

# Honesty and Discretion

P. Quinn White

About what should we be truthful? And why? Disagreement over these questions is foundational, serving as one of the major points of distinction between rival ethical views. Often overlooked, however, is the remarkable consensus between writers as different as St. Augustine, Kant, Sidgwick and Williams. Virtually all parties to the debate have shared two fundamental presuppositions, the first about explananda, the second about method.

With respect to the first, they think that when it comes to the ethics of telling the truth, the topic worth discussing is the wrong of lying and deception, i.e., of when it is wrong to conceal the truth or induce false beliefs. Largely ignored is when it is wrong to *reveal* the truth. I'll argue that the wrongs of dishonesty and indiscretion are intertwined; where honesty is the virtue of telling the truth, discretion is the virtue of withholding it. Only with a theory of both can we offer a full and unified answer to the question "about what should we be truthful and why?"

With respect to the second, philosophers have shared a basic methodological assumption. They try to analyze the wrong of lying and deception by first abstracting away from the particular context in which the communication takes place. Lying and deception are wrong because they undermine the trust necessary for communication generally—so says virtually everyone, however differently they understand that schematic claim. A number of philosophers make a further claim: that deception and lying are wrong because they violate our autonomy. These traditional appeals to trust and to autonomy are understood to ground a general injunction against lying and deception.<sup>1</sup>

These arguments miss the degree to which the norms of truth-telling are sensitive to the relationships we are in. Trust and autonomy require different kinds of truth-telling with a spouse, a student, stranger, or opponent in a poker game. This is not to say that extant views entirely ignore the way in which relationships can make a difference; but they treat

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<sup>1</sup> We will consider these arguments in §3, but it is worth seeing where they are made. The autonomy argument is found in Kant (1993, 1998, 2001, 2017); Constant as cited in Kant (1993); Grotius (2012, §3.1.11.1); Korsgaard (1986); MacIntyre (1994); Bok (1999); Williams (2002); Faulkner (2007); Rees (2014); Shiffrin (2014); Pallikkathayil (2019), and Aristotle as read by Zembaty (1993). The trust argument can be found in all of those works and also in Augustine (1887a,b); Thomas Aquinas (2016, II.II.Q110); Hobbes (1994, §§1.4.3, 1.4.12, 1.14ff.), Hutcheson (1755, §2.2.10); Hume (2007, §§3.2.1-3.2.2); Bentham (1907, §§16.2.20-24); Mill (2001, pp. 22-23); Sidgwick (1981, §3.7.2, pp.315-16); Ross (1930; 1939, pp. 22-28 & 112-20, respectively); Perry (1909); Adler (1997); Strudler (2010); Saul (2012a,b); Webber (2013).

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the phenomenon as secondary, to be explained as exceptions to the general, relationship-independent injunction not to lie or to deceive. Pallikkathayil writes that “certain kinds of relationships, like the relationship between spouses, seem to affect the reasons we have to [speak the truth].” But she goes on to say that “[e]xamining exactly how and why this is would take us too far afield” (2019, p. 13). I will argue, however, that the object of our inquiry *is* afield, and that we need to begin with the local communicative practices—between friends, strangers, citizen and public official—within which communication takes place, and the requirements of trust and autonomy specific to *that relationship*. When we take as central the fact that our norms of truth-telling are sensitive to the relationship between interlocutors, we can arrive at a unified picture of our obligations with respect to the truth, i.e., of both honesty and discretion. In failing to do so, traditional arguments fundamentally misconstrue the nature of the central notions to which they appeal: trust and autonomy.

The relationships-based view I defend is at once a theory of honesty and discretion, offering a unified answer to the question “about what should we be truthful and why?” It consists of three main claims: first, that our relationships have constitutive norms of communication derived from the ends of that *particular* relationship. What it is to communicate well *as a* friend is different from what it is to communicate well *as a* coworker, stranger, teacher or doctor. Second, that we have reason to speak and withhold the truth in accordance with the norms of the relationships we inhabit insofar as we have reason to be in that relationship. And third, that we sometimes have reasons to tell (and withhold) the truth in order to change our relationships into better ones.

I’ll first motivate the view by attending to the two neglected phenomena in the ethics of telling the truth, i.e., the interplay of norms of honesty and discretion and the sensitivity of each to different relationships (§1). I’ll develop a relationships-based view that treats these phenomena as central (§2). I’ll then turn back to traditional approaches, which understand the norm(s) of truth-telling as independent of the particular relationships in which communication takes place. I’ll argue that such views misunderstand the foundational notions of trust and autonomy. Only the relationships view gets these notions right and is thus able to explain what goes right and wrong not only in cases of deception and lying, but also in those of prying, over-sharing, and failure of disclosure (§3). I’ll argue that by building a view of truth-telling on relationships, which are mutable, we can make sense of otherwise puzzling cases in which we seem at once to have and to lack reasons to tell the truth (§4). With my positive argument complete (by p. 22), I close by considering objections (§§5–7).

## 1 Getting the phenomena in view

The task of this section is to get our two neglected phenomena in view, *viz.* the interplay of norms of honesty and discretion and the sensitivity of those norms to our relationships. When we take such phenomena as central, the relationships-based approach I defend emerges as a natural account.

First the interplay between (dis)honesty and (in)discretion: suppose Claudia has just been diagnosed with cancer and wants to keep the matter to herself. Her nosy coworker Nick, with whom she is not close, recognizes some subtle signs and bluntly asks “Do you have cancer?” Claudia may deceive her coworker in order to keep the matter to herself. If dodging the question or refusing to answer would allow Nick to deduce her secret, she may lie. At the same time, this is a case in which Nick has done wrong by asking an *in-discreet* question; he sought to reveal that which was none of his business. That the lie is permissible and the question impermissible is clearly no coincidence—the requirements of honesty and discretion seem bound up in a case like this.

Claudia may protect her privacy by being untruthful, and so, too, could a third party who knows her secret. If Nick is trying to pry the secret out of a third party, two things are true: it would be indiscreet for the third party to disclose the diagnosis, and the third party may be untruthful to keep it secret. That is, the permissibility of concealing a truth is linked to the impermissibility of sharing it.<sup>2</sup>

Norms regarding honesty and discretion seem linked. So, too, do they seem to vary dramatically with changes in the relationship between interlocutors. It’s clear that when it comes to what may be revealed (what is and is not discreet), the relationship between interlocutors is of central importance. I can tell my partner and close friends all kinds of things it would be inappropriate for me to tell a student or more distant colleague.

And as we would expect if we recognize a connection between norms of discretion and honesty, the requirements of the latter also vary with the relationship between speaker and interlocutor. Imagine cancer-afflicted Claudia has an intimate marriage with her spouse, Sally; they are (typically) quite open with one another and committed to living their lives together. Where Claudia may deceive her coworker about her cancer, she may not similarly deceive her wife; that would constitute a grave betrayal. Indeed, even if no deception were involved, simply not telling Sally seems objectionable. Where lying is permissible with

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<sup>2</sup> cf. Nagel (1998) and Marmor (2015).

a coworker, deception or even mere withholding of information is impermissible with a spouse; and that seems connected to the fact that a cancer diagnosis is (in some sense) Claudia's wife's business but not her coworker's.

"Wait," one might worry, "we can surely imagine a marriage in which keeping something like a cancer diagnosis secret is *not* felt as a betrayal of any kind. For that matter, it might not even be wrong." But that's just it! The kind of relationship—not just marriage vs. coworker, but this kind of marriage vs. that—seems to affect our obligations with respect to the truth. Suppose I told you that Claudia's friend asked about her health and Claudia lied in response to the question. Would that be impermissible? The case is underspecified. But the more we fill in about this friendship, the more definite our evaluation of the case becomes: e.g., imagine they are casual friends who rarely discuss serious matters and just try to keep things casual. The relationship between interlocutors makes a difference.

Once we are on the lookout for it, the way in which our obligations to tell the truth are sensitive to our relationships appears everywhere in often rather subtle ways; relationships allow (or even *depend* on) withholding and deception of one kind while requiring truthfulness of another. Poker players must be honest about their funds, displaying their chips openly at the table, while at the same time being permitted (encouraged!) to deceive others about their cards. A would-be buyer and seller of a house might permissibly lie about how high or low they are willing or able to set a price ("I really can't go any lower") where lying about the condition of the house itself would be wrong.<sup>3</sup> In each of these cases, there seems to be some set of rules, often implicit, that allow for *limited* deception in a way that serves the purpose of the relationship (e.g., competition or negotiation).

To bring that out, consider an especially stark case: suppose Scout is a public defender renowned for her integrity. Like any (American) lawyer, she wants her clients to be honest with her and tell her if they are guilty so that she can give them the best defense possible. In defending a client she knows to be guilty, she opens the trial by asserting: "My client is not guilty, and I'll show you why." She proceeds to present evidence in a strictly-speaking truthful manner, but always in way that warrants the inference that her client is not guilty. In so doing, Scout lies (about her client's guilt); she then deceives by misleading and misdirecting jurors. But her deception is permissible, and again it seems to have everything

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<sup>3</sup>Cf. Miller and Wertheimer (2009), which argues that in such cases, *consent* for the sale of the house morally transformative despite the lie.

to do with the fact that she is speaking as a public defender to a jury, a legal relationship which permits at least some deception in order to guarantee a fair trial for the accused.<sup>4</sup>

Honesty, the virtue of telling the truth, and discretion, the virtue of withholding it, are clearly connected. And whatever our account of the two, it must make sense of the way in which the requirements of each vary depending on the relationship within which communication takes place.

