Philosophical Papers

ISSN: 0556-8641 (Print) 1996-8523 (Online) Journal homepage: www.tandfonline.com/journals/rppa20

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To cite this article: Aldo Frigerio (12 Feb 2026): A Speech-Act Perspective on the Rules of Assertion, Philosophical Papers, DOI: 10.1080/05568641.2026.2618276

To link to this article: https://doi.org/10.1080/05568641.2026.2618276

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Published online: 12 Feb 2026.

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A Speech-Act Perspective on the Rules of Assertion

Aldo Frigerio

Abstract: Philosophical debates on assertion norms advance different rules for when assertions count as proper or warranted. In this paper, I show that in order to resolve these debates, engagement with speech act theory can be fruitful. In particular, a speech act may be infelicitous or 'unhappy' for different and mutually independent reasons. Specifically, an assertion may be defective either for reasons concerning the epistemic position of the speaker, or for reasons concerning the state of the world. The speaker may be held responsible for the former but not for the latter. The same distinction also applies to other speech acts. If all participants in the debate were to acknowledge that an assertion may be improper for different reasons, the discussion would lose its rationale.

When is an assertion proper or warranted *qua* assertion? What are the norms governing assertion? What should a speaker do when asserting something? In the literature, there are three main theories that address these questions:

(KN) Knowledge norm: You should assert p only if you know p (Williamson 1996; DeRose 2002)

(JN) Justification norm: You should assert p only if your belief that p is justified (Douven 2006; Lackey 2007)

(TN) Truth norm: You should assert p only if p is true (Weiner 2005; Whiting 2013)[1]

1 This is not an exhaustive classification. For instance, another theory appeals the sincerity norm (Hindriks 2007; Bach 2010), according to which one should assert p only if one believes p. However, proponents of this position often argue that a belief is proper only when it is true and justified. Thus, *indirectly*, they end up deriving knowledge norm (KN) from the sincerity norm. Other scholars have proposed even more stringent norms than KN. For example, García-Carpintero (2004) argues that one should assert p only if the addressee thereby comes to be in a position to know that p, and Turri (2011) asserts that not only must p be asserted only if one knows p but also that the assertion must express the knowledge of the

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Routledge Taylor & Francis Group

ISSN 0556-8641 print/ISSN 1996-8523 online
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DOI: 10.1080/05568641.2026.2618276
http://www.tandfonline.com

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Participants in this debate usually do not relate the concepts of *proper* or *warranted* to the notion of *felicity* of speech acts. However, I believe such a concept could shed light on this controversy. In this paper I seek to show that the debate originates from the fact that its participants have focused on two different aspects that the speech act of assertion must possess in order to be considered successful: (1) the speaker must be sincere, and his or her beliefs must be based on sufficiently reliable sources; (2) what the speaker asserts must be true. Condition (1) is subjective in the sense that it depends on the responsibility of the speaker. It is indeed their responsibility to be sincere and to ground their knowledge only on sources that are acknowledged as reliable. Condition (2), by contrast, is objective and depends on how things stand in the world. As I shall show, the two conditions are independent in the sense that one may obtain without the other. This distinction was suggested to me by what Austin says concerning the felicity of speech acts. In my interpretation of Austin's text, the term 'felicitous' is used for everything that a speaker can do in order for their act to be successful. However, Austin states that speech acts can be defective for other reasons, beyond those he encompasses under the concept of *felicity*. Regarding assertion, these reasons coincide precisely with the worldly side of norms. These different notions of appropriateness are both legitimate, and therefore all participants in the debate have their share of reason. However, all participants in the debate are also mistaken in insisting that the norm of assertion they propose is the only norm and that assertions cannot be improper for other reasons as well. It seems to me misguided to insist that there is a single reason why assertions may be improper. The purpose of this article is thus to, in a sense, *dissolve* the debate on assertion norms.

The paper is structured as follows: in the first section, the two sides of the norms, one dependent on the responsibility of the speaker and the other one dependent on the world, will be illustrated, and it will be demonstrated that all

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assertor. Since these norms present both an epistemological and an ontological aspect, they can be treated as on a par with KN for the purposes of this paper.

proposals agree on the first side side. In Section 2, it is shown that, at least on one possible interpretation of Austin's text, the speaker side coincides with what Austin called the *felicity* of a speech act and the world side with further improprieties that not only assertion but also many other speech acts can have. In Section 3, it is demonstrated that it is not possible to interpret the distinction between the two poles (speaker side and world side) as that between rules and aims. Assertions, like all speech acts, have a certain purpose and can fail in that purpose for both reason dependent on the behavior of the speaker and for reasons regarding how things are in world. In Section 4, the theory proposed here is compared with another, in certain respects similar, theory advanced by Marina Sbisà. Section 5 concludes the paper.

