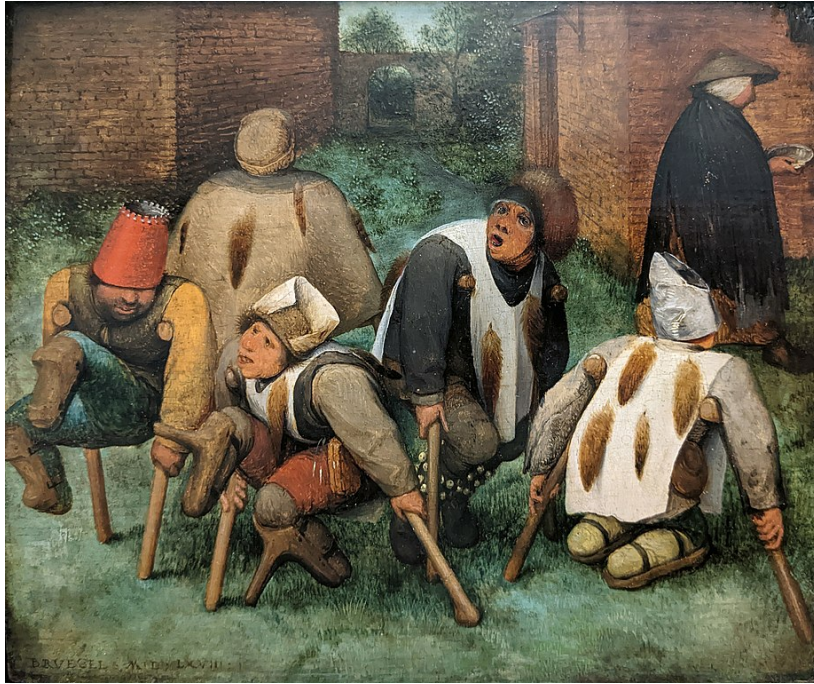


Alois Riklin

# Veracity in Politics

Farewell Lecture



The Lies walking like cripples on the crutches

Soldier (helmet) – Aristocrat (crown) – Farmer (cap) – Citizen (fur cap) – Clergyman (miter)

The Beggars – Pieter Bruegel the Elder

Musée du Louvre, Paris

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special edition by Stämpfli Verlag, Bern

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for Czech and Slovaks building up democracy

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# Veracity in Politics

Truthfulness in politics: is there such a thing? Is this not a contradiction in terms? Isn't politics a dirty business? Politics has to do with power, and is not power as such evil, as Jacob Burckhardt thought? <sup>1</sup> Didn't Niccolò Machiavelli recommend that whoever wants to remain a good Christian, indeed a good human being, should keep his distance from politics? <sup>2</sup> Didn't Hannah Arendt write in her book "Wahrheit und Lüge in der Politik" ["Truth and Lying in Politics"]: "Truthfulness has never numbered among the political virtues, and lying has always been permitted as a political instrument"? <sup>3</sup> Didn't Niklas Luhmann argue that political systems are not meant to be checked on the basis of ethical criteria? <sup>4</sup> Didn't he say that whoever entered the level of politics would ineluctably face the dilemma of moral naïveté or moral cynicism? <sup>5</sup> Luhmann decided in favour of cynicism: if a politician is caught lying, he will be sacrificed so that everything else can continue to run its course unchanged. <sup>6</sup> Didn't Hans-Georg Soeffner outline an equally cynical representation theory whereby we delegate the dirty business of politics to elected representatives so that we ourselves will be able to wash our hands of it? <sup>7</sup> And did not Jean-François Revel write: "The very first of all the forces that govern the world is the lie"? <sup>8</sup>

However, it is not entirely true that truthfulness has never numbered among the political virtues and that lying has always been permitted as a political instrument. The virtue of veracity and the vice of mendacity in general, including the realm of politics, have often been discussed in the

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<sup>1</sup> Burckhardt 1921, pp. 33/96/140

<sup>2</sup> Machiavelli 1967, 1126, p.88

<sup>3</sup> Arendt 1972, pp. 8/44

<sup>4</sup> Luhmann, in: Kemper 1993, p.40

<sup>5</sup> Ibid., p.34

<sup>6</sup> Ibid., p.39

<sup>7</sup> Soeffner 1998, p.224 (quoted after Münkler 2000, p.303)

<sup>8</sup> Revel 1990, p. 11

history of ideas, in the Bible, by Aristotle,<sup>9</sup> by St Augustine,<sup>10</sup> by St Thomas Aquinas<sup>11</sup> and by Kant,<sup>12</sup> to name but some of the most important sources. Still, any express application to politics is somewhat rare; it is most likely to be found in the so-called Mirrors of Princes, for instance in the "Mirror" written by Aegidius Romanus.<sup>13</sup> Unlike the cardinal virtues of justice (iustitia), self-control (temperantia), strength (fortitudo) and good sense (prudentia), veracity (veracitas) is hardly ever found in the art of politics, either. In most recent times, two authors in particular have expressly treated truthfulness in politics: the Harvard philosopher Sissela Bok (1980) and Freiburg's moral theologian Eberhard Schockenhoff (2000).

