

On the Nature of Indifferent Lies, a Reply to Rutschmann and Wiegmann

Abstract: In their (2017) *Philosophical Psychology* paper, Ronja Rutschmann and Alex Wiegmann introduce a novel kind of lies, the *indifferent lies*. According to them, these lies are not intended to deceive simply because the liars do not care whether their audience is going to believe them or not. It seems as if indifferent lies avoid the objections raised against other kinds of lies supposedly not intended to deceive. I argue that this is not correct. Indifferent lies too are either intended to deceive or are not lies at all (they do not involve genuine assertions).

Keywords: lying, deception, intention.

1. Introduction

According to the so-called *traditional account of lying*, all lies are intended to deceive their addressees. On this view, I lie to you if and only if I assert what I believe is false and I intend to thereby deceive you, namely, make you believe what I say or that I believe it. The traditional view used to be the predominant view on lying – Augustine (1952/395), Davidson (1997), Williams (2002), and Derrida (2002) are just some of its distinguished proponents – but it has been widely challenged in the recent philosophical literature, where it seems to have lost the attribute of the absolutely dominant view. Many prominent philosophers endorse what we now call the *non-traditional account of lying*; for example, Sorensen (2007), Carson (2010), Fallis (2009, 2013), Saul (2013), and Stokke (2013, 2018).

However, it should not be thought that the view that lying need not involve the intention to deceive is an exclusive feature of contemporary analytic philosophers. Aquinas (1485, article 1), Johnson (1755), and Kant (1999/1797, p. 612) are just some famous historical examples of non-traditionalists about lying. And it should not be thought that all contemporary

On the Nature of Indifferent Lies

philosophers are non-traditionalists. Faulkner (2007, 2013), Lackey (2013), and Meibauer (2016, 2018) are good examples of prominent contemporary traditionalists.

And, while the history records the existence of both traditionalists and non-traditionalists about lying, to my knowledge, the issue of whether lies must be intended to deceive has not been seriously debated by scholars in the times of Aquinas, Johnson, and Kant. In contrast, a range of examples of lies that are supposedly not intended to deceive is being vigorously discussed by contemporary analytic philosophers. These mainly include *bald-faced lies*, *coercion lies*, and *knowledge lies*. These kinds of lies are in the crux of the debate as to which account of lying is the correct one, the traditional or the non-traditional one.

Bald-faced lies are undisguised lies, or at least, the liar thinks that his lie is undisguised (Fallis, 2010, p. 2, n. 8). Two kinds of bald-faced lies can be found in the literature. In the first kind, introduced by Carson (2006, 2010) and named by Sorensen (2007), it is common knowledge between everyone involved in the linguistic interexchange that the speaker is lying. Allow me to call these lies *common knowledge bald-faced lies*. The idea is that these speakers do not intend their hearer to believe what they say simply because they believe that the hearer knows that their statement is false, and they do not intend to make the hearer believe that they believe what they say because they know that the speaker knows that they are lying (i.e., asserting what they believe is false). Arguably, this all entails that these liars do not intend to deceive their hearer.

My favorite example of a common knowledge bald-faced lie comes from the *Sopranos* TV series (derived from Fallis, 2013, p. 342–343).

Artie: The police do not have enough evidence to convict Tony of a vicious murder without eyewitness testimony. They know that Artie witnessed the crime, Artie knows that they know, they know that he knows that they know, etc. However, when the police come to his home to question him about the crime, he says that he cannot help them because he saw nothing. Artie

On the Nature of Indifferent Lies

does not say this because he expects or intends them to believe what he says. Rather, he says it because Tony has threatened to harm him.

In the second kind of bald-faced lies, recently introduced by Krstić (2019), a tell-tale sign tells the hearer that the speaker is lying. Allow me to call these lies *tell-tale sign bald-faced lies*. The idea is that these liars do not intend to deceive their hearer because they believe that the hearer will unmistakably see through their behavior due to the existence of the tell-tale sign that gives their lies away. In this kind of bald-faced lies, the tell-tale sign itself, rather than the common knowledge, is what discloses the lie to the hearer (or so the liar thinks). The hearer, who does not know the truth, learns that the liar is lying by observing the behavior of the tell-tale sign. Krstić's (2019) central case, *Pinartio*, is a mixture of *Shrek 3* (DreamWorks, 2007) cartoon and the above *Artie* example. For the sake of effectiveness, I here present it slightly modified.

