

LYING IS A KIND OF DECEPTION

MENTIRA É UM TIPO DE ENGANAÇÃO

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Abstract: Under the traditional view of lying, the concept is usually taken to be a deviant speech act with the following characteristics: (1) being insincere and (2) being done with the intention to deceive. On the recent literature, however, (2) has come under attack by a class of counter examples that purport to show that the traditional view has been misguided. In this essay, our objective is twofold, we intend to: (a) present Lackey's defense of her take on the traditional conception; (b) present a different proposal about how to go about defending (2). This is important because, although we don't agree with Lackey's solution, we do agree that (2) is a necessary condition on a successful definition of lying, as evidenced by the fact that taking the deception clause out of [lying] leaves us with an overall loss of explanatory power with regards to a range of speech acts and the general ethics of communicative cooperation.

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1. A problem for lies and deception

Here is how Lackey frames the problem. The traditional view of lying can be represented in the following way:

LIE-T: A lies to B if and only if (1) A states that p to B, (2) A believes that p is false, (3) A intends to deceive B by stating that p . (LACKEY, 2013; 236)

Recently, however, the idea that a condition of deception, such as the one imposed by **LIE-T**, holds has been challenged by some alleged counterexamples. They are:

Knowledge Lies: In *Spartacus* (Universal Pictures 1960), the victorious Roman general, Marcus Linus Crassus, asks the recaptured slaves to identify Spartacus in exchange for leniency. Spartacus... rises to spare his comrades crucifixion. However, the slave on his right, Antonius, springs to his feet and declares, "I am Spartacus!" Then the slave on Spartacus left also stands and declares "I am Spartacus!", then another slave, and another

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until the whole army of slaves is on their feet shouting, "I am Spartacus!" (Sorensen, 2010; 608)

Coercion Lies: Suppose that an innocent bystander witnesses the murder of a gang member by someone from a rival gang, but is threatened with death if she testifies against the murderer. Because of this, the bystander states on the stand at trial, "I did not witness the defendant murder the victim in question." (LACKEY, 2013; 239)

Bald-Faced Lies: Suppose that a student is caught flagrantly cheating on an exam for the fourth time this term, all of the conclusive evidence for which is passed on to the Dean of Academic Affairs. Both the student and the Dean both know that he cheated on the exam, and they each know that the other knows this, but the student is also aware of the fact that the Dean punishes students for academic dishonesty only when there is a confession. Given this, when the student is called to the Dean's office, he states, 'I did not cheat on the exam'. (LACKEY, 2013; 238)

These alleged counterexamples are supposed to pose challenges to the view that lying involves deception because they appear to, intuitively, instantiate cases of lying where there is no intention to deceive. According to their proponents, the following is true:

1. In a case such as **Knowledge Lies** the speakers do not intend to deceive because they do not intend to make the hearer believe that p [I am Spartacus] (they merely aim to make him unable to believe that $\text{not-}p$ and therefore suspend judgment with regards to p).
2. In a case such as **Coercion Lies** the speaker does not intend to deceive because their testimony is occurring under duress (they are not free choose, and where it entirely up to them they would not state that $\text{not-}p$).
3. In a case such as **Bald-Faced Lies** the speaker does not intend to deceive because he knows that the hearer already knows that p (therefore it does not look as the speaker is attempting to make the hearer believe that $\sim p$).

Due to these counterexamples, then, alternatives to the traditional view emerge. Here are the three most prominent ones:

LIE-F: A lies to B if and only if (1) A states that p to B, (2) A believes that p is false and (3) A believes that she makes this statement in a context where

the following norm of conversation is in effect: *Do not make statements that you believe to be false.* (FALLIS, 2009; 34)

LIE-C: A lies to B if and only if (1) A states that *p* to B, A believes that *p* is false or probably false (or alternatively, A, does not believe that *p* is true) and (3) A intends to warrant the truth of that *p* to B.² (CARSON, 2010; 37)

LIE-S: A lies to B if and only if (1) A asserts that *p* to B and (2) A does not believe that *p*. (SORENSEN, 2007; 256)

