

Normative accounts of assertion: from Peirce to Williamson, and back again¹

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Abstract Arguably, a theory of assertion should be able to provide (i) a definition of assertion, and (ii) a set of conditions for an assertion to be appropriate. This paper reviews two strands of theories that have attempted to meet this challenge. Commitment-based accounts à la Peirce define assertion in terms of commitment to the truth of the proposition. Restriction-based accounts à la Williamson define assertion in terms of the conditions for its appropriate performance. After assessing the suitability of these projects to meet the desiderata of a theory of assertion, I argue that a speech act theoretic account à la Searle is more suitable for this purpose: it integrates the core intuitions of both restriction-based and commitment-based accounts while avoiding their respective problems, and has the further advantage of determining how assertion fits into a more general theory of illocutionary acts.

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Assertion is a fundamental concept not only for philosophy of language, but for philosophy in general. In Brandom's (1983) words, «no sort of speech act is important for philosophers to understand as assertion». Assertion is an indispensable tool for doing philosophy: philosophical claims are assertions, and philosophical arguments are construed as sequences of assertions that bear logical relations with each other. Conceptual analysis explores the nature of concepts by examining assertions about those concepts. Assertions are the main theoretical tool of any philosophical activity, the alembics of the philosophical laboratory.

For this reason, philosophers have been interested in the nature of this speech act throughout the history of philosophy. In the analytic tradition, this interest traces back to Frege and Peirce, and subsequent investigation of the nature of assertion has propelled fundamental research in philosophy of language and pragmatics. Notably, in recent times novel philosophical problems that raise the question of the nature of assertion have emerged: for instance, in epistemology of testimony (e.g. PAGIN 2015), in the debate on the definition of lying (e.g. SAUL 2012), and in the literature on the context-sensitivity of knowledge attributions (e.g. DE ROSE 2012).

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With this in mind, this paper reviews some influential attempts to elaborate a theory of assertion, under the assumption that a good theory of assertion needs to successfully perform (at least) two tasks: (i) individuate assertions, and (ii) distinguish proper assertions from improper ones. To fulfil requirement (i) is to answer the question: what features of a speech act qualify it as an assertion, as opposed to other speech acts? A satisfying answer to this question should offer necessary and sufficient conditions to individuate assertions. Task (ii), by contrast, requires to specify what is properly assertable: it asks which conditions have to be met for an assertion to be appropriate, warranted, felicitous, or non-defective (depending on the vocabulary and the account of assertability that one favours).

This paper reviews three approaches to the problem of providing a theory of assertion that meets these desiderata. Section 1 considers accounts based on the notion of commitment, outlining their historical link with the work of Charles Sanders Peirce. These accounts fare somewhat well on (i), but are pretty weak on (ii). Section 2 considers alternative accounts, whose understanding of assertion is based on the epistemic constraints for asserting, following an influential proposal by Williamson. These accounts offer a simple solution to (ii), but have several difficulties in satisfying (i). Section 3 suggests that, ideally, a good theory of assertion lies in between these two traditions: it should incorporate both the Peircean intuitions on the normative effects of assertion and the idea that a warranted assertion has to satisfy some relevant epistemic standard. I will show how a speech-act theoretic account of assertion (in particular the one developed by Searle and Vanderveken) can integrate the key assumptions of both views in a way that avoids their respective problems.

1. Assertion and responsibilities: Peirce and the commitment-based accounts

In his writings, Peirce elaborated a theory of assertion that anticipated intuitions and ideas that would have played a central role in later philosophy of language and pragmatics. Several innovative aspects of Peirce's theory of assertion would deserve to be explored in detail (cfr. HOOKWAY 1985, TUZET 2006, CHAUVIRÉ 2010). For the purpose of this paper, however, I restrict my attention to his analysis of the normative status of assertion: first I present his account, then I move on to discuss how contemporary accounts have elaborated the view that assertion can be characterised in terms of speaker commitment.

1.1 Peirce's theory of assertion

Let me begin by recapitulating Peirce's characterisation of assertions as opposed to propositional contents. Much before speech act theory was developed, Peirce was one of the first authors² to theorise about the distinction between propositional

² It is Frege, rather than Peirce, that is generally regarded as the first author to have introduced the force-content distinction. In his 1918 paper *Thought*, he argues that we should differentiate between (1) grasping a thought (understanding a proposition), (2) acknowledging the truth of a thought (believing the proposition to be true), and (3) manifesting this judgment in an assertion (asserting the proposition). However, the Fregean analysis is mainly concerned with content, and provides little discussion of the act of asserting, or of force in general. It is also worth noting that, from a slightly different perspective, the phenomenological tradition also anticipated several important notions of speech act theory (HUSSERL 1900-1901, REINACH 1913).

content and force³. In his words, «it is necessary to distinguish between a proposition and the assertion of it» (MS 1.75.336). Different kinds of actions can be exerted over a proposition (*i.e.*, different kinds of force can be applied to a propositional content), so that assertion is just one of the many «moods in which the proposition can be stated»:

I may state the proposition to you and endeavour to stimulate you to advise me whether to accept or reject it: in which I put it interrogatively. I may state it to myself; and be deliberately satisfied to base my action on it whenever occasion may arise: in which case I judge it. I may state it to you: and assume a responsibility for it: in which case I assert it. I may impose the responsibility of its agreeing with the truth upon you: in which case I command it. All these are different moods in which the same proposition may be stated (NEM 4: 39).

