



ethical dilemmas unit 6

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Permissible lies?

WHEN, if ever, are lies permissible? Is there ever any excuse for lying? The argument we gave last time for the view that it is always wrong to tell a lie is not based on mere consideration of the possible harm caused by lies. If it were, then we could compare the harm done by a lie on a particular occasion with the harm or bad consequences which the lie avoids and decide in this case that the lie was justified. It was right to tell a lie, given that the consequences of not lying would have been worse.

However, as we have seen, that line of reasoning is inherently flawed. Any attempt to rationally justify lying in any circumstances whatsoever is self-defeating. Excusing a lie on the grounds of its supposed benefits, to oneself or others – or even negatively as the 'lesser of two evils' – only succeeds in raising the stakes. In order to gain the same benefit or avoid the same harm next time in similar circumstances, one must tell a bigger lie. You want to own up to a lie, and yet you want your words to be treated as the truth. Maybe you're lying now. How can you ask someone to believe you when you admit that you are prepared to tell a lie as and when you deem it necessary? – One doesn't need to have read Kant or even studied philosophy to appreciate the intuitive force of that argument.

We concluded that, 'To assert that it is sometimes right, or even acceptable to tell a lie is to assert something which is incoherent and self-contradictory... An action which we will never freely admit to and always condemn, is by definition always wrong.'

And yet, despite all this, we lie. Most would accept that there are circumstances sufficiently extreme which would leave us no other choice. Make this occurrence as rare as you like; from the standpoint of logic it makes no difference. To admit a single lie contradicts the argument that it is *always* wrong to lie.

This is paradoxical, in a similar way to the more general claim that 'one must never compromise one's principles' examined in unit 4, although not just because of that. Sometimes, we are forced to compromise our principles and sometimes we are forced to lie. The point, however, is that in neither case can one draw the conclusion – which on the face of it seems warranted – that it is *therefore* sometimes 'right' to lie or 'right' to compromise a principle.

Lying is indeed more paradoxical – if there can be degrees of paradox – because as I have argued we don't have the luxury of *choosing* to adopt the principle of truthfulness, as we have in adopting certain other principles. When it comes to lies, there is no meaningful choice.

One possible reaction to the paradox would be that there are limits to reason which human beings sometimes have to go beyond. In the vacuum that exists outside the realm of reason and logic there might yet be methods for deciding when and how to lie, but at best these can only be useful rules of thumb. Or you might conclude that the world is not yet ready (and perhaps never will be) for ethics in the truest sense, Kant's vision of a 'kingdom of ends' where all human actions are ruled by reason. We have to face up to the world as we find it, and not as we would wish it to be; and that means *do the best we can*, even if this necessarily falls short of our moral ideals.

Between bluffing and lying

Our conclusion, difficult as it is, is complicated still further by the suggestion that one might give up the principle of truthfulness and play an *alternative language game*, where, in the words of salesman Henry Taylor – quoted approvingly by Albert Carr – 'It is understood on all sides that the truth is not expected to be spoken.' The view that we took was that

although this game is *playable*, it is not *necessary* to play the game in order to create a business arena where normal ethics are suspended in favour of rules which allow for competition, for winning and losing. By the criterion of 'what is necessary for creating a business arena', there is no necessity for a rule which permits lying. A rule which is not necessary is at best superfluous, and at worst an obstacle to carrying out the activity in question. We can compete vigorously in the business arena, using all our resourcefulness and skill, without needing to use the additional weapon of 'permissible lies'.

One can go further and state that there are in fact strong positive reasons for applying the prohibition against lying across the board, both within and outside the business arena. Life in the business arena is part of life. It is not just a game. The hurt and affront caused by a lie is a real hurt and a real affront – as anyone who has been on the receiving end will testify – unlike board or card games where deceit is accepted as a matter of course; at least, when played by adults who are fully conversant with the point of the game. In a game of poker, friendly or otherwise, the angry complaint 'How could you have bluffed me?' would be perceived as absurd. At best, it can be taken as a jest. Bluffing is what the game of poker is about, what makes it so enjoyable and gripping.

But is all bluffing lying? Part of the initial attractiveness, I suspect, of Carr's thesis derives from the fact that we do not regard bluffing as necessarily as bad as lying. In fact, there are degrees of bluffing which do not correspond to degrees of lying:

A businessman down on his luck who goes into an important meeting dressed in expensive looking but tasteful clothes which are in fact loaned for the day from a men's clothes-hire shop. This is a kind of bluff, but it is an acceptable bluff. In the business world, like it or not, you are judged mercilessly on first appearances. What else can he do? If you discovered the truth – that the businessman owns one thread-bare pinstripe suit – you might raise a wry smile but you could hardly criticize him for putting his best face forward despite adverse circumstances.

