

Live Action and Planned Parenthood: A New Test Case for Lying

THOMAS PETRI, O.P., AND MICHAEL A. WAHL
Providence College
Providence, RI

PERIODICALLY over the course of the early months of 2011, the pro-life group Live Action released a series of videos of undercover “stings” they had initiated in several Planned Parenthood clinics around the country.¹ In these stings, a man or a woman (or sometimes both) entered a Planned Parenthood clinic posing as persons engaged in the sex industry who were interested in securing care for illegal underage immigrants they had hired for prostitution. None of this was true, but the Live Action activists were convincing. It is unknown how many such stings the group conducted, but they released close to one dozen videos. In these videos, employees of the targeted Planned Parenthood clinics invariably intimated or explicitly suggested ways to avoid reporting the child sexual abuse to the proper authorities.

As expected, there was great political fallout from these videos, but there was also moral outrage among voters and politicians throughout the country. As a result, several states have moved to defund Planned Parenthood clinics.² Of course, given Planned Parenthood’s abortion rates, this is a good

¹ Live Action referred to the effort as the *Mona Lisa Project*. The videos are available at www.liveaction.org/monalisa. See also Erik Eckholm, “Group Releases Hidden Tapes Against Planned Parenthood,” *The New York Times*, February 2, 2011; Erik Eckholm, “Virginia: Second Planned Parenthood Tape Surfaces,” *The New York Times*, February 4, 2011; Anemona Hartocollis, “Latest Hidden Video by Abortion Foes Shows Bronx Clinic of Planned Parenthood,” *The New York Times*, February 9, 2011.

² The state of Indiana was the first. See Associated Press, “Indiana: Planned Parenthood Funds Are Cut,” *The New York Times*, May 10, 2011. Cf. Erik Eckholm, “New Laws in 6 States Ban Abortions After 20 Weeks,” *The New York Times*, June, 27, 2011.

development.³ For our purposes, however, the Live Action stings afford us a new test case for discussing the morality of lying: is it permissible to lie about one's occupation to deceive an employee of an abortion clinic for the sake of exposing the corruption of said clinic to the public, especially if one is convinced that doing so will limit the number of deaths from abortion because said clinic will lose state funding and other private support?

Christian moral theory has long debated the possibility of lying for a good purpose, such as saving another person's life. We need think only of the standard casuist dilemma of the Gestapo coming to a German family's home and inquiring whether Jews are present. Oceans of ink have been spilled arguing the proper answer to such an inquiry. Naturally, the Live Action stings have reignited the debate among Catholic thinkers, especially on Internet sites such as *The Public Discourse*, on the permissibility of speaking falsehoods and of lying.⁴

In light of this debate, Janet Smith, who holds the Father Michael J. McGivney Chair for Life Ethics at Sacred Heart Seminary in Detroit, has critiqued St. Thomas Aquinas's position that all lying is sinful, even lies that save the life of oneself or another.⁵ She is hesitant to be critical of St.

³ Periodically, Planned Parenthood releases a fact sheet that lists its services. The latest fact sheet, published in July 2011, reveals that while the clinics perform a variety of services for women, when it comes to children, the "service" provided to the vast majority of children "served" is abortion: in 2009, they aborted 332,278 children while referring only 977 to adoption. See Planned Parenthood, "Fact Sheet," July, 2011, www.plannedparenthood.org/files/PPFA/PP_Services.pdf [accessed August 11, 2011].

This fact sheet reports more abortions and fewer adoptions referrals than in 2008 (324,008 and 2,405, respectively). See Planned Parenthood, "Fact Sheet," September, 2011, www.plannedparenthood.org/files/PPFA/fact_ppservices_2010-09-03.pdf [accessed August 11, 2011].

⁴ See Christopher O. Tollefsen, "Truth, Love, and Live Action," *Public Discourse* (February 9, 2011), www.thepublicdiscourse.com/2011/02/2529 [accessed August 11, 2011]; Christopher Kaczor, "In Defense of Live Action," *Public Discourse* (February 11, 2011), www.thepublicdiscourse.com/2011/02/2538 [accessed August 11, 2011]; Christopher O. Tollefsen, "Why Lying is Always Wrong," *Public Discourse* (February 14, 2011) [accessed August 11, 2011]; Hadley Arkes, "When Speaking Falsely is Right," *Public Discourse* (February 19, 2011) [accessed August 11, 2011]; Christopher O. Tollefsen, "Speaking Truth to Evil," *Public Discourse* (February 21, 2011) [accessed August 11, 2011]; Peter Kreeft, "Why Live Action Did Right and Why We All Should Know That," *CatholicVote.org* (February 19, 2011), www.catholicvote.org/discuss/index.php?p=14306 [accessed August 11, 2011].

⁵ See Janet Smith, "Lying: A Metaphysical Issue Before a Moral Issue," *CatholicVote.org* (February 25, 2011), www.catholicvote.org/discuss/index.php?p=14539 [accessed August 11, 2011]; Janet Smith, "Fig Leaves and Falsehoods," *First Things* 214 (June-July, 2011), 45-49.

Thomas. Yet, she offers a salient critique of the Angelic Doctor that may be persuasive to the untrained eye. We argue, however, that she has misunderstood key points of his teaching on lying and so has misrepresented him to her readers. In fact, it is not entirely clear that St. Thomas would disagree with her assessment of many of the cases that she presents.

In this essay, we will first present an overview of Aquinas's thought on lying, within his understanding of the nature of speech. We will then challenge Janet Smith's reading of St. Thomas on this issue. Finally, we will present our concerns regarding the Live Action stings on Planned Parenthood and the central problem with the debate surrounding them, namely, that commentators seem unconcerned about the effect that the choice to lie has on the character of the liars.

I. Lying, According to St. Thomas Aquinas

A. St. Augustine

St. Thomas Aquinas's view of language and lying follows naturally upon the thought of St. Augustine. Others have thoroughly investigated Augustine's insistence that lying is always morally impermissible.⁶ We need not repeat their work here. However, to understand the tradition that Aquinas inherits from St. Augustine, it will be helpful to summarize briefly the teaching of the Doctor of Grace on lying.

St. Augustine's two major works on lying are his *De Mendacio liber unus*, written in 395, and his *Contra Mendacium liber unus*, written in 420. The later *Contra Mendacium* neither alters nor adds anything substantial to the ideas Augustine laid out in the earlier *De Mendacio*. During this interval, St. Augustine was also collecting his various sermons on the Psalms. His commentary on Psalm 5 is particularly important for understanding his view of lying.⁷ Initially, St. Augustine says that a person lies when he "has one thing in his mind and utters another in words, or by signs of whatever kind."⁸ He also clarifies that a person who speaks a falsehood mistakenly, because he believes what he speaks is true, is not lying. Therefore, the defining characteristic of a lie is that the person speaks that which he understands to be false. Augustine writes, "From the sense of

⁶ See Boniface Ramsey, "Two Traditions on Lying and Deception in the Ancient Church," *The Thomist* 49 (1985): 504–33, and Joseph Boyle, "The Absolute Prohibition of Lying and the Origins of the Casuistry of Mental Reservation: Augustinian Arguments and Thomistic Developments," *American Journal of Jurisprudence* 44 (1999): 43–65.

⁷ See Augustine, *Enarrationes in Psalmos*, Ps. 5.

⁸ See Augustine, *De Mendacio liber unus*, 3, 3.

his own mind, not from the verity or falsity of the things themselves, is he to be judged to lie or not to lie.”⁹

In the *De Mendacio*, St. Augustine clearly says that jokes do not count as lies since “they bear within them in the tone of voice, and in the very mood of the joker a most evident indication that he means no deceit, although the thing he utters be not true.”¹⁰ The intention to deceive is important for Augustine’s notion of lying. He writes that “no one doubts that it is a lie when a person willingly utters a falsehood for the purpose of deceiving: wherefore a false utterance put forth with will to deceive is manifestly a lie.”¹¹ But he is quick to clarify “whether this alone be a lie, is another question.”¹² Thus, St. Augustine remains open to the possibility that there may be some lies that are told without the intention to deceive.

