Does political lying corrupt democracy? And would it be illegitimate?

1. Introduction

1.1. This paper is rooted in a double observation

1.1.1. We observe a growing feeling of distrust toward public life and political representatives. This feeling of distrust has many causes of economical, social and institutional sort. It also encompasses a common spread feeling of collective disempowerment, which leads on its turn to a severe moral critique of political representative’s behaviors. Political representatives do not act the way they speak. They do not behave according to their electoral promises, not because they can’t but because do not intend to. Political representatives are considered corrupted not even because they succumb to bribery, but because they are hypocrites and liars.

1.1.2. As a former political advisor, I observed that political professionals do not always agree with the idea that lying is a moral sin or an illegitimate political strategy. A huge gap can be observed between the normative discourse on lying produced by the media and public sphere, and the normative discourse on lying coming from the sphere of political actors. Within the political sphere lying can be considered as a cause of harm or distrust. But it is also considered as a potentially legitimate tool, similar to necessary fouls in soccer or hockey.

1.1.3. This presentation will broach the following simple question: does political lying corrupt democracy, and more especially political deliberation? First, I will try to define the main characteristics of political lying. Then I will expose the general tenets of the debate, and the canonical reasons why political lying is supposed to be contrary to public deliberation. In a third move, I will expose why it would be a bad idea to sanction or banish political lying for deliberative reasons. I will suggest that the idea that political lying undermines the quality of the political discussion should be nuanced. The truthfulness of a political message might not be a relevant criterion for its value to be assessed. There can be a reasonable disagreement on both the desirability and harmlessness of political lying.

2. Political lying: a definition

2.1. We define political lying as a voluntary attempt to create a deceptive gap between the believed meaning of a political act and its perceived meaning. This definition encompasses two characteristics.

2.2. The first one is insincerity: since Augustine, the philosophical tradition defines lying as duplicity between the public word and the private intent, a false-believed publicly expressed thought and a true-believed concealed thought.

2.2.1. If this sense, political lying differs from political manipulation largely understood: pandering strategies, plebiscitary rhetoric, statistical data spinning, or invasive visual political marking devices can yield deceptive effects without the deceiver being insincere.

2.2.2. Nonetheless, such definition proposes a broad definition of lying, as it covers both the narrow notion of lying and the broader notion of hypocrisy.
   • Classically understood, lying bears on the content of the message: the liars shares a fact, a data, an argument he thinks to be erroneous. As for it, hypocrisy bears on the nature of the liars’ real position content.
   • According to the criterion of sincerity, political lying encompasses these two dimensions. And it encompasses these two dimensions because there is no clear-cut distinction between factual lying and hypocrisy as for political lying.
• Indeed, lying can be used to conceal the liar’s conviction, but also his interests or intents. The political actor can put on the table a credible/correct argument without its fits to his real normative position. He may express an insincere belief with a deliberately dishonest argument. He can develop a knowingly deficient argument in order to make prevail another opposite point de view he’s not allowed to defend publicly. Finally, he can lie on his interests and intentions while expressing his real convictions: so would it be for a political representative reaffirming his well known opposition to a free regulated weapons market while concealing short-term electoral considerations which dissuaded him to work on the subject till the next elections. Or instead, he can express his true intentions while lying on his true deep beliefs: it’s a classical political gimmick to question the “true” or “authentic” right/left wing identity of political representatives notwithstanding the effective reforms he carries out.

2.4 The second one is a deceptive intent. Using here Ekman’s definition, the liar is supposed to develop a « deliberate intent to abuse another, without any warning, and without the victim asked to do so »

2.4.1. Lying and deception often turn to be taken as synonyms: for Paulo for instance, lying is the “communicator’s deliberate attempt to foster in others a belief or understanding which the communicator considers to be untrue”. We think they cover both distinct and tightly linked ideas.

2.4.2. Deception and lying practices are distinct since it is possible to deceive without lying, when we juggle with the information selection process, or leave ambiguous the statute of the message emitter. For instance, the same sentence (ex: “the position of the government is unacceptable”) can have, different – and thus potentially misleading - but true-believed meanings if pronounced under different statutes such as member of the parliament, party spokesperson, political activist, etc. Shouting “you know me well” to its activist basis which is eager to be informed about his negotiation position, a political representative is maybe telling a true fact but diverts his audience from the real issue.

