

Original Article  
**Assertion: The Context Shiftiness Dilemma**  
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Abstract: DeRose famously argued that, given that assertability varies with practical context, we cannot combine a biconditional knowledge norm of assertion with classical invariantism. The first aim of this paper is to show that DeRose's argument is ultimately unsuccessful. Second, I develop a view, entitled Assertion Functionalism, which combines the knowledge norm with classical invariantism and at the same time offers an appealing account of the intuitive variability of proper assertion.

assertion; contextualism; DeRose; Williamson; knowledge norm; classical invariantism.

## 1. INTRODUCTION

Here are two attractive theses each of which, unsurprisingly, enjoy a great deal of popularity in recent epistemological literature:

*Classical Invariantism.* The truth value of knowledge claims is insensitive to practical matters.

And

*The Knowledge Norm of Assertion (KNA).* One's assertion is epistemically permissible if and only if one knows that p.<sup>1</sup>

Now, popular as each might be, surprisingly enough, those who want to embrace both Classical Invariantism and KNA<sup>2</sup> are widely believed to face a dilemma. In a nutshell, here is how: intuitively, proper assertability varies with practical context in the sense that when the stakes are high more warrant is intuitively needed for one to be in a good enough epistemic position to assert than when the stakes are low. There are two ways to accommodate this variability. Either we allow for variability in what it takes to comply with the

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<sup>1</sup> A defence of the KNA against the putative counterexamples in the literature is beyond the scope of this paper. The *locus classicus* for a case for the necessity direction of KNA is Williamson (2000). For a defence of the sufficiency direction, see Simion (2016a).

<sup>2</sup> The ambition of this paper is limited to discussing KNA taken as a distinctively epistemic norm. Insofar as one defends/attacks KNA as a different type of norm, the results in this paper are irrelevant. The vast majority of people in the debate are explicitly concerned with the epistemic norm of assertion.

norm of assertion but then we can't have KNA. Or else we allow for variability in what it takes to know (or 'know') but then we can't have Classical Invariantism. Hence, one out of Classical Invariantism and KNA has to go. Let's call this *The Shiftiness Dilemma*.

Many, if not most<sup>3</sup> contributors to the debate accept the Shiftiness Dilemma and grasp one of its two horns. The view that grasps the first horn of the dilemma allows for variability in what it takes to comply with the epistemic norm of assertion.<sup>4</sup> In contrast, the view which goes for the second horn allow for variability in what it takes to know ('know').<sup>5</sup>

The central aim of this paper is to argue that The Shiftiness Dilemma is a false dilemma: KNA is perfectly compatible with Classical Invariantism. Furthermore, I offer independent reason to believe that if KNA and Classical Invariantism are true, variation in proper assertability is exactly what we may expect.

More precisely, the paper advances the debate in several important ways: (1) It identifies a widely assumed assumption concerning epistemic norm individuation (Content Individuation), which gets the shiftiness dilemma off the ground; (2) It argues that Content Individuation is false, and that therefore the norm at stake in the debate need not be epistemic; (3) Drawing on widely endorsed results in value theory, it puts forth a value-theoretically neutral way to individuate epistemic norms (Value Individuation). (4) It shows that Value Individuation delivers the result that the norm governing the assertion at stake

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<sup>3</sup> Exceptions are few. Some people venture to escape the dilemma on speech-act theoretic grounds, by either denying that we are dealing with the same speech act in high stakes and low stakes cases (Turri 2010), or even by arguing there is no such thing as a speech act of assertion to begin with (Cappelen 2010). Also, several philosophers (e.g. Rysiew 2001) venture to explain the variability in proper assertability in Gricean, pragmatic terms. This paper stays off speech-act theoretic controversies. It takes it that the speech act of assertion exists, is present in both high stakes and low stakes contextualist cases, and the intuitive variability is a normative rather than a speech-act theoretic affair.

Another notable exception is Tim Williamson (2005) who offers an error theoretic explanation for the intuition of variability. Roughly, the thought is that what explains the intuition is the fact that contextualist cases are borderline, and therefore non-luminous cases of knowledge. For a very compelling argument that the non-luminosity response will not work, since the contextualist argument can be easily reconstructed to feature clear cases of knowledge, see Brown (2008).

<sup>4</sup> This view comes in more than one variety; first there are people thinking that assertion is governed by one norm which stipulates that the appropriate amount of warrant for proper assertion varies with contextual features (e.g. Brown (2010), Gerken (2012), Goldberg (2015), McKinnon (2013), Rescorla (2009)). Another way to be a sensitivist about assertion is to stipulate several norms governing assertion depending on the context (e.g. Greenough (2011), Levin (2008), Stone (2007)). The differences between these views are, to a large extent, irrelevant for the argument made by this paper. Here is why: what this paper mainly concerns itself with is assessing the plausibility of the claim that the amount of warrant needed for epistemically proper assertion varies with practical context. As such, it dwells at a level of generality where the question as to whether the correct amount of warrant is set by one norm or many is irrelevant.

