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The Liar, the Joker, and the Killer: on the tone-setting function of non-serious speech and the possibility of harm as an aggregate effect

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Abstract

This essay explores how seemingly harmless remarks (such as tasteless jokes and white lies) can turn out to be of political concern. Reflecting on how saying something may have effects that stray from the intentions of a speaker, it raises questions about the link between intent and responsibility. It then goes on to highlight the role of complex interactions, arguing that to account for a misalignment between intent and outcome it is not enough to consider just the actions and agency of individuals. It claims, furthermore, that non-standard speech enacts a kind of collective agency which gives joking and lying the capacity (and tendency) to produce aggregate effects. Said aggregate effects are neither under the control of any given individual, nor do they impact individuals as such. They occur at a collective level and can be thought of as an act of the community as a whole. In this manner, the aggregate effects of joking and lying pose an unusual risk: the possibility of collective actions that are irreducible to the will and intentions of those who form the community.

Keywords: agency, collective action, lying, jokes, responsibility

Introduction

What is the problem with tasteless jokes? Why are we prone to think that a sexist or xenophobic remark, even when made lightly (i.e., without intent to cause harm) is somehow nefarious, even dangerous? Some may argue xenophobic remarks are never made lightly, but that seems to be a matter of *ought*—not *is*. One ought not make xenophobic remarks lightly. Agreed. Yet, that is different than saying one cannot make a xenophobic remark without a xenophobic intent. Such a claim would amount to denying the possibility of non-serious speech. Moreover, to tie the xenophobic character of a remark to a xenophobic intent seems problematic. Is being xenophobic, above all, a matter of intent? Certainly, intentionality plays a role, but it would be a stretch to claim that no action can be xenophobic (or sexist, or racist) without the right (and explicit) intent.

Perhaps, then, remarks are just like actions: they can be harmful even when they intend no harm. But how? “Harmful” seems to apply in different ways to actions and remarks. To say an action is harmful appears to refer to an objective condition: a concrete and verifiable consequence of what has been done. Meanwhile, to say a remark is harmful appears to refer to how it is taken: a matter of subjective disposition or even sensibility. This is, of course, debatable. Perhaps “harmful,” as it applies to remarks, may be used in a similar way as it applies to actions. We should not ignore, however, that saying something is different than doing something.¹ Thus, the question remains: how exactly is harm done? And what are the implications of a non-harmful intent producing a harmful outcome?

Furthermore, why does the misalignment of intent and outcome not result in a mere accident? To make a remark lightly is not the same as to make it accidentally. When a person makes a joke with racist undertones in good spirits, neither the making of the joke nor its racist character are accidents. Even if we are tempted to see something accidental about it, the tasteless joker may still be deemed responsible. Here lies, I claim, an important clue. The notion that tasteless jokes hold something nefarious or dangerous implies that the author of the remark ought to be held responsible for the harm caused. Thus, the problem with tasteless jokes is not only the harm that does not necessarily stem from a harmful intention, but also the harm that demands responsibility even when it cannot be traced to an intentional act. To understand this, we must ask how harm, responsibility, and intention are affected by that peculiar way of speaking that involves jokes and other forms of non-serious speech. And, more precisely, what does it mean that such peculiar speech phenomena can *do* things? After all, harm, responsibility, and intention are notions that revolve around the fact of doing something.

To approach these questions, I propose examining a closely related speech phenomenon: lying.

1 Arguably, one can do things with words, as Austin (1962) famously established. However, a crucial point of Austin’s argument is that what is done with words differs significantly from what one does in the standard sense of the term. A speech act is defined by the fact that it has consequences, but not “in the sense of bringing about states of affairs in the ‘normal’ way, i.e. changes in the natural course of events.” (Austin, 1962, p. 116)

Lying has received much philosophical attention and will momentarily allow us to set aside the larger question of defining and problematizing non-serious speech in general. Of course, to what extent the case of lying will permit us to answer the question surrounding tasteless jokes remains to be seen. But my initial position will be that a very similar dynamic arises around lying to that briefly sketched out here around tasteless jokes. To articulate this position, I will refer to a classic text: Immanuel Kant's *On a Supposed Right to Lie from Philanthropy*. Rather than offer a rendition of Kant's position on lying or truthfulness as such, I aim to follow a loose thread in his argument: the somewhat problematic notion that, although a liar is always responsible for *all* the consequences of their lie (no matter how absurd or unforeseen), a truth-teller is never responsible for the consequences of telling the truth. Organizing my argument around this odd notion (and the scenario surrounding it) allows me, first, to delineate the relationship between lying, responsibility, and action (especially the actions of others) and, second, to problematize the seemingly obvious notion that a lie, at its core, is an attempt to deceive another.

In the following section, I analyze how lies function in social settings and elucidate that, contrary to deceiving, lying actually resets the terms of a given interaction. My basic claim here is that a lie's success does not rest on altering what another believes, but hinges on framing the person's actions in a certain way. To put it bluntly, lying is all about setting a tone. I then return to Kant's unlikely scenario to explore how one could go about establishing the scope of the liar's responsibility in this new light. This allows me to reframe the notions of responsibility and intention in terms of a collective action that is not just an expansion or collection of individual agency. Finally, I attempt to rethink the problem of tasteless jokes and other unfortunate remarks as the enacting of a peculiar kind of collective agency.

An Odd Scenario

One general point must be addressed before delving into Kant: lying, although usually presented as some sort of deviation from "the truth," has little to do with the difference between true and false statements. Augustine made this clear long ago: one does not have to utter a false statement to lie, and not every utterance of a false statement amounts to lying. Of course, lying *can* involve a false statement. If I say "Adam is not here" when he is, in fact, sitting in my living room, I may very well be lying. However, the fact that he is sitting there is not what makes me a liar. If I do not know he is there, what I say is false, but it is not a lie; it is just a mistake. Derrida (1997) has made this point at length: it is impossible to lie by either ignorance or mishap. If I am mistaken (in believing Adam is not there) or if I misspoke, for example, I am not a liar. Lying requires intent: what is said must be said on purpose. In this case, "Adam is not here" would need to be not only false but also false on purpose. Still, in itself, that is not enough to constitute a lie. After all, lying is not the only form of expression that involves purposeful false statements: making a joke, being cynical, or writing a piece of fiction also do. Yet, none of these are quite the same as lying. Beyond being deliberately false, "Adam is not here" ought to be, so to speak, purposeful *in a certain way*. Its falsehood not only has to be deliberate, but also (in a way that is difficult to define yet easy to recognize) misleading. This explains why a person can lie by sticking to the

truth, as there are many ways in which the truth can be delivered deliberately, yet in a misleading way.

This point proves crucial when considering Kant's peculiar text. The question of misdirection cuts across not only its content but also its setting. To summarize it, *On a Supposed Right to Lie from Philanthropy* attempts to respond to an accusation by Benjamin Constant, namely, that Kant would claim one is duty bound to tell the truth, even to a killer who politely asks for the whereabouts of his intended victim (see Constant, 1796). This reading, of course, misconstrues Kant's categorical condemnation of lying.² It is an attempt, on Constant's part, to make a point by way of hyperbole. Yet, Kant takes it seriously. Although veiled and indirect (Constant never explicitly names Kant), the rhetorical device seems to present a real challenge to the notion that truthfulness is "a sacred command of reason prescribing unconditionally" (Kant, 1996, p. 613).

It all revolves around an unlikely scenario: what should a person do if, having taken in a neighbor escaping from a killer, the killer suddenly comes knocking on the door and asks for his whereabouts? Clearly, something here cannot be adequately addressed by simply establishing, as a matter of principle and reason, the duty to be truthful. The host may be convinced of this duty, but nonetheless feel inclined to act against it to avoid being responsible for the death of his guest. Kant is well aware of this. Thus, having made his core point on truthfulness, he goes on to argue that first, if the host tells the truth and this leads to the death of his guest, the host is not actually responsible for the murder, and second, if the host lies and the deceived murderer somehow ends up killing the guest all the same (in some absurd and completely unforeseeable course of events), the liar could in fact be held responsible for the murder.

