**What’s the Good of Language?**

**On the Moral Distinction between Lying and Misleading**

I give a new argument for the moral difference between lying and misleading. First, following David Lewis (1983, 2002), I hold that conventions of Truthfulness and Trust fix the meanings of our language. These conventions generate fair play obligations. Thus, to fail to conform to the conventions of Truthfulness and Trust is unfair. Second, I argue that the liar, but not the misleader, fails to conform to Truthfulness. So the liar, but not the misleader, does something unfair. This account entails that bald-faced lies are wrong, that we can lie non-linguistically, and that linguistic innovation is morally significant.

 Judith has just taken a bite of her brother Quentin’s cake. Quentin asks her, “What do you think?” Painfully sensitive to hurting others’ feelings, Judith can’t bring herself to tell Quentin what she thinks—namely, that the cake is disgusting. But Judith also finds that she cannot force the words, “It’s delicious!” from her mouth. So Judith splits the difference. “This is the best dessert I’ve had all week,” she says.

In fact, Judith has eaten only one other dessert this week: a horribly burned, failed baking experiment. Quentin’s cake still tasted better than *that*. So, what Judith has said is ­literally true. But Judith also knows that Quentin will interpret her as doing more than ranking the tastiness of her desserts. Quentin will interpret Judith as giving him a meaningful compliment—as meaning, more or less, that the cake tastes good.[[1]](#endnote-1) Judith knows that she is deceiving Quentin, but at least she hasn’t lied to Quentin. And, Judith reasons, all things considered, to lie is worse than merely to deceive.

 If you are like me, you can think of many cases in which you’ve adopted Judith’s strategy. (If you’re not like me, this paper presents an argument for why you *should* be.) Generally, we intuit that to lie is worse than to merely mislead. But in cases like Judith’s, our moral intuitions ought to strike us as strange. *Why* is lying worse than what Judith did? Suppose that Judith lied, saying, “The cake tastes good.” Via her use of language, Judith would have communicated something false to Quentin in order to deceive him. But that’s exactly what Judith did when she said, “This is the best dessert I’ve had all week.” Via her use of language, Judith communicated something false to Quentin in order to deceive him. So what’s the difference?

 The felt moral distinction between lying and misleading is a longstanding puzzle—one so difficult that some philosophers have simply decided that we’re wrong to intuit the difference at all.[[2]](#endnote-2) I agree with these philosophers that the dominant Kant-inspired explanations are unsatisfying.[[3]](#endnote-3) But instead of capitulating to an error theory, I propose a new account of the moral distinction, rooted in the liar’s obligations towards other language users *qua* language users.

 On my account, the liar unfairly uses conventional language, exploiting language’s benefits without doing her fair share to maintain language. To make this claim, I’ll follow David Lewis in arguing that conventions of Truthfulness and Trust fix the meanings of our language.[[4]](#endnote-4) These conventions generate morally significant fair play obligations. So, to use language unfairly is to do something morally wrong. For principled reasons, I’ll argue, to engage in Judith-style misleading is usually to do something wrong, but never to do something unfair.

 I’ll also argue that lying and Judith-style misleading are morally identical except insofar as lying is unfair. It follows that, holding all else fixed, to lie is always worse than to mislead.

To be clear, I *won’t* be arguing that it is always wrong to lie. When I say that to lie is always worse than to mislead, I mean that, when we deliberate about what to do, we always have one extra reason not to lie.

 Here’s the plan. In section 1, I clarify my terminology. My overall strategy is to anchor lying to *assertion* and Judith-style misleading to a certain kind of *implicature*. In section 2, I argue that as I have defined the terms, we do indeed intuit that lying is worse than misleading. In section 3, I raise problems for the prevailing analyses of the lying and misleading distinction. In section 4, I detail my own, fairness-based account. In section 5, I argue against objections to my positive account. Finally, in section 6, I sketch some of the more interesting upshots of my analysis.

1. **What is it to lie, and what is it to mislead?**

We have many methods for deceiving each other: lies, yes, but also disguises, misleading hints, strategic omissions, and more besides. This is not a paper that contrasts lying with every other method of deception. Rather, to isolate the distinctive wrong of lying, I will scrutinize a minimal pair: lying and a particular form of linguistic misleading. Specifically, I contrast lying with cases in which a speaker, who believes *not p*, intentionally makes a Gricean particularized conversational implicature *p*.[[5]](#endnote-5) (Until section 6, I will exclude all other kinds of implicature from consideration.) For readability, I hereby christen such acts *acts of* *misleading*.[[6]](#endnote-6) I hereby abbreviate *Gricean particularized conversational implicatures* as *implicatures*, unless otherwise noted.

As I use the terms, to lie and to mislead is to (non-naturally) mean something.[[7]](#endnote-7) When I mean *p*, I express the belief *p* and express the intention that you come to believe *p*. Moreover, I express the intention that you come to believe *p* *via* your recognition of this expressed intention that you do so. Note that on this analysis, I can mean *p* even when I myself do not believe *p* or when I myself do not intend for you to believe *p*.[[8]](#endnote-8)

To lie is to make an assertion that one believes not to be true.[[9]](#endnote-9) When I assert *p*, I say *p* in order to mean *p*, and I intend to contribute *p* to the conversation.[[10]](#endnote-10) If I were to say, “The sky is blue,”[[11]](#endnote-11) in order to mean that the sky is blue, and if I intend to contribute “The sky is blue” to the conversation, then we’ll say that I have asserted that the sky is blue. If I were to say, “The sky is green,” in order to mean that the sky is green and if I intend to contribute “The sky is green” to the conversation, then I have asserted that the sky is green. If I believe that the sky is blue (and thus not green), I have lied.

 As we’ve seen, to mislead is to make a certain kind of implicature that one does not believe to be true. Assertions and these kinds of implicatures differ in the *way* that the speaker means what she does. When I implicate *p*, I assert *q* or purport to assert *q*.[[12]](#endnote-12) But if I had *only* asserted *q* or (in the case of purported assertions) had *actually* asserted *q*, then I would not appear to be a cooperative speaker.[[13]](#endnote-13) Since we know that Iappear to be a cooperative speaker, I must have done something in addition to asserting or purporting to assert *q*. We must use domain general reasoning, competency with pragmatic conventions, knowledge of the speaker and context, and so forth, to alight on what else the speaker has done—namely, mean *p* and intend to contribute it to the conversation. [[14]](#endnote-14) We say that *p* is what the speaker *implicated*. We’ll see an example of this kind of reasoning in the next section.

In order to lie or mislead, must I also intend to deceive someone? Because my account makes good predictions about this, and because it’s orthogonal to the paper’s core dialectic, I’ll postpone discussion of this issue until section 6.

1. **Do we intuit that lying is worse than misleading?**

According to philosophical orthodoxy, to lie is morally worse than to mislead.[[15]](#endnote-15) As I’ve said before, this does *not* mean that it is always wrong to lie, it is always wrong to mislead, or both. Rather, it just means that when we tally up the reasons not to lie and the reasons not to mislead, we will always find one *further* reason not to lie.

Because I’ve defined misleading more narrowly than many philosophers do, let’s check that we do in fact intuit that to lie is worse than to mislead. (There are some reasons to question this generalization. I address them at the end of the paper.) Consider the following two cases:

 **Paper**

John asks Professor Smith, his supervisor, for feedback on one of his philosophical papers. Unbeknownst to John, Smith hates him. Smith spots a devastating error in John’s paper. Because he wants to embarrass John, he hopes to trick John into submitting it to the department conference. When John asks Smith, “What do you think about the paper?” Smith only replies, truthfully, “You raised such important questions.” He knows that John will interpret him to mean that he believes the paper is philosophically strong.

 **Wife**[[16]](#endnote-16)

King Abimelech asks Abraham whether or not Sarah is his wife. Sarah *is* Abraham’s wife, but Abraham fears that if Abimelech learns this, he will execute Abraham. So Abraham says, truthfully, “Sarah is my sister.” (Through a technicality, Sarah is both his sister and his wife.) Abraham knows that Abimelech will interpret him to mean that Sarah is *not* his wife.

Both Smith and Abraham implicate something that they believe to be false, so they mislead their victims. Here’s how.

Smith and John, on the one hand, and Abraham and Abimelech, on the other hand, both appear to cooperate with each other. When we appear to cooperate with each other, we make our contributions “as informative as is required.”[[17]](#endnote-17) In the Gricean parlance, this is to say that we abide by the Maxim of Quantity: say no more nor no less than is required. When our interlocutor asks us a question, she is indicating that she lacks some information. When we appear to cooperate with our interlocutor, we either appear to helpfully answer her question, or to explain why we can’t.

 In **Paper**, John has asked Smith, “What do you think about the paper?” If we interpret Smith literally, as *merely* making an assertion, then when he says, “You raised such important questions,” he isn’t helpfully answering John. But since Smith appears to be cooperative, then, by Quantity, he must be helpfully answering him.

Using domain general reason, our knowledge of the context, and so forth, we infer that Smith implicated that John’s paper is philosophically strong. Given this implicature, Smith *does* appear to answer John’s question—which is exactly what he ought to do.