## 2 The Relationships View

The connection between honesty and discretion has been largely neglected. And the sensitivity of the norms of truth-telling to the relationship between interlocutors is typically treated as secondary, explained as exceptions to a general relationship-independent norm against lying and deception or by appeal to countervailing reasons.<sup>5</sup> I'll argue against such attempts in §§3-4. But first, I'll present a view that treats these phenomena as central to the ethics of truth-telling—as *unexceptional*.

The lesson I want to draw from these cases is that our relationships themselves set up communicative standards. Claudia's diagnosis is "in bounds" in her marriage and "out of bounds" in her professional relationship. Such boundaries establish at once norms of honesty and discretion: Claudia can lie to nosy Nick about her diagnosis where she cannot lie or even withhold that information from her spouse, Sally; Nick shouldn't ask (it would be indiscreet) where Sally can. And we can roughly see why: a life-changing diagnosis is in some sense in bounds in an intimate partnership like Claudia and Sally's marriage; it is out of bounds in her more distant relationship with Nick. Honesty and discretion are, to a first approximation, a matter of speaking the truth in accordance with the boundaries established by our relationships.

The task of this section is to develop that first approximation into a proper view. The

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<sup>4</sup> As a Stanford Law Review article put it, "A lawyer...is required to make statements as well as arguments which he does not believe in. But the further his statements descend towards the particular, the more truthful he may be, indeed must be.... [W]hen he is talking for his client, a lawyer is absolved from veracity down to a certain point of particularity" (Curtis, 1951). Note that not all legal systems allow legal advocates to lie or even mislead about their client's guilt. In the UK, for instance, a very different kind of criminal defense is necessary exactly because barristers cannot *knowingly* mislead the court. The view on offer in §2 can help shed light on why we might see different standards, see §2.2.

<sup>5</sup> For notable exceptions to that trend, see MacIntyre (1994), Nagel (1998), Marmor (2015), Shieber (2015), Confucius (1997, see especially §13.18, §13.30), *The Mahabharata* (2016, Drona Chapter §§191-93, Karna Chapter §69). See also Bonhoeffer (1965), which offers an elusive, relationship-based conception of what it is to tell the truth.

view has three parts. First is the claim that relationships have constitutive communicative ends in light of which an agent can be judged, e.g., as a friend or as a coworker (§2.1). Second, and most important, is the claim that from these ends follow *constitutive communicative standards* specifying what information is in and out of bounds for relationships, as well as when, why and by what means information may be withheld or revealed (§2.2). The ends, and so constitutive standards, can vary dramatically between relationships between coworkers, spouses and strangers. Third, the view claims that we have reason to follow the norms of the relationships that we inhabit insofar as we have reason to be in that relationship (§2.3).

## 2.1 Relationships and Constitutive Ends

The relationships view turns on the idea that relationships have constitutive standards of evaluation. To make sense of the notion of relationships' constitutive standards, let's set honesty and discretion to the side for a moment. We are familiar with the idea that *practices* have constitutive standards of evaluation, where performance can be evaluated on the basis of standards that follow from the nature of the practice. A teacher can be evaluated as better or worse qua teacher; the standards of evaluation follow from what it is to teach. And part of what it is to be a teacher is to aim at the education of one's students; that end, or *telos*, is part of what makes a given practice *teaching* as opposed to, say, oratorical performance. To oversimplify a bit, a teacher can be evaluated by how well she achieves the end of imparting knowledge and skill in her students. We can make similar evaluative judgments of other occupants of a role within a practice: baseball players (or more particularly a pitcher), doctors, defense attorneys—these are all roles within a practice that has *ends*, and occupants of those roles can be evaluated qua occupant by asking how well they achieved those ends.

(Of course, the standards of evaluation of a practice may or may not be normatively relevant to an agent; to say that an agent is evaluable relative to some standards is not yet to say that the agent *ought* to follow the standards. Torturers are better qua torturers the more pain they cause; but that does not give the torturer reason to use harsher methods. The torturer should *not* be a torturer at all. When constitutive standards of a practice actually generate reasons for an agent is a question we'll address in §2.3.)

Relationships are a kind of practice, and participants in a relationship are evaluable qua members of the relationship. It makes sense to say of someone that he acted well *as a friend*,

poorly *as an advisor*, etc.... That such evaluations are possible, and indeed commonplace, suggests that relationships, like other practices, have constitutive ends. But what could the end of *friendship* be? And what explains why a relationship has that end?

Asked in a certain tone, these questions seems to suggest that any answer is metaphysically suspect; Aristotle might have an idea of the end of friendship, but we are supposed to be skeptical of any such natural teleology.<sup>6</sup> Thankfully, we don't need to rely on any kind full-blown natural teleology to get the picture going. All we need is the idea that relationships can be characterized at least in part by a function or end, and while it might be somewhat odd to put it in these terms, the phenomenon is familiar. Some relationships have largely instrumental ends: the doctor-patient relationship serves the latter's health, the coworker relationship the success of the business, the coauthor relationship the success of the research, etc...; others are partly instrumental: healthy friendships, partnerships and familial relationships aim in part at the wellbeing of their participants. And, of course, many relationships are ends in themselves—the character of the interaction between the participants, as loving, joyful, intimate, is not just a means to something else but pursued for its own sake. That a given relationship has the ends it does is part of what *makes* the relationship what it is (one between friends, not mere colleagues; a romantic partnership, not a casual fling). And while a teleological conception of relationships threatens to be implausible if the ends at issue are assumed to be simple, we can recognize that a given relationship may have many, nuanced and highly particularized ends—consider, for example, the differing scopes, degree and kind of intimacy aimed at in different friendships.

What gives a relationship the ends that it has? We do! Sometimes we do so explicitly, e.g., with a contract, in a couple's counseling session or by saying things like “let's just keep this professional.” But more often than not, we set these ends and standards implicitly, not by talking about behavior but via the behavior itself. That you asked me to lunch, that I gladly said yes and reciprocated with a follow-up the next week—we are using these social signals to communicate our intentions to become closer. That our communication itself can (re)shape relationships and their ends will become a central concern below (§4).

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<sup>6</sup> For my own part, I am less than fully skeptical. Part of what it is to be a mother or father or guardian is to aim at something that seems naturally given (the flourishing of the child in one's care). Indeed, what it is to be a friend might also be at least in part a function of the kind of social beings we are (Foot, 2001).

## 2.2 From Ends to Communicative Norms

The fact that relationships have such ends explains why we can say of someone that she is acting well as a friend, advisor, coworker, spouse, etc.... From a relationship's ends, we can derive constitutive standards of evaluation, norms that specify the means by which one should achieve those ends. And, to return to our topic of truth-telling, among those norms will be communicative ones. That is why it makes sense to say of Claudia that she is acting *poorly qua partner* when she lies to Sally, but is acting *fine qua coworker* when she lies to Nick. Claudia's truth-telling, or rather her lack thereof, can be evaluative relative to the relationships she inhabits.

How? Here is the key move: the communicative norms of a relationship are those that would best serve that relationship's particular ends. To withhold one's cancer diagnosis ill serves the ends of intimacy and sharing a life; to withhold it from a coworker well serves the end of the workplace, where maintaining some professional distance from one another is often beneficial. Each relationship requires something different from its participants. Communicative norms establish a framework that serves a relationship's respective ends, specifying what information should be shared or withheld, under what circumstances, and by what means (e.g., by staying silent vs. lying).

To flesh this out, let's consider some examples. In some cases, achieving an end requires certain information to be known (or not known): a doctor needs to know her patient's medical records in order to treat her; an advisor needs access to a student's work in order to advise and the student needs honest feedback in return; a journal reviewer needs to know the author's sources while remaining ignorant of her identity. Three things to notice here: first, that the ends can require quite fine-grained norms—information is not an all or nothing affair. For example, a doctor need not know everything about a patient's medical background and so would be acting poorly as a doctor if they pried into a patient's sexual history without its being relevant. Second, communicative norms can be asymmetrical: the patient should share his medical history while the doctor need not (and often her doing so could itself ill-serve the ends of the relationship, e.g., by engendering too much familiarity or making the patient feel uncomfortable). Third, two relationships with identical ends might still have different constitutive standards on account of the difference in some background conditions, e.g., the participants' psychology, needs and other preferences. Thus, though two advisor-advisee relationships might each aim at the student's success, the way in which honest criticism should be shared might differ, requiring more or



less discretion because of the student (or advisor's) particular needs.

Now we need to add another layer to the picture. Many relationships' norms will not just specify what information is in or out of bounds, but also establish when, why, how and by whose authority it should be shared or withheld. We have already seen this in the example of Scout, the defense attorney; the communicative norms that best serve the end of justice and structure the relationships between jury, judge and advocates specify not just what but when and how the truth should (and should not) be told. The political relationship between the state and its citizens likewise involves complex structures that specify not just what should be known, but when, how and why. Thus, it is crucial not just *that* the state know certain things about its citizens and the citizens know about the state, but also the conditions under which each can get access to information: press protections, the Freedom of Information Act, warrants, administrative law and regulations—these rules all say by whom and under what circumstances truths can or should be disclosed in service of political ends like accountability, transparency, and security.