Kant's reasons are somewhat unconvincing here. His argument is predicated on the notion that being truthful cannot be thought of as a free deed. Consequently, so long as the truthteller "is not at all free to choose in the matter," then "he himself does not, strictly speaking, *do* the harm to the one who suffers it; instead, an accident *causes* the harm" (Kant, 1996, p. 614). According to Kant, the truthteller thus does not technically do anything when he speaks truthfully; he is not an agent in the course of events that follow a truthful answer to the murderer's question, and if this answer ends up leading to the murder of his guest, he has not caused this. The regrettable outcome, rather, has been caused by an accident—presumably, the eventuality that the intended victim happens to be where the murderer was looking for him. It is somewhat doubtful whether this suffices for the truthteller not to be (or feel) responsible, but the case could certainly be made.

The real question is: how could the liar who tries to avert the murder be deemed, in fact, responsible? One way would be to assume that, while being truthful is not technically a free deed, lying certainly is. Unlike the truthteller, the liar indeed *does* something when he answers the

2 In this, Kant differs from politicians and political thinkers, who tend to assume that lying may be problematic but nonetheless useful and, on occasion, even necessary. For a rendition of this standard position, see Mearnsheimer (2011). But even among moralists and philosophers, Kant stands more or less alone. Koyré (1992), for example, cannot ignore that lying is one of the few means of self-defense for the underdog and the weak. And even Arendt, who holds no empathy for lying or liars, does not go as far as Kant when it comes to condemning and forbidding lying. For her, lying is an expression of freedom and, thus, a possibility (or risk) that cannot be suppressed without suppressing freedom itself (Arendt, 1972, 2000).

murderer's question.³ In that sense, the liar can be considered an agent in the ensuing course of events and would, therefore, bear some responsibility for its outcome. But what exactly would the extent of the liar's responsibility be? For Kant, the liar "can by right be prosecuted as the author of [the guest's] death" (Kant, 1996, p. 612). Now, even if one admits that the liar has done something here—and is thus an agent with a certain amount of responsibility—to dub him the author of the death seems something of a stretch. In any case, to deem him the author, one should be able to tell, precisely, what the liar has done. Kant's account does not make this entirely clear.

Arguing in favor of the liar's responsibility, Kant presents a sort of counter-scenario. He writes:

It is still possible that, after you have honestly answered "yes" to the murderer's question as to whether his enemy is at home, the latter has nevertheless gone out unnoticed, so that he would not meet the murderer and the deed would not be done; but if you had lied and said that he is not at home, and he has actually gone out (though you are not aware of it), so that the murderer encounters him while going away and perpetrates his deed on him, then you can by right be prosecuted as the author of his death. For if you had told the truth to the best of your knowledge, then neighbors might have come and apprehended the murderer while he was searching the house for his enemy and the deed would have been prevented. Thus, one *who tells a lie*, however well disposed he may be, must be responsible for its consequences [...] however unforeseen they may have been. (Kant, 1996, pp. 612–613)

Thus, in lying, the host appears to have done three things: he has frustrated his guest's escape attempt, he has prevented the neighbors from apprehending the killer, and he has led the killer to encounter the guest on the street. Now, authorship requires a positive action. Therefore, the host cannot be considered an author insofar as his lying has prevented the guest's escape or the neighbors' apprehension of the killer. He can only be considered the author of his guest's death insofar as he, by lying, has *caused* the encounter between killer and victim.

There are, however, two problems with attributing authorship on this basis. First, by lying, the host's intent was not to cause such an encounter; in all probability, his intent was exactly the opposite: to prevent it. The encounter would then be a completely unforeseeable consequence of the lie (as Kant himself concedes), a mere accident. Some may argue, of course, that even if the encounter is only an accidental consequence of the lie, it is nonetheless a consequence; accidentally and unintentionally, the lie plays its part: it acts as the material cause of the encounter and, to that extent, of the murder. It seems obvious, however, that intent must be relevant here. Murder, much like lying, tends to be conceived of as an intentional act. Furthermore, why would the same logic behind the truth-teller's innocence not apply here? Why could we not say that an accident, not the lying, caused the murder?

This inconsistency merits attention. Why is it that when the murderer finds his victim in the house, an accident is to blame, but when he finds him on the street, the liar (not this accidental encounter) is at fault? In both cases, an accident is what materially allows the murder to take place. Presumably, the distinction lies in the fact that the liar would have caused the accidental

³ According to Arendt (2000), unlike the truth-teller, the liar "is a [political] actor by nature, and our ability to lie [...] belongs among the few obvious, demonstrable data that confirm human freedom" (p. 563).

encounter on the street, but the truth teller would not have caused the accidental encounter in the house. As stated above, being truthful is not a free deed, and therefore, a truth teller does not, strictly speaking, do what telling the truth entails. But let us take a closer look at this technicality. Telling the truth may not be a free deed, but it certainly is doing something. Moreover, telling the truth would be as much a part of the chain of events that result in murder as lying would be. Is it not a truthful and honest answer to allow the killer to look in the right place? How could this answer not be a cause of the accident and thus, at least in part, of the resulting murder?

Perhaps Arendt can help us here. In her view, the distinction between the liar and the truth teller lies in the fact that, while the truth teller limits himself to render the world as it is, the liar actively tries to change it (Arendt, 2000, p. 563). Arguably, following this logic, while being truthful plays a part in the chain of events, it does not, in fact, modify this chain of events. After all, the murderer was already looking for his victim in the house where the victim had chosen to take refuge. With or without the truth teller, everything was already set for the encounter to happen. The situation is fundamentally different in the case of the unlucky liar. To begin with, the course of events already taking place before the deceitful answer does not lead to the encounter (and thus, the murder). As Kant points out, without the liar, the murderer's conviction as to where his victim has taken refuge would have him looking in the wrong place (perhaps for a long time). Moreover, it is only by effect of the lying (and to the extent it has been successful) that the murderer actually ends up looking for his victim where he happens to be. Had the liar not convinced the murderer to look elsewhere, victim and killer would not have crossed paths. In this way, the liar's doing is much more than just a part of the chain of events that lead to murder; in addition to material participation, there is also a formal implication, as the lying plays a role in shaping the events that ultimately result in murder.

This is the key distinction: lying shapes the course of events. The liar's actions make him not only a part but also a cause of what happens. And while this may not be enough to make him *the* author of the murder, it certainly makes him an author of sorts—not the party responsible for the killing itself but a responsible party, nonetheless. Yet, there is still the matter of intent, for the liar may have caused the murderous encounter, but he did not intend to. In fact, he intended to do the opposite: by all accounts, the lie's intent was to prevent the encounter by pointing the murderer in the wrong direction. If, after all, it turns out that he pointed the killer in the right direction, it was by mistake—insofar as the liar was incorrect about the victim's whereabouts and, therefore, ended up answering the murderer's question with the truth not only unintentionally but also unwillingly (even accidentally).⁴

Surely, a person has only a limited responsibility for the unintended consequences of their actions and, even then, only if they have done what they intended to do. The issue, however, is that the liar did do something he intended: he successfully deceived the murderer. Willingly and

4 Rather ironically, the problems of Kant's liar stem from the fact that he turns out to be telling the truth. It would be interesting to run through the analysis of why this does not make him any less of a liar. Ultimately, however, the reason is simple enough: just as one cannot lie by mistake, one cannot be truthful by mistake. Being truthful, just like lying, requires intent. It would be more instructive, however, to ponder the incompetence of Kant's liar. Could this not turn out to be, to some extent, an attenuating circumstance? While intent is certainly required, it cannot be, in itself, enough. Being a liar requires both the intent to lie and some type of action. Although the intentions of Kant's liar are obviously not straightforward, in a sense, he has failed to tell a lie.

purposefully, he convinced him the victim was not inside his home. Even if everything afterward is an unwilling and unintended mistake, this is not. And this action (the deceiving of the murderer) is precisely what modifies the course of events, allowing the murderer to locate his victim and perpetrate the deed.