This same reasoning holds, *mutatis mutandis*, for **Wife**.

 Smith’s act of misleading seems impermissible, whereas Abraham’s act of misleading seems permissible, or at least excusable. In both cases, there is a felt contrast with the corresponding lie. Suppose that Smith had said to John, “You wrote a philosophically strong paper.” This seems worse than what Smith actually did. Further, suppose that Abraham had said, “Sarah isn’t my wife.” This seems less clearly morally permissible than what Abraham did. In fact, we might even say that by misleading, Abraham did something *better* than he would have, had he lied. But why?

1. **Why is lying worse? The competitor accounts**

Philosophers who endorse the perceived moral distinction between lying and misleading almost uniformly derive their view from a particular strand in Kant’s thought. Because I think the Kantian line is a non-starter in several distinct ways, I break up my polemic into three themes.

*3.1. The Extra Inference*

The Kantian tends to have a particular vision about the way the misled victim forms her false belief. It goes like this. Suppose that Judith tells Quentin a lie, let’s call it *p*. Quentin comes to believe *p* in virtue of the fact that Judith asserted *p*. But if Judith *misleads* Quentin about the truth of *p*, then Quentin comes to believe *p* in virtue of two things: first, what Judith asserted or purported to assert, and two, what Quentin inferred about what Judith implicated. This difference gives rise to a moral difference:

The underlying idea [in Kant] is, presumably, that each individual is a rational, autonomous being and so fully responsible for the inference he draws, just as he is for his acts. It is [misleading], but not lies, that require mistaken inferences and so are the hearer’s responsibility.[[18]](#endnote-18)

If I tell someone that *P*, I personally offer my word to her that *P*, I take responsibility for *P*’s truth. All she has to do, to come to believe *P*, is take me at my word—accept what I offer. In contrast, if I tell her some other fact *Q* which, in our mutual [conversational context] implies *P*, then if, in addition to trusting my word about *Q*, she also infers *P*, that is, as it were, up to her.[[19]](#endnote-19)

In what sense is my victim’s deception “up to her”? We are told that the victim of misleading draws an inference in order to recover the speaker’s meaning. But what does *that* mean?

Here talk of inferences is, most plausibly, an idealization. When we model *meaning recovery*—the process in which hearers determine what speakers mean and how they mean it (as an assertion, joke, insult or something else)—we are engaged in a process of rational reconstruction. It’s enough to say that these inferences model certain kinds of cognitive work the hearer performs.

 Now, in order to recover the speaker’s assertion, even the victim of a lie must make certain kinds of context-sensitive inferences. In order to interpret Judith’s utterance, “Your cake tastes good,” for example, Quentin must successfully resolve the value of “your.” That requires drawing inferences about what Judith means, in context.

What distinguishes misleading and lying isn’t *that* the hearer needs to perform this cognitive work. It is that the victim of misleading needs to perform *more* of it.[[20]](#endnote-20) When I lie to you, all you need to do is recover my initial assertion. When I mislead you, you need to *both* recover my assertion or purported assertion *and* recover my implicature. The question to put to the Kantian is whether or not this difference is morally relevant.

For analogy, consider a game in which I can pass my partner messages in two ways: I can either write them down on paper, or I can embed them in a word search. Now suppose that I send two messages. First, I write down, “My favorite Shakespeare play is *King Lear*” and pass it to my partner. Then, I hide the message, “My favorite Keats poem is ‘Ode on a Grecian Urn’” in a word search and pass it to my partner. Both messages are false. My partner has to do more work to decode the second message than she does the first. But why would that change the moral status of my original act of encoding a false message? What matters is only that I sent you a deceptive message. [[21]](#endnote-21)

Perhaps the Kantian’s point is that the mere misleader doesn’t actually make the false implicature. Instead, she merely does something that she knows will cause her interlocutor to come believe a falsehood.

Let’s take Quentin and Judith. When Judith says, “This is the best dessert I’ve had all week,” she does *not*, on this view, implicate that the dessert is delicious. She *merely* asserts that this is the best cake she had all week. Still, she makes her remarking knowing that Quentin will *take her* to implicate that the dessert is delicious.

Plausibly, there is a moral difference between *implicating p*, and thereby tricking someone into believing *p*, and doing something that you know will cause someone to form the belief *p*. If that’s the case, then the Kantian is on her way to a tractable analysis of the moral distinction between lying and misleading.

So, we must ask: is the Kantian’s gloss on Judith’s remark, “This is the best dessert I’ve had all week,” plausible? I don’t think so.

Judith knows that when she says, “This is the best dessert I’ve had all week,” Quentin will interpret her as complimenting his cake. This is how Judith *wants* Quentin to interpret her. Moreover, Judith wants Quentin to interpret her this way *because he thinks that this is the way that Judith wants him to interpret her*. Given all of this, it would be bizarre to think that Judith *isn’t* implicating that the cake tastes good.

* 1. *Responsibility*

We’ve already seen that recovering an implicature is cognitively more difficult than recovering an assertion. Is *that* morally significant?

Some Kantians have argued that the victim of misleading, but not lying, bears responsibility for her victimization.[[22]](#endnote-22) This view relies on the assumption that the victim of misleading is mistaken in drawing the false inference:

…my duty is to assert only what is true and the mistaken inferences that others may draw from what I say or what I do are, in some cases at least, not my responsibility but theirs…[[23]](#endnote-23)

But, as we have seen, the victim of misleading *doesn’t* draw a mistaken inference. If I am right, and the misleader does make an implicature, then the victim draws the correct inferences about what the misleader means. The victim is mistaken to *trust* what the misleader means. But so is the victim of lying.

 So let’s reformulate the argument: the victim of misleading bears more responsibility for her victimization because *she does more work to recover it*. Does this argument fare any better?

 Let’s consider our message game again. Recall that in one case, I communicate a false message by simply writing the message down; in the other, I embed it in a word search. Let’s suppose that my deceptions work. But when we ask *why* the interlocutor has now two false beliefs, the answer should be the same: because I passed her two false messages. My interlocutor bears no more responsibility for believing the false message hidden in the word search than for believing the plainly written false message.

 More worryingly, this strategy presupposes an unlikely view of moral responsibility. Consider a case in which Pam’s actions harm Gertrude. There are some cases in which Gertrude’s responsibilityfor incurring the harm affects the moral status of Pam’s actions. Consider a case in which Pam carries out a dangerous construction project but plasters signs everywhere warning passerbys that the site is dangerous.[[24]](#endnote-24) Gertrude intentionally disregards the signs, walks onto the site, and breaks her leg. Plausibly, Gertrude is responsiblebreaking her leg. So the harm that befalls Gertrude doesn’t change the moral status of Pam’s actions. But if Pam hadn’t plastered the warnings everywhere, and Gertrude walked onto the site unaware that it was dangerous, then she wouldn’t have been responsible for breaking her leg. In that case, we would say that Pam did do something wrong.

 But cases in which Pam *sets out* to harm Gertrude don’t seem to work like this. Suppose that Pam knows that Gertrude is contrary by nature, so she builds the construction site and plasters the signs everywhere for the express purpose of luring Gertrude to harm herself. Gertrude still bears responsibility for breaking her leg. But that doesn’t seem to alter the moral status of Pam’s actions.

Like Pam, the misleader is intentionally luring her victim into forming a false belief. The victim’s responsibility for forming the false belief, therefore, doesn’t affect the moral status of the act of misleading.

* 1. *Norms, duties, rights, conventions*

Suppose that there is a norm, duty, right, or convention associated with assertion but not with implicature. To take a handful of examples: there is a heightened demand for truthfulness governing assertion; speakers have a right to expect more truthfulness from assertions than they do from implicatures; speakers are more committed to their assertions than to their implicatures; lying corrupts the norm of truthfulness more than misleading does.[[25]](#endnote-25) If these differences, or something like them, hold, then they may explain the distinction between lying and misleading.

 It should be obvious why simply *positing* the extra norm, duty, right, or convention doesn’t help us. What we’re looking for is an *explanation* for why lying is worse than misleading. To appeal to a norm, duty, right, or convention simply pushes the puzzle back a level: why does it apply to assertion but not implicature?

 In order to motivate their claim, some philosophers have appealed to versions of the extra inference argument, the responsibility argument, or both. But we already have reason not to find these arguments compelling.

 Other philosophers instead appeal to *epistemic* differences between assertion and implicature. These philosophers tend to think that assertion plays an epistemically privileged role in knowledge transmission. For example, knowledge we gain through acts of assertion is *pure testimonial knowledge,* whereas knowledge we gain through acts of implicature is not.[[26]](#endnote-26)

 Let’s suppose that there *is* an interesting epistemic difference between assertion and implicature. Could the epistemic difference give rise to a moral difference? Here I will consider and object to two of the most obvious strategies.

First, it’s possible that assertion has more epistemic *oomph* than implicature does. Suppose that when I assert that *p*, I give you some extra (or better) reason to believe *p*. If I give one person three reasons to believe something I know to be false, and if I give another person two reasons to believe something I know to be false, it seems that I have committed a worse moral wrong against the first person.

