Saying, commitment, and the lying – misleading distinction

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Introduction

How can we capture the intuitive distinction between *lying* and *merely misleading*?[1] According to a traditional view,[2] the difference boils down to whether the speaker *says* – as opposed to *merely implies* – something that they believe to be false.[3] Consider this classic example:[4]

> DYING WOMAN
> A dying woman asks a doctor whether her son is well. The doctor saw the son yesterday, when he was fine, but knows that he was killed shortly afterwards. The doctor wants to spare the dying woman the news of her son's death. She utters:
>   *Version A:* (1) He's fine.
>   *Version B:* (2) I saw him yesterday and he was fine

In version A, the doctor lies: he *says* something he believes to be false, namely that the son is fine. By contrast, in version B the doctor is merely misleading, because he *does not say* that the son is fine: he says that he *was* fine, and merely implies that he still is. On the basis of examples of this sort, it is often argued that the difference between lying and misleading is grounded in the difference between saying and merely implicating.

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[1] There is a debate on whether lying is always morally worse than merely misleading, but our interest here is primarily in what the lying-misleading distinction consists in. For a general overview, see Jennifer Saul, *Lying, Misleading, & What is Said: An Exploration in Philosophy of Language and in Ethics* (Oxford: Oxford University Press, 2012).

[2] Saul, ibid; Andreas Stokke, *Lying and Insincerity* (Oxford: Oxford University Press, 2018); Jonathan Adler "Lying, Deceiving, or Falsely Implicating". *Journal of Philosophy* 94, 9 (1997): 435–52.

[3] Some would add: with the intent to deceive. Whether intended deception is required for lying is only tangential to our discussion. In what follows, we will simply assume that in every example the speaker has a deceptive intent, without taking a stance on whether lying requires attempted deception. For an overview, Don Fallis. "What is Deceptive Lying?". In Michaelson, Eliot and Andreas Stokke, *Lying. Language, Knowledge, Ethics, and Politics*, 25-42. (Oxford University Press, 2018).

[4] Emanuel Viebahn, "The lying-misleading distinction: a commitment-based approach", *The Journal of Philosophy* 118, 6 (2021): 289–319.

In a series of recent papers,[5] Emmanuel Viebahn has challenged this intuitive picture, arguing that the traditional view is subject to several counterexamples, such as the following:

> TOMATOES
> Ada is a keen gardener but has had an exceptionally bad crop of tomatoes. Ada wants Bill to think that her crop was in fact great, so when she meets Bill and he asks how her crop of tomatoes has been, she utters:
>> (3) I've got tomatoes coming out of my ears.
>> *Implicature*: I've had a great crop

> MERCEDES
> Harry wants Rosa to think that his friend John is wealthy. In fact, John is not wealthy and does not own a car, as Harry knows very well. Harry asks Rosa:
>> (4) Did you know that John owns a Mercedes?
>> *Presupposition*: John owns a Mercedes

According to Viebahn, Ada and Harry did not just mislead: they both lied – since both communicated, in a rather unequivocal way, something that they believe to be false. Not everyone will share this intuition, but let us concede it for the sake of the argument. If (3) and (4) are genuine lies ("non-literal lies", as Viebahn calls them),[6] the traditional, says-based conception of the lying-misleading distinction is inaccurate, for it incorrectly classifies them as merely misleading.[7]

What, then, could ground the lying-misleading distinction? Viebahn suggests that whether one lies depends on whether the speaker is committed to knowing the relevant proposition. He defines lying as follows:

> (VD) VIEBAHN'S DEFINITION
> A lies to B if and only if there is a proposition p such that:
> (L1) A performs a communicative act C with p as content;
> (L2) with C, A intends to communicate p to B;
> (L3) with C, A commits herself to p; and
> (L4) A believes that p is false.