1. Epistemic and Worldly Norms

The norms of assertion proposed in the literature refer to an epistemic and/or to a worldly aspect. JN concerns the epistemic conditions in which a subject must find themselves to correctly assert a proposition. At least in principle, these conditions are controllable by the speaker who wants to assert something. TN, in contrast, concerns the relationship between what is asserted and the world. A speaker can do everything in their power to assert a true proposition, but if the world 'does not cooperate,' their assertion may turn out to be false. There are cases of *blameless mistakes* in this regard. Consider, for example, Ann observing the wall in front of her. It appears red to her. She then says: 'The wall is red.' Unbeknownst to Ann, however, a light, which Ann cannot see, is projected onto the wall, making it appear red. What Ann says is false; yet Ann is not responsible for her mistake. The truth of what is said is not entirely controllable by the subject and also depends on external circumstances.

KN combines the two types of conditions: it requires both that the subject be in an epistemically appropriate state and that that there is an appropriate relationship between the content of the assertion and the world. Precisely because of this second aspect, defenders of KN have recognized that in certain cases KN is not respected without the speaker being

accountable for the violation of the norm.[2] DeRose (2002), a defender of KN, has argued in this regard that there are two types of impropriety regarding the rule of assertion (and any other rule). De Rose speaks of primary (im) propriety regarding an act that follows or does not follow the rule. But there is also a secondary (im)propriety that is determined by whether the agent in question reasonably believes that the act conforms to the norm. So, an act can be primarily improper but secondarily proper. An easy example that does not concern assertion is the following: Paul retrieves his car from his mechanic where he had taken it for repair. Unbeknownst to Paul, the mechanic tampered with the speedometer, which now shows 10 km/h less than the actual speed of the car. Paul sets off on a road where the limit is 50 km/h and, observing the speedometer, believes he is traveling at 50 km/h and therefore complying with the limit. In fact, he is traveling at 60 km/h. So, he is breaking the traffic law while reasonably believing he is following it.

In rules like JN, which pose conditions in principle entirely controllable by the subject, the distinction between primary and secondary impropriety is not applicable. If the speaker asserts *p* without having a justified belief in *p*, they are always to be considered responsible for improperly asserting *p*. In such a case, either the speaker does not believe *p* or they believe it unjustifiably, and therefore their belief is somehow reckless and imprudent. Therefore, they are always subject to criticism for asserting *p*. One of the arguments advanced by defenders of JN is precisely based on this: if a subject has taken all precautions not to speak falsely, then their conduct is in no way criticizable, and consequently neither is their assertion. For example, Lackey (2007) gives the example of two twins placed on different planets, Earth and Twin Earth, and finding themselves in identical

2 So, for instance, Williamson (1996): 'it is winter, and it looks exactly as it would if there were snow outside, but in fact that white stuff is not snow but foam put there by a film crew of whose existence I have no idea. I do not know that there is snow outside, because there is no snow outside, but it is quite reasonable for me to believe not just that there is snow outside but that I know that there is; for me, it is to all appearances a banal case of perceptual knowledge. Surely it is then reasonable for me to assert that there is snow outside' (509).

epistemic conditions. Both are justified in believing *p*. But while on Earth, *p* is true, on Twin Earth *p* is false.

> If my twin … , acquires on the basis of experiences indistinguishable from my own the same sorts of beliefs as me, then her beliefs should be regarded as reasonable. Given this, my twin also should not be subject to criticism for offering the same assertions as me, even if the truth value of our respective assertions varies significantly. According to [KN and TN], however, while I may be acting in perfect accordance with the norm of assertion, my twin is consistently violating such a norm and is therefore open to constant criticism. This seems like the wrong result. (Lackey 2007, 607)

Similarly, Kvanvig (2009) has made a distinction between the *act* of asserting and its *content*. When the speaker is justified in asserting a content that unfortunately turns out to be false, what is faulty is the content and not the act. If the speaker were to discover that the content was false, the subject would withdraw the content of the assertion but would not apologize for the assertion itself.

However, there is something on which proponents of KN and JN agree: to assert *p* correctly, the speaker must be in certain epistemic conditions. Specifically, they must have adequate evidence that *p* is true. In fact, something even stronger holds: it is impossible to aim to follow JN without thereby aiming to follow KN and vice versa. This follows from what Smith (2016) calls the normative coincidence constraint (NCC):

> **(NCC)** It is not possible for one to aim for the (possible) situation in which one forms a belief that qualifies as justified but not as knowledge.

If NCC holds, then the conditions that the speaker must aim to meet to satisfy JN are the same as those they must aim to meet to satisfy KN. In other words, concerning what a speaker can do, namely what a speaker can control, the two norms coincide.

