this part of the essay I will attempt to enumerate the most popular grounds upon which it is said that one must refuse to lie to the Nazis. The example is often taken to be the most extreme situation in which one might find oneself, and the most poignant dilemma. In fact, one can readily imagine a worse scenario: you are an official of country A, who alone knows the location of the nuclear button, and the president of A, who has been mildly insulted by the president of country B asks you if the button is contained in a briefcase in a false panel in your office. This happens to be the case. Should

⁴¹ Aquinas ST II-II.110.3 ad 4; see Clem 112.

⁴² See Augustine, *Contra Mendacium* §1: 'For what else is, "Let us lie, that we may bring heretic liars to the truth", but, "Let us do evil that good may come?"'

⁴³ Augustine DM §42.

⁴⁴ Aquinas ST II-II.109 ad 2.

one lie about its location, given that the president wishes to initiate a global thermonuclear war by launching an unprovoked attack against B, or stay silent and allow the president to draw the inference? The same arguments apply, if we ignore questions relating to one's specific duties as an official. I will stick with the more familiar Nazi example in what follows, as this allows me to draw upon existing arguments without the need for re-description. Thus, we have already stated one argumentative ground for refusing to lie to the Nazis:

- 1a. One should not do evil that good may come of it. This is closely similar to:
- 1b. Do not sacrifice one's own soul in order to rescue others.

The immediate occasion for Augustine's treatise on lying was the infiltration of the Priscillian sect, which taught that two 'kingdoms' were implanted in human beings, that of the light (and of angels) and of the dark (the realm of demons over which human beings were intended to overcome). The method of infiltration was the pretense of adopting the Priscillian heresy, and the argument deployed was that, even in matters of faith, or especially in matters of faith, one must not do evil in the hope (or expectation) of bringing about some good or desired end. For, if the Priscillians committed unchaste acts, would the Catholics be justified in also committing such acts as part of their cover, and thus for a 'good purpose'? Why would lying for a good purpose be licit but committing adultery for a good purpose not?⁴⁵ We are used to Aristotle's arguments that certain acts are always bad and can never be done well or for any purpose (adultery is one such); why should lying not be counted amongst such acts? Indeed, if lying is permissible in a good cause, why not other forbidden actions, such as killing?

It may appear as though a misstep has occurred in this argument. For we might ask, why are certain actions always gravely wrong? Aristotle's answer to this question is fairly straightforward: wrongful acts are those contrary to *eudaimonia*, that steady state of wellbeing and happiness that (self-evidently) should be the mark at which every person aims. Hence, adultery is wrong because it is an aspect of immoderation, a failure to govern one's sexual appetite and an injustice (in the form of 'general' justice) to the other's spouse. If one is led by one's appetites, then one will never achieve true and lasting happiness but merely transitory pleasure, which leads quickly to emptiness, longing and frustration. This line of argument is not easily replicated in the context of lying as a matter of Christian ethics. Of course, lying as a general recourse to problems will lead to inauthenticity and the stress of remembering which lies were told to which person. But it does not explain why lying is *always* an offence against the natural law. One of the principles of natural law mentioned by Aquinas is the need to live in peace with others, and thus of avoiding offence and contention.⁴⁶ Now lying, when it is exposed, is a source of contention and offence, and it ruptures the peace between persons. But is it as clear that a society in which truth is invariably told would be a society of peace and harmony? Or would certain truths give offence, and rupture the peace between persons? So the real ground of the argument that lying is always wrong

⁴⁵Tollefsen *Lying and Christian Ethics* 39.

⁴⁶See *ST I-II.94.2c*.

is that it opens the door to utilitarian thinking. If it is permissible to lie for a greater good, such as lying to the Nazis, then how can one prevent the telling of lies for the sake of any good or convenience whatever? If we can lie to the Nazis, then politicians can lie in order to maintain their party in power, newspapers can lie to manipulate their readers into voting in a certain way, and people generally can lie to save giving offence or to cover up mistakes or wrongdoing. What we end up with, then, is a society in which trust and truth are diminished: our society!

The second strand of argument, that one should not damage one's own soul in order to save others, is straightforward enough. It is redolent of sin-eaters, or of any occasion on which one person takes on the sins of others (e.g., a father committing a wrongful act to prevent his son from committing it). The fact is that sinning for any reason can never be done with a good will, and remains gravely wrong in its object. It is morally indistinguishable from any other act of lying, for it falls within the scope of the eighth Commandment: thou shalt not bear false witness. This discloses that a lie always harms the one lied to, irrespective of other circumstances. One is, therefore, not correctly described as lying to save another's life but saving the life *by lying*.

We have also briefly mentioned a second ground of argument:

2. One has the option of remaining silent.

In all cases, silence is preferable to lying. Silence is always a possible option, and can be used creatively such that its presence may be undetectable. One might flood the Nazis with semi-relevant but non-specific information, allow them to draw inferences from what one says but without intending those inferences, or employ such actions as beckoning them whilst walking away from the place where the Jews are in hiding. All such actions are 'misleading' in drawing the Nazis away from the truth they seek, but they are not lies. For example, one may say in response to the Nazis' demand for information that 'There are Jews somewhere in this village, I definitely heard them a few nights ago'. Here one is being silent concerning the truth, hiding that silence in the gaps between sentences that may be ambiguous or possessing a double meaning.

Further:

3. The loss of moral authority to challenge evil in others.

If it is judged to be permissible to lie for a greater good, one then does not have any ground to object to the lies of others on any occasion. For what else is the 'greater good' than the liar's individual assessment of the utility or disutility of some relevant circumstances? The language of utility is appropriate here because each person's judgment in this context of what amounts to a greater good for which lies must be told is relentlessly individual: for it is inevitably a question of with what *intensity* goods and evils are felt or experienced by individual persons. My desire to avoid detection in relation to property I inadvertently destroyed at work leads me to lie concerning my location: I do not expect anyone else to be blamed; so it seems that the greater good is served by my lie. The good outweighs the bad. If that principle is accepted, I am quite unable to object to the lies of others in pursuit of their conception of the greater good.

