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# the lying-misleading distinction: a commitment-based approach[[1]](#footnote-1)

Sometimes we are faced with a choice between lying and misleading. As an example of such a situation, consider the following case:

A dying woman asks a doctor whether her son is well. The doctor saw the son yesterday, when he was fine, but knows that he was killed shortly afterwards. The doctor wants to spare the dying woman the news of her son’s death. She utters:

*Version A:* (1) He’s fine.

*Version B:* (2) I saw him yesterday and he was fine.[[2]](#footnote-2)

The doctor has to choose between lying and mere misleading: her utterance of (1) would be a lie, while her utterance of (2) would be misleading, but not a lie. And it is widely held that this choice matters – that it would be morally better for the doctor to utter (2) than to utter (1). But what is it that makes (1) a lie and (2) merely misleading? And, more generally, what distinguishes lying from mere misleading? These are the questions I will be concerned with in this paper.

Most recent definitions of lying try to hold apart lying and mere misleading by appealing to the notion of *what is said*. According to such *content-based definitions*, the difference between lying and misleading has to do with how content is expressed: what matters is whether believed-false content is said or rather conversationally implicated.[[3]](#footnote-3) The doctor would lie by uttering (1) because she would say something she believes to be false, and her utterance of (2) would be merely misleading because she would thereby implicate (but not say) something she believes to be false.

Content-based definitions of lying offer the prospect of tying the distinction between lying and misleading to the distinction between semantic content and implicated content (also known as the *semantics-pragmatics distinction*).[[4]](#footnote-4) Much could be gained if the lying-misleading distinction could indeed be connected to the semantics-pragmatics distinction. For one thing, well-developed theories in semantics and pragmatics could be used to illuminate the mechanisms in play in lying and in misleading. And for another, judgements about lying and misleading could be leveraged to adjudicate between theories in semantics and pragmatics.[[5]](#footnote-5)

But these potential advantages are cancelled out by the fact that content-based definitions lead to false predictions – or so I have argued in previous work. In particular, I have argued that the content-based definitions proposed by Jennifer Saul and Andreas Stokke are too narrow: they entail that it is impossible to lie while speaking non-literally or by way of presupposing something, although there is a good case to be made that such lies are possible.[[6]](#footnote-6) If this criticism is on the right track, content-based definitions misconstrue the lying-misleading distinction, and there are good reasons to consider the prospects of alternative approaches.

The aim of this paper is to motivate, spell out and defend one such alternative approach: a commitment-based approach. The central tenet of this approach is that liars take on a commitment which misleaders avoid. Such a difference in commitment is apparent in many cases in which a lie is compared to a corresponding misleading utterance: it seems that through uttering (1), the doctor would commit herself to something she believes to be false, while she would not take on such a commitment through uttering (2). But while the general idea of capturing the lying-misleading distinction in terms of commitment is fairly simple, it raises several difficult questions that have so far received little attention. How must commitment be spelled out if it is to account for the difference between lying and misleading? How can communicative agents take on commitment and avoid commitment? What form could commitment-based definitions of lying and of mere misleading take? In this paper, I will attempt to answer these questions in order to highlight the potential of a commitment-based approach in defining lying and misleading.

Two brief clarifications before I begin. On the one hand, I will for the most part bracket issues that do not directly bear on the lying-misleading distinction. For instance, it has been argued that a definition of lying must make room for bald-faced lies: lies told without an intention to deceive.[[7]](#footnote-7) While I am optimistic that a commitment-based definition can account for such lies (as I will indicate in Section v), I will not offer a detailed discussion of this matter.

On the other, the label *the lying-misleading distinction* is pleasantly short but somewhat imprecise. The relevant distinction is between lying and attempts at mere (communicative) misleading, as Saul has pointed out: ‘mislead’ is a success term, while ‘lie’ is not; lying must be intentional, while misleading need not be intentional; and lying is communicative, while misleading need not be communicative (as things other than communicative acts, such as evidence, can be misleading).[[8]](#footnote-8) Throughout the paper, I will be concerned with the distinction between *lying* and *attempts at mere (communicative) misleading* (which must be intentional, given that attempts must be intentional), even if I use the shorter label.

# ii. lying and misleading

Let us begin with some common ground on lying and misleading. Firstly, there are ways of defining lying and of framing the difference between lying and misleading with which most theorists in the debate would agree. The definition I have in mind is the traditional assertion-based definition of lying, which can be put as follows:

*(D1) The Assertion-Based Definition of Lying*

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

(L1) A asserts p to B, and

(L2) A believes that p is false.

Of course, there are different ways of spelling out assertion, and thus different ways of spelling out this definition. But as long as (D1) is not tied to a particular account of assertion, it should be fairly uncontroversial.[[9]](#footnote-9) With (D1) in place, we can also state the difference between lying and mere misleading in a way that should be widely accepted. While liars assert something they believe to be false, misleaders put forward something they believe to be false in a non-assertive way. Let us call this non-assertive speech-act *suggesting*.[[10]](#footnote-10) Then we can say that the difference between lying and misleading aligns with the difference between asserting and suggesting. Again, this broad view of the lying-misleading distinction is compatible with several conflicting and more nuanced views of the matter, which depend on how the speech-acts of asserting and suggesting are construed.

Secondly, there are some uncontroversial examples of lying and of mere misleading. One of these uncontroversial examples is the case of the dying woman introduced above. It is widely held that the doctor lies if she utters (1), while she merely misleads by uttering (2).[[11]](#footnote-11) As a second uncontroversial example, consider the following case:

Amy is attending a vernissage at a small gallery. She gets talking to Bill and finds out that he is the painter of the works on display. Bill asks Amy: “Do you like the paintings?” While Amy thinks that the paintings show a very good mastery of composition and excellent brushwork, she does not like them overall. Amy is unsure whether Bill wants an honest answer. She utters:

*Version A:* (3) Yes, I like them.

*Version B:* (4) The composition is great and the brushwork is excellent.[[12]](#footnote-12)

In this case, too, most theorists would presumably say that utterance (3) is a lie, while utterance (4) is merely misleading. These examples illustrate the previous point about asserting and suggesting: in the A-versions, the speakers *assert* something they believe to be false; by contrast, in the B-versions, the speakers merely *suggest* (but do not assert) something they believe to be false.

Thirdly, there is a widely accepted diagnostic test that can help to decide whether an utterance is a lie or merely misleading. This test looks at whether speakers can consistently deny accusations of lying following their original utterances. Suppose a colleague were to accuse the doctor of lying to the dying woman. In Version B of the example, in which the doctor utters the misleading (2), she could consistently respond along the following lines:

(5) I didn’t lie. I didn’t claim that the dying woman’s son was fine. I merely claimed that I had seen her son the day before and that he was fine then, which was indeed the case.

In Version A, however, the doctor could not consistently respond in this way; if she did respond along the lines of (5), she would be going against her previous utterance of (1), which would make her response infelicitous. So, the doctor retains deniability through her misleading utterance (2), but not through her lie (1). Several theorists have used observations of this kind as a diagnostic test, according to which the possibility of consistent denials speaks in favour of the utterance being merely misleading, while the impossibility of consistent denials speaks in favour of the utterance being a lie.[[13]](#footnote-13) The test also delivers the right result for the second example: Amy can offer a consistent denial following her misleading utterance (4), but she cannot offer a consistent denial following her lie (3).[[14]](#footnote-14)

Now let us move on to the main question of the paper: How must the assertion-based definition of lying be spelled out so as to adequately capture the distinction between lying and misleading? In the next two sections, I will discuss definitions based on the notions of *saying* and *warranting*, before then proposing and defending a commitment-based definition.

# iii. lying, misleading, and saying

According to content-based definitions of lying, the difference between lying and misleading has to do with how content is expressed: liars *say* something they believe to be false, while misleaders merely put forward a believed-false *implicature*. Several content-based definitions have been proposed in recent years.[[15]](#footnote-15) These definitions differ in various ways, but they agree with respect to the lying-misleading distinction: the idea is that lies and mere misleadings can be held apart by requiring the content of a lie to be said, where what is said is construed in a narrow way. In this section, I will focus on Andreas Stokke’s definition in order to illustrate which kinds of cases present a problem for content-based definitions.

In a series of recent papers and a monograph, Stokke has made a strong case for a content-based definition of lying.[[16]](#footnote-16) Stokke combines the assertion-based definition of lying with the following view of assertion:

*Stokke’s Account of Assertion*

In uttering a sentence S, A asserts that p only if:

(A1) S says that p, and

(A2) by uttering S, A proposes to make it common ground that p.[[17]](#footnote-17)

In accepting this view of assertion, Stokke agrees with Alston that speakers have to *say* p in order to *assert* p.[[18]](#footnote-18) And he follows Stalnaker in holding that asserters propose to update the common ground of the conversation.[[19]](#footnote-19) Stokke thus arrives at the following definition of lying:

*(D2) Stokke’s Definition of Lying*

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 proposes to make it common ground that p, and

(L3) A believes that p is false.[[20]](#footnote-20)

(D2) is coupled with a particular view of what is said. On this view, what is said is, firstly, “strictly constrained by a minimal kind of compositional meaning”.[[21]](#footnote-21) Secondly, what is said depends on which question under discussion (QUD) the speaker addresses.[[22]](#footnote-22) The result is a narrow view of what is said that is tied closely to the semantic content of the sentence uttered, and on which implicatures and presuppositions do not belong to what is said.

Due to the narrowness of Stokke’s view of what is said, the definition delivers the right results for the examples considered so far. The doctor’s utterance of (1) is counted as a lie, as she says and proposes to make common ground that the dying woman’s son is fine, which she believes to be false. By contrast, through uttering (2), the doctor does propose to make common ground that the son is fine, but does not say as much, and thus her utterance is not a lie according to (D2). Similarly for the second example: Amy lies through uttering (3), but not (4), as she only says something she believes to be false by uttering (3).

