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## ON THE CONCEPT OF LYING AND THE PRINCIPLE OF TRUTHFULNESS

**1. Definition.** According to the classical term, "lie" (*mendacium*) is *locutio contra mentem* – "to speak contrary to thought", that is, contrary to conviction. Let us henceforth treat the phrase "to speak untruth" as shorthand for the phrase "to speak contrary to conviction", and "to speak truth" as shorthand for the phrase "to speak in accordance with conviction". The classic definition of lying now takes the form of the definition of

(D1) lie = tell untruths.

Implicitly, we assume from now on permanently that it is a matter of speaking untruth consciously, i.e. when the speaker knows how it really is. The possibility that he tells it unconsciously complicates the matter formally, but for the substance it is irrelevant.

The classic definition of lying is too broad: we will not always consider telling an untruth a lie. Someone makes us a gift and asks us how we like it. The gift is missed, but we reply that we like it very much, because we don't want to cause unnecessary annoyance to that person. We told an untruth, but no reasonable person would consider it a lie, something worthy of condemnation.

D1 definition is too broad, because something is missing from the content of its definiens, namely an assessment, and clearly negative one at that. To say "you're lying" to someone is an insult; to say "you're telling an untruth" is a condemnation or at most a reproach. The absence of evaluation in the definiens with its presence in the definiendum makes the D1 definition inadequate: its left side says more than its right side and thus has a narrower scope.

Therefore, we replace the definition of D1 with another, tighter one. Here it is:

(D2) lie= to tell untruths when the truth should be told.

Its adequacy is not in doubt. Whoever, in a situation where the truth should be told, tells an untruth, tells a lie; and vice versa: whoever lies, in a situation where the truth should be told, tells an untruth.

The question imposes itself, when, in view of this, one should tell the truth, in what situation? If we answer "always", that is, "in any situation", the relativization of the lie to the situation by this quantifier is extinguished. Whether a statement is a lie then no longer depends on the situation of the alleged liar. So in this case, the definition of D2 will overlap in scope with the definition of D1.

Isn't the definition of D2 too tight now? The example with the gift would indicate that, because a courtesy lie is a lie after all, and it doesn't fall under the D2 definition. Well, it doesn't matter. Contrary to linguistic appearances, a lie of politeness is not a lie, just as pretended joy is not joy. In view of the D2 definition, the appendage "courtesy" is not a determinative appendage for the term "lie": it does not isolate part of its scope. It is a modifying appendage, that is, it changes the very meaning of the term and its entire scope – like the king of spades is not a certain variety of kings, but a playing card. (On the logically different types of appendages, see T. Czeżowski *Main Principles of the Philosophical Sciences*, 3rd edition, Wrocław 1959, p. 90.)

But doesn't the D2 definition explicate *obscuri per obscurius*, one dark concept with another even darker one? The term "lie," after all, has a fairly clear range of applicability, while the phrase "a situation in which one should tell the truth" seems almost contentless in its indefiniteness. Doesn't this make the D2 definition sterile? Probably not, but let's just point out that the D2 definition tightens the D1 definition to adequacy. If it were logically sterile as a tautology (like "in Poland it is as it is", "the President said what he said"), it would not be able to tighten anything. The definition does not remove the ethical difficulties

from the concept of lying, but locates it more precisely. This will be discussed in the next section.

We read (A. Sporniak on Kolakowski's *Mini Lectures*, "Tygodnik Powszechny" March 1997) that in Christian moralism there is a well-known way of understanding lying as "concealment of the truth due." The way seems perfect, because it also includes lying by silence. In our terminology it would look like this:

(D3) lie= not to tell the truth when it should be told.

The definition of D3 is more general than D2: it includes not only active lies, i.e. telling untruths, but also passive lies, i.e. not telling the truth. This raises new logical and ethical issues, but addressing them here in all their generality is not necessary. We will stop at a tighter understanding of "lying" according to the D2 definition.

**2. Principle.** The concept of lying is coupled with the principle of truthfulness. It is to it that the definition of D2 refers with a clause that makes the stigma of lying dependent on the situation of the liar. It is there that one must look for the answer to the question of when to tell the truth and when not to. Difficulties with defining lying flow primarily from the fact that the content of this principle wants to be crammed into its definition. Meanwhile, a definition is only an explanation of a word, here the word "lie." Defining is a matter of logic, but not formulating moral laws surreptitiously in the process. These are a matter of ethics: the apt codification of a certain norm that makes up our normotype of civilization – the set of norms and higher values that characterizes and animates our civilization. (The notion of "normotype" appears without definition in the work of Dr. Robert Piotrowski *Problem filozoficzny ładu społecznego a porównawcza nauka o cywilizacjach*, Warsaw 2003, pp. 123-133, introduced there in consideration of the thought of Feliks Koneczny. From there we also took them.)

Each definition explains a certain concept by other concepts, and these too may require explanations, i.e. further definitions. Definitional regression, however, must have an end. Since Hilbert's *Grundlagen der Geometrie* (1899), it has been known that this end is always the first assumptions of the

of some theory: its axioms, principles, or postulates, by which it characterizes its already undefined primary concepts. (For geometry, these would be, for example, "point," "line," "angle.") Comparing the sequence of definitions of a given concept with an anchor chain, we can say that these first assumptions are the anchor with which this concept and its definition hook onto the ground of reality. This is also the case with the concept of lying and the definition of D2: the anchor for them is the principle of truthfulness. Only it specifies – to the extent that it is itself specified – in which specific situations one should tell the truth and in which one should not. Without this anchor, the chain of logic running from the D2 definition hangs in the water.