These institutional cases with explicitly codified norms make salient that norms of truth-telling, sharing and withholding shape relations of power and vulnerability. That the state has such access to our information makes us vulnerable; that citizens in turn have access to information about the state, its agents and its leadership gives the people power in return. Those dynamics of power are often among the ends of a relationship. And the right norms for a set of ends will be those that strike the *right* balance of powers, freedoms and responsibilities between the parties involved. Moreover, the institutional cases help us see that the norms that follow from a given set of ends are sensitive to the relative weighting of competing ends. The UK and US justice systems both aim at punishing the guilty and at giving the accused adequate representation but weight those two ends differently, and so have different rules about whether an advocate can make arguments she knows are misleading.<sup>7</sup>

What institutionalized communicative norms make explicit, we can also find in many personal relationships. Consider Claudia and her wife. Their relationship has many ends—individual flourishing, emotional intimacy and support, enjoyment, sharing a life together, etc.... As spouses, they need to know some information, like each other's schedules, to

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<sup>7</sup>The UK forbids a barrister from knowingly misleading the court, thereby requiring the defendant to withhold information from his counsel lest it put his barrister in a position where she can no longer defend him. That rule makes reflects a different relationship between judge, jury, advocate and accused different, with a different role given to advocates for the defense.

coordinate their lives; their knowing one another's secrets fosters intimacy and closeness. That intimacy consists not just in *knowing*, but in having the normative standing *to know*. That they can expect the other to share her feelings unprompted, that when asked they can count on the other to say whether she really is OK with a decision, that they nevertheless keep certain things to themselves—these norms endow each with (reciprocal) communicative power and authority over the other. And that mutual cession of informational control serves the ends of emotional and practical intimacy.<sup>8</sup> That Claudia *should* share matters as important as a cancer diagnosis is a norm that gives the relationship its character, and in violating it, Claudia acts poorly *as Sally's wife*.

### 2.3 Transmission

We've now seen the main elements of the view: our relationships' ends generate norms of truth-telling that best serve those ends. We have not yet considered, however, when the norms of a relationship are genuinely normative, i.e., when they give an agent reasons for telling or withholding the truth. What we have said so far is what it takes to act well or poorly as a friend or coworker or lawyer. But we need to know when such standards are relevant for an agent.

To bring out the force of the question, consider a bad relationship, like that between a master and a slave. Its ends include the subjugation of the slave, and in service of that end, it would require a slave tell the master whatever he asks. Does the fact that a person *is* a slave mean that he should follow the norms of his relationship and act *well as a slave*? Of course not. For his own safety, the slave may have reason to feign obedience to the norms of his relationship; but he should not see the norms as *genuinely* normative for him. If he can disobey and get away with it, he should; obedience is only required insofar as his safety requires, not whenever the master commands, as the master-slave relationship would have it.

When, then, are the norms of a relationship genuinely normative? When ought an agent to follow a relationship's norms and act well relative to them? To a large extent, these questions are instances of a more general question that faces all indirect (or two-level) normative theories—that is, theories in which particular actions (the lower level) are evaluated not directly but in light of some set of rules, norms, practices, dispositions, etc... (the

<sup>8</sup> I take up this issue in “Ethics in the Shadow of Love,” chapter 1 of my dissertation.

higher level).<sup>9</sup> Any such account needs a principle that specifies when an element at the higher level (the rule, practice, disposition) actually matters normatively, i.e., when the action in question should be evaluated in light of *that* element. To avoid claiming that relationships like a patriarchal marriage provide reasons, we can adopt the following:

TRANSMISSION If an agent is actually in a relationship, then insofar as she has reason to be in it, she has reason to follow the constitutive standards of the relationship.<sup>10,11</sup>

What reasons do we have to be in a relationship? All kinds. We might promise (“I’ll supervise your dissertation”; “I do”), or enter a contract (to be a doctor; to be coworkers). Circumstances may provide reasons (having had a child, he has reason to be a father towards her; she looks like she needs a friend right now).<sup>12</sup> We may even have multiple relationships with someone and have reason in a given moment to occupy one of them and not the other (“I know we are friends, but right now, I need to talk to you as your boss.”)

At this point, then, the main parts of the view is on the table. Many questions remain: What, in general, makes for better or worse relationships? And what about partially defective relationships—ones we have *some* reason to be in but whose norms seem to fall short?

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<sup>9</sup> Familiar views in this family include rule utilitarianism, Contractualism (of various kinds), Contractarianism, Foot’s virtue ethics (2001), Kantian approaches (of Kant and followers). See also Thompson (2008, Part III) and Kagan (2000).

<sup>10</sup> Is this an instance of a more general transmission principle about all practices, relational and otherwise, e.g., individual habits? I doubt it, but the arguments to settle matters one way or the other are orthogonal to our purposes here.

<sup>11</sup> There are alternative candidate principles, but the issues involved in settling on one are largely orthogonal to our topic. I will flag that a purely hypothetical version of the principle, e.g., *insofar as an agent should be in a relationship, she has reason to follow the constitutive standards of that relationship*, fails for reasons analogous to non-compliance objections to rule utilitarianism (as in Parfit 2011, pp. 308-320). We can have decisive reason to be in relationships we are not *yet* in, and those ideal relationships may recommend actions that are inappropriate or disastrous in a context in which that relationship is still a mere ideal. For instance, imagine Anthony and Emma are coworkers whose relationship constitutively involves keeping great personal distance. By accident, Anthony has come to learn that Emma is in the midst of a difficult divorce. As her coworker, it would be inappropriate for Anthony to ask about how she’s handling it; he’s not even meant to know. However, Anthony and Emma get along quite well. They would make great friends and have every reason to become friends. Were they friends, Anthony should ask how Emma’s doing. Anthony should become Emma’s friend. But he does not yet have reason to act as her friend and ask. They lack the requisite trust for his inquiry to be well received; instead of a caring inquiry from a friend, it would still be a rude and presumptuous intrusion. What Anthony does have is reason to *become* Emma’s friend; they get along well and she needs friends now especially. But the appropriate, respectful and kind way to treat someone one would befriend is quite different from the way to treat someone who already *is* a friend. So we need the principles to require that the relationship be *actual*, and not merely ideal.

<sup>12</sup> I defend a view of the reasons we have to be in a relationship in “The Importance of Being Constant,” chapter 2 of my dissertation.

(I take up this question up in the form of an objection in §7.) Further, crucial implications of this view have yet to be highlighted, especially the way in which our ability to change our relationships provide a second source of reasons to tell and withhold the truth. But before pursuing the view further, it is time to turn back to its traditional alternatives. Granted that this view can illuminate the cases with which this paper began; can its more traditional alternatives?

### **3 Trust, Autonomy, and Traditional Approaches to the Ethics of Truth-Telling**

Traditional approaches to the ethics of truth-telling make no central appeal to relationships. Thinkers as different as St. Augustine, Hume, Kant, Sidgwick and Williams have at least that in common: they endorse a (relationship-independent) moral injunction against lying or deceiving. To be sure, the nature of that injunction varies widely, but in one way or another, they all believe that one ought not to lie or deceive (perhaps subject to exceptions). And they think that the fact one ought not to lie has nothing to do with what it is to be a friend or spouse, but rather with what it is to communicate in general. Indeed, while it is odd to think of Kant and Sidgwick as on the same side in a debate about truth-telling, we can even find a consensus about the basis for such an injunction: that lying or deceiving undermines the *trust* necessary for communication. Virtually everyone endorses a version of this trust argument. A subset of those who write on lying and deception make a further claim: that lying and deception are wrong because they undermine the autonomy of the deceived—again, an argument that has nothing to do with the requirements of friendship or collegiality, but rather of agency as such.

Why go for the relationships view over its alternatives? For one, the relationships view is a theory not just of honesty but also of discretion. But that is not decisive. My argument against traditional views stands even when we restrict our attention to the shared explananda of deception and lying: traditional views misunderstand the two notions at the foundation of their view: trust and autonomy. They build arguments by considering the requirements of trust and of autonomy for communication or agency as such; that is a mistake. What underwrites actual communication is not trust simpliciter but trust *within* a relationship. Thus, what matters is not what trust requires between communicators *as such* but what trust requires between friends, strangers, etc.... Another way of putting the

point: when we communicate, we do not do so by trusting one another simpliciter, but by trusting one another *as an R*, for some relational role R. In grounding the ethics of truth-telling on trust simpliciter (on the trust needed for communication in general), traditional approaches distort the very nature of trust (§3.1). Likewise for autonomy: I argue that we can only make sense of the demands of autonomy within the context of a given relationship, not by considering the demands of agency as such (§3.2). The traditional arguments can be read as asking what truth-telling is required by the trust needed for communication as such or by the autonomy of the listener. This section argues that those questions are underspecified; the right question is what trust and autonomy require *within a given relationship*.

### 3.1 Trust

The traditional trust argument is almost universally endorsed<sup>13</sup> and turns on the significance of trust for communication. In its schematic form, it begins with three premises: first, that we are justifiably committed to the practice of communication; second, that the practice of communication requires trust; and third, that trust is undermined by lying and deception. From these premises, it is argued that deception and lying are wrong.<sup>14</sup> The premises are understood and defended in importantly different ways, e.g., undermining might be causal (for utilitarians) or practical under conditions of universalization (for Kantians).<sup>15</sup> And how those premises yield the conclusion that one ought not to deceive or lie to others will depend on the background moral machinery at work. The otherwise important differences do not concern us here; what is relevant is that the argument deploys a notion of trust that is insensitive to relationships, or is at most sensitive only to the abstract relationship between speaker and listener, as such.