 But there is little independent reason to think that assertion and implicature are like this. Let’s consider the **Paper** case. In our timeline, Smith implicates that John’s paper is philosophically strong. In a parallel timeline, Smith asserts that John’s paper is philosophically strong. In the second timeline, would John take himself to have an extra (or better) reason to believe that his paper is philosophically strong?[[27]](#endnote-27) Not intuitively, at least.

 Second, it’s possible that there is some epistemic norm that governs assertion but not implicature. The liar, but not the misleader, flouts this extra epistemic norm.

 Of course, the flouting of a *non-moral* norm is not in itself a moral wrong. If I believe that the sky is purple, even though evidence demands that I believe that the sky is blue, I have violated an epistemic norm. I’ve done something *irrational.* But that doesn’t imply that I’ve done something *immoral.* So, in simply positing the extra epistemic norm, our work is not finished: we must derive an attendant moral norm. Given what I’ve already said, I don’t see any easy way to do this.

 Does the liar *undermine* this extra epistemic norm? If the extra epistemic norm is useful to us, then undermining the norm’s existence is morally problematic. But most philosophers don’t treat the special epistemic norm of assertion as conventional. Rather, it is a rational constraint tied to the nature of assertion. Since the norm will continue to exist, whether or not we comply with it, the liar *can’t* undermine it.[[28]](#endnote-28)

 Given all of this, the prospects of explaining our puzzle via an extra norm, duty, right, or convention look dim.

 So: now what?

1. **Why is lying worse? The fairness account**

*4.1. Meta-semantics and assertion*

Here’s my diagnosis. The Kant-inspired analysis fails because it’s too parochial. It presupposes that the victim of lying, *qua* lying, and the victim of misleading, *qua* victim, have different claims against the deceiver. But I will argue that that’s incorrect. When someone lies, she wrongs *all members of her linguistic community*. [[29]](#endnote-29) The victim of lying has an extra claim against the deceiver only insofar as they both speak the same language.

My view is often mistaken for one of its competitors, commonly attributed to Kant. [[30]](#endnote-30) On this view, falsely asserting *degrades* the practice of asserting. If even one person lies, she harms everyone else’s ability to assert. If *everyone* lies, our capacity for assertion disappears altogether.

That’s not what I’m going to argue. First, the core claim strikes me as implausible. We lie to each other all the time. But assertion, as a practice, seems to be doing just fine. Second, why not think that misleading degrades the practice of implicature, just as lying degrades the practice of assertion? If that’s the case, then we haven’t established an asymmetry between the two speech acts.

 Instead, I’ll argue that the liar, but not the misleader, misuses a linguistic convention. This misuse is unfair, all by itself. So, even if the misuse of the convention does not lead to its *degradation*, the lie is still morally wrong. My argument proceeds in two steps. In the next two sections, I’ll sketch a particular view of linguistic conventions. After that, I’ll embed this view in a discussion of Fair Play obligations.

First, I want to lay out a simplified version of David Lewis’ metasemantics.[[31]](#endnote-31) A metasemantics is a theory about what explains or grounds the relation between an arbitrary string of sounds and a particular meaning. It answers questions like: what makes it the case that “Snow is white” *means* snow is white?

I’m going to assume that words inherit their representational properties from the sentences in which they are embedded. Sentences, in turn, inherit their representational properties from mental states. [[32]](#endnote-32) Self-perpetuating conventions associate the relevant sentences with the relevant mental states.[[33]](#endnote-33)

Following Lewis, let’s call these conventions Truthfulness and Trust:

 Let *x* be a sentence and *p* a proposition.[[34]](#endnote-34) If *x* (conventionally) means *p*, then:

Truthfulness: (a) Speakers assert *x* only if they believe *p.*

Trust: (b) If speakers assert *x*, their addressees come to believe *p* (unless they have some other reason not to).[[35]](#endnote-35)

Truthfulness and Trust describe *regularities* in the way we use language. When a liar says, “Gerald broke the plate,” she doesn’t conform to Truthfulness. But, given the size of our language community, she doesn’t threaten it either.

 Conventional language solves a coordination problem. Language enables us to transmit information to each other; to order; to promise; to question; and more besides. Since we all want to transmit information to each other, to order, to promise, to question, and so on, and since most of us conform to the conventions of Truthfulness and Trust, we prefer that *everyone* conform to the conventions of Truthfulness and Trust. This is just to say that we want everyone to *keep the conventions going*.

 This metasemantic account privileges assertion. It is our assertions *x,* not our questions whether *x* or our orders, insults, or exclamations involving *x*,that forge the link between the sentence *x* and the proposition *p*.

If you are squeamish about this, you are welcome to modify the metasemantics so that speech acts like promising, insulting, and so on ground meaning. For my moral explanation to work, it suffices that assertion plays a metasemantic role and implicature does not. And we will see that we have *very* good reason to think this.

*4.2. Metasemantics and implicature*

 Why doesn’t implicature play a metasemantic role? The answer lies in the fact that the relevant kinds of implicatures, Gricean particularized conversational implicatures, just aren’t cases of conventional meaning. Since they aren’t cases of conventional meaning, we don’t use them with any regularity, and, *a fortiori*, these regularities cannot explain their meaning.

 Consider how we might extend the metasemantic clause (a), above, in order to cover others kinds of speech acts:

 Let *x* be a sentence and *p* a proposition. If *x* (conventionally) means *p*, then:

(a2) Speakers promise *x* when they intend to lay themselves under a normative commitment to bring about *p*.

(a3) Speakers ask *x?* when they want to know whether or not *p* is the case.[[36]](#endnote-36)

What kind of convention could we posit for conversational implicature? We cannot appeal to something like (a4):

 (a4) Speakers implicate *x* only if they believe *p.*

Recall that *x* is a sentence. We don’t implicate sentences. In order to implicate *p*, we *assert* or *purport to assert* a different sentence, let’s say, *y*, and set up the conditions so that we can mean *p*. And we cannot write a metasemantic clause linking the assertion or purported assertion *y* with the implicature *p* precisely because, on my definition, there *is* no conventional link between asserting *y* and implicating *p*.

 Let’s again consider what Judith said: “This is the best cake I’ve had all week.” *In her context, given her particular intentions*, Judith makes a particular kind of implicature—namely, that Quentin’s cake tastes good (or something like that). But we can imagine another kind of context in which Judith’s same assertion gives rise to an entirely different implicature. Suppose that Quentin *knew* that Judith had only eaten one other dessert that week and that this dessert was disgusting. Suppose further that Judith and Quentin both know this, and know that they both know this, and so forth. In such a context, Judith might say, “This is the best cake I’ve had all week,” in order to *insult* Quentin’s cake, or at least remain non-committal about how the cake tastes. This is why we have to calculate conversational implicatures on an *ad hoc* basis.

 By definition, we cannot find a regular link between the sentences we assert or purport to assert and the implicatures that we mean. So on this particular view, implicature isn’t the sort of thing that is *apt* to play a metasemantic role.

 *4.3. Fairness*

One might violate a convention and yet fail to do something morally wrong. Suppose that when my friend and I play chess, we decide to move our bishops along horizontals. That’s unconventional but not morally wrong. What makes violating the convention of Truthfulness matter *morally*?

 We’ve already seen that the liar doesn’t damage the convention of Truthfulness. The existence of the convention depends upon a certain regularity, not total conformity. Instead, the liar does something *unfair*. She reaps the benefits of the particular language she speaks, without doing her part to secure its existence:

**Fair Play (Hart-Rawls)**

When a number of people engage in a just, mutually advantageous cooperative venture, according to rules, and thus restrain their liberty in ways necessary to yield advantage for all, those who have submitted to these restrictions have a similar right to acquiescence on the part of those who benefitted from their submission.[[37]](#endnote-37)

This is the Hart-Rawlsian statement of the principle of fair play. For our purposes, it is too strong. We only need a principle of fairness-related moral *obligations*, not a principle of fairness-related rights:

**Fair Play (Weak)**

When a number of people engage in a just, mutually advantageous cooperative venture, according to rules, and thus restrain their liberty in ways necessary to yield advantage for all, and when you have benefitted from these people’s submission, you are obligated to conform to the rules.

Fair Play obligations arise for two reasons. First, if we cooperate, we may secure a better outcome for ourselves than if we don’t cooperate. In these cases, it is rational for us to cooperate with each other. Sometimes, in cooperating we thereby “restrain our liberty.” To invoke the Hobbesian example, to gain peace and security we restrain our liberty to violently provoke each other. Second, once we do agree to cooperate, ethical principles (which may or may not depart from rational principles) govern both the nature of our cooperation and what we do with the fruits of it.

The principle of Fair Play is a moral principle that governs *how* we cooperate. It says that if one benefits from a practice, then one must conform to the practice— *even if* one’s participation makes no difference to securing the benefits of the practice.

