Disagreement with a bald-faced liar
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Abstract
How can we disagree with a bald-faced liar? Bald-faced lies seem to pose problems for accounts of lying and of assertion. Recent proposals try to defuse those problems by arguing that bald-faced lies are not really assertions, but rather performances of fiction-like scripts, or different types of language games. If that's the case, how can we disagree with a bald-faced liar? Can there be a disagreement in doxastic state if it's common ground that what the speaker says is false? And can there be a disagreement in activity if it's common ground that the speaker has no intent to deceive? And why do we disapprove bald-faced liars so strongly? This paper raises two objections to the fictionalist view. It then offers a diagnosis about how we disagree with bald-faced liars. It concludes that bald-faced lies have illocutionary assertoric force, and that in making a bald-faced lie the speaker tries to make it common ground that the assertion was in good standing *qua* assertion.
Keywords
Assertion, lies, bald-faced lies, disagreement, context update

1. *Introduction*

How can we disagree with bald-faced liars?[2] Answering this question is important to understand what lying is, why it is morally wrong, and to gain a better understanding of disagreement. But it is also practically important in the current

2 The phrase 'bald-faced liar' has become more prominent recently. In British English, 'bare-faced' and 'bold-faced' is closer to the Portuguese and Spanish meaning of 'mentira descarada', a lie that is shameless and undisguised.

political climate. In an article from early 2019, Dahlia Lithwick wrote about evidence that Donald Trump directed his former lawyer, Michael Cohen, to lie to congress about negotiations to build a Trump Tower in Moscow, an allegation supported by substantial documentation collected in Robert Mueller's report, and later confirmed by Cohen. Faced with strong documentary evidence and Cohen's testimony, Trump accused Cohen of being "a lying liar" and that the evidence in Mueller's report was "fake". These claims by Trump are, arguably, bald-faced lies. Lithwick reflects on the effects of Trump's lies on journalism, politics, and society:

> We've grown so hopelessly accustomed to a journalism reduced to daily fact checking, and a politics reduced to daily fact checking, and fact checking reduced to *daily white noise* that we forget that *there is more to daily public life than endlessly correcting the record*. (Dahlia Lithwick, *Slate*, January 2019. My emphasis)

Now, since it is common ground that what is said in a bald-faced lie is false, Sorensen (2007) argued, the bald-faced liar cannot have the intention to deceive. And without the intent to deceive, bald-faced lies do not deserve moral disapproval. The apparent intensity of our disapproval of bald-faced lies (in comparison with covert lies) would be, he concluded, a "rhetorical illusion". Although I don't intend to give a definition here, I will argue that the role of bald-faced lies in public discourse shows that bald-faced lies are assertions, and that responding to a bald-faced lie that *p* requires that we do more than "correcting the record" with respect to *p*'s falsehood – a falsehood that is (presumably) known as such. I will also suggest that the moral disapproval of bald-faced lies is related to this fact.

Bald-faced lies seem to pose problems for some accounts of lying, and also for some theories of assertion. But it is not commonly recognized that bald-faced lies are also a problem for accounts of disagreement. If it's common ground that what a bald-faced liar says is false, and the speaker has no intention to deceive, then a disagreement

with a bald-faced liar should not be possible. But, as we will see, there do seem to be disagreements with bald-faced liars – surely, endlessly trying to correct the record is one way of doing so. Moreover, Sorensen's claim that our disapproval of a bald-faced liar is a "rhetorical illusion" does not sit comfortably with our condemnation, for instance, of Donald Trump's claim on the 4 of January of 2019, "I never said I was going to build a concrete wall". Trump knows anyone can check[3] – and that most of his audience remembers – the numerous occasions where he asserted that he was indeed going to build a concrete wall, and that Mexico would pay for it.[4] If this denial is a bald-faced lie, as it seems to be, what is Trump doing?

Faced with the problem of categorizing bald-faced lies, theorists have adopted mainly one of two strategies. One is to insist, against first-appearances and Sorensen's argument, that any bald-faced lie that p is an intent to be deceptive about p.[5] Another is to argue that the intent to deceive about p is not essential to lying about p.[6] Here I discuss a third possibility: that bald-faced lies are not lies because they are not assertions, a view that argued for by Jessica Keiser (2016) and Ishani Maitra (2019). Keiser's claim is rather that bald-faced liars are engaging in different kinds of language-games that do not amount to conversations. And Maitra argues for a constitutive view of assertion, where to assert is to be responsive to evidence in the right way. Bald-faced liars are so blatantly violating this rule that they must be doing something else. Maitra's hypothesis is that they are more like actors following a script. I call this *fictionalism about bald-faced lies*.

