

CHAPTER SIX

MACINTYRE AND KOVESI ON THE NATURE OF MORAL CONCEPTS

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1. *Kovesi, MacIntyre and Ways of Doing Philosophy*

Julius Kovesi was a moral philosopher contemporary with Alasdair MacIntyre, and dealing with many of the same questions as MacIntyre. In our view, Kovesi's moral philosophy is rich in ideas and worth revisiting. MacIntyre agrees: Kovesi's *Moral Notions*, he has said, is 'a minor classic in moral philosophy that has not yet received its due'.¹ Kovesi was not a thinker whose work fits readily into any one tradition. Unlike the later MacIntyre, he was not a Thomistic Aristotelian, nor even an Aristotelian. He saw his viewpoint as Platonic, or perhaps more accurately as Socratic.² His writings, unlike MacIntyre's, have little to say about justice.³ However, Kovesi did offer a theory of practical reason. His main contention was that all human social life embodies a set of concepts that govern and guide that life, concepts without which that life would be impossible. These include our moral concepts. For Kovesi, moral concepts are not external to, but constitutive of social life in any of its possible forms. But in the course of his argument he also developed a way of thinking about how concepts work, which we term 'conceptual functionalism', and which we will elucidate.

Moral Notions is a short book, and, while it is about moral concepts, one might fairly say that there is in it not much extended discussion of any particular moral concepts. Those of us who think it an important book have the task of showing how its tersely-made arguments can be expanded

¹ Personal communication to Alan Tapper, 6th April, 1999.

² His 'Socratic' background is to be seen in the papers on Plato included in Julius Kovesi, *Moral Notions* (Christchurch: Cybereditions, 2004), pp. 119–41, but it also relates to his Socratic way of asking questions.

³ See especially MacIntyre, *After Virtue: A Study in Moral Theory*, 3rd edn (London: Duckworth, 2007), pp. 244–55; and *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1994), pp. 1–12, 103–23, 389–403. See also David Miller, 'Virtues, Practices, and Justice', in John Horton and Susan Mendus eds, *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Cambridge: Polity Press, 1993), pp. 245–64, and pp. 284–86.

and applied. This is what we will attempt to do in this paper, drawing upon some well-known work by MacIntyre, and showing what we think is Kovesian in spirit in MacIntyre's work, because he never explicitly adopted Kovesi's approach or employed Kovesian notions such as that of a formal element. The idea of a formal element is Kovesi's central idea, and we will explain it further later in this essay.⁴ We will take an example of a moral or partly moral concept, the concept of lying, which both Kovesi and MacIntyre have discussed.⁵ Naturally, we are not pretending to give a complete analysis of this concept. Our point is to show in what direction we think further discussion needs to go.

Philosophy can be done in a number of different ways, taking a number of different forms, and MacIntyre does not always follow the same procedure in his work. One thing that philosophy can do is to clarify a dispute, even if it does not settle the dispute. This is a task that MacIntyre takes on at times, as in his lecture on patriotism:

One of the central tasks of the moral philosopher is to articulate the convictions of the society in which he or she lives so that these convictions may become available for rational scrutiny. This task is all the more urgent when a variety of conflicting and incompatible beliefs are held within one and the same community [...] [T]he first task of the moral philosopher is to render explicit what is at issue in the various disagreements.⁶

But, even then, MacIntyre is concerned to put the relevant concept (in this case, patriotism) in the context of other concepts:

To say this is to draw attention to the fact that patriotism is one of a class of loyalty-exhibiting virtues (that is, if it *is* a virtue at all), other members of which are marital fidelity, the love of one's own family and kin, friendship, and loyalty to such institutions as schools and cricket or baseball clubs.⁷

This approach is very similar to the method advocated by Kovesi, looking for groups of concepts and for what makes the concepts a group. MacIntyre does not always follow this procedure, and it plays little part in

⁴ For further discussion see R. E. Ewin, *Reasons and the Fear of Death* (Lanham: Rowman and Littlefield, 2002), pp. 27–47.