But the cases we've considered should already make us suspicious of the idea that there is some illuminating, relationship-independent notion of trust. The judge's trust in Scout and Sally's trust in her wife Claudia each underwrite the communication that takes place

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<sup>13</sup> See n.1.

<sup>14</sup> Some, like Pallikkathayil (2019), draw an important distinction between the wrong of lying and deception, but that otherwise important subtlety won't matter for our purposes here.

<sup>15</sup> Each of these premises admits of many different interpretations and defenses: Justifiable commitment could be a matter of implicit promising, tacit agreement, hypothetical agreement, common sense understanding, human need or divine purpose. The need for trust is often taken for granted, but can be defended on metasemantic grounds or based on empirical facts about human psychology and language (Lewis, 1983; Stenius, 1967). Undermining might be causal or practical, or even teleological, as for Catholics and also for Kant (on the Natural Law formulation of the Categorical Imperative).

within those relationships. The trust in each case is crucially different, however. The judge's trust in Scout *anticipates* that Scout will deceive within certain limits, and so deception *per se* is no threat to her trustworthiness. If, of course, she violated the terms of their relationship (e.g., by withholding discoverable evidence or lying to get a court date moved) her trustworthiness would indeed be undermined. Likewise is Sally's trust in Claudia undermined not by deception *per se* but by violation of the norms of their relationship, e.g., withholding the diagnosis, whether or not doing so amounts to deception.

The requirements of trust itself vary from relationship to relationship. To claim that trust simpliciter is undermined by deception is at best a (rather misleading) generalization. It is often undermined by deception, but trust is really sensitive to the norms *of a relationship* and is undermined when *those* norms are violated.

Traditional approaches can try to respond by appealing to exceptions to a general injunction against deception and lying. That Scout can lie and deceive might be a special case; that Sally's trust in Claudia requires so much more than mere non-deception might likewise be an exception.<sup>16</sup> And so on for other cases: exceptions and countervailing reasons (e.g., privacy) can, in conjunction with a general norm, yield the right verdicts. But the problem is not with verdicts; it is with the mishandling of the notion of trust. *Trust itself* already builds in the exceptions. Tolerance of (specific, limited) deception can be found in the nature of the judge's trust for Scout; need for disclosure is built into Sally's trust for Claudia. Put another way, trust is *fine-grained*, it admits of nuance, topic- and context-sensitivity. It is a mistake, therefore, to ground a theory of truth-telling on a relationship-independent notion of trust exactly because there is no singular notion of trust between communicators as such. With enough work, the right verdicts can be secured—the requirements of a fine-grained, relationship-sensitive nature of trust can be roughly translated as exceptions to a general rule derived from a coarse-grained notion of the trust that underlies communication as such. But such a view is built on a faulty understanding of trust, which is a relational notion, issuing in determinate requirements (and permissions) only within a given relationship.

And faulty foundations make for worse explanations of particular cases, even if the verdict is right. Consider the case of Claudia and Nick. Claudia lies to Nick to keep her secret safe. Traditional views might explain the verdict along the following lines: communication (as such) requires trust, and so Claudia has a general obligation not to lie, including to Nick.

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<sup>16</sup> See Mahon (2015, §1.1); cf. Mahon (2003); Griffiths (2004); Dynel (2011).

That her cancer is a private matter overrides the general prohibition against lying. But that doesn't really capture the nature of the trust between Claudia and Nick. Their communication doesn't require trust about all things—in fact, a need for professional distance puts some things off limits, i.e., beyond the scope of trust. When she lies, she does not undermine the trust that facilitates their communication *as coworkers*. That is evidenced by the fact that even if the lie is discovered, Nick could still take her at her word about the client's latest request or the announcements at the all-staff meeting. The trust required for their communication does not issue in a reason not to lie about a cancer diagnosis as it never extended to such personal matters in the first place. It is Nick who mistook the boundaries of trust in asking his question, boundaries which put Claudia's deeply personal matters off limits and which can tolerate (and so permit) deception if needed to protect those matters. Just as with the case of judge and advocate, what traditional views treat as exceptions are better seen as *built in* to the nature of the trust itself.

### 3.2 Autonomy

Much the same complaint can be made against the traditional argument from autonomy.<sup>17</sup> When autonomous agents live together, they are faced with a question: what freedoms and rights do agents have vis-à-vis one another. The traditional approach says that when it comes to truth-telling, the autonomy of each requires that we not deceive or lie to one another. To do so would be to impermissibly impinge on another's free agency. But we are now in a position to see that that while that is true as a rule of thumb, there is no global standard of when deception (or simply staying silent) does or does not violate another's autonomy. To lie to a judge (about one's client's guilt) does impinge on his agency but is not a violation of his autonomy; nor does attempting with all one's rhetorical might to mislead a jury violate theirs. By contrast, to withhold (even without deception) information like a cancer diagnosis from one's partner is a violation of her autonomy—it is impermissibly manipulative where the first two cases are not. What communication oversteps the boundary between permissible and impermissible interference in another's agency varies with the relationship.

The traditional argument goes wrong in trying to derive a standard of truth-telling by considering the autonomy of the listener in isolation from that of the speaker; the autonomy of the speaker is just as much at issue when it comes to truth-telling. Consider Nick and

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<sup>17</sup>See n.1

Claudia; it is not just his autonomy but hers that matters in determining whether she may lie about her diagnosis. And once we see that *both* interlocutors' autonomy is at stake, it becomes clear that what truth-telling is required depends on their relationship. After all, it is through our particular relationships that we negotiate the boundaries between ourselves and others, and the boundary appropriate for a friend is different from that for a stranger. A listener *as such* has no determinate rights not to be lied to, not to be deceived, or to have information shared with him; the rights that the traditional autonomy argument tried to derive do not get determinate content outside of a relationship.

In this respect, I am suggesting that our treatment of autonomy in the context of communication should be like the treatment of autonomy in politics as understood by some contemporary Kantians.<sup>18</sup> As Ripstein puts it, “Kantian independence is not a feature of the individual person but of the relations between persons” (2009, p. 15). Ripstein sees Kant’s project of theorizing a politics predicated on autonomy *not* as aimed at maximizing autonomy or freedom simpliciter (whatever that might mean), but rather as developing a (legal) framework within which each is her own master consistent with the equal freedom of others. Thinking about the autonomy of *one person* in isolation is useless. In just the same way, I am suggesting that thinking about what communicative rights or obligations derive from the autonomy of a listener considered individually is useless. The autonomy argument would have us focus on Nick’s autonomy qua listener; but what *he* has a right to must be understood alongside what Claudia, qua speaker, has a right to vis-à-vis Nick. Understanding what autonomy requires between two people requires us to look at the claims made by *both* of them and the appropriate balance of liberties *for them*.

The ideal of autonomy sets us an indeterminate normative standard of mutual free agency; but it is only through our relationships that we settle on a particular set of rights and freedoms that govern our agency alongside that of others. Relationships are better just inasmuch as they are determinate realizations of that indeterminate ideal of autonomy. A master-slave relationship fails to realize a standard of autonomy; but healthy relationships between friends or coworkers might each succeed in realizing that ideal, albeit in a different determinate way.<sup>19</sup> We can see an analogy to views of politics like Pallikkathayil’s, in which the rights we enjoy qua abstract autonomous agents are indeterminate in content; they are

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<sup>18</sup> Cf. also work in feminist theory on notions of “relational autonomy,” as in Mackenzie and Stoljar (2000).

<sup>19</sup> In “Ethics in the Shadow of Love,” the first chapter of my dissertation, I defend an account of the indeterminate ideal of autonomy derived from *agape*, i.e., love for all.



given determinate structure only in the context of actual social relationships (2010).<sup>20</sup>

The relationships that best realize an ideal of autonomy will prohibit most deception exactly because thoroughly untruthful relationships normally fail to promote the free agency of their participants. In that respect, proponents of the autonomy argument were right: as a rule of thumb, adequately autonomous relationships forbid most deception. But we must not overstate the point. Good relationships reserve a space of control (informational and otherwise) for each individual. Healthy friends, spouses, thesis advisors and coworkers do not control the lives of their counterparts. Communicatively, that means that in the healthy version of these relationships, much is kept private—no participant is required to share everything and be wholly communicatively vulnerable. And if healthy relationships are to maintain a sphere of privacy, they must permit some concealment; sometimes we pry—accidentally or intentionally—and our interlocutors must have the freedom to resist those indiscreet intrusions. Where we lack a right to ask, our interlocutors must enjoy a right to conceal. Staying silent, a strategy often recommended by rigorists, sometimes reveals too much.<sup>21</sup> This is not some unfortunate bug in relationships but a feature. Being a coworker would be (untenably) exhausting if everything were in bounds; most friendships would be unbearable if the friendship left no informational control in the hands of the individual. As Bacon put it:

He that will be secret must be a dissembler in some degree. For men...will so beset a man with questions...they will gather as much by his silence, as by his speech.... So that no man can be secret, except he give himself a little scope of dissimulation; which is, as it were, but the skirts or train of secrecy....