This is how Peirce spells out the distinction between the propositional content and the different actions that can be exerted over it. But which characteristics distinguish the act of asserting from other acts, such as commanding or requesting? Following a standard interpretation (HOOKWAY 1985: 128-9, BROCK 1982), I will summarise the Peircean view of assertion in three tenets. On this view, to assert is a proposition is to:

1. Show that the speaker believes the proposition to be true (CP 2.335, 2.535, 5.542, 8.115; MS 70.52)
2. ... in the attempt to make the hearer believe that the proposition is true (CP 2.335, 5.547, 4.353, 2.250, 5.29-31; NEM 4.248-9, MS 200.91-92, 284.41, 515.42-44, 664.8)
3. ... thereby undertaking responsibility for the truth of the proposition (CP 2.250, 2.315, 5.29-31, 5.543, 5.547, 8.313, 9.336, MS 70.52, 280.25-26, 1.33.336, 399.5, 517.42-44, 36.104-5)

Let us briefly explain this analysis. The first claim is that asserting «consists in the furnishing of evidence by the speaker to the hearer that the speaker believes something» (CP 2.335). This view is influenced by the Kantian idea, dominant in German philosophy at the time Peirce was writing, that asserting is the outward manifestation of an internal judgement⁴ (cfr. BRANDOM 1983). It is worth noting that even if Peirce endorses the view that assertions are the outward expression of judgements, this idea seems to play a minor role in his account.

The second property that characterises assertions is their being an attempt to change the beliefs of their recipients: «clearly, every assertion involves an effort to make the intended interpreter believe what is asserted» (CP 5.547). It is worth mentioning that even if some contemporary philosophers have espoused a similar view (e.g. BACH & HARNISH 1979, WILLIAMS 2002), most of the authors writing on assertion have denied that intending to convince the audience is necessary for asserting

³ Peirce underlines this distinction in several passages of his works (CP 4.56, 3.430, 2.315, 8.336, 5.424, MS 334.17, 409.14, 70.52, 200.91-92, 499.27, 792.2, 517.40-41, 587.37.105). For a discussion of his ‘theory of speech acts’, cfr. BROCK 1981.

⁴ I am here using the term ‘judgement’ in the Peircean sense, as indicating the act of deliberately accepting a proposition as true (Ms 517.36-38) – or, in other words, as an ‘affirmation to oneself’. This is opposed to the use that Peirce attributes to ‘the German writers’, who conflate the notion of judgement and that of proposition (Ms 517.36-37). For a detailed reconstruction of Peirce’s account of assertion as opposed to judgement, cfr. TUZET 2006.

(ALDRICH 1966, SEARLE 1969, VLACH 1981, DAVIS 1999, ALSTON 2000: 44-50, GREEN 2007: 75-82, MACFARLANE 2011). In Searle's words: «I may make a statement without caring whether my audience believes it but simply because I feel it my duty to make it» (SEARLE 1969: 46).

The distinctively innovative aspect of the Peircean view is its third component, that defines assertion in terms of the normative consequences that it brings about. By uttering an assertion, a speaker undertakes a set of responsibilities, that Peirce often defines as analogous to legal responsibilities (CP 2.315, 2.252, 5.30, 8.313):

An act of assertion supposes that, a proposition being formulated, a person performs an act which renders him liable to the penalties of the social law (or, at any rate, those of the moral law) in case it should not be true, unless he has a definite and sufficient excuse (CP 2.315).

An essential feature of this analysis is that assertion is defined in terms of its consequences: in asserting that *p*, you make yourself responsible for the truth of *p*, bringing about a change in your normative status towards your linguistic community. This means that you accept that you may have to give explanations or reasons to support your assertion, and that you may be sanctioned (by the linguistic community, your peers, etc.) in case the assertion turns out to be false⁵.

Arguably, this normative component of the analysis of assertion is not only the most innovative aspect of the Peircean analysis, but also the property that Peirce takes to be the 'essence' of assertion (BROCK 1982: 285). This is more evident in passages where Peirce criticises the analysis of assertion in terms of mere belief expression (condition 1) as incomplete, stressing the importance of the responsibilities that the speaker undertakes:

If a man desires to assert anything very solemnly, he takes such steps as will enable him to go before a magistrate or notary and take a binding oath to it. Taking an oath is not mainly an event of the nature of a setting forth, *Vorstellung*, or representing. It is not mere saying, but is doing. The law, I believe, calls it an 'act'. At any rate, it would be followed by very real effects, in case the substance of what is asserted should be proved untrue. This ingredient, the assuming of responsibility, which is so prominent in solemn assertion, must be present in every genuine assertion (CP 5.546).

1.2 Commitment-based accounts of assertion

Peirce's account of assertion anticipates a view that will have a central place in philosophy of language: call this view the *commitment-based account of assertion*. According to this view, asserting a proposition is equivalent to committing yourself to the truth of that proposition. This position has been endorsed, in a variety of ways,

⁵ According to Hookway (2000: 64-5), Peirce (CP 5.565) might have thought that some scientific assertions carry no commitments. «The suggestion seems to be that when an assertion is made by someone who carries out inquiries in the scientific spirit, this does not involve a firm commitment to the truth of the proposition. [...] In that case, asserting a proposition commits me to its 'approximate truth', not to its exact truth». Hookway's considerations here aim at reconstructing Peirce's conception of truth rather than his view on assertion; for our purposes, it is sufficient to note that these remarks are still compatible with the view that *all* assertions generate *some* commitments – the ones generated by scientific assertion simply being weaker than the ordinary ones. (Thanks to an anonymous referee for prompting me to consider this point).

