

Jennifer Mather Saul

Lying, Misleading, and What Is Said: An Exploration in Philosophy of Language and in Ethics.

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Analytic philosophy of language is rightly admired for its clarity, logical acumen, and attention to subtle linguistic detail. Too few of us, however, pursue the connections between philosophy of language, on the one hand, and issues in value theory on the other. Fewer still attempt to shed light on problems in the philosophy of language by drawing on ethics. Jennifer Saul, a leading voice among traditionalists, attempts just this in her latest book, a task she herself calls “a somewhat experimental sort of undertaking” (xi).

Philosophical reviewers are quick to criticize, slower to offer high praise even when it’s merited. We will happily buck that trend. In our view, Saul’s “experiment” is a smashing success. It has been years since we read such a pioneering and stimulating book in our sub-field. The book’s focus is the parallel between i) the layperson’s *lying versus merely misleading* contrast and ii) the theoretician’s *saying versus merely conveying* contrast. In particular, Saul is interested in building an account of (ii) that can underpin (i).

The first step, taken in Chapter 1, is to characterize lying so as to mark its distinctness from mere misleading. A paradigm of mainstream philosophy of language, Saul’s analysis is based on clever scenarios; the resulting story is subtle and duly complicated; and it is admirably cautious and judicious about the strength of its various arguments. In light of all this, it isn’t possible to spell it out here. But here is the essential idea: “If the speaker is not the victim of linguistic error/malapropism or using metaphor, hyperbole, or irony, then they lie iff (1) they say that P; (2) they believe P to be false; (3) they take themselves to be in a warranting context” [very roughly, in the sort of context where sincerity is expected] (3).

The second step is to show that no existing account of what is said adequately captures lying as opposed to merely misleading. Across the next two chapters, Saul divides notions of what is said into three major camps—unconstrained, constrained, and austere—and evaluates each. Herman Cappelen and Ernie Lepore’s Speech Act Pluralism exemplifies the first, according to which “if a reasonable person might claim that something is said by an utterance, then it is...” (29). It may be the case, then, that indefinitely many propositions are “said” by any given utterance. According to constrained theories of what is said, such as that of Relevance Theory, the sentential structure of an utterance “gives us at least a skeleton on which what is said is hung” (31). On this stricter theory, contextual contributions to what is said are limited to processes of *completion* (i.e., those that are required to yield a truth-evaluable proposition) and *expansion* (i.e., those that aren’t “semantically mandatory”, but which contribute to what is intuitively asserted). Austere theories, such as that of Kent Bach, further limit the role of context in determining what is said. On this view, the latter is “very tightly linked to the sentence uttered” (38). Saul compellingly and concisely outlines general downfalls of each, before stressing in particular their unsuitability for tracking the lying/misleading distinction. Next, she

sketches a positive position. Importantly, she is not arguing that hers is the one correct account: “Rather, on the view that I am drawn to, it only makes sense to ask which notion of saying is right for a particular purpose... There is no reason at all to suppose that these should coincide, nor is there any reason to judge one of these interests more legitimate than another” (x). For instance, it may be that from the perspective of cognitive psychology, the kind at issue will turn out to be what is said in the constrained sense, while from the perspective of an axiomatized logic for natural languages, the kind of interest might be what is said in the austere sense. What is needed for the purposes of understanding (i), however, is neither of these. What is required, urges Saul, is an intermediary between the constrained and austere notions of what is said—in particular, one which allows processes of completion but not expansion. In brief, we need to strike a balance between Paul Grice’s dictum that what is said is tied closely to syntactic structure, and his dictum that it is truth-evaluable.

Having laid out a notion of what is said that correlates closely with lying, Saul considers in Chapter 4 whether there is an important moral distinction hereabouts. Contrary to both commonsense and received philosophical wisdom, she insists that there isn’t. Misleading with the intent to deceive is just as bad as full on lying. Why do we tend to judge otherwise? Because, she says, it is an aspect of human moral psychology that whether an agent decides to mislead or lie strikes us as revealing something significant about her moral character. In this way, evaluations of agents tend (erroneously) to colour intuitions regarding the moral superiority of acts of misleading versus acts of lying.

In the final chapter, a number of interesting cases of (i) are considered, in light of technical tools familiar from the literature on (ii): in a situation of religious persecution; while hiding a fugitive; to be tactful; etc. (Bill Clinton’s infamous obfuscations are also discussed in fascinating detail.) By the time the reader finishes this final chapter, Saul has more than achieved her goal of illustrating just how fruitfully ethics may be applied to the philosophy of language.

It will come as no surprise that we do not embrace all of the above. We here briefly flag two places where we part ways. As noted, Saul argues that lying is not actually worse than misleading. This has numerous unhappy consequences. She has to say that most people are wrong about whether acts of lying are worse than acts of misleading; we are also wrong to suppose that lying *per se* indicates a worse character. Saul even recognizes that she, presumably having reached enlightenment, still prefers to mislead. She does offer an explanation for these ubiquitous (alleged) mistakes, but surely avoiding widespread moral error would be a preferable outcome. Besides, even Saul concedes that there are special contexts where lying just is morally worse: on the witness stand, in political interviews, and because of special professional obligations or previously established explicit rules (94ff.). Finally, if Saul were right that lying isn’t worse, one wonders why it is so important to find the corresponding notion of what is said! The problems evaporate if we endorse a view Saul labels ‘M-D’: Except in special cases, and holding all else fixed, lying is morally worse than merely deliberately attempting to mislead. (By our lights, M-D makes good sense of the case studies in Chapter 5 as well.)

This brings us to the second parting of ways. We are fully convinced by Saul’s negative arguments. The unconstrained, constrained and austere notions do not individuate lie-prone speech acts. The right inductive lesson, however, is that full-on asserting, stating, claiming,

avowing, etc. (as opposed to merely hinting, insinuating, or giving to understand) form a deeply and irreducibly forensic category. There is no way to cash out the ethically-rich notion of what is said in terms of things like syntax, standing meaning, “narrow” context, or mandatory psychological processing. What’s more, this shouldn’t come as a surprise: these four, along with the other familiar tools of the linguists’ trade, belong in the realm of “is”, while Saul’s target notion belongs squarely in the realm of “ought”. To be clear, there are linguistic and psychological hallmarks of assertion. There genuinely are clues and heuristics—otherwise we couldn’t ever spot the difference between lying and misleading. And we would recommend Saul’s positive account as contributing to our understanding of these. Ultimately, though, the only way to analyze (i) in terms of (ii) is to abandon the project of naturalizing what is said.

We end where we began. *Lying, Misleading and What is Said* represents a very welcome shift within a sub-field that has too frequently distanced itself from anything approaching rubber-hits-the-road ethical, political and social significance. Harkening back to a far older tradition—richly engaged philosophy of language as pursued, e.g., by Plato and Aristotle, Hobbes and Locke, Herder and Hegel—Saul draws important and seamless connections between highly theoretical logico-linguistic notions on the one hand, and strikingly topical, real-world issues, such as perjury, religious persecution, and victim-blaming on the other. One can only hope more of us will now follow in these inspiring footsteps.

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