

Lying and Misleading in Context

Palle Leth

Dalarna University

Abstract

In this paper I question the lying/misleading distinction from three different angles. I argue, first, that if speakers are responsible for what they explicitly say only and hearers for what they infer that speakers implicitly convey, it is practically impossible to enforce speaker responsibility. An implication of this view is that the lying/misleading distinction is untenable. Other attempts at questioning the distinction have been countered by empirical evidence of the robustness of the distinction. However, there is also contrasting empirical evidence that people do think that it is possible to lie by implicit means. I argue, second, that empirical evidence is irrelevant to the question which ought to be at issue, namely whether there are good reasons to make the distinction. Third, I argue that to the extent that the notion of misleading is in the service of inducing false beliefs by the statement of truths, the distinction does not seem to be morally well-founded. In short, I sketch an argument to the effect that there are no conceptual, empirical or moral reasons for making the lying/misleading distinction.

Keywords: Lying, Misleading, Context, Semantics, Pragmatics, What is said, Implicature, Intention, Responsibility.

1. Introduction

Many speakers, hearers and theorists take the distinction between lying and misleading to be a matter of course. It is commonly held that speakers lie when they say something which they believe to be false, whereas they are merely misleading when what they convey in addition to what they say is false. Speakers are responsible for what they explicitly say only; it is hearers who are responsible for what they take speakers to convey by implicit means. Therefore, speakers can be charged with lying, but are not responsible for their misleading utterances.

In this paper I will argue, first, that this division of responsibility is unstable. It is practically impossible to hold speakers responsible for their utterances unless they can be held responsible for hearers' assumptions concerning what they implicitly convey in addition to what they explicitly state. Next, I will examine the consequences of this view for the lying/misleading distinction. In particular, I will look at recent arguments from empirical evidence for the reality or unreality of the lying/misleading distinction. I observe that the question of whether the distinction

should be preserved or abandoned cannot be answered by people's intuitions and habits. Last, I will question the moral respectability of the distinction. I raise the suspicion that the distinction chiefly serves the purpose of avoiding telling lies while inducing false beliefs and I suggest that a vindication of lying would perhaps be more honourable.

2. Responsibility and Hearer Assumptions

It seems natural to distinguish between what the speaker expresses in saying what she says and what the hearer infers from what the speaker says. There seems to be a difference between, on the one hand, what the speaker explicitly commits herself to by dint of the conventional meaning of the sentence she utters as specified by lexicon and syntax and, on the other hand, what the hearer takes to be conveyed by the utterance in the context at hand. The speaker may say "I have eaten" and at most occasions and by most hearers, such an utterance will be taken to convey that the speaker has eaten at some time prior to the making of the utterance at the day on which the utterance is made. But, after all, such a specification of the content of the utterance is just an assumption made by the hearer. This content is not expressed by the linguistic meaning of the sentence uttered, hence it is not explicitly stated. It is inferred by the hearer in the process of making sense of the speaker's utterance for the conversational purposes at hand. It may of course happen that the speaker's communicative intention is different from what the hearer takes it to be. Hearer assumptions may be more or less default and more or less well grounded. They seem to be defeasible in so far as they are concerned with the speaker's communicative intention, over which the speaker presumably has first person authority.

It is also natural to think that there is a division of responsibility going hand in hand with the difference between explicit meaning expressed by the speaker and implicit meaning inferred by the hearer. The speaker is responsible for what she says, the hearer is responsible for what she infers. The speaker's utterance of a certain sentence is an action performed by the speaker, whereas the hearer's assumptions in order to make sense of what the speaker says are performed by the hearer. Each one is responsible for her doings; the speaker is in control of what she utters, not of the hearer's assumptions (cf. e.g. Camp 2008: 8).¹

Natural as this picture may seem, it is not without complications. I will confine myself to two such complications. Let us first consider the case of indexicals, like *she* and *here*. An indexical is a lexical item the linguistic meaning of which is a character consisting in constraints on, or instructions for recovering, its content or semantic value on a specific occasion of use (cf. Kaplan 1989: 500). When the speaker uses an indexical she certainly commits herself to its having some content or other, but she does not explicitly tell the hearer which the content is. It is the task of the hearer to work out what the content is on a given occasion of use. For some indexicals as used on some occasions, it is possible to contend that their contents are determined by specific parameters of the context of utterance, such