And why should the idea of the greater good be so relentlessly individual? It is because there is in fact *no* greater good for which a lie is a lesser evil. Because one cannot morally lie for a greater good, there is no yardstick or measure against which utility and disutility can be compared. This being the case, no one person can object to any other resorting to lies for any perceived goods whatever. We so often feel bad about doing the right thing, and feel good about doing the wrong thing, that our judgment is impaired. No one is so accomplished in all-round virtue that they experience everything in accordance with reason.⁴⁷

4. The requirement of community.

Community is a basic good. Its existence and subsistence requires the communication of each 'self' authentically and not deceptively.⁴⁸ Community is a basic good because it is only by living together in peace that a happy life is possible. Furthermore, living in community is *itself* an aspect of that human happiness, one clearly envisaged by Aquinas as in conformity with human reason.⁴⁹ Community [*communitas*] is foundational: there is no more basic good from which community is derived. Its goodness is self-evident, so that to deny it would be self-contradictory: to frame any such denial would be to communicate using words, signs, and symbols to others who belong to the same linguistic community. It is to employ a shared language that one has been taught, as part of one's early socialization.⁵⁰ To subvert that community by dissimulating and deceiving others concerning oneself is to loosen and erode the ties that bind society together. For if everyone ritually lied about themselves, words would lose their stable reference; their significance would be lessened. Social forms would become corrupted: the promise of the judge to uphold the law (rather than some private caprice) could not be trusted; marriages would become impossible, or the divorce rate considerably higher. The fact that these social ills (though they definitely exist) remain within limits is testament to the importance with which the virtue of truth is invested by enough people.

The following grounds (5–7) are not arguments against lying *per se*, but present alternatives to lying that (they contend) should be taken, because they are (ethically) superior to lying: they are arguments against lying in a more indirect way.

5. Refuse entry to one's house; demand to be counted among the Jews as they are condemned to die.

This response to the Nazis at the door is unlike the others in that it does not involve mistruth or misdirection. Attempts to rebuff the Nazis will of course fail, and one must be prepared for the consequences that follow. Indeed such preparation should begin with one's agreement to hide the Jews themselves: one should say that, if the Nazis come to the door, one proposes not to lie, and if the Jews still wish to remain

⁴⁷See Tollefsen, *Lying and Christian Ethics* 104.

⁴⁸Ibid 114.

⁴⁹ST I-II.94.2c.

⁵⁰Tollefsen *Lying and Christian Ethics* 114.

hidden in the house, they must do so on that understanding. This approach has obvious advantages for the owner of the house, but very few advantages for the Jews concealed within, unless they are very cunningly hidden. But nevertheless it provides one way of reconciling the hiding of the Jews with the refusal to lie, which is relevant as a possibility for discussion of the moral question. Of course, one might argue that *hiding* the Jews in your basement is an act of deception.

6. Appeal to the Nazis' humanity in the hope of enlightening them or undoing whatever brainwashing has led them to this point.

The Nazis have forfeited their right to the truth. But have they also forfeited their right not to be lied to? The Nazis have removed themselves from all human communities except the human community as such.⁵¹ They are human beings, even if monstrous ones. As members of this community, they continue to enjoy a right not to be lied to, even if they have no right not to be misled. For it is possible that, in favourable conditions, *these* Nazis might be turned back to the path of goodness: to seek to persuade them back to goodness is a work of charity, the obligation that one owes to all one's neighbours, with the reminder of Christ's that *everyone* is our neighbour.⁵² Pope Francis observes that where there are lies, there can be no love; not merely false words but also misleading gestures and even silence.⁵³

It does not appear that Pope Francis intends to suggest that *all* misdirection and *all* silence are sinful, but it raises a point drawn from elsewhere in the literature that sometimes misdirection or silence can be worse than lying, and sometimes the converse.⁵⁴ An example might be *misdirecting* an axe-murderer to a location where the would-be victim was, but is not now, and remaining *silent* regarding a madman in that vicinity who is taking potshots at anyone who goes there. This would be worse – at least in its results – than a lie that simply says that the would-be victim is not in the house. But is it morally worse in its object? This depends upon whether the intention behind the misleading statement is simply to remove the axe-murderer from the house, or having the axe-murderer likely killed. It is difficult to see how the second possibility is not intended, if one directs the axe-murderer to *that* location rather than any other, which would have served the first possibility equally well. Observe that this does not concern *consequences* as the final measure of wrongness, but rather the definition of the object of action. Many writers on the ethics of lying are tempted by the question of consequences. Carson, for example, argues that there are three elements to moral action: (i) that one has knowledge of a reason for action; (ii) awareness of the consequences of the action; (iii) how the consequences of the intended action compare with those of possible alternatives.⁵⁵ But down this broad and obvious path one should not go, for the reasons stated earlier. Perhaps one should state the matter in other terms: in employing misdirection, one should aim for the minimal degree possible as regards

⁵¹Tollefsen, *Lying and Christian Ethics* 142–45.

⁵²Mark 12:30–31.

⁵³Pope Francis, Weekly Audience 14 November 2018.

⁵⁴F Timmermann & E Viebahn, 'To Lie or to Mislead?' 178 (2021) *Philosophical Studies* 1481.

⁵⁵T Carson, *Lying and Deception* (Oxford UP 2010) 130.

the misleading statements, or (in other words) the maximum amount of, or proximity to, the truth.