Then again, the first political thinker who, in the long history of political ethics, conceived of veracity as a central problem of politics, is a contemporary: our honorary doctor Václav Havel. In 1978, between his first arrest and two later spells in prison, he wrote a courageous book entitled "Versuch, in der Wahrheit zu leben" ["An attempt to live in truth"].<sup>14</sup> In this book, Havel condemned the mendaciousness of the post-totalitarian communist system and chose for himself the way of truthfulness, irrespective of the high risks of false imprisonment, professional discrimination and social ostracism. Havel did not one-sidedly regard the powers that be as guilty of lying; rather, he located the diabolical aspect of the post-totalitarian system in the fact that it turned victims into accomplices: by threatening them and their descendants with disadvantages, it coerces the victims to participate in it. When Havel had become president, he reminded his fellow citizens of their complicity arising from their coming to terms with life in lying.<sup>15</sup> Consequently, he exhorted them in his address

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<sup>9</sup> Nicomachian Ethics, 1127 a 20–1128 b 9

<sup>10</sup> De mendacio and Contra mendacium

<sup>11</sup> Summa theologica, II-II q. 109–112

<sup>12</sup> Über ein vermeintes Recht aus Menschenliebe zu lügen (Kant, Vol. 4, pp. 637–643)

<sup>13</sup> De regimine principum, pp. 80–82

<sup>14</sup> Havel 1989

<sup>15</sup> Havel 1991, pp. 8–17

before the first democratic general elections to vote for candidates who "are used to telling the truth and do not wear a different shirt every week".<sup>16</sup>

Havel was primarily thinking of life under a totalitarian system where – to speak with Orwell – the "Ministry of Truth" rewrote even history to make it fit the prevalent circumstances. Yet in asides, Havel left no doubt that he did not consider the reality evinced in democratic countries to be flawless by any manner of means.<sup>17</sup> Indeed, the lies that have been told by politicians and then been brought to light in the most recent times, particularly in big countries, are shocking. Cases in point are the Rainbow affair in France, the Spiegel, Barschel, Engholm and party donation scandals in Germany, and the Pentagon Papers, Watergate and Irangate in the US.

I shall now proceed to describe the positions in moral philosophy, then develop a typology on the basis of practical cases, and finally outline incentives for truthfulness in politics.

# 1 Positions in moral philosophy

Lying is not the sole deviation from truth. St Thomas Aquinas classed truthfulness as one of the common virtues and contrasted it, not only with lying, but also with hypocrisy and boastfulness.<sup>18</sup> This, however, is far from covering the entire field of untruthfulness, whose further facets include perjury, false promises, disinformation, dissimulation, guile, breach of promise, palliation, flattery, pretexts, distraction, suppression of important information, secrecy, obfuscation, forgery, deception, and manipulation by means of advertising. Montaigne wrote that the opposite of veracity was a boundless field containing a hundred thousand varieties.<sup>19</sup> Yet lying is the clearest and most conspicuous form of untruthfulness, and this is why moral

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<sup>16</sup> Ibid., p.83

<sup>17</sup> Havel 1989, pp. 84–86

<sup>18</sup> St Thomas Aquinas, II-II q. 109–112

<sup>19</sup> Montaigne 1985, pp. 79–83 (Von den Lügneren [Of the liars])

philosophy has focused on the lie as the nucleus of untruthfulness, lying conceived as a false statement or a false sign made with intent to deceive.

Three positions are to be discerned in moral philosophy: the absolute prohibition of lying, the basic permissibility of political lying, and its partial permissibility.

## 1.1 The absolute prohibition of lying

The first author of antiquity to deal systematically with lying was St Augustine.<sup>20</sup> He differentiated between eight levels of lying. Yet he regarded any lying as sinful, even a lying that would harm no one or protect someone innocent. The Bible and the church fathers were his main sources. Christ said in the Sermon on the Mount: "But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil" (Matt. 5, 37). John calls the devil "the father of the lie" (John 8, 44). The Old Testament, however, gave St Augustine more of a headache than the New. Of course, he was able to refer to the Eighth Commandment (Ex. 20, 16) and to the numerous complaints about falsehood in the Psalms (e.g. Ps. 5, 7). But what should be thought of the false reports in the Old Testament, and particularly of the "most refined staging of a successful feint"<sup>21</sup> when Jacob, at the instigation of his mother, Rebecca, made his blind father, Isaac, believe that he was the elder brother, Esau, thus obtaining the firstborn's inheritance by false pretences? (Gen. 27, 1–40) Augustine solved the problem presented by such biblical passages with the pious explanation: "Non est mendacium, sed mysterium" ["It is not a lie but a mystery"].

