

Paternalistic Lying and Deception

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1 Introduction

Many standard examples of paternalism involve lying.¹ A doctor lies to a patient about her condition because she thinks the patient is likely to get severely depressed by knowing the full extent of her illness. Hoping to avoid unnecessary anguish, the police tells the wife of a man who died in a car crash that he died instantly, although they know that his death was painful and horrible. A teacher hopes to improve a student's dedication and thereby her performance by telling her that she has good philosophical abilities, even though she believes the student's abilities to be poor. A husband is worried that his wife might attempt suicide and tells her that there are no sleeping pills in the house, although he knows there are. Indeed, Gerald Dworkin describes "lying and force" as "the main instruments of paternalistic interference." (Dworkin, 2016, Sec. 3)

There are also many examples of paternalistic acts that involve deception, but not lying. Suppose the husband from above simply hides the sleeping pills from his wife without saying anything to her about it.² On any sensible theory of lying, you

¹The following are adapted from from Dworkin (2016).

²Since the husband thereby prevents the wife from forming a true belief about whether there are sleeping pills in the house, or perhaps allows her to persist in the false belief that there is not, his act is deceptive, at least on many views. See Chisholm and Feehan (1977).

have not lied unless you have made an utterance that counts as what is variously referred to as a statement, an assertion, or saying something.³

This chapter is concerned with paternalistic lying and its relation to deception, but will not consider paternalistic deception that is not lying. We focus on two broad questions concerning paternalistic lying specifically: When is an act of lying an act of paternalism, and where does paternalistic lying fit on the moral spectrum of lying? No attempt is made at giving substantial answers to these questions, nor of surveying all, or even most, existing proposals. Instead this chapter aims at highlighting some of the issues involved and to make explicit some of the relevant ways they interact.

Sections 2–3 locate paternalistic lies within a broader category of altruistic lies. The standard view that paternalistic action involves a certain kind of interference with autonomy is discussed in relation to lying. Sections 3–6 consider the relation between paternalistic lying, deception, and manipulation. It is suggested that paternalistic lying does not always involve deception. Sections 7–10 introduce two main views on the morality of lying and draw attention to three main moral approaches to paternalistic lying.

2 Altruistic Lies

It is commonplace to think that lies are often (perhaps even always) harmful at least to some extent.⁴ But we should recognize that, while this may be true, arguably most lies are told in order to benefit someone, usually the liar herself. The ways in which a lie can benefit someone are many.⁵ A general distinction might be made between cases in which one or more consequences of the lie itself are of positive value to someone and cases in which a lie is used to prevent harm. Here we will speak of a lie benefitting someone to cover both these kinds of situation. So a lie that benefits someone, as we will use this terminology, is a lie that either brings positive value to someone or prevents harm to someone (or both).

Given this very broad understanding of benefitting someone, it is hard to imagine a lie that is told without any hope of benefitting someone in some way or other. Even lies that are told purely for amusement are at least aimed at giving pleasure to the liar and her accomplices. Typical lies are what we might call *selfish lies*, that

³See, e.g., Chisholm and Feehan (1977), Bok (1978), Williams (2002), Carson (2006), (2010), Fallis (2009), Saul (2012), Stokke (2013), (2016).

⁴See Kagan (1998, 106–116).

⁵See Bok (1978, 84–85).

is, lies people tell in order to benefit themselves. Someone might try to impress their date by bragging that they are an excellent cook, even though they know that their culinary skills are subpar. People sometimes try to gain access to goods and services by lying about things like their health condition, their family history, their financial situation, and so on. Yet selfish lies are also sometimes told in self-defense, and in such cases may be more easy to accept.⁶

On the other hand people often tell *altruistic lies*, that is, lies told to benefit others. The stock example of lying to a murderer who comes to one's door and asks for the whereabouts of her intended victim is a clear instance of an altruistic lie. It is useful to distinguish a number of different forms of altruistic lying. Sometimes people lie in order to benefit others while taking great care to avoid harming anyone in the process. We might call such lying *harmless lying*.

Depending on one's view about the extent to which lying always, mostly, or only sometimes involves harm, it might be thought impossible, hard, or sometimes feasible to succeed in harmless lying, that is, in telling a lie that benefits someone while not harming anyone in the process. For example, if one thinks that, even the lie to the murderer at the door harms the murderer to some degree, lying to save someone's life in this case is still not a harmless lie.

