The Aesthetic Significance of the Lying-Misleading Distinction[1]

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Abstract

There is a clear intuitive difference between lying and attempting to mislead. Recent efforts to analyze this difference, and to define lying in ways that respect it, are motivated by the conviction that the difference is important or significant in some way. Traditionally, the importance of the lying-misleading distinction has been cashed out in moral terms, but this approach faces a number of challenges. The purpose of this paper is to suggest and develop a different way in which the lying-misleading distinction might be important: it might matter *aesthetically*. I propose that the aesthetic significance of the distinction inheres in a more prominent experienced disharmony in lying as compared with attempting to mislead.

1. Introduction

[1] For valuable feedback on the ideas presented here I thank audiences at the conference, Deception and Authenticity in Art, at Uppsala University and at the LOGOS Colloquium at the University of Barcelona, especially Manuel García-Carpintero, J.P. Grodniewicz, Josep Macià, James Mahon, Teresa Marques, Eliot Michaelson, Neri Marsili, Genoveva Martí, Andrew Reisner, Jon Robson, Adam Sennet, Joshua Shepherd, Andreas Stokke, and Emanuel Viebahn. I also thank two anonymous reviewers for this journal for thoughtful and constructive comments.

Intuitively, there is a difference between lying and attempting to mislead. People often speak in ways that are intended to mislead their audiences but do not amount to lying. For instance, suppose Jane, who never makes curry and has no idea how to do so, invites Peter to dinner and orders takeaway curry, but hides the takeaway boxes. Jane tells Peter, "This curry has a lot of ingredients. I wouldn't have had room to do all the prep in my old apartment." Assuming that Jane does believe that the curry has a lot of ingredients and she would not have had room to do the prep in her old apartment, she is not lying to Peter in this case, although she is attempting to mislead him by implying that she made the curry.

Although the distinction between lying and attempting to mislead (without lying)[2] is intuitive, it is not easy to spell out precisely. Recently, philosophers of language have made thorough and detailed efforts to spell it out.[3] These efforts take as a starting point the idea that what distinguishes lying from attempting to mislead is that in order to lie about some matter, X, one has to *say* (not merely suggest, imply, or presuppose) something about X which one believes to be false.[4] This suggests that limning the distinction between lying and attempting to mislead could shed light on at least one important notion of "what is said" by a given linguistic act, a topic of interest in the philosophy of language at least since the work of Paul Grice.[5]

The reason why this notion of *what is said* might be important is that the distinction between lying and attempting to mislead (hereafter, the "LM distinction")

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[2] In the rest of the paper, when I use "attempt to mislead" I will mean by it *attempt to mislead without lying*.

[3] Jennifer Saul, *Lying, Misleading, and What is Said* (Oxford: OUP, 2012) and Andreas Stokke, *Lying and Insincerity* (Oxford: OUP, 2018) are two book-length treatments.

[4] That to lie is always to lie *about* something is emphasized by Richard Holton, 'Lying About', *Journal of Philosophy* (forthcoming).

[5] Paul Grice, 'Logic and Conversation', in his *Studies in the Ways of Words* (Cambridge, MA: Harvard University Press, 1989), 22-40.

is important. The focus of the present paper is the importance of the LM distinction. As I will explain in the next section, it is clear that people assign importance to the distinction. But the traditional view of what is in fact important, or significant, about it—namely, that it matters *morally*—has proven difficult to defend. This leaves a need to explain why the distinction seems to be morally significant if it is not, and to say in what way it might still be important if it is not morally important.

I will make a start on doing both of these things by proposing that acts of lying and acts of attempting to mislead may differ in final (non-instrumental) value, even if they do not differ in moral value. For they may differ in *aesthetic* value. Let me acknowledge at the outset that the nature of aesthetic value is a controversial subject. Working out a more complete version of the picture I am going to sketch would require engagement with that subject. For present purposes I am not operating with any particular view about the nature of aesthetic value. The only thing I am assuming (which is also controversial) is that aesthetic value is a kind of final, or non-instrumental, value. This assumption puts the proposal I am going to suggest, that the LM distinction is aesthetically significant, on a par (of sorts) with the traditional view that it is morally significant. But it is otherwise inessential to my discussion.

Another overarching caveat to this paper is that my ambitions in it are genuinely exploratory. I am not going to properly argue that the LM distinction is aesthetically significant (I cannot do that yet), but I am going to try to describe a kind of aesthetic significance that it might have. If there is something to this, and if it can be argued for more completely, the resulting account of why the distinction matters would be a new approach to questions that are pressing for those who are skeptical

about the distinction's moral significance.

I will work my way to a proposal in the following four sections. First, in section 2, I will describe the apparent importance to people of the LM distinction. Next, in section 3, I will describe the traditional view that the LM distinction matters morally and, very briefly, the kinds of problems this view faces. Then, in section 4, I will sketch the beginnings of a psychological debunking approach to the seemingly widespread intuition that the distinction is morally significant. In section 5, I will lay the groundwork for my proposal by suggesting that people's aversion to lying has an aesthetic element. Finally, in section 6, I will propose that the LM distinction is aesthetically significant and give some reasons for taking this proposal on board. Section 7 concludes.

2. The Importance of the LM Distinction

The importance of the LM distinction has been emphasized by those seeking to analyse the distinction. For instance, Jennifer Saul writes:

> The distinction between lying and merely misleading is an immensely natural one. It is clearly not a mere philosophers' distinction, unfamiliar to ordinary life and of dubious significance. It is a distinction that ordinary speakers draw extremely readily, and generally care about, and a distinction recognized and accorded great significance in some areas of the law.
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> And this distinction matters. Recently, it played a crucial role in the scandal that nearly led to President Bill Clinton's removal from office....