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[3] For instance, here: https://www.youtube.com/watch?v=QguzPi-WhvM
[4] Lately, Trump has demanded to have a black painted fence built instead (https://www.washingtonpost.com/immigration/take-the-land-president-trump-wants-a-border-wall-he-wants-it-black-and-he-wants-it-by-election-day/2019/08/27/37b80018-c821-11e9-a4f3-c081a126de70_story.html) or an alligator moat (https://www.nytimes.com/2019/10/01/us/politics/trump-border-wars.html).
[5] E.g., Lackey 2013.
[6] E.g., Sorensen 2007, Carson 2006, 2010, Fallis 2009, Saul 2012, Stokke 2013, 2014.

I have two aims in this paper. The first is to give two objections to fictionalism about bald-faced lies. The objections affect Maitra's and Keiser's views, and show that bald-faced lies do have assertoric illocutionary force. The second aim of the paper is to show that the assumption that bald-faced lies are assertions can explain how we disagree with bald-faced liars, and why they often undermine an audience's good epistemic stance.

Section 2 introduces examples of bald-faced lies, and sets up the background and motivation for fictionalism about bald-faced lies. Section 3 offers two objections to fictionalism, and section 4 sketches the illocutionary and perlocutionary effects of bald-faced lies which can help explain how they can be used to gaslight, but also how we can disagree with bald-faced liars.

2. Bald-faced lies: cases, assertions, and fiction-making

A series of familiar cases is normally used to illustrate the main features of bald-faced lies. These cases raise problems for theories of lying and of assertion. Here, I present three such cases, all of which prima facie reveal a lack of intent to deceive about what is literally said through the bald-faced lie.[7]

2.1. Bald-faced lies: examples

Case 1: Frankie Five Angels

''Frankie Five Angels'' Pantangelli is called in as a surprise witness in a senate hearing to testify against the mob boss Michael Corleone. Frankie, who had fallen out with

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[7] I will not consider cases that are just "polite untruths", falsifications that are not lies (Shiffrin 2014), for instance the case of the butler Igor who tells the visitor 'Madam is not at home' without the intention that the visitor form the false belief that Madam is not at home, but rather with the intention that the visitor infer the true belief that it is now inconvenient for Madam to receive him. This is something that Igor knows to be true, and wants to communicate to the visitor in as polite a way as possible (see Mahon 2016:9, Isenberg 1964: 473). Cases of this kind are characterizable as indirect assertions (see García-Carpintero 2019). By contrast, in bald-faced lies there is no plausible indirectly asserted truth.

Michael, was under government protection and had made an agreement with government officials to tell the court of the manifold crimes for which Michael was responsible. In order to prevent this, Michael flies Frankie's brother Vincenzo—mafioso and caretaker of Frankie's children—over from Sicily to attend the hearings. On the day of the hearing, Frankie turns around and locks eyes with Vincenzo, whose presence reminds him that by testifying against Michael he puts the honor of his family as well as the wellbeing of his children at risk. Subsequently, Frankie surprises the government officials by going against their agreement and claiming under oath to have no knowledge of any wrongdoings committed by Michael Corleone. This is a paradigmatic example of a bald-faced lie in which there is no intent to deceive; there is mutual knowledge among the hearing attendees that Michael is guilty of murder, etc., and that Frankie has first-hand knowledge of these facts.
(Keiser 2016: 462)

Case 2: Takhlef

"Everything [President Saddam Hussein] did in the past was good and everything he will do in the future is good" (Seierstad, 2003, p. 30). "How can you be so sure about that?" Åsne Seierstad asks her Iraqi minder. With a glare Takhlef answers "I know it as a result of my belief in the party and his leadership." Åsne Seierstad does not press Takhlef. She does not want to join the many reporters expelled from Iraq. Instead of voicing her disgust at the overwhelming number of Saddam Hussein portraits, she makes flattering remarks about the President's appearance. Asne Seierstad knows Takhlef is not stupid. She privately wonders:
What sort of game is this? How long will it continue? How much longer must I praise Saddam's shining hair? How often will Takhlef boast about the victories of the revolution and how wonderful everything would be in Iraq but for the sanctions? He knows he is lying, he knows I am lying, he knows that I know that he knows that I am lying. I keep my mouth shut. To report my questions and attitudes is one of Takhlef's duties. (Seierstad, 2003, p. 30)
… Everybody realizes that Takhlef's description of Saddam Hussein's performance is a lie. Everybody knows Takhlef is lying and everybody knows everyone knows it. If lying requires an intention to deceive, then common knowledge that Takhlef is lying is impossible. (Sorensen 2007: 251-252)