Whether or not one thinks that purely harmless lying is possible, it should be clear that there are also many cases in which people try to benefit others by lying while recognizing that doing so will also bring some harm to someone, perhaps the person lied to, perhaps someone else. Such *balanced lies* are arguably common. Indeed, if all lying is harmful at least to some degree, then all altruistic lies are balanced lies.

3 Paternalistic Lies

Which of these types of lies can be paternalistic? It is natural to think that, minimally, a paternalistic lie involves some element of altruism. But, just as it is commonplace to observe that not just any kind of altruistic act is an act of paternalism, it is obvious that not all altruistic lies are paternalistic lies.⁷ What distinguishes paternalistic lies from altruistic lies more generally? Most writers on paternalism subscribe, more or less explicitly, to a version of the idea that *A* acts paternalisti-

⁶See Bok (1978, 82–83).

⁷See, e.g., Shiffrin (2000), Dworkin (2013).

cally toward B only if A 's act is done in order to benefit B .⁸ Suppose I see you about to shoot someone in the back. If I jump on you, and take away your gun, I am not acting paternalistically if my main concern is to hinder the death of your victim. If, by contrast, I stop you from walking out onto a frozen lake even though you have been warned that the ice is too thin because I am concerned to prevent you from drowning, I may be acting paternalistically.

As an instance of this general idea, it might be held that a lie is paternalistic only if it is told in order to benefit the person lied to. A complication here arises from the difference between two broad ways of characterizing paternalistic acts. One puts weight on consequences, the other on the motives for the act.⁹ Accordingly, one characterization of paternalistic lying might hold that a lie is paternalistic only if it benefits the person lied to, while a more motive oriented view might hold that a lie is paternalistic only if it is told with the motivation of benefiting the addressee. For simplicity, we can put this aside and focus on cases in which a lie fulfills both these criteria, that is, lies that are told in order to benefit the person lied to, and which succeed in doing so.

Further, everyone will agree that paternalism involves more than just acting with the aim of benefitting someone else, even if the person one tries to benefit is also the person toward whom the act is done. A dentist who pulls out a patient's bad tooth is doing something to the patient in order to benefit her, but the dentist is not acting paternalistically in this case. Many theorists will endorse the further claim that paternalistic acts involve a certain kind of *interference* with autonomy. Unsurprisingly, this kind of condition has been spelled out in a great many different ways, and a lot hangs on precisely how it is formulated. (We will consider one in more detail later.) Regarding paternalistic lying, the relevant question is, when, if ever, can lying to someone be considered the kind of interference relevant for paternalism? In the next section this question will be discussed in relation to the involvement of deception in paternalistic lying.

4 Manipulation

Some philosophers think that the moral problem with lying, or at least most lying, stems from its involving *manipulation*. For example, Bernard Williams writes,

⁸An exception is Shiffrin (2000) who holds a view on which A may act paternalistically toward B even though A 's act is aimed at benefiting a third party C . See Dworkin (2013) for an overview of different definitions of paternalism.

⁹See Dworkin (2013, 26).

In our own time we find it particularly natural to think deceiving people (or at least some people, in some circumstances) is an example of using or manipulating them, and that that is what is wrong with it. (Williams, 2002, 93)

Similarly, Sissela Bok argues that manipulation is a key factor in the moral status of lying:

Those who learn that they have been lied to in an important matter [...] see that they were manipulated, that the deceit made them unable to make choices for themselves according to the most adequate information available, unable to act as they would have wanted, to act had they known all along. (Bok, 1978, 21-22)

Bok also suggests that paternalism, when it involves deception, is a form of manipulation:

Apart from guidance and persuasion, the paternalist can manipulate in two ways: through force and through deception. (Bok, 1978, 216)

More generally, it is fair to say that most writers on paternalism will accept that manipulation qualifies as an instance of the kind of interference characteristic of paternalism. So, if one is sympathetic to the idea that lies are typically manipulative, a rough proposal might be that what is distinctive of paternalistic lies is that they manipulate the person lied to with the aim of benefitting them.

One problem with this suggestion is that arguably many examples of paternalistic lying do not seem to trade on manipulation of the person lied to. We have already seen two such example. The doctor who lies to her patient about her condition in order to stave off depression is naturally seen as engaging in paternalistic lying, but it is less clear that we want to say that she is manipulating the patient. Similarly, if the police lies to a bereaved wife about the death of her husband in order to avoid causing her unnecessary pain, they are arguably telling a paternalistic lie. Yet, again, it is unclear to what extent this kind of lie can be said to manipulate the person lied to.

