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Analyzing the Wrongfulness of Lying: A Defence of Pluralism

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ABSTRACT: Extant accounts, both old and new, of the wrongfulness of lying are all inadequate. The common problem with each consists in its unitary structure. Such analyses presuppose that all lies are wrongful in the same way, for the same unifying reason. This assumption, however, does not do justice to the phenomena of lying. This is because lying can be morally objectionable in diverse ways. Thus, I argue for a dialectical shift towards a pluralist approach to the wrongfulness of lying. We should not force unity upon the moral structure of lying when there is actually diversity.

RÉSUMÉ : Les explications de ce pourquoi mentir est mal sont toutes inadéquates. Leur problème commun se situe dans leur structure unitaire. Ces analyses présupposent que tous les mensonges sont mauvais pour la même raison unificatrice. Cette supposition ne rend cependant pas justice au phénomène du mensonge, et ce, parce qu'on peut s'objecter à l'acte de mentir de différentes façons. Ainsi je suggère qu'il faut un changement dialectique en direction d'un traitement pluraliste de ce qui est mauvais dans le mensonge. Il ne faut pas forcer une unité sur la structure morale du mensonge lorsqu'il y a en fait pluralité.

Keywords: normative ethics, pluralism, lying, bald-faced lies, wrongfulness of lying

1. Introduction

In this paper, I argue that extant accounts, both old and new, of the wrongfulness of lying are all inadequate. The common problem with each consists in its *unitary* structure. Such accounts presuppose that *all* lies are wrongful in the *same* way, for the *same* unifying reason. This assumption, however, does not do justice to the phenomena of lying. This is because lying can be morally

objectionable in diverse ways and for diverse reasons. Thus, I argue that we should take a pluralist approach to the wrongfulness of lying; we should not force unity upon the moral structure of lying when there is actually *diversity*.

What makes lying wrong (when it is wrong)? This is the main question I will be concerned with in what follows. To be clear from the start, I do not assume any form of *absolutism* about lying. That is, I do not assume that all lies are wrongful, all the time, no matter what. Instead, I wish to leave open the possibility for lies that are not wrong at all (e.g., lying to a murderer who is looking for your friend,[1] bluffing in a poker match, or negotiating.)[2] For brevity, I simply refer to each analysis I consider as offering an explanation of the wrongfulness of lying, but I will focus my attention on the wrongfulness of *wrongful* lies.

In Section 2, I outline and defend two necessary conditions on lying. In Section 3, I defend three desiderata on an analysis of the wrongfulness of lying. In Section 4, I argue that traditional deontological and utilitarian accounts of the wrongfulness of lying are unsatisfactory because they fail to satisfy at least one of these desiderata. Then, in Section 5, I focus on a novel approach defended by Sarah Stroud.[3] Stroud defends a *relational* analysis and argues that lying is wrong because it requires objectionable relationships of *infidelity*. While I do take Stroud's account to fare better when compared to its more traditional counterparts, I argue that it too does not satisfy one of the desiderata. In particular, Stroud's account fails to explain why a particular class of non-deceptive—so-called 'bald-faced'—lies are wrongful. In Section 6, I defend three claims about bald-faced lies: (i) that bald-faced lies are genuine instances of lying, (ii) that they are pertinent to ethical theorizing about the wrongfulness of lying, and (iii) that there are, *pace* Roy Sorensen, *wrongful* bald-faced lies.[4] Lastly, in Section 7, I argue that the discussions in Sections 3-6 reveal that extant analyses of the wrongfulness of lying are severely lacking. This is because, despite their differences, each account assumes that the wrongfulness of lying is morally unified phenomena—that there is one *single* way in which lying is morally objectionable. In other words, each account offers a morally unified explanation of the wrongfulness of lying when, in reality, the phenomena calls for explanatory *diversity*. I argue that deceptive and non-deceptive (i.e., bald-faced) lies must give rise to distinct wrongs and that, as a result, a proper analysis of the wrongfulness of lying must have a *pluralistic* structure. Theorists must embrace a dialectical shift towards pluralism if they are ever to offer a sufficiently robust explanation of what is morally objectionable about lying.

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[1] This example is famously brought forth against Kant's prohibition on lying; for an in-depth discussion see Korsgaard (1996).

[2] See Carson (2010), 191-197 and Strudler (1995) for a defence of the claim that lying while negotiating is morally permissible.

[3] Stroud (2017).

[4] Sorensen (2007).

2. What is a Lie?

There is controversy in the literature concerning the exact necessary and sufficient conditions on lying.[5] The literature reveals, however, at least the semblance of consensus concerning the following two necessary conditions:[6]

> A *lies* to B concerning *p* only if:
> A *asserts* that *p* to B and,
> A *believes* that *p* is false.

The two key words to note here are 'asserts' and 'believes.' Starting with the first, a speaker does not lie if she only insinuates or falsely implicates that *p* to her interlocutor. Similarly, a speaker does not lie if she is being sarcastic, ironic, hyperbolic, metaphorical, or humorous when saying that *p*. For instance, one does not lie when one says: 'I am so hungry, I could eat a cow' or 'I just love waiting in long lines.' Lying demands a specific sort of speech act that is absent in these ways of speaking. In particular, lying requires full-blown *assertion*. In order to lie, a speaker must offer a serious assertion such that she purports to 'go on the record' with respect to *p*. Assertion should be understood broadly as encompassing both linguistic (i.e., verbal and written) and non-linguistic (i.e., gestural: pointing, nodding) forms of communication.