If Kant is in the right, the liar's share of responsibility is a function of having deceived the murderer into looking in the right place. But has he done this? Has the murderer been deceived? Is it not rather strange that the murderer would take the host at his word? After all, why would he believe him? And if the killer did not believe the host, why would he have headed back onto the street—as the murderer was, in this scenario, leaving when he found his victim. Among all the strange turns in Kant's scenario, this is without a doubt the strangest. And yet, somehow, it could also end up being the least nonsensical. Truth be told, lies are rarely believed. While it is possible the murderer believed the host, we should perhaps ask ourselves: must a lie be believed in order to change the way people act?

The Mechanics of Lying

People are not often successfully and completely deceived by a lie. As children learn soon enough, the deceiving power of lies, while real, should not be overestimated. Arendt (1972) made this point when she noted it would take great efforts to completely and thoroughly conceal a factual state of affairs. Even with the aid of computers, concealing forgery necessarily falls short in some sense; for facts are, by definition, far more complex than any representation of them. Thus, in the end, even the most committed of liars can only hope for some kind of partial success. My point, however, is not so much about the limits of lying, but that these limits do not seem to make much of a difference. Almost everyone is aware of them, and yet people lie on a daily basis. Perhaps, in day-to-day affairs, deception is not that important of a function in lying.

Pleasantries exemplify this well. Under normal circumstances, pleasantries do not deceive; more importantly, they are not meant to deceive.⁵ In a way, pleasantries are always expected to be seen through. Consider the following scenario: at a dinner party, someone compliments the host by stating, "The meal was delicious." Suppose this is a lie: the meal was, in fact, not delicious. Parts of it were cold, others overcooked, perhaps due to some external circumstances that hindered the meal's preparation (to no fault of the host). This is evident to everyone, especially the host. No one actually believes the meal was delicious or could be convinced of it—even the one giving the compliment: he did not, in fact, find the meal delicious, and in all probability, no one could seriously believe he did. Does it matter? Not really. (Perhaps, to be precise, it only matters to the extent that, had the meal been delicious, the compliment would be much less of a compliment—but we will discuss that below.) To be taken as a compliment, the statement does

5 This does not necessarily mean that pleasantries are not believed, or meant to be believed, but that believing, when it comes to such forms of expression, is quite more complex than simply asserting the reality of a certain state of affairs, or the subject's conviction that a statement is factually true. As Žižek (1989) has pointed out, believing can sometimes assume a sort of material character and, in this way, stray from the psychological dispositions of any given subject.

not need to deceive the host into believing the guests found the meal delicious. No serious attempt to this effect is actually made. It is evident to everyone—host, liar, and the rest—that the point of this remark has little to do with the quality of the meal. As is the case with most remarks at a dinner party, it seeks, above all, to keep the conversation flowing. And, in this particular case, it seeks to prevent the awful experience of the meal from stalling the social interaction. You may imagine that, as soon as the meal ends, an uncomfortable silence begins to set in. Incapable of ignoring the flaws of the food and how they may reflect back on the host, the guests do not quite know how to keep making nice to each other. The compliment gives them a way out: it allows them to pretend these flaws did not exist and thus act as if the role of host had been successfully performed. In other words, the lie enables following the standard “dinner party” script, allowing everyone to maintain (unaltered and unchallenged) their respective role as either gracious host or grateful guest. The niceties may therefore continue, without altering the warm tone of the evening.

Several aspects should be noted here. Certainly, a flawed meal is not in itself enough to make a host fail in their role *vis-à-vis* their guests, especially when such flaws are attributable to causes beyond their control and the guests are well aware of it (we will assume they are). Most reasonable guests would find their effort and intentions to be more than enough cause to feel grateful and judge them gracious. Nevertheless, this does not make the flawed meal any less of a disturbance. At face value, an awful meal denotes a poor host; but, if the guests want to prevent this label from taking hold, they must do something. Lying and pretending nothing happened is one option, but not the only one. An honest approach, along the lines of “Let’s just say what everybody is thinking,” is also possible. Amid the uncomfortable silence, someone could have beat the liar to the punch and said, “Don’t worry about the food. We know it’s not your fault; besides, we’re all having a great time.” This would be an effective way to set the record straight and, so long as the awful meal need not be addressed any further, allow the guests to move on. However, as a way of keeping the evening on track, the honest approach is not without risk. In acknowledging the meal’s poor taste, it leaves a door open. While it is unlikely that someone would directly disagree with this appeasing statement, it could still be taken as an opportunity to make some kind of backhanded comment to the host. With the food’s shortcomings openly acknowledged, some ill-intentioned guest could very well add something along the lines of, “These things happen, so that’s why I always make sure well in advance that everything is ready.” Although veiled, the implication that the host neglected their duties would effectively challenge their standing and, if amplified, could end up making the evening take a somewhat sour turn.

How is the lying approach any different? First of all, the lie never acknowledges the food’s shortcomings. As such, it does not open the door to the kind of backhanded comments that the honest approach may (unintentionally) elicit. Furthermore, the liar not only ignores the food’s defects but also explicitly refuses to acknowledge them; he even takes the positive (and obviously intentional) step of stating falsely that the meal was delicious. He has taken it onto himself to act as if things have gone smoothly. Of course, someone could always refuse to go along with it, perhaps the same ill-intentioned guest who, in the other scenario, would make the backhanded comment. However, after the obvious lie (the compliment) has been made, the social cost of acting on some ill-intentioned disposition increases. If so inclined, this person would have to take

the initiative, and thus full responsibility, for criticizing the meal. Taking it one step further, in doing so, they would be challenging not only the host but also the liar, and, to a certain degree, all the guests who, by remaining silent, have followed the liar's lead. Therein lies the *quid* of the lying approach: pretending nothing happened disregards the poor quality of the meal but enforces the dinner party script. In essence, the lying sets (or resets) the tone. Moving forward, it renders any engagement with the food's poor taste out of place or tone-deaf. Of course, a guest could still engage, but not without causing a disturbance or coming across as impolite or aggressive.

Now, if this is so, it stems from the obvious and unconvincing character of the lie. This tone-setting effect cannot be explained if we assume the guests have been somehow deceived. If that were the case, to comment on the awfulness of the meal would come off as bold, but it would still be an acceptable remark—a mere statement of the facts that would amount to no more than an (honest) attempt to set the record straight. The speaker could presume their audience will take such a comment well or, at the very least, without presenting any sort of resistance. However, if we assume everyone is aware of the facts, pointing out the flaws of the meal is in itself irrelevant and, as a topic of conversation, something of a faux pas. The conversation could not accommodate such a comment without disturbance. It would simply not *fit with* what the liar appears to be doing (in paying the compliment) or with what the other guests appear to be doing by remaining silent (i.e., both disregarding the meal's awfulness and following the liar's lead). Indeed, if someone were to make a comment about how terrible the meal was, an anticipated response would be along the lines of “Well, of course the meal was *not* delicious. We *all* know that. What were *you* thinking? *Why* would you say such a thing?” If the lying approach is successful in deterring any ill-intentioned guest from acting up (and thus keeping the evening on track), it is largely due to the unsavory prospect of facing such resistance, that is, the looming threat of antagonizing the entire group. Notably, though, the operative notions here are those of *appearance* and *anticipation*. It all hinges on what *appears* to happen and what it leads us to *anticipate*, not on what any party actually does.