Some will find it natural to say that, in these cases, those who are being lied to are being deceived, but they are not being manipulated. At the same time, as the remarks by Williams and Bok quoted above suggest, manipulation is typically seen as essentially involving deception, as opposed to other ways of exerting non-rational influence or control over the will of others, such as coercion.¹⁰ So perhaps the right thing to say is that paternalistic lying involves deception, and sometimes

¹⁰For discussion, see, e.g., Baron (2003), Todd (2013), Wood (2014).

this takes the form of manipulation, but sometimes it does not. Accordingly, one proposal is that the hallmark of a paternalistic lie is that it deceives the person lied to with the aim of benefitting them. However, as we will see next, it is arguable that some paternalistic lies do not even involve deception.

5 Paternalism without Deception

Against a traditional view of lying as necessarily aiming at deception, it has been argued that there are lies that are told without any intention of deceiving anyone.¹¹ In the same vein, there are arguably examples of non-deceptive paternalistic lies. Here is one:

Alan is employed by Burt, and needs to ask Burt's permission to take breaks during his shift. Alan wants to go outside and smoke a cigarette. He asks Burt for permission, but Burt thinks it's better for Alan not to smoke, and so he replies, "There's no time for that," even though he knows that Alan knows that he knows (that Alan knows...) there's plenty of time.

Burt lies to Alan, and his lie seems to be a clear case of paternalism. But since Burt knows that Alan will not believe what he says, Burt cannot be trying to deceive Alan.¹² In other words Burt's lie, in this case, is a non-deceptive paternalistic lie.

Consequently, if one thinks that manipulation is a species of deception, one will be reluctant to say that Burt has manipulated Alan in the case above. Indeed, some philosophers who accept that lying does not always involve deception have argued that, for this reason, manipulation cannot, at least in general, be seen as the moral problem with lying. Seana Shiffrin writes,

Many accounts of the wrong of the lie emphasize the wrong of manipulating or aiming to manipulate the will of the recipient; such accounts implicitly imagine that deception is an aim or product of the lie, for otherwise no such manipulation could occur. (Shiffrin, 2014, 22)

Since Shiffrin agrees that one can lie without intending to deceive, she concludes that the wrong in lying cannot be identified with the wrong in manipulation.

¹¹See, e.g., Carson (2006), (2010), Sorensen (2007), Fallis (2009), Saul (2012), Stokke (2013).

¹²For discussion of this interpretation of cases of this kind, see Lackey (2013), Fallis (2014), Keiser (2015).

Given this, we might conclude that not all deceptive paternalistic lies are manipulative, as seen from the lies by the doctor and the police above, and moreover, that not all paternalistic lies are deceptive in the first place, as seen from Burt's lie to Alan. Of course, this is not to deny that many paternalistic lies are manipulative. Suppose a doctor thinks that she can make a patient get more exercise and more sleep with benefits to her general state of health if she tells the patient that unless she does these things she will almost certainly go blind, even though she knows that the risk of blindness is miniscule. Arguably the doctor is using the lie to paternalistically manipulate the patient into getting more exercise and sleep in this case.

However, given examples of non-deceptive paternalistic lies, we should ask, do such lies qualify as interfering in the sense believed to be relevant for paternalism, even if they are not deceptive, and hence not manipulative? One observation here is that Burt's lie arguably restricts Alan's choices, even if it does not do so by means of deception. If Burt had given permission, Alan would have had the choice of smoking or not. But since Burt does not give permission, Alan has no choice in the matter. (Assuming that acting against Burt's instruction is not a live option.) And moreover the restriction of Alan's choice was done in order to benefit Alan himself, and not, for example, to benefit Burt or for some other reason. To make this more vivid, one can embellish this story, if one thinks it is necessary. For example, imagine that Burt could not just have said "No," but that, according to rules of the work place, he must give a reason. In any event, it is plausible that there are cases of this kind in which a paternalistic lie is told without any intention to deceive.