7. Kill the Nazis (according to the natural law precept of defending the innocent).

This response to the moral question, like (5) and (6), involves no deception, but is relevant in offering a solution to the problem of reconciling concealment of the Jews with the refusal to lie to the Nazis. It will strike many people as counterintuitive that, according to natural law, one may kill a person in self-defence but not lie to them, when these have a realistic prospect of leading to the same result. It is perhaps no more counterintuitive than the idea, which sounds equally egregious, that one should not lie to save the Jews inside. A few qualifications may help to diminish, though not altogether dispel, the sense of bizarreness attaching to this way of solving the problem. The qualifications are specifications of a primary natural law precept: that all actions must be *proportionate* to the common good. Here, the common good refers to any situation in which there are persons present. If you meet a person on the road and ask for directions, there is a common good between you. If you encounter the Nazis at the door, there is a common good between you, though of different character. Thus, if the Nazis arrive and ask whether you are harbouring Jews, it is not a proportionate response to shoot them dead without further ado. There is at stake a common humanity, which binds us even in extreme cases such as this. If the Nazis enter the house and conduct a search, it would remain disproportionate to kill them. But if they discover the location of the Jews and show signs of killing them either then and there or at some later time, then it is a proportionate response to shoot the Nazis in defence of the innocent.

Such an action would not be sinful if done with a will to save the Jews and as a last resort. Thus, any appearance of illogicality that one must not lie to Nazis but may kill them has hopefully somewhat abated. This explanation also hopefully dispels the image offered by Clem, who argues that there are some situations in which one is obliged to commit a sin: either to lie to the Nazis (and commit a sin), or to betray the Jews (and commit a sin).⁵⁶

8. Religious grounds.

To believe that lies may be told for the sake of a greater good is to believe that there is a higher value than truth. To believe so is to believe (contrary to fact) in the supremacy of the father of lies. Further, Christians damage their relationship with God when they lie, for they are preferring something else to God, Who is truth and is to be loved above *all* things.⁵⁷ Hence, lying is against the basic goods of integrity, sociality, and religion.

3. Discussion and response

My response will take the form of an analysis of the preceding grounds, assessing the validity and importance of their arguments. I offer an alternative analysis of the

⁵⁶S Clem, 'Lying to the Nazis at the Door' 49 (2021) *Journal of Religious Ethics* 21.

⁵⁷Tollefsen, *Lying and Christian Ethics* 126–27.

situation (Ground (6), which alone suggests that lying to the Nazis is morally permissible, even if not laudatory. This raises the question: is it morally permissible to do what is wrong (i.e., not perfectly good)? I offer a brief argument to suggest that this is the case, borrowing from terms and distinctions of Aquinas, but conclude that lying remains wrong on other grounds.

Yet a preliminary issue may assist the reflections that follow: for it is worth enquiring whether truth is, after all, better contemplated as an ethics of *virtue* or of *value*. As a virtue, truth is annexed, as Clem observes, under the virtue of justice. Contrary to Clem's own position, loss of truthfulness would seem to indicate a loss of justice and, therefore, a mortal sin. As Griffiths says, 'The essential mistake is to think of the lie as if it were principally or exclusively an offence against the requirements of justice, of what is properly owed to the other. If this is the starting point, then it will be very difficult to avoid the seductive conclusion that some lies ... are justifiable. If, for example, speaking *contra mentem* is not meant to deceive; if those to whom a lie is spoken (the Nazis at the door) have placed themselves outside the circle of those deserving justice, ... it will be inevitable, or almost so, that lies will ... come to be thought of as not really sinful, or not sinful in the same way as others'.⁵⁸ This gradual approach to truthfulness is essentially baked into the idea of virtue: for one may possess the virtue to a greater or lesser extent, not either all or nothing. In any event, the virtue of truthfulness has as its object the value of truth, i.e., of what is true. And it would seem that attention ought to be focused on the value of truth, of the ways in which it can be lost, tarnished, hidden, partially revealed, inappropriately broadcast, or otherwise misused. The question of virtue, of whether one has departed from the mean, objective or subjective, of truthfulness seems a derivative question. Here the language of sin (that is, of value or disvalue) appears more appropriate than that of virtue (or vice), precisely because certain speech-acts are venial sins.⁵⁹

3.1. Ground (I)

Let me begin with a broader picture before turning to the example of the Nazis: the picture is that of a society in which no one lies, either for great matters or for small. How would the remarks in that society pass for scrupulous regard for the truth rather than a vehicle for rudeness, insult, or cant? How would silences taken be construed as anything other than the withholding of a negative remark? Such a society would be terrible to live in, unless its inhabitants also practised all of the other virtues: of kindness, mildness, charity, humanity... But if one did seek perfection in all of those virtues, would not such a paragon find themselves constantly at a loss for things to say, morally paralyzed whilst seeking for an inoffensive remark? Thus, the fact that a society of liars creates numerous difficulties is not decisive proof against it.

If we return to the sublunar world, there are far fewer options when it comes to the Nazis. It is tempting to enumerate them without much prologue: either (i) admit

⁵⁸ Griffiths, *Lying* 184.

⁵⁹ Cf Clem, *Lying & Truthfulness* 150, who says that 'at least some small measure of venial sin' is inherent in the Nazi situation. This is I think to confuse sin with *harm*: any action I might perform may result in harm of one sort or another, but this does not entail that any action I perform is sinful.

you are harbouring the Jews, (ii) refuse to answer the question, (iii) attempt some misleading statement(s), (iv) deny that there are any Jews in the house. But tempting as this may be, these responses mean little until we consider what the Nazis actually say. (This is something no studies of this question appear to do.) It is extremely unlikely that they would ask the question presupposed by these responses ('Are there any Jews in the house/are you harbouring any Jews...?') They are much more likely to utter a statement to the effect that 'We have been told that you are harbouring Jews, stand aside or we will shoot you where you stand'. Responses to *this* statement would differ markedly from those set out above. The points (i) and (ii) are irrelevant; (iii) may possibly be tried but is unlikely to succeed, and (iv) would be of no consequence: for it is germane to remind the reader that, even if one lies, the Nazis are coming in to search anyway. Point (iv) would only work if the person uttering it was a beacon of honesty: 'I was harbouring them but now they are at X'. But only a practised liar could hope to pull this off.

