STATE

THE PROBLEM WITH A MORAL PROBLEM: AN EXAMPLE OF LYING

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The article examines the 'problem-resolution' conception of moral philosophy. Parts I and II consider the underlying model of 'moral problem'; III and IV exemplify its inadequacy through the 'traditional' 'moral dilemma' of lying. Part I criticises the assumed analogy between 'moral' and a 'practical' problem as something 'there': a (brute) datum, and the connected view of moral effort as deliberation and decision seeking the problems resolution. I suggest that the very perception of something as problematic has epistemic and moral significance. Part II considers the 'problematic' through the 'serious'. It argues that its inherent unclarity and instability makes it untenable to view philosophy as addressing the 'serious' ordinary concerns; more strongly, that reflection may undermine the seriousness of some concerns and reveal that of others. A moral problem is thus not 'there' for anyone to see and address, but something the very (not) having of which reveals one's moral character. Part III exemplifies this by suggesting that the 'ordinary' would not just not recognise as serious the traditional philosophical dilemma of Lying, but would condemn on moral grounds one who seriously entertained it. I ask whether 'philosophy' can reveal a seriousness missed by the 'ordinary', and argue that, in its modern form, it does not. I suggest that if reflection on this issue is not to be fruitless, even corrupting, it must recognise that far from this being an 'ordinary' moral problem, it could be only be one for an extraordinary man. Part IV questions the standard formulation of the dilemma partly to show that it begs moral questions, partly to show, through unpacking the ex hypothesi of its formulation, the philosophical and moral priority of examining the values recognised in having a moral problem over its resolution.*

There are problems which, like a mischievous Jack-in-the-box, seem pop up at the slightest provocation; which, if not irresolvable, seem at least recurrent. Of these some, like being hard up, belong to ordinary life; others, like that of nominalism, belong to philosophy; others still, like that of lying, seem equally at home in both. When life and philosophy so share a problem there

* When I wrote this piece in the early nineties, moral philosophy saw its major task in solving moral problems: a trend exemplified by the growing popularity of 'practical' or 'applied' ethics. The recent broadening of ethical interests, especially into questions of moral character, perception and reality, has lessened the urgency but not eliminated the need to examine the problematic nature of the 'moral problem' both in ordinary life and in moral philosophy.

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arises a question about its character: where do life and philosophy meet; what is their relation when they do so?

They meet most noticeably in the sphere of the practical. This answer to the 'where?' question suggests a view of their relation according to which in the practical sphere life provides the *substance* which philosophy *thinks* about. A 'recurrent problem' on this view would inherent in ordinary life, and philosophy enters by addressing itself to it. Clarification of the philosophical task calls thus for a prior clarification of the nature of a practical problem.

I

The problems of conduct have to be solved
(R.M.Hare, *The Language of Morals*)

A standard definition of a problem is: a difficulty demanding resolution. A 'practical' problem would thus be one where the difficulty is generated by the incompatibility of one's wants / needs and objective circumstances. Thinking is an attempt to find ways out of the difficulty. However, unless the problem is only 'in the mind', the resolution itself is effected not by thinking, but either by re-adjustment of one's wants, or by action – manipulation of circumstances. Yet, given this construal of 'practical problem', what is there to do for philosophy?

One response would be to present philosophy as a study of practical deliberation[1]; another, more traditional one, to suggest that only some areas of the practical – like politics and morality – are a suitable meeting ground for life and philosophy. The latter implies that politics and morality have certain distinguishing features which invite or at least permit the entry of philosophy. This view suggests that to clarify the role of philosophy we must get clearer about the distinguishing features of a political or moral problem.

As regards a moral problem, *awareness* is an obvious candidate. It immediately differentiates a moral from a merely practical problem: the latter can be 'there' without anyone knowing it[2]. The aspect of awareness which seems most obviously important to modern mind is that it is a pre-condition of *responsibility*, without which the concept 'moral' seems idle, if not inapplicable. Responsibility suggests a further distinction between a practical and a moral problem: the latter cannot be a predicament, something merely suffered. A 'moral' problem must permit choice or at least *decision*. Since

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[1] For such a view, see Polus' definition of rhetoric (*Gorgias*, 448c).

[2] A practical problem must, however, be 'potentially' discoverable.

these requirements seem constitutive of the very concept 'moral', they may be called 'formal'.

On this view, 'the moral' is a situation demanding a decision. Since the need for a decision is a hall-mark of a problem, 'the moral' now becomes the problematic *par excellence*. This raises a question about its *content*: what kind of situation or problem are we talking about? The word 'moral' suggests that it must be an 'important' or a 'serious' one. Yet attempts to spell out this – what could be called 'material' – criterion, are notoriously unsatisfactory. Unless left so vague that they are unable to pick out specific situations, the criteria tend to be unconvincing.[3] Indeed, the attempt could be argued to be *a priori* doomed to failure, since the concept 'serious' or 'important' seems subject-dependent. Here one might be tempted to treat the formal as itself the material criterion: a situation is 'serious' *because* of the need for decision.[4] It is indeed the formal aspect – awareness of a problem construed in terms of responsibility and decision – which tends to emerge as a clear criterion of the moral when an ordinary man tries to define it. The epitome of a problem so understood is 'dilemma': a situation where one must decide between two (or more) pressing, but incompatible, alternatives.

The 'problematic' thus emerges as the *matter*, the substance with which the ordinary presents philosophy. And though it is agreed that ethics[5] is not concerned with the solution of particular moral problems, it nevertheless seems most readily active when presented with some specific problem-situations. Moreover, one assumes and hopes that the work done in the 'abstract' will clarify the 'concrete' cases and permit application to them. This is why such problems are the natural meeting ground for the ordinary and

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[3] For attempts to give 'substance' to morality, see e.g. Philippa Foot, 'Moral Beliefs', *P.A.S.*, 59 (1958-9), 83-104; G. J. Warnock, *The Object of Morality* (London: Methuen, 1971). For a more recent attempt to make use of the concept of importance, see Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana Press/Collins, 1985), esp. pp. 182-185. The plausibility of Williams' argument owes much to the fact that his treatment of 'importance' is largely formal.

[4] In Kant's account this move derives plausibility from his identification of the will with (practical) reason and the connected claim that the latter does, under certain conditions, generate content. Anglo-Saxon ethics, with its suspicion of metaphysics, lacks this access to substance. When therefore, it relies on the Kantian emphasis on the will, it opens itself to the charge of empty formalism. See e.g. Foot's attack on R. M. Hare's *Language of Morals* (Oxford: University Press, 1952) in 'When Is a Principle a Moral Principle?, *P. A. S. S.*, 28 (1954), 95-110 and in 'Moral Arguments', *Mind*, 67, No. 268 (Oct. 1958), 502-513; see also Iris Murdoch, *The Sovereignty of the Good*, (New York: Schocken Books, 1971).

[5] By 'ethics' I shall mean 'moral philosophy'.

philosophy: the former hopes for help, the latter is provided with a starting point, a content, and a task.

Since these assumptions are inherent in ordinary understanding, it is natural and proper to find them in philosophy. But while in ordinary thought 'assumption' is that which, *qua* 'self-evident,' needs no argument, in philosophy it is more: it is a starting point for what argument there is and a touchstone for what can enter into it, i.e. for what can claim to be *relevant*. Philosophy's commitment to orderly and consistent development endows assumptions with power to set the inquiry on a journey which *goes* and *gets* somewhere and, consequently, which does not go *elsewhere*. Though often unnoticed, this negative, exclusive, role of assumptions is as important as their positive one. In the hands of philosophy ordinary assumptions may exclude more than the ordinary has bargained for.

For the last two centuries the formal criterion has been the pivot of ethical inquiry. The ordinary assumption that the moral is bound up with answerability was developed by Kant in terms of freedom and autonomy – of the will – which was in turn spelt out in terms of choice and decision. The formal now became the *defining* criterion and began laying claim to necessity and sufficiency: the claim to generate and to exclude content; to bestow seriousness on things of a certain kind, and to deny it to others. The moral became not just rooted in, but confined to, the will.

This gives rise to certain consequence. The formal criterion understood in terms of responsibility and decision favours situations where one is conscious, aware, of the need to decide. And since this is one definition of the problematic, the formal criterion generates by itself and without argument a conceptual identification between the moral and the problematic. Responsibility, moreover, implies freedom, and freedom requires that every decision be reached on the merits of the *particular* case.[6] This results in atomization: moral life becomes an aggregate of independent problematic episodes; it becomes 'one problem after another'.

The will, moreover, when understood as choice and decision, requires an object: one must will *something*. The content of the moral becomes automatically that which *can* be willed: a specific (freely) chosen action. *Qua* chosen it is grounded in some reason / motive; *qua* action it is centrally an effort in the outside world directed at bringing about some change in it. This change is in principle describable independently of the action, standing to it

[6] This is explicit in accounts which work with *practical syllogism*. To be 'rational', each such 'exercise of reason' must be *self-contained*.

as *effect* to cause. But by standing to the reason / motive as *end*, it transforms action into a *means*, thus generating an anxiety to succeed and with it vulnerability. We get a paradoxical position: a construal of morality in terms of *action* transforms that action into a mere instrument and locates value either in what precedes it, or in what it brings about.[7]

This in turn gives rise to a certain model of the moral *protagonist*. The protagonist is one who must decide whether / how to act: the (would-be-) *agent*. His perception of the circumstances – of what is relevant – is governed, indeed limited, by the criteria of *action*. And since he only comes into existence when faced by circumstances calling for action, particularly by a 'problem', his life is like a string of beads: a series of problematic episodes, each independent of what precedes and what follows it, held together only by memory. His life is 'one damned problem after another.'

