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## **Why the Revised Grotian Definition of Lying Still Fails: A Reply to Vincelette**

*Abstract:* In a recent article (2017), Alan Vincelette attempts to defend the Grotian definition of lying. In much of the article he argues when it is licit to tell a formal falsehood. This focus, however, is a mistake. In particular, Vincelette conflates two distinct questions: a) is lying ever morally permissible?, and b) is the Grotian definition of lying an adequate definition? Much of Vincelette's response to my earlier criticisms (Skalko 2015) of the Grotian definition focuses on (a), but neglects (b). But (a) is really beside the point. The current debate is over the definition of a lie, not over whether lying is ever permissible. In this latter respect, I argue that Vincelette's revised definition of a lie still fails as an adequate definition of lying.

*Key words:* deception, definition of lying, Grotian qualifier, Hugo Grotius, lying

*Povzetek:* **Revidirana Grotiusova opredelitev laganja še vedno pomanjkljiva: odgovor Vincelettu**

V zadnjem članku (2017) Alan Vincelette poskuša braniti opredelitev laži, ki jo je vzpostavil Hugo Grotius. Večino svojega članka posveča argumentaciji, kdaj je dopustno izreči formalno neresnico. Toda osredotočenost na to vprašanje je napačna. Vincelette še posebej ne razlikuje med naslednjima dvema vprašanjema: 1. Ali je laganje kdaj moralno dopustno? in 2. Ali je opredelitev laži Huga Grotiusa ustrezna? Večina Vincelettovega odgovora na mojo prejšnjo kritiko (Skalko 2015) te opredelitve se osredotoča na prvo vprašanje, a zanemarja drugo. Toda prvo vprašanje je pravzaprav brezpredmetno. Trenutna razprava poteka okrog opredelitve laži, ne okrog tega, ali je laganje kdaj moralno dopustno. V tem pogledu zastopam stališče, da je Vincelettova prenovljena opredelitev laži še vedno neustrezna opredelitev laganja.

*Ključne besede:* zmeta, opredelitev laži, Hugo Grotius, laganje, Grotiusov kvalifikator

## 1. Introduction

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In a recent article (2017), Alan Vincelette attempts to defend the Grotian definition of lying. In this article, I argue that his revised account of the Grotian definition still fails as an adequate definition of lying. In particular, Vincelette conflates two distinct questions: a) is lying ever morally permissible?, and b) is the Grotian definition of lying an adequate definition? Much of Vincelette's response to my earlier criticisms (Skalko 2015) of the Grotian definition focuses on (a), but neglects (b). This confusion makes it unclear as to what the new definition of a lie is according to Vincelette. In untangling the confusion, I lay out the most charitable interpretations of Vincelette's new Grotian definition and show why each of these updated definitions still fails as an adequate definition of lying.

## 2. Vincelette's updated Grotian definition

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As mentioned earlier, much of Vincelette's reply to my earlier article conflates two distinct questions: a) is lying ever morally permissible?, and b) is the Grotian definition of lying adequate? Vincelette spends most of his time arguing for the affirmative to question (a) and mistakenly assumes that this entails an affirmative answer for (b). It does not. Perhaps, lying is morally permissible at times, but that is a separate issue from what counts as an adequate definition of a lie.

To make matters even more confusing, Vincelette does not state clearly anywhere what his updated definition of a lie is. The closest we get to any positive definition can be found towards the end of his article:

»In conclusion, Tollefsen and Skalko are wrong to think that the Grotian definition of lying – wherein a lie is an intentional telling of a falsehood in order to deceive someone who does not have a right to the truth – entails an overly-narrow definition of lying, an overly-simplistic classification of the evils of lying, and an overly-vague notion of who has a right to the truth and when.« (2017, 650)

From the italicized text, it appears then that Vincelette's definition of a lie is »an intentional telling of a falsehood in order to deceive someone who does not have a right to the truth«. Vincelette aims, however, to expand upon and defend the Grotian qualifier »who does not have a right to the truth«. In particular, Vincelette claims that

»one can only intentionally tell a falsehood meant to deceive under the following conditions:

1. There must be an unjust aggression, whether the aggressor be aware of it or not, such that an individual is trying to gain information to which he or she has no strict right.
2. The information sought after must be such that if it is revealed it will cause grave spiritual or physical harm to an innocent party either one-

self or another.