Case 3: Cheating student

Suppose that a college Dean is cowed whenever he fears that someone might threaten a law suit and has a firm, but unofficial, policy of never upholding a professor's charge that a student cheated on an exam unless the student confesses in writing to having cheated. The Dean is very cynical about this and believes that students are guilty whenever they are charged. A student is caught in the act of cheating on an exam by copying from a crib sheet. The professor fails the student for the course and the student appeals the professor's decision to the Dean who has the ultimate authority to assign the grade. The student is privy to information about the Dean's de facto policy and, when called before the Dean, he (the student) affirms that he didn't cheat on the exam. He claims that he was not copying from the crib sheet. He claims that he inadvertently forgot to put his ''review sheet'' away when the exam began and that he never looked at it during the exam. The

student says this on the record in an official proceeding and thereby warrants the truth of statements he knows to be false. He intends to avoid punishment by doing this. He may have no intention of deceiving the Dean that he didn't cheat. (If he is really hard-boiled, he may take pleasure in thinking that the Dean knows that he is guilty (Carson 2006: 290)

All cases involve common knowledge that what the speaker says is false. It seems that the cases involve also common knowledge that the speaker is *lying*.

2.2 Theoretical decisions about lying, asserting, disagreeing

Prima facie, bald-faced lies are a problem for some theories of assertion, for instance for so-called communicative intention theories, a family of views where to assert is to express one's belief with the intention that the hearer acquire that same belief. Take for example Bach and Harnish's reflective communicative intention account:

> *S* asserts that *p* iff *S* expresses
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> (i)   the belief that *p*, and
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> (ii)   the intention that *H* believe that *p*. (Bach and Harnish 1979: 42)[8]

Bald-faced lies pose a problem for communicative intention theories because the bald-faced liar does not seem to have the intention that the hearer come to believe that *p*. After all, in the earlier cases, it is taken for granted by speaker and hearers that what was asserted is false, and the speaker has no intention to produce the belief that the assertion is true.

Bald-faced lies do not appear to raise problems for other accounts of assertion, for instance Stalnakerian accounts,[9] or constitutive accounts like Williamson's[10] According to Williamson, the speech act of asserting is regulated by constitutive rules, and these are distinct from other norms that apply to assertions (of relevance, good phrasing, politeness,

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[8] See Pagin 2014 for discussion.
[9] Stalnaker 1999, 2002.
[10] Williamson 1996, 2000.

etc.) The constitutive rule of assertion must differentiate it from other speech acts to which the more general cooperative norms also apply. Now, the violation of a constitutive rule for an action type does not mean that the action was not performed, but that it deserves specific criticism for violating the rule while performing that action (Williamson 1996: 489). Williamson argues that assertion in particular is regulated by the knowledge rule (KR):

(KR) One must: assert p only if one knows that p.

Bald-faced lies do not pose a problem for Williamson's a constitutive rule account. Bald-faced lies are assertions that blatantly violate their constitutive rule. Not only does the speaker not know p, it is common knowledge that he does not know p.

On Stalnakerian accounts of assertion, to assert that p is to propose that p become common ground. To assert is to reduce the set of live possibilities in a given context. Common ground is thus central to define assertion:

> It is common ground that φ in a group if all members accept (for the purpose of the conversation) that φ, and all believe that all accept that φ, and all believe that all believe that all accept that φ, etc. (Stalnaker 2002: 716)

What is common ground, or taken for granted, in a conversational context is what is accepted in a context. Acceptance is a belief-like attitude, although not necessarily a belief. It might be an assumption, or a mere 'acceptance for the purposes of an argument or inquiry':

> To accept a proposition is to treat it as true for some reason. One ignores, at least temporarily, and perhaps in a limited context, the possibility that it is false. (Stalnaker 2002: 716)

Stokke (2013) deploys Stalnaker's account of assertion to define lying, and in a way that can accommodate bald-faced lies. In fact, Stokke defends the same account of lying I will adopt: that to lie is to assert what one believes to be false.[11] In the next section,

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[11] Stokke 2013: 43.

I will nonetheless point to a reason to doubt the effectiveness of the Stalnakerian notion of assertion. Now, this account abandons the intent to deceive which is essential to the classic understanding[12] – lying does not require the intent to deceive.

Now, bald-faced lies are also a problem for some compelling views of agreement and disagreement. Cappelen and Hawthorne (2009) distinguish between agreements in state and agreements in activity, from which we can adapt closely related notions of disagreement:

> *Disagreement in state:* Two people A and B disagree about p only if A accepts p and B rejects p.
> *Disagreement in activity*: A and B engage in the activity of disagreeing about p when they debate, argue, discuss, or negotiate about whether p. [13]

If we take Sorensen's definition of bald-faced lies at, well, face value, it would seem that the bald-faced liar and his audience can't disagree in state as to whether p, since they both accept that p is false. And it's hard to see how they can disagree in activity as to whether p when they all take for granted that p is false, and furthermore take for granted that the speaker has no intention to deceive.