Immanuel Kant represented the same rigorism, not on theological grounds, but on the basis of the ethics of reason.<sup>22</sup> Benjamin Constant had attacked him on that score.<sup>23</sup> Kant replied with a small work entitled "Über ein vermeintes Recht aus Menschenliebe zu lügen" ["On a putative right to lie

<sup>20</sup> Augustinus 1968, pp. 411–466/467–528; Müller 1962, pp. 52–56

<sup>21</sup> Schockenhoff 2000, p.59

<sup>22</sup> Geismann/Oberer 1986

<sup>23</sup> Ibid., pp. 23–25

for the love of mankind"],<sup>24</sup> in which he quoted the standard case, brought into play by Constant, of the potential murderer who wants to be told whether his intended victim is inside the house. According to Kant, even the person thus addressed by the potential murderer is obliged to tell the truth. The obligation of veracity applies regardless of any consequences. Lying "is the waste and, as it were, destruction of his human dignity".<sup>25</sup>

## 1.2 The permissibility of lying

St Augustine and Kant did not set their sights on political lying, but it was implied. With a view to political lying, Plato and Machiavelli defended the opposite position. In his "Politeia", Plato granted the philosopher kings the right to lie in the interest of the state. They, and they alone, were allowed to tell lies in order to safeguard the ideal state.<sup>26</sup> If subjects tell lies, they will have to be punished for it. The powers that be, however, may spread the false tale that God had admixed the rulers with gold, the guardians with silver, and the providers of food with iron ore.<sup>27</sup> For the purpose of human breeding, they may also deceive couples by letting them believe they had met by chance whereas in fact they had been brought together with intent.<sup>28</sup>

An even more general justification of political lying and untruthfulness was provided by Machiavelli in his "Principe":<sup>29</sup> the prince must be a "master of hypocrisy and dissimulation"; he does not keep promises if that is detrimental; since people are evil and bad, the prince is entitled to break his word; people are so stupid that every fraudster will find someone to defraud; it is neither possible nor necessary for the prince to have all the virtues – indeed, it is positively harmful to have them all and use them all the time: the appearance of virtues is sufficient. The Principe's motto is "seeming, not

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<sup>24</sup> Kant 1963, Vol. 4, pp. 637–643

<sup>25</sup> Ibid., p.562 (Metaphysik der Sitten [The Metaphysics of Morals])

<sup>26</sup> Plato, 389 b–d

<sup>27</sup> Ibid., 414c–415b

<sup>28</sup> Ibid., 459c–e

<sup>29</sup> Machiavelli, Il Principe, Chap. XVIII

being": the inversion of Cicero's "being instead of seeming".<sup>30</sup> By way of a role model, Machiavelli recommended Cesare Borgia, one of the biggest crooks in the history of the world. He admired the sang froid with which Cesare lured his disloyal condottieri into a trap in Sinigaglia under the guise of friendship and killed them one after the other<sup>31</sup> – an atrocity which would serve Hitler as the model for the Röhm putsch.<sup>32</sup>

### **1.3 The partial permissibility of lying**

The intermediate position of the partial permissibility of lying is equivocal. In early modern times, it was particularly Hugo Grotius<sup>33</sup> and Samuel von Pufendorf<sup>34</sup> who investigated the problem and set up boundaries on either side. Since then, moral theologians and moral philosophers have found exemption rules in great numbers and have permitted lies:

- if they are told in an extreme emergency,
- if they will result in great benefits, or prevent great damage,
- if they are told for reasons of humility or modesty,
- if their intention and purpose are good,
- if there is no intention to deceive,
- if the person to whom the lie is told has no right to be told the truth,
- if it is told for reasons of courtesy or in consideration of human frailty,
- if it will not harm anybody,
- etc.<sup>35</sup>

The former Bishop of Chur and present Archbishop of Liechtenstein, who for a time adorned his name with the letters indicating a doctor's degree which he had never acquired, thought he would be able to exculpate himself by saying that it had not harmed anyone...

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<sup>30</sup> Cicero, *De officiis*, II/44, p. 181

<sup>31</sup> Machiavelli 1990, pp. 375–379

<sup>32</sup> Sternberger 1988, p.85

<sup>33</sup> Grotius 1950, 111/1

<sup>34</sup> Pufendorf 1994, 1/10

<sup>35</sup> Müller 1962, pp. 271–279/325–327/330–334



Sissela Bok also permits exemption from the prohibition of lying, but those do not go as far as the list adduced above. Political lying, in particular, is measured against a very severe yardstick. Contrary to Plato and Machiavelli, she maintains that a government's position does not make telling lies any more honourable.<sup>36</sup> She scrutinises the usual excuses<sup>37</sup> and then rates them according to their justifiability.<sup>38</sup> First, it must be examined whether there is an honest alternative to lying. Then, the lying must be subjected to a public test, i.e. a fictitious discussion such as can be had among reasonable people.<sup>39</sup> The method is reminiscent of Immanuel Kant, John Rawls, and discourse ethics.

Sissela Bok does not believe that these problems can be solved in abstract terms. By that token, she also rejects the utilitarian approach which determines the permissibility of lying on the basis of beneficial consequences alone. Rather, she prefers following the Stoics, Talmudists and early Christian thinkers and tackling the problem on the basis of concrete cases.<sup>40</sup> The following typology will also be based on practical cases.

