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Author: Jerry Valberg

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Deception

Jerry Valberg

I.

Philosophical interest in ethics, leaving meta-ethical questions aside, might be viewed as falling into two main categories. In one case, the interest lies in supporting or attacking what is called an ethical ‘theory’, that is a very general principle on the basis of which we are supposed to be able to decide how to act in particular cases, or to evaluate the actions of others. Kant is generally viewed as providing such a theory in the form of his categorical imperative, as is Mill, with his Principle of Utility. But often too, philosophers directly confront and advocate a stand on a particular ground-level issue, e.g. whether war or suicide or abortion or capital punishment is (ever) justified, or permissible – in which they may appeal not just to principles, but to our moral imagination. Our interest in the present paper differs from both of the foregoing.

Rather, the question we shall raise takes for granted that a particular kind of action is wrong, and moreover that we all know it is wrong; thus our stance will not be that of ground-level advocacy. Nor will we ask whether the wrongness in question follows from some general principle. It may thus follow or it may not; but this is not what concerns us.

Then what exactly is our interest here? That is to say, what kind of question will we be asking?

Suppose we agree that in circumstances *C*, it would be wrong to \emptyset . Our question is: What is it about \emptyset 'ing in *C* that makes it wrong? We are, in this sense, looking for insight into the wrongness of a given kind of action; for moral insight.

Moral insight might be compared with comic insight, insight into what makes a situation or action funny. I once heard Kirk Douglas in a radio interview relate an incident in which he was joined by an unknown to him hotel guest on the elevator. For several floors the man kept staring incredulously at Douglas's face – until he could contain himself

no longer and blurted out: 'Do you know who you are?' What makes this funny (I find it funny)? That is, what is it in the situation described that makes it funny? There is in fact a lot you could say about this example; but our present interest lies only in the kind of question being asked, not in the answer.

The 'What makes it funny?' question seeks insight, comic insight. We seek to uncover what it is in or about a given situation that makes it funny. The important point is that we can, I think, raise essentially the same question by looking not to the situation but, so to speak, to ourselves. Thus we might ask not what it is in the situation that makes it funny, but what makes us laugh. The question can be raised in this way because whatever it is in or about the situation that makes it funny is, we may assume, precisely what (in or about the situation) makes us laugh.

It is of course possible that in asking what makes us laugh we are concerned with our own, idiosyncratic disposition to find things funny. In that case, the focus of our interest would lie not in the comic situation but in ourselves. When we seek comic insight, the path may go via ourselves, but our interest lies at a distance from ourselves: in the comic situation.

The underlying oneness of the first-personal and objective perspectives is a feature of the search for comic insight. Our idea is that the same unity exists with respect to a certain kind of moral or ethical insight. One way to gain insight into what makes a kind of behaviour wrong is to ask ourselves what would bother us about acting like that. That is, one way to investigate moral truth is to probe ourselves – who are, after all, as in the case of funniness, its sole source and repository.

Thus if we ask, say, what makes it wrong for a parent to humiliate his child in front of his friends or for a club member sneakily to break the agreed rule against raiding the food stores at night, it makes no essential difference whether we look to the behaviour itself or to what would bother us about engaging in it. Looking to the second is a way of looking to the first, and conversely; just as in asking what makes a particular situation funny we may look either to the situation itself or back to ourselves – that is, to what makes us laugh.

II.

Our topic in the present paper, that concerning which we seek moral insight, is deception. However deception is a variegated phenomenon. There are different kinds of situations in which we deceive, and

therefore different kinds of deception. We shall focus on just one kind of deception. Our conclusions will not generalize to all kinds of deception. The kind of moral phenomenology in which we shall engage is best suited to a narrow focus.

Although typically deception involves lying, it need not. We may, e.g., deceive someone by feigning satisfaction or interest, and so on. The use of language is essential to lying, but not to deception. If we lie, we thereby deceive (or at least attempt to deceive); but we may deceive without lying. Think, e.g., of a penalty kick in football, or betting in poker. Lying plays no role here; yet the possibility of deception is in such cases manifest and thus mutually grasped.