Trivially, the principle of truthfulness is linked to the concept of lying by two equivalences:

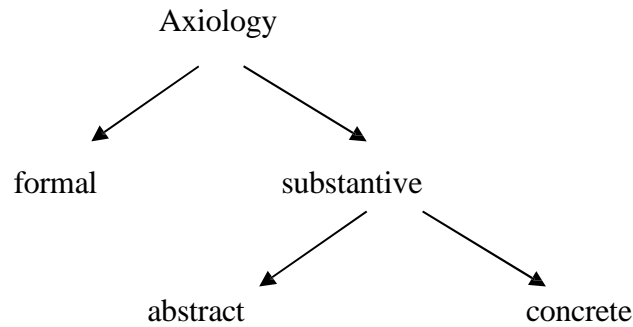
$$\begin{aligned} X \text{ lies} &\Leftrightarrow X \text{ violates the principle of truthfulness} \\ &\Leftrightarrow X \text{ is telling untruths in a situation where the truth should be told.} \end{aligned}$$

This combination is correct, but it says nothing about the content of the principle, or even its form. Otherwise we would have a vicious circle in explanation: lying by truthfulness, and truthfulness by lying.

The principle of truthfulness cannot be put in one concise formula. Comparing our civilization normotype to the holy book of this civilization, we can say that the principle of truthfulness in it is not one sentence, but a whole chapter so entitled. It is supposed to fill with content the following formal scheme: "always tell the truth unless there is a situation  $s_1$  or  $s_2$  or ... or  $s_i$  ...". The truthfulness functor "unless" here is, as everywhere, a sign of anti-equivalence: " $p$  unless  $q$ " means " $p \Leftrightarrow \neg q$ ". E.g. "February has 28 days unless the year is leap year" means "February has 28 days whenever and only if the year is not leap year".

**3. Elzenbergianum.** Elzenberg divided axiology – in his terminology, the theory of non-utilitarian values – into formal and substantive. (See Ulrich Schrade: *Henryk Elzenberg's Formal Axiology*. "Studia Filozoficzne" No. 12/1986; or our article *From Elzenberg's Axiology*. "Ethics" No. 25/1990 or reprinted in *Philosophy and Values*. Warsaw 1993).

Following Elzenberg, we divide the second part of his division further into abstract and concrete axiology, generalizing his division of ethics in this way. (See our article *Abstract and Concrete Ethics* in the memorial book for Marian Przełęcki, *Science and Language*. Warsaw 1994, or reprinted in *Philosophy and Values II*. Warsaw 1998). The systematics of axiology is thus as follows:



The second division to formal axiology does not apply, because this one is purely descriptive, while that one is normative.

Our remarks have so far revolved in the realm of formal axiology; the given formal scheme belongs to it. However, as soon as we try to replace the situational variables  $s_i$  in it with complete sentences, we move to the ground of substantive axiology. Inserting descriptions of specific life situations behind these variables then ceases to be a purely intellectual act, and becomes a profession of faith: an advocacy of the normotype of our civilization, the one Christian at its core. The normotype of one's own civilization cannot be described indifferently, as does ethnology describe the normotype of another'. Those who think they are doing so are either mistaken, or no longer belong to this civilization. For she is a measure to us, another does not exist.

The most famous description of the  $s_i$  situation is, of course, the Eighth Commandment: "do not bear false witness against your neighbor." While it does not enter in the scheme in place of any  $s_i$ , it does indicate such a situation that excludes them all as possible excuses for falsity: the situation of testifying before a court of law to someone's disadvantage.

However, this commandment, too, is in fact a whole subsection of the aforementioned book, for what is one to do when faced with a perjury court? And who is our "neighbor" in the court anyway? According to the *normotype* of that civilization, from which this famous formula historically originated, a neighbor is only a fellow tribesman and a fellow follower of Yahweh – no one else. By contrast, according to our, Christian normotype, a neighbor is every human being without exception. However, the formula could be understood in yet another way: that everyone's neighbor is only his fellow tribesman, a member of his own tribe, not necessarily the historically distinguished one.

All this agrees well with Elzenberg. In his manuscripts you can find, as we once wrote about, a brief explanation of how he would take offense at his own substantive axiology. Well, it goes like this: "the first declaration is *this I value* – and then 300 pages of enumeration". So it would be a bare inventory of the values of our normotype, a simple list of them. Lists have their logic, too (see Peter Geach: *Reference and Generality*. Ithaca 1962, r. 7 "The logic of lists"). I understand that any logical treatment of such an "Elzenberg list" (see our *Hedonism and Obligation*. "Philosophical Education" 43/2007, p. 18), such as the classification of its items, the subsumption of one under another, or the evaluation of their mutual correspondence, Elzenberg would already count as formal axiology.

The same would be true of the principle of truthfulness: first the abstract recommendation *always tell the truth*; and then several hundred pages of descriptions of concrete life situations that suspend this recommendation or even replace it with the opposite "tell untruths then!". Elzenbergism is not utopian.

**4. Formalities.** Let's expand our scheme a bit formally. Let  $p^+$  be an abbreviation for the infinitive "to tell the truth," and  $p^-$  for "to tell the untruth." Logically, then, these are two constants. They are subject to the obligation operator O (from *obligare* = "to bind, oblige"):  $Op^+$  = "one should tell the truth",  $Op^-$  = "one should tell untruths". In the personal form, the same is expressed by the imperative mode: "tell the truth", "tell untruths."