However, once we look beyond these examples of lying and misleading, (D2) leads to incorrect predictions. To begin with, there is the problem of non-literal lies, which has been highlighted by Don Fallis and myself.[[23]](#footnote-23) While it seems plausible that speakers can lie while speaking non-literally, (D2) rules out the possibility of such lies. For example, consider the following non-literal utterances, which I have used to argue for the possibility of non-literal lies:[[24]](#footnote-24)

*Metaphor*

Ada is a keen gardener but has had an exceptionally bad crop of tomatoes. Ada wants Bill to think that her crop was in fact great, so when she meets Bill and he asks how her crop of tomatoes has been, she utters [6]:

[6] I’ve got tomatoes coming out of my ears.

Implicature: I’ve had a great crop.[[25]](#footnote-25)

*Hyperbole*

Carl desperately wants Daisy to come to his party, which is in full swing. When Carl calls Daisy, she says she’ll come, but only if there is some food. Carl is aware that all the food has been eaten, but nonetheless utters:

[7] There’s tons of food left.

Implicature: There’s lots of food left.

*Irony*

Greta and Henry are about to take a school exam. Greta has diligently prepared for the exam, but is aware that it would be decidedly uncool to admit this. When Henry asks whether she has studied for the exam, she rolls her eyes and utters:

[8] Of course I have studied for the exam.

Implicature: I have *not* studied for the exam.

In all three cases, the speakers seem to be lying: none of them could offer a consistent denial if they were accused of lying.[[26]](#footnote-26) But all three utterances are non-literal, with a mismatch between what is said (according to Stokke) and the content of the lie. While Ada says that she has tomatoes coming out of her ears, the content of her lie is that she has had a great crop. Carl says that there is tons of food left, but the content of his lie is that lots of food is left. And Greta says that she has studied for the exam, while the content of her lie is that she has *not* studied for it. Because of this mismatch, Stokke’s definition fails to count (6), (7) and (8) as lies.

As a second problem for (D2), I have pointed to lies that are told with the help of informative presuppositions.[[27]](#footnote-27) Here is one of my examples:

Harry wants Rosa to think that his friend John is wealthy. In fact, John is not wealthy and does not own a car, as Harry knows very well. Harry asks Rosa:

[9] Did you know that John owns a Mercedes?

Presupposition: John owns a Mercedes.

Through uttering (9), Harry presupposes and intends to communicate that John owns a Mercedes. It seems plausible that Harry is lying: as in the previous examples, there is no possibility of a consistent denial. But Stokke holds that presuppositions do not belong to what is said, so he would say (as seems plausible) that Harry presupposes, but does not say, that John owns a Mercedes. In that case, however, (D2) classifies (9) as a non-lie, though intuitively it is a lie.[[28]](#footnote-28)

Several different cases thus suggest that the lying-misleading distinction is not connected to the distinction between what is said and what is implicated: the content of a lie need not be said.[[29]](#footnote-29) These cases not only trouble Stokke’s definition (D2), but all of the content-based definitions mentioned above, as these definitions follow the same strategy when it comes to the lying misleading-distinction. Of course, there may be ways for adherents of content-based definitions to respond to the problem cases. In particular, the definitions could be paired with a notion of what is said that is slightly less narrow. But the fact that there are recalcitrant cases of different kinds means that such a response would be a challenge: the account of what is said would have to be extended just far enough to include some implicatures (namely those in play in non-literal speech), while not including others (for example those in play in utterances (2) and (4)).

As the aim of this paper is not to present a water-tight case against the content-based approach, but rather to explore an alternative commitment-based approach, I will set the notion of what is said aside for now and move on.

# iv. lying, misleading, and warranting

The examples of lying considered so far not only speak against definitions of lying that are based on the notion of what is said, they also speak in favour of a commitment-based approach. Although utterances (1), (3), (6), (7), (8) and (9) differ in terms of how the content of the lie is expressed (that is, whether it is said, implicated or presupposed), they do have something in common: their speakers commit themselves to something they believe to be false. Furthermore, these utterances contrast with clear cases of misleading (such as utterances (2) and (4)), in which speakers avoid a commitment to something they believe to be false. As of yet, however, there is no worked-out account of how commitment separates lying from misleading. Before proposing such an account in the next section, I want to briefly discuss Thomas Carson’s warrant-based approach, which at first view might look like a close relative of my commitment-based approach.

Carson has proposed several similar definitions of lying, all of which make use of the notion of *warranting*.[[30]](#footnote-30) The differences between these definitions do not matter in the current context, and so we can focus on the definition Carson labels *L7'*:

*(D3) Carson’s Definition of Lying*

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

(L1) A states p to B, and

(L2) A intends to warrant the truth of p to B, and

(L3) A believes that p is false or probably false (or, alternatively, A does not believe that p is true).[[31]](#footnote-31)

(D3) differs from (D2) in several respects: (L1) uses ‘states’ rather than ‘says’, (L2) is phrased in terms of warranting and not in terms of updating the common ground, and (L3) is weaker than Stokke’s third clause. Let us set the third difference aside, which is not of interest here. Do the differences in the first two clauses allow (D3) to improve on (D2) in capturing the lying-misleading distinction? They do not, as I briefly want to argue. On the one hand, Carson does not employ the notion of warranting in order to separate lying from misleading. On the other, Carson’s notion of warranting is not spelled out in enough detail to tell whether it could be employed for such a purpose.

To begin with, it is important to note that (D3) is still a content-based definition, despite the different terminology: Carson uses ‘states’ and ‘says’ interchangeably.[[32]](#footnote-32) And he employs a narrow view of stating, on which stating p requires producing a linguistic token that expresses p.[[33]](#footnote-33) For these reasons, (D3) delivers the same verdicts as (D2) for the examples of the previous section. The non-literal lies (6), (7) and (8), for instance, are not counted as lies due to the mismatch between what is stated and the content of the lie.

Furthermore, it is hard to see whether Carson’s notion of warranting could be of use in a different definition, as it is not spelled out in sufficient detail or breadth. For one thing, Carson does not say enough about what it is to warrant the truth of a proposition. His general idea is that warranting is like promising and guaranteeing:

A warranty of truth is a kind of guarantee that what one says is true. It is also a kind of promise that what one says is true.[[34]](#footnote-34)

But how must promising or guaranteeing the truth of something be understood? That question remains unanswered. Carson does note a difference between promising and warranting:

If one promises to do x, one is placing oneself under an obligation to perform a specific act (one is placing oneself under an obligation to do x). However, often when one warrants the truth of a statement, one is not placing oneself under an obligation to perform any particular action or kind of action.[[35]](#footnote-35)

This comment, however, makes it yet harder to see what warranting involves. If one of the main aspects of promising involves placing oneself under an obligation to do something, and if warranting need not come with such an obligation, the characterisation in terms of promising loses much of its explanatory force.

Moreover, Carson does not consider which kind of warrant (if any) is in play in cases of misleading. His discussion of warranting focusses on whether speakers warrant the truth of what they *state*. There is no mention of potential warrant-based differences between what is said and what is implicated, and accordingly no mention of a corresponding difference between lying and misleading.

I have tried to make it clear that Carson’s notion of warranting does not offer a way forward in capturing the lying-misleading distinction. Let us therefore turn to the commitment-based approach.

# v. lying, misleading, and commitment

In this section, I will introduce a commitment-based definition of lying and outline the relevant notion of commitment. I will also point to some advantages of this definition: it can account for bald-faced lies and it can easily be modified to provide a definition of misleading, which has been lacking in the debate thus far.[[36]](#footnote-36)

Here is my favoured commitment-based definition of lying:

*(D4) A Commitment-Based Definition of Lying*

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

(L1)   A performs a communicative act C with p as content;

(L2) with C, A intends to communicate p to B;

(L3) with C, A commits herself to p; and

(L4)  A believes that p is false.

As the two previous definitions, (D4) can be seen as a way of spelling out the assertion-based definition (D1), with (L1)–(L3) covering the assertive element of lying. But (D4) corresponds to a different way of spelling out assertion. Of course, the third clause has the notion of commitment as a new addition, and I will turn to that notion shortly. But first I want to comment briefly on how the first two clauses are meant to work.

*v.1. Introducing Content and Intending to Communicate Content.* The first clause requires liars to perform a communicative act with a certain proposition as content. The idea here is that it does not matter how the content is introduced, that is, whether it is introduced as semantic content of a sentence uttered, whether it is implicated or presupposed, or whether it is introduced in some other way (possibly as the content of a picture that is presented). What matters is that a communicative act is performed that is associated with a certain content. Let me also note that many communicative acts are associated with multiple contents. For example, if a linguistic communicative act involves an implicature, then it is associated with a certain semantic content, with a certain implicated content and probably also with several presupposed contents.

The second clause of (D4) asks for an intention to communicate the content in question. How must this intention be understood? One option is to make use of Stalnaker’s notion of a proposal to update the common ground: an intention to communicate p could simply be construed as an intention to propose p as an update to the (official) common ground.[[37]](#footnote-37) Another option (that is not tied to Stalnaker’s account) is to spell out an intention to communicate p as an intention to put p forward as information. I will remain neutral between these options and on their exact details, but want to mention two aspects that are important in the context of the definition.

Firstly, by ascribing an intention to communicate something, we are not saying anything about the *strength* of the intended proposal or putting forward. For example, an agent intending to communicate p could be intending to assert p (that is, to put p forward in a strong way) or the agent could be intending to conjecture p (that is, to put p forward in a weaker way). An intention to communicate is thus neutral with respect to the strength of the associated communicative act.