The proof lies in the fact that it is entirely possible (in principle) for each and every one of the silent guests to be equally inclined to comment on the awfulness of the meal, each only holding back because they take the others' silence as a sign of tacit consent. We could even imagine the possibility (though much more far-fetched) that the liar was neither lying nor paying a compliment. Perhaps in saying “The meal was delicious,” he sought to be funny or ironic, but not quite having nailed the tone or tempo, his remark was met with silence (rather than laughter) and thus appeared to be a compliment. While not very plausible, this scenario is certainly possible, and it shows that individual action is not what counts. Rather than *what* each person does, others' *perception* of it is what seems to be crucial. Taking it further, it is not only how an action appears to others but also the appearance that a set of actions acquires as an ensemble. Consider this: the prospect of resistance is about scale. It does not arise from the liar's gambit alone but from the way the silence of others seems to confirm it or, rather, conform to it. The question here is not so much of *agreement*, or at the very least, not in the sense of a shared acceptance or approval of a given proposition. If we are to speak of *agreement*, it would have to be in a more material sense, as in denoting harmony or correspondence. Indeed, the liar's and the guests' actions *agree* in the sense of being harmonious, of coming off as coherent with each other. They are *agreeable* with each other. And that agreeability, the prevailing coherence among the actions of the liar and the

guests, is what an ill-intentioned character would risk disturbing.

It could be said, thus, that what is going on here is a matter of form—at least, if we understand “form” as something to do with both the organization of a composite and the way something appears (see Harman, 2022). In any case, the prospect of resistance, that force responsible for keeping the evening on track, is indeed a matter of tone and appearance, an effect of the tendency to keep up appearances (which is called, perhaps not incidentally, *guardar las formas* in Spanish) that prevails in most social interactions. Importantly, though, this default tendency is not an abstract concept. More precisely, it is abstract in the sense of being formal in nature (as well as a formality) but not in the sense of being immaterial. Quite the opposite, this formal force presents itself as an objective condition—a material circumstance that exists (and acts) beyond the scope of any subjective disposition. No one subject is capable of enacting it. It emerges only in the coordination and correspondence of a set of actions, therefore, as independent and irreducible to any discrete form of action.

This reasoning leads to a double insight into the workings of pleasantries. First, they operate at the level of coordination among actions—not as a modification or alteration of individual acts. Second, they can nonetheless affect how a particular actor conducts themselves, as this coordination functions as a material determination, that is, an objective condition that shapes how the individual actor behaves moving forward. From the perspective of the ill-intentioned guest, this objective condition presents itself as anticipated resistance: any comment on the meal’s flaws will be somewhat out of place and can only disturb the group dynamic. Meanwhile, from the perspective of a well-meaning guest, the same objective condition presents itself as an enabler: the quality of the meal need not be addressed any further, and thus, the exchange of niceties may continue undisturbed. All this is clearly a function of the undeceiving character of the lie. It results directly from the fact that, moving forward, no one could actually be expected to be unaware of the food’s shortcomings.

Of course, it could be argued that pleasantries are some sort of special or niche case. Yet, any number of social tokens could be analyzed along the same lines. Excuses, for example, are rarely factually true and not usually believed, at least not completely, not to the point where one could say the other has actually been deceived. Excuses are not about whether a person is convinced that a dental appointment prevents a friend from attending their son’s baptism. Rather, the point of an excuse is to allow both parties to act as if an outside cause impedes the friend’s attendance; thus, their relationship may continue without having to acknowledge that the child’s baptism is a rather dull event that the friend is not willing to sit through. To that effect, believing (in the standard sense of the word) is not required, and even if the friend were telling the truth, in all likelihood, they would not really be believed. Still, none of it matters: having presented some sort of excuse, it is now objectively possible for everyone involved to act as if the absence stems from an outside cause.⁶

6 This is supported by the likelihood that, if asked for his friend’s whereabouts, the host of the event will respond, “Oh, they *said* they had a dental appointment.” This little inflection is crucial. It signals that the justification of the absence lies, not so much about the actual existence of the cited appointment but about the presentation of an excuse that the host has accepted. Thus, whether or not the appointment is real, the parties act as if it were, and the person asking should too, regardless of whether they actually believe it. In fact, if the host has any reason not to believe the appointment is real, phrasing the answer as “they *said* they had an appointment” (rather than “they *had* an

There is, however, a more compelling objection to be made: namely, that pleasantries and excuses are not really lies. It could be argued, for example, that while pleasantries and excuses can take the form of a deliberately false statement, this is not necessarily so. It is entirely possible to excuse oneself or give a compliment by way of a factually true statement. To that extent, the hypocrisy that usually accompanies the conventions and formulas of social behavior should be treated as a secondary trait, a sort of accident that befalls sociability but does not define it. Furthermore, even when excuses and pleasantries do take the form of deliberate falsehoods, they do not seem to count as lies. People tend to tolerate and, on occasion, even recommend a certain degree of lying to be polite. Such an exemption to the prohibition and stigma of lying would appear to put the hypocrisies of sociability into a unique type of human expression. And while it would be far-fetched to consider this type something completely unrelated to lying, it does seem to support the notion that they can be written off as pseudo-lies—a type of expression most commonly known as *white lies*. Neither of these arguments, however, stands close scrutiny.

To begin with, the fact that a factually true statement can be used to pay a compliment is far from being decisive. In and of itself, this does not put us beyond the realm of lying—again, it is always possible to lie by saying something true. If the hypocrisies of sociability are to be framed as an anomalous occurrence that constitutes a fringe case of lying, one would need to go further. It would be necessary, in essence, to establish that the compliment is not only *factually true* but also *truthful*. Now, this can be tricky. Truthfulness is about much more than simply sticking to the facts; it implies conducting oneself in both an honest and straightforward way. And while there is nothing inherently dishonest about giving a compliment, it could be argued that compliments are never a straightforward matter. Paying a compliment always involves something of a double entendre. For instance, saying “the meal was delicious” as a compliment is not only about establishing a fact but also about flattering the host. Indeed, by appearing to merely report a fact, the statement flatters the host. If the flattering intent were articulated in a straightforward manner, it would very much spoil the effect. This is confirmed by those standard exchanges in which a compliment is met with a reply such as, “Oh, you’re just trying to flatter me,” to which the compliment-payer must immediately respond, “Not at all, I really mean it.” What happens here is clear: by doubling down on his pretense and denying any flattering intent, the speaker not only confirms but also reinforces the flattering undertone of his original statement.⁷ The same holds

appointment”) functions as a deterrent. It renders the disclosure of such reasons irrelevant and somewhat inappropriate.

⁷ It could be argued that these exchanges should not be read as a denial of the flattering intent but as a restatement of the factual truth of what was said. Thus, what they prove is not that the underlying intent must be kept hidden, but that the success of the flattering is a function of the statement’s truth. However, if this were so, it would be possible to reply something along the lines of “Well, yes, but I also meant it: the meal was delicious,” or perhaps, “Certainly, but only because the meal was indeed delicious.” The first one is clearly a miss: it frames the judgment of the meal’s quality as a concession and, thus, casts doubt on both the quality of the meal and the flattering intent of the original statement (intuitively, this reply reflects not so much a compliment but an unrecognized irony, and thus it could reframe a would-be compliment as cynicism). The second one is perhaps more ambiguous. A charismatic speaker could make it pass as a suitable piece of conversation, but it is still hard to anticipate it as the follow-up to a compliment. Even if one was made (and taken as such), this feels like something of a walk-back. It presents the flattering not so much as a gesture by the speaker but as a natural consequence of the quality of the meal. In a way, it suggests that the speaker is merely acknowledging a praiseworthy meal, not a praiseworthy host. The logic behind this walk-back effect is the same that underpins the notion that a factually true compliment is something less of a

true for excuses. A person cannot do away with the hypocrisy of acting as if there were an unmovable appointment without spoiling the excuse. If either of the two parties were to forgo the farce and straightforwardly state either their unwillingness to sit through the baptism or their belief that no outside cause actually prevents attendance, the end result would be significantly different.