In his sermon on Psalm 5, he indeed says that some lies have other intentions, such as to entertain and to amuse or to save the life of another.¹³ Thus, St. Augustine recognizes three types of lies: a lie told in jest, a lie told to be of service to someone, and a malicious lie.¹⁴ Regardless of intention, however, every lie is a sin in Augustine’s view.¹⁵ Yet, the gravity of the sin will vary depending on the reason for which it is told.¹⁶ But a lie remains a sin, even if a lesser sin. It is morally illicit to lie even to save another person’s life.¹⁷ Augustine says that it is better to pass over the truth in silence than to speak a lie to a murderer who asks you the location of his intended victim.¹⁸

⁹ Ibid.

¹⁰ Ibid., 2, 2.

¹¹ Ibid., 4, 5.

¹² Ibid. The *Catechism of the Catholic Church* cites this passage from Augustine on the nature of lying: “‘A lie consists in speaking a falsehood with the intention of deceiving’ [St. Augustine, *De Mendacio*, 4, 5]” (The *Catechism of the Catholic Church*, par. 2482, original emphasis). However, as we just cited, the clear thrust of this passage in *De Mendacio* is whether one can lie without the intent to deceive.

¹³ See Augustine, *Ennarationes*, Ps. 5, 7. It is difficult to tell why Augustine suggests in the *Ennarationes* that a joke could be a lie, whereas in the *De Mendacio* he sets them aside. One possible reading might be that in the *De Mendacio* he is speaking of jokes when the hearers clearly understand that the speaker is joking, whereas in the sermon on Psalm 5 he is speaking of lies told “in jest,” and thus, lies told to amuse (but in which the hearers do not know they are being lied to). In the former category, we might find the casual joke told between friends, whereas the latter category would include loquacious dinner guests who tell embellished stories as if they were true.

¹⁴ See *ibid.*

¹⁵ See Augustine, *Enchiridion de Fide, Spe et Caritate liber unus*, 18.

¹⁶ See Augustine, *Ennarationes*, Ps. 5, 7.

¹⁷ Augustine, *De Mendacio*, 6, 9.

¹⁸ See Augustine, *Ennarationes*, Ps. 5, 7,

In *Contra Mendacium*, he writes that a good purpose cannot make a lie to be something other than a lie; it remains morally impermissible.¹⁹ A lie is a sin whether it helps someone or not and whether it harms someone or not.²⁰ A good motive does not change the nature of the sin. St. Augustine draws a parallel with adultery and theft. A lie is no less a sin than adultery and theft, even when they are employed as a means to a good end.²¹ Because he considers damnation a possibility for every lie, he asserts that a lie is of greater spiritual harm than any possible temporal benefit (even saving a life).²² In fact, St. Augustine suggests that lying in order to avoid a greater evil measures reality according to a human rather than a divine standard.²³

Joseph Boyle has noted that St. Augustine provides little philosophical argumentation for why lying is always wrong and that his teaching instead rests primarily on biblical interpretation.²⁴ It is true that St. Augustine is guided by various passages in Scripture which condemn lying: Exodus 20:16, Wisdom 1:11, Psalm 5:7, Matthew 5:37, and Ephesians 4:25.²⁵ But St. Augustine did argue from a basic principle to his conclusion that all lies are sins. St. Augustine understood that a lie was either a verbal or non-verbal communication contrary to what one understood to be the truth. Since God is truth, we must speak and communicate in truth.²⁶ This is the purpose of speech: to communicate that which is in one's mind.²⁷ As we have seen, Augustine insisted on this absolutely. One cannot lie, even for the sake of doing good. Boniface Ramsey notes that "Augustine's unwillingness to accept a lie under any circumstances—even to protect someone from rape, death or the most loathsome uncleanness—is consistent with his belief in the absolute precedence of eternal with respect to temporal goods."²⁸

Two particular biblical narratives warrant our attention. The first is Abraham's apparent lie to Pharaoh that Sarah was his sister rather than his wife (Gn 12:10-20). The second is when the Hebrew midwives lie to Pharaoh that the reason they did not kill infant boys is because the

¹⁹ Augustine, *Contra Mendacium liber unus*, 8, 21.

²⁰ See Augustine, *Enchiridion*, 17 and 22.

²¹ See *ibid.*, 22; Cf. Augustine, *Contra Mendacium*, 8, 21.

²² See Augustine, *De Mendacio*, 6, 9 and 9, 18.

²³ See *ibid.*, 18, 38.

²⁴ See Boyle, "Absolute Prohibition," 52-53.

²⁵ Cf. Augustine, *De Mendacio*, 4, 5-5, 5.

²⁶ *Ibid.*, 19, 40.

²⁷ Augustine, *Enchiridion*, 21.

²⁸ Ramsey, "Two Traditions," 513.

Hebrew mothers gave birth before they could get there, when the real reason was that they feared the Lord. The narrative says that God dealt well with the midwives (Ex 1:15–21). As St. Augustine reads these passages, he understands that the lies must be condemned. In the latter, God rewards the complex activity (saving the children, for example), even though the lie was avoidable and not meritorious.²⁹ In the former, Augustine points out that Sarah was a “sister” to Abraham since she was related to him on his father’s side.³⁰ Generally, St. Thomas Aquinas agrees with St. Augustine in these interpretations. The lies of the midwives were not rewarded, and Abraham did not lie.³¹

B. St. Thomas Aquinas

Following closely upon the thought of St. Augustine, St. Thomas notes in his commentary on Peter Lombard’s *Sentences*, written in the mid-1250s, that the purpose of speech is to enunciate the thoughts that are in one’s heart, and that speaking something that is contrary to what is one’s heart (even for a good purpose) is a sin: “Since, therefore, speech was established in order to express the conception of the heart, whenever anyone speaks that which is not in the heart, he speaks that which he should not. This happens in every lie. Hence, every lie is a sin, even if somebody lies for a good reason.”³² For St. Thomas, what is important is that the speaker must intentionally assert something that is contrary to what he knows. It is important to note that St. Thomas understands that, if, for the sake of argument, a person speaks something he knows well to be false, he does not lie unless he asserts (*asserendo*) it to be true.³³ The manner in which a person speaks clearly indicates whether he intends to speak that which is contrary to what he knows. So it seems that, for Aquinas, a lie has less to do with the expectations of the hearer, and more to do with the way the speaker engages the faculty of speech, namely, whether he actually makes an assertion.

St. Thomas followed Augustine’s distinction of lies (the mischievous, the jocose, and the officious). Developing and clarifying Augustine’s position, St. Thomas holds that even jokes count as lies (and are, therefore, sinful), precisely because the speaker speaks something he knows to be

²⁹ See Augustine, *Contra Mendacium*, 6, 15–7, 17.

³⁰ Gn 20:12. Cf. Augustine, *Questionum in Heptateuchum Libri Septem*, lib. I, q. 26; Augustine, *Contra Mendacium*, 10, 23.

³¹ See Thomas Aquinas, *Summa theologiae* II–II, q. 110, a. 3, ad. 2 and ad 3.

³² See Thomas Aquinas, *Scriptum super Sententiis*, lib. 3, d. 38, a. 1, corpus.

