

# Lying, Deceiving, and Misleading<sup>i</sup>

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## Abstract

This article discusses recent work on lying and its relation to deceiving and misleading. Two new developments in this area are considered: first, the acknowledgment of the phenomenon of lying without the intent to deceive (so called 'bald-faced lies'), and second, recent work on the distinction between lying and merely misleading. Both are discussed in relation to topics in philosophy of language, the epistemology of testimony, and ethics. Critical surveys of recent theories are offered and challenges and open questions for further research are indicated.

## 1. Introduction

Lying is a topic of importance to several fields of philosophy, most prominently philosophy of language, the epistemology of testimony, and ethics. Many philosophers have accordingly attempted to arrive at a satisfactory account of the nature of lying itself. This article surveys and discusses two newer developments in this literature. First, the acknowledgment that lying does not require intending to deceive. Second, recent work on the lying-misleading distinction - in particular, arguments to the effect that there is no genuine moral distinction between lying and merely misleading, and debate over the impact of accounts of the lying-misleading distinction on issues concerning truth-conditional content and assertion.

## 2. *Lying and Deceiving*

### 2.1. LYING WITHOUT THE INTENT TO DECEIVE

A long tradition in philosophy has understood lying as saying something one believes to be false with the intent to deceive one's listener.<sup>ii</sup> This view may be spelled out as follows:

*A* lies to *B* if and only if there is a proposition *p* such that

L1. *A* says that *p* to *B*, and

- L2. *A* believes that *p* is false, and
- L3. By saying that *p* to *B*, *A* intends to deceive *B* into believing that *p*.

This type of lying is familiar from everyday life and is by far the most common kind.

Complications arise for all of the three conditions L1-L3. An influential paper by Chisholm and Feehan (1977) presented a detailed analysis of the third condition spelling out a variety of ways of intending to deceive.<sup>iii</sup> Regarding the second condition, some philosophers argue that in addition to L2, *p* must in fact be false for the utterance to count as a lie.<sup>iv</sup> Further, some writers argue that rather than requiring that the liar believe that *p* is false, the weaker requirement that the liar not believe that *p* is true is to be preferred.<sup>v</sup> This article focuses mainly on conditions L1 and L3, and only concerns some aspects of these two conditions.

Against condition L3, Carson (2006) and Sorensen (2007) present cases of what Sorensen calls “bald-faced lies.” These cases show that intending to deceive is not in general necessary for lying. Consider, for instance, one of Carson’s examples. A man on the witness stand in a courtroom has witnessed a murder. Because there is CCTV footage that clearly shows the man witnessing the murder, and this footage has been presented to the jury, everyone knows that everyone knows that the man saw the crime take place. But, for fear of reprisals, when asked whether he saw the murder, the witness says,

1. I did not see the murder.

The intuition that the witness is lying is clear, and yet it is equally clear that he is not intending to deceive anyone. Many philosophers have concluded from examples like this one that intending to deceive is not a necessary condition on lying and have accordingly tried to develop accounts of lying that do not include this requirement.<sup>vi</sup>

For example, Carson (2006) advocates a definition of lying according to which you lie only if you “warrant the truth” of something you believe to be false. And since, on this notion, one can warrant the truth of something one believes to be false without the intention of deceiving anyone, Carson’s definition counts bald-faced lies as lies.<sup>vii</sup>

Taking an alternative line, Sorensen (2007) proposes that you lie only if your statement has “narrow plausibility”, where a statement has narrow plausibility when “someone who only had access to the assertion might believe it.”<sup>viii</sup> Sorensen then argues that bald-faced lies meet this requirement, although they do not meet a requirement of “wide plausibility, that is, credibility relative to one’s total evidence.”<sup>ix</sup>

By contrast, Fallis (2009) defines lying as saying something one believes to be false while believing that one is in a context where Grice’s (1975) Maxim of Quality, “Do not say what you believe to be false”, is in effect.<sup>x</sup> According to Fallis, the bald-faced liar believes that this norm of conversation is in effect, and hence, on Fallis’s definition, bald-faced lies are lies.