But what transforms mere 'circumstances' – the inert facts – into someone's (moral) situation? It is here that the account must look for its *content*, for the 'material' criterion. The obvious answer is: value, concern. But when the protagonist is the agent, value must be defined correspondingly. Circumstances come alive, become relevant, by engaging with the agent's wants, needs or interests: by presenting themselves as possible *ends* of action, something to attain. Inquiry into value thus becomes inquiry into what sets one to act, what *motivates* one. Circumstances turn into a 'practical situation' when one wants something and must do something to attain it; they become 'problematic' when attainment is either impossible or in conflict with something else wanted. One of the main difference between the dominant ethical schools lies in their construal of (im)possibility.

This specification of 'content' determines the model of *thinking*. Thinking becomes either clarification of the circumstances – of possible courses of action and their consequences – or an assessment of their value. In the first form thinking is neutral practical deliberation, in the second it seems dependent on psychological considerations.

However, the 'formal' criteria do not just generate but also *preclude* types of content. *Qua agent, the* moral protagonist is *not*, at least not primarily, the subject, the individual, man, fellow man, neighbour, God's creature, etc. This in turn affects the conception of concern, of thinking and of activity: anything which is uneasy with the conative is, as a matter of logic, re-fashioned or exiled.

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[7] This distinction – between deontological and teleological accounts – is so engrained in modern ethics that accounts, (e.g. Plato's) which do not fit into it are often crippled in an effort to make them do so.

So affected are ways of *caring* or valuing which do not fit in with the appetitive and the emotive, e.g. cherishing, tenderness, love, awe, respect, reverence (and their various opposites, e.g. indifference, carelessness, contempt, disgust, exploitation, desecration). This in turn undermines the status of those *activities of caring* which express a response to value: e.g. prayer, attentiveness (to natural beauty, to an artefact, to an intellectual problem), rejoicing and sorrowing, loving and hating, conversing, pitying a sufferer, remorse. In turn, failure to pay attention to these activities of caring undermines one's grasp of their *criteria*: e.g. kindness, generosity, charity, justice, humility (and their many opposites, e.g. indifference, self-indulgence, sentimentality, meanness, brutality).

As caring is shrunk into the appetitive and the emotive, so *thinking* is shrunk into the cognitive and the deliberative. The former is not practical, the latter is so only instrumentally. Left in the limbo are forms of thinking like contemplation, reflection, consideration and determination of meaning, search for proper judgement and response; specifically, activities like composing or attending a piece of music, working on a mathematical problem, appreciating a good done, thinking about harm done or suffered, etc.. Inattentiveness to these forms of 'practical thinking' in turn weakens our grasp of their *criteria*: e.g. wisdom and foolishness, (un)sentimentality, (non)gullibility, seriousness and frivolity, justice and injustice, attentiveness and self-indulgence, etc..

The exiled concepts and concerns have certain things in common: they resist any rigid division into being, doing, suffering and perceiving; into thinking and caring; into the subjective and the objective. This resistance is characteristic of the categories of spirit. The conative account which rests on such division can thus be seen as implicitly negating the spiritual . Moreover, this division favours what could be called 'positive' categories: the will has a positive content – some want or intention – and a positive object – some specific action / states of affairs. Here the negative enters as a simple negation of the positive (*not* wanting, *not* doing), and requires explanation, which in turn tends to be in terms of something positive (something else wanted or intended by oneself or another). The emphasis on the positive brings with it concern to *succeed*. Since 'problem' is what one is wishful and committed to solving, there is logical pressure to treat the moral analogously with the practical: as a situation to manage. The spiritual, in contrast, works essentially with negative categories: its realism ties it to concepts of discovery and recognition, which bring with it those of consent, respect, constraint, and restraint. The conative ideal is altruism; the spiritual is selflessness.

So far the conative conception might be criticized for failing to do justice to ordinary understanding. It has, however, also some internal difficulties. We saw that it begins with the individual *confronted* with the need to decide how to act: confronted with a problem. This makes problem something 'there': a product of the circumstances. The having or the not having of a problem is a brute fact, and so beyond moral and philosophical reach. It is beyond the moral because it is beyond the will – the moral resides not in having, but in *dealing* with a problem. It is beyond the philosophical because *qua* fact it can only be studied theoretically – by psychology, sociology, anthropology, biology or some other 'logy'; at best by (theoretical) philosophy of mind or language.

By beginning with the problem, the conative account begins from the position of him who *has* it: it must accept his perception of the situation as the *ex hypothesi*; as that within which both moral and philosophical thought must move. This determines the rules as well as the content of what can be thought. *Qua* agent one can only recognize circumstances under the description 'desirable', 'possible' or 'necessary' within the context of (voluntary) action; and one can only think, feel and respond to these circumstances in certain ways. The concept of the will determines what *can* be perceived as one's situation (as a problem), and with it also *how* one can respond to it.

Secondly, by beginning with the problem, the account must accept the *actual* perception of the situation. It cannot ask whether the problem is being had by a foolish or a wise man, a good or a bad one. This ignores the fact that a moral situation is no mere 'circumstances', but circumstances recognized as *making a claim* on one. If the situation is a 'fact', then it is not a 'brute fact', but 'fact' literally understood (*facere*): the having-made-sense-of-the-circumstances. Thus the conative account begins at that point where one might say with Sartre, *les joux sont faits*.

Thirdly, by beginning with the problem, philosophy accepts not just the perception, but also the *commitment* of the one who has it: to eliminate, to resolve it.

But in that case, what of recurrent moral problems? If ethics is a search for their solution, then their recurrence seems a proof of its incompetence. One could deny, as did Conceptual Analysis, that problem-solving is philosophy's job, and argue that it is not their resolution but their clarification which is its task. This view can be disputed by arguing that clarification should improve our capacity to think about such problems and so also to

resolve them.[8] It can also be attacked on the grounds of emptiness,[9] even of bad faith.[10] The latter two positions share the conviction that one cannot come to grips with moral language without coming to grips with moral thought, and that one cannot do that from a neutral, purely formal, standpoint.

Chased out of the ivory tower of 'theory' into 'real world', ethics has recently turned once again to 'real problems'. And, as if anxious to make up for lost time, aware of the multitude of problems awaiting resolution, it pays little attention to the question of philosophy's relation to its 'matter'. As ordinary people we know what the problems are; as philosophers we try to resolve them. The few attempts to address the question tended to be from a quasi-sociological standpoint. So e.g.[11] it was argued that since our values come from various sources they make incompatible claims on us, thereby placing us in situations of irresolvable conflicts. Our difficulties in *deciding* how to act are due to the *fact* of the disordered state of our language, thought and commitments. Here philosophy plays a therapeutic role: by bringing to light the underlying *causes* of our problems, it either eliminates or helps to resolve them. Such argument needs historical grounding: it needs at least one community which was not so 'confused', and the community must be one in which we can recognize ourselves. The Greeks are the favoured example. But since the Greeks of Classical Athens are interesting precisely for having problems similar to ours, a move tends to be made to locate the community in the – philosophically speaking pre-historic – Homeric times. In the face of such evidence one might suppose that philosophy arose in *response* to the emergent moral problems – these being the product of some 'objective' factors. But one might also wonder whether reflective, specifically philosophical, thinking did not *contribute* to these problems. Having so far considered the first option, we'll now turn to the second one, asking once again: what is the relation between philosophy and morality?

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[8] For this kind of attack on Conceptual Analysis see e.g. R. M Hare *Language of Morals*, E. J. Lemmon, 'Moral Dilemmas', *Philosophical Review* 70 (April 1962), 139-158.

[9] E.g. G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy*, 33, No. 124 (Jan. 1958), 1-17; P. Foot 'Moral Arguments' and G.J. Warnock (*opp. cit.*).

[10] Iris Murdoch, 'Vision and Choice in Morality', *P.A.S.S.*, 30 (1956), 32-58; *The Sovereignty of the Good*, (*opp cit*).

[11] E.g. A. MacIntyre, *After Virtue* (London: Duckworth, 1981).

II

We do not love what is ours but what is good
(Plato, *Symposium*)

Philosophers on the whole agree about the description of this relation: Plato or Aristotle, Hume or Kant, Mill or Bradley, Hare or Williams, agree that *moral* philosophy owes not just attentiveness but respect to ordinary morality; that ethics cannot be taken seriously unless it itself takes its content seriously; the content being that which people *take seriously*. Yet moral *philosophy* being what it is, the nature of this attentiveness and respect might be less than clear.

We saw that the dominant conception assumes that philosophy addresses problems generated by ordinary life. As that which *troubles* us, problem is by definition serious. So the ordinary provides philosophy with serious content, and philosophy considers its logic, language, general structure and presuppositions. Thus, while attentive and respectful to the ordinary, philosophy yet promises to help it *deal* with its problems.

However, when the object is the *serious*, thought's relation to it is less than clear. To bring out this unclarity we can ask: is something serious because of how we *take* it, or do we take it seriously because it *is* so? Post-Kantian ethics assumes this question to be either an invitation to Naturalism or nonsensical.[12] In this assumption, however, it parts company with the 'ordinary'. It is internal to an act of ordinary moral thought that it sees itself as a response to something *being* serious. Plato makes a similar point when he claims that we do not love what is ours but what is good.[13] Yet he says this in the knowledge that few of us 'truly believe' this, and so intimates that though internal to the ordinary, this is no 'ordinary' point. He shows his attentiveness and his respect of the ordinary by revealing its internal tensions and by his readiness to challenge it. Attentiveness reveals that the 'serious' is no phenomenon; respect is shown by not treating it so.