We now write the principle of truthfulness schematically like this:

(Z)  $Op^+$  unless  $s_1 \vee s_{(2)} \vee \dots \vee s_i \vee \dots$ ; or

equivalently so:

(Z')  $Op^+ \Leftrightarrow \neg s_1 \wedge \neg s_2 \wedge \dots \wedge \neg s_i \wedge \dots$

We take the subject as established. The formulas  $Op^+$  and  $Op^-$  correspond to his two opposite moral situations. The unknown  $s_i$  marks certain external situations – physical or social – that can happen to the subject.

The Z' equation is solved in such a way that, on a moral sense, we search for more situations that would suspend the "tell the truth" imperative. We search until we think we have exhausted the list of unknowns in Z'.

Situations in which the  $Op^+$  imperative ceases to apply are of two types. They can cause either only its suspension  $\neg Op^+$ , as in the example with the missed gift; or replace it with the counter-tribe  $Op^-$ , as in testimony before a perjured court. There is an obvious connection

(1)  $Op^- \Rightarrow \neg Op^+$

but not the other way around, because "tell the untruth" is not the same as "don't tell the truth." The second means "speak untruth or keep silent."

Let's call the situation in which one should speak the truth to be the "ethically normal situation" and all others "ethically abnormal." To speak the truth is the norm, the rest are anomalies. In this asymmetry of and untruth-telling – for by definition, the frequency of the norm is greater than that of anomalies – the truth-telling principle makes its presence felt in our normotype. The  $O$  operator expresses the normotype's pressure on the will of the subject and creates a certain moral situation for it. The effect of this pressure, however, also depends on the direction of will inherent in the subject individually, which sometimes varies individually: there are people who are inherently truthful and there are people who are inherently deceitful. The words that the subject

says when something needs to be said, are therefore the resultant of two spiritual forces: the external normotype and the internal character.

A situation can be ethically anomalous in two ways: weakly and strongly. It is weakly anomalous when there is an  $\neg Op^+$  and an  $\neg Op^-$ : when one is allowed to speak untruth but is also allowed to speak the truth (as in the example with the gift). It is strongly anomalous when we have  $Op^-$ : when one must speak untruth (as in the example with the perjury court). The duality of ethically anomalous situations complicates the matter formally, and is further complicated by the fact that the pair  $(p^+, p^-)$  does not exhaust the possible reactions of the subject to the situation. For there is a third eventuality:  $p^o$  = "to keep silent". So is it the case that when one is allowed to speak either the truth or untruth at will in a given situation, one should remain silent:

$$(2) \quad \neg Op^+ \wedge \neg Op^- \Rightarrow Op^o \quad (?)$$

Perhaps, but there will be a further ambiguity in this silence  $p^o$ . It is indicated by two seemingly contradictory Latin sayings: "shouting in silence" (*dum tacet clamant*), and "whoever is silent, apparently agrees" (*qui tacet, consentire videtur*). The contradiction is apparent, because there are different kinds of silence. In all speech there is truth and falsehood, therefore also the possibility of lying. Lying by silence, however, we will not discuss here.

**5. Conflictuality.** We can now write down the definition of lying in shorter terms: to lie is to tell an untruth in an ethically normal situation. Such a weakening of the imperative of truth is justified by the fact that, although truth is a chief value, this still does not mean that it is the highest. The highest would constitute an axiological absolute, and our normotype does not contain such.

Expressed algebraically, in the order of higher-lower values, truth is only *a maximum*, not *a supremum*. It is a value from which there are no higher ones out there, but this does not mean that all others are lower; for they can be equally high. The primate values, that is, the maximum elements, are several or perhaps a dozen in our normotype; and in this order they are mutually incomparable.



The presence of incomparable values makes the normotype internally conflictual. There are life situations that are generally impossible to resolve in it; for example, what is more important: truth or mercy? And yet we have to resolve them, so we do, ethically at random. This is how ethically abnormal situations arise: two supreme values collide head-on in the real conflict of life. A conflict-free normotype would be one that has its own axiological *supremum*: in which there is only one maximum value, and all others "serve" it. Our normotype is not such.

**6. "Humanism.** Herculean efforts are being made – such as the imposition of the so-called *Charter of Fundamental Rights* on Europe, as proclaimed at the European Council conference in Nice on December 7, 2000 - to remake the Christian civilizational normotype into a conflict-free "humanist" one. There is to be only one supreme value, which all others serve. This axiological *supremum* is HUMANITY. The other values, hitherto supreme, become instrumental to this absolute, among them truth and truthfulness. Truth is to be valuable only insofar as it serves man. It is he who casts his unearthly glow on her, not she on him.

The absolute of HUMANITY usually appears in the form of its avatars, more accessible incarnations: as "human life," as "personality," or as "human person," and in recent years also as "dignity." The cry that "life is the supreme value" is heard around the circle, and "human dignity" stands at the very head of this *Charter* as its *Article 1*. The same year also saw the publication of the *Humanist Manifesto 2000* promulgated by some International Academy of Humanism at a provincial state university in Buffalo, USA – a flimsy imitation of *the Communist Manifesto* of 1848. Among the nine "key principles of the ethics of humanism," we find there as the first commandment that "the supreme value is the dignity and autonomy of the individual" (p. 31 of the Polish edition by "Książka i Prasa").

