The Lying/Misleading Distinction Belied

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Abstract. I argue, first, that the division of responsibility according to which speakers are responsible for what they say and hearers for what they infer is unstable. It is practically impossible to hold speakers responsible unless they can be held responsible for hearer assumptions. Hence the lying/misleading distinction is untenable. Second, I look at a recent argument from empirical evidence for the reality and stability of the lying/misleading distinction. I observe that our habit of making the distinction does not prove that it is well founded. Third, I 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 suggest that a vindication of lying would perhaps be more honourable. In short, I sketch an argument to the effect that there are no conceptual, empirical or moral reasons for making the lying/misleading distinction.

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1 Introduction

It is natural to distinguish between what the speaker expresses in saying what she says and what the hearer infers from what the speaker says. Or, in other words, there is a difference between what the speaker explicitly commits herself to by dint of the conventional meaning of the sentence she utters and 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 previous to the making of the utterance at the day of utterance. But after all such a specification of the content of the utterance is just an assumption made by the hearer. This content is not carried by the linguistic meaning of the sentence uttered; hence it is not explicitly stated. In cases like these, 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 well grounded and more or less default.

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. For 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 or as Mackie (1977, p. 208) formulates the straight rule of responsibility: ‘an agent is responsible for all and only [her] intentional actions’.

The common distinction between lying and misleading seems to be supported by the difference between what is expressed by the speaker and what is inferred by the hearer and the division of responsibility which is supposed to go hand in hand with this difference. In response to a dinner invitation, the speaker may truthfully answer ‘I have eaten’, provided that she has eaten at some point previous to the utterance. Her having had dinner at the day of utterance and its being the reason for the declination are assumptions made by the hearer. The speaker does not lie, she is at most misleading, since she is responsible for what she says and not for what the hearer fallibly infers.

In this paper I will argue, first, that the division of responsibility according to which speakers are responsible for what they say and hearers for what they infer is unstable. It is practically impossible to hold speakers responsible unless they can be held responsible for hearer assumptions. Hence the lying/misleading distinction is untenable. Second, I will look at a recent argument from empirical evidence for the reality and stability of the lying/misleading distinction. I will observe that our habit of making the distinction does not prove that it is well founded. Third, 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 suggest that a vindication of lying would perhaps be more honourable. In short, I sketch an argument to the effect that there are no conceptual, empirical or moral reasons for making the lying/misleading distinction.

## 2 The Necessity of Hearer Assumptions

A problem about the division of responsibility according to which the speaker is responsible for what she says and the hearer is responsible for what she infers is that, in general, speakers commit themselves to very little by explicit means.

This is clear already from the case of indexicals. These are lexical items the linguistic meaning of which consists in constraints on or instructions for recovering the semantic values they have on specific occasions of use (cf. Kaplan’s 1977, p. 500 distinction between character and content). The semantic value of an indexical is not something which the speaker explicitly commits herself to by her use of the indexical in question. It is the task of the hearer to work out what the semantic value is. There exist different theories of how the semantic values of indexicals are determined, but the majority of theories hold that the speaker’s referential intention is crucial in this regard. If the hearer is not permitted to hold the speaker responsible for her assumptions about the speaker’s referential intention, it will be possible for the speaker to avoid liability simply by denying that her referential intention was the one the hearer assumed it was.

Theorists usually admit that the condition of explicitness will be too austere to be effective against liers. It is what is said which matters and this notion goes somewhat
beyond what is explicitly stated. Saul argues for the criterion NTE (Needed for Truth Evaluability) which she formulates thus: ‘A putative contextual contribution to what is said is a part of what is said only if without this contextually supplied material, S would not have a truth-evaluable semantic content in C.’ (Saul 2012, p. 57) A reasonable principle thus seems to be that speakers are responsible for the minimal truth conditional meaning of the utterances they make. Extra truth conditional aspects of meaning arise only because hearers want to make sense of what is said and fall under the hearer’s responsibility. Another recent attempt at expanding the condition of explicitness is by the notion of QUD (Question Under Discussion) (Stokke 2018, ch. 5). The QUD constrains the content of the speaker’s utterance. However, to insist that the speaker is responsible for the minimal truth conditions of her utterance or for what the utterance conveys according to the QUD does not by itself tell what the content is. Here again, unless the hearer is permitted to invoke her assumptions concerning what truth conditional meaning the speaker has committed herself to or what the QUD was, whether the speaker has lied or merely been misleading will be completely up to the speaker herself.

