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ARTICLE

Noûs

Problems for factive accounts of assertion

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Abstract

The knowledge account of assertion construes assertion as subject to constitutive norms. In its standard version, it combines a wide scope obligation not to assert *p* without knowing *p*, with narrow scope principles specifying conditions under which it is permissible to assert *p*, where the notions of obligation and permission are duals and behave uniformly for variable *p*. It is argued that, given natural assumptions about the logic of 'ought', the account proves incoherent. The argument generalizes to accounts that substitute other factive notions for knowledge. A recent non-standard version of the knowledge account employs proposition-relative norms and circumvents the problem. However, it still leads to intolerable combinations of verdicts. Again, the problem arises because knowledge is factive, and it generalizes to other factive notions. It is shown that non-factive accounts face none of the diagnosed difficulties and can do much of the explanatory work that the knowledge account is alleged to do.

This paper argues for three claims. First, the knowledge account of assertion, made prominent by Timothy Williamson and others, faces serious problems. Secondly, structurally similar views that construe the norm of assertion in terms of a factive condition distinct from knowledge share a similar fate. Thirdly, non-factive accounts do not face comparable problems. Throughout, the knowledge account of assertion will serve as my prime example of a factive account, illustrating the problems that befall them all.

All the accounts of assertion, factive or non-factive, that will be considered here are normative in kind. Throughout, and for the purposes of argument, it will be assumed that some such normative account of assertion is correct, where any such account specifies norms, or a template for such norms, meant to be constitutive of the speech act of assertion. No efforts will be made to render this assumption plausible or to unpack the relevant notion of constitutivity (see Pagin, 2016, for a critical survey and pertinent references).

The background logic is an extension of classical propositional logic that includes the T-axiom for knowledge (factivity), the eminently plausible principle that asserting a conjunction implies asserting its conjuncts, as well as principles for alethic modality and the subjunctive conditional. The reasoning also relies in large part on a modal logic for the deontic operator 'O'. No axiomatic or semantic characterization of that logic will be provided here. It should suffice to point out that, for present purposes, nothing stronger than the normal modal system **KD** for 'O' is required.

1 | THE KNOWLEDGE ACCOUNT OF ASSERTION: STANDARD VERSION

Let 'a' be short for 'one asserts that', 'k' for 'one knows that', and 'O' for 'it ought to be the case that', where the 'ought' in question "expresses the kind of obligation characteristic of constitutive rules" for the type of act in question – in this case, assertion (Williamson, 2000, p. 241).[1] Williamson's version of the constitutive norm of assertion then takes the following form:

$$\mathrm{O}(a\varphi \supset k\varphi) \tag{1}$$

or, equivalently, '$\mathrm{O}\neg(a\varphi \wedge \neg k\varphi)$' (Williamson, 2000, p. 243; Williamson, 1996, p. 494; Reynolds, 2002, pp. 139–142; Hawthorne, 2004, p. 23; Stanley, 2005, p. 11; Engel, 2008, p. 46; for a slight variant, see Schaffer, 2008, pp. 8–10).

Williamson makes further claims about (1) that indicate what role it is supposed to play. In particular, he claims that "[a]ll other norms for assertion are the joint outcome of [(1)] and considerations not specific to assertion. If an assertion satisfies [(1)], whatever derivative norms it violates, it is correct in a salient sense" (Williamson, 2000, p. 241; Williamson, 1996, pp. 492–493). Until further notice, let us take this assumption to be part of what we here refer to as (the standard version of) the knowledge account of assertion.[2]

Given how 'O' is being understood, one might think that the latter assumption already licenses

$$k\varphi \supset \neg\mathrm{O}\neg a\varphi, \tag{2′}$$

where '$\neg\mathrm{O}\neg$' encodes a corresponding notion of permissibility. For, if there were cases in which '$k\varphi$' holds, but '$\neg\mathrm{O}\neg a\varphi$' does not, it would seem that the impermissibility of asserting the proposition expressed by φ in such cases would not yet be explained by (1). Contrapositively, it would seem that, if (1) is indeed all there is to be said about the constitutive norm(s) of assertion, no such cases should arise (Schlöder, 2018, p. 51).[3]

However, appearances are deceptive. Let φ be '$\psi \wedge \neg a\psi$'. Then, given the factivity of 'k', and given that '$a(\xi \wedge \zeta) \supset (a\xi \wedge a\zeta)$' has the status of a theorem, as it plausibly does (Schlöder 2018: 55), '$a\varphi \supset (a\varphi \wedge \neg k\varphi)$' is likewise a theorem, whence, by normal modal logic, '$\mathrm{O}\neg(a\varphi \wedge \neg k\varphi) \supset \mathrm{O}\neg a\varphi$' follows. From (1), we can accordingly derive '$\mathrm{O}\neg a\varphi$', irrespective of whether – and hence, even if – '$k\varphi$' holds. Thus, given suitable assumptions about the logic for 'a', 'k', and 'O', (1) can after all account for certain counterexamples to (2′).

But this doesn't mean that the aforementioned train of thought is entirely misguided. Cases of structural impropriety of the kind just reviewed are the exception rather than the rule. If (1) is all there is to be said about the constitutive norm(s) of assertion, then, for the reasons mentioned, the following, more guarded principle should nonetheless still hold:

$$k\varphi \supset (\Diamond a\varphi \wedge (a\varphi \mathbin{\Box\!\!\rightarrow} k\varphi) \supset \neg\mathrm{O}\neg a\varphi). \tag{2}$$

In words, if one knows p, then, insofar as it is possible for one to assert p and, were one to do so, one would still know p, it is permissible for one to assert p.[4]

Several authors endorse the stronger principle (2′) alongside (1).[5] However, in the light of the aforementioned problem cases, whose peculiar nature makes them unobvious, it is more charitable to interpret these authors as merely being committed to the weaker principle (2).