Deception can be either personal or impersonal. Personal deception exploits and thus presupposes a personal relationship. If a businessman knowingly quotes an anonymous customer a higher price than that advertised, this is a case of impersonal deception. If he conceals from his long-standing partner the fact that he is regularly pocketing part of the day's takings, this is personal deception. In this paper, we are interested in personal deception.

The possibilities for personal deception depend on the relevant kind of personal relationship – that of colleagues, friends, work or business associates, team members, relatives, and so on. Then too, whatever the relationship, personal deception may be benevolent, other-interested (we deceive in behalf of a third party) or self-interested; light hearted or serious. We shall consider the case of serious, self-interested personal deception.

The classic situation for such deception is that which obtains between a husband and wife, or established lovers. Here there is a shared life, mutual and conflicting interests, deep ties, the entanglements of love and sex, and so on. The possibilities for deception are manifold.

Deception in such cases typically involves the betrayal of the romantic or matrimonial bond between the two parties via an act or acts of infidelity. Party A deceives party B by having a romantic or sexual involvement with party C.

Of course, A does not just have such an involvement, A hides the fact of the involvement from B. This most likely requires lying, but, as we said, it need not. Fidelity might be an unspoken mutual expectation which each party assumes the other respects and which the deceiver exploits.

Lying is not essential to personal deception; but secrecy – the fact that one person hides something from another person – is. In Agnes

Varda's film 'Le Bonheur', the male partner in a happy marital relationship falls for a female bank clerk and starts a relationship with her, but quite openly tells his wife all about it - so that she can share in his new-found happiness. And married life goes on. There is no deception (just hard-to-believe psychology).

To repeat, secrecy or hiding is necessary for deception. (So much is trivial.) Both parties want to maintain the relationship; but one party wants something that, if known to the other party, would threaten the relationship. Thus he has a motive for secrecy; given the close, involved nature of the relationship, this requires deception.

Deception, as we have remarked, necessarily aims at secrecy, and if secrecy is not achieved or is compromised, the deception fails. A perfect deception would be one in which the deceived never learns the truth, not just during the period of time that the deceiver is taking pains to conceal it, but forever. In such a case, the deceived goes to the grave never knowing the truth.

OK, in our little soap opera, A and B are lovers; they see their future together, or at any rate, their commitment to each other is open-ended. Yet, A is deceiving B with respect to C. What A is doing is wrong. Of course A knows this, as we all would in A's situation (deceivers always know that what they are doing is wrong). In fact, let us imagine that we are A. The question is: What is it in or about what we are doing that makes it wrong? That is (shifting to the first person perspective): What is it in or about what we are doing that bothers us?

III.

Consider how the advocate of an ethical theory might apply his theory to our question. The theorist holds some general principle about right and wrong. It is natural to suppose, then, that he would say that what makes our behaviour wrong and thus bothers us is that, in deceiving B, we violate his principle.

Thus, e.g., a traditional utilitarian might say that our deceptive behaviour vis-a-vis B would tend to have a negative (though indirect and tenuous) impact on the general happiness, that that is what makes it wrong. But if what makes our behaviour wrong is what bothers us, this seems absurd.

Think about it. Is that what is keeping us at night and making it harder for us to look B in the eye - the impact of our behaviour on the general happiness? The general happiness? Nonsense! However ardent our utilitarianism, this is not what is bothering us.

How would a Kantian answer the question of what makes our deception of B wrong? He would, I take it, answers something like this: Implicit in our behaviour is a maxim that is guiding how we act. No such maxim could become a universal law. Whatever it is about our behaviour that makes it wrong, it is the very thing that is bothering us. What is bothering us? The impossibility of generalizing this or that maxim? Once again: nonsense! What bothers us no more has to do with generalizing maxims than with the general happiness. Both of these suggestions, if you contemplate them in a realistic way, are impossible to take seriously.