This affects the relation of ethics to its content. Attentiveness cannot be construed as observation, respect cannot be construed as ordering and clarifying what is given to us: ethics cannot be a search for the underlying logic or causes of what is 'there'. Every moral philosopher owes respect to

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[12] In Anglo-Saxon ethics this assumption is expressed in the conflict between the formalism of Prescriptivism on the one hand, and Utilitarianism or some form of Humean or Aristotelian conception of virtue ethics on the other.

[13] *Symposium*, 205e:'...one does not cherish what is one's own ... since what men love is simply and solely the good.'

'moral facts'. But respect for *moral* facts implies judging others as *mere* facts. The serious cannot but show up the sham-serious; what we should take seriously cannot but throw a normative light on what we happen to take so. For Aristotle, Plato's good man would be a paltry creature absent from those activities where virtue can unfold and 'shine forth'; for Plato, Aristotle's virtuous man is a creature of and prey to, the world of appearances; a life sought by Plotinus is for Mill a "proof of what men *can* do, but assuredly not an example of what they *should*"[14]; the life aspired to and prayed for by Augustine is for Hume the horrible (non-life) of "monkish virtues".

Ethics, therefore, cannot 'study' the serious: the serious is not a matter for 'theory'. Elucidation of what the ordinary takes seriously is (if philosophy is not to become what it is not, e.g sociology, anthropology, or some other 'logy') elucidation of what *is* serious. To be thought about, the serious must be seen as making a claim: it must be *taken seriously*. The philosopher thus cannot escape doing what he is 'studying'. Taking seriously', however, is not something which the *subject* of philosophy can do or directly bequeath: it is possible only for the individual. An unflattering description of this is that a philosopher merely orders his (society's) prejudices; its more complimentary rendering is that (the activity of) philosophy is love of and search for, wisdom.

This indicates why and warns us not to forget that, ordinary values and men (including philosophers) disagree and, moreover, that they cannot agree to disagree. If taking something seriously means to see it as serious, then it means to see it as that which *must* be taken seriously. In the context of values tolerance threatens to become indifference – not taking the serious seriously – or frivolity – taking seriously that which is not so.

The above are some formal aspects of thought's relation to the serious; some aspects of attentiveness and respect. Seriousness, however, is a substantive concept and so invites the question of degree and manner: of 'how?' E.g., to regard lying as serious may mean for one that he should not lie without a reason (e.g. just for the fun of it); for another that he should not lie without a good reason (e.g. just for the sake of something pleasant); for another that he should not lie without a serious reason (e.g. for his own or another's advantage); for yet another that he must not lie – period. These are differences of *degree*: one man sees lying as more / less serious than the other. Yet since the different 'degrees' of seriousness engage different *kinds* of consideration, the question of degree cannot be divorced from that of essence,

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[14] J. S. Mill, *Utilitarianism*, (London: Collins/Fontana, 1973), 267.

just as the essence of what is serious cannot be understood apart from the form and degree of attentiveness and respect due to it.

All this points to one of the basic lessons of the Socratic *elenchos*: neither the fact that (and how) men do, nor the fact that (and how) they do not, take something seriously can be simply 'taken seriously' by philosophy. The ordinary does not provide philosophy with unambiguous content nor, consequently, with unambiguous task and criteria. This does not mean that it stands in no relation to philosophy, but rather that the nature of that relation is itself in need of understanding.

One obvious aspect of that relation is that the ordinary imposes *constraints* on the philosopher. The philosopher cannot just ignore what we – ordinarily – take seriously. This means firstly that he must speak from within – not from some place 'outside' – recognizable moral beliefs: from within what he, as an ordinary person, takes seriously. Secondly, should he find himself going against some aspects of what matters to us, he must do so in terms of other aspects of it,[15] not in terms of psychology, or biology, not even in terms of logic, philosophy of language or mind.

The *elenchos* intimates a complexity not only within philosophy's relation to the ordinary but also within the ordinary's relation to philosophy. The *elenchos* appears at that moment when ordinary thinking ceases to be unproblematically directed at some 'object': when it becomes reflective. A mysterious and important aspect of such reflection is its tendency to reveal things which matter to us at odds with each other. Equally mysterious and important is that this state of affairs is unacceptable to us.[16] Thus while the *elenchos* unsettles, it simultaneously invites us to a new mode of thinking. The *elenchos* is thus a marriage of thought and concern and, when conducted properly, is one of those marriages where the two sides nourish and give sense to each other. For while it is disciplined *thinking* which reveals the discrepancy, yet the discrepancy being within our *concerns*, thinking alone cannot determine what should be accepted and what given up. This, however, does not make it subject for *decision*: the serious is not chosen but

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[15] So, e.g. when, in the *Gorgias*, Socrates tries to convince Polus of the – to the Greeks self-evidently outrageous – claim that it is better to suffer evil than to do it, he argues in terms of what profits and harms a human being, and through examination of 'doing', 'suffering', 'better', 'worse', etc.. Yet by presenting Socrates as *failing* to convince his interlocutors, Plato hints that even this way of arguing may be inadequate.

[16] People differ less in their readiness to *accept* a discrepancy than in their readiness to accept that there *is* one. The anger at Socrates (see e.g. Anytus in *Meno*, Callicles in *Gorgias*) was largely due to his interlocutors' feeling that they were trapped by some trick or sophistry into an *apparent* discrepancy.

recognized. The discrepancy revealed by thought is 'decided' not by the 'will', but by the relative weight of the claims themselves. The commitment to harmony underlying the readiness to surrender one claim for another is itself one expression of taking something seriously.

The serious is thus problematically rooted partly in the natural and partly in thought. We just do take certain things – such as birth, death, sexuality, pain, laughter, thinking and speaking – seriously. Indeed we don't just 'take' them seriously: their seriousness is *constitutive* of our self-understanding. A morality in which they played no part is inconceivable; a moral theory which ignored them would be frivolous. On the other hand, to take something seriously is to find significance in it and to judge other things in its light. This, however, is no longer a simple matter of fact but of *thought*; of thought, moreover, which is normative. So while we simply do take certain things seriously, yet there is no 'simply' about taking seriously, just as there is no 'simply' about thinking. Recognition of seriousness is an act of thought and its expression constitutes an epistemic claim: a claim that something is *relevant*. Simultaneously, recognition of seriousness is an act of *normative* thought and its expression constitutes a value claim: a claim that something should not be ignored or offended.

So while we do not choose what matters to us, nor are we just landed with it. Thought, if it is not to be trivial, must respect as 'serious' certain facts about our condition; yet *qua* 'serious' these facts are indeterminately open to thought and evaluation, thereby showing themselves to be no 'mere facts'. Awareness of being claimed by something transforms it from a force of consciousness and conduct (of interest to the sciences) to something which invites *critical* thought. The serious is essentially responsive to judgement of thought and value, to the question of *how* it matters, and whether it *should* do so.[17]

This throws some light on Plato's puzzling claim that we do not love what is ours but what is good. *Qua* description of value, it 'describes' the possible rather than the actual. Yet in the context of value, recognition of possibility is recognition of something under the description of truth and goodness, and thus *necessity*.[18] But since what is seen under the description of

[17] E.g. recognizing a response to be expressive of envy transforms it from what is 'simply at work' within one, to something one should *resist*. It may still be 'at work', but is now lacking even the authority of what 'happens to be'.

[18] This point is central to Kant's ethics. He makes it repeatedly and in different ways, as e.g. when he defines ethics as inquiry into '[the laws] according to which everything ought to happen' (*Groundwork to the Metaphysics of Morals*, Berlin 1903: Akademie Ausgabe IV, 388), or when

truth and goodness cannot coerce, necessity means here something freely accepted. The unsettling of the actual by the possible comes thus from within and is consented to. It can take various forms. One can be unsettled simply by becoming *aware* of being claimed by something. Such awareness involves on the one hand the recognition that this 'something' answers to the criteria of truth and goodness (here the question is, Do I love the *good*?); and on the other the recognition that one oneself answers to that something (here the question is, Do I *love* the good?). Recognizing that the serious – what we love – is open to thought brings the insight that we answer for what we love. Since, moreover, we *are* like what we love, and since thought is active, we answer not just for what we are, but for what we *become*.

The impact of Socrates on those who come in contact with him is a proof of the disruptiveness of the possible on the actual; a proof of the responsiveness of the 'given' to thought. And if ethics is understood as disciplined reflection on what we take seriously, then ethics is not only continuous with what we do naturally, but is also indicative of the responsiveness of the ordinary to the philosophical. We can now see why philosophy should appear together with the end of non-conflict *mores*. It is not ordinary life which generates the problems and then presents them to philosophy, but ordinary reflection – which may find expression in philosophy – which generates the problems.

In consequence, philosophy cannot help affecting the ordinary. At the very least it makes it more problematic. Moreover, since *qua* thinking it can be imprecise, mediocre, misguided, or even corrupt, philosophy can also *harm* the ordinary. This it can do directly by what it says[19]; less directly, by imposing a certain order on our concerns, turning some of them into assumptions and thus into touchstones for what can claim to be relevant[20]; still less tangibly, by imposing certain *criteria* of thought and concern thereby

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he differentiates practical from moral judgements by the fact that in the former 'ought' depends on 'can', whereas in the latter 'can' follows from 'ought' (*Critique of Practical Reason, Berlin 1908:* Akademie Ausg. V, 20). However, Kant's concentration on the will forces him not only to work within the conceptual limits of the will's object – voluntary action – but also to concern himself with the *realization* of the intention. The latter creates difficulties for giving priority to the possible over the actual, the former imposes limits on what can count as 'possible'. Plato is not so limited either by the 'object' or by the need for realization.

[19] E.g. the claim that pain and pleasure are the criteria of the serious; or the claim that because 'ought implies can', a problem which cannot be solved need not concern one.

