

CHAPTER 3

CONTEMPORARY APPROACHES TO THE PHILOSOPHY OF LYING

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3.1 INTRODUCTION

As Sissela Bok pointed out in *Lying: Moral Choice in Public and Private Life* in 1978 (first edition, see Bok 1999), the “major works of moral philosophy of this century ... are silent” on the subject of “truth-telling and lying,” with the eight-volume *Encyclopedia of Philosophy* (1967), edited by Paul Edwards, containing “not one reference to lying or to deception, much less an entire article devoted to such questions” (Bok 1999: xix). Bok’s book was part a resurgence of interest in the subject of lying among philosophers in the late 1970s. Today, more philosophers than ever before are working on the subject of lying.

This chapter will examine the work of philosophers on the subject of lying over the last fifty years. It will focus on their answers to, first, the analytical questions of how lying is to be defined and whether lying involves an intent to deceive, and second, the moral questions of why is lying morally wrong and whether lying is morally worse than other forms of deception. Although their answers to these questions are closely related, it will treat them separately.

3.2 THE TRADITIONAL DEFINITION OF LYING

According to the traditional definition of lying, defended by philosophers in the 1960s and early 1970s, to lie was to make a statement that one believed to be false, with the intention that the statement be believed to be true (see Isenberg 1964; Siegler 1966;

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In 1976, John Mori ‘assertion’ for ‘statemen assertoric mode, the three modes: “The lia dicts his words ... [a 1976: 390–1). To lie, t the intention that th have anticipated it, tl initiation of lying led to abandonment of his r

Starting in the late ‘assertion’ for ‘statem volitional mode of c complex deceptionis or faith in the truthf ance of trust in the necessarily aimed at fulness of the speake of the speaker was b traditional definitior words”—was reduc they may be called,³ David Simpson.

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² In the case of an ordi what he believes to be fa secretly distrusts him, at there is open distrust. If distrusts him, and so for audience, whom he belie

³ It is useful to have a assurance or invocation chapter, I have coined th defend this position ‘asse

Mannison 1969; Lindley 1971). This definition qualified as a deceptionist definition of lying, insofar it was a necessary condition of lying that the liar intended the victim to believe to be true a statement that the liar disbelieved. It was a simple deceptionist definition of lying, however, insofar as it did not matter *how* the liar intended the victim to believe the disbelieved statement to be true.¹ If the liar (somehow) intended the victim to believe the disbelieved statement to be true on the basis of distrusting the liar—as in the case of a triple-bluff, for example²—the liar was still lying.

In 1976, John Morris modified the traditional definition of lying by substituting ‘assertion’ for ‘statement’. He claimed that lying involved three modes of discourse: the assertoric mode, the doxastic mode, and the volitional mode. As he explained these three modes: “The liar must assert something ... must believe something which contradicts his words ... [and] must actually want his listener to believe his words” (Morris 1976: 390–1). To lie, then, was to *assert* a proposition that one believes to be false, with the intention that the proposition be believed to be true. Although Morris could not have anticipated it, the substitution of ‘assertion’ for ‘statement’ in the traditional definition of lying led to a change in how philosophers understood lying and to the swift abandonment of his modified definition.

Starting in the late 1970s, a number of philosophers argued that the substitution of ‘assertion’ for ‘statement’ in the modified traditional definition of lying rendered the volitional mode of discourse in the definition redundant. These philosophers were complex deceptionists. They held that the liar intended to deceive on the basis of trust or faith in the truthfulness of the speaker. They also held that an invocation or assurance of trust in the truthfulness of the speaker was *built into* assertion. Assertions necessarily aimed at causing belief in listeners, on the basis of trust or faith in the truthfulness of the speaker, because an invocation or assurance of trust in the truthfulness of the speaker was built into assertion. Hence the volitional mode of discourse in the traditional definition of lying—the liar “must actually want his listener to believe his words”—was redundant. The most influential of these assertionist philosophers, as they may be called,³ were Roderick Chisholm and Thomas Feehan, Charles Fried, and David Simpson.

¹ For more on the distinction between ‘deceptionist’ and ‘non-deceptionist’ definitions of lying, as well as the distinction between ‘simple’ and ‘complex’ deceptionist definitions of lying, see my ‘The Definition of Lying and Deception’, *The Stanford Encyclopedia of Philosophy* (2015).

² In the case of an ordinary bluff (or lie), the speaker believes that his audience trusts him, and he says what he believes to be false, in order to deceive. In a double bluff, the speaker believes that his audience secretly distrusts him, and so he says what he believes to be true, in order to deceive. In a triple bluff, there is open distrust. The speaker believes that his audience believes that he believes that his audience distrusts him, and so forth. Here, a speaker may say what he believes to be false, in order to deceive his audience, whom he believes is anticipating a double bluff. This is a triple bluff.

³ It is useful to have a term to refer to the position that the intent to be believed, on the basis of an assurance or invocation of trust or faith in the truthfulness of the speaker, is built into assertion. In this chapter, I have coined the term ‘assertionism’ to refer to this position, and I call those philosophers who defend this position ‘assertionist’ philosophers.

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3.3 LIES AS UNTRUTHFUL ASSERTIONS

In their seminal article “The Intent to Deceive,” Chisholm and Feehan distinguished between making statements and making assertions. When I wink my eye, cross my fingers, etc., while declaring something, or when I declare something in an ironic tone, tell a joke, speak on stage, write a novel, test a microphone, etc., I am merely making statements.⁴ I am not making any assertions. In these circumstances, I do not believe that my listener is epistemically justified in believing that I believe my statement to be true—that is, that I am being truthful—and I do not believe that my listener is epistemically justified in believing that I intend my listener to believe that I believe my statement to be true—that is, that I intend my listener to believe that I am being truthful. I also do not believe that my listener is epistemically justified in believing my statement to be true. I therefore do not anticipate that my listener will believe that I am being truthful or will believe that what I am saying is true. If my statements are untruthful, I do not anticipate that my listener will be deceived, either about my beliefs or about what my statement is about.⁵ When television host and comedian David Letterman said, on his show, about fellow television host and comedian Jay Leno, “he is humanitarian and a man of the people,” and “he will probably, if I had to bet, step aside and let Conan continue as the host of *The Tonight Show*,”⁶ he was being untruthful, but he was not asserting anything.

By contrast, when I am not winking, crossing my fingers, etc., while I am speaking, and when I am not speaking in irony, telling a joke, speaking on stage, etc., I am asserting. When I am asserting, I believe that my listener is epistemically justified in believing that I am being truthful, and I believe that my listener is epistemically justified in believing that I intend my listener to believe that I am being truthful. And, normally, I believe that my listener is epistemically justified in believing that what I am saying is true. I therefore anticipate that my listener will believe that I am being truthful. Normally, I also anticipate that my listener will believe that what I am saying is true.⁷

⁴ Their definition of making a statement was as follows: “*L* states that *p* to *D* =_{df} (1) *L* believes that there is an expression *E* and a language *S* such that one of the standard uses of *E* in *S* is that of expressing the proposition *p*; (2) *L* utters *E* with the intention of causing *D* to believe that he, *L*, intended to utter *E* in that standard use” (Chisholm and Feehan 1977: 150). Note that using expressions in a language may be interpreted broadly to include using American Sign Language, Morse code, semaphore flags, smoke signals, and so forth, as well as using specific bodily gestures whose meanings have been established by convention, such as nodding one’s head, or raising one’s hand, in answer to a yes/no question.

⁵ If my statement is a statement about my beliefs (e.g., “I believe he is innocent”), then this comes to the same thing.

⁶ David Letterman, *The Late Show with David Letterman*, January 14, 2010. Letterman was commenting on the plan by NBC to move *The Tonight Show*, hosted by Conan O’Brien, to a later time, in order to allow Jay Leno to host his own show at the traditional time for *The Tonight Show*, because O’Brien was losing viewers, and they believed that Leno would bring them back.

⁷ This is not always the case: “The point of asserting a proposition *p* need not be that of causing belief in the *assertum*, i.e., in *p*. (I may assert *p* to you, knowing that you believe *p* and thus knowing that my assertion would have no effect upon your beliefs with respect to *p*)” (Chisholm and Feehan 1977: 151–2).

When John Profun on March 22, 1963, told Miss Keeler” (Seymour his listeners would believe saying was true.

A lie, Chisholm and Feehan say, means to be following Gottlob Frege’s definition of assertions, the liar “goes and betrays him,” only to betray him, is essentially a breach of trust that there was no intention because he had had a

When I lie, I anticipate not being truthful, and I do not believe that what I am saying is true, respectively:

L asserts *p* to *D* =_{df} *L* believes that *p* and *L* intends to cause *D* to believe that *p*.