The second condition highlights that the truth-value of *p* is irrelevant to whether someone lies. Instead the speaker's *belief* about the truth-value of *p* is what matters. The speaker must believe that *p* is false in order to lie. Hence, one can lie by asserting a true proposition just so long as she *believes* that it is false—as is the case when speakers are incompetent or otherwise misinformed. Some have argued that this requirement is too restrictive because a speaker can lie by asserting something that she believes is neither true nor false. For example, a speaker can lie by asserting a proposition that she withholds judgement about. I am sympathetic to this point, but I do not prefer it for reasons offered by Jennifer Saul.[7] Saul maintains that in order to lie it is not enough for a speaker to assert what she does not believe is true; more is needed—a speaker must believe that what she is asserting is *false*. Saul insists that when one asserts something that one believes is neither true nor false (i.e., cases where a speaker suspends judgement about the truth-value of *p*), such assertions are not lies, but instead instances of what Harry Frankfurt famously calls 'bullshit.'[8] A speaker is bullshitting when she expresses a complete disregard

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5   See Mahoon (2016) for an overview of this debate.
6   See Bok (1978), Sorensen (2007), Carson (2010), Saul (2012), Lackey (2013), and Stroud (2017), among others. For a historical defence, see St. Augustine (1952).
7   Saul (2012), fn. 10.
8   Frankfurt (2005).

for the truth-value of what she asserts. Nothing in what follows turns on this amendment, so I stick to the above formulation hereafter.

Notice that I have not included *the intent to deceive* among the necessary conditions above. Intentional deception can be understood roughly as follows:

> A *intentionally deceives* B concerning whether *p* if:
> A *intends* for B to have a false belief about *p* and,
> A *causes* B to have a false belief about *p*.

The 'intends' in the first condition rules out cases where someone overhears a false assertion and forms a belief on this basis. If an eavesdropper forms a false belief on the basis of what she overhears, the speaker does not thereby deceive *her*. This is because the eavesdropper is not the speaker's addressee. The second condition captures the fact that 'deception' is a *success* term in the sense that A has not, strictly speaking, deceived B, unless A has actually *caused* B to form a false belief about *p*.

Traditionally, the wrongfulness of lying has stemmed from the thought that lies intend to deceive.[9] There is an obvious and intuitive connection between lying and deception, but this is not a *necessary* connection. I omit intentional deception as a necessary condition because there are lies that neither aim to be nor are deceptive, namely, bald-faced lies.[10] Bald-faced lies can be characterized as follows:

A tells a *bald-faced lie* to B, concerning p only if:

> A makes an *assertion* that *p* to B,
> A *believes* that *p* is false, and
> A and B *mutually recognize* that *p* is false.

What makes bald-face lies unique is that they involve meta-knowledge such that the speaker and the hearer *mutually recognize* that the speaker is lying. Bald-faced lies do not masquerade as truths—to the contrary, they are, *ex hypothesi*, transparently false. Bald-face liars do not even attempt to be deceptive, but instead blatantly assert what they know their interlocutors do not believe. At this point in the paper, I simply want to flag the existence of non-deceptive lies. They will be discussed at length in Sections 5 and 6. It is also worth pointing out that Stroud, a defender of one of the main accounts I criticize, also acknowledges a separation of deception from lying. She says: "Lying is neither necessary nor *sufficient* for intentional deception."[11]

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9 Historically, St. Augustine (1952) defends this connection, and more recent defenders include Bok (1978), Williams (2002), and Lackey (2013), among others.

10 I am not alone in this omission; see Sorensen (2007), Carson (2010), Stokke (2013a, 2013b), and Fallis (2014), among others.

11 Stroud (2017), 80. Italics added.

To summarize: in order to lie, A must *assert* that *p* to B while also simultaneously *believing* that *p* is false. This need not require that A intend to deceive B about the truth of *p* (though it may).

3. Desiderata

In offering an analysis of the wrongfulness of lying, there are at least three desiderata that must be met. An analysis of the wrongfulness of lying should:

1. Explain what is *distinctively* wrong with lying.
2. Explain why *all* and *only* lies are wrongful.
3. Explain how the *liar* wrongs the *recipient* of the lie.

I take each of these desiderata to be uncontroversial demands. I explain each in turn.

The first desideratum is straightforward: an analysis of the wrongfulness of lying should explain lying's wrongfulness (obviously!). More strictly, a proper analysis should offer an explanation that is pertinent to lying *in particular*. Stroud defends this desideratum explicitly when she says that: "[i]t does not after all seem as if all wrong acts have the same moral profile—as if all wrong acts are wrong for the exact same reason."[12] A way of flouting this desideratum would be to offer an 'all-purpose' analysis that purported to explain why a *variety* of different phenomena are morally objectionable. For example, it is obvious that killing, sexual assault, discrimination, adultery, embezzlement, pedophilia, identity theft, breaking promises, and so on, are all wrong for *different* reasons.[13] An analysis of the wrongfulness of each should capture these differences. Thus, a proper analysis of the wrongfulness of lying requires nuance and precision such that it identifies what makes lying *per se* wrong.

The second desideratum has to do with *extensional adequacy*. A proper analysis of the wrongfulness of lying should explain why *all* and *only* wrongful lies are wrongful. It should cover the phenomena adequately and exactly. Its explanatory power should be both precise enough to satisfy the first desideratum while being inclusive enough to explain why all wrongful lies are wrongful. But, it should not be *too inclusive*. It should explain the wrongfulness of *just* those lies that are wrongful, that is, it should not deem as wrongful any lies that are morally permissible or otherwise morally neutral. It is perhaps helpful to think of this as the 'Goldilocks' desideratum: it requires that the analysis not be too *permissive* as to include *all* lies (i.e., those lies that are not wrongful) and it should not be too *narrow* by failing to explain some subset of wrongful lies. Instead, it needs to be *just right* by explaining the wrongfulness of *all* and *only* wrongful lies.

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12   Ibid., 83.
13   Cf. Ibid., 83-84.

The third desideratum requires that the analysis explain why the *recipient* of the lie is the specific individual who the liar wrongs. Lying is inherently a bipolar act. Lies are always directed *towards* individuals; one is always lying *to* someone. Lying involves two distinct and related parties: the liar and the interlocutor to whom the lie is addressed. By telling a lie, the liar wrongs her addressee *specifically* and negatively alters their relationship. An analysis of the wrongfulness of lying should track this defect in the relationship that arises from the lie; it should account for how the recipient of the lie is the person who is directly victimized by the wrong to which lying gives rise.[14]

To sum up: an analysis of the wrongfulness of lying should explain why lying *in particular* is wrong, it should account for why *all* and *only wrongful* lies are wrongful, and it should capture the *bipolarity* or *relationality* that forms the fundamental structure of lying—that is, it should explain how the liar directly wrongs the person who is lied to.