The truth is supposed to be subject to the avatar of "dignity," as he supervises it. The Polish Constitutional Court announced in December 2006, through the mouth of its chairman, Judge Jerzy Stępień, such an astonishing

NEWS: "We have said in our rulings that the highest value is dignity, not truth. [...] Truth is not the highest value in our constitutional order." (Cf. T. Sommer: *Wolniewicz – Zdanie własne*. Warsaw 2010, p. 207.) The animus against truth was probably added to Judge Stępień by this *Charter*, or perhaps this *Manifesto*, because it is doubtful that he came up with this new principle on his own; although we do not doubt that in fact both he and the entire left-leaning Tribunal have constantly implemented and continue to implement this principle.

In the explanation of the chairman of the Polish Constitutional Court, a new principle was expressed: the principle of "humanistic" truthfulness. As you can see, it reads:

(H) One should speak the truth unless it does not serve one's dignity.

So when it doesn't serve, one is allowed to speak untruths, or suppress the truth – at will. Our first objection to the H-principle is this: the H-principle is a slogan for the short term. In the long run, suppressing the truth never serves "man," only some secretly vested interest. In turn, it is ransomed by lasting social harm: it poisons the normotype with consent to lying as a universally accepted lifestyle. A huge example of this is the lie of advertising, especially drastic in the case of drug advertising. Another example is provided by medicine, when a doctor "out of pity" comforts a patient with a lie – temporarily and for a short time, and permanently and for a long time undercuts the public trust in medicine in general with this comfort. In this way, a great good is sacrificed for a small one. The so-called "social capital" in today's utilitarian jargon, that is, the moral goods accumulated over centuries in the Christian civilization normotype, is being squandered.

Second: the H-principle sophistically creates some semblance of logic. In Principle Z, the unknown  $s_i$  indicated that any departure from telling the truth requires a separate defense and discussion of the situation that would justify it. Meanwhile, Principle H settles the matter seemingly in one fell swoop, establishing the notion of an ethically abnormal situation as one in which telling the truth would damage someone's dignity. This sophistic quasi-precision serves two functions: (a) it gives the discussion

over the unknown  $s$ ; twist from above "humanistic," in the spirit of that *Charter*, of which it is covert propaganda; (b) it gives an easy dignity excuse – also like that *Charter*, with a completely unspecified concept of "dignity" – to arbitrary political decisions, as happened, for example, when the CT "defended human dignity" by perpetuating, with the help of Principle H, the lustration law.

Finally, third and most importantly: the H-rule mixes a person's dignity with his reputation – with his public image. How would truth harm anyone's dignity? Unlike falsehood, truth logically agrees with any other truth. Therefore, it can only disagree with some falsehood, i.e. here with someone's fake dignity. It then harms only the dummy dignity, which is the false reputation of such an individual. The Constitutional Court's promulgation of Rule H is a license to judicially uphold – as in the case of "Bolek" – such "dummy" and counterfeit images. It is also a lever for the increasingly exuberant "dignity" froth, and for the stifling of public criticism that goes with it. This is because any harsher criticism can be seen as damaging to one's reputation. No truth harms one's dignity, nor does a lie help it (but both can influence reputation).

**7. Aristotelianism.** An illustration to the H-principle is Leszek Kolakowski's article *Truth and truthfulness as cultural values* ("Studia Filozoficzne" 2/1966, reprinted in *Culture and fetishes*. Warsaw 1967). There we read (p. 211/212 of the book):

"Truthfulness [...] is a component of the general principle of respect for personality. That personality is an autotelic value, cannot be justified by appealing to values that are more general or higher in the hierarchy of goods within our civilization."

Thus, "personality" as an "autotelic" value would justify the injunction of truthfulness as something due to another person. It is difficult to agree with this; this is not what this injunction is explained by.

Truthfulness is an obligation not to another person, but to the truth. It serves the truth by increasing its dominion - the area of its dominion in the world. Truthfulness is a subordinate value

relative to truth as a supreme value. (Cf. our article *The supreme values of the scientific worldview, Philosophy and Values*, *ibid.*).

It is man who serves the truth, not the other way round. This service only makes him a man: it elevates him above the animal world, to which he otherwise belongs. Truth, of course, also has great utility value, but incidentally. When the incidental obscures the main, the H-principle appears, as in James' pragmatism, that prototype of "modern humanism."

Truth is not a "cultural value", but an attribute of humanity. It becomes so through language, which is also not a "product of man," like toothpaste or a cell phone, but an emanation of his nature. Language is the medium of truth, in which it appears as the totality of true sentences - in contrast to the signs and signals of the "pre-truth," as Norwid called them when speaking of the imagination of an infant (*Conversation of the Dead*, 1857). This medium of truth is polluted with lies, like the Vistula is polluted with sewage.

Man is the vessel of truth. The Greeks saw this more clearly than we do, because their view was not clouded by its bewildering uses in technology and medicine. Man's servitude to truth was seen most clearly by Aristotle. His view was accurately put by B. A. G. Fuller in his *History of Philosophy* (vol. I, Warsaw 1963, p. 200/201), discussing the concept of "active reason" (*nous poietikos*). We give his interpretation in slight summary, otherwise verbatim:

In what Aristotle calls *active reason*, we have everything that is immortal in man. This reason is impersonal, and by entering into us it abolishes our separate personalities, melding them, as it were, in a common act of grasping truth. The fact that this reason continues after the death of the individual has nothing to do with the immortality of the person. While persisting after the death of our body, reason also survives us. Only the grasping of truth, of which we briefly became vessels, survives the passing of time and enlightens the minds of subsequent generations for centuries.