¹ It should be noted that recently some theorists have argued that the notion of assertion should be extended to cover not only explicitly stated meaning, but also some implicit content (see e.g. García-Carpintero 2018, Viebahn 2017, 2020, 2021 and Timmermann & Viebahn 2021). In so far, however, as the idea still is that the speaker is responsible for the implicit meaning which she commits to by dint of her intention, the problem which I will address remains basically the same.

as demonstrations or salience. Though the content of an indexical be not explicitly stated, it may be objectively settled. However, for many other cases it is more natural to consider that the instance of determinacy is the speaker's intention, in which case the content is not settled by objective means, but seems to fall under the speaker's authority.

Force is another important aspect of utterance meaning which is implicit and must be recovered by the hearer. It is true that there are many lexical items and constructions the function of which seems precisely to be to signal illocutionary force. Nevertheless, and in most cases presumably, the force of an utterance must be inferred by the hearer. This is certainly the case at the most general level. Speakers do not explicitly tell whether their utterances are to be taken as assertions or mere suppositions, whether as serious, ironical or jesting contributions to the conversation. Frege's (1972: 111) vertical and horizontal strokes for visualizing the difference between mere thoughts and judgments are well known, but they do not appear in conversation. And if they would, they would hardly be reliable. As Davidson (1984: 274) says: "nothing is more obvious than that there cannot be a convention that signals sincerity". The earnest assertive force of an utterance cannot be something which the speaker commits herself to by explicit means.

In most cases, then, when the hearer takes the speaker to have referred to a certain object or to have made an assertion, the hearer is relying on her assumptions concerning the speaker's intention. It is possible to hold that at the metaphysical level of meaning constitution, these aspects of utterance meaning are determined by the speaker's communicative intention (cf. Neale 2016: 246 and Harris 2016: 176). It is also possible to hold that at the metaphysical level, the speaker is genuinely responsible for (cf. Wallace 1994: 87) the contents and the force that she intends for her utterance. Now in the case of communicative intentions, we come to know about them chiefly through the speaker's words. The problem from a practical point of view is that if we take these crucial aspects of utterance meaning to be determined by the speaker's intention, it will be possible for the speaker to escape liability at her earliest convenience. When taken to task for a certain implicit aspect of meaning, it would be possible for the speaker simply to deny that her intention was the one the hearer assumed it was (cf. Fricker 2012: 88 and Camp 2018: 51). In so far as the authority over the content of indexicals and the force of an utterance would be at the speaker's discretion, the speaker would not be authoritative at all (cf. Hobbes 2000: 84). Thus, if the speaker is only responsible for what she explicitly commits herself to and cannot be, or should not be, held responsible for what the hearer assumes her to convey, utterance responsibility will hardly be enforceable (cf. Rawls 1971: 213). Unless it be impossible to hold speakers responsible at all, it must be possible for hearers to hold speakers responsible for their assumptions.

If it is recognized that it should be possible to hold speakers responsible for hearer assumptions, the focus will not be on the implicit/explicit distinction, but on the warrantability of the hearer's assumptions. It is not the speaker's actual intention which matters, but what the intention appeared to be. Likewise the importance of truth conditional meaning for responsibility must also be rethought. Many theorists take for granted that the speaker is responsible for the meaning which is required for the utterance to have truth conditions at all (e.g. Saul 2012: 57). This more or less minimal truth conditional meaning is closely related to the explicit meaning of the sentence uttered. The fact that an utterance must be assigned truth conditions in order to make minimal sense does not tell anything

about which truth conditions it should be assigned. It is not clear why the speaker should be responsible for hearer assumptions concerning truth conditionally relevant meaning only. If it is thought that a speaker could be held responsible for having referred to a certain person by means of her utterance of the indexical *she*, it seems that she could also be held responsible for other kinds of implicit meaning. Assumptions about truth conditional meaning will certainly in many cases be more warranted than assumptions about more indirectly conveyed meaning. Sentences may contain constituents the value of which is mandatory. Implicatures, insinuations and other innuendoes do not at all appear in the surface structure of the sentence. But nothing in principle excludes that the hearer might have good reasons for other implicit meaning components than those required for truth conditions.

