

# Kant and Maria von Herbert: Reticence vs. Deception

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In ‘Duty and Desolation’<sup>1</sup> Rae Langton examines an exchange of letters in the 1790s between Kant and Maria von Herbert, a young Austrian noblewoman who was devoted to Kant’s critical philosophy, and argues for a number of claims. She argues that Kant culpably ignored the main request of Herbert’s letters, which was to demonstrate, to someone who finds life entirely valueless, that life has value. She argues that in passing on Herbert’s letters, as well as another correspondent’s letter about Herbert, with a warning note, to a third party, Kant turned a private correspondence into a public commodity, and abused Herbert’s trust. And she argues that Kant made sexist comments about Herbert in his warning note. With all of these claims we are in complete agreement. However, Langton also argues for two further claims. She argues that ‘Contrary to Kant’s letter, there is no principled distinction to be drawn between lies and reticence’ (*D*, 491). And she argues that Herbert’s circumstances were such that ‘she may have had a duty to lie’ (*D*, 504). We wish to take issue with both of these claims. We shall argue that there is a principled distinction to be drawn between lies and reticence, and that Kant provides an argument for such a distinction: lying is necessarily deceptive, whereas reticence is not necessarily deceptive. We shall also argue that, far from having had a duty to lie in her circumstances, Herbert had a duty not to lie—something that she herself accepted.

## 1. The Kant-Herbert Exchange

Since the exchange of letters between Kant and Herbert is interesting in its own right, as well as important for what for what

<sup>1</sup> ‘Duty and Desolation’, *Philosophy* 67, No. 262 (October 1992), 481–505. Hereafter ‘*D*’.

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we want to argue, we shall first summarize the exchange.<sup>2</sup> Herbert wrote to Kant in the autumn of 1791, telling him that she had lost a person's love because of a 'protracted lie, which I have now disclosed to him' (C, 11: 273 (379)). Utterly distraught, she said that she had not committed suicide only because 'your theory stops me' (C, 11: 273 (380)). However, she called upon Kant to show her that this life had a value that 'could replace the good I have lost' (C, 11: 273 (379)).

Kant was apparently moved by the letter because 'it spoke of truth and trust',<sup>3</sup> and he wrote a lengthy reply to Herbert in the spring of 1792.<sup>4</sup> In this letter he discussed the conflict between the desire to be reticent about one's private life and the desire to be open with one's beloved. It is ethically permissible to be reticent about one's private life, Kant argued. However, being reticent must be distinguished from lying, which is ethically impermissible. He told Herbert that she must face up to the fact that in lying to her beloved she had acted immorally, and that her beloved was justified

<sup>2</sup> References to Kant's works in the text and endnotes are given parenthetically, according to the abbreviations listed below. Pagination is as follows: first to the volume and page number in the standard edition of Kant's works, *Kants gesammelte Schriften*, edited under the auspices of the Königl. Preussische Akademie der Wissenschaften (Berlin: Walter de Gruyter, 1908–13); second to the page number in the respective translation. Unless otherwise indicated, all emphases are in the original.

*A*: *Anthropology from a Pragmatic Point of View* (*Anthropologie in pragmatischer Hinsicht*) (1798), translated by Mary J. Gregor (The Hague: Martinus Nijhoff, 1974).

*C*: *Correspondence* (*Kant's Briefwechsel*), translated and edited by Arnulf Zweig (Cambridge: Cambridge University Press, 1999).

*G*: *Groundwork of the Metaphysics of Morals* (*Grundlegung zur Metaphysik der Sitten*) (1785), translated by Mary J. Gregor, in *Practical Philosophy*, translated and edited by Mary J. Gregor and Allen W. Wood (Cambridge: Cambridge University Press, 1996), 37–108.

*LE*: *Lectures on Ethics* (*Vorlesungen über Ethik*) (1924) translated by Peter Heath and edited by Peter Heath and J. B. Schneewind (Cambridge: Cambridge University Press, 1997).

*MM*: *The Metaphysics of Morals* (*Die Metaphysik der Sitten*) (1797), translated by Mary J. Gregor, in *Practical Philosophy*, 353–603.

<sup>3</sup> Kant, quoted by Ludwig Ernst Borowski, quoted by Zweig (C, 380 n. 1).

<sup>4</sup> There is only a copy of the letter he wrote. However, as Zweig points out, Kant 'carefully copied and improved on the preliminary draft of his reply to her—unusual for Kant' (C, 579). Thus we can be assured that this copy does not differ from the letter that was sent.

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'in his having wavered in his affection for you' (C, 11: 333 (412)). Nevertheless, he told her that she was not to 'brood over [her] remorse' (C, 11: 333 (412)), and that when her beloved saw that she had had a 'change in attitude' (C, 11: 334 (413)) his indignation would be quenched over time. That is, unless his love was 'more physical than moral' (C, 11: 334 (413)), in which case he would have left her eventually anyway.

Herbert replied to Kant in January 1793, and went into slightly more detail about what had happened. She explained that her 'protracted lie' had been a 'sin of omission, holding something back out of consideration for the friendship' (C, 11: 400 (450)). However, 'knowing the honesty one owes to a friend' she had decided to 'disclose the lie to my friend' (C, 11: 401 (450)). Although with 'the disclosure I got rid of the stone in my heart', the result was 'the tearing away of his love' (C, 11: 401 (450)). With only his friendship, she had been 'tormented by a boredom that makes my life unbearable' (C, 11: 401 (451)). Her life had become a 'life of empty vegetating and of so few and easy moral demands' (C, 11: 402 (451)). Seeking 'something with which to end this unbearable emptiness of soul' (C, 11: 402 (452)), she begged permission to visit Kant, to ask him 'whether it never seemed worth the trouble to you to take a wife or to give yourself to someone with all your heart or to reproduce your likeness' (C, 11: 403 (452)).

Kant did not reply to this letter.<sup>5</sup> He did, however, inquire after her by way of asking Johann Benjamin Erhard, a mutual friend, about her. Erhard wrote to Kant that 'she first gave herself to a person who misused her trust, and then, to achieve such a love with a second person, she confessed this to her new lover' (C, 11: 407 (454)). In February 1793 Kant passed on this letter, together with Herbert's two letters and a copy of his own letter to Herbert, to Elisabeth Motherby, a daughter of a friend, with a note telling her that it was 'an example of warning, to guard you against the aberrations of a sublimated fantasy' from an 'ecstatical young lady' suffering from 'curious mental derangements' (C, 11: 411 (455)).