In the next section, I argue that traditional utilitarian and deontological accounts of the wrongfulness of lying are unsatisfactory. Both traditions fail to meet at least one of the above desiderata.

4. Traditional Analyses

Utilitarian approaches to the wrongfulness of lying focus on the negative consequences that result from forming false beliefs. The utilitarian claim is that lying generally achieves deception. Deception (i.e., the formation of false beliefs) tends to decrease net happiness. Thus, lying is wrong, according to the utilitarian, because it has a tendency to decrease net happiness.[15]

While the utilitarian analysis may have some initial appeal, it does not stand up to closer scrutiny. It fails all three desiderata. The reason that lying is wrong (i.e., because it tends to decrease net happiness) is too generic and does not capture what is *distinctively* wrong with lying. On this point, Stroud says: "On the utilitarian view, what is wrong with lying is just that it reduces total human happiness—exactly the same thing that is wrong with every other wrong act."[16] This account fails the first desideratum due to a lack of precision.

The utilitarian analysis also fails the second desideratum because it lacks extensional adequacy. It does not classify certain wrongful lies *as wrongful*.

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14   Recently, practical philosophy has seen the emergence of a number of approaches that embrace the importance of directed duties and bipolar relationships in ethical discourse. See, for example: Scanlon (1998), Thompson (2004), Darwall (2013a, 2013b), and Wallace (2007). Stroud (2017) also emphasizes the importance of relationships when accounting for the wrongfulness of lying. She classifies lying as "[a] species of *interpersonal relation*," 88. Her account is discussed at length in Section 5.

15   Cf. Stroud (2017), 80, who attributes a similar argument to the utilitarian.

16   Stroud (2017), 80.

First, this account takes for granted that *all* lies are intentionally deceptive—that all liars hope for their interlocutors to believe what they assert. This assumption is misguided. Given their non-deceptive nature, bald-faced lies are never concealed or disguised as truths. As such, recipients of these lies are never fooled by them. Hence, bald-faced lies *never* result in the formation of false beliefs and are left unexplained on the utilitarian analysis. Second, among the class of intentionally deceptive lies, there remains a subset of lies that are also unexplained on this view. Lies that are unsuccessfully deceptive remain unaccounted for because they do not result in the formation of false beliefs. When a liar is misinformed or confused about the truth of what she asserts, she may end up asserting a *true* proposition. In such a scenario, if her interlocutor forms a belief on the basis of the lie, she will end up believing a *true* proposition.[17] Third, unbeknownst to the liar, her interlocutor may antecedently know that what she is asserting is false. This may owe to previous experience or evidence that the recipient of the lie possess that indicates that the assertion is false. In this case, she will not be taken in by the lie and, hence, will not form a false belief on its basis. The utilitarian analysis, thus, cannot explain the wrongfulness of lies that do not result in the formation of false beliefs.

What's more, as Stroud points out, some lies that *are* successfully deceptive (i.e., that result in the formation of false beliefs) may end up *increasing* net happiness.[18] This is a controversial point, but I believe it is plausible. Imagine a spouse asserting: 'I was working late' in order to conceal an affair. The spouse anticipates that this lie will prevent a great deal of unhappiness: hurt feelings, anger, depression, resentment, separation from one's children, the loss of one's home, financial losses from a probable divorce, and so on. In some instances, lies are told in order to block a greater anticipated harm from manifesting. In such cases, the liar hopes to substitute a minor wrong for a much greater harm that would result from telling the truth. The utilitarian analysis appears to grant the telling of these lies just so long as the resulting false belief mitigates an overall decrease in net happiness and facilitates an increase of net happiness. Thus, the utilitarian analysis fails the second desideratum because too many lies fall outside of its scope and are left unexplained. In particular, the utilitarian analysis fails to explain the wrongfulness of non-deceptive bald-faced lies, lies that result in the formation of true beliefs, and lies that may actually end up increasing net happiness.

A different utilitarian interpretation explains the wrongfulness of lying as stemming from the negative impact lying has on the institution of honest communication more generally.[19] This interpretation centres upon the long-term

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[17] Cf. Ibid., 82. Stroud offers a grand total of six very compelling reasons to reject utilitarian accounts of the wrongfulness of lying, 81-84.

[18] Ibid., 81.

[19] See Mill (1987). For a recent and nuanced defence, see Shiffrin (2014).

consequences of telling lies. Accordingly, lying is wrong because it harms the social practice of truth telling, which in turn decreases net happiness. This alternative interpretation is also unsatisfactory. While it does mention the institution of honest communication, it insufficiently hones in on the act of lying specifically and so fails the first desideratum. What's more, it is unclear how one measly lie can be efficacious enough to harm the *entire* institution of honest communication. Undermining confidence in the *whole institution* would require a considerable amount of lying. A couple of drops of cyanide in the Pacific Ocean will not suffice to ruin the waters. As Stroud claims, "It would rarely seem true that my lie will literally affect the future employment of trustworthy communication. I just don't have that kind of power!"[20] Moreover, Thomas Carson notes: "Only those lies that are *discovered* by others can make people less trusting of others."[21] Thus, this interpretation fails in its scope. Specifically, this account does not discern *as wrongful* lies that have yet to be unearthed and exposed as lies, and lies that do not undermine the social practice of sincere communication. Thus, this alternative utilitarian interpretation does not satisfy the second desideratum.

Furthermore, these two utilitarian interpretations fail the third desideratum. Both claim that lying is wrong because it decreases net happiness. The first claims that this decrease is due to lying's tendency to produce false beliefs, and the second claims that it is due lying's erosion of the institution of honest communication. Notice how neither account says *anything at all* about how the liar wrongs the recipient of the lie.[22] This has absolutely no bearing on the wrongfulness of lying. This distorts the phenomena of lying by obscuring its relational or bipolar structure.