Here, will discuss a new take on bald-faced lies: that they are not lies because they are not assertions. This view is defended by Jessica Keiser and Ishani Maitra. Keiser (2017) argues that bald-faced lies are moves in a distinct language game, not moves in a conversation. As such, bald-faced lies would not require us to abandon the classic Augustinian definition of lying. Keiser takes for granted that to lie is to directly assert

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[12] As the Augustinian definition says, "the fault of a person who tells a lie consists in his desire to deceive in expressing his thought". (Augustine, 1952 [395], 55-56)

[13] Cappelen and Hawthorne 2009: 60. See also Marques 2014 for discussion about how to define disagreement in doxastic state, and Cohnitz and Marques 2014 for an introduction on various disagreement problems.

what one believes to be false. She then holds a definition of assertion that is close to Bach

and Harnish's (see above):

> *Assertion:* By uttering σ, *U* asserts *p* iff for some audience *A*
> 1. *U* meant *p*.
> 2. *U* utters σ *R*-intending that (1) will provide *A* with a reason to believe that *U* believes
> *p.* (Keiser 2016: 470)

R-intending is a species of reflective intention. On this definition, to assert is to

intend to give the audience a reason to believe that the speaker himself believes that *p.*

This definition and the assumption that to lie is to directly assert what one believes to be

false, entails that lying involves an intention to deceive. Keiser's claim, in short, is that

there can't be lies without an intent to deceive, by definition. Since it is common ground

that the speaker is saying what is believed to be false in the context of utterance, clearly

the speaker is not providing the audience with a reason to believe that he believes what

he says. Hence, Keiser concludes, the speaker must be doing something other than a

"conversation":

> There is no reflexive communicative intention over and above the transmission of this
> content—he does not intend his audience to do anything with that content on the basis
> of the recognition of his intention—so he [Pantangelli] does not perform an
> illocutionary act or make a move in a conversation. But by performing this locution
> under oath and in this setting, he makes a move in a different game—the courtroom
> game. (Keiser 2016: 471)

But the problem with this argument is that it merely insists that a communicative-

intention definition of assertion rules out bald-faced lies as serious counterexamples:

bald-faced lies cannot be assertions, because, if they were, the communicative-intention

theory would be wrong. Moreover, the solution –that all bald-faced lies are moves in

language games other than conversation – is ad hoc. Keiser claims that Pantangelli is

making a move in a courtroom game. But in how many language-games are bald-faced

lies a legitimate move? Is the cheating student making a move in the get-away-with-

cheating-your-University game? Is Takhlef making a move in the please-your-autocratic-leader-language game? One may wonder how speakers know what these different language-games are, and how they navigate in and between them.

Like Keiser, Maitra (2019) also argues that bald-faced lies are not assertions. This allows her to hold on to the classic definition of lying. Since bald-faced lies involve no intent to deceive, they are not lies, and are not morally wrong. Maitra categorizes bald-faced lies as utterances of *p* that that don't involve an intent to deceive about *p*. This contrasts with the alternative taxonomy, which I will defend: that bald-faced lies are assertions that *p* in contexts where it's common knowledge that *p* is false.

Maitra distinguishes what she sees as real cases of bald-faced lies from other lies that may nonetheless be blatant and 'undisguised' but involve some intent to deceive. These would be knowledge-lies[14], where a speaker can assert *p*, even though (i) he knows not-*p*, knows that his audience knows (i), and so on. In knowledge-lies the speaker can anyway intend to undermine the audience's confidence in not-*p* by insisting on *p*. Asserting an 'undisguised' lie may be enough to shake another's confidence in not-*p*, which in turn can suffice for deception and even gaslighting. By contrast, cases like (1)-(3) involve no intent to deceive or gaslight.

Maitra offers a constitutive rule of assertion that differs from Williamson's knowledge-rule:

> *Evidence-Responsiveness Rule:* If a speaker *S*'s utterance of *U* is not sufficiently responsive to her (total) evidence that bears on *p*, she does not assert *p* via uttering *U*.

Constitutive-rule accounts allow, obviously, for a speaker to assert while violating the rule. If the Evidence-Responsiveness rule were correct, violation would be an assertion that is not sufficiently responsive to the speaker's total evidence. However,

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[14] See Sorensen 2010, and for criticism see Stoffell 2012.

when the violation of the rules of a game are too blatant, Maitra claims, we can wonder whether participants are still playing the game, or whether they are doing something else. Bald-faced lies are such blatant violations of the norm that governs assertion, and hence we are justified in doubting that bald-faced lies are assertions. Now, if bald-faced lies are not assertions, what are they? On Maitra's proposal, they are like performances of a script, a kind of fiction-making.