Finally, Stokke (forthcomingb) argues that you lie only if you propose to make what you say “common ground” in the sense of Stalnaker (1978), (1998), (2002). And since one does not have to intend for others to believe what one proposes to make common ground, Stokke’s definition rules in cases of bald-faced lies.<sup>xi</sup>

## 2.2. ETHICAL CONSEQUENCES OF BALD-FACED LIES

The phenomenon of bald-faced lies raises issues concerning the ethics of lying. One traditional rationale for why lying is morally wrong is that lies deceive, i.e., in lying one willfully attempts to induce a false belief in the listener who thereby ends up with misinformation that may be potentially harmful. Yet it seems clear that there are many contexts in which telling a bald-faced lie will be counted as a morally wrong action.<sup>xii</sup> For example, the witness in Carson’s example arguably did something morally wrong by lying about whether he witnessed the murder.<sup>xiii</sup> But since the witness neither intends to nor does deceive anyone, it looks like this traditional rationale for the moral wrongness of lies can at best only apply to some lies.

A lot hangs on how precisely one spells out the rationale. For example, Bok (1978), who accepts the traditional analysis on which intending to deceive is necessary for lying, writes that one of the reasons that victims of lies feel resentful is that

They see that they were manipulated, that the deceit made them unable to make choices for themselves according to the most adequate information available, unable to act as they would have wanted to act had they known all along. (Bok 1978, 20-21)

This description cannot apply directly to the case of bald-faced lies, since they do not involve deception. But there may still be close variants that do. Suppose for example that all other evidence about the murder is circumstantial and that the witness’s lie has the consequence that the murderer cannot be convicted. The jury members, as well as everyone else, may very well feel resentful that they were not able to convict the murderer because of the lie. But the reason is not that they did not have all the information available. They know the man saw the murder, and hence they have the same information they would have had if the witness had not lied (except perhaps for information about the witness’s character or situation.) Rather, the reason is that some of the information was not admissible.<sup>xiv</sup>

Consequently, one hypothesis is that (part of) the moral wrongness of lies comes from the fact that lies block certain choices that otherwise would have been available. Sometimes, probably most often, this is due to misinformation generated by a deceptive lie. But sometimes it is due to reasons of protocol, custom, etiquette, or law, which disallow particular actions in the presence of certain statements having been made, or not made.

## 2.3. EPISTEMOLOGICAL CONSEQUENCES OF BALD-FACED LIES

The existence of non-deceptive lies also has potential consequences for the epistemology of testimony. It is natural to think that lying blocks testimonial success. In particular, an appealing principle is the following:

**No-Lies Requirement**

*B* knows *p* on the basis of testimony from *A* only if *A* did not lie to *B* about *p*.

If one subscribes to the traditional view according to which lying invariably involves intending to deceive, a natural thought is that lies block testimonial success because a testifier who intends to deceive her listener cannot be a source of knowledge, whether or not she succeeds. If the deception is successful, the hearer will acquire a false belief, which cannot be knowledge. But even if the deception is unsuccessful, and the hearer ends up with a true belief (albeit in a different proposition from the one the speaker asserted), it is clear that this still does not count as successful testimony. Consequently, one might think that the force of the No-Lies Requirement comes from the fact that testimony can succeed only in the absence of intentions to deceive on the part of the testifier.

On the other hand, it is natural to think that bald-faced liars are no less defective testifiers than deceptive liars. Hence, the motivation for the No-Lies Requirement must be sought elsewhere. One potential source is the widespread view that testimonial success requires a knowing testifier.

Most philosophers of testimony have accepted a version of the following necessary condition on testimonial knowledge:<sup>xv</sup>

**Knowledge Requirement**

*B* knows *p* on the basis of testimony from *A* only if *A* knows *p*.

Given that liars assert propositions they believe to be false, the Knowledge Requirement entails the No-Lies Requirement. If *A*'s testimony that *p* was a lie, then *A* believes that *p* is false, and hence, since belief is necessary for knowledge, *A* does not know *p* (regardless of whether *p* is in fact true or false.) So testifiers who violate the consequent of the No-Lies Requirement, thereby violate the consequent of the Knowledge Requirement.<sup>xvi</sup> And significantly, this is true for both deceptive and bald-faced liars, since both forms of lying involves asserting something one believes to be false.