In this sense, both pleasantries and excuses seem to be defined by a certain misleading twist in the use of language or, more generally, in behavior, which puts them on par with the functioning of lying in general. It is still true, however, that unlike usual lies, the hypocrisy of excuses and pleasantries tends to be well tolerated, at least within certain limits. There is some stigma in getting caught lying when paying a compliment or presenting an excuse, but it is much less than the stigma of flat out lying. And while not properly accepted or encouraged, these misleading ways of sociability are not truly condemned either. Importantly, though, white lies (under which the hypocrisy of sociability falls) are not afforded this exception based on the notion that they are not really lies, but on the caveat that they are *innocuous* lies. As Koyré (1992) points out, “social morality [...] tolerates lying so long as it may not hamper the smooth functioning of social relationships [...], on the provision that it does not erode the social bond that ties a group together” (p. 187). The underlying assumption would be, thus, that a defining trait of lying is to have a pernicious effect on society—that is, of course, if one wants to write off the hypocrisy of social behavior as pseudo-lies. Otherwise, there is really no grounds to argue that the misleading ways of sociability amount to anything else but lying; there is no discernible difference to claim that they are something other than lies. Now, in a way, a certain pernicious effect pertaining to sociability seems to be a core component of our concept of lying. However, given the widespread presence of lying in day-to-day affairs, this may say more about how we think of sociability than about the nature of lying—a reassurance of sorts as to the rational nature of social relations; a way to avoid the uneasy suspicion that society is not, at its core, a straightforward matter. How else but by denying it in principle could one reconcile the prevalence of lying with a rational approach to society? Especially when the matter at hand is not only that of some innocuous lying. Truth be told, as it pertains to the cohesion of the social bond or the functioning of social relations, the hypocrisy of sociability seems to have a positive effect or, at the very least, a positive role. It is part of allowing us to maintain a bond when a conflict of interest arises, a strategy to negotiate differences and navigate situations when an agreement or consensus cannot be rationally reached. Hence, if we were to consider this lying, we would have to contemplate not only the possibility but also the necessity of lying within a well-functioning society. In short, we would have to ponder: what is the need for lying in the structure and workings of (a) society?

Faking It

The misleading ways of sociability require us to reconsider Kant's scenario in the light of another possibility. Sure, the killer could have believed the host's response and, hence, walked away convinced that his victim was not there. But what if he was just pretending to be convinced? Is it possible that, like the guests at the party, the killer is just going along with the lie? Why would he compliment: namely, complimenting someone with the truth is less of an effort and, thus, less of a gesture.

do such a thing? After all, for all his politeness, Kant's killer is not (unlike the characters in the social settings we have been discussing) primarily interested in making nice with others. No, this is a man bent on murder. Yet, this does not necessarily mean that his murderous intent is a straightforward matter. Suppose our killer is a hit man sent by some cartel boss to deal with a member of his organization. He would be acting, for sure, out of his own violent inclinations and murderous desire, but also out of the commitment of being under orders. This objective commitment may introduce some complications to the matter of intent. Perhaps, the designated victim turns out to be an acquaintance of the killer. Maybe a colleague, or even a friend. The killer, therefore, may feel inclined to spare the victim's life. To do so, however, would be an act of open disobedience, something that would certainly carry consequences for the killer himself. Thus, when the victim walked into the neighbor's house, perhaps the killer saw an opening. It may have occurred to him that by walking up to the door and politely asking for the victim's whereabouts, for all intents and purposes, he was complying with his orders. In no way was he neglecting or forgoing the pursuit of his victim. After all, if the host were to lie to protect the victim, this would not be the killer's doing: the killer was sincerely asking and fully committed to act upon the answer given. Sure, believing the liar's response may be regarded as a mistake, but who is to say it was not an honest mistake? How could it be proved that by heading back onto the street, he was not acting on the conviction that the victim was elsewhere? Objectively, all actions taken are certainly consistent with such a claim (or mindset). In doing so, he may be sparing the victim's life, but such an outcome could only be regarded as an accident—a silly accident, perhaps even a careless one, but certainly not a deliberate act of disobedience.

Surely, it is a bold move. The cartel boss may not be convinced. However, the killer's bet may be based on the calculation that he does not necessarily need to convince the boss. Just like with any other excuse, it is all a matter of how things appear, of an alibi presented as a convenient facade. If it looks just right, the boss may very well go along with the charade. Just like the guests at the dinner party, he may think (perhaps even know) that the killer could not have truly believed the host's response or, for that matter, posed the question seriously. And still, the boss may perceive that to challenge the killer's claims would be a tone-deaf move, something that would somehow put him out of place. Could that be enough? It is hard to say, but certainly a possibility. On the one hand, a cartel boss need not answer to anyone. He wields absolute power, and if he suspects foul play, he is perfectly capable of acting unilaterally to punish it. On the other hand, just like any other absolute ruler, he cannot dispense with keeping up appearances. His power, while limitless, still depends upon commanding respect and framing its ruthlessness within some kind of reasonable legitimacy.

Another possibility, though, is that the killer's gambit falls into Kant's counter-scenario. What would happen then? What if the killer, engaged in a fake pursuit, actually ends up finding his victim? This unexpected situation would turn his initial calculations on their head. If posing the question to the host was meant to provide an alibi, this action and interaction now puts the killer in a compromising position. He has not only stumbled into the person he was ordered to kill but also, in fact, found the victim he was looking for. Of course, it was all pretense; he was merely going through the motions. That hardly matters now, though. While pretending to search for his victim, he found him. And thus, his conviction, albeit fake, that the victim would be elsewhere now commits him to the deed. Why would he not go through with it? If he were acting on such a

conviction, if he were fully committed to complying with his orders, he would have no reason not to kill his victim. Not doing so, in fact, could only appear an objective and clear confirmation that he was not committed—neither to the pursuit nor to his orders. Even more so, it could only come across as blunt disregard for the boss’s authority, a shameless attempt to make a fool out of him. The murderer, thus, has been left with no leeway. Either he goes through with the deed, or he wrongs the boss himself.

Under such circumstances, could the killer be blamed for going through with the vile deed? Yes, most definitely. If he does the deed, dire circumstances notwithstanding, the killer would be, well, *the* killer in this murderous scenario. No doubt about it. Yet, while the murder would be the killer’s doing, under such circumstances, the deed would not be the result of the killer’s agency alone. In fact, it would have taken place, at least in part, *against* the killer’s agency. After all, he may have done the deed, but he was nonetheless also trying to do something else. The killer’s agency is thus not enough to account for the murder taking place.⁸ A certain setting is necessary. A very precise set of circumstances which inform the killer’s role as an agent. Of course, the setting does not dictate what the killer does. The setting’s function is to establish the “form” of what is done; to determine the appearance that actions may acquire. Or as Goffman (1986) would put it: to frame them. But it cannot be ignored that, much like in the dinner party scenario, the appearance of things turns out to be crucial here. To understand *how* an otherwise inclined killer actually ends up killing someone, one needs to take into account the fact that not going through with the deed would unequivocally count as an open challenge to the boss’s authority.

Does this mean, as Kant would have it, that the murder is, in fact, the result of the liar’s actions? Certainly, they have played their part. Leading the killer back onto the street was necessary for the murder to take place—first, because it allowed the killer to find his victim, but second, and perhaps more importantly, because it set the scene where a halfhearted killer would be moved to go through with the deed. However, to ascribe the murder as such to the liar’s deceitfulness would be tantamount to ascribing it to the victim’s ill-advised escape attempt. In these terms, what the victim does is just as necessary, both in the formal and material sense. The escape is what materially leads the victim to be found, but it also constitutes a crucial part of the circumstances and setting in which the murder takes place. Such a line of thought, of course, is somewhat counterintuitive. To ascribe responsibility to either of these characters seems excessive. Yes, by misleading the killer, the liar was indeed pointing him in the right direction, and by attempting to escape, the victim was indeed going out to meet his killer. However, it cannot really be said that this is what they were doing. Still, on a similar note, what the killer does *is* murder, but what he was doing was also an attempt to fake his way out of it.