2.4.3. Nonetheless, deception and lying sustain of course a tight relationship. On one hand, insincerity does not suffice to define the act of lying – since this insincerity is transparent for the message receiver. On the other hand, deception is not only a possible consequence but the purpose of lying. In this sense, lying is different from distraction, secrecy, misunderstanding or the strategic use of argumentation.

3. Lying and public reason: the general issue

3.1. In order to assess if a lie is justified, we can envisage two levels of argumentation. First, we can examine whether they pursue a legitimate objective. Second, we can examine and whether these objectives are properly pursued. The fact is these two questions are precisely at the core of the disputed debates in political philosophy.

3.1.1. First, what is a justified objective? Distinguishing harmful lying from harmless/beneficial lying requires consensus on what a nuisance or a common good are. And thus, a consensus on what a moral or immoral, just or unjust, fair or unfair objective is. These issues may lead to a well constructed philosophical debate, but they face a persisting social disagreement.

3.1.2. Second, even if we know what a justified objective is, how to evaluate whether and to what extent such objective is fulfilled? Such evaluation is not only a matter of policy impact assessment. It requires also reaching a collective agreement on the best justified attainable way to reach it and, by extension, on the nature of the second best in a non-
ideal situation. The question must be resolved whether we favor the most attainable way to reach this objective or the highest possible benefit; whether we choose a long term uncertain gain or a short term predictable gain; or whether we must give priority to an option which approaches best the ideal objective or a solution which allows to set up its ideal conditions.

3.1.3. So, when we assume that lying is good when it is a white lie, it seems we presume what a white/positive lie is. On what basis can we build up a consensus on a white/positive lie is, or the least legitimize the meaning we assign to it? Political lying rephrases in its own way the question of social pluralism.

3.2. In order to answer this question, two options can be envisaged.

3.2.1. “All is fair in love and war”: the first option consists in distinguishing the rightness and the legitimacy of the decision (Swift, 2014).

- In this perspective, there can be a reasonable disagreement between our moral conceptions, between our conceptions of justice, but also between our conceptions of public reason – and even the opportunity to follow an ideal of public reason. As it is assumed that the public decision must fit with a general condition of impartiality/neutrality (Habermas, Larmore) or reasonableness (Christiano), we must consider that the notion of public reason can vary depending on the actor’s stances on rationality, political positions, cultural backgrounds: but reason is object to coincidental definitions (William). If we take seriously the fact that the notion of public reason must be shared by any reasonable person, we somehow presuppose what a reasonable person/behavior is: in this case, “Either one must impose on one person terms that she does not accept or one must require another to live under terms that he regards as fundamentally inadequate.” (Christiano, 2008, 211)

- Deliberation can be considered a factor of epistemic quality. It presents also an instrumental value, since and when public deliberation favors the course of a fair decision-making procedure. Nonetheless, since the definition of public reason can lead to a reasonable disagreement, there is no reason to reject bargaining or strategic activity in the framework of a legitimate political regime. And there is no reason to reject political lying onto itself, as lying is just part of the game.

- This opinion could be formed by a coherent in a “fair proceduralist view” (Christiano, 2008), by supporters of an “extended model” of deliberation (Masnbridge et al., 2011) or even by political realists. The idea is not that lying is good, but that it cannot be considered illegitimate a priori in a legitimate pluralist political regime. And the idea is not that the impact political lying exerts on deliberation does not matter, but that political lying must be fought to the extent to which they jeopardize the conditions of procedural fairness of the decision-making process.

3.2.2. This first option has my preference. For it to be supported we have nonetheless to consider a second possible set of consideration, according to which lying must be rejected because it corrupts the quality of the deliberation. This can occur in two situations. First, if we consider that rightness and legitimacy are linked, that it is possible to conceive the conditions of a right decision, and that a true exercise of public reason can thus determine the cases where lying is justified or not. Second, if we consider that deliberation is a factor of political equality, which is undermined by lying practices.