⁵ Julius Kovesi, *Moral Notions* (London: Routledge and Kegan Paul, 1967), pp. 92–143, especially pp. 103–11; 2004, pp. 68–103, especially pp. 75–80. Alasdair MacIntyre, 'Truthfulness and Lies: What is the problem and what can we learn from Mill?' and 'Truthfulness and Lies: What can we learn from Kant?', in his *Ethics and Politics: Selected Essays, Volume 2* (Cambridge: Cambridge University Press, 2006), pp. 101–42.

⁶ MacIntyre, *Is Patriotism a Virtue?*, Department of Philosophy, University of Kansas, Lawrence, 1984, p. 3.

⁷ MacIntyre, *Is Patriotism a Virtue?*, p. 4.

his discussion of patriotism, but he often does consider concepts that go together and seeks the point of their being grouped together. So we do see similarities between his work and Kovesi's, similarities we shall try to draw out while showing how Kovesi's approach in terms of concepts and formal elements takes the discussion further, in ways that will emerge.

2. *MacIntyre's Account of Lying and Truthful Relationships*

In his discussion of lying and truth-telling MacIntyre's method is to start not from moral concepts but from moral theories, those of Kant and Mill. Towards the end of the discussion, he offers an account of the ethics of lying that, he says, contains elements of Kantian morality while also agreeing with elements of J. S. Mill's views on the subject.⁸

Truthfulness is good and lying is wrong, MacIntyre says, for three kinds of reasons: lack of commitment to truthfulness can corrupt and destroy the integrity of rational social relationships; truthfulness is necessary because it makes trust possible, especially in the giving and receiving of criticism of existing social practices; and truthfulness is a virtue that helps us to hold in check the power of phantasy, which 'can be and often is used to disguise and to distort our activities and our relationships and has the effect of deforming them'. His view is summed up in the idea that 'in any relationship in which the goods of rational persons are to be achieved, the truthfulness of those participating in that relationship will be of crucial importance'.⁹

MacIntyre's discussion of Mill and Kant is not, by and large, germane to our discussion here; what concerns us is his building up of his own account of the wrongness of lying when it *is* wrong. In this account he introduces two cases that, he thinks, illustrate the way in which 'universal and general principles' that we normally accept have on occasions to be rejected. The first is that of a Dutch housewife during the Nazi occupation who, when her Jewish neighbour was about to be taken away to a death camp, took the neighbour's child into her own home and promised to take parental responsibility for the child. When asked by a Nazi official whether all the children in the household were her own, she lied by saying that they were. MacIntyre's second example is of a Massachusetts single mother who faced obviously serious threats, made by a violent former lover, to the life

⁸ MacIntyre, *Ethics and Politics*, pp. 139–40.

⁹ MacIntyre, *Ethics and Politics*, p. 137.

of her small child. She responded by shooting the man and killing him.¹⁰ Given that in neither case could the life of the child be saved without the woman's taking the action that she did, MacIntyre says, either woman would have failed in her duty with respect to the child had she acted differently. People who agree with him in these judgements, he says, can escape charges of 'moral superstition' in doubting the principles prohibiting lying and killing if they can produce a well-founded principle that can provide justification for the particular judgements.

The formulation of such principles has to begin from a very different starting point from that from which Kant set out. Instead of first asking 'By what principles am I, as a rational person, bound?' we have first to ask 'By what principles are we, as actually or potentially rational persons, bound in our relationships?' We begin, that is, from within the social relationships in which we find ourselves, the institutionalized relationships of established social practices, through which we discover, and through which alone we can achieve, the goods internal to those practices, the goods that give point and purpose to those relationships.¹¹

There are points to notice here for comparison with Kovesi. One is that MacIntyre seeks principles, by which, it emerges later, and as is suggested by the two examples above, he seems to mean rules. The relationship between rules, principles, and concepts is a main theme of *Moral Notions*.¹² Another is that, like Kovesi, MacIntyre places the issue firmly into a social context. And the third is that, even in the social context, he seems to emphasise the notion of *rationality*. A little later, he goes on to say:

From this moral point of view that I have been sketching the evil of lying then consists in its capacity for corrupting and destroying the integrity of rational relationships.¹³

For MacIntyre, this provides the point of being concerned about the evil of lying (when it is evil) and also explains why the exceptions, such as the Dutch housewife, must be treated as an exceptional case in which lying is required. And it cannot really be an exception to any satisfactory rule; the point generating the rule must generate a rule that accommodates such

¹⁰ MacIntyre puts these two examples together in his discussion of lying despite the fact that the second is clearly not an example of lying. That he does so suggests an awareness of the problem Kovesi dealt with through the notion of savingdeceit (which we shall go on to discuss in the next section), but MacIntyre did not follow that route because of his concern with rules rather than concepts.