A multi-national technology conglomerate is launching a new games console whose specifications are shrouded in secrecy. To put competitors

off the scent, for months they have been singing the praises of the current model, despite that fact that it is common knowledge that their console has been increasingly losing market share to its more powerful rival. Their plan is to convey the misleading impression that the new product will be a mere improvement of the current design, whereas in reality the console is a quantum leap ahead of the opposition. When the new model is finally unveiled it creates a sensation, and the competitors are wrong-footed.

In a fierce takeover battle for a supermarket chain taking place in the full glare of publicity, every bid by company A is swiftly matched by a higher bid by company B. Company A finally throw in the towel as Company B have given every impression that they have sufficient finances to continue upping the ante indefinitely. What only the members of the Board of Company B know is that, in reality, their last bid stretched their available loan capital to the limit. In effect, they won through a successful bluff. You can only admire their ability to hold their nerve.

These are examples where most persons would not think that any wrongdoing has occurred. In two of the three cases – the business meeting and the takeover bid – there is a perception that when your back is up against the wall, you don't have to let on to others how difficult your circumstances are. All that is relevant is how good *you* are, how well you play your hand, whether indeed you are true to your *word*. That's fair. In the remaining case, the product launch, the principle is essentially the same as the one we looked at last time regarding trade secrets. Your competitors should be spending less time watching you and more time pushing ahead with their own R and D.

Other examples of bluffing, by contrast, are less acceptable:

Ordering stock which you don't have the money to pay for, in the hope that when the time comes to pay you will be able to cover the cost through increased sales is universally regarded as bad trading practice, even if you never actually stated that you had sufficient funds. The deception results in your trusting supplier taking a financial risk which they would not have taken had they known your true situation.

Threatening legal action when you know that your case would never stand up in a court of law is a bullying bluff which brings the law itself into disrepute. The offence is usually compounded by the inequality of power between the bully and the bullied: the prohibitive cost of going to law for the threatened party outweighs knowledge that *if* the case ever came to court you would probably win. The risk is still too great.

A company spokesman who refuses point blank to respond to justified questions raised at a shareholders' meeting to which they know the answer is bluffing, in a manner which is tantamount to a lie. Sooner or later, whether at another meeting or in response to questioning from a persistent reporter – or possibly the police – some answer will have to be given. Then the deception can only be maintained by telling a barefaced lie.

Taxonomy of lies

Are there different kinds of lie, some of which are more acceptable than others? Before we can answer that question, we need to get a better hold on the kinds of thing that might be considered to be a lie. As we have seen, some bluffs are close to if not equivalent to lies while others are not. What makes the difference?

The traditional view – before Kant came and changed the ethical landscape forever – was that there are lies of every shade, from white to black. St Augustine, in his book, *Of Lying* distinguishes between eight distinct levels of lying, the most severe being 'Lies told in religious teaching' while the least severe is 'Lies that harm no-one and save someone's purity.'

However, this kind of hair-splitting categorization is totally upstaged by the recognition that you can't justify a lie by its consequences. Nor is there anything 'worse' than a lie, although a lie can be compounded with other offences, such as betrayal of someone who trusts you, or forcing someone else to lie on your behalf.

What we have seen, however, is that not every successful case of deception involves a lie. The expensively dressed businessman, the game

console maker, the company who made the successful takeover bid practised acceptable deception. We are not required to show all our cards to anyone who cares to look. The test of an admissible deception, admittedly rough and ready, is how, as someone on the receiving end of the deception, one would respond if one learned the truth – whether they primarily blame themselves for drawing the wrong conclusions, or blame you for deliberately pulling the wool over their eyes.

Of course, one's response to a deception depends on one's expectations. If like Carr you don't expect to be told the truth then you will be less surprised and hurt when the lie is uncovered. But at least it is a *prima facie* consideration. Can we say more than this?

In Kantian terms – following the final formulation of the Categorical Imperative according to which one should never use someone 'merely as a means' – you can bring it about that someone is deceived without it being the case that they have been *used* in an egregious sense. Their own free actions and unforced judgement played the main role. They second-guessed you, and as it happens guessed wrongly. One draws all sorts of conclusions from appearances, nor are we always responsible for the way our actions appear to others. By contrast, in a lie, you deprive the other person of their freedom of action by presenting false information as if it were true, effectively making the other person into a mere tool for your own ends. As Kant argued, the very possibility of language as a means of communication is based on the ability to trust someone's word.

Bullshit and spin

Apart from lying and bluffing, there are a variety of labels which we use for obscuring the truth, more or less implying censure. Of these, the most notable were both invented in the 20th century: the terms, 'bullshit' and 'spin'. Time and again, one hears how people are 'tired of all the spin and bullshit', both in the world of business and in politics. But how bad are spin and bullshit, really? Both involve a kind of deception, yet it is not immediately clear that this is always a bad kind of deception, or even if it is, that it is necessarily as bad as telling a lie.