There are indeed plausible similarities between a speaker uttering a bald-faced lie, and an actor performing a script. Bald-faced liars want to be on record as having made the utterances they made. Moreover, there are other similarities:

> (1) A speaker S who utters a bald-faced lie p knows that p is false, knows that audience knows that p is false, etc. The same happens when an actor is on stage saying to her co-actor: "You are the most earnest-looking person I know!"
> (2) S can be thought of as following a script. Same as an actor on stage.
> (3) S's performance is not only partly intended for his immediate interlocutor. Crucially, it's also intended for others beyond his immediate audience. Same as actors who address people "not on stage".
> (4) Finally, speaker S and hearer H are aware of (1) to (3). (Maitra 2019, p. 76)

I will show in the next section that bald-faced lies indeed are assertions.

3 Two objections

In this section, I raise two objections to the claim that bald-faced lies are not assertions. The first argument is based on the criticisms we direct at bald-faced liars. These are the same we direct at liars, not at actors. The second is based on the reprobation of bald-faced liars who are cornered and appear to 'walk-back' the illocutionary force of lie.

3.1 "That's a lie!" is not a criticism of fiction

Maitra compares bald-faced liars with actors making a performance. The comparison is problematic, in spite of the apparent initial plausibility, because we accuse bald-faced liars of lying, but not performers. We also don't accuse speakers of non-assertions, conjectures or jokes for instance, of lying. That means that accusing bald-faced liars of lying – something we do – is a problem for Maitra and Keiser alike.

Imagine the following situation. The actor who tells her co-actor on stage "You are the most earnest-looking person I know!" during a play is saying something that she believes is false, because she thinks the other actor is a cynic, and that's common knowledge. But no one should accuse her of lying during the performance, neither the audience nor the co-actor. Suppose now that she interrupts her performance on stage, because people in the audience are chatting. The actor, annoyed, addresses the audience and says, "Do you think I enjoy standing on this stage every night looking into that cynic's face?" She tells the audience what she thinks. The audience could criticize her for breaking character.

By contrast, if we imagine Takhlef or Pantangelli "breaking character" (for whatever reason) and "going off script" to tell the truth – that Corleone is a criminal, that Hussein was not a wonderful president – we would *not now* criticize them for breaking character. Unless, of course, we were Corleone or Hussein. Those who benefit from bald-faced lies, or who make them, often accuse their accusers of being themselves the liars. For instance, the same media that is engaged in daily fact-checking Trump's claims is "dishonest", the New York Times is "lying", the media is "crooked", and the Washington Post is "fake". These are Trump's go-to insults when talking about the press whose job it is to check him. This strategy is called DARVO – an acronym for *Deny, Attack, Reverse*

Victim and Offender, a tactic that domestic abusers often deploy. This is a giveaway that the bald-faced liar did *lie* and, hence, *assert*.[15]

3.2 If cornered, does the bald-faced liar "walk-back" the illocutionary force?

If it were true that bald-faced lies are a kind of fiction-making, it should be ok to say so. But we condemn seeming 'walk-backs' of the assertoric illocutionary force of bald-faced lies. Two examples illustrate the dynamics of such 'walk-backs'. I'm borrowing the phrase from the Maggie Habberman, but will discuss what exactly is going on.

During the brief period Anthony Scaramucci was a spokesperson for Donald Trump, he suggested that Trump had pushed back his news conference from 15 December 2016 because "[Trump]'s a very precise, very detail-oriented guy" who wants to have "all of the answers to all of the types of questions that's he's gonna get thrown." That is very obviously false. Trump had earlier tweeted, on December 12, that he would have a news conference "in the near future to discuss the business, Cabinet picks and all other topics of interest,", that he would have "a major news conference" with his adult children "to discuss the fact that I will be leaving my great business in total in order to fully focus on running the country in order to MAKE AMERICA GREAT AGAIN!". [16] In late 2019, it is still not clear if he divested from his businesses, and many cabinet positions were never filled. Once it became clear that the December 15 news conference would not occur, Scaramucci gave an interview in which he said, "Trump's claims are to be taken *symbolically* and not literally." This sounded like bullshit.