Suppose that every Thursday, we hold a departmental tea break. Department members are supposed to take turns bringing in snacks. Suppose that every week, I attend tea and consume the snacks. Whether or not I bring in snacks, departmental tea will continue. Nonetheless, in deliberately choosing to go to tea and eat the snacks, I have *obligated* myself (and have consented to so obligating myself) to bring in snacks one week. If I don’t bring in snacks, I will have wronged the other members of the department.

Philosophers have had difficulty articulating an extensionally correct Fair Play principle. The *locus classicus* of the challenge is Robert Nozick’s *Anarchy, State, and Utopia*.[[38]](#endnote-38) He points out that no one thinks that receiving gifts generates Fair Play obligations. The mere fact that I have *benefited* from your actions does not require me to reciprocate them.

In what follows, I consider four preconditions for Fair Play obligations to take hold: that the relevant practice is cooperative; beneficial; and just; and that the individual’s participation in the practice is voluntary. [[39]](#endnote-39) I then show that the convention of Truthfulness is a practice that meets those four conditions. I can’t give a full-blown defense of the principle of Fair Play here. But my hope is that, by the end of the next section, (1) I will have made the condition of Fair Play considerably more plausible, and (2) I will have convinced you that if anything generates Fair Play obligations, the practice of Truthfulness in a language does.

*4.4. Assertion is subject to fair play obligations*

*4.4.1. The practice is cooperative*

 As we’ve seen, Fair Play arises in part because of the nature of cooperative ventures. In order to secure a particular benefit, individuals must work together, thereby sometimes incurring individual costs. Fairness requires *everyone* who benefits to incur the costs. Gift-giving is not a cooperative venture; we don’t need to work together to do it. So while it might be praiseworthy, or even obligatory to reciprocate a gift, reciprocation is not a matter of *fairness*. On the other hand, Truthfulness is a cooperative venture, in virtue of the fact that it is a convention. It depends upon individuals working together to maintain a certain kind of regularity. That incurs a small cost: we must use language in a *particular* way, namely, in accordance with the regularity. If we play fairly, we *all* use language in accordance with the regularities, and not willy-nilly.[[40]](#endnote-40)

*4.4.2. The practice is beneficial*

Fairness matters only when our cooperation both incurs costs and generates benefits. This is because Fair Play, by its very nature, regulates the distribution of the costs and benefits: if you receive the benefit, you must pay the cost. If there are no benefits, there is nothing for you to receive, so there is no reason for you to incur a cost.

Language provides a conventional pathway from the sounds we make to what we mean. It should be obvious why this is beneficial to us. It enables a much wider and richer array of communicative possibilities than we would otherwise have had.

Of course, if the costsof the practice are too high, relative to the benefits, then we might say that the practice doesn’t generate any benefits at all. Thus, the Fair Play principle doesn’t arises. Suppose that I am part of a social club with high dues, most of which are embezzled and not reinvested back into the club. Although I benefit from the friendships I form in the club, I never see the benefits of those dues. It’s possible I am still required to pay them: maybe I have signed a contract to that effect. But because the cost of the dues outweighs the benefit I gain from belonging to the club, paying my dues is not a matter of fairness.

In contrast, what costs do I incur when I partake in the practice of conventional language? I give up the right to lie and to make assertions recklessly, with no regard for the truth.[[41]](#endnote-41) It’s not that this *never* imposes a high cost. Suppose that I am the victim of a show trial in a despotic country. If I testify truthfully, then the judge will sentence me to death. But if I lie, the judge will only reprimand me. This is a high cost indeed.

We should be careful to distinguish the actual costs of a practice from its reasonably anticipated costs. The fact that a practice might *conceivably* impose high costs on us doesn’t mean that it’s reasonable to anticipate these costs. When we consider whether a practice benefits us overall, it is the reasonably anticipated costs that we ought to consider. The verdict is clear: Truthfulness is beneficial.

*4.4.3. The practice is just*

If a practice is unjust to begin with, then it makes no sense to ask whether it is fair. More precisely, if I benefit from a practice, but the practice is unjust, I am released from my Fair Play obligations. Consider a department that allows both students and faculty to partake in departmental tea. Everyone is allowed to drink the tea and socialize, so everyone benefits from it. Everyone must also take turns bringing in snacks, but only faculty members may eat them. Now it’s possible that the benefits of socializing without snacks still outweigh the costs of bringing in snacks periodically. Are students thereby required to bring in snacks? It seems not. Because the distribution of the goods of the practice is unjust, students need not do their fair share to keep the practice going.

Like clean air and national security, language is a public good. We aren’t in competition for it, and we can’t easily prevent others from accessing it. So there seems to be no question about the justice of language’s distribution. Nor does it seem plausible to think that the practice of Truthfulness is inherently unjust.

Still, there are reasons to worry. Some philosophers have argued that oppressive social conditions systematically prevent certain groups from accessing some of the epistemic and social goods of language. For example, because Black Americans are afforded less credibility than their White counterparts, and because women are afforded less credibility than men, they have difficulty using language to do things in the world.[[42]](#endnote-42)

But a practice need not be *maximally* just in order to generate Fair Play obligations. Consider department tea again. Suppose that the graduate students have a mandatory meeting before tea every week and always arrive a little bit later than the professors. Because of this, the professors on average eat a few more treats than do the graduate students. One might think that this is an unjust state of affairs, which ought to be remedied as soon as possible. But *this* degree of injustice doesn’t seem to release the graduate students from their requirement to play fairly.

So, when does injustice dissolve Fair Play obligations? Very sketchily, if there is only a small amount of justice, relative to very high benefits, then the relevant individuals must still do their fair share to keep the practice going. For example, consider conventions around property. While property is distributed unjustly, and while we certainly want to remedy this injustice, we also don’t take ourselves to be released from obligations to respect the practice. The benefits are too massive. Similarly, the injustices associated with language ought to be remedied. But, given the huge benefits we *all* accrue through language, we all must do our part to observe Truthfulness.

*4.4.4. The practice is voluntary*

When I make a promise or sign a contract, I am capable of laying myself under an obligation in part because I have *consented* to doing so. Thus, if I am coerced into making the promise or signing the contract, then (most of us think) the promise or contract has no moral weight.

By parity of reasoning, when I take part in a beneficial cooperative scheme, and thereby lay myself under an obligation to do my fair share in the scheme, I have *consented* to laying myself under this commitment. If I don’t consent, because I have been coerced or am confused or whatever, then I am under no obligation to play fairly.

If this is the case, one might worry that we *can’t* consent to the convention of Truthfulness, because we do not understand it. After all, the average speaker cannot produce the metasemantic analysis I have provided.

 This oversells our ignorance about language. The mere fact that we intuit lying is worse than misleading suggests that we have an implicit grasp on the convention of Truthfulness. Furthermore, on the metasemantic view I have adopted, we abide by the convention of Truthfulness because we implicitly *prefer* that we maintain the convention. In order to abide by the convention and prefer the convention over others, we must have some tacit handle on what it is and how it works. The fact that most of us cannot articulate the convention seems no more troubling than the fact that most of us cannot articulate a philosophically persuasive moral principle against harm.

 You might also worry that language is not voluntary because we have no (reasonable) choice but to use it.[[43]](#endnote-43) Consider departmental tea again. If I didn’t voluntarily consent to the practice, I simply wouldn’t go to tea on Thursdays. But what would it mean to opt out of *language*?

First, I want to emphasize that only *some* philosophers would find this troubling.[[44]](#endnote-44) Many political philosophers want the principle of fair play to explain our obligations to maintain public goods like clean air and national security. Because of their very nature, one cannot easily stop benefiting from these goods. So, these philosophers argue that in certain limited cases, the fact that we can’t opt out of the practice is irrelevant to our consenting to it. [[45]](#endnote-45)

I won’t press the point, because it seems to me that we *can* opt out of language. All I need to do is stop saying anything and stop believing (or interpreting) anything people say to me. It’s extraordinarily rare for anyone to choose to do this. But this just testifies to language’s extraordinary practical value.[[46]](#endnote-46)

*4.5. Lying and misleading are morally identical in every other way*

So to lie is, at minimum, to do something *unfair*. We’ve also seen that, at minimum, acts of misleading aren’t unfair in the same way, because implicature, unlike assertion, doesn’t play a special metasemantic role. So we’ve found a special wrong of lying. But we aren’t done yet, because it’s possible that there is a special wrong of implicature that assertion doesn’t share.

 But is this really plausible? We’ve already seen, at length, that assertion and implicature are tightly related. They seem to have similar epistemic profiles and play identical communicative roles. Indeed, the only salient difference is that assertion depends upon conventional language, whereas implicature *also* depends upon certain kinds of *ad hoc* reasoning.

So I take myself to have discharged my burden. If there *is* a further moral difference between lying and misleading, it is incumbent on my opponent to state what it is.

1. **Objections**

 *5.1. High stakes situations*

 I’ve argued that even given my narrow definition of misleading, we intuit that lying is worse than misleading. But sometimes this intuition disappears:

**Peanut allergy**[[47]](#endnote-47)

Frank is fatally allergic to peanuts. He is so allergic that even trace amounts of peanut oil will cause him to go into anaphylactic shock. Miranda is Frank’s long-term partner and knows Frank’s allergy restrictions in exquisite detail. Frank asks Miranda whether the dessert she has prepared is safe for him to eat. Miranda says, “There aren’t any peanuts in it.” She assumes that Frank will interpret her to mean that the dish is safe for him to eat. But in actuality, Miranda has cooked it with peanut oil and intends to murder Frank.