Pinartio: A vicious murderer, Tony, is hiding from the police in Pinocchio's house. In search of Tony, the police knock on Pinocchio's door asking whether Tony is hiding in his house. Pinocchio wants to give Tony away but he is afraid that, if he gives any indication of this to Tony, Tony will hurt him. Luckily, Pinocchio knows that the police know that his nose starts to grow at the very instant he forms the intention to lie and that they know that he knows that they know how his nose behaves, etc., and he also knows that Tony does not know anything about this. Therefore, he asserts 'Tony definitely isn't in my house' to the police. Pinocchio does this not because he wants to deceive the police but rather because he wants to tell them that Tony *is* in his house by way of having them recognize his intention to tell them the truth by lying (he definitely doesn't want them to think that he is protecting a murderer).

According to Krstić, this lie not only does not involve the intention to deceive the addressee in any relevant sense, Pinocchio even intends to tell his addressees the truth by bald-faced lying to them. Pinocchio lied to the police with the intention of making them realize that Tony is in his house, that he is lying, and that he is lying because he wants them to locate Tony without Tony noticing this. If Krstić is right, then the tell-tale kind of bald-faced lie is substantially different from the common knowledge kind that has been widely

On the Nature of Indifferent Lies

discussed in the literature and it avoids the objections raised against other kinds of lies supposedly not intended to deceive (see below).

Coercion-lies are those lies that are told not because the liar intends his audience to believe him but rather because he was forced to lie by someone. When an intimidated witness tells the police that he saw nothing, he does this not because he wants them to believe him but rather because he is afraid of the person who threatened to harm him if he does not tell the police he saw nothing (see Sorensen, 2007; Lackey, 2013; and Leland, 2015). Artie's lie is not only a common knowledge bald-faced lie but also a coercion-lie: he lies exclusively because he is afraid of Tony, which makes his lie a coercion-lie, and he does not intend to deceive the police because knows that they will not believe him, which makes it a bald-faced lie.

Knowledge-lies are lies aimed not at deception, i.e., making you acquire a false belief, but at undermining knowledge, i.e., making your justified true belief less justified. Two different accounts of these lies exist in the literature. According to Roy Sorensen (2010), the man who first introduced this concept, my assertion that p is a knowledge-lie if it is meant not to make you believe that p but rather to undermine your justification for believing truly that $\sim p$ by providing evidence in favor of p (the assertion itself is evidence). Because it is not meant to make you believe a falsehood, Sorensen reasons that the lie is not intended to deceive. This is his introductory example.

When, in *Spartacus* (Universal Pictures, 1960), the Roman general Marcus Licinius Crassus asks recaptured slaves to identify Spartacus in exchange for leniency, Antoninus, the slave on Spartacus's right, stands up and says "I am Spartacus!". But then, the slave on Spartacus's left does the same, and then another and another until all the slaves are claiming to be Spartacus. With their lies, the slaves are preventing Crassus from learning who Spartacus is, but, excluding Antoninus, none of them intends to deceive him about who they really are.

On the Nature of Indifferent Lies

The idea is that, excluding Antoninus, none of the slaves intends to make Crassus believe that he, the slave asserting “I am Spartacus!” is actually Spartacus or that he (the asserter) believes that he is Spartacus. The assertion, nevertheless, is counterevidence to Crassus’s true belief that the slave is *not* Spartacus and, therefore, it undermines Crassus’s justification in believing that the slave is not Spartacus (Sorensen, 2010, p. 608).

According to the second account (Krstić, 2018), an assertion that p is a knowledge-lie if it is intended not to provide evidence that p but to make you stop trusting all testimonies concerning *whether* p thereby undermining your relevant knowledge. By asserting “I am Spartacus!”, the slaves are not giving Crassus counterevidence to his true beliefs that the asserters are not Spartacus; rather, they are providing conclusive evidence that almost everybody is lying by asserting “I am Spartacus!”. They do this because realizing that everyone is lying will undermine Crassus’s knowledge. In this context, that is, Crassus must reason that, if so many people are obviously lying on the issue of who Spartacus is, no one should be trusted regarding this issue. And this is how his knowledge is undermined without the use of deceptive means.

Most of these supposed counterexamples to the traditional account have met serious objections. For instance, coercion lies have been challenged on the count of the fact that “liars” have to say what they say and coerced speech acts fall short of being genuine assertions (e.g., Leland, 2015, p. 552). Also, Sorensen’s (2010) conception of knowledge-lies is problematic because it relies on a very narrow conception of deception. Some strategies of deception are designed merely to make the hearer more confident in a falsehood and Sorensen’s knowledge-lies are intended to deceive on this view. Specifically, if the slave’s assertion “I am Spartacus!” really is (some) evidence that the slave is Spartacus, then it will make Crassus (slightly) more confident in a falsehood (e.g., Staffel, 2011; Maitra, 2018, p. 67; see Lackey, 2013).