Secondly, agents do not intend to communicate p (in the sense that is relevant here) if they (i) introduce p as a supposition or assumption, or if they (ii) presuppose p while taking p to be common ground. On (i): If I say “Suppose that the earth is flat,” it is not my intention to add the proposition that the earth is flat to the (official) common ground or to put forward that proposition as information. Rather, I am introducing the proposition as a supposition. In such a case, the second clause would therefore not be fulfilled. On (ii): If Anne believes that Claire has a brother (and believes that Bert shares this belief), she might ask Bert: “What does Claire’s brother do for a living?” Anne thereby presupposes that Claire has a brother, but she clearly does not intend to communicate that Claire has a brother. Again, this fits with both options mentioned above, as there is no intention to propose the proposition that Claire has a brother as an update to the (official) common ground or to put it forward as information.[[38]](#footnote-38)

I am aware that these remarks are quite brief, but I hope that they give a good enough idea of how the first two clauses are meant to work. I am also open to different ways of phrasing these clauses. More important is the notion of commitment, which I will turn to now.

*v.2. The Commitment in Lying.*How, then, must the notion of commitment be understood if it is to account for the difference between lying and misleading? Which understanding of commitment is relevant for (D4)? Here is the short version of the answer I want to propose: A speaker commits herself to a proposition (in the sense relevant for the lying-misleading distinction) iff she takes on a responsibility to defend (or justify) that she *knows* the proposition in question. And we can tell whether a speaker has taken on this justificatory responsibility by attending to how she could consistently react to audience challenges. Specifically, she has taken on the relevant kind of responsibility with respect to a proposition iff she cannot consistently dismiss audience challenges to defend that she knows that proposition. The commitment that liars take on, and that misleaders avoid, is thus tied to the consistency of dismissals of knowledge-challenges. To flesh out this answer, I will now take a closer look at justificatory responsibility, audience challenges and possible reactions to such challenges.

There is, of course, a long tradition of spelling out assertion in terms of commitment and justificatory responsibility, which has prominent defenders in Charles Sanders Peirce, John Searle, Robert Brandom and Gary Watson.[[39]](#footnote-39) I cannot recount here the many positions and arguments in this tradition, but will instead focus on what I take to be one of its main insights: the idea that in asserting p, and thus committing oneself to p, one takes on a responsibility to defend (or justify) p if challenged.[[40]](#footnote-40) I think this idea is correct. But it needs some sharpening if it is to be of help in capturing the lying-misleading distinction. In particular, more has to be said about the kind of defence that is required following an assertion. To address this question, it will be helpful to turn to speech-acts that are weaker than assertion.[[41]](#footnote-41)

Assertion is not the only speech-act that aims at truth; other such *constative* speech-acts include guessing, speculating, conjecturing, insisting, assuring, and swearing.[[42]](#footnote-42) Some of these constative speech-acts are weaker than assertion (and some are stronger, but I will focus on the weaker ones): if we conjecture or speculate p, we put forward p in a weaker manner than if we assert p. One way of capturing this difference is in terms of commitment. In asserting p, speakers commit themselves to p, while in conjecturing or speculating p, they put forward p without taking on such commitment. There are different ways of signalling that a speech-act is meant to be weaker than an assertion: through intonation or through the use of explicit hedges, such as ‘I think’, ‘I believe’, ‘perhaps’, ‘may’, ‘probably’, or ‘possibly’. For example, consider utterances of the following sentences:

(10) The capital of Paraguay is Asunción.

(11) The capital of Paraguay is Asunción, I think/believe.

(12) The capital of Paraguay may be Asunción, but I’m not sure.

If (10) is uttered in a non-hesitant way with a falling intonation, it will (usually) be an assertion. By contrast, if the same sentence is uttered hesitantly and with a rising intonation, then it will rather be a conjecture or a speculation. Similarly, the hedges in (11) and (12) have the effect that utterances of these sentences are conjectures or speculations, not assertions.

Weaker constative speech-acts are no less common than assertions: there are many things we are unsure about, and thus many things we do not want to commit ourselves to in conversation. Nonetheless, such weaker constatives are less well explored than the speech-act of assertion.[[43]](#footnote-43) In the current context, they are important because they help to clarify the justificatory responsibility taken on by asserters. Although conjectures and speculations are non-committal, their speakers nonetheless put forward a proposition and thus take on a justificatory responsibility with respect to that proposition. Conjectures and speculations have to be backed up on request, just as assertions do. What, then, sets assertions and weaker constatives apart? Quite plausibly it is the *strength* of the required defence: through asserting p, speakers take on a responsibility to defend that they *know* p; through conjecturing or speculating p, they take on a responsibility to defend that they stand in a weaker epistemic relation to p, for example that they believe p.

Some support for this picture can be found by considering challenges to constative speech-acts and ways in which speakers can react to such challenges. Having uttered (10) in an assertive manner, the speaker might be challenged as follows:

(13) Do you really know it is Asunción?

(14) How do you know it is Asunción?[[44]](#footnote-44)

There are various ways in which the speaker might respond to such challenges. Among the possible responses are the following three:

1. The speaker might *answer* the challenge by providing the defence that is asked for.
2. The speaker might *retract* the proposition originally put forward.
3. The speaker might *dismiss* the challenge (without answering it or retracting the proposition put forward) by pointing out that she did not take on the justificatory responsibility presupposed in the challenge or that she did not perform the speech-act that led to such a justificatory responsibility.

Now, if the original utterance of (10) was indeed an assertion, then only two of these responses are *consistent* responses to (13) or (14). The speaker could respond consistently by answering the challenge or by retracting the proposition put forward. Importantly, she would not be consistent if she were to dismiss the challenge along one of the following lines:

(15) I didn’t commit myself to Asunción being the capital.

(16) I didn’t claim that the capital is Asunción.

By uttering (15) or (16), the speaker would be going against her previous speech-act: she would be claiming that she did not take on a justificatory responsibility she in fact took on, or that she did not perform a speech-act she did in fact perform.[[45]](#footnote-45)

Matters are different if the original utterance is a weaker constative, such as (11) or (12). Having uttered (11), the speaker might be challenged along the lines of (13) or (14). But in this case, she *could* consistently dismiss challenges of this kind. She could respond with (15) or (16) without going against her previous speech-act. At the same time, she could not consistently dismiss weaker challenges, such as possibly:

(17) What makes you think it is Asunción?

(18) Why are you inclined to think it is Asunción?

Following these weaker challenges, a consistent response requires her to answer the challenge or to retract the proposition put forward; a consistent dismissal (denying that the justificatory responsibility presupposed in (17) or (18) was in fact taken on) is not available.[[46]](#footnote-46) (Of course, an assertive utterance of (10) would not permit a consistent dismissal of these weaker challenges either).

These patterns of challenges and consistent responses fit well with the above picture of justificatory responsibility in constatives of different strength. Both asserters and conjecturers take on a justificatory responsibility, which is why there are certain challenges they cannot consistently dismiss. But which kinds of challenges can be consistently dismissed depends on the strength of the original speech-act: conjecturers can dismiss knowledge-challenges, but not weaker challenges, while asserters can dismiss neither knowledge-challenges nor weaker challenges. It is in this sense that asserters take on a commitment (that is, a justificatory responsibility to defend that they know the proposition put forward) that speakers performing weaker constatives avoid.[[47]](#footnote-47)

Now we can return to definition (D4) and the lying-misleading distinction. The notion of commitment in (D4) is to be understood as the commitment in assertion, in the way I have just outlined it. By requiring liars to commit themselves to a proposition they believe to be false, (D4) requires them to take on a justificatory responsibility to defend that they *know* the proposition put forward. And this justificatory responsibility, in turn, is based on the absence of consistent dismissals to knowledge-challenges regarding the proposition in question. In short, the commitment in lying is thus to be understood as follows:

(C) *The Commitment in Lying*

In performing a communicative act C with a proposition p as content, a speaker A commits herself to p (in the sense relevant for the lying-misleading distinction) iff A cannot consistently dismiss an audience challenge in response to C to defend (or justify) that she knows p.

This is also the commitment to a believed-false proposition that misleaders avoid. Misleaders do put forward a proposition they believe to be false (usually by asserting a proposition they believe to be true).[[48]](#footnote-48) But they put it forward in a non-committal way – taking on a justificatory responsibility that is comparable to that found in weaker constatives such as conjecturing or speculating. As a result, misleaders *can* consistently dismiss knowledge-challenges aimed at the proposition they intend to mislead someone about, although they cannot consistently dismiss weaker challenges aimed at this proposition.

According to this picture, lying and misleading thus involve constative speech-acts of different *force*. Lying involves the committal speech-act of asserting, while misleading involves the non-committal speech-act of suggesting (usually by way of conversationally implicating). Through both asserting and suggesting, speakers take on a justificatory responsibility, but the kind of justificatory responsibility differs: asserters take on a responsibility to defend that they know the proposition put forward, while suggesters merely take on a responsibility to defend that they stand in a weaker epistemic state to the proposition put forward.

I should note that in spelling out the notion of commitment in the way proposed, my aim is not to offer a general account of commitment. Rather, my aim is to find a notion of commitment that can be employed to draw the line between lying and misleading.[[49]](#footnote-49) I have developed this notion through a discussion of commitment in assertion, and I strongly suspect that the aspects of commitment that are needed to draw the lying-misleading distinction are also aspects of the commitment in assertion. This would fit well with the widely held view (mentioned in Section ii) that lying requires asserting. But I want to leave open the possibility that the commitment in assertion turns out to be different from the notion of commitment as captured in (C). In particular, I want to leave open the possibility that there are aspects of commitment in assertion that are not yet covered by (C). For example, it may well be the case that asserters not only take on a justificatory responsibility with respect to the proposition put forward, but are also in a certain sense *liable* for the truth of that proposition.[[50]](#footnote-50) If that is indeed the case, it might be another way in which asserting differs from other constative speech acts, and in which lying differs from misleading. For now, however, all I want to argue is that lying differs from misleading in terms of commitment, where commitment is understood as justificatory responsibility to defend that one knows the proposition in question. Is this way of framing the difference between lying and misleading plausible? Here are some reasons to think it is.