I am arguing that lying to the Nazis would be (in most conceivable scenarios) futile. But this does not explain why (if it, indeed, is the case) that we *should* not lie.⁶⁰ Yet some of the justifications for honesty do not succeed. One of the arguments advanced was that the Catholics who infiltrated the Priscillians sinned when they lied (about Priscillian doctrine), just as if they had committed unchaste acts in order to preserve their cover. Thus, we can imagine (a case that can exist only in the imagination) that the Nazis' entering the house depends upon the owner committing a degrading act, or an act of sacrilege, or any immoral act of whatever seriousness. The fact is that these are *different* acts. It is not self-evidently contradictory to hold that lying is an appropriate response to the Nazis but that denouncing one's faith is not. To link the two is nothing but a non-sequitur. Whilst it is true that denouncing one's faith is a species of lie, it is more than that: for in lying one certainly damages one's relationship with God, but in committing sacrilege one turns one's back on God and upon the theological virtue of faith completely [*fides*]. Imagine one were to die (perhaps by being shot) in that moment. Dying with a lie on one's lips would instigate or extend a purgatorial stay; but dying in denial of God or of one's religion would seemingly cut one off from God's love and mercy, for one would be denying one's baptism which is the root of one's being.⁶¹ It is for this reason that Christ's Apostles were overjoyed to be counted⁶² worthy to suffer for His Name.

There is no doubt that regarding some lying as permissible leads to questions of what is (generally) permissible, of what circumstances are extreme enough to warrant a lie, a question that directly leads to the everyday world as we know it, filled with newspapers and politicians who lie regularly, salespeople who misrepresent their products, strangers who cannot automatically be trusted, and those same strangers who will not automatically trust you. There is equally no doubt that lack of trust is damaging to society. If someone offers help, we regard it as suspicious, that one cannot get something for nothing.

⁶⁰ Alexander Pruss takes a rather different approach in 'Lying & Speaking Your Interlocutor's Language' 63 (1999) *The Thomist* 444, in which he argues that it is not a lie to say that 'There are no "Jews" in my basement' when there are Jews in one's basement. The argument seems to me highly contrived.

⁶¹ See e.g. 2 Timothy 2:12; see also Matt 7:24–27 re the danger of building one's faith on shallow ground.

⁶² Acts 5:40–41.

Again, can one advocate the use of misdirection whilst saying nothing false? That is, can one mislead the Nazis whilst saying nothing, as *Veritatis splendor* puts it, *contra mentem*?⁶³ Now it is possible to engage in all sorts of mental gymnastics to deceive without a technical breach of the truth, but the result would be avoidance of truth and an attempt to conceal what is in one's mind whilst making statements that mislead, prevaricate, hoodwink, and otherwise dance around the truth. It is perhaps relevant that the immediate context of *Veritatis splendor* is not the problem of lying to the Nazis at the door, but of turning away from God and toward false idols. Its citation of Biblical texts reinforces this context: 'You shall know the truth, and the truth shall set you free' (John 8:32); 'Law requires what is written in the heart' (Romans 2:15); 'He who does what is true comes into the light' (John 3:21).⁶⁴ The former passage from Saint John's Gospel forms part of a longer passage in which Jesus complains that the Pharisees misbelieve His teaching. Part of this longer passage runs as follows:

You belong to your father, the devil, and you want to carry out your father's desires. He was a murderer from the beginning, not holding to the truth, for there is no truth in him. When he lies, he speaks his native language, for he is a liar and the father of lies. Yet because I tell the truth, you do not believe me! Can any of you prove me guilty of sin? If I am telling the truth, why don't you believe me? Whoever belongs to God hears what God says. The reason you do not hear is that you do not belong to God.⁶⁵

The quoted passage manifests exasperation that Jesus should be thought to lie on matters that closely pertain to correct worship and salvation. The relationship between lying and sinning is especially potent in this passage. There is no indication that lying is only sinful when in the context of faith. But it offers no real guidance on what one should do when faced with the Nazis, other than that one should not lie.

On the perceived consequences of permitting lying (i.e., in a society that generally permits lying when advantageous), it should be observed that an appeal to consequences is just as irrelevant when the consequences are evil as in the case in which they are favourable. The evil of lying is in the act itself, not (only) its consequences. On the question of the Priscillians (whether, if lying is permitted for the purposes of attaining some good, other evils, such as impure acts, would be permitted also) the inference is, as I said above, questionable. A proportionalist (presumably the intended party here) could, and indeed would, argue that each case in which good is weighed against evil must be considered separately on its merits. There is no direct inference from the utility of lying for cover to the utility of committing improper acts for the same purpose.⁶⁶ Of far more significance is the argument that one must not imperil one's own soul in order to bring about some other good. To sin with the expectation of

⁶³Encyclical of Pope St John Paul II 6 August 1993 *Veritatis splendor* §1.

⁶⁴Ibid §§46 & 64.

⁶⁵John 8:44–47.

⁶⁶Indeed the harmfulness of the action is *prima facie* evidence of its being out of conformity [*inconveniens*] with human nature, for it is out of accord with reason taken in the fullest sense (reporting the contents of one's mind to assist another).

absolution is itself a grievous sin, for it annuls one of the key components of the sacrament of penance: genuine sorrow and contrition for sin.⁶⁷ Without this, no absolution takes place.

3.2. *Ground (2)*

The core of the issue in Ground (2) is the difference in gravity between lying and misleading. One remains silent about the truth, but hides that silence within statements of an intentionally misleading character. The idea is seductive, for one is seemingly able to do the job of lying but without the sin. Of key concern is that the Nazis are not entitled to the truth. But the most basic argument against lying was that lying disorders speech, and speech is essentially communicating what one has in mind, to give the other an accurate impression of what is in one's mind. This in turn is a fundamental aspect of sociability: without reliable communication, it is impossible for human beings to trust one another, understand one another, and develop together in harmony by communicating knowledge and skills. Misleading speech undermines the purpose of human speech and sociability in exactly the same way. One withholds what is truly in one's mind, and deceives, misdirects or otherwise confounds in what is actually communicated to the other. The moral difference between lying and misleading is at times wafer thin. This may seem to go against Aquinas's teaching on the lawfulness of ambushing in war, where he reaffirms the unlawfulness of (a) deceiving by word or deed, and (b) breaking a promise, but accepts that concealment and holding back can be legitimate forms of deceit. But he suggests that ambushes are not in fact forms of deceit, a proposition he appears to find so intuitive that it suffices for a reply to the *objectiones*.⁶⁸ Misleading speech or actions are deceitful to the point of ingenuity, in which case they are indistinguishable from a lie: for example, responding to the Nazis' question by pointing down the road whilst representing to oneself the proposition 'I am not answering the question but merely satisfying my desire to point in that direction'. One cannot keep oneself pure in this way: one's words or gestures are as if they were structured by a silent lie which one formulates internally.