On the Nature of Indifferent Lies

Krstić's (2018) account of knowledge-lies might also be problematic. He suggests that an assertion that *p* is a knowledge-lie if it is intended to make you stop trusting all testimonies (including that very assertion) concerning *whether p*. However, a "lie" that undermines itself (as a testimony) may not be a lie (i.e., assertion) at all; his analysis of knowledge-lies might be self-undermining. Meibauer (2018, p. 256), for example, writes that "from the point of view of the Roman general Crassus, the slaves (except Antoninus) cannot give serious answers to his question" and, therefore, "it cannot be taken for granted that the series of outbursts *I am Spartacus* constitutes a series of lies [i.e., assertions]." And while this analysis was not used against Krstić's proposal, it certainly challenges his account.

Finally, it has been argued against the common knowledge bald-faced lies that they either involve the intention to deceive or do not involve genuine assertions. The objection goes as follows. If – due to common knowledge – deception really is not possible and the liars, therefore, do not intend their utterances to be believed, then they do not seem to be making genuine assertions; and, if it is possible to deceive in this context, then it seems reasonable to say that the liars are hoping (i.e., intending) that they will deceive the hearer – this will maximize their chances for getting what they want. Notice, however, that none of these objections applies to the tell-tale sign bald-faced lies: Pinocchio does not intend to deceive the police and the nose is a sign of lying (which involves asserting). If this is correct, then the existence of this kind of lies is big news.

All in all, with the exception of the cases of tell-tale sign bald-faced lies introduced by Krstić, it has been argued against all of these kinds of lies that they are either intended to deceive or are not genuine lies at all. However, another interesting kind of lies supposedly not intended to deceive has been put forward, the so-called *indifferent lies* (Rutschmann and Wiegmann, 2017). My lie to you is an indifferent lie if I do not care whether you are going to

On the Nature of Indifferent Lies

believe my lie or not. Because I do not care whether you will believe me, it seems to follow, I do not intend to deceive you.

Indifferent lies, it might be thought, avoid the objections raised against their precursors. If they really do, then their existence is even bigger news than the existence of the tell-tale bald-faced lies: the situation of an indifferent liar is much less problematic than a situation of a puppet whose nose grows always and only when he lies.¹ However, I will discuss this proposal and argue that, while very interesting, indifferent lies fail to show that the intention to deceive is not necessary for lying. Specifically, I think that the general idea is plausible but that it is both very hard to develop it in more detail and to find the relevant examples of such behavior. The general idea behind indifferent lies is not sufficient to undermine the traditional account, since a reasonable concern must be resolved: if these liars really do not care whether they will be believed, then why do they engage in the linguistic interexchange in the first place? In the context of the offered examples, there must exist a weak motivation that the content of the lie is believed. Putting these lies into a context where this concern is resolved generates other serious concerns. It turns out that, once examined closely, indifferent lies suffer from the same objections raised against other kinds of supposedly non-deceptive lies: they are either intended to deceive, or are not lies at all.

In what follows, I will first argue that the examples of indifferent lies provided by Rutschmann and Wiegmann are lies intended to deceive the hearer, where this intention minimally is “passive” or “oblique.” I will then try to modify the examples to avoid the concern but, as I argue, this modification will result in the fact that the speakers now do not appear to be asserting at all but are rather doing something similar to what actors do while

¹ It should be noted, however, that Krstić (2019) offers some everyday examples as well.

acting. Therefore, I conclude that indifferent lies face the same objections their predecessors face: they are either intended to deceive or are not lies.

2. Indifferent Lies

2.1 *They are Intended to Deceive*

According to Rutschmann and Wiegmann (2017, p. 443), in *indifferent lies*, “the speaker is relatively neutral as regards to the consequences” and, because the speaker does not care whether the addressee will believe them, these lies are not intended to deceive. The authors (2017, p. 455) give us two examples of indifferent lies (italics added).

Jamie: It’s the 25th of January, also known as “Opposite Day.” Ten-year-old Jamie takes this day very seriously. Nothing could stop him from telling the opposite of what he is really meaning today. On the very same day, the neighbor’s cat runs away and Jamie is the only person seeing it. The neighbor asks Jamie, where the cat ran to, and Jamie tells him, “Your cat went down the street in the direction of the forest,” though it actually ran in the opposite direction. *Jamie does not say this because he intends to deceive the neighbor but rather because he’s obeying the rules of Opposite Day.* The neighbor doesn’t believe him.