Early in 2019, and during the then ongoing investigation of the special council led by Robert Mueller into Russian interference in the 2016 US elections, and of suspicious

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[15] See for instance Frey (2018).
[16] See McKaskill 2016

links between Trump, Trump associates, and Russian officials, Rudy Giuliani said on January 20 that Trump told him the negotiations over a Moscow skyscraper continued through "the day I won," and that the president recalled "fleeting conversations" about the deal after the Trump Organization signed a letter of intent to pursue it. The timeline of these negotiations mattered since it could show that there were links between Trump associates and Russia. As it turns out, what Giuliani said was *true* and answered correctly the question under discussion: *Did Trump Tower Moscow negotiations continue until after the election?* Notice that Giuliani's claim was a bona fide Stalnakerian assertion – it reduced the possibilities that were left open by interlocutors, given the purposes of the conversation. But Giuliani didn't have the intention that his interlocutors believe what he said. Allowing for this assertion to stand was a problem for Trump and his campaign officials. The next day, Giuliani said:

> My recent statements about discussions during the 2016 campaign between Michael Cohen and then-candidate Donald Trump about a potential Trump Moscow 'project' were *hypothetical* and not based on conversations I had with the president.[17] (My emphasis).

It's unclear whether he was *retracting* or doing something else. In recent work, Laura Caponetto (2018) draws from Austin's distinction between illocutionary and perlocutionary effects of speech acts to explain how we *undo* things with words. The illocutionary effects are determined by their force and enter into context automatically. By contrast, perlocutionary effects can be unpredictable and are independent of the felicity of the act. Caponetto then distinguishes three ways of undoing things with words. The first are *annulments*, which apply to fatally infelicitous acts that are mistakenly taken as felicitous. The speech-act was not actually made, and the annulment rectifies the

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[17] As reported by Haberman on the *NY Times,*
https://www.nytimes.com/2019/01/21/us/politics/giuliani-trump-tower-russia.html

mistake. For instance, the annulment of a marriage when the person purporting to celebrate the ceremony does not have the appropriate authority to do so does not undo marriage – which didn't occur, but registers this fact. Second, *retractions* have as their goal to cancel deontic updates that were successfully generated by a past illocution; but they can't cancel perlocutionary effects. Finally, *amendments* allow speakers to alter the force of their own acts without changing the broad kind of act performed, a *constative*, or a *directive*. For instance, speakers can amend an assertion that *p* by saying '… at least I guess that *p*'. Amendments, as Caponetto says, tamper with the normative strength of the act performed.

Now, we disapprove of what Scaramucci and Giuliani do in calling previous claims "symbolic" or "hypothetical". But what is it that we condemn? My conjecture is that there are only two hypotheses. I will first rule out the two implausible options. Scaramucci and Giuliani are not annulling an infelicitous attempt to make a speech act, and what they say does not support this hypothesis. Neither do they retract: they don't say that the former statements were false, wrong, incorrect, invalid, or out of place. They also don't say "I take it back". The two viable hypotheses are thus that (i) they are amending the illocutionary force of an assertion, or (ii) they are lying about the illocutionary force of that assertion. Now, Scaramucci can't amend someone else's speech-act.[18] Yet, even if he could, that would entail that he would have amended an *assertion* by weakening its illocutionary strength. It would however be strange if we condemned people for amending their actions.

Giuliani gives it away. Giuliani is Trump's layer, and obviously his statements were the result of conversations he had with Trump, one way or another, about a topic

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[18] Consider also Trump's request that China interfere on the 2020 presidential election by 'investigating' the Bidens, and the subsequent attempt by Republicans of casting that *request* as a *joke*. See Graham 2019 and Rieger 2019. Republicans can't *amend* Trump's claims (although they must wish they could).

that was under investigation and for which there were multiple indictments and guilty pleas. Scaramucci and Giuliani *lied* about the illocutionary force of their, or Trump's, utterances. Trump lied, and then Scaramucci lied about that lie – not about its content, but about its illocutionary force. Giuliani accidentally spoke the truth, and then lied about having asserted, not about the content of the assertion.

In this section, I started by showing that we direct criticisms at bald-faced liars that we don't and shouldn't direct at the performance of fictional scripts. Additionally, when cornered, liars often accuse those who publicly denounce them as the *real* liars. They do so defensively to divert the accusation, which suggests that they lied and asserted. Additionally, if it were true that bald-faced lies are not assertions, then statements that deny their assertoric illocutionary force should be true. In fact, we would be wrong in criticizing common claims by the liar (or his defenders) that the illocutionary force of the bald-faced lie was not assertoric. Yet, we can only make sense of our disapproval of what the speakers are doing if they are lying about not asserting.

4 *Gaslighting and disagreement*

In this section, I argue that it is because bald-faced lies are assertions that they can contribute to undermine an audience's good epistemic stance. And with that assumption we can finally explain how we disagree with a bald-faced liar.