As these words are generally understood, bullshit seeks to confuse and complicate matters, refusing to answer the question directly and substituting obfuscating rhetoric, while spin selectively emphasises the positive aspects of something whose virtues you are seeking to promote, while underplaying or hiding the negative. Let's look at each of these notions in turn.

No-one likes to 'be bullshitted'. Yet there are circumstances where we are required to bullshit. For example, the last thing the shy and not very skilled apprentice needs is criticism. So you offer fulsome praise, underlining the successful results that they have so far achieved, even though the praise is not fully merited. Objectivity is the last thing they need. Anyone listening would know that what you're saying contains an element of bullshit. Perhaps even the apprentice sees this too. But the real point is not what you *said* but the fact that you took the trouble to offer words of encouragement.

Just as words of encouragement go a long way, even when they are not merited, so a defiant response to a serious threat is not required to be objectively true. With the wisdom of hindsight, Winston Churchill can be seen as one of the greatest all-time masters of bullshit. For a period early on in the Second World War, bullshit was Britain's strongest weapon. 'We will fight them on the beaches.' With what? When you run out of bullets you wave the skull and crossbones, or let off firecrackers. (The Royal Air Force didn't have enough real aeroplanes so they built runways with mock fighters made out of cardboard which looked sufficiently real from the air.) At least, there is a chance you will give the enemy a scare, or introduce just enough doubt to confuse their calculations – as arguably proved to be the case.

To be on the receiving end of bullshit is not necessarily the same as being 'used'. A company on the ropes needs bucketloads of bullshit to keep up the spirits of the workforce and prevent despondency, as well as keeping ravening press reporters at bay. The workers want to see evidence of how much you care. Words alone are not enough, but they are something. Of course, along with the bullshit you have to be willing to tell the truth as it is, as and where necessary. If anyone needs the truth, straight up, then you

will tell them. But in stressful times the unvarnished truth isn't always what people want, or need to hear.

The same principle applies to the marketplace. If your product is not as good as the other company's product and everyone knows this, still you don't own up to that fact. Make a joke of it. Even if the design of the other product is better, your product is *cooler*. 'We're number 2, so we try harder,' was the famous response by Avis to Hertz's dominance of the car hire market in the early 60's. The idea that Avis were only number 2, *therefore* they always tried harder to please the customer was a breathtaking non-sequitur, or in other words, sheer bullshit.

'Spin' is a more recent notion. The 1950's 'spin doctors', the original American radio DJ's, told their audiences *what to listen for* in the latest pop record. As any advertiser knows, you can't make someone like something just by shouting loudly enough how great it is. There has to be something worth calling attention to. Yet there is all the world of difference between spinning judgements of *quality* – which is what the DJ's were doing – and spinning *facts*. Between those who loved pop music and those who heard it as an ugly barrage of noise there was no 'truth' of the matter. The objectivity of aesthetic judgement does not imply the necessity for universal acceptance. Yet this is how we think of factual truth. The truth about the current state of the economy – such as whether or not we are really on the cusp of a recession – is the truth, whether you like it or not, whether the message is one you wanted to hear or didn't want to hear.

Spin doctoring has come in for some bad press, especially in the wake of the successive publicity fiascos of the British Labour Party under Tony Blair's leadership. The truth is that politicians have always spinned. But there is a fine line which is easy to cross. In Labour's case, there was a justified desire for seeking to redress the imbalance of a hostile press which had traditionally always been seen to favour the Tories over Labour. However, fighting fire with fire is not always the best strategy, and not a few fingers got scorched.

The main part of the business of politics is getting people to pull together. Merciless self-examination is not generally the best way to do this –

although on occasion a self-deprecating willingness to own up to one's faults can work well in garnering sympathetic support. More significant in politics is the phenomenon of the *self-fulfilling prophecy*. If you say you are succeeding with the policy, even if there hasn't been much success of late, you are objectively more likely to succeed. Your eyes, and the eyes of your party are commendably fixed on the goal ahead. While, understandably, political commentators are more interested in taking the magnifying glass to every crack and fault.

However, there is one respect in which the world of business diverges significantly from politics. As in a court of law, political life is essentially adversarial. Whichever party is in opposition will try to put a negative spin on the latest economic reports or opinion polls while the government counter this with a positive spin. To expect that this will happen is not cynicism. Whichever party you support, you expect the leader to make the best possible case for what they believe. By contrast, the end of year Company Chairman's report should be objective and judicious, and we are rightfully offended when (unfortunately, as all-too often proves to be the case) spin has gained the upper hand over truthfulness.