[20] E.g. the displacement of the concept of justice and charity by that of rights; the displacement of concepts uneasy with that of responsibility, such as that of remorse and guilt.

determining what can be appealed to in reflection, disagreement and bewilderment.[21]

The above undermines the view of a moral problem as simply 'popping up' analogously with a practical one. The latter, being a product of the circumstances, is 'there' whether one likes it or not, to be either clarified and resolved or endured. A moral problem, by contrast, is expressive of our recognition of something claiming us under some description of value: it is itself constituted by thought and concern. As such it demands that one seek to 'clarify' it in the sense of seeking *lucidity*, and to resolve it in the sense of doing to *do justice* to it.

If this is true, then moral problem emerges as something inherently *precious*, and the one's capacity to recognize a moral problem expressive of one's finding value in the world around us: of one's capacity to be claimed by the world under some description of goodness. The recognition of a moral problem is itself one expression of one's moral character.

Consequently, the problem or dilemma as it is faced by the individual – What shall I do? – may not be the right starting point for philosophy. In considering a moral problem, the question "How should one *resolve* it?" may be secondary to "What goes into *having* it?". Furthermore, the internal relation between the individual and the problem, and the disharmony within ordinary understanding, makes it necessary to ask, *Whose* problem should one consider?. Failure to recognize these questions has tempted modern ethics to follow the ordinary both in accepting its starting point – the deliberative question "What shall I do?" – and in construing the ordinary whose problem is to be considered as 'Tom, Dick and Harry'. The consequences of this are morally far-reaching, at times even absurd.

The traditional discussion of lying has suffered on both accounts. I shall consider it in some detail in the hope that it will illustrate the general points made so far, but also in the hope that the general points will in turn help us to a better understanding of the *problem* of lying.

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[21] E.g. the construal of thinking in terms of rationality, and of concern in terms of desire.

III

This question [of lying] we will painfully discuss by seeking with them that seek
(Augustine, *On Lying*)

The problem of lying has traditionally been portrayed through examples of dilemmas, of which the following has a central place: a murderer pursuing my friend who is hiding in my house, asks me where he is; should I lie or should I tell the truth?

The long history of the dilemma suggests this to be one of those problems which beset the ordinary and demand resolution from philosophy. This makes it appropriate to begin with the dilemma as it faces an ordinary man, and with the question how he would (be inclined to) resolve it. This, however, presents unexpected difficulties. For it seems an indubitable fact that the ordinary man would not resolve it. Not because he finds it irresolvable but because he does not find it. He does not *have* a dilemma because he does not *recognize* one.

The complex nature of the concepts 'fact' and 'recognition' in moral discourse won't permit us stop here: we must ask what it is that the ordinary man does not recognize. Since we are speaking about a 'dilemma' – a situation demanding choice between two pressing alternatives – we cannot make use of those cases of 'practical problem' where failure of recognition is readily intelligible – cases where satisfaction of want/need is being frustrated by the circumstances. A practical problem may go unrecognized (either because the subjective – want/need – or the objective – the circumstances – is not seen for what it is), but its discovery will not generate a dilemma, since dilemma is due to the *presence* of several pressing alternatives, not to the absence of one satisfactory one. Furthermore, since we are talking about a 'moral' dilemma, we must rule out cases where the need for decision – the formal criterion – is generated by the presence of several equally *satisfactory* alternatives. Such cases may be called dilemmas, they may be hard to resolve, and failure to do so may be serious (witness the untimely death of Buridan's ass); but for a dilemma to be moral, we need the *material* criterion: the alternatives must themselves be *serious*. Yet even this is not enough: a ship-captain who is facing the choice of either sinking or, felling his mast and losing control over his ship, has a serious dilemma but not a moral one. The material criterion needs a more substantive rendering. To avoid too much disagreement at this point we can spell out the seriousness of the alternatives in terms like 'wrong'

or 'evil', more concretely, 'injustice' 'treachery', etc; or positively, in terms like 'necessity' and 'obligatoriness'.[22]

This may be accused of purchasing agreement at the cost of circularity: of course a moral dilemma is constituted by *moral* alternatives. Circularity, however, should not be confused with tautology. The latter, though not providing new substance, may yet help to a better understanding – if only of the difficulties. Any description, simply because it is a *description*, works by contrast with other descriptions. A description which is in terms of wrong or evil disarms, conceptually if not practically, any rival described in terms of unpleasantness, disadvantage, pain, even disaster; a description in terms of obligation or necessity disarms one which is in terms of pleasure, advantage, even the good. Since this puts is doubt most recent attempts to bring 'substance' into ethics, the tautologous can hardly be accused of harmlessness. And since these conceptual points are expressive of ordinary understanding, the tautologous can also not be rejected as idle fancy. On the positive side, the tautologous helps us to understand why the ordinary man has no dilemma. He has no difficulty to decide (he would unhesitatingly send the murderer in the wrong direction) because in these circumstances he does not see lying as evil, truthfulness as obligatory. If this is so, then to *begin* with the dilemma, as most discussions do and the conatively based one must, is to part company with the ordinary *pre initio*. This way of proceeding calls at least for an explanation.

Explanation, however, is here ruled out. The irrelevance of the 'practical problem' model, precludes attempts to treat not recognizing the dilemma 'factually', i.e. as what can be remedied by bringing the 'facts of the situation' to one's notice. The non-recognition of the dilemma cannot be treated as a contingent fact. The need for a *moral* description of the alternatives implies that 'failure to notice' means not failure to notice the 'facts', but their significance. Significance, of course, can also be 'not-noticed', and can be

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[22] The negative and the positive descriptions are not symmetrical, as can be seen from more specific descriptions. If one refrains from a certain action because it is e.g. cowardly, one cannot, *eo ipso*, be described as trying to act courageously. The concern not to do wrong or evil in its many concrete forms has not only psychological and moral priority over the positive concern (to do good), but also logical independence. Assuming a symmetry between the negative and the positive and ascribing logical priority to the positive, is responsible not just for faulty reasoning but also for the dubious moral tenor of much ethical writing. I argued in Part II. that such assumption is tempting, even inherent, in conative accounts. We find it already in Aristotle, where virtue *qua* 'end' is what one seeks to 'attain' and 'possess'; and we find it even in the much more careful Kant (see e.g. his discussion of perfection), and that despite his distinction between 'end' as what one seeks to *attain*, and 'end' as what *limits* one's will.

brought to one's attention. Here, however, the simplicity of the example makes it hard to see what could be 'brought to one's notice' and leaves us with little to say to the ordinary man other than that he is lying. To this he might reply that he knows what he is doing, but that lying is here both necessary and permissible; or he might query the description 'lying' by arguing that deflecting a murderer from his victim is justified untruthfulness, and thus not lying. In either case he would not recognize the dilemma and, more strongly, he would regard anyone who in these circumstances did, as culpably weird. It is thus not the ordinary man who 'seeks' to resolve the dilemma, for he finds the very having of it morally unacceptable; he finds it *unthinkable*. Thus to begin with the dilemma mis-describes not just ordinary thought but *ordinary moral thought*. The deliberative starting point misconstrues what we take seriously – what we are prepared to *deliberate about*. And that calls not just for explanation but for justification.

Such justification would involve showing that there really is a problem. This however demands substantive disagreement with the ordinary: it demands charging the ordinary with insensitivity to what should be noticed, with indifference to what is serious. This is impossible for any moral theory which sees its task as clarifying and so helping to resolve, ordinary moral problems. Such theory cannot disagree with the ordinary on the initial 'data'; even less can it, being a 'troubleshooter', *create* problems. But even allowing ethics to be a potential trouble-maker, there is still the question regarding the place *from* which one so addresses the ordinary as to risk conflict with it, and the question regarding the *justification* for meddling with what we take seriously.

One answer is to appeal to something *outside*, but with authority over, ordinary thought. The Scriptures are an obvious candidate. As God's word they claim from us spiritual and practical obedience, even at the price of ordinary concerns and pursuits. But since the Scriptures are not always clear (e.g. they prohibit lying for the sake of gain and when under oath, but seem to permit, even approve of it, to prevent evil), it is necessary, and thus justified, to seek clarity. Construction of 'hard cases' like our dilemma is part of the attempt to understand the conceptual and practical status of truthfulness – its seriousness – which attempt is itself expressive of the practical concern to do God's will. The Greek Fathers[23] who first raised this question concluded that truthfulness is serious in the sense that it overrides concern with pleasure and advantage, but that it is itself overridden by the obligation to protect oneself and one's neighbour from evil: I may lie to the murderer.

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[23] E.g. Origen, Clement of Alexandria.

This discussion served the theoretical purpose of eliminating unclarity from the Scriptures, and the practical purpose of clarifying – in accordance with serious ordinary views – the authority of various moral commitments. This eliminated the possibility of a moral dilemma, leaving only that of a practical (moral) problem, viz. that of temptation. Trouble came with Augustine who, relying on the same texts, argued that lying, even to save innocent life, is impermissible.[24] It was the Church's acceptance of his teaching which created the problems. For the ordinary man the problem was to live according to a stance which conflicted with what he took seriously; for the Church the problem was to deal with those who would or could not do so; for the (majority of the) thinkers the problem was their disagreement with Augustine's conclusion but their inability as Catholic thinkers to ignore either his arguments or his position in the Church. Aquinas did both[25]: his permission to lie under certain circumstances eliminated the problem at least for the ordinary man who, once again, had an authoritative position to live by which was in keeping with his convictions. There remained a problem for the Church – to reconcile its two authorities – and for those thinkers who agreed with Aquinas' conclusion but remained convinced by Augustine's arguments. The debate continued within these limits until the spread of Protestantism and atheism, and the separation of philosophy from religion promised to make the question irrelevant to all but the theologians and the scholars.