Many writers on paternalism emphasize this kind of influence of choices as a key feature of paternalistic action. For example, on the definition proposed by Simon Clarke (2002), x acts paternalistically toward y only if

x aims to close an option that would otherwise be open to y or x chooses for y in the event that y is unable to choose for himself (Clarke, 2002, 81)

And Danny Scoccia (2015) defines paternalism as

the use of nonrational means (i.e., means other than rational persuasion) to hinder someone's already made choices, preempt the choice that he would make if he could make one (e.g., giving an unconscious Jehovah's Witness a life-saving blood transfusion), or influence his prospective choices, for his own prudential good. (Scoccia, 2015, 1)

Such ways of understanding paternalism are arguably compatible with non-deceptive paternalistic lies. Burt's lie closes an option for Alan, as Clarke would have it, or preempts the choice that he would have made, as Scoccia might say.

On the other hand, it is not obvious that all paternalistic lies involve influence on choices in this way. Take the original case of the doctor's lie that is aimed at preventing depression, or the police's lie to the wife that is aimed at avoiding excessive grief. These lies do not seem to influence choices, in either Clarke's or Scoccia's sense.

Yet, it might be argued that they nevertheless still interfere with autonomy. That is, one might have a conception of this kind of interference where it is not limited to directly influencing choices in the ways we have been looking at. One might think of autonomy in a more general sense as governing one's own life, or something similar.¹³ Arguably, the doctor's lie about the patient's condition violates the patient's autonomy in this kind of broader sense, even if it does not directly influence a particular decision. Similarly, the police's lie to the wife may be seen as diminishing her control of her own life by distorting her perception of it. And, moreover, even if these lies do not influence choices *per se*, they are designed to, at least indirectly, influence behavior, and in this sense they may perhaps be seen as undermining the autonomy of their victims, even in a more narrow sense.

If this is right, then perhaps the best proposal is the general one that what is characteristic of paternalistic lies, as opposed to other forms of altruistic lying, is that they interfere with the autonomy of the person lied to in order to benefit them. On the other hand, some have argued that paternalistic action need not involve interference. Next, we turn to the question of whether paternalistic lies may proceed without interference.

6 Lying and Interfering

Even though influence on choices is arguably often a kind of interference, Scoccia (2013), (2015) argues that the fact that paternalism is characterized by influencing choices means that paternalism does not always involve interference with someone's autonomy. He gives the following example:

Consider a father who pays his teenage son \$50 for every random drug test he submits to and passes. The son willingly submits to the arrangement because it rewards him for doing what he says he would do anyway. The father believes that his son is sincere when he says this but distrusts his son's strength of will, suspecting that a monetary incentive is needed to help him choose

¹³See Velleman (1989, ch. 6) for a conception of autonomy of this kind. See also Kagan (1998, 111).

wisely in cases where he faces strong peer pressure to join the fun. (Scoccia, 2013, 75)

Scoccia thinks that “The father’s system of rewards for passed tests is surely paternalistic even though it may influence but does not “interfere with” the son’s prospective drug-use choices.” (ibid.) Examples like this motivate the view that paternalism may involve expanding options, creating new alternatives that were not present before. In turn, this is one way of arguing for the possibility of paternalism without interference. That is, examples of this kind can be seen as involving paternalistic actions that do not interfere with autonomy in the sense that they do not block choices or, more generally, inhibit self-governance.

Given that lying is typically thought to be one of the main tools at the paternalist’s disposal, it is relevant to ask whether there can be paternalistic lies that do not proceed by means of interference.

Deceptive lies can create the illusion of a situation like the one in Scoccia’s example above. One way this may come about is when a lie misinforms about the expected outcome of one or more options. For example, suppose the father in Scoccia’s example tells his son that his grandmother has promised to pay him \$50 for every successful drug test, even though he knows that she has never done any such thing. At first sight, this might seem, as in the original example, like a case in which a paternalistic lie influences but does not interfere with the son’s choices. Indeed, the son has the same choice as in the original example – he can do the drug tests or not. But in the lying case, he is deceived about the outcomes of one of the options.

However, many would probably think that the son is being manipulated in this case, and hence that this is enough to see the case as involving interference of the kind characteristic of standard paternalistic action. Indeed, it is common to remark that one way deceptive lying can manipulate is by misinforming about the available options. That is, not only can deception manipulate by obscuring options, or setting up the illusion of an option that is not in fact available, manipulative deception also sometimes works by misinforming about the consequences of certain (real) options. As Bok says, “the estimates of *costs and benefits* of any action can be endlessly varied through successful deception.” (Bok, 1978, 20) More generally, then, this may be a reason to think that deceptive paternalistic lying typically works by way of interference.