Several authors suggest that the knowledge account also includes the following principle:

$$\neg\mathrm{O}\neg a\varphi \supset k\varphi \tag{3}$$

(see, e.g., DeRose, 2002, pp. 179–180; Adler, 2002, p. 275; Engel, 2008, p. 46; Simion, 2016, p. 3042).[6] As is well known, (3) cannot straightforwardly be derived from (1) (see, e.g., McIntosh, 2020, p. 210n5). By normal modal logic, (1) at most implies '$\neg\mathrm{O}\neg a\varphi \supset \neg\mathrm{O}\neg k\varphi$' whose consequent might well hold while '$k\varphi$' does not. There is, however, a potential way of finessing matters so as to close this gap, to which I will return in section 2.

Even though (3) cannot straightforwardly be derived from (1), Williamson himself would seem to anyway assume (3) when he criticizes other views, e.g. the view that merely requires that one not assert p without reasonably believing that one knows p. He writes that in cases in which I don't know that there is snow outside because there is no snow outside, but in which I nonetheless assert that there is snow outside because I reasonably believe I know that there is snow outside, "something is wrong with my assertion" and suggests that, unlike the competing view in question, the knowledge account has "the resources to explain why we regard the false assertion itself, not just the asserter, as faulty" (Williamson, 2000, p. 262; see also Stanley, 2005, p. vi).[7]

However, it is hard to see how the knowledge account can explain this much, unless it includes (3) alongside (1) (see also Schlöder, 2018, p. 50). Thus, (1) without (3) at best implies the conditional that my assertion is faulty, if I ought not to know that there is snow outside, where the example, as described, doesn't license detachment of the consequent. The same applies to other examples of the same or similar kinds intended to show that the knowledge account explains the faultiness (impropriety, incorrectness, etc.) of an assertion where other accounts fail (see section 5).[8]

The original argument for (2) was premised on the assumption that (1) is all there is to be said about the norm(s) constitutive of assertion. If (1) is not all there is to be said, because (3) must be assumed in addition, then this argument is no longer available. However, (2) would seem to have independent plausibility – at least as long as subjects who assert p needn't meet any factive condition stronger than knowledge of p, in order for them to be in a situation in which they assert p permissibly – otherwise (1) would be an understatement. If one knows p and proceeds to assert p, where one's knowledge of p isn't lost in the process, then what would render one's assertion nonetheless improper? Even if (3) is added to the mix, it is hard to see what resources the knowledge account has to answer this question, if its answer isn't simply 'nothing'. Indeed, a number of authors openly claim that the knowledge account implies both (2) and (3) alongside (1) (Engel, 2008, p. 46; DeRose, 2002, p. 180; see also Turri, 2010, p. 80; Pagin, 2016; and the other references in footnote 5).

Given these observations, it thus seems fair to take the knowledge account, at least in its standard version, to imply (1) to (3).

2 | A PROBLEM FOR FACTIVE ACCOUNTS

The following argument shows that the combination of (1), (2), and (3) is after all inconsistent. Consider a situation s in which, for a given ψ, both '$\Diamond aa\psi \wedge (aa\psi \Box\!\!\rightarrow ka\psi)$' and the following two claims hold:

$$ka\psi \tag{4}$$

$$\neg k\psi. \tag{5}$$

Situations of this kind are clearly possible and, in fact, frequently actual. Often we know that we assert what we do without knowing that which we assert, all the while asserting that we do assert it is a possibility such that, were it to be realized, we would still know that we do assert it. For instance,

> Giuliani is not too discombobulated to know that he asserts that there was widespread voter fraud, when he does assert that there was widespread voter fraud. But he doesn't know that there was widespread voter fraud, simply because there was none. Were he to assert that he asserts that there was widespread voter fraud – which he can easily do – this wouldn't in any way deprive him of his knowledge that this is indeed what he asserts.

From (2), (4), and the assumption that '$\Diamond aa\psi \wedge (aa\psi \Box\!\!\rightarrow ka\psi)$' holds, we derive

$$\neg \mathrm{O}\neg aa\psi. \tag{6}$$

From (3) and (5), we derive

$$\mathrm{O}\neg a\psi. \tag{7}$$

Given that knowledge is factive, from (7), by normal modal logic, we derive

$$\mathrm{O}\neg ka\psi. \tag{8}$$

What is permissible is what is consistent with the conjunction of everything that ought to hold. Consequently, for any φ and ξ, '$\neg\mathrm{O}\neg\varphi$' and '$\mathrm{O}\xi$' jointly entail '$\neg\mathrm{O}\neg(\varphi \wedge \xi)$'.[9] Accordingly, (6) and (8) jointly entail

$$\neg\mathrm{O}\neg(aa\psi \wedge \neg ka\psi), \tag{9}$$

in flagrant violation of (1).[10]

It is easy to see that the argument generalizes to all views that seek to combine, for some factive context *c*, the following three principles:

$$\mathrm{O}(a\varphi \supset c\varphi) \tag{i}$$

$$c\varphi \supset (\Diamond a\varphi \wedge (a\varphi \;\Box\!\!\rightarrow c\varphi) \supset \neg\mathrm{O}\neg a\varphi) \tag{ii}$$

$$\neg\mathrm{O}\neg a\varphi \supset c\varphi. \tag{iii}$$

Thus, consider the *truth account* that construes *c* as (the, we here assume, redundant operator) 'it is true that' and accepts all three principles (cf. Weiner, 2005, p. 227; Weiner, 2007, p. 190). Assume that '$a\psi$', '$\neg\psi$', '$\Diamond aa\psi$', and '$aa\psi \;\Box\!\!\rightarrow a\psi$' all hold. Then, using (ii) and (iii), we can again derive (6) and (7), which together yield '$\neg\mathrm{O}\neg(aa\psi \wedge \neg a\psi)$', in violation of (i). In what follows, I will continue to focus on the knowledge account, though, as I consider it the most powerful factive account on the market.

One might question the availability of (8). Here is a roundabout way of doing so. As adumbrated earlier, there might after all be a strategy to try to sanction the inference from (1) to (3). The idea is to treat all facts about what one does or doesn't know as *objectively settled*, i.e. as if they were part of the background over which one has no (longer any) control and, as such, constrained the range of accessible alternatives to one's actual situation.