> ...the lying–misleading distinction is quite frequently a significant one in politics.
>
> But it's not just politicians who care about the lying–misleading distinction—nearly all of us seem to. Think of what you might do if you found yourself at the deathbed of a kind old woman wanting to know if her son is all right. You saw him yesterday (at which point he was happy and healthy), but you know that shortly after your meeting he was hit by a truck and killed. If you're like most people, you would consider it better to utter (1) than (2)—because uttering (1) is merely misleading while uttering (2) is a lie. And the reason for this is that what (1) says is true, while what (2) says is false.
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> (1) I saw him yesterday and he was happy and healthy.
>
> (2) He's happy and healthy.[6]

Similarly, Andreas Stokke writes:

> This distinction between lying and merely misleading is important to us. We often take pains to stay on the right side of it in everyday matters. We build it into law codes, and it is a basic distinction in many religious systems of belief. There are famous cases of presidents and saints having exploited the difference dexterously, as do the rest of us with varying degrees of regret.[7]

As Saul and Stokke point out, political, legal and religious history shows that the LM distinction is afforded significance in at least some areas of some human societies. In considering cases like the deathbed one Saul describes, the attraction of the misleading statement over the outright lie is palpable, at least for many people. I know of no scientific studies directly supporting Saul's claim that "most people"

6 Saul, *Lying, Misleading and What is Said,* vii-ix.

7 Stokke, *Lying and Insincerity,* 77.

would find the former better. But Uyanga Turmunkh *et al.* did find that participants in a high-stakes Prisoner's Dilemma-style game show were significantly more likely to attempt to mislead their partners using implied messages than by lying directly, across 282 episodes involving 564 contestants.[8] In any event, perhaps it is reasonable enough to accept the claim that we, or at least some substantial portion of us, take the LM distinction to be important or significant and, when faced with the need or desire to deceive others, prefer to attempt to mislead rather than lie. Perhaps, in turn, this is sufficient motivation for analysing the LM distinction and the notion of what is said that is needed for it. But it does raise the question of *why* we care about the distinction and of whether attempting to mislead is really better than lying, and, if so, in what way.

3. The Traditional View: The Lying-Misleading Distinction is Morally Significant

On what I will call the "Traditional View," attempting to mislead is *morally* better than lying, other things equal. The Traditional View is embraced by influential religious and philosophical traditions[9] and is often claimed to be intuitive and deeply held by "us" (or at least by some/many of us).[10]

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[8] Uyanga Turmunkh, Martijn J. van den Assem, and Dennie van Dolder, 'Malleable Lies: Communication and Cooperation in a High Stakes TV Game Show', *Management Science* (forthcoming).

[9] For instance, the Kantian and Augustinian traditions. For discussion, see Alasdair Macintyre, 'Truthfulness, Lies, and Moral Philosophers', in Grethe Peterson (ed), *The Tanner Lectures on Human Values*, Volume 16 (Salt Lake City: University of Utah Press, 1995), 309-361.

[10] For example, this is claimed by: Saul, *Lying, Misleading and What is Said*; the reviews of Saul in Andreas Stokke, 'Saying too Little and Saying too Much: Critical Notice of Lying, Misleading, and What is Said, by Jennifer Saul', *Disputatio* 35 (2013), 81-91, and in Melissa MacAulay and Robert Stainton, review of Saul, *Lying, Misleading and What is Said, Philosophy in Review* XXXIII, no. 5 (2013), 403-405; Jonathan Adler, 'Lying, Deceiving, or Falsely Implicating', *Journal of Philosophy* 94, 9 (1997), 435-52; Roderick Chisholm and Thomas Feehan, 'The Intent to Deceive', *Journal of Philosophy* 74,3 (1977), 143-159; and Alan Strudler, 'The Distinctive Wrong in Lying', *Ethical Theory and Moral Practice* 13,2 (2010), 171-179.

But there is also something *un*intuitive about the Traditional View. A natural idea about what is morally wrong with lying is that lying is an attempt to induce or maintain in someone a false belief, which is, at least in many cases, a harm to them. Or perhaps it is a harm to the broader project of human inquiry. If something like this is right, then it is not clear why it should be morally worse to attempt to induce or maintain the harmful false belief by lying than by misleading. More generally, as long as the moral wrong in lying is seen as inhering in its consequences, it is hard to see why efforts to produce those same consequences by different means should have different moral statuses.[11]

Recent challenges in this vein to the Traditional View[12] have prompted more concerted attempts to justify it. Jonathan Adler argues that lying is a morally significant violation of conversational norms while attempting to mislead is not.[13] Alan Strudler argues that what is morally significant about both lying and attempting to mislead is that they are attempts to breach the trust of another person, and that in lying one attempts to breach a greater degree of trust than one attempts to breach in attempting to mislead.[14] Shlomo Cohen argues that lying is *at least as* great a breach of trust as attempting to mislead.[15] Jonathan Webber argues that in lying one compromises one's credibility more than one does in attempting to mislead, and because society needs credible informants this means that society should treat liars more severely than mere misleaders.[16] On the other hand, both Saul

11 Saul makes this point. (Ibid.)

12 Notably by Saul (Ibid.) and Bernard Williams, *Truth and Truthfulness: An Essay in Genealogy*, (Princeton, NJ: Princeton University Press, 2002). Adler, 'Lying, Deceiving, or Falsely Implicating', also presents challenges to the view which he attempts to answer.

13 Ibid. Similar suggestions are made by Stuart Green, *Lying, Cheating, and Stealing: A Moral Theory of White-Collar Crime* (Oxford: OUP, 2006) and Matthew Benton, 'Lying, Belief, and Knowledge', in Jörg Meibauer (ed), *The Oxford Handbook of Lying*, (Oxford: OUP, forthcoming).