This promise was frustrated when Kant – with no links to Catholicism, with reputation for freing ethics from religion, and with authority as a great philosopher – argued lying to be always wrong.

This entry of the debate into a new – philosophical – phase, raises afresh the question of its relation to the ordinary. The philosopher has no 'outside' authority, no 'it is written': he must work from within ordinary beliefs and values, and must speak in his own name. Having no safe starting point, he must not only work his way through each step, but answers for *taking* each step. 'The problem' can be appealed to only when it is understood not historically, but philosophically and morally – when it is *real*. And when, as in our case, the problem is not 'real' to the ordinary man, then the thinker must justify his *engagement* with it, his 'seeking': he must *reveal* its presence. The word 'reveal' indicates the sphere of the *elenchos*: of thinking whose respect for the ordinary *qua* serious threatens to undermine the ordinary in the name

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[24] Augustine 'On Lying', and 'To Consentius: Against Lying', *Fathers of the Church*, 16 (New York, 1952).

[25] Aquinas, *Summa Theologica*, 2a 2ae., Quest. 109-110.

of the serious. The *elenchos* has certain substantive implications. Since he speaks from *within*, the thinker has neither a neutral vantage point nor a place of higher authority. He must engage with the ordinary sense of what matters to find it either confirmed, or displaced by something else which matters. He must thus engage with the ordinary as an *ordinary* man: not as an expert. And given the content of the engagement – ordinary, thought-permeated commitment – he must engage with the ordinary as an ordinary *man* – not as an intellectual. The *elenchos* does not recognize the distinction between theory and praxis, nor between thought and reality, and so denies the distinction between philosophy and the ordinary, the 'professor' and the 'audience'. As engagement of conversation – one man speaking to and with another under the description of friendship – the *elenchos* demands that the thinker / speaker seek with him who listens, and accepts responsibility for persuading. Here it is responsibility for giving a problem to one who before was carefree, for the heartbreak this brings, and for the possible death of the hiding man. This is why here we must not only inquire into *what* the philosopher says but also *why* he says it.

Since truthfulness is an ordinarily recognized obligation, it is natural that it should feature in Kant's writings. In his major ethical works, however, Kant merely mentions it, and what he says suggests no more than the serious ordinary view, viz. that one may not lie for the sake of advantage. If this is so, then proving that his general account of duty commits him to more – namely to an *absolute* prohibition of lying – might embarrass him. This was the aim of Benjamin Constant when he attacked Kant's general theory by arguing that it implies that a particular duty, like that of truthfulness, is always, i.e. without exception, a duty, and hence that a decent man must tell the murderer where his victim is hiding. Constant considers such conclusion to be self-evidently absurd, and so to be used as a *reductio ad absurdum*. But he also offers an explanation for our 'intuition':

> It is a duty to tell the truth. What is a duty? The idea of duty is inseparable *from the idea of rights*: a duty is that which in one being corresponds to the rights of another. Where there are no rights, there are no duties. To tell the truth is thus a duty; but it is a duty only in respect of one who has a right to the truth. But no one has a right to a truth which injures somebody else.[26]

This is an argument directed by one philosopher to another. The assumed background of shared moral understanding against which it is conducted,

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[26] B. Constant, Des réactions politiques, *Écrits et discours politiques par Benjamin Constant* (Pauvert: O. Pozzo di Borgo, 1964), 69.

gives Kant two options: to argue that his account does not commit him to truthfulness in these circumstance, or to eliminate the commitment by amending the account. In his reply Kant rejects both options: he goes instead for the background – for the *reductio:*

> Truthfulness in statements which cannot be avoided is the formal duty of an individual to everyone, however great may be the disadvantage accruing to himself or to another.[27]

This puts Kant in conflict not just with fellow-philosophers, but with the ordinary man. And since his philosophical opponents claim to express the ordinary views, we can examine the latter through the former.

Constant's is the traditional Humanist Liberal position which centers morality on the concepts of right and duty defined in terms of each other: I have a duty when there is someone to whom I owe it, who has a right. Since right and duty are construed in terms of human harm and good, there can be no right to what would, in the circumstances, amount to (a means to) doing evil. Since the would-be-murderer has thus no right to information which would lead him to his victim, I do not *wrong him* by lying, and thus I *do no wrong*.[28] Though rights and duties are defined reciprocally, they are nevertheless defined *formally*: there is no appeal here either to the speaker's feelings or to the consequences. Kant therefore misrepresents Constant when, in the title of his reply – 'On the Alleged Right to Lie from *Benevolence*' – he implies that Constant justifies lying by feelings, i.e. along the lines of the Moral Sense theory.[29] He further misrepresents Constant when, in the passage quoted ('however great may be the *disadvantages accruing*...') he implies that Constant justifies lying consequentially.

Kant is thus in conflict with (1) the Liberal who allows lying when circumstances – spelt out in irreducibly moral terms – relieve one of the duty of truthfulness; (2) the Moral Sense Theorist who justifies lying through the (feeling of) concern for the well-being of the threatened man; (3) the Consequentialist who commands lying when it promises to be conducive to better / less bad states of affairs.

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[27] 'On the Alleged Right to Lie from Benevolence', in L. W. Beck (tr.) I. Kant, *Critique of Practical Reason and Other Writings in Moral Philosophy*, (Chicago: University of Chicago Press, 1949), 347.

[28] For an earlier application of the Liberal principles to the problem of lying, see Hugo Grotius, *On the Law of War and Peace*, Book 3, Chapter 1.

[29] As formulated by e.g. Smith, Hutcheson, Shaftesbury or Hume. Kant himself had, prior to 1770, been in agreement with this theory.

The important thing about the agreement of these three accounts is not their resolution of the dilemma, but their refusal to *recognize* one. Merely to accept the situation as dilemmatic – as presenting two pressing (moral) alternatives – would undermine the very foundations of these accounts.[30] When therefore they raise the 'dilemma', it is not *qua* problem to resolve but *qua* illustration of (what is precluded by) the conceptual structure of their account, and as a *reductio* against their 'absolutist' opponents.

Even more significant is the agreement of these accounts with ordinary thought. Beyond generally agreeing with it in not recognizing the dilemma, each theory also provides one ordinary type of *explanation* of why there isn't one. A normal man, if pressed to justify lying in such circumstances, might say with Constant that the murderer's intention deprives him of the right to, and relieves the speaker of the obligation of, truthfulness; with the Sentimentalist, that in such circumstances one's concern for the victim prohibits truthfulness; with the Consequentialist that the consequences of truthfulness on this occasion oblige him to lie.

Kant's opposition to these accounts imposes thus a dual task on him: he must show that not only his fellow philosophers, but also his fellow men are wrong. This, as we saw, requires showing *why* they are so, why they don't see the dilemma. Moreover, since this showing must be in moral, not in religious, nor in some '-ogical' terms, he must work from within what he opposes: he is committed to the *elenchos vis à vis* both his philosophical opponents and the ordinary man. In misconstruing Constant along the Sentimentalist and the Consequentialist lines, Kant betrays the *elenchos* in both respects: he fails to take seriously his opponent, and the ordinary moral view expressed by him. This is particularly significant given that Kant also is a Liberal. Like Constant he defines rights in terms of duties, and asserts that a wrong-doer loses the relevant right.

> by telling an untruth I do not wrong him who unjustly compels me to make a statement.[31]

He also agrees with Constant in thinking that wrong-doing should be understood in terms of *wronging* (someone), i.e. that it requires a victim and a concrete specification of the wronging. Where he genuinely parts company

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[30] See the attack by Utilitarians like J. J. C. Smart ('An Outline of a System of Utilitarian Ethics', in J. J. C. Smart and B. O. A. Williams, *Utilitarianism For and Against*, Cambridge: University Press, 1973) against Rule Utilitarianism which tries to 'resolve' such dilemmas instead of rejecting them out of hand.

[31] 'On the Alleged Right ...' 347.

with Constant is in rejecting Humanism, i.e. in his construal of the victim and of the character of wronging / harming.

> By this falsification, which must be called a lie, I commit a wrong *against duty generally* in a most essential point. That is, in so far as in me lies, I cause that declarations should in general find no credence, and hence that all rights based on *contracts* should be void and lose their force, and that is a *wrong done to mankind generally*.[32]

So what is wronged is mankind and what is harmed is the institution of contract. But unless more is said, which the article does not do, this seems grossly inadequate. Against the threat to the hiding man, the explanation of the wrongness of lying in terms of its consequences to the institution of contract is too indirect both causally (it's too distant, too uncertain), and conceptually (it does not engage with the right kind of concerns). This ties in with the construal of the victim: humanity understood via the institution of contract is, psychologically at least, inadequate to compete with the claim of a concrete individual threatened with murder. The inadequacy can be argued to be also moral: one can ask whether 'mankind' would, in such circumstances, allow, let alone command, me to deliver an innocent man to his murderer. If the answer is 'yes', with 'yes' being based on appeal to the institution of contract, then it is not mankind in the relevant, viz *moral* sense: for I am being asked to sacrifice the life of one man for the advantage of the society.[33] Elsewhere in his writings Kant gives a different rendering of the victim of lying: it is the speaker himself: his dignity as a rational being.[34] While this eliminates the unacceptable mediation between the doing and the harm, it weakens the moral plausibility of the prohibition. Appealing to one's dignity or integrity in such circumstances is ludicrously inappropriate. Imagine offering it to the family of the murdered man.

Since Kant does nothing more to make us see the wrongness of lying, it is not surprising that it is his prohibition rather than his arguments which are *remembered*. The latter are of interest only to the scholars, and these generally argue that Kant did not really mean it.[35] The rare exceptions[36] are

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[32] *Ibid.* (emphasis added).