Paradoxically, this also holds for proponents of TN. In attempting to satisfy this norm, a speaker must strive to say something true. Consequently, a speaker must assert *p* only if they have sufficient reason to believe that *p* is true. Precisely because we must tell the truth, we must put ourselves in the best conditions to do so. Therefore, we must assert *p* only if we are justified

in believing it to be true. Take, for example, the view of one of the proponents of TN, Whiting (2013). According to Whiting, one is warranted to assert *p* only if *p* is true. The fact that *p* is true *is* a reason for asserting *p*. But this still tells us nothing about the speaker's awareness of that reason or their epistemic relation to it. In particular, it also tells us nothing about the reasons that a speaker *can have* to assert *p*:

> To say that S *has* a reason to ϕ *in the relevant sense* is not merely to say that there exists some reason for S to ϕ, but that in some way this reason is in S's possession, that she is aware of or recognizes it, that she stands in a suitable epistemic relation to it. Specifically, to say that S has a reason to ϕ *in the relevant sense* is to say that she is able to act in light of or for that reason, that she is in a position to ϕ because of it. (856)

According to Whiting, a speaker has a reason to assert *p* when they know *p*. In other words, given that the truth of *p* constitutes a reason to affirm *p*, we can affirm *p* because *p* is true only if we know *p*. If Whiting's theory holds, it is impossible to aim to follow TN without thereby aiming to follow KN. If we assume this version of TN, then TN, KN, and JN are normatively coincident from the subjective point of view, that is from the point of view of what a speaker can do to assert properly.[3]

This has a surprising consequence: if we consider what the speaker must do, that is, the course of action they must follow, there is no disagreement among the various participants in the debate on the norms of assertion. The epistemic conditions that the speaker has the power to control coincide. From a certain point of view, we can therefore say that there is no

3 Even though in a less evident way, this is also true for the view of another advocate of TN, Weiner (2005). He states that: 'if assertions are governed by the truth norm, the hearer may reasonably expect that the speaker has some warrant for what she says. The most plausible warrants for assertions … will generally be, in conjunction with truth, sufficient for knowledge. Recall first DeRose's distinction between primary and secondary propriety/impropriety: if an act is governed by a norm, primary propriety is determined by whether the act conforms to the norm, and secondary propriety is determined by whether the agent has reason to believe that the act conforms to the norm. Thus, if assertion is governed by the truth norm, an assertion is secondarily improper if the speaker does not have reason to believe that it is true' (235–236).

disagreement on what the speaker should do. This statement obviously needs to be qualified, specifying the sense of *should*. It refers to what the speaker must implement, the course of action they must undertake. However, as we will see in the following section, there is another sense of *should*.

2. Norms and Felicity

The disagreement among proponents of the various norms of assertion revolves around something else. While defenders of JN claim that being in the right epistemic situation is sufficient to follow the norm of assertion, defenders of TN and KN argue that this is not enough: the world must conform to what we assert, meaning the asserted statement must be true. As mentioned, this not only depends on the speaker but also on external circumstances that are only to a certain extent under their control. These are therefore different conditions from the epistemic ones we have discussed so far.

Should these additional conditions be included among those necessary for a correct assertion? The thesis I intend to defend here is that there are two types of defects into which assertions may fall: one concerns the speaker's epistemological conditions, and the other concerns external circumstances.[4] In this regard, I consider it useful to draw a comparison between assertions and other speech acts, since, as will be shown, it is possible to delineate two kinds of problems for other speech acts as well, problems that are closely connected with those that assertions may encounter. To articulate this distinction, I take it to be helpful to refer to certain passages in Austin (1962) concerning the types of infelicities, unhappinesses, and errors to which a speech act may be subject. More generally, I believe it is fruitful to relate the debate on assertion norms to the study of the felicity conditions of speech acts: the notions of "improper" or "unwarranted" assertion, as

4 The thesis defended here differs from that proposed by Kemp (2007), for whom the concept of assertion is not univocal but rather encompasses a family of partly distinct practices governed by partly different rules. By contrast, I argue that assertion is a univocal practice governed by a set of rules that are themselves distinct from one another.

employed in the debate on assertion norms, and the notion of "infelicity," as employed in the study of speech acts, are undoubtedly connected, although those engaged in the debate on assertion norms have rarely drawn upon speech act theory. In my view, however, a comparison with speech acts and their possible failures proves to be illuminating.

Austin does not provide an explicit definition of infelicity, but it seems plausible to hold that, when a speech act is infelicitous, its infelicity is attributable to the speaker. Infelicities arise when a speaker invokes a procedure that does not exist or invokes it in the wrong circumstances; when the procedure is performed incorrectly or incompletely by the speaker; or when the speaker lacks the appropriate thoughts or feelings in performing it and fails to conduct themselves accordingly. The very labels Austin assigns to these kinds of infelicity ("Misinvocations" for type A, "Misexecutions" for type B, and "Abuses" for type Γ, cf. Austin 1962, 17–18) appear to confirm that responsibility lies with the speaker.[5] I acknowledge, however, that this is my own interpretation of Austin's text, and that objections to it are possible.[6]

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5 As is well known, the outcomes of these types of infelicities are different for Austin. In cases A and B, the act is null and void. In case Γ, the act is successfully performed, even though it constitutes an abuse.