Suppose Miranda had said to Frank, “The dish is safe to eat.” Would that have really been *worse* than what she did?

 There are a range of other counterexamples that, like **Peanut allergy**, involve high stakes, life-or-death situations.[[48]](#endnote-48) But we should expect these kinds of counterexamples. Metaphorically, an unfair assertion is a “light” wrong, compared to the “heavy” wrong of taking a life. It *would* be worse for Miranda to have lied to Frank. But our intuitions to this effect are swamped.[[49]](#endnote-49)

 Swamping might also work in the other direction:

 **Hairdo**[[50]](#endnote-50)

Amelia asks her good friend, Sarah, “Do you like my new hair?” In fact, Sarah hates it, but she knows Amelia is proud of it. Sarah replies, falsely, “I love it!”

If Amelia had merely *misled* Sarah, perhaps by saying, “It’s so trendy!” would Amelia have done anything better?

 I myself am inclined to say that Amelia *would* have done something better. (Our initial case about the disgusting cake is structurally similar to this one.) But some readers report that they judge Amelia’s act of lying and Amelia’s acting of misleading to be morally equivalent.

 **Hairdo** has a problem similar to that of **Peanut allergy**. In **Peanut allergy**, both the act of lying and the act of misleading are *so wrong* that we have difficulty identifying the difference between them. In **Hairdo**, both the act of lying and the act of misleading might strike some readers as *so obviously permissible* (or, even so obviously *obligatory*) that they cannot discern the moral difference between them.[[51]](#endnote-51)

*5.2. Implicature’s deniability*

 In section 4.5, I argued that lying and misleading are morally identical, except insofar as lying involves an act of unfairness that misleading does not. But it fact there *does* seem to be an additional way in which lying and misleading differ. When I mislead, but not when I lie, I can *deny* what I did. Some people think that if I deceive, it is worse to do so in a way that affords me this deniability. So, there is at least one way in which misleading is *worse* than lying.

 We should distinguish between two different forms of deniability. Suppose that I mean *p*. Later, I falsely claim, “I didn’t mean *p*.” When I have plausible deniability, my interlocutors won’t know whether my claim, “I didn’t mean *p*” is true or not. When Judith says, “This is the best dessert I’ve had all week,” Quentin is certain that Judith *did* mean to compliment his cake, and Judith cannot plausibly claim otherwise.

When we compare lying and misleading, we want to hold everything fixed. Since the lying victim has no trouble recovering her interlocutor’s meaning, we want to consider cases in which the misleading victim also has no trouble recovering her interlocutor’s meaning. This rules out cases that involve plausible deniability.

 Implausible deniability is more complicated. Consider the following two exchanges:

**Confrontation 1**

 Judith: This is the best cake I’ve had all week.

 ….

 Quentin: You deceived me! My cake doesn’t taste delicious.

Judith: I never meant that your cake tastes delicious. I just meant that this is the best cake I’ve had all week.

 **Confrontation 2**

 Judith: Your cake tastes delicious.

 ….

 Quentin: You deceived me! My cake doesn’t taste delicious.

Judith: I never meant that your cake tastes delicious.

In both **Confrontation 1** and **Confrontation 2**, Quentin knows that Judith is lying, and Judith knows that Quentin knows this (and they both know that they both know…) Judith’s denial is thus *implausible*. But because her denial in **Confrontation 1** sounds dramatically better than her denial in **Confrontation 2**, I term this *implausible deniability*.

 Implausible deniability is poorly understood.[[52]](#endnote-52) But that’s not a problem, because it turns out that the *liar* can exploit implausible deniability too. For example, in **Confrontation 2**, Judith could claim, “You heard me wrong,” or “You’re misremembering,” or “You hallucinated that.” These lies are implausible, but they don’t have the whiff of irrationality that Judith’s denial in **Confrontation 2** has.

 At best, we can say that the misleader has one extra (implausible) way to refuse to admit what she did. But why does that matter? In order to refuse to admit responsibility, the deceiver needs at most one such strategy. The asymmetry between implicature and assertion, illustrated in **Confrontations**, is interesting but doesn’t affect the current dialectic.

1. **Interesting upshots**

*6.1. Lying is worse because of the kinds of creatures we are*

As we’ve seen, Fair Play only governs Truthfulness because conventional language benefits us

 But now consider two telepathic gods. They can directly “see” the contents of each other’s thoughts. They don’t need a conventional system of public signs in order to communicate or to engage rituals like marriage. Suppose that for their own amusement, these gods create a conventional language based on conventions of Truthfulness and Trust. This language is fun, but it doesn’t meaningfully benefit them, and so Fair Play obligations don’t arise. For them, lying isn’t worse than misleading.

For us, lying *is* worse, in part because we have limited direct knowledge of each other’s mental states.

 *6.2. Lying is not essentially linguistic*

 The distinctive wrong of lying is associated with language as a *conventional* scheme, not language as a *linguistic* scheme. Any conventional way of communicating with others is beneficial to us and generates Fair Play obligations. If we treat lies as any act of deception associated with this special wrong, then we can lie non-linguistically. If I nod my head up and down, in order to deceive you into thinking that I am agreeing with you, I have lied. If I “give you the finger,” in order to deceive you into thinking that I find you contemptible, I have lied. Similarly, if I intentionally communicate something false using semaphore, or smoke signals, or Morse code, I have lied. [[53]](#endnote-53) This strikes me as a deeply plausible outcome.

 *6.3. Why bald-faced lies are wrong*

When I tell a bald-faced lie, I assert *p* in a context in which it is common knowledge that *not p*.[[54]](#endnote-54) Because it’s common knowledge that *not p*, I don’t intend to deceive anyone into believing that *p*. I tell the lie for some other reason.

For example, suppose that a defendant, Jane, is testifying at a trial. The opposing counsel has just played a videotape of Jane robbing a bank. Everybody knows that Jane is in the video, and everybody knows everybody knows this (and so on…). Nonetheless, Jane’s attorney has cautioned her to admit to nothing on the stand. When the opposing counsel asks Jane whether she can identify the woman in the video, Jane says that she can’t. This is what the literature calls a bald-faced lie.[[55]](#endnote-55)

We can distinguish two questions about bald-faced lies: (a) are they genuinely lies; and (b) why are they wrong? [[56]](#endnote-56)

If we were to explain the distinctive wrong of lying in terms of *deception*, then, despite the name, we would find ourselves under pressure *not* to class bald-faced lies as genuine lies. But that would be a surprising outcome. On the other hand, I explain the distinctive wrong of lying in terms of the Truthfulness convention. The bald-faced liar violates Truthfulness. So, she does lie after all.

Second, my account can explain why a bald-faced lie is morally wrong. Namely, she does something unfair.

 How do bald-faced lies compare to run-of-the-mill deceptive lies, morally speaking? Suppose that the opposing counsel *hadn’t* just played the videotape of Jane. When Jane says that she didn’t rob a bank, she intends to deceive, and succeeds in deceiving, the jury. Here, Jane’s lie is wrong for at least two reasons: Jane fails to conform to Truthfulness; Jane intends to deceive her interlocutors. One of these reasons (deceptiveness) is *not* shared by the analogous bald-faced lie. So the deceptive lie is worse.[[57]](#endnote-57)

 *6.4. Deliberate linguistic innovation is unfair*

 I focused on one way of violating Truthfulness, namely, lying. But there are other ways to violate the convention. For example, a speaker might regularly assert *p* only if she believes that *q*. This is just to say that a speaker might assert *p* as if *p* means *q.*

 For illustration, consider a speaker who, as a matter of principle, has decided to use the word “cat” to refer to cats and dogs. So, when the speaker says, “There is a cat,” she means that there is a cat or dog. Presumably, the speaker is still reaping the benefits of the fact that everyone around her uses the word “cat” to pick out cats. Because she is not maintaining the convention *of the language community in which she participates*, the speaker does something unfair.

 So, on my view, there is at least one reason *not* to attempt to deliberately change conventional facts of language. Most controversially, this means that it is *unfair* to introduce new pronouns like “zie,” the singular third person “they” into the language, or scientific jargon into the language. This does not mean that it is wrong *all things considered* to attempt to deliberately change our language. The unfairness of the act might be offset by any number of moral considerations, including the harm it prevents or the benefits (such as efficiency) it accrues. But in the *absence* of such considerations, we ought not to deliberately change the conventions. In other words, there is *moral inertia* against intentional language change.

 *6.5. Classing conventional implicatures*

 Finally, I want to return to an issue that I quarantined at the very beginning of this paper: the morality of implicatures that are not particularized Gricean conversational implicatures. In order to simplify the dialectic, I have focused on implicatures that are non-conventional. But in reality, implicatures exist on a continuum, at the most extreme ends of which are one-off conversational implicatures (implicatures that are not conventionalized at all) and conventional implicatures (implicatures that are, as their name suggests, entirely conventionalized).