8 Which is not perhaps that surprising. As Thomson (1987) puts it: “what we do in the world depends on the world as well as on us” (p. 140). Agency, as well as intent, are always limited. “If you fire a gun at a man to kill him, then the question whether you do not merely fire a gun at him, but also kill him turns on whether the world cooperates” (Thomson, 1987, p. 140). Without the world’s cooperation, it is always possible that a third party intervenes or the would be victim turns out to be wearing a bulletproof vest. The fact that what one does is either murder or attempt murder is therefore a function of a certain measure of good or bad luck (depending on the point of view). Materially, no act can be entirely attributed to an agent’s agency. However, in principle, “the moral value of what you do in the world turns on and only on that part of it which is *entirely* under your control” (Thomson, 1987, p. 140). Whether the world cooperates or not, as is the case with our killer, does not alter the fact that he is responsible for what he has done; it only alters what it is that he is actually responsible for.

Let us be perfectly clear here: individual responsibility is not in question. As far as responsibility goes, the killer is certainly responsible. He is the material author of the deed. In an important, yet different way, the boss is also responsible. He is the intellectual author of the deed, and, to some, he may very well be the main culprit; if the murder were ever to be prosecuted, the boss ought definitely to be held accountable. The concern here, however, is not responsibility (or liability) but action. The point being that, individually, all those materially involved are striving, to the best of their abilities, to avert the death.⁹ Think about it: as individual agents, they all do their utmost to prevent the murder from taking place. The liar tries to misdirect the killer, the victim attempts to escape, and the killer himself steps away. No single action leads the murder to take place. Rather, it takes place because of how these actions come together. It is an effect of the unfortunate combination of the liar's misleading gambit, the victim's initiative in trying to escape, and the killer's attempt to fake his way out of committing the murder. All three actions are required; each only acquiring its murderous implications in its relation to the others.

The fact that the murder's occurrence requires the conjunction of all actions is significant. It speaks not only of the limitations of individual agency but also of the possibility that an action is not the product of individual agency. Indeed, the act is made up of actions that could not, by themselves, cause its occurrence, but also of actions that strive to avert it.¹⁰ To that extent, the murder is not merely the sum of individual actions. It requires this sum, but it must also entail a transformation of what is added. It must, in effect, make what each person has done something other than what they were doing. Provided this is true, the murder ought to be thought of as an aggregate effect, that is, as an overdetermination of the parts that make up a whole. This means that it presupposes something that not only surpasses, but overrides, the individual agents and

9 The obvious exception here is the boss, which is certainly involved in the killing, but in a very different way than the rest of the actors. His role is not material, but formal. As the intellectual author, his role depends on the actions and agency of others. That is not to say that his actions or intentions are not relevant, but their relevance is a function of the way in which they are articulated through the agency of the others; and in this case specially, (as I am about to argue) through an unfortunate conjunction of others' agency. I will come back to the formal role played by the boss and its implications in a moment. At this point it is important to stress, however, that the fact that he is the only one who appears to want the victim dead should not obscure the fact that he is not the one doing the killing. This is not incidental and should not be reduced to a contingent fact. In his role as "the boss", he is not in a position to carry out the deed himself. For, if it is to be an act of authority (as one may presume it is, in as much as is it meant to right some sort of disrespect or challenge to his position as "the boss"), it must somehow go beyond what he is capable of doing himself. By definition, *authority* surpasses (exceeds) the realm of mere autonomy. It is not a matter of doing something, but of making others do. Furthermore, it should be noted that the intentions of the boss may in themselves be quite a complicated matter. If the boss orders the murder of the victim, it is, in all likelihood, not only or mainly because he wants him death, but because he somehow needs him death. Authority, even when it is absolute, comes with strings attached. This point was long ago made by the theory of sovereignty (see Bodin, 2008). The will of the sovereign, while personal and arbitrary, is never simply his own. A sovereign will is a formal function, a guarantor of order; as such, it is informed by the structural constraints of the ordering it must perform: legitimacy, consistency, coherence, etc. The death of the victim complies with the boss's orders, but that does not necessarily imply, neither an actualization of his intentions, nor an exertion of his individual agency.

10 In a way, the notion of the limitations of individual agency is precisely what intuitively leads us to limit the scope of the liar's responsibility in Kant's counter-scenario. Indeed, our leniency is not simply a matter of good intentions but of realizing that, in lying, the host does all he is capable of in the face of the killer's question. Moreover, our leniency stems from realizing that the host is in no way capable of controlling the victim's ill-advised escape initiative or, for that matter, the killer's response to the host's lying.

their sum. A *surplus* of sorts, this distinct and extraneous force would be the agency at work in the end result as it deviates from its components. And while it would stem from the way the discrete actions relate to each other, it would nonetheless be irreducible to them, as it would be, precisely, what differentiates the end result from its components, just like a collective differs from the collection of its members.¹¹ The need for such an extraneous and distinct force is well expressed by the fact that all of these scenarios seem to require a certain degree of bad luck. In fact, it is tempting to say that our discussion here is simply an elaborate way of speaking about chance. After all, “actions that are not the product of individual agency” is not a bad description of what we usually regard as accidents. Perhaps, then, rather than proposing the existence of a *surplus* agency, we ought to assume that we are simply dealing with a bizarre accident.

Still, I would argue, not all accidents are alike. Take the victim’s death. Perhaps Kant is right. Perhaps when it results from an honest answer, it is something of an accident. Even so, it would not be an accident in the same way, say, as the death stemming from our hit man scenario. The victim may die all the same, but the murder would have come about in two very different ways. Kant’s truth-teller scenario is a rather straightforward matter: a vicious killer receives a straight answer, allowing him to find a victim he then proceeds to kill. Tragic, but simple enough. Our scenario, meanwhile, is frankly a tumultuous mess, an unlikely concoction in which a halfhearted killer is presented with a misleading answer only to be misdirected into finding an overly assertive victim where he was not supposed to be. Notwithstanding the question of responsibility, each chain of events implicates the host in different capacities. In the first case, his role may be pivotal but is still simple. By stating to the best of his knowledge the victim’s whereabouts, all the host does is, well, just that, what he has done. His answer may enable the killer, but it does not modify what he (or the victim) does. More importantly, for the murder to take place, his action does not need to be anything other than what it is. The same goes for the killer’s and victim’s actions. In this manner, the chain of events remains tightly contained within the scope of the individual agency of all those involved. If we can speak of an accident, it is only as a negative quality—a sort of defect or deficit that limits what each, as an individual agent, is capable of. On the contrary, the chain of events that involves a lying host, a halfhearted killer, and an overassertive victim can only come together to produce the murder as an aggregate effect. It is crucial for their actions to interface and, in their correlation, to modify what each ends up doing. Of course, there is an accident in the sense of deficit here, too. The transformation that enacts the correlation takes place within the limits that affect what each actor is capable of. But accident is also a positive quality. Not only a deficit, but a *surplus*: the extra element required for the many attempts to avert the murder to actually result in murder.