Silence itself is not misleading. But it is effectively revealing of the information that the Nazis seek. Thus, silence by itself is not an adequate response to the Nazis at the door. If there is to be a response, it must involve attempts to hide one's silence in a way that does not employ misleading statements. If the Jews are well-hidden, inviting the Nazis to come in and search may be a possible bluff. There is a misdirection in the thin sense (one is implying that one has nothing to hide) but without using speech to confound. Similarly, offering the Nazis food and drink does not involve one in confounding speech, but is a way of bluffing and/or distracting for perhaps long enough to allow the Jews to escape by some other way. For, lie or no lie, the Nazis are coming in.

3.3. *Ground (3)*

Ground (3) suggests that lying for a greater good disables one from criticizing the conduct of others when they commit a wrong for some perceived greater good. The practice of lying creates a general norm by reference to which others can judge their sinful behaviour to be 'right' or legitimate in the circumstances. But the question of

⁶⁷John 20:23.

⁶⁸Aquinas ST II-II.40.3c.

the *value* of certain objects, the determination of which objects or ends proportionally outweigh the evil involved, is not resolved by the theory that declares moral language to be grounded in differing proportions of good and bad. The traditional way in which this subjectivized concept of good and bad is theorized is in terms of 'utility'. Utility, like money, is a medium in which goods and evils can be weighed and 'exchanged' without the problem of requiring complex and perhaps interminable discussions as to what is genuinely good or valuable. The language of utility circumvents that question by placing a conventional value on things, so that my love of ballet gives me (say) fifty units of utility, the same amount of utility that the opera house derives from the price of my ticket. Thus in the currency of moral thought, we place value (utility) on certain objects or ends, so that the only mode of objection I have to you lying to save yourself (by telling the Nazis, falsely, that it is I who am harbouring Jews) is to point to the *amounts* of utility and disutility involved.

But there is in fact no reason why the relevant range of values should not be rationally determined. On this view, human life as such is infinitely precious, and the misrepresentation to the Nazis not to search this house, is not infinitely evil, nor infinitely regrettable (if regret is a measure of evil). By contrast, a lie to the Nazis not to search the house due to the fact that a crate of single malt whisky is hidden there, which I do not wish to be plundered, is clearly of greater evil than the corresponding value of the whisky. Still further, I cannot falsely give up my neighbour in order to save my Jews for human life is *infinitely* precious: it is impossible to weigh one life against (say) five, or a child against an adult, or a smaller family against a greater one. But it has *appeared* to some, to be possible to permit a limited proportionalism which does not result in a relentless utilitarianism, a chaotic subjectivity of values. Accordingly, one must, in situations of high moral importance, pursue the lesser evil rather than the greater ones. The qualification that the situation must be gravely serious rules out lies which, for example, cover one's mistakes at work. It covers situations in which all options appear bad, and it is further qualified by the fact that such situations must be situations of extreme stress. One does not reason the same way under immediate stress as one might in the classroom or the senior common room. There is no time to consider options; no space in which to delay one's response. Under such conditions, a person cannot be expected to conform to the ideal of the Aristotelian *phronimos*. This is not, it must be emphasized, a version of situation ethics. As the preceding argument makes clear, values are objectively determinable and their worth does not change according to circumstance. But our *perception* of the relevant objects and ends is likely to adapt to the circumstances and options available: a theory we might call 'adaptive perception'. Hence our perceptions of risk might become inflated, our perception of the major or minor nature of goods and evils, and our perceptions of the availability of options themselves may become restricted or qualified. None of this suggests that my decision (taken in the moment) to lie to the Nazis disqualifies me from making reliable judgments about the lies of others, or erodes my ability to make such judgments. But it does not render my lies good in the way the proportionalist suggests.

3.4. Ground (4)

There is no doubt that frequent recourse to lies, great and small, would diminish a community's sense of solidarity and civic friendship. Strangers would not trust one

another, intimacy between romantic couples would take longer and become trickier to navigate. Marriage as an institution would suffer if one could not completely trust in one another's solemn vows. Our knowledge of others would depend greatly upon the face they present in public. Truthfulness would be an early casualty of political discourse. All of this describes the society of the present day in western liberal democracies.

But no essential damage is caused to linguistic communication for the simple reason that, for a lie to be at all convincing, it must employ linguistic terms in their proper signification and according to common use.⁶⁹ It is, moreover, common use that determines meaning, grammar, and sense. This changes over time under the pressure of usage; it does not change due to lying. Typically, when a person lies or misleads, it is their word, and not their words, that we come to doubt. We distrust *them*, what *they* say, not words in general. Suppose your parent asks you to look after your baby sister for an hour. You say 'okay' but proceed to ignore her altogether. The parent returns in time to see the baby sister putting batteries in her mouth. Your parent is likely to express dismay that you *agreed* to look after her, and will henceforth (until one proves oneself trustworthy) set no store by your affirmations. In society, due to the widespread practice of lying for convenience, to avoid blame and so forth, it is often difficult to take one's word for anything. This is no doubt part of the reason for having a system of contract law. But whilst we may distrust the word, we understand what the words are meant to signify. Thus it is not communication that is damaged, but interpersonal trust.⁷⁰ Trust in relation to persons doing or otherwise conforming to what they say.