¹¹ MacIntyre, *Ethics and Politics*, pp. 135–36.

¹² See Kovesi, *Moral Notions*, chapters 3 and 4.

¹³ MacIntyre, *Ethics and Politics*, pp. 138.

cases as that of the Dutch housewife. MacIntyre's suggestion here is dealing with a point close to what Kovesi refers to as the formal element of a concept, but it is not quite the same as what Kovesi means by that term. As we will explain, Kovesi thought that lying should be seen as an 'incomplete' moral concept, so for him the formal element of the concept of lying cannot be elucidated in terms of the evil of lying. MacIntyre sums up his conclusion by describing the relevant rule this way:

It would be misleading to state it as though its form was 'Never tell a lie except when ...' For this would suggest that we were first formulating a rule and only later, as a second thought, introducing an exception. But this is a mistake. The rule that we need is one designed to protect truthfulness in relationships, and the justified lies told to frustrate aggressors serve one and the same purpose and are justified in one and the same way as that part of the rule that enjoins truthfulness in relationships. [...] The rule is therefore better stated as 'Uphold truthfulness in all your actions by being unqualifiedly truthful in all your relationships and by lying to aggressors only in order to protect those truthful relationships against aggressors, and even then only when lying is the least harm that can afford an effective defense against aggression.' This rule is one to be followed, whatever the consequences, and it is a rule for all rational persons, as persons in relationships.¹⁴

Lying is not wrong when it is necessary to protect truthful relationships against aggressors. In those circumstances, lying is a duty if the relationship being protected is one that I have a duty to protect, such as a mother to her child, or a guardian to her ward. This account, MacIntyre thinks, is not at all *ad hoc*. It is such that it '*both* generally and indeed almost always prohibits lying *and* yet requires it on certain normally rare types of occasions.'¹⁵

3. *Kovesi on the Concept of Lying*

Kovesi's account agrees with MacIntyre in contending that lying is not always wrong. It is not wrong in the case when the falsehood is used to

¹⁴ MacIntyre, *Ethics and Politics*, p. 139. The notion of a truthful relationship is a little puzzling here. It is clearly not simply a relationship in which one tells the truth, since one could then have a truthful relationship with the aggressor. It is more like a morally proper relationship, as is suggested by MacIntyre's earlier remark (p. 136) that truthfulness in relationships is not independent of other virtues. But the point we want to raise here is a slightly different one. Kovesi deals in concepts, and MacIntyre is dealing in rules. A rule is not the right instrument here.

¹⁵ MacIntyre, *Ethics and Politics*, pp. 134.

prevent an injustice, as when it is 'saying what is not the case in order to save the life of an innocent from a maniac'.¹⁶ The life saved is not that of a wrongdoer being sheltered from police; it is the life of an innocent being sheltered from a wrongdoer. Sheltering a wrongdoer may indeed be a way of saving a life, but saving a life is not the point of Kovesi's example. The point is the prevention of injustice, and the saving is saving a life threatened by injustice. The lie in that case is serving the ends of justice, and that is what makes it not wrong—not even slightly wrong. The liar may regret having to lie, but he should not regret lying, since the act itself is not in any degree wrong.

Moral Notions is an account of concept formation and how concepts serve our moral and rational purposes. To illustrate how concept formation might work in the problematic sort of case posed by the need to shelter an innocent person, Kovesi invents a concept which he calls 'savingdeceit'.