I have here only sketched an argument to the effect that the division of responsibility customarily taken to go with the distinction between what is explicitly said and what is implicitly conveyed cannot really be upheld. I will not pursue this argument here. Instead, I will look at an implication of the view that a speaker can in principle be held responsible for all kinds of implicit meaning, which may seem counterintuitive. If it is true that the speaker should be liable for what she implicitly conveys provided that the hearer's assumption in this regard is warranted, then it seems that the distinction between lying and misleading is threatened.

3. Implicatures as Misleading

The distinction between lying and misleading is a persistent feature of our conversational, moral and political culture. Even though the exact definitions of these notions are not of our immediate concern, it might be useful to see how they might look. The speaker lies to the hearer if and only if she

- 1) asserts that p to the hearer,
- 2) believes that it is false that p ,
- 3) intends to deceive the hearer into believing that p .

It should immediately be noted that the last condition concerning the speaker's intention to deceive is taken by most theorists not to be required. The notion of misleading could perhaps be given along the following lines. The speaker makes a misleading utterance to the hearer if and only if she

- 1) asserts that p to the hearer,
- 2) believes that it is true that p ,
- 3) intends the hearer to infer that q on the basis of that p ,
- 4) believes that it is false that q ,
- 5) intends to deceive the hearer into believing that q .

Speakers lie when they explicitly say what they believe to be false, while they are merely misleading when they only convey, in addition to what they say, what they believe to be false. It is commonly held that in cases of lying, the false content is stated by the speaker and falls under the speaker's responsibility, whereas in cases of misleading, the false content is inferred by the hearer and falls under the hearer's responsibility.

What does it take then to assert that something is the case? In the previous section, I argued that crucial aspects of regular assertions are not made explicit, e.g. that they are assertions. Other meaning components than indexical content may also be implicit. In practice it is not so easy to distinguish between the

speaker's asserting that *p* to the hearer and the speaker's merely conveying that *p*. If so, how should the division of responsibility between the speaker's and the hearer's responsibility be effectuated in particular cases? Here is an extract from a talk exchange between Holmes and Lestrade:

"Are you armed, Lestrade?"

The little detective smiled. "As long as I have my trousers, I have a hip-pocket, and as long as I have my hip-pocket I have something in it".

"Good! My friend and I are also ready for emergencies" (Doyle 2006: 582).

Holmes's question is quite straightforward. But what does Lestrade's utterance amount to? Is it an answer to Holmes's question? And if so, does Lestrade by his utterance assert that he is armed? Or does he merely suggest that he is armed? Lestrade's statement would of course be true if he had nothing but a beetle in his pocket. It would also be possible for him to continue, without contradicting himself, by the addition of "namely a beetle". The implication that he is armed is certainly cancellable. It would likewise be possible for Lestrade to say what he does with the intention to communicate only that he has something or other in his pocket. It would certainly be possible for Lestrade to deny that he meant to say anything beyond his always having something in his pocket. These considerations speak of course against Lestrade's having by his utterance asserted that he is armed. Yet, in the context at hand, considering that Lestrade's utterance occurs immediately after Holmes's question, is not Holmes warranted in taking Lestrade's utterance as an answer to his question and furthermore as amounting to an assertion that he is armed, as is required at this stage of their operation? Is not Lestrade's utterance just a roundabout way of saying "of course"? Holmes himself, in response to Lestrade's utterance, does he state that he and some friend of his are ready for emergencies, whereas he merely conveys that he and Watson are armed as well? Would not Holmes, if it later turned out that Lestrade was fully aware that he had nothing but a beetle in his pocket, be justified in complaining about Lestrade's deceiving him into thinking that he was armed while he was not? Likewise, would not Lestrade, if it turned out that Holmes and Watson were ready for emergencies only because of the contents of Lestrade's pocket also be justified in complaining about being deceived? What kind of deception would it be? Would those cases be cases of lying or of merely misleading? Would the circumstance that the speaker did not explicitly state that he was armed be relevant in this regard? What difference would the warrantability of the interpretation make?