Consider the two examples of misleading from the beginning of this paper (repeated below):

(2) I saw him yesterday and he was fine.

Implicature: The dying woman’s son is fine.

(4) The composition is great and the brushwork is excellent.

Implicature: Amy likes the paintings.

There is an intuitive sense in which these speakers are not committed (in the sense outlined) to the respective implicatures in play. This intuition can be strengthened by comparing how the speakers stand to the semantic content of their utterances (which is also the content they assert) and how they stand to the implicatures: through uttering (2), the doctor appears to take on a commitment to having seen the son yesterday and to him being fine then, but not to the implicature that he is still fine. Similarly, with her utterance of (4), Amy takes on a commitment to finding the composition great and the brushwork excellent, but not to the implicature that she likes the paintings.

Moreover, there is a contrast between how the speakers can consistently respond to knowledge-challenges following (2) and (4), on the one hand, and following (1) and (3), on the other. Following the lies (1) and (3), they cannot consistently dismiss knowledge-challenges with respect to the content put forward.[[51]](#footnote-51) For example, having uttered (1), the doctor cannot consistently dismiss a challenge such as:

(19) Do you really know he is fine?

In order to be consistent, the doctor either has to answer this challenge (and thus furnish further lies) or else has to retract the proposition put forward. By contrast, if the doctor utters (2), the doctor *can* consistently dismiss the challenge along the following lines:

(20) I didn’t claim that he is fine. I merely claimed that I saw him yesterday and that he was fine then.[[52]](#footnote-52)

Of course, (20) is very similar to (5) (repeated below), the consistent denial the doctor could offer when faced with an accusation of lying:

(5) I didn’t lie. I didn’t claim that the dying woman’s son was fine. I merely claimed that I had seen her son the day before and that he was fine then, which was indeed the case.

Both (5) and (20) can thus be seen as a way of pointing out that the respective challenges presuppose that the doctor took on a justificatory responsibility that she did not, in fact, take on.[[53]](#footnote-53)

I acknowledge that (5) and (20) can seem pedantic or disingenuous. But it nonetheless seems right that the doctor would be consistent in making them – she would not be going against her previous utterance of (2). If there is an impression of pedantry or disingenuousness, then probably because there are similar challenges that would not allow consistent responses of this kind.[[54]](#footnote-54) For instance, if the doctor were accused of *suggesting* that the son is fine, she could not offer a consistent dismissal. But, if anything, this contrast (with cases involving related challenges) seems to support the view that (5) and (20) are indeed consistent replies if the doctor utters (2) and is faced with a knowledge-challenge.

Finally, and relatedly, the fact that the speakers of (2) and (4) have avoided committing themselves, and thus have avoided taking on a responsibility to defend that they know the propositions implicated, does *not* mean that they have avoided taking on any responsibility whatsoever concerning these propositions. For that reason, there are weaker challenges that they cannot consistently dismiss. For instance, having uttered (2), the doctor might be challenged with (21):

(21) What makes you think that he is still fine?

It is hard to see how the doctor could dismiss this challenge without going against her previous speech-act.[[55]](#footnote-55) This is a third way in which the examples of misleading are like the clear examples of weak constatives, such as (11) and (12).

These points suggest that the difference between lying and misleading is indeed a difference in commitment, where commitment is spelled out in terms of a justificatory responsibility: liars, but not misleaders, take on a responsibility to defend that they know the proposition put forward. If commitment is understood in this way, (D4) delivers the right results for the misleading utterances (2) and (4): they are not counted as lies, as (L3) is not fulfilled for the implicatures in play.

*v.3 Taking on Commitment and Avoiding Commitment.* Next, let us consider how speakers can take on commitment and avoid commitment. If the foregoing is correct, there are several ways of *taking on* commitment. A speaker can take on a commitment to p by uttering a sentence that has p as its semantic content. But it is also possible to take on a commitment to p by implicating p or by presupposing p.[[56]](#footnote-56) Again, we can look at challenges and consistent responses following some of the above examples to support this claim. For instance, it would be natural to challenge the implicature of (6) with (22), and the presupposition in (9) with (23):

(6) I’ve got tomatoes coming out of my ears.

(22) Do you really *know* you had a good crop? The last time I passed your patch it didn’t actually look very promising.[[57]](#footnote-57)

(9) Did you know that John owns a Mercedes?

(23) How do you know he actually *owns* a Mercedes? He might have rented one.

Neither of these challenges permits a consistent dismissal by the challenged speaker, which again can be seen as an indication of their commitment to the relevant propositions.

The considerations above also suggest that there are several ways of *avoiding* commitment: hedging expressions, intonation and *some* implicatures. In the current context, the use of implicatures as commitment-avoiding devices is of most interest. Which implicatures can be used to avoid commitment? I cannot provide a full answer to this question here, but I think that some headway can be made by looking at the distinction between *additive* and *substitutive* (or *substitutional*) conversational implicatures.[[58]](#footnote-58) Whereas additive conversational implicatures are put forward *in addition* to the semantic content of the sentence uttered, substitutive conversational implicatures are put forward *instead of* semantic content. As a rough rule of thumb, I would like to suggest that substitutive implicatures cannot be used to avoid commitment, while at least some additive implicatures can be used to avoid commitment.[[59]](#footnote-59)

This rule of thumb fits with the fact that the committal implicatures of (6)–(8) are substitutive implicatures, while the non-committal implicatures of (2) and (4) are additive implicatures.[[60]](#footnote-60) And it leaves open possible differences in commitment among additive implicatures. This latter point is hinted at by Grice himself.[[61]](#footnote-61) In his discussion of the following two cases of additive implicatures, Grice weakens the descriptions of the implicatures by adding the expressions I have italicised:

A: I am out of petrol.

B: There is a garage round the corner.

Implicature: The garage is, *or at least may be*, open.

A: Smith doesn’t seem to have a girlfriend these days.

B: He has been paying a lot of visits to New York lately.

Implicature: Smith has, *or may have*, a girlfriend in New York.[[62]](#footnote-62)

In doing so, he seems to be indicating that the speakers are not committed to the unqualified implicatures.[[63]](#footnote-63) No indication of a lack of commitment is included in his discussion of the other examples. For instance, Grice states that the reference letter (“Mr. X’s command of English is excellent, and his attendance at tutorials has been regular”) carries the implicature “that Mr. X is no good at philosophy”.[[64]](#footnote-64) These remarks thus fit with a view on which some additive implicatures can be used to avoid commitment, while others cannot be employed for that purpose.[[65]](#footnote-65)

A full account of commitment in implicatures would have to answer the following questions: Which kinds of additive implicatures can be used to avoid commitment? And *why* can speakers use implicatures to avoid commitment? However, a treatment of these questions would warrant a paper of its own, and for the time being I would like to tentatively subscribe only to the following outline of a flexible view of how commitment can be taken on or avoided:

Speakers can take on commitment to the semantic content of the sentences uttered, to presuppositions and to certain implicatures. And they can use certain additive implicatures to avoid commitment. Among these additive implicatures are those in play in clear cases of misleading, such as (2) and (4).

This flexible view of how commitment is incurred or avoided ensures that (D4) can cover the full variety of lies considered in this paper. Speakers can lie literally or non-literally, and they can lie with presuppositions. The definition is thus broader than the definitions offered by Stokke and Carson. How broad it is depends on which implicatures turn out to be committal. If some additive implicatures do turn out to be committal, the definition will be notably broader than existing definitions.[[66]](#footnote-66) However, I am optimistic that even then it would not be too broad, given that it leads to the right results for clear cases of misleading.

*v.4 Bald-Faced Lies and a Definition of Misleading.* To end this section, I would like to highlight two attractive features of the commitment-based approach. Firstly, (D4) can arguably account for bald-faced lies: lies told without an intention to deceive. In one of the best-known cases of a bald-faced lie, put forward by Carson, a student is caught cheating in an exam and subsequently faces the dean, who has video evidence of the student’s offence.[[67]](#footnote-67) The student knows that the dean only punishes students who admit their offence, and thus utters:

(24) I did not cheat in the exam.

It is widely held that this is a lie and that the student does not intend to deceive the dean with respect to having cheated.[[68]](#footnote-68) In line with this verdict, (D4) classifies (24) as a lie, as the student commits himself to not having cheated. Evidence for the student’s commitment can be found by considering how the student could consistently respond to challenges by the dean, such as the following:

(25) Do you really know you didn’t cheat? We have a video of what happened.[[69]](#footnote-69)

If the student’s utterance were non-committal, there should be the possibility of consistently dismissing this challenge; but quite clearly a dismissal (“I never claimed…”) would be inconsistent. This suggests that the student indeed takes on the required commitment, as Stokke remarks.[[70]](#footnote-70) And it indicates that commitment-based definitions can capture bald-faced lies.

Secondly, the definition can easily be modified so as to provide a definition of misleading. Somewhat surprisingly, no such counterpart to a definition of lying has been put forward in the debate (at least to my knowledge). This may have to do with the fact that there are many varieties of misleading, as I mentioned in the introduction: misleading can be communicative or non-communicative, and it can be intentional or unintentional. But in the current context, we are only interested in one of these kinds, namely the counterpart to lying, and it would be helpful to have a definition of such misleading. The relevant kind of misleading is communicative and intentional, just as lying is. Furthermore, the definition should not only cover successful misleadings, but also attempted misleadings. The definition should thus apply to attempts at mere communicative misleading (which must be intentional, given that attempting must be intentional). Such a definition can be easily constructed by changing the third clause of (D4) as follows:

*(D5) A Definition of Attempting to Merely Communicatively Mislead*

A attempts to merely mislead B if and only if there is a proposition p such that:

(M1)   A performs a communicative act C with p as content;

(M2) with C, A intends to communicate p to B;

(M3) with C, A *does* *not* commit herself to p; and

(M4)  A believes that p is false.