Within this definition, it is condition L3 that is meant to play the role of differentiating between cases of lying and cases of merely misleading. Viebahn expounds L3 as follows:

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[5] Emanuel Viebahn, ibid.; "Non-literal lies," *Erkenntnis* 82, 6 (2017): 1367–1380; "Lying with Presuppositions," *Noûs*, LIV, 3 (2020): 731–751.
[6] Viebahn reserves the term 'non-literal lies' for lies conveyed by implicature, not including presuppositional lies. For ease of exposition, we will use 'non-literal lies' to refer to both.
[7] Viebahn considers several other examples, suggesting that we can lie with presuppositions, irony, loose talk, questions and perhaps even pictures. See Viebahn, "Non-literal lies"; "Lying with Presuppositions"; "Lying with pictures." *The British Journal of Aesthetics* 59, 3 (2019): 243-257.

> (Comm) COMMITMENT IN LYING:
> In performing a communicative act C with a proposition p as content, a speaker A commits herself to p (in the sense relevant for the lying-misleading distinction) iff A cannot *consistently* dismiss an audience challenge in response to C to defend (or justify) that she knows p.[8]

According to this view, the reason why the doctor's statement in version B ("I saw him yesterday and he was fine) is merely misleading is not that the doctor has implied (rather than said) that the son is still fine today. What matters is rather that the doctor is not *committed* to the claim that the son is fine. If challenged (e.g. "Do you know for sure that he is fine today?), the doctor may consistently dismiss the question by replying: "I only claimed that he was good *yesterday*. I never claimed that he is fine *today*". According to (Comm), this means that the doctor is not committed to the relevant proposition, and so is not lying. The same cannot be said of the doctor in Version A, who could not *consistently* dismiss the challenge in this way: he is committed to p, and therefore lying (since L1, L2 and L4 are also met *ex hypothesi*).

Crucially, unlike traditional says-based views, VD classifies "non-literal lies" as lies.[9] Take the Tomatoes example. If we challenge Ada the farmer by asking "Did you really have a good crop of tomatoes?", Ada cannot consistently deny that she meant to claim that she had a good crop. According to Viebahn, if Ada replied: "I never said that I had a good crop, I only said that I had tomatoes coming out of my ears", her reply would not be consistent with her communicative commitments. Therefore, (Comm) is satisfied, and VD classifies her utterance as a lie.

For those who want to classify non-literal lies as lies, Viebahn's definition may seem appealing. However, in this paper we point out some serious problems with this proposal. We will show that, even if one accepts Viebahn's desiderata (namely, that a good definition should capture 'non-literal lies' as lies), VD still fares worse than its predecessors when it comes to differentiating between lying and misleading. We conclude by outlining a simpler and more promising alternative.

I. Commitment and the lying/misleading distinction

I.1 The definition is underdetermined

Viebahn's definition is supposed to provide us with a criterion to systematically distinguish lying from merely attempting to mislead. To achieve its intended goal, the criterion needs to be determinate and informative: it must provide us with a clear method to determine whether an utterance is a lie or if it is merely misleading. It is not obvious, however, that Viebahn's proposed view meets this basic desideratum.

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[8] Viebahn, "The lying-misleading distinction", 307 (our emphasis).
[9] According to Viebahn, at least – we will come back to this point shortly.

To see this, note that according to (Comm), a speaker is committed to *p* if she cannot *consistently dismiss* a challenge to defend that she knows that *p*. Since commitment is what ultimately distinguishes lying from merely misleading (condition L3 in VD), the notion of a 'consistent dismissal' is central to Viebahn's positive proposal. Lacking a precise account of what a consistent dismissal is, VD would not meet the basic desideratum of determinacy.

What is then "a consistent dismissal"? According to Viebahn, it is "a dismissal that does not involve denying that one took on a justificatory responsibility one in fact did take on, and that does not involve denying that one performed a speech act one in fact did perform."[10] More schematically:

> (C) *A dismissal is consistent iff*
>   (i) the speaker denies having taken on a justificatory responsibility JR, and they did not take on JR
>   *or*
>   (ii) the speaker denies having performed the speech act SA, and they did not perform SA

To meet the desiderata identified above (informativeness, determinacy), (C) should clarify under which conditions a speaker can consistently dismiss a challenge. However, (C) only appears to do so. To know whether (i) or (ii) is true, we need to know whether their second conjunct is true (the first conjunct may well be true *ex hypothesi*). But whether the second conjunct is true is what we wanted to explain in the first place. This may not seem obvious, so let us see why.