Meibauer has argued that false implicatures may well constitute lies. His argument is not based on the difficulty of drawing the distinction between assertion and implicature. His view is that the category of lying should be extended in so far as there is a difference between, on the one hand, deception in general and, on the other hand, deception directly or indirectly by means of linguistic utterances. Since an implicature is brought about by the act of assertion, it depends on it and forms a unity with it; hence from the viewpoint of lying, implicated content counts not less than asserted content (Meibauer 2011: 286). Meibauer supports his argument by his own and reported intuitions regarding cases where the speaker asserts that a certain person is not drunk, thereby implicating that usually the person is or where the speaker in response to whether she has seen a certain person, answers that the person is indisposed, thereby implicating that she has not seen the person. These cases are quite similar to the Lestrade and Holmes utterances quoted above,

so, I take it, that Meibauer would say that Lestrade and Holmes would be lying if they were not armed.

The contention that speakers may lie by means of false implicatures runs counter to the majoritarian view among philosophers. Philosophers generally tend to agree that judgments of lying depend upon what is said as opposed to what is conveyed by indirect means (see e.g. Borg 2019, Camp 2006, García-Carpintero 2018, Goldberg 2015, Green 2015, Saul 2012, Stokke 2018, Viebahn 2017). What is said is constituted by compositional meaning, lexical meaning and syntax, plus whatever else is required in order for the sentence to have truth conditions. What truth conditions requires varies somewhat from one theorist to the other, but, in any case, it is more or less closely related to the conventional meaning of the utterance. What is not required for truth conditions and what arises merely out of the hearer's attempt to make sense of what the speaker says in the context at hand cannot constitute content for which the speaker should be liable. Consequently, most theorists agree that false implicatures, i.e. implicitly conveyed falsehoods, cannot constitute lies, but are merely misleading. Intuitions about the distinction have even served as a test for the borderline between semantic and pragmatic meaning (Michaelson 2016). Soames, discussing the implicature of Grice's recommendation letter example, speaks of the 'temptation' to consider the implicature to be the real assertion of an utterance and says in a typical fashion that "the whole purpose of using indirect means to convey this information [i.e. the implicature] was to avoid having to state it" (Soames 2008: 443; cf. Kölbel 2011: 70). He thereby implicates that there is an advantage in not stating the information, which presumably is that speakers cannot be held responsible for only indirectly conveyed information. Among theorists on lying such a view is fairly widespread.

In addition to the convictions of theorists, there is the testimony from ordinary language users documented in various empirical investigations. However, this testimony goes in divergent directions. Weissman's and Terkourafi's investigation shows that informants in most cases do not consider false implicatures to be lies. The lie judgments of their informants rely on the explicitly stated meaning of utterances. Weissman and Terkourafi say: "Our results thus indicate that the literal meaning of an utterance is what people *tend* to consider when judging if an utterance is a lie or not" (Weissman and Terkourafi 2019: 239; my italics). Weissman and Terkourafi say 'tend', because the result of their investigation actually shows that informants' judgments are not categorical. Actually, the informants do consider some false implicatures to be lies. In fact, the result of the empirical investigation suggests that the lying/misleading distinction is less stable than what is generally assumed. Weissman and Terkourafi point out that "[t]o say that false implicatures are absolutely not lies, however, is an unfounded generalization" (Weissman and Terkourafi 2019: 236).

There are also a number of recent empirical investigations of the lying/misleading distinction where the informants take the opposite view and do consider false implicatures to be lies. Or, Ariel and Peleg observe that "even when what the speaker said is literally true, participants feel comfortable with classifying it as a lie if the PCI [particularized conversational implicature] is false" (Or *et al.* 2017: 101-102). Reins & Wiegmann report that their

findings indicate that people's concept of lying is broader than commonly assumed, [in so far as] the participants in our study considered all of the deceptive

presuppositions, deceptive GCIs [generalized conversational implicatures], and deceptive nonverbal actions, as well as most of the deceptive PCIs [particularized conversational implicatures] we investigated, to be cases of lying (Reins and Wiegmann 2021: 27 and 17).²

One problem about these investigations is that the scenarios which the informants are presented with depict a situation from which most of the conversational detail is left out. Such details may be decisive when it comes to telling whether the speaker is lying or misleading. Another problem is that the informants are instructed to rate the degree of lying or truth-telling. The informants are not given the option of classifying untruths directly as instances of misleading. The empirical evidence is thus far from conclusive.