What about deontology? Deontological analyses of the wrongfulness of lying can take two forms: one according to Kant's Formula of Universal Law and the other according to his Formula of Humanity. Kant presents both of these maxims as applying categorically, without exception. Kant is famously, and perhaps infamously, interpreted as endorsing an *absolute* prohibition against lying: lying is *always* morally impermissible, full stop, no ifs, ands, or buts about it.[23] This proposal strikes many as being too strict. The most notable counterexample to this proposal is the murderer at the door. Imagine that a known murderer knocks on your door asking for the whereabouts of your friend (whom you coincidently know the murderer is trying to kill). According

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[20]   Stroud (2017), 83.

[21]   Carson (2010), 74. Italics added.

[22]   Cf. Stroud (2017), 85 who emphasizes this oversight.

[23]   For a heterodox interpretation, see Korsgaard (1996), 133-158, who argues that the Formula of Humanity does not commit Kant to an absolute prohibition on lying. Also see Carson (2010), 67-88, who argues that Kant abandoned his commitment to absolutism in later work.

to Kant's absolutism, it is morally impermissible to lie to the murderer. To further draw out this point with what is possibly a more realistic example, rewind the clock to WWII c. 1940. You are harbouring four young Jewish orphans under the floorboards of your home. A Nazi soldier knocks on your door and asks if you are hiding Jews. Do you tell him where they are? Kant's absolutism dictates that you should, for it is *always* morally impermissible to lie. Christine Korsgaard notes:

> One of the great difficulties with Kant's moral philosophy is that it seems to imply that our moral obligations leave us powerless in the face of evil. Kant's theory sets a high ideal of conduct and tells us to live up to that ideal regardless of what other persons are doing.[24]

Thus, given Kant's commitment to absolutism, there are compelling reasons right out of the gate to oppose deontological analyses. A further examination of the Formula of Universal Law and the Formula of Humanity, respectively, in light of our desiderata will yield even further reason to reject deontological approaches to the wrongfulness of lying.

Kant formulates the Formula of Universal Law as follows:

> Act only according to the maxim whereby you can at the same time will that it should become universal law.[25]

Accordingly, lying is wrong because it cannot be willed as a universal maxim without contradiction. The general idea is that if *everyone* were to lie, lies would be ineffective as a means to deceive others. Deception would be so rife that the presumption that others were telling the truth would be absent in common discourse. We tend to believe others, so the story goes, *because* there is a default presumption of veracity. The liar abuses the institution of honest communication by making herself an exception and free riding off of the social practice of truth telling.

The deontological analysis, according to the Formula of Universal Law, fails all three desiderata. It fails the first because the explanation for why lying is wrong—that is, because lying cannot be willed as a universal maxim—is *too* general. While this analysis does focus on the institution of honest communication in particular, and so does begin to nudge closer to the phenomena of lying, its focus is remains considerably watered down.

This account also fails the second desideratum because its scope is both too broad and too narrow. Given Kant's absolutism, *every* act of lying is deemed morally impermissible, but this, as was previously noted, is overkill. This account

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24 Korsgaard (1996), 133.
25 Kant (2012) 4:421.

does not capture *only* wrongful lies, but instead *all* lies, such as those told to murderers in order to prevent the death of one's friend, and those told to Nazi's looking for hidden Jews. This casts the net *far* too wide. As was the case for the utilitarian analysis, the Formula of Universal Law is too narrow because it assumes that all lies are deceptive and that all liars aim to deceive their interlocutors. Non-deceptive bald-faced lies do not free ride off of assumptions of veracity because, given that they are transparently false—i.e., the recipient of the lie knows that the assertion is false—they are never assumed to be true. This account does not properly address non-deceptive lies, which do not free ride off assumptions of veracity.

Furthermore, this account makes no mention of either the liar or the recipient of the lie. As such, it clearly fails the third desideratum. What makes lying wrong is simply that it cannot be willed as a universal maxim. The negative impact that the lie has on the relationship between the liar and the recipient of the lie is completely left out of the picture. The Formula of Universal Law fails to capture the *directness* of lying, how the liar wrongs the one lied to *in particular*.

The Formula of Humanity does a better job than the Formula of Universal Law, but it too has its shortcomings. Kant formulates the Formula of Humanity as follows:

> Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.[26]

For Kant, treating humanity as an end amounts to showing respect for others by allowing them to determine their own ends though rational deliberation.[27] Lying is wrong on this account because the liar treats her interlocutor as a mere means and undermines her capacity for rational decision making.

This account satisfies the third desideratum, but fails the first and second. Starting with the first desideratum, the reason that lying is wrong—namely, because it involves treating others as mere means and undermines their rationality—is also the explanation given for a variety of different wrongful acts. There are plenty of ways in which one can treat another as a mere means (e.g., robbing them, making them slaves, sexually assaulting them, coercively harvesting their organs, and so on). As such, this account lacks the specificity needed to satisfy the first desideratum.

This account fails the second desideratum because, in sync with the previous accounts, it presupposes that all lies either aim to deceive or are successfully deceptive. Presumably one's capacity for rational deliberation and decision

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making can only be tampered with if one *actually is* deceived. Only then will one have false beliefs that impede rational deliberation. Some lies, however, do not aim at deception whatsoever and do not result in the formation of false beliefs, as was previously noted. Moreover, among the lies that are aimed at deception, there are some that are unsuccessfully deceptive in the sense that they do not result in the formation of false beliefs. Recall that lying only requires that the speaker *believe* that what she is asserting is false. Hence, a speaker can lie by asserting a true proposition. In such a case, if the recipient of the lie forms a true belief on the basis of this assertion, she is actually offered *reliable* epistemic goods that do not obstruct but instead *aid* in rational decision making. Thus, the deontological account according to the Formula of Humanity fails to satisfy the second desideratum because it does not explain why non-deceptive and unsuccessfully deceptive lies (i.e., lies that do not result in the formation of false beliefs) are wrong.