Whether the second conjunct of (i) is true depends on whether the speaker took on a justificatory responsibility to defend that they know that *p* – in other words, it depends on whether the speaker is committed to knowing *p*. But (C) was supposed to clarify under which condition the speaker is committed to knowing *p*. Rather than clarifying under which conditions the speaker is committed to the proposition, (i) presupposes that we know under which conditions the speaker is so committed. This seems circular, and does not provide us with a clear criterion to determine whether the speaker is committed to the proposition in the sense relevant to VD, against our desiderata.

A similar problem arises for (ii). Whether the second conjunct of (ii) is true depends on whether the speaker has performed the relevant speech act, namely an assertion.[11] But whether the speaker has asserted the relevant proposition is exactly what (C) was meant to establish: condition (C) is meant to rule out utterances that

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[10] "The lying-misleading distinction", 305 (fn 43).

[11] Viebahn specifies that "the notion of commitment in [VD] is to be understood as the commitment in assertion", so that only by denying that you have *asserted* the proposition you can show that you are not committed (in the relevant sense) to the proposition. (Viebahn, "The lying-misleading distinction", 307, cf. also example (16) at p. 305).

are not assertions, and therefore not lies.[12] Since also here the explanans figures in the explanandum, the worry of circularity extends to (ii) too. Plugging (C) into L3 would not give us a systematic criterion to determine whether the speaker is lying or misleading, against our desiderata.

Perhaps Viebahn's definition can be amended to avoid these worries. Condition (i) may be made more determinate by pairing it with an independent criterion to determine if the speaker is indeed committed to respond to adequate challenges, such as the ones defended in the relevant literature by Brandom, MacFarlane, and like-minded authors.[13] But this would not help much, because (C) is disjunctive: it requires that *either* (i) *or* (ii) is satisfied. As long as a disjunct (namely, ii) is underdeterminate, the resulting definition also is. One could drop (ii) to avoid this, but this would leave us with little of Viebahn's original proposal.

All this supports the initial suspicion that (as it is presented) VD is underdetermined: it does not offer, alone, a systematic criterion to differentiate lies from misleading utterances. This is not an insurmountable problem: with substantive amendments, (C) could be made more determinate. As we are about to see, however, these revisions would not lead very far: VD is subject to a wide array of counterexamples, which undermine the very rationale that motivates Viebahn's proposal.

I.2 The definition is too broad

A known objection to commitment accounts of assertion is that they rule in asserted propositions that are merely presupposed, or that are logically entailed, by what the speaker said.[14] Usually, this problem is solved by requiring that the speaker *says* what they assert.[15] This solution is not available to Viebahn, who wants his definition to rule in non-literal lies. By allowing presuppositions to count as lies, VD can accommodate the intuition that Harry's question (4) is a *presuppositional lie* (and not merely misleading).

But there are less desirable side-effects of abandoning the requirement that the

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[12] Viebahn, ibid.

[13] See, for example, Brandom, Robert. *Making It Explicit: Reasoning, Representing, and Discursive Commitment.* (Harvard University Press, 1994), MacFarlane, John. "Epistemic Modalities and Relative Truth" (2003), Shapiro, Lionel. "Commitment Accounts of Assertion". In *The Oxford Handbook of Assertion* (Oxford University Press, 2020), 73–97, and Marsili, Neri, "The Definition of Assertion" (2020). Available at *SSRN.* DOI: 10.2139/ssrn.3711804. Of course, this revision spoils Viebahn's proposal of much of its originality. Insofar as VD is meant to move beyond these views, this solution seems unsatisfying.