It is indeed natural to infer, from the fact that one morally ought not to serve *x* alcohol if *x* is underage (wide scope) that, if *x* is underage, one morally ought not to serve *x* alcohol (narrow scope) – the reason being that one has no control over what someone's age is. For any person, it is objectively settled what age they are. Thus, in all accessible alternatives to the actual situation that one could bring about, *x* will still be the age they actually are. Arguably, for any deontic operator 'O' (of any given flavour), for any φ, and any situation (or context) *s* centred on an agent α, '$\mathrm{O}\varphi$' holds in *s* just if φ holds in the deontically best among the situations accessible from *s*, where ('deontically' is of the relevant flavour and) a situation s^* is accessible from *s* only if it is the case in *s* that α could bring about s^*. So, arguably, where 'O' is an operator for the moral *ought*, if *x* is underage in *s*, 'O(*x* is underage)' will be true in *s* – the infelicitousness of saying so notwithstanding (Prakken & Sergot, 1997, p. 241; cf. also Kratzer, 1977 and 1981; von Fintel, 2012).[11]

Accordingly, if facts about what one does or doesn't know are treated as if they were, like facts about someone's age, facts over which one has no (longer any) control, then, arguably, on the presently relevant interpretation of 'O', if '$\neg k\varphi$' holds in *s*, so does '$\mathrm{O}\neg k\varphi$', and if '$k\varphi$' holds in *s*, so does '$\mathrm{O}k\varphi$' – the infelicitousness of saying so notwithstanding. The aforementioned gap will then be closed and (3) will after all be derivable from (1).[12]

But, then, by the same token, from (4), we can now derive

$$\mathrm{O}ka\psi. \tag{10}$$

Since '$\mathrm{O}\varphi$' entails '$\neg\mathrm{O}\neg\varphi$', (8) then fails and the aforementioned argument founders.[13]

The appearance that this is of any help is deceptive, though. For, given the factivity of '*k*', one cannot hold facts about one's knowledge fixed, without also holding the facts that one knows fixed. Accordingly, by parity of reasoning,

$$\mathrm{O}a\psi \tag{11}$$

likewise holds. Since '$\mathrm{O}\varphi$' entails '$\neg\mathrm{O}\neg\varphi$', (11) contradicts (7). Hence, given (5), (11) violates (3). According to the proposal under present scrutiny, (1) entails (3), whence, given (5), it follows that (11) also violates (1).[14,15]

3 | THE KNOWLEDGE ACCOUNT OF ASSERTION: NON-STANDARD VERSION

One gut reaction to the argument just stated might be to put the blame on (2). We already saw that we had reason to replace (2′) by the weaker (2). Perhaps, the argument merely shows that, in the light of (1) and (3), (2) must be replaced by something weaker still – if we don't forego formulation of any sufficient condition for assertoric propriety altogether. But this riposte is hardly convincing. The argument can indeed be construed as showing that, given (1) and (3), (2) has counterexamples. But, then, it can equally well be construed as showing that, given (2) and (3), (1) has counterexamples, or that, given (1) and (2), (3) has counterexamples. The fact that (2) comes with an in-built proviso doesn't single it out as the culprit. Perhaps the other principles should be weakened instead.

Indeed, given the motivations for the knowledge account (see section 5), there is no clear answer to the question of why, if '$ka\psi$' holds and, moreover, '$\Diamond aa\psi \wedge (aa\psi \mathbin{\Box\!\!\rightarrow} ka\psi)$' holds, one's assertion of '$a\psi$', were one to make it, should be subject to any criticism as far as the constitutive norm(s) of assertion go(es). Why, for instance, if Giuliani knows that he asserts that there was widespread voter fraud, would his assertion that this is indeed what he asserts, were he to make it, be improper? Why should the mere fact that he doesn't know that there was widespread voter fraud debar him from permissibly reporting the known autobiographical fact that this is indeed what he asserts? No clear answer seems forthcoming. And yet, given the circumstances, the propriety of his report implies that (1) and (3) cannot both be correct.

This and the following observation motivate a different type of reply. Given the factivity of knowledge, any situation in which (4) and (5) both hold is a situation that violates (1) *to the extent that and because*, in such a situation, one asserts the proposition expressed by ψ although one doesn't know that proposition. While one would still violate (1) for this same reason, were one in addition to assert the distinct proposition expressed by '$a\psi$', (1) would not then be violated twice over – that is to say, (1) would not then, in addition, be violated *to the extent that and because*, by asserting the proposition expressed by '$a\psi$', one would assert a proposition that one doesn't know. For, in such a situation, one would continue to know the proposition expressed by '$a\psi$' – even if, remaining ignorant of the proposition expressed by ψ, one would thereby know something that, under the circumstances, implied a violation of (1).

One might therefore hope to distinguish a sense in which it is permissible for one to assert the proposition expressed by '$a\psi$' that is untethered from the constraint that *it still be permissible for one to do so* under conditions under which one refrains from asserting the proposition expressed by ψ and so behaves flawlessly. As argued, this is not a sense readily captured by use of the deontic operator 'O', as long as the thought hasn't been dislodged that, on the intended interpretation of 'O', the inference from '$\neg\mathrm{O}\neg\varphi$' and '$\mathrm{O}\xi$' to '$\neg\mathrm{O}\neg(\varphi \wedge \xi)$' is valid (see footnote 9). What we would seem to need instead is a means of expressing notions of the permissibility to assert *that are* *relativized to the propositions whose assertion is in question*. To the extent that 'O' is intended to express a single normative modality underwriting a normal modal logic for it, (1) to (3) fail to employ such relativized notions and, in the light of the foregoing, might accordingly be deemed too blunt a tool for expressing the knowledge account of assertion.