Can non-deceptive lies be examples of paternalism without interference? It is arguably hard to imagine cases of this kind. We have seen that non-deceptive lies may be used to paternalistically influence choices, as in the case of Burt’s lie to Alan. But, as we noted, this kind of case is naturally seen as involving paternalistic

interference, since the lie is used to restrict choices. On the other hand it is difficult to imagine a case in which a non-deceptive lie is used paternalistically to influence choices in the sense of impacting evaluation of the consequences of available options, as in the case of the father and son.

Even if writers like Scoccia are right that paternalistic action generally need not involve interference, then, we have some reason to think that it is a feature of paternalistic lying that it involves interference. We have seen that many deceptive paternalistic lies interfere by being manipulative. We also suggested that deceptive paternalistic lies that are not directly manipulative – like the lies told by the doctor or the police – can be construed as interfering given a broader notion of autonomy. And moreover, even though there are non-deceptive paternalistic lies, such lies appear to turn on interference for their effectiveness.

If paternalistic lying unavoidably, or at least almost always, implies interfering with autonomy, this may be expected to have implications for the moral status of paternalistic lying. The rest of this chapter discusses some of these implications.

7 Absolutism and Anti-Absolutism

A traditional view on the morality of lying has been that lying is never morally justified. Call this view *absolutism*.¹⁴ As opposed to this, many philosophers have defended the arguably more common sense *anti-absolutist* view that, although lying is often wrong, lying is at least sometimes morally justified. The most common kind of lying that has been thought by various types of anti-absolutists to be sometimes morally permissible is what we have called altruistic lying. That is, lies told in order to benefit others, in our general sense of either having positive value for someone or preventing harm. Lying to the murderer at the door, for example, is usually thought to be morally permissible – indeed, this kind of case is standardly used to motivate anti-absolutism.

Anti-absolutism about lying can take different forms.¹⁵ One kind of anti-absolutism stems from a view according to which, although lying typically violates particular *rights*, these may be overridden in particular circumstances. For example, one might think that paternalistic lying violates a right to autonomy, and yet at the same time hold that the right to autonomy is not absolute.

¹⁴Absolutists about lying include Augustine (1952 [395]), Aquinas (1922 [1265-74]), Kant (1996 [1797]).

¹⁵Defenders of Anti-Absolutism include Mill (1979 [1863]), Sidgwick (1966 [1907]), Ross (2002 [1930]), Carson (2010), Shiffrin (2014). See also Williams (2002), Carson (in press) for discussion.

Another kind of anti-absolutism is a deontological view that holds that, although there is a standing obligation or duty not to lie, the wrongness of lying can be outweighed by other factors in a given situation, for example, by the danger of someone coming to serious harm. Such a theory might include a principle that says that *pro tanto* one not to lie, where a *pro tanto* obligation is, roughly, an obligation that plays a role in determining what one ought to do, but which can be outweighed by other obligations or factors.¹⁶ Lying, according to this kind of anti-absolutist, is sometimes morally permissible, namely in situations where the *pro tanto* wrongness of lying is outweighed by other factors.

Finally, act consequentialists of various kinds will think, roughly, that lying is wrong when and only when there is another available course of action that will lead to a better outcome. Hence, even though one might think that lying often is not the available action with the best consequences, it might sometimes be, and in the latter cases lying is morally right.¹⁷

For the absolutist, since lying is never permitted, trivially, paternalistic lying is never permitted. To be sure, there might be views on which, even though paternalistic lying is already morally ruled out just by its involving lying, it also has other morally problematic features. Yet, for the absolutist, since lying is always wrong, paternalistic lying is always wrong. On the other hand, for the anti-absolutist there are particular questions that arise concerning paternalistic lying.

Specifically, for the anti-absolutist, a central question concerns whether there is, or can be, any moral difference between paternalistic lying and altruistic lying more generally. One view is that the kind of interference with autonomy that we have been considering is not special to paternalistic lying. Instead, it might be thought that lying *in general* constitutes a kind of interference with autonomy. For example, as we have suggested, one might think that deceiving someone is a way of interfering with their autonomy. And moreover, when non-deceptive lies have a point, their point is usually to influence choices or behavior more generally. So there may be ways of arguing that interference with autonomy is a feature of most lying, and not only the paternalistic kind. If one agrees with this line of thinking, one might be inclined to think there is less of a moral difference between paternalistic lying and other forms of lying, and in particular, other forms of altruistic lying.