[33] The fact that the institution of contract is necessary for the functioning of society does not give contract the requisite – moral as opposed to merely practical – authority.

[34] *Metaphysics of Morals* (Op. cit, Vol VI), pp. 403, 419-20 429-30.

[35] See e.g. H. J. Paton, 'An Alleged Right to Lie: a problem in Kantian ethics', *Kantstudien*, 45 (1953-4); Heimo Hofmeister 'Truth and Truthfulness', *Ethics*, 82 (1971-2) and 'The Ethical Problem of the Lie in Kant', *Kantstudien*, 61 ((1972). C. Korsgaard in 'The Right to Lie: Kant on dealing with evil', *Philosophy and Public Affairs*, 15 (1986), argues that Kant would not say what

less interested in lying as such than in proving that its prohibition is consistent with Kant's overall account. But since Kant's opponents, like Constant, *assume* this consistency, this is hardly a recommendation. Here the ordinary man may feel justified in turning away from the debate: after all, the debate is supposed to *make sense* of what he takes seriously in his everyday life.

In response Kant could argue that 'making sense' is a complex matter which may have to proceed from the abstract and the philosophical to the concrete and the everyday: from duty *an sich* to specific duties. As a rationalist, moreover, he views a change in the understanding *of* morality as a change *within* it: clarification of basic moral concepts is clarification of their *authority*, which automatically results in certain concerns acquiring added claim on us at the possible expense of others. Since this is the method of the *elenchos*, it must respect certain constraints, of which the most important is that it should not displace what matters to us by *ignoring* or misconstruing it. If lying is revealed to be serious to the point of emerging as a 'horn', then the account must address the resulting dilemma, not 'resolve' it by ignoring the other horn – the claim of the hiding man.

We must therefore place Kant's discussion against his general account. The article begins with the ordinary view that truthfulness is a duty. The general account behind it offers an analysis of duty – in terms of the categorical imperative. The imperative can be used 'theoretically', to explain the nature of duty (generally and specifically) and of its claim on us, and 'practically', to test any intended action. The categorical imperative, as its name suggests, is necessary and universal. *Qua* necessary it *compels*, *qua* universal it does so *without exception*. This aspect of Kant's account, often attacked as 'formalism', creates that horn of the dilemma (one must speak the truth) by which Constant tried to shake the whole account. Kant would deny the charge of formalism by replying that the work isn't done by the names 'universal' or 'necessary', but by the fact that duty is constituted by *thought* of the kind which, though not derived from experience, is yet applicable to it, and that authoritatively (since it makes sense of it): it is *a priori*. This creates the scope for the *elenchos*. Moreover, *qua* thought, duties cannot come in conflict with each other: we cannot think a contradiction. There can thus be no moral dilemmas. But how account for what appears to be one? The

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he does if he took more account of evil (as opposed to wrong-doing); Jules Vuillemin in 'On Lying: Kant and Benjamin Constant', *Kantstudien*, 73 (1983) argues that Kant is not here concerned with the *moral* but with the *socio-legal* issue of lying.

[36] O. Höffe, Kants kategorischer Imperativ als Kriterium des Sittlichen, *Zeitschrift für philosophische Forschung*, 31 (1977).

obvious answer – confusion about the relevant facts – is unpromising in an example as simple as ours. Here Kant would seek the explanation in our nature. We are sensuous as well as rational beings, and this duality generates conflicts. Such conflicts are cases of *antagonism* rather than of 'contradiction';[37] they are generated by two different *kinds* of claim: the claim of sensuality – desire – and the claim of reason – duty. This is a plausible account of *temptation*, but does it do justice to our example? Is ours a simple case of temptation, of conflict between inclination and obligation, between 'want' and 'ought'?

To treat it as such Kant must and does assume that lying is what in such circumstances one *wants* to do, and here too he seems to be expressing the ordinary view. But as with his account of duty, his rendering of this aspect of the 'ordinary' goes beyond the ordinary. Reason, he argues, is a 'formal' faculty, one which has no substance. We depend on our sensuous nature – on our wants and needs – for the *content* of our actions and for the original motivation. Unless I *want* to do something, reason has nothing to think about, the categorical imperative idles. The model is: I want to ϕ (e.g. to lie) and ask myself whether it is permissible. This too is readily recognizable: we often do ask ourselves whether what we want to do is permissible. Such question implies criteria by which it might be answered. Kant suggests that it involves submitting one's want – the maxim – to the test of the categorical imperative. Here all depends on *what* is tested – the maxim, the action-description – and on *how* it is tested. It is significant that the test Kant applies here is that of the first formulation of the categorical imperative – the universalizability of the maxim – rather than e.g. that of the second – which tests my relation to my 'neighbour' – or the third – which tests my place in the moral community. Since the first formulation is the least substantive, the original action-description is all the more important. At this point Kant's psychology and his theory of motivation come into play. He construes 'want', without which there can be no idea of action (intention, maxim), as (a felt) desire or inclination. Hence his first misconstrual of Constant (viz. that lying is motivated *by Menschenliebe*, a 'feeling' of benevolence). His psychology furthermore is Hobbsian rather than e.g. Humean, and hence 'want' is defined along crude hedonist lines: as selfish search for pleasure and advantage. Hence his second misconstrual of Constant (viz. that lying is motivated by desire to avoid disadvantage). Now everything follows. We don't need Kant to know that when there is a conflict between pleasure and duty the latter is what one

[37] See e.g. *Groundwork*, p. 425.

should do – that's a conceptual point. And we also know that in such a case we have at most a practical problem – to find the *strength* to do the right thing. So Kant's construal of what is involved in 'wanting to lie' eliminates the first horn, and with it the dilemma: one has nothing to think about; one has only to *act*.

The unsatisfactoriness of the account can be expressed formally: Kant does not help us with the problem because he does not see one. More substantively, his construal of the first horn of the dilemma (concern for the hiding man) along hedonist lines makes one feel silly, if not guilty, for feeling claimed by it. The serious ordinary man knows that he may not lie for the sake of advantage, but he assumes that concern for a man threatened with murder is not a concern for advantage. And if Kant's treatment of this case is implied by his general account, then the account as a whole is guilty of betraying the *elenchos:* of trivializing, morally distorting, what we take seriously. As such it is potentially corrupting. It condemns the concern for a man threatened with murder to being a mere desire for advantage, thereby depriving it of any moral authority. As construed by Kant, the concern may be *felt* to be *pressing*, but it cannot be *thought* to be *serious*. The misdescription of what is involved in 'wanting to lie' has the further paradoxical consequence of discouraging effort to understand the importance of truthfulness and the evil of lying. Since concern for the hiding man is a 'mere temptation', such effort is unnecessary. In consequence, we get a prohibition which offends our sense of what matters without deepening it.

It thus seems that like the ordinary man, philosophers too have no problem and so do not 'seek painfully'. This makes it appropriate to abandon the problem which, not being anybody's, is not 'real'. To continue addressing it inspite of this calls for a justification. One such justification would be to feel claimed by the problem; to see it as somehow one's own. In that case, however, one must proceed in the knowledge that here, more than elsewhere, one seeks alone.

For one who is so claimed by the problem the discussion so far does not resolve anything. It may, however, give some substance to the above-mentioned 'tautological' requirements.

We said that to *have* the dilemma one must see both alternatives in moral terms, i.e. one must see both its horns: (1) truthfulness must be seen as necessary, lying as impermissible; (2) disclosing the whereabouts of the hiding man to his murderer must be seen as impermissible, not doing so as obligatory. There are no difficulties with (1) since truthfulness is a recognized moral obligation. It is therefore (2) – the concern with the hiding man – which

needs clarifying. Kant's construal – in terms of advantage – won't do here: concern with advantage fails on conceptual grounds to engage with obligation (though it may prevail 'practically'). So if one is in a dilemma, this must be because one sees lying in these circumstances as compelling *qua* serious. This may be because one sees it as, e.g., 'protecting an innocent man from murder'. This description of lying has the requisite seriousness to engage with its description as 'wrong'. Indeed, when lying is seen simply as 'wrong', then the description of it as 'protecting a man from murder' will *outweigh* it. For saying that lying is wrong need mean no more than that, *ceteris paribus,* one may not lie, i.e. that lying requires justification. Protecting a man from murder (unlike procuring an advantage) is just such justification. So, for a dilemma to arise in such circumstances, more is needed. Lying must be seen not merely as 'wrong', but as *evil*; truthfulness not merely as 'right', but as *necessary*. This yields the claim that one may not lie – full stop. We now need a different description of the second horn: whereas 'the good of saving an innocent man' challenges the 'wrongness of lying' (pleasure and advantage are not in the running against 'wrong', but 'good' is), it does not challenge *evil*. This 'intuition' underlies Augustine's discussion: one may not do evil so that good should come of it. So for the dilemma to arise, the second horn must also be characterized in terms of *evil*: only evil can challenge evil. The concept of evil as we sketched it – contrasted with pleasure and advantage, and asymmetrical with good – is applicable only to actions. This precludes Consequentialism which locates value primarily in states of affairs and only derivatively in action. The second horn thus cannot be expressed as 'death of an innocent man', not even as 'somebody's murder of an innocent man'.[38] We need an active, first-person description. One which comes here naturally to mind is '*betrayal* of an innocent man to his murderer'.

The dilemma thus requires that lying be seen as evil – and so impermissible, impossible – and that speaking the truth be seen as e.g. betrayal – and so evil, impermissible. This does not help much given the elusive, even doubtful nature of the concept of moral necessity. With few exceptions[39] philosophers today would argue that moral necessity rests ultimately on social conventions or human nature. Those who grant it a

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[38] The reason why 'murder' (i.e. what the other man threatens to do) cannot be used directly has to do with the complex differences between the first, and the second and third person claims with regard to evil.