by authors from the ‘pragmatist’ tradition (BRANDOM 1983, 1994 and MACFARLANE 2003a, 2003b, 2005, 2011), from the speech act tradition (SEARLE 1969, 1975; SEARLE & VANDERVEKEN 1985; ALSTON 2000; GREEN 2000), and also from other philosophical traditions (DUMMETT 1981: 463; WRIGHT 1992; WATSON 2004). Importantly, this filiation from Peirce’s original idea is often explicitly acknowledged:

[My account] has its roots in Peirce, who said that ‘to assert a proposition is to make oneself responsible for its truth’ [...] This approach defines assertion in terms of its ‘essential effect’. But it regards this essential effect as the alteration of a normative status – the acquisition of new commitments or obligations (MACFARLANE 2011: 91).

In addition to highlighting the influence of Peirce’s thought, this quotation helpfully summarises two key assumptions that are shared by commitment-based accounts. The first, often implicit, is that the salient aspects of assertion are the normative *effects* that are brought about by its performance. The second (that varies moderately between the different accounts) is that these normative effects can be defined in terms of commitments, or obligations. Generally, as in Peirce’s work, these effects are characterised as an assumption of responsibility on the behalf of the speaker: by asserting that *p*, a speaker commits herself to the truth of *p*. Saying that a speaker is ‘committed to the truth’ of the proposition, philosophers mean that the speaker has to vouch for the truth of the proposition, to give explanation or reasons for believing it if the situation requires it, and that he will be sanctioned or criticised if he fails to discharge this obligation.

Some critics (e.g. RESCORLA 2009: 114) have noted that if asserting is simply defined in terms of commitment, the notion of commitment needs to be fleshed out – otherwise, explaining assertion in terms of commitment is simply trading an unqualified term for another one. A detailed (but reasonably concise) explanation of the notion of commitment can be found in MacFarlane (2003b: 13-16), that re-elaborates ideas brought into the debate by Brandom (1983; 1994: 172-4):

To commit oneself to the proposition *p* is, inter alia, to accept to:

- a. be responsible for providing adequate grounds for *p* in response to any appropriate challenge, or
- b. defer this responsibility to another asserter on whose testimony one is relying, or
- c. discharge his commitment by withdrawing the assertion (*adapted from* MACFARLANE 2003b).

This schema (call it the *commitment schema*) succeeds in expounding what is meant by claiming that asserting that *p* is to commit oneself to the truth of *p*. Of course, the commitment schema could be further expanded, to include other consequences of accepting linguistic commitments. For instance, by committing yourself to the truth of *p* you also become responsible for what your hearer does or infers relying on *p* being the case (including passing the word along), and you are liable to be sanctioned by the members of your linguistic community in case *p* turns out to be false, unwarranted or improper (MACFARLANE 2005: 334-335, DUMMETT 1981: 357, 453). The purpose of the proposed schema, however, is just to isolate the *discursive* component of commitment (the commitments that one has *qua* participant in a

conversational exchange): further responsibilities can then be inferred from the social norms that are in place in the context of the utterance.

Having specified what is meant by commitment, it is time to turn to the initial question: can a commitment-based account⁶ satisfy requirements (i-ii) for a theory of assertion? As for (i), commitment-based accounts offer an intuitive criterion for *individuating* assertions: a proposition *p* is asserted iff the speaker is committed to the truth of *p*. This criterion successfully distinguishes assertions from other speech acts such as commands, questions and declarations, which do not commit the speaker to the truth of the proposition. Moreover, it excludes declarative sentences that are not asserted, like fictional and ironic utterances, or antecedents of conditionals, to the truth of which the speaker is not committed.

However, even if committing yourself to the truth of *p* is necessary for asserting *p*, it is not clear that it is sufficient. To see this, suppose I utter (1):

(1) My sister is a phrenologist.

If I utter (1), I am committing myself not only to the proposition that my sister is a phrenologist, but also to the proposition that I have a sister. However, while I have asserted that my sister is a phrenologist, I have not asserted that I have a sister – I merely implied it, or more exactly presupposed it⁷. Arguably, a similar problem arises for conventional implicatures. This shows that the definition of assertion in terms of commitment is too broad, as it incorrectly treats as assertions propositions that are merely presupposed or conventionally implied.

A simple adjustment (SEARLE 1969, MACFARLANE 2003: 12f.) is to require that the speaker becomes committed to the proposition *p* in a particular way, namely by *saying* that *p* – rather than by merely *presupposing* or *implying* it. Even if there are several ways to spell out what exactly counts as being said, or expressed, by the utterance of a sentence (for an overview, SAUL 2012: §2), once a satisfying account of semantic content is provided, commitment-based accounts are in principle able to avoid this difficulty.

A further problem, however, prevents these accounts from satisfying (i). Even if at first glance commitment-based accounts seem to distinguish assertions from other speech acts (such as commands or questions), a closer scrutiny shows that they include some speech acts that are not assertions, namely those that commit the speaker to the proposition in a *stronger* way than (or *equivalent* to) assertion. For instance, speech acts like ||accusing||, ||warning|| and ||promising|| all commit (to various degrees) the speaker to *p*, but a good theory of assertion should be able to discriminate between these speech acts and straightforward assertions. Hence, commitment-based accounts are too broad and fail to meet requirement (i).