In a recent paper, Timothy Williamson explores such relativized notions of permissibility (Williamson, forthcoming). Although his concern is primarily with norms of belief, the framework he proposes is meant to be perfectly general. Adapting it to the present case of assertion, we proceed from the general injunction

No asserting p without knowing p , **R**

whose import we characterize by laying down the non-modal conditions under which one complies with it: for any p and any situation s, in s, one complies with **R** as far as p is concerned if and only if, in s, one asserts p only if one knows p. We abbreviate formulation of the latter condition to '$comp_s(p)$', leaving reference to **R** implicit, here and henceforth.

This non-modal characterization of the import of **R** can now be used to define, for any p, a notion of **R**-permissibility relativized to p (where situations continue being taken to be centred on the agent in question):

'It is permitted$_p$ that φ' is true in s iff for some situation s^* such that $\langle s^*, p\rangle$ is contextually relevant to $\langle s, p\rangle$ and $comp_{s^*}(p)$, φ is true in s^*. (I)

Williamson then interprets 'It is permissible for one to assert p' as 'It is permitted$_p$ that one asserts p' and, correspondingly, 'It is impermissible for one to assert p' as 'It is not permitted$_p$ that one asserts p'. This is rather sensible, as we ultimately need an answer to the question of whether, in a given situation, it is *outright* **R**-permissible for one to assert p – and not just whether asserting p is **R**-permissible in some relativized sense but not in others. Accordingly, we have

'It is permissible for one to assert p' is true in s iff 'It is permitted$_p$ that one asserts p' is true in s. (II)

Williamson introduces proposition-relative notions of norm-compliance and permissibility primarily in order to handle situations like the one in which one both knows and asserts the proposition <*There is some proposition that I assert but do not know*>.[16] Let p be that proposition. Given **R**, it might intuitively seem permissible for one to assert p in a situation of that type, although any such situation involves a violation of **R** *elsewhere*. Accordingly, *if* the permissibility of asserting p was understood to depend on there being a contextually relevant situation in which one asserts p *and complies with **R** tout court*, we couldn't heed that intuition.

Arguably, the framework is similarly suited to handle the situation s in which both (4) and (5) hold. For, given (I) and (II), we can now no longer infer from the fact that, in s, it is permissible for one to assert the proposition expressed by '$a\psi$' – let that now be our p – that it be permissible for one to do so under conditions under which one behaves as one should behave in s and thus no longer asserts the proposition expressed by ψ – let that now be our q. For, arguably, although one doesn't know q in s, it is no constraint on contextual relevance that, for any s^*, $\langle s^*, p\rangle$ is contextually relevant to $\langle s, p\rangle$, only if, in s^*, one complies with **R** by not asserting q. If no such constraint is in place, there is no evident reason to deny that, in s, it is permissible for one to assert p. In order for the latter to be permissible, it suffices that there be at least one contextually relevant $\langle s', p\rangle$ such that, in s', one both asserts and knows p – and so still asserts q.

This response is premised on specific assumptions about what is contextually relevant to a given situation-proposition pair.[17] Pending any clear criteria for contextual relevance, we cannot be certain that those assumptions can be redeemed in all situations of the type s exemplifies and in which, intuitively, it is proper to assert p. Without such criteria being provided, we are therefore at best faced with the skeleton of a theory.

However, in what follows, let us simply presuppose that some suitable, and suitably systematic, story can be told about the way in which it is determined, for each situation-proposition pair, what situation-proposition pairs count as contextually relevant – where this story is favourable to the non-standard version of the knowledge account of assertion.

4 | A PROBLEM FOR THE NON-STANDARD ACCOUNT

Consider now the following case:

> Trump knows enough about his own compulsive behaviour to know *that, if anyone in his vicinity uses Biden's name, he, Trump, will assert that the election was stolen*. So, in fact, does his legal team who are therefore cautious enough to instruct all staff members not to mention Biden's name in Trump's vicinity.
>
> Let p be the proposition known, and let q be the proposition *that the election was stolen*. Since Trump knows p, the knowledge account should imply that it is permissible for Trump to assert p. By contrast, Trump doesn't know q – in fact, deep down, he knows q to be false – and so, given the knowledge account, it should be impermissible for Trump to assert q.
>
> If Trump goes on to assert p, he will *eo ipso* use Biden's name, and since Trump is in Trump's vicinity, if p remains true, he will assert, falsely, that the election was stolen, i.e. q. Consequently, if it is permissible for Trump to assert p in circumstances in which he knows p, all the while he doesn't know q because q is false, then Trump is *eo ipso* permitted to do something, x, which, under those circumstances, suffices for his doing something impermissible, y, the doing of which he himself could have avoided, under those very circumstances, by keeping his mouth shut and refraining from doing x.

This case is interestingly different from the kind of case that Williamson originally introduced (I) and (II) to handle. For, if one already knows the proposition <*There is some proposition I assert but do not know*>, then, if one goes on to assert it under such circumstances, its truth under those circumstances in no way depends on, or results from, one's asserting it. The wrong done elsewhere is done whether one avows it or not. The same holds, *mutatis mutandis*, for the proposition <*I assert that there was widespread voter fraud without knowing that there was*>. By contrast, by asserting p, and hence using Biden's name, under circumstances under which Trump knows p while q is false, Trump's assertion will make a crucial difference as to whether any wrong is done elsewhere, *viz*. by making a difference as to whether he asserts q. It is *prima facie* hard to see how one might be permitted to do something that, under known circumstances, is guaranteed to bring about a state of affairs that is itself an impermissible one.

However, as the astute reader will have noticed, given (I) and (II), the outright permissibility of Trump's asserting p at most implies that Trump is *permitted*$_p$ to assert q – and not that it is outright permissible for him to assert q. There accordingly seems to be no incoherence involved, between the outright permissibility of Trump's asserting p and the outright impermissibility of his asserting q.

That norms of one kind permit what other norms forbid is a familiar phenomenon. For instance, something may be legally permitted – i.e. permitted as far as the law goes – and yet be forbidden by common decency. Similarly, then, asserting q may be permitted$_p$ – i.e. permitted as far as the requirements on the propriety of asserting p go – and yet not be permitted$_q$ – i.e. forbidden as far as the requirements on the propriety of asserting q go.