L lies to *D* =_{df} *L* believes that *p* and *L* believes that *p* is false.

Chisholm and Feehan (Chisholm and Feehan 1977: 150) define lying as merely intending to stand in a certain relation to what has been said: “Esse verum est asserere, et asserere est intendere te esse verum” (Chisholm and Feehan 1977: 150).

⁸ Chisholm and Feehan (Chisholm and Feehan 1977: 150) define lying as merely intending to stand in a certain relation to what has been said: “Esse verum est asserere, et asserere est intendere te esse verum” (Chisholm and Feehan 1977: 150).

⁹ Frege stated in his 1872 paper “On Language and Thought” that “the subordinate clause ‘I am convinced of its falsity’ defines assertion. One can complete Frege’s definition of assertion as follows: ‘*L* asserts *p* to *D* =_{df} *L* believes that *p* and *L* intends to cause *D* to believe that *p*.’” (Chisholm and Feehan 1977: 150).

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and Feehan distinguished between believing something to be true and merely making a statement. In an ironic tone, tell me that I am merely making a statement, I do not believe that my statement to be true—that my listener is epistemically justified in believing my statement to be true. I also do not believe my statement to be true. I am being truthful or will be truthful, I do not anticipate what my statement is about. On his show, about a vegetarian and a man of the let Conan continue as the host, I am not asserting anything. I am speaking, while I am speaking, I am on stage, etc., I am assertively justified in believing my statement to be true. And, normally, I anticipate that what I am saying is true. At the end of the show, I am saying that what I am saying is true.

p to $D =_{df}$ (1) L believes that p and that E in S is that of expressing p and that he, L , intended to utter E and that expressions in a language may be used to express p and that signals have been established by a yes/no question. (2) (innocent"), then this comes to

4, 2010. Letterman was com-edian Conan O'Brien, to a later time, for *The Tonight Show*, because he came back.

I would not be that of causing belief in D and thus knowing that my statement is true (Chisholm and Feehan 1977: 151–2).

When John Profumo said, in an official 'personal statement' to the House of Commons on March 22, 1963, that "There was no impropriety whatsoever in my acquaintanceship with Miss Keeler" (Seymour-Ure 1968: 268), he was making an assertion. He anticipated that his listeners would believe that he was being truthful and would believe that what he was saying was true.

A lie, Chisholm and Feehan claimed, is simply an untruthful assertion, where to be 'untruthful' means to be believed false, or to be believed not true.⁸ Here they claimed to be following Gottlob Frege, who defined a lie as an untruthful assertion.⁹ Since lies are assertions, the liar "gives an indication that he is expressing his own opinion" (Chisholm and Feehan 1977: 149) when in fact he is not. The liar gets "his victim to place his faith in him," only to betray that faith. As they said, "Lying, unlike the other types of deception, is essentially a breach of faith" (Chisholm and Feehan 1977: 149, 153). Profumo's assertion that there was no impropriety in his relationship with Christine Keeler was untruthful, because he had had an affair with Keeler. He lied.

When I lie, I anticipate that my listener will be deceived into believing that I am being truthful, and, normally, I anticipate that my listener will be deceived into believing that what I am saying is true. To give their definitions of asserting and lying, respectively:

L asserts p to $D =_{df}$ L states p to D and does so under conditions which, he believes, justify D in believing that he, L , not only accepts p , but also intends to contribute causally to D 's believing that he, L , accepts p ,

(Chisholm and Feehan 1977: 152)

L lies to $D =_{df}$ There is a proposition p such that (i) either L believes that p is not true or L believes that p is false and (ii) L asserts p to D .

(Chisholm and Feehan 1977: 152)

Chisholm and Feehan said that "the intent to deceive is an essential mark of a lie" (Chisholm and Feehan 1977: 153). Their definition of lying went beyond the liar's merely intending to deceive his victim, however (the title of their article notwithstanding). Their definition implied that the liar *anticipates* deceiving his victim. As has been said: "Essentially, under this definition, you are only lying if you expect that you will be successful in deceiving someone about what you believe" (Fallis 2009: 45).

⁸ Chisholm and Feehan distinguish between believing something to be *false* and believing something to be *not true* (Chisholm and Feehan 1977: 146). Nevertheless, this distinction between two forms of untruthfulness does not generate a distinction between two types of lies.

⁹ Frege stated in his 1892 article "On Sense and Reference" that "In 'A lied in saying he had seen B,' the subordinate clause designates a thought which is said (1) to have been asserted by A (2) while A was convinced of its falsity" (Frege 1952: 66n, quoted in Chisholm and Feehan 1977: 66n). But Frege nowhere defines assertion. One of the tasks of their article was to provide a definition of assertion that would complete Frege's definition of lying.

Although Chisholm and Feehan did not go so far as to claim that 'lie' is an achievement or success verb,¹⁰ such that a liar is not lying *unless* his victim believes him, they did build the liar's anticipation of his victim's deception (at least about his being truthful) into their definition of lying. Of course, even if a liar anticipates deceiving his listener, a liar may happen to fail to deceive. Unbeknownst to the liar, the would-be victim may have a reason for not believing that the liar is being truthful. Nevertheless, according to them, a liar necessarily anticipated deceiving his listener (at least about his being truthful). Profumo anticipated deceiving his listeners, and he did deceive them.

While Chisholm and Feehan's definition of lying was extremely influential, there were a number of problems with it. By far the most serious problem was that it was not possible for me to make an assertion—and hence, to lie—to someone if I did not believe that the person was epistemically *justified* in believing that I was being truthful. That is, I could not lie to someone whom I believed had reason to believe that I was being untruthful. To take one of their examples, found in Kant's lectures on ethics (see Kant 1997: 203), if a thief grabs me by the throat and asks me where I keep my money, and I reply, untruthfully, 'All my money is in the bank,' this is *not* an assertion. As Chisholm and Feehan say: "L has not *asserted* a proposition he believes to be false, for his act does not satisfy the conditions of our definition of assertion ... L does not believe that the conditions under which he has uttered these words ["All my money is in the bank"] justify D in believing that he, L, believes p [i.e., that all my money is in the bank]" (Chisholm and Feehan 1977: 154–5). Since this is not an assertion, I am not lying, even though my statement is untruthful: "since, therefore, L has not asserted anything to D, L cannot be said to have lied to D" (Chisholm and Feehan 1977: 154–5). In these circumstances, I can merely make an untruthful *statement* to the thief. I cannot lie to him. This conclusion seems implausible.

In the same year that they published their article, another philosopher also claimed that it was impossible to lie to the thief in Kant's example. In *The Theory of Morality*, Alan Donagan argued that a lie was "a free linguistic utterance expressing something contrary to the speaker's mind," and that my utterance to the thief in the example is not free, because a thief who is threatening me 'knows full well that [I] will not, if [I] can help it, tell him the truth and that he has no right to demand it of [me]' (Donagan 1977: 88–9). Donagan also argued that in the case of another much more famous example found in Kant's published writings, in which a (would-be) murderer at my door asks me if my friend is at home (see Kant 1996b: 611–15),¹¹ it was impossible to lie to the murderer. Since the murderer knows that he has no right to demand this information, and that

¹⁰ 'Deceive' is an achievement or success verb (see Ryle 1949: 130). One does not deceive unless one succeeds in getting someone to have or maintain a false belief. By contrast, 'lie' is not an achievement or success verb. One lies even if one fails to get someone to have or maintain a belief that one believes to be false and/or is false.

¹¹ Note that in this published work Kant holds that it is possible to lie to the would-be murderer at the door, although it is morally wrong, and a crime, to do so (see Mahon 2009).

I will not tell him the friend is not at home

Chisholm and Feehan's epistemic conclusion about the liar's anticipation was embraced for various reasons. They held the expectation that the speaker and Sullivan 1993: 16 said, the "very act of lying undermines the conclusion is one of those "situations" (Sullivan 1993: 163, 160).^{13,14}

3.4

Charles Fried rejected the claim that lying had the result that the liar is not lying. In *Right and Wrong*, Fried argued that lying is not lying in some cases. Nevertheless, Fried would not count an untruthful assertion as an initiation of lying.

When I assert, Fried argued, "I am lying," I am lying by giving an implicit assertion. Specifically, when I assert, "My statement is true" (Fried 1978: 56). A person lying based on the evidence

¹² Donagan assumes that the murderer knows that the friend is at home. For an alternative interpretation, see Mahon (2009) that I know that he is a murderer.

¹³ They claim that this is not lying (Kemp and Sullivan 1993: 2013: 3102–3). It is not clear whether they think one can deceive in these circumstances.