<sup>5</sup> Stuckenberg endorses Kant's decision not to reply: 'This strange letter of the noble lady, with its familiar tone and its disposition to pry into the secrets of his life, and especially into the reasons of his single state, must have shocked him. She was young and ardent; he was cold and nearly seventy. Of course he did not answer this wild epistle.' (J. H. W. Stuckenberg, *The Life of Immanuel Kant* ([Macmillan 1982] Bristol: Thoemmes Antiquarian Book, 1990), 410)

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In February 1794 Herbert wrote to Kant again. She told him that after a long time 'a moral feeling awoke in me' and that 'from that moment on I felt that I had won and that my soul was in good health' (C, 11; 486 (475)). She had reached the conclusion that 'if people take morality and friends into account they can with the greatest desire to die still wish for life and try to preserve it no matter what' (C, 11: 486 (474)). She repeated that 'my hope is still to visit you sometime, accompanied by my friend' (C, 11: 486 (474)). Kant did not reply to this letter either. Nine years later, in 1803, after having put her affairs in order and organized a ceremonious party, Herbert committed suicide by drowning herself in the Drau River. Her brother, who was also a devotee of Kant's, and who had defended suicide in her presence, also committed suicide in 1811.<sup>6</sup>

## 2. Reticence vs. Candour

In his letter to Herbert Kant discusses the conflict between reticence and candour. He says that in the case of 'virtuous love', in which there is 'mutual esteem for the other's character', the love 'wants to communicate itself completely, and it expects of its respondent a similar sharing of heart, unweakened by any distrustful reticence' (C, 11: 331–2 (411)). Such love seeks complete openness: 'Only with candor can it prevail' (C, 11: 331–2 (411)).

However, there is an obstacle to being candid about oneself and one's private dealings with others. The obstacle is our natural distrust of others. It is this natural distrust that leads us to be reticent with others, to refrain from telling others our private thoughts and feelings, in case they take advantage of us:

But there is in human beings an element of self-interestedness, which puts a limit on such candor, in some people more than others. Even the sages of old complained of this obstacle to the mutual outpouring of the heart, this secret distrust and reticence, which makes a person keep some part of his thoughts locked within himself, even when he is most intimate with his confidant: 'My dear friends, there is no such thing as a friend!'. (C, 11: 332 (411))

If we are candid with others, and tell others our private thoughts and feelings, there is always the possibility that others will take

<sup>6</sup> Ibid., 411.

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advantage of us, which of course is something that we want to avoid. We are reticent with others about our private thoughts and feelings in order to protect ourselves. Although this flaw of being reticent restricts the expression of all the possible good that is in us, nevertheless being reticent about our private thoughts and feelings is ethically permissible. Being reticent must be differentiated from lying, however, which is ethically impermissible:

This reticence, this want of candor—a candor that, taking mankind en masse, we cannot expect of people, since everyone fears that to reveal himself completely would make him despised by others, is still very different from that lack of sincerity that consists in the actual expression of our thoughts. The former flaw is one of the limitations of our nature and does not actually *corrupt* our character. It is only a wrong that hinders the expression of all the possible good that is in us. The other flaw, however, is a corruption of our thinking and a positive evil. (*C*, 11: 332 (411))

What Kant says about reticence in this letter is repeated at greater length in the *Doctrine of Virtue*, Part II of *The Metaphysics of Morals*, in 1797. In the course of his discussion of ‘*Moral friendship*’ (*MM*, 6: 471 (586)) Kant describes the relationship between people outside of a moral friendship as that of a distrustful standoff, similar to that of people in a Hobbesian state of nature. Outside of a moral friendship people are not candid with others about their private thoughts and feelings, for fear that others will not reciprocate and will use this information to take advantage of them. In particular, people are not candid with others about their own faults, for fear that others will not reciprocate and will no longer respect them:

The human being is a being meant for society (though he is also an unsociable one), and in cultivating the social state he feels strongly the need to *reveal* himself to others (even with no ulterior purpose). But on the other hand, hemmed in and cautioned by fear of the misuse others may make of his disclosing his thoughts, he finds himself constrained to lock up in himself a good part of this judgments (especially those about other people). He would like to discuss with someone what he thinks about his associates, the government, religion and so forth, but he cannot risk it: partly because the other person, while prudently keeping back his own judgments, might use this to harm him, and partly because, as regards disclosing his faults,

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the other person may conceal his own, so that he would lose something of the other person's respect by presenting himself quite candidly to him. [...] Every human being has his secrets and dare not confide blindly in others, partly because of a base cast of mind in most human beings to use them to one's advantage and partly because many people are indiscreet or incapable of judging and distinguishing what may or may not be repeated. (*MM*, 6: 471–2 (586–7))

Only when a person 'finds someone intelligent—someone who, moreover, shares his general outlook on things', is he free of this anxiety such that he 'can reveal himself with complete confidence' (*MM*, 6: 472 (587)).<sup>7</sup>

This argument concerning reticence, both in the *Doctrine of Virtue* and in the letter to Herbert, contains an assumption about why, if people were candid with others, it would be possible for others to take advantage of them. In his lectures on ethics in 1784–5 (as transcribed by Georg Ludwig Collins), Kant claims that human beings are full of iniquity. Since they are full of iniquity, if they were candid with others, they would have to reveal their sins and weaknesses to others. This would enable others to take advantage of them, for example by informing on them, or by preying on them.<sup>8</sup> Furthermore, if others did not reciprocate in revealing their sins and weaknesses, the result would be that those who were candid would appear in a foolish and hateful light to those who refused to reveal their own iniquity. This is why people have an impulse to be reticent about their sins and weaknesses.

In these lectures, Kant expands upon the way that people avoid revealing their sins and weaknesses to others. People practice dissimulation, or the concealment of what is, as well as simulation, or the pretence of what is not.<sup>9</sup> People, Kant claims, dissimulate vice, and simulate virtue:

Man has an impulse towards holding himself back, and disguising himself. The former is *dissimulatio*, the latter

<sup>7</sup> For more on moral friendship in Kant, see Andrea Veltman, 'Aristotle and Kant on Self-Disclosure in Friendship', *The Journal of Value Inquiry* 38, No. 2 (June 2004), 225–239.

<sup>8</sup> Although Kant nowhere mentions it, Voltaire's *Candide* might serve as an illustration of this possibility, except that in the novel Candide does not have sins to be candid about—he is merely a hapless, trusting innocent.

<sup>9</sup> See Richard Steele, *The Tatler*, No. 213 (1710), in *The Tatler, Complete In One Volume* (London: Jones and Co., 1829), 389.

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*simulatio*. Man holds back in regard to his weaknesses and transgressions, and can also pretend and adopt an appearance. The proclivity for reserve and concealment rests on this, that providence has willed that man should not be wholly open, since he is full of iniquity; because we have so many characteristics and tendencies that are objectionable to others, we would be liable to appear before them in a foolish and hateful light. But the result, in that case, might be this, that people would grow accustomed to such bad points, since they would see the same in everyone. Hence we order our behaviour in such a way that in part we conceal our faults, and in part also put a different face on them, and have the knack for appearing other than we are; so other people see nothing of our sins and weaknesses beyond the appearances of well-being, and hence we habituate ourselves to dispositions that produce good conduct. Hence nobody, in the true sense, is open-hearted. (*LE*, 27: 444–5 (201))

The human impulse to dissimulate vice, and to simulate virtue, is a providential impulse, according to Kant. If people were candid about their sins and weaknesses, then others would eventually grow accustomed to vice. The result would be that vice would become accepted. By hiding iniquitous thoughts and feelings, and by putting on a show of virtue, this is avoided. First of all, others do not grow accustomed to vice. Vice remains taboo. Second, by simulating virtue, people eventually become virtuous. They no longer have sins and weaknesses to hide. As he says again:

Had it been as Momus wanted, that Jupiter should have installed a window in the heart, so that every man's disposition might be known, then men would have had to be better constituted, and have good principles, for if all men were good, nobody could hold anything back; but since this is not so, we must keep our shutters closed. When domestic nastiness is confined to the privy, and a person is not invited into the bedroom, where the chamber-pots are, though he knows we have them, just as he does himself, we refrain from these things lest we get into the habit of it and corrupt our taste. In just the same way, we conceal our faults, and try to give a different impression, and make a show of politeness, despite our mistrust; yet by this we grow used to politeness, and at length it becomes natural to us, and we thereby set a good example, at least to the eye; if this were not so, everybody would neglect these things, finding nobody the better for them. So by this endeavour to look well we actually end up

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doing so, later on. If men were all good, they could afford to be open-hearted; but not at present. (*LE*, 27: 445 (201))

One major problem with this argument in the lectures on ethics in 1784–5, however, is that although dissimulation (‘holding himself back’) can be identified with reticence, simulation appears to be something different from reticence. To ‘pretend and adopt an appearance’, to ‘put a different face on [our thoughts]’, to appear ‘other than we are’, and to ‘give a different impression’ is to go beyond being reticent or reserved. Indeed, simulation appears to be necessarily a form of deception.

In his published writings Kant is at pains to point out that dissimulation is not, or at least is not necessarily, a form of deception. In *Anthropology from a Pragmatic Point of View*, for example, after stating that ‘the mere fact that any prudent man finds it necessary to conceal a good part of his thoughts makes it clear enough that every member of our race is well advised to be on his guard and not to reveal himself completely’ (*A*, 7: 332 (192)), Kant distinguishes between dissimulation and deception:

So it already belongs to the basic composition of a human creature and to the concept of his species to explore the thoughts of others but to withhold one’s own—a nice quality that does not fail to progress gradually from *dissimulation* to *deception* and finally to *lying*. (*A*, 7: 153 (32))

In the same work Kant also seeks to argue that simulation is not, or at least is not necessarily, a form of deception. In his discussion of ‘Permissible Moral Semblance’ (*A*, 7: 151 (30)) Kant claims that ‘Men are, one and all, actors’, and that they ‘put on a show of affection, respect for others, modesty and disinterest’ (*A*, 7: 151 (30)). He defends this practice, saying that ‘it is a very good thing that this happens in the world’, for ‘if men keep on playing these rôles, the real virtues whose semblance they have merely been affecting for a long time are gradually aroused and pass into their attitude of will’ (*A*, 7: 151 (30)). Kant insists that, with respect to those who play these rôles and put on these shows, ‘it is generally understood that they are not sincere about it’ (*A*, 7: 151 (30)). Such virtuous semblance is permissible insofar as it is open:

*Courtesy* (*politesse*) is a semblance of graciousness that inspires love. *Manifestations of deference* (compliments) and the whole of *courtly* gallantry, along with the warmest verbal protestations of friendship, are not always the *truth* (“My dear friends: there is no such thing as a friend.” Aristotle); but this still does not make

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them *deception*, because everyone knows how to take them, and especially because these tokens of benevolence and respect, though empty at first, gradually lead to real attitudes of this kind. (*A*, 7: 152 (31))

If all such putting on of shows, playing rôles and semblance is open, then it is transparent pretence. It is pretence in the manner of ‘“your obedient servant” at the end of a letter’, about which Kant says, ‘No one is deceived by it’, (*MM*, 6: 431 (554)) Since simulation is transparent, it is not, or at least is not necessarily, a form of deception.

There is a problem, however, with this argument for simulation’s not necessarily being a form of deception. In his lectures on ethics in 1793 (as transcribed by Johann Friedrich Vigilantius), Kant elaborates on dissimulation and simulation as follows:

Uprightness, and that in its greatest purity, i.e. integrity, *candor et sinceritas*, are natural obligations of man, and so everyone must frame only such utterances as can coexist and agree with the greatest consciousness of truth and the total absence of any consciousness of the opposite. Openheartedness, on the other hand, is subject, even among friends, to those limits beyond which it might bring our worth into contempt, or could engender misuse; thus the effect of openheartedness can also be that we are despised, that the other simulates to his own profit and gains advantages over us. Hence *concealment*, reservation, is a precaution that is approved of in ethics, though admittedly it is expressed (a) *dissimulando*, i.e., negatively, when we do not disclose, or allow it to be seen, what we are thinking; (b) *simulando*, when by fabricating the opposite we try to occasion an error on the other’s part. The former deceives (*fallit*), but the latter endeavours to become the *auctor erroris in alio* [cause of error in another]. We may knowingly deceive the other in a permissible way, if we try by our action or utterance to promote the truth, or avert an evil; e.g. a pretended journey, to uncover and thwart a crime.

Simulation can only be impermissible, though, when a person gives signs indicative of thoughts that he does not have, and thus becomes *auctor erroris* in the other, at least to sniff out what the latter was thinking about it. Should the other in turn try to protect himself from this by simulation, i.e., by reserving his own thoughts, he is acting merely on a rule of prudence, whose

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neglect might bring him disadvantage; and this is not impermissible. (*LE*, 27: 699–700 (426))

In these passages Kant states that dissimulation is ‘when we do not disclose, or allow it to be seen, what we are thinking’. He appears to say that someone who dissimulates ‘deceives’. But he later says that someone who reserves his own thoughts ‘is acting merely on a rule of prudence, whose neglect might bring him disadvantage; and this is not impermissible’. The thrust of his claim that ‘*concealment*, reservation, is a precaution that is approved of in ethics’ is that someone who dissimulates does not deceive. Hence he may be understood as stating that dissimulation is not, or at least is not necessarily, a form of deception.

However, in these same passages Kant says that simulation is non-transparent. To simulate is to pretend to have thoughts other than those one does have, in order to fool others. If simulation is non-transparent, however, then simulation is necessarily a form of deception. It is to ‘knowingly deceive the other’. Simulation falls short of lying, since the person who simulates does not make a statement that he believes to be false. A person who simulates does not make ‘signs indicative of thoughts that he does not have’. Nevertheless, it is a form of deception. The reference to ‘a pretended journey, to uncover and thwart a crime’ is a reference to a deception. Kant outlined this deception in a previous lecture: ‘if I pack my bags, for example, people will think that I am off on a journey, and that is what I want them to believe’ (*LE*, 27: 447 (202)). The idea is that to catch a thief, one packs one’s bags as though one were about to leave, but secretly waits for the thief to appear. There is another example of a similar deception in the same lecture: ‘This is what the famous John Law did; he kept on building, and when everyone was thinking: He’ll never leave, off he went’ (*LE*, 27: 447 (203)). John Law, the Scottish speculator who launched a disastrous speculative scheme in France for investment in Mississippi, continued to build a house as though he were going to stay, but secretly plotted to leave, and did so. In both cases, no lie is told. However, in both cases, a person endeavours to become ‘*auctor erroris in alio*’, the cause of error in another. In both cases, therefore, deception has been practiced, or at least attempted, in the form of simulation.