Moreover, it is not clear whether these accounts provide a satisfying answer to question (ii), *i.e.* if they provide a good criterion to distinguish proper assertions from improper ones. For instance, an account of proper assertions should be able to predict

⁶ It should be kept in mind that this section only discusses and evaluates ‘pure’ versions of the commitment-based account, *i.e.* accounts defining assertion *only* in terms of commitment. Mixed versions, that incorporate further conditions for asserting, will be discussed in section 3. As for the *commitment schema*, an account does not need to define commitment exactly in these terms to qualify as commitment-based: the analysis offered by the schema is merely representative of the general understanding of the notion.

⁷ Unless we accept a Russellian paraphrase of (1) that counts ‘I have a sister’ as part of what is asserted (cfr. RUSSELL 1905: 481-2, GEACH 1965)

that, in standard contexts, false or insincere assertions are improper. This is something that commitment-based accounts alone are not able to do, because they only specify what course of action is appropriate *after* having performed an assertion, without setting any constraints on which conditions must be met to assert a given proposition appropriately. Hence, the commitment schema would incorrectly count false assertions as proper, as long as they are retracted when challenged by better arguments or better evidence.

Clearly, some norms of assertability can nonetheless be derived from commitment-based accounts. The commitment schema specifies that assertions that are unwarranted (*i.e.*, for which the speaker can provide no adequate grounds) must be retracted. Hence, to avoid making assertions that you will have to retract, it is *reasonable* that you only assert the ones for the truth of which you can provide grounds. A ‘proper’ assertion, one might infer, is one that allows you to discharge your commitment without having to retract the assertion.

There are two difficulties with this solution. First, this would be a substantial modification of the account. There is a crucial difference between the claim (a) that asserting p is accepting responsibility for p being the case, and the further normative requirement (b) that speakers should only accept the responsibilities that they can fulfil. Requirement (b) goes beyond the core claims attributed to commitment-based accounts, so that an account integrating (b) is not a ‘pure’ commitment-based account, but rather a mixed account (see section 3).

A second problem is that requirement (b) takes for granted that a false proposition can never be asserted warrantably, even if many authors (LACKEY 2007, 2011; KVANVIG 2009, 2011) maintain that an assertion can be uttered warrantably even if afterwards it turns out to be false. If at moment t_1 the speaker S has the best epistemic ground to believe p , it seems that S is in t_1 in a position to assert p properly, even if at t_{1+n} p turns out to be false and S is forced to retract it. A commitment-based account integrating (b) would struggle to account for this intuition. An alternative option is to deny this intuition and maintain that a warranted assertion cannot turn out to be false, but this would commit the account to a very demanding criterion for assertability (one almost inflexible to the utterance context), making it unappealing to whoever shares the opposite intuition.

To sum up, commitment-based accounts are ill-suited to satisfy requirement (ii); and even if revision (b) is conceded, they still fail to satisfy (i), since they are too broad, and incorrectly class as assertions some speech act that are not assertions. An alternative account is offered by the restriction-based model of assertion, that focuses on the *conditions for* asserting (which MACFARLANE 2011 calls *upstream* norms), instead of the *consequences of* this act (*downstream* norms).

2. Restriction-based accounts: Williamson and the norm of assertion

Restriction-based accounts focus on the normative *prerequisites* for asserting properly, and define assertions in terms of the conditions for their appropriate performance (cfr. RESCORLA 2009). *Restriction-based accounts* (or ‘restrictive accounts’ for simplicity) are not incompatible with *commitment-based accounts* (section 3 will discuss the possibility of integrating these models), but they stress different characteristics of assertion, and tend to be discussed separately in the literature. This section will focus on *purely* restrictive accounts – accounts that define assertion *only* in terms of assertability.

Some influential views in philosophy of language, such as the Gricean account of the maxims that regulate cooperative communication, or Lewis' characterisation of languages as guided by a convention of truthfulness, can be termed 'restrictive' in some relevant sense (cfr. GRICE 1989; LEWIS 1975). However, none of these accounts is primarily focused on assertion or assertability, nor can any be deemed to be purely restrictive. It is only in rather recent times, in response to a paper authored by Williamson (1996, revised in 2000), that purely restrictive accounts of assertion have gained centre stage in philosophy, especially in epistemology. Williamson's paper, that laid the foundations for the subsequent debate, moves from a simple hypothesis:

What are the rules of assertion? An attractively simple suggestion is this. There is just one [constitutive] rule. Where C is a property of propositions, the rule says:

(The C-rule) • *One must: assert p only if p has C.* (WILLIAMSON 2000:241)

According to Williamson, there is only one rule to which all and only assertions are subject – a rule that restricts which propositions one can properly assert and which one cannot. This rule requires the asserted proposition to have some unspecified property 'C' – that Williamson clearly takes to be an epistemic property, like being known or being believed by the speaker. The rule is *unique to* assertion, so that only the speech act of assertion is regulated by this rule, and is *constitutive* of assertion, meaning that the speech act of assertion could not exist without being regulated by this rule (were assertion to be ruled by a slightly different rule, it would be a slightly different speech act).

If the hypothesis is correct, to provide a restrictive account of assertion is to specify what kind of property is C. Several proposals have emerged in the literature: for instance, the *knowledge rule* (KR), the *truth rule* (TR), and the *justification rule* (JR):

- *KR: 'You must: assert that p only if you know that p'*
WILLIAMSON (1996; 2002), DEROSE (2002), BENTON (2011), TURRI (2013)
- *TR: 'You must: assert that p only if p'*
WEINER (2005); WHITING (2012)
- *JR: 'You must: assert that p only if it is reasonable for you to believe p'*
LACKEY (2007); in similar terms DOUVEN (2011); KVANVIG (2009, 2011).