³³ *Ibid.*, a. 5, ad 1.

false, although he does concede that a joke is only minimally a lie.³⁴ Thus, St. Thomas also holds that not all lies are equally grave. There are some lies that do not turn a person away from the love of God or away from one's neighbor. Such lies are venial sins, not mortal ones.³⁵ In fact, he says that all officious and jocose lies are venial sins.³⁶

In the *Summa theologiae*, St. Thomas Aquinas's treatment of lying is situated more broadly within the *Secunda secundae* of his mature work, which is devoted to elucidating a system of moral theology that is not rooted in appeals to authority or to theories of obligation, but which is rather situated within a teleological framework. Aquinas thus considers the ends that a moral agent ought to pursue and investigates the means that ought to be employed in order to attain those ends. Aquinas considers laudable actions to be those which are in accord with reason and which lead man toward the perfection of his nature.³⁷

This treatment of ends and means in St. Thomas's ethical discourse is not limited to the moral agent, however. Because all created goods are endowed with a particular nature by virtue of their identity as creatures created for particular purposes, created beings also have specific ends that constitute their perfection.³⁸ While man was given dominion over creation, his exercise of power is not one of manipulation and destruction, but rather one of stewardship, which ensures that the goods entrusted to his care are used wisely in accordance with their natures. It

³⁴ Ibid., a. 1, ad 5. Since Aquinas maintains that the speaker must assert as true that which he thinks is false, it would not, therefore, be a lie to speak a falsehood in such a way that one is purposefully not asserting as true what one speaks. This happens commonly in games and in theatrical productions. This also happens at cocktail parties as friends exchange jokes. It is quite a different matter, however, when the target or targets of a prank are not "in" on the joke.

³⁵ Ibid., a. 4, corpus.

³⁶ Consider, for example, his response to the argument that nothing is prohibited by divine precept unless it is a mortal sin, and, therefore, since the Decalogue prohibits it, lying must therefore be a mortal sin. For Aquinas, however, the commandment not to give false witness is a direct prohibition against pernicious or mischievous lies, which he holds to be mortal sins. Jocose and officious lies, however, are only indirectly prohibited, as are all other venial sins. See *ibid.*, a. 4, ad 5: "Divino praecepto prohibetur aliquid dupliciter. Uno modo directe, quod contra praeceptum dicitur; et sic prohibetur mendacium perniciosum, quod praeter praeceptum dicitur; et sic mendacium jocosum et officiosum, sicut et alia peccata venialia, praecepto divino prohibentur."

³⁷ See *ST I-II*, q. 3, a. 5.

³⁸ See *ST I-II*, q. 1, a. 2. See also *ST I*, q. 5, a. 5, in which St. Thomas explains that everything moves toward the perfection of its form. He calls this movement "appetite" and every natural appetite has an inclination or tendency to perfection (Cf. *ST I*, q. 19, a. 1; *I*, q. 60, a. 1).

is clear, then, that when considering moral questions from a teleological perspective, Aquinas believes it is necessary to reflect on the nature of the beings in question.

Within this context, he understands that a lie corrupts the inherent purpose of speech, and so it stands against the virtue of truthfulness. St. Thomas is able to examine the components of both truthful speech and lies in order to distinguish the two. The virtue of truth, Aquinas writes, “regards a manifestation made by certain signs: and this manifestation or statement is an act of reason comparing sign with the thing signified.”³⁹ Instances of both truthfulness and the vices that are opposed to it, which include lying, are actions relating to communication (through either speech or gesture) and, consequently, they are related to human reason.⁴⁰ For Aquinas, speech involves the work of signification—using symbols, namely words, to express the concepts that are present in one’s mind and to communicate those concepts to others.⁴¹

In St. Thomas’s metaphysical worldview, truth is the correspondence of the mind with reality. Thomistic realism asserts that objective reality corresponds to the species in the Divine Mind. The human intellect adheres to the truth when it understands reality as it is.⁴² Therefore, Aquinas makes a threefold distinction to explain the nature of falsehood.⁴³ When words are spoken contrary to reality, the statement is false. Aquinas calls this “material” falsehood. A statement may be materially

³⁹ *ST* II–II, q. 110, a. 1.

⁴⁰ Though we are speaking in this article of spoken lies, it should be noted that St. Thomas considered the spoken word as the principal form of signifying one’s thoughts. Nevertheless, he holds any sort of signification or gesture contrary to what one thinks to be true to be a lie. See *ST*, II–II, q. 110, a. 1, ad 2: “As Augustine says, words hold the chief place among other signs. And so when it is said that ‘a lie is a false signification by words,’ the term ‘words’ denotes every kind of sign. Wherefore if a person intended to signify something false by means of signs, he would not be excused from lying.”

⁴¹ See, for example, *ST* I–II, q. 93, a. 1, ad 2: “With regard to any sort of word, two points may be considered: viz., the word itself, and that which is expressed by the word. For the spoken word is something uttered by the mouth of man, and expresses that which is signified by the human word. The same applies to the human mental word, which is nothing else than something conceived by the mind, by which man expresses his thoughts mentally.” In this reply, St. Thomas goes on to apply this understanding of the word to the second Person of the Trinity, whereby he is understood as both the Word and the knowledge of the Father. The analogy Aquinas employs between the human word and the divine Word should give us pause in abusing the faculty of speech.

⁴² See *ST* I, q. 16, a. 1.

⁴³ See *ST* II–II, q. 110, a. 1.

false despite the agent's intentions, for an agent may be unaware that he is mistaken when he speaks. St. Thomas says that such an error would not constitute a lie, even if it is a material falsehood.⁴⁴

Since man is a rational creature, he is also a moral agent inasmuch as he acts voluntarily for the sake of further ends. Therefore, every statement an agent makes is rooted in some intention, and, as a result, every utterance possesses a moral dimension. While some actions may be morally indifferent in their kind when considered abstractly, in Aquinas's view, no concrete action itself can be morally indifferent.⁴⁵ This distinction is important for our discussion and rebuttal of Smith's reading of Aquinas. Every action that is seemingly morally indifferent is, in fact, specified as good or evil by the remote end to which it is directed.⁴⁶ What separates a materially false statement from a lie is, therefore, the speaker's intention. Aquinas writes that "the essential notion of a lie is taken from formal falsehood, from the fact namely, that a person intends to say what is false."⁴⁷ Formal falsehood is the "will to tell an untruth."⁴⁸ Note here the intention is not to deceive. The will to tell an untruth is itself a formal falsehood, and a formal falsehood is a lie. This is because in Aquinas's view the intrinsic purpose of signification, whether with word or gesture, is to represent that which is in the mind. The agent is morally responsible for the evil committed if he knowingly and willingly perverts the nature of speech. It is an intrinsic evil.⁴⁹

⁴⁴ Ibid.

⁴⁵ See *ST* I–II, q. 18, aa. 8–9.

⁴⁶ Joseph Pilsner offers an illuminating commentary on this point in Aquinas's action theory: "According to Aquinas, actions which are indifferent in kind will always assume a moral quality of either good or evil if they are considered within the context of an individual action. Why is this so? If an action such as 'picking up straw' were (implausibly) the final end of an agent, it would be evil, since it would have to be willed in place of God, who is the only proper final end for human beings. If, on the other hand, it were willed as a proximate end, it would (ultimately) have to be directed to some final end. Since, according to Thomas, the only two possible final ends for human beings are God or some unworthy alternative, . . . any proximate end in an individual action will be rendered good or evil on account of its being directed to God or some ersatz substitute." See Joseph Pilsner, *The Specification of Human Action in St. Thomas Aquinas* (New York: Oxford University Press, 2006), 235.

⁴⁷ *ST* II–II, q. 110, a. 1.

⁴⁸ Ibid.

⁴⁹ See *ST* II–II, q. 110, a. 3: "Mendacium autem est malum ex genere. Est enim actus cadens super indebitam materiam, cum enim voces sint signa naturaliter intellectuum, innaturale est et indebitum quod aliquis voce significet id quod non habet in mente." Because this article addresses the question *utrum mendacium semper sit*

The intention or will to deceive is the third distinction Aquinas makes. This constitutes an “effective” falsehood. Intending to deceive is not part of the species or the definition of a lie, but it “perfects” the lie inasmuch as lies are often (but not always) told in order to deceive.⁵⁰ This is Aquinas’s development and clarification of Augustine’s thought. Whereas Augustine suggested that the intent to deceive was constitutive of lying but nevertheless acknowledged that some lies are told for other intentions, St. Thomas has made clear that every liar intends to speak a falsehood even if he does not intend to deceive. Deception is the end or fulfillment of lying even if such deception is directed to another, further end, such as to harm another, to save another, or to amuse another.