Kant’s claim in these lectures that simulation is a form of deception presents a problem for his account of simulation in the *Anthropology*. Either simulation is not transparent and is necessarily a form of deception, in which case what is said about simulation

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in the *Anthropology* must be rejected, or simulation is, or at least can be, transparent, and is not necessarily a form of deception, in which case what is said about simulation in these lectures on ethics must be rejected. We will not resolve this problem here. However, we will hold that simulation, whether deceptive or not, is not reticence. Reticence, then, will be identified with dissimulation.

Even with this refinement, however, Kant's defence of reticence about one's private thoughts and feelings, and in particular about one's sins and weaknesses, is open to an objection. His argument justifies reticence about one's sins and weaknesses on the basis of its good consequences, namely, self-protection and the prevention of the spread of vice. But such a consequentialist justification is irrelevant if this reticence is prohibited by the Categorical Imperative.

The Categorical Imperative is normally thought to prohibit deception. Kant holds that reticence is not, or at least is not necessarily, a form of deception. However, if, contrary to what Kant believes, reticence is necessarily a form of deception, then reticence is ethically impermissible, in spite of its good consequences. Even if reticence is not necessarily a form of deception, however, it may still be true that reticence is prohibited by the Categorical Imperative. If this is so, then this reticence may be ethically impermissible, even if it is not a form of deception.

We shall consider below if reticence is necessarily a form of deception, and if reticence is prohibited by the Categorical Imperative. To do this, we will first turn to what Kant has to say about the distinction between reticence and lying.

### **3. Reticence vs. Lying**

Kant briefly clarifies the difference between being reticent and lying in his letter to Herbert. Kant is aware that one may be reticent and in addition tell a lie in the course of an exchange with another person. Kant's concern, however, is with an act of reticence as opposed to an act of lying. Since someone who is being reticent, as opposed to lying, is not telling a lie, it follows that on Kant's account someone who is being reticent is being truthful.<sup>10</sup> She is not being candid or frank, but she is being truthful:

<sup>10</sup> It should be noted, however, that there is such a thing as truthful deception. See my 'Kant on Lies, Candour and Reticence', *Kantian Review* 7 (2003), 102–133, especially 119f.

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What the honest but reticent man says is true but not the whole truth. What the dishonest man says is, in contrast, something he knows to be false. Such an assertion is called a lie, in the doctrine of virtue. (*C*, 11: 332 (412))

Lying, however, is necessarily deceptive. According to Kant, to lie to another person is to make a declarative statement to another person (or at least, to what one believes is another person) that one believes to be false, with the intention that the other person believe that statement to be true, and the intention that the other person believe that one believes that statement to be true.<sup>11</sup> If a person does not say anything to another person (that is, if she remains silent), or if she says something to another person, but does not make a declarative statement to the other person—for example, if she simply says ‘Hello’ to another person—then she is not lying.<sup>12</sup> If she makes a declarative statement to another person, but does not intend that the other person believe that statement to be true, or intend that the other person believe that she believes that statement to be true—for example, if she tells another person a joke—then she is not lying. In particular, however, to contrast lying with reticence, lying requires that one make a declarative statement to another person that one believes to be false. Kant is aware, of course, that a person may make a declarative statement to another person that is in fact false, although she believes it to be true. Such a person, however, although mistaken, is not lying.

Being reticent is not a matter of avoiding giving more information than is required in a situation—of avoiding giving ‘too much information’—since this is something that is regulated by the communicative norms of being informative, relevant, clear, unambiguous, brief, orderly, etc.<sup>13</sup> Being reticent involves refraining from making some statement, or statements, that one believes to be relevant to the given exchange, such that one is being less informative than the communicative norm of being informative. If I ask you if you have seen Lucas, but I don’t tell you why I am looking for him, then, *ceteris paribus*, I am not being reticent with

<sup>11</sup> See my ‘Lying’, *Encyclopedia of Philosophy*, second ed., edited by Donald Borchert, Volume 5 (Farmington Hills, Mich.: Macmillan, 2006), 618–619.

<sup>12</sup> *Pace* Lynda Obst’s humorous book title, *Hello, He Lied—and Other Truths from the Hollywood Trenches* (Boston: Little, Brown and Company, 1996).

<sup>13</sup> See Paul Grice, *Studies in the Ways of Words* (Cambridge, Mass.: Harvard University Press, 1989), 26f.

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you. If you ask me why I am looking for him, and, whatever else I say (or do not say), I do not tell you it is because I have heard that he is planning on murdering you, then, *ceteris paribus*, I am being reticent with you.

Someone who is reticent with another person is someone who is truthful with him but who does not tell him the whole truth. Someone who is reticent with another person is someone who does not say what she believes to be false, and who does not say all of what she believes to be true, where this may mean that she says nothing at all. More specifically, someone who is reticent with another person is someone who makes no statement to the other person that she believes to be false, and refrains from making at least one statement to the other person that she believes to be true, where this may mean that she says nothing at all. One may be reticent with another person by remaining silent and not making any statements to another person. One may also be reticent with another person by saying something to another person, but not making any statements to the other person (for example, greeting the other person and asking the other person questions). One may also be reticent with another person by making a statement, or statements, to another person, that one believes to be true, but not making a particular statement to the other person that one believes to be true.

Being reticent with others is an intentional activity. When one is reticent with another person one refrains from making at least one particular statement to another person, and this is an intentional act. If one doesn't make some particular statement to another person simply because it doesn't occur to one to make it, then one is not refraining from making a particular statement to the other person. Hence one is not being reticent with the other person.

The distinction between reticence and lying in the letter to Herbert appears almost verbatim in Kant's published works after 1792. In *Religion within the boundaries of mere reason*, where he insists that 'The Human Being Is by Nature Evil' (*R*, 6: 32 (79)) and that there is 'secret falsity even in the most intimate friendship, so that a restraint on trust in the mutual confidence of even the best friends is reckoned a universal maxim of prudence in social dealings' (*R*, 6: 33 (80–1)), Kant says that a person may be sincere, or truthful, and nevertheless be reticent, or not tell the whole truth:

I can admit, though it is much to be deplored, that straightforwardness (saying the *whole* known truth) is not to be found in human nature. But we must be able to demand sincerity

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(that *everything said* be said with truthfulness) of every human being, and if in our nature there were no predisposition to it, whose cultivation is only being neglected, the human race would have to be in its own eyes an object of deepest contempt. (*R*, 6: 190 n.2 (206 n.2))

In the *Doctrine of Virtue* Kant repeats the point that a person may truthful, and say only what she believes to be true, without saying all that she believes to be true:

Between truthfulness and lying (which are *contradictorie oppositis*) there is no mean; but there is indeed a mean between candor and reticence (which are *contrarie oppositis*), since one who declares his thoughts can say only what is true without telling the *whole truth*. (*MM*, 6: 433 n.1 (556 n.1))

As was stated above, reticence may take the form of not making any statement at all, or of making certain statements, but refraining from making some particular statement. In his lectures on ethics in 1784–5, Kant points out that complete silence is not a prudent, or effective, way of being reticent with others. It is far more prudent, and effective, to be reticent with others by making many other statements:

Reserve consists in not expressing one's mind. This can be done, in the first place, by complete silence. That is a short way of being reserved. But it represents a want of sociability. It robs a man of the pleasure of company, and such silent men are not only unwanted in social circles, but also incur suspicion, and everyone thinks that he is watching them. For if he is asked his opinion of a thing, and says: I have nothing to say, that is as much as if he were to speak against it, for if he thought well of it, he could surely say so. Since silence always gives us away, it is not even a prudent form of reserve; but we can also be prudent in our reserve without it. For such prudence in reserve we need deliberation. We must speak and pass judgment upon everything, save that on which we wish to keep our counsel .... Men who are not themselves very garrulous, generally keep secrets well, but better still are those who talk freely, but with prudence; from the former, something might yet be elicited, but not so from the latter, for they always know how to interpose with something else. (*LE*, 27: 445–6 (201–2))

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### 4. Reticence vs. Deception

In all of his published writings Kant insists that reticence is not, or at least is not necessarily, a form of deception. Indeed, in the *Doctrine of Virtue*, Kant goes so far as to say that reticence can be ethically obligatory: it is a requirement of the duty not to defame those who are not one's friends that one refrain from pointing out their faults to anyone:

By defamation (*obtrectatio*) ... I mean only the immediate inclination, with no particular aim in view, to bring into the open something prejudicial to the respect of others. [...] It is, therefore, a duty of virtue not to take malicious pleasure in exposing the faults of others so that one will be thought as good as, or at least not worse than, others, but rather to throw the veil of philanthropy over their faults, not merely by softening our judgments but also by keeping these judgments to ourselves; for examples of respect that we give others can arouse their striving to deserve it. (*MM*, 6: 466 (582))

We shall defend the position that reticence is not necessarily a form of deception, and shall provide an example of non-deceptive reticence. Consider the following case.<sup>14</sup> Say that Edmond is talking to Mia about a trip that he is going to take to another city by way of a certain road. And say that Mia believes<sup>15</sup> that this road was once the scene of a grisly car-crash that she witnessed when she was a child. And say that it is true that she did witness a grisly car-crash on this road when she was a child. And say that Mia believes that Edmond does not have the belief that there was a grisly car-crash on this road that she witnessed when she was a child. And say that Mia believes that Edmond does not have the belief that it is not the case that there was a grisly car-crash on this road that she witnessed when she was a child. And say that these two beliefs of hers about Edmond are true. And say that Mia makes no statement to Edmond that she believes to be false. And say that, in talking to him, Mia refrains from telling Edmond that there was a grisly car-crash on this road that she witnessed when she was a child. She is reticent with him about there being a grisly car-crash on this road that she

<sup>14</sup> This case is adapted from two puzzle cases presented by Augustine in *On Lying*, translated by Mary Sarah Muldowney, in *Treatises on Various Subjects*, R. J. Deferrari (ed.) (NY: The Fathers of the Church, 1952), 57f.

<sup>15</sup> For the sake of clarity, we shall abbreviate 'believes it to be true' to 'believes' throughout.

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witnessed when she was a child. Her reason for being reticent does not concern us here; perhaps she does not want to alarm him; perhaps she does not want to dwell on her childhood memory. Regardless of her reason for withholding this information from Edmond, Mia is not deceiving Edmond. What Mia is doing is allowing Edmond to continue without a belief that she believes to be true and that is true, or not assisting Edmond in acquiring a belief that she believes to be true and that is true. She is allowing him to remain ignorant. Allowing someone to remain ignorant is not the same as deceiving him.

To intentionally deceive another person is to perform some action with the intention that the other person either acquire or maintain a belief that one believes to be false and that is false. A person may be ignorant of some matter without having a false belief about that matter. If a person lacks a belief—say, he does not know what the fifth element of the periodic table is—it does not follow that he has a false belief—say, that the fifth element of the periodic table is hydrogen. Furthermore, even if a person has a false belief, and hence, is mistaken, it does not follow that someone has intentionally deceived him. He may be responsible for having the false belief himself—he may have simply assumed something false and not bothered to attempt to confirm it. Even if another person performed some action with the intention that he acquire or maintain the false belief, it does not follow that this other person has intentionally deceived him, since the other person may have believed the false belief to be true. Finally, even if another person performed some action with the intention that he acquire or maintain a belief that the other person believes to be false, it does not follow that the other person has intentionally deceived him, since the belief may be true. If another person performed some action with the intention that he acquire or maintain a belief that the other person believes to be false, and the belief is false, then it does follow that the other person has intentionally deceived him.

Roderick Chisholm and Thomas Feehan consider allowing another person to continue without a belief that is believed to be true and that is true to be a form of deception.<sup>16</sup> They describe a case involving two protagonists, *L* and *D*, and a false proposition, '*p*', as follows: '*L* allows *D* to continue without the belief in not-*p*' (*I*, 145). According to them, this is a form of 'deception by

<sup>16</sup> 3 Roderick M. Chisholm and Thomas D. Feehan, 'The Intent to Deceive', *Journal of Philosophy* 74, No. 3 (March 1977), 143–159. Hereafter 'I'.

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omission' (I, 144). They do not provide any argument as to why such behaviour is a form of deception, however. Furthermore, they note that neither Augustine nor Aquinas considers such behaviour to be deceptive: 'St. Augustine and St. Thomas ... do not call it "deception" ' (I, 144). Augustine states that 'concealing the truth is not the same as putting forth a lie.'<sup>17</sup> Aquinas says that 'there is deception when a person expresses what is not true through the meaning of actions and objects, but not when he refrains from conveying what is true. Consequently, it is possible for one to conceal his own sin without deceiving.'<sup>18</sup> We agree with Augustine and Aquinas.

Concerning this case, it may be asked whether Mia is allowing Edmond to remain ignorant if it happens that her beliefs about Edmond are false, and Edmond happens to believe mistakenly that it is not the case that she witnessed a grisly car-crash on this road when she was a child, or Edmond happens to believe truly that she did witness a grisly car-crash on this road when she was a child. The answer is that she is attempting to allow Edmond to remain ignorant, although she is not in fact allowing him to remain ignorant in either of these variants on the case, since in the first variant he happens to be mistaken, and in the second variant he happens to possess the true belief.

This does point to an important conclusion about reticence, however. One is being reticent with another person in this way even if, contrary to one's belief, the other person possesses the true belief that one is refraining from divulging, or has a false belief that is opposed to the true belief that one is refraining from divulging.<sup>19</sup> Furthermore, one is being reticent with another person in this way

<sup>17</sup> Augustine, *Against Lying*, translated by Harold B. Jaffe, in *Treatises on Various Subjects*, 151.

<sup>18</sup> Aquinas, 'Question 111. Deception and hypocrisy', in *Summa Theologiae*, Vol. 41: *Virtues of Justice in the Human Community* (II.II), T. C. O'Brien (ed.) (London: Eyre & Spottiswoode, 1972), 173.