This raises the general question of the relevance of empirical investigations for the lying/misleading distinction. Carson (2010: 33) says that “consistency with ordinary language and people’s linguistic intuitions about what does and does not count as a lie is a desideratum of any definition of lying”. In the same vein, Arico and Fallis (2013: 796) say that “lying does not seem to be the sort of thing about which people can be systematically mistaken”. If we conceive of the lying/misleading distinction as carving the joints of natural kinds and also believe that people’s intuitions are a reliable guide to natural kinds, the convictions of theorists and the intuitions of various informants have a considerable weight. But is it really credible that the lying/misleading distinction is a natural kind? Is it not rather the case that it depends for its existence on social conventions and institutions? If so, the question is not what lying is, but what we count as lying. Whenever something counts as having a certain status, it is of course possible to ask for the reasons for counting it thus and also to evaluate those reasons. When it comes to counting it is not a matter of intuitions, as Carson suggests, but of reasons. Our theory of lying should not respect pre-theoretic convictions, intuitions and inclinations, but spell out the reasons for counting the communication of certain untruths as merely misleading.

In response to empirical investigations confirming the lying/misleading distinction, it must be observed that they show at most that people are in the habit of making, and willing to uphold, the lying/misleading distinction. Since we knew in advance that in our culture there is such a thing as the lying/misleading distinction, the result that many people have the inclination not to count false implicatures as lies was only to be expected. Empirical investigations disconfirming the lying/misleading distinction present a less expectable result, in so far as it is counter to theoretical convictions and widespread intuitions. But in any case, these investigations do not tell us anything about the informants’ reasons for making or not making the distinction, nor whether their verdicts are well supported.

It seems to me that when theorists and informants rely on what they perceive as literal meaning in their lie judgments and believe that they hold speakers responsible only for the explicit meaning of their utterances, they disregard the fact that, e.g., the semantic value of indexicals and the assertive force of utterances are not part of explicit meaning, but depend on their own assumptions. And if it is possible to hold speakers responsible for hearer assumptions in these regards, why should it not be possible to hold them responsible for hearer assumptions also in

² For further studies, see also Wiegmann and Willemsen 2017, Antomo *et al.* 2018, Skoczén 2021 and Wiegmann *et al.* 2021.

other regards? I thus think that there are good conceptual reasons to hold that whether the speaker lies is a matter, not of the degree of explicitness of the speaker's utterance, but of the warrantability of the speaker's interpretation (cf. Or *et al.* 2017: 103). It is not because an implicature is implicit and depends on hearer assumptions, that the speaker might not be responsible for it. It depends on whether the hearer is justified in taking the implicature to have been conveyed by the speaker. While the fact that an aspect of meaning is implicit does not by itself invalidate a hearer's meaning assignment it might often be an argument against the warrantability of her interpretation. In general it will be more difficult for a hearer to argue that her interpretation is warranted when it relies in great part on assumptions, rather than on linguistic facts. A hearer charging a speaker with lying must be in a position to argue that her interpretation, even though not grounded in the explicitly conveyed meaning, is justified by other considerations. A speaker defending herself against a charge of lying may of course point to the fact that she did not explicitly state what the hearer took her to convey, but such an argument should be construed as concerned with the justification of the hearer's interpretation. The condition of warrantability, though not as seemingly objective as the condition of explicitness, guarantees that charges of lying not be unfounded. An assumption must be warranted and even maximally warranted in order to support a charge of lying. But nothing in principle prevents a speaker from lying by means of a false implicature.

Here is an authentic case of a false implicature made by a speaker whose mother never helps her with the children:

Boss (in a job interview): You have small children. How will you manage the long hours of the job?

H.D.: I have a mother (Sternau *et al.* 2016: 708).

Of course, it would be true to state what the speaker says in virtually any circumstances. It would also be possible to continue by adding 'though she never helps me with the children'. Likewise, it would be possible for the speaker to have the communicative intention to convey nothing except that she has a mother. Yet the speaker, rightly on my view, takes herself to be lying when making this utterance in response to the question of her employer *in spe*. Likewise, according to my lights, Lestrade would be lying if he had nothing but a beetle in his pocket.