3. There must be proportionate reason for the intentional use of false speech.« (645–646)<sup>1</sup>

**Regarding (1), Vincelette adds:**

- a. »Typical examples of unjust aggression would involve either a malicious interrogator, prying enquirer, or someone not in the right frame of mind.
- b. There is no unjust aggression when the one seeking knowledge has a right to certain knowledge by some specific rank and is performing a correlated task with non-malevolent ends, such as a judge, police officer, spiritual director, confessor, rector, administrator, physician, teacher, caregiver, or parent.« (645)

**Regarding (2), Vincelette adds:**

- a. »There is no grave matter involved if the knowledge sought after, while private or secret, is of such small import that it will not cause any grave spiritual or physical harm to oneself or another if revealed.
- b. There is no grave matter involved if the knowledge sought after, though embarrassing or upsetting or inconveniencing or socially awkward, will not cause any grave spiritual or physical harm to oneself or another if revealed.
- c. There is no grave matter involved if one is operating in a context wherein interlocutors have no expectation of being told the truth, such as in the context of acting, scientific research on lying, game-playing, etc.« (646)

**Regarding (3), Vincelette adds:**

- a. »There is no proportionate reason if the use of false speech is not directed at a specific and worthy end or would be unsuccessful in preventing grave harm.
- b. There is reduced proportionate reason if one has explicitly made an oath or promise to tell the truth.

In repelling an unjust aggressor, one must use the least amount of deception that suffices to effectively repel him or her; hence, one must make use of falsehoods as a last resort and one is obliged to use all other less deceptive means available for successfully repelling the aggression such as silence, explicit refusal to answer a question, evasion, partial truths, or manifest ambiguity.« (646)

According to Vincelette the three aforementioned conditions are necessary conditions for an intentional falsehood not to count as a lie:

»Notice that though on the above principles one can tell a falsehood to someone under the condition that he or she does not have a right to the

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<sup>1</sup> I have omitted the additional details for each point (a thru b or a thru c) as they are merely further explanations of the initial conditions.

truth, this condition is not the only one. Other conditions must occur as well to make the telling a falsehood licit and a form of non-lying.« (646)

Notice that Vincelette phrases his list as conditions under which it is licit to tell a falsehood. Presumably then as applied to the Grotian account in order for there to be no lie all three conditions must be met. Each of the aforementioned conditions then is a necessary condition for an intentional falsehood not to be an act of lying.

Vincelette has provided us with clear enough criteria for knowing when an intentional falsehood does not count as a lie. What then is his positive account as to what the true definition of a lie is? He does not explicitly say. So we must work backwards from his list of necessary conditions for what does not count as a lie to explicate what positively does count as a lie on his account. Explicating the logical conclusion from Vincelette's account will become easier if we use a parallel example:

**The Race Case:**

Premise-R: To qualify for the race, you must meet three conditions: a), b), and c).

Conclusion-R: Thus, if you don't fulfill condition a), or b), or c) then you don't qualify for the race.

**The Lie Case:**

Premise-L: To not be a lie (and yet be an intentional falsehood), you must meet three conditions: a), b), and c).

Conclusion-L: Thus, if you don't fulfill condition a), or b), or c) and yet utter an intentional falsehood, then it is not the case that what you have uttered is not a lie.

The two examples are logically parallel. The conclusion in both cases validly follows from the earlier premise. Since the conclusion of the race case clearly follows from the earlier premise in the race case (premise-R), so too the conclusion in the lie case must follow from the corresponding earlier premise (premise-L). On Vincelette's account then: if you don't fulfill condition a), or b), or c) and yet utter an intentional falsehood, then it is not the case that what you have uttered is not a lie.

That statement, however, contains a double-negation in the consequent. So if we were to write it in plainer English form, while retaining the same meaning we would say: Further conclusion: Thus, if you don't fulfill conditions a), or b), or c) and you utter an intentional falsehood, then you have told a lie.