Charlotte: Charlotte bets with her friend Grace that she is able to answer all questions with “yes” for a whole day. If Charlotte wins, Grace has to pay her 10 pounds. Later that day, Charlotte’s mother asks Charlotte, if her brother was secretly smoking. Charlotte tells her, “yes,” though she knows that her brother is actually not smoking. *Charlotte doesn’t say this because she intends to deceive her mother but rather because she’s obeying the rules of the bet.* Her mother doesn’t believe her.

I have here provided a slightly modified version of the original cases. My modifications concern the italicized sentences. In the original versions, “x doesn’t *want* to deceive y, but s/he is obeying the rules of Opposite Day / bet” whereas I say that “x doesn’t say this because s/he *intends* to deceive y but rather because s/he’s obeying the rules of the game/bet.” The reason behind my modification is that the one who does not want to φ may nevertheless φ intentionally. For example, an employer may not want to fire their lazy employee, they may

On the Nature of Indifferent Lies

feel bad about leaving him without income, and yet they may fire him intentionally. I feared that one may reasonably object that Jami and Charlotte do now want to deceive their addressees but that they nevertheless do this intentionally by asserting what they believe is false. I wanted to avoid this objection by providing a charitable reading of Rutschmann and Wiegmann's position.

The idea behind these two examples seems clear. Jamie and Charlotte are neutral as to whether their hearers will believe them and they do not lie intending their lies to be believed. Rather, they lie because they are following the rules of the game or the bet. This is an interesting and innovative line of reasoning but it is also very problematic. Consider the fact that the speakers know that the hearers do not know about the game/bet. This is an important feature of the cases, since it allows saying that the speakers assert what they say. Rutschmann and Wiegmann (2017, p. 452) argue that their speakers find themselves to be in contexts in which they warrant the truth of what they say or in which it is expected of them not to make statements they believe to be false.² However, in that case, Jamie and Charlotte would also have to think that the rules of their game or bet do not apply in this context and that, therefore, they most likely *will* deceive their addressees; this, in turn, generates many problems.

Given that the speakers are taken both as warranting the truth of what they say and as representing themselves as believing it, and given that they know it, Rutschmann and Wiegmann are wrong about two claims about their cases. First, it seems very unlikely that the hearers did not believe the lies (similarly, Meibauer, 2018, p. 259). Specifically, if the mother does not know about the bet and is interested in Charlotte's opinion, then why would she not

² Saying that p in a context in which you warrant that what you say is true or in which you are expected not to say what you believe is false amounts to asserting that p according to some prominent accounts (e.g., Carson, 2010; Saul, 2013; Fallis, 2009).

On the Nature of Indifferent Lies

believe her daughter? Likewise, the neighbor is looking for his cat and he is asking Jamie where it can be found, so why would he not believe Jamie? Second, it simply cannot be that the speakers (who seem rational and smart enough) did not foresee that their hearers will almost inevitably believe them. Specifically, if the neighbor does not know about the Opposite day and Jamie knows this, then Jamie must know that, by saying something false, he will almost certainly cause the neighbor to acquire a false belief. And this equally applies to Charlotte: she must know that her mother will believe her.

It follows that it must be that Charlotte and Jamie have misled their hearers and that they have predicted that they will mislead them. In other words, their lies must have been deceptive and knowingly so. But, is this objection good enough? After all, these people are indifferent towards the outcome of their behavior. The authors' reply might be that the issue we are inspecting is whether "intending" to deceive is necessary for lying, not whether "expecting" deception to occur is necessary for lying, and that the fact that the liars see that the probability of misleading the addressee is high enough does not entail that there was an intention to deceive present. This response, however, is mistaken. Jamie's and Charlotte's behavior fits the description of what Mele calls "passive (intentional) action." Consider this famous example by Harry Frankfurt (1997, p. 48) (*italics added*).

A driver whose automobile is coasting downhill in virtue of gravitational forces alone may be entirely satisfied with its speed and direction, and so he may never intervene to adjust its movement in any way. *This would not show that the movement of the automobile did not occur under his guidance.*

Mele (1997, pp. 9, 10) explains this example further by saying that (*italics added*)

it is natural to say that [*the driver*] *is coasting his car ... because* he wants to, or has decided to. ... [I]f [he] had not desired, *or intended*, or decided to coast, he would not have coasted; and it is no accident that, desiring, intending, or deciding to coast, he coasts. ... [*The driver*]

On the Nature of Indifferent Lies

performs the action of coasting downhill in his car partly in virtue of his car's motion's being causally sustained by an intention or desire of his to coast.