This thought of Aristotle seems to us to be profound and in its harsh realism true. It is also an illustration of itself. The same truth that flashed through Aristotle's mind two and a half thousand years ago now flashes with its sudden clarity in ours. In this way, something of Aristotle persists, although he himself is long gone.

Elizabeth Anscombe (*Aristotle* in: G. E. M. Anscombe, P. Geach: *Three Philosophers*. Oxford 1963, p. 58) admits that Aristotle did indeed conceive of his "active reason" as a partake of the divine reason: as the one thing which, he said, appears in the world "from outside," so as if from outside the world.

The same interpretation of Aristotle was expressed more closely by Thomas Aquinas (*De Veritate, quaestio* 1.2): "The natural things from which our reason derives knowledge are the measure for it; and they themselves are measured by divine reason." In turn, these words of Thomas were beautifully articulated by Cardinal Mercier (*General Metaphysics*. Warsaw 1902, pp. 271/272). Things reflect God's thoughts: this is the ontological truth contained in things. Human thoughts, when true, reflect things: this is the logical truth contained in these thoughts. However, by truly reflecting things, human thoughts also indirectly reflect this ontological truth contained in things, thus becoming identical to a partake of God's thought contained in them. This is the transcendental truth of these thoughts, their metaphysical second bottom - the spark in the human soul from another world of origin; or, as Aristotle said, "from outside." (Cf. also our article *On Divine Logic*. "Philosophical Education" 39/2005, especially theorem (17) and its discussion.)

The idea that the natural world is not everything, has been revived again and again in philosophy; and let us not be confused here by theological language. It is only the most economical means of articulating it. And Kolakowski's view of the nature of truth was, as you can see, quite un-Aristotelian, at least in this 1966 article. The article was going in the wrong direction in general, as can also be seen in his neo-Freudian musings on "truthfulness as a neurotic symptom". Truthfulness is a virtue, and the fact that any virtue can grow into some vice was also already described by Aristotle.

**8. Countertypes.** In the schematic principle Z, the unknowns  $s_i$  represent certain types of situations: those that suspend the due of the truth, i.e., the duty to say it. The whole difficulty with the concept of lying and the principle of truthfulness lies in the designation of these unknowns, and in the fact that their list is open-ended. What can we say about them more closely?

The first is their analogy with legal terminology. Unknown  $s_i$  are counter types of lying – In the sense that the term "countertype" is given in [Polish] criminal law. There they call it a circumstance that excludes the criminal illegality of an act and makes behavior with the characteristics of a criminal act not a crime. Let's make a few substitutions on this legal definition, adapting it to the ethical term under consideration:

crime / lie  
 circumstance / situation  $s_i$   
 Criminal unlawfulness / reprehensibility  
 (=counter culpability)  
 criminal act / speaking untruth

This gives the following definition:

The countertype of lying is any situation  $s_i$  that excludes (D4) the reprehensibility of the act and makes the behavior with the characteristics of the telling untruths not lying.

In other words, we call counter types of lying such situations in which we consider telling an untruth morally or morally justified and therefore do not consider it a lie (before that we called them "ethically abnormal": in scope they are one and the same.) A good example of such a countertype is pointed out by Richard B. Brandt (*Blameworthiness and Obligation*, in the collection *Essays in Moral Philosophy*, ed. A. J. Melden. Seattle 1958, p. 13), a well-known and solid author, writing that someone "*was under no obligation to tell the truth, because he had been asked an improper question*".

Let's take a legal example, and one that is close in content to lying: slander, i.e. falsely making a public accusation against someone. According to Article 212 of the [Polish] Penal Code (CC), such an act is a crime. Article 213 of the CC, however, provides a countertype for it; it is a conjunction of two circumstances: that the accusation was true, and that making it public serves the public interest.

What's more, Article 29 of the CC implies for slander cases a certain higher degree of counter-type: while the perpetrator may have been mistaken in thinking that a certain  $s_1$  counter-attribution situation in the sense of Article 213 of the CC exists; in fact, another  $s_2$  situation exists, consisting in the fact that this misconception of the perpetrator as to *the*  $s_1$  situation was justified in the first place, e.g., contained some serious rationale behind it (the importance of Article 29 of the CC for cases under Article 212 of the CC was recognized penetratingly and made clear to us by attorney Pawel Buczek, then still a court trainee. It is incomprehensible why, for example, in the case of "Walesa *contra* ed. Wyszowski" about the fact that the latter called him "Bolek," the court in the verdict did not apply Article 29 CC, although its conditions were clearly met).

According to Kant, "lying is the greatest violation of man's duty to the humanity present in his person" (*Metaphysik der Sitten*, p. 277 [429]). Kant's unconditional condemnation of any speaking of untruth can be summed up in two words: no countertypes! However, Schopenhauer had already rightly pointed out that Kant thunders against falsehood more than he justifies these thunders. The same was pointed out by Benjamin Constant in his well-known polemic with Kant (F. Boituzat: *Un droit de mentir? Constant ou Kant*, 1993). One can argue what is a countertype for lying and what is not; one cannot argue whether there are any countertypes at all.