¹⁶Ross (2002 [1930]) holds a version of this view. Ross's view is spelled out in terms of what he calls "*prima facie*" duties. However, As pointed out by Reisner (2013, 4), there are reasons to think that the way he uses this notion is more akin to how the notion of a *pro tanto* obligation is more standardly used. See also Reisner (2013) for discussion of the difference.

¹⁷This kind of view is found in Mill (1979 [1863]), Hare (1981).

The rest of this chapter considers some aspects of the issue of to what extent, if at all, paternalistic lying is morally distinct from other kinds of altruistic lying in relation to the three types of anti-absolutist views introduced above.

8 Paternalistic Lying and the Right to Autonomy

On some views the moral problem with paternalistic lying is that, by interfering with the autonomy of its target, paternalistic lying violates a moral right to autonomy. One school of thought considers moral rights to be absolutes in the sense of always overriding other moral considerations.¹⁸ If one thinks of rights in this way, and one also agrees that paternalistic interference invariably violates a right to autonomy, then paternalistic interference is never morally justified. In turn, therefore, paternalistic lying is never permissible.

There are versions of this kind of view that moreover commits one to wholesale absolutism about lying. Suppose you agree with the broad idea, mentioned above, that it is not only paternalistic lying, but most kinds of lying, that involve interference with autonomy. Given this, if the kind of interference we are considering constitutes a violation of a right to autonomy, then most lying involves violating such a right. Hence, this kind of approach might be thought to lead to absolutism about lying.¹⁹

In response one can restrict one's conception of the right to autonomy. For instance, one might appeal to a notion where the right only concerns governance of one's *own* life. If the right to autonomy is understood along these lines, it may be less clear that lying in general violates the right. Lying to the murderer at the door, for example, might be thought not to violate the right to autonomy, if one thinks that the murderer's decision to kill someone else is not a decision about her own life in the relevant sense. Hence, there may be ways of defending a view according to which an absolute right to autonomy rules out paternalistic lying, but does not invariably rule out other kinds of lying. Hence, this kind of view would imply a combination of absolutism about paternalistic lying and anti-absolutism about lying more generally.

On the other hand, others will be more attracted to a more global kind of anti-absolutism. One way of arguing for such a view is to accept that paternalistic lying violates a non-absolute right to autonomy. For example, Thomas Hill suggests that

¹⁸See, e.g., Dworkin (1984).

¹⁹Kant's version of absolutism about lying is often seen as stemming, at least in part, from a view of lies as violating rights. For discussion, see Mahon (2006), (2009).

the notion of a right to autonomy be understood as

a moral right against individuals (not the state) (a) to make one's own decisions about matters deeply affecting one's life, (b) without certain sorts of interference by others, (c) provided certain conditions obtain. (Hill, 1984, 257)

As Hill notes, the type of interference referred to in (b) of his characterization includes the kind of influence on choices we have discussed:

Among these interferences are illegitimate threats, manipulations, and blocking or distorting the perception of options. (ibid.)

In turn, clause (c) of Hill's characterization implies that the right to autonomy is not absolute, that is, it is not always wrong to violate autonomy. As he says,

The right of autonomy of individuals is also commonly understood to be qualified by a *proviso* that interference is not required to avert a major disaster or to prevent the violation of other, more stringent rights. (Hill, 1984, 259)

Hence, given this understanding, "Though important, autonomy need not be considered an absolute right." (ibid.)

If one thinks of the right to autonomy in this non-absolute way, then paternalistic interference might sometimes be justified. Of course, everything depends on which circumstances one is willing to count among those in which autonomy may be permissibly violated. Hill's suggestion – that the right may be violated in order to "avert a major disaster" – is deliberately vague. Yet it is not unnatural to interpret it such that, for example, lying in order to save someone's life is justified, even if it requires violating their autonomy. For example, consider the husband who lies to his wife about there being sleeping pills in the house because he is worried she might attempt suicide. This kind of paternalistic lying, even though it violates autonomy, might be thought permissible on this kind of view.