The fact that we are a linguistic community enables us to lie. Without language, lies would be impossible. That same fact, that our communities are founded upon the possibility of linguistic communication, explains our solidarity and mutual trust. In the chaos of the 'natural condition', Hobbes emphasizes the fundamental distrust where there are 'no letters'.⁷¹ Lying and language go together; perhaps full personal authenticity is impossible or exceedingly rare. A full study of the history of lying has yet to be written. But it would have to include a history of the growth of human societies from kinship groups, where social bonds are tightest, through to the complex and vast liberal capitalist polities, and the communist-capitalist societies, of the present day, where such bonds are either absent or highly attenuated.

In all human societies, the purpose of lying is to gain an advantage: whether that is gaining monetary advantage, avoiding a prison sentence, delivering a political speech, to sound interesting, or simply emotional validation. But in the case of lying to the Nazis, the advantage being sought (human life) damages no solidarity, no civic friendship, for there simply is none between oneself and the ones whose lives one is saving, on the one hand, and the Nazi stormtroopers on the other. No social bonds are being eroded, for the Nazi project had already destroyed civil society in any meaningful sense. Under such conditions, then, the objection that lying undermines human

⁶⁹Cf *Catechism of the Catholic Church* §2486.

⁷⁰For an argument based on this ground see JLA Garcia, 'Lies and the Vices of Deception' 15 (1998) *Faith & Philosophy* 518. This argument concerning the erosion of interpersonal trust is distinct from the argument here, which signals the general erosion of trust in human society.

⁷¹Hobbes, *Leviathan* [1651] Ch XIII.

community does not work. It does not open the door to lying under any conditions whatsoever, supposing the link between lying and diminution of human community is valid. It does not, in particular, legitimate lying as such, let alone proving that lies can be accounted morally good. But lies radically divert language from its natural purpose, of one person communicating to another based on common words, sounds, or marks. To the extent that language has a natural purpose, it is said that lies are unnatural, disordered away from the fundamental value of truth. This admission falls short of the 'perverted faculty' argument championed by Clem and John Skalko.⁷² For the point is ultimately not that lying distorts the natural function of language but that it wrongs the person being lied to. This is the crux of the issue: by lying one obliterates love of neighbour (or of enemy) and thus of God, and as Christ teaches, the whole of the Scriptures and the Prophets can be encapsulated in two commandments: to love the LORD your God with all your heart and with all your soul and with all your mind and with all your strength, and to love your neighbour as yourself.⁷³

Grounds (5)–(7): Before turning to the specifics of these arguments I revert to what is common between them. This is the argument that (a) an alternative is available to lying, (b) that alternative is superior, and (c) where an alternative is superior to an action, taking that action is morally wrong. Clause (c) would appear to be falsified by the fact that supererogatory actions may be available to an actor, and hence superior, but this does not make the inferior action morally wrong. But the argument can be deflected because we are not in the present case dealing with supererogatory alternatives at all. We are dealing precisely with the moral duty to avoid lying; hence, the existence of genuine alternatives to lying is a matter of extreme importance. Here I return to my introductory words, for the ordinary consensus that lying is morally wrong is enhanced rather than diminished by the existence of meaningful alternatives. For one cannot do wrongly that which one has no other option but to do/is compelled to do. Notice I make reference here to 'meaningful' options, for the designation of other options as 'superior' is in reality a disguised reference to the moral inferiority of lying. Yet the reference is not overly troubling, for the ordinary consensus that lying is wrong forms part of a mutually reinforcing spectrum of judgments that is characteristic of Aristotle's *spoudaios*. And it is precisely because of maturity and clear-sightedness that, in a non-circular inference, we adopt the *spoudaios* as a sound guide to moral reasoning. It is hard to be an immoralist or pragmatist, for we must apply Aristotle's insight, in Book I of the *Ethics* that truths reinforce one another whereas falsities (or, we may add, inconsistencies) clash and cancel one another. This insight helps to explain not only why options that involve not lying are superior to those which do, but that options involving lying are *never* to be done, and cannot be done rightly: the immoralist and the pragmatist are caught alike in a trap of contradictions and inconsistencies, which can be illuminated by eliciting what passes for justification(s) of their actions. The telling of one lie requires another, is propped up by another and yet another, so that lies radiate out from the first, and struggle for consistency. But let us proceed to the remaining Grounds:

⁷²See Clem, *Lying & Truthfulness* 30; Skalko, *Disordered Actions: A Moral Analysis of Lying & Homosexual Activity* (Neunkirchen-Seelscheid 2019).

⁷³Mark 12:30–31.

3.5. Ground (5)

The option of resisting the entry of the Nazis into the house could serve one purpose only: to buy time for the Jewish refugees to flee the house by a different route (see Ground 6). If such a route does not exist, then it is unclear exactly what such a heroic act is meant to achieve. Performed in place of a lie, it reflects a high principle, but one can question whether the principle, in the light of all that it sacrifices, ought really to be insisted upon in the situation depicted. One must ask whether it is entirely reasonable and appropriate in the circumstances. But the unreasonableness of resistance (if it is unreasonable) does nothing to render lying reasonable or just. One has as it were two unreasonable ways of proceeding, leaving space only for honesty or misdirection of the limited kind discussed above or else silence which will not drive the Nazis away.

The option of asking to be counted among the Jews being escorted to their deaths is nothing except a futile gesture: a gesture of solidarity to be sure, but one that in concrete terms achieves nothing. It simply adds an infinitely precious life to the other infinitely precious lives destined for the slaughter. Again, chosen in place of a lie, it appears disproportionate to the circumstances when other options are available. This leads me to the Grounds below.

3.6. Ground (6)

This Ground, like the preceding one, rather than seeking to explicate why lying is wrong, seeks an alternative that is superior to lying. It suggests that the Nazis, being human beings, are not owed a falsehood even if they are not, in the circumstances, owed the truth. They are not to be misled because of their common humanity with the rest of us. Now it is possible, although highly unlikely, that *these particular* Nazis might be converted back to the truth by persuasion, and by undoing the brainwashing that led them to the door. Perhaps they are a platoon of callow youths pressed into service more or less unwillingly. It might be possible in such circumstances to appeal to the soldiers' better nature and record the house as checked and empty (which would of course induce a lie on the Nazis' part). But if the platoon is of battle-hardened men in the grip of dogma, any such attempt at civilization would merely serve to raise suspicions that there are indeed Jewish refugees hidden in the house.