Following in the tradition of St. Augustine and Peter Lombard, St. Thomas divides the genus of the sin lying into three species, specified according to the further ends for which they are told. The first of these, *mendacium perniciosum*—the pernicious or mischievous lie—is told with the intention of harming another by means of deceiving him through one’s false assertion. The second, the *mendacium iocosum*—the jocose lie—is “told in fun,” and often is not meant to deceive another.⁵¹ The third species of lying, the *mendacium officiosum*—the officious lie—is told “for the wellbeing and convenience of someone.”⁵² These three forms of lying

peccatum, Aquinas proceeds to argue that since the genus of a lie is evil, every particular species in that genus is sinful. It would seem, therefore, that since every lie is sinful not on account of its circumstances or the intention for the sake of which it is told, but simply on account of the definition and *per se* ordering of this action itself, the act of lying must be intrinsically evil. Despite the fact that this terminology would be unfamiliar to St. Thomas, it seems a fitting interpretation of his thought, for he says that a lie takes its character from the fact that the agent intends to speak falsely (and not whether he intends to deceive). If by lying we mean a perversion of the nature and purposes of speech, then it seems that lying may properly be termed an intrinsic evil, while still remaining faithful to the tradition of Thomistic categories of moral taxonomy. The question of the moral gravity of specific lies, however, is another matter, which we will consider below. This does not necessarily mean, however, that deception is an intrinsic evil.

⁵⁰ Christopher Tollefsen presents a convincing argument that there is no such thing as a knowing but unintended falsehood, for the act of assertion is one in which knowledge and intention necessarily coexist. See Christopher O. Tollefsen, “Lying: The Integrity Approach,” *American Journal of Jurisprudence* 52 (2007): 282–84. Tollefsen’s argument is similar to ours, and, we believe, to Aquinas’s. Lying is universally prohibited not only because of the purposes of language but because lying violates the integrity of the person who lies. See also Christopher O. Tollefsen, *Biomedical Research and Beyond: Expanding the Ethics of Inquiry* (New York: Routledge, 2008), 58–64.

⁵¹ ST II–II, q. 110, a. 2.

⁵² Ibid.

all fall within the evil genus of the lie, and are therefore morally evil and sinful on account of their perversion of the nature and purpose of speech.

What Aquinas recognizes in his treatment of lying is that lies are simple components of complex human acts, which involve more remote goals in addition to the intention of “speaking against one’s mind” which is inherent in lying. These three categories of lies are discriminated on the basis of the intention (the remote end) that undergirds this complex human act. The question on lying is thus a study in St. Thomas’s analysis of human action. The opening sentences in the corpus of the first article of the question situate his understanding of lying within his understanding of the moral act: “A moral act takes its species from two things, its object, and its end: for the end is the object of the will, which is the first mover in moral acts. And the power moved by the will has its own object, which is the proximate object of the voluntary act, and stands in relation to the will’s act towards the end, as material to formal.”⁵³ Over the last several years, there has been a great deal of debate among Thomists on the proper interpretation of St. Thomas’s theory of moral action.⁵⁴

In his magisterial study on moral specification in Aquinas’s theory of action, Joseph Pilsner has successfully shown that St. Thomas often uses various terms to refer to the relation between the end of an action and the choice of means to achieve that end. Sometimes he speaks of the remote end and the proximate end. At other times, he uses the words “end” and “means,” “exterior object” and “interior object,” or “end” and “object.” It is important to understand that these pairings essentially refer to the same two elements in a moral action.⁵⁵ In our reading of St. Thomas, we understand that the object of the will is the end or goal sought by the will in this particular action, also known as the remote end of a particular action. This may also be called the interior object of the will—the goal for which an action is engaged.⁵⁶ The will is seeking the good (as apprehended by the intellect) and commands powers other than itself as the means to achieve that goal.⁵⁷

Moreover, even though every action has a remote end (an interior object) and a proximate end (an exterior object), every action is directed

⁵³ *ST* II–II, q. 110, a. 1. Cf. *ST* I–II, q. 18, aa. 6 and 7.

⁵⁴ Steven Jensen’s recent book, *Good and Evil Actions*, does an admirable job of summarizing the debate among various theologians and philosophers regarding Aquinas’s psychology of human action. See Steven J. Jensen, *Good and Evil Actions: A Journey through Saint Thomas Aquinas* (Washington, DC: The Catholic University of America Press, 2010).

⁵⁵ See Pilsner, *Specification*, 218.

⁵⁶ See *ST* I–II, q. 18, a. 6.

⁵⁷ See *ST* I–II, q. 8, a. 1; q. 9, a. 1.

by reason to further ends. One of Aquinas's most notable examples of this principle is the mixing of medicine for the sake of health.⁵⁸ The remote end of the action of mixing medicine (the production of the medicine itself) is directed to the further end of health. In this case, two choices are made: not only producing the medicine but also taking the medicine. And both choices are made for the last end in this series: health. This last end, however, is referred to even further ends (returning to work which can be referred to earning money, etc.).

Powers exterior to the will have their own proper object, a natural tendency to certain effects.⁵⁹ The intellect and will work together—with the will commanding the exercise of the intellect and the intellect specifying the exercise of the will—to discern the best means in particular circumstances for the will to choose in order to achieve the desired end.⁶⁰ Although these may seem to be two distinct acts, willing the end and then willing the means, according to St. Thomas it is one and the same action.⁶¹

While the end is the object of the will, every power has its own proper object—a natural purpose or activity to which it is directed, since every power is also an agent in its own respect. As we saw above, St. Thomas holds that every agent has its own perfection or goal. Aquinas thus distinguishes between the natural species of an act and the moral species. For example, the sexual act has one natural species (procreation and union). But adultery and the conjugal act differ morally because the will engages in the sexual act in ways that differ according to human reason.⁶² The moral specification of the action, however, cannot depend entirely on the intention—the reason the will engages in the particular action in the first place. In other words, the moral quality of an action does not depend entirely on the intention of the agent, even though the intention is highly significant. Aquinas makes this clear when discussing the specific difference between hypocrisy and lying.⁶³ If the end intended were the specifying quality of moral action, then there would be no reason to distinguish between actions that achieve the same goal. Moreover, all actions that are done with char-

⁵⁸ See *ST* I–II, q. 12, a. 3.

⁵⁹ See Thomas Aquinas, *Quaestiones Disputatae de Malo*, q. 15, a. 1, ad 4; *ST*, I–II, 18.5, ad 3.

⁶⁰ See *ST* I–II, q. 9, a. 3 and a. 4.

⁶¹ See *ST* I–II, q. 8, a. 3; q. 18, a. 7. Cf. Pilsner, *Specification*, 226–27; Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (New York: Oxford, 1994), 119–35.

⁶² This is the exact example Aquinas himself uses to explain the difference between the moral and natural species of an action. See *ST* I–II, q. 18, a. 5, ad 3.

⁶³ See *ST* II–II, q. 111, a. 2, obj. 3 and ad 3.

ity (and so ordered to God as the end) would have no specific difference from each other, since all would be directed to the same end.⁶⁴

In the case of a lie, the formal element, the will to speak an untruth, is the interior object (remote end) as St. Thomas sees it. The exterior object (or the means) is engaging the speech to do so. The reason deception is not constitutive of the act of lying, according to Aquinas, is that the end of lying is not deception but the will to speak a falsity. Deception can be a further end to which the end of lying is directed. It can be a perfecting element of a lie, inasmuch as it may be the ultimate reason the lie is told, but deception is not constitutive of the lie itself. The reason lying is never permissible in Aquinas's view is, therefore, not that deception is inherently evil. In fact, he never actually speaks about the morality of deception itself.⁶⁵

Rather, his concern is that the interior object of the action (the will to speak an untruth), even though it may be necessarily directed to deception as further end, is itself immoral because "words are naturally signs of intellectual acts, [and] it is unnatural and undue to signify by words that something that is not in his mind."⁶⁶ The evil of a human action comes from some defect in its object, in its end, or in its circumstance. In the case of the lie, the action is evil on account of its end—the will to speak an untruth—precisely because it is an "action bearing on undue matter."⁶⁷ Namely, engaging speech to communicate an untruth perverts the nature of speech. This is why a lie is evil in its genus. From St. Thomas's understanding of the nature of speech and the perversion thereof in which lying consists, it becomes clear that lies are contrary to the highest natural activity of the human person: reason and the pursuit of truth. Consequently, every specific lie is itself sinful, regardless of the further ends for which the lie is told.