The best composition and temperature, is to have openness in face and opinion; secrecy in habit; dissimulation in seasonable use; and a power to feign, if there be no remedy. (2009, §6)

In sum, what it is to fully exercise one's autonomy vis-à-vis a spouse is different from what it is to act autonomously vis-à-vis a coworker or a judge or a stranger. Autonomy, like trust, issues in determinate requirements of truth-telling only within a given relationship.

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<sup>20</sup> Kant, himself, famously rejects a view of communication like the one I defend here. Granted that on some readings of Kant a statement does not count as a lie (and so one has no duty to refrain from making it) if intending the listener to believe the untruth does not thereby violate her rights; and with a suitable account of rights, Kant's view of lying might start to resemble the relationships view. However, as Mahon makes clear, this is just one of a number of senses of lying in which Kant is interested, and his other senses of lying and the corresponding duties to refrain from lying, are insensitive to the particular rights at stake (Mahon 2009; see also Kant 1993).

<sup>21</sup> Rigorists like Augustine (1887b, §24); Thomas Aquinas (2016, II.II.Q110); Korsgaard (1986, p. 330, n.4).

When asking about what we should be truthful, the question is what trust and autonomy require in *this* relationship.

### 3.3 Over-sharing as violating autonomy

Once we have let go of the idea that autonomy grounds a general right not to be lied to or deceived and instead ask what kind of truth-telling respect for another's autonomy requires in a given relationship, we can see another way in which one can violate the requirements of truth-telling. Nick tried to elicit a truth that should have remained unshared and in so doing, impermissibly impinged upon the autonomy of his interlocutor. So, too, can one overstep that boundary and impinge on another's autonomy by *over-sharing*; this is another form of indiscretion, and so of violating one's obligations with respect to telling the truth. Traditional views do not try to explain the wrong of over-sharing; that the relationships view can and moreover show its connection to other forms of communicative malpractice is another advantage.

Suppose Inez is another coworker of Claudia's, and like Nick, Inez is not especially close to Claudia. While they are cordial at work, they have kept to the office's professional norms and never had an intimate personal conversation. Claudia, however, is desperate for some kind of help in dealing with her cancer and unloads *everything* that she is feeling onto her coworker, from her fears of death, to her inability to work, to the fact that she is keeping her cancer from her partner. Inez is deeply uncomfortable; she wonders how she should respond and whether she should tell their boss or Claudia's partner about what's going on. She wishes she had been left alone; having been told, she must now decide either to keep Claudia's secrets or to share them and that is *not* a choice she wants to face. Moreover, she knows she has trouble keeping secrets and so now knows she must avoid Nosy Nick around the office.

Again, the relationships view can explain that Claudia did wrong. She is exploiting the trusting communication that exists between them for purposes well beyond the ends of their relationship; she is *using* Inez with her speech, violating the rights Inez has against her by sharing that which is beyond the bounds of their relationship.

One might object: capacity to explain *more* cases isn't an advantage. Like cases must be treated alike, but so, too, should unlike cases be treated differently, and maybe this kind of case *shouldn't* be treated with those of deception or lying. Maybe what is wrong in this case is just that Claudia has made Inez uncomfortable or acted contrary to expectations. It

has nothing to do with violating Inez's *autonomy*.

But all that would ignore the reason for which Inez is uncomfortable or for which she would expect not to be told, namely the underlying wrong to which that discomfort is a warranted response. It is the fact that Claudia shared that which should be left unsaid and imposed on Inez that explains the discomfort or expectations. She is using Inez as an emotional crutch, and in so doing interfering in Inez's life in a way that their relationship does *not* allow. Moreover, Claudia has *forced* difficult choices onto her: to support Claudia or ignore her cry for help, to help keep her secrets or to tell Sally (or someone else). And given that she's bad at keeping secrets, her newly acquired, unwanted knowledge means she must avoid Nick. To treat over-sharing alongside deception is to recognize that information can be both empowering *and* coercive, that it can enable, force and restrict choice, and that others can impact our freedom of choice both by withholding and by sharing information. Over-sharing, just as much as deceit, can run afoul of the line between that which should and should not be shared. And here, just as in cases where one is tempted to deceive (or pry), the questions faced by an agent are much the same: "what should I say? What may or must I reveal? What may or must I keep silent about?"

Indiscretion and dishonesty are both mistaken answers to the question "about what should I be truthful?" Prying, over-sharing, failing to disclose, deceiving—these are all violations of the norms of truth-telling. That the relationships view illuminates this unity where traditional approaches do not is further evidence it better captures the relationship between autonomy and truth-telling.

#### **4 Relationships are Dynamic**

I have so far claimed that the relationships view better understands the notions of trust and autonomy, and that it explains and illuminates the connection between many kinds of communicative malpractice. I want to close the positive argument with a discussion of one last kind of case, one which brings out one final advantage of the relationships view. Our relationships, and their ends, can change. And because we often shape and reshape our relationship implicitly, we have *two* kinds of reasons to tell or withhold the truth. The first is by now familiar: the reasons that stem from the norms of relationships that satisfy TRANSMISSION. The second are reasons we have in order to *change* our relationships. Recognizing this distinction helps us make sense of otherwise puzzling cases.

When they first started dating, Claudia and Sally had reason to tell the truth about their past, their hopes, their fears, their secrets and the like. But not because the trust in their relationship or respect for one another's autonomy required it—their relationship didn't *yet* aim at the intimacy that necessitated such truth-telling. But by telling the truth about such secrets—by being open with one another instead of dodging the question or deceiving to protect such personal matters, they *made* the relationship more intimate. By telling the truth, they made it so that in the future, they *should* tell such truths. And we can likewise imagine a case where, in the course of a divorce, they need to stop sharing intimate personal truths with one another in order to put distance between them. If Claudia starts treating Sally more like she treats Nick—rebuffing attempts at communicative intimacy—then she can shift her relationship into one that *is* more like that between her and Nick.<sup>22</sup> Appreciating the distinction between these two kinds of reasons—those that we have because of our relationship *as it is* and those we have in order to make the relationship better—can help us make sense of otherwise puzzling cases.

Consider a case of siblings with a dysfunctional, untruthful relationship. Suppose Boris and Jo are siblings who are exceedingly competitive. They lie to one another in a never-ending series of attempts to one-up the other. Jo is planning a surprise for their mother when Boris asks whether Jo has any plans in the works. Jo knows Boris is looking for another opportunity to upstage him.

Should Jo tell the truth? Pre-theoretically, the case pulls us in two directions at once. There is some attraction to saying that Jo can just go ahead and lie; it seems that a lie in this case might be permissible when in a normal sibling relationship it wouldn't be. At the same time, there *is* something wrong with lying, and we want to say that Jo should tell the truth, or at least has some reason to.

What might traditional views say? That Jo should tell the truth so as to better respect Boris's autonomy or so as not to undermine the trust necessary for communication. But that won't capture the vague sense that *maybe* Jo can lie. Moreover, it misses out on the fact that in this case, there isn't much trust to be undermined in the first place, nor is it clear that Boris even has a right not to be lied to given how much they each lie to one another.<sup>23</sup>

<sup>22</sup> Pallikkathayil calls attention to this phenomenon with great insight, noting that whether or not we disclose or conceal, can affect the character of future interactions (2019, 13). But while recognizing the central role this phenomenon plays in the contexts of relationships, she sees it as “orthogonal to... the duty of doxastic concern,” to the central, relationship-independent duties concerned with lying and deception.

<sup>23</sup> Some traditional views could say that Boris has forfeited his right to the truth; but that threatens to leave unexplained why he *should* tell the truth.

The relationships view, by contrast, can honor and illuminate the jumble of pre-theoretic reactions. In the first place, their relationship has ends that *do not* require telling the truth. They are competitive, and constantly lying to one another; there is no trust around plans for a surprise because they already lie about such things. In this respect, Jo lacks a reason to tell the truth that most of us would have if a sibling or friend asked a similar question: he is *not* in a relationship that demands it. In fact, the norms of his relationship (as competitive and cut throat) might even require that he lie. But this is *not* a good relationship. While we might need to know more about their history and why they so relate, chances are that they should *not* be in this kind of a relationship; so unless he has some really good reason to continue relating to his brother in this competitive, mendacious way, he shouldn't. His relationship provides no guidance about what to do as it fails to satisfy the antecedent of TRANSMISSION.

But that points the way to a reason Jo *does* have to tell the truth: in order to change his relationship. Perhaps by telling the truth, or at the very least refusing to lie, he can start to shift the relationship into one that is more open and forthright. He can change the relationships' ends.<sup>24</sup> That better explains why he should be honest: it's not because Boris has a right to it or because trust requires it. It is rather that by telling the truth or refraining from lying, he might be able to work towards a relationship in which each of them do enjoy a right to greater informational cooperation, one with greater trust in it. Whether Jo should tell the truth or just refuse to answer will be a matter of which would best work towards a change in the relationship and what costs would attend to each; in other words, the question is whether he should compromise his plans for the sake of trying to make things better with his brother. And one could imagine the case being filled out more in ways that yield either verdict.