According to Lackey, these three proposals are “virtually identical in the first two conditions” (LACKEY, 2013; 240) except that the latter conditions can deal with cases of bullshit. What is interesting about these definitions though, is that, under her reading³, they all “share the common feature of completely divorcing lies from deception” (LACKEY, 2013; 240). Because of this fact, they can, supposedly, deal with the three counterexamples presented above. To see why this is the case, consider:

LIE-F: Under LIE-F, here is what happens in the counterexamples: (1) Knowledge lies appear to satisfy the definition (when the slaves statement “I am Spartacus”, they certainly appear to believe themselves to be on a context where the following conversational norm: *Do not make statements that you believe to be false*, holds true); (2) Coercion lies appear to satisfy the definition (it appears fairly obvious that when standing on a trial the aforementioned conversational norm holds true); (3) Bald faced Lies appear to satisfy the definition (there is no reason, yet again, to think that the student thinks to be in a conversational context where the aforementioned conversational norm does not hold).

LIE-C: Under LIE-C, here is what happens in the counterexamples: (1) Knowledge lies appear to satisfy the definition (when the slaves state “I am Spartacus”, they intend to warrant the truth of their statement); (2) Coercion Lies appear to satisfy the definition (where it not the case that someone did intend to warrant the truth of their

² Carson also appears to at some stages favor a condition that requires the actual falsity of the statement (as opposed to its mere insincerity). With regards to that question, we must confess to be off two minds (in particular we can see the merit of Turri’s case made in TURRI & TURRI, 2015), in one day we can see the case for falsity as a condition, in the other we cannot. However, regarding the question presented here and its connection with deception it does not look as if anything will turn on this debate, so we choose to leave it unscathed.

³ It is plausible to say that a consequence of what we will say latter is that intending to warrant the truth of *p* to B entails A intends to (under our definition) deceive B.

statement when under the stand, testifying to a Court would not make sense as a social practice); (3) Bald faced lies appear to satisfy the definition (the fact that the student intends to warrant the truth of his statement, if only for the record, is the only plausible explanation as to why he states what he states).

LIE-S: Under LIE-S here is what happens in the counterexamples: (1) Knowledge lies appear to satisfy the definition when the slaves state “I am Spartacus” (they assert that they are Spartacus and they do not believe that they are Spartacus); (2) Coercion Lies appear to satisfy the definition (the testifier does not believe what he asserts): (3) Bald faced lies appear to satisfy the definition (the student asserts that he did not cheat even though he knows that he did it).

2. A problem for the absence of deception

LIE-F, LIE-C, and LIE-S, then, appear to provide the correct responses to the alleged counterexamples [at the cost of a counterintuitive separation between lies and deception]. Furthermore, the conditions imposed by their final clauses also appear to discriminate between lies and cases of false/insincere utterances that are usually explained by an appeal to the traditional clause of intention to deceive, namely, cases of irony and jokes⁴. Were this all that was to it, conceptions that tend to tie lying and deception together would indeed be faced with a serious challenge.

Unfortunately, just as there are counterexamples that challenge the idea that lying is a particular kind of deception, there are a class of counterexamples, namely cases of ‘selfless assertion’, that appear to show that lying and deception cannot so easily be divorced. Consider the following case:

Creationist Teacher: Stella is a devoutly Christian fourth grade teacher, and her religious beliefs are grounded in a personal relationship with God that she takes herself to have had since she was a very young child. This relationship grounds her belief in the truth of creationism and, accordingly, a belief in the falsity of evolutionary theory. Despite this, Stella fully

⁴ It is fairly easy to see how that happens for LIE-F, and LIE-C, because those types of cases plainly do not satisfy condition (3) of either theory. Regarding LIE-S however, that may appear less clear. In order to see how Sorensen deals with these cases, we have to remind that his definition requires that A *asserts* that *p* to B and that therefore these type of cases could fail to satisfy condition (1).