¹⁴ Alan Strudler distinguishes between a person who is being threatened with death and a person who is being threatened with being killed if he does not lie. If the person is justified in believing that his assertions are true, and he lies, then it seems that the person is not lying.

I will not tell him the truth if I can help it, I am not lying to the murderer if I say that my friend is not at home.¹² I am merely making an untruthful statement to him.

Chisholm and Feehan, it seems, would be forced to reach the same highly problematic conclusion about it being impossible to lie to the murderer at the door. This conclusion was embraced some years later by Kenneth Kemp and Thomas Sullivan, for similar reasons. They held that it is a condition upon assertion that there is "a reasonable expectation that the speaker is using speech to communicate his thoughts to us" (Kemp and Sullivan 1993: 161). In the "special case of protecting fugitives from murderers" they said, the "very act of inquiring" into the whereabouts of the fugitive "automatically undermines the conditions under which assertions can be made," with the result that it is one of those "situations in which nothing one says could be a lie" (Kemp and Sullivan 1993: 163, 160).^{13,14}

3.4 LIES AS INSINCERE PROMISES

Charles Fried rejected Chisholm and Feehan's definition of lying at least in part because it had the result that it is not possible to tell lies in certain circumstances. In his book *Right and Wrong*, Fried said about their definition of lying that "they find a way to treat as not lying some cases which seem to me to be cases of justified lying" (Fried 1978: 55 n1). Nevertheless, Fried was also an assertionist. He agreed with them that a lie is simply an untruthful assertion, and that there is no need to add an intention to deceive to the definition of lying.

When I assert, Fried argued, I am "seeking to cause belief in a particular way," namely, by giving an implicit "warranty" as to the truth of my statement (Fried 1978: 56, 57). Specifically, when I assert, I am making an implicit "promise or assurance that the statement is true" (Fried 1978: 57). When I assert, I intend to "invite belief, and not belief based on the evidence of the statement so much as on the faith of the statement" (Fried 1978: 56). A person lies "when he asserts a proposition he believes to be false" (Fried

¹² Donagan assumes that the (would-be) murderer is open about his murderous intent, or at least, that the murderer knows that I know that he is a murderer. This is the normal interpretation of the example. For an alternative interpretation, in which the murderer is not open about his intent, and does not know that I know that he is a murderer, see Korsgaard (1986).

¹³ They claim that this is a case where "saying what is false with the intent to deceive is not lying" (Kemp and Sullivan 1993: 159). This would make it similar to, or a case of, a triple bluff (see Faulkner 2013: 3102–3). It is not clear if Chisholm and Feehan would consider it to be possible to have an intent to deceive in these circumstances.

¹⁴ Alan Strudler distinguishes between being credible and being trustworthy, and holds that someone who is being threatened with harm unless he tells the truth can be credible (see Strudler 2005). If this is correct, then it seems that someone who is being robbed at knifepoint, or who is being threatened with being killed if he does not reveal the whereabouts of his friend, can believe that the aggressor is justified in believing that he is being truthful, on the basis of being credible. Hence, it seems, he can make assertions, and lie.

1978: 55). When I lie, I intend to cause belief in a statement that I believe to be false. I intend to do so on the basis of my implicit promise or assurance that the statement is true: "Every lie necessarily implies—as does every assertion—an assurance, a warranty of its truth" (Fried 1978: 67). This promise or assurance is insincere. Hence, in the case of every lie, I am making, and breaking, a promise—the promise that I believe that what I am saying is true, the promise that I am being truthful: "in lying the promise is made and broken at the same moment" (Fried 1978: 67).

Fried's definition of lying nevertheless had its own problems. According to him, the deception that was intended in lying was deception about what the lie is about, and not deception about whether the liar believes it. Sometimes it is not possible to intend to deceive a listener about what a lie is about, however, because of what has been called the "*intentionality condition*" (Newey 1997: 96). If *S* and *A* are persons, and *p* is a proposition, then "*S* cannot intend to get *A* to believe that *p* if *S* knows, or believes, that it is impossible to get *A* to believe that *p*" (Newey 1997: 116 n. 12). For example, if a crime boss says to one of his underlings, whom he knows to be an FBI informant, "My organization has no informants," he cannot intend that the informant believe that his organization has no informants. His intent is merely to make the informant believe that the crime boss *believes* that his organization has no informants (see Mahon 2008b). Strictly speaking, according to Fried's definition, the crime boss is not lying to the informant.

At one point in his discussion of lying, Fried did allow for the possibility that "even though he [the listener] does not believe the truth of the speaker's statement, he may believe the truth of the speaker's sincerity" (Fried 1978: 58). Fried did seem open, then, to amending his definition of lying to include the intention to deceive merely about being truthful. Unfortunately, Fried also called a lie that fails to deceive either about what the lie is about or about the liar being truthful "an attempted lie" (Fried 1978: 59) rather than a lie. This would appear to make 'lie' an achievement or success verb. Fried provided no argument to support the counterintuitive claim that a liar who fails to deceive his listener about what he is talking about, or about his being truthful, is not lying, and is only attempting to lie.

3.5 LIES AS INSINCERE ASSERTIONS

The most sophisticated articulation of the position that a lie is simply an untruthful assertion was provided by David Simpson. In his article "Lying, Liars and Language," Simpson said that we had a choice: "We can say that in lying there is assertion plus the invocation of trust, or we can say that assertion itself involves this invocation of trust" (Simpson 1992: 627). Simpson, like other assertionists before him, preferred the latter option. According to Simpson, a lie is just an "insincere assertion" (Simpson 1992: 625). His refinement was to argue that a liar intends to deceive in two ways, not merely one, and intends to deceive in both of these ways by means of a betrayal of trust.

First, according to "the intention that son matter" (Simpson 1992 regarding that matter . it" (Simpson 1992: 624 (what is the case), as w the case). The claim th Joseph Kupfer had als for the deceived to bel cific matter at hand, th Frankfurt had similarl; misrepresents whateve referent of his discours as well," hence, "If the l

Simpson's first refin that the liar intends to ceptive intention. That the topic or referent of second refinement wa: ticular, the deceptive it (Simpson 1992: 625). T believing something w trust of the one" to whc through an act of 'oper that we believe some p (Simpson 1992: 625). B (Simpson 1992: 625). O to deceive "by way of : even if they also attempt volve a certain sort of state of affairs, as well a is what an untruthful a:

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According to him, the lie is about, and not possible to intend to of what has been called persons, and p is a proposition, or believes, that it For example, if a crime informant, "My informant believe that his informant believe that the Mahon 2008b). Strictly to the informant. The possibility that "even statement, he may be did seem open, then, to give merely about being e either about what the ed 1978: 59) rather than erb. Fried provided no fails to deceive his listener is not lying, and is only

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is simply an untruthful, Liars and Language," there is assertion plus the is invocation of trust" m, preferred the latter i" (Simpson 1992: 625). ways, not merely one, d of trust.

First, according to Simpson, there is the "primary deceptive intention," which is "the intention that someone be in error regarding some matter, as we see the fact of the matter" (Simpson 1992: 624). Second, there is the intent to deceive "regarding our belief regarding that matter . . . We don't lie *about* this belief, but we intend to deceive *regarding* it" (Simpson 1992: 624). That is, a liar intends to deceive his victim about some matter (what is the case), as well as what he believes about this matter (that he believes it to be the case). The claim that a liar aims to deceive in two ways was not original to Simpson. Joseph Kupfer had also said some years before that "lying always involves intending for the deceived to believe *two* propositions which are false: one pertaining to the specific matter at hand, the other pertaining to the liar's beliefs" (Kupfer 1982: 116). Harry Frankfurt had similarly said that a liar "necessarily misrepresents at least two things. He misrepresents whatever he is talking about—i.e., the state of affairs that is the topic or referent of his discourse—and in doing so cannot avoid misrepresenting his own mind as well," hence, "If the lie works, then its victim is twice deceived" (Frankfurt 1986: 85).