**9. Classifications.** Can the countercurrents of lying, these  $s_i$  ethically abnormal situations, be somehow classified? Lying is a certain relationship between people, in which someone deceives someone else. Let's call the deceiver the "subject of falsehood" and the deceived – his "counter-subject". So-called self-deception is left out, because it is not a matter of logic or ethics, but of licentious Freudian psychology.

Each real-life countertype  $s_i$  situation is a combination of many circumstances: internal in the soul of the subject and external in his environment. The simplest principle of division for the countertypes of lying is a motivation, so the internal circumstance: the subjective component of *the*  $s_i$  situation. Here we first divide the motives into two classes: those that take the telling of a non-truth out from under the charge of lying, making the entire situation of  $s_i$  its countertype; and those that confirm the lying nature of that telling.

We will point out a few subclasses in each of these classes, certainly not all of them.

In the example with the gift, the motive for creating the countertype was gentleness (but isn't it excessive? that depends on the further circumstances). Another justifying motive would be loyalty, e.g., protecting someone who trusted us with the untruth ("Who did it?" – I answer "I don't know," although I do know, perhaps even from the perpetrator himself.) In medical lies, the motive is often pity ("Doctor, is there any advice for this?" – "Yes, of course, we'll write something down right away!", although it is known to medicine that there is no advice here). The desire for peace is also sometimes a motive ("I love peace above all," Mr. Marwitz used to say in *Rodziewiczówna's Dewajtis*).

One of the two most common motives for lying is fear (the other is calculation, but this is second-class, non-contratypical.) Someone lies because he knows that the truth will bring consequences that he fears. Can this be a countertype? Sometimes yes, sometimes no – depends on the further circumstances, the variety of which is difficult to grasp. Mostly it will be fear for oneself, but it can also be fear for loved ones, or more generally for one's own; or even for some public good. We read in the same Norwid's poem that "whoever speaks the truth, stirs up unrest". Speaking the truth is sometimes costly. In the case that Norwid had in mind, there is a collision between the two supreme values: truth and peace. One must be chosen at the expense of the other – but which one? One makes two balances and looks to see which is more advantageous; but this is no answer, because it merely reformulates the difficulty into the language of some fictitious moral accounting. Moreover, the question of how to understand this "benefit" remains untouched: as immediate or after time, *à la longue*. In turn, it depends on whether or not we consider the eventuality of social unrest as a countertype to lying to the people in public. And one more thing: it is necessary here to distinguish between the justification of untruth by fear twofold, weak and strong. With a weak one, only the person of the liar is absolved ("He lied, but what was he supposed to do"), with a strong one, the accusation itself is repealed ("This untruth was not a lie"). Only the strong one is a countertype to the lie, erasing it.

The second class of motives are those that not only do not erase the lie, but never even justify it. One we have already mentioned:



calculation, that is, misleading people for one's own benefit. Massive examples of this are the falsehoods of advertising and propaganda. Another such motive is comfort: one disposes of someone with a lie to avoid long explanations ("Why didn't you come?" - "Because I couldn't," although I could, but something else seemed more important, and maybe it really was, but it would be difficult to explain). The third is the vanity, manifested, for example, in a tendency to make flattering slights about oneself. A variation of it is a tendency to *confabulation*, not necessarily even about oneself, but putting the confabulator at the center of someone else's interest, wallowing in it. Finally, the motive can sometimes be pure malice: stupefying someone in order to ridicule him or her, for example, can be a source of evil joy, quite selfless otherwise. There are people who simply enjoy lying to others. Evil can be passionate – as long as it doesn't strike at ourselves, because then it is no longer exciting (it is puzzling, by the way, that the "Seven Deadly Sins" list of the most important human vices does not include lying – which is more important, perhaps, than intemperance in eating and drinking).

The division of countertypes of lying by motive is based on a subjective basis which lies in the soul of the one who tells an untruth. Theoretically, an objective division would be more relevant, with a basis in the external situation of  $s_i$ , which stimulates the subject to speak untruth (these divisions could, after all, partially overlap in scope). That the reprehensibility of an untruth depends not only on the motive, but also on the circumstances, can already be seen from the example with the gift. There, the recipient was asked by the giver to evaluate the gift, which inserted him in a coercive situation (see R.B. Brandt's remark above). Without this, he would have said nothing but "thank you" and the speaking of untruths would not have occurred. The objective feature of the countertypical situation here is the coercion of speaking present in it. We speak untruths because they force us to speak. By what right are they doing it?

Another objective feature in the countertype of lying is sometimes the need to protect oneself from someone else's intrusiveness, such as from someone else's prying. ("How much do you get for it?" - "I don't know", although I know very well, but what's in it for him?). Here we touch on the broad countertype of the truth which is *not due*. There are "degrees of truths" in this regard, as the Poet says: not every truth

everyone is entitled to. When they want to take us to court, it is also permitted to defend ourselves with untruths; for example, in a perjury court, because no truth is due to such an opponent. This is a clear case, others less so.

The list of countertypes for lying remains open. It is supplemented not by general guidelines, but step by step by precedences. These are cases when some situation  $s_i$  confronts us in all its urgent and confusing concreteness, and we have to decide: is there a countertype here, or is there not? A positive answer will create a precedent, and this, according to another principle of our normotype – the principle of consistency – requires that all similar cases be resolved in the same way thereafter. To what extent "similar"? This is a new issue, which – when it arises – requires a new resolution, that is, the creation of another precedent. It will, however, no longer concern directly the countertype of lying, but the recognition of two situations  $s_i$  and  $s_j$  as "countertypically similar." Thus, it will be a precedent of the second degree, so to speak. Asking about the permissibility of untruths, we enter the territory of concrete axiology, and there it is difficult to give simple answers.