<sup>5</sup> Pragmatic encroachment (e.g. Hawthorne 2004, Fantl and McGrath 2009) takes practical sensitivity to be a feature of knowledge itself, and thus the relevant stakes to be those associated with the subject of the knowledge claims. In contrast, contextualists (e.g. Cohen (1999), DeRose (2002)) argue that it pertains to language attribution, and thus it varies with the stakes of the attributor.

in contextualist cases is a prudential norm; (5) it proposes a functionalist normative picture for assertion that accommodates these results.

I will proceed as follows: I will first rehearse the case for the incompatibility for Classical Invariantism and KNA (#2). Second, I will clear up some normative matters that have been generally ignored in the assertion debate, in order to show that, on pain of deontic equivocation, DeRose's argument needs a further assumption to get off the ground – i.e., Content Individuation (#3). In Section #4 I will look at Content Individuation and argue that it fails. In Section #5, I will develop a functionalist account of the normativity of assertion that combines both KNA and Classical Invariantism (henceforth also *Assertion Functionalism*). In Section #6 I conclude.

## 2. THE SHIFTINESS DILEMMA

For starters, I'd like to take a closer look at The Shiftiness Dilemma. To begin with, consider the following cases:

ASPIRIN-LOW. On the way to your place, your sister lets you know that she has a minor headache and asks you: 'Do you have aspirin at home or should we stop at the pharmacy?' You remember having bought aspirin last month and tell her: '*Don't worry, we have aspirin at home*'.

ASPIRIN-HIGH. On the way to your place, your sister's lets you know that her two-year-old baby urgently needs an aspirin on doctor's orders and asks you: 'Do you have aspirin at home, or should we stop at the pharmacy?' You remember having bought aspirin last month. Even so, you think it best to have your partner double check and so you call. When you find out that s/he is not at home you say to your sister: '*Well, let's drop by the pharmacy, just in case*'.

In ASPIRIN-LOW you assert that you have aspirin at home. What's more, your assertion is intuitively entirely proper. In contrast, you are unwilling to do so in ASPIRIN-HIGH. And, crucially, had you to made the same assertion in here, intuitively, it wouldn't have been proper. In this way, there is variation in the intuitive propriety of assertion (henceforth also *Intuitive Shiftiness* for short).

Intuitive Shiftiness is said to give rise to The Shiftiness Dilemma. To see how, consider the following passages from DeRose:

If the standards for when one is in a position to warrantably [i.e. properly] assert that *P* are the same as those that constitute a truth condition for 'I know that *P*,' [as KNA would have it] then if the former vary with context, so do the latter. In short: [KNA] together with the context sensitivity of assertability [...] yields contextualism about knowledge (2002,187).<sup>6</sup>

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<sup>6</sup> Note that DeRose's argument goes a bit too fast from KNA and the shiftiness data to contextualism; after all, any variety of pragmatic encroachment will share in the goods.

What of the advocate of [KNA] who does not accept contextualism? Such a character is in serious trouble. Given invariantism about knowledge, [KNA] is an untenable attempt to rest a madly swaying distinction upon a stubbornly fixed foundation. [...] [KNA] demands a contextualist account of knowledge and is simply incredible without it (2002, 182).

What DeRose claims here is that given Intuitive Shiftiness, if KNA is true, then so is contextualism. Of course, we now know that this argument is a bit too quick as another and closer look at the ASPIRIN cases will reveal. First, note that in ASPIRIN-LOW and HIGH you are in exactly the same epistemic position towards the proposition that you have aspirin at home: you remember having bought it last month. At the same time, your practical situation is different. In ASPIRIN-LOW not much hinges on whether you have aspirin at home. Your sister will be somewhat uncomfortable but she'll not suffer any serious harm. In contrast, the stakes in ASPIRIN-HIGH are considerably higher than in ASPIRIN-LOW: your sister's baby's health depends on it. Since we may assume that everything else is equal between the two cases, there is reason to think that the difference in intuitive propriety between ASPIRIN-LOW and ASPIRIN-HIGH is due to the fact that the stakes are higher in the latter case. In other words, there is reason to think that proper assertability varies with stakes.

But given that this is so, it is easy to see that Intuitive Shiftiness in conjunction with KNA does not entail contextualism. It won't if we allow that whether or not one knows varies with stakes. And this is of course just what pragmatic encroachers have proposed.

Even so, DeRose's argument promises to establish at least the entailment between KNA and the falsity of Classical Invariantism. After all, according to Classical Invariantism whether or not one knows does not vary with stakes. Rather it depends only on one's doxastic and epistemic position towards the target proposition and its truth value. For instance, in the ASPIRIN cases, either remembering having bought aspirin last month puts you in a good enough epistemic position to know that you have aspirin at home or it doesn't. If it does, then you know in both ASPIRIN-LOW and HIGH (assuming that you have the corresponding true belief, that is). If, on the other hand, it doesn't, then you know in neither. So, DeRose's point about the impossibility of resting "a madly swaying distinction upon a stubbornly fixed foundation" would still appear to show that, given *Intuitive Shiftiness*, we cannot combine KNA with Classical Invariantism. In other words, DeRose does appear to establish at least the following:

*Conditional Incompatibility.* If *Intuitive Shiftiness* is true, then KNA is incompatible with Classical Invariantism.

Since we have already seen that there is excellent