



BOOK REVIEWS

***Lying and Deception*, by Thomas L. Carson. Oxford: Oxford University Press, 2010. Hardcover, 280 pp. ISBN: 978-0-19-957741-5**

Norman E. Bowie, University of Minnesota

For over twenty years, Professor Carson has been writing about the concept of lying, why lying is often wrong and why it is sometimes permissible. His interest has not been just theoretical; he has applied his analysis to issues about lying and deception in advertising and sales. *Lying and Deception* is the most extensive and thorough explanation of his views on lying and deception to date. His book deserves a careful read although it may be tough going for those who are impatient with analytical philosophy.

The book can be divided into three sections. The first presents Carson's definitions of lying and deception as well as his comparison and defense of his definitions to others in the literature. He also carefully distinguishes lying and deception from withholding information, concealing information, keeping someone in the dark, spinning, telling half truths and bullshit.

In the second section he considers what various ethical theories have to say about lying. In so doing, he explains and defends Golden Rule arguments regarding lying—arguments that can show that lying and deception are usually wrong—especially when they cause harm. In the final section of the book he applies his definitions of lying and deception to business, the professions and public policy in the attempt to show that certain lies or acts of deception are either unjustified and wrong or justified and thus moral permissible.

Since much of the analysis in the first two sections will be of most interest to professional philosophers, I will spend less time on these sections. Rather, I will focus on what Carson has to say about lying and deception in business, government and the professions.

SECTION ONE: THE DEFINITION OF "LYING," "DECEIVING," AND RELATED TERMS

I begin with Carson's preferred definitions of these terms.

A person S tells a lie iff: 1. S make a false statement X, 2. S believes that X is false or probably false (or, alternatively, S does not believe that X is true), 3. S states X in a context in which S thereby warrants the truth of X, and 4. S does not take herself to be not warranting the truth of what she says. (29)

What is important about this definition once it is applied in practice is that it counts something as a lie when one knowingly warrants the truth of X knowing that the warrant is unjustified. More on this later.

S deceives S1 about (proposition) X iff S intentionally causes S1 to believe X, X is false, and S knows or believes that X is true.

Also

S deceives S1 about (proposition) X iff S intentionally causes S1 to believe X, X is false, and S doesn't believe that X is true. (48)

Carson then points out the two important differences between lying to one and deceiving one. First deception does not require making a false statement. Second, unlike "lying" the word "deception" connotes success.

Now there are many things that some might consider deception that may or may not be deception. Does withholding information constitute deception? It depends, Carson says, "if there is a clear expectation, promise, and or professional obligation that such information will be provided" (56). This point becomes particularly important in sales. Are sales people in any sense professionals? Also withholding information is not the same as concealing information. Concealing information involves hiding information or preventing people from discovering it. As a result concealing information as opposed to withholding always (usually) involves deception.

In this political climate, we are all familiar with the notion of spinning a story. Carson claims that spinning a story "involves putting an interpretation on events or facts which, themselves, are not in dispute" (57). Is spinning deceptive? It depends on the circumstances, but if it involves half-truths, it is deceptive. Carson says that "Half-truths are true statements or sets of true statements that selectively emphasize facts that tend to support a particular interpretation or assessment of an issue and selectively ignore or minimize other relevant facts that tend to support contrary assessments" (57-58). Given that account of half-truths, it is easy to see how on Carson's definition of deception, spinning based on half-truths is deceptive. However if deception connotes success, I wonder if much spinning really is deceptive. Does spinning really succeed in getting one to hold false beliefs or beliefs that are not true? Perhaps people are already skeptical of spinning since there is so much of it.

And then there is bullshit. Harry Frankfurt has made talking about bullshit acceptable in polite philosophical circles. Carson takes issue with Frankfurt's account. Specifically, Carson rejects all three major claims that Frankfurt makes about bullshitting. Carson takes Frankfurt's claims to be that 1) bullshit does involve the intention to deceive 2) bullshit does not involve lying, 3) bullshitters are unlike liars in that they are unconcerned about the truth. Carson challenges these three claims on the basis of a series of interesting counterexamples, cases where you seem to have bullshit and the intention to deceive, or lies, or a concern about the truth. Interestingly, despite the fact that Carson gives careful definitions of all the concepts discussed thus far, he demurs from defining "bullshit" saying that the concept "is too loose and amorphous to admit of a definition in terms of necessary and sufficient conditions" (62). However, I wish Carson had taken up the challenge. The concept of "deception" is certainly loose and amorphous—at least in ordinary discourse.