Since the special wrong of lying is associated with lying’s special *conventional* role, we should hypothesize that an intentionally false, fully conventionalized implicature (or cousin entities like a conventionalized presupposition) is morally indistinguishable from a lie. [[58]](#endnote-58)

 Preliminary experimental work suggests that some speakers do judge highly conventionalized, false implicatures as: both (a) genuine implicatures and (b) lies.[[59]](#endnote-59) Suppose that Josh ate three cupcakes. I then say:

Josh ate two cupcakes. *Implicature:* Josh ate exactly two cupcakes.

My assertion is true (Josh did eat two cupcakes), but the additional implicature is false (he ate a third one). If we hypothesize that cardinal-based implicatures are conventionalized, then respondents’ tendency to class this utterance as a lie makes sense. Since the implicature is conventionalized, the speaker violates a fair play obligation, so the *distinctive* wrong of the utterance is the same distinctive wrong of a lie.

1. **Conclusion**

Conventional language matters, morally speaking. In order to secure language’s massive benefits, we must conform to the relevant conventions. When we don’t conform, we do something unfair. From this picture, I derive the moral difference between lying and misleading. The liar, but not the misleader, abuses the Truthfulness convention, and so she does something worse than what the misleader does.

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 The precise content of Judith’s compliment depends upon the details of our pragmatic theory. [↑](#endnote-ref-1)
2. Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy* (Princeton: Princeton University Press, 2002); Jennifer Saul, *Lying, Misleading*, *and What is Said: An Exploration in Philosophy of Language and Ethics* (Oxford: Oxford University Press, 2002). [↑](#endnote-ref-2)
3. Kant-inspired explanations include Frederick A. Siegler, “Lying,” *American Philosophical Quarterly* 3.2 (1966): 128-136; Roderick M. Chisholm and Thomas D. Freehan. “The Intent to Deceive,” *Journal of Philosophy* 74.3 (1997): 143-159;Alasdair MacIntyre, *Truthfulness, Lies, and Moral Philosophers: What Can We Learn from Mill and Kant?* The Tanner Lectures on Human Values (Princeton: Princeton University Press, 1994); Jonathan Adler, “Lying, Deceiving, or Falsely Implicating,” *Journal of Philosophy* 94.9 (1997): 435-452; Stuart Green, “Lying, Misleading, and Falsely Denying: How Moral Concepts Inform the Law of Perjury, Fraud, and False Statements,” *Hastings Law Journal* 53 (2001): 157-212; Alan Strudler, “The Distinctive Wrong in Lying,” *Ethical Theory and Moral Practice* 13.2 (2010): 171-179; and Elizabeth Fricker, “Stating and Insinuating.” *Aristotelian Society Supplementary* *Volume* 86.1 (2012): 61-94. For discussion of Kant’s view on lying in general, see Christine M. Korsgaard, “The Right to Lie: Kant on Dealing with Ethics,” *Philosophy and Public Affairs* 15.4 (1986): 325-349; James Edwin Mahon, “Kant on Lies, Candour, and Reticence,” *Kantian Review* 7.1 (2003): 102-133, and “Kant and the Perfect Duty to Others Not to Lie” *British Journal for the History of Philosophy* 14.4 (2006): 653-685; and Allen J. Wood, *Kantian Ethics* (New York: New York University Press), 2008. For Kant’s own view on lying, see his discussion of false promises in *Groundwork of the Metaphysics of Morals*, trans. and ed. Mary Gregor (New York: Cambridge University Press, 1996), 422: 32, and his discussion of lies in *The Metaphysics of Morals,* trans. and ed. Mary Gregor (New York: Cambridge University Press, 1996), 429-432: 182-184 and “On a Supposed Right to Lie from Philanthropy,” in *Practical Philosophy,* trans. and ed. Mary Gregory(New York: Cambridge University Press, 1996). [↑](#endnote-ref-3)
4. David Lewis, *Convention: A Philosophical Study* (Cambridge, MA: Harvard University Press, 1969, reprint 2002). [↑](#endnote-ref-4)
5. H.P. Grice, “Logic and Conversation,” in *The Logic of Grammar*, ed. Donald Davidson and Gilbert Harman (Encino, CA: Dickenson, 1975), 64-75, and *Studies in the Way of Words* (Cambridge, MA: Harvard University Press, 1989). [↑](#endnote-ref-5)
6. There is an additional hiccup. In ordinary English, to mislead is a success verb. I have only misled you if I have *succeeded* in misleading you. Because to lie is not a success verb, this introduces an asymmetry between lying and misleading. Where I say “A misleads B,” assume that I am abbreviating, “A attempts to mislead B.” [↑](#endnote-ref-6)
7. I assume a broadly Gricean account in this paper, which treats linguistic communication as involving a special set of intentions. *Cf.* Stephen Schiffer, *Meaning* (Oxford: Clarendon Press, 1972); David Lewis, “Languages and Language,” in *Language, Mind, and Knowledge*, ed. K. Gunderson (Minneapolis, MN: University of Minnesota Press, 1975), 3-35; H.P. Grice, “Meaning,” *Philosophical Review* 66.3 (1957): 377-388. [↑](#endnote-ref-7)
8. For example, when the liar says, “Gerald broke the window,” she is expressing a belief that she herself does not have. When we speak to those whom we know mistrust us, we express an intention that they come to believe what we are saying, even if we do not actually expect, and thus do not actually intend, for them to believe us.

I adopt this analysis, a simplified version of Kent Bach and Robert M. Harnish, *Linguistic Communication and Speech Acts* (Cambridge, MA: MIT Press, 1979), 42, in order to circumvent problems with Gricean-style analyses of speaker meaning. I take it that any plausible account of meaning will allow speakers to mean what they do not believe or what they do not intend others come to believe. There may be difficulties in securing this outcome when we provide a Gricean analysis of “expressing a belief” or “expressing an intention” (e.g., as discussed in John MacFarlane, “What is Assertion?” in *Assertion*, ed. Jessica Brown and Herman Cappellen (New York: Oxford University Press, 2011), 79-96). But this issue is beyond the scope of the paper. [↑](#endnote-ref-8)
9. The definition of lying forms a substantial literature and includes Arnold Isenberg, “Deontology and the Ethics of Lying,” *Philosophy and Phenomenological Research* 24.4 (1964): 463-480; Joseph Kupfer, “The Moral Presumption Against Lying,” *Review of Metaphysics* 36.1 (1982): 103-126; Donald Davidson, “Deception and Division,” in *The Multiple Self*, ed. J. Elster (Cambridge: Cambridge University Press, 1985), 79-92; Sissela Bok, *Lying: Moral Choice in Public and Private Life* (New York: Random Books, 1989); Thomas Carson, “The Definition of Lying,” *Nous* 40.2 (2006): 284-306; Carson, “Lying, Deception, and Related Concepts,” in *Philosophy of Deception*, ed. Clancy W. Martin (New York: Oxford University Press, 2009), 153-87; Carson, *Lying and Deception: Theory and Practice* (New York: Oxford University Press, 2010); Roy Sorenson, “Bald-faced lies! Lying without the Intent to Deceive,” *Pacific Philosophical Quarterly* 88 (2007): 251–264; Don Fallis, “What is Lying?” *Journal of Philosophy* 106 (2009): 29-56; Fallis, “Lying and Deception,” *Philosopher’s Imprint* 10 (2010): 1-22; Fallis, “Lying as a Violation of Grice’s First Maxim of Quality,” *Dialectica* 66.4 (2012): 563-581; Fallis, “Davidson was Almost Right about Lying,” *Australasian Journal of Philosophy*, 91.2 (2013): 337–353; Fallis, “Are Bald-Faced Lies Deceptive After All?” *Ratio* 27.3 (2014): 81–96; Jennifer Lackey, “Lies and Deception: an Unhappy Divorce,” *Analysis* 73.2 (2013): 236–248; Andreas Stokke, “Lying and Asserting,” *Journal of Philosophy* 110.1 (2013): 33-60; Stoke, “Insincerity.” *Nous* 48.3 (2014): 496-520; Stokke, “Lying and Misleading in Discourse,” *Philosophical Review* 125.1 (2016): 83-134; and Stokke, “Lies, Harm, and Practical Interests,” *Philosophy and Phenomenological Research* 98.2 (2019): 329-345. A partial guide to the literature is found in Stokke, “Lying, Deceiving, and Misleading,” *Philosophy Compass* 8.4 (2013): 348-359. For our purposes, the complications that this literature introduces are irrelevant. [↑](#endnote-ref-9)
10. When I intend to contribute *p* to the conversation, I take the truth of *p* seriously for the purposes of the conversation. This condition is in place to distinguish bald-faced lies, which I treat as assertions, from purported assertions, which I do not. For an explanation of purported assertions, see footnote 12 below.