Yet some philosophers of testimony have rejected the Knowledge Requirement. For example, Lackey (2008) presents potential counterexamples in the form of cases in which someone testifies that *p* while not believing *p*, and yet, Lackey claims, the listeners acquire knowledge that *p* based on the testimony. Lackey therefore rejects the standard view of testimony as a mechanism for transmitting knowledge in favor of what she calls the "Statement View of Testimony", which replaces the Knowledge Requirement with the necessary condition that the testifier's statement be reliable (or otherwise truth-conducive.) Hence, according to Lackey, one may acquire knowledge via testimony from testifiers who do not believe what they say, as long as their testimony is reliable.<sup>xvii</sup>

This position raises the question of how to explain the sizeable range of cases in which lying intuitively does block testimonial knowledge. For example, suppose that Eric is trying to give his mother a bad impression of his father. So, while Eric does not believe so, he tells his mother,

2. Dad had an affair.

The mother, trusting her son, believes him. And as it turns out, in fact the father did have an affair. Intuitively, it is clear that Eric's mother does not come to know that Eric's father had an affair as a result of her son's telling her so. But if both the Knowledge Requirement and the No-Lies Requirement are false, as Lackey argues, then how should one account for cases like this one?

One response is to argue that the mother's way of acquiring her belief fails to be reliable in some way. Hence, one might think that standard cases of lying in which testimony is blocked are to be explained by appeal to a general principle according to which knowledge requires reliability.<sup>xviii</sup>

More generally, then, the challenge of explaining why lying at least sometimes blocks testimonial success may be expected to cast light on which necessary conditions on testimonial knowledge should ultimately be endorsed. For example, an issue still to be resolved is whether a principle such as the No-Lies Requirement is among the fundamental necessary conditions governing testimonial knowledge, or whether the relevant cases can be explained by other, independently motivated, principles.

### 3. *Lying and Misleading*

#### 3.1. THE MORAL SIGNIFICANCE OF THE LYING-MISLEADING DISTINCTION

The most clear-cut instances of the distinction between outright lying and merely misleading are contrasts between assertion and (particularized) conversational implicature. Imagine that Alice went on a trip to Las Vegas. She greatly enjoyed the trip, but afraid of appearing unsophisticated, she wants to conceal this fact from her high-minded friends. Consider the choice between (3a) and (3b) in reply to a question about whether she like Las Vegas.

3. (a) I hated it.  
(b) There's a copy of the Eiffel Tower there.

Choosing (3a) in this situation is to choose to lie; choosing (3b) is to choose to mislead while not lying. In both cases, Alice is guilty of deceiving, but only in the former case is she guilty of lying.

Many have the intuition that choosing to lie is morally a worse choice than choosing to merely mislead in cases like this one. Hence, it is tempting to conclude that lying is morally worse than merely misleading. Correspondingly, a large number of philosophers throughout history have

assumed that the distinction between lying and merely misleading is fundamental to what Williams (2002) calls “the morality of truthfulness.”<sup>xxix</sup> Aspects of this view are built into legal systems in which lying (perjury) is punishable while merely misleading utterances are not punishable if they are not also lies. Similarly, many religious systems incorporate a strict prohibition on lying, while other forms of deception are sometimes seen as permissible. Although moral traditions as well as individual writers on lying have disagreed about whether lying is ever morally acceptable, the consensus has been that lying is always morally worse than merely misleading.<sup>xx</sup>

By contrast, recently some philosophers have rejected the moral significance of the lying-misleading distinction.<sup>xxi</sup> For instance, Saul (2012) presents the following example to show that choosing to merely mislead is not always morally better than choosing to lie. George, intending to murder Frieda, who is fatally allergic to peanuts, prepares a meal for her with peanut oil. Frieda asks George whether there are any peanuts in the meal. Now consider the contrast between (4a) and (4b).

4. (a) It’s perfectly safe for you to eat the meal.
- (b) There are no peanuts in the meal.

The former is a lie, the latter a merely misleading utterance. Yet, as Saul points out, there is a clear intuition in this case that the choices are morally on a par, i.e., they are equally bad.

Cases like these demonstrate that lying is not always a morally worse choice than merely misleading. Yet, as illustrated by the case of (3), it is also a datum that lying is sometimes morally worse than merely misleading. So, the challenge is to explain the difference between cases like (3) and (4).

Saul (2012) suggests that the reason that lying is sometimes morally worse than merely misleading is that, in some contexts, “the speaker’s responsibility is narrowly confined to just what she says.”<sup>xxii</sup> In other words, the claim would be that in the case of (3), Alice’s responsibility is confined to what she says, whereas in (4), George’s responsibility is not so narrowly confined.