6 An anonymous referee objects that there are many complexities here that ought to be taken into account. For example, in order for a speech act to succeed, it must be heard and understood; in other words, uptake must be secured. Moreover, some acts appear to require a response or sequel from the interlocutor. One cannot, for instance, be said to have made a bet unless the other party has expressed agreement to bet. In such cases, the act fails to take effect, but this is not due to any responsibility of the speaker. With regard to uptake, Austin (1962) discusses it on pp. 22–23. Here Austin is enumerating a series of cases in which the act fails for further reasons, distinct from what he calls 'infelicity.' Among these reasons is the absence of uptake on the part of the hearer. He says:

"It is partly in order to keep this sort of consideration at least for the present out of it, that I have not here introduced a sort of 'infelicity'—it might really be called such—arising out of 'misunderstanding'. It is obviously necessary that to have promised I must normally:

have been heard by someone, perhaps the promisee;

have been understood by him as promising.

If one or another of these conditions is not satisfied, doubts arise as to whether I have really promised" (Austin 1962, 22).

With regard to acts such as betting, I would argue that by their very nature they are

Austin admits that his classification is not complete and that there are other dimensions for which an act can be classified as 'unsatisfactory' or deserving 'criticism' that he does not include in his concept of infelicity, and yet they constitute another type of 'unhappiness':

> The first thing to remember is that, since in uttering our performatives we are undoubtedly in a sound enough sense "performing actions," then, as actions, these will be subject to certain whole dimensions of unsatisfactoriness to which all actions are subject but which are distinct—or distinguishable—from what we have chosen to discuss as infelicities. I mean that actions in general (not all) are liable, for example, to be done under duress, or by accident, or owing to this or that variety of mistake, say, or otherwise unintentionally. In many such cases we are certainly unwilling to say of some such act simply that it was done or that he did it. I am not going into the general doctrine here: in many such cases we may even say the act was 'void' (or voidable for duress or undue influence) and so forth. Now I suppose some very general high-level doctrine might embrace both what we have called infelicities and these other 'unhappy' features of the doing of actions—in our case actions containing a performative utterance—in a single doctrine: but we are not including this kind of unhappiness—we must just remember, though, that features of this sort can and do constantly obtrude into any case we are discussing. (Austin 1962, 21)

Thus, according to Austin, there is a whole range of circumstances independent of the speaker (such as duress or unintentional mistakes) that may render the act 'unhappy' or even 'void.' However, he chooses not to propose a general doctrine that would encompass both his concept of an infelicitous act and this kind of unhappiness. He reserves the concept of infelicity of the act for those types of failures that fall under the speaker's responsibility. One of Austin's examples is to give something we mistakenly believe to be ours:

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collective acts, comparable to signing an agreement or a contract, and they require the active participation of both parties. Accordingly, they are performed only if each party carries out a part of the procedure. Each party, therefore, performs a portion of the act. I therefore do not take the requirement of uptake for the success of the speech act, nor cases such as betting, to be sufficient to demonstrate that the infelicity of an act, in the sense in which Austin employs the term 'infelicity,' cannot be attributed to the speaker. I do acknowledge, however, that these are complex issues, and that my interpretation of Austin's text is not the only possible one.

> I may give something which is not in fact (though I think it is) mine to give. We might say that this is 'Misapplication,' that the circumstances, objects, persons, &c., are not appropriate for the procedure of giving. But we must remember that we said that we would rule out the whole dimension of what might well be called Infelicity but which arose from mistake and misunderstanding. It should be noted that mistake will not in general make an act *void*, though it may make it *excusable*. (42)

Another example is to give bad advice mistakenly believing that it is a good advice. Commenting on this example, Austin says that 'we would criticize this as *bad* advice. That an act is happy or felicitous in all our ways does not exempt it from all criticism' (42).

A third example is that of a verdict. Austin asks us to imagine a judge's sentence finding the defendant guilty that is felicitous in all the senses identified by Austin (let us assume that the procedure has been correctly and fully completed and that the judge sincerely believes in the defendant's guilt). However, the defendant is innocent (42–43).

Assertions, like other speech acts, are subject to various types of 'unhappiness.' Some conditions pertain to what Austin referred to as felicity conditions. Among these, there are certain ones on which participants in the debate concerning the norms of assertion have particularly insisted. Even defenders of TN agree that the speaker must assert only something for which they have sufficient evidence, that is, there must be justifications for asserting what they assert. Such a condition corresponds more or less to Austin (1962)'s condition A.2.[7] Another condition of felicity concerns the sincerity condition,

7 With regard to A.2 and to the justifications that a speaker may have for making an assertion, some important clarifications are in order. In general, a speaker cannot offer just any kind of justification for their assertion: they must rely on sufficiently reliable sources. And reliability is an intersubjective criterion, not one that depends solely on the speaker. In this respect, an anonymous referee has objected that if the hearer does not acknowledge the speaker's epistemic authority, it is doubtful whether the assertion has any effect. In general, A.2-type conditions concern worldly circumstances, and it is the speaker's responsibility to perform the speech act only under appropriate circumstances. I would therefore summarize as follows: an act of assertion is felicitous only if, in performing it, the speaker has an intersubjectively reliable justification relative to the context in which it is performed and to its epistemic standards.

corresponding to Austin (1962)'s condition Γ.1—specifically, for an assertion to be felicitous, the speaker must believe in what they assert.