We have seen that the idea that false implicatures may be lies can be refuted as well as confirmed by empirical investigations. But the idea that our theory of lying should match intuitions about lying seems misguided. The question is not what lie judgments people are in the habit of making, but what lie judgments they have good reasons to make. My own view is that there are no conceptual grounds to make the distinction. Any lie could be said to amount to no more than misleading, once we take the explicitness condition seriously. It could be that there are nonetheless moral grounds to uphold the distinction. I will turn to this issue in the next section.

4. Deceptive Misleading

Is there really a difference between lying and misleading from a moral point of view, such that lying is impermissible and misleading permissible or at least less blameworthy than lying? In this section I will just make a few remarks in order to

question the idea that the lying/misleading distinction is natural, respectable and preservable.

There seem to be good reasons for condemning lying. For the sake of trust and reliability speakers should be strongly encouraged to tell the truth. By lying, Kant (1999: 612) says, "I bring it about, as far as I can, that statements (declarations) in general are not believed". There are also good reasons for distinguishing cases of lying from cases where the hearer without sufficient justification takes the speaker's utterance to convey a certain meaning which the speaker had no intention of conveying. The speaker should not then be charged with lying if it turns out that the implication is false. However, the notion of misleading appears in a different moral context.

The injunction to tell the truth, though well taken, is nevertheless in conflict with another deeply rooted inclination, namely that some truths had better be concealed. We may want to conceal the truth for more or less noble reasons, to save our face or the skin of others, but the conviction that some truths had better not be revealed is just as ingrained as the conviction that we should tell the truth. With regard to telling the truth, we have thus conflicting convictions. It seems that the lying/misleading distinction comes in handy as a way out of this dilemma.

Let us look at Augustine's (1952: 86 [ch. 13]) discussion of what to tell the persecutor of an innocent person the hiding place of whom the speaker is aware of. If the speaker is asked whether the refugee is or is not at the place where the speaker knows the refugee is, Augustine recommends the speaker not to state the truth 'I will not answer your question'. The reason is that this answer would raise the suspicion that the refugee was at the place asked about. Instead, Augustine advises the speaker rather to state the truth 'I know where he is but I will never disclose it'. The reason why this answer is to be preferred is, according to Augustine, that it will turn the persecutor's attention from the refugee's presence at the place asked about to the speaker's knowledge about the refugee's whereabouts. The second answer is advantageous in so far as it induces the persecutor falsely to believe that the refugee is not at the place asked about.

We see thus that for Augustine it is a matter of course that the speaker is not interested in frankly telling the hearer the truth. On the contrary, the speaker is anxiously interested in concealing the truth. It is equally a matter of course that the speaker does not want to state anything but the truth. And what is more, the speaker actually wants the persecutor to have false beliefs.

Augustine visibly displays a concern with, as Pascal (1866: 276) puts it, "how to avoid telling lies [...] when one is anxious to induce a belief in what is false". In the casuist doctrines of equivocation and mental restriction which Pascal chastizes, the focus is clearly not on truth and trust, but on ingenuous and multifarious forms of deception (cf. Jonsen and Toulmin 1988: pt. iv). The categorical duty not to lie is served by all sorts of deceptions. Deceiving others is apparently fine as long as no attempt is made to deceive God (as if God could be). The focus in many discussions of misleading, also outside casuistry, is often not on deploring the eventuality that utterances may convey falsehoods, but on rejoicing at the possibility that truthful utterances may convey untruths. Misleading is conceived of not as an accident, but as an opportunity.

The question of whether the lying/misleading distinction emerged or persists because of its services to deception or is merely exploited by deception is empirical and cannot be settled except by historical investigations. I have done no more

than suggest that the existence of misleading is rather due to interest than discovery, that it is rather a social ploy than a natural kind. But *pace* Nietzsche (2009: 7 [pref. §6]), suspicious conditions of emergence and circumstances of occurrence do not automatically invalidate a concept (cf. Rawls 1971: 451).

Nevertheless, I believe that the readiness to deceive displayed in discussions of misleading should make us pause. If we are prepared to accept and to recommend deliberately conveying untruths, why not explore the permissibility of lying? The supposed advantage of misleading, in comparison with lying, is that the deception is not accomplished by the speaker, but by the hearer; it is the hearer who effectuates the faulty inferences. So rather than being deceived by the speaker, the hearer is deceived by herself. A disadvantage of misleading is that it permits the speaker to deceive herself into thinking that she does not deceive the hearer. What is morally most blameworthy, to frankly deceive the hearer or to deceive the hearer into deceiving herself?