## 2 A typology of practical cases

I shall first deal with some cases of legitimate untruthfulness, followed by some that strike me as illegitimate. In doing so, I shall admit forms of untruthfulness which are not lies in the defined sense of the word.

### 2.1 Legitimate untruthfulness

#### Untruthfulness out of courtesy or consideration

The courtesies that are customary in diplomatic relations are harmless, just

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<sup>36</sup> Bok 1980, p. 219

<sup>37</sup> Ibid., pp. 98–116

<sup>38</sup> Ibid., pp. 117–135

<sup>39</sup> Ibid., pp. 119–132

<sup>40</sup> Ibid., pp. 76/78

as everyday restraint for reasons of human consideration does not yet constitute hypocrisy.<sup>41</sup> Truth can be hurtful, indeed offensive. We need not tell every fool to his face that he is one.

### **Suppression, discretion, and secrecy**

The case collection of Harvard University includes the following occurrence.<sup>42</sup> On the occasion of the Cuba crisis in 1962, the two superpowers were facing the abyss of direct military confrontation. The Soviet Union was about to establish a nuclear missile base in Cuba. The US demanded that the base should be closed down, and set up a blockade against Soviet freighters. At the climax of the crisis, Khrushchev made an offer to John F. Kennedy in a letter that the USSR would give up the Cuban base if, by way of countermove, the US withdrew the nuclear missiles stationed in Turkey. Now, the American President had ordered the close-down of the missile base in Turkey twice before; however, the order had not been carried out because the Turkish government opposed it. Kennedy did not regard it as politic to accept the Soviet offer since such a deal might raise doubts among the European allies as to whether the US nuclear umbrella over Western Europe had any permanence. Kennedy decided to reply to a previous letter of Khrushchev's and to propose that the US would not invade Cuba. At the same time, he unofficially sent his brother Robert to the Soviet UN ambassador, Anatoly Dobrynin, with the private message that the President had already ordered the withdrawal of the nuclear missiles from Turkey and that he gave his assurance that this order would be carried out speedily. Khrushchev gave in. Subsequently, Kennedy was asked at a press conference whether the US had made any concessions with regard to disarmament. The President's answer was negative; he said that he had instructed the negotiators to limit themselves exclusively to Cuba and that no other questions had been discussed.

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<sup>41</sup> Ibid., p.213; Schockenhoff 2000, p.37

<sup>42</sup> Gutmann/Thompson 1990, pp. 39-74

This reply was true, but it was incomplete. Strictly speaking, there had not been any bartering of base against base. But Kennedy suppressed that he had unofficially given his assurance that the missiles would now be withdrawn from Turkey without any delay. The President had not made a concession but confirmed a decision he had made earlier. This suppression was risky, but not contrary to the truth. No one, not even a politician, is obliged to tell everyone else the whole truth at any time. Unlike a witness in a criminal trial, we are not obliged "to tell the truth, the whole truth and nothing but the truth". We would not have won the popular ballot for the extension building of our University if we had not carefully suppressed our weak points.

This does not mean that suppression, discretion and secrecy are justified in every case. Secretmongering can also be exaggerated, which is what Pericles criticised the Spartans for in his funeral oration for the Athenians who had fallen in the first year of the Peloponnese War. During the time when I served in the Swiss Army, I had the impression that secrecy was exaggerated. Virtually every order could have been classified one level lower.

Aargau's senator Julius Binder made a move along these lines in parliament. Conversely, a joker proposed that a fifth level of secrecy should be introduced: "For service use only", "Confidential", "Secret" and "Top secret" should be supplemented by the new and highest level called "Destroy before reading"!

### **Ambiguity and secret reservation**

Galilei stated in the ecclesiastical inquisition trial that he had never believed that Copernicus was right. When he was saying that, however, he was secretly thinking that he did not believe but knew that the earth revolves around the sun and not vice versa. In this way, he ensured that he was given a milder punishment. It is quite possible that the circles around Cardinal Bellarmine realised what Galilei was up to. His secret reservation was legitimate since the inquisition court was not entitled to force anyone to

revoke the results of scientific research. Meanwhile, the Roman Catholic church has had to acknowledge this, too, in that it has rehabilitated Galilei in a highly embarrassing and lengthy proceeding, with a delay of nearly four hundred years.

The secret reservation was brought into discredit, particularly among Protestants, under the term mental reservation, after Pascal, in his ninth *Lettre provinciale* had launched a polemic against "Jesuit" craftiness.<sup>43</sup>

Again, this does not mean that ambiguity and secret reservation are legitimate in every case. I shall return to this later.

### **White lie to save life and limb**<sup>44</sup>

For English Catholics, French Protestants and Spanish Jews, pretending to have changed their denomination or religion was often the only way of saving their property, often even life and limb, in early modern times.<sup>45</sup> This was legitimate since the state and the churches violated the freedom of religion with their repression. If self-defence against the use of violence is lawful, then so is a white lie to save life and limb. And if a white lie is lawful on one's own behalf, then it is a fortiori lawful for the protection of others.