This account does best when it comes to the third desideratum, but even here it falls short. Unlike the previous accounts, the Formula of Humanity begins to capture the *relational* structure of lying. It purports to explain the wrongfulness of lying by explaining how the liar wrongs her interlocutor by undermining her rationality. Hence, we can grant, perhaps generously, that this account meets the third desideratum.[28] It is a further question, however, whether this is really a *plausible* description of what is going on when someone tells a lie. It is unclear whether there is an obstruction of one's rational faculties in the case of non-deceptive and unsuccessfully deceptive lies because, as was noted, they do not result in false beliefs. Furthermore, even in the case of successfully deceptive lies, one may question whether one's rationality is really hindered by forming false beliefs. Stroud expresses this concern with the Formula of Humanity:

> I expressly leave my interlocutor's capacities for rational deliberation intact, precisely so that he will use them to draw whatever inferences serve my purposes. I place a false *input* into his deliberative system, but leave the machinery itself in perfect working order.[29]

Stroud emphasizes that deceptive lies do not undermine the rational faculties of their recipients. The functionality of one's capacity for rational deliberation is not impacted, she claims, simply by receiving a "false input" (i.e., false belief). Stroud's suggestion is that false content does not undermine one's ability to exercise rational decision making and, hence, the Formula of Humanity fails to accurately target what is morally objectionable about lying.

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28 Cf. Stroud (2017), 86.
29 Ibid., 87.

Thus, it is unclear whether the morally objectionable features of lying—that is, the features wherein the wrongfulness of lying consists—have anything to do with undermining one's capacity for rational deliberation. While this analysis does better than its previous competitors because it starts to track the bipolar structure of lying, its overall plausibility remains questionable.[30]

I hope to at least have sparked some worries with traditional utilitarian and deontological analyses and to have motivated the need to look elsewhere for a satisfactory account of the wrongfulness of lying. In the next section, I discuss a novel analysis defended by Stroud.

5. The Relational Analysis

Stroud defends a *relational* analysis of the wrongfulness of lying. On this account, lying is wrong because it requires an *objectionable relationship of infidelity*. Stroud's relational account largely rests upon, and is motivated by, her understanding of testimonial uptake and exchange. She endorses an *assurance* view of testimony.[31] I first explain this view of testimonial exchange, and then explain its role in Stroud's analysis of the wrongfulness of lying.

According to the assurance view, by asserting that *p* a speaker offers her *assurance* that *p* is true to her interlocutor. The assurance offered by testimony provides the hearer with a reason to believe *p*, and thereby furnishes her with a justification for so believing. Here is Angus Ross, an early proponent of this view:

> The hearer possesses a justification for believing what is said which stems directly from the speaker's responsibility for its truth.[32]

Also, Richard Moran:

> [T]he hearer can assume that the belief in question has survived the speaker's reflection on it and is being presented to him with the speaker's epistemic backing and answerability for its justification […]. For the invitation to trust that it [testimony] presents to the audience is predicated on the speaker presenting himself as assuming responsibility for his speech being a reason to believe something […].[33]

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[30] An important objector to note here is Korsgaard (1996), 140-141. Taking up this debate would take the paper too far afield.

[31] Defenders of assurance views of testimony include Ross (1986), Watson (2004), Moran (2005, 2006), Faulkner (2011), and McMyler (2011), among others.

[32] Ross (1986), 78.

[33] Moran (2005), 339-345.

By asserting *p*, the speaker's extends invitations of trust and reliance, and takes on liability for *p*'s truth. The speaker shoulders responsibility and can be rightfully criticized should it be discovered by her interlocutor that *p* is false. The speaker's assertion also serves to signal to her interlocutor that she need not investigate the truth of *p* any further, that the testimony is a *sufficient* reason to believe *p*. Stroud claims that the speaker invites the hearer to take "his word for it that *p* rather than to seek evidence bearing on the question of whether *p* on her own."[34]

Defenders of the assurance view also emphasize that the speaker offers up her testimony *autonomously*. This feature of assertion, they claim, contributes to the hearer's justification for believing *p*. Here is Ross on this point:

> If a speaker's words are evidence of anything, they have that status only because he has *chosen* to use them. Speaking is not like allowing someone to see you are blushing […].[35]

Similarly, Moran says:

> [I]t is essential to the distinctive reason for belief that I get from assertion that it proceeds from something *freely undertaken* by the other person. Only as a *free declaration* does it have that value for me […] nothing can count as someone's assurance that was not *freely* presented as such, just as talking in one's sleep cannot count as making an assertion or a promise.[36]

Additionally, Stroud claims that the speaker's presentation of herself as a creditable, trustworthy, and sincere source of knowledge serves to place "moral pressure" on the hearer to believe what the speaker asserts.[37] To refuse to believe the proffered testimony, she claims, would be tantamount to disvaluing and discrediting the speaker as a sincere and authoritative source of knowledge. On this point, Ross says:

> To utter 'P' is not only to entitle one's hearer to assume that P; it is, other things being equal, to place them under a certain obligation to make that assumption. It is to make it 'difficult' for them to dissent, even inwardly, for to do so will be to *challenge one's authority as a judge of the matter in question*. To be told something is, other things being equal, to be placed under certain constraints as to what one *should* believe.[38]

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34 Stroud (2017), 90.
35 Ross (1986), 72. Italics added.
36 Moran (2006), 7. Italics added. Also, cf. Stroud (2017), 90.
37 Stroud (2017), 90.
38 Ross (1986), 79. First italicization is added.

This idea is also present in Miranda Fricker's pioneering work on epistemic injustice.[39] The speaker wants to be taken seriously as confirming *p*'s truth. Not believing *p* would, in Fricker's words, constitute a "creditability deficit" and the informant would, as a result, suffer a "testimonial injustice."[40]

Thus, according to the assurance view of testimony defended by Stroud, *a whole lot* happens when someone testifies something to someone else. There are a host of invitations and offers made by the speaker. The speaker offers sufficient justificatory reasons to believe *p*, as well as accepts or assumes accountability, reliability, and liability for *p*'s truth. The speech act of assertion radically changes the moral character of the relationship between speaker and hearer. As Stroud rather grandly says, the "normative universe" is changed as a result.[41]

Now we are well positioned to understand Stroud's relational account—specifically, what it meant by her claim that the wrongfulness of lying consists in an *objectionable relationship of infidelity*. According to the assurance view, when a speaker lies, she invites her interlocutor to trust the untrustworthy, and rely upon the unreliable. The liar presents herself as a serious authority on the truth of *p* and, in so doing, assumes responsibility for *p*'s truth—but the speaker *never* anticipates fulfilling this responsibility. The liar licenses her interlocutor to trust and depend upon her as a creditable source of knowledge concerning *p* while being fully aware that she is not trustworthy, dependable, or creditable. It is obvious, Stroud argues, that there is something morally objectionable about doing this to another person.