recognizes that there is an overwhelming amount of scientific evidence against both of these beliefs. Indeed, she readily admits that she is not basing her own commitment to creationism on evidence at all, but rather, on the personal faith that she has in all-powerful Creator. Because of this, Stella thinks that her religious beliefs are irrelevant to her duties as a teacher; accordingly, she regards her obligation as a teacher to include presenting material that is best supported by the available evidence, which clearly includes the truth of evolutionary theory. As a result, while presenting her biology lesson today, Stella asserts to her students, “Modern day *Homo Sapiens* evolved from *Homo Erectus*”, though she herself does not believe that proposition. (LACKEY, 2006; 111)

The contention here is that, despite the fact that an assertion such as the one made by Stella seems to fulfill all the requirements made by LIE-S, LIE-F and LIE-C, it would still be wrong to count this case as a lie⁵. Furthermore, it seems to be the case that the best (if not the only) explanation as to why this should not count as case of lying appeals to the concept of deception. To see that this is the case, just notice the following:

Even though Stella is being insincere (she does not believe what she asserts), she can recognize her beliefs as irrelevant for the appropriate assertion in the context of teaching⁶. Why would that be the case? The best (and again, if not the only) explanation seems to be that Stella does not want to deceive her students. If this is correct, then, we must abandon LIE-F, LIE-C and LIE-S and go back do definitions of lying that include some sort of deception clause.

3. Lackey’s Solution

If what we have seen before in **section 2** is correct, then analyzing lying without appealing to the concept of deception appears to be troublesome. However, due to the counterexamples presented in **section 1**, it appears that LIE-T cannot be taken to present a

⁵ Here it is important to note that even though we follow Lackey in taking cases of selfless assertions as counting as decisive evidence against the disassociation between lying and deceiving, we do **not** agree with her that these utterances are epistemically or conversationally proper. In this regard, we tend to agree with (BENTON, forthcoming) that cases like “selfless assertions” appear to be cases of vicious assertion (for a proposal as to what is wrong with cases like this see BORGES & MEDEIROS, 2016).

⁶ One way to frame the point would be to point out that she recognizes that her beliefs do not fit the evidence (more on that later).

correct analysis as well. What is then a reasonable solution? In this section, we explore Lackey's proposal.

According to Lackey, the solution to the problem of providing an accurate analysis of the concept of lying, lies in recognizing that "there is a range of ways of being deceptive" (LACKEY, 2013; 241). This contention, leads her to formulate the following distinction:

Deceit: A deceives B with respect to whether *p* if and only if A aims to bring about a false belief in B regarding whether *p*.

Deception: A is deceptive to B with respect to whether *p* if A aims to conceal information from B regarding whether *p*. (LACKEY, 2013; 241)

This distinction allows her to provide an account of the counterexamples in the following way:

- (a) In a case such as one of **Knowledge Lies**, Lackey diagnoses is that, even though there is no deceit, there is deception. According to her description, what happens in the case is that the subsequent slaves do not have the intention to make Crassus believe that they are all Spartacus [hence no deceit], but they aim "to conceal the true identity of Spartacus" (LACKEY, 2013, 242) [hence the deception]. Because of this, Lackey characterizes this case as a case of deception without deceiving.
- (b) In a case such as one of **Coercion Lies**, Lackey diagnoses is again that, even though there is no deceit, there is deception. According to her description, the bystander does not "intend for the court to believe that she did not witness the defendant murder the victim in question" (LACKEY, 2013, 242) [hence no deceit], but she still does intend to conceal the eyewitness testimony that would be used for a conviction [hence the deception]. Again, because of this, Lackey characterizes this case as a case of deception without deceiving.
- (c) In a case such as one of **Bald-Faced Lies**, Lackey diagnoses is again that, even though there is no deceit, there is deception. According to her description, the student does not intend to "deceive the Dean into falsely believing that he did not cheat" (LACKEY, 2013, 241) [hence no deceit], but he does intend to conceal "crucial evidence from the Dean that is needed for punishment from the

University” (LACKEY, 2013, 241-242) [hence the deception]. Again, because of this, Lackey characterizes this case as a case of deception without deceiving.