14 Strudler, 'The Distinctive Wrong in Lying'.

15 Shlomo Cohen, 'The Moral Gradation of Media of Deception', *Theoria* 84 (2018), 60–82.

16 Jonathan Webber, 'Liar!', *Analysis* 73, 4 (2013), 651-659.

and I have criticized many of these attempts, as well as several other possible paths to justifying the Traditional View.[17] I will not rehearse these criticisms here, but instead take it as a starting point that the Traditional View cannot be maintained. This paper is mostly about what to say about the importance of the LM distinction if the Traditional View is false. But much of what I will suggest could be right even if the Traditional View is true. (If you subscribe to the Traditional View, you can read this paper as proposing that the LM distinction has aesthetic *as well as* moral significance.)

Still, the main motivation for my explorations here comes from rejecting the Traditional View. For in rejecting the Traditional View, one is left with questions to answer. If the LM distinction is not morally significant, why does it matter to us? And why is the intuition that it is morally significant—and, in particular, that lying is morally worse than deliberate misleading, other things being equal (hereafter, the "Difference Intuition")—so prevalent?

4. Psychological Debunking of the Difference Intuition

One way of answering these questions would be to take a psychological debunking approach to the Difference Intuition. This would involve arguing that the fact that people have the Difference Intuition is explained by a psychological process that does not track the moral truth.[18] People's belief that lying is morally better than

[17] Saul, *Lying, Misleading and What is Said*; Jessica Pepp, 'Assertion, Lying, and Untruthfully Implicating' in Sanford Goldberg (ed), The Oxford Handbook of Assertion (Oxford: OUP, 2019).

[18] See, e.g. Regina Rini, 'Debunking debunking: a regress challenge for psychological threats to moral judgment', *Philosophical Studies* 173, (2016), 675-697 for general discussion and critique of psychological debunking approaches.

attempting to mislead may make their choice of one kind of act over the other revealing about their moral character,[19] and it may lead to actions of the two types being differently regarded by their community or society more broadly. But it does not track any real moral difference between lying and misleading. So, in effect, the LM distinction would matter to us because we (mistakenly) take it to be morally significant.

Recent work on lying in behavioral economics provides resources for fleshing out such a debunking approach. Behavioral economists have tried to explain why people often do not lie in situations where they would maximize their monetary gain by lying.[20] Of particular interest is the possibility that people are averse to lying *itself*, as opposed to being motivated (either selfishly or altruistically) by the potential downstream consequences of lying. Experimental results suggest that a substantial portion of people refrain from lying in cases where they would benefit monetarily from doing so, even when such consequence-based motivations are controlled for (i.e., the subjects know that there are no punishments for lying, that they are anonymous to their addressees, that their addressees cannot find out whether they lied and that the outcome for their addressees will be the same whether they lie or tell the truth).[21] This is sometimes called "pure lying aversion." A proposed explanation for pure lying aversion is that there is a psychological utility cost to

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19 Saul, *Lying, Misleading and What is Said*, 86-90.

20 See, for instance: Urs Fischbacher and Franziska Föllmi-Heusi, 'Lies in Disguise—an Experimental Study on Cheating', *Journal of the European Economic Association*, 11(3) (2013): 525-547; Rajna Gibson, Carmen Tanner, and Alexander F. Wagner, 'Preferences for Truthfulness: Heterogeneity among and within Individuals', *American Economic Review*, 103(1) (2013): 532-548; Uri Gneezy, 'Deception: The Role of Consequences', *American Economic Review*, 95(1) (2005): 384-394; Raúl López-Pérez and Eli Spiegelman, 'Why Do People Tell the Truth? Experimental Evidence for Pure Lie Aversion', *Experimental Economics*, 16(3) (2013): 233-247; Nina Mazar, On Amir, and Dan Ariely, 'The Dishonesty of Honest People: A Theory of Self-concept Maintenance', *Journal of Marketing Research*, 45(6) (2008): 633-644; Navin Kartik, 'Strategic Communication with Lying Costs', *Review of Economic Studies*, 76(4) (2009): 1359-1395; Adam Eric Greenberg, Paul Smeets and Lilia Zhurakhovska, 'Lying, Guilt, and Shame', *Mimeo*, 2014.

21 López-Pérez Spiegelman, Ibid.

lying itself, which may be described as a bad feeling resulting from violating a social, moral or religious norm that one cares about.[22]

One way to understand this psychological utility cost is provided by self-concept maintenance theory. The basic idea is that, when faced with opportunities to gain from dishonesty, people tend to balance the potential gains against the aversiveness of negatively updating their senses of themselves as honest people. Nina Mazar *et al.* ran experiments suggesting that the ease of categorizing a dishonest action as honest increased people's willingness to perform that action.[23] Turmunkh *et al.* suggest that this may explain their observation that people in the high-stakes game show mentioned above were more likely to be dishonest using vague or misleading statements rather than outright lies.[24] It may be that when we convey things we believe to be false by saying things we believe to be true, or by refraining from adding pertinent information, we can more easily categorize our behavior as being truthful, or being a bit shy or quiet, rather than as being dishonest. These categorizations may not be deliverances of conscious moral reasoning. For instance, if a prototype theory of moral concepts is right, they may result from the fact that people's concepts of lying, but not their concepts of deliberate misleading, form core sub-categories of their concepts of dishonesty or wrong action.[25]

More generally, it seems that in many societies children's moral instruction is suffused with admonitions specifically not to lie. This might explain a paradigm role for lying in our moral conceptual architecture, but it might also explain more

22 Ibid.

23 Mazar, Amir and Ariely, 'The Dishonesty of Honest People: A Theory of Self-concept Maintenance'.

24 Turmunkh, van den Assem and van Dolder, 'Malleable Lies: Communication and Cooperation in a High Stakes TV Game Show'.