**10. Ugliness.** We have asked so far what lying is all about. Let's ask a different question: what's wrong with lying? Some people straightforwardly expect its definition to answer this too; which is, of course, a fantasy, because definitions are not for making judgments. The difficulty lies in the fact that in the negative evaluation of lying, ethics melds with aesthetics: it is ugly to lie.

Here are four samples from the aesthetics of lying. Kant (a.k.a.): "Lying is vile" (*Lügen ist niederträchtig*); Fontane (*Effi Briest*): "To lie is so despicable" (*Lügen ist so gemein*); Prof. Anscombe at a lecture in Warsaw: "Lying is like foul air" (*What's wrong with lying? It's like foul air*); and in the same vein Elzenberg (*Przyczynki do aretologii*, "Humanistic Review" No. 4/1987, ed. J. Zubelewicz; same in *Pisma etyczne*, ed. L. Hostyński, Lublin 2001, p. 232):

"Whatever rational-discursive considerations there may be on the subject of lying, a direct sense tells us that lying *taints* – and that one of the most perfect purity is that of a truthful man. And in the event of such a discrepancy between

discourse versus moral sense, you have to go after the moral sense."

In each of the quoted statements, coming from different times and places of origin after all, the same tone can be heard: a tone of disgust. Let's be clear: lying stinks – like carrion or excrement. It always stinks, regardless of possible countertypes. Its ethical evaluation is sometimes relative; the aesthetic evaluation is absolute, impetuous as disgust for anything that stinks. This evaluation is a matter not so much of conscience as of smell. To admit to lying is something people are less afraid of than ashamed of – like an ugly disease.

Lying arouses revulsion – like pouring waste into a mountain lake. The ability to experience such revulsion is innate to us along with language: it is part of our genetic equipment. It is also a component of our humanity – one of its logical dimensions; for it is a multidimensional creation and has different measures in different dimensions, according to the different primate values of our normotype. In recognizing a lie, our logic sometimes fails us, but our sense of smell does not.

Does everyone feel the spuriousness of lying? No, because not everyone is from the same seed and the aversion to lying is uneven in people. The absence of it proves that there is a diabolical factor in the genetic equipment of man. After all, it is known that the Prince of this world stands in opposition to the Spirit of Truth (John 15:26); and only "when he lies, from himself he speaks, for he is a liar and the father of lies" (John 8:44).

Rationality pushes towards the truth, truthfulness supports it in this quest. There is no rational justification for the aversion to lying, because there is no rational justification for rationality. It represents an anthropologically ultimate *datum*: the gift of that Spirit of truth "which proceeds from the Father" (John *ibid.*). One must simply accept this *datum* for what it is, just like Goethe's dry two-line poem:

For human wickedness, let no one complain,  
because it is a power - whatever they talk.

(*Über das Niederträchtige niemand sich beklage, / denn es ist das Mächtige, was man dir auch sage*). From some shore you have to bounce, said Roman Suszko. Here the shore of reflection is our human genotype and its superstructure in our civilizational normotype.

The normotype of civilization is an organic creation: new content either processes and absorbs, or rejects like an animal organism does to foreign proteins. The public reaction to lying is weakening, for example, to the increasingly overt judicial stifling by article 212 of the CC of its public criticism. And where freedom of criticism dies down, and with it freedom of speech, lies flourish – inevitably. Democracy also dies. For its only higher legitimacy is that, through freedom of criticism, it opens the field in public space for the expansion of truth. Other legitimacies are purely utilitarian (like "humanitarianism"), or quite dubious (like "the will of the people"); this one is not. The weakening response to the lie means that our normotype is falling; thus democracy is also falling, losing its only legitimacy in it. A falling camel attracts many knives, says an Arab proverb.

The father of lies exists. Those from the H-principle cannot believe in him, although he stands vividly before their eyes, since he has emerged from the depths of the universe into the spiral of the human genotype, this bizarre tree of knowledge of good and evil. They think it's a phantom for which their "humanistic" exorcisms will suffice.

**11. Constant.** He was characterized by a remarkable balance of judgment. His polemic with Kant is contained in his *Réactions politiques* (1797), in the chapter *On the Principles*. Boituzat includes this chapter in its entirety, along with Kant's replica, but hardly convincing.

Constant distinguishes between two moral principles: abstract first principles (such as "tell the truth" or "don't kill") and the concrete "intermediate principles" that bind those to people's actual conduct. Thus, these are dictated by reason and regulated by custom exceptions to the first principle proclaimed *in abstracto*. With Elzenberg, this would correspond to the division of ethics into abstract and concrete. Each first principle is surrounded by a system of mutually supporting intermediate principles. It adapts it to the subject's life situation and thereby stabilizes the entire social order. Constant writes (106/107):

"Abstract moral principles, if separated from their intermediate principles, would cause social confusion. Thus, for example, the moral principle to speak the truth – if taken absolutely and in isolation – would make social coexistence impossible. This can be seen in the conclusion drawn from it by a German philosopher. He went so far as to claim,

that lying would constitute an act of transgression even against assassins who question us as to whether our friend they are pursuing is hiding in our home."

As an indirect principle, Constant puts forward the recommendation to tell the truth only to those who have the right to it. And who does not have this right? Here we need to look for another indirect principle, perhaps even several. One we can already see: he has no right to the truth who would be aided in the crime. That is enough for now.