Problems like this are sometimes represented in terms of 'conflict of principles'; we have the principle 'lying is wrong' and also 'lives ought to be saved.' Let us suppose now however that we had a single term by the help of which we can state that a life is being saved by means of a deceit. Other instances of this act could be to dress the intended victim as an old woman or to put a wardrobe in front of the door where he is hiding. We might call these instances of 'savingdeceit,' and instances of savingdeceit are not instances of lying. We could apply our test of asking what one would do instead of an act of savingdeceit.¹⁷ One might try to ring the police or bolt the doors or frighten the maniac with a gun. If we have not got a gun to make the maniac go away we might think of another tool that can achieve the same end, we could use language. One way of making the maniac go away is by means of savingdeceit. In some cases the material elements of the notion of lying and that of savingdeceit may coincide but they amount to different acts.¹⁸

To see his point we need to see how he thought concepts work. There is no clash between lying and savingdeceit except at the level of what he called the 'material elements' of the concepts. The material elements of a good act, savingdeceit, may sometimes coincide with the material elements of what is normally a bad act, lying. But the appearance of conflict is resolved if we think about the point or 'formal element' of these concepts.

¹⁶ Kovesi, *Moral Notions*, 1967, p. 110; 2004, p. 80.

¹⁷ This 'test' is discussed further below. Kovesi held that we understand concepts in terms of 'what would count as the same' and 'what we would do instead' in diverse contexts.

¹⁸ Kovesi, *Moral Notions*, 1967, pp. 106–07, see also pp. 103–11; 2004, p. 78, see also pp. 75–80.

The concept of savingdeceit has the point of avoiding or preventing injustice. The concept of lying has the point of identifying mistruths that might, with further specification, amount to injustice. In that sense it is an 'incomplete' moral concept.¹⁹

Here we need to explore further Kovesi's account of concepts and meaning. He distinguished between 'complete' and 'incomplete' moral concepts, giving murder and cheating as examples of the first, and lying as an example of the second:

when x is a moral term, the judgment 'x is always (or sometimes) good' tells us about the logical and conceptual features of the term x; it tells us whether the term specifies an act from the moral point of view and to what extent it does this. When the term is a complete term, complete from the moral point of view, then 'right' and 'wrong' function like reminders, they signify that our term has been formed from the moral point of view. When our term is incomplete, or open to further specifications from the moral point of view, then we use 'right' and 'wrong' to discriminate and distinguish from the moral point of view between different instances of the act referred to by the incomplete term.²⁰

Consider what Kovesi says about the open texture of concepts.²¹ Consider the concept of murder. There are many ways in which one can murder somebody: one can shoot him with a gun; one can shoot him with a bow and arrow; one can shoot him with a crossbow; one can stab him with a knife; one can stab him with a pitchfork; one can stab him with a screwdriver; one can stab him with an icicle; one can hold his head under water for fifteen minutes (or an infinite list of other possible times); one can starve him; one can garrotte him with clothesline; one can garrotte him with fishing line; one can poison him with arsenic; one can poison him with cyanide; one can poison him with a great many, possibly unlimited, other substances; some perhaps not yet discovered; and so on. The list ends with 'and so on', and so it *must* end. People are relatively fragile creatures, but ingenious; somebody who comes up with a new way of killing somebody (consider charges of grievous bodily harm laid against people for attempting to infect others with HIV) will not be able successfully to plead not guilty to a murder charge on the ground that his method is not

¹⁹ We might or might not consider the relationship of lying to the concept of honesty, a moral concept which itself comes under the concept of justice. In very many cases our first judgement is that a lie is dishonest, but the Dutch housewife could not be accused of dishonesty; what she did was in no way unjust.

²⁰ Kovesi, *Moral Notions*, 1967, p. 124; 2004, p. 90.

²¹ Kovesi, *Moral Notions*, 1967, pp. 50–51; 2004, p. 39 and elsewhere.

on the list. What the formal element of a concept gives us, on Kovesi's account, is a way of arguing out each particular case and of deciding what is relevant and what is not; it gives a way of sorting out what sort of facts (material elements) are relevant to showing an action to be unjust, cruel, etc. The *point* of MacIntyre's rule does much the same if we set aside the rule he uses to formulate it, which is why his approach here is similar to Kovesi's but his approach is not the same because he stays with rules rather than dealing with concepts.²²