It should be noted that the C-rule account (CR) is explicitly conceived to meet the two desiderata of a theory of assertion. It aims to provide a criterion for identifying assertions (requirement (i)), since all and only assertions are subject to this rule: «the envisaged account takes the C-rule to be individuating: necessarily, assertion is the *unique* speech act A whose *unique* rule is the C-rule» (WILLIAMSON 2000: 241). Furthermore, the very criterion to identify assertions also specifies the requirement for an assertion to be proper (requirement (ii)).

However, I am going to show that a purely restrictive account based on a single rule is vulnerable to several difficulties. A first problem concerns requirement (i): in this respect, restriction-based accounts share some of the difficulties of commitment-based accounts. To begin with, the problem of treating presuppositions as assertions. If an assertion that p is subject to CR, then it seems that also any presupposition q triggered by the assertion that p would have to follow CR. If this is the case, then restriction-based views incorrectly class presuppositions as assertions – unless

integrated with the requirement that the proposition is semantically encoded in the sentence, and with a satisfying theory of what counts as semantically encoded in this sense.

Restrictive accounts also incorrectly capture some speech acts that are not assertions, like swearing and promising, in the same fashion as commitment-based accounts. For each of the proposed interpretations of CR (like KR, JR and TR), there seems to exist at least one speech act that shares that rule with assertion, so that the rule does not uniquely regulate assertions. For instance, if KR regulates asserting, KR has to regulate also the speech act of swearing (since, as I argue in section 3, whenever I am in a position to swear that *p*, I am also in a position to assert that *p*). Arguably, the same applies to any speech act whose sincerity conditions are *stronger* than (or *equivalent* to) those of assertions – such as ||promising||, ||warning||, ||confessing||, and so forth. Clearly, the objection is not valid if each of these ‘stronger’ speech acts is subject to some further rule (or a stronger version of CR), since assertion would still be the only speech act that is *only* subject to CR. However, some speech acts like ||swearing|| are indeed *only* subject to CR, so that the reply does not stand, and CR cannot serve as an identifying criterion for assertions.

Moving to requirement (ii), each of the proposed norms of assertion (especially KR and TR) has been subject to several cogent objections, raising a general suspicion over the possibility to specify a C-Rule without incurring in compelling counterexamples. Given the limited ambitions of this paper, I will put aside critiques to specific accounts of CR, and consider only ‘general’ critiques, *i.e.* critiques putting into question the very hypothesis that something like CR regulates assertion. But the very disagreement about the specification of property C motivates a first suspicion against the hypothesis: given that every specification has been subject to a several cogent objections, and a consensus appears unattainable, there seems to be good ground to believe that the C-rule hypothesis is ill-construed in the first place (cfr. CAPPELEN 2011: 32-36; LEVIN 2008; PAGIN 2015).

A second general objection comes from philosophers (BROWN 2008; DEROSE 2009; CARTER & GORDON 2011; GERKEN 2014; CARTER 2014) who have argued that there is no solid reason to assume that assertion is governed by a *single* rule, and that this assumption amounts to «little more than an item of faith» (DEROSE 2009: 93). There is no need to discuss these critiques in detail: it will be sufficient to note that if there is more than one rule, CR fails to meet desiderata (i-ii), independently of the specification of property C.

A third kind of objection challenges the idea that CR is constitutive, and more generally the account of norms employed by Williamson (MAITRA 2011: 28f; MCCAMMON 2014: 137; HINDRIKS 2007: 396; MARSILI manuscript). In fact, according to the terminology traditionally employed in philosophy of language, CR is a *regulative* rule rather than a *constitutive* one.

Broadly speaking, the notion of ‘regulative rule’ captures the ordinary notion of rules, as obligations that serve as a «guide, or as a maxim, or as a generalization from experience» (RAWLS 1956: 24). A violation of such rules typically makes the subject liable to criticisms or sanctions. Given their directive function, regulative rules «characteristically have the form or can be comfortably paraphrased [as imperatives] of the form ‘Do X’ or ‘If Y do X’» (SEARLE 1969: 33), which is the form of the C-rule.

Constitutive rules, in contrast, are closer to definitions than they are to commands: instead of setting obligations, they define what it is to engage in a given institutional practice. For instance, the constitutive rule of checkmate defines which

configurations on the chessboard count as checkmating. A consequence of the non-imperative character of constitutive rules is that they cannot be disobeyed, at least not in the sense in which regulative rules can.

Having clarified the distinction, it is blatant that the C-rule rather fits the standard definition of a *regulative* rule, as it defines an obligation that can be violated while still asserting. In Hindrik's words (2007: 396):

In spite of the fact that Williamson invokes the analogy with games, the knowledge rule cannot be a constitutive rule [...]. Constitutive rules specify (non-normative or descriptive) requirements an entity such as an action has to have in order to constitute another entity. [...] A related problem regarding the knowledge rule as a [...] constitutive rule is that [the rule] is a directive rather than (merely) a specification: it forbids assertions that do not express knowledge. Thus, instead of a constitutive rule, the knowledge rule is a regulative rule.