Let us pursue the Kantian idea a bit. We are troubled by our infidelity toward B. If a philosopher were to point out to us a flaw in the reasoning that establishes the impossibility of generalizing the maxim implicit in our behaviour, would that help? Would we breathe a sigh of relief – as if our sense of guilt about deceiving B had suddenly been revealed as groundless? The impossibility of generalizing a maxim may establish that the maxim could not serve a community as a mutually agreed-upon rule of conduct; but it has nothing to do with what bothers us about deceiving someone, that is, with what makes such behaviour wrong.

Consider, finally, an Aristotelian answer to our question. What bothers us about our deception, what makes it wrong, concerns neither the general happiness nor the possibility of universalizing the maxim implicit in our behaviour. Rather, it is that such behaviour encourages habits incompatible with living a flourishing human life.

The Aristotelian suggestion (which may have no application to the historical Aristotle or, in fact, to Greek philosophical ethics) not merely fails to capture what actually bothers us about our deceptive behaviour; it points us in the precisely the opposite direction from what bothers us, that is, from what makes our behaviour wrong. It directs our attention to what we are doing to ourselves, whereas what in fact bothers us concerns not what we are doing to ourselves but to – whom else? - B.

In light of these reflections, I am inclined (no doubt rather hastily) to assert that whereas ethical theories may claim to provide general principles on the basis of which we may deduce that actions of certain types are (let us stick to this) wrong; they give us no clue as to what it is about performing such actions that bothers us and therefore no insight into what makes these actions wrong. At any rate, this seems to be how things are in the case of personal deception.

If this is right, we might say that ethical theories ‘miss’ something. Notice, this need not be regarded as a criticism, since it might be said in their defence that ethical theories never pretended to be more than rules for identifying morally wrong actions – without aspiring to give us insight into what the wrongness of these actions consists. Suppose this is so. In that case, the fact that ethical theories do not provide us with such insight would not count as a shortcoming on their part.¹ Of course, it would still be true that, if we are looking for moral insight, we must look not to ethical theories but somewhere else. Where? Well, to ourselves.

IV.

Let us bring our focus back to the case of personal deception. In deceiving B, we are doing something wrong. More precisely, we are wronging B. Of course, not every case of doing something wrong involves wronging someone. E.g., if we mislead the tax inspector about the extent of our property, we are (let us assume) doing something wrong; but we need not be wronging anyone – the tax inspector, or anyone else. In deceiving B, however, we are not just doing something wrong; we are wronging B.

Indeed, it is the fact that we are wronging B that bothers us about what we are doing; it is what makes our deception wrong. But this is vague. How, exactly, are we wronging B? How, in a case of personal deception, do we wrong the person that we are deceiving?

In personally deceiving someone we are, I think, *harming* the person we deceive. Is it not possible to deceive someone for the purpose of benefiting him? Even in benevolent deception the element of harm is present; it is just that in this case we believe the harm will be outweighed by some benefit which the deception achieves. But of course this is still vague. The real question here concerns the nature of the ‘harm’. In what way do we harm someone in a case of personal deception?

We are deceiving B with C. So, we are harming B. But how? How are we harming B?

¹ It is arguable, e.g., that, in contrast to the universalizing version of the categorical imperative, the version which instructs us to treat others always as ends in themselves (and never merely as means), is intended to be more than an identificational rule; that, in fact, it might claim to provide us with what with we looking for: insight into what makes personal deception wrong. We shall not pursue this (it is not implausible) except to note that, from Kant’s standpoint, it would seem to undermine his oft repeated assertion that the different versions of the categorical imperative are at bottom one and the same.

One possibility is that we are causing B to lose face in the eyes of B's friends. Let us stipulate that no one knows of the relationship between C and ourselves. But C may know. Perhaps we should add, then, that C knows nothing about B. (This may or may not require that we are deceiving C as well.) Such stipulations take nothing away from the basic moral fact that we are harming B. Thus we would agree that even if B's reputation were totally protected from any damage, B would be harmed by our deception.