This claim should be distinguished from another one in the vicinity. Many defenders of the moral significance of the lying-misleading distinction have appealed to the suggestion that while the speaker bears sole responsibility for the deception in cases of lying, the responsibility is partly shared by the listener in cases of merely misleading.<sup>xxiii</sup> For example, according to this view, whereas George bears sole responsibility for Frieda’s acquiring the false belief that it is safe for her to eat the meal if he chooses to utter (4a), Frieda is partly responsible if George chooses to utter (4b), because it is partly Frieda’s responsibility that she wrongly interprets ‘peanuts’ in the loose sense of ‘peanuts or anything else made from or containing peanuts.’

Saul (2012), (forthcoming) objects that the idea that there is a sharp distinction between what the speaker is responsible for conveying vs. what the audience is responsible for inferring from the literal content of the speaker’s utterance relies on a mistaken picture of communication. Similarly, Williams (2002) writes,

If lying is inherently an abuse of assertion, then so is deliberately exploiting the way in which one's hearer can be expected to understand one's choice of assertion. The doctrine makes assertion into a fetish by lifting it out of the context in which it plays its part and projecting onto it in isolation all the force of the demand for truthfulness. (Williams 2002, 107)

Both these considerations are directed against the traditional motivation for upholding the view that lying is always morally worse than merely misleading.

One can reject the view that lying is always worse than misleading, since in cases of merely misleading the listener bears part of the responsibility for being deceived, while accepting the view that lying is sometimes worse, since there are contexts in which the speaker is narrowly responsible for what she literally says. Indeed, this is the stance taken by Saul (2012), (forthcoming).

A challenge for this position concerns its assimilation of quotidian cases like that of (3) to paradigm contexts in which the speaker's responsibilities are narrowly limited to what she literally says, e.g., courtroom settings, political interviews, etc. In particular, if one is sympathetic to the idea that such a rule of narrow responsibility is in play in courtrooms and similar situations, it is natural to think that the reason is that the stakes are typically very high. But since there are low-stakes situations where the rule would also seem to apply, as when discussing a recent holiday, appealing to stakes might appear less attractive as motivation for the rule's being in place. The question is then, why should we think that the reason lying is worse than misleading when talking about one's recent holiday is on a par with the reason lying is worse than misleading in a court of law? Why should there be a strict rule of narrow responsibility in play in conversations about recent holidays?

An alternative motivation for the moral significance of the lying-misleading distinction is to accept the idea that there is a *prima facie* reason against lying. For example, Bok (1978) appeals to what she calls "The Principle of Veracity", which states that "truthful statements are preferable to lies in the absence of special circumstances" and hence "gives an initial negative weight to lies."<sup>xxiv</sup>

Given a view of this kind, one can claim that since, in cases of merely misleading, the speaker says something she believes to be true - albeit with the intention of misleading the listener - this choice is preferable to the choice of explicitly saying something one believes to be false.<sup>xxv</sup> This kind of consideration may be able to explain the intuition of asymmetry for cases like (3). In turn, the reason that the moral difference between the two choices is weakened in cases like (4) might then be credited to the fact that the deception, however it comes about, has consequences of a sufficiently higher degree of severity.

Whichever kind of explanation for it ultimately turns out to be most acceptable, though, the observation that, for a wide range of cases, there seems to be no significant moral difference between lying and merely misleading still stands.

### 3.2. THE LYING-MISLEADING DISTINCTION AND 'WHAT IS SAID'

As noted earlier, the majority of theories of lying take it to be a necessary condition on lying that the speaker *say* something. This was the first condition L1 in the traditional account of lying. One chief purpose of this requirement on lying is to rule out various forms of non-linguistic deception, such as Kant's (1797) famous example of packing your bags in front of someone else in order to deceive them into thinking you are going on a trip. Although such actions are intended to deceive, and although they may be morally reprehensible, they are not lies.

But further, theories of lying typically rely on the possibility of specifying the notion of saying (or some relative of it) in L1 so as to avoid counting merely misleading utterances as lies.<sup>xxvi</sup> For example, as discussed above, obvious paradigm cases of misleading while not lying are cases where the speaker says something true in order to conversationally implicate something false. Hence, at a minimum, the notion of saying in definitions of this kind must be such as not to count conversational implicatures as said.