5. Conclusion

I set out to show that the commonly made distinction between implicit and explicit meaning and the division of responsibility supposed to go with it are untenable. Crucial aspects of utterance meaning are implicit and it will be impossible to hold speakers responsible for their utterances at all, unless they can be held responsible on account of hearer assumptions. An implication of this view is that the distinction between lying and misleading cannot be upheld. Various researchers have designed experiments either to prove the robustness of the distinction or to empirically disconfirm it. Against these experimental findings, I stressed that such confirmation or disconfirmation is irrelevant, in so far as it tells us only that some people are in the habit of making the distinction, while others are prepared to consider false implicatures to be lies. These findings do not tell us anything about the justification for making or not making the lying/misleading distinction. The question which ought to be at issue is whether there are good reasons for making the distinction. In the last section I suggested that the lying/misleading distinction is morally problematic anyhow. In short, I cannot see that there are any conceptually, empirically or morally good reasons for letting speakers get away with falsehoods which they do not explicitly state.³

References

- Antomo, M., Müller, S., Katharina, P., Paluch, M., and Thalmann, M. 2018, "When Children Aren't More Logical Than Adults: An Empirical Investigation of Lying by Falsely Implicating", *Journal of Pragmatics*, 138, 135-48.
- Arico, A.J. and Fallis, D. 2013, "Lies, Damned Lies, and Statistics: An Empirical Investigation of the Concept of Lying", *Philosophical Psychology*, 26, 6, 790-816.
- Augustine. 1952, *Lying*, tr. M.S. Muldowney, in *Treatises on Various Subjects*, Washington: Catholic University of America Press, 45-110 (original work published 395).
- Borg, E. 2019, "Explanatory Roles for Minimal Content", *Noûs*, 53, 3, 513-39.

³ Thanks to an anonymous referee for comments which have considerably improved the paper.

- Camp, E. 2006, "Contextualism, Metaphor, and What is Said", *Mind & Language*, 21, 3, 280-309.
- Camp, E. 2008, "Showing, Telling, and Seeing: Metaphor and 'Poetic' Language", *The Baltic International Yearbook of Cognition, Logic and Communication*, 3, 1-24.
- Camp, E. 2018, "Insinuation, Common Ground, and the Conversational Record", in Fogal, D. et al. (eds.), *New Work on Speech Acts*, Oxford: Oxford University Press, 40-66.
- Carson, T.L. 2010, *Lying and Deception: Theory and Practice*, Oxford: Oxford University Press.
- Davidson, D. 1984, "Communication and Convention", in his *Inquiries into Truth and Interpretation*, 2nd ed., Oxford: Clarendon Press, 2001, 265-80.
- Doyle, A.C. 2006, *The Hound of the Baskervilles*, in *The New Annotated Sherlock Holmes*, vol. III, ed. L.S. Klinger, New York: Norton, 383-627 (original work published 1902).
- Frege, G. 1972, *Conceptual Notation*, tr. T.W. Bynum, Oxford: Clarendon Press (original work published 1879).
- Fricker, E. 2012, "Stating and Insinuating", *Proceedings of the Aristotelian Society*, 86, 1, 61-94.
- García-Carpintero, M. 2018, "Sneaky Assertions", *Philosophical Perspectives*, 32, 1, 188-218.
- Goldberg, S. 2015, *Assertion*, Oxford: Oxford University Press.
- Green, M. 2015, "Speech Acts", in Zalta, E.N. (ed.), *The Stanford Encyclopedia of Philosophy*, <http://plato.stanford.edu/archives/sum2015/entries/speech-acts/>.
- Harris, D.W. 2016, "Intentionalism versus the New Conventionalism", *Croatian Journal of Philosophy*, 16, 47, 173-201.
- Hobbes, T. 2000, *On the Citizen*, tr. R. Tuck and M. Silverthorne, Cambridge: Cambridge University Press (original work published 1641).
- Jonsen, A.R. and Stephen, T. 1988, *The Abuse of Casuistry: A History of Moral Reasoning*, Berkeley: University of California Press.
- Kant, I. 1999, "On a Supposed Right to Lie from Philanthropy", in *Practical Philosophy*, tr. M.J. Gregor, Cambridge: Cambridge University Press, 1999, 605-15 (original work published 1797).
- Kaplan, D. 1989, "Demonstratives: An Essay on the Semantics, Logic, Metaphysics, and Epistemology of Demonstratives and Other Indexicals", in Almog, J. et al., (eds.), *Themes from Kaplan*, New York: Oxford University Press, 481-563 (original work published 1977).
- Kölbel, M. 2011, "Conversational Score, Assertion, and Testimony", in Brown, J. and Cappelen, H. (eds.), *Assertion: New Philosophical Essays*, Oxford: Oxford University Press, 49-78.
- Meibauer, J. 2011, "On Lying: Intentionality, Implicature, and Imprecision", *Intercultural Pragmatics*, 8, 2, 277-92.
- Michaelson, E. 2016, "The Lying Test", *Mind & Language*, 31, 4, 470-99.
- Neale, S. 2016, "Silent Reference", in Ostertag, G. (ed.), *Meanings and Other Things: Themes from the Work of Stephen Schiffer*, Oxford: Oxford University Press, 229-342.
- Nietzsche, F. 2009, *On the Genealogy of Morality*, tr. C. Diethe, Cambridge: Cambridge University Press (original work published 1887).