[14] Mitchel Green, "Assertions". In: Sbisà, Marina, and Ken Turner (eds.) *Pragmatics of Speech Actions*, Vol. II of the Handbook of Pragmatics (2013); Neri Marsili, "Normative Accounts of Assertion: From Peirce to Williamson, and Back Again." *Rivista Italiana Di Filosofia Del Linguaggio*, 112–30 (2015). Matthew Cull, "When Alston Met Brandom: Defining Assertion." *Rivista Italiana Di Filosofia Del Linguaggio* 13: 36–50 (2019).

[15] For some complications that may nonetheless persist, see Cull, ibid.

speaker says something. One is that now nothing prevents logically entailed propositions from being classified as lies. To illustrate, imagine that Rodrigo tells Anastasia that "P", and that (later in the same conversation) he also says that "P->Q". Rodrigo is now committed to Q too, because what he said so far *entails* Q.[16] But Rodrigo has not asserted that Q, and therefore (even if he believes Q to be false), he cannot possibly have lied by undertaking a commitment to Q. Viebahn's account incorrectly predicts that Rodrigo could lie by undertaking a commitment to Q, since VD does not require that lies must be said.[17]

Illustrating how Q meets the conditions set by VD may help clarify this point. Rodrigo believes that Q is false *ex hypothesi,* and we already saw that he is committed to Q, so conditions (L3) and (L4) are met. A speaker who claims that "P" and that "P->Q" may in principle perform the latter speech act with the intention to communicate that Q is true, so L2 can also be met.[18] As for (L1), we need to keep in mind that Viebahn interprets it very leniently, since he wants to untangle lying from what is said. He specifies that for (L1) "it does not matter how the content is introduced"[19] in the conversation – as long as it is introduced by a communicative act. In our example, the proposition is introduced by a communicative act (Rodrigo's second statement). Hence, also (L1) is met. The result is that VD incorrectly counts Q as a lie.

In response, it could be suggested that a narrower understanding of L1 (or L2) is all we need to rule out these counterexamples.[20] But it is at least doubtful that this kind of revision will do the trick. Presuppositions and logical entailments are connected linguistic phenomena (for example, factive verbs both *presuppose* and *logically entail* that what falls under their scope is true), so that any solution that rules out logical entailments threatens to rule out also presuppositional lies. This is not necessarily

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[16] Green, "Assertions", section 3; Marsili "Normative accounts of Assertion", p.117; Cull "When Alston met Brandom", p.37.

[17] This requirement is included (and the worry avoided) by other commitment-based accounts of lying; see, for example, Marsili. "Lying, Speech Acts, and Commitment". *Synthese*, 2020.

[18] Note that Viebahn interprets this constraint quite loosely, and allows that an "intention to put *p* forward as information" is sufficient for (L2) to be met. See *The Lying-Misleading Distinction,* p. 301.

[19] Viebahn, Ibid.

[20] A referee notes that VD only specifies under which conditions "A lies to B", and takes no stance concerning which proposition A is lying *about.* Presumably, Rodrigo *has* lied about some proposition: since he believes "Q" false, he should believe that either "P" or "P->Q" is false; uttering one of them, he lied. VD's verdict that Rodrigo lied is then correct. While this is a charitable interpretation, we worry that it proves too much. Presumably, a good definition should be able to identify *when* (and *how many times*) a speaker has lied in a given temporal slice. If I lied at t1 but not at t2, a definition that predicts that I lied in both occasions makes an indisputably incorrect prediction. Now, suppose that Rodrigo believes that P is false and that P->Q is true. When Rodrigo asserts P at t1, he lies. Later in the conversation he may utter some other lies, and some other truths. Crucially, however, when at t2 he asserts P->Q, he is not lying. But VD would have it that he lied once again. If we are right that a good definition should be able to determine at which stage of a conversation a speaker lied, VD is still in trouble.

an unsolvable problem, but it is another tough challenge for Viebahn's view – one that is not faced by saying-based accounts.