The introduction of Lackey’s distinction then, appears to capture the correct cases and to solve the problems of the separation between lying and deception. Taking that into account, Lackey proposes the following definition for lying:

LIE-L: A lies to B if and only if (1) A states that p to B, (2) A believes that p is false, (3) A intends to be deceptive to B in stating that p . (LACKEY, 2013;246)

4. A different proposal

Lackey’s proposal, then, attempts to solve the problem of the divorce between lies and deception by introducing a distinction between deceit and deception and that lying requires only the latter. Could this be all that there is to problem of lying? We contend that it is not.

In particular, we believe that Lackey’s definition is not a good one because it looks as the distinction between deceit and deception **misses the point**. In an attempt to rescue lying from its separation from deception, the distinction weakens the concept of deception to the point that its description of lying becomes uninteresting and a somewhat misleading description of the phenomena. To see why this appears to be the case, consider what Lackey’s definition does to explain such cases.

Under Lackey’s description, cases such as **Knowledge Lies** and the others, merely deprives our cognitive economy of some goods (they are mere attempts at concealment of information). This is **not** ordinarily what lies do, nor is it why they are regarded as unethical actions or a special problem for the correct functioning off an epistemic agent’s mental life. Lies are troublesome because they aim to make us acquire damaged cognitive goods. To put it another way, lies are not troublesome because they are neutral towards our capacity as epistemic beings, they are troublesome because they aim to leave us **worse off**⁷.

⁷ Note that this fact would also help explain why general intuition’s do not count ‘white lies’ as troublesome (or at least as less troublesome).

In this sense, we believe that Lackey's proposal sets to low a bar for what it is to lie. In what follows, we attempt by to show, by taking a closer look at each of the troublesome cases, that a more general defense of the ordinary (or something very close to it) concept of deception does a better job at giving us a definition of lying.

4.1 Knowledge lies

Is there any way that we can attempt to save the ordinary conception of deception in a case such as the one involving Spartacus? We contend that there is.

To see how this would happen, let's consider more closely what is happening in the case. According to the objectors description, Antonius lies with the intention to deceive while the others slaves do not [possess that intention]. Supposedly, this happens because the other slaves do not want to make Crassus believe that p [I am Spartacus] they merely want to prevent him from knowing that $\sim p$ [I am not Spartacus] and hence prevent him from, by a process of elimination, know who is Spartacus. According to the objectors then, the following is true in the **Knowledge Lie** case:

1. Antonius lies with the intention to deceive when he asserts p .
2. From S_1 to S_n , S_i lies without the intention to deceive when they assert p .

Is this a fair description of what is happening in the case? Our contention is that it is not. We contend that this description leaves much unexplained in the case and that a closer look shows how we can restore talk of deception in a case such as this. To see how that would be the case, consider the following question:

In virtue of what can the assertions made by $S_1 \dots S_n$ prevent Crassus from knowing $\sim p$? That is to say, what is the role that the assertions made by the subsequent slaves play in the explanation of the case?

The most plausible answer to this question appears to be something like this: There is a falsity in the neighborhood (that is implied by the assertions done by each S_n) that

explains why an assertion such as p can be relevant for Crassus inability to determine who is Spartacus. In other words, for each asserter S_i we can construct a relevant falsity p_i that plays the explanatory role as to why that assertion is relevant for the case. Furthermore, we can quite easily and plausibly specify what this falsity consists on, namely, it would consist on the recursively built disjunction $(p \vee p_1 \vee \dots \vee p_n)$ [where each instance of p corresponds to the assertion by S_i "I am Spartacus"]. This explanation then would make it so that the following description of the **Knowledge Lies** case appeared to be accurate:

- 1a. Antonius lies with the intention to deceive when he asserts p .
- 2a. From S_1 to S_n , S_i lies with the intention to deceive when they assert that p , because they have the intention to make the hearer believe that $(p \vee p_1 \dots \vee p_n)$.⁸

If this explanation is correct, it appears that we can talk in the usual sense about deception in Knowledge Lies cases.