One difference between the more familiar cases in which norms of different flavour – legal, moral, etc. – sanction different verdicts, on the one hand, and the case under present consideration, on the other, is that all the proposition-relative norms of assertion that (I) and (II) help generate are still of the same flavour – they are all norms of **R**-permissibility. Still, even if they share their flavour, these proposition-relative norms of assertion are distinct norms.[18] For, given (II), compliance with the q-relative norm of assertion is *decisive* for whether asserting q is outright permissible, whereas compliance with the p-relative norm is not. Accordingly, the case at hand is one in which it is outright forbidden to do something, insofar as doing it would violate norms decisive for its propriety, while it nonetheless remains permitted by norms that are not decisive for its propriety. Such cases, if less familiar, still make perfect sense, insofar as prohibitions rooted in one set of considerations may take precedence over permissions rooted in another.

By contrast, what we should be suspicious of is the suggestion that there are likewise cases in which something *is outright permissible*, in that it meets all the requirements decisive for its propriety, *but nonetheless violates some requirements of the same general flavour*. For instance, something may be legally permitted by federal law while nonetheless being legally forbidden by state law, so that it remains legally forbidden overall – at least as long as perpetrated in the state in question. But how can something be legally permitted overall and yet nonetheless be legally forbidden by state law or federal law or any other sector of the law?

On factive accounts, it is easy to convert the Trump-example into a case of precisely this problematic sort. Say that one asserts p *truly* if and only if one asserts p under circumstances under which p is true. It already follows from (I) and (II) that, if it is outright permissible for one to assert p, it is permitted$_p$ that one asserts p truly. But it is hard to see how, on any factive account of norm(s) of assertion, the following, stronger principle can sensibly be denied:

If 'It is permissible for one to assert p' is true in s, then 'It is permissible for one to assert p truly' is true in s. (III)

If this diagnosis is correct, as I submit it is, and if the non-standard version of the knowledge account is likewise correct, then, given our present choice of p, if it is outright permissible for Trump to assert p, it is outright permissible for him to do the following: assert p under circumstances under which p is true. But, given our present choice of q and given (I), he is not permitted$_q$ to do the latter: if we let s be Trump's situation in which he doesn't know q, then, on any reasonable construal of contextual relevance that still has the consequence that it is impermissible for Trump to assert q in s, for every situation s^* centred on Trump such that both $\langle s^*, q\rangle$ is contextually relevant to $\langle s, q\rangle$ and $comp_{s^*}(q)$, 'Trump asserts p truly' is false in s^*.

It might be suggested that this isn't as bad a result as I make it out to be. Let v be the proposition <*There was widespread voter fraud*> and let w be the proposition <*I assert v although v is false*>. Assume that, in one's situation, one knows w. Then, given the knowledge account, it is outright permissible for one to assert w truly, but not permitted$_v$ that one asserts w truly, simply because it is not permitted$_v$ that w be true. Is this outcome – *viz.* that something outright **R**-permissible nonetheless falls short of being **R**-perfect – really so counterintuitive? And if it isn't, doesn't the same verdict apply to Trump's case? Perhaps the analogy with legal cases isn't so compelling after all, given only that what federal law regulates never relates to what state law regulates as factive attitudes, or acts, relate to what their contents imply.

The generalization of any such diagnosis to Trump's case should be resisted. The crucial difference, as noted earlier, is that in relation to the knowledgeable assertion of w, the violation of the norm of permissibility$_v$ – and hence of **R** – that the truth of w implies is a *fait accompli* which not asserting w is not even in principle a means to avert. By contrast, no violation of **R** – and *a fortiori* no violation of any norm of permissibility$_q$ – is implied by the truth of p alone; and even if the truth of p is considered a *fait accompli* in relation to its assertion, Trump can still in principle avert violation of the norm of permissibility$_q$ – and hence of **R** – by keeping his mouth shut and refraining from asserting p.

I submit that this, in conjunction with the fact that Trump is not permitted$_q$ to assert p truly, renders it unacceptable to assume that it is outright permissible for Trump to assert p truly – even, that is, if a case could be made, along the lines suggested, that it is outright permissible for one to assert w truly in situations in which one knows w. Given (III), the same verdict then applies to any outright permission for Trump to assert p. But, ad hoc constraints on what's contextually relevant aside, (I) and (II) imply that there *is* such an outright permission. That it cannot rule out cases such as this betrays a structural weakness of the non-standard version of the knowledge account: it fragments norm-compliance in unacceptable ways. Again, the problem generalizes to other factive accounts that replace **R** by their preferred injunction, construe (I) and (II) accordingly, and anyway endorse (III).

5 | A NON-FACTIVE ACCOUNT

At this stage, it is worthwhile reminding ourselves of how we got ourselves into this predicament in the first place. The diversification into proposition-relative norms of assertion was here introduced as part of a strategy to cope with the problem we identified earlier, *viz.* that factive accounts that use a single, unrelativized normative modality face trouble, once they seek to combine a wide scope obligation with corresponding principles respectively specifying necessary conditions and sufficient conditions for narrow scope permissions. For, the latter principles prove inconsistent with the former. The latter principles were needed to ensure both that the account is, in some pertinent sense, complete and that it can benefit from intuitions about the faultiness of assertions rather than the impermissibility of certain types of situations in which such assertions occur. Proposition-relative notions of permissibility promised to restore consistency. However, they still gave rise to an intolerable kind of incoherence, *viz.* between outright **R**-permissions to assert and relativized **R**-prohibitions to assert.

We may now ask whether non-factive accounts fare any better in those regards. If not, then we face a puzzle: if not even non-factive accounts can escape the problems identified, the whole idea of providing constitutive norms for assertion seems jeopardized, unless we give such accounts an altogether different structure. The good news is that there are non-factive accounts, still of the same original structure, that are immune to those problems.