- Or, S., Ariel, M., and Orna, P. 2017, "The Case of Literally True Propositions with False Implicatures", in Chiluwá, I. (ed.), *Deception and Deceptive Communication: Motivations, Recognition Techniques and Behavioral Control*, Hauppauge: Nova Science, 67-107.
- Pascal, B. 1866, *The Provincial Letters*, tr. T. M'Crie, New York: Hurd & Houghton (original work published 1656).
- Rawls, J. 1971, *A Theory of Justice*, Cambridge, MA: Harvard University Press.
- Reins, L.M. and Wiegmann, A. 2021, "Is Lying Bound to Commitment? Empirically Investigating Deceptive Presuppositions, Implicatures, and Actions", *Cognitive Science*, 45, 1-35.
- Saul, J.M. 2012, *Lying, Misleading, and What is Said: An Exploration in Philosophy of Language and in Ethics*, Oxford: Oxford University Press.
- Skoczén, I. 2021, "Modelling Perjuring: Between Trust and Blame", *International Journal for the Semiotic of Law*, <https://doi.org/10.1007/s11196-021-09818-w>.
- Soames, S. 2008, "Drawing the Line Between Meaning and Implicature—and Relating Both to Assertion", *Noûs*, 42, 3, 440-65.
- Sternau, M., Ariel, M., Giora, R., and Fein, O. 2016, "A Graded Strength for Privileged Interactional Interpretations", in Allan, K. et al., (eds.), *Pragmemes and Theories of Language Use*, Cham: Springer, 703-23.
- Stokke, A. 2018, *Lying and Insincerity*, Oxford: Oxford University Press.
- Timmermann, F., and Viebahn, E. 2021, "To Lie or to Mislead?", *Philosophical Studies*, 178, 1481-1501.
- Viebahn, E. 2017, "Non-literal Lies", *Erkenntnis*, 82, 6, 1367-80.
- Viebahn, E. 2020, "Lying with Presuppositions", *Noûs*, 54, 3, 731-51.
- Viebahn, E. 2021, "The Lying-Misleading Distinction: A Commitment-Based Approach", *The Journal of Philosophy*, 118, 6, 288-319.
- Wallace, R.J. 1994, *Responsibility and the Moral Sentiments*, Cambridge, MA: Harvard University Press.
- Weissman, B. and Terkourafi, M. 2019, "Are False Implicatures Lies? An Empirical Investigation", *Mind & Language*, 34, 2, 221-46.
- Wiegmann, A. and Willemsen, P. 2017, "How the Truth Can Make a Great Lie: An Empirical Investigation of Lying by Falsely Implicating", in Gunzelmann, G. et al. (eds.), *CogSci 2017: Proceedings of the 39th Annual Meeting of the Cognitive Science Society*, London, 3516-21.
- Wiegmann, A., Willemsen, P., and Meibauer, J., 2021, "Lying, Deceptive Implicatures, and Commitment", *Ergo*, <https://doi.org/10.31234/osf.io/n96eb>.