On the other hand, if the right to autonomy may only be violated in such acute circumstances, then to the extent that paternalistic lying involves interference, this kind of view will have the consequence that paternalistic lying is rarely morally justified. Hill gives an example in which a roommate lies to her friend in order to prevent her from getting back together with her ex whom the roommate considers to be bad for her friend:

The roommate manipulates her friend's decision (to call or not to call her "ex"-) by actively concealing pertinent information. If we accept the right of autonomy, this could only be justified if the reunion would have been so great a disaster that the right is over-ridden. (Hill, 1984, 262)

On this understanding of a right to autonomy, then, even though it is not absolute, it is only permissibly overridden in quite narrow circumstances.

9 Paternalistic Lying and Obligations

From a deontological point of view, anti-absolutism about lying might be grounded in acceptance of *pro tanto* obligations. As we noted, one type of view endorses a *pro tanto* prohibition on lying. As such, it can outweigh other considerations and it can itself be outweighed. Hence, a central issue concerns how this kind of *pro tanto* obligation interacts with other obligations and considerations in various circumstances. In particular, if there is a blanket *pro tanto* obligation not to lie *per se*, it might be asked if paternalistic lying is special morally.

In this connection, it is worth noting that the framework of *pro tanto* obligations can accommodate the idea that interference with autonomy plays a role in moral evaluation. In general, the connection between interference with autonomy and the wrong in lying is independent of any particular moral framework, or at least it can be accounted for by many different frameworks, including one that emphasizes moral rights and one that emphasizes obligations.

Consider again the case of lying to the murderer at the door. Since lying to the murderer at the door is not morally wrong (so we assume), the *pro tanto* obligation not to lie appears to be outweighed, in this case. As we noted earlier, this kind of lie is naturally seen as an example of what we called balanced lies. In particular, the obligation not to lie will usually be seen as outweighed by a consideration concerning the great harm that can be prevented by telling the lie.

Contrast this with Hill's example of the paternalistic roommate lying to her friend in order to prevent her from re-uniting with her ex. Most will think that this lie is harder to justify morally than the lie to the murderer at the door. In terms of weighing different *pro tanto* obligations, there might be two reasons for such an assessment. First, it might be thought that the reason is simply that in the roommate case the harm that can be prevented is less than in the murderer case. Indeed, many will think that, in general, the obligation not to lie is outweighed by considerations concerning harm only if the harm that can be prevented is quite severe.²⁰ Second, it might be thought that the reason has to do with the paternalistic nature of the roommate's lie.

One argument in favor of the first of these appeals to cases where the harm that can be prevented is more comparable to that in the murderer at the door case. Take

²⁰See Ross (2002 [1930], 41–42) for a suggestion like this.

the example of the husband lying to his wife about the sleeping pills. If one thinks that, while the roommate's lie to her friend is impermissible, lying to prevent suicide is morally justified, one has some reason to think that the difference between standard lying and paternalistic lying is not significant, when it comes to weighing moral obligations. Rather, the reason the roommate's lie is impermissible is that the harm that can be prevented by lying, in this case, is not great enough to outweigh the obligation not to lie.

Others will think that lying to the suicidal person is harder to justify than lying to the murderer at the door. One can try to account for this by endorsing a principle that says that *pro tanto* one ought not to interfere with autonomy. If there is such a *pro tanto* obligation, in addition to the blanket *pro tanto* obligation not to lie, then it might be thought that together they outweigh the considerations concerning harm in the sleeping pill case. Moreover, as we suggested earlier, if one understands autonomy as concerning decisions about one's own life, it is not obvious that they apply to the murderer at the door, and hence, in that case, the considerations against harm might only have to outweigh the obligation not to lie, without any force coming from considerations about autonomy.

Alternatively, it is sometimes suggested that interfering with someone's autonomy is just another way of harming them.²¹ If so, then perhaps those who think that the sleeping pill case and the murderer at the door case differ can argue that we do not need to endorse a specific obligation against interfering with autonomy. Instead, it might be thought that the reason the paternalistic lie in the sleeping pill case is wrong, while lying to the murderer at the door is not, is that in the former case the lie does more harm than good because of its interference with autonomy. Again, this presupposes an understanding of autonomy on which the lie to the murderer at the door does not interfere with autonomy – perhaps because the lie is not about an issue concerning the murderer's own life.