Simpson's first refinement of the claim that a liar has two deceptive intentions was that the liar intends to realize the first deceptive intention *by means of* the second deceptive intention. That is, the liar intends to deceive about "the state of affairs that is the topic or referent of his discourse" *by means of* deceiving about "his own mind." His second refinement was that in order to realize both deceptive intentions, and in particular, the deceptive intention about his own mind, the liar "insincerely invokes trust" (Simpson 1992: 625). The liar does this by *asserting*. In asserting, "we present ourselves as believing something while and through invoking (although not necessarily gaining) the trust of the one" to whom we assert (Simpson 1992: 625). This "invocation of trust occurs through an act of 'open sincerity,'" according to which "we attempt to establish . . . both that we believe some proposition and that we intend them to realize that we believe it" (Simpson 1992: 625). But in the case of a lie, "the asserter's requisite belief is missing" (Simpson 1992: 625). Other forms of intended deception that are not lies do not attempt to deceive "by way of a trust invoked through an open sincerity" (Simpson 1992: 626) even if they also attempt to deceive in two ways. This is what makes a lie special: "it involves a certain sort of betrayal" (Simpson 1992: 626). Liars aim to deceive about some state of affairs, as well as about what they believe, by means of a betrayal of trust—which is what an untruthful assertion was.

Simpson granted that "'lie' sometimes appears to be applied to cases in which there could be no question of invocation or betrayal of trust," such as in "war or politics," and in "court rooms" (Simpson 1992: 631). However, he considered "this use of 'lie,'" according to which a lie is "the intentional utterance of an untruth, and need involve no deceptive intentions" to be a "distinct application of the term" (Simpson 1992: 631) rather than the regular use that his analysis was attempting to capture. In writing about uses of 'lie' in which attempted deception is entirely absent, Simpson anticipated the claim of later non-deceptionist philosophers that lying has nothing essentially to do with intending to deceive the listener.

3.6 THE NEO-TRADITIONAL DEFINITION OF LYING

Chisholm and Feehan, Fried, and Simpson all held that lies were simply untruthful or insincere assertions because they believed that assertions necessarily aim at causing belief in listeners on the basis of trust or faith in the truthfulness of the speaker, and that the invocation or assurance of trust in the truthfulness of the speaker was built into assertion. By contrast, a number of philosophers writing about lying in the 2000s had a very different understanding of assertion. Assertions, they held, were not always aimed at causing belief. They returned to the three modes of discourse analysis of lying of Morris, and argued that to lie is to assert a proposition that one believes to be false, with the intention that the disbelieved proposition be believed to be true. The most important of these philosophers were Bernard Williams and Paul Faulkner.

3.7 LIES AS UNTRUTHFUL ASSERTIONS WITH THE INTENT TO DECEIVE

In his book *Truth and Truthfulness: An Essay in Genealogy*, Bernard Williams claimed that “A speaker can sincerely assert that P, and to some purpose, without supposing that his hearer thinks that he is sincere, and without caring whether he thinks so or not” (Williams 2002: 74). The mistake made by many philosophers writing on lying was that they read “sincere assertion too much in the light of insincerity” and paid “too much attention to effects” (Williams 2002: 74). That is to say, previous assertionist philosophers—although none are mentioned, this would certainly include Chisholm and Feehan, Fried, and Simpson—defined assertion too much in the light of defining lying. Although he rejected the view that assertion necessarily aimed at causing belief, Williams did hold that *lying* necessarily aimed at causing belief: “I think it is clear that in giving an account of insincere assertion, we do have to put back the idea of a speaker’s trying to affect the beliefs of the person he is addressing. I have made the point that sincere assertions do not necessarily have the aim of informing the hearer; but insincere assertions do have the aim of misinforming the hearer” (Williams 2002: 72). Williams’s own definition of lying was very similar to that of Morris: “I take a lie to be an assertion, the content of which the speaker believes to be false, which is made with the intention to deceive the hearer with regard to that content” (Williams 2002: 96–7).

The condition in Williams’s definition of lying that a liar intends to deceive the listener “with regard to that content” would appear to leave his definition open to the objection that sometimes a liar intends to deceive the listener only about what he believes (namely,

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¹⁵ About his definition of lying, Williams is sufficient and necessary condition without circularity.

¹⁶ Taking “Derivation” to mean that it is possible and not about their complex deception.

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that he believes that what he asserts is true). But Williams was aware that although a liar normally primarily intends to deceive about some matter (that it is the case), a liar may also secondarily intend to deceive about his belief about this matter (that he believes that it is the case): "In the primary case, they aim to misinform the hearer about the state of things, the truth of what the speaker asserts. Derivatively, they may aim to misinform the hearer merely about the speaker's beliefs: the speaker may know that the hearer will not believe what he falsely asserts, but he wants her to believe that he himself believes it" (Williams 2002: 73-4). Williams was fully aware that "the intention to deceive the hearer about these two things may come apart. In asserting that P, the deceitful speaker may not intend his hearer to believe that P at all; he may know that the hearer firmly believes the opposite, and his aim may be, for some reason, only to get her to think that he, the speaker, believes that P" (Williams 2002: 75). Indeed, Williams' definition of assertion¹⁵—"A utters a sentence, 'S', where 'S' means that P, in doing which either he expresses his belief that P, or he intends the person addressed to take it that he believes that P" (Williams 2002: 74)—allowed for a liar to *only* intend to deceive his listener that "he believes that" what he asserts is true. Suitably modified, therefore, Williams' definition of lying could be said to be the following: a lie is an assertion, the content of which the speaker believes to be false, which is made with the intention to deceive the hearer, either with regard to that content and the speaker's belief in that content, or simply with regard to that content,¹⁶ or simply with regard to the speaker's belief in that content. This elaborately simple deceptionist definition of lying nevertheless proved to be too simple for those who followed him in abandoning assertionism.

3.8 LIES AS UNTRUTHFUL ASSERTIONS WITH THE INTENT TO DECEIVE BY MEANS OF A BETRAYAL OF TRUST

Chisholm and Feehan, Fried, and Simpson were assertionists and complex deceptionists. They held that a liar intended to deceive, and intended to do so on the basis of trust or faith in the truthfulness of the speaker, the assurance or invocation of which was built into assertion. In his article "What is Wrong with Lying?," Paul Faulkner rejected the view that a lie is simply an untruthful assertion. Siding with Williams,

¹⁵ About his definition of assertion Williams says: "This is not meant to be a strict statement of sufficient and necessary conditions: especially in this field, I take it that it is impossible to produce such a thing without circularity" (Williams 2002: 74).

¹⁶ Taking "Derivatively, they may aim to misinform the hearer merely about the speaker's beliefs" to mean that it is possible for liars to *only* intend to deceive the hearer about the content of the assertion, and not about their belief in the truth of that content. For that reason, Williams does not count as a complex deceptionist, despite his requirement that a lie must be an assertion.

he argued that a lie is an untruthful assertion that is aimed at deception. To this he added the complex deceptionist condition, which he credited to Simpson, about “*how the liar intends his asserting to deceive the hearer*” (Faulkner 2007: 536). The “*liar’s primary intention is to deceive about some matter of fact,*” and the liar “*intends to deceive as to this matter of fact by further deceiving as to his beliefs about it*” (Faulkner 2007: 536). The liar “*aims to accomplish this deception by asserting what he believes to be false*” (Faulkner 2007: 536). This untruthful assertion must be the reason—the sole reason—for the hearer’s being deceived about what the liar believes, and ultimately, for the hearer’s being deceived about the matter of fact. The hearer must be deceived about what the liar believes simply “*because of his telling it*” (Faulkner 2007: 537), that is, *simply on his say-so*. The only way that the untruthful assertion can be the reason for this double deception is if the hearer trusts the liar. “*The liar,*” therefore, “*invokes the audience’s trust*” (Faulkner 2007: 539). Since the liar is being untruthful, it follows that this trust is being betrayed. According to Faulkner, therefore, a lie is an assertion, the content of which the speaker believes to be false, which is made with the intention to deceive the hearer with regard to that content, by means of deceiving the hearer about the speaker’s belief in that content, on the basis of a betrayal of trust in the speaker’s truthfulness.¹⁷

Despite their disagreement over the nature of assertion, therefore, Simpson and Faulkner arrived at a similar complex deceptionist account of lying.

3.9 DECEPTIONISTS AND NON-DECEPTIONISTS ABOUT LYING

All of the philosophers discussed so far had assumed, as Chisholm and Feehan had put it, that “*the intent to deceive is an essential mark of a lie.*” Lies, they held, were necessarily deceptive in intent. That is, they were all deceptionists about lying. At about the same time that Faulkner elaborated the most sophisticated complex deceptionist account of lying, a number of other philosophers were rejecting the assumption that lies are necessarily deceptive in intent. David Simpson had said that the use of ‘lie’ according to which a lie is “*the intentional utterance of an untruth, and need involve no deceptive intentions*” is merely a “*distinct application of the term.*” These philosophers begged to differ. These non-deceptionist philosophers included Thomas Carson, Roy Sorenson, Don Fallis, Jennifer Saul, Andreas Stokke, and Seana Shiffrin.