Stroud understands lies as requiring objectionable relationships of infidelity. She classifies lying as belonging to the broader category of *faithless pledging*. She claims that faithless *promises* are also instances of faithless pledging, and draws a structural parallel between telling a lie and making a false promise. In both promising and testifying, one *gives one's word* and, correspondingly, when one lies and when one makes a false promise, Stroud argues, one *breaks one's word*. Given this similarity, she considers both acts to be species of faithless pledges that are subsumed "under the general rubric of infidelity."[42] Stroud describes lying and false promises as follows:

> In those cases [of lying] you assure your interlocutor *that something is the case* rather than *that you will do something*. In both cases, however, you offer a guarantee that you know is fraudulent: a guarantee that, as we say, is not worth the paper it's

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[39]   Fricker (2007).

[40]   Ibid.,19. This connection to Fricker's work on testimonial injustice is noted in Stroud (2017), 90.

[41]   Stroud (2017), 90.

[42]   Ibid., 94.

printed on—there is nothing behind it. In both cases, you simultaneously pledge your troth and betray your pledge.[43]

To summarize: Stroud's relational analysis locates the wrongfulness of lying in an objectionable relationship of infidelity. The liar offers her word that *p* while simultaneously breaking it.

The relational analysis passes the first and third desiderata but fails the second. Stroud precisely hones in on the phenomena of lying and the relational structure of lying is salient. Stroud's analysis fails, however, when it comes to the second desideratum. Because her account hinges on the assurance view of testimony, it takes for granted that *all* lies invite relationships of trust and reliance, that *all* liars aim to be believed, and that *all* assertions offer assurance. These assumptions are misguided and, as I will argue, are only true of a subset of wrongful lies, in particular, deceptive lies.

Consider the following:

Caught Cheating
Professor Brandt catches Thomas cheating on his exam. There is overwhelming evidence including Thomas' cheat notes (visibly written across his arms), impeccable video footage, and Professor Brandt's firsthand observations. The Dean of the school, fearing lawsuits, has a strict policy that she will only punish students who confess to cheating. Thomas is aware of this. The Dean and Thomas review all the evidence and it is blatantly obvious to both of them that he cheated. The Dean looks Thomas square in the eyes and asks: 'Did you cheat on the exam?' With a serious tone, Thomas meets her gaze and says: 'I did not cheat.'[44]

Caught Cheating is a textbook case of non-deceptive bald-faced lying. Notice that Thomas plainly asserts what he believes to be false without even *trying* to deceive the Dean about the assertion's falsity. He does not conceal or disguise the falsity of his assertion whatsoever. To further press this feature of bald-faced lying, imagine that you are the Dean and Thomas' arms are parading in front of you, clearly covered in handwritten cheat notes. The Dean (easily!) recognizes that there is meta-knowledge such that Thomas knows that she

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[43] Ibid., 93. Stroud notes that this connection between false promises and lying traces back to W.D. Ross (1930), especially 20-39. W.D. Ross argues for the stronger claim that every lie is a special instance of a broken promise. Stroud defends only the weaker view that lying and false promises are two species of the same kind of act, namely, they are both faithless pledges. Getting clear on the precise differences between these two accounts would take the paper too far afield. For another defence of the connection between promising and asserting, see Watson (2004).

[44] This case is adapted from Carson (2010), 290.

knows he cheated (*mutatis mutandis*, from Thomas' perspective)—this is more than apparent, given the tremendous amount of evidence.

What does Stroud's analysis prescribe when it comes to bald-faced lying? Notice that Thomas does not offer any form of *assurance* that what he says is true, nor does he invite the Dean to trust or rely upon his word. He also does not place any *moral pressure* on the Dean to believe him. Put otherwise, the Dean's not believing him would not constitute a testimonial injustice. In fact, in some cases, the bald-faced liar may actively hope that her interlocutor does *not* believe what she asserts.[45] Testimonial injustice is not apt in cases of bald-faced lying because any creditability deficits are deserved and do not owe to any form of prejudice. Assessments of creditability in such cases are grounded in decisive counterevidence that clearly indicates that the speaker is not to be trusted. In fact, the speaker *herself* realizes this. The bald-faced liar is in no way purporting to be an epistemic authority on the matter to begin with.[46]

Furthermore, the structural parallel that Stroud defends between lying and false promising is severed in cases of bald-faced lying. This is because the bald-faced liar does not aim to *give her word*; she is not vouching for the truth of *p*, nor is she promising that *p* is true in any implicit or explicit way at all. All of this is plain because it is common knowledge among all parties involved that *p* is unquestionably false.

It is important to note that bald-faced liars still intend to 'go on the record' with respect to what they assert. Thomas wants to be taken as offering a serious assertion, but this is *not* equivalent to giving one's word that *p* in the morally loaded sense required by Stroud's analysis. Stroud's relational view claims that the wrongfulness of lying consists in an objectionable relationship of infidelity—the liar acts without fidelity by lying and, in so doing, betrays her interlocutor by breaking her word. However, one's word cannot be broken if it is not first given. In bald-faced lies, the liar never does offer her word. Such cases demonstrate how offering assurance, or giving one's word, can come apart from 'going on the record' with respect to *p* or asserting that *p*.

To summarize: given that there are lies that do not invite objectionable relationships of infidelity, Stroud's relational analysis is ultimately inadequate. Her account is restricted in its explanatory depth because it cannot sufficiently account for the wrongfulness of non-deceptive bald-faced lies. To be clear, I believe that Stroud's relational account offers a compelling explanation for why *deceptive* lies are wrong and, as such, marks a significant move forward in the dialectic. I do, however, believe that this progress is limited in its explanatory reach. Her view does not cover the moral phenomena of wrongful lying in its entirety.