 When I tell a bald-faced lie *p*, I say *p* in order to mean *p*, in a context in which it is common knowledge that *not p*. Nonetheless, I take the truth of *p* seriously in that context. For example, the bank robber who makes the bald-faced lie, “I didn’t rob the bank,” won’t say, in the same conversation, “When I robbed the bank, I was wearing a ski mask.” Within that same conversation, she will disagree with anyone who says that she robbed the bank. Thus, the bald-faced liar counts as asserting *p*. [↑](#endnote-ref-10)
11. Technically, “The sky is blue” is an utterance. What I say is the proposition onto which the utterance, “The sky is blue,” conventionally maps. Unless relevant, I ignore these distinctions. [↑](#endnote-ref-11)
12. When I speak of purported assertions, I have in mind Grice’s notion of “making as if to say,” *Studies in the Way of Words*, 34. When I purport to assert *p*, I say *p* in order to mean *p*, but I do not intend to contribute *p* to the conversation. Rather, I only mean *p* for the purposes of meaning and contributing to the conversation some *other* proposition.

 For example, suppose Romeo were to say, “Juliet is the sun” in order to convey that Juliet is beautiful. In such a case, he only says, “Juliet is the sun,” for the purposes of conveying Juliet’s beauty. He does not take seriously the truth of “Juliet is the sun” for the purposes of the conversation. That is, he is within his rights to say, within the conversation, “Juliet is *not* the sun (i.e., in the solar system),” and to disagree with anyone who asserts such a thing. Because I define lying in terms of assertion, Romeo does not actually lie when he says, “Juliet is the sun.” [↑](#endnote-ref-12)
13. When philosophers analyze this chain of reasoning, called Gricean reasoning, they usually assume that speakers are fully cooperative. This is problematic, because deceptive speakers are not fully cooperative, but they can send implicatures. For the kinds of implicatures in which we are interested, we need only assume that deceptive speakers are interested in *appearing* cooperative with their interlocutors. Since they need to appear cooperative in order to accomplish their deception, this is a reasonable assumption for us to make*. Cf.* Richard Thomason, “Accommodation, Meaning, and Implicature: Interdisciplinary Foundations for Pragmatics,” in *Intentions in Communications*, ed. Philip R. Cohen et al (Cambridge, MA: MIT Press, 1990), 325-362; Nicholas Asher and Alex Lascarides, “Strategic Conversations,” *Semantic and Pragmatics* 6.2 (2013): 1-61; Stokke, “Truthfulness and Gricean Cooperation,” *Grazer Philosophische Studien* 93.3 (2016): 489-510; Sam Berstler, “What We Can Say to Each Other” (PhD diss., Yale University, 2019). [↑](#endnote-ref-13)
14. The Gricean picture is most plausible when we treat it as a rational reconstruction. It demonstrates how *in principle* an interlocutor can justifiably arrive at the belief that a speaker meant *p*. It is not a hypothesis about the actual psychological mechanisms involved in processing implicatures. *Cf.* Saul, *Lying, Misleading, and What is Said*, and Marina Sbisa, “Two Conceptions of Rationality in Grice’s Theory of Implicature,” in *Rationality in Belief and Action: Proceedings of the International Philosophical Conference Held in Rijeka, May 27-28, 2004*, ed. Elvio Baccarini and Snjezana Prijic-Samarzija (Rijeka: Croatian Society for Analytic Philosophy, 2006), 233-248. [↑](#endnote-ref-14)
15. Siegler, “Lying;” Chisholm and Feehan, “The Intent to Deceive;” Korsgaard, “The Right to Lie;” MacIntyre, *Truthfulness, Lies, and Moral Philosophers*; Adler, “Lying, Deceiving, or Falsely Implicating;” Mahon, “Kant on Lies, Candour, and Reticence” and “Kant and the Perfect Duty to Others Not to Lie;” Green, “Lying, Misleading, and Falsely Denying;” Strudler, “The Distinctive Wrong in Lying;” and Fricker, “Stating and Insinuating.” [↑](#endnote-ref-15)
16. This case is adopted from one discussed in Adler, “Lying, Deceiving, or Falsely Implicating,” which is in turn adapted from the story in Genesis 20:1-18. [↑](#endnote-ref-16)
17. Grice, “Logic and Conversation,” 26. [↑](#endnote-ref-17)
18. Adler “Lying, Deceiving, or Falsely Implicating,” 444. [↑](#endnote-ref-18)
19. Fricker, “Stating and Insinuating,” 90. [↑](#endnote-ref-19)
20. The cognitive work may also be different in kind. When her inferences rely on the assumption that the speaker appears to be cooperative, we may say that the hearer is engaged in *Gricean reasoning*. It’s possible that we recover only Gricean particularized conversational implicatures through Gricean reasoning. *A fortiori*, the victim of lying would not engage in Gricean reasoning when she recovers the lie, despite drawing context-sensitive inferences.

 Clea F. Rees argues that this asymmetry predicts that misleading is *worse* than lying (“Better Lie!” *Analysis* 74.1 (2014): 59-64). The misleader, but not the liar, exploits the victim’s false belief that the misleader is cooperative, so the misleader does something worse than the liar.

But I am skeptical of this argument. Let’s grant that, in order to recover the implicature, the victim of a misleader relies on the assumption of mutual cooperativity (but see footnote 13). This still isn’t helpful. While the victim of a liar may not make use of the cooperativity assumption *in recovering* the assertion, the victim still makes use of the cooperativity assumption *in deciding to believe* the lie. That is, at least one reason the victim comes to believe the lie is because she mistakenly believes that she and the liar are cooperating towards a shared goal, on which the liar is under a rational obligation to tell the truth. (Note that this is compatible with saying that the victim has other reasons to believe the lie as well.) So both the liar *and* misleader exploit the victim’s mistaken belief that the deceiver is cooperating. [↑](#endnote-ref-20)
21. One of my reviewers points to a difference between decoding the word search and recovering a misleading implicature. Sometimes, in the process of recovering the initial true assertion, the victim of misleading also acquires a true belief. Is it possible that instilling the true belief offsets the wrong of instilling the false belief (however marginally)?

But we find our contrast even when the misleader does not instill a true belief in her victim. Suppose you ask me, “Did Gerald break the plate?” In one timeline, I reply (falsely), “Yes, he did.” In another timeline, I reply, “Boys will be boys,” implicating (falsely) that Gerald broke the plate. In order to generate the implicature, I rely on a platitude, which my interlocutor surely already knows. I have neither instilled, nor intended to instill, in my interlocutor a true belief. Nonetheless, the lie *still* seems worse. [↑](#endnote-ref-21)
22. In addition to MacIntyre, *Truthfulness, Lies, and Moral Philosophers,* quoted below, Mahon, “Kant and the Perfect Duty Not to Lie,” Green, “Lying, Misleading, and Falsely Denying,” and Strudler, “The Distinctive Wrong in Lying,” all approvingly cite versions of the responsibility argument. [↑](#endnote-ref-22)
23. MacIntyre, *Truthfulness, Lies, and Moral Philosophers,* 337. [↑](#endnote-ref-23)
24. For the case, see T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), 256-258. [↑](#endnote-ref-24)
25. Assertion makes heightened demands of truthfulness: Adler, “Lying, Deceiving, or Falsely Implicating;” a speaker is more strongly committed to assertion: Fricker, “Stating and Insinuating;”an audience has a stronger right to true assertions: Chisholm and Feehan, “The Intent to Deceive;” lying harms trust more than misleading does: Strudler “The Distinctive Wrong in Lying;” audiences are required to be more careful in believing implicatures: Green “Lying, Misleading, and Falsely Denying.” [↑](#endnote-ref-25)
26. On this view, assertions and implicatures differ in their *justificatory status*. The extra cognitive work the hearer performs in recovering the implicature *p* helps justify the hearer in knowing *p*. [↑](#endnote-ref-26)
27. As we have discussed, it is more difficult to recoveran implicature than it is to recover an assertion. But the contrast isn’t between shakily recovered implicatures and securely recovered assertions. The contrast is between securely recovered implicatures and securely recovered assertions. [↑](#endnote-ref-27)
28. Jonathan Webber argues that the liar doesn’t undermine an extra epistemic norm, but she does undermine her own credibility, thereby damaging her community’s ability to learn information (“Liar!” *Analysis* 73.4 (2013): 651-659). Moreover, the liar undermines her credibility (and thus the community) more severely than does the misleader.