25 Thanks to Manuel García-Carpintero for suggesting this kind of explanation.

directly why we think lying is worse: we have been hearing that lying is bad, wrong and punishable for as long as we have been able to talk. (Of course, this is mixed in with admonitions not to tell the truth in various sensitive situations.) Deliberate misleading, for most of us, has received no such sustained negative onslaught. The resulting more clearly negative moral association with lying might make it harder to avoid negatively updating one's self-concept when one sees oneself as lying than when one sees oneself as aiming to mislead, but nonetheless telling the truth.

In this way, self-concept maintenance theory could form the basis of a debunking explanation of the Difference Intuition, or at least, of most versions of the Difference Intuition. It is worth noting that some versions of the Difference Intuition are so weak that the kinds of psychological processes described might not fully explain people's having these intuitions. For instance, consider:

> **Very Weak Difference Intuition**: For at least one pair of contrast cases (i.e., pairs of cases where everything is the same in both cases except one is an instance of lying, the other an instance of attempting to mislead), the act of lying is morally worse than the act of attempting to mislead.

One might have this intuition because one thinks that in some special contexts, a lie is morally worse than its contrast case of attempting to mislead. These special contexts would include contexts where there are explicit or implicit rules in place that allow deliberate misleading but forbid lying. Examples are what Bernard Williams called "adversarial but rule-governed" contexts[26] such as courts of law, police interviews, investigative journalism interviews, business negotiations, certain

[26] Williams, *Truth and Truthfulness: An Essay in Genealogy*.

governmental forums and so on. Some who are skeptical of the Difference Intuition in general may still hold that the LM Distinction makes a moral difference in such contexts.[27] The explanation of why people have this weaker intuition does not seem to require appeal to self-concept maintenance. Rather, this intuition might be explained by certain views about obligations to follow rules in situations where they are in place. Thus, self-concept maintenance theory is probably not a promising tool for fully debunking the Very Weak Difference Intuition, if one wished to do so.

But most arguments that the Difference Intuition is correct aim to establish a version of the intuition that is at least as strong as:

> **Weak Difference Intuition**: For at least one pair of contrast cases in *normal conversational contexts* (i.e., where there is no implicit or explicit agreement that misleading is permitted but lying is not), the act of lying is morally worse than the act of attempting to mislead.

Self-concept maintenance theory does look promising for debunking such versions of the Difference Intuition, at least if we set aside general concerns about psychological debunking of moral intuitions.[28] But as reasonable as this sort of explanation seems, we should not take for granted that the psychological utility cost of lying is entirely due to the social inculcation of moral norms against lying and the resulting power of lying to damage one's self concept. There might be other factors contributing to pure lying aversion, and these might point to different, complementary explanations of the Difference Intuition. In the next section, I will

[27] For instance, Saul affirms a moral difference in such cases. Saul, *Lying, Misleading, and What is Said*, 94-99.

[28] Rini, 'Debunking debunking: a regress challenge for psychological threats to moral judgment', argues that this whole style of argumentation is problematic.

propose that one such factor may be the aesthetics of lying.

5. An Aesthetic Dimension in the Aversion to Lying

Reflecting on my own experience of lying suggests to me that part of what feels bad about lying is something other than concern for the potential harm to the addressee or qualms about being, or being seen as, a dishonest person. It is simply the disharmony between my assertion and my beliefs. When I tell a lie, the direct conflict between what I am asserting and what I believe is a clash that I experience negatively. I experience this feeling of disharmony even when I believe that lying is the right thing to do in the circumstance, and even when I believe that the lie and its consequences are trivial. I suspect that if I were a participant in the kinds of experiments used to test for pure lying aversion and chose to tell an unknown audience an inconsequential and non-harmful lie for some small financial gain, I would experience this feeling of disharmony.

This disharmonious or dissonant feeling need not be very strong, especially if the topic I am lying about is unimportant and not emotionally charged for me. It feels to me like a clash akin to hearing a dissonant musical chord or looking at an outfit of clothing whose colors do not go well together. I experience myself asserting that something is the case while my mind "says" that it is not. A physical metaphor for the emotion might be a wince or a cringe. The emotion also seems to involve a slight sense of alienation: by contradicting my beliefs, my assertion feels somehow less mine.

I am aware that my description of this emotion will not resonate with everyone. In discussing it with others I find that some people seem to know what I mean and experience a similar reaction to lying; others do not. My introspective observations certainly do not *show* that (for others or even for me) a feeling of disharmony is a factor in pure lying aversion. This means that the rest of the paper is built on soft ground: the suggestion that such a factor is worth exploring. Those who find the phenomenological description totally unrecognizable probably will not agree that it is worth exploring. But I think it is, and I hope that others who recognize the emotion will think so too.

One way of developing the suggestion that felt disharmony is a factor in pure lying aversion might be to connect it with cognitive dissonance theory. The disharmonious feeling I described might be a kind of cognitive dissonance: an aversive emotional state caused by awareness that two of one's attitudes, actions, emotions or observations are inconsistent.[29] In the case of lying, it is one's act of asserting and one's belief that are in the relevant sense inconsistent. It is an important part of cognitive dissonance theory that this emotion motivates those who feel it to reduce the dissonance. In the case of lying, one way this can be done is by coming to believe what you assert after the fact. Overall dissonance can also be reduced by having or coming up with reasons for the lie that are consistent, or consonant, with your other attitudes, actions, emotions or observations. (For instance, by reasoning that you are going to make a lot of money through telling the lie and making a lot of money is something you desire to do.) It is not obvious, however, that such reduction of one's overall experience of dissonance eradicates the

[29] For a helpful introduction to the notion of cognitive dissonance and cognitive dissonance theory see Joel Cooper and Amir Goren, 'Cognitive Dissonance Theory', in Roy F. Baumeister & Kathleen D. Vohs (eds) *Encyclopedia of Social Psychology* (Thousand Oaks: SAGE Publications, Inc., 2007: 150-152).

dissonance of the lie. Again, just reflecting on my own experience, it seems to me that it does not. I am not sure that the emotion I am pointing to is the same as, or a variety of, the emotion that cognitive dissonance theory posits. But given the similarity, cognitive dissonance theory may offer avenues for developing the view I am beginning to sketch.