[39] E.g. Rai Gaita, *Good and Evil: an Absolute Conception* (London: MacMillan, 1990); R. F. Holland, 'Is Goodness a Mystery?', 'Good and Evil in Action', in *Against Empiricism* (Oxford: B. Blackwell, 1980).

logical status, do so by reference to the language of particular societies.[40] None of these construals of moral necessity will generate the dilemma. Moreover, since an ordinary man does *not* recognize this dilemma, even these attenuated notions of necessity are not applicable. Thus not just Consequentialism, but the whole mainstream ethics cannot *conceive* the dilemma, and so cannot grant it the status of something which might be *recognized*. Consequently, the having of it falls outside of ethics and has to be explained causally, non-morally: as something not recognized but *suffered* (as a result of one's upbringing or some peculiarity in one's psychological make-up). With the status of the basic concepts so unclear, no help can be got from conceptual analysis. As Kant recognized in this connection, this raises a serious question about method,[41] the starting point, and the criteria of the inquiry. And since the general and the theoretical are of no direct help, we must begin with the concrete and the particular: with the individual *having* the dilemma.

The discussion so far makes one thing clear: he who in such circumstances has the dilemma is no ordinary man. He might be Tom or Dick or Harry, but it will not be in the cozy companionship of Tom-Dick-and-Harry. But if not ordinary, what then? Not 'philosophical': that contrast is not in the running. Perhaps 'extraordinary', 'exceptional' – but in what sense? Not quasi-factually: he cannot be a *freak*. Freaks are of interest to the sciences but not morality. Adding 'morally' to 'extraordinary' seems equally unhelpful,

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[40] The denial of absolute moral necessity belonged to Hegelian ethics (see e.g. Bradley, *Ethical Studies*). It became explicit in Moore's *Principia Ethica*, and was continued in the Positivist attack on *a priori* synthetic propositions. Emotivism treated necessity as an illusion created by conventions and psychology. Prescriptivism began by locating it in the logic of moral propositions but, after being challenged on the grounds of formalism, it re-located it into human nature. It was also human nature which was appealed to by proponents of 'substance' ethics (e.g. Warnock) and virtue-ethics (e.g. Anscombe, Foot, Geach). Others (e.g. Bernard Williams) denied explicitly that moral necessity has an independent logical status; others still tried to use Wittgenstein's concept of 'game' to explain the peculiar force of moral claims (e.g. John Rawls, 'Two Concepts of Rules', *Philosophical Review*, 64, 1955; D.Z. Phillips and H. O. Mounce, *Moral Practices*, London: 1966, Routlege and K.Paul). More recently there have been attempts to marry Wittgenstein's work on concept-formation to Aristotle's naturalism (e.g. John McDowell, 'Virtue and Reason', *Monist*, 62, 1979; Miles Burnyet, 'Aristotle on Learning to be Good', *Essays on Aristotle's Ethics*, ed. A. O. Rorty, Berkeley: University of California Press, 1980).

[41] In the first two sections of the *Groundwork*, Kant uses 'conceptual analysis' to show that necessity is inherent in the ordinary concept of duty. He knows, however, that the *reality* of this necessity cannot be proved this way (see pp. 419-20, 425, 440, 445). That is why in the third section he turns to the individual consciousness: to 'I' thinking 'I must'.

since it seems less to describe him than to show *our* perception of him as one who has an extraordinary sense of the importance of truthfulness. This, however, is not altogether vacuous: it marks a refusal to treat his difference from the ordinary quasi-empirically, i.e. as being of interest to psychiatrists: it marks a refusal to accept a causal explanation. In that sense adding 'moral' to 'extraordinary' shows readiness to grant his understanding the authority to question ours: it grants him the right to speak to us and our obligation to listen to him. In so describing him we enter the engagement of the *elenchos* and accept the risk of finding seriousness and constraints where before we were free. It exposes us to the question whether what we love and see as ours is good; it exposes us to the extraordinary speaking from within and to the ordinary.

We also know – for it is a conceptual point – that faced with the dilemma, such person would not only seek but would seek 'painfully', for a way out. Perhaps we can get a better grasp on the dilemma by considering how his seeking might go.

IV

What shall Cordelia speak? Love and be silent

(King Lear)

What differentiates this man from others is his perception of the claim of truthfulness, his perception of lying as evil and impermissible. What is lying? Minimally it is 'utterance contrary to one's mind'. Using this 'neutral' definition, our man would see the requirement of truth-telling to be: that what one says be as one thinks, that one's speech express one's mind. This makes truthfulness a necessary condition of speaking. But is it *sufficient?* Put differently: what does necessity cover here? where does it come from? One answer is: from thinking. It is the common nature of thought and speech as *logos* which generates the necessity of truthfulness. But what necessity does thinking impose? Obviously that of truthful *thinking*. And hence of speaking? Surely not. The claim 'I had to speak the truth' can be met with 'You did not have to speak'. So the proper characterization is: *if* I speak *then* I must speak the truth.

The hypothetical raises the question of freedom – a question never far off in the context of moral necessity. With the necessity in the consequent, we must look for freedom in the antecedent. To say 'if I speak then I must speak the truth' implies that one is *free* to speak. But unlike in politics, where freedom means absence of necessity, in morality freedom means

responsibility – *receptivity* to necessity. To say that I am free to speak means here that speaking is something I *do* – an action – rather than something I *suffer*. Saying therefore that I am free does not mean that I can say what I want – provided it's true – but that I *need* not speak and hence that I *answer* for it. Which is another way of saying that I must ask whether I *may* speak.

Silence is an essential dimension of speech just as refraining is of action, and it differs from non-speaking as refraining does from non-doing: it is itself *active*. But if silence is an essential – internal and normative – dimension of speech, then asking 'When may I speak?' is as much a request for illumination of the nature – the essence – of speech, as it is a request for practical guidance. The character of speech as 'action' helps to answer that question: I may speak when no evil would be done in or by it.

But evil was precisely what we argued to be present in our case: the evil of betrayal. This suggests that our man, for whom both lying and speaking the truth (in this case) are evil, must keep silent. That is, he would not resolve the dilemma, he would but by-pass it. Thus it seems that he who *could* have the dilemma *would not* have it.

But, as Kant says explicitly ('Truthfulness in statements which cannot be avoided is the formal duty of everyone...'), that he *must* speak is the *ex hypothesi* of the discussion. What kind of 'must' is this; what is an *ex hypothesi*? Parts I and II argued that it is the individual's 'situation' or 'problem'; the sense he has made of his circumstances. In that sense it is subjective but, as we saw, the individual cannot so regard it. For him the 'situation' is the *reality*, that which is truly so. *Qua* reality it claims to be and to determine what is relevant: it carries epistemic and normative implications. It is the starting point and the boundary of his thinking. For the philosopher the *ex hypothesi* delineates the problem which his discussion seeks to elucidate. For that very reason however, the philosopher must ensure that the *ex hypothesi* – the alpha of his inquiry – does not obscure, let alone place *hors de combat*, its omega – the *problem* which the inquiry seeks to clarify. In our case he must ensure that the *ex hypothesi* – the requirement to speak – which creates this particular dilemma of truth-telling, does not obscure the problem of truth-*telling*.

To examine this *ex hypothesi*, we should look at the example in more detail. K (Kant) sees his friend C (Constant) run into his (K's) house. Doesn't he ask himself what's going on? Now he sees M (the Murderer) running towards him. This is 18th Century Königsberg and jogging is not in fashion: the sight of two adults sprinting down the streets arouses not curiosity but anxiety: is there a fire, a flood? M brakes before K and gasps out: 'where is

C?' If this is the example, then I suggest that K will not answer, but will ask instead: 'what's going on?' This is not a psychological prediction but a semi-normative claim, a claim about the *proper* response. 'Proper' as regards both speaking and the response of a decent man – and these, after all, are the horns, the constituents, of the dilemma. As regards speaking – and hence answering – we can say that we are not automata activated by 'interrogative sentences', into providing suitable 'indicative' ones. A proper answer is a response to some concrete question, to what some concrete person in some concrete circumstances wants to know. And unless K has a proper concern for speaking we cannot take seriously his concern with truthful speaking (one horn of the dilemma). Moreover, a proper answer is an *engagement* with another human being, and that means entering into, partaking of, his circumstances.[42] A decent man in our situation wants to know what's going on – not out of curiosity but out of concern to help. And unless K is so concerned, he will lack the requisite concern for the hiding man (the other horn of the dilemma).

But what if K does 'simply answer'? Under the given circumstances, he would be acting thoughtlessly, and thus be unsuitable for illuminating the constraints and necessity of thought and speech – which is what our 'dilemma' is about. More obviously, if he did 'just answer', then he would have no dilemma: asked a simple question to which he knows the answer, he simply answers truthfully.

So K must ask and M must reply: 'I want to murder him'. This, I suggest is *absurd*. It is as absurd that M should here tell K the truth (why not say, 'C has just dropped a wallet.'?) as it is to imagine that K, burdened by this unexpected dilemma would try to resolve it by going into a huddle with the categorical imperative, the relation between rights and duties, or the calculation of the consequences.