Note that this further conclusion is logically equivalent in meaning to conclusion-L. This further conclusion, however, does not unambiguously give us a positive definition of a lie. That A entails B, doesn't entail that if B, then A. There are thus two possible interpretations of Vincelette's positive definition of lying:

Conjunctive-Definition: a lie is an intentional falsehood 1) that doesn't involve an unjust aggressor trying to gain information to which he has no right, 2) that doesn't involve information sought after that if revealed will cause grave spiritual

or physical harm to an innocent party, and 3) for which there is no proportionate reason for uttering.

Disjunctive-Definition: a lie is an intentional falsehood that either 1) does not involve an unjust aggressor trying to gain information to which he has no right, or 2) does not involve information sought after that if revealed will cause grave spiritual or physical harm to an innocent party, or 3) has no proportionate reason.

### 3. Application of Vincelette's Definition

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Let us see then how Vincelette's interpretation of the Grotian definition of lying applies to the case studies mentioned in my earlier article (Skalko 2015, 164–168).

We begin with the example of telling random strangers at the grocery store falsehoods about how much money is in my pocket. Random strangers at the grocery store have no right to know how much money is in my pocket. Further, me telling them »Hey! I have \$10 in my pocket!« when I really have \$5 does not involve the case of an unjust aggressor; the random stranger is presumably harmless and poses no immediate threat. Condition (1) is thus met. So is condition (2): this scenario need not involve any information that if revealed would cause grave harm. Condition (3) is also met: there is no proportionate reason for shouting such a falsehood to random strangers at the grocery store. Vincelette is correct to conclude then that according to his revised definition (if we interpret him in either the conjunctive or disjunctive sense), telling random strangers falsehoods about how much money is in your pocket counts as a lie.

He is also correct in concluding that telling any number of fanciful stories to people in the waiting room of the doctor's office counts as a lie on his revised definition (on either the conjunctive or disjunctive account). In such a case (1) there is no instance of an unjust aggressor, (2) such fanciful stories don't involve another seeking gravely harmful information, and (3) there is no proportionate reason for uttering such fanciful stories.

Vincelette, however, incorrectly infers that based upon his definition telling the Nazi at the door any manner of wild stories about the Jews whereabouts does count as a lie. On his definition of a lie, neither condition (1) nor condition (2) are met. Condition (1) states that in order for an intentional falsehood to count as a lie, there must not be an unjust aggressor. But in the case of the Nazi at the door there is an unjust aggressor. Condition (2) states that in order for an intentional falsehood to count as a lie it is necessary that there not be information being sought that is gravely harmful. But in the case of the Nazi at the door there is information being sought which if discovered would be gravely harmful to the Jews. Since conditions (1) and (2) then are necessary conditions for an intentional falsehood to count as a lie and since neither conditions obtain, it follows that telling the Nazi at the door any manner of wild stories about the Jews whereabouts is not a lie. But surely it is. Vincelette's view is counterintuitive.

Vincelette argues that since condition (3) does not obtain in telling the Nazis any manner of wild stories about the Jews' whereabouts, that such a falsehood isn't justified. But that is to conflate the question of whether falsehoods are justified with the question of whether the revised Grotian definition is correct. Perhaps such falsehoods are justified in the scenario at hand, but it certainly doesn't follow that such wild stories about the Jews' whereabouts counts as a lie on Vincelette's definition. I agree with Vincelette that there is no proportionate reason in the envisioned scenario for telling the Nazi any manner of wild stories about the Jews' whereabouts, but that is beside the point. His revised Grotian definition still (incorrectly) categorizes such speech as not lying.

Such difficulty holds if we interpret Vincelette as holding the conjunctive definition of a lie, but does it hold if Vincelette holds the disjunctive definition? On the disjunctive definition a lie is told so long as it is an intentional falsehood that meets either of the three conditions. Presumably, Vincelette thinks that telling the Nazi at the door any manner of wild stories about the Jews involves no proportionate reason and so it is a lie because condition (3) is not met. So on the disjunctive definition, then Vincelette has a way out.

But then I must ask: what does conditions (1) and (2) add to the disjunctive account that are not already included in condition (3)? Couldn't Vincelette shorten his definition to »a lie is an intentional falsehood for which there is no proportionate reason«? It appears that conditions (1) and (2) easily collapse into condition (3). But defining lying as »an intentional falsehood for which there is no proportionate reason« is problematic. For on this account, it is practically unintelligible to ask: »Is there ever a proportionate reason for lying?« or »Is lying ever disproportionate?« On the disjunctive definition, anyone who asks such questions doesn't understand the meaning of the term »lying.« But surely it is intelligible to ask such questions and to ask such questions without implying a contradiction.