The next suggestion I wish to make about the emotion I have described is that it seems to be an aesthetic emotion, one that responds to and focuses the attention of those who experience it on a kind of disharmony that acts of lying create. Harmony and disharmony are traditionally and standardly considered sources of aesthetic value and disvalue.[30] So it is plausible that if in fact acts of lying are experienced as disharmonious, this contributes negatively to their aesthetic value.

Plausible as this may be, a satisfying argument that acts of lying are disharmonious in some aesthetic sense would require a definition of aesthetic disharmony (which would probably have to be based upon a definition of aesthetic harmony). I cannot provide these definitions here, but I will say a little bit about how aesthetic harmony and disharmony might apply to acts of lying. I take it that harmony and disharmony are features that pairs or larger groups of things have in virtue of the way they fit together, or that wholes have in virtue of the way their parts fit together. Not every pair (or larger plurality) of things is a candidate for being harmonious or disharmonious: to be harmonious or disharmonious, two (or more) things must be related in a way that makes how they fit together somehow significant. I do not know what the necessary and sufficient conditions are for

[30] Harmony is emphasized as a key aesthetic notion as far back as Aristotle's *Poetics,* and harmony and disharmony are standard examples of aesthetic qualities and sources of aesthetic value and disvalue.

standing in such a relation. It does seem clear that one's assertions and one's beliefs are related in a way that makes how they fit together significant. For instance, it seems to be part of our ordinary conception of assertion that in asserting that something is the case one (typically) presents oneself as believing it is the case, and (typically) aims to get one's audience to also come to believe it is the case. In asserting, we express our beliefs and make them available to others. When what we assert contradicts what we believe, assertion and belief are not fitting together in the way that, intuitively, and speaking very loosely, they are supposed to.

But even allowing that a person's assertions and beliefs admit of harmony and disharmony with each other, one might question whether this is *aesthetic* harmony and disharmony. Are linguistic acts like making assertions even the right sorts of things to have aesthetic value? It seems clear that speech of various kinds has aesthetic value. Consider linguistic works of art (poems, novels, plays, spoken performances) and rhetorical performances (public speeches, treatises). Going beyond artistic and rhetorical works and performances, it seems that ordinary linguistic behavior also gives rise to aesthetic experience and evaluation and can be a bearer of aesthetic value.[31] We find certain tones of voice, accents and pronunciations lovely, melodious, and so on; others are grating, harsh and off-putting. We find certain kinds of style, word choice and grammatical variation elegant or charming; others seem awkward or annoying. As with aesthetic judgments more broadly, these judgments vary from individual to individual, but they do not seem to be entirely subjective or relative.

[31] See Paul Rastall, 'Aesthetic Responses and the "Cloudiness" of Language: Is There an Aesthetic Function of Language?', *La linguistique,* 44 (2008), 103-132. Taking everyday linguistic actions as potential bearers of aesthetic value fits with the expansive approach to aesthetic value embraced by the fields of environmental and everyday aesthetics. See, e.g., Allen Carlson, *Aesthetics and the Environment: The Appreciation of Nature, Art and Architecture*, (London: Routledge, 2000), and Yuriko Saito, *Everyday Aesthetics*, (Oxford: OUP, 2007).

But harmony and disharmony between assertion and belief might seem quite different from the aesthetic features just enumerated. I will discuss three apparent differences and explain why I do not think they exclude the (dis)harmony in question from the aesthetic sphere.

First, it might seem that most aesthetic judgments about speech concern what J.L. Austin called the *locutionary act*: roughly, the act of uttering certain linguistic expressions with particular phonology, syntax, meaning, and reference.[32] Certainly judgments based on pronunciation, accent, and the like concern the locutionary act. Even aesthetic elements that might be loosely grouped under the heading of "style"—word choice, syntactical complexity, cadence and so on—might seem to fit at the locutionary level, since they broadly concern the choice of certain linguistic expressions in a certain order to mean a certain thing or express a certain content. (Dis)harmony between what one asserts and what one believes, on the other hand, is a feature of the *illocutionary act*: roughly, what one does by uttering certain linguistic expressions, such as asserting, warning, or ordering. This is clear, since the significance of the relation between what is believed and what is asserted, which makes such pairs be candidates for harmony or disharmony, depends on something being *asserted.*

It seems to me, however, that aesthetic judgments about speech based on stylistic features also may concern the illocutionary act. Speaking with good style depends not only on how elegantly or smoothly one's chosen sentences express a certain meaning, but on how well they are suited to one's illocutionary act—of asserting that something is the case, asking whether something is the case,

[32] J. L. Austin, *How To Do Things With Words: The William James Lectures delivered at Harvard University in 1955,* (Oxford: OUP, 1975).

commanding that something be done, or whatever one may be doing with one's utterance. Indeed, a key stylistic element of some speech acts is the interaction between grammatical mood and type of illocutionary act. Consider the various ways of achieving haughty, comic or grave effect by giving commands using the indicative mood, as by saying "You'll not do that again," or "We don't talk politics at dinner." When used to make predictions or report on family habits, uses of these same sentences lack those stylistic elements. Thus, the fact that the (dis)harmony of an assertion with a belief attaches to the illocutionary act is not in itself an obstacle to the (dis)harmony being an aesthetic feature of the act.