The non-factive account that I will use as an example is one that I have explored elsewhere and that, in addition to the notions of knowledge and negation, employs the factive notion of one's being in a position to know – a notion that we express by means of 'K' ('one is in a position to know that') (Rosenkranz, 2021, pp. 164–166). Thus, let us return to the modal characterization of unrelativized permissibility, as the dual of the notion of obligation used to articulate the corresponding wide scope obligation, and lay down

$$\mathrm{O}(a\varphi \supset \neg K \neg k\varphi) \tag{1*}$$

$$\neg K \neg k\varphi \supset (\Diamond a\varphi \wedge (a\varphi \;\Box\!\!\rightarrow \neg K \neg k\varphi) \supset \neg \mathrm{O} \neg a\varphi) \tag{2*}$$

$$\neg \mathrm{O} \neg a\varphi \supset \neg K \neg k\varphi, \tag{3*}$$

where, as before, we assume the logic for 'O' to be normal. In words, one ought to see to it that one doesn't assert p while being in a position to know that one doesn't know p; one is permitted to assert p if one is in no such position, can assert p, and, were one to do so, would remain to be in no such position; and, lastly, one is permitted to assert p, only if one is indeed in no such position. The complex operator '$\neg K \neg k$' is clearly non-factive: one may be in no position to know that one doesn't know p, while p is in fact false. Since 'K', by contrast, is factive, '$k\varphi$' entails '$\neg K \neg k\varphi$'.

A situation analogous to the one discussed in section 2 would then be one in which both '$\Diamond aa\psi \wedge (aa\psi \;\Box\!\!\rightarrow \neg K \neg ka\psi)$' and the following two claims hold:

$$\neg K \neg ka\psi \tag{4*}$$

$$K \neg k\psi. \tag{5*}$$

From (2*), (4*), and the assumption that '$\Diamond aa\psi \wedge (aa\psi \;\Box\!\!\rightarrow \neg K \neg ka\psi)$' holds, we derive

$$\neg \mathrm{O} \neg aa\psi. \tag{6}$$

From (3*) and (5*), we derive

$$\mathrm{O} \neg a\psi. \tag{7}$$

Together, (6) and (7) still entail '$\neg \mathrm{O} \neg (aa\psi \wedge \neg a\psi)$'. But this evidently doesn't suffice to establish any tension with (1*) – let alone to refute (1*). Accordingly, the present account doesn't face any comparable problem.[19,20]

What about the Trump-case? There is no pressure on proponents of non-factive accounts, like the one presented here, to accept (III). Accordingly, even if Trump knows p – i.e. the proposition *<If anyone in my vicinity uses Biden's name, I will assert that the election was stolen>* – and so is in no position to know that he doesn't know p, and even if he could easily assert p while continuing to be in no such position, we cannot use (2*) to infer that it is permissible for Trump to assert p *truly*. All we can infer is that it is permissible for Trump to assert p.

To the extent that contradictions are *a fortiori* impermissible, and the inference from '$\neg O \neg \varphi$' and '$O\xi$' to '$\neg O \neg (\varphi \wedge \xi)$' is valid (see footnote 9), we can in fact derive that it is impermissible for Trump to assert p *truly*: his asserting p under circumstances under which p is true entails his asserting q – i.e. <*The election was stolen*> – which, given that he is in a position to know that he doesn't know q, is something that, according to (3*), he ought not to do. By contrast, his asserting p under circumstances under which p is false doesn't entail his asserting q and it doesn't entail any other wrongdoing either, as long as he continues to be in no position to know that he doesn't know p. Consequently, the account's implication that it is permissible for Trump to assert p has no untoward consequences.[21]

Naturally, these features of the present account provide insufficient reason to endorse it. Let me therefore close by showing how this non-factive account fares in the light of the arguments typically advanced in favour of the knowledge account of assertion – more specifically, in favour of (3). There are four prominent such arguments all of which purport to show that (3) is singularly well-suited to account for certain types of phenomena (cf. footnote 8).

First, we tend to reject the assertion that one's lottery ticket didn't win as improper in contexts in which one knows the lottery to be fair and to have more than one ticket but only one winner, and in which the result of the draw has not yet been announced (Williamson, 2000, pp. 246–252). Knowledge is known to imply safety from error. Given that, under the circumstances, one is in a position to know that the possibility that one's ticket will win is as easy a possibility as the possibility that it will lose, (3*) explains this tendency just as well (Rosenkranz, 2021, pp. 141–144).

Secondly, Moorean propositions of the form '$\varphi \wedge \neg k\varphi$' count as unassertible (Williamson, 2000, pp. 253–254). Again, since we are in a position to figure out that it is impossible to know propositions of that form (Fitch, 1963), (3*) explains this phenomenon equally well (Rosenkranz, 2021, pp. 88–91, 243–251).

Thirdly, it is often appropriate to challenge someone who asserts a given p by asking 'How do you know?' (Williamson, 2000, pp. 252–253). Since it would be too strong to demand that it be *demonstrated* that one knows p, whenever such a challenge is appropriately posed, providing evidence for p that, for all that one is in a position to know, confers knowledge of p will do. (3*) predicts that it often is appropriate for the asserter to be asked to provide such evidence.

Fourthly, and relatedly, we expect an asserter to retract their assertion of p once they learn that they don't know p and didn't know p when asserting p. There are two different cases to consider: one learns that p is false, or one merely learns that, even if p is in fact true, one anyway doesn't know p and didn't know it when asserting it. The appropriateness of the concession 'With hindsight, I shouldn't have asserted what I did' in either type of case doesn't imply the appropriateness of the concession 'It was impermissible for me to assert what I did when asserting it' in those cases. As long as one wasn't already in a position to know that one didn't know p when asserting p, it at best implies the appropriateness of the concession that one's assertion was *unsuccessful*. To the extent, namely, that one's sincere assertions aspire to avow only what one knows, it is appropriate to admit one's failure when it turns out that one didn't know that which one asserted when asserting it. One may describe this as a case in which one admits that one's assertion was faulty. But, then, not every way of being faulty has normative import – just as not every evaluation implies an injunction. It would, for instance, be inappropriate to infer from the fact that one's attempt was unsuccessful that one had no permission to try (Marsili, 2018; Rosenkranz, 2021, p. 161). Accordingly, it is unclear whether there is here anything outstanding that an account of the *norm(s)* of assertion still must explain. Since one knows only if one is in a position to know, the non-factive account can still explain why, once one learns that p is false or that one doesn't know p to the present day, it would be impermissible to stand by one's earlier assertion or to continue asserting p.[22]

ENDNOTES

[1] Williamson uses 'must' where we use 'ought', but this difference in formulation will be immaterial in what follows; see Schaffer (2008, p. 8) for the formulation in terms of 'ought'. See also footnotes 5 and 6 below.