If a speaker respects these and other related conditions, then the assertion is felicitous in Austin's sense. In other words, the speaker has done everything they could to make the assertion non-defective. Therefore, even if the assertion turns out to be defective for other reasons, the speaker is blameless. Supporters of JN want to capture precisely this sense of felicity. They interpret the word 'should' present in JN in this sense: it is what the speaker must implement to make their assertion felicitous.

However, Austin reminds us that there are other dimensions for which an act can be criticizable or unsatisfactory. These are the result of excusable errors on the part of the speaker. As for assertions, in particular, their propositional content may be false. Supporters of TN and KN try to capture this second dimension. Even if felicitous in the Austinian sense and therefore excusable, the speaker's assertion is nevertheless the result of an error and is therefore defective according to a certain dimension. Moreover, many supporters of JN admit that there is a sense in which justified but false assertions are 'wrong' (Douven 2006, 476), 'faulty,' 'not good' (McKinnon 2015, 160), or 'suboptimal' (Marsili & Wiegmann 2021, 10). Therefore, there is a sense of 'should' for which the speaker should not have asserted what they did even though they were sincere and justified when they performed their speech act.

What is important is that this distinction, as we have seen, is not unique to assertion but runs through many speech acts. For example, if I give advice to a friend, I may believe it is good advice and I may be justified in believing it, but that advice may in fact be bad. Although I am not accountable for this, there is a sense in which I should not have given that advice because that advice is defective according to some dimension. Similarly, a judge may convict a defendant because they believe them to be guilty and may be justified in believing so. However, if the defendant is innocent, then there is a sense in which the judge should not have pronounced that

sentence, and this sentence is criticizable according to a certain dimension.[8]

The two types of infelicity are independent. As we have seen, it is possible for an assertion to be justified from the epistemic point of view (i.e., the speaker has sufficient evidence of the truth of what they say and believes what they say) but for the assertion to be false. In such a case, we speak of *unlucky assertions*. However, it is also possible for a speaker to assert the truth without being in a position to assert it because they lack sufficient evidence of the truth of that assertion. This occurs, for example, when, by sheer coincidence, a speaker happens to assert something true without being in a position to assert it. For instance, let us suppose that a friend of mine asks me for the time, assuming that I am informed about it. In fact, I have no idea what time it is, but since I do not feel like checking, I say that it is 4 p.m., the first time that comes to my mind. By sheer coincidence, it actually is 4 p.m. In this case, the speaker's assertion is true but infelicitous because the correct preparatory conditions are lacking.[9]

The solution to the debate on assertion norms therefore consists of recognizing that there are different ways in which an assertion can be 'infelicitous' and 'criticizable,' and it makes sense, as Austin did, to focus on a certain sense of infelicity, one that entirely depends on the behavior of the speaker. However, this should not lead to denying that there are other senses of infelicity. Austin fully recognized them even if he did not study them in his essay. The distinction is something that does not uniquely

8 It is worth noting that, in discussing these cases, Austin also makes a passing reference to assertions: 'There is insincerity here which is an essential element in lying as distinct from merely saying what is in fact false' (Austin, 1962, 41). This suggests that Austin regarded false assertions as felicitous when their falsity is not due to the speaker's insincerity but rather to an error on their part, and that he likened such assertions to the judge's sentence of condemnation when the judge mistakenly believes the defendant to be guilty. Such false assertions and such sentences of condemnation are certainly not free of defects and are instances of 'unhappiness' in a certain respect, yet not in the sense of what Austin designates as 'felicity.'

9 As we have seen, even an advocate of TN like Weiner (2005) would say that, though such an assertion complies with the norms, it is secondarily improper.

concern assertion but applies equally to many other speech acts, and therefore it is useful to view it in this light. From a certain point of view, this solution leads to the *dissolution* of the debate because it recognizes that the various participants focus on different types of 'unhappiness', all of which are real. Thus, there is a sense in which all participants in the debate are correct, depending on the type of 'unhappiness' under consideration. There is, however, another sense in which all participants in the debate on assertion are mistaken, insofar as they insist that assertion can be improper for only one reason, whereas in my view it can be improper for two distinct kinds of reasons. It seems unwarranted to maintain that assertion is governed by only one type of norm: the various participants emphasize one reason why assertions may be improper, but they should also acknowledge that assertions may be improper for different reasons, highlighted by other contributors to the debate.