Jamie and Charlotte exercise the same kind of control as the “passive” car driver: it is no accident that their hearers will end up misled and, if Jamie or Charlotte had not desired, or intended, or decided to assert what they believe is false (i.e., to coast the conversation), their hearers would not have ended up misled. Say that the passive driver sees a child playing just down the road but decides to follow the rules of the “Don’t Touch the Steering Wheel Day/Bet.” Surely, in the case of a tragedy, this man has intentionally hurt the child even though he did not steer the car towards it; in fact, there is a sense in which he has *intentionally* hurt the child by *intentionally* not touching the steering wheel.

Say that, analogously to Rutschmann and Wiegmann’s (2017, p. 443) thesis that, in indifferent lies, “the speaker is relatively neutral as regards to the consequences,” the driver is relatively neutral as regards to the consequences of his inaction and that he thinks that it is the child’s responsibility not to be on the road. Surely this changes nothing: he is still to be held responsible for his behavior and the same should apply to indifferent liars. Their hearers did not accidentally end up misled; the liars *decided* to lead them into this state. Therefore, Rutschmann and Wiegmann’s indifferent lies are both deceptive and intended as such.

In legal terminology, the kind of intention on which Jamie and Charlotte acted in deceiving their hearers is called *oblique intention*. Oblique intention covers the class of actions in which “[t]here are twin consequences of the act, x and y ; the doer wants x , and is prepared to accept its unwanted twin y ” (Williams, 1987, p. 420). Both x and y are considered as the doer’s intended ends and the doer is equally responsible for both; recall, I may ϕ intentionally even though I do not want to ϕ . Accordingly, if Jamie knows that his asserting what he believes is false to his neighbor has twin consequences – namely, obeying the rules of the day (x) and deceiving the neighbor (y) – and if he wants x and is prepared to accept y ,

On the Nature of Indifferent Lies

then Jamie is guilty of deceiving the neighbor; he obliquely intended to deceive the neighbor even though he did not want this to happen.

Of course, it does not follow from my argument that, if something is inevitable and someone knows it, then letting it happen necessarily means that an intention to produce the effect must be ascribed. Not all passive or oblique intentional actions are the same or bear the same weight. Letting something happen can be a form of capitulation rather than an active exercise of one's agency. One good example is Augustinian benevolent double bluff (Augustine, 395). In a benevolent double bluff, the victim expects a deceptive lie and therefore, instead of saying something true in order to get her to believe something false, the bluffer says something false in order to get her to believe something true. Here is how this looks in practice.

I know that the road you intend to take is besieged by bandits and that you do not trust me but I am concerned about your welfare. Therefore, I tell you that there are *no* bandits on that road, hoping that you will think that there *are* bandits on the road and take another road.

In this case, I mislead you about my intentions: I know that you will form a false belief that I want to make you believe a falsehood, but I do nothing to prevent this. Nonetheless, my behavior is substantially different from that of the passive driver, Jamie, and Charlotte. Jamie and Charlotte can avoid misleading their addressees but they intentionally refrain from doing so. In contrast, I cannot avoid misleading you about my intentions. You do not trust me. If I tell you that I know that you expect a lie and that I am thus double bluffing you, you may infer that I am triple bluffing you. And, if I tell you that I am not triple bluffing, you may infer that I am quadruple bluffing you, and so on, *ad infinitum* (see Mahon, 2016, p. 26). Because of this, it does not seem right to say that I have *deceived* you about my intentions – since, on the standard account, deceiving is only done intentionally – but rather that I have

misled you, since one can mislead unintentionally.³ But, my misleading you in this case still is not unintentional; I know that you will end up misled.

Perhaps, a better way to describe misleading the hearer in double bluffs is to say that this is done *non-intentionally*. Non-intentional actions are those “that an agent in no way aims at performing but that are not performed unknowingly, inadvertently, or accidentally” (Mele, 1997, p. 20). I suggest that we distinguish non-intentional actions from passively (obliquely) intended actions. The agent who acted non-intentionally *capitulates* in allowing the unwanted consequence to obtain, whereas the agent who passively intended his action *willingly* allows it to obtain. Unlike the former, the latter agent could have acted otherwise. On this distinction, double bluffers non-intentionally mislead their victims, whereas Jamie and Charlotte (intentionally) deceived their hearers.

Interestingly enough, indifferent lies were put forward in a paper that tests common people’s intuitions with respect to lying and the intention to deceive and, contra my position, the majority of the participants of the study thought that indifferent lies are not intended to deceive (Rutschmann and Wiegmann, 2017, p. 446). I do not think that this speaks against my argument.