Since notions such as 'what is said' play a central role in many areas of philosophy of language, it is reasonable to ask whether we should take discoveries about lying to have consequences for these other debates. More particularly, if it is found that a type of utterance that would normally be taken to convey that *p* counts as a lie when the other conditions on lying are satisfied, should we conclude that *p* is part of what is said by utterances of this kind? And equally, should we think that if we arrive at the right notion of what is said independently, we may be able to derive predictions about lying vs. merely misleading?

Within philosophy of language the notion of 'what is said' is commonly understood as identifiable with truth-conditional content. On this picture a sentence *S* says that *p* relative to a context *c* if and only if relative to *c*, *S* is true if and only if *p*. In turn, disagreement in this area concerns how, and in virtue of what, *S* stands in this relation to *p* and *c*. Some claim that it is a matter of the lexical meanings of the elements of *S* (some of which may not appear at the level of surface form) and their mode of composition that *S* has the truth conditions it does relative to a particular context.<sup>xxvii</sup> Others insist that this fact is to be explained as resulting from an interplay of such and other, more pragmatic factors.<sup>xxviii</sup>

Some reason to think that the notion of saying involved in accounts of lying cannot be equated with a notion of truth-conditional content of this kind comes from considering other types of non-truth-conditional information than standard conversational implicatures.<sup>xxix</sup>

Take for example the case of scalar implicatures. Suppose that Sue taught a statistics class last year in which she saw all of her students fail the exam. Now consider the following two dialogues:

5. Bob: Did all of your statistics students last year fail the exam?  
Sue: Some of them did.
6. Bob: How did your statistics class go last year?  
Sue: Some of my students failed the exam.



One might feel that, corresponding to the variation in the question she is addressing, while Sue lied in (5), her reply in (6) was merely misleading. If so, then according to L1, Sue's reply in (5) counts as *saying* that not all of her students failed, while her reply in (6) does not. Hence, if these judgments are on the right track, the notion of saying in L1 is such that scalar implicatures are sometimes said and sometimes not.

If one is sympathetic to this argument, it may detract from the plausibility of identifying the notion of saying in L1 with that of truth-conditional content, since it may be that - whatever position one favors - one will want to either count scalar implicatures as part of truth-conditional content or not, independently of the question the speaker is addressing. Hence, according to this line of reasoning, it is likely that the notion of saying that is required for a proper analysis of the lying-misleading distinction is not a notion of truth-conditional content, but rather a notion that tracks information that speakers count as committed to, in the relevant sense, given the context and the prior discourse.

### 3.3. LYING, SAYING, AND ASSERTING

Other consequences for how to spell out the speech act involved in lying arise from the recognition of the possibility of lying without the intent to deceive. Stokke (forthcomingb) observes that the phenomenon of bald-faced lies places constraints on how this speech act must be understood, and points out that in order to capture the phenomenon of bald-faced lies, the notion of saying involved in the definition of lying must at least meet the following conditions:

*A* says that *p* to *B* does not entail that

- (a) *A* intends *B* to believe that *p*, or that
- (b) *A* intends *B* to believe that *A* believes that *p*, or that
- (c) *A* believes that *p*, or that
- (d) *A* knows that *p*.

If one cannot say that *p* without satisfying one of (a)-(d), then saying cannot be what one does when one tells a bald-faced lie. So, if lying is characterized in terms of saying, then this notion must be weak enough so as to not require liars to meet any of these conditions.

Many writers on lying take the speech act required for lying to be that of assertion.<sup>xxx</sup> At the very least, then, the notion of assertion involved here must be understood so that none of (a)-(d) are necessary conditions on asserting that *p*. This rules out certain theories of assertion as suitable for providing accounts of lying.<sup>xxxi</sup> But, as both Fallis (2009) and Stokke (forthcomingb) point out, it is not obvious that theories of lying that involve a notion of assertion meeting these requirements should be taken as disproving theories of assertion according to which assertion is a stronger notion. The situation may be parallel to the one concerning the notion of what is said.