This solution can also provide indications on which experiments to conduct to try to experimentally verify what the norms of assertion are. In my opinion, the experiments conducted so far suffer from a certain ambiguity. Turri's experiments (Turri 2013; 2014; 2017) are based on questions about what a speaker should do. But, as mentioned, this formulation is ambiguous because there are different senses of *should*. As emphasized by Marsili & Wiegmann (2021), *should* can mean

> that an agent 'should do something' *in order to follow a norm*—this is what we call a deontological reading. On the other hand, we may say that an agent 'should' do something *in order to meet their aims, or some other standard for success*—this is what we call a teleological reading. (3)

Translated into the language adopted here, *should* is ambiguous between what a speaker should do subjectively—how they should orient their conduct—and what they should do objectively—that is, what they should do given the objective situation in which they find themselves. Keer (2018), Reuter & Brossel (2019), Marsili & Wiegmann (2021) in their tests, have attempted to disambiguate the first sense of *should*—having the subjects judge whether an assertion, though false, is permissible if the

speaker was justified in believing it to be true. In other words, their tests are designed to make it clear that the first meaning of *should* is intended. However, just because an assertion is correct in this sense does not mean it is correct in all senses. Subjects could be asked, even when the assertion is 'subjectively' correct, whether it is unsatisfactory or wrong for some other reason. My prediction is that the surveyed subjects, knowing that the assertion is false, would still judge it as not entirely satisfactory. One of the main communicative purposes of assertions, that of conveying true information, is not achieved in the case of false assertions, even if the speaker is not to blame for it.

3. Felicity and Aims

Marsili (2018) interprets the distinction between the epistemic and worldly poles regarding an assertion as a distinction between rules and aims. Assertions would be subject to certain rules (essentially, you must assert something only if you are justified in believing that thing) and would have certain aims. That an assertion is true is an aim of this speech act, but not a rule. To demonstrate that justified belief is a rule and truth an aim of assertion, Marsili appeals to the fact that

> assuming a competent and careful agent, aims characteristically allow for unintentional failure, whereas rules do not typically allow for unintentional failure. In other words, typically aims are such that you can try but fail to meet them, whereas rules are such that you cannot easily try but fail to follow them. (642)

In reality, there are cases where a subject may inadvertently violate a rule. We have seen above the case of a tampered speedometer: the driver violates the traffic law but does so unintentionally. More generally, no matter how careful we are, we can inadvertently break a rule. For example, moral and legal rules forbid us from taking possession of items that belong to others. However, on certain occasions, if an object is identical to one that I own, I may make a mistake and take something that is not mine. Thus, if a suitcase is perfectly identical to mine, I may take it, thinking it is mine, even though

I have no intention of appropriating items that are not mine. Therefore, the fact that one can assert something false unintentionally does not seem to be a good reason to affirm that asserting the truth is not a rule but an aim.

Marsili acknowledges that there are exceptions and that sometimes it can happen that we fail to follow a rule inadvertently. However, he argues that these are not typical cases. One may therefore object to Marsili that cases in which the speaker takes all possible precautions to say something true but ends up saying something false are atypical cases in which the speaker attempts to follow the rule but fails to do so. In order to counter such an objection, Marsili would have to show that cases in which a subject takes all precautions to follow a rule but fails are more atypical than cases in which a speaker takes all precautions to say something true but fails. I believe that demonstrating this would be a very difficult task. I am inclined to think that, in both instances, we are dealing with equally atypical cases.

Like any rational act, speech acts are performed for a reason, with a goal in mind. Now, one of the main aim of assertions is to ensure the circulation and sharing of true information and knowledge. This is a very important goal from social and evolutionary perspectives. Generally, the more information and knowledge circulate and are shared, the better the prospects for the human species to adapt to the environment. This aim can fail for various reasons. Some depend on the speaker. Asserting what one does not believe or asserting something for which there is inadequate evidence are some of the ways in which the aim of assertion, namely ensuring the circulation of true information, may fail. However, like other speech acts, the aim can fail for reasons independent of the speaker's responsibility. For example, despite all precautions taken, a speaker may assert something untrue. Therefore, rather than Marsili's proposed distinction between rules and aims, I believe it is more useful to interpret that distinction as a distinction between epistemic reasons why an assertion may fail its aim and worldly reasons, not entirely dependent on the subject's responsibility, why it may fail.