Still, others will feel that it is hard to see how the lie in the sleeping pill case could be said to do more harm than good, especially if it succeeds in preventing suicide. Given this, one might be inclined to either accept that the lie in the sleeping pill case is morally on a par with the lie to the murderer at the door – that is, both are permissible – or one might want to reinstate the idea of a special obligation not to interfere with autonomy.

²¹See, e.g., Kagan (1998, 112).

10 Paternalistic Lying and Consequences

For the act consequentialist, broadly speaking, paternalistic lying is more often wrong than standard altruistic lying only if, more often than in the case of standard altruistic lying, there is an alternative to paternalistic lying that would lead to a better outcome. This might be the case if paternalistic lying in and of itself carries with it a substantial negative effect.

Why should it do so more than other forms of lying? A possible answer is to say that paternalistic lying tends to leave the person lied to worse off than standard lying does. If one subscribes to the view, mentioned above, that interfering with autonomy is a form of harm, then one can endorse a version of a theory of well-being according to which harming someone typically counts as diminishing their well-being.

This kind of view again assumes that standard lying does not interfere with autonomy – or at least it does so less often than paternalistic lying. But even if this can be made plausible, it might still be doubted whether the act consequentialist can employ this kind of view to argue for a moral difference between paternalistic lying and other forms of altruistic lying.

Contrast again lying to the murderer at the door and the husband's lie about the sleeping pills. On a simple act consequentialist view, the former is right while the latter is wrong only if, in the sleeping pill case there is an alternative course of action to lying with a better outcome profile, whereas in the murderer at the door case, there is not. Of course, this might be so due to vagaries of the cases. Supposing we can screen such details off, though, the only way of maintaining a difference of this kind, it might seem, is to argue that it is better not to lie in the sleeping pill case because the harm inflicted by interfering with autonomy is greater than the harm incurred by the suicide (or even attempted suicide attempt). To the extent that this seems implausible, there is some reason to think that the act consequentialist will have a hard time arguing for a moral difference – let alone a principled one – between paternalistic lying and other kinds of altruistic lying.

As has often been observed, though, the act consequentialist nevertheless has many ways of resisting the common complaint that it allows lying whenever it is expedient. Consequentialists typically argue that, although lying is right when it is the course of action with the best outcome, lying tends to have bad outcomes. For example, J.S. Mill (1979 [1863]) famously argued that, even though lying might have good consequences in the short run, it tends to have bad consequences in the

long run.²² In particular, Mill thought that lying tends to make the liar less honest in general and, moreover, undermines trust in others.²³ Similarly, R.M. Hare says,

For example, it is only too easy to persuade ourselves that the act of telling a lie in order to get ourselves out of a hole does a great deal of good to ourselves at relatively small cost to anybody else; whereas in fact, if we view the situation impartially, the indirect costs are much greater than the total gains. (Hare, 1981, 38)

Carson (in press) argues that this implies that act consequentialism endorses a fairly stringent presumption against lying. This view does not count paternalistic lying as more rarely justified than standard lying, unless a further typical bad consequence of paternalistic lies is identified. If there is no such difference, then paternalistic lying is morally on a par with other kinds of lying, for this kind of theorist.

11 Conclusion

Paternalistic lies are a special case of altruistic lies for which the intended beneficiary of the lie is the person lied to. Further, a common view of paternalistic action implies that paternalistic lies are characterized by involving interference with the autonomy of intended beneficiary.

One idea is that the kind of interference involved is a form of manipulation. Manipulation is typically thought to be marked by involving deception. Yet paternalistic lying does not necessarily involve deception. One can lie to someone with the aim of thereby benefitting them but without intending to deceive them.

Given this, one conclusion is that paternalistic lying does not necessarily involve interference. However, it is at least hard to imagine cases of paternalistic lying – deceptive or non-deceptive – that parallel the kinds of cases that have been used to motivate the idea that paternalistic actions do not necessarily involve interference with autonomy. There is reason to think, therefore, that at least one key factor in what makes certain altruistic lies paternalistic – deceptive or non-deceptive – is that they involve interference.

According to the anti-absolutist about lying, it is at least sometimes morally permissible to lie. Different moral frameworks can provide different foundations for the further thought that paternalistic lies are among the lies that are sometimes morally permissible. The variations in these explanations depend, among other

²²On this, see Carson (in press).

²³See Mill (1979 [1863], 22–23).

things, on how individual moral theories view the status of interference with autonomy.

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