This definition counts utterances (2) and (4) as mere misleadings; it thus allows us to classify these utterances not only negatively as non-lies, but also positively as mere misleadings. Furthermore, it makes it apparent that one and the same utterance can be a lie and an instance of mere misleading: a speaker could use a single utterance to communicate and commit herself to one believed-false content and *also* to communicate in a non-committal way another believed-false content.

# vi. two objections

In this section, I would like to respond to two objections to the commitment-based approach. According to the first objection, (D4) is too narrow, while the second alleges that it is too broad.

The first objection is due to Don Fallis and has Carson’s definition (D3) as its target, but a very similar objection could be put forward against (D4), which is why it is worth discussing here.[[71]](#footnote-71) Fallis introduces an example in which a witness utters the following sentence:

(26) Tony was with me at the time of the murder. Of course, you know I am really bad with dates and times.

In the example, the witness believes that Tony was not with him at the time of the murder. Now, Fallis claims, the witness is clearly lying, although he is not “taking any responsibility for the truth (or defensibility) of his statement about Tony’s whereabouts at the time of the murder”.[[72]](#footnote-72) In that case, however, (D4) does not classify (26) as a lie, although it should be classified as such.

While this is an interesting case, it does not present any particular problems for the commitment-based approach, as I briefly want to indicate. Firstly, Fallis overstates matters when he claims that the witness is taking *no* responsibility for the truth of his statement. To be sure, the hedge weakens the force of the speech-act. However, speech-acts weaker than assertion nonetheless lead to a responsibility to defend the proposition put forward, as I have argued above. It is only that the strength of the required defence is weakened.

Secondly, once the extent of the weakening is made clearer, then (D4) seems to deliver the right results.[[73]](#footnote-73) If we assume that the utterance *is* significantly weakened, then it does not amount to an assertion, and the witness is intuitively *not* lying; in line with this, (D4) does not classify the utterance as a lie. If we assume that it is *not* significantly weakened, then the utterance is an assertion, and the witness intuitively *is* lying; in this case, (D4) does classify the utterance as a lie. So, the definition does seem to lead to the right results after all.[[74]](#footnote-74)

And finally, if utterances such as (26) were a problem for commitment-based definitions, they would equally be a problem for any other assertion-based definition of lying. A hedge can clearly prevent an utterance from being an assertion and thus, given an assertion-based definition of lying, it can also prevent an utterance from being a lie. It is thus hard to see how assertion-based definitions, which include the definitions put forward by Fallis and Stokke, can come apart over examples involving hedges.

According to a second objection, advanced by García-Carpintero and Pepp, speakers *are* committed to the implicatures in play in clear cases of mere misleading.[[75]](#footnote-75) In their view, (D4) thus overgenerates. García-Carpintero considers a variant of the example involving (6), in which Ada (who is happy about her crop of tomatoes although it isn’t great) replies to Bill’s question about her crop by uttering:

(27) I’m really happy about my crop.

By uttering (27), Ada implicates that she has had a great crop of tomatoes. García-Carpintero holds that Ada is committed to that implicature and that she could not dismiss a challenge such as (22) (repeated below):

(22) Do you really *know* you had a good crop? The last time I passed your patch it didn’t actually look very promising.

In a similar manner, Pepp points out that the doctor could not consistently dismiss certain knowledge-challenges even after uttering the misleading (2) (“I saw him yesterday and he was fine”). The challenge Pepp mentions runs as follows:

(28) How do you know nothing terrible happened to him today?

If the speakers could not consistently dismiss these challenges, that would indeed be a problem for the commitment-based approach.[[76]](#footnote-76) However, I think there are reasons to believe that the challenges *can* be consistently dismissed. To bring this out, let us focus on the case of the dying woman, and let us consider a variant of the example in which the doctor saw the son yesterday, when he was fine, but does not know about his accident (and uses (2) to suggest that the dying woman’s son is fine today, as in the original version of the example). Considering this variant allows us to assess conversational consistency without the possible confounding factor of the doctor’s insincerity. At the same time, whether a dismissal is consistent should not depend on whether or not the original utterance was sincere. So, can the doctor consistently dismiss knowledge-challenges? I think she can. Faced with a challenge such as (28), it would be natural for her to reply with:

(29) In fact, I don’t *know* that nothing terrible happened to him today, which is why I didn’t commit myself to him being fine today.

(30) Well, I can’t be sure he is fine today, but I didn’t *claim* as much either.

In the variant of the example in which the doctor is sincere, these replies are both natural and consistent: they do not go against her previous speech-act. But if they are consistent in this variant of the example, they are also consistent in the original version, in which the doctor does know about the son’s accident – as mentioned, changing the sincerity factor should not influence matters of consistency.

Furthermore, if there is the impression that (28) cannot be consistently dismissed, that might be because there are related, weaker challenges for which this holds. As discussed in Section *iv.2*, the doctor arguably cannot consistently dismiss the weaker challenge (21) (repeated here):

(21) What makes you think that he is still fine?

In my view, the contrast with this case provides an additional reason to think that challenge (28) can be consistently dismissed.[[77]](#footnote-77)

For these reasons, I think that by uttering (2) the doctor does avoid committing herself to the dying woman’s son being fine today. Analogous considerations seem to apply to Ada’s utterance of (27). In that case, the objection brought forward by García-Carpintero and Pepp does not present an immediate problem for the commitment-based approach. However, the objection does helpfully highlight the fact that judgements about the commitment in implicatures in general, and about these cases in particular, diverge. In my view, this shows a need for empirical data on judgements concerning commitment and consistent dismissals in cases of lying and misleading. Such data might then provide reasons in favour or against the commitment-based approach.[[78]](#footnote-78)

# vii. conclusion

I have argued that the lying-misleading distinction concerns commitment: liars commit themselves to something they believe to be false, while mere misleaders avoid such commitment. This approach leads to a definition of lying that can handle a large variety of examples and that does justice to the versatility of lying. And it suggests a parallel definition of mere misleading, which differs from the definition of lying only in terms of commitment.

The two definitions dovetail nicely with commitment-based approaches to assertion and recent work on weaker constative speech-acts. They also suggest further work on commitment, lying and misleading: What are the mechanisms by which communicative agents commit themselves to propositions? How can agents use implicatures to avoid commitment? And can a difference in commitment ground a moral difference between lying and misleading?

With this last question we have arrived at the ethical debate on the lying-misleading distinction. The most popular view in this debate entails that if we are faced with a choice between lying and misleading, we should choose to mislead (everything else being equal and except, perhaps, in certain special cases).[[79]](#footnote-79) However, this view has been forcefully criticised by Saul. Saul’s line of argument is summed up in the following passage:

[M]orally preferring misleading to lying is really rather puzzling. In both cases, a speaker deliberately attempts to induce a false belief in their audience. Why on earth should it matter whether they do this by *saying* something false or merely conveying it by some other means?[[80]](#footnote-80)

If the commitment-based approach is on the right track, then Saul’s argument rests on a false premise: lying and misleading do not merely differ with respect to what is said, rather they differ in terms of commitment. The important question, then, is whether this difference in commitment is, or could ground, a moral difference between lying and misleading.[[81]](#footnote-81)