Second, it might seem that unlike, say, positive stylistic features, the harmony of what one asserts and what one believes is not something in virtue of which a linguistic action provides pleasure. Every day we make and witness assertions that are harmonious with the asserters' beliefs, without ever taking pleasure in the conformity of what is asserted with what the speaker believes. If all this speech possessed aesthetic harmony, one would expect that we would notice, enjoy and appreciate it far more than we seem to.[33] Remember, though, that the emotion belonging to lying aversion that I described was a feeling of *dis*harmony. If that emotion is a response to an aesthetic feature, that feature is disharmony rather than harmony. It seems to me that I do take displeasure in this disharmony. This does not entail that I take pleasure in the corresponding harmony.[34] So even if neither I nor anyone else ever takes pleasure in the corresponding harmony, this does not entail that the disharmony is not an aesthetic feature. Further, it is plausible that harmony between what is asserted and what is believed is, at least in some cases, pleasurable.

[33] Thanks to an anonymous reviewer for pressing this objection.

[34] Assuming that pleasure is not merely the absence of displeasure. This is not an issue I can take up here.

People who are required to lie frequently (for instance, due to political oppression, customer service work, or unsafe family lives) may well take pleasure, when in more secure settings, in the simple match between what they assert and what they believe. The difference is that these people are attuned to this locus of harmony or disharmony, whereas it is not something most of us consciously focus on. At least, we do not focus on it when we are speaking sincerely. On the other hand, lying, for most of us, requires attention. When we lie, our attention to what we believe, what we are asserting and the relation between them is heightened as it rarely would be in speaking sincerely. This makes it unsurprising that we would take displeasure in the disharmony of our lies without often taking pleasure in the corresponding harmony of our truthful assertions.

A third difference between the disharmony of lying and more standard aesthetic features of speech concerns point of view. The aesthetic emotion that I suggested as a potential factor in pure lying aversion is a negative response to one's *own* lying. It is not experienced, at least not in the same way, when one witnesses the lies of others, even if one has, or takes oneself to have, a clear sense of how the speaker's beliefs conflict with what she asserts. This suggests that any particular disharmony in response to which one has this emotion cannot be experienced by others, at least not in the same way as by oneself. No one else is directly confronted with the disharmony between a liar's assertion and her beliefs in the way that the liar herself is.

I do not think this disqualifies the disharmony from being aesthetic, though some might disagree.[35] And even if the disharmony of what one asserts with what

[35] The extent to which the perspectival privacy of an object should bar it from the aesthetic realm plays a role in recent debates about the proper understanding of "everyday" aesthetics, for

one believes cannot be experienced as directly by others as it is by oneself, it might be experienced indirectly. Indirect experience of this disharmony might produce related but different emotional responses. For instance, imagine listening to a friend give false testimony in a trial where both of you agree that this is the right thing to do. Or, imagine the friend politely telling another friend that she had a great time at the second friend's party, when you know that she was supremely bored at the party. One might have an empathetic variation on the aesthetic emotion one would have in a first-person case. The emotion might be similar to empathetic pain (e.g., it might be a matter of imagining the other person's aesthetic displeasure). Or, it might be one's own aesthetic displeasure in the disharmony of the other person's assertion, brought on by one's intimate awareness of what that person believes. The reactions people have to Saul's case of the dying woman and similar cases seem to sit somewhere in between imagining how we would feel in performing these actions and imagining how we would feel about someone else performing them, given our intimate awareness of that person's beliefs.

A different variation on the aesthetic emotion might occur in reaction to someone whom one takes to be lying about something trivial. Even if the lie is inconsequential and not substantially harming anyone, one may feel annoyed simply because one knows (or believes) that what this person is asserting is something he or she believes to be false. Of course, we do not focus on the disharmony between what someone else asserts and what they believe every time we witness (what we take to be) a lie. For instance, when listening to a known war criminal asserting his innocence during a war crimes tribunal, the disharmony between his assertion and

instance: Sherri Irvin, 'The Pervasiveness of the Aesthetic in Ordinary Experience', *BJA*, 48 (2008); Yuriko Saito, *Everyday Aesthetics*; Christopher Dowling, 'The Aesthetics of Daily Life', *BJA*, 50(3) (2010), 225–242; Kevin Melchionne, 'Aesthetic Experience in Everyday Life: A Reply to Dowling', *BJA* 51(4) (2011), 437-442.

his beliefs is no doubt swamped as an emotional trigger by his callousness, cruelty, willingness to obstruct justice and so on.[36] But this does not entail that it is not an aesthetic defect (albeit a very unimportant one in the context) nor that the same sort of disharmony in other contexts does not give rise to aesthetic emotions.

6. The Aesthetic Significance of the LM Distinction

If there is something to my suggestion that acts of lying have negative aesthetic value in virtue of their disharmony, then it also seems worth considering whether acts of deliberate misleading might have *less* negative aesthetic value, other things being equal. If they do, this might suggest an additional psychological source for the Difference Intuition. It would also provide a different sort of partial vindication of it, since it would suggest that there is, or can be, a difference in final (non-instrumental) value between contrast cases of lying and attempting to mislead. It is just that the kind of value suggested is aesthetic rather than moral.