On account of this positive role, I claim, it is justified to posit here a separate, extra quantum of force that, distinct from any and all individual agency, accounts for the end result. This extra quantum as something separate, moreover, distinguishes an action that is *collective* from one that is individual. While beyond this article’s scope, collective action is usually assumed to be an expansion or transposition of the process of individual action (for example Miki, 2022). Whether or not that assumption holds elsewhere, here we are clearly faced with a specific process. The mechanics of how the murdering takes place cannot be adequately explained within the

11 We would have here an example of what Lordon (2015) calls “excédence”. That defining trait of society that makes it much more than just voluntary associations and rational interactions.

parameters of individual action. Something else is happening here, something that requires positing the existence of this extra quantum as a form of *collective agency*. Furthermore, the outcome is also distinct—even if it is, in a sense, the same. Yes, the victim still dies, but he does not die in the same way, and the manner of death is not irrelevant. Under normal circumstances, murder has a limited scope, even if more than one person is involved. In Kant’s straightforward process, regardless of the truth-teller aiding and enabling the killer, the murder only involves the actions of those involved. Under the peculiar hit man circumstances, however, the murder is not only a matter of the actors acting. As an aggregate product, it transcends acting as an agent’s deed. It pertains to the conditions of their actions and becomes a question of how actions are set and framed. Thus, it is no longer just an ethical or moral question, something to be examined in terms of guilt and responsibility. Insofar as it implicates the conditions of acting, the framing and setting of individuals’ agency, it becomes a political question—a matter of the common ground that enables agents to act in relation to each other.¹²

It may be objected that there is no real need to posit an extraneous force or *surplus* agency to explain what is going on here. That it is only necessary to widen the scope and focus on the “absent” actor that is the boss. The misfortune of the main characters can therefore be explained away as an act of power. On a certain level, it is indeed possible to claim that the authority of the boss is that which sets the scene in the halfhearted killer scenario. After all, it is how things may appear from his perspective that presumably moves the halfhearted killer to actually go through with the deed. It should be noted, though, that the perspective of the boss is only one factor in the setting of the scene. An important one, for sure, but in and of itself incapable of actually making the murder happen. For the murder to take place, both the actions of the lying host and the overassertive victim are absolutely necessary. And both, it must be stressed, are independent and irreducible to the boss’s perspective, will, or agency. Without the other factors, in fact, the perspective of the boss may very well be that which allows the victim’s life to be spared. That was, it is worth remembering, the gambit of the halfhearted killer in taking the host at its word and walking away. The misfortune of the main characters, hence, cannot be explained simply by introducing the boss and his power. They play a role, but it is in no way unequivocal or fatal.

Rather than allowing us to dispose of the *surplus* that is the collective agency at play in this scenario, the introduction of the boss points toward its implications. After all, it is true that the end result complies with his orders and, therefore, can be considered an expression of his authority. However, inasmuch as the role of the boss is not decisive, the authority he holds is not so much a cause but an effect of how things play out. The framing of what happens in this last scenario as a question of power or authority may be productive, but only if the illusion that “power” or “authority” are in themselves an explanation is avoided. It may be a legitimate way of

12 This last statement could be used to reframe Kant’s position in an interesting way. From this point of view, the decision to lie constitutes a tipping point: the moment when the prospect of murder passes from being a tragic but private matter to a full-fledged political event. It is no longer just a matter of some individuals’ actions, but a matter of public or collective interest, something that concerns and implicates not only those involved but also the community as a whole. Of course, this may be something of a stretch, at least as it pertains to Kant and his reasons to condemn lying. Still, beyond the misfortunate characters of Kant’s scenario, there is something here to be said beyond speaking of bizarre accidents. After all, the core action, the basic element of all this—the lie—is a common recourse, a crucial element of everyday sociability. What does this say about lying in general? Or even, perhaps, about the kind of act that lying is?

stating *what* happens, but it does not say anything about *how* it happens. It would be analogous to claiming that the dinner party scenario is explained by the culture of politeness. As if the culture of politeness exists as an abstract reservoir of social inertia. This procedure, akin to what Latour (2005) calls the sociology of the social, obscures the fact that politeness is not an obscure social force, but an ongoing process that develops in a given interaction by way of a set of concrete actions. It does not predate the exchange of pleasantries, but stems from it, inasmuch as it develops, as in this last scenario, in a distinct *surplus* agency that overrides any individual acting. The same ought to be said here about “authority” or “power.” It does not predate the set of actions that lead to murder, it is realized by them. Rather than a cause, it is a consequence of the collective, *surplus* agency, that entails that what happens exceeds the actions of all those involved as individual agents.

On Tasteless Jokes and Other Unfortunate Remarks

Let us now return to our initial question. What does all this tell us about tasteless jokes? How can it help us understand the notion that they are harmful even when they intend no harm? Drawing some parallels serves as a useful starting point. The standard case is analogous to that of Kant’s truthteller. When a person makes a xenophobic remark with a xenophobic intent, it is rather straightforward. Like the truthteller, they have simply done what they did. Everything falls within the scope of intentional action and individual responsibility, suggesting that the xenophobe’s wrongdoing is but the inverted image of the truthteller’s exoneration. If the issue with the truthteller is that he sticks to the truth, the problem with the xenophobe ought to be that he sticks to his xenophobic convictions. This is certainly a problem, as it goes without saying that to act upon xenophobic beliefs causes harm. However, as suggested in the introduction, there seems to be a problem with equating the core issue with the xenophobic remark to the convictions upon which it acts. That is, at least in part, what the case of the joker suggests. What if no such convictions lie behind the remark? Drawing again from the truthteller example, any xenophobic undertone could arguably be an accident and, as regrettable as it may be, ought to be written off as such. After all, just like the truthteller did not intend to cause the victim’s death but to simply state his whereabouts to the best of his knowledge, the joker does not intend to be xenophobic but to simply be funny to the best of his abilities. If that somehow ends up causing harm, it is regrettable, but not really his doing.

The crux is, though, that the joker is not really like the truthteller. The joker is like the liar. If a parallel is to be drawn, it should be with the latter. Therefore, we must assume that the joker is never simply doing what he does. The nature of his intentions is thus, while not irrelevant, insufficient to achieve exoneration. By the same token, however, wrongdoing cannot be a matter of acting upon some nefarious conviction or set of beliefs. Something else ought to be going on. And here, the example of the liar becomes truly illuminating. It suggests that if a problem exists, it may lie in how joking affects the actions of others. Perhaps our intuition that there is something wrong with tasteless jokes, even when made lightly, points precisely to this. Perhaps it is a matter of suspecting that a xenophobic joke may cause others to take xenophobic action. Such terms, however, seem a bit far-fetched. After all, jokes are not to be taken seriously. How could a joke

lead others to take xenophobic action if they are not supposed to believe the joker's xenophobic remark? Drawing again upon the example of the liar, believing is not necessary. A joke does not attempt to convince anyone, say, of a xenophobic trope or bias. But, to affect how others act, it does not need to. Regardless of how it alters what they believe, it can nonetheless set a tone. By doing so, of course, it does not make anyone do anything. Yet, it does inform what they may do; it establishes the appearance that their actions may acquire. In doing so, it not only renders the enacting of the trope or bias "agreeable" but also makes any challenge or kindness somewhat tone-deaf.

This interpretation is consistent with the findings of empirical studies conducted by Thomas E. Ford on the effects of disparagement humor¹³ (see Ford, 2000; Ford et al., 2001) as well as the framework proposed by Ford and Ferguson (2004) to explain them. Contrary to what some previous research suggested and most social theorists anticipated, exposure to sexist or racist jokes does not seem to create or reinforce prejudice attitudes or negative stereotypes. Exposure to this kind of tasteless jokes, however, does seem to increase tolerance of discriminatory events, but only on the part of individuals who are already high in prejudice toward the targeted group or individual. In other words, disparagement humor does not seem to create or promote any kind of negative disposition toward the groups it targets, but rather acts as a releaser of preexisting prejudice towards them. To explain this, Ford and Ferguson (2004) posit that humor acts by way of expanding "the bounds of appropriate conduct, creating a norm of tolerance of discrimination" (p. 79). Thus, while incapable of changing "an individual's attitudes or beliefs," disparagement humor would nevertheless change the "external sources of self-regulation, creating a social setting that encourages the expression or release of existing prejudice" (Ford et al., 2015, p. 172).