Perhaps bullshit amounts to saying things—(bullshit involves more than invoking one proposition)—when one cannot provide a warrant for them and is uninterested in doing so. That would capture what I think Frankfort was getting at without making the stronger claims that Carson was able to challenge. Now that we seem to be able to talk about bullshit in academic settings, it might be time to define it and make it a technical epistemological term.

SECTION TWO: WHY PHILOSOPHERS THINK THAT LYING AND DECEPTION ARE WRONG

Most people believe that lying and deception are morally wrong or at least usually morally wrong. In the second section of the book, Carson looks at what various philosophical theories say about the wrongness of lying and deception. He concludes with his favorite—the Golden Rule theory.

I was especially interested to see what he said about Kant. The focus of the Kant chapter is on Kant's apparent absolute prohibition against lying. Carson starts with the belief that sometimes lying is justified so if Kant does claim that lying is always wrong, he is mistaken.

There is no doubt that Kant, in some passages, seems to make lying always wrong. However, there are other passages where Kant seems to take a less absolute approach. Most people and indeed most Kant scholars would argue that if Kant does believe that lying is always wrong, he is mistaken. There are at least two contemporary Kant scholars that are not willing to say that Kant was wrong to have an absolute prohibition against lying—Allen Wood and Christine Korsgaard.¹ Carson takes issue challenging both their interpretations of the Kantian text and their positive arguments on behalf of an absolute prohibition against lying. The details of Carson's argument are beyond the scope of this review. However, Carson concludes by arguing that neither the first formulation nor the second formulation of the categorical imperative require an absolute prohibition against lying. This chapter 3 is must reading for anyone interested in Kant's views on the wrongness of lying.

Before considering his favored theory, let us consider what Carson says about Act Utilitarianism and Rule Consequentialism with respect to what makes lying wrong. Obviously both theories avoid the position of extreme Kantianism that lying is always wrong. Carson thinks that the major problem with Act Utilitarianism is that it must "view lying as morally neutral or indifferent, other things being equal (apart from its consequences)" (99). Ross believes, correctly according to Carson, that we have a duty not to lie. Lying is sometimes permitted; that is why the duty is *prima facie*. The duty not to lie can be overridden, but whether or not we lie can never be morally neutral. Carson's problem with Ross is Ross's epistemological foundation based on intuition. Reasonable people's intuitions disagree on fundamental issues, including whether or not there is a duty not to lie. Recall that if the consequences of lying are identical to the consequences of not lying, Act Utilitarians are indifferent as to whether one lies or not. Why should Ross's intuitions trump those of the Act Utilitarian? The inadequacies of all three theories with respect to the duty

not to lie lead Carson to defend his preferred theory of a Golden Rule Theory of Moral Reasoning.

Carson offers the following "proof" of the Golden Rule Theory:

1. Consistency requires that I judge acts done to me or to people I love in the same way that I judge acts done to others, unless the acts differ in some morally relevant respects.
2. Our attitudes must be consistent with our moral judgments. Among other things, this means that if I think it is morally permissible for someone to do something to me (or someone I love), then I must not object to her doing it to me (or someone I love).

Therefore:

GR: Consistency requires that if I think it would be morally permissible for someone to do a certain act to another person, then I must not object to someone doing the same act to me (or someone I love) in relevantly similar circumstances. (131)

Moral philosophers will recognize that Carson is indebted here to the work of RM Hare and it might seem that Carson's account is vulnerable to the same types of criticisms that were leveled against Hare. In an attempt to counteract these criticisms, Carson relies on a set of rationality conditions for moral judges. Much depends on the adequacy of these rationality conditions as they are developed and applied in this chapter. Moral philosophers who are familiar with the work of Hare and his critics will find a rich discussion of the validity of these criticisms and why Carson thinks his Golden Rule theory avoids them. As for lying his Golden Rule theory leads to the following position: "Given their concern for their own welfare and the welfare of those they care about, people who make moral judgments about lying and deception must accept the view that lying and deception are wrong when they harm others and the harm they cause outweighs the benefits they produce" (161).