Lying is not inherently ordered to saving a life. The speaker cannot be sure that a lie will produce the intended effect. The intention to save a

⁶⁴ See Thomas Aquinas, *Quaestiones Disputatae de Virtutibus*, q. 1, a. 12. Cf. Pilsner, *Specification*, 219–22.

⁶⁵ The closest he comes is in writing on ambushes during war. Many contemporary commentators have cited this article (see *ST II–II*, q. 40, a. 3) as an instance of his condoning deception. While he maintains that it is permissible "that we do not declare our purpose or meaning" to an enemy, this cannot be done if it involves the direct speaking of a falsehood. It goes without saying that St. Thomas is addressing a very particular situation in this article. It is not readily apparent that his conclusion is applicable in every instance of deception in which one might want to employ the principles he elucidates concerning ambushes.

⁶⁶ *ST II–II*, q. 110, a. 3.

⁶⁷ *Ibid.*

life is a good one, but because lying is not necessarily ordered to it, there are two moral species to consider: saving life and lying. From this vantage point, lying becomes one end ordered to another (saving a life). But the action of lying is evil in its genus, and, thus, is an immoral means to saving life. Just as in the case of stealing to give alms, one sins and does that which is immoral in order to do good. To suggest that the intention to save life makes the moral action of lying good is to conflate the moral evaluation of the end of lying (speaking what one believes to be false) with the moral evaluation of saving another's person's life.

While Aquinas is faithful to the moral principle that one may never do evil for the sake of good, he recognizes that the motivations of a complex act have the capacity to mitigate the sinfulness of a lie told for the sake of a further end. Thus, the three different species of lies are not equal in their moral gravity.⁶⁸ In the *Summa*, he continues the same position he held earlier in life when he wrote his commentary on Lombard's *Sentences*. St. Thomas suggests that the officious and the jocose lie are always venial rather than mortal sins.⁶⁹ Mischievous lies, on the other hand, are contrary to the love of God and neighbor and, therefore, are mortal sins. Venial sins neither cut one off from grace nor deprive one of salvation, but they do weaken the bond of charity that unites man to God, and they create dispositions that make one more susceptible to the commission of mortal sins.⁷⁰ As a result, venial sins ought to be avoided. A virtuous person is a truthful person, even in the smallest matters.

II. Janet Smith on Lying

In her initial "tentative" essay published on CatholicVote.org and in her more refined article in *First Things*, Janet Smith critiques St. Thomas's doctrine that condemns every lie, including the officious lie. Her argument challenges Aquinas's understanding of the nature and purpose of speech as the truthful signification of mental concepts.

In addition to communicating the concepts of one's mind to another person through the mode of verbal signification, as St. Thomas teaches, Smith contends that enunciative speech has two other purposes, each of which has several other sub-purposes. While these functions of speech will often involve the intentional speaking of material falsehoods, she maintains that the fact that such statements are intended to be false (formally false) is irrelevant to their capacity to fulfill their nature as

⁶⁸ For an excellent treatment of the moral gravity of lies, see Lawrence Dewan, "St. Thomas, Lying, and Venial Sin," *The Thomist* 61 (1997): 279–300.

⁶⁹ *ST* II–II, q. 110, a. 4.

⁷⁰ See *ST* I–II, q. 88, a. 3.

speech and thus ought not to be classified as lies. Indeed, in both articles she departs from the language of Aquinas and rarely uses the word “lie,” preferring instead “falsehood” or “false signification.” In her view, Aquinas has made a critical mistake by applying a pre-lapsarian moral standard to a post-lapsarian world. According to Janet Smith, lies are necessary in a world plagued by sin.

The first of the alternative purposes of speech is what Smith identifies as “conventional falsehoods,” defining them as “enunciations that are meant simply to create or maintain an atmosphere of cordiality.”⁷¹ She provides several examples of such falsehoods, including those told to offer encouragement and reassurance or routine pleasantries such as “I am fine” or “I am pleased to meet you.” These falsehoods, she maintains, are not intended to deceive another, and the recipients of such falsehoods would not expect their interlocutors to speak truthfully. Rather, the recipients of conventional falsehoods would likely accept these statements willingly without evaluating their truthfulness. This, she holds, is because the categories of truth and falsehood are irrelevant concepts in these particular modes of speech.

The other mode of speech to which truthfulness is irrelevant is what Smith terms “protective falsehoods,” which are falsehoods told to enemies in order to protect the lives of the innocent.⁷² Smith’s argument favoring this sort of falsehood is a variation of the oft-cited “right to know” argument, which holds that evildoers and those who would use truths obtained in order to commit evil deeds have surrendered their right to the truth.⁷³ Consequently, if the most pragmatic way to prevent such evildoers from obtaining the truth is to utter a false statement, then

⁷¹ Smith, “Lying,” 6.

⁷² Ibid., 9.

⁷³ The first edition of *The Catechism of the Catholic Church* said: “Lying is the most direct offense against the truth. To lie is to speak or act against the truth in order to lead into error someone who has the right to know the truth” (no. 2483). The second edition of the *Catechism* notably alters these lines, “Lying is the most direct offense against the truth. To lie is to speak or act against the truth in order to lead someone into error.” Smith knows that her position is not in line with the *editio typica* of the *Catechism*, but she justifies her departure from this normative text by noting that the Apostolic Letter which accompanied the authoritative edition, *Laetetur Magnopere*, “never indicated that the earlier version was in error” (Smith, “Fig Leaves,” 46). We find this to be a weak argument. The changes were clearly made so as to express the Catholic faith better. It is true that this does not make the paragraph on lying infallible, but certainly the change should not be dismissed as easily as Smith does, especially if it is the “more probable opinion” as she herself concedes (ibid.).

this is morally acceptable. Thus, Smith writes that “telling falsehoods might be the best way at times of protecting the truth.”⁷⁴

While Smith maintains that “all changes [she] make[s] to Aquinas’s work are based on the fundamental principles that guide his analysis,” there are three important components of St. Thomas’s teaching on lying, and human acts in general, which Smith seems to misunderstand.⁷⁵ First, her teaching on the multiple natures and purposes of speech appears to conflate Aquinas’s distinction between the interior and exterior objects of human action. Secondly, she either misses or ignores St. Thomas’s important distinction between formal falsehood and effective falsehood. She is overlooking the distinction between the ordering of the proximate end of an action (which is intended) to the remote end of a complex act (which is also intended), and the ordering of remote ends to further ends. Finally, although she recognizes that St. Thomas approaches the purpose of speech from the standpoint of virtue, Smith’s analysis of his discussion on lying is extracted from Aquinas’s ethical thought, which is rooted in the moral development of the agent through the cultivation of virtue rather than through a casuist evaluation of cases. These three misinterpretations cause Smith to offer a critique of Aquinas that is based on premises that he would likely reject. This renders her attempt to revise the Thomistic teaching on the basis of Thomistic principles rather ineffective. We will consider these three weaknesses in turn.

A. The Conflation of Interior and Exterior Objects

First, although Smith appeals to the Thomistic principle of *actio sequitur esse* in order to justify her moral taxonomy, it seems that many of her distinctions concerning speech acts, which she claims to make on the basis of the nature of the act of speech itself, split hairs to a greater degree than can be justified. This concern is particularly germane to her discussion of conventional falsehoods, for St. Thomas would maintain, unlike Smith, that the act of speech itself does not change whether one is answering a question before a court of law or telling one’s wife whether or not her dress looks flattering. As we noted earlier, for St. Augustine and St. Thomas Aquinas, the words which one speaks relate to a concept in the mind. Either the act of speech will convey the concept in the mind, or it will fail to do so. Regardless of the further ends for which a lie is

⁷⁴ Smith, “Lying,” 9. It is interesting to note that while Smith advocates taking the most pragmatic route toward the noble end of saving life by deceiving one’s enemies, even if it involves lying, she firmly maintains that she is “in no way making a consequentialist argument.” See also Smith, “Fig Leaves,” 48.