4. *MacIntyre's Rules and Kovesi's Concepts*

Kovesi, then, deals with what might appear to be quite disparate cases, but cases that *amount to the same thing*. They are all, for example, despite having different material elements, cases of injustice. The problem of how cases with different properties can be brought into one grouping arises just as much with MacIntyre's rule as it does in the case of murder: to show that his rule applied to cases with differing features, he would, in effect, have to find the formal element that brought them together. This is especially the case if we consider his background point: more is required for social relationships than simply telling the truth. Even in the area of whether one tells the truth, questions arise about how the rule will apply. Should one have told the truth? Should one have remained silent? If, at the presentation of Nobel Prizes, I am for some reason on stage, and whisper (quite falsely) to a proud recipient as he moves forward to accept his award that his flies are undone, does the rule cover that? It embarrasses the recipient and does no other harm, and I gain no unfair advantage. Suppose that, rather than whispering the lie, I am off-stage at the presentation and do *not* whisper to the recipient when he is about to go on stage that his flies are undone when, in fact, they are, does that come under the same rule? In either case, the reasons might be various: perhaps I just have a warped sense of humour; perhaps I want to see the Nobel Prizes ridiculed; perhaps I wanted to win that particular Nobel Prize and am being spiteful; or there might be many others. If a country's chief financial officer in a closed economy plans to devalue the currency, but when asked if he has such plans lies by saying that he has not, does that come under the rule?

²² Kovesi's form of argument has wide implications. It will count, *mutatis mutandis*, against any rules-based approach to ethics, including standard forms of utilitarianism and Kantian ethics.

He is not, as was the Dutch housewife, protecting anybody from physical aggression, though he is stopping a charge at the currency market. And so on. Rules are not the correct focus of attention in such matters. As Hobbes pointed out, all rules stand in need of interpretation; we need to think in terms of the appropriate light in which to interpret them, to find what is relevant and what is a reason.²³ This is the task undertaken in seeking the formal element of the concept involved, be it murder, lying, or whatever.

MacIntyre writes of the point of a rule, in terms of which the rule is to be interpreted, but this effectively makes the statement of the point the over-riding rule: do whatever promotes truthful relationships, with telling the truth or lying being simply a number of cases in which that aim can be pursued or not pursued. Compare Kovesi's approach:

The sense in which a complete moral notion provides us with a principle is the sense in which it enables us to say that the following two are examples of the same act: saying what is not the case in order to bring punishment on someone for an act for which he is not responsible, and saying what is not the case in order to gain a benefit to which I am not entitled; but on the other hand saying what is not the case in order to save the life of an innocent from a maniac is not an example of the same act.²⁴

Here the 'principle' at work involves ideas of entitlement and responsibility—that is, presumably, rights and duties.

On Kovesi's account, the lower level concept is a more specific case of the more general concept: not all injustices are murders, but all unjust killings are murders.²⁵ And the more general concept is not merely instrumental. It might be very important that we have the concept of justice (and a sense of justice) because, without them, we could not have a social life and no individual person would be able to pursue his or her own interests at all effectively. But even if that is, in Kovesi's terms, the formal element of the concept of justice, the concept of justice is not the concept of what promotes or makes possible social life; the formal element does not

²³ Thomas Hobbes, *Leviathan* (London: Andrew Crooke at the Green Dragon in St Pauls Churchyard, 1651): 'All Laws, written, and unwritten, have need of Interpretation' (p. 143).

²⁴ Kovesi, *Moral Notions*, 1967, p. 110; 2004, p. 80.

²⁵ There is a clear sense in which an unjust killing might not be a murder: the case in which a mistake is made that is relevant to the issue of justice. A court, applying a just law and following just procedures, might make a mistake about the evidence and convict of a capital offence somebody who was, in fact, innocent. The executioner of the person, in that case, would not be a murderer, but it is clear that the executioner is not intentionally doing an injustice even though later reconsideration of the evidence might lead to the conclusion that an injustice was done to the person executed.

filter down through the concept of justice in that way. Lying, killing off nasty people, and a host of other injustices might grease the wheels of social intercourse, but the conditions we have for living together, the rules of justice, prohibit injustices.