It is perhaps for this reason that the argument is predicated upon *charity* rather than justice. This changes everything. The argument goes as follows. The Nazis are not owed the truth in justice. The Jews in one's house are one's *responsibility*. Thus one has a duty of justice toward the Jews not by word, silence, or action to give away their location. There cannot be a conflict of norms (duties).⁷⁴ But one has no duty to the Nazis not to lie to them. Hence, under these specific circumstances one has a *duty to lie* to the Nazis if need be. Clem argues in a similar fashion that there are certain situations in which one has no alternative but to lie (so-called 'structural sins'), one in which the sinful

⁷⁴By this I mean legal duties rather than ethical duties: I may have a legal duty to turn up for jury service at 09:00 today and a legal duty to present myself at your house at 09:00 to carry out contracted building work. A single ethical duty – a right or *reasonable* response to the situation – can be arrived at on the basis of a moral appraisal of (a) the circumstances, and (b) the relative moral priority of the conflicting elements.

realities of one's social situation produce a predicament in which one's only response can be a sin of some sort.⁷⁵ But there are at least two alternatives in the present case that require no immoral acts: either one could try to stall the Nazis at the door in order to buy time for the Jewish family to flee via a back door (e.g., communicate exclusively in sign language), or else one could mount an heroic defence at the door, attempting to deny the Nazis entrance to the house. If either of these possibilities strikes one as futile or unpalatable it is not because of the character of such actions but because of the inordinate evil of the Nazis one is trying to hold back.

However, although (if we accept the idea of 'structural sin'), one has no duty to be truthful, one does have an obligation in charity to care even about the Nazis' wellbeing and the destination of their souls. The situation in which one lies to the Nazis is morally imperfect. It is a lesser of a number of evils. It is the outcome of a careful consideration of the varying responsibilities that weigh upon one, in which no potential action is entirely morally laudable. One must make no mistake: lying to the Nazis is a forfeiture of the love of neighbour (and love of enemy) demanded by charity. Charity is the perfection of morality, and of justice in particular. The duty spoken of in relation to lying is a duty of justice that is not infused with the light of charity. Such a duty could never be thus infused.

In Aquinas's words, 'It is thus that the human being has virtue in two ways, one according to the first (humanly) perfection, which is not virtue in its fullest sense, and the other pertaining to ultimate perfection, and it is the second that is the true and perfect virtue of the human being'.⁷⁶ The present argument asks whether virtue in the second sense is always available, again in the context of stress in which one is pressed for an immediate answer by men who are well aware of how to intimidate and threaten. One may, of course, anticipate their arrival (as inevitable at some point) and formulate a strategy for dealing with them. But such strategies are likely to dissolve into mist when the knock on the door comes, for it is impossible to predict, beyond the general tenor of their inquiry, exactly what the Nazis will actually say, and the manner and order in which they say it. The sheer stress and terror of the situation is apt to overwhelm one's reason, to impair one's *prudentialia*, to force one into emotional reasoning: to give greater priority to one's duty to the Jewish family than one's duty to tell the truth that would reveal them.

On this Ground, then, it would appear that it is permissible to lie to the Nazis, given the highly particular nature of the facts. Its character should be fully understood: in saying that one sacrifices the excellence of charity to the realities of justice, it should not be thought that charity is some relatively minor optional extra. To lack charity in anything is to lack or turn away from that which is essential for one's relationship to God. It is to damage that relationship, which is more significant than any human relationships. This argument, then, does not offer an easy solution to the problem of the Nazis. It is likely to be the argument most acceptable to atheists. But this is not the final argument that needs to be made. It stands to be qualified by the remaining Grounds.

⁷⁵Clem, *LT* 176–79. As Griffiths points out, Cassian was also of this view: Griffiths, *Lying*, 159.

⁷⁶Aquinas, *De Virtutibus* X ad 1.

3.7. Ground (7)

Should one kill the Nazis? This reply follows from the latter. It has always been established as a precept of the natural law that self-defence even unto the death of the assailant is permitted, and further, that defence of the weak, or toward those whom one is sheltering, is a grave duty.⁷⁷ Such a duty falls short of the demands of charity; it is a matter of un-infused *justice*. The same possibility in Ground (6), of prevailing upon the Nazis with sound arguments, is present here, but with the same likelihood of success. In any event, the violence employed against the Nazis must be proportionate: one should not kill where incapacitating would suffice, and one should not incapacitate when a warning-shot would do. The question of proportionality here is of course tempered by the heat and stress of the moment. One's estimate of what is proportionate or required is likely to be exaggerated by fear; hence any sort of violence must be a last resort. The imperfection of violence is of course that it is precisely the language and method used by the Nazis themselves: it does not set a good example.

The question of proportionality is also reflected in the somewhat counterintuitive thought mentioned in the discussion above, that whereas lying to the Nazis is a grave wrong, killing them is not. The fact that (if the above analysis is correct) lying can be a duty of justice but remains against charity perhaps justifies the idea that the lying is a venial sin rather than the mortal sin it is usually taken to be.⁷⁸ But according to the natural law, killing the Nazis is not sinful at all. Yet it remains an imperfect response to the situation in virtue of the same common humanity between oneself and the Nazis: persuading them out of their behaviour and allegiance is the optimal, but vanishingly unlikely, way of dealing with the situation.

3.8. Ground (8)

This ground put forward a two-sided argument: (a) that lying is to give supremacy in one's thinking to the father of lies; and (b) that lying is contrary to our relationship to God, for God is Truth. These two arguments are by far the most impressive and troubling for any account of lying. In response to argument (a), it may of course be maintained that by lying under stress or exceptionally is not to pledge one's allegiance to the devil, yet actions speak louder than words: to what do your actions give priority? Whom do you serve by your actions? One cannot, as Jesus warned, serve two masters. There is, perhaps, no such thing as a lie in a good (genuinely good) cause. It is not nature but human actions that created the Nazis, and brought them to your door. Deceiving them is not a good in the proper sense, merely sinful humanity responding to sinful humanity. Placed in a theological context, then, discloses the fact that there can be no good lies.