<sup>19</sup> Paul Ekman describes the meeting between U. S. President John F. Kennedy and Soviet Foreign Minister Andrei Gromyko on Thursday, October 16<sup>th</sup>, 1962, during the Cuban Missile Crisis, as one in which Gromyko was reticent with Kennedy, and Kennedy was reticent with Gromyko, about there being Soviet missiles in Cuba, despite the fact that both of them knew that there were Soviet missiles in Cuba: 'Both men, Kennedy and Gromyko, concealed from each other what each knew to be true—that there were missiles in Cuba.' (*Telling Lies: Clues to Deceit in the Marketplace, Politics, and Marriage* (New York: W. W. Norton & Company, 1985), 268.)

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even if the belief that one is refraining from divulging is false (although one believes it to be true), and the other person either has the same false belief, or has knowledge that is opposed to this false belief. Strictly speaking, then, this way of being reticent is that of allowing another person to continue without a belief that one believes to be true and that one believes the other person not to have, whether or not the belief is true, and whether or not the other person lacks this belief. It is allowing another person to remain *as far as one believes* ignorant.

This form of reticence is not a form of deception, since it is not the case that the person endeavours to become *auctor erroris in alio*, the cause of error in another, by either creating or sustaining a false belief in another person. Since this form of reticence is not deceptive, it follows that reticence is not necessarily deceptive. Insofar as reticence is not necessarily deceptive, reticence does not necessarily violate a prohibition against deception derived from the Categorical Imperative. Non-deceptive reticence does not violate a prohibition against deception.

Even if reticence is not necessarily deceptive, however, it may still be the case that all reticence—even non-deceptive reticence—is prohibited by the Categorical Imperative for some other reason, and hence, it may still be the case this reticence is ethically impermissible. We will address that question below.

### 5. Reticence and the Categorical Imperative

In all of his published writings Kant insists that reticence about private thoughts and feelings is ethically permissible. He presumably believes, therefore, that reticence about such matters is not prohibited by the Categorical Imperative. We shall present arguments for that position here.

The first thing that must be determined is whether there is a perfect duty to others not to be reticent. Consider the Universal Law Formula of the Categorical Imperative: '*act only in accordance with that maxim through which you can at the same time will that it become a universal law*' (G, 4: 421 (73)). If any maxim of action of being reticent with others cannot be acted on if it is also a universal law—if the maxim's end would be frustrated if the maxim were also a universal law—then there is a perfect duty to others not to be reticent. We will consider a maxim of action of being reticent with others: a maxim of action of allowing others to remain, as far as one believes, ignorant about a particular matter.

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Say that Elina is an adopted child, but that she does not want others to know that she is adopted. She formulates the following maxim of action: 'In order that others not know that I am adopted, I will not inform others that I am adopted'. If her maxim of action is made into a universal law, it becomes: let every person who is adopted not inform others that she/he is adopted, in order that others not know that she/he is adopted. Would it be possible for Elina to act on her maxim of action, and realize her end of others not knowing that she is adopted, if this were a universal law? It would be possible. If this were a universal law, she would be able to act on her maxim of action and realize her end.

Of course, if this were a universal law, then she herself would not know if anyone else was adopted, because by this universal law no one else would inform her that she/he is adopted. However, her end is not that others not know that she is adopted and that she know if others are adopted. Her end is not this double standard. Her end is simply that others not know that she is adopted, and she is perfectly willing to forgo knowing if anyone else is adopted. It would be possible, therefore, to act on a maxim of action of allowing others to remain ignorant, and realize one's end of others remaining ignorant, if there were a universal law of allowing others to remain ignorant.

Since there is a maxim of action of being reticent with others that can be acted on if it is also a universal law, the Formula of Universal Law of the Categorical Imperative does not generate a perfect duty to others not to be reticent.

Consider the Humanity as an End in Itself Formula of the Categorical Imperative: '*So act that you use humanity, whether in your own person or in the person of another, always at the same time as an end, never merely as a means*' (G, 4: 429 (80)). If it is not possible for another person to 'agree to my way of behaving toward him, and so himself contain the end of this action' (G, 4: 430 (80)), then there is a perfect duty to others not to behave in this way. If it is not possible for a person to consent to another person being reticent with her, then there is a perfect duty to others not to be reticent. We will consider the following possibility: the possibility of a person consenting to being allowed to remain, as far as someone else believes, ignorant. For the sake of clarity, we shall omit the qualification 'as far as someone else believes' in the example.

It is possible for a person to consent to being allowed to remain ignorant, so long as the fact about which the person is allowed to remain ignorant is not revealed. For example, a person cannot consent to being allowed to remain ignorant of the fact that she is

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pregnant with a boy, since to do so she would have to know that she is pregnant with a boy: 'Do you consent to us not informing you that your baby is a boy?'; 'Yes, I consent to you not informing me that my baby is a boy'. However, a person can consent to being allowed to remain ignorant as to the sex of her baby: 'Do you consent to us not informing you as to whether your baby is a boy or a girl?'; 'Yes, I consent to you not informing me as to whether my baby is a boy or a girl'. This is what happens when people say 'Don't tell me the score', or 'Don't tell me how the movie ends'.

Since it is possible for a person to consent to another person being reticent with her, the Formula of Humanity of the Categorical Imperative does not generate a perfect duty to others not to be reticent.<sup>20</sup>

All that these arguments show, however, is that there is not a perfect duty to others not to be reticent. They do not show that there is not an imperfect duty to others not to be reticent. Kant holds that at least sometimes it is ethically impermissible to be reticent, because he holds that there is an imperfect duty to others to be candid. The duty to others to be candid must be imperfect, however, because he also holds that there is an imperfect duty to others to be reticent. As he says in the *Doctrine of Virtue*:

Between truthfulness and lying (which are *contradictorie oppositis*) there is no mean; but there is indeed a mean between candor and reticence (which are *contrarie oppositis*), since one who declares his thoughts can say only what is true without telling the *whole truth*. Now it is quite natural to ask the teacher of virtue to point out this mean to me. But this he cannot do; for both duties of virtue have a latitude (*Spielraum*) in their application (*latitudinem*), and judgment can decide what is to be done only in accordance with rules of prudence (pragmatic rules), not in accordance with rules of morality (moral rules). In other words, what is to be done cannot be decided after the manner of a narrow duty (*officium latum*). (*MM*, 6: 433 n. 1 (556 n. 1))

Kant does not present an argument in the *Doctrine of Virtue* for either the imperfect duty to others to be candid or the imperfect duty to others to be reticent. However, such arguments can be provided.

Consider the Universal Law Formula of the Categorical Imperative. If a maxim of ends of being reticent with others can be

<sup>20</sup> The same result is obtained if the other formulae of the Categorical Imperative are used.

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acted on if it is also a universal law, but cannot be rationally willed as a universal law—because it would frustrate the pursuit of other ethically permissible and obligatory ends—then there is an imperfect duty to others not to be reticent.