The fact that (in the traditional sense) CR is regulative rather than constitutive poses a dilemma for the proponents of restrictive accounts: either CR can be rephrased to show that it is *constitutive* of assertion in the traditional sense (in which case the question of which restrictions regulate assertion remains open), or it cannot (in which case the alternative sense must be specified).

The first option is not available, because an account based on constitutive rules alone would not be restrictive, since constitutive rules do not set obligations that can be violated in a proper sense, and hence cannot set restrictions on assertability. Hence, one has to interpret the CR as a regulative rule – perhaps constitutive in the sense that it is a ‘special’ regulative rule, one that is ‘essential to’ assertion⁸. A first problem with this solution is that the current debate would rest on a dramatic confusion about the nature of the norm, given that many authors either do not acknowledge that the norm is in fact regulative in the traditional sense, or claim that it is not. A further problem is that regulative rules are bound to be unable to satisfy condition (i). Since regulative rules merely regulate the correct execution of some pre-existing forms of behaviour, by definition they leave the individuation of those behaviours to something else (arguably, constitutive rules). This is shown by the fact that any regulative rule for ϕ ing takes ϕ ing as its object, so that it cannot be a non-recursive definition of ϕ ing. The very formulation of the CR takes assertion as a primitive notion: ‘One must: *assert p* only if p has C’: to be able to follow this rule, one needs to already know what assertion is (cfr. MACFARLANE 2011: 86-87). Now, some revised version of both the C-rule and the notion of regulative rule could be able to encompass this difficulty. However, no such account has been defended yet, while some authors argue that there is no way to both defend that the rule is regulative and meet desiderata of the C-rule hypothesis (MAITRA 2011: 283-85, MARSILI manuscript).

To sum up, restriction-based accounts come with several difficulties: they capture more speech acts than just assertions, they struggle to motivate the claim that the rule is unique and to identify a rule in particular. Moreover, they rely on a notion of rule that is ambiguous between at least two different readings, each of which is problematic. In the next section I will suggest that a satisfying account of assertion

⁸ Pollock's notion of ‘definitive rules’ (1982: §10) develops this intuition more in detail. The problem of this kind of accounts is that they ultimately labels all rules as constitutive, as every regulative rule is essential to the practices it regulates (cfr. MARSILI manuscript).

should incorporate both regulative and constitutive norms. Constitutive norms provide a definition of what it is to engage in a practice (like assertion), aimed at satisfying (i), and regulative norms impose restrictions on the proper performance of that practice, aimed at satisfying (ii).

3. Mixed account as a solution

Both *restrictive-based* and *commitment-based* accounts stress an important normative aspect of assertion (the former its normative *consequences*, the latter the normative *conditions* for its performance); at the same time, they tend to underestimate the importance of the other aspect, either by not discussing it or by describing it as playing a secondary role. In this section, I will examine a promising way to incorporate elements of both accounts, putting their intuitions to work within the broader framework of speech act theory.

Call an account that incorporates both views a *mixed account*. A mixed account has the advantage of being able to explain both the normative requirements for the performance of an assertion and the normative consequences of its performance: it defines which propositions are properly assertable for a speaker in a context (e.g. those having property C), and what are the normative consequences of uttering an assertion (*i.e.* committing the speaker to the proposition).

There are different ways to elaborate mixed accounts (BRANDON 1994; SEARLE 1969; ALSTON 2000; LABINAZ & SBISÀ 2014). In what follows, I will present a mixed account elaborated from the work of John R. Searle: compared to other mixed accounts, his proposal has important advantages. First, it employs the speech-act-theoretic distinction between defective/non-defective and successful/unsuccessful executions, providing a solid background to distinguish between different kinds of restrictions: those determining the conditions for successful asserting (requirement (i)), and those determining the conditions for non-defectively asserting (requirement (ii)). Second, it employs a notion of rules that associates the different normative components (restrictions and commitments) to different kinds of rules (regulative and constitutive). Finally, it is able explain how assertion fits into a more general theory of illocutionary acts, thereby distinguishing direct and indirect performances of assertions.

Searle devotes his work to speech acts in general, rather than assertions in particular. However, several passages are dedicated to this speech act, given its prominent position in philosophy of language. Referring in particular to his later work in collaboration with Vanderveken (1985), his account of assertion can broadly be reconstructed as follows:

If all the conditions for hearer (H) understanding are satisfied, a speaker (S) asserts
iff

- A1) *S expresses the proposition P*
- A2) *S presents P as an actual state of affairs*
- A3) *S commits* himself to the truth of the proposition P*

In order to be non-defective, the assertion must also satisfy (4), (5) and (6):

- A4) *The propositional presuppositions obtain in the world of the utterance, and the speaker presupposes that they obtain.*

A5) *The speaker has undefeated justification* for believing p*
A6) *The speaker believes* that p is true*⁹.

The identifying features for assertion (requirement (i)), are offered by the first three conditions, that are both conditions and rules for asserting. As conditions for asserting, they provide an individuating criterion, aimed at satisfying requirement (i): you assert iff you express a propositional content *p*, presenting *p* as true, and committing yourself to the truth of *p*. A first advantage over alternative accounts is that condition (A1) rules out presuppositions and conventional implicatures, as they are not part of what is expressed by the utterance (they are not part of what is said).

The conditions for asserting (A1, 2, 3) need to be satisfied for the speaker to assert *successfully*: if one fails to comply with them, the utterance cannot count as an assertion. Condition (A3), called the “essential condition” for asserting, is a constitutive rule of assertion: it establishes the institutional practice of asserting, that would not exist if this rule were not in place. The Searlean view takes thus commitment to be constitutive of assertion, *i.e.* to establish the practice of assertion in linguistic communities that recognise such a practice.