We can offer a similar account of one's reasons to tell the truth in an authoritarian state where deceit is pervasive.<sup>25</sup> One's relationship to others does not require telling the truth in a society like that; but it may be that by being truthful one can change the relationship from one of co-citizens of the Orwellian state to a new, small relationship where the truth

<sup>24</sup> Would this be a *new* relationship? Or is it the same old relationship with different norms? This question of individuation is not important for our purposes; what matters is only whether the relationship one is actually in has the given norm. Whether the original relationship changed or a new, similar relationship replaced it is irrelevant. One could maintain that relationships endure provided that they have some sufficient continuity in their ends; alternatively, one could deploy a counterpart-theoretic account that picks out different relationships as counterparts according to our needs.

<sup>25</sup> Note this is unlike the cases of the totalitarian state discussed in Saul's (2012b, 9ff.) and elsewhere; she and others are concerned with non-deceptive lies. Here, I imagine a case in which deception is rampant.

and trust have a greater claim. Whether one *should* do so is a question of whether the risks of establishing and being in such a relationship outweigh the reasons to do so.<sup>26</sup>

## 5 Objection 1: What About Strangers?

Having completed my positive argument for the relationships view, I'll consider some objections. First, what about our obligations to those with whom we have no special relationship? If I pass a stranger on the street and ask for the time, he should tell me the truth; but if we aren't in any special relationship, what norms could explain that?

The response to the worry about strangers is twofold. First, it is crucial to see that even with strangers, we *do* stand in social relationships. And the ends thereof vary from society to society. We are not (and never were) Hobbesian atoms but always already in social relationships with others. We aim at *getting along* together in society, and different social settings have different (often contested and not fully determinate) conceptions of what that looks like. Consider a divergence in the manner of getting along aimed at by French, American and Indian societies and the resulting norms of truth-telling in small talk. To simplify a far more complicated reality, we can roughly say that the social relationships between the French aim at a conception of *égalité* quite different from American ideals of equality. In the US, where one's work is central to our identity in the social sphere, asking a stranger what she does for a living is commonplace; in France it is downright rude (Barlow and Nadeau, 2016). By treating that question as indiscreet, French norms keep an indicator of class out of the public sphere—thereby serving French conceptions of getting along in keeping with *égalité*. In India, where the mode of getting along aims at much greater intimacy, it would be neither surprising nor invasive to ask someone sitting next to you about how much money they make nor even to express (dis)approval at the figure (Mahajan, 2016), all of which would seem a step too far even for Americans given the independence we aim to maintain from strangers. Or consider politics or religion—whether it is acceptable or indiscreet to discuss such topics in a given social context is in part a function of whether those aspects of a life are taken to belong in the public sphere. These are all differences in the norms that govern strangers' interactions; they reflect differences in the ends of a social order and how its inhabitants get along.<sup>27</sup>

<sup>26</sup> For a beautiful illustration of the creation of such relationships and the risks they carry, see von Donnersmarck's 2006 film *The Lives of Others*.

<sup>27</sup> Cf. Nagel's excellent discussion of American vs. Israeli norms of concealment and exposure in his

The objector could press yet still further: what about cases in which two people don't even have a social relationship between them? Two points of response: first, note how hard it is to make such a worry concrete—it isn't easy to encounter other people outside of any social structure. And if we really get that kind of case in view (two strangers meeting in in some Rousseauvian, prehistoric forest?), it does not seem so odd to think that one is under less of an obligation to tell the truth; maybe you *can* lie about the location of your berry stash or the best river crossings if there is not yet trust between the two of you. (He might take the berries and use the crossing to get away!) But the relationships view does highlight what I think the actual reason to tell the truth in just such a situation would be: by telling the truth, one can start to build a relationship that is cooperative and which, in future, would issue in determinate requirements to tell the truth.

## 6 Objection 2: Withholding vs. Deceiving vs. Lying

On the relationships view, there is no normative distinction between different ways of sharing or withholding information *independent* of a relationship. Traditional views, by contrast, see a difference between outright deceiving and merely staying silent; it is the former, not the latter, that we are obliged not to do. One might object that the traditional views are right to see a deep distinction between these two ways of withholding information. Consider, although Claudia may keep the fact of her diagnosis from Nick, outright deceiving him requires some *extra* justification over refusing to answer his question. As I set up the case, Claudia would be giving away her secret if she refused to answer the question; but suppose she *could* keep her secret by refusing to answer. Then she should just refuse and not deceive. Isn't that evidence that there is some essential normative distinction between ways of withholding, with deception being worse than staying silent and so requiring more justification?<sup>28</sup>

At the same time, we saw another case in which “mere” withholding seemed *as bad* as outright deception: Claudia's not telling her wife about her diagnosis. Even if Claudia kept the diagnosis from her wife without ever engaging in an act of outright deception, Sally would be warranted in feeling the same betrayal she would if she were lied to or otherwise deceived. Considering things from perspective of the victim in this case suggests that in this case, at least, there is no normative difference between not telling and deceiving. If

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(1998).

<sup>28</sup> Thank you to an anonymous referee for pressing this objection.

Claudia tried to offer a partial defense of her non-disclosure by saying “well look, at least I didn’t lie,” she would have missed the point. These conflicting cases parallel a debate over whether lying is worse than mere misleading and involves its own distinctive kind of wrong. Some point to cases where the lying seems worse; others where they seem equivalently bad.<sup>29,30</sup>

You can by now predict my response to this mess of examples: it all depends on the relationships! What normative distinctions are drawn between lying, misleading and staying silent about a topic is itself something settled by the norms of a relationship in light of its ends. Consider the many ways of withholding a piece of information: one could say nothing, refuse to answer a question, dodge a question, steer the conversation in another direction, bury the truth at issue amidst irrelevant truths in the hopes the listener doesn’t notice, speak truly but misleadingly in an attempt to deceive, or outright lie.<sup>31</sup> These different ways of keeping some relevant bit of information from one’s listener differ with regard to how they influence his agency. Merely staying silent can restrain someone’s ability to reason freely, if that which is withheld is highly relevant to his practical reasoning. But causing another to believe something false more greatly impinges on his agency. Both can be ways of manipulating another person, of interfering with her agency. But as I argued above (§3.2), the boundaries between permissible and impermissible modes of interference are themselves a function of the relationship at play.

Sally and Claudia’s relationship recognizes no normative distinction between merely withholding and lying about a cancer diagnosis. Between such intimates, what matters is just that the information be known. What point is there in drawing distinctions? Claudia could never be justified in merely withholding the information but not in deceiving. The moral status of non-disclosure, of mere misleading, or of lying about a cancer diagnosis are identical; no distinctions need be recognized.

But notice how different things are for Scout. There, the laws governing criminal procedure offer an extremely fine-grained, normative carving of the communicative space. Not only does the court distinguish between misleading and withholding, it even distin-

<sup>29</sup> On lying’s being worse or involving its own distinctive wrong, see Augustine (1887b); Ross (1930, 22-28); Chisholm and Feehan (1977); Adler (1997); Strudler (2010); Webber (2013). For the view that lying and deceiving are *morally* equivalent see Saul (2012b,a), and for the surprising, minority view that non-lying deception is worse, see Rees (2014).

<sup>30</sup> On the lively debate over the *linguistic* distinction between lying and merely misleading, see Carson (2006, 2010); Fallis (2010); Saul (2012b). For an outstanding overview, see Mahon (2015).

<sup>31</sup> Mahon (MS) sees a similar spectrum as being defined by speech act’s being more or less informative, which is cashed out in terms of Grice’s Maxims of Quantity.



guishes between permissible lies (“my client is not guilty”) and impermissible ones (almost anything else). Where these legalistic distinctions serve no valuable purpose in a marriage, they serve the central purposes of the Scout’s relationship with the judge and jury, allowing her the freedom to defend her client in an adversarial legal system. Here, drawing distinctions does some work.

What about the coworker relationship between Nick and Claudia? Does it draw a distinction between various ways of withholding information? The relationship aims at cooperation for the sake of the business, and as such, rules much of its members’ personal lives out of bounds. The norm that best serves that end would allow Claudia to conceal her secret, but it might (as many relationships do) include something analogous to a minimal use of force clause: she may defend the incursion into her informational space, but should do so with as little interference in her questioner’s agency as possible. That would be the norm that best serves the competing claims of the free agency of Claudia and Nick in this setting. Note the contrast between this and a traditional approach. This norm does not issue in a (defeated) reason not to deceive when deception is necessary; a general obligation to tell the truth would. And this doesn’t seem like a case with an overridden reason. While Claudia should not interfere with Nick’s agency more than is necessary, she owes him no apology if deceit is called for, i.e., there is no moral residue of a defeated reason. After all, Nick is the one who should be apologizing.

The distinctions between *ways* of withholding information are, like everything else in the ethics of truth-telling, a function of the ends of the relationships within which we communicate.<sup>32</sup> *Mutatis mutandis*, much the same can be said for ways of sharing information. Thus, contrary to the suggestions of some, we need not settle on a definition of lying *before* doing any normative investigation into it.<sup>33</sup> The moral difference between lying and merely misleading is up to us.

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<sup>32</sup> The phenomenon of non-deceptive lies also neatly falls out of this picture. Imagine a witness at a mob trial who, lying to protect himself, claims he did not see the defendant at the scene of the crime. He does not *not* intend the jury to believe him—he hopes they see through his thinly veiled lie—he just has to say what he needs to in order to appease the mob (Carson, 2006). Such lies are at once continuous with and distinct from deceptive lies. They break communicative norms of a relationship in refusing to speak the truth, but do so in a way that is intentionally ineffective. In openly flouting mutually acknowledged norms, they are also (for that reason) rude.