Say that Elina believes that if everyone keeps everything that she/he knows to herself/himself, then everyone, and in particular Elina, can have an easy life. She formulates the following maxim of ends of reticence: ‘In order to have an easy life, I will inform no one of what I know’. If her maxim of action is made into a universal law, it becomes: let no one inform anyone else of what she/he knows, in order to have an easy life. Although it is possible for Elina to act on her maxim of ends, and realize her end of having an easy life, if this is a universal law, she cannot rationally will such a universal law, since many situations could arise in which she would need information from others in order to pursue her various ethically permissible and obligatory ends. Such a universal law would deprive her of this necessary information, and hence frustrate her pursuit of her various ethically permissible and obligatory ends. The reason why complete reticence is ethically impermissible is that it deprives one of information that one needs in order to pursue one’s various ethically permissible and obligatory ends, since no one is omniscient. One must, therefore, have the end of candour. Candour is an ethically obligatory end.

However, the duty to others to be candid, which is a positive duty, is only an imperfect duty. It is the duty to be ethically permissibly candid with some people some of the time.<sup>21</sup> This is because it is simply not possible to be candid with everyone else all of the time, and because, in certain situations, it is ethically impermissible to be candid with others. In certain situations, being candid with others would violate other duties. Being candid with a would-be murderer at the door about whether one’s friend is at home, for example, would violate the imperfect duty to others to be beneficent.<sup>22</sup> One is required not to lie to a would-be murderer, but one is required not to be candid with him also.

The argument for an imperfect duty to others to be reticent is similar. Say that Elina believes that if everyone tells everyone else

<sup>21</sup> For more on the distinction between perfect and imperfect duties, see my ‘Kant and the Ethical Duty to Others Not to Lie’, *British Journal for the History of Philosophy* (forthcoming).

<sup>22</sup> The example is taken from Kant’s *On a supposed right to lie from philanthropy* (*Über ein vermeintes Recht aus Menschenliebe zu lügen*) (1797), translated by Mary J. Gregor, in *Practical Philosophy*, 611–615.

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everything that she/he knows, then everyone, and in particular Elina, can have a happy life. She formulates the following maxim of reticence: 'In order to have a happy life, I will inform everyone of everything that I know (to the best of my ability)'. If her maxim of ends is made into a universal law, it becomes: Let everyone inform everyone else of everything that she/he knows (to the best of her/his ability), in order to have a happy life. Although it is possible for Elina to act on her maxim of ends, and realize her end of having a happy life, if this is a universal law, she cannot rationally will such a universal law, since many situations could arise in which she would need to withhold information from others in order to pursue her various ethically permissible and obligatory ends. Such a universal law would deprive her of this necessary confidentiality, and hence frustrate her pursuit of her various ethically permissible and obligatory ends. The reason why complete candour is ethically impermissible is that it deprives one of the confidentiality that one needs in order to pursue one's various ethically permissible and obligatory ends, since no one is invulnerable. One must, therefore, have the end of reticence. Reticence is an ethically obligatory end.

However, the duty to others to be reticent, which is a negative duty, is only an imperfect duty. It is the duty to be ethically permissibly reticent with some people some of the time. This is because, in certain situations, it is ethically impermissible to be reticent with others. In certain situations, being reticent with others would violate other duties. Being reticent with an innocent passer-by about the fact that there is a piano falling on his head, for example, would violate the imperfect duty to others to be beneficent.

Reticence about one's private thoughts and feelings with those who are not one's friends—those who are not such that one 'can reveal himself with complete confidence' (*MM*, 6: 472 (587))—is the reticence that Kant explicitly defends. Such reticence falls within the scope of the imperfect duty to others to be reticent, and does not violate the imperfect duty to others to be candid.

It is now possible to turn to Langton's arguments against a principled distinction between lying and reticence and for ethically obligatory lying.

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### 6. Langton on Lying vs. Reticence

In 'Duty and Desolation' Langton criticizes Kant for thinking that 'the really interesting moral question' raised by Herbert's letter 'is the one that hinges on a subtle but necessary scope distinction: the distinction between *saying 'not-p'*, and *not saying 'p'*.' (D, 484) Langton does not merely believe that Kant's distinction between lying and reticence is beside the point, however. She believes that the distinction is untenable. She offers the following case, which is intended to show that reticence is, or can be, a form of deception. Granted that lying is a form of deception, it follows that there is no principled distinction to be drawn between lies and reticence.

Langton imagines that she enlists the help of her friend, Dora, to bake a cake, without informing Dora that her goal is to use this cake to seduce Dora's boyfriend, Otto:

But now suppose my secret plan is to use the delectable cake as the *pièce de résistance* of this evening's romantic candle-lit dinner for two—a dinner to which her equally delectable and notoriously sweet-toothed boyfriend is to be invited and, with luck, seduced. Now my friend is *merely* a means, merely a cog in the machine of my evil designs, just as surely as are the cherries and the chocolate. Now I am *doing something with* my friend in the very same sense that I am *doing something with* cherries and chocolate, flour and brandy. My deceit makes it impossible for my friend to assent to the action, to share my goal, to share that activity. Consent, outright enthusiasm, is there for our joint action under the description: 'making a delicious cake'; but not, sadly, under the description: 'helping Rae to seduce Otto'. My deceit makes it impossible for her to choose that end as her end.

Notice that I need not lie to my friend in order to deceive her. A dose of reticence will do the trick. Indeed, a dose of reticence will work far better for this plot than any lie. What would the lie be? I nonchalantly remark to my friend as we are busily sieving the cocoa, measuring out the brandy: 'Oh, and by the way Dora, let me assure you that the seduction of Otto is the last thing on my mind.' Hm. The lady doth protest too much, methinks. Far safer to keep quiet. This suggests that Kant's careful distinction between lying and reticence is not something that springs from his fundamental principles. The important question, as far as the formula of humanity is concerned, is whether you manage to deceive.

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There are two problems with what Langton argues here. The first is that, even if this is a case of deceptive reticence, it does not follow that there is not a principled distinction to be drawn between lies and reticence. There remains a principled distinction to be drawn between the two. Lying is necessarily deceptive, insofar as it necessarily involves an intention to deceive. Reticence is not necessarily deceptive, insofar as it does not necessarily involve an intention to deceive. Reticence may only involve an intention to allow another person to remain ignorant.

The second problem is that it remains uncertain if this case is a case of deceptive reticence. Langton assumes that deception occurs, because she assumes that Dora has at least one false belief. However, it is not stated that Dora has a false belief. It is possible to read this case as one in which Dora does not have a false belief. It could be that this is the umpteenth time in which Dora has helped her to make a cake to entertain a guest, and it does not occur to her to think that 'This cake is not going to be used in an attempt to seduce Otto', at least not explicitly. Hence it is possible to read this case as one in which Dora is ignorant rather than deceived about the use to which the cake is to be put. However, if Langton merely allows Dora to remain ignorant of the fact that the cake will be used in an attempt to seduce Otto, then she does not deceive Dora.

In the case of Herbert and her beloved, Langton also assumes that deception has occurred:

Contrary to Kant's letter, there is no principled distinction to be drawn between lies and reticence. The question—in this context—is whether actions were strategic, and whether deception occurred. Whether Herbert said 'not-p' or whether she failed to say 'p' is irrelevant in the face of the categorical imperative, construed in this way. The question is what she got her friend to believe. If he was deceived, and it seems he was, then she forced him to perform actions he had no chance to choose. To that extent, she made him thing-like. She prevented him from being the initiator of his own action, and what is distinctive of things as opposed to people is that they do not choose what they do. Herbert failed to treat him as an end, in the Kantian sense: as a being who must be able 'to share the end of the action'.