Consider another example that might help to clarify the point about a concept and its formal element. People have to be able to get on together much of the time, and one reason the concept of kindness is important in our lives is that kindness helps people to get on together both by helping the person who needs help at the time and by promoting goodwill from that person, not necessarily to, or only to, the person who was kind. But if it is seen that one is acting simply to promote good will from the other and not out of any sympathetic concern for the other's plight, one's actions will fail to get the response that genuine kindness gets. The concept of kindness is not the concept of acting so as to promote good will, and the concept does not cash out into our having reasons to do with promoting good will when we do act kindly. But the account of why kindness is important to human life is an account of *why* the reasons on which a kind person acts *are* reasons for people, by showing how particular material elements, the reasons on which the kind person acts, are brought together under the formal element of the concept of kindness. Consideration of the formal element gives an account of the practical reasons.²⁶

Kovesi's theory of meaning, then, emphasises that concepts are to be understood in terms of their points, or, in his terminology, their formal elements. The point or formal element of a concept is the reason it is important in our lives that we have the concept, and that explains why the reasons coming under the concept *are* reasons. The reason or reasons play a role in our socially-shared lives. This role will vary as circumstances vary. In one context concept X will apply in such-and-such a way; in another context it will apply in a very different way. One example he used was of somebody seeking to buy flowers but unable to find any. If he makes do by buying chocolates, he was looking for a gift; if, instead, he buys ribbons, he was looking for a decoration. The applications are what Kovesi called the material elements of the concept. His key point was that a concept will have one and the same point or formal element in all of its applications. What counts as a table or a murder or a gift may well vary dramatically from case to case, while remaining a table or a murder or a gift in each case. To see the sameness across diverse cases requires us to think in terms

²⁶ For more detail, see R. E. Ewin, *Virtues and Rights: The Moral Philosophy of Thomas Hobbes* (Oxford: Westview Press, 1991), pp. 169–93.

of the point of the concept. If we fail to do that, we see only the diverse material elements and thus will too easily conclude that there is no general concept.

5. *Other Points Showing that Lying is Not a Complete Moral Concept*

Lying is commonly used to cover up wrongs already done and to facilitate the doing of future wrongs. In these sorts of cases lying is plainly wrong. Its formal element is injustice, and it is morally speaking in the same category as the wrongs with which it is associated, such as murder, etc, though it is, as non-fatal, usually less serious. Clearly, perjury and slander are sub-categories of this kind of lying. Lying differs from common injustices in that it involves falsehood, but the falsehood only makes the lying possible; it doesn't add to the wrongness.

There is more to the morality of lying than simply the matter of justice and injustice. The potential for lying enters into all aspects of social life and thus into all aspects of morality. For example, lying as an act of kindness can't be covered by considerations of justice and injustice. In the case of 'kind lies' we have already got a counterpart of Kovesi's 'savingdeceit' in the concept of a 'white lie'. The example illustrates Kovesi's idea of the formal element of concepts. The notion of a white lie looks like a contradiction in terms: wrong if we see it as lying; not wrong if we see it as 'white'. But the wrongness is illusory. No injustice is done by a white lie; no unfair advantage is taken. The act is, *ex hypothesi*, an act of kindness, and kindness is not wrong; it is, in fact, a species of goodness.

Bluffing shares a number of properties with lying and could be regarded as a sub-species of lying, but bluffing in a game of poker is not wrong, again because no unfair advantage is taken. That is simply what is expected in poker; it is part of the game. It has been suggested from time to time that advertising should be regarded in the same way, so that falsehood or misleading statements in advertisements should not be regarded as dishonest on the ground that no sensible person takes them seriously. With a lot of advertising, though, and especially advertising directed at children, that is too much like involving a neophyte in a game of poker with professionals, and that *is* taking an unfair advantage. It is perhaps comparable with the snooker player who performs badly amongst people to whom he is unknown, but then, when the amount of money wagered increases enough, turns on a performance beyond the capacity of any of them and beyond anything they could reasonably have expected of him. And, one more sort of case, I might lie harmlessly to somebody (about, say, whether

his flower garden looks better than that of his neighbour) simply because I know he is in a bad mood and I don't want him to vent his spleen on me. This is a lie told for my own advantage, not to save him any trouble, but avoids some social disruption and might well be considered to be akin to a white lie.