I.3 The definition is too narrow

Viebahn's definition is also too narrow. A first reason is that speakers are rarely expected to show that they *know* what they assert, as required by (Comm).[21] Commitment accounts are usually phrased in terms of a commitment to the *truth* of a proposition, rather than *knowledge* of the proposition.[22] There is a reason for this. Exceptions aside, conversations aim to settle whether something is the case, not whether each speaker knows that what they said is true.

To illustrate, imagine that Amadeus asserts *that snakes are ovoviviparous,* and Barbie responds that she agrees. Since Barbie agreed that snakes are ovoviviparous, it would be odd[23] for her to proceed to press Amadeus with further questions, and demand that Amadeus now demonstrates that he *knows* (and not merely believes truly) that snakes are ovoviviparous. If Barbie demanded that Amadeus prove that he knows that snakes are ovoviviparous right after agreeing with him that they are, Barbie would be overstepping, and her conversational move would be perceived as odd. This suggests that making an assertion does not automatically commit you to demonstrate (if challenged) that you *know* that what you asserted is true.[24]

More generally, it seems that (exceptions aside) challenges are only available to the audience until it is agreed that *p* is true in the conversation. If this is right, the recipient of an assertoric claim has no *pro tanto* entitlement to demand proof that the speaker *knows* that what they said is true. Viebahn's view then faces a difficulty: it classifies virtually nothing as a lie, since only in exceptional cases (for example, oral exams, high stakes scenarios) assertors are committed to also show that they *know* that what they asserted is true. This, in turn, means that we are rarely committed to

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[21] As a reminder: "a speaker A commits herself to *p* […] iff A cannot consistently dismiss an audience challenge in response to C to defend (or justify) that she *knows* p" (*The Lying-misleading Distinction"*, 307, our emphasis).

[22] Searle, *Speech Acts: An Essay in the Philosophy of Language*; Alston, William P. *Illocutionary Acts and Sentence Meaning* (Cornell University Press, 2000); MacFarlane, John. "What Is Assertion?" In *Assertion: New Philosophical Essays* (Oxford: Oxford University Press, 2011); Marsili, "The Definition of Assertion".

[23] There are some circumstances in which Barbie's reply may not be odd. If Barbie is a teacher interrogating a student, or if Barbie's life depends on settling whether snakes are ovoviviparous, it may be appropriate for her to press Amadeus further. We are not denying here that in *some* contexts the justificatory burden can be more demanding. We are only arguing that the *default* justificatory burden falls short of having to prove that one *knows* the proposition one asserts, and that this generates problems for VD.

[24] To acknowledge this rather straightforward point is not to argue against the influential (but controversial) hypothesis that knowledge is the norm of assertion. Proponents of this view claim that only known assertions are appropriate, but need not accept the stronger thesis (advocated by Viebahn) that, at any point in a conversation, assertors are expected to demonstrate that they know what they say, if challenged to do so

any proposition in the sense required by (Comm) – so that very few utterances are classified as lies by VD.

Perhaps one can bite the bullet here, and argue that (despite appearances) speakers are indeed committed to demonstrate that they *know* what they assert if challenged. Alternatively, one could revise the definition by decoupling the notion of commitment from knowledge. But this difficulty sums up to the ones identified above: the inability to rule out logical entailments, and the more daunting worry of underdetermination. Vibeahn's proposed alternative to says-based definitions comes at a significant cost.

II. A middle ground: commitment to inflated Gricean saying

Is there a better way to define lying? To answer the question, let us quickly recapitulate the desiderata set by Viebahn. In addition to capturing all standard cases of (literal) lying, a good definition should:

> (D1) Rule in deceptive substitutional implicatures
> (D2) Rule out additive (non-substitutional) implicatures
> (D3) Rule in presuppositional lies

(D1) and (D2) invoke a distinction between *substitutional* and *additive* implicatures. While in additive implicatures the speaker communicates something *in addition to* what they literally say, in substitutional implicatures the speaker cannot be interpreted as intending to communicate what they literally say – so that they must be taken to communicate the implicated content *instead of* the literal one.[25]

In *Version B* of *Dying Woman,* for example, the doctor intends to communicate that the son is still fine *in addition* to what he literally said (namely, that the son is fine). This is an additive implicature. In *Tomatoes,* Ada does not intend (and could not rationally intend) to communicate what she literally said – namely, that tomatoes are coming out of her ears. She only aims to communicate that she has a good crop. Here the implicated content 'replaces' what Ada has literally said: it is a substitutional implicature.