Even if it would be possible to make good the principle that speakers are only responsible for what they explicitly state in such a way that only factual matters come into play, it seems that the necessity of relying on assumptions would come back at another level. Lying does not only depend on what is said but on the force of what is said. A reasonable condition of charging a speaker with lying, is that the speaker made the utterance seriously and not in jest or with the intent of telling the hearer something and just not of putting forward a thought for consideration. Frege’s (1879, §2) vertical and horizontal strokes for visualizing the difference between mere thoughts and judgments are well known, but they do not appear in conversation. As Davidson (1984, p. 274) says: ‘nothing is more obvious than that there cannot be a convention that signals sincerity’. The assertive force of an utterance cannot be something which the speaker commits herself to by explicit means. Hence if we think that speakers should not be charged with lying for false claims made in jest, we must recognize that a charge of lying relies on the hearer’s assumption that the speaker made a sincere statement.

It is true that most speakers denying have spoken seriously when charged with lying in order to escape liability appear rather ridiculous. Fricker (2012, p. 83n) reports a case where a politician on television gave incorrect information in order to support his argument. When taken to task, he claimed that he had not made a ‘factual statement’. That was certainly not credible. But for the hearer to argue that such a denial is implausible is precisely to argue that the assumption that the utterance was an assertion is warranted.

I have argued that unless the hearer is permitted to invoke her assumptions regarding the content and the force of what the speaker says, the speaker will escape the charge of lying and can only be charged with misleading. The questions of what semantic value an indexical has and whether the speaker spoke seriously or not are hardly factual matters and cannot be relegated to the authority of the speaker. In so far as the verdict would be at the speaker’s discretion, the speaker would represent no authority at all (cf. Hobbes 1641, p. 84 [VI.14]). Speakers must be responsible for
hearer assumptions, if they are to be held responsible at all. Once it is recognized that assumptions must be invoked, the focus in charges of lying will not be on the implicit/explicit distinction, but on the warrantability of the assumptions invoked.

3 The Irrelevance of Empirical Confirmation

In the recent literature there is some debate whether false implicatures may constitute lies. It is in the nature of implicatures not to be explicitly stated by the speaker, to be merely implied, to be truth conditionally irrelevant and to arise out of the hearer’s attempt to make sense of what the speaker says in the context at hand. Consequently most theorists agree that implicitly conveyed falsehoods are merely misleading (Green 2015, Viebahn 2017, García-Carpintero 2018, Stokke 2018). In the preceding section I argued that unless the hearer holds the speaker responsible for the hearer’s assumptions, the speaker will be able to avoid liability for virtually everything she says. On this view, it is not because an implicature is implicit and depends on hearer assumptions, that the speaker might not be responsible for it. Whether the speaker lies by means of an implicature is a matter of the warrantability of the speaker’s interpretation. 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 warrantability of the hearer’s interpretation. While implicitness does not 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. An assumption must be warranted and even maximally warranted in order to support a charge of lying. On the view presented here, nothing in principle forbids a speaker from lying by means of a false implicature.

But is this picture of the interaction of lie judgments accurate? Is it not rather the case that most often when it is established that a lie judgment is based on assumptive meaning, the charge of lying is dismissed? In a recent paper, Weissman and Terkourafi set out to empirically test whether informants agree with Meibauer’s (2011) contention that false implicatures are lies. Providing informants with scenarios of utterances of false implicatures, Weissman and Terkourafi ask informants to judge whether utterances constitute lies or not. To an overwhelming extent Meibauer’s contention is refuted by the informants’ judgments. The investigation shows that informants agree with the majority of theorists and in most cases do not consider false implicatures to be lies. Informants’ lie judgments rely on the explicitly stated meaning of utterances: ‘our participants tended to focus only on the lower-bound literal meaning of the utterance when determining whether a speaker had lied’ (Weissman & Terkourafi 2019, p. 243).

It seems that this result speaks against the view put forward here according to which it is the warrantability of the hearer’s assumptions and not the degree of explic-
itness in the speaker’s saying which matters. 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, this result has a considerable weight. Arico & Fallis (2013, p. 796) say that ‘lying does not seem to be the sort of thing about which people can be systematically mistaken’. In any case, people’s actual lie judgments must somehow be accommodated.