Crucially, this capacity to change the social setting and modify the boundaries of acceptable behavior is exclusive to humor. The research conducted by Ford shows that exposure to non-humorous disparagement does not have the same effect. Even in people with high levels of prejudice, straightforward disparagement is not correlated with an increase in the propensity to express or act upon their negative dispositions (Ford and Ferguson, 2004). In prejudice norm theory, this is explained by the fact that humor implements a conversational rule of levity that frames the joke in a meta-message stating something along the lines of: the usual boundaries curtailing discrimination need not be applied. This not only stresses the unique link between non-serious speech and tone-setting that we have previously theorized about; it also underlines the importance of tone-setting itself. Ford's findings suggest that if the nonhumorous form of disparagement has little effect on the propensity to express discrimination, it is both because (1) people high in prejudice tend to be restrained by the unspoken norms that usually render the expression of prejudice unacceptable (or at the very least, tone-deaf); and (2) because the explicit message of straightforward disparagement is incapable of affecting said underlying/unspoken norms.

Thus, it seems, tasteless jokes are far from harmless. But that is not to say that they are always harmful. Joking, much like lying, is one of the few political tools that the "weak" are always in a position to wield against the powerful (Koyré, 1992). Humor has been used by the oppressed to

13 Which Ford and Ferguson (2004, p. 79) define as humor that denigrates, belittles, or maligns an individual or social group.

circumvent surveillance and restrictions on free speech (Chen and Gao, 2023), re-signify and reappropriate repressive structures (Ghimire, 2025), generate and re-articulate collective agency (Vizcaíno-Cuenca et al., 2024), etc. Moreover, as Bhungalia (2020) notes, humor offers a unique avenue for political struggle inasmuch as it is in a position not only to oppose power but to negate power. Again, this is something that it seems to share with lying. The joker, like the liar, does not seek to overpower authority but to outsmart it; rather than engaging head-on, the deployment of humor seeks to reframe the asymmetry of the power relation by way of reinterpreting its underlying assumptions and refusing to validate its proposed implications. This political vocation is, of course, shared by multiple forms of disparagement humor; in particular, self-deprecating humor. In contexts where political struggles are closely linked with identity, self-deprecating humor is an effective strategy to call into question discriminatory tropes, re-signify slurs, or negate the power of repressive structures. A case in point is what Weaver (2010) calls “reverse discourse.” Commenting on the work of comedians such as Richard Pryor, Chris Rock, and Lenny Henry, Weaver shows how the use of comic operations allows the comedians not only to highlight the tropes that enshrine racism as *doxa* (see Angenot, 1989), but to capitalize on the traction of the same *ideologèmes* that articulate racist discourse to produce “resistance meaning.” This is done by way of using their position as speakers (*locuteur*) to produce a tension between the utterance and its enunciation that destabilizes the legibility of racist discourse and fosters a polysemic re-reading of its implications and hegemonic injunctions (see Angenot, 1989; Ducrot, 1989).

The political deployment of disparagement humor, however, is not without risks. As Weaver (2010) notes, in the polysemic structure of “reverse discourse,” the literal racist meaning of an utterance must always be available as the starting point of a rhetorical operation whose resistance function can only be produced as an implication. This is, of course, crucial. The contra-hegemonic operations that it is possible to recognize in the kind of comedy that Weaver analyzes turn on the fact that, as an implication, the resistance meaning can only be brought forward as a content for which the enunciatee is responsible (see Ducrot, 1989). This means that a literal racist meaning can always be taken at face value. This was confirmed by Saucier et al. (2018) when researching the critical use of disparagement humor. Their studies showed that around half to one-third of the participants missed the subversive intent of the jokes they were presented with and retained only a literal racist reading. Thus, while uniquely positioned to subvert discriminatory structures, the political deployment of comic operations carries the unavoidable risk of playing into the tropes it seeks to destabilize.

For some, these would seem to confirm the widespread conviction that all forms of disparagement and offensive speech ought to be avoided and/or denounced immediately. No matter if they are made lightly, without the intent to cause harm, or even if they are made in a critical or subversive manner. Such a conclusion, however, seems far too simple. On the one hand, it ought to be obvious that subversion and political struggles always carry an inherent risk. If the subversive deployment of disparagement humor is a risky gambit, it is only because politics are always a risky gambit. We should come back to Arendt here. Well aware of the profound harm that the spreading of lies may cause (something that, today, in a time of alternate facts and fake news, has become painfully clear), she nonetheless recognized that a suppression of lying would amount to a crippling of the human condition and its political vocation for action. Much

the same ought to be said about humor in general, and tasteless jokes in particular. To seek a simple flat-out condemnation or suppression would amount to not only denying ourselves an intrinsic trait of human experience but also renouncing a whole spectrum of political possibilities. Those, precisely, that are available to the weak and the oppressed in the face of an unsurmountable asymmetry in power relations.

On the other hand, it should be restated that the crucial point here is not so much the fact that tasteless jokes can cause harm, but how is it that they are able to do so. Therein lies the *quid* of the matter. If we are correct, the harm occurs in a way that transcends the framework of intentional acts and individual responsibility. This was already suggested by the unfortunate liar scenario and would also be confirmed by Ford's findings. Harm operates here well beyond individual convictions. Therefore, to treat it as a moral question, as a matter of guilt and responsibility, while not altogether unjustified, is somewhat obtuse and more or less useless. Individual condemnation and intentional renunciation are not enough to hinder an aggregate effect and can always be overridden by the development of a collective agency. This is what the reflection on the unfortunate liar tells us. Yes, some individual responsibility may exist, but focusing on that misses the point. Moreover, it obscures the political nature of what occurs. Averting this kind of harm requires much more than the goodwill of the individuals involved. Perhaps, something else entirely. Exactly what, however, is hard to say.

The work of Ford and Ferguson (2004) suggests that the crucial role is played here by external sources of restraint. Injunctive social norms that regulate the behavior of individuals beyond any and all internal convictions. The reflection on lying and its social role seems to concur. If we are to avoid the pernicious effects of tasteless jokes and disparagement in general, the crucial element ought to be the tone-setting effects that regulate the disposition of collective agency. It would be reasonable to suggest, therefore, that what is required is something along the lines of the work done by comedians who deploy disparagement humor in a subversive manner. There is something quite interesting there. It may be necessary to work at the level of maintaining or reshuffling the tone of situations as to make them incompatible with a collective agency that aligns itself with racist, misogynistic, or other discriminatory courses of action. Yet, as an avenue for political action, this possibility ought to be tempered by the conviction that the "success" of deliberate operations to work in this manner is never guaranteed, and, to some extent, not even very clear as to what it would entail. There can be no recipe for operating at the level of tone. The various unspoken dynamics that underpin sociability are always, by definition, a changing and ongoing process. There is no way to safely and definitely institutionalize safeguards against the harm that joking and other forms of non-standard speech may cause. Such safeguards can only be produced on the go, as part of a nuanced and complex negotiation of the ongoing processes of sociability.

Within such limits, a final point must be made. What has been outlined here says something not only about the tasteless joker but also about the straightforward xenophobe. Perhaps the problem is not only what he does. Again, to act on xenophobic beliefs is certainly problematic, but as long as it remains just that, an individual act of xenophobia, a well-functioning society is perfectly capable of containing and/or correcting it (both the work of Ford and Ferguson (2004) and Saucier et al. (2018) confirm this). The true problem arises when an act is not just what is done:

when, similar to jokes and lies, an unfortunate remark acquires the capacity to reshuffle the correlation of actors and actions, and when, in sum, by some crucial limitation, it gives way to aggregate effects.

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