At first glance, it might seem unlikely that attempting to mislead would have less aesthetic disvalue than lying, even if it is granted that lying has aesthetic disvalue in virtue of being disharmonious. After all, indirect communication such as one performs in attempting to mislead seems to be just as much a candidate for harmony or disharmony with one's beliefs as the direct assertions one makes in lying. In central cases of both kinds of act, the aim is to get the hearer to believe what the speaker communicates, and the speaker presents herself as believing what she communicates.[37] As I mentioned in the previous section, these are the intuitively

[36] Thanks to an anonymous reviewer for pressing me to consider such a case.

[37] I am not suggesting that these features should figure in a general definition of lying (or that

important factors in making the relation between what one asserts and what one believes a candidate for being (dis)harmonious. They also seem to make the relation between what one indirectly communicates and what one believes a candidate for being (dis)harmonious. If lying and attempting to mislead both exhibit the same disharmony with the speaker's beliefs, why would one be aesthetically worse than the other?

I am not sure I can give a satisfactory answer to this question, but I cannot help feeling that there is some connection between the (if I am on the right track) partly aesthetic aversion to lying and the Difference Intuition. So, I am going to sketch an idea about the connection. I am not wedded to the idea I am going to sketch. I see it as a first stab at applying the aesthetic perspective on lying that I have proposed to the puzzle about the Difference Intuition.

Even if both lying and attempting to mislead involve the same sort of disharmony, the intuitive difference between them remains. One way of glossing this difference, due to Manuel García-Carpintero, is to say that lying requires *explicit* assertion of what one believes to be false, or asserting it by *saying* it.[38] For García-Carpintero, to assert something explicitly or to assert it by *saying* it is (roughly) to assert it by using a sentence whose semantic content is as close as possible to what is asserted. I wish to offer a similar intuitive gloss on the difference between lying and

they should not). The possibility of 'non-deceptive lies', where the speaker does not aim to get the hearer to believe what she asserts and may not even present herself as believing it, has been much discussed in the literature. (See, for instance: Thomas Carson, 'The definition of lying', *Noûs* 40 (2) (2010): 284–306; Don Fallis, 'What Is Lying?', *Journal of Philosophy* 106 (1) (2009): 29-56.; Roy Sorensen, 'Bald-faced lies! Lying without the intent to deceive', *Pacific Philosophical Quarterly* 88 (2) (2007): 251-264.) However, contrast pairs involving such cases seem less likely to evoke the Difference Intuition.

[38] Manuel García-Carpintero, 'Sneaky Assertions', *Philosophical Perspectives* (2019). Contrary to many in this debate, García-Carpintero argues that both lies and attempts to mislead by implying or hinting are assertions of what one believes to be false. The latter are indirect assertions of what one believes to be false, while the former are direct, explicit assertions of what one believes to be false. I take no stand on this here.

attempting to mislead. However, instead of using the notions of explicitness or saying, I will introduce what I think is a somewhat different notion: the notion of *putting something* (perhaps, a thought) *into words.* In addition, here I will use "to communicate something" to describe the kind of act that is performed in central cases of both lying and attempting to mislead. Communicating in this sense relates to belief in such a way as to make this relation a candidate for being harmonious or disharmonious.[39] Then the way I would describe the difference between lying and attempting to mislead is that in lying one communicates something one believes to be false *by putting it into words,* whereas in attempting to mislead one communicates something one believes to be false without putting it into words.

Consider once again the dying woman example. In both cases in the contrast pair, the speaker tries to communicate to the dying woman that the woman's son is happy and healthy. In the lying case, the speaker does this by putting it into words: "He's happy and healthy." In the misleading case, the speaker does not put this into words. Instead, she puts into words (and also communicates) the thought that she saw the son yesterday and he was happy and healthy. She also communicates, without putting into words, that the son is *still* happy and healthy.

Putting something into words and explicitly saying something seem to me to be slightly different notions. In Geoffrey Nunberg's famous example, a restaurant server *puts into words* her observation that a certain customer left without paying by saying, "The ham sandwich left without paying," but it is debatable whether in doing so she explicitly says that the customer in question left without paying.[40] In an

[39] If García-Carpintero is right, then perhaps to communicate something in this sense just is to assert it.

[40] Geoffrey Nunberg, 'The Non-Uniqueness of Semantic Solutions: Polysemy', *Linguistics and Philosophy*, 3 (1979): 143–84. Some argue that in such cases what is communicated is also said (e.g. Anne Bezuidenhout, 'Metaphor and what is said', *Midwest Studies in Philosophy* 25 (2001), 156–86);

example of Emanuel Viebahn's, Harry puts into words the thought (which he believes to be false) that his friend John owns a Mercedes by asking Rosa, "Did you know that John owns a Mercedes?"[41] But it does not seem that in doing so he explicitly says that John owns a Mercedes (even if, as Viebahn argues, Harry does *assert* this by posing the question).[42] In general, it seems to me that while there are plausible cases of lying where the liar does not *explicitly say* something he believes to be false (like the case from Viebahn just described), it is harder to have a clear intuition that someone is lying if they do not *put into words* something that they believe to be false. For instance, Viebahn claims that if Laura says to Ted, "Joe looked so unhappy earlier today. Has he failed his driving test again?" while believing that Joe has never failed a driving test before, she is lying. This strikes me as much less clearly a case of lying than the Mercedes case just described. I think the difference is at least partly due to the fact that Laura does not put into words the thought that Joe has failed a driving test in the past, whereas Harry does put into words the thought that John owns a Mercedes. (Of course, if Harry asks Rosa, "Does John own a Mercedes?" this might be a way of putting into words the thought that John owns a Mercedes, namely, an interrogative way. But then it would not be a case of Harry communicating to Rosa that John owns a Mercedes as he does in the original case.)

What about answers to yes/no questions? Imagine that someone who has stolen a necklace is asked directly by a police officer, "Did you steal the necklace?" and she replies, "No." Her one-word answer "no" is clearly a lie, but did she put into words the thought that she did not steal the necklace? I'm inclined to say that she did: by using the word "no" she takes up and negates (with some grammatical adjustment)

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others follow Grice, 'Logic and Conversation' and maintain that it is not said.