⁷⁵ Smith, “Lying,” 1.

told, the lie itself has its own proximate and remote ends, its own interior and exterior objects of the will. The further ends cannot change the proximate end of any particular act of lying, and, therefore, cannot change its nature. To repeat, lying is evil in its genus.

The failure to understand this distinction leads Smith to insist that “when a coach tells a young boy going up to bat that he knows he ‘can do it’ even though the coach really believes the boy cannot, he is speaking in a context where such words are uttered as encouragement [and, thus, not lying].”⁷⁶ The coach’s ultimate intention is to offer encouragement in this context. But this does not have the capacity to change the nature or purpose of speaking *per se*. An action that is already specified as evil by its proximate end or remote end cannot be otherwise by specified by further ends. The coach is speaking something contrary to what he believes to be true. While the further ends that motivate a particular action can have an important effect on the gravity of the act, they cannot fundamentally change the inherent goodness or evil of that act, nor can they alter the nature or purpose of the act. Thievery in order to give alms remains immoral.⁷⁷ Smith knows that all lies are immoral according to St. Thomas, but she disagrees that all falsehoods are lies.⁷⁸

⁷⁶ Smith, “Lying,” 6.

⁷⁷ Janet Smith has argued that this is what Martin Rhonheimer has done in his argument that HIV-infected married heterosexual couples can licitly use condoms since the contraception would be *praeter intentionem* and so their conjugal act could not properly be termed a contraceptive act. See Janet Smith, “The Morality of Condom Use by HIV-Infected Spouses,” *The Thomist* 70 (2006): 27–69, especially at 52–59. Cf. Benedict Guevin and Martin Rhonheimer, “On the Use of Condoms to Prevent Acquired Immune Deficiency Syndrome,” *National Catholic Bioethics Quarterly* 5 (2005): 37–48, especially 40–48. It should be noted that this point of disagreement that Smith has with Rhonheimer’s position on condom use is the same one that allows Rhonheimer to argue that some instances of speaking falsehoods are not instances of lying. Namely, in his view, the ulterior intention for the further end, must be known in order to specify the concrete action under consideration. Moreover, such an intention is specified within an ulterior context, in this case, whether the listener has the right to know the truth. See Martin Rhonheimer, “The Perspective of the Acting Person and the Nature of Practical Reason: The ‘Object of the Human Act’ in Thomistic Anthropology of Action,” in *The Perspective of the Acting Person: Essays in the Renewal of Thomistic Moral Philosophy* (Washington, DC: The Catholic University of America Press, 2007), 226–33. Smith notes that she has significant differences with Rhonheimer on “what constitutes the object of the moral act, what the ‘end’ of the act is, what practical reason is, and how ‘nature’ impacts the evaluation of an action” (see Smith, “Morality of Condom Use,” 28n4). We wonder how these differences permit her to disagree with him on the use of condoms, but not on what constitutes a lie.

⁷⁸ See Smith, “Fig Leaves,” 47.

B. The Conflation of Formal and Effective Falsehood

Since she has conflated the end of lying with further ends, it not surprising that Smith also conflates formal and effective falsehood. We noted above that when discussing the essential components of a lie, St. Thomas identifies three elements of a lie.⁷⁹ The material element of a falsehood is the specific falsity of what is said. This material element does not depend on the agent's knowledge but on the objective correspondence of the utterance with reality. The formal element of falsehood is simply the will or intention to speak a falsehood, which is to speak that which is contrary to the concepts in one's mind.

The species of a lie is determined by the formal or defining element—the will to speak what is false: “the essential notion of a lie is taken from formal falsehood, from the fact namely, that a person intends to say what is false.”⁸⁰ Again, this is the interior object of the will. Whether the agent is objectively correct or not in his knowledge is irrelevant to the definition of a lie. Thus, St. Thomas writes, “If one says what is false, thinking it to be true, it is false materially, but not formally, because the falseness is beside the intention of the speaker: so that it is not a perfect lie, since what is beside the speaker's intention [*prater intentionem*] is accidental.”⁸¹ He further clarifies this point in response to an objection that cites St. Augustine, who had insisted that a person who speaks the truth, thinking it to be false, lies.⁸² The Angelic Doctor responds that “a thing is judged according to what is in it formally and essentially, rather than according to what is in it materially and accidentally. Hence it is more in opposition to truth, considered as a moral virtue, to tell the truth with the intention of telling a falsehood than to tell a falsehood with the intention of telling the truth.”⁸³

The third and final element of a lie is the effective element. This element is the will to impart a falsehood, which is the will to deceive. This effective element, however, does not belong to the specific definition of a lie according to Aquinas. He writes, “That a person intends to cause another to have a false opinion by deceiving him, does not belong to the species of lying, but to a perfection thereof.”⁸⁴ This corresponds to Aquinas's theory of human action. The agent wills the end (to deceive) and he wills the means to the end (to speak a falsehood—to lie). As we noted above, to lie is to signify something by word or gesture that is

⁷⁹ See *ST* II–II, q. 110, a. 1.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² See *ST* II–II, q. 110, a. 1, obj. 1.

⁸³ *ST* II–II, q. 110, a. 1, ad 1.

⁸⁴ *Ibid.*

contrary to what is in one's mind, even if it is not contrary to what is really true.

Janet Smith misses this distinction in her reading of Aquinas's question on lying. She writes:

The essence of a lie is that a person intends to make a false statement, something contrary to what the person believes to be true. This action necessarily entails the intention to cause another to have a false opinion and that is what really makes the falsehood a lie. For a person to have spoken a lie in the full sense there must be the deliberate telling of a falsehood (or the making of a statement thought to be false) *and* telling with the intent to deceive.⁸⁵

She thus implies that the intention to deceive another is essential to a falsehood's classification as a lie—an implication that is quite inconsistent with Aquinas's own position. The threefold classification of lies as mischievous, jocose, and officious presumes that some lies are told without the intention to deceive. Even without the intention to deceive, Aquinas holds, a false statement willfully uttered for any purpose is a considered a lie.

By including the intention to deceive in the specific definition of a lie, Smith has placed an undue emphasis on deception, which is inconsistent with St. Thomas's own position. If Smith is correct, then any statement in which the speaker does not intend to deceive his interlocutor could not be classified as a lie. This, in turn, allows her to justify conventional falsehoods.

Smith's interpretation of St. Thomas's teaching on lying on the one hand becomes too lax in some cases as a result of this misreading; on the other hand, her confusion of formal and effective falsehood also leads to an overly strict understanding of Aquinas's principles in other cases. Including the intention to deceive as one of the essential criteria of lying leads Smith to make untenable conclusions in Aquinas's name. For example, she argues that Aquinas would condemn a person as a liar who speaks the truth with the intent to deceive. In both of her articles, she uses the classic of example of the man who answers his neighbor's door and responds to the Nazi soldier's interrogation about the presence of Jews in the house with "There are no Jews in *my* house."⁸⁶ The intent to deceive,

⁸⁵ Smith, "Lying," 2 (our emphasis). Smith's language on the relationship between a lie and reality can also be ambiguous. Here she remains true to Aquinas's language that a lie is speaking something "contrary to what the person believes to be true." She repeats this in "Fig Leaves and Falsehoods," but also insists that it is a lie "to lead another to think falsely about reality" (see Smith, "Fig Leaves," 47).

⁸⁶ Smith, "Fig Leaves," 47 (original emphasis).

in Smith's view, is enough to classify the speaker as a liar. But this is not what St. Thomas says.