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45   See, for example, the case offered by Sorensen (2007), 253.

46   Note that this does not entail that the speaker is not trying to be an authority in some other domain; here I solely claim that the bald-faced liar does not aim to be an epistemic authority with respect to the truth of *what she says*.

In the next section, I discuss bald-faced lies in more detail and explain their relevance to moral theorizing. I offer a defence of the following three claims: (i) that bald-faced lies are in fact *lies*, (ii) that ethical theorists should *care* about them, and (iii) that, *pace* Sorensen, there are *wrongful* bald-faced lies.[47]

6. Bald-Faced Lies

(i) Are Bald-Faced Lies even *Lies*?

Some may question whether bald-faced are even assertions and, hence, whether they are, strictly speaking, lies.[48] To deny that bald-faced lies are genuine lies has, I think, deeply unintuitive implications. (I am not alone in thinking this.)[49] It is entirely felicitous for the Dean in *Caught Cheating* to reply to Thomas with 'Don't *lie* to me!' Recall that Thomas does not intend for his testimony to be sarcastic, ironic, humorous, hyperbolic, or metaphorical—nor does the audience understand his speech in any of these ways. To the contrary, Thomas presents his testimony in a serious and official manner. He intends to 'go on the record' with respect to not having cheated, because this is required in order to evade punishment. Sorensen notes that bald-faced lies are commonly told with a "straight face and sober tone" and, if provoked, a bald-faced liar may say things like: "I am not kidding."[50] Additionally, there is empirical data indicating that bald-faced lies are taken to be lies by native English speakers.[51] This suggests that bald-faced lies are in fact assertoric speech acts and, hence, lies.

(ii) Why *Care*?

One might think that because bald-faced lies are so quirky and unusual they must be marginal or one-off cases of lying. Why should moral theorists care about them? Why can't theorists simply ignore bald-faced lies given that they are so atypical? Why not employ a strategy similar to one used by some epistemologists to justify ignoring rather than answering brain in a vat or evil demon scenarios? They are irrelevant in normal circumstances.

Such strategies should be rejected; theorists should not treat bald-faced lying as marginal to the phenomena of lying more broadly. They should, instead, recognize that any adequate theory should be able to explain why they are instances of wrongful lies. Theorists must address bald-faced lies because they are *not* rare or anomalous cases; to the contrary, bald-faced lying is ubiquitous

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47   Sorensen (2007).

48   See, for example, Meibauer (2014) for a defence of this claim.

49   See Sorensen (2007), Carson (2010), Stokke (2013a, 2013b), Lackey (2013), and Fallis (2014).

50   Sorensen (2007), 256.

51   See Coleman and Kay (1981), and Arico and Fallis (2013).

in modern societies. They are on the covers of tabloid magazines, in advertising, in social media, and they show up profusely on the Internet. The more one is sensitive to the phenomena of bald-faced lying, the more one will realize just how ubiquitous they are. While much more ink has been spilled in the literature on deceptive lies, this does not mean that they are the only lies worth caring about when it comes to moral theorizing.

To demonstrate the importance of the phenomena of bald-faced lying to the domain of moral inquiry, one needs only to look at recent political discourse in the United States. Various members of President Donald Trump's administration, including Trump himself, have been accused of bald-faced lying by the mainstream media.[52] For example, recall Trump's claim that he had the biggest Electoral College victory since Ronald Regan[53] or the White House Press Secretary Sean Spicer's claim that Trump's inauguration had the largest audience turn out in inauguration history.[54] Furthermore, the emergence of so-called 'alternative-facts,' 'fake news,' and 'post-truth' culture are, at least in part, negative downstream consequences of bald-faced lying.

I hope that this example is enough to convince even the most resistant reader that bald-faced lies are not merely marginal or one-off occurrences. Bald-faced lies are acts that demand consideration in the literature; they are at least as important as (and arguably more important than) deceptive lies. Even if there are on average fewer bald-faced lies told in every day discourse, I argue in the next section that there are compelling reasons to think that bald-faced lies are, other things being equal, *more morally objectionable* than deceptive lies. That is, even if bald-faced lies are not as prevalent as deceptive lies, they remain a pressing and serious moral concern because they are likely to do *more* moral damage to their recipients.

(iii) Are Bald-Faced Lies even *Wrong*?

Not so fast: why assume that bald-faced lies are even wrong in the first place, after all, nobody is being deceived? Sorensen argues that bald-faced lies are morally neutral annoyances akin to: "snoring, late buses, ugly décor, stinky garbage, and monotonous spam."[55] Bald-faced lies, for him, are like having to wear that hideous sweatshirt your grandmother got you for Christmas, or that time you stubbed your toe: they are not a fun time, but there is nothing morally

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52 See, for example: Uberti (2017), and Martelle (2017), among *many* more. There are interesting differences that arise in contexts where lies are addressed to groups, and when someone (e.g., the President, the White House Press Secretary) is speaking in a certain capacity or as a spokesperson. Getting into these subtleties is beyond the scope of the paper.

53 Cummings, (2017).

54 Spicer, (2017).

55 Sorensen (2007), 263.

objectionable about them as such. I think many will have an opposite reaction to the *Caught Cheating* case and not think of the Dean as being merely irritated. Additionally, I think a quick reflection upon the recent lies told by members of the Trump administration will yield a similar negative reaction. It is also worth noting that various commentators in this literature hold that at least some bald-faced lies are wrong and many simply assume this without argument.[56]

Consider another example: imagine Shelby is a key witness in a murder trial. The jury is presented with a wide array of evidence (e.g., DNA evidence, testimony from others, noted gang affiliations, a motive to kill, no alibi, and so on), all of which points directly to Jones being the one who killed Smith. The cherry on top of the Crown's case is an irrefutable piece of video footage collected from a store surveillance camera. The footage crisply depicts Shelby witnessing Jones kill Smith. The jury knows that Shelby knows that Jones did it and Shelby knows that the jury knows she knows. Meta-knowledge is complete—it is no secret that Shelby saw the whole thing go down. Shelby is on the stand, under oath, however, because she has a strong allegiance to Jones, her former gang leader, she denies everything. With a stone cold stare towards the jury she says: 'I have no idea who killed Smith.'[57] I think few would doubt that Shelby did something wrong; she should have told jury members the truth regardless of whether they already knew it. It is fitting for the jury to resent Shelby for not truthfully testifying, just as it is fitting for the Dean to resent Thomas for not coming clean about cheating on the exam.