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2. For discussion of this case, see Jennifer Saul, *Lying, Misleading, & What is Said: An Exploration in Philosophy of Language and in Ethics* (Oxford: Oxford University Press, 2012), at p. 70. [↑](#footnote-ref-2)
3. In what follows, I will use the shorter ‘implicature’ and ‘implicate’ in order to refer to conversational implicatures and the act of conversationally implicating. [↑](#footnote-ref-3)
4. Jennifer Saul and Andreas Stokke provide sophisticated approaches in this vein: Saul, *Lying, Misleading, & What is Said, op. cit.*, p. 57, argues that content-based definitions of lying should tie the notion of what is said to semantic content through the following principle: “A putative contextual contribution to what is said is a part of what is said only if without this contextually supplied material, [a sentence] S would not have a truth-evaluable semantic content in [a context] C.” And Stokke holds that while what is said (in the sense relevant for the lying-misleading distinction) can go beyond semantic content, it is nonetheless “strictly constrained by a minimal kind of compositional meaning” (Andreas Stokke, “Lying and Misleading in Discourse,” *Philosophical Review*, cxxv, 1 (January 2016): 83–134, at p. 86). Stokke also argues that what is said is sensitive to the topic of conversation, and he shows how the question under discussion (QUD) framework can be used to capture this sensitivity. On the QUD-framework, see Craige Roberts, “Context in Dynamic Interpretation,” in L. Horn and G. Ward, eds., *The Handbook of Pragmatics* (Oxford: Blackwell, 2004), pp. 197–220; Craige Roberts, “Information Structure in Discourse: Towards an Integrated Formal Theory of Pragmatics,” *Semantics and Pragmatics*, v (2012): 1–69. [↑](#footnote-ref-4)
5. This has been proposed by Eliot Michaelson, “The lying test,” *Mind & Language*, xxxi, 4 (September 2016): 470–499. See also Saul, *Lying, Misleading, & What is Said, op. cit.*, pp. 66–68; Manuel García-Carpintero, “Sneaky Assertions,” *Philosophical Perspectives*, xxxii, 1 (December 2018): 188–218, at p. 197; Emma Borg, “Explanatory roles for minimal content,” *Noûs*, liii, 3 (September 2019): 513–539. [↑](#footnote-ref-5)
6. Emanuel Viebahn, “Non-literal lies,” *Erkenntnis* lxxxii (December 2017): 1367–1380; Emanuel Viebahn, “Lying with Presuppositions,” *Noûs*, liv, 3 (September 2020): 731–751. [↑](#footnote-ref-6)
7. Thomas L. Carson, “The Definition of Lying,” *Noûs*, xl, 2 (June 2006): 284–306; Roy Sorensen, “Bald-Faced Lies! Lying without the Intent to Deceive,” *Pacific Philosophical Quarterly*, lxxxviii, 2 (June 2007): 251–64. [↑](#footnote-ref-7)
8. Saul, *Lying, Misleading, & What is Said, op. cit.*, at p. 71. [↑](#footnote-ref-8)
9. Among the theorists who accept definition in line with (D1) are Don Fallis, “What Is Lying?,” this journal, cvi, 1 (January 2009): 29–56; Andreas Stokke, *Lying and Insincerity* (Oxford: Oxford University Press, 2018), Ishani Maitra, “Lying, Acting, and Asserting,” in: Eliot Michaelson and Andreas Stokke, eds., *Lying: Language, Knowledge, Ethics, and Politics* (Oxford: Oxford University Press, 2018), pp. 65–82; Jessica Pepp, “Assertion, Lying, and Untruthfully Implicating,” in: Sanford Goldberg, ed., *The Oxford Handbook of Assertion* (Oxford: Oxford University Press, 2019), pp. 829–50. Some theorists take the two clauses mentioned to be necessary, but not jointly sufficient for lying. They would thus add a third clause: Roderick M. Chisholm and Thomas D. Feehan, “The Intent to Deceive,” this journal, lxxiv, 3 (March 1977): 143–59, and Bernard Williams, *Truth and Truthfulness* (Princeton: Princeton University Press, 2002), at p. 96, hold that lying also requires an intention to deceive, while García-Carpintero, “Sneaky Assertions,” *op. cit.*, has recently argued (i) that speakers can assert that p without saying that p, and (ii) that lying requires asserting *and saying* something the speaker believes to be false. There is also disagreement about how (L2) should be phrased: most theorists hold that *believed* falsity is sufficient for lying, but some theorists argue that lying requires *actual* falsity; for an example of the latter view, see Thomas Carson, *Lying and Deception: Theory and Practice* (Oxford: Oxford University Press, 2010), at pp. 15–17. Disagreements about an intention to deceive or the phrasing of (L2) are not of importance in this context. Whether lying requires saying will be discussed in Section iii. [↑](#footnote-ref-9)
10. This label is used by Kent Bach and Robert M. Harnish, *Linguistic Communication and Speech Acts* (Cambridge: The MIT Press, 1979), at pp. 43–44, and Paul Grice, *Studies in the Way of Words*. (Cambridge: Harvard University Press, 1989), at. p. 368. [↑](#footnote-ref-10)
11. One of the few theorists who disagree on this point is Jörg Meibauer, *Lying at the Semantics-Pragmatics Interface* (Boston/Berlin: de Gruyter, 2014). Meibauer argues for a broad view of lying on which utterances that are standardly taken to be instances of mere misleading, such as (2), are counted as lies. [↑](#footnote-ref-11)
12. Cf. Felix Timmermann and Emanuel Viebahn, “To lie or to mislead?,” *Philosophical Studies*, Online First (2020), at p. 4. [↑](#footnote-ref-12)
13. See Stokke, *Lying and Insincerity*, *op. cit.*, at pp. 89–91, Viebahn, “Non-literal lies,” *op. cit*., p. 1370, and “Lying with Presuppositions,” *op. cit*., p. 733, and Peter van Elswyk, “Deceiving without answering,” *Philosophical Studies* clxxvii, 5 (May 2020): 1157–1173. [↑](#footnote-ref-13)
14. Note that the *kind of accusation* matters for this test, which looks at responses to accusations of *lying*. If the doctor or Amy were accused of *being insincere* or of *trying to deceive their addressee*, neither of them could offer a consistent denial. [↑](#footnote-ref-14)
15. See Fallis, “What Is Lying?,” *op. cit.*, Carson, *Lying and Deception*, *op. cit.*, chapter i, Saul, *Lying, Misleading, & What is Said, op. cit.*, chapter i, Stokke, *Lying and Insincerity*, *op. cit.*, and García-Carpintero, “Sneaky Assertions,” *op. cit.*, amongst others. [↑](#footnote-ref-15)
16. See in particular Andreas Stokke, “Lying and Asserting,” this journal, cx, 1 (January 2013): 33–60, Stokke, “Lying and Misleading in Discourse,” *op. cit.*, and Stokke, *Lying and Insincerity*, *op. cit.* [↑](#footnote-ref-16)
17. *Ibid*., p. 31. [↑](#footnote-ref-17)
18. William Alston, *Illocutionary acts and sentence meaning* (Ithaca, NY: Cornell University Press, 2000), at p. 120. [↑](#footnote-ref-18)
19. Robert Stalnaker, “Assertion” and “On the Representation of Context,” in *Context and Content: Essays on Intentionality in Speech and Thought* (New York: Oxford University Press, 1999), pp. 78–95 and 96–114. [↑](#footnote-ref-19)
20. Stokke, *Lying and Insincerity*, *op. cit.*, p. 31. [↑](#footnote-ref-20)
21. *Ibid*., p. 81. [↑](#footnote-ref-21)
22. Stokke’s view on what is said is laid out in Anders Schoubye and Andreas Stokke, “What is said,” *Noûs*, l, 5 (December 2016): 759–793. On the QUD-framework, see Roberts, “Context in Dynamic Interpretation,” *op. cit*., and “Information Structure in Discourse: Towards an Integrated Formal Theory of Pragmatics,” *op. cit*. [↑](#footnote-ref-22)
23. Don Fallis, Review of *Lying, Misleading, and What Is Said* by Jennifer Mather Saul, *European Journal of Philosophy* xxii, S1 (March 2014): e17–e22, and Viebahn, “Non-literal lies,” *op. cit*. For further support of the possibility of non-literal lies, see David Simpson, “Lying, liars and language,” *Philosophy and Phenomenological Research* lii, 3 (September 1992): 623–639, and Marta Dynel, “Comparing and combining covert and overt untruthfulness: on lying, deception, irony and metaphor,” *Pragmatics & Cognition* xxiii, 1 (January 2016): 174–208. Saul, *Lying, Misleading, & What is Said, op. cit.*, at p. 19, leaves open the possibility of non-literal lies by restricting the scope of her definition to literal speech. [↑](#footnote-ref-23)
24. Viebahn, “Non-literal lies,” *op. cit*., pp. 1368–1375. [↑](#footnote-ref-24)
25. This example is discussed in Saul, *Lying, Misleading, & What is Said, op. cit.*, p. 16. García-Carpintero, “Sneaky Assertions,” *op. cit.*, at p. 208, remarks that this particular metaphor is “pretty dead”. But there are plenty of living metaphors that Ada could have used instead, such as “I hit the tomato jackpot” or “The tomato-god was watching my garden”. [↑](#footnote-ref-25)
26. An anonymous reviewer noted that the impossibility of a consistent denial is less clear in the third of these examples. I think there may be versions of the example in which Greta could offer a consistent denial, but that a denial appears to be inconsistent if she makes her use of irony obvious, for instance through winking or rolling her eyes. [↑](#footnote-ref-26)
27. Viebahn, “Lying with Presuppositions,” *op. cit*. Meibauer, *Lying at the Semantics-Pragmatics Interface*, *op. cit*., pp. 137–140, also argues in favour of the possibility of lying with presuppositions. As mentioned above, Meibauer accepts a very broad view of lying, so his verdict may differ for a notion of lying that contrasts with misleading. [↑](#footnote-ref-27)
28. In Viebahn, “Lying with Presuppositions,” *op. cit.*,I discuss presuppositional lies featuring various different presupposition triggers, including the possessive ‘my’, the additive particle ‘again’, and the gendered pronoun ‘her’, so the possibility of presuppositional lies is not tied to a particular view of ‘know’. [↑](#footnote-ref-28)
29. Richard Holton, “Lying About,” this journal, cxvi, 2 (February 2019): 99–105, rightly points out that we usually say that someone has lied *about* p, not that they have lied *that* p. [↑](#footnote-ref-29)
30. Carson, “The Definition of Lying,” *op. cit*., and *Lying and Deception: Theory and Practice*, *op. cit.*, chapter i. [↑](#footnote-ref-30)
31. *Ibid*., p. 39. I have slightly rephrased Carson’s definition to make it structurally similar to the other definitions discussed in this paper. A definition similar in spirit is defended by Saul, *Lying, Misleading, & What is Said, op. cit.*, p. 19. When it comes to the notion of warranting, Saul follows in Carson’s tracks, which is why I will only consider Carson’s approach in this section. [↑](#footnote-ref-31)
32. *Ibid*., p. 3. [↑](#footnote-ref-32)
33. Carson, “The Definition of Lying,” *op. cit*., p. 287. [↑](#footnote-ref-33)
34. *Ibid*., p. 293. [↑](#footnote-ref-34)
35. *Ibid*., p. 294. [↑](#footnote-ref-35)