¹⁷ Faulkner does not consider a case of a liar only attempting to deceive about his belief in the content of his assertion, and not about the content of the assertion itself (as in the case of a crime boss saying to one of his underlings, whom he knows is an FBI informant, “*My organization has no informants.*”) Presumably, he would modify his account of lying, so that the intent to deceive the hearer about his belief in the content of the assertion is sufficient for lying.

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3.10 LIES AS WARRANTED UNTRUTHFUL STATEMENTS

In his article, "The Definition of Lying", and his subsequent book, *Lying and Deception: Theory and Practice*, Thomas Carson argued that it is possible to lie without intending to deceive anyone, and without anticipating deceiving anyone. Carson broke with most previous philosophers writing on lying by avoiding the use of the term 'assertion' in his analysis of lying, saying that this would require "a detailed account of what is meant by 'asserting a proposition'" (Carson 2010: 31). Instead of defining lying in terms of assertion, Carson defined lying in terms of warrant. "If one warrants the truth of a statement," he said, "one promises or guarantees, either explicitly or implicitly, that what one says is true" (Carson 2010: 26). One warrants the truth of a statement, first, by making the statement in a certain context, namely, a context that makes it the case that one is promising or guaranteeing that what one says is true, and second, by not taking oneself to be not in that context.¹⁸ Everyday discourse, for example, was such a warranting context. If one made a statement in the context of everyday discourse, and if one did not take oneself to not be in that context, then this made it the case that one was promising or guaranteeing that what one said was true.

To lie was to warrant the truth of a statement when one did not believe the statement to be true, because one believed it to be false, or probably false, or because one simply did not believe it to be true. That is, to lie was to make a statement that one did not believe to be true, in a context that made it the case that one was promising or guaranteeing that one's statement was true, where one did not take oneself to be not promising or guaranteeing that one's statement is true. As Carson defined lying:

A person S tells a lie to another person S₁ iff: 1. S makes a false statement X to S₁, 2. S believes that X is false or probably false (or, alternatively, S does not believe that X is true), 3. S states X in a context in which S thereby warrants the truth of X to S₁, and 4. S does not take herself to be not warranting the truth of what she says to S₁.

(Carson 2010: 30)

¹⁸ Carson added this clause because he held that even if one is in a context that makes it the case that one is promising or guaranteeing that what one says is true (for example, being on stage at a political convention), if one takes it that one is not in such a context (for example, one mistakenly believes that one is on stage at a comedy festival), so that one takes it that one is not promising or guaranteeing that what one says is true, then one is not warranting that what one says is true. However, as Don Fallis has argued (Fallis 2009: 48), this condition makes the actual context irrelevant to whether or not one is warranting. It seems that so long as one takes oneself to be promising or guaranteeing that what one says is true, one is warranting the truth of one's statement. Even if one is on stage at a comedy festival, so long as one takes oneself to be on stage at a political convention, one warrants the truth of one's statement. Hence, one can lie in such a context.

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Because, when one lies, one is promising or guaranteeing that what one says is true, while not believing that what one says is true, every lie is a betrayal of trust: "To lie, on my view, is to invite others to trust and rely on what one says by warranting its truth, but, at the same time, to betray that trust by making false statements that one does not believe" (Carson 2010: 34). In holding that liars betray trust when they lie, Carson agreed with Chisholm and Feehan, as well as Fried, Simpson, and Faulkner. In holding that not all liars aim to deceive, Carson broke with all of them.

Carson provided two examples of people lying—and hence betraying trust—without intending to deceive. The first example was that of a student, caught cheating on an examination, who is brought in for questioning by the dean. The student knows that the dean's policy is not to punish a student for cheating unless the student admits to cheating. The student makes the untruthful statement 'I did not cheat'. Nevertheless, he does not intend that the dean believe him. As Carson says, if "he is really hard-boiled, he may take pleasure in thinking that the Dean knows he is guilty" (Carson 2010: 21). The second example was that of a witness in a trial who knows that all of the evidence points to the defendant's having committed a murder, and to his having witnessed the murder. The witness believes that if he admits that he witnessed the murder, he will subsequently be killed by the defendant and/or his henchmen. The witness makes an untruthful statement, such as 'I didn't see Marco kill Max'. Nevertheless, he does not intend that anyone believe his testimony (not the jury, the judge, the lawyers, the journalists covering the trial, the people in the gallery, the readers of the newspaper reports, etc.). In both of these cases, according to Carson, the speaker was making an untruthful statement in a context that made it the case that he was promising or guaranteeing that what he said was true. Hence, in both of these cases, the speaker was lying, and hence betraying trust, even though he did not intend to deceive anyone.

Carson had objected that "Chisholm and Feehan's definition has the very odd and unacceptable result that a notoriously dishonest person cannot lie to people who he knows distrust him" (Carson 2010: 23). But his own definition of lying had the same result. "In the US," as he said, "it is common and often a matter of course for people to deliberately misstate their bargaining positions during negotiations . . . Suppose that two 'hardened' cynical negotiators who routinely misstate their intentions, and do not object when others do this to them, negotiate with each other. Each person recognizes that the other party is a cynical negotiator, and each is aware of the fact that the other party knows this. In this sort of case, statements about one's minimum or maximum price are not warranted to be true" (Carson 2010: 191). In such a context, one negotiator cannot lie to the other negotiator, because he cannot warrant the truth of his statement. He cannot warrant the truth of his statement because he believes that the other negotiator believes that he is a "cynical negotiator" who "routinely misstate[s]" his intentions. As his example reveals, it is a condition for believing that one is in a warranting context—which is actually both necessary and sufficient for warranting the truth of one's statement¹⁹—that one

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does not believe that one's audience believes that one is making false statements. Hence, it is a condition for lying that one not believe that one's audience believes that one is making false statements.

Given that Carson's definition has the same result as Chisholm and Feehan's definition when it comes to distrustful audiences (which might be expected, given their influence on his own definition), it can be argued that both of Carson's examples of non-deceptive 'lies' are not lies, by his own definition. The student cannot warrant the truth of his statement, because he believes that the dean believes that he cheated. Similarly, the witness in the courtroom cannot warrant the truth of his statement, because he believes that the jury (etc.) believes that he witnessed the crime. Neither the student nor the witness is lying, by Carson's own definition.

In her book, *Lying, Misleading, and What is Said*, Jennifer Saul agreed with Carson that the student and the witness were lying in the two examples. She defended a modified version of Carson's definition of lying according to which one was lying when one made an untruthful statement in what one believed was a context that warranted the truth of one's statement:

If the speaker is not the victim of linguistic error/malapropism or using metaphor, hyperbole, or irony, then they lie iff (1) they say that P; (2) they believe P to be false; (3) they take themselves to be in a warranting context.

(Saul 2012a: 3)

Saul's definition of lying is essentially the same as Carson's, however, and has the same problem. Saul considered the case of speakers being required to make untruthful statements about supporting the government in a totalitarian state, and concluded that they were not lies: "This is the case of utterances demanded by a totalitarian state. These utterances of sentences supporting the state are made by people who don't believe them, to people who don't believe them. Everyone knows that false things are being said, and that they are being said only because they are required by the state . . . It seems somewhat reasonable to suggest that, since everyone is forced to make these false utterances, and everyone knows they are false, they cease to be genuine lies" (Saul 2012a: 9). She later added about this case that such untruthful statements were not warranted: "The people living in a totalitarian state, making pro-state utterances, are a trickier case (which they should be). Whether or not their utterances are made in contexts where a warrant of truth is present is not at all clear" (Saul 2012a: 11). From what Saul says about this case, if a speaker is making an untruthful statement to a hearer, and the speaker believes that the hearer believes that the speaker is not making truthful statements ("Everyone knows that false things are being said"), then it follows that the speaker does not believe that she is in a context that warrants the truth of her statement. Since she does not believe that she is in a warranting context, she is not lying if she makes untruthful statements in such a context. But in the case of both the student and the witness, the statements are "made by people who don't believe them, to people who don't believe them," and "Everyone knows that false things are being said." Hence, neither is in a warranting context. It

follows that neither is lying, according to her own definition. These results should not be surprising, given how indebted her definition was to Carson's definition of lying, which was indebted to Chisholm and Feehan's definition of lying, which had the same result.²⁰

3.11 NON-DECEPTIVE UNTRUTHFUL ASSERTIONS AS LIES

While the first group of non-deceptionists maintained some continuity with Chisholm and Feehan, the second group of non-deceptionist philosophers made a clean break. In addition to holding that liars did not necessarily intend to deceive, they held that liars did not necessarily betray trust, either. Although they considered lies to be, simply, untruthful assertions, they agreed with Williams that assertions did not necessarily aim at causing belief. These philosophers were the most extreme non-deceptionists about lying.