What actions did the friend choose to perform? Well, we can only speculate here, but let's suppose he chose to perform this action: 'courting a beautiful, intelligent young woman'. And this one: 'courting a beautiful intelligent young virgin'. It seems that this

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is what he thought he was doing.[...] But the action he performed was not the action he chose, if he chose the latter. The courtship he freely engaged in was not what he thought. Deceived, he was prevented from fully being author of his actions. And that is just what is bad about deception, on the Kantian account. (*D*, 491)

In the case of Herbert and her beloved it appears that Herbert's beloved assumed, falsely, that Herbert was a virgin. It appears that Herbert '[held] something back out of consideration for the friendship', namely, she did not tell him that she was not a virgin. So it appears that Herbert was reticent with him, with the intention that he continue to believe falsely that she was a virgin. It appears that she deliberately allowed him to remain mistaken, and thus, was deceptively reticent. However, it is difficult to determine precisely what the beliefs of her beloved were, and whether her 'sin of omission' was one of allowing him to remain mistaken, as opposed to allowing him to remain ignorant. Keeping a secret from another person may be a matter of allowing the other person to remain ignorant of some matter. Allowing another person to remain ignorant of some matter may be thought to be a 'sin of omission' as one becomes closer to the other person, because of the expectation of candour, even if one is not being deceptive.

In any event, in the absence of any further argument, Langton does not demonstrate that there is no principled distinction to be drawn between lying and being reticent. In the case of lying, and forms of deception that do not involve the telling of lies, it is necessarily the case that 'both choices aim for the victim to believe falsely'.<sup>23</sup> It is necessarily the case that one intends to be '*auctor erroris in alio*', the efficient cause, or sustaining cause, of error in another. In the case of reticence, however, this is not necessarily so. One can be reticent with another person with the intention that the other person remain ignorant. Allowing a person to remain ignorant, or not assisting another person in acquiring a belief that one believes to be true, is not the same as deceiving another person.

### **7. Langton on Ethically Obligatory Lying**

Langton also argues that Herbert may have had a duty to lie to her beloved about not being a virgin. She does so on the basis of an

<sup>23</sup> Jonathan E. Adler, 'Lying, Deceiving, or Falsely Implicating', *Journal of Philosophy* 94, No. 9 (September 1997), 435.

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argument taken from Christine M. Korsgaard,<sup>24</sup> namely, that although Kant's ethics prohibits all deception, nevertheless Kant's ethics can be adapted to deal with circumstances in which agents encounter evil. In circumstances of evil, it is ethically permissible to lie for the sake of creating a Kingdom of Ends. Langton applies this argument to the case of Herbert. She first argues that Herbert's circumstances of sexism and patriarchy were circumstances of evil, such that it was ethically permissible for her to lie to her beloved. She next argues that since Herbert had a duty to humanity in herself to avoid being servile, to avoid allowing herself to be treated a thing by others, and to pursue the goal of a relationship of equality with her beloved, she was ethically obligated to lie to her beloved:

Herbert is a *woman* in a society in which women start out on an unequal footing and then live out their lives that way, where women—especially women—must perpetually walk a tightrope between being treated as things and treated as persons. She must make her choices against a backdrop of social institutions and habits that strip her of the dignity due to persons, where what she does and what she says will always be interpreted in the light of that backdrop, so that even if she says 'my vision is clear', and speaks in a manner consistent with the claim, her speech will be read as the speech of the deranged, a mere plaything of the passions. Central among the institutions she must encounter in life is that of the sexual marketplace, where human beings are viewed as having a *price*, and not a dignity, and where the price of women is fixed in a particular way. Women, as things, as items in the sexual marketplace, have a market value that depends in part on whether they have been used. Virgins fetch a higher price than second hand goods. Such are the background circumstances in which Herbert finds herself. They are, I suggest, evil circumstances, evil by Kantian lights (though Kant himself never saw it).

Despite these handicaps, Herbert has achieved a great thing: she has achieved something like a friendship of mutual love and respect, found someone with whom she can share her activities and goals, become a partner in a relationship where ends are chosen in such a way that the ends of both agents coincide (prominent among which was, it seems, the happy study of

<sup>24</sup> Christine M. Korsgaard, 'The right to lie: Kant on dealing with evil', *Philosophy and Public Affairs* 15 (Fall 1986), 325–349.

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Kant's works!). She has achieved a relationship where frankness and honesty prevail—with one exception. Her lie is the lie of 'keeping something back for the sake of friendship'. If she tells the truth, evil circumstances will see to it that her action will not be taken as the honest self-revelation of a person, but the revelation of her thing-hood, her hitherto unrecognized status as used merchandise, as an item with a price that is lower than the usual. If she tells the truth, she becomes a thing, and the friendship—that small neighbourhood of the Kingdom—will vanish. Should she lie? Perhaps. If her circumstances are evil, she is permitted to have friendship as her goal, to be sought and preserved, rather than a law to be lived by. So she is permitted to lie. Then other considerations come in. She has a duty to 'humanity in her own person', of which Kant says: 'By virtue of this worth we are not for sale at any price; we possess an inalienable dignity which instils in us reverence for ourselves'. She has a duty of self esteem: she must respect her own person and demand such respect of others, abjuring the vice of servility. I think she may have a duty to lie. (*D*, 504)

Langton does not advance this argument as one that Kant would endorse. As she says, 'Kant would not allow it' (*D*, 504).<sup>25</sup> Even so, we believe that the argument fails, for several reasons.

First of all, if Herbert has a duty to respect 'humanity in her own person', if she has a 'duty of self esteem', then she has a duty to herself not to lie to her beloved. As Kant argues, even if a person is aiming at a 'really good end', nevertheless lying, 'is, by its mere form, a crime of human being against his own person' (*MM*, 6: 430 (553)). When a person lies to another person, she treats humanity in herself as a mere means, as a thing, and not as an end. Herbert would be failing to respect humanity in herself if she lied to her beloved.

Secondly, Langton's argument proves too much. If sexism and/or patriarchy count as circumstances of evil that permit lying, then lying is widely, if not universally, permissible for women, since sexism and/or patriarchy is, sadly, near-universal, if not universal.

Finally, the conclusion of this argument flies in the face of what Herbert herself believed. Herbert believed, with Kant, that it was ethically impermissible for her to lie to her beloved. Indeed, she believed that it was ethically impermissible for her to be reticent

<sup>25</sup> I doubt that Korsgaard would endorse Langton's argument either. For Korsgaard, circumstances of evil would appear to be those in which innocent people face violence or death at the hands of others.

## **James Edwin Mahon**

with her beloved. She considered her reticence about having had a previous lover to be a 'sin of omission'. She attested that, by finally being candid with her beloved, she 'got rid of the stone in [her] heart'. Whether or not she had a duty to refrain from being deceptively reticent with her beloved, as she appears to have believed she was being, we agree with Herbert that she had a duty not to lie to him.<sup>26</sup>

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