Saul (forthcoming) observes that whereas the notion of 'what is said' is not part of everyday vocabulary, notions such as 'lying' and 'misleading' are. The same is arguably true for 'assertion'. Since notions such as 'what is said'

and ‘assertion’ are semi-technical terms that we use to theorize about things like lying, truth-conditional content, etc., it is not obvious that we should expect them to be unified across these different areas of inquiry.<sup>xxxii</sup>

On the other hand, it is implausible that there will be no interaction or overlap between these areas. For example, an attractive hypothesis is that truth-conditional content is always a candidate for a lie. That is, it is hard to imagine that there are contexts in which the truth-conditional content of a particular utterance does not count as a lie, as long as the speaker fulfills all the other conditions on lying.<sup>xxxiii</sup> Indeed, even in contexts like that of Frieda and George, where the moral distinction between lying and misleading seems to be inactive, it is still clear which choice of utterance is a lie and which is merely misleading.

It is not unlikely, then, that the notion of ‘what is said’ *qua* truth-conditional content is to be seen as a minimal notion for the purpose of defining lying, even though it might be found that there are other reasons why we sometimes want to count an utterance as a lie, even though the relevant content is not said in the minimal sense. In those cases, the content in question may be counted as ‘said’ in a broader sense, and one can then identify this broader sense of saying as the one involved in the first condition on lying L1.

Similarly, it would be unreasonable to expect that no areas of the vast landscape of theorizing about assertion have relevance for the study of lying. For example, as we have seen, Stokke (forthcomingb) explicitly appeals to the well known analysis of assertion developed by Stalnaker (1978), (1998), (2002) in order to give an account of the communicative aspects of lying. Similarly, Carson (2006) spells out the notion of assertion used in his definition of lying in terms of the view, familiar from the work of, e.g., Searle (1969), Brandom (1983), Wright (1992), MacFarlane (2005), that to assert is to undertake a certain type of commitment. And Fallis (2009) makes use of Grice’s (1975) Maxim of Quality to spell out the aspects of asserting that he takes to be essential for lying.

Nevertheless, it remains a challenge for theories of lying to correctly specify the notions of saying, asserting, etc. that are involved in the accounts of lying they provide. First, the notion must be carved out so as to rule out cases of merely misleading while ruling in bald-faced lies. And second, if the notion employed deviates from those found in other areas (e.g., the notion of ‘what is said’ *qua* truth-conditional content), theories of lying should ultimately explain what factors determine whether a particular piece of information associated with an utterance on an occasion counts as said, asserted, etc. in the relevant sense.<sup>xxxiv</sup>

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## Notes

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<sup>ii</sup> See, e.g., Augustine (c 395), Isenberg (1964), Bok (1978), Kupfer (1982), Davidson (1985), Williams (2002), Frankfurt (2005). An interesting exception is Aquinas (1265-74); on this, see Williams (2002, 292, n. 26).

<sup>iii</sup> See Fallis (2009) for criticism of Chisholm and Feehan’s definition of lying. See also Fallis (2010) for discussion of the relation between lying and deception. For relevant, general discussion of deception, see, e.g., Skyrms (2010, ch. 6) and the essays in Martin (2009).

<sup>iv</sup> See, e.g., Carson (2009), (2010).

<sup>v</sup> See, e.g., Fallis (2012).

<sup>vi</sup> See also Fallis (2010) for an argument that the traditional definition is not adequate to capture the narrow phenomenon of deceptive lying.

<sup>vii</sup> For a variant of this view, see Saul (forthcoming). For criticism of Carson (2006), see Fallis (2009), (2012) and Saul (forthcoming). For replies, see Carson (2010).

<sup>viii</sup> Sorensen (2007, 255). For some doubt about this notion, see Fallis (2009, 44, n. 51).

<sup>ix</sup> *Ibid.*

<sup>x</sup> For criticism of Fallis (2009), see Fallis (2012), Stokke (forthcomingb).

<sup>xi</sup> For criticism of Stokke (forthcomingb), see Fallis (2012).

<sup>xii</sup> By contrast, Sorensen (2007) argues that bald-faced lies are morally neutral, although there may be other reasons to avoid engaging in bald-faced lying.

<sup>xiii</sup> Perhaps judgments here will depend on the severity of the anticipated reprisals and to what extent the witness could reasonably take the reprisals to be avoidable by other means than lying. But it is plausible that there are cases of this kind in which bald-faced lying is morally wrong, even if details vary across instances.

<sup>xiv</sup> There may also be cases where actions are blocked for other reasons, e.g., due to a witness taking the 5th amendment, or the like. As such, lying may be only one kind of action that prevents decision making.