In his article "Bald-Faced Lies! Lying Without The Intent To Deceive", Roy Sorensen (2007) rejected Carson's definition of lying because it had the result that a speaker cannot lie when the falsity of what the speaker is stating is common knowledge to the speaker and the listener (as his own example of the cynical negotiators later revealed). According to Sorensen, a negotiator who has told "a falsehood that will lead to better coordination between buyer and seller" (Sorensen 2007: 262) has told a lie, even if he believed that his audience believed that he was being untruthful. This lie was a "bald-faced" lie.

According to Sorensen, "Lying is just asserting what one does not believe" (Sorensen 2007: 256). He differentiated between assertions and mere statements on the basis of what he called "narrow plausibility": "To qualify as an assertion, a lie must have narrow plausibility. Thus, someone who only had access to the assertion might believe it. This is the grain of truth behind 'Lying requires the intention to deceive.' Bald-faced lies show that assertions do not need to meet a requirement of wide plausibility, that is, credibility relative to one's total evidence" (Sorensen 2007: 255). It remains completely unclear what counts as an assertion having "narrow plausibility," however, such that "someone who only had access to the assertion might believe it." Sorensen provided, as examples of untruthful assertions, and hence lies, the servant of a maestro telling an unwanted female phone caller that the piano music she hears over the phone is not the sound of the maestro playing but merely the sound of the servant "dusting the piano keys," and a doctor in an Iraqi hospital during the Iraq war telling a journalist who can plainly

²⁰ Another objection that has been made is that "These cases involve speech acts which are to varying degrees coerced," and "Coerced speech acts are not genuinely assertoric" (Leland 2015: 552). Although Carson does not define lying in terms of assertion, it can be argued that when one is coerced into making a statement, one does not warrant the truth of one's statement. Even if this objection were successful, though, it would leave intact examples of putative non-deceptive lies that are not coerced speech acts.

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see military uniforms in the hospital wards, "I see no uniforms" (Sorensen 2007: 253). The claim that these are assertions may be rejected, it seems. The first 'assertion' by the servant that the piano music is simply the sound of him dusting the piano keys could be understood as a statement politely conveying to the caller that the maestro does not want to talk to her (and requiring her to stop asking questions), and the second 'assertion' by the doctor that he sees no uniforms could be understood as a refusal by a doctor to go on record about there being any injured Iraqi troops in the hospital. It is hard to disagree with the objection that "Sorensen does not offer a definition of asserting a proposition (with necessary and sufficient conditions) ... To the extent that he does not fully analyze the concept of assertion, Sorensen's definition of lying is unclear" (Carson 2010: 36).

In his article "What is Lying?" Don Fallis also held that lies were simply untruthful assertions: "you lie when you *assert* something that you believe to be false" (Fallis 2009: 33). According to Fallis, you asserted something when you made a statement and you believed that you were in a context in which the Gricean norm of conversation, 'Do not say what you believe to be false', was in effect (see Grice 1989c). To lie was to make an untruthful statement when you believed that you were in such a context. In response to counterexamples to this definition (see Pruss 2012; Faulkner 2013; Stokke 2013a), Fallis revised his definition of lying, and defined lying as making an untruthful statement while believing that you were in a context in which there was a norm of conversation against communicating something that you believed to be false, where you intended to violate that norm by making your untruthful statement:

You lie if and only if you say that p , you believe that p is false (or at least that p will be false if you succeed in communicating that p), and you intend to violate the norm of conversation against communicating something false by communicating that p .

(Fallis 2012: 569)

To refer to one of his own examples, in the case of a guilty witness, Tony, against whom there is overwhelming evidence, and who says 'I did not do it', without the intention that anyone believe him, Tony does intend to violate the norm of conversation against communicating something that he believes to be false (i.e., that he did not do it) by saying 'I did not do it'. He intends to communicate something that he believes to be false with his untruthful statement. He lies. Nevertheless, he does not intend that anyone believe this. Hence, he does not intend to deceive anyone with his lie.

Against Fallis, it is possible to argue that Tony does not intend to communicate something that he believes to be false when he says on the witness stand, 'I did not do it'. If this is so, then Tony is not lying, by Fallis's own definition. Fallis has rejected the claim that non-deceptive liars do not intend to communicate what they believe to be false: "Bald-faced liars might want to communicate something true. For instance, Tony may be trying to communicate to the police that that they will never convict him. But that does not mean that he does not also intend to communicate something false in violation of the norm. He wants what he actually said to be understood and accepted for purposes

of the conversation. It is not as if 'I did not do it' is simply a euphemism for 'You'll never take me alive, coppers!'" (Fallis 2012: 572 n. 24). But in the case of polite untruths, such as "Madam is not at home," it can be argued that the untruthful statement is simply a euphemism: "For example, the words 'She is not at home,' delivered by a servant or a relative at the door, have become a mere euphemism for indisposition or disinclination" (Isenberg 1964: 256). In the case of polite untruths, there is no intent to communicate something that is believed to be false. Indeed, there may well be an intention to communicate something that is believed to be true, as is the case with irony (see Dynel 2011a: 151). If this is correct, then it is possible that non-deceptive 'liars' like Tony do not intend to communicate anything that they believe to be false with their untruthful statements (and may even intend to communicate something believed true). If so, they are not lying, according to Fallis's definition.

In his article "Lying and Asserting," Andreas Stokke, like Sorensen and Fallis before him, defended the view that lies were simply untruthful assertions: "you lie when you assert something you believe to be false" (Stokke 2013a: 33). According to Stokke, to "assert that p is to say that p and thereby propose that p become common ground" (Stokke 2013a: 47). A proposition, p , becomes common ground in a group "if all members accept (for the purpose of the conversation) that p , and all believe that all believe that all accept that p , etc." (Stokke 2013a: 716).²¹ Stokke thus defined lying as follows:

S lies to X if and only if: ... S says that p to X , and ... S proposes that p become common ground, and ... S believes that p is false.

(Stokke 2013a: 49)

In the case of a speaker who makes an ironic untruthful statement (e.g., Marc Antony saying, 'Brutus is an honorable man'), the speaker does not propose that the proposition that is disbelieved become common ground. In the case of a speaker who makes an untruthful assertion with the intent to deceive (a deceptive liar), the speaker does propose that the disbelieved proposition become common ground (e.g., a homeowner hiding an innocent friend at his house by saying, 'He is not at home right now'). However, in the case of a speaker who makes an untruthful assertion without the intent to deceive, the speaker also proposes that the disbelieved proposition become common ground (e.g., the student telling the dean, "I did not cheat" (Stokke 2013a: 52)). This person is therefore also a liar, albeit a non-deceptive one. The fact that in the case of a non-deceptive lie it is common knowledge that the speaker disbelieves what he is saying does not change the fact that the speaker is proposing that the disbelieved proposition become common ground. Even if the believed truth is common ground before the non-deceptive liar proposes that the believed falsehood become common ground, it is still the case that the non-deceptive liar is proposing to "update the common

ground with her utterance and the dean, "The student did not plagiarize" (Stokke 2013a: 52)).

It can be argued that such propositions can become common ground even if they fail to be assertions, as in the case of Stokke's example. Stokke follows Robert Stalnaker if all members accept that ϕ , and all believe that all accept that ϕ , and all believe that all believe that all accept that ϕ , etc. (Stokke 2013a: 716). To propose that it be accepted is weaker than being believed for the purpose of the conversation. Stokke provides an example of this: a man drinking a martini for the purpose of the conversation is in fact drinking Peperoni. The man's straightforward response that he is drinking a martini is irrelevant to the conversation. The man is not at issue—the referee might decide to ignore the man's proposal for the purpose of the conversation with a distracted referee. A case in which both parties believe the other is drinking a martini, and mutually recognize that the other is drinking a martini, will be rational if accepted. The man's proposal "I am drinking a martini" is mutually accepted for the purpose of the conversation, and the man can consist of pre-empting the man's pre-empting, then pre-empting the man's pre-empting. If a non-deceptive liar proposes that the believed falsehood become common ground, for the purpose of the conversation, the man's proposal will hence fail to be lies, and

²¹ Stokke is here quoting Robert Stalnaker (see Stalnaker 2002: 716).

²² For another argument for genuine instances of assertions, see Stalnaker (2002: 716).

ground with her utterance" (Stokke 2013a: 54). For example, in the case of the student and the dean, "The student wants herself and the Dean to mutually accept that [she] did not plagiarize" (Stokke 2013a: 54).