About these examples, Grice[26] would say that while the doctor says that he saw the

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[25] In passing, Viebahn suggests that perhaps *some* additive implicatures can be lies, but never specifies *which* implicatures he has in mind. Lacking a more precise qualification, we shall accept (D2). A qualified version of (D2) like "Rule out *some* additive implicatures" would be too indeterminate to guide our inquiry, and exploring which definition could meet (D2) is interesting regardless of Viebahn's opinions on the lying/misleading distinction. For more on the distinction see Jörg Meibauer, "Implicature," in Jacob L. Mey, ed., *Concise Encyclopedia of Pragmatics* (Elsevier, 2009), 365–78, or Alexander Dinges, "Innocent Implicatures," *Journal of Pragmatics*, lvii (2015): 54–63.

[26] While we take on a Gricean insight here, we not thereby subscribing to a Gricean theory of what 'meaning' requires, or what an assertion is. We would prefer to steer clear of Gricean R-intentions

patient, Ada only 'makes it as if to say' that she has tomatoes coming out of her ears. Grice's terminology ('makes it as if to say') highlights an intuitive point: that in substitutional implicatures, the speaker cannot rationally be regarded as intending to communicate what they literally said (for example, that one has tomatoes coming out of one's ears). This leaves whoever attempts to interpret the utterance with a 'blank' or a 'vacuum' that needs to be filled: unless the speaker is trying to communicate something other than what they literally said, it is not possible to make sense of their communicative act. The implicature (*I had a good crop*) comes in to fill that communicative vacuum, 'substituting' the literal message. Not so for additive implicature. In the additive cases, the implicature conveys *additional* information that complements the speaker's primary message, rather than substituting it.

These remarks suggest a simple way to draw the distinctions required by D1 and D2. Let us introduce the term 'inflated saying' to refer to either what the speaker said, or whatever comes in to fill the blank when the speaker only *makes it as if to say* something (that is, the substitutional implicature). By plugging this notion of 'inflated saying' into a standard says-based account of the lying/misleading distinction, we will get all the right predictions about D1 and D2. We can then define lying as follows, where says* stands for our notion of inflated saying, and asserts* stands for one's favorite 'assertion-condition'[27] for lying:

Inflated lying:
    S lies iff
    (a)   S says* that p
    (b)   S does not believe that p
    (c)   S asserts* that p

This definition is able to capture substitutional implicatures like Tomato, since Ada says* that she had a good crop, in the inflated sense of 'saying'. And it rules out misleading implicatures, like the doctor's statement in version 2, since the implicature that the patient is fine today is conveyed *in addition to* what the doctor literally says, not *instead* of it.

What about presuppositions? Like additive implicatures, presuppositions convey

specifically, because incorporating them in the definition would introduce an intention to deceive of some kind (see Jörg Meibauer, "Lying and Falsely Implicating." *Journal of Pragmatics* 37, 9 (2005): 1373–99), whereas we would like to remain neutral here as to whether lying requires attempted deception.

[27] For instance, "S intends to warrant that p" "S represents herself as believing p", "S proposes p to become common ground", or "S commits herself to p" These views are defended, respectively, by: Thomas L. Carson, "The Definition of Lying". *Noûs* 2 (2006): 284–306; Fallis, "Davidson Was Almost Right About Lying". *Australasian Journal of Philosophy* 91, 2 (2013): 337–53; Stokke, *Lying and Insincerity*; Marsili, "Lying, Speech Acts, and Commitment". Condition (b) may itself be in need of some revisions, as noted in Neri Marsili, "Lying by Promising: a Study on Insincere Illocutionary Acts", *International Review of Pragmatics,* 8, 2 (2016): 271-313, and Marsili, "Lying and Certainty," in Jörg Meibauer, *The Oxford Handbook of Lying,* (Oxford: Oxford University Press, 2018), pp. 170-182,

information *in addition to* what the speaker literally says. But unlike additive implicatures, this additional layer of meaning is presupposed, not implied. If one thinks that also presuppositions should be classified as lies, the definition could be broadened further, by substituting (a) with (a')