The man may have intended to deceive the Nazi soldier, but the means he chose to do so was not a lie, because he did not speak that which was contrary to what he believed to be true (that there were no Jews in *his* house). To support her conclusion Smith cites the same rebuttal that we cited above: it is more in opposition to truth to tell the truth with the intention of telling a falsehood than to tell a falsehood with the intention of telling the truth. But as we noted above, Aquinas's reply assumes the speaker thought what he was saying was false, even though it happened to be true. The speaker intended to speak a falsehood (the formal element), but because he was mistaken, the information he imparted was true (i.e., the material element was not actually false).⁸⁷ The man at his neighbor's door offers no material falsehood, for it is true that there are no Jews at his house down the street. Neither is there a formal falsehood, for the man intends to speak a true statement for the further end of deception. There is, however, a desire to deceive the Nazi soldier. But since there is no formal falsehood, St. Thomas would not consider this statement a lie.

Smith's understanding of effective falsehood as an essential component of a lie introduces an overly strict interpretation of Aquinas's position when it comes to the issue of deception, a question which St. Thomas himself never directly addresses. It is an erroneous reading of Aquinas to suggest that he would classify as a lie a statement that is neither materially nor formally false simply because the speaker intends to deceive his interlocutor. Smith's conflation of the formal and effective elements of lying in her reading of Aquinas leads to an unnecessarily lax treatment of statements

⁸⁷ Smith can be perhaps be excused for her error here. The Benzinger English edition of the *Summa theologiae* mistranslates a key passage in the corpus of II-II, q. 110, a. 1: "If, on the other hand, one utters a falsehood formally, *through having a will to deceive*, even if what one says to be true, yet inasmuch as this is a voluntary and moral act, it contains falseness essentially and truth accidentally, and attains the specific nature of a lie" (our emphasis). Contrary to what Aquinas says earlier in the same corpus, this translation suggests that the will to deceive is the formal and essential element of a lie. But the Latin reads: "Si vero formaliter aliquis falsum dictat, *habens voluntatem falsum dicendi*, licet sit verum id quod dicitur, inquantum tamen huius modi actus est voluntarius et moralis, habet per se falsitatem, et per accidens veritatem" (our emphasis). A corrected translation should read: "If, on the other hand, one utters a falsehood formally, *through having a will to speak falsely*, even if what one says is true, yet inasmuch as this is a voluntary and moral act, it contains falseness essentially and truth accidentally, and attains the specific nature of a lie." Thus, St. Thomas is consistent throughout the article. A lie is the will to speak a falsehood, and not a will to deceive.

that are formally false but not effectively false, and it leads to an overly strict treatment of statements that are not formally false but are effectively false.

C. *The Divorce from Virtue*

The third problem with Smith's understanding of permissible lies is that her discussion of the Thomistic teaching on lying is lifted from its context in Aquinas's theory of virtue. This removal detracts from the proper understanding of lying in relation to the moral life as an integrated whole. Because St. Thomas's moral theory is teleological, it is focused on respecting and fulfilling the natures of created goods, and so it is focused explicitly on the moral perfection of the human agent through his choices. This is the context in which St. Thomas treats the question of lying, considering it in relation to virtue, vice, and the development of character in the moral life. Lying is a vice that is opposed to the virtue of truthfulness.⁸⁸

For St. Thomas, virtue and vice are the habitual dispositions that respectively perfect man by orienting him to his final end or harm him by deterring him from that end. It is impossible for man's moral character not to be affected by his particular choices, even when they concern relatively unimportant matters.⁸⁹ Although Smith's conventional and protective falsehoods are not likely to be mortal sins, such falsehoods create an inclination, however small, toward speaking falsely in general. Such falsehoods may only be uttered in situations where they are meant to maintain cordiality, offer encouragement, or to protect another, but these actions do not occur in a vacuum. It is quite difficult to compartmentalize the moral life in such a way that one's habits in one set of circumstances do not affect choices in a different set of circumstances.

The notion that vice affects one's character is all the more confirmed in the case of those who habitually utter conventional or protective falsehoods, such as those involved in undercover investigations or espionage. These individuals spend a significant portion of their time uttering falsehoods for purposes which are certainly noble, but it is nearly impossible for this habit of speaking falsely not to enter into the other spheres of their lives as an inclination to lie in graver matters.⁹⁰

⁸⁸ See *ST* II–II, q. 109, prol.: “Deinde considerandum est de veritate, et vitiis oppositis” and *ST* II–II, q. 110, prol.: “Deinde considerandum est de vitiis oppositis veritati. Et primo, de mendacio.”

⁸⁹ See *ST* I–II, q. 18, a. 9.

⁹⁰ Aquinas argues that the commission of venial sins creates a disposition toward committing moral sins. See *ST* I–II, q. 88, a. 3: “Since the end for one who has a habit, as such, is to work according to that habit; and the consequence will be that, by sinning often venially, he becomes disposed to mortal sin.”

Smith's treatment of lying removes it from the framework of virtue, vice, and the moral development of the agent and instead offers case studies focused entirely on the *telos* of the act itself with no consideration of the *telos* of the agent. The only attention she gives to this matter is her assertion that "the fact that good people regularly tell such falsehoods indicates that they do not corrupt character."⁹¹ This statement, given without any argumentation, is flawed in two ways. First, Smith is begging the question by assuming that people who regularly tell conventional or protective falsehoods are, in fact, good people. Without knowing whether the falsehoods these individuals tell are good or evil, it is impossible to evaluate their character. These people may appear virtuous in every other respect, but that does not imply that every particular action they perform is itself praiseworthy. Though we certainly do not intend to impugn those who tell so-called conventional and protective falsehoods, it is a weak argument that Smith offers to suggest that such falsehoods are permissible because those who tell them are otherwise seemingly upstanding people.

The second defect in Smith's claim that conventional and protective falsehoods do not corrupt character is that she bases her contention on empirical observation. The sinfulness of such falsehoods is significantly mitigated by the good intentions with which they are told, and consequently, they often would not lead to visible patterns of behavior that would cause an observer to qualify that person as "bad." Rather, such venial sins introduce an added element of struggle into the moral life by inserting temptations and proclivities to lying, forcing one to think twice before making a statement rather than habitually speaking truthfully. It may be an inclination that is overcome and, therefore, not manifested in one's external actions, but it is inclination that is present nonetheless. That is the manner in which such falsehoods have adverse effects on character, and it is not readily observable from one's concrete actions. Thus, Smith's conventional and protective falsehoods are wrong, albeit with lessened moral gravity, not only because they are contrary to the nature and purpose of speech, but also because they are harmful, even if only to a minimal degree, to the moral character of the agent.

Although Smith knows that St. Thomas's moral theory is centered on virtue and the moral character of the acting person, her arguments have focused exclusively on a casuist treatment of cases and their impact on the state-of-affairs: the Gestapo, fraudulent passports, etc. But the state-of-affairs caused by our actions is not Aquinas's primary concern. In fact, the gradual transition from a moral ethic based on virtue to an ethic based on

⁹¹ Smith, "Lying," 8. See also Smith, "Fig Leaves," 48.

the evaluation of individual cases and their relationship to the moral law has been already identified as a degradation of St. Thomas's work.⁹²

Aquinas understands that in a sinful world, people engage in evil deeds, but he certainly does not excuse those deeds. Smith suggests that he nonetheless has applied a pre-lapsarian ethic to a post-lapsarian world. She says, "Aquinas believes that we can kill in self-defense but that we can never lie to defend our own lives or the lives of others."⁹³ That Smith would say that the Angelic Doctor approves of killing an aggressor in self-defense or stealing food in the case of need simply because he understands the inevitability of evil in a post-lapsarian world is a serious misinterpretation of St. Thomas.