Weissman and Terkourafi take their empirical investigation to show the robustness of the lying/misleading distinction. But can the result of Weissman’s and Terkourafi’s empirical investigation really be used against the view that false implicatures can constitute lies? What is beyond doubt is that the lying/misleading distinction is a well established feature of our conversational culture. It is also commonly supposed to rely on the explicit/implicit distinction. Hence, the fact that most people have the inclination not to count false implicatures as lies was only to be expected. However, when I argue that false implicatures may constitute lies my claim is not that people actually do consider false implicatures to be lies, but rather that they do not have any particular reason not to.

The result of Weissman’s and Terkourafi’s investigation is thus not incompatible with the view put forward here. The question is not what lie judgments people are in the habit of making, but what lie judgments they have good reasons to make. I argued that lie judgments based on explicitly stated meaning ultimately cannot be upheld. When informants rely on literal meaning in their lie judgments, they disregard the fact that the semantic value of indexicals and the assertive force of utterances are not part of literal meaning and depend on their own assumptions. From the viewpoint of this argument, a welcome finding of Weissman’s and Terkourafi’s investigation is that people actually do consider some false implicatures to be lies: ‘To say that false implicatures are absolutely not lies, however, is an unfounded generalization.’ (Weissman & Terkourafi 2019, p. 236). This suggests that the lying/misleading distinction is actually less stable than what is generally assumed.

So far I have argued that it is practically impossible to uphold the lying/misleading distinction and that empirical investigations to the effect that people are in the habit of making it do nothing to show that it is sound. Are there any moral reasons for making the lying/misleading distinction?

4 Deceptive Misleading

Why is lying impermissible and misleading permissible? Is there really a difference between lying and misleading from a moral point of view, such that misleading is less blameworthy than lying?

There seem to be good reasons for condemning lying. For the sake of sincerity, trust and general reliability speakers should be strongly encouraged to tell the truth. By lying, Kant (1797, p. 612) says, ‘I bring it about, as far as I can, that statements (declarations) in general are not believed’. The notion of misleading could be motivated in so far as speakers should not be responsible for wilful inferences made by hearers. However, misleading is not really the notion of truthful information accident-
ly taken in the sense of a falsehood, but rather the notion of truthful information calculated to be taken in the sense of a falsehood.

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 skins of others, but the conviction that some truths had better be concealed is just as ingrained as the conviction that we should tell the truth. With regard to telling the truth, we have thus conflicting convictions. The lying/misleading distinction comes in handy as a way out of this dilemma.

Let us look at Augustine’s (395, p. 86 [ch. 13]) discussion of what to tell the persecutor of an innocent person whose hiding place 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’. This answer would raise the suspicion that the refugee was at the place asked about. Augustine advises the speaker rather to state the truth ‘I know where he is but I will never disclose it’. This answer, Augustine takes 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 preferable in so far as it induces the persecutor falsely to believe that the refugee is not at the place asked about. 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 interested in concealing the truth, yet in stating nothing but the truth.

Augustine visibly displays a concern with, as Pascal (1656, p. 276 [IX]) says, ‘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 & Toulmin 1988, pt. IV). The categorial duty not to lie is served by all sorts of deceptions. Deceiving others is fine as long as no attempt is made to deceive God (as if God could be). The focus in many discussions also outside casuistry of misleading 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 presented 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 careful 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 institution than a natural kind. But pace Nietzsche (1887, p. 7 [pref. §6]) suspicious conditions of emergence and circumstances of occurrence do not automatically invalidate a concept.

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? Is it certain that misleading is less blameworthy than 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 have sketched an argument to the effect that there are no conceptual, empirical or moral reasons for making the lying/misleading distinction. A charge of lying must involve the hearer’s assumptions and hence lying cannot be conceptually distinguished from misleading on the ground that lying pertains only to what the speaker explicitly commits herself to. It is true that people do have the habit of making the lying/misleading distinction and precisely by focussing on the explicit/implicit distinction, but this empirical finding cannot be taken as a reason for the well-foundedness of the distinction. I have also suggested that the lying/misleading distinction is in close association with an interest in concealing the truth and that it would perhaps be more honest to explore the permissibility of lying.

References