[2] Keith DeRose considers this assumption as something that proponents of the knowledge account can do without. However, he anyway accepts (2) below, which this assumption is here temporarily being invoked to sanction (DeRose, 2002, pp. 180, 199; see also footnote 5 below).

[3] In his version of the argument, Julian Schlöder focuses on the thesis that (3) below, rather than (1), is all there is to be said about the constitutive norm(s) of assertion. But, as Jonny McIntosh (2020, p. 212) highlights, if Schlöder's argument works for (3), it also works for (1). McIntosh doesn't buy the present argument on the grounds that "[a]n assertion may conform to the knowledge norm and nevertheless be impermissible, not because it violates some other *norm of assertion*, but because it violates some *nonassertoric* norm, that is, a norm, such as a norm of politeness, that is not a norm of assertion" (McIntosh, 2020, p. 212; emphases in the original). This ignores the restricted reading of '(im)permissible' that Schlöder and I presuppose – and that is congenial to Williamson's own elucidation of the relevant modal used in (1) that was quoted above: what's at issue here is whether, if one knows p, one's asserting p might nonetheless be *impermissible as far as the norms constitutive of assertion go*.

[4] While '$\Diamond\xi$' is true in situation s iff some ξ-situation is accessible from s, the subjunctive conditional '$\xi \mathrel{\Box\!\!\rightarrow} \zeta$' is true in s iff either there is no ξ-situation accessible from s, or there is at least one such situation s^* such that, for every ξ-situation s^{**} accessible from s and at least as close to s as s^* is to s, s^{**} is also a ζ-situation (cf. Lewis, 1986, p. 16).

[5] DeRose writes that "the knowledge account of assertion says that one is positioned well enough to assert that p iff one knows that p" and accepts the account as so characterized (DeRose, 2002, p. 180). Pascal Engel endorses the claim that "an assertion that p is correct if and only [if] the speaker knows that p" (Engel, 2008, p. 46). John Hawthorne writes that "it may be arguable that knowledge suffices for epistemic correctness", where epistemic correctness is one of the "aspects of propriety" of an assertion (Hawthorne, 2004, p. 23n58). Mona Simion argues for the claim that "knowledge is [...] sufficient for epistemically proper assertion" (Simion, 2016, p. 3042). Steven Reynolds asks "what epistemic relation to [the proposition that] p is good enough to make it permissible to assert that p?" and then proceeds to argue for the answer that knowledge is (Reynolds, 2002, p. 140). In what follows, the differences between what it is permissible for one to assert in the sense characteristic of constitutive rules, what one is well enough positioned to assert, what it is correct for one to assert, what it is epistemically correct for one to assert, what it is epistemically proper for one to assert, and what is such that one stands in an epistemic relation to it good enough to permit asserting it, won't matter, as long as the modal operator 'O' used is interpreted uniformly throughout.

[6] See the relevant passages in DeRose (2002, p. 180) and Engel (2008, p. 46) quoted in footnote 5. Jonathan Adler writes that "[a]ssertions are proper only if the speaker knows what he asserts" (Adler, 2002, p. 275). Simion would likewise seem to be sympathetic to the view that "one is in a good enough position to make an epistemically proper assertion that p only if one knows that p" (Simion, 2016, p. 3042). Again, I presume that the differences in formulation do not bar capture of what these authors intend to say in uniform ways using 'O'.

[7] It should already be flagged here that not all ways for an assertion to be faulty need to imply the appropriateness of the injunction that it ought not to have been made (Marsili, 2018; Rosenkranz, 2021, p. 161); see section 5.

[8] In his reply to Schlöder (2018), McIntosh tries to establish that (1) alone can already do all the required explanatory work. Observing that '$a\varphi$' and '$(a\varphi \wedge k\varphi) \vee (a\varphi \wedge \neg k\varphi)$' are logically equivalent, and assuming that a given speaker asserts p, he reasons as follows: "we are in either of two cases: either the speaker asserts [p] and knows [p] or she asserts [p] and does not know [p]. [...] [I]t follows [from (1)] that, if the speaker does not know [p], so that we are in the second case, she has done something impermissible [...]. In short, if knowledge is a norm of assertion, and the thesis that knowledge is a norm of assertion is formalized by [(1)], then knowing something is a necessary condition on doing something permissible in asserting it" (McIntosh, 2020, p. 208). It is hard not to read the conclusion as being of the same form as (3). If the conclusion is indeed meant to be of that form, then McIntosh here in effect purports to show that (3) follows from (1). But, by his own admission, it doesn't

(McIntosh, 2020, p. 210n5). (1) without (3) at best yields that *the permissibility of knowing something* is a necessary condition on the permissibility of asserting it (see, however, section 2 for an attempt to derive (3) from (1)). If McIntosh's conclusion is not meant to be of that form, then *doing something permissible in asserting p* must be relevantly different from *permissibly asserting p*. If all we have to go on is (1), then the permissible thing, if any, that one does 'in asserting p' is to both assert and know p. Trivially, that one know p is a neccessary condition for doing *that*; if one doesn't know p, one doesn't do that; and whatever one then does 'in asserting p' will be something impermissible, *viz.* to both assert and not know p. But it still doesn't follow that it is one's assertion of p that then is at fault; yet, typical arguments, like the one rehearsed above, that are intended to demonstrate the explanatory advantages of the knowledge account assume that it is. So (3) is after all needed (see section 5).