(a') S says* or presupposes that p

Here (a') involves a disjunction, and the familiar worry about introducing disjunctions in definitions is that the resulting definition may be conflating two distinct phenomena into one.[28] In reply, we note that it is indeed plausible that the disjunction here tracks a different layer of meaning (presupposed, rather than said) and a different kind of lying ('backdoor lying', as Langton[29] calls it). If we are indeed dealing with two communicative phenomena that fall under the same label ('lying') in ordinary language, using a disjunction to capture both phenomena is unproblematic.

Note, further, that Viebahn's account equally relies on disjunctions (to define consistent denials in C). Crucially, however, every other weakness of VD is avoided here. The worry about underdetermination does not arise;[30] there is no risk of incorrectly ruling in logical entailments (cf. §2.2); and there is no risk of incorrectly ruling out most assertions (because of the problematic connection drawn between commitment and knowledge, cf. §2.3).

L-M is offered as a solution to meet the desiderata set by Viebahn. As such, it is a conditional proposal: *if one accepts* D1-3, L-M is a promising view. But if one rejects them, a different view will be needed. Perhaps, then, a few words can be spent to say how plausible these desiderata are.

We think that it is important to acknowledge that our intuitions about the lying/misleading distinction are not all that convergent. Philosophers notoriously disagree about particular cases. And from recent empirical studies, it emerges that also laypeople often have diverging intuitions about the lying/misleading distinction.[31]

Given the widespread disagreement about what a definition should classify as lies,

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[28] Kingsbury, Justine, and Jonathan McKeown-Green. "Definitions: Does Disjunction Mean Dysfunction?" *Journal of Philosophy*, 2009.

[29] Langton, Rae. "Lies and Back-Door Lies (Book Review)." *Mind*, 2020.

[30] As long as an account of assertion is plugged into (c), which is what we require.

[31] Specifically, in these studies only insincere assertions and presuppositional lies are confidently and consistently classified as lies. Lie-ratings for particularized implicatures are often around the midpoint. See Viebahn, Emanuel, Alex Wiegmann, Neele Engelmann, y Pascale Willemsen. "Can a question be a lie? An empirical investigation". *Ergo* (forthcoming), Reins, Louisa M. & Wiegmann, Alex. "Is Lying Bound to Commitment? Empirically Investigating Deceptive Presuppositions, Implicatures, and Actions". *Cognitive Science* 45, 2 (2021); Meibauer, Jörg; Alex; Wiegmann, y Pascale Willemsen. forthcoming. "Lying, Deceptive Implicatures, and Commitment". *Ergo*, forthcoming.

it would be wrong-headed to insist that one set of desiderata is definitely preferable to another. If (as most scholars assume) a definition of lying is meant to track our ordinary-language intuitions, a good definition should acknowledge that some cases of lying are less straightforward than others – rather than postulating a sharp boundary between lying and misleading, as most contemporary accounts do.[32]

How could a definition accommodate the intuition that the distinction between lying and misleading is graded? Answering this question goes beyond the ambitions of this paper.[33] Our point here is merely that (D1-3) may fall short of identifying the complex set of desiderata that a good definition should meet. For our purposes, we rest content with having established the following: that Viebahn's own account fails to meet the desiderata he set for a definition of lying, and that a revised 'says-based' approach can succeed where Viebahn has failed, simply by broadening what one means by 'saying'.

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[32] See, for instance, Saul, "Lying and Misleading", p.66; Stokke, *Lying and Insincerity,* chapter 5, and Viebahn's own VD.

[33] This much can be said, however: plausibly, developing such a view will require relaxing condition (i), replacing it with a condition that can be met to a higher or lesser degree.