41 Emanuel Viebahn, 'Lying with Presuppositions', *Noûs*, forthcoming.

42 Ibid.

the words provided to her by the questioner's utterance.[43] By contrast, if she replied, "I was home all evening," she would pointedly *not* take up the officer's words and would only put into words (and assert) that she was home all evening. The latter might be a truthful but misleading assertion, for instance if she stole the necklace on the evening in question by using a fishing rod to snare it through her neighbor's window while sitting in her own bedroom.

If it is accepted that lying, but not attempting to mislead, requires communicating (again, in the sense specified above) by putting into words something one believes to be false, how does this matter for the aesthetic value of lying and misleading acts? Here is something that seems right about putting a thought into words: it gives that thought an added emotional immediacy, or at least a different kind of emotional role, compared to what it has when it remains unspoken. This is clearest with thoughts that are especially emotionally loaded, whether by being traumatic, angering, embarrassing or joyful. Although you (and your audience) may already believe them and may even be actively thinking them, putting such thoughts into words, even in private and especially in the presence of others, seems to heighten their emotional importance. Imagine what it is like, in the relevant situations, to utter sentences such as: "I am an alcoholic"; "I hate my job/spouse/parent/child"; "I am the President of the USA"; "I vomited in the Chairman's lap at the dinner last night." Putting these things that you already believe—and may even be occurrently thinking—into words foregrounds them emotionally; it increases the emotional intensity of thinking these thoughts. This

[43] This is putting things roughly and imagistically, which I think is all I need for present purposes. The right analysis of response particles like 'yes' and 'no' is a matter of debate. (See Manfred Krifka, 'Response particles as propositional anaphors', Proceedings of SALT 23 (2013): 1 – 18; Donka Farkas and Floris Roelofsen, 'Polar initiatives and polar particle responses in an inquisitive discourse model', Ms, University of Amsterdam (2012).; Ruth Kramer and Kyle Rawlins, 'Polarity particles: an ellipsis account', *NELS* (2009), 39.)

makes it aversive to put thoughts into words when the associated emotions are negative. On the other hand, when the associated emotions are positive the increased intensity from putting the beliefs into words can feel good. (Imagine someone who has just been told they got their dream job sitting alone in their office, smiling ear to ear and saying aloud, "I got it! I'm going to be the Head of Exciting Corp's Excitement Division. Me, Head of Division. I did it.") I hope this effect is recognizable to the reader.

There is disharmony, and thus, I am suggesting, aesthetic disvalue in both acts of lying and acts of attempting to mislead. In both cases the disharmony is the result of a contradiction between your beliefs and what you communicate. But in the case of attempting to mislead, the offending communication is not done by putting what you communicate into words, as it is in lying. It seems plausible, then, that the contradiction and disharmony created is not as emotionally powerful, not foregrounded in the same way, as the contradiction and disharmony created in lying. It also seems plausible that if the disharmony in attempting to mislead is less emotionally powerful and is in the background, this would mitigate the negative aesthetic value that the act has in virtue of it. At least prima facie, one would expect that if a negative aesthetic feature is more prominent in one aesthetic object (in this case, an act of speaking) than in another, it would more negatively affect the aesthetic value of the first than the second. So if I am right about the aesthetic disvalue of lying, there is at least prima facie reason to think that, at least in some cases, attempting to mislead is aesthetically better than lying, other things being equal.

7. Conclusion

I will conclude by mentioning a few ways in which the suggestion that attempting to mislead is aesthetically better than lying might be illuminating, despite the roughness of my proposal. First, it points the way to a kind of vindication of the Weak Difference Intuition, because if it is correct, this would entail that there can be a difference in final (non-instrumental) value between contrast pairs of cases of lying and misleading (in normal conversational contexts). There can be a difference in aesthetic value, even if there cannot be a difference in moral value. Lying can be aesthetically worse because it makes an aesthetically negative feature of the linguistic act more prominent.

This account accords with what seems to be the dominant intuition about the direction of betterness between lying and misleading, namely that attempting to mislead is better than lying. However, at least a few people I have talked to have the opposite intuition that attempting to mislead is worse than lying, other things being equal.[44] I have not offered them, in this paper, an aesthetic quasi-vindication of their intuition, but it seems to me that the approach I have introduced might be used to construct one. For instance, perhaps one could argue that priming the disharmony between thought and speech as one does in lying is in fact aesthetically better than muting it as one does in attempting to mislead. This does not seem right to me. Still, there is an argument to be had about it, even if, as with many disagreements about aesthetic betterness, it would be a difficult argument for either side to win.

In addition to offering a route to partial vindication of the Weak Difference

[44] Clea Rees, 'Better lie!', *Analysis* 74 (1) (2014): 69-74 argues that attempting to mislead is morally worse than lying, other things being equal. I have argued elsewhere that this argument does not work (Pepp, 'Assertion, Lying and Untruthfully Implicating'), but in the present context my interest is in the intuition rather than any particular argument that it is correct.

Intuition (or its opposite), my suggestion provides a complement to psychological debunking explanations of the Weak Difference Intuition by pointing to an additional factor in pure lying aversion—aesthetic disharmony—which is arguably reduced in attempting to mislead, and has not yet been much explored (to my knowledge) in psychology, economics or philosophy.

Finally, and relatedly, I hope that one use for this paper, aside from its specific suggestions, is to direct our philosophical attention to the aesthetic features of ordinary linguistic activity. These are subtle and varied and may have a range of effects on our general value judgments about language use, well beyond those I have sketched here.