In his famous article on self-defense, St. Thomas clearly says that "it is not lawful for a man to intend killing a man in self-defense."⁹⁴ Killing a man may not be the intended remote end of any action. One may never intend to kill for self-defense. He must intend to defend himself and use the appropriate force necessary to do so, even if this happens to cause the death of the assailant. Some activity is simply not directed to self-preservation. For example, Aquinas explicitly says: "The act of fornication or adultery is not necessarily directed to the preservation of one's own life, as is the act *from which* sometimes killing follows [*ex quo quandoque sequitur homicidium*]."⁹⁵ But the killing of the assailant must be beside the intention since "moral acts take their species according to what is intended, and not according to what is beside the intention."⁹⁶

Similarly, St. Thomas understands property and material things to serve man's natural needs such as his health.⁹⁷ Thus, the human right to property is inferior to both divine right and natural obligation, and thus, when a man is in dire need, he is free to take the property of another for his

⁹² See Servais Pinckaers, *The Sources of Christian Ethics* (Washington, DC: The Catholic University of America Press, 1995), 216–79.

⁹³ Smith, "Lying," 2; cf. Smith, "Fig Leaves," 47.

⁹⁴ *ST* II–II, q. 64, a. 7. St. Thomas does say, however, that lawful civil authorities may intend to kill for the sake of the common good. This is another element that has been missing in the discussion surrounding the actions of Live Action. For St. Thomas, because original sin has affected the common good, he routinely argues that some actions are morally licit for public authorities that are not for private citizens. Capital punishment here is one example. Another would be the oft-cited example of soldiers laying ambush for their enemies (see *ST* II–II, q. 40, a. 3). Whatever may be determined about the morality of the Live Action stings on Planned Parenthood need not necessarily be applied to the actions of the government authorities on enemies of state.

⁹⁵ *ST* II–II, q. 64, a. 7, ad 4.

⁹⁶ *Ibid.*

⁹⁷ See *ST* I–II, q. 2, a. 1.

own sustenance. He is free, for example, to take food that belongs to another to save himself from hunger. In such a case, Aquinas says, it is not properly theft or robbery “because that which he takes for the support of his life becomes his own property by reason of that need.”⁹⁸

It is at least arguable that St. Thomas does not hold the positions that Smith ascribes to him. He does not think that it is theft or robbery to take something that belongs to another in order to save one’s own life. He does not think that it is permissible to intend to kill an assailant in self-defense. His positions are much more nuanced than Smith suggests.⁹⁹

Finally, addressing Smith’s assertion that Aquinas is imposing a pre-lapsarian view of speech on a post-lapsarian world: St. Thomas argues that the principles of human nature and the properties that flow from them (which include reason and choice) were in no way destroyed by sin. They were not even diminished.¹⁰⁰ To suggest that sin destroys our nature or even diminishes our nature would be to suggest that sin has fundamentally changed human nature; it has not.¹⁰¹ What has been diminished in human nature is the inclination to virtue. Thus, reason has not been diminished, even though our virtuous use of it has. Since speech is by definition related to reason, its function and purpose are not diminished by original sin either.

III. The Live Action Sting: Concerns

It is clear now that there are several concerns surrounding the Live Action stings of Planned Parenthood. First, it is always a sin to tell a lie with the purpose of deceiving another person. Granted that, for Aquinas, lies can be told without the intention to deceive, it is uncontested that speaking falsely with the intention to deceive is a lie, and all lies are sinful. Live Action operatives lied to the Planned Parenthood employees. Certainly, the results of these stings were a good thing (the defunding of Planned Parenthood in several states). However, if the morality of an action is to be determined by its outcome, we fall into consequentialism.¹⁰²

Focusing only on the state-of-affairs that our actions cause, without focusing on the effects our choices have on our characters and our souls,

⁹⁸ *ST* II–II, q. 66, a. 7, ad 2.

⁹⁹ See Jensen, *Good and Evil Actions*, 225–78, for a treatment of just how elaborate Aquinas’s position on the moral specification of self-defense and thievery actually is.

¹⁰⁰ See *ST* I–II, q. 85, a. 1.

¹⁰¹ Suggesting that human nature itself had been changed by sin would have consequences for the incarnation of Jesus Christ. See *ST* III, q. 4, a. 6.

¹⁰² Even a casual survey of the comment boxes accompanying the online articles we noted above (note 4) reveals that there are a great many readers who have taken just such a consequentialist interpretation of the situation.

is contrary to the moral theory of both Augustine and Aquinas, and it is contrary to the moral theory promoted in the *Catechism of the Catholic Church*.¹⁰³ No one can doubt that the ultimate aim of Live Action was to expose the evil deeds of Planned Parenthood. However, the means we choose to achieve our goals are just as important as the goals themselves. Though it is likely that the sins committed by the Live Action operatives were venial, they remain sins nonetheless. We would not presume to judge the character of those involved in the Live Action operations, but it is clear that even such “white lies” intensify the struggle for virtue and holiness by introducing new temptations to be overcome. The academic community should not engage in the justification of any sin, even the smallest “white lie,” precisely because seemingly small sins dispose us to committing greater sins. If we truly seek to build a culture of life and virtue, then we must not surrender the integrity of our own character in order to preserve the integrity of the human person.

Some have suggested that the absolute prohibition against lying would render all those who engage in national espionage for the protection of the country as sinners; perhaps it is true. And perhaps it is true, as Janet Smith has suggested, that in a fallen world, there is a need for lies. But we should not, therefore, excuse them as mere falsehoods for the preservation of harmony.¹⁰⁴ In a fallen world, it is true that lies are inevitable because we are all sinners. Yet, this does not excuse us from pursuing virtue and holiness. As necessary as the Central Intelligence Agency or National Security Agency may be, we would not recommend a person who is seeking to grow in virtue and holiness to join either of them.

IV. Conclusion

Having surveyed Augustine’s teaching on lying and Aquinas’s development of it, we have identified St. Thomas’s specification of the act of lying. With his teaching in mind, we have shown why deception is not part of the species of lying. In fact, Aquinas never directly addresses the question of deception itself. Given what he says about soldiers and ambushes, it is likely that he is in favor of dissimulation and deception in limited circumstances. However, the choices made to achieve that further end cannot themselves be evil. Lying is evil in its genus because it perverts the purpose of speech. Even though not all lies are mortally sinful—and certainly lying to save another’s life is a venial sin—this does not, therefore, permit us to excuse or to advocate in favor of them. If we are serious about pursuing

¹⁰³ See *Catechism of the Catholic Church*, nos. 1731–38.

¹⁰⁴ See Smith, “Fig Leaves,” 48.

virtue and holiness, we should not excuse our own sinfulness or that of others on the grounds that we live in a fallen world.

This is what we have found unfortunately lacking in the discussion surrounding Live Action's operations vis-à-vis Planned Parenthood. Few commentators have expressed concern about the effects that these lies have on the characters of the Live Action agents. And this is why we find fault with Smith's presentation. Her reading misrepresents Aquinas and does not pay adequate attention to his concern for the growth of virtue and holiness. In a certain sense, also, she has set up a straw man to knock down: as we have shown, St. Thomas is neither the rigorist she makes him out to be, nor as lax as she desires.

With the publication of her article in *First Things*, Janet Smith has moved this debate from the Internet to published print; we welcome and are grateful for this move, since it offers the possibility for discussion that is both more rigorous and more collegial. As we have put forward in this essay, we find Smith's understanding of Aquinas on the question of lying to be deficient in a number of ways. She has confused the end of lying itself with the further ends to which lying may be directed. Moreover, by blurring this distinction she has specified the action of lying according to those further ends (to save a life, to encourage a baseball player, to flatter someone, etc.) rather than according to what St. Thomas says is the end proper to lying itself, which is knowingly speaking that which is contrary to what one believes to be true. In sum, we do not think that Smith has presented an adequate argument for her opinion, and further, we find that in places her argument is based in a faulty reading of St. Thomas.

It is true that the Church has not definitively declared a position on what constitutes a lie and what does not; discussion about the matter should therefore be conducted with the utmost care and with due attention paid to the (admittedly not definitive) authoritative sources of teaching about it. Foremost among these are those two great moral theologians and doctors of the Church St. Augustine and St. Thomas, whose thought is reflected in the teaching found in the *Catechism of the Catholic Church*. It does seem to us that one ought to begin with these authorities and remain most reluctant to depart from them. N.V