My explanation is that the subjects failed to see the true nature of the cases because Rutschmann and Wiegmann original cases contain two primes. The subjects were told that “*x* does not say this because he wants to make the hearer believe a falsehood, but because he is obeying the rules of the Opposite Day/bet” and that the hearer “doesn’t believe *x*.” In other words, the subjects were instructed that the lies were neither deceptive nor intended to

³ Although some philosophers think that deceiving may be unintentional (e.g., Chisholm and Feehan, 1977; and Mele, 1997), the overwhelming majority thinks that deception must be intentional (e.g., Barnes, 1997; Carson, 2010; Saul, 2012; Faulkner, 2013; see Mahon, 2007; esp. Fallis and Lewis, 2017, p. 4). The term “mislead” is reserved for cases of causing false beliefs or unjustified levels of credence unintentionally (Carson, 2010, p. 47).

deceive and they believed the instructions. However, as I argued, the instructions are inconsistent with other features of the cases. It is hard to believe that the driver who follows the rules of the “Don’t Touch the Steering Wheel Day” does not really want or intend to harm the child, and this should equally apply to Jamie’s and Charlotte’s behavior. The subjects and the authors of the study, did not correctly assess the context in which the linguistic interexchange occurred.

I will now try to avoid the objection that indifferent lies are intended to deceive by modifying the cases. The worries that are left to be resolved are the following. First, the hearers do not know about the rules of the day/bet and thus it is hard to say that they did not believe the lies. Second, in this context, (i) deception is inevitable, (ii) the liars know it, and, vitally, (iii) they can avoid deceiving but (iv) they intentionally do not do that; therefore, the intention to deceive must be ascribed to them. Resolving these concerns, however, will raise the objection that indifferent lies are not genuine assertions.

2.2 They are Not Genuine Assertions

The most natural way to modify the cases is to say that the hearers actually know about the Opposite Day/bet and to leave it open whether the hearers believed the assertions. This should resolve the concern that the speakers (passively) intended to deceive: they now know that the addressees know the rules of the game/bet and they, therefore, expect that their addressees will not believe them. We now get the following versions of the cases.

*Jamie**: It’s the 25th of January, also known as “Opposite Day.” Ten-year-old Jamie takes this day very seriously. Nothing could stop him from telling the opposite of what he really means. On the very same day, the neighbor’s cat runs away and Jamie is the only person seeing it. The neighbor asks Jamie where the cat ran to, and Jamie tells him “Your cat went down the street in the direction of the forest,” though it actually ran in the opposite direction. Jamie does this only because he is following the rules of the Opposite Day, not because he intends to deceive the neighbor. And, in fact, Jamie knows that the neighbor knows about the Opposite Day.

On the Nature of Indifferent Lies

*Charlotte**: Charlotte bets with her friend Grace that she is able to answer all questions with “yes” for a whole day. If Charlotte wins, Grace has to pay her 10 pounds. Later that day, Charlotte’s mother asks Charlotte whether her brother was secretly smoking. Charlotte tells her “yes,” though she knows that her brother is actually not smoking. Charlotte does this only because she is following the rules of the bet, not because she intends to deceive her mother. And, in fact, Charlotte knows that her mother knows about the bet.

These modified examples avoid the objection discussed above but they generate a different objection. Since the agents act “only because they are following the rules of a bet or game” (Rutschmann and Wiegmann, 2017, p. 443) and because everybody relevant now knows that the utterance is completely governed by the rules of the bet/game, one may reasonably say that these utterances are not genuine assertions. Rather, they are pseudo-assertions made in the context of a game or pretense, something like what actors produce when acting in a play. What I mean is that, if the mother knows that Charlotte can only reply with “yes,” then she is not really expecting a genuine answer from her daughter. Just like actors, Jamie and Charlotte say p (i.e., utter x in the meaning of p) without actually asserting that p .

There are many similarities between Jamie’s and Charlotte’s behavior and the behavior of actors (see, Maitra, 2018, pp. 76–77). For example, both Jamie and Charlotte can be thought of as following a script, since they are following the rules of the game or the bet. Even when improvising, the actors are still acting rather than asserting, insofar as they do not leave their characters. Just like actors, Jamie and his neighbor can also “improvise” without leaving their “characters,” namely, without entering the standard conversational context. Jamie knows that the neighbor knows that, given what day it is, Jamie will say the opposite of what he believes and that, accordingly, the neighbor can infer from Jamie’s utterance where the cat is. Jamie also knows that, because of this, the neighbor will not think that Jamie is lying to him by uttering what he utters. Therefore, Jamie not only does not intend to deceive his hearer but

also knows that his believed-to-be-false utterance will not be taken by the hearer as a genuine assertion. He knows that the neighbor will know that Jamie is improvising using the rules of the Opposite Day.⁴

Furthermore, Jamie's and Charlotte's performances are intended both for their immediate interlocutors and for others beyond this group. Charlotte, for instance, wants Grace to know that she answered her mother's question with "yes." The same feature is constitutive of acting: while actors communicate with other actors on the stage, their utterances are meant for the audience as well. Finally, everybody involved in the linguistic interexchange are aware of all the relevant features of the performance and they know that the other knows all the relevant features as well, which is another important point of similarity with acting.