- Contemporary political thought has largely debated the concept of public reason, and more especially the concept of deliberation. The deliberative theories of democracy came up with the idea that legitimacy of the decision does not stem from the of the decisional authority quality of the habilitation but from the procedural justification of the decision-making process. And for this decision-
making process to be justified, its practical conditions must fulfill or approach the criteria of a true deliberation. In this perspective, the deliberative ideal doesn’t propose only a moral milestone but a mode of democratic justification which rests on its capacity to promote the equal participation of all and the reasonableness of the deliberation process. The deliberative ideal both builds up and justify the collective decision from the process through which the parties commit themselves to display arguments, defend them as valuable, and amend in the light of other parties’ positions. Deliberation requires from the parties to listen, take into account and possibly transform their views. This decentering process requires from then putting on the table valid-claimed arguments assumed as such. Thus, deliberation requires honouring the truthfulness of the message. Sincere motivations do not make a valuable argument. But be it for its classical (Cohen) or extended model (Mansbridge, Young), deliberation precludes any form of mystification or delusion.

- Political lying is not problematic because it serves illegitimate or immoral purposes but because it undermines the procedural conditions allowing us to judge the motives of this disagreement. Political lying brings out three possible negative effects on deliberation. 
  
  First, emitting a lie distorts both each party’s perception of reality. It locks the liar up in the spiral of a fictive and imaginary world. It leads the liar to persevere in his dishonest behavior.
  
  Second, the unveiling of the lie breaks the trust relationship existing between the parties. It weakens the liar’s personal credibility. It leads to reject the official even if it presents correct or relevant arguments. It discredits the liar’s unofficial (but true-believed) position, which even to its own eyes does not seem avowable enough to be publicly defended. Finally, it wears down the very conditions of a civil dialogue (Kant, Rousseau). Political lying undermines the bases of reciprocal respect the participants of the deliberation owe each other. It dissuades them to treat in good faith the arguments that are put on the table.
  
  Third, political lying would harm the principle of political equality. Indeed, deliberation is not a face to face situation. Most of the time, political lying is emitted from collective bodies (parties, unions, associations, parliamentary political groups, lobbies) at the attention to other collective bodies. In this respect, political lying is more difficult to track if it targets citizens who do not have enough time, information, social and financial resources to do so. Instead, it will be more effective if implemented by actors provided with enough resources to give full extent to political lying. This third argument deserves especially to be noted, as it applies both to option 1 and 2: lying should be rejected whether deliberation be considered as an intrinsic legitimacy criterion or for its instrumental value.

4. **En route to option 2: a decision is justified if compatible with public reason**

The arguments here above envisaged raise various questions that bear on both the statute of lying and the statute of political deliberation.

4.1. First, assumed lying is illegitimate, how could we legitimately fight it? Can we ban political lying?

4.1.1. In order to prove the existence of a lie, we must make sure the message is wrong, insincere and that it encompasses a deceptive intent. Yet, from Machiavel to Arendt (and passing by Montesquieu, Montaigne or Kant), we know that the reality of political activity
is hardly dissociable from its representation. For Arendt for instance, « the appearance of things – what is believed and heard by the others or by us – constitutes reality »\textsuperscript{xv}. On the one hand the coincidence between people’s acts and hearts is the unfindable key of political unity and general interest\textsuperscript{xx}: the actor’s sincerity is only a promise. On the other hand, deliberation does not rely on the actor’s interior or intimate virtue but on the mutual respect the actors experience between each other: in this regard, « what matters is not whether liberals are worse than they would like to appear, but whether they can be honest with themselves about the gaps that are bound to exist between the masks of politics and what lies behind those masks »\textsuperscript{xxiii}. Personal transparency is neither provable, nor attainable nor desirable in a pluralist society.

4.1.2. Of course, sincerity and transparency cover distinct ideas. Transparency designates a state of self coincidence and total porosity with the others, where sincerity only designates a requirement of integrity in the way we express our beliefs. Sincerity does not require revealing the content our deep down inside thoughts\textsuperscript{xxiv}. When engaging a discussion, we can have different motives. We are maybe not fully aware of all these motives. Finally, the human reflexivity maintains an irreducible distance between the subject and himself: willing to be spontaneous is maybe the most reflexive move we can adopt. In this framework, the principle of sincerity designates less the absence of gap between what is said and what is thought than a general attitude of good faith.