The Bible provides an example. When Saul wanted to kill his son-in-law David, David's wife Michal lied to the messengers in order to enable him to escape (I. Sam. 19, 8–24). St Augustine and Kant may have thought of this when they fundamentally rejected any white lie, even the one in this specific case. In the fragment "Was heisst: Die Wahrheit sagen" ["What does it Mean: to Speak the Truth"], which Dieter Bonhoeffer wrote in a Gestapo prison, he called the exponents of this rigorism "truth fanatics".<sup>46</sup> In a hierarchy of values, the protection of innocently prosecuted people carries more weight than the obligation of being truthful. Those people who, in the Second World

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<sup>43</sup> Pascal 1998, p. 679

<sup>44</sup> Laros 1951, p. 37; Bok 1980, pp. 65/136; Schockenhoff 2000, pp. 106–108

<sup>45</sup> Zagorin 1990; Schockenhoff 2000, p. 89

<sup>46</sup> Bonhoeffer 1963, p. 388

War, hid Jews and, in so doing, invented a white lie or violated a law, deserved admiration for their brave deed, not blame or even punishment.

### **Stratagems** <sup>47</sup>

In the Second World War, the Allies planned to invade the French Atlantic coast from England. These plans were not only kept secret but were combined with strategic deception. This deception proved successful, and the Germans believed that the invasion would take place at a different time, and not in bad weather, and in a different place, not in Normandy.

This case is easy to judge. If military force against an aggressor is legitimate (*jus ad bellum*), then it would not make any sense if the milder form of deception should not be legitimate, either (*ius in bello*). Warring parties expect stratagems to be used. Since Hugo Grotius <sup>48</sup> the international law of war <sup>49</sup> has expressly declared stratagems lawful.

## **2.2 Illegitimate untruthfulness**

My seven cases of illegitimate untruthfulness all come from abroad, not one of them from Switzerland. However, this does not mean to say that I am inclined to see the mote in the other's eye but not the beam in my own. The simple reason is that I have not found any spectacular Swiss case.

Apparently, exponents of bigger countries are more sorely tempted than the politicians of small countries. Power is liable to entice people into corruption, great power into a high degree of corruption. Life in a small country may well be governed by what George Bernard Shaw mockingly wrote: "Virtue is insufficient temptation!"

### **Qualified mental reservation**

The Harvard case collection describes the undercover operation conducted by the US secret service, the CIA, against the election of Salvador Allende in

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<sup>47</sup> Ibid., p.391; Bok 1980, p. 178

<sup>48</sup> Grotius 1950, III/1, VI

<sup>49</sup> The Hague Law of Land Warfare, Art. 24

1970.<sup>50</sup> After no candidate had won an absolute majority, it was up to the Chilean congress to choose from among the two leading contenders. Although the CIA had spent eight million dollars to prevent it, Allende was elected. The secret operation had an aftermath in the American Senate when President Nixon nominated the previous CIA chief, Richard Helms, to be the US ambassador to Iran. During the hearings in the Senate, the following dialogue took place: Senator Symington asked Helms whether the CIA had tried to topple the Chilean government. Helms replied: "No, sir." Senator Symington then asked whether any monies had been given to opponents of Allende's. Again the reply was: "No, sir."

According to the letter Helms's answers were correct. The point at issue was not to topple the government but to prevent the President's election. And no monies were given to individuals but to groups which supported or rejected candidates. This case of mental reservation cannot be justified, for there is no excuse for deceiving a democratically elected parliamentary organ, which is entitled to clarify issues in a democracy, with a cheap trick. Helms's behaviour undermined democracy and, in the long term, contributed to a loss of confidence in the American administration.

Thus not every mental reservation is legitimate. The US Congress considered the question. When the members of the House of Representatives are sworn in, they must swear to take and comply with the oath upon the constitution without any mental reservation: ""Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?"

### **Unlawful word of honour**

The case of illegal, i.e. undeclared party donations to Germany's chancellor

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<sup>50</sup> Gutmann/Thompson 1990, p. 44

Helmut Kohl is still widely talked about. After the former chancellor first denied the acceptance of such donations and then only admitted as much as had been proved already, he refused to disclose the names of the donors by invoking his word of honour.

The chancellor's behaviour was in glaring contravention of the constitution, the party donation law, and the official oath. A politician's word of honour "only deserves the general public's respect as long as the action to which he pledges his honour remains within the framework of the law and on the ground of honesty. A word of honour which refers to the maintenance of secrecy about jointly perpetrated violations of the law does not meet this requirement. In a case of conflict, it must therefore give way to the readiness to enforce the law, as is in accordance with the official oath sworn by high-ranking politicians before the general public."<sup>51</sup>

### **Electioneering fraud**

Sissela Bok's book refers to the case of the American presidential campaign of 1964.<sup>52</sup> The point at issue was the re-election of President Johnson as against Senator Goldwater. In the campaign, the Vietnam War played an important part. The situation in Vietnam was constantly worsening. In the Johnson Administration, the view had gained ground that an increase in the US commitment could not be avoided. Making a big song and dance about this, however, was not politic in the campaign. Senator Goldwater championed an escalation of the war and did not shy from nuclear threats, either. Conversely, Johnson was depicted as a harbinger of peace. He himself proclaimed that the overriding problem, the crucial point in the election campaign was the question as to who would best be able to preserve peace. The electioneering strategy proved successful. Johnson was elected. A short time after the election, he ordered a reinforcement of troops in South

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<sup>51</sup> Schockenhoff 2000, p.324

<sup>52</sup> Bok 1980, pp. 207–209

Vietnam and the bombardment of North Vietnam. In order to be elected, Johnson duped the American electorate in a reproachable manner.

### **Disinformation of parliament and the people**

The 1964 electioneering fraud was systematic. It was no isolated incident but part of a deception that went on for years: a deception not of the enemy but of the country's own population. There is evidence of this in the Pentagon Papers. Hannah Arendt wrote a great essay about them.<sup>53</sup> Still under Johnson's presidency, the US defence minister Robert S. McNamara had commissioned a secret study to provide a systematic picture of the history of the Vietnam War. This study clearly revealed that for years, the government had deceived the American public with purposively optimistic information about how the war was progressing. The deception of Congress in the Tonkin affair was particularly grave. In August 1964, a US destroyer was shot at by North Vietnamese torpedo boats in the Gulf of Tonkin. The American government reacted to the alleged surprise attack with indignation. The Pentagon Papers made it clear that the incident was a concerted American provocation. Its purpose was to get the US Congress to grant the President the power of attorney for a stronger commitment in this undeclared war. This then happened. Someone involved with this secret study, Daniel Ellsberg, informed the New York Times, which started to print selected articles from the Pentagon Papers. In the meantime, Johnson had been replaced by President Nixon, who tried to stop publication by means of a court order. However, the Supreme Court ruled in favour of the freedom of the press and deemed that the Pentagon Papers were not worth classifying. Subsequently, they were published in their entirety.

The 47 volumes of the Pentagon Papers prove that the American government had for years provided its own people with an overoptimistic picture of the war. The Vietnam War, which had never been declared and which ended with a disastrous defeat of the USA, was accompanied by a

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<sup>53</sup> Arendt 1972, pp. 7–43



large-scale disinformation campaign aimed at saving the US population's fragile acceptance of the commitment. This short-term, dishonest image policy resulted in a credibility gap with long-term effects.

### **Rigged elections**

The invocation of the name "Milosevic" will suffice!

### **Broken promise**

It makes an essential difference whether the person making the promise at the time believed in good faith that he would be able to fulfill it and circumstances then changed fundamentally in an unforeseeable manner, or whether he secretly harboured the intention to break the promise even at the time when he made it. The latter was the case when the Hungarian uprising was crushed in 1956. The Soviet government guaranteed the Hungarian Prime Minister Imre Nagy and his Defence Minister Pál Maleter safe conduct to the negotiations, and then killed them immediately.

### **Politician's official lie**

The 1972–1974 Watergate affair is a case in point. In May 1972, the Democrats' headquarters in the Watergate Building were broken into in order to tap the telephone of President Nixon's Democratic rival. In June 1972, a second burglary was attempted, this time to tap the phone of the chairman of the Democratic Party. However, the burglars were caught, arrested and tried. On the strength of an investigation conducted by the Ministry of Justice, and of research carried out by two journalists on the Washington Post, it came to light that the break-ins had been executed with the approval of Nixon's campaign chief, and that they were merely the tip of an iceberg of numerous dirty tricks, such as defamatory machinations against rivals of Nixon's. The two journalists were later awarded the Pulitzer Prize. President Nixon tried to wriggle out of it by solemnly protesting that he knew nothing about it. He repeated this statement several times, both before and after his splendid re-election. After his re-election, the Senate set up an investigation

committee. When it became known that all the conversations in the Oval Office of the White House had been tape-recorded, the Justice Ministry's and the Senate Committee's special investigator demanded that the tapes be surrendered. Nixon refused this request with reference to his executive privilege. However, the Supreme Court ordered the disclosure of the tapes, which revealed that Nixon had been informed three days after the second burglary at the latest, and that he had therefore lied to the American public several times. In July 1974, the House of Representatives initiated the impeachment proceeding against the President. Nixon escaped his impeachment by resigning from office.

### **Perjury before a parliamentary investigation committee**

This leads us to the Iran/Contra affair of 1984–1986. It is documented in the case collection of Harvard University.<sup>54</sup> The affair was an undercover action since it was known to only a few people in the National Security Council and in the CIA. President Reagan was partially informed, the Secretary of State and the Defence Minister were as good as not informed at all, and nor were Congress and the committees responsible for secret operations. The double affair consisted, first, in the secret sale of weapons to Iran for the liberation of American hostages in Lebanon and, second, in the use of the proceeds of the arms sales for the support of the Contra rebels against the Sandinista regime in Nicaragua. When the deal came to light, Congress conducted an investigation that lasted several months. During the interrogation, the two main protagonists, Admiral John Poindexter and Lieutenant Colonel Oliver North, lied to the Congress committees and sabotaged the investigation by destroying and forging documents. Even so, Congress managed to expose the affair. North was cashiered, and Poindexter had to resign from this office as the President's security adviser.

The main protagonists tried to exonerate themselves by saying that the arms export had not been carried out directly but through third parties, that

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<sup>54</sup> Gutmann/Thompson 1990, pp. 48–60

no budgetary funds released by Congress had been used, and the President had basically given his consent, and that lies and cover-ups had been necessary because the "enemy" was listening in. Both covert operations were illegal since there was a ban on arms exports to Iran and because Congress had prohibited any support of the Contra rebels. Lying to parliament, and even more so committing perjury before a parliamentary investigation committee, cannot be justified in a democracy by any manner of means.

These horror stories involving different types and cases of whopping lies and other untruthfulness might create the impression that politics is a thoroughly dirty business even in constitutional democracies. This conclusion would, however, be premature. Although we are unaware of the percentage of undetected cases, we do not know when and how often politicians have been prevented from untruthful words and deeds by their personal integrity or for fear of the consequences of being found out.

## 3 Incentives for truthfulness

Are there any incentives for truthfulness in politics? Or more precisely: are there any incentives in person-oriented, institution-oriented or results-oriented ethics?<sup>55</sup>

- Person-oriented political ethics strive towards an approximation to morally good politics through good office holders,
- institution-oriented ethics do so through good institutions, and
- results-oriented ethics through good results.

### 3.1 Person-oriented political ethics

In November 1997, the General Secretary of the United Nations was presented with a draft Universal Declaration of Human Responsibilities.<sup>56</sup>

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<sup>55</sup> For an explanation of this differentiation, cf. Riklin 1995

<sup>56</sup> Text on: [interactioncouncil.org](http://interactioncouncil.org) > HUMAN RESPONSIBILITY > [interactioncouncil.org/publications/universal-declaration-human-responsibilities](http://interactioncouncil.org/publications/universal-declaration-human-responsibilities)

The draft was conceived of as a counterpart to the Universal Declaration of Human Rights, which had been announced by the United Nations in 1948. Fifty years on, the declaration of rights was complemented by a declaration of responsibilities.

Art. 12 of the Universal Declaration of Human Responsibilities says: "Every person has a responsibility to speak and act truthfully. No one, however high or mighty, should speak lies. The right to privacy and to personal and professional confidentiality is to be respected. No one is obliged to tell all the truth to everyone all the time."

At first sight, this may sound naive. But on closer inspection, one is amazed to find that the author of the Universal Declaration of Human Responsibilities is none other than the InterAction Council, an association of former heads of state and heads of government from all five continents. Its Honorary Chairman is Helmut Schmidt, former Chancellor of the Federal Republic of Germany, and its present Chairman is Malcolm Fraser, former Prime Minister of Australia. Twenty-five of the elder statesmen signed the draft declaration, among them Switzerland's former Federal Councillor Kurt Furgler.

The draft of the Universal Declaration of Human Responsibilities was not simply dashed off. Rather, it was prepared in two expert meetings and two annual general meetings of the InterAction Council. The main author was the Swiss theologian Hans Küng, who had initiated a worldwide movement with his book "Global Responsibility, In Search of a New World Ethic" in 1990. The aim of the movement is the establishment of a modicum of shared ethical values, fundamental attitudes and standards which can be agreed upon by, if at all possible, all the religions, regions and nations. In 1993, the Parliament of the World's Religions issued a declaration regarding a global ethic.<sup>57</sup> This declaration, as well as Hans Küng's book "A Global Ethic for Global Politics

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<sup>57</sup> Towards a Global Ethic: an Initial Declaration > web search [google.ch/search?Towards a Global Ethic: an Initial Declaration](https://www.google.ch/search?Towards+a+Global+Ethic%3A+an+Initial+Declaration)

and Economics" (1997), emphasise the obligation of truthfulness.<sup>58</sup>

The publication of the Universal Declaration of Human Responsibilities triggered off a partially fierce debate in the German weekly newspaper *Die Zeit*.<sup>59</sup> This is not the place to go into the ins and outs of that debate, but a further-reaching result of the controversy has an immediate connection with the obligation of truthfulness. In his opening article, Helmut Schmidt had laid a false track.<sup>60</sup> Like the Universal Declaration of Human Rights of 1948, the Declaration of Human Responsibilities is not legally binding; they are both declarations of intent. Yet the Declaration of Human Rights resulted in treaties that are binding under international law, particularly the two UN Human Rights Conventions of 1966. Now Helmut Schmidt hoped that the Declaration of Human Responsibilities would have a legal impact in a comparable manner. That was a wrong track. Why?

There are legal responsibilities, and there are ethical responsibilities. The distinction here used to be between perfect and imperfect responsibilities.<sup>61</sup> Tax liability, conscription, electoral duty, the prohibition of torture, the prohibition of theft, the protection of the civilian population in times of war, etc., can be established as legal responsibilities. But the "responsibility to treat all people in a humane way" (Art. 1) or the golden rule "What you do not wish to be done to yourself, do not do to others" (Art. 4) are inappropriate for a legally binding form. The same applies to the obligation of truthfulness of Article 12.

If we recognise that the obligation of truthfulness is not meant as a legal responsibility but as a moral appeal, then it has the potential to sharpen office holders' consciences. It does not only merit inclusion in a Universal Declaration of Human Responsibilities, but also in professional codes of conduct for politicians or in newly formulated political oaths, which office

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<sup>58</sup> Küng 1997, pp. 108–112

<sup>59</sup> *Die Zeit*, No. 41 of 3/10/1997, No. 42 of 10/10/1997, No. 43 of 17/10/1997, No. 44 of 24/10/1997, No. 45 of 31/10/1997

<sup>60</sup> *Die Zeit*, No. 41 of 3/10/1997

<sup>61</sup> Küng in: Schmidt 1997, p.92

holders have to swear in most countries. Understood in this way, Article 12 of the Universal Declaration of Human Responsibilities is not naive. And generally speaking, the wish appears to be justified that the Declaration of Human Responsibilities should be debated by the United Nations and that it should be adopted as a declaration of intent, possibly in an amended form.

### **3.2 Institution-oriented political ethics**

Moral appeals on their own are effective only up to a point. Claus Offe wrote: "Politics are only as honest as their institutions are effective..."<sup>62</sup> The qualifier "only" strikes me as exaggerated. However, institutions are very important as incentives for truthfulness. In a democracy, such institutions are the opposition, parliament, the judiciary, and the media. If they work well, they will discourage lies, deception and other kinds of untruthfulness.

In four of the cases discussed above, the democratic institutions functioned, albeit with losses, and only after the event. In the German party donation scandal, the media, parliament and the parties worked together. In the affair of the Pentagon Papers, it was a combination of an individual citizen's personal courage, the media, and the Supreme Court. In the Watergate and Irangate cases, the checks worked thanks to the interaction between the media, the Justice Ministry, and Congress. Such cases may well act as signals. Any future politician will have to think about whether the risk of untruthfulness is worth it. He is well aware now that public response will be very severe. Those who are caught will have to expect a hiatus in their career, or its very end.

### **3.3 Results-oriented political ethics**

Political trust and mistrust are the result of, among other things, truthful or untruthful behaviour. Truthfulness fosters trust, untruthfulness destroys it. Trust is a fundamental category in a democracy, in a constitutional state and in international law. The principle of trust is the foundation of all law.

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<sup>62</sup> Offe in: Kemper 1993, p.131

Politicians want to be elected or re-elected, i.e. they must make an effort to win the electorate's trust. Political parties want to secure as big a share as possible in parliamentary and government power, i.e. they must also make an effort to win the electorate's trust. It is not only the politicians and the political parties, however, that depend on the trust of the electorate and, in a direct democracy, of the voters; rather, trust and mistrust are also directed at institutions, at parliament, government, the judiciary, the constitutional state, democracy itself. In a democracy, any policy can only be implemented in the long term if it is accepted by the electorate, i.e. it again depends on trust. Elections and referendums are a trial of trust. In parliamentary democracies, votes of confidence or of no confidence may take place between election times. Opinion polls determine the measure of trust placed in persons, parties and institutions. An official ethical code enjoins US senators and representatives to behave so as not to bring Congress into disrepute.<sup>63</sup> Most recently, "truth commissions" have been set up, for instance in South Africa, to create a new basis of trust through reconciliation after bloody conflicts.

Of course, truthfulness and untruthfulness are not the only criteria of trust and mistrust. Other criteria include political successes and failures, or lawful and unlawful behaviour. However, the results of polls and media reports reveal very clearly that the politically interested general public responds very sensitively, angrily, indeed indignantly to untruthfulness. During the Vietnam War and in the wake of Watergate, the American's trust in their own government shrank drastically: from three quarters in 1964 to a quarter in 1980.<sup>64</sup> Similar collapses of confidence could be observed as a consequence of the scandal surrounding the donations to the German Christian Democratic Union party and the nuclear submarine disaster in Russia. Politicians', political parties' and institutions' interest in preserving and enhancing trust is a positive incentive for truthfulness.

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<sup>63</sup> Martel 2001, p. 71

<sup>64</sup> Orren 1997, pp. 80f

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## Conclusion

In the introduction, I quoted Václav Havel. To conclude, I would like to return to him. 2500 years of political ethics came and went until a statesman, namely Havel, raised truthfulness to the rank of a decisive quality of politics. Max Weber, in his famous lecture "Politik als Beruf" ["Politics as a Profession"], demanded three prime characteristics from politicians:

- passion for the cause,
- a sense of responsibility,
- and Augenmass.<sup>65</sup> [quick perception and sense of judgement]

Should not a fourth characteristic be added:

- truthfulness?

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<sup>65</sup> A term that does not readily translate into English. Literally "measurement by eye", it means precisely that for a craftsman who, with a quick and experienced eye, is capable of measuring dimensions without the application of a measuring tape. At an abstract level, the term accordingly denotes a quick faculty of perception combined with a sound sense of judgement.



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