Further, on the disjunctive definition to state »lying is disproportionate« or »there is no proportionate reason for lying« is simply a tautology. The moral wrongness of lying on this account then is true in virtue of the meaning of the terms. So if Vincelette means to hold the disjunctive definition of lying, it is utterly useless to argue with someone over whether lying is always wrong, or disproportionate. So much then for the case of the Nazis-at-the-door. Let us see whether Vincelette's revised definition of lying can handle other scenarios mentioned in my earlier article.

Let us continue with the case of the martyrs who refused to denounce their faith. Threatened with death, they refused to either truthfully or untruthfully utter »I am not a Christian; I renounce Jesus Christ«. Both Tollefsen and I hold that a Christian who asserts »I renounce Jesus Christ« and does not mean it is a liar; the tradition has held that such people who even lyingly renounce their faith commit grave moral error.<sup>2</sup>

<sup>2</sup> Matthew 10:32–33: »Everyone who acknowledges me before others I will acknowledge before my heavenly Father. But whoever denies me before others, I will deny before my heavenly Father.« Luke

Vincelette's view on the aforementioned scenario is inconsistent at best, incoherent at worst. He holds both that it is a lie,<sup>3</sup> and that the »unjust persecutors [have] not a right to the truth« (2017, 648). That reply from Vincelette, however, is confusing to say the least. Vincelette agrees with the Grotian definition of lying. But based upon the Grotian definition, if they have no right to know (which Vincelette agrees with), then falsely uttering »I renounce Jesus Christ« is no lie. Yet, Vincelette indicates in the very same paragraph that anyone who says such words is lying. I leave it to Vincelette to attempt to resolve the contradiction.

Let us examine the envisioned scenario more closely in light of the three conditions mentioned earlier by Vincelette. On Vincelette's account for an intentional falsehood not to be a lie, all 3 conditions must be met: 1) there must be an unjust aggressor, 2) who seeks information that will be used for grievous harm, and 3) there must be proportionate reason for uttering such a falsehood. Condition (3), however, hardly obtains, because there can be no proportionate reason overruling Christ's express command not to renounce your faith. So it appears that on his account, someone who falsely asserts »I renounce Jesus Christ« is a liar.

But Vincelette is not off the hook. Recall that for the positive definition of a lie, two possible interpretations were given: the conjunctive definition and the disjunctive definition. According to the conjunctive definition, in order for an intentional falsehood to count as a lie, it 1) cannot be told to an unjust aggressor seeking information to which he has no right, 2) cannot involve information which if revealed would cause grave harm, and 3) cannot have proportionate reason. All 3 conditions must be met in order for it to count as a lie. Condition (1) is not met because there is an unjust aggressor, etc. Neither is condition (2) met because there is information involved which if revealed would cause grave harm. Thus, according to the conjunctive definition of a lie, someone who falsely asserts »I am not a Christian« is not lying.

Further, on the disjunctive definition, it also follows that they are not lying. Recall that on the disjunctive definition a lie is an intentional falsehood that either 1) does not involve an unjust aggressor trying to gain information to which he has no right, or 2) does not involve information sought after that if revealed will cause grave spiritual or physical harm to an innocent party, or 3) does not involve a proportionate reason. But in the case at hand, there is an unjust aggressor and so condition (1) is violated. Thus, it cannot be said that a person who falsely asserts »I am not a Christian« is lying. Thus, even on the disjunctive definition such a person tells no lie.

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12:8–9: »I tell you, everyone who acknowledges me before others the Son of Man will acknowledge before the angels of God. But whoever denies me before others will be denied before the angels of God.« Further, Peter wept because he lyingly denied Christ. Christian tradition holds that Peter sinned, although he did not in his heart deny Christ. Romans 10:10 indicates that it is not merely what is said in the heart that counts, but also what is said exteriorly by the mouth.