The apparent contradiction involved in the idea of a white lie is not real, but only if the kindness really is kindness, and that presupposes a recipient whose feelings really are vulnerable. Telling a white lie to a person quite capable of hearing the truth is not succeeding in performing an act of kindness. Telling a white lie to a colleague or an authority in the normal course of business—for example, commenting too kindly on their work performance—is to let them down and weaken your relationship. It is therefore not a white lie. Failing to tell a lie when a lie is necessary to prevent a wrong, out of concern for the feelings of the would-be perpetrator, is to be doubly incompetent from a moral point of view. The kindness is misdirected, and is thus not kind; and the consequence is to aid a wrong, which, morally speaking even if not legally speaking, is itself a kind of wrongdoing.²⁷

Telling a lie in order to sell a product or a service is neither a white lie nor a case of savingdeceit. Often such lies are harmless, but they can deceive and thereby harm the gullible and, as is clear in the case of advertising, seek unfair advantage over competitors by misleading customers. Sometimes the lies are plainly fraudulent, in which case they are injustice. In both types—harmless and fraudulent—the wrongness is plain enough. That such lies are so common in advertising arises from the fact that the consumer can punish the lie-teller only by not buying the product being spruiked, but sometimes the product is worth having even despite its deceptive presentation, so the deception often goes unchecked, but this wrongness, minor though it is, remains wrongness. The wrongness is not minor when the consumer's health or safety is at risk, and in those cases even small lies can be serious wrongs.

Falsely boosting one's wares is similar to falsely boasting about one's abilities. The idle boaster does no wrong if he is seen for what he is. But he can't be trusted with anything important. And if his boasting is sufficiently skilful he will do wrong, because he will succeed in engaging our trust undeservedly.

²⁷ As Kovesi observed, 'Sometimes someone may be so radically unsuccessful in doing what he ought to have done that the only thing left for us to say is that his intentions were sincere or that he had good intentions. [...] Intending to do what is good is very different from having good intentions. We cannot intend to do what is good without intending to consider all the relevant facts, but we can have good intentions and be quite irresponsible,' *Moral Notions*, 1967, pp. 132–33; 2004, p. 95.

To sum up, there are three general points here. Firstly, Kovesi's idea of savingdeceit is not particularly novel. It is formed from the same pattern we applied in forming the concept of a white lie. The difference is that savingdeceit is governed by justice as its formal element, whereas the white lie is governed by kindness.

Secondly, Kovesi is right that lying is an incomplete moral concept, and right too in pointing to the role of complete moral concepts in our moral life. Again, we already have such concepts in the area marked out, incompletely, by the concept of lying. These are terms such as bearing false witness, perjury, libel, slander, and fraudulence. It is these terms that pick up the ways in which some forms of lying are always wrong, or wrong in themselves. Unlike the concept of lying, these concepts are complete moral concepts. Given the roles of these complete moral concepts, we should have no need to construe lying as a complete moral concept. MacIntyre, in his desire to find a rule which will generate conclusions about both those lies that are morally right and those that are morally wrong, seems committed to the idea that there is only one sort of lie that is wrong, that all the examples can be brought under one concept.

Thirdly, the morality of lying is complex, but its complexities simply mirror the complexities of social life. There is nothing surprising in this complexity and no special rightness in truth-telling or any special wrongness in speaking falsely. Kovesi's 'conceptual functionalism' has one advantage over MacIntyre's approach to the problem: it takes the focus off what MacIntyre calls truth-telling. Cooperative social life involves cooperative talking and telling, and this is what ultimately governs the morality of lying. One can speak falsely while playing a cooperative role, as when acting in a play, or as when deceiving a wrongdoer. Or one can tell the truth non-cooperatively, as in seeking to hurt the feelings of a vulnerable person, or as in telling the wrongdoer where to find his intended victim, or as in randomly reading sentences out of a reliable encyclopaedia. Truth-telling is only distantly related to truthfulness and honesty. It is normally good, as it plays a large part in normal social cooperation. But, apart from when it is playing that part, it is simply neutral. This is the third key point in Kovesi's account of lying. False-speaking is at most a material element of lying; it in no way explains the wrongness of lying. Likewise, truth-telling is good only in so far as it plays a role in cooperation, and even then it is only a material element of the relevant morality, which itself requires distinctive moral concepts, such as honesty and veracity, to mark it out. From a Kovesian standpoint, one can see that false-speaking and truth-telling are not even moral concepts. These descriptions are morally neutral. Moral issues do not arise at the level of speaking falsely.