And not only that their behavior is strikingly similar to acting, Jamie and Charlotte do not assert in this context on the majority of accounts of assertion. The most obvious example is the Gricean (1989, p. 219) account, according to which one asserted that p by uttering x if and only if one uttered x with the intention of inducing in the hearer the belief that p by means of his recognition of one's intention. Because Jamie and Charlotte do not intend their utterances to be believed, they do not assert what they say on this view. Similarly, on the view that to assert that p is to warrant that p is true (Carson, 2010; similarly, Saul, 2013), they are not asserting because the rules of the game/bet do not make this possible. Also, they cannot represent themselves as believing or knowing what they say; hence, they do not assert on the views that take asserting to involve representing yourself as believing (Davidson, 1997; Fallis, 2013) or knowing what you say (Unger, 1975; DeRose, 2002; and Turri, e.g., 2013).

⁴ Charlotte and her mother, however, cannot improvise in this way. The mother knows only that Charlotte will answer every question with "yes" and, from this, it does not follow that the real answer is "no." Charlotte's brother could still be smoking. What does, nevertheless, follow is that, even if the answer really is "no," given the common knowledge about the bet, the mother will not think that Charlotte lied to her.

Finally, on the view that, to assert that p , is to say that p and propose that p be added to our common ground (Stalnaker, 2002), Jamie and Charlotte do not assert what they say because they do not propose that what they say be added to *official* common ground, which is active in standard contexts. Rather, they propose that what they say be added to an *unofficial* common ground, which is active during performances, plays, bets, or games (see, e.g., Stokke, 2018, p. 59).

We see that the received accounts of asserting also see indifferent lies from *Jamie** and *Charlotte** as similar to acting. In contrast, (some) bald-faced lies deal better with this concern than indifferent lies. Artie wants to add to the official common ground that he saw nothing and he seems to be both representing himself as believing this and warranting it as true. And, although he cannot represent himself as believing what he says (since the nose shows he is lying), Pinocchio is adding to the official common ground that Tony is *not* in his house while adding to the unofficial common ground (the one he shares with the police but not with Tony) that Tony *is* in his house.

In conclusion, on my modification, indifferent lies do not appear to be genuine assertions but are more like what actors produce while acting. Therefore, the issue of whether they are intended to deceive is irrelevant.

3. Conclusion

Even though they seem very promising and they certainly introduce a novel approach to the debate as to whether lies are intended to deceive, indifferent lies fail to avoid the two most serious objections raised against some other proposed counterexamples to the traditional account of lying. In fact, these objections seem to be much stronger with respect to indifferent lies than with respect to common knowledge bald-faced lies. Bald-faced liars are in standard contexts and, thus, the intuition that these people are not asserting is much less

clear than when considering indifferent lies. Furthermore, bald-faced lies are also compatible with the Stalnakerian account of asserting as adding to common ground. Finally, Krstić's (2019) tell-tale sign bald-faced lies do not raise these concerns at all. Therefore, bald-faced lies, especially the tell-tale kind, pose a greater challenge to the traditional account of lying than indifferent lies.