<sup>33</sup> As in Carson (2006); Fallis (2010). See also Pallikkathayil (2019), who likewise sees the normative analysis as independent of the definitional one.

## 7 Objection 3: Defective Relationships

What are we to make of relationships whose norms are in some way deficient but which we still have good reason to be in? Recalling the worry about rule worship, what are we to make of relationships that seem to satisfy the antecedent of TRANSMISSION (i.e., we have reason to be in them), but falsify the consequent (i.e., they have norms that should *not* be followed)?<sup>34</sup> I'll argue that what at first seem like counter-examples to transmission are not yet fully specified. When we do fully resolve one of these cases, it will fall into one of two categories: being either one in which there is no reason after all or one in which there is an *overridden* reason to share.

Suppose Charles and Julia's marriage is one defined by its unusual openness. Both having suffered from trust issues earlier in their lives, they share everything; it is a relationship in which neither claims any domain of privacy from the other. Charles starts seeing a therapist and with help identifies that too much of his life revolves around Julia and his marriage; the therapist encourages him to delve into these feelings, start a diary, and figure out what he needs. She urges Charles to embark on at least the initial phases of this without Julia; and she recommends that without deceiving her, he nevertheless keep much of this private, at least at first, so that he can pursue the issues independently.

Let's stipulate first that whatever problems there are with this relationship, it is not a wholly unhealthy partnership, and second, that the therapist is correct. Charles (rationally) wants to stay with Julia, while at the same time needing to work some things out without Julia's involvement or knowledge. This threatens to be a counter-example in which Charles has reason to be in the relationship but, contra TRANSMISSION, no reason to obey its norm of total openness.

If that is the right normative description of the case, TRANSMISSION is false. I'll argue that it isn't. As stated, the case is underspecified. Consider three further specifications of the case.

First, this might be a relationship in which the norms have *unarticulated exceptions*.<sup>35</sup>

<sup>34</sup> I want to flag that I am *not* appealing to a Rawlsian notion of a practice (as opposed to a summary) rule, i.e., a rule that defines a new move within a practice (Rawls, 1995). While relational practices do have some communicative practice rules (e.g., "perjury" is a notion that cannot be defined without appeals to the communicative norms of the law), I do not maintain that in general, what we are doing when we speak to people can only be understood in terms of the rules of that relationship. Bonhoeffer (1965) seems to endorse the idea that truthfulness itself is defined only in the context of a given relationship, but I don't know how literally he should be read, nor can I see how to make a literal interpretation of the text work.

<sup>35</sup> For a compelling argument that promises have this feature, see Korsgaard (2009). For an application to

That is, one where Charles does have reason to be in the relationship, but the relationship does not issue in a reason to share. While all that Charles and Julia have encountered so far has fallen within the ambit of their extreme informational openness, this might be *just* the sort of case that counts as a kind of unarticulated (likely unforeseen) exception to the rule. This phenomenon of unarticulated exceptions is widespread; *most* of the norms of relationships are unarticulated, both main cases and exceptions. Even when a norm is explicitly uttered (“Let’s tell each other *everything*, ok? No secrets.”), it can still be unwarranted to expect that all the exceptions be articulated. It might go without saying, take too long, or involve unforeseen circumstances. The very act of articulating the exceptions might weaken the psychological resolve of those adopting the norm.<sup>36</sup> In this further specification of the case, the worry about TRANSMISSION resolves itself; the relationship doesn’t require disclosure.

Second, we can imagine the marriage’s norms really are that strict, but that they *change*. Suppose Charles keeps his thoughts to himself and Julia, recognizing that this is for the best, acquiesces. This is like the inverse of the case of lying siblings—by withholding the truth, Charles has changed the relationship and thereby lost the reason to disclose. TRANSMISSION holds: Charles didn’t break any norms of the relationship because the norms shifted to accommodate his withholding.<sup>37</sup>

In the third variant, we can imagine the norms don’t shift (at least not so easily). Then we should welcome TRANSMISSION’s prediction that Charles has some reason to tell Julia, even if that reason is overridden. Suppose that Julia doesn’t acquiesce and demands to know what Charles is thinking about their marriage. On the relationships view, he has some reason to tell her, but his own wellbeing could provide a stronger reason to withhold; moreover, the fact that by withholding now, he could *eventually* shift the marriage into something healthier gives him additional reason to break his marriage’s norms. And it is easy to imagine that these reasons could well defeat the reason he has to tell Julia. Nevertheless, we should recognize, that the reason to tell is present although overridden; Charles, after all, owes Julia an explanation, he is warranted in feeling guilt, and she in feeling resentment—all paradigmatic evidence of an overridden reason. Not telling would introduce a tension in the relationship exactly because Julia has a genuine (though over-

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the communicative context, see Pallikkathayil (2019).

<sup>36</sup> See Holton (2004, 2017).

<sup>37</sup> Or more precisely, he *had* a reason, but that reason vanished before it could make a nuisance of itself. Because the reason *went away* as soon as Charles withheld the information, there are is no moral residue from an overridden reason: he owes no apology, Julia is not warranted in feeling resentment, etc....

ridden) claim to the truth that is being denied her, though perhaps rightly. Whether these reasons to withhold are stronger than the relationship-provided reason to disclose is not an *a priori* matter. It would depend on Charles and Julia, the ability of their relationship to tolerate this tension, and the possibility of the relationship eventually changing to drop its requirement that Charles tell Julia. The analysis afforded by the relationships view is messy, and rightly so given the messiness of the phenomena. In an imperfect world in which we build imperfect relationships, we might have some reason to do that which, on balance, we should not. And it is a strength of the view that it brings out why, in a case like this, Charles is right to feel conflicted and Julia to feel hurt, even if Charles should ultimately keep his thoughts private.

## 8 Summing Up: Why Be Truthful? Why Discreet?

The relationships view correctly captures the connection between trust and autonomy on the one hand and the ethics of truth-telling on the other, at once explaining the norms of honesty and of discretion. Both are a function of the relationships we inhabit, whose ends establish communicative norms specifying what information should and should not be shared, when and by what means. When we have reason to be in a relationship, those norms simultaneously provide us reasons to share and to withhold. The picture illuminates the ways in which (dis)honesty and (in)discretion are bound up: dishonesty is the wrong of withholding or obscuring a truth that should be shared; indiscretion the wrong of sharing a truth that should be withheld. The vices (and their respective virtues) are complementary halves of a unified picture of the ethics of truth-telling.

I've defended the view by showing that it captures the notions of trust and autonomy better than its traditional, relationship-independent rivals by situating each *within* relationships. In so doing, it offers better explanations for why one should share or obscure the truth, covering cases of lying, deception, staying silent, prying, and over-sharing.

While we haven't focused on it, the picture is compatible with all the usual consequentialist reasons to be truthful. Deception often harms, and we are often spectacularly bad at assessing those harms when we are faced with the temptation to deceive (Bok 1999; Augustine 1887b, §38). Lies have a tendency to multiply, and with each lie, new harms are born.<sup>38</sup>

<sup>38</sup> This is a major theme in Bok (1989). For a dramatic illustration, see Mazin's 2019 miniseries *Chernobyl*.

But among the bad *effects* of untruthfulness is one that the relationships view calls most attention to: its effects on relationships themselves. To deceive impermissibly isn't just to violate the terms of one's relationship; it is also to break those norms down. While consequentialists like Sidgwick may have been misguided to claim that individual deceptions are wrong because they damage the norms of society by causing a (small) dissolution of social trust, deception really does have just such an effect in more local relationships. After all, relationships are dynamic—their ends and norms are shaped by us. To deceive is to kick the other out, to push her away. And if such acts are not reckoned with, they threaten to shape the relationships themselves, reducing the scope of trust, increasing the distance between the participants, and normalizing what was once forbidden. People worry not just that President Trump is violating the norms of honesty that structure the relationship between president and citizen, but that he is *changing* that relationship altogether.

Correlatively, there is in almost any ordinary circumstance just such a reason to tell the truth: in so doing, you are building a better relationship between you and the listener(s), one in which they *will* have a claim to such truthfulness in the future, and in which you have a reciprocal claim. It will be a relationship with less informational control reserved for each individual, and for most domains of information and with most people, that is a good thing. We have two reasons to tell the truth: because, and to the extent that, our (good) relationships require it, and when by telling the truth, we can make our relationships better. *Mutatis mutandis* for our reasons to be discreet.

The relationships view shows how much responsibility we bear. Not only should we be honest and discreet because the trust and autonomy in our relationships require it, but because what we should be truthful about is, for better and for worse, in large part up to us. When we speak, we are at once beholden to the norms we have established and responsible for making those norms better—for shaping our relationships into those which require, permit and forbid telling the truth in a way that serves *us*.