36. In previous work, I have pointed to and briefly commented on the commitment-based approach, see Viebahn, “Lying with Presuppositions,” *op. cit.*, “Lying with Pictures,” *The British Journal of Aesthetics*, lix, 3 (July 2019): 243–257, and Timmermann and Viebahn, “To lie or to mislead?,” *op. cit*. The aim of the current section is to spell out and substantiate the considerations offered in those articles. [↑](#footnote-ref-36)
37. See Stokke, *Lying and Insincerity*, *op. cit.*, p. 58–62, on the distinction between official and unofficial common ground. In a nutshell, information in the unofficial common ground is stored only temporarily (for instance during the course of a play or an argument), while information in the official common ground is stored more permanently. [↑](#footnote-ref-37)
38. By requiring an intention to communicate, (D4) captures the strong intuition that lying must be intentional. It is an interesting question which role intentions play when it comes to the commitment in lying. As I see it, committing oneself to a proposition requires an intention to do so (which is why I say that liars *commit themselves* or *take on* *commitment*), but I think the definition is compatible with different views on the matter. [↑](#footnote-ref-38)
39. Charles Sanders Peirce, “Judgment and assertion,” in *Collected papers of Charles Sanders Peirce* *Vol. V* (Boston: Harvard University Press, 1934), pp. 385–387; John Searle, “A taxonomy of illocutionary acts,” in: Keith Gunderson, ed., *Language, Mind and Knowledge* (Minneapolis: University of Minnesota Press, 1975), pp. 344–369; Robert Brandom, “Asserting,” *Noûs* xvii, 4 (November 1983), pp. 637–650; Gary Watson, “Asserting and promising,” *Philosophical* *Studies* cxvii, 1/2 (January 2004): 57–77. The commitment-based approach to assertion is still popular, with recent contributions by Manfred Krifka, “Embedding illocutionary acts,” in: Thomas Roeper and Margaret Speas, eds., *Recursion: Complexity in cognition* (Amherst, MA: Springer, 2014), pp. 59–87; Lionel Shapiro, “Commitment accounts of assertion,” in: Sanford Goldberg, ed., *The Oxford Handbook of Assertion* (Oxford: Oxford University Press, 2020), pp. 75–97; and Bart Geurts, “Communication as commitment sharing: speech acts, implicatures, common ground,” *Theoretical Linguistics* xlv, 1–2 (June 2019): 1–30, amongst many others. [↑](#footnote-ref-39)
40. Cf. Brandom, “Asserting,” *op. cit*., p. 641; Michael Rescorla, “Assertion and Its Constitutive Norms,” *Philosophy and Phenomenological Research* lxxix, 1 (July 2009): 98–130, at p. 103, and Max Kölbel, “Conversational Score, Assertion and Testimony,” in: Jessica Brown and Herman Cappelen, eds., *Assertion* (Oxford: Oxford University Press, 2011), pp. 49–78., at p. 68. As far as I am aware, Brandom was the first to label this responsibility as *justificatory responsibility.* What kind of responsibility is this? Some theorists, including Brandom, “Asserting,” *op. cit*., p. 640, Searle, *Rationality in Action* (Cambridge, Mass.: MIT Press, 2001), p. 181, and Watson, “Asserting and promising,” *op. cit*., p. 60, think of it as a *conversational* or *communicative* responsibility. Others see the justificatory responsibility in assertion as a *moral* responsibility, see Angus Ross, “Why do we believe what we are told?,” *Ratio* xxviii, 1 (June 1986): 69–88, at p. 79–80, Rescorla, *op. cit*., pp. 118–119, and Terence Cuneo, *Speech and Morality: On the Metaethical Implications of Speaking* (Oxford: Oxford University Press, 2014). I am inclined to side with the second of these views. However, I do not think that a firm answer to this question is required for the purposes of this paper, and so I will not resolve the matter here. As far as I can see, the commitment-based approach can succeed if lying and misleading involve different justificatory responsibilities that are *at least* conversational or communicative responsibilities. The responsibility-question does play an important role when it comes to the debate about potential *moral* differences between lying and misleading. I will briefly return to this question at the end of the paper. [↑](#footnote-ref-40)
41. In tying assertion to commitment, I do not wish to rule out that assertion can be characterised in terms of a constitutive knowledge-norm. Indeed, I agree with John MacFarlane that a commitment-account of the responsibilities incurred by asserters fits well with a knowledge-norm of assertion, see John MacFarlane “What is assertion?,” in: Jessica Brown and Herman Cappelen, eds., *Assertion* (Oxford: Oxford University Press, 2011), pp. 79–98, at p. 94. [↑](#footnote-ref-41)
42. The label *constative* was introduced by John L. Austin, *How to Do Things with Words* (Cambridge: Harvard University Press, 1962). Searle, “A taxonomy of illocutionary acts,” *op. cit.*, speaks of *representative* speech-acts, John Turri, “Epistemic Invariantism and Speech Act Contextualism,” *The Philosophical Review* cxix, 1 (January 2010): 77–95, of *alethic* speech-acts. [↑](#footnote-ref-42)
43. But see J. O. Urmson, “Parenthetical Verbs,” *Mind*, lxi, 244 (October 1952): 480–96, Janet Holmes, “Modifying illocutionary force,” *Journal of Pragmatics*, viii, 3 (June 1984): 345–65, Marina Sbisà, “Illocutionary force and degrees of strength in language use,” *Journal of Pragmatics*, xxxiii, 12 (December 2001): 1791–814, and Matthew A. Benton and Peter van Elswyk, “Hedged assertion,” in: Sanford Goldberg, ed., *The Oxford Handbook of Assertion* (Oxford: Oxford University Press, 2020), pp. 245–63. [↑](#footnote-ref-43)
44. The speaker might be challenged in other ways, and the challenges need not ask for a *knowledge*-defence. For example, a challenge might ask how the speaker can be *sure* that the capital is Asunción. To keep things simple, I will mainly focus on knowledge-challenges here. [↑](#footnote-ref-44)
45. So, a consistent dismissal in the sense relevant here is a dismissal that does not involve denying that one took on a justificatory responsibility one in fact did take on, and that does not involve denying that one performed a speech-act one in fact did perform. There are other ways of dismissing a challenge without answering it or retracting the proposition put forward, as an anonymous reviewer helpfully pointed out. For example, a challenged speaker might respond with “We don’t have time for your question now” or “Just trust me”. In what follows, I will be concerned only with dismissals with which the speaker denies having taken on the justificatory responsibility mentioned or presupposed in the challenge. [↑](#footnote-ref-45)
46. This point has received less discussion than the challengeability of assertion, but see Mitchell S. Green, “Speech Acts, the Handicap Principle and the Expression of Psychological States,” *Mind & Language* xxiv, 2 (April 2009): 139–63, at p. 157, and “Speech Acts,” in: Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy (Winter 2017 Edition*): https://plato.stanford.edu/archives/win2017/entries/speech-acts/, and Martin Montminy, “Testing for assertion,” in: Sanford Goldberg, ed., *The Oxford Handbook of Assertion* (Oxford: Oxford University Press, 2020), pp. 371–89. Considering which challenges can be consistently dismissed might help to identify which challenges are *appropriate* (or *legitimate*) following constatives of different strength. Many theorists appeal to the notion of an *appropriate challenge* in discussing the commitment in assertion; see, for example, Peter Unger, *Ignorance* (Oxford: Clarendon Press, 1975), at. p. 263, Green “Speech Acts,” *op. cit*., Section 5.3, and Shapiro, “Commitment accounts of assertion,” *op. cit*. However, as Montminy, “Testing for assertion,” *op. cit*., rightly points out, the notion of an appropriate challenge has to be made more precise in order to elucidate assertoric commitment – after all, there are many reasons why a challenge might be inappropriate, not all of which have to do with assertoric commitment. For example, a challenge might be inappropriate because it is disrespectful. For these reasons, I will not rely on the notion of an appropriate challenge and instead consider whether certain challenges can be consistently dismissed. I am grateful to an anonymous reviewer for suggesting such an approach. [↑](#footnote-ref-46)
47. It is tempting to speak of *degrees of commitment* in this context; see, for example, Searle, “A taxonomy of illocutionary acts,” *op. cit.*, at p. 354. While I have no principled reason against using such terminology, I would like to resist the temptation, as I find a gradable reading much more natural if ‘commitment’ expresses dedication to a certain cause, which is not the sense of the expression that is at issue here. I thus agree with Tamar Katriel and Marcelo Dascal, “Speaker’s commitment and involvement in discourse,” in: Yishai Tobin, ed., *From Sign to Text* (Amsterdam (Philadelphia): John Benjamins, 1989), pp. 275–95, that commitment in constatives is all or nothing. But this terminological decision does not affect the content of the paper: even given a gradable understanding, it would be right to say that lying and misleading differ in terms of commitment. [↑](#footnote-ref-47)
48. The standard case of misleading discussed in the literature features an assertion of a believed-true proposition that is used to implicate a believed-false proposition. However, neither assertion nor the involvement of a believed-true proposition is required for misleading: one can mislead through conjecturing, and the implicature can be generated by putting forward a proposition the speaker believes to be false. [↑](#footnote-ref-48)
49. In this sense, my stance towards commitment is similar to Saul’s stance towards what is said: Saul, *Lying, Misleading, & What is Said, op. cit.*, Chapters 2 and 3, makes very clear that her aim is to find a notion of what is said that is suited to draw the lying-misleading distinction, and that other notions of what is said are needed for other purposes. I am grateful to an anonymous reviewer for helpful comments on this matter. [↑](#footnote-ref-49)
50. Cf. Shapiro, “Commitment accounts of assertion,” *op. cit.* [↑](#footnote-ref-50)
51. This point is also made by Maitra, “Lying, Acting, and Asserting,” *op. cit*., pp. 69–71. For related observations on the challengeability of lies and misleadings, see Jonathan E. Adler, “Lying, Deceiving, or Falsely Implicating,” this journal, xciv, 9 (September 1997): 435–52, at pp. 449–51. [↑](#footnote-ref-51)
52. This contrast becomes stronger if we consider a variant of the example in which the doctor saw the son yesterday, when he was fine, but has no further information on what has happened in the meantime. [↑](#footnote-ref-52)