The conditions for felicitously (non-defectively) asserting (requirement (ii)) are found in the second group of conditions. These are all regulative rules in the standard sense: a speaker who violates them can still perform the speech act, but infelicitously. These rules represent the ‘restrictive’ component of the account. Condition (A5, 6) are equivalent to JR and BR (belief-rule). They reflect the Gricean orthodoxy, according to which the speaker is only required to *attempt* to assert only true propositions (Supermaxim of Quality), so that an assertion can be felicitous as long as the speaker believes the proposition to be true and has sufficiently strong epistemic grounds for this belief (First and Second Maxims of Quality) (GRICE 1989, ch.2).

It is now evident that this view successfully incorporates the desirable features of both commitment-based accounts (A3) and restrictive accounts (A5, 6). It provides a more complete picture of the act of asserting and avoids the problem of ruling in presuppositions. Moreover, the speech-act-theoretic model is sophisticated enough to avoid the problem of counting stronger speech acts (such as ||swearing|| and ||promising||) as assertions, thanks to the *hypothesis of constructability* and the theory of *indirect speech acts* (as elaborated in SEARLE & VANDERVEKEN 1985).

According to the *hypothesis of constructability*, «the set of all illocutionary forces is definable recursively from a few primitive forces» (SEARLE & VANDERVEKEN 1985: 51), namely five *primitive illocutionary* forces, that define the only five classes of speech acts (assertives, commissives, directive, declaratives, expressives) that can exist in natural languages. All illocutionary forces can be derived from these five primitive forces, by applying *operations* that modify their components¹⁰: in other terms, by adding or subtracting either success or non-defectivity conditions for their performance, and by increasing or decreasing the strength of their illocutionary point.

⁹ The asterisk (*) indicates scalar parameters, *i.e.* parameters that can vary in degree. I have slightly rephrased condition (A5) to avoid some problems of the original formulation.

¹⁰ SEARLE & VANDERVEKEN (1985) take each illocutionary force to be identified by a septuple consisting of seven elements: (1) illocutionary point; (2) degree of strength of the illocutionary point; (3) mode of achievement; (4) propositional content conditions; (5) preparatory conditions; (6) sincerity conditions; (7) degree of strength of the sincerity conditions.

Assertion is taken to be the primitive *assertive* illocutionary force: all the assertive illocutionary forces can be *derived* by applying operations to it. For instance, by adding the preparatory condition that «the hearer is responsible for p, and p is bad» (SEARLE & VANDERVEKEN 1985: 189), one can derive the illocutionary force of ||accusing|| from ||asserting||. By increasing the strength of the illocutionary point of asserting, one can derive the speech act of ||swearing||, that commits the speaker to the proposition to a higher degree. This grounds the distinction between assertive speech acts and assertion: assertion is the only speech act that is *only* subject to *all* conditions (A1-6), and whose illocutionary point is neither stronger nor weaker than the one defined by (A3); by contrast, assertives are all the speech acts that can be derived from assertion by modifying these components. In what follows, I will distinguish between two kinds of derived assertives: *strong assertives* and *weak assertives*. The first ones are derived from assertion by *adding* further performance conditions or by increasing the degree of illocutionary strength (as in the example, respectively, of ||accusing|| and ||swearing||), the second ones are derived instead by *subtracting* performance conditions or by diminishing the illocutionary strength (as for ||conjecturing|| or ||suggesting||).

The *theory of indirect speech acts* outlines some important relations between assertions and other assertives. The standard way for a speaker to successfully perform an illocutionary act F(p) is to utter a sentence that expresses literally the force F and the content p (e.g. ‘I *promise* that this paper will finish soon’): this is called a *literal performance* of that act. Literal performance is to be contrasted to with *non-literal, indirect* performance. One of the ways to perform a speech act indirectly is by performing a first speech act that ‘strongly commits’ the speaker to the second one. We say that the utterance of an illocutionary act F1(p) *strongly commits* a speaker to F2(p) iff in the context of the utterance it is not possible for S to perform F1(p) without performing F2(p) – so that if S performs F1(p), S also performs (indirectly) F2(p) (SEARLE & VANDERVEKEN 1985: 129-130). This model predicts that every performance of *strong* assertives strongly commits the speaker to an assertion (since by definition all the conditions for asserting are met), so that also an *indirect* assertion is performed. By contrast, the performance of a *weak* assertive does not count as indirectly asserting (as by definition not all the conditions for asserting are met).

Crucially, while acknowledging that stronger assertives amount to indirect assertions, this account distinguishes *direct* performances from *indirect* ones. I take this to be its major advantage over the alternative accounts, since the problem of commitment and restriction-based accounts is that they cannot draw this distinction, so that they conflate strong assertives with assertions¹¹. The Searlean view avoids this problem by providing a sophisticated theory that appreciates the subtle difference between the set of indirect assertions (that includes strong assertives) and of direct ones (assertions *stricto sensu*).

One might wonder whether restrictive and commitment-based accounts can simply incorporate these assumptions to appreciate the distinction. A first worry with this solution is that their debt to a competing theory would be so substantial that their original tenets would contribute very little to the resulting theory of assertion. Rather than an ‘amendment’, such a revision would represent an inclusion into a more

¹¹ In the case of commitment-based views, perhaps also some weak assertives are counted as assertions, as also weak assertives (e.g. ||supposing||) generate some commitments.

sophisticated view, that already incorporated the main principles of both views anyway.