If the relevant community consisted of three people on a desert island, this might be plausible. But given the size of the deceiver’s linguistic community, does the deceiver’s credibility loss affect the community’s epistemic needs? What knowledge *could* the community have obtained*, but for* the liar’s credibility loss? What it feels like to be the liar? How is that useful to the community? In cases of highly specialized scientific knowledge, or in which the deceiver is the only witness to some significant event, then the deceiver’s lack of credibility may matter to the community’s broader epistemic needs. But these cases are so unusual that I don’t think they can motivate Webber’s picture. [↑](#endnote-ref-28)
29. The structure of the Abimelech case bears this point out. Plausibly, Abimelech has forfeited his right to Abraham’s truthful reply. In this case, it is better for Abraham to lie, rather than to mislead, because of what he owes *to other language users*, not to Abimelech. [↑](#endnote-ref-29)
30. See Kant, *Foundations of the Metaphysics of Morals*, 422: 32, and the first chapter of Seana Shiffrin, *Speech Matters: On Lying, Morality, and the Law* (Princeton: Princeton University Press, 2014). [↑](#endnote-ref-30)
31. Lewis, *Convention*, Grice, “Meaning,” and Schiffer, *Meaning* and “Intention-Based Semantics,” *Notre Dame Journal of Formal Logic* 23.2 (1982): 118-156, also propose accounts in this style. MacIntyre, *Truthfulness, Lies, and Moral Philosophers*, 312, cites Lewis, *Convention*, in support of a broadly Kantian analysis of the impermissibility of lying. But his gloss of Lewis is different from mine. MacIntyre seems to think that Lewis holds that the metasemantic clauses are a necessary feature of *all* languages, a rule that “cannot but be accorded universal recognition,” *Truthfulness, Lies, and Moral Philosophers,* 313. I don’t think Lewis would agree with this. For his view, and my ensuing ethical view, it is crucial that the metasemantic clauses are social conventions. They are ways of solving a coordination problem in recovering each other’s meaning, and they require coordinated action in order to maintain. [↑](#endnote-ref-31)
32. Note that mental content may be determined externally. [↑](#endnote-ref-32)
33. The conventions are self-perpetuating because our belief that others mostly conform to the conventions gives us reason to also conform to them. See Lewis, *Convention*. [↑](#endnote-ref-33)
34. Throughout the paper, I have spoken as if we assert propositions. This is incorrect, but the error doesn’t normally matter. Here it is does, so I write that we assert *sentences*. Some philosophers may insist that we *assert* propositions and *utter* sentences. If this is the case, then we need to rewrite our Lewisian clauses appropriately. I sidestep such difficulties here. [↑](#endnote-ref-34)
35. To correctly account for “performance errors,” we could easily rewrite both clauses in terms of dispositions to assert and dispositions to believe. Also note that this metasemantics may be only partial. For my ethical argument to work, all that matters is that Truthfulness and Trust partially constrain, not uniquely determine, the meanings of a language. [↑](#endnote-ref-35)
36. I assume *p* is a polar question. [↑](#endnote-ref-36)
37. Directly quoted from John Rawls (1971), *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 96. *Cf.* the principle in H.L.A. Hart, “Are There Any Natural Rights?” *Philosophical Review* 64 (1955): 175-191. [↑](#endnote-ref-37)
38. Robert Nozick (1974), *Anarchy, State, and Utopia* (New York: Basic Books, 1974). [↑](#endnote-ref-38)
39. I adapt these requirements from a number of illuminating papers, especially John A. Simmons, “The Principle of Fair Play,” *Philosophy and Public Affairs* 8.4 (1979): 307-337; Richard J. Arneson, “The Principle of Fairness and Free-Rider Problems,” *Ethics* 92.4 (1982): 616-633; Garrett Cullity, “Moral Free Riding,” *Philosophy and Public Affairs* 24.1 (1995): 3-34; and George Klosko, *The Principle of Fairness and Political Obligation* (Savage, MD: Rowman and

Littlefield Publishers, 2004). [↑](#endnote-ref-39)
40. This is compatible with the existence of metaphors, jokes, and so forth. Recall that the convention of Truthfulness targets *assertion*, which in turned is defined in such a way that it excludes metaphors and jokes. [↑](#endnote-ref-40)
41. But not to joke or make a metaphor, as these are not assertions. [↑](#endnote-ref-41)
42. E.g., Rae Langton, “Speech Acts and Unspeakable Acts,” *Philosophy and Public Affairs* 22.4

(1993): 293-330; Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (New York: Oxford University Press, 2007). [↑](#endnote-ref-42)
43. To be clear, the Truthfulness convention is relative to a particular language. So, I have an obligation to truthfully assert-in-L if I am speaking L. I might opt out of speaking L and instead speak Q. In that case, I would have an obligation to conform to Truthfulness in Q. We can re-formulate the worry: we have no reasonable choice but to speak *some* language, and any given language will require us to adhere to some form of Truthfulness. [↑](#endnote-ref-43)
44. Nozick, *Anarchy, State, and Utopia;* Simmons, “The Principle of Fair Play.” [↑](#endnote-ref-44)
45. Arneson, “The Principle of Fairness and Free-Rider Problems;” Cullity, “Moral Free Riding.” Because of the political work he wants it to do, Rawls would probably need to accept this version of fair play. [↑](#endnote-ref-45)
46. My opponent might still find this unconvincing. Let’s suppose that, at some point, I decide to opt out of language altogether. I become a hermit, and I cease to communicate with others. Nonetheless, I still rely on beliefs that I have acquired through language, and I rely on language in many of my occurrent thoughts. So I *still* benefit from language.

 Here we need to draw a distinction between benefits of a practice, broadly construed, and those benefits of a practice *that underwrite my consent to the practice*. For analogy, suppose that my neighborhood decides to hold regular live concerts in the nearby park. Members of the neighborhood pool money to do this. If I am simply going about my life in the neighborhood, I hear the music from the park. This benefits me, but, since it’s not reasonable to expect me to move, I can’t opt out of this ambient music. Am I required to help pay for the concerts? It seems plausible to think that I am only obligated to help pay for the concerts if I take some further action—if I, for example, go to the park to hear the band. It is the act of *attending* the concert (and receiving the subsequent benefits) that generates the consent; it is not the fact that I received any benefit from the practice, period. Similarly, we might say that it is *my continued use of language to communicate* that underwrites the consent condition. When I stop communicating, I may still benefit from language in other ways (for example, when I think, or rely on beliefs learned through testimony), but this is irrelevant for the purposes of Fair Play. [↑](#endnote-ref-46)
47. This case is adapted from one in Saul *Lying, Misleading, and What is Said*, 73. Strudler, “The Distinctive Wrong in Lying,” independently discusses cases such as these. [↑](#endnote-ref-47)
48. See Saul, Lying, *Misleading, and What is Said*, 72-73, for more examples. [↑](#endnote-ref-48)
49. Why don’t our intuitions disappear in **Wife**? In that case, Abraham’s life was in danger, so this is also a high stakes situation. In fact, as predicted, some readers report that they *do* have trouble with the intuitions in **Wife**. [↑](#endnote-ref-49)
50. This case is adapted from Stokke, “Lies, Harms, and Practical Interests,” 12. [↑](#endnote-ref-50)
51. In other words, the reasons to lie or to mislead (i.e., to spare Sarah’s feelings) *so heavily outweigh* the reasons not to lie or to mislead (i.e., to play fairly, to tell Sarah the truth) that we can’t detect the one extra reason not to lie. [↑](#endnote-ref-51)
52. For some attempts at accounting for it, see Fricker “Stating and Insinuating;” Elisabeth Camp, “Insinuation, Common Ground, and the Conversational Record,” in *New Work in Speech Acts*, ed. (New York: Oxford University Press, 2018), and Berstler, “What We Can Say to Each Other.” [↑](#endnote-ref-52)
53. Chisholm and Feehan, “The Intent to Deceive,” concur but do not offer much of an argument in favor of this point. [↑](#endnote-ref-53)
54. Carson “The Definition of Lying;” Carson, “Lying, Deception, and Related Concepts;” Carson, *Lying and Deception*; Sorensen, “Bald-faced Lies!”; Fallis “What is Lying?”; Fallis, “Lying and Deception;” Fallis, “Lying as a Violation of Grice’s First Maximum of Quality;” Fallis, “Davidson was Almost Right about Lying;” Fallis, “Are Bald-faced Lies Deceptive After All?”; Lackey, “Lies and Deception;” and Keiser, “Bald-faced Lies.” Note that on my account, I also *mean p.* To mean *p*, it is sufficient that I express the belief *p* and the intention that my interlocutor come to believe *p*. I can express such a belief and intention even when it’s common knowledge that I lack such a belief or intention. [↑](#endnote-ref-54)
55. To remind the reader, metaphors, insults, and so on are not assertions and thereby not bald-faced lies. [↑](#endnote-ref-55)
56. As far as I know, only Sorensen, “Bald-faced Lies!” rejects the claim that bald-faced lies are wrong. But Sorenson takes this claim to be a surprising outcome of his theory, not an intuition in favor of it. [↑](#endnote-ref-56)
57. Sometimes, bald-faced lies seem worse than run-of-the-mill lies because they are intended to communicate arrogance or disrespect for the audience. It is difficult to convey something similar with a run-of-the-mill lie, precisely because the liar does not want her audience to detect it. But this is *not* to hold everything equal between bald-faced lies and run-of-the-mill lies. [↑](#endnote-ref-57)
58. Thus, I can easily accommodate the view of lying in Stokke, “Lying and Misleading in Discourse.” Stokke’s account of what-is-said is still fixed by conventions that hold between the utterance’s minimal semantic content and the discourse structure. [↑](#endnote-ref-58)
59. Benjamin Weissman and Marina Terkourafi, “Are False Implicatures Lies? An Empirical Investigation,” *Mind and Language* 32.2 (2019): 221-246. [↑](#endnote-ref-59)