Lies, damn lies and advertising

PR and advertising raise some of the most difficult ethical issues to do with truth and truthfulness. We have already looked two contentious aspects of PR in examining the notions of bullshit and spin. However, when all is said and done most professional public relations is, and has to be factually based. Media editors are wise to all the tricks. The problem for PR departments is that the news outlets are deluged with just too many 'facts'. If your story, worthy though it may be isn't *newsworthy* then it will never see the light of day. Finding a good news *angle* – in a way which doesn't require offensive bullshit or spin – is the real skill of the accomplished PR consultant.

By contrast, advertising does not suffer this constraint. Even if the law requires adverts to be 'decent' and 'truthful', these are matters over which

there can be a great deal of subjective disagreement. Most often, the deciding factor determining restrictions is how many people object to an advert or advertising campaign. If the ad is funny, entertaining or cute you can get away with outrageous claims. Hyperbole is the norm. You don't take the car or DVD player you just purchased back because after trying it out you decided that it isn't the 'best in the world'. With the exception of a few brave examples like Avis, it is axiomatic that any product you are selling is 'the best', or at least, 'best at the price'.

Where legislation does bite is over *testable* factual claims. If you claim that your tanning lotion is safe to use on sensitive skin, it better had be. These days, even if you make the commendably modest claim, 'Guinness is Good For You', you have to be able to offer scientific evidence that your brew is indeed beneficial to health, or else pull the ad (as happened with this famous billboard advertisement.). Such evidence is hard to come by, notwithstanding the tens of thousands of Guinness drinkers who would swear it does them a power of good.

In my article 'Ethics and Advertising', I considered three main charges laid against advertisers:

They sell us dreams, entice us into confusing dreams with reality.

They pander to our desires for things that are bad for us.

They manipulate us into wanting things we don't really need.

All this can be summed up in the popular sentiment that advertisers cynically use a world of fantasy and illusion in an attempt to control us.

Most people who express this sentiment, however, would add that the attempt doesn't succeed. We see through the ruse. (Or, at least, it is always other people who seem to have the wool pulled over their eyes, never ourselves.) That's a claim to take with a big pinch of salt.

Geoffrey Klempner 'Ethics and Advertising'
Philosophy for Business Issue 9
www.isfp.co.uk/businesspathways/issue9.html

In that article, I claim that none of these three indictments – selling dreams, pandering and manipulating – is in fact as clear-cut as it first appears. It is not necessarily wrong to be sold dreams, because what is human life if we never get the chance to dream? 'Hope in a jar' is real hope, and not merely the illusion of hope. Some things may indeed be bad for us, but we are not helplessly in thrall to adverts to the point of not being able to exercise our own judgement. The question of what a person 'really needs' – as opposed to what they 'merely want' – and who has the right to make that judgement is especially problematic.

I concluded:

The stark truth is that manufacturers and advertisers are as much controlled by the fickle consumer as in control. Rules can be set down concerning what is factually truthful, decent and fair. It is not the advertiser's job to make people better than they are, or want better things than they want. That is the work for politicians and preachers, or, possibly, philosophers.

(ibid.)

What is notable about the three charges I considered is that, on the face of it, none concerns the question of literal truthfulness. That is not how ads work, or what makes them so powerful. You can sell dreams, pander or manipulate without stooping to lie, at least in the literal sense of the word. A photograph of a cool sexy young couple zooming around the Sahara Desert in their hot hatchback is not a *lie*, just because most of the people buying the car are far less attractive, or never get the chance to drive their car around the Sahara Desert. But isn't it still somehow *lying*?

The real question is whether we really *want* advertising in its present form. One should not take it for granted that a defence of the business arena and all that a business arena necessarily involves – the guiding thread for our investigation – will also be a defence of the status quo. Do

we really need advertising in its present form? Wouldn't we be better if adverts were subject to far more vigorous control?

What is truth? What is the 'truth' about a motor car, for example? To a converted non-car owner, the motor car appears as a 'glorified invalid carriage running on smelly petrol'. From the perspective of a growing awareness of the danger of eco-catastrophe, surely this is closer to what the motor car is, in its essence, and indeed *most true* of that epitome of wasteful excess, the sports car (how ironic that the driver lies back, legs stretched out in front). One could run through a gamut of products, from deodorants to digicams, ticking off the attributes which are excessive or appeal to our illusory pretensions to life styles of excitement and glamour. But then, you would have to *sell* the contrary ideas of virtuous utility and parsimony.

My own feeling – despite my considerable sympathy for the perspective of the principled non-car owner – is that this attitude is excessively *paternalistic*, in the sense decried by J.S. Mill, the great defender of the principles of liberalism. By all means tell anyone who cares to listen how great it would be if we were less materialistic and obsessed with surface appearances. That is what philosophers have been doing for the last 2500 years. Perhaps, things will have to get worse before the idea finally cottons on. Until then, the ethical company must still compete in a marketplace where materialist values for the most part prevail.