It can be argued that Stokke's account of assertion as proposing that something become common ground is too weak to count as assertion, and that non-deceptive 'lies' fail to be assertions, and hence, fail to be lies, according to his own definition of lying. Stokke follows Robert Stalnaker in holding that "It is common ground that ϕ in a group if all members *accept* (for the purpose of the conversation) that ϕ , and all *believe* that all accept that ϕ , and all *believe* that all believe that all accept that p , etc." (Stalnaker 2002: 716). To propose that a proposition become common ground, therefore, is to propose that it be accepted, for the purpose of the conversation, where being accepted is weaker than being believed. What does it mean for someone to accept a proposition, for the purpose of the conversation, without believing that proposition? Stalnaker provides an example of someone, Bob, accepting a proposition, but not believing it, for the purpose of the conversation: "Alice, talking to Bob at a cocktail party, says, 'the man drinking a martini is a philosopher,' intending to refer to a man that Bob knows is in fact drinking Perrier from a cocktail glass.... How should he respond? The most straightforward response would be for Bob to correct Alice... But if the false proposition is irrelevant to the purposes of the conversation (the man's drinking habits are not at issue—the reference to the alleged martini was just a way to identify him), Bob might decide to ignore the matter, tacitly *accepting* what Alice is manifestly presupposing for the purpose of facilitating communication without disrupting the conversation with a distracting correction." (Stalnaker 2002: 717–18). Stalnaker also imagines a case in which both Alice and Bob mutually recognize that the same proposition is false, and mutually recognize that they are accepting the falsehood, for the purpose of the conversation: "Or perhaps it is mutually recognized that it is not a martini, but mutually recognized that both parties are *accepting* that it is a martini. The pretense will be rational if accepting the false presupposition is an efficient way to communicate something true—information about the man who is falsely presupposed to be the man drinking a martini" (Stalnaker 2002: 718). Stalnaker's characterization of two people mutually accepting a proposition that they both believe to be false, for the purpose of the conversation, as a "pretense," would seem to entail that accepting a proposition can consist of pretending. If to propose that a proposition be accepted can consist of pretending, then proposing that a proposition be accepted is too weak to count as assertion. If a non-deceptive 'liar' is proposing that her disbelieved proposition become common ground, and if this means that she is proposing that it be accepted, for the purpose of the conversation, in the sense of *pretending*, then this falls short of asserting the proposition. If this is correct, then non-deceptive 'lies' fail to be assertions, and hence fail to be lies, according to Stokke's own definition of lying.²²

²² For another argument that bald-faced lies are not genuine instances of lying because they are not genuine instances of assertion, see Keiser (2016).

Non-deceptionists, despite agreeing that there can be non-deceptive lies, have continued to disagree with each other about how to define lying, and arguably have yet to come up with a satisfactory definition of lying. Even if there can be non-deceptive lies, their conflicting definitions of lying have failed to capture them, it seems.

3.12 LIES AS VIOLATIONS OF MORAL NORMS

Despite their many disagreements, philosophers writing on lying—both deceptionists and non-deceptionists—were united in providing purely *descriptive* accounts of lying. According to all of them, a person is lying purely in virtue of certain descriptive facts about the person, such as what the person states, believes, and intends. In his book *Speech and Morality*, Terence Cuneo rejected all descriptive accounts of lying. Instead, he argued in favor of a *normative* account of lying, derived from the normative theory of speech acts (see Searle 1969; Wolterstorff 1995; Alston 2000). According to Cuneo, a person is lying in virtue of certain normative facts, including certain moral facts. More specifically, a person is lying if and only if she is in violation of certain norms, including certain moral norms. A person is lying if and only if she is rightly subject to moral “admonishment, or blame,” and not merely factual correction (as in the case of an honest mistake), when “things are not as [she] present[s] them” (Cuneo 2015: 222). Or, to be more precise, a person lies when she is subject to moral admonishment or blame for presenting things as other than she believes them to be. If a person presents things as other than she believes them to be, and she is not rightly subject to moral admonishment or blame, then she is not lying—perhaps she is telling a joke, or being ironic, or speaking on stage, or testing a microphone, or writing a novel, etc. But if a person presents things as other than she believes them to be, and she is rightly subject to moral admonishment or blame, then she is lying. On this account, if the student with the dean, or the witness in court, is rightly subject to moral admonishment or blame for presenting things as other than he believes them to be (as opposed to being rightly subject to blame for obstructing justice, etc.), then he is lying; but if he is not rightly subject to moral admonishment or blame for presenting things as other than he believes them to be, then he is not lying.

One problem with this account of lying is that it seems to rule out the possibility of what Fried considered “justified” (Fried 1978: 55n1) lying, that is, lying that is not subject to moral admonishment or blame because it is morally permissible (whether optional or even obligatory, as in the case of the murderer/Nazi at the door). A greater problem is that, in order to avoid circularity, it must provide a purely descriptive account of lying. On this account, one is lying if and only if one is rightly subject to moral admonishment or blame for presenting things as other than as one believes them to be. But ‘presenting things as other than one believes them to be’ needs to be spelled out. It does not mean telling jokes, writing novels, etc. A purely descriptive account of ‘presenting things as other than one believes them to be’ that rules out

jokes, writing novels, in my acquaintances’ account of ‘presenting wrong things and rule what is a lie.

3.13]

In addition to providing why lying is morally wrong because it was considered wrong of intending to due care not to cause a violation, or omission” (Sh between lying and other but intentionally misled Zeckhauser 2009)), relationship” (Saul 2012a: relationship had ended, Kant’s lectures: “I may when I am not, “and draw” (see Chisholm

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jokes, writing novels, etc., and that rules in “There was no impropriety whatsoever in my acquaintanceship with Miss Keeler,” etc. is required. But a purely descriptive account of ‘presenting things as other than one believes them to be’ that rules out the wrong things and rules in the right things is precisely a purely descriptive account of what is a lie.

3.13 THE DOUBLE WRONG OF LYING

In addition to providing definitions of lying, philosophers have attempted to explain why lying is morally wrong. Traditionally, lying was viewed as morally wrong simply because it was considered a species of intended deception. The wrong of lying was the wrong of intending to deceive, that is, the wrong of intending to violate “a duty to take due care not to cause another to form false beliefs based on one’s behavior, communication, or omission” (Shiffrin 2014: 22). This view did not seem to adequately differentiate between lying and other forms of intended deception. These included making truthful but intentionally misleading assertions (otherwise known as palter (see Schauer and Zeckhauser 2009)), such as President Bill Clinton’s palter “There is no improper relationship” (Saul 2012a: 89), which was truthful, albeit misleading, since the improper relationship had ended, as well as non-linguistic deceptive acts, such as the example from Kant’s lectures: “I may, for instance, wish people to think that I am off on a journey,” when I am not, “and so I pack my luggage: people draw the conclusion I want them to draw” (see Chisholm and Feehan 1977: 149).

Chisholm and Feehan held that lying was morally wrong for a reason that was distinct from, and in addition to, its being a species of intended deception: “their view [is] that there is a *sui generis* wrongness in lying which consists in its abuse of assertion” (Newey 1997: 116 n. 12). Assertions work by getting people to believe things on the basis of trust or faith on the part of the listener that the speaker is being truthful. Since lies are assertions, the liar intends to deceive on the basis of this trust or faith on the part of the listener that the he is being truthful: “in telling the lie, the liar ‘gives an indication that he is expressing his own opinion.’” And he does this in a special way—by getting his victim to place his faith in him” (Chisholm and Feehan 1997: 149). It follows that every lie was a breach or betrayal of this trust or faith on the part of the listener that the liar is being truthful: “Lying, unlike the other types of deception, is essentially a breach of faith” (Chisholm and Feehan 1997: 153). When I make an assertion to another person, as opposed to telling a joke or making an ironic statement, then, because I am making an assertion, the other person has the right to expect truthfulness from me. He has the right to expect me to say what I believe. Since lies were assertions, the liar knowingly violated this right of the listener:

It is assumed that, if a person *L* asserts a proposition *p* to another person *D*, then *D* has the right to expect that *L* himself believes *p*. And it is assumed that *L* knows, or at

least that he ought to know, that, if he asserts p to D , while believing himself that p is not true, then he violates this right of D 's.

(Chisholm and Feehan 1977: 153)

It followed from this that every lie, in addition to being an attempt (which may or may not succeed) at deceiving the listener about what the liar believes—and, normally, an attempt at deceiving the listener about some matter—was also an *actual* betrayal of trust. Every lie was an actual violation of the right of the listener to expect to get truthfulness from the speaker, given that the speaker was asserting. Even if the lie failed to deceive, because the listener saw through it, the lie was nevertheless a betrayal of trust, a violation of a listener's right.