4.2 Coercion Lies

The force of the counterexample in common lies seems to rest in the fact that even though the asserter undoubtedly does lie in the case, he does so unwittingly. In particular, the contention is that because the asserter is lying while under duress, the asserter does not intend to lie and therefore does not have the intention to deceive. Because of this, proponents of this type of counterexample take the following to be true:

1. S does not want to lie, but is being forced to do so.
2. If S does not want to lie, but is being forced to do so, then S has no intention to lie and therefore no intention to deceive.
3. S has no intention to deceive. (From 1 and 2)

⁸ Notice that this reconstruction of the slave's intentions is not *ad hoc*, quite the contrary it appears to provide an effective explanation of the speakers behavior and goals qua asserters.

Is this argument plausible? The contention here is that it is not. To be more precise, what appears to go wrong with the argument is that even though it looks valid, the argument actually trades off in a certain ambiguity regarding our concept of deception. To see that this appears to be the case, consider an analogy with other forms of action under duress and what would the argument would look like under those circumstances:

Suppose that, while going through your early morning run, you and a friend are held at gunpoint by a lunatic who takes the two of you to the M&T Bank Stadium and says that he will release both of you only after you perform a forty yards field goal. With no other option, you immediately position yourself at the thirty-yard line and begin to kick the balls that your friend is holding in position for you. If we take the analogy seriously, the proponent of coercion lies would have to endorse the following.

- 1a. S does not want to perform a forty-yard field goal, but he is being forced to do so.
- 2a. If S does not want to perform a forty-yard field goal, but he is being forced to do so, then S has no intention to perform a forty-yard field goal and therefore has no intention to kick the ball precisely between the Y at the appointed distance.
- 3a. S has no intention to kick the ball precisely between the Y at the appointed distance. (From 1,2)

Despite having the exact same structure, the conclusion of the second argument seems absurd. Furthermore, we take it, that the reason that it seems absurd is that the argument relies on the ambiguity surrounding the term *intention*. What the analogy shows is that there appears to be two senses of intention at play here, senses that we propose that we differentiate in the following way:

Intention_d- S has intention_d towards a goal when he has a desire that the given goal come to be the case.

Intention_c- S has intention_c towards a goal when he acts in a way that may (under the right circumstances) bring about that goal.

What the distinction highlights, then, is that there appear to be two senses of intention: one upon what is relevant is whether you desire that something becomes the case, and the other where what is relevant is whether your actions aim to bring about some outcome. This distinction helps explain what appears to be wrong in cases such as the ones presented above for when looking at the arguments we can see that:

- 1b. S does not want to lie, but is being forced to do so.
- 2b. If S does not want to lie, but is being forced to do so, then S has no intention_d to lie and therefore no intention_d to deceive.
3. S has no intention_c to deceive. (From 1 and 2)

This argument is clearly not valid. Furthermore, if the distinction is correct and captured appropriately by its application in the argument, we can also see how it would quite naturally appear to be the case that argument of the **coercive lies** proponent appears to be correct. For even though intention_d and intention_c present different senses of the same word, it remains quite easy to see how the two are usually tied together, that is to say, in most cases of intention a desire for something to be the case conducts to an action that intends to make it so that something is the case⁹. If what is said here is correct, then the application of the distinction between the relevant senses of intention allows us to preserve the usual talk about the intention to deceive in cases of coercion lies.

4.3 Bald-Faced lies

Bald-Faced lies appear to pose the most trouble for a simple defense of the notion of intention to deceive in lying. The reason for that is that cases of Bald-Faced Lies appear to rely on the common knowledge of the truth of what the speaker is trying to deny to the hearer. Under this reading then, it appears quite natural to see how the intention to deceive can be challenged by such cases.

⁹ Notice that if this interpretation is correct, then actions under duress play here an illuminating role as they pose a special case that allows us to make the distinction between the senses of *intention* clear.

Is this challenge enough to pose an insurmountable obstacle to the project however? The contention here is that it is not. To see why there appears to still be some room for movement, however, we have first to remind ourselves that intention to deceive is not a term of *success*¹⁰. In order to show that a case of a Bald-Faced Lie consists in can fall under our simple defense then, we do **not** have to show that the lie can actually have the perlocutionary effect of convincing the hearer about the deception, nor even that convincing the hearer about the deception is feasible, we merely have to show that the lying aims at the deception.