This highlights another problem in Marsili's distinction. He, following Williamson (1996), likens assertions to a game—for example, to chess. In chess, the rules determine the set of permissible moves. But not all permissible moves are good moves to ensure a player achieves the aim of the game, which is to checkmate the opponent. Indeed, certain moves decidedly go in the opposite direction. Permissible moves can be good or bad depending on whether they put a player at an advantage over the other and therefore closer to achieving the aim. Thus, we must distinguish between *permissible* moves and *good* moves for achieving the aim of the game. However, in assertion, things are different: what Marsili calls permissible moves regarding assertion are those that conform to JN, that is, they are assertions we have called, using Austin's language, *felicitous*. Now, in a sense, all such uses are good (felicitous, indeed), meaning a speaker who makes a felicitous (or permissible, in Marsili's sense) assertion does everything within their power to ensure the aim of the assertion. Obviously, this does not apply to games. One can perfectly follow the rules of chess without thereby approaching the aim; for example, losing the queen without any compensation is a permissible move but certainly not a good move. Put this another way: a chess player can make a permissible move and yet be criticized for making a bad move. Someone who felicitously asserts something cannot be subjectively criticized for having felicitously asserted that thing. As everyone admits, if the assertion is felicitous but false, the speaker is blameless and cannot be criticized for having performed that speech act (although the act is unsatisfactory and criticizable for other reasons). Furthermore, when a chess player fails to achieve the goal of the game, that is, is beaten by the opponent, in a sense, the fault is always theirs: they made some kind of mistake, or at least one or more moves were not optimal. But a speaker who does not achieve the purpose of the assertion may have taken all possible precautions and not made any mistakes from a subjective point of view. In other words: in chess, the failure to achieve the goal always depends on the player's behavior, whereas in assertion, the failure to achieve the goal can also depend on reasons external to the speaker. Therefore, unlike in the game of chess, the distinction between permissible

moves and good moves (if *good* is understood as what can be done to achieve the goal) makes no sense regarding assertion and speech acts in general. Obviously, assertion, like all human acts, can fail for other reasons, independent of the agent's responsibility. This is a different type of failure, but still a failure.

4. Constitutive Rules, Maxims, Objective Requirements

Sbisà (2019) has proposed a classification of the norms governing speech acts—including assertions—into distinct subtypes. Her classification is of considerable interest and partially overlaps with the framework proposed here. Sbisà distinguishes among: (1) constitutive rules, (2) maxims, and (3) objective requirements. Constitutive rules are those whose violation renders the act void or null: 'Constitutive rules are widely recognized as rules without which a certain act type would not exist and performances of acts of that type could not occur' (25). She identifies these rules with Austin's conditions A and B. With regard to assertions, Sbisà maintains that a constitutive rule is that the speaker be in a position to make the assertion. If it is apparent that the speaker 'cannot claim the required epistemic reliability about the subject matter of the assertion, she will not be taken to make an assertion, but a conjecture or a guess' (Sbisà 2020, 168). But when is a speaker in a position to make an assertion? The requirement of knowledge appears too strong, as it would imply that if one does not know *p* and nonetheless asserts *p*, one is not genuinely making an assertion. On the other hand, mere belief seems to be an epistemic condition that is too weak to place one in a position to make an assertion: 'the fact that a speaker entertains a certain belief may explain why she sets out to perform a certain Verdictive or, more specifically, make a certain assertion. But it does not entitle her to that performance' (Sbisà 2020, 169). Sbisà therefore holds that the epistemic condition in which a speaker must be situated in order to make an assertion lies somewhere between belief and knowledge: it consists in the intersubjective recognition by others of his or her capacity to transmit knowledge: 'the speaker [is] in a position to

assert something when she (because of circumstances and personal competence) has publicly recognizable good chances to produce an objectively correct assertion, namely, an assertion that is true' (Sbisà 2019, 39). Sbisà thus recognizes two senses of knowledge, a strong one and a weak one. It is the latter that coincides with the condition in which the speaker must be situated in order to be in a position to assert something:

> We might therefore want to distinguish between knowledge in the full sense of the word, as an agent's cognitive reliability enabling her to make assertions that are true, and knowledge in a weaker sense, as a (defeasible) status an agent is endowed with thanks to social or interpersonal agreement, entitling her to make assertions and give the audience her guarantee for their truth. (Sbisà 2020, 170)

Yet, this view still implies that if the speaker lacks publicly recognized justification for *p*, then, in asserting *p*, they are not genuinely performing an assertion. Certainly, as Sbisà maintains, in some cases in which a speaker asserts something without being in the epistemic position to perform this speech act, the hearers will react by taking them to be making a conjecture or attempting a guess.[10] However, I do not believe that this is always the outcome: in other cases, it may be evident from the context that the speaker intends precisely to make an assertion. In such cases, the hearers will judge the speaker to be inaccurate and negligent. They will therefore regard their assertion as infelicitous, but they will not judge that they are not making an assertion. However infelicitous the act may be, it remains an assertion. Being in the appropriate epistemic position may well facilitate the fulfillment of the aim of assertion, but it does not constitute a rule that defines the very act of asserting. Sbisà follows Austin: since the epistemic position of the speaker is to correspond to Austin's condition A.2, if the speaker is not in that position, then the speech act is void. Consequently, the speaker is not really asserting anything. I therefore acknowledge that my theory does not follow Austin at this point: I hold that there are

10 For a distinction between assertion and the other members of the assertive family, among which guesses, cf. Green (2013).

assertions in which the speaker is not in the correct epistemic position and yet they are still assertions.[11]

The second category of norms comprises maxims. 'They encode advice for optimal communicative behaviour from the point of view of the subjects involved' (Sbisà 2019, 29). Sbisà associates maxims with Austin's Γ conditions. In the case of assertion, these include the requirement of sincerity on the part of the speaker. As Marsili (2023) notes, Austin's Γ.2 conditions do not appear to be proper norms governing speech acts *per se*, but rather illocutionary obligations generated by the performance of a given speech act. As such, they are not genuine maxims concerning the speech act itself.