<sup>3</sup> »Such a lie then goes beyond a mere officious lie to help someone and involves other grave matters. Hence it is not clear that it would be allowable on a Grotian position.« (Vincelette 2017, 648)

Vincelette's account then faces a formal contradiction: someone who falsely<sup>4</sup> asserts »I am not a Christian« both is (according to his 3 conditions which must all be met for there to be no lie) and is not (according to either the conjunctive or disjunctive definition of a lie) a liar.

But there remains a way out of this Gordian knot. Perhaps, Vincelette will argue that there is proportionate reason for such persons to falsely assert »I am not a Christian«. Thus, what they assert is no lie.

But if such is the case, then we ought not to honor the martyrs, nor look upon them as persons worthy of admiration and to be emulated. We ought to preserve our lives inasmuch as we reasonably can. Anyone who has licit means through which he can save his own life, but does not avail himself of such means is guilty of grave moral evil. Anyone who merely has to utter a statement that is not morally evil in order to save his own life but does not do so is a moral idiot. If the martyrs truly could have merely asserted »I am not a Christian« without lying, then they ought to have done so. If they did not, then they committed grave moral evil in failing to rescue their own lives. We ought to condemn the martyrs, hate, and despise them on Vincelette's account.

#### **4. It doesn't justify what its defenders want it to justify**

Finally, Vincelette's revised definition fails to justify what many defenders of the Grotian definition want it to justify: sting or spy operations conducted for a good cause. The initial controversy on this topic in the online journal *Public Discourse* was sparked by Christopher Tollefsen's article against the pro-life group Live Action (2011). The pro-life group had been conducting undercover sting operations in order to save unborn babies from death. Tollefsen objected that while their remote end was praiseworthy, they obtained it by illicit means insofar as their actions involved lying.

In this regard, it must be noted that on Vincelette's account, contrary to that of other supporters of the Grotian definition (Smith 2011), Live Action did not lie. On Vincelette's account all 3 conditions must be met in order for an assertion not to count as a lie: (1) there must be an unjust aggressor seeking information to which he has no right, (2) the information sought must be gravely harmful to an innocent party, and (3) there must be proportionate reason for the use of such false speech. But condition (1) was not met in the case of the undercover agent entering the abortion clinic. There was no unjust aggressor seeking information to which he had no right. Rather it was the agents of Live Action who posed as someone they were not in order to obtain information from the abortion agent. Vincelette then cannot positively say that Live Action did not lie.

On the conjunctive definition, however, it follows that Live Action did lie. On the conjunctive definition a lie is an intentional falsehood 1) that doesn't involve

<sup>4</sup> By »falsely« I, of course, mean formal falsity.



an unjust aggressor trying to gain information to which he has no right, 2) that doesn't involve information sought after that if revealed will cause grave spiritual or physical harm to an innocent party, and 3) for which there is no proportionate reason for uttering. In the case of the undercover agent condition (1) is fulfilled: as there is no unjust aggressor seeking information to which he has no right. Condition (2) is fulfilled: there is no information sought that if revealed would cause grave harm to an innocent party. But condition (3) fails to obtain: for there is a proportionate reason for the use of such false speech, namely, the saving of unborn babies. Since all 3 conditions must be met in order for something to count as a lie and condition (3) does not obtain, it follows that what they did utter was not a lie.

But on the disjunctive definition they did tell a lie. The disjunctive definition states that a lie is an intentional falsehood that either 1) does not involve an unjust aggressor trying to gain information to which he has no right, or 2) does not involve information sought after that if revealed will cause grave spiritual or physical harm to an innocent party, or 3) does not involve a proportionate reason. But condition (1) is fulfilled, it is sufficient to say that they did tell a lie.

According to his negative account, then, the agent of Live Action did tell a lie, but according to his conjunctive definition they did not lie. In order to be consistent then, Vincelette would have to hold to the disjunctive definition, but we have already seen that such a definition suffers from the tautological objection. The disjunctive account collapses into a lie is an intentional falsehood for which there is no proportionate reason. We have already criticized this definition in section three of this article.

## 5. Difficulties with Vincelette's positive argument for the Grotian definition

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Vincelette offers little to no positive argument in favor of his revised definition. Presumably, he thinks his account is intuitively true, but intuitions vary as widely as persons, and the intuitions of most people, even those well-versed on the topic of lying, are against him. In the secular literature, practically nobody accepts the Grotian definition of lying, because it is so counterintuitive. The only reason why the Grotian definition is so eagerly adopted is so that one can consistently hold that lying is always wrong and yet easily escape Nazi-at-the-door scenarios.