REFERENCES

- Aquinas, T. (1485/1922). Of Lying. In *Summa Theologica*, vol. 12. 85–98. London: Burns, Oates, and Washbourne.
- Augustine. (1952/395). *Treatises on Various Subjects (The Fathers of the Church, Volume 16)*. In Deferrari, R. J. (Ed.), 53–120. New York: New York: Catholic University of America Press.
- Barnes, A. (1997). *Seeing through self-deception*. New York: Cambridge University Press.
- Carson, T. L. (2006). The Definition of Lying. *Noûs*, 40, 284–306.
- . (2010). *Lying and Deception: Theory and Practice*. Oxford: Oxford University Press.
- Davidson, D. (2004/1997). Who is Fooled? In his *Problems of Rationality*, 213–230. Oxford: Oxford University Press.
- DeRose, Keith. (2002). Assertion, Knowledge, and Context. *The Philosophical Review*, 111, 167–203.
- Derrida, J. (2002). *Without Alibi*. Stanford: Stanford University Press.
- Fallis, D. (2009). What is lying? *The Journal of Philosophy*, 61, 29–56
- . (2010). Lying and Deception. *Philosophers' Imprint*, 10, 1–22.
- . (2013). Davidson was Almost Right about Lying. *Australasian Journal of Philosophy*, 91, 337–353.
- . (2018). What is Deceptive Lying? In Eds. A. Stokke and E. Michaelson, *Lying: Language, Knowledge, Ethics, Politics*. Oxford: Oxford University Press.
- Fallis, D, and P. J. Lewis. (2017). Toward a formal analysis of deceptive signalling. *Synthese*, (Online), 1–25
- Faulkner, P. (2007). What Is Wrong With Lying? *Philosophy and Phenomenological Research*, 75, 535–557.
- . (2013). Lying and Deceit. In H. LaFollette (Ed.), *The International Encyclopedia of Ethics*, 3101–3109. Oxford: Wiley-Blackwell.
- Frankfurt, H. G. (1997). The Problem of Action. In Mele, A. R. (Ed.), *The Philosophy of Action*, 42–52. Oxford: Oxford University Press.
- Grice, P. (1989). *Studies in the Way of Words*. Cambridge: Harvard University Press.
- Johnson, S. (1983/1755). *A Dictionary of the English Language*. London: Times Books.

- Kant, I. (1999/1797). On a supposed right to lie from philanthropy. In P. Guyer and A. W. Wood (Eds.), *Immanuel Kant: Practical philosophy*, 611–615. Cambridge: Cambridge University Press.
- Keiser, J. (2016). Bald-faced lies: how to make a move in a language game without making a move in a conversation. *Philosophical Studies*, 173, 461–477.
- Krstić V. (2018). Knowledge-Lies Re-Examined. *Ratio*, 31, 312–320.
- . (2019). Can You Lie Without Intending to Deceive? *Pacific Philosophical Quarterly* 100: 642–660.
- Lackey, J. (2013). Lies and Deception: An Unhappy Divorce. *Analysis*, 73, 236–248.
- Leland, P.R. (2015). Rational responsibility and the assertoric character of bald-faced lies. *Analysis*, 75, 550–554.
- Mahon, J. E. (2007) A definition of deceiving. *International Journal of Applied Philosophy*, 21, 181–194.
- . (2016). Why Men of Action Don't Lie. In Eds. R. Robison-Greene and R. Greene, *The Princess Bride and Philosophy: Inconceivable!* 13–26. Chicago: Open Court.
- Maitra, I. (2018). Lying, Acting, and Asserting. In Michaelson, E. and Stokke, A. (Eds): *Lying. Language, Knowledge, Ethics, and Politics*, 65-84. Oxford: Oxford University Press.
- Meibauer, J. (2016). Understanding bald-faced lies. An experimental approach. *International Review of Pragmatics, Special Issue: Empirical Approaches to Lying and Deception*, 8, 247–270.
- . (2018). Bald-Faced Lies. In Meibauer, J. (Ed.). *The Oxford Handbook of Lying*, 252–263. Oxford: Oxford University Press.
- Mele, A. (1997). Introduction. In Mele, A. R. (Ed.), *The Philosophy of Action*, 1–26. Oxford: Oxford University Press.
- Rutschmann, Ronja and Alex Wiegmann. (2017). No need for an intention to deceive? Challenging the traditional definition of lying. *Philosophical Psychology*, 30, 438–457.
- Saul, J. M. (2013). *Lying, Misleading, and What is Said: An Exploration in Philosophy of Language and in Ethics*. Oxford Scholarship Online.
- Sorensen, R. (2007). Bald-Faced Lies! Lying without the Intent to Deceive. *Pacific Philosophical Quarterly*, 88, 251–264.
- . (2010). Knowledge-lies. *Analysis* 70: 608–615.
- Staffel, J. (2011). Reply to Roy Sorensen, 'Knowledge-lies'. *Analysis*, 71, 300–302.
- Stalnaker, R. (2002). Common Ground. *Linguistics and Philosophy* 25, 701–721.
- Stokke, A. (2013). Lying and asserting. *The Journal of Philosophy*, 60, 33–60.
- . (2018). *Lying and Insincerity*. Oxford: Oxford University Press.
- Turri, John. (2013). The test of truth: An experimental investigation of the norm of assertion. *Cognition*, 129, 279–291.
- Unger, Peter. (1975). *Ignorance: A Case for Scepticism*. Oxford: Oxford University Press.
- Williams, B. (2002). *Truth and Truthfulness*. Princeton: Princeton University Press.
- Williams, G. (1987). Oblique Intention. *Cambridge Law Journal*, 46, 417–438.