But perhaps C, as he disappears into the house shouts: 'I'm hiding from M *who* wants to murder me!' This eliminates the absurdity of being informed by the murderer of his intention, but at the cost of this particular dilemma. Knowledge of what is at stake eliminates the dilemma of lying by creating a new situation – that of the obligation to *help*. K must try to get help or, if that's impossible, he must go and stand by C. After all this will make it two

[42] That this engagement with the questioner – concern to tell him what he wants to *know* rather than what he literally *asks* – is inherent in our speaking rather than something we decide on, can be seen in the difficulties we have during police or court questioning, to answer 'just the question'. Similarly, in everyday life, answering 'just the question' can be humorous, or a sign of indifference, even contempt.

against one. This again is a *normative* claim. Unless K does something describable as 'seeking to help', his concern for the victim – one horn of the dilemma – will not be credible. Here it is also relevant that C has sought refuge in *K's house*. By allowing him to do this, K accepts the obligation to protect him. In this situation telling M where C is hiding would be a clear case of betrayal. Furthermore, C is his *friend*. This point, which Kant allowed contemptuously as a factor strengthening our 'emotional' involvement i.e. the 'natural' inclination (temptation) to lie, now enters as morally relevant. However we represent our obligations to victims of violence, we know that when the victim is a friend, the obligation is to stand by him without first counting the cost. This is not a question of how our 'emotions' happen to be, but a conceptual, normative point. If K stands by watching C being killed then he is no friend. That he 'is no friend' is not a factual claim which relieves him of the obligation of friendship, but an accusation of its betrayal. Friendship is not a 'natural' category – like 'parent', 'member of a nation' etc. – but one wholly constituted by mutual commitment under the description of the good. As the only human relation of which it is unequivocally true that 'we do not love what is ours but what is good' (which defines 'ours' in terms of 'good'), friendship is impatient of neutrality.

The dilemma of lying seems thus incapable of arising, if only because K does not stand around waiting for M's question. Does a new dilemma, that of 'helping', arise? No: under these circumstances K cannot ask himself *whether* he should help. His obligation *to* help is clear, leaving him only with the question of *how* to do so.

But perhaps C, without telling K of his danger, walks into some (not K's) house. It is only the appearance of M, whose intention is known to K, which makes him realize that C's going into the house it was an act of *hiding*. To eliminate the obligation to help we imagine empty streets and K in a wheelchair. Now surely, confronted with the question, 'Where is C?', unable to help, he must ask himself: 'To lie or to speak the truth?'

Yes, provided that he is in circumstances where 'statements cannot be avoided'. The example, however, has still not given us that. For it is open to K to try to dissuade M from his intention, to tell M that he won't betray his friend, to tell M to go and soak his head, to recite the multiplication table, sing the Marsaillaise, or simply to be silent. He can – by speech or silence – refuse the engagement of answering. And M can no more make him speak than he can make him think.

But can M not make him speak by e.g. pulling out a knife and demanding an answer? Let's grant the absurd assumption that M could here *trust* what K tells him, and concentrate instead on the situation created by the knife.

The knife makes it clear that the dilemma is not, 'Should I lie or speak the truth?' but, 'Should I speak or be silent?'. It is the decision *to* speak which raises the question of *how* to speak (truthfully or falsely). But if speaking is up for decision, then it is not necessary – it is not a predicament. But what about the knife! The knife gives us at most: 'Since to preserve my life I must speak, should I lie or tell the truth?' The necessity to speak is here *conditional* on wanting to preserve one's life. This is enough for the ordinary man and for those philosophers who consider lying to be permissible under certain circumstances. When truth-telling is not an absolute requirement, then to risk one's life by refusing to speak would be imprudent, suicidal. For such a man the knife determines – logically and morally – the situation and with it the right course of action: to avoid pointless death he should speak (lie).[43] For K however, things are different. He is faced with two unacceptable evils: that of lying and that of betrayal. He must therefore seek another alternative. Here too the knife determines – logically and practically – the situation. *Qua* 'threat' it invites two responses: submission and defiance. Since for K, unlike for the ordinary man, submission means doing evil, he is left with defiance as the 'right' path – the path of 'suffering', rather than of 'doing' evil. The knife gives the situation a certain moral character: it is a situation calling for *courage*. What for an ordinary man is an act of prudence, would be for K doing evil out of cowardice. Morally speaking therefore, K does not have the dilemma of lying. And the problem which he may have – to speak or not to speak – is not that of being faced with two obligatory or impermissible courses of action, but that of temptation: being faced with a 'want' and an 'ought'. No matter how *pressing* this problem be, he no less that we knows that it is not *serious*. It is the 'antagonism' between inclination and obligation; not a 'contradiction' within authoritative claims. It is not a *moral* dilemma.

But may a coward not have an absolute regard for truth? May we not push the dilemma one step back and imagine K, frightened into speaking, facing the dilemma of *how* to speak? Leaving aside the general question of the 'unity of virtue', we must note the change this would bring into K's situation. He is now be precluded from saying, 'Here I stand, I can do no other'. For not only

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[43] Dietrich Bonhoeffer was once seen by a friend on a public occasion performing the Nazi salute. To his horrified rebuke Bonhoeffer replied: 'Put up your arm! This thing isn't worth dying for'.

However, even he for whom lying is at times permissible should, if he is to be taken seriously, do all he can to avoid answering.

can he do other, but he *should*. Whether he lies or speaks the truth, K knows that he is acting wrongly, and 'wrongly' means here doing avoidable evil. To say 'Here I stand, I can do no other' is to locate oneself under necessity and to claim relief from certain kind of concern with the consequences. But only necessity can so relieve one, and when one stands 'wrongly' one is no longer under necessity. The 'act of choice' makes one responsible for the consequences. By his cowardly act of answering, K enters the inadmissible relation with M and thereby *partakes of his deed*. Whether C is murdered because K speaks the truth or lies (as when thinking that he is sending M in the wrong direction, he in fact sends him in the right one[44]), it is *his answer* which leads the murderer to his victim.[45]

But our 'extraordinary' man is not a coward and thus has no dilemma. He may end up suffering evil, but he is not obliged to do it. This 'happy ending' may, however, irritate the philosopher for it deprives him of his pet dilemma. He may insist that there must be 'some' possibility of constructing the right kind of *ex hypothesi*. Since such insistence – which is implicit in 'problem-ethics' – has been the main concern of this discussion, it may be fitting to end by raising some suspicions of it.

Underlying such insistence is the assumption that what is set up by the *ex hypothesi* is *a* but 'the problem of ...' (lying, promise-breaking, killing, etc.); one which in some such form which arises in ordinary life and which philosophy must address. The 'problem' is here construed objectively and dilemmatically: as something which is ' out there' and which calls for decision between 'given' alternatives. The discussion of this example of lying tried to undermine this conception by arguing that there is something wrong with the *logic* of the example, i.e. with its moral structure. Any *ex hypothesi* which would be capable of creating a dilemma of lying would need to have a different conceptual structure, and would thus call for and exclude, different *moral* considerations. That, however, would make it a different problem and what could be said of it would not be simply exportable to other cases.[46]

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[44] This case was envisaged by Kant in his article (p. 348).

[45] We could also say that by becoming responsible for the consequences, one becomes obliged to heed consequential arguments and to concern oneself directly with the foreseeable effects of one's action. In this case the death of the hiding man is the foreseeable and direct consequence of one's speaking the truth (one directs the murderer *to* his victim; whereas in the case of lying which misfires, one is directing the murderer *away* from his victim). This being so, one should lie – lying is here the 'lesser evil'.

[46] E.g. a case when an ill friend whose life would be endangered by bad news, asks about his child who has unbeknownst to him died, presents a totally different problem. Courageous

The *elenchos* forces us to put this more emphatically. The reality of the moral lies in the claim which circumstances under the description of a certain kind of seriousness make on us. Our only access to this reality is via our *acknowledgement* of that seriousness, via *thought*. Thought however needs content, and the content here is the specific claims (i.e. the specific moral descriptions), and their relations to other claims. With the reality of the moral being so intertwined with responsiveness, the only chance for truth-hopeful thinking lies in training one's mind and soul for the perception of what is *relevant*. Relevance, however, is context-dependent. What is courage in one case may, in another, be recklessness, self-indulgence, vain-glory, even cowardice. It is not the individual, nor the society which decides this. Once certain claims are at work, the decision is made by the 'facts of the case', which is just another way of saying that in an important sense of the word there is no decision.

But if it is true that moral thought proceeds by examination of what is relevant, then generality ("the problem ..."), by detracting our attention from the specific claims recognized in a situation, lessens our capacity to *do justice* to it. In the long run it blunts our sensitivity to what is relevant, i.e. our capacity for moral thought and our moral responsiveness. On the face of it paradoxically, generality blunts our sensitivity to the *universal*. Unlike the general, which relates to the particular as to instances, the universal – good and evil, necessity and impossibility – emerges out of, is immanent in, the particular. As a category of spirit, the universal comes into being in an act of acknowledging a concrete claim.

No less importantly, reliance on general dilemmas makes us lose sight of the fact that the moral *joux sont faits* in the *perception* of the situation. Focusing on the question 'to lie or to speak the truth?' takes us away from what is here the real issue: the issue of the importance and *in that sense* the potentially problematic character of speaking. Focusing on the dilemmatic makes us lose sight of the fact that the 'problematic' means primarily the *serious*, that which calls not for deliberation or decision, but for respect; that whose recognition places one under the constraints of thought and concern. Focusing on resolving the dilemma of lying tempts us away from that which generates that dilemma: the importance and preciousness of our nature as beings of *logos*; as beings actively rooted in thought-relation to truth and actively rooted in speech-relation to one another. "For with the heart man

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defiance is not appropriate when facing someone loved. Still different would be a case where silence is itself an answer, since this would change the nature of 'action' and 'suffering'.

believeth unto righteousness; and with the mouth confession is made unto salvation"; "Wherefore, putting away lying, speak every man truth with his neighbour, for we are members one of another".[47]

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[47] Romans, 10:10; Ephesians, 4:25.