But again, how are we harming B? One naturally thinks of the way B would suffer were B to know of our relationship with C. True, were B to find out, B would be deeply upset, and thus harmed. Our intention is, of course, that B not find out. Why should the intention not be realized? Yet even if B never finds out, that is, even if the deception is perfect and hence B is never harmed in the way that finding out would entail that B is harmed (the suffering B would undergo), the harm entailed by the deception itself would remain.

Yet once again, what *is* that harm? By hypothesis, we are supposing, B never finds out. The deception is perfect. Then B will never feel pained or upset or crushed or humiliated or disillusioned or whatever by such a disclosure. On the contrary, given B's ignorance of the truth, we may suppose that B feels quite content, even 'happy' about the relationship. Well, however B feels, we are, and know that we are, harming B.

Maybe the harm to B consists in the fact that the deception creates the potential for the suffering that would ensue upon disclosure. B's life is thus being lived under a potential harm, poised over B's life like the sword of Damocles. That is how our deception of B harms B.

An ordinary human life is lived under countless swords: situations wherein facts are in place that constitute threats of contracting a serious illness, or having a bad accident or some other misadventure or form of unpleasantness and suffering. Most of these potential misfortunes we never know about. If a sword falls, that matters. But not a sword that does not fall. If in an after-life we were informed of a never-realized potential disaster, would we deem our life any the worse for the existence of this potential disaster? What matters is not what might have happened but what actually happened.

In any case, the harm done to a perfectly deceived person is not that of an unknown, unactualized threat. This, for the simple reason that an unknown, unactualized threat does *not* in any reasonable or meaningful sense constitute harm to the person thereby threatened, whereas, we are saying, the perfectly deceived person *is* harmed - despite the perfectness

of the deception. In fact, the perfectness of the deception, so far from lessening the harm entailed by the deception, may seem to increase it.

This last thought is succinctly expressed by the central character in Alberto Moravia's novel 'La Romana'. Anna is a hard-working young woman who supports her mother and is finding it difficult to make ends meet. Her worldly friend Giovanna suggests that she respond favourably to the attentions of a certain older gentleman in the neighbourhood who is keen on her and has the means to be generous towards a compliant part-time female companion. But Anna has a fiancé and, with him in mind, says that she could not do such a thing. The friend remonstrates that Anna's fiancé will never know anything about it. Anna responds: *Proprio per questo*. That is, her reason for not doing it is precisely that her fiancé would never know about it.

Is this perverse? Anna seems to imply that for the very reason that her fiancé would not suffer the distress of discovering her infidelity - she is not prepared to get involved in such a thing. But that is not quite her point. Her point is, I believe, the same point that we are making about perfect deception. The fact that her fiancé would never find out about her deception would not lessen the harm caused by deceiving him; it would, if anything, make the harm greater.

But, one may protest, viewed from the standpoint of the perfectly deceived subject, his life may be exactly as it would have been minus the deception. If there is no harm to the subject in the world where he is undeceived, why should we think that he is harmed in the world where he is perfectly deceived?

Reflections of this kind (they are commonplace) may induce doubts about our initial conviction that a deceived subject is in fact harmed. Intuitions may vary here. I (at least), though I can enter into such doubts, find them hard to sustain. Thus if I reflect on what we are doing to B in deceiving B with C, the conviction inevitably reasserts itself: it seems evident that we are harming and thereby wronging B.

V.

But we have yet to say in what the (supposed) harm consists - the harm we are causing B. What is the harm to the deceived that is caused by deceiving him? In trying to answer this question, let us keep Anna's point in mind: in whatever such harm consists, it is a harm that would only be increased not decreased by the fact that the deception in question is perfect.

A person may be harmed by us either positively or negatively. We harm someone positively when we add or introduce something into his life that results in his having bad experiences of some kind. Torturing someone, or destroying his property, or ruining his career, or doing such things to people he cares about, these would be examples of positive harming. A person is negatively harmed by us if we take away from him, or deprive him of access to, things that he wants or needs or loves or depends on, e.g., food, shelter, wealth, health, a person or pet or object to which he is attached, human fellowship in general.