4.1 Undermining epistemic assurance.

The previous section helped to establish what I think bald-faced lies do: they are assertions that *blatantly* violate assertoric norms in virtue of *asserting* what is taken for granted in context to be false. Although I favor a constitutive norm account, I won't argue for it here. I will only sketch how I think bald-faced lies often contribute to

gaslight by exploiting these norms. My hypothesis is that assertions of bald-faced lies openly and shamelessly violate assertoric norms; often (but not necessarily), they exploit the illocutionary assertoric effects of to produce additional perlocutionary effects. A common (but not necessary) perlocutionary effect of a bald-faced lie is that the audience acquires some credence in what was asserted, even if what was asserted contradicts previous beliefs.[19] This is what contributes to diminish the audience's confidence in what they previously believed.

As Caponetto (2018, p. 5) succinctly explains, the difference between illocutionary and perlocutionary effects is that an illocutionary effect is determined by the force of the speech act performed, and automatically enters into context, but the perlocutionary effects are those that are caused by the speech act and are not intrinsic or constitutive of the speech act itself. The illocutionary effects of an assertion include the audience's uptake that an act that is subject to assertoric norms has been made. If this is so, the fact that it is common knowledge that the speaker asserted something false does not suffice to cancel the assertion's illocutionary effects.

Recall that, as we saw in section 2.2, Maitra discriminates between real bald-faced lies (not-assertions) and other undisguised lies (assertions). If the criterion for discarding an utterance as an assertion were that it blatantly violates the relevant constitutive rule, then the two types of undisguised utterances of falsehoods Maitra contemplates would be such blatant violations. But then it should follow that neither utterance of an undisguised falsehood is an assertion, or that, if one is, both are.[20] It seems that Maitra is relying only

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[19] Mandelbaum (2014) argues that we generally do believe what people say, even when we know that what they say is false. I don't want to take a stance on whether or not Mandelbaum's argument is entirely right, but at least it offers a seemingly plausible explanation of how bald-faced lies can contribute to undermine our epistemic stance.

[20] Michaelson and Stokke (MS) make a similar criticism of Maitra's claim here. They argue that lies can give the speaker some form of positional advantage over the audience. The details of their proposal differ from the view I offer below.

on the intent to deceive as the real difference-making criterion, not on the constitutive rule of assertion.

Now, any undisguised assertion of a false proposition p, whether made with the intent to deceive or not, can have the perlocutionary effect of undermining the audience's confidence that what was asserted is false. This perlocutionary effect is independent from speakers' intentions. A speaker may of course intend to exploit this effect, but he can do this because an undisguised lie can produce it. It's the illocutionary force of the assertion of a clear falsehood that creates a conflict with what the audience remembers, believes, or perceives. The assertion of an 'undisguised' lie about p may be enough to shake the audience's confidence in not-p, which in turn can suffice for deception and even gaslighting. But since this perlocutionary effect doesn't depend on the speaker's intent to produce it, then the intent to deceive can't be the real difference-making criterion that separates bald-faced lies from 'undisguised' lies that are assertions.

Gaslighting can include not only bald-faced lies but also blatant contradictions, bullshitting, etc. It contributes to dominate its victims because diminishing the audience's epistemic stance also diminishes the audience's ability to resist manipulation. Bald-faced lies can gaslight by exploiting assertoric conversational norms, while blatantly violating and abusing those very same norms. By doing so, they can establish and display dominance, as if saying: "You know I'm lying. What are you going to do about it?"[21] Gaslighting raises doubts about the falsity of what is said, either by questioning the audience's perception, memory, or rationality. A quote often mistakenly attributed to Groucho Marx illustrates bald-faced lies that target one's perception: "who ya gonna

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[21] In Marques & García-Carpintero (2019), we argue that weapon uses of slurs offend because they make a context-update proposal that the target audience clearly has no intention to accept. The overt violation of cooperative conversational norm shows the speaker's is displaying domination over addressee through the overt violation of the norm.

believe, me or your own eyes?" (this is a line from the 1933 movie "Duck Soup"). In Orwell's *1984*, Orwell illustrates bald-faced lies that target one's rationality. In the book, O'Brien asks Winston: "'Do you remember', he went on, 'writing in your diary, "Freedom is the freedom, to say that two plus two make four"? (Orwell, 1954/1989:286) As readers will remember, Winston will doubt that he knows this, and will accept that two plus two make five. Donald Trump often illustrate how bald-faced lies can target our memory. For instance, he has questioned the public's memory when he claimed "I never said I was going to build a concrete wall".