4.1.3. However, defining sincerity as a general principle of goodwill only reports to the next level the difficulties set off by political transparency. Indeed, how to ensure – or the least, promote – the actors’ good faith? If we admit sincerity is not only a moral injunction or a hypothetical mode of justification, but a practical normative objective that ought/could be implemented in the social world, we should be normally led to imagine incentive processes or constraint devices that would bring the actors to adopt a “correct” behavior. The deliberative dynamic designates the institutional processes that lead the citizen to fit with the criteria of the public reason, among which we count the principle of good faith\textsuperscript{xxv}. These processes may serve of course a broad and non coercive conception of deliberation. Nonetheless, they still rely on the idea that the forms of collective communication do not only have to be fair but – taking Habermas’ word – “appropriated”\textsuperscript{xxvi}. They must strive for a certain way to articulate a reasoning, to behave with the other parties, to orient the collective learning process toward “suitable” practices. The principle of good faith assumes that implementing sincerity devices would be possible, assessable and – the least - desirable.

4.1.4. Yet, willing to be sincere is in no way more solvable than sincerity itself. On the one hand, it is more than difficult to prove such a will. On the other hand, the definition of a sincere will can itself be object to a reasonable disagreement. Finally, driving the actors to fit with this principle of good faith undermines of course its authentic character of such, since it makes depend individual’s good faith on an external constraint rather than the inner move of his subjectivity: the injunction « be sincere! » - or similarly, “deliberate!” – is contradictory in its terms.

4.1.5. Provisional conclusion. First, it is extremely difficult to define a good faith behavior, and to detect a bad faith behavior. Second, pretending to impose/ trying to ensure a good faith behavior turns to be internally inconsistent with the deliberative ideal itself.

4.2. Of course, it is not because proving somebody’s lying is difficult that lying practices cannot be sanctioned: as it is the case with the impeachment procedure in the United States of America, a liberal constitutional regime may impose legal sanctions to the use of political deception. And it is not because we would refuse to forbid political lying that it is beneficiary for public deliberation: even if we exert only limited and non coercive ways to promote deliberation, we can choose to promote sincerity as much as possible. Assuming it is possible to find legitimate legal ways to fight political lying, does it mean however
that political lying is illegitimate? If the conditions of a true deliberation come to constitute the legitimacy criteria of a political decision, may we not have a reasonable disagreement on the circumstances in which political lying fits or not with these conditions – and thus, fits or not with the idea of public reason? Various canonical philosophical arguments give us unexpected paths to think it is the case. They are backed besides by some counter-intuitive arguments, which deserve however to be taken into account.

4.2.1. A first argumentation line leads to say that political lying can be usefully treated in the framework of a well functioning democratic public space.

- To this end, a first point consists in prolonging Mill’s argument on free discussion. As noted by Mill, “there is the greatest difference between presuming an opinion to be true, because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation.” Freedom of expression must be applied thus both to true and false opinions because the nature of a true/wrong opinion is subject to controversy but because expressing a dishonest opinion also contributes to a clearer and more vivid impression of truth.

  a) Mill’s argument is ambivalent, as it stages itself both as a de facto analysis and a moral hypothesis; but also because it regards only possibly wrong or true beliefs, and not possibly sincere or insincere beliefs. Mill does not appreciate lying practices.

  b) Nonetheless, it seems possible to prolong the general line of the argument to the peculiar case of lying. The first part of the second chapter never takes people’s honesty for granted. The second part of the second chapter clearly specifies that free speech does not regard only the content of the position but also the way they are expressed.

  c) In the same line of Mill’s advocacy, free speech both allows to dismiss lying practices at the benefit of true opinions, and leads to their possible existence - as the difference between a true and a wrong opinion cannot be a priori determined. Publicity constraints the liar the same way it does for the honest person.

  d) The argument does not consist only in saying that lying can be efficiently fought in a well-functioning democratic framework. It leads us to distinguish the relationship between political lying and the deliberative ideal from the relationship between political lying and deliberative democracy/deliberative systems. Lying is maybe bad in the perspective of a pure deliberation. In the practical framework of a political society endowed with mass media actors, civil society and public opinion, it can however contribute to the quality of the discussion better silence or secrecy. It can thus present an epistemic interest on its own.