53. On this view, denials such as (5) and (20) are not denials of the *content* uttered, but rather of having performed a speech-act with a certain *force*. This conflicts with a remark by Diana Mazzarella, Robert Reinecke, Ira Noveck, and Hugo Mercier, “Saying, presupposing and implicating: How pragmatics modulates commitment,” *Journal of Pragmatics*, cxxxiii (August 2018): 15–27, according to which denials following implicatures are aimed at the implicated content. [↑](#footnote-ref-53)
54. The possibility of similar challenges that are legitimate is highlighted by Pepp, “Assertion, Lying, and Untruthfully Implicating,” *op. cit*., pp. 834–36. [↑](#footnote-ref-54)
55. One might think, as a reviewer pointed out, that she can consistently dismiss the challenge by saying: “I never claimed that he is still fine.” However, this does not appear to be a dismissal of challenge (21), but rather of a stronger challenge. A natural response on behalf of the challenger would be: “You didn’t claim it, but you implied/suggested it. So, what makes you think he is fine?” Once the challenge has been precisified in this way, it seems even clearer that a consistent dismissal is unavailable. Similar follow-up challenges are, of course, possible and likely in the other examples discussed. [↑](#footnote-ref-55)
56. I have argued that it is also possible to take on the required commitment, and thus to lie, through presenting pictures, cf. Viebahn, “Lying with Pictures,” *op. cit*. [↑](#footnote-ref-56)
57. García-Carpintero, “Sneaky Assertions,” *op. cit.*, p. 208, mentions a similar challenge in a different variant of the example (see Section vi). [↑](#footnote-ref-57)
58. On this distinction, see Jörg Meibauer, “Implicature,” in: Jacob L. Mey, ed., *Concise Encyclopedia of Pragmatics.* (Amsterdam: Elsevier, 2009), pp. 365–378, at p. 374; Alexander Dinges, “Innocent implicatures,” *Journal of Pragmatics*, lxxxvii (2015): 54–63, at p. 56; and Viebahn, “Non-literal lies,” *op. cit*., p. 1369. [↑](#footnote-ref-58)
59. I thus disagree with Kölbel’s claim that “in general, the point of implicatures is precisely to avoid any official commitment to the implicated information,” cf. Kölbel, “Conversational Score, Assertion and Testimony,” *op. cit*., p. 70; for similar comments also see Elizabeth Fricker, “Stating and Insinuating,” *Aristotelian Society Supplementary Volume* lxxxvi, (2012): 61–94, at p. 86, and Matthew A. Benton, “Lying, Belief, and Knowledge,” in: Jörg Meibauer, ed., *The Oxford Handbook of Lying* (Oxford: Oxford University Press, 2018), pp. 120–33, at p. 130. It seems that substitutive implicatures and their lack of commitment-averting power are a good reason to reject such a general view. How about *conventional* implicatures? These appear to be committal, which fits with Stokke’s verdict that it is possible to lie with conventional implicatures. See Andreas Stokke, “Conventional Implicature, Presupposition, and Lying,” *Aristotelian Society Supplementary Volume* xci, 1 (June 2017): 127–47. [↑](#footnote-ref-59)
60. One reason this rule of thumb is rough and might have to be revised is given by substitutive implicatures in ironic utterances, such as (8). If it turns out that speakers can consistently dismiss knowledge-challenges following ironic utterances (in cases in which there is no other commitment-averting device in play), then at least some substitutive implicatures can be used to avoid commitment. [↑](#footnote-ref-60)
61. Cf. Grice, *Studies in the Way of Words*, *op. cit*., pp. 31–40. [↑](#footnote-ref-61)
62. *Ibid.*, p. 32. [↑](#footnote-ref-62)
63. See Pepp, “Assertion, Lying, and Untruthfully Implicating,” *op. cit*., pp. 830–32, for a helpful discussion of this point. Pepp rightly mentions that a lack of commitment may have to do with other commitment-averting devices, such as hedges or intonation. Grice, however, does not mention or describe any other hedging devices in giving the examples. [↑](#footnote-ref-63)
64. Cf. Grice, *Studies in the Way of Words*, *op. cit*., p. 33. [↑](#footnote-ref-64)
65. Some support for this view is also offered by the empirical results of Mazzarella *et. al.*, “Saying, presupposing and implicating: How pragmatics modulates commitment,” *op. cit*., who found that participants judged speakers to be committed to what they said and what they presupposed, but not to certain additive conversational implicatures. An anonymous reviewer noted that the letter writer in Grice’s example can consistently dismiss knowledge-challenges with respect to the implicature, which would point towards a lack of commitment. I think it is unclear whether the letter writer indeed avoids the relevant commitment. It seems that he *would* be inconsistent if he were to reply: “I didn’t commit myself to Mr. X being no good at philosophy.” Still, I do not wish to insist on the committal nature of this particular implicature, and there are likely to be clearer examples of committal additive implicatures. [↑](#footnote-ref-65)
66. Interestingly, recent empirical work suggests that the folk concept of lying does allow for the possibility of lying with at least some additive implicatures. For a helpful overview, see Alex Wiegmann and Jörg Meibauer, “The folk concept of lying,” *Philosophy Compass*, xiv, 8 (August 2019): e12620. [↑](#footnote-ref-66)
67. Carson, “The Definition of Lying,” *op. cit*., p. 290. [↑](#footnote-ref-67)
68. Some theorists disagree with this verdict. For instance, Jennifer Lackey, “Lies and deception: an unhappy divorce,” *Analysis*, lxxiii, 2 (April 2013): 236–248, has argued that bald-faced lies are deceptive after all. [↑](#footnote-ref-68)
69. In this case, it would be more natural to use a challenge that does not question the speaker’s *knowledge* (such as “Are you really sure that you didn’t cheat?”). This shows that various factors (beyond the nature of the original utterance) can influence which kinds of challenges sound natural. [↑](#footnote-ref-69)
70. Cf. Stokke, *Lying and Insincerity*, *op. cit*., p. 20. For contrary remarks, see Jessica Keiser, “Bald-faced lies: how to make a move in a language game without making a move in a conversation,” *Philosophical Studies*,clxxiii, 2 (February 2016): 461–77, and Maitra, “Lying, Acting, and Asserting,” *op. cit*. [↑](#footnote-ref-70)
71. Fallis, “What is Lying?”, *op. cit*., p. 49. For relevant discussion, also see Jörg Meibauer, “Konzepte des Lügens,” *Zeitschrift für Sprachwissenschaft* xxxiv, 2 (November 2015): 175–212, at pp. 195–97; Neri Marsili, “Lying as a scalar phenomenon: Insincerity along the certainty-uncertainty continuum,” in: Sibilla Cantarini, Werner Abraham, and Elisabeth Leiss, eds., *Certainty-uncertainty – and the Attitudinal Space in Between* (Amsterdam (Philadelphia): John Benjamins, 2014), pp. 153–73, at pp. 164–68. [↑](#footnote-ref-71)
72. Fallis, “What is Lying?”, *op. cit*., p. 49. [↑](#footnote-ref-72)
73. Cf. Carson, *Lying and Deception*, *op. cit.*, p. 38. [↑](#footnote-ref-73)
74. Maitra, “Lying, Acting, and Asserting,” *op. cit*., pp. 69–70, reports similar intuitions about examples involving speech-acts weaker than assertion. It is worth noting that there will be cases in which it is indeterminate whether a speaker has committed herself to a proposition. In such cases, it can be indeterminate whether the speaker has lied or merely attempted to mislead: (D4) and (D5) imply that the border between lying and mere misleading is fuzzy. Such vagueness is to be expected for natural language expressions such as ‘lying’ and ‘misleading’; cf. Williams, *Truth and Truthfulness*, *op. cit*., p. 97. [↑](#footnote-ref-74)
75. García-Carpintero, “Sneaky Assertions,” *op. cit.*, pp. 207–08, and Pepp, “Assertion, Lying, and Untruthfully Implicating,” *op. cit*., pp. 834–36. [↑](#footnote-ref-75)
76. An anonymous reviewer pointed out that the objection might be set aside if García-Carpintero and Pepp are understood as claiming that Ada and the doctor have a responsibility to defend the propositions in question *even though* they can dismiss challenges such as (22) and (28). I think this is right, and I indeed agree with García-Carpintero and Pepp that Ada and the doctor *do* have a responsibility to defend the propositions in question. What matters here, however, is whether they have a responsibility to defend that they *know* the propositions in question, and on this point I disagree with García-Carpintero and Pepp. [↑](#footnote-ref-76)
77. Such a difference is noted by Adler, “Lying, Deceiving, or Falsely Implicating,” *op. cit*., pp. 450–451, and Nicolas Asher and Alex Lascarides, “Strategic conversation,” *Semantics & Pragmatics* vi, 2 (August 2013): 1–62, at p. 2. The difference is also acknowledged by García-Carpintero, “Sneaky Assertions,” *op. cit.*, p. 208. [↑](#footnote-ref-77)
78. A recent study by Louisa Reins and Alex Wiegmann, “Is Lying Bound to Commitment? Empirically Investigating Deceptive Presuppositions, Implicatures, and Action,” (Unpublished manuscript, 2020), has delivered results that seem to fit well with the commitment-based approach. For one thing, the study brought out that some, but not all, believed-false implicatures are classified as lies. Furthermore, participants were asked whether the speakers had committed themselves to something they believed to be false, and there was a strong relationship between commitment-ratings and lie-ratings. Of course, it is an open question whether the participants interpreted the notion of commitment in line with (C). But, if anything, the results rather seem to work in favour of the commitment-based approach than against it. [↑](#footnote-ref-78)
79. This view has been defended by Chisholm and Feehan, “The Intent to Deceive,” op. cit., Adler, “Lying, Deceiving, or Falsely Implicating,” *op. cit*., Alan Strudler, “The distinctive wrong in lying,” *Ethical Theory and Moral Practice*, xiii, 2 (April 2010): 171–179, and Pepp, “Assertion, Lying, and Untruthfully Implicating,” *op. cit*., amongst others. [↑](#footnote-ref-79)
80. Saul, *Lying, Misleading, & What is Said, op. cit.*, p. ix; italics unchanged. [↑](#footnote-ref-80)
81. Felix Timmermann and I have argued that the difference in commitment *can* ground a moral difference, at least in some cases, but that this moral difference can go either way: sometimes the difference in commitment makes misleading *better* than lying, sometimes it makes misleading *worse* than lying, and sometimes it is not morally relevant. See Timmermann and Viebahn, “To lie or to mislead?,” *op. cit*. [↑](#footnote-ref-81)