Masha Gessen often draws attention to the role of bald-faced lies in propaganda. At the end of 2018, she described authoritarian propaganda and our difficulty in comprehending how it operates:

> Totalitarian propaganda is overwhelming and inconsistent. It bombards you with mutually contradictory claims, which often come packaged in doublethink pairs… In a talk I gave with the historian Timothy Snyder, he cited more recent examples: "There is no such thing as a Ukrainian language" goes with "Ukrainian authorities are forcing everyone to speak Ukrainian." Russian propaganda is a direct descendant of totalitarian Soviet propaganda. Far from promoting a single guiding ideology, this kind of propaganda robs you of your bearings. The regime gains a monopoly on reality, and can make any claim whatsoever. Hannah Arendt famously described the totalitarian ruler's ascendance this way: "In an ever-changing, incomprehensible world the masses had reached the point where they would, at the same time, *believe everything and nothing, think that everything was possible and that nothing was true*… Mass propaganda discovered that its audience was ready at all times to believe the worst, no matter how absurd, and did not particularly object to being deceived because *it held every statement to be a lie anyhow*. After a while, the audience and the propagandists are no longer distinct. *The propagandist also holds every statement to be a lie*—not just every statement he makes but every *possible* statement. Values are fictions. Facts do not exist. Mutual understanding is always an illusion." (Gessen 2018. My emphasis.)

Here, totalitarian propaganda rides on the back of bald-faced lies and Orwellian *doublethink* (which I've discussed as *meaning perversions* elsewhere[22]). The result of a long exposure to bald-faced lies is one where cooperative, rational, norm-guided

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[22] Marques 2019.

communication is subverted, and authoritarians gain "a monopoly on reality". Orwell, Gessen, and Arendt, knew that the effect of a tsunami of bald-faced lies in public discourse is that public discourse is reduced to *daily white noise*; they knew it well before Dahlia Lithwick correctly diagnosed Trump's effect on fact-checking.

Fictionalism about bald-faced lies cannot explain this double abuse: the blatant disregard of assertoric norms, and the possible undermining of the audience's epistemic stance.

4.2 How do you disagree with a bald-faced liar?

If bald-faced lies are assertions, and bald-faced liars exploit conversational and assertoric norms, we can explain how it is possible to disagree with a bald-faced liar. I think the bald-faced liar and his audience can *disagree in attitude* and *in activity*. The fact that the liar makes an *assertion* is an essential part in explaining the dynamics of disagreements with bald-faced liars.

What does disagreement require? Disagreement with a bald-face liar requires not only restating the truth, for instance with the help of fact-checking. As Lithwick pointed out, endlessly correcting the conversational record runs the risk of producing white noise, without stopping the undermining of the epistemic status of the audience. Disagreement requires resistance to the illocutionary effects the assertion would otherwise have.

As we argue in Marques & García-Carpintero (2019), speech acts make requirements on context, but contexts are not only sets of propositions accepted as part of the common ground. Contexts are structured by commitments to propositions under different illocutionary forces (or different modes).[23] How can this help explain disagreement? The bald-faced liar puts forward a proposition *p* as asserted. The

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[23] See also García-Carpintero 2015.

disagreement with the speaker is not, obviously, about whether p is true, since it is common ground that p is false. But the disagreement can be about whether the illocutionary effects of the assertion can be allowed to update context. The speaker and the audience can disagree in attitude whenever they have *incompatible intentions* concerning permissible illocutionary context updates. In earlier work, I offered a definition of conative attitude incompatibility, where two people A and B disagree in attitude if A's attitude *that they φ* and B's attitude *that they ψ* can't be jointly satisfied (Marques 2016: 313). Here, the bald-faced liar and audience disagree in attitude when they have incompatible illocutionary context-update *intentions.*

A speaker and audience can disagree in activity if and when they act on these incompatible intentions concerning permissible context updates. The student wants to be on record as having asserted his innocence; the dean and the professor don't want it. Takhlef wants to be on record as having asserted the goodness of Saddam's regime; a human rights observer might not want that to be on public record. Pantangelli wants to be on record as having asserted his ignorance of Corleone's crimes; the FBI and the US Senate don't. [24]

4 Conclusion

I have suggested that, as assertions, bald-faced lies openly and shamelessly violate assertoric norms, while often exploiting assertion's illocutionary effects to produce certain perlocutionary effects. The illocutionary effects of assertions include the audience's uptake that an act conforming to assertoric norms has been made. The fact that it is common knowledge that what the speaker says is false does not suffice to

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[24] Khoo & Knobe (2016) also argue that incompatible context-update proposals are genuine disagreements.

cancel those illocutionary effects. This gives us the tools to explain disagreement with a bald-faced liar, and to explain why our disapproval is not a mere rhetorical illusion. It is not accidental that bald-faced lies often have the perlocutionary effect of gaslighting an audience.

I have suggested this after arguing that there are good reasons to treat bald-faced lies as assertions, against the arguments of Keiser and Maitra to the contrary. We accuse bald-faced liars of lying, and in defense they often divert and return the accusation. We also criticize cornered bald-faced liars of lying about the assertoric illocutionary force of their earlier lies. Fictionalism about bald-faced lies, however, can't explain our interactions with bald-faced liars.

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