First, and like any other political message, debating a deliberately false argument helps to clarify the other parties’ motivations. It marks out what would be a patently/manifestly unacceptable opinion. By contrast, it allows sharpening the arguments we choose to oppose.

Second, it compels the liar to defend his lie as being true, and sincerity as presenting positive value. Having to affect his good faith, the actor is brought to submit himself to the formal rules of deliberation.

Third, and even if does not justify in any way lying practices, the possible disclosure of lying forces its author to both justifying his real position and the reasons why he lied.
• There is also a second argument leading us to prefer lying to secrecy, which is given by Montaigne. For the French philosopher and diplomat, the truth of a tale counts sometimes less than the benefit our reflection gains from it\textsuperscript{xxiii}. Pushing a step further the intuition according to which public debate can exhume something true from something wrong, a second argument would consist in claiming that even the most fallacious lie can contribute to create authentic political objects and/or valuable issues.

a) Taking Kant’s word, Habermas defines imagination as a decentering capacity. Such decentering capacity is supposed to be the substrate of the intersubjective communication. For it to be made possible, the actors must however take for granted that the other parties debate from validity claims assumed as such. That is the reason why Habermas precludes the use of confidence-trick or rhetoric\textsuperscript{xxiv}.

b) Nonetheless, it we take seriously this definition of imagination, we could perfectly conceive that imagination just designates the action of building up something – ideas, arguments... - which is not present and actual. In that case, why would not it be possible to envisage lying as a creative tale amongst others? And why couldn’t this creative tale contribute to what Charles Taylor calls a “social imaginary”, that is to say a global narrative that describes both a putative description of the world, a legitimating discourse and a prescriptive pattern for action?

c) As illustrated in recent history, creating a true world through a creative tale is both an uncertain move and the common trademark of ideological manipulation. The fact is a false-believed assertion can have a positive influence on the content of the public debate, when it allows an otherwise neglected issue to be discussed (ex: pretending that basic income can be funded by our social security system despite the fact it is not the case helps the measure to be taken in consideration). It can even influence the feasibility of the proposed false-believed measure/idea, as the discussion can influence the circumstances that make this measure false-believed.

N.B: in both cases, there is thus a difference with the “fulfilling force of prophecy” (FFP) effect. The FFP depends of the good faith of all the concerned actors. Our argument refers to the cases a false-believed assertion is judged credible enough to be discussed.

4.3. These two first arguments tend to show that lying can cope with the functioning of democratic institutions, and can even present some opportunities for the discussion. But it doesn’t follow/mean that lying must be preferred to honesty. First, this is not because lying has to be preferred to silence that it is desirable as such: in this framework, what if we turn to observe what Mill calls “the consolidation of lying”? What if lying ends by winning? Second, silence is not the only alternative to lying. The actor can choose – or be forced – to tell the truth.

4.3.1. Two arguments allow us however to nuance –for the first one - and contest – for the second one – these objections. The first one bears on the object of lying, be it a fact, an argument or a personal position. It assumes that it is possible to be both lying and telling the truth, and that these true facts/beliefs would maybe not expressed if they were pronounced by a good faith actor. If we consider that deliberation implies above all collecting as many epistemic inputs as possible, we might have good reasons to leave open the possibility of lying:

• This is the case when the liar is mistaken on its own lie, since it is possible to tell the truth without willing it or knowing the truth: in Sartre’s “Le Mur”, Pablo Inerta helps
the police to capture his friend Gris while giving them inadvertently the true place of his hideout.

- It is also the case when lying contributes to reveal the liar better and deeper than if he was sincere. As Arendt wrote, « the appearance has for double function to dissimulate the inside and reveal a surface »\textsuperscript{xxv}. Choosing a mask reveals the subject. Pseudo-expert, self-claimed opponent to the wooden tongue, equivocal ironist: political lying offers a fertile ground to understand better the way the liar wishes, believes or wants to be perceived. It even contributes to mould the liar’s identity: for lacan, the mask is the person\textsuperscript{xxvi}.