Let's take another example: "love your enemies". Yes, but only not too effusively; above all, not on a par with friends. And if it came to killing them [enemies], which can happen, then do so effectively, but without abuse. Here is an intermediate principle to that evangelical one. It is expressed by the Red Cross, that peculiar sign of Christian Western civilization and a mark of its influence on the world. The gap between the first principles and their application in life is narrowing thanks to the intermediate principles.

As you can see, Constant's intermediate principles are the same as our countertypes. Any precedent that overrules the first principle  $Op^+$ , becomes an intermediate principle in relation to it.

We have written the *Z-rule* in shorthand. Expanding the abbreviation, we see that the syntactically constant  $Op^+$  is a  $z/z$  category operator. So let's write it  $Op^+(s)$  and read "in situation  $s$  one should speak the truth". The *Z-rule* then takes the form:

$$(Z'') \quad \forall s \in S: Op^+(s) \text{ unless } s = s_I \text{ or } \dots \text{ or } s = s_i \text{ or } \dots,$$

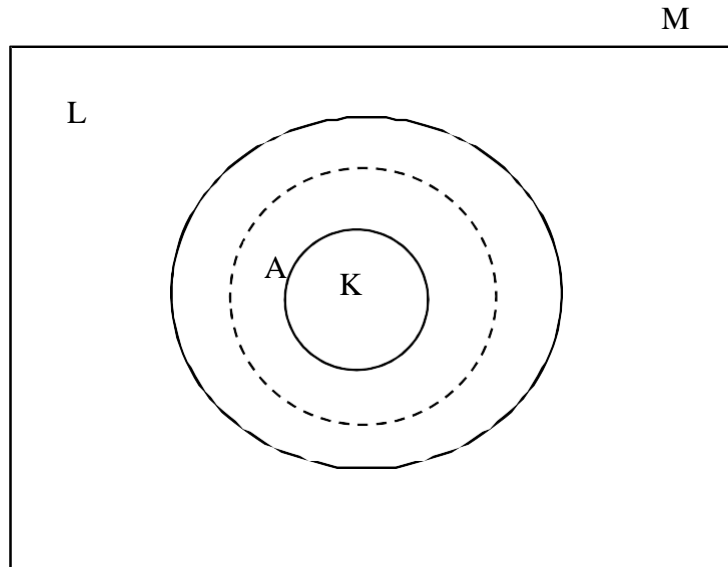
Where the equal sign is a Suszka conjunct. Now let  $N$  be the total of ethically normal situations, while  $A$  is the total of abnormal situations. Let us tighten the universe of  $S$  situations to  $M \subset S$  "speech" situations: those in which the subject sees himself compelled to say something. Then we have

$$(3) \quad \forall s \in M: Op^+(s) \text{ unless } s \in A,$$

because the non-emptiness of the set  $A$  is guaranteed here by the *Z'* principle, where  $s_I$  is a constant: an abbreviation of a certain precedent, say that of Kant.

Formula (3) is the thesis of some abstract substantive axiology. This is because it restricts the  $Op^+$  imperative by some countertypes (including its substantive nature), but does not indicate any of them specifically (including its abstractness). The relationship of concepts expressed in it is shown in the chart, where  $K$  is the total of counter-narratives to the  $Op^+$  rule already recognized by precedents;  $L$  is the area about which *a priori* it is known that no countertypes

are there; and the ring  $M - (K \cup L)$ , where lies the boundary between  $A$  and  $N$ , is an area of ethical uncertainty. Of course,  $N = M - A$ .



Thanks to Constant, it is easier to see what abstract ethics serves. It seems as weakly connected structurally to concrete ethics as a facade or attic added to a building for decoration. In the article indicated above, we saw its meaning in the fact that the consensual proclamation of first principles – regardless of their implementation – promotes social integration. Such an explanation, however, is anthropologically quite flat. Constant gives a better one. The first ethical principles are not to be literally and directly applied, but to look for the relevant intermediate principles which are in accordance to their spirit, thus being, it were, the "executive rules" for them. Let's refer to an analogy: we are pursuing some goal. The first principle shows us its azimuth: "head straight east". So that's where we head, but we hit obstacles along the way, which we have to dodge, and when dodging, we sometimes have to go another way, even the opposite way. Our fixed azimuth "eastward" will only manifest itself in the fact that we always deviate from it as little as possible. The deviation from the azimuth here is the analogy of the countertype, or intermediate principle; and the striving to minimize this deviation is the analogy of this first principle itself, expressed, however, not in words, but in deeds.

In the  $Z''$  formula, the three dots at its end say that its sides only logically balance each other in the limit of time. After all, we don't know what counter-arguments of the form  $\neg Op^+(s_i)$  will bring us in the future – especially in an era of such dizzying changes in civilization as ours.

### Summary

To define lying is easy: telling untruth where truth should be told. This definition, however, is coupled to a principle of veracity which determines the sense of the differentia, and which is the really moot point here. It cannot be stated by a neat general formula, but only piecemeal by precedents. It is of the form "tell the truth, except when any of the following situations occurs: ...", - and there follows a list of "countertypes", i.e. of situations saving a falsehood from being a lie. In such context the relation of veracity to human dignity arises: is saving the latter ever reason enough to depart from the former? The answer is "no", appearances to the contrary stemming from confounding dignity with reputation.

**Key words:** lying, truth, veracity, falsehood.