More abstractly, there is something deeply disrespectful and unapologetically shameless about the act of bald-faced lying. Bald-faced liars are typically so devoted to achieving some unwarranted end (e.g., evading punishment, covering up for one's gang leader, and so on) that they deny their interlocutor the decency of admitting to something that is blatantly true. In the context of bald-faced lying, when it is common knowledge that what the speaker asserts is false, the speaker's lie is a clear indication that she *does not care at all* about telling the truth—so much so that she is unconcerned about being found out. The liar knows full well that her interlocutor can recognize that what she says is false, but the liar *still tells the lie*. Worse, these lies reveal to their recipients the extent to which the liar cares *more* about keeping up a façade that has already been exposed, than she cares about being honest with them.[58] It is this

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[56]   See Stokke (2013b), Lackey (2013), and Fallis (2014), among others.

[57]   This example is adapted from Carson (2010), 20.

[58]   Here I am not claiming that all interlocutors have the right to the truth or that all liars have a duty to confess to their interlocutors that they are lying. I simply wish to point out a difference between bald-faced lies and deceptive lies that makes the former arguably more objectionable than the latter. Namely, that bald-faced liars simply do not care that they are being dishonest with their interlocutors; they don't care that they are being outwardly insincere and untrustworthy.

feature of bald-faced lies, I believe, that makes them arguably *worse* than deceptive lies. Such liars do not even *attempt* to conceal that what they are saying is false: instead, falsity is worn proudly on their sleeves for all to see. Compare two potential ways a teenager could sneak into her parents' house after curfew. She could tippy-toe silently to her room after making sure that the front door is closed as quietly as possible, or she could storm into the house and slam the door behind her. In the former case, the teenager tries to conceal that she broke curfew and is trying her hardest to prevent her parents from finding out—this is a sign that the teenager (at least minimally) cares about her parents' reaction to her lateness. In the second case, the teenager couldn't care less about her parents finding out that she broke curfew.

The lack of remorse that bald-faced liars tend to exhibit also highlights why these lies are more likely to erode trust at a faster rate when compared to deceptive lies. This thought is captured in a recent news article from *The Atlantic*:

> If the president and his aides will tell easily disproven falsehoods about crowd sizes and speeches, what else will they be willing to dissemble about?[59]

If bald-faced liars are unwilling to admit the truth in transparent contexts where everyone knows their assertions are false, then it will be increasingly difficult to trust them in more opaque contexts where deception is a feasible option. The trustworthiness of bald-faced liars is more likely to, other things being equal, deteriorate at a faster rate because of this.

To summarize: bald-faced lies are assertoric speech acts about which ethical theorists should be concerned—especially if they are in the business offering a robust analysis of the wrongfulness of lying. In fact, they may be even *more pressing* than deceptive lies.

7. The Need for Pluralism

There is an overwhelming propensity in the literature to assume that the wrongfulness of lying is morally unified. For instance, Jennifer Lackey has dubbed the separation of deception from lying as an "unhappy divorce" because it blocks an obvious and intuitive explanation for why lying is wrong.[60] This insistence of Lackey's, however, presupposes that an account of the wrongfulness of lying must be *unified*. I hope to have challenged this assumption of unity by demonstrating that the wrongfulness of deceptive and non-deceptive lies must be distinct. The major problem with each analysis outlined above consists in its restrictive unitary structure. By contending that there is one single unified explanation for why *all*—both deceptive and non-deceptive— lies are wrong, it is taken for granted that all lies are morally objectionable

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59   Graham (2017).
60   Lackey (2013).

in the *same* way, and for the *same* unifying reason. This assumption distorts the phenomena of lying as we know it.

Unitary accounts fail because they impose unity where there is *diversity*. They attempt to provide a one-size-fits-all analysis when, in reality, the phenomena of lying demands a more tailored fit. It requires there to be *varying* explanations because not all lies are wrong in the same way. Lies come in two distinct kinds: deceptive and non-deceptive. These distinct types of lies give rise to different kinds of relationships with unique normative features. I believe Stroud offers a persuasive argument for the claim that a breach of fidelity is at the heart of why deceptive lies are wrong. Such lies invite trust and reliance and, so, invite objectionable relationships of infidelity. However, when lies do not have this aim, there is *no* such invitation—the relationship arising from non-deceptive lies must be different. Infidelity is no longer a feasible explanation for how the liar wrongs her interlocutor. The wrong that arises in bald-faced lying does not consist in a violation of fidelity, but something *else*. Theorists must look elsewhere when determining what makes non-deceptive lying wrongful. The problem with unitary analyses, however, is that the theorists are *not* free to look elsewhere and instead are obligated to helplessly search for unifying explanations that hold across all cases. This lumping together of both deceptive and non-deceptive lies prevents theorists from uncovering unique and important features of what is morally objectionable about deceptive and non-deceptive lies, respectively.

I believe that the only way out of this theoretical predicament consists in a dialectical shift towards *pluralism*. A pluralist analysis of the wrongfulness of lying allows that there are *distinct* explanations for why lying is wrong depending on whether the lie is deceptive or non-deceptive. The pluralist is in a better theoretical position when it comes to capturing the diverse ways in which lying is wrongful because she is not forced to explain the wrongfulness of both deceptive and non-deceptive lies uniformly. The structure of the pluralist analysis allows for these explanations to come apart. While unitary accounts are simpler, they fail to have the explanatory reach that pluralism possesses. What pluralism lacks in parsimony, it makes up for in explanatory power. When compared to its unitary counterparts, pluralism is the only analysis that is structurally fit to accommodate the diverse ways in which lying is morally objectionable.

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