9 Let C be the conjunction of everything that (in s) ought to hold. Then, '$\neg O \neg \varphi$' holds (in s) iff φ is consistent with C. If '$O\xi$' holds (in s), ξ is entailed by C. Consequently, if '$\neg O \neg \varphi$' and '$O\xi$' both hold (in s), so does '$\neg O \neg(\varphi \wedge \xi)$'. For, if φ is consistent with C and ξ is entailed by C, then '$\varphi \wedge \xi$', too, is consistent with C.

10 Pascal Engel writes that "an assertion that p is correct if and only [if] the speaker knows that p, *hence obeys the prescription* [(1)]" (Engel, 2008, p. 46, emphasis added). Peter Pagin (2016) calls the conjunction of (2′) and (3) "a biconditional strengthening" of (1). If the argument given here is sound, neither of these claims is correct.

11 According to Kai von Fintel, an utterance of '$O\varphi$', made in s, is felicitous, only if the situations accessible from s include situations in which φ doesn't hold (von Fintel, 2012; see footnote 13 below).

12 Assume that '$\neg k\varphi$' holds (in s). Then, according to the present proposal, it follows that '$O\neg k\varphi$' holds (in s). For *reductio* assume that '$\neg O \neg a\varphi$' holds (in s). Then it follows that '$\neg O \neg(a\varphi \wedge \neg k\varphi)$' holds (in s), contradicting (1). Hence, if (1) holds, so does (3). Note that the envisaged manoeuvre would also take the sting out of Schlöder's proof of '$\neg O \neg k\varphi \supset k\varphi$' (Schlöder, 2018, p. 53).

13 Von Fintel (2012) suggests that an utterance of '$O\varphi$', made in s, is (not merely infelicitous but) "semantically defective" whenever φ holds in all the situations accessible from s. If being semantically defective is incompatible with being true, then the present proposal must after all be rejected; if it isn't, then, for all that has been said, (10) may stand.

14 Schlöder (2018, p. 55) shows that, if (3) is itself mandated as far as the norm(s) of assertion go(es), so that '$O(\neg O \neg a\varphi \supset k\varphi)$' holds, then, provided that '$a(\varphi \wedge \xi) \supset (a\varphi \wedge a\xi)$' has the status of a theorem, the combination of (2′) and (3) allows us to derive, by normal modal logic, that it is permissible to do the impermissible. His example is a situation in which one knows the conjunction of p and the proposition that one doesn't (ever) assert p. We have already argued that, in the light of (1), such conjunctions independently show (2′) to be too strong, without any need for the controversial assumption that (3) is itself mandated by the constitutive norm(s) of assertion.

15 Even if (7) could somehow be retained alongside (10), the trouble won't go away. For, even if 'O' isn't closed under logical consequence, it remains plausible to assume that, for any φ and ξ, if both '$O\varphi$' and '$O\xi$' hold (in s), so does '$O(\varphi \wedge \xi)$'. If so, (7) and (10) jointly entail

$$O(ka\psi \wedge \neg a\psi). \tag{12}$$

Given the factivity of knowledge, (12) is as bad as

$$O\bot, \tag{13}$$

which would certainly be too high a price to pay for salvaging the knowledge account from refutation.

16 Since 'I' is an indexical, it would be more accurate to replace 'the proposition <*There is some proposition that I assert but do not know*>' by 'the proposition expressed by one's use of the sentence 'There is some proposition that I assert but do not know''. I will ignore this type of complication here and in what follows.

17 By contrast, the non-standard account is able to explain why it is impermissible to assert any proposition of the form '$\psi \wedge \neg a\psi$' irrespective of any assumptions about contextual relevance.

18 If claims about what is permitted$_p$ had no normative import, (II) would arguably fail.

19 A violation of (1*) would be a case in which both '$\neg O \neg a\varphi$' and '$OK\neg k\varphi$' hold. '$OK\neg k\varphi$' could be derived from (2*), using normal modal logic, if '$OO\neg a\varphi$' was available as a further premise. But, given how 'O' is here being understood, there is no reason to presume that the premise is ever available alongside '$\neg O \neg a\varphi$'.

[20] Does the proposed account have the wherewithal to show that asserting propositions of the form '$\psi \wedge \neg a\psi$' is impermissible? It does, provided that we can assume that '$\neg K\neg k$' distributes across conjunction and that, if one asserts p, one is at least in a position to know that it might be p that one is asserting, i.e. that '$a\xi \supset K\neg k\neg a\xi$' holds. Thus, assume '$a(\psi \wedge \neg a\psi)$'. This entails both '$a\psi$' and '$a\neg a\psi$'. Given that 'O' behaves normally, accordingly, '$\neg O\neg a(\psi \wedge \neg a\psi) \supset \neg O\neg a\neg a\psi$' holds and so, by (3*), '$\neg O\neg a(\psi \wedge \neg a\psi) \supset \neg K\neg k\neg a\psi$' holds. By the aforementioned principle governing 'a', from the latter and '$a\psi$', '$O\neg a(\psi \wedge \neg a\psi)$' follows. So, whenever one asserts propositions of the form '$\psi \wedge \neg a\psi$', one does something that is, according to (3*), impermissible. To the extent that '$\neg K\neg k$' distributes across conjunction, it likewise follows that, were one to assert '$\psi \wedge \neg a\psi$', '$K\neg k(\psi \wedge \neg a\psi)$' would hold (because, as just shown, '$K\neg k\neg a\psi$' would hold). Accordingly, the previous result also coheres with (2*). Both principles, i.e. '$a\xi \supset K\neg k\neg a\xi$' and '$\neg K\neg k(\xi \wedge \zeta) \supset \neg K\neg k\xi \wedge \neg K\neg k\zeta$', even if plausible, evidently still stand in need of defence; no attempt will here be made to provide such a defence (however, see Rosenkranz, 2021, pp. 60-62, 86-87, for considerations in favour of the second of these principles).

[21] By contrast, given their commitment to (III), all standard and non-standard versions of factive accounts will have to grapple with Trump's case.

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