Finally, Sbisà identifies a category of objective requirements, which pertain to the correspondence between the speech act and the facts. In the case of assertions, these requirements correspond to truth, which is independent of the speaker's epistemic condition.

> In order for an assertion to be true, it does not matter what the speaker or the receiver believe, it does not matter even what its evaluator believes: it matters how the assertion, as made in a certain speech situation with a certain descriptive content, actually relates to the historical situation to which it refers. Truth and falsity (as well as other values concerning satisfaction or failure to satisfy the pertinent standard) are therefore "mind-transcendent." (Sbisà 2019, 34)

The distinction between felicity conditions and objective requirements clearly aligns with the approach adopted here. What I find more

11 This difference is likely indicative of a further, deeper divergence between the position I have defended here and that of Sbisà (and perhaps that of Austin). For Sbisà, an act is null because it does not produce its specific illocutionary effects, which arise explicitly or tacitly at an intersubjective level. And these effects determine what is legitimate or not in subsequent conversational moves. For example, in the case of assertions, the hearer will consider their content knowledgeable and feel entitled to act on the basis of what was said. If the hearer discovered that the speaker is merely guessing, they would not act on the basis of what the speaker has said and the effects of the assertion will be canceled. So, an assertion is void because no one will subsequently act as if an assertion had been made. By contrast, I hold that an assertion can still count as such even if it does not produce certain illocutionary effects and even if the interlocutors do not regard the content of the assertion as worthy of consideration—for example, if they do not take it to be a basis for their future actions. I am grateful to an anonymous referee for prompting me to reflect on this point.

questionable is the distinction between constitutive rules and maxims—at least in the case of assertions. By asserting a proposition, the speaker seeks to say to their interlocutors how things stand. If the speaker does something else, then the act in question is not an assertion. However, even if the speaker is not justified in believing that things are thus, or does not in fact believe them to be so, or if things are in fact otherwise, the speaker may still perform the speech act of assertion—namely, may represent to others how things stand. Certainly, the act may be defective; certainly, we may judge that the speaker was not entitled to assert what she asserted; and certainly, we may say that she ought not to have done so. Yet we would not deny that what the speaker performed was an assertion. Among the errors a speaker may commit in asserting something, there are those that depend on the speaker's conduct (which, in Austin's terminology, render the act infelicitous), and those for which the speaker bears no fault (the objective requirements identified by Sbisà). Accordingly, both the constitutive rules and the maxims discussed by Sbisà fall within the set of norms a speaker must observe in order for the assertion not to be defective.

I acknowledge that, by distinguishing between constitutive rules and maxims, Sbisà's theory follows Austin more closely than I have attempted to do here. Constitutive rules correspond to Austin's A- and B-type conditions. If these are not satisfied, the act is void. Maxims, by contrast, correspond to Austin's Γ-type conditions. If these are not satisfied, the act is not void but constitutes an abuse. Here, by contrast, I have sought to distinguish more simply between an epistemic pole of the rules of assertion, which concerns what lies within the speaker's responsibility, and a worldly pole, which concerns how things in fact stand and therefore falls outside the speaker's responsibility. With respect to the epistemic pole, I have not distinguished between constitutive rules and maxims, because I hold that if a speaker is not in the correct epistemic position, they can nonetheless assert. Their assertion will simply be defective.

5. Conclusion

In this paper, I have argued that there are two main reasons why the speech act of assertion may turn out to be defective. The first concerns the epistemic condition of the speaker: they must believe what is asserted and must possess intersubjectively valid justifications for that belief. It is therefore the responsibility of the speaker to be situated in this condition. The other reason concerns the state of the world and is not something that the speaker can control. The distinction between these two types of conditions is not peculiar to assertion alone but can be extended to other speech acts as well. I believe that, at least under one interpretation of Austin's text, this distinction can be traced in the distinction that Austin draws between felicity conditions and other reasons why a speech act may be 'unhappy.' If the line of argument advanced here is correct, the debate on the norms of assertion would lose its rationale: all parties, in fact, identify one respect in which assertion may be defective, and from this perspective each of them is partly right. However, all parties are mistaken in thinking that the aspect they identify is the only one in which assertion may be defective. If each party were to acknowledge that the aspect identified by the others is likewise a reason rendering assertion defective, the debate would dissolve.

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Acknowledgments: I would like to thank three anonymous referees of *Philosophical Papers*, whose constructive comments enabled me to substantially improve this paper. The usual disclaimers apply.

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