Furthermore, such amendment would probably be impossible to enforce, since each account is structurally incompatible with at least one of the speech-act theoretic criteria for distinguishing assertion from stronger assertives, namely: (A) differences based on performance conditions and (B) differences based on the degree of strength of the commitment.

Restrictive accounts are able to appreciate (A), since they maintain that assertion is *only* subject to the C-rule: this allows them to distinguish assertion from assertive that is stronger because it is subject to both the C-rule and some further regulative rule (like ||accusing|| or ||reminding||), or to a stronger version of the C-rule. However, it is hard to see how these accounts could incorporate criterion (B), as this would require to incorporate the notion of commitment into the definition of assertion. Consider the difference between ||asserting|| and ||swearing|| (or ||insisting||): when I *swear* that *p* (or when I *insist* that *p*), I clearly undertake a stronger responsibility for *p* being the case, as compared to when I merely *assert* that *p* (cfr. SEARLE & VANDERVEKEN 1985: 99, 188). However (against what is claimed in Williamson 2000: 244) it does not seem that the epistemic ground required for ||swearing|| non-defectively is stronger than the one required for ||asserting|| non-defectively. For instance, suppose I am a knight of the Round Table and I utter:

(2) I *swear* on the knighthood of the Round Table that I did not eat Lancelot's peanut butter.

In swearing on the knighthood rather than merely asserting, I reinforce my commitment to the proposition expressed (e.g., I accept that I will be expelled from the knighthood if it turns out that I ate the peanut butter), but I do not reinforce the sincerity conditions of the utterance: just as in the case of asserting, I should utter (2) only if I did not eat Lancelot's peanut butter. With respect to sincerity conditions, it seems that the class of assertable and swearable propositions is equivalent, and that the two speech acts rather differ in the stronger or weaker responsibility that the speaker undertakes in uttering them. Restrictive accounts cannot appreciate distinction (B), and cannot be amended to exclude the assertives that generate a higher commitment than assertions, like ||swearing|| and ||insisting||.

By contrast, commitment-based accounts could easily be refined to incorporate (B) and distinguish between different degrees commitment: asserting that *p* would then be a speech act that commits the speaker to *p* to a (*specified*) *degree*. This revised account would be presented with the difficult but solvable challenge of specifying such degree (defining the strength of this responsibility, and what counts as a deviation from it). However, 'pure' versions of commitment-based accounts cannot incorporate a criterion like (A), as (A) introduces a restrictive component. A commitment-based account cannot be amended to distinguish assertions from speech acts like ||accusing|| and ||reminding||, that differ from assertion not in the kind of commitment they generate, but in the conditions for their performance.

The speech-act theoretic account has some important advantages, but it is certainly also subject to some difficulties. The first is that it takes the degree of commitment generated by assertions as primitive, and does not offer an explanation of what counts as a stronger or weaker commitment than assertion. A second is that condition (A4) seems rather implausible, as it requires the presuppositions to be true, but

neither believed nor justified, which is inconsistent with the restrictions imposed on the propositional content. A third is that the regulative rules for felicitous assertion may fail to track some intuitions on what is a proper assertion: for instance, against condition (A6), Lackey (2007) has argued that believing that p is not necessary to assert p felicitously, because there are cases of ‘selfless assertion’ where JR overrides BR.

Even if Lackey’s arguments can be resisted¹², this paper does not aim to deny that the speech act account still needs some improvement. It rather aims to defend that it offers a solid framework to find a mediation between commitment-based and restriction-based accounts while avoiding their major difficulties. In addition to this, it has the advantage of explaining the different normative dimensions stressed by the alternative accounts in terms of different kind of rules (constitutive rules for commitments, regulative rules for restrictions). Furthermore, it places assertion within the broader framework of speech act theory, providing a formal explanation of its relations with other speech acts.

Clearly, we might still have contrasting intuitions on which are exactly the restrictions for asserting felicitously, or on how to carve degrees of commitment. As a matter of fact, the intuitions about this matter are far from being straightforward: it is thus a desirable feature of this account that it can be amended to meet one’s intuitions (for instance, by revising (A5) and (A6), or by specifying what degrees of commitment are compatible with satisfying (A3)).

To conclude, between the theories discussed the speech act theoretic account provides the best available background to develop a theory assertion. Even if its original formulation still needs some refinements, there is good ground to believe that within this framework it is possible to develop a definition of assertion that correctly characterises both the normative restrictions on felicitous assertions and the characteristic commitments generated by this speech act.

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¹² According to Lackey, ‘selfless assertions’ are assertions that are not believed to be true, but are nevertheless asserted appropriately. For instance, a racist judge might make a verdict against his beliefs because he is aware that they are affected by his racist biases. The selfless assertions counterexample can be resisted in three ways. First, it might be claimed that these assertions are not appropriate, since the speaker is asserting what he believes to be false. Second, it might be claimed that these are not genuine assertions, since in all of Lackey’s examples the speaker is talking on the behalf of some authority (and were the examples different in this respect, the assertion would look inappropriate). Third, it might be claimed that these examples are misrepresented, and the speaker is indeed sincere: for instance, if judge the takes the decision against his biases, it is because he believes that decision to be the right one, and hence is not insincere. For further, different arguments, cfr. TURRI 2014.

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