One final remark: This paper has been about relationships' communicative norms; does the structure of the view generalize to a point about *all* norms? Should all ethical questions be answered by first looking to the norms of a given relationship? Yes and no. Communicative norms are especially sensitive to the relationship one is in because trust and our communicative rights are both highly relationship-sensitive. But for some questions in ethics, the relational element is largely irrelevant. No good relationship will have norms that permit killing without the other's consent; so the ethics of killing may be amenable to

a relationship-independent treatment in a way that truth-telling isn't.<sup>39</sup> But TRANSMISSION may be generalizable, and the picture of autonomy can be expanded to encompass not just our communicative rights but many other rights besides, even those that we sometimes think of as relationship-insensitive, e.g., a right against physical violence (football players and boxers, after all, may not wrong one another with limited violence). My suspicion is that when we are tempted to posit a general ethical rule that is subject to exceptions, a more unified explanation might be found by turning to relationships.<sup>40</sup>

## References

- Adler, J. E. (1997). Lying , Deceiving , or Falsely Implicating. *The Journal of Philosophy*, 94(9):435–452.
- Augustine (1887a). Enchiridion. In Schaff, P., editor, *Nicene and Post-Nicene Fathers of the Christian Church*, volume 3. Christian Literature Publishing Co., Buffalo, NY.
- Augustine (1887b). On Lying. In Schaff, P., editor, *Nicene and Post-Nicene Fathers of the Christian Church*. Christian Literature Publishing Co., Buffalo, NY.
- Bacon, F. (2009). *The Essays or Counsels, Civil and Moral*. Project Gutenberg, Urbana, Illinois.
- Barlow, J. and Nadeau, J.-B. (2016). *The Bonjour effect : the secret codes of French conversation revealed*.
- Bentham, J. (1907). *An Introduction to the Principles of Morals and Legislation*. Clarendon Press, Oxford.
- Bok, S. (1989). *Secrets: On the Ethics of Concealment and Revelation*. Vintage Books, New York.
- Bok, S. (1999). *Lying: Moral Choice in Public and Private Life*. Vintage Books, New York, 2nd edition.
- Bonhoeffer, D. (1965). What is meant by 'telling the truth'? In Bethge, E., editor, *Ethics*, pages 363–72. Macmillan Company, New York.
- Carson, T. L. (2006). The Definition of Lying. *Nous*, 40(2):284–306.
- Carson, T. L. (2010). *Lying and Deception: Theory and Practice*. Oxford University Press, Oxford.
- Chisholm, R. M. and Feehan, T. D. (1977). The Intent to Deceive. *The Journal of Philosophy*, 74(3):143–159.
- Confucius (1997). *The Analects of Confucius*. W.W. Norton, New York.
- Curtis, C. P. (1951). The Ethics of Advocacy. *Stanford Law Review*, 4(1):3–23.
- Dynel, M. (2011). A Web of Deceit: A Neo-Gricean View on Types of Verbal Deception. *International Review of Pragmatics*, 3:139–167.

<sup>39</sup> Then again, perhaps not. The conditions under which assisted suicide is genuinely consensual, and so permissible, might depend a great deal on the nature of the relationship at play and whether that relationship is a good one.

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- Fallis, D. (2010). Lying and Deception. *Philosopher's Imprint*, 10(11):1–22.
- Faulkner, P. (2007). What Is Wrong with Lying? *Philosophy and Phenomenological Research*, 75(3):535–557.
- Foot, P. (2001). *Natural goodness*. Clarendon.
- Griffiths, P. J. (2004). *Lying: An Augustinian Theology of Duplicity*. Brazos Press, Grand Rapids.
- Grotius, H. (2012). *On the Law of War and Peace*. Cambridge University Press, Cambridge.
- Hobbes, T. (1994). *Leviathan*. Hackett Publishing Company, Indianapolis, Indiana.
- Holton, R. (2004). Rational Resolve. *Philosophical Review*, 113(4):507–535.
- Holton, R. (2017). We Don't Torture: Moral Resolutions, Temptation, and the Doctrine of Double Effect. *Journal of the British Academy*, 5:309–329.
- Hume, D. (2007). *A Treatise of Human Nature*. Oxford University Press, Oxford.
- Hurka, T. (2014). *British Ethical Theorists from Sidwick to Ewing*. Oxford University Press, Oxford.
- Hutcheson, F. (1755). *A System of Moral Philosophy*. A. Millar, Digitized by Univ. of California Libraries, London.
- Kagan, S. (2000). Evaluative Focal Points. *Morality, Rules, and Consequences*, pages 134–155.
- Kant, I. (1993). On a Supposed Right to Lie because of Philanthropic Concerns. In *Grounding for the Metaphysics of Morals, with On a Supposed Right to Lie because of Philanthropic Concerns*. Hackett Publishing Company, Indianapolis.
- Kant, I. (1998). *Groundwork of the Metaphysics of Morals*. Cambridge University Press, Cambridge.
- Kant, I. (2001). *Lectures on Ethics*. Cambridge University Press, Cambridge.
- Kant, I. (2017). *The Metaphysics of Morals*. Cambridge University Press, Cambridge, 2nd edition.
- Korsgaard, C. M. (1986). The Right to Lie: Kant on Dealing with Evil. *Philosophy Public Affairs*, 15(4):325–349.
- Korsgaard, C. M. (2009). *Self-Constitution : Agency, Identity, and Integrity*. Oxford University Press, Oxford.
- Lewis, D. (1983). Language and Languages. In *Philosophical Papers*, volume 2, pages 3–35. Oxford University Press, Oxford.
- MacIntyre, A. (1994). Truthfulness, Lies, and Moral Philosophers: What Can We Learn from Mill and Kant? *The Tanner Lectures on Human Values*, 16:307–361.
- Mackenzie, C. and Stoljar, N. (2000). *Relational Autonomy*, volume 53. Oxford University Press, New York.
- Mahajan, K. (2016). My Struggle with American Small Talk. *The New Yorker*.
- Mahon, J. E. (2003). Kant on Lies, Candour and Reticence. *Kantian Review*, 7:101–133.
- Mahon, J. E. (2009). The Truth About Kant On Lies. In Martin, C., editor, *The Philosophy of Deception*. Oxford University Press.
- Mahon, J. E. (2015). The Definition of Lying and Deception. *The Stanford Encyclopedia of Philosophy*.
- Mahon, J. E. (2018). Secrets vs Lies. *Unpublished Manuscript*.
- Marmor, A. (2015). What Is the Right to Privacy? *Philosophy & Public Affairs*, 43(1):3–26.
- Mazin, C. (2019). *Chernobyl [Television Broadcast]*. HBO.
- Mill, J. S. (2001). *Utilitarianism*. Hackett Publishing Company, Indianapolis, 2nd edition.
- Miller, F. G. and Wertheimer, A. (2009). Preface to a Theory of Consent Transactions: Beyond Valid Consent. In *The Ethics of Consent: Theory and Practice*, pages 79–104.
- Nagel, T. (1998). Concealment and Exposure. *Philosophy & Public Affairs*, 27(1):3–30.
- Pallikkathayil, J. (2010). Deriving Morality from Politics: Rethinking the Formula of Humanity. *Ethics*, 121(1):116–147.

- Pallikkathayil, J. (2019). The Truth About Deception. *Philosophy and Phenomenological Research*, pages 1–20.
- Parfit, D. (2011). *On What Matters*. Oxford University Press, Oxford.
- Perry, R. B. (1909). *The Moral Economy*. Charles Scribner's Sons, New York.
- Rawls, J. (1995). Two Concepts of Rules. *The Philosophical Review*, 64(1):3–32.
- Rees, C. F. (2014). Better lie! *Analysis*, 74(1):59–64.
- Ripstein, A. (2009). *Force and Freedom: Kant's Legal and Political Philosophy*. Harvard University Press.
- Ross, W. D. (1930). *The Right and The Good*. Clarendon Press, Oxford.
- Ross, W. D. (1939). *Foundations of Ethics: The Gifford Lectures Delivered in the University of Aberdeen*. Clarendon Press, Oxford.
- Saul, J. (2012a). Just go ahead and lie. *Analysis*, 72(1):3–9.
- Saul, J. M. (2012b). *Lying, Misleading, and What is Said: An Exploration in Philosophy of Language and in Ethics*. Oxford University Press, Oxford.
- Shieber, J. (2015). *Testimony: a philosophical introduction*. Routledge, New York.
- Shiffrin, S. V. (2014). Lies and the Murderer Next Door. In *Speech Matters: On Lying, Morality and the Law*, chapter 1, pages 5–46. Princeton University Press, Princeton.
- Sidgwick, H. (1981). *The Methods of Ethics*. Hackett Publishing Company, Indianapolis, 7th edition.
- Stenius, E. (1967). Mood and Language-Game. *Synthese*, 17(3):254–74.
- Strudler, A. (2010). The Distinctive Wrong in Lying. *Ethical Theory and Moral Practice*, 13(2):171–79.
- The Mahabharata (2016). The Mahabharata. In DeLapp, K. and Henkel, J., editors, *Lying and Truthfulness*, chapter 4,7, pages 63–69,100–106. Hackett Publishing Company, Indianapolis.
- Thomas Aquinas (2016). Summa Theologiae. In DeLapp, K. and Henkel, J., editors, *Lying and Truthfulness*, chapter 11, pages 158–184. Hackett Publishing Company, Indianapolis.
- Thompson, M. (2008). *Life and Action*. Harvard University Press.
- von Donnersmarck, F. H. (2006). *Das Leben von der Anderen [Motion Picture]*. Buena Vista International.
- Webber, J. (2013). Liar! *Analysis*, 73(4):651–59.
- Williams, B. A. O. (2002). *Truth and Truthfulness*. Princeton University Press, Princeton.
- Zembaty, J. S. (1993). Aristotle on Lying. *Journal of the History of Philosophy*, 31(1):7–29.