Just about any person will tell you that telling the Nazi at the door that »I don't know where the Jews are« when, in fact, you do is really telling a lie. Most people don't care that it is; because most people think that surely in such a scenario lying is okay. But Vincelette is not proposing that lying in such a context is okay; rather he is claiming that what you are uttering in such a context is not a lie and that such a statement, regardless of the intentions of the speaker, cannot possibly be a lie. On Vincelette's view then most everybody is mistaken in calling such an in-

tentional speech act a lie. Is such widespread error about the notion of a lie possible? Adam Arico and Don Fallis say it is not:

»If we want to understand features of the social world, ordinary usage is a good place to start. /... / And given that lying is a common and salient feature of the social world, it is entirely likely that studying ordinary language will be extremely useful in advancing our understanding of what it means to lie. /... / While a competent speaker could be mistaken about the metallurgic reality [and thus the definition] of aluminum, it is less clear how one could be similarly confused about social reality. For instance, unlike with the term ›aluminum‹, there is no extra-social court of appeals for determining the meaning of the term ›lying‹. Given its fundamentally social basis, lying does not seem to be the sort of thing about which people can be systematically mistaken.« (2013, 796)

Vincelette's definition of lying, however, has it that most people are systematically mistaken about lying. Vincelette does, however, offer something of a positive argument in favor of his definition. He argues that Aquinas's definition of murder and stealing indicate a similar analysis could be done regarding the definition of lying. Vincelette notes that »[Aquinas] seems to define murder as the killing of an innocent party« (2017, 651). I will not dispute this reading of Aquinas, except that, murder is more properly defined as the intentional killing of an innocent person. Notice that this definition of murder is not defined in moral terms. In other words, there is no moral qualifier, such as justice, rights, good, or bad, within the definition of murder. How then Vincelette thinks he can infer from this definition that lying is morally okay is unclear.

It makes little sense to infer from the non-moral definition of murder, as the intentional killing of an innocent person, that lying must also be defined in moral terms. Perhaps, however, Vincelette misspoke. Maybe, what Vincelette meant to argue is that since justice is included in the definition of murder, so too must it be included in the definition of lying.

In reply, I must say that such a definition of murder, while not completely false, is deeply problematic. I will not delve into such reasons here. All I wish to point out at this point is that if lying can be redefined in moral terms, then why can't the same be done for other sorts of actions one wishes to justify? If lying must be redefined, because we simply intuit that such and such an action (such as telling the Nazi at the door »I don't know where the Jews are«) must be morally right, then why can't the same be said about certain cases of contraception, adultery, or cheating on an exam? Contraception is not the deliberate rendering of sexual intercourse between a man and woman into an infertile act in se, but rather the deliberate rendering of the sexual intercourse between a man and woman into an infertile act when there is no proportionate reason for doing so. Adultery isn't really defined as a married person having sex with someone he or she isn't married to, but rather as a married person having sex with someone he or she isn't

married to when there is no good reason to do so. Cheating on an exam isn't really the use of materials that are not allowed, but rather the use of materials that are not allowed when there is no proportionate reason to do so. Such a procedure is certainly not Aquinas's, neither when it comes to his treatment of murder, nor when it comes to his treatment of theft. Nor should it be ours. We ought not to gerrymander our definitions based upon our desires.

## 6. Conclusion

To sum up, Vincelette's revised definition, while avoiding certain difficulties plaguing the Grotian account, encounters difficulties of its own. Vincelette's definition opens the door to proportionalist reasoning, entails problematic tautologies, either results in a formal contradiction or dishonors the martyrs, and cannot justify many undercover sting operations. Most importantly it entails the most people are wrong about a basic fact of linguistic experience. As Edward Feser says:

»In this connection, it is not the Scholastic, but rather those who propose redefinitions of lying like »A lie is a falsehood told to someone who has a right to the truth«, who are at odds with common sense, at least where the definition of what a lie is is concerned.« (2010)

Such is the case with Vincelette's novel definition of a lie.

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