In this respect, Chisholm and Feehan held a position on the moral wrongness of lying that was similar to that of W. D. Ross earlier in the century, who held that the prohibition against lying stems from both "considerations of fidelity and non-maleficence" (Stratton-Lake 2002: xxxvi).²³ According to Ross, in addition to being an attempt to deceive, "the telling of a lie is always a breach of promise" (Ross 1939: 113), specifically, the promise to be truthful, which is implicit in the act of making an assertion: "the implicit undertaking not to tell lies which seems to be implied in the act of entering into conversation (at any rate by civilized men)" (Ross 2002: 21). What has been said about Ross could just as well have been said about Chisholm and Feehan: "This nicely explains why lying is other things equal more seriously wrong than deception that does not involve lying, such as intentionally leaving misleading evidence for someone ... or making true but incomplete statements in the hope of inducing him to draw a false conclusion: to the prima facie wrong in deception it adds the further wrong [of betraying trust]" (Hurka 2015: 188). David Simpson's development of their view was simply to argue that in lying, the moral wrong of deception (both about what I believe and about some matter) was to be achieved by means of the moral wrong of betraying trust. One moral wrong was to be achieved by means of the other moral wrong. In this way, Faulkner can be said to have agreed with Simpson about the double moral wrongness of lying. In making an assertion that p to someone, "a speaker ... invites trust in the affective sense" (Faulkner 2007: 554). The "audience, who affectively trusts a speaker, comes to construe the speaker's intention that [the audience] believe that p as the assumption of a certain responsibility" (Faulkner 2007: 554). The audience's affective trust provides the speaker with an opportunity "of being trustworthy and demonstrating shared values, and it does so because acting otherwise will provoke that resentment characteristic of a let down in trust" (Faulkner 2007: 554). The presumption is that 'the trusted' (the speaker) will be moved

²³ As David McNaughton says, "Ross later gives a similar account of the duty not to lie. He claims that this duty ... stems from two of the basic duties on his list: those of non-maleficence and fidelity. To lie to someone is (normally) to do an injury to that person (and perhaps to others). In addition, Ross holds that communication standardly presupposes an implicit mutual undertaking by all parties that they will use language to convey their real opinions. In such cases, to lie is to breach this implicit promise" (McNaughton 1996: 436).

by this trust on the part of the audience to make this presumption. What explains the strength of this presumption is then that the audience, by trusting the speaker, had not done otherwise.

While complex deceptions such as those of Faulkner were able to deceive, deceptionists such as Ross and Strawson were wrong of betraying trust, as such involved a breach of trust. The telling of lies—non-deceptive lies—by non-deceptionists has a special set of truths and values, namely, assertion, or the opening of new avenues into the common world of knowledge (Shiffrin 2014: 23).

3.1 BETRAYAL

Traditionally, philosophers have distinguished all other forms of intention from lying (see Adler 1997). Lying (Profumo's "The Keeler") was morally wrong because it involved making 'false impressions' which implicitly implicated belief. At least on the assumption that all lies are false, lies.²⁴ Even those who are *paribus*, deceptive lies are morally wrong. Philosophers have distinguished (deceptive) lying from lying without intending deception.

²⁴ For an argument that

by this trust on the part of 'the trusting' (the audience). The liar "both invites the audience to make this presumption and threatens resentment if the audience does not do so. What explains the strength of an audience's resentment on discovering that he has been lied to is then that the lie denies a presumption of relationship with the speaker which the speaker invited the audience to make and would have seemingly resented if [the audience] had not done so" (Faulkner 2007: 556).

While complex deceptionists such as Chisholm and Feehan and Simpson and Faulkner were able to argue that all lying involves a double moral wrong, even non-deceptionists such as Carson were able to argue that all lying involves the single moral wrong of betraying trust. Only the extreme non-deceptionists, who denied that lying as such involved a betrayal a trust, were led to the conclusion that a certain subset of lies—non-deceptive lies—were "morally neutral" (Sorensen 2007: 263). Other non-deceptionists have rejected their position and argued that all lying, even non-deceptive lying, involves the moral wrong of depriving us of "a reliable access to a crucial set of truths and a reliable way to sort the true from the false" (Shiffrin 2014: 23), namely, assertion, or testimony. There are "no alternative, precise, and authoritative avenues into the contents of each other's minds; there is only testimony. To use this avenue of knowledge for a contrary purpose is to render it unreliable and to taint it" (Shiffrin 2014: 23).

3.14 THE MORAL ASYMMETRY BETWEEN LYING AND MISLEADING

Traditionally, philosophers accepted that, *ceteris paribus*, lying is morally worse than all other forms of intentional deception, including all other forms of linguistic deception (see Adler 1997). In particular, they held that intending to deceive by means of lying (Profumo's "There was no impropriety whatsoever in my acquaintance with Miss Keeler") was morally worse than intending to deceive by means of paltering, including making 'false implicatures,' that is, making truthful assertions that conversationally implicated believed untruths (Clinton's "There is no improper relationship"), at least on the assumption that the latter acts of intended linguistic deception were not lies.²⁴ Even those who believed in the existence of non-deceptive lies held that, *ceteris paribus*, deceptive lies were morally worse than all other forms of linguistic deception. Philosophers held this view at least in part because most accepted that that (deceptive) lying involved a double moral wrong of intending deception and betraying trust, whereas other forms of linguistic deception involved merely the moral wrong of intending deception.

²⁴ For an argument that false implicatures are lies, see Meibauer (2014a).

Recently, the assumption that there is a moral asymmetry between lying and intending to mislead by means of truthful assertion, and that lying is the morally worse of the two types of act, has come under attack. Jennifer Saul has argued that misleading is just as much a betrayal of trust as (deceptive) lying.²⁵ She “rejects a general moral preference for misleading over lying” (Saul 2012a: 86). Both lying and misleading aim at deception, and both, equally, betray trust, she argues. That is, both lying and misleading involve an equal double moral wrong.

Saul’s argument for a moral symmetry between deceptive lying and misleading, due to the equal double moral wrong of both, has not found a supporter to date. Some have rejected the argument that both lying and misleading equally betray trust. Jonathan Webber has argued that “lying damages both credibility in assertion and credibility in implicature, whereas misleading damages only credibility in implicatures” (Webber 2013: 651). Someone who lies, and who (obviously) cannot be trusted not to lie, cannot be trusted not to mislead, either, and hence, cannot be trusted at all, but someone who (only) misleads can be trusted not to lie, and hence, can be trusted to some extent. This alone “justifies society in reserving a more severe opprobrium for lying than is to be employed in response to misleading. An act that damages an informant’s credibility across the board is considerably more detrimental to our collective needs as an epistemic community than is an act that only damages the credibility of that informant’s conversational implicatures” (Webber 2013: 654). Others have rejected the moral symmetry between deceptive lying and misleading for the opposite reason, arguing that misleading involves an even greater betrayal of trust than lying. Clea Rees has argued that “mere deliberate misleading is generally a more serious moral wrong than is lying” (Rees 2014: 64). The reason for this is that “Whereas the liar exploits only the minimal trust involved in assuming others’ assertions to be honest,” the misleader exploits the “goodwill” required on the part of her audience “that her deceiver is cooperating with her in furthering shared conversational ends,” and that “her deceiver’s false conversational implicatures are thus as trustworthy as her assertions” (Rees 2014: 62). The misleader “requires the deceived to participate more actively in her own deception and relies to a much greater extent on her willingness to cooperate with and trust her deceiver” (Rees 2014: 60). Hence, the misleader “uses the deceived in an epistemically and morally objectionable way that the liar does not” (Rees 2014: 62). While the liar and the misleader both aim to deceive, misleading is a greater betrayal of trust than lying, and hence, misleading is morally worse than lying.²⁶

²⁵ Saul allows for the possibility of non-deceptive as well as deceptive lying, but her argument is for the moral parity between deceptive lying and misleading.

²⁶ Although she does not make the same argument as Rees, Seana Shiffrin has argued that “indirect deception may in some cases be more manipulative and disrespectful of another’s will than the lie, because the indirect deceiver’s effort to influence another’s mind is opaque” (Shiffrin 2014: 22).

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3.15 CONCLUSION

This chapter has focused on the analytical questions of how lying is to be defined and whether lying involves an intent to deceive, and the moral questions of why lying is morally wrong and whether lying is morally worse than other forms of deception. It has shown that over the last fifty years, and especially over the last fifteen years, philosophers have given different answers to all of these questions, and have come to disagree about the most fundamental issues concerning lying. These lines drawn in the sand seem to be in no danger of being erased anytime soon.

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