- Finally, the liar can make strategic use of a partial truth in order to reinforce is misleading effect. As envisaged before, the gap between the misleading message and the liar’s own true-believed conviction can play at different levels. Lying on an opinion could turn to be more efficient if the false-believed argument is covered by correct statistical data. Reversely, lying on data will pass better if supported by a relevant argument. Finally, the use of dual langage allows shaping a simultaneously correct and misleading message: thus, the « langage d’Esope » of the sovietic era constituted this « langage indirect auquel les révolutionnaires avaient recours pour échapper à la censure tsariste, et qui réapparait dans le parti bolchevik (...) lorsqu’il s’agit d’éviter, par « patriotisme de parti », que les conflits à l’intérieur du Politburo ou du Comité central ne filtrent au dehors du parti: masquant sous une apparence anodine une vérité cachée que tout militant suffisamment cultivé sait déchiffrer, le langage d’Esope peut faire l’objet, selon des destinataires, de deux lectures différentes »\textsuperscript{xxvii}.

- The liar can use truths in order to reinforce his lie. In this framework, the partial truths that come along with lying practices are not only deliberative last resorts. They wouldn’t have been exhumed in the absence of lying.

4.3.2. The second argument refers to the possible effects of lying on intent, or what is called « hypocrisy » by the philosophical tradition.

Indeed, people lie because they assume their counterparts could believe them, or do as if they were: according to Elster, disguising private arrangements in order to make them publicly acceptable is ineffective if we are not convinced that the public calls for impartial arguments\textsuperscript{xxviii}. Reversely, « if all appeals to the public interest were hypocritical and were known to be so, they could not persuade anyone and nobody would bother to make them

- Sincerity can undermine the quality of collective argumentation. As, candor and Frankness reveal our deep or intimate beliefs, they can lead to hardly resolvable moral conflicts\textsuperscript{xxix}. As put forward by Fung or Sunstein, the discussions which aim to encourage and clarify individual preferences can make the parties less flexible, more tightly attached to their particular interests, less open-minded to transformative action\textsuperscript{xxx}.

- Reversely, it can be useful to conceal his real point of view in order to make it more acceptable for the other parties, and defend it with mutually acceptable yet not believed public interest arguments. If the best way to put forward my personal and/or private interest implies pretending to defend the general interest, I could take advantage to form and propose impartial arguments: the strategic use of impartial arguments favors the consensus, increases the cost of discovering the liar’s true interests and positions, allows to rally the undecided parties in the case of contradictory debates\textsuperscript{xxxi}. Public deliberation presses the actors to adopt publicly justifiable points of views, the least for the most common objections\textsuperscript{xxii}. Elster’s “civilizing force of hypocrisy” does not have for sole objective to protect our partial interests. As an coincidental effect, it tends to promote an impartial
argumentation – or the least, that an impartial argumentation is preferable (see Kant and Mill)

- Of course, impartial arguments can be presented with sincerity. Besides, it is possible to be straightforward on its well-anchored convictions and personal interests, while looking for a common discussion ground on the basis of mutually acceptable impartial arguments. Nonetheless, the “civilizing force of hypocrisy” is no less effective if the actor chooses to lie on its real beliefs and positions in order to make his advocacy more efficient (N.B: favors an integrative negotiation). It confirms the least that both the quality and force of the argument can be indifferent to its truthfulness.

---

i. Saint Augustin, *Du Mensonge*, Livre 3, chapitre 3
iii. For Cohen, the deliberative procedure « is meant to provide a model for institutions to mirror (...) and not to characterize an initial situation in which the terms of association themselves are chosen » (Cohen, Joshua, « Deliberation and Democratic Legitimacy », p. 92); voy. aussi Habermas, Jürgen, *Droit et démocratie*, pp. 389-390;
xiii. Revault d’Allonnes, Myriam, *Doit-on moraliser la politique ?*, p. 57 (et plus largement, pp. 49-62)
xx. Mill, John Stuart, *De la liberté de pensée et de discussion*, p.13
xxi. Que le silence découle d’une simple préférence de l’acteur ou de la décision d’éviter les sanctions politiques/légales associées à la découverte du mensonge.