Now, how might we go about that? To see how this might happen, let's consider again the case. According to Lackey's characterization of the case, what happens when the student states that he did not cheat in the exam is that he is concealing evidence necessary for being punished by his cheating. Could this be all that there is to someone blatantly telling a lie? Surely not! When the student is stating something like "I did not cheat" he is not merely concealing evidence from the Dean, he is effectively stating, and therefore putting forth in the public domain, the contention that he did not cheat in the exam. It doesn't take much of a theory of statements or of assertions to say that insofar as the student is stating/asserting that "I did not cheat" he is offering his statement/assertion as evidence *against* the hypotheses that he did cheat in the exam. The reason that we are inclined to think that this cannot happen in the case is that the Dean already knows that he did cheat. Notice, however, that the Dean is not ready to punish the student merely on the account of his own knowledge. This fact, by its turn, means that for this particular case, knowledge is not enough to provide a reason for action, that is to say the **evidentiary standard required** for action here may be construed as greater than the one that is required for knowledge¹¹. This insight can lead us to the following rephrasing of the deception definition:

¹⁰This does not seem contentious in the slightest. Even though to deceive may be a term of success, clearly the intention to succeed is not [this is guaranteed by the grammar of intention].

¹¹ Here one might have qualms about an evidentiary standard that sets the bar so high as to make this type of move possible. Notice, however, this: the fact that the evidentiary standard is so high [in particular, the fact that the evidentiary standard is higher than the one that beats the threshold for knowledge] can be taken to be what explains the fact that a maneuver, [ordinarily so hopeless] as the blatant denial in the face of the possession of knowledge level evidence can in this case be effective in blocking what would otherwise be appropriate action.

Deceive: A deceives B with respect to whether p if and only if A aims to provide misleading evidence¹² about whether p .

If we take what is said here seriously, we can surmise by what was said before, and by the definition of deception, that in a case such as the one of Bald Faced Lies we can still preserve the usual talk about lying and deception.

5. Conclusion

In this essay, we have attempted to examine the debate concerning the idea that lies involves intention to deceive. We have taken a look at the objections to the idea and found them wanting. Furthermore, we have taken a look at Lackey's argument based on cases of selfless assertions and found it a compelling additional reason for argument that lying is indeed tied to deception. However, when it comes to the precise way upon which this connection is fleshed out, we have parted ways with Lackey's approach. The chief reason for that consisted in the fact that her distinction regarding deception appeared to (aside from making the general concept less clear and somewhat artificial) weaken the concept of lying to a point that it did not seem to fully capture the phenomena. Taking that into account, we have attempted to provide an examination of the usual counterexamples in way that they can be interpreted so as to not pose such a challenge to the usual analysis represented by **LIE-T**. With regard to that we have some final observations. The points made about the cases of **knowledge lies** and **coercion lies** can be taken independently as objections to the specific counterexamples. In that sense, even someone who is unsatisfied with our general conception presented in **bald faced lies** can take the objections presented in the former two in their defense of lying as a kind of deception. With regard to the general conception of deception presented in the final section, it should be quite easy to see that the point appears to

¹²And what is to aim to provide misleading evidence? To provide misleading evidence is generally understood as to provide evidence for a falsity. On the other hand, we might want to say that to aim to provide misleading evidence is, very roughly, to provide evidence that goes against a hypothesis that is well regarded on your own total evidence. That is to say, for two agents S_1 and S_2 : The statement that p has the following evidentiary role: E_1 makes it so that $P(H|E_1 \& k) < P(H|k)$ [for S_2 where H is the hypothesis that p , E_1 is the evidence provided by S_1 and K is S_2 's prior evidence], and $P(H|k) > P(\sim H|k)$ [for S_1 where H is the hypothesis that p , and k is S_1 total evidence].

generalize. Furthermore, we would also like to point out that the conception delivers the correct verdict in cases of selfless assertions and other problematic cases and that it appears to do justice to a stronger, ordinary, conception of lying. To summarize, we contend that our strategy to preserve LIE-T proves itself fruitful because it also appears to capture accurately the phenomena of lying in the sense that it preserves the ordinary sense on which lying consists in a specific type of communication act that is harmful for an epistemic agent's cognitive life.

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