This is to explain morality in a top-down way, and it presumes we can give some content to ‘morally wrong’, so there is the danger of begging the question. But if so, approaching the question by the bottom-up method (as MacIntyre partly does) clearly won’t do either—it presupposes that we can demarcate the moral merely by whittling away at the material elements. To do this we have to have a sense of what we are aiming at—that is, we need what Kovesi called the moral point of view.

6. Conclusion

Taken overall, MacIntyre’s account of lying is closely similar to Kovesi’s discussion of lying in *Moral Notions*. There are dissimilarities also, and some of these are minor. Yet the overall similarity is far from obvious, because their methods of argument are very different. Kovesi’s method of argument is to start from the general question of what concepts do, and then of what moral concepts do. We have called this method ‘conceptual functionalism’.

Kovesi held that moral concepts are not external to, but constitutive of social life. They explain why certain sorts of facts are reasons in certain sorts of circumstances, and those reasons construct rational life and rational relationships. MacIntyre contends very similarly that morality is focused on the protection of rational social relationships. However, MacIntyre’s moral philosophy—unlike Kovesi’s—looks in two directions. In one direction, it emphasises the diversity of moral outlooks. Moral theory today, he thinks, must deal with apparently irreconcilable differences. Not only are there such differences, but they extend to the question of how to describe the differences. Thus, there is a strong tendency towards accepting moral relativism. Deep conflicts in the work of moral philosophers have not diminished but rather strengthened that tendency. In the opposite direction, he contends that amongst the various moral traditions, there is one and only one tradition that has a strongly plausible strategy for dealing with these moral differences. That is what he has described firstly as the Aristotelian and later as the Thomistic Aristotelian tradition. That tradition, he argues, can provide two vital things missing in rival traditions: a theory of justice, and a theory of truth and justification. Most recently, he has drawn upon a Thomistic theory of truth and justification to rebut the relativist.²⁸

²⁸ See ‘Moral Relativism, Truth, and Justification’, in his *The Tasks of Philosophy: Selected Essays, Volume 1* (Cambridge: Cambridge University Press, 2006), pp. 52–73. See also his

Kovesi's moral thought did not draw upon Thomistic Aristotelian metaphysics and does not propose any special theory of truth and justification. How, then, can he avoid moral relativism? The best answer is in terms of his conceptual functionalism. The concept of justice deals with what is necessary for social life, and MacIntyre agrees that justice is necessary for social life. This in itself sets a limit on relativism. Further, Kovesi's theory of concepts contains a built-in variability that is relevant here. Granted, as MacIntyre has shown, that the history of moral thought and practice exhibits many diverse accounts of justice, we must still ask the Kovesian question of how these different accounts of justice can all be accounts of *justice*. The precise requirements of justice and of other moral concepts may vary in part because of differing social conventions. To avoid behaving offensively one needs to know the conventions, such as shaking hands or whether men conventionally keep their hats on indoors or in the presence of ladies. And interpretations of the concept of justice may also vary, between cultures and between individuals. Whether something is a loan or a gift, and hence the justice of failing to return it, depends on conventions that can differ from one society to another—is there, for example, a convention that a traveller must be supported for three days without charge? Whether one has committed an unjust killing of somebody who breaks into one's home depends (at least partly) on conventions expressed in the laws setting out how one may behave in such circumstances. But it is what Kovesi called the formal element of the concept that makes these all interpretations of *justice*.

From Kovesi's standpoint, the diversity of moral concepts can have only limited scope. If he is right, then diverse moral stances are possible only because we already have in place a more basic set of concepts. It may be that in some cases moral problems are actually insoluble. But what cannot be true is that we lack a set of relevant terms in which to debate our differences. If we lacked those terms we could not even recognise the differences as differences. More basically, we would not even exist in order to have the debates about our differences.

'Intractable Moral Disagreements' and 'From Answers to Questions: A Response to the Responses', in *Intractable Disputes About the Moral Law: Alasdair MacIntyre and Critics*, Lawrence S. Cunningham ed. (Notre Dame, Indiana: University of Notre Dame Press, 2009), pp. 1–52 and 313–51.