This argument can be taken further: are there not other goods that are greater in importance or magnitude than truth? Perhaps magnanimity for instance? But there is no sense in which the value of truth can be traded off against other values such as

⁷⁷See e.g. *Catechism of the Catholic Church* §2265.

⁷⁸See *Catechism of the Catholic Church* §2484: 'The gravity of a lie is measured against the nature of the truth it deforms, the circumstances, the intention of the one who lies, and the harm suffered by its victims. 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'.

mercy: I ought not to tell a lie *in order to perform* an act of mercy or of magnanimity (a lie about my financial status for example). I ought not to lie that an apparently greater good may come of it. For this argument pitches us back into the utilitarian thinking criticized above: acting for what one takes to be the greatest good. Could it be argued that one should lie to bring about, not the greater good but a *higher* good? Should one lie about witnessing a miracle in order to bring a friend to the faith?⁷⁹ But what else is being fabricated than the very good one seeks to bring about in another? By instilling faith in one's friend one cheapens and distorts one's own faith, akin to the position of those who infiltrated the Priscillian sect. But: is not storytelling, as with Jesus's telling parables in the Gospels, lying in a good cause? An obvious answer is that it is clear to both teller and hearer/reader that the details of the story are not to be taken literally.⁸⁰ But as Griffiths himself observes later on, the intention to install a falsehood into the hearer's mind is not essential to the lie.⁸¹ In the case of Jesus's parables, the response is that the figurative language is intended to express a truth in a form that ordinary people, and those of no great intellect, can understand. Literature in general, as an art-form, also seeks to express grand truths, but is perhaps not as edifying as reading works of philosophy or theology.

In response to argument (b), it is worth reminding ourselves that *any* sin wounds our relationship with God: the commission of any sin involves preferring something else to God. This does not diminish the fact that lying to the Nazis is contrary to love for God, even if we regard this as a venial sin, for even venial sin is contrary to charity and to God's love. Every sin, venial or otherwise, requires absolution, for which true remorse is required. This aspect of our lives requires primary place in our thinking. We should not live our lives with God in the background, acting as we see fit and remembering to attend the sacrament of penance every now and then. Every action of ours should be weighed and considered according to the natural law, to the demands of virtue. This includes the virtue of honesty, a settled and constant disposition to think, feel, and love what is right, true, cautious about potential exaggeration, misrepresentation, or falsehood. Instances of lying disrupt this stable character of mind, to the point that, if often committed, they obliterate the virtue altogether. Indeed, this impairs the operation of all the virtues, which demand the estimation of (for example) true courage, true moderation, true justice, true generosity, and so on.

Augustine's diagnosis of lying is that when one is weighing up evils against one another 'as they must do when considering whether to commit sins', they do so 'by consulting their desires rather than the truth', such desires being 'directed to temporal and physical goods rather than toward eternal ones'.⁸² This is no less true in the case of the Nazis, where the temporal good of safety is traded off against the eternal good of truth. But it is worth emphasizing that the safety of the Jewish family (and the defender at the door) *are* goods; it is, however, the immediate threat posed by the Nazis, or any gang of hoodlums, that triggers emotional reasoning in place of genuine *prudencia*. Such emotional reasoning is central to consequentialist computations that skulk in the background of the decision to lie, to relegate eternal goods to those of temporal

⁷⁹This example was suggested by an anonymous reviewer.

⁸⁰That is to say, there is no intentional duplicity: Griffiths, *Lying* 29, 103.

⁸¹Griffiths, *Lying* 175.

⁸²Griffiths, *Lying* 97.

character. Imagine that a military commander escorts you to a high place from which you can view a theatre of war, including horrific scenes of torture, pillage, rape used as a weapon, death, and destruction. He tells you that if you tell one lie, he will call a stop to all fighting and peace will immediately resume. Would you lie? If so, would you do so if in the same circumstances the devil stands beside you, whispering in your ear that all carnage would stop if you would utter one small lie? Here the issue is one of temptation: by lying you would have made yourself the devil's child, who is the father of lies; but temptation is no less a feature of the scenario with regard to the military commander, or of any lie: temptation overthrows or distorts prudence.

There is thus more at stake in lying than simply lapsing into a proposition *contra mentem*. One imperils one's sense of proportion in other aspects of one's life. Lying to the Nazis, it becomes easier to lie about the extent of one's courage, or of one's magnanimity or justice. We have thus come full circle back to the remarks of Cardinal Newman, that even venial sin is to be avoided in the face of the Nazi stormtroopers. It is to be hoped that the foregoing argument has lent credibility to those remarks in the context of the Nazis at the door.

4. Conclusion

Is lying to the Nazis a mortal sin (as Griffiths would have it) or a venial sin and thus a vital option (as Clem believes)? I am inclined to believe that lying, at least in such an extremity, is a venial sin: but precisely as sinful, it is *not* to be done, and ruptures one's relationship with God whatever the situation. Grounds (1)–(5) and (7)–(8) attempt to demonstrate that lying is always wrong and can never be done aright or for any reason whatever. Grounds (1)–(7) are broadly philosophical (natural law) arguments, whereas Ground (8), which is theological, in particular closes off lying as a possibility in any circumstance. The only possible ground upon which to challenge this conclusion (Ground (6)) is to draw on the distinction between the infused duty of justice, by which one seeks the perfection of one's character, and the non-infused duty of justice toward the Jews one is hiding; and between mortal vs. venial sin. But whilst, on this alternative analysis, lying to the Nazis is a venial sin, it is an especially dangerous one, for one who begins to doubt the value of truth in certain circumstances is already on their way to losing the virtues and taking the easy, seductive path down into the void.