SECTION THREE: APPLICATIONS

On the basis of his theoretical analysis, Carson thinks that sales people have the following *prima facie* duties: (1) To provide safety warnings on the good they sell, (2) To avoid lying and deception about the goods they sell, (3) Within the constraints of knowledge and time, answer customer questions about the goods they sell, and (4) To avoid steering customers to goods that might harm them (without a compensating benefit) (170).

There is a lot to be said here. First, in teaching ethical issues in marketing and sales, it is clear that my students take a very *caveat emptor* attitude toward customers. Of course that proves nothing about what people ought to do, but if my students accurately describe much of sales practice, then we business ethicists have a lot of persuading to do.

Even Carson shows how these salesperson duties are *prima facie*. Carson considers the case where a salesperson must lie and deceive in order to meet a sales quota and keep his job. In a world where jobs are scarce is this a case where a salesperson is justified in lying and deceiving? Carson thinks not but I wonder. Suppose the

salesperson is not paid well, is quite poor and jobs in the economy are very scarce. Suppose also that the product one is selling is not dangerous so that any lying or deceiving causes economic harm but no physical harm. Suppose finally that the product being sold is normally sold to high end customers whom one could expect to have high incomes. Couldn't lying in such a case pass the golden rule test or at least wouldn't there be differences of opinion as to whether lying in such circumstances could pass the test. While I am convinced that the four cases of deception that Carson presents on pages 175–76 are morally wrong, I think more examples of deception or lying might be morally permissible than Carson does.

On the other hand, Carson has two additional *prima facie* duties for sales people but he is not as confident that these duties can be justified. These duties are

5. Salespeople should not sell customers goods or services that they have reason to think will be harmful to customers (financial harm counts) or that the customers will come to regret later, without giving the customers their reasons for thinking that this is the case, and

6. Salespeople should not sell items they know to be defective or of poor quality without alerting the customers to this. (171)

I do not see why 5 and 6 are any less justified than 1–4. His answer seems to be that some people—“rugged individualists”—might not think these duties are required by the golden rule test. However, I do not see why “rugged individualists” might not accept duties 2–4. In fact I have suggested a case where a person who is not a rugged individualist would not accept 2–4. Briefly put, it seems to me that all 6 duties have roughly the same amount of justification—especially when these duties are considered *prima facie*. Indeed it seems to me that 5 and 6 are really a gloss on 4.

Carson also considers three cases that involve the salesperson withholding information. Since two of the three cases do not involve a violation of conditions 1–4 but a violation of condition 5, Carson is not sure the salesperson did anything wrong in those cases. It seems to me the salesperson did do something wrong and that an application of the golden rule technique would show that the salesperson did something wrong. For example in the health insurance case, I think if the salesperson had not disclosed, he would have taken an unjust advantage of information asymmetry.

All of these examples provide a rich opportunity for business ethicists to stimulate class discussion about lying and deception in sales.

Carson then goes on to discuss deception in advertising. He begins by discussing the law with respect to deceptive advertising as determined by the Federal Trade Commission. Carson thinks the Federal Trade Commission (FTC) does not go far enough because the FTC allows deception that only deceives a small number of people—up to 20–25 percent of the target audience (187). His concern—correct, I think—is that this 20–25 percent might be vulnerable consumers. Indeed, in the age of niche marketing, there are many business ethics cases that raise the issue of deception with respect to a targeted vulnerable population, fortified malt liquor to inner city African Americans, payday loans to those without bank checking accounts, even fast food chains to children and credit cards to college students. Actually I wish Carson had said more about this issue as it is important both intellectually and in

terms of public policy. For example McDonald's is facing a lawsuit for tying the sale of fast food to the receiving of popular toys.

Another chapter focuses on deception in negotiations—a topic not often discussed by business ethicists but a topic that is nearly always addressed as a course in the MBA curriculum. Any discussion of negotiations must deal with the fact that in practice a certain amount of deception is accepted. Indeed one would be at an extreme disadvantage if he were not to deceive. In his discussion, Carson recognizes that deception is morally acceptable on the principle of self-defense. Self-defense is a legitimate appeal only when one believes that the negotiating situation has deception as part of the game. As Carson says it is wrong to misstate your reservation price when you have reason to believe the other parties are not misstating theirs. True enough but the issue of the vulnerable participant raises its head again. My students think that all negotiators are misstating and any naïvite about that is the fault of the other trusting party. I suspect there is a lot of information asymmetry about the practice of negotiation and that as a result a lot of vulnerable people are taken advantage of.