In a case of serious, self-interested personal deception we are negatively harming someone. (With perfect deception, element of positive harm may in fact be zero.) That is, in deceiving the person we deprive him of something that is important to him. How can that be? If you run through the short list (just provided) of human needs/goods, it seems that none of the things mentioned need be absent from the life of the deceived. Suppose Anna had decided to deceive her fiancé. Need she thereby have deprived him of access to a prized object or person (herself included), or have damaged his health or his financial situation? Assume he never learns of the deception. It does not last that long. Eventually, Anna and her fiancé get married and live happily ever after. She is the joy of his life. How would she have harmed him?

Recall our example of business partners. Here, the deceived partner is, it seems, being deprived of money due to him. In general, however, personal deception does not require that the deceived suffers material loss. Are we, in deceiving B, depriving B of money, or comfort, or sense of well-being?

And even in the partners' example, where a financial loss is suffered by one of the partners, this is an incidental harm. It is not the harm entailed by – the harm essential to – the personal deception committed by the other partner.

Then what is the essential harm? The partners have been working together for many years. They (we may assume) trust each other. Each partner, moreover, plays an important role in the life of the other and, thereby, in the way the other views his own life. Each, we may suppose, views his own life as that of (among other things) a small businessman – a life which his business, and thus the partnership by which it is comprised, occupies a great deal of the person's time and energy and concern. There is always some business related matter to fret about, something that must urgently be done, something that has been

overlooked, mistakes, poor judgements he has made – and in all of these matters his partner has an interest and is thus involved.

So it does not seem like an exaggeration to say that, for each of the two partners, the business, with all that it involves, figures importantly in (to use an over-used expression) the meaning of his life, and that, therefore, his partner figures importantly in the meaning of his life. Thus given that one partner is deceiving the other, the latter, the deceived partner, is not in touch with what is going on in his life: with the fact that he is being screwed, done over by the very person whom he trusts (and all these years has trusted) and on whom he is dependent. What has happened to the deceived partner is not trivial. As a result of the deception, he is not in touch with the meaning of his life.

You could say, then – I hope this does not sound over-dramatic - that the deceiving partner is *robbing* the deceived partner of something: not just of money to which the latter is entitled but (in part) of the meaning of his life.

It should be evident that a similar kind of story, with a similar conclusion, can be told in the case of lovers – like that of Anna (had she conducted the deception) and her fiancé. Or again, in our case, where we are deceiving B (with whom we have an intimate, long-term relationship). Thus we know that B's self-conception is at least partly and in any case importantly dependent on her conception of our conception of her, and on how she conceives of our relationship. Our deception places B under a vital misconception about what we are prepared to do and sacrifice for the sake of the relationship and thus about the nature and value of the relationship. Yet the relationship is central to B's life. Thus, as in the case of the deceived business partner - but much more so in the present case - the deceived, in this case B, has a false conception of what is going on her life. She is being robbed in this respect by the deceiver: robbed (in part) of the meaning of her life. Does that not constitute a kind of harm?

I do not have much more to say about this. How do we harm someone in personal deception? In a partial way, we rob the person of the meaning of his life. This, I believe, is what makes such deception wrong and thus bothers us about it.

It does not follow, notice, that we are never justified in personally deceiving someone. (That would make life simpler than it actually is.) Personal deception is as such wrong; but there may be cases in which it is morally justified. This is because situations in which we are faced by the question of whether to deceive someone are often morally complex

and hence may contain factors that compete with the wrongness of deception in resolving the issue of what to do. Yet if in such situations (they are familiar and therefore easy to imagine) we decide that, on balance, we ought to deceive, it remains true that, although our deception may be justified, we are robbing the deceived of something and thereby harming him. Thus a little part of us will know that, despite our justification, we are wronging the deceived.