<sup>xv</sup> See, e.g., Burge (1993), Plantinga (1993), Audi (1997), Williamson (1996), (2000).

<sup>xvi</sup> Note that this holds even if one subscribes to the weaker version of L2 according to which it is necessary for lying merely that one not believe what one says.

<sup>xvii</sup> Lackey’s view includes other necessary conditions on testimonial knowledge, see Lackey (2008, ch. 3).

<sup>xviii</sup> Lackey (2008) argues that subjects who lie consistently can be reliable testifiers.

<sup>xix</sup> Williams (2002, 101). This tradition includes Augustine (c 395), Aquinas (1265-74), Kant (1797). See also Bok (1978) and Williams (2002) for more historical references.

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<sup>xx</sup> Kant (1797) is a famous statement of the position that lying is never morally justified. For discussion, see, e.g., Paton (1954), Isenberg (1964), Bok (1978), Kupfer (1982), Korsgaard (1986), MacIntyre (1995), Williams (2002), Mahon (2006), (2009), Wood (2008).

<sup>xxi</sup> E.g., Adler (1997), Williams (2002), Saul (2012), (forthcoming).

<sup>xxii</sup> Saul (2012, 7).

<sup>xxiii</sup> For discussion, see, e.g., Kant (1797), MacIntyre (1994), Adler (1997), Williams (2002), Mahon (2003), Saul (2012), (forthcoming).

<sup>xxiv</sup> Bok (1978, 30). See also Kupfer (1982) for discussion.

<sup>xxv</sup> Note that one can also mislead by saying something false in order to implicate something false, but these are clearly also cases of lying. Indeed, cases of *merely* misleading that are relevant here are all cases in which the speaker literally says something she believes to be true.

<sup>xxvi</sup> Cf., e.g., Chisholm and Feehan (1977), Adler (1997), Carson (2006), Sorensen (2007), Fallis (2009), Stokke (forthcomingb), Saul (forthcoming). Some writers use other terminologies, e.g., 'stating' or 'asserting'. Another purpose of L1 is to rule out other forms of linguistic insincerity that are not lies, chiefly, insincere utterances of non-assertoric forms of speech such as orders and questions. See Stokke (forthcominga) for an account of this.

<sup>xxvii</sup> Defenders include Kaplan (1989), Stanley (2000), Cappelen and Lepore (1997), (2004), Predelli (2005), Stokke (2010).

<sup>xxviii</sup> For examples of this type of view, see Travis (1985), Sperber and Wilson (1986), Bach (1994), Bezuidenhout (2002), Carston (2002), Recanati (2001), (2004), (2010), Soames (2008).

<sup>xxix</sup> Saul (forthcoming) also discusses cases of expansion, completion, and metaphor. On the latter, see also Dynel (2011).

<sup>xxx</sup> See, e.g., Chisholm and Feehan (1977), Adler (1997), Carson (2006), Sorensen (2007), Fallis (2009), Stokke (forthcomingb).

<sup>xxxi</sup> For example, (a) rules out Grice's notion of 'saying'. On this, see Stokke (forthcomingb).

But note that there are no immediate consequences for purely normative theories of assertion. For example, (d) is consistent with the influential theory of Williamson (1996), (2000)

according to which assertion is governed by a constitutive rule specifying that one should assert *p* only if one knows *p*, since this does not mean that cases in which speakers assert *p* are necessarily (or even typically) cases in which they know *p*. For some discussion of lying in relation to the knowledge norm of assertion, see Lackey (2008, 115-117).

<sup>xxxii</sup> Similarly, Cappelen (2011) argues that there are many equally good ways of distinguishing acts of saying that are assertions from those that are not assertions, and that the category of assertion is unlikely to play a role in an ultimate theory of communication.

<sup>xxxiii</sup> In cases of irony, such as those discussed by Fallis (2009) and Stokke (forthcomingb), a speaker says (in the truth-conditional sense) that *p* while believing that *p* is false and yet she is not lying. But the reason for this is, according to these views, that the speaker does not fulfill one or more further conditions on lying. For example, according to Stokke (forthcomingb), the ironic speaker is not proposing to make what she says common ground, and hence, she is not asserting what she says.

<sup>xxxiv</sup> Saul (forthcoming) takes on this task.