Carson has a brief chapter on the wrongness of deception by professionals. In addition to what he says there I would add that deception by professionals is wrong because they take advantage of or abuse information asymmetry. We are always in the position of vulnerable consumer in dealing with professionals.

Two of the most original and delightful chapters in the book consider lying and deception about issues of war and peace and honesty in the telling of history. These issues are rarely discussed by philosophers and Carson makes a major contribution just by including them. More than that however, I found his examples pertinent and his analysis right on target. Roosevelt lied and deceived the American public about preparing for war with Germany. Carson reluctantly believes his actions were justified because “they were necessary to save the lives and liberties of a great many people” (228). Similarly Dean Acheson, John Foster Dulles and Dwight Eisenhower may have lied or deceived us to keep us out of war—again justifiably.

However Dick Cheney and George W. Bush were not justified in their lies that led to the Iraq war. The discussion of the Cheney-Bush lies shows the power of Carson's original definition of lying. Recall that a lie involves a false statement that the speaker believes to be false but warrants that it is true. Consider two claims that Cheney and Bush made about the Iraq war. First, that Iraq had weapons of mass destruction. Second, that there was a link between Saddam Hussein and al-Qaeda. Carson does not argue that these claims were known to be false. Thus as I understand him, these claims are not the lies. Rather the lies occurred when Cheney and Bush claimed that they had strong evidence that the claims were true when both knew that there was no strong evidence. The lying and deception came in the warranting claims. For example, Carson cites Bush's State of the Union address as an occasion where “a democratically elected leader warrants the truth of what he says to a very high degree, especially if the statements are used as a basis for starting a war” (217). Later, Carson says, “Bush was intellectually dishonest” (217). Intellectual dishonesty is a serious wrong for academics. Carson raises the ante for everyone.

Lying and deception are usually wrong—seriously wrong. Intellectual dishonesty can involve lying and deception and in those cases is usually seriously wrong.

Intellectual dishonesty also results when one tries to spin history to a certain point of view—often by focusing on half-truths. Carson's examples here include the attempt to justify Hitler because Germany was stabbed in the back and the attempts by some southern historians to rewrite the history of the civil war and its aftermath. Carson convincingly shows how half truths exacerbate long running conflicts like the Israel Palestinian conflict.

The book concludes with an interesting discussion of whether—I would say when—honesty is a virtue. Sometimes telling the strict truth is not a virtue—especially in delicate personal relationships. Rather than lie, it is sometimes best to withhold information. This final chapter represents one of the strengths of the book. Carson is no zealot about lying, deception, and other types of misinformation. Often these activities are wrong—seriously wrong—but not always.

But moderation is not the only virtue of this book. The book is well organized and carefully and subtly argued. Carson is grounded in both philosophical scholarship and intellectual history. The book moves from theory to application and opens areas of applied ethics not often discussed. The philosophical analysis is slow going but careful analytic work is slow going. But the book is also rich with stories and examples and in some places it soars as with the discussion of the Iraq war. *Lying and Deception* deserves to be widely read as Carson has threaded years of scholarship on this topic into a rich and coherent account. Two thumbs up!

NOTES

1. See, for example, Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996); and Allen Wood, *Kantian Ethics* (Cambridge: Cambridge University Press, 2008).

***Why Some Things Should Not Be For Sale: The Moral Limits of Markets,* by Debra Satz. Oxford University Press, 2010.**

Rutger Claassen, Leiden University

INTRODUCTION

Over the last two decades a debate has emerged on the 'moral limits of the market' (hereafter: the MLM debate).¹ The contributors to this debate are almost all liberal egalitarians. The nature of the debate reflects this internal orientation. Liberal egalitarians all basically accept a market-based economic order. The only thing that remains to be discussed is the scope of this order: which goods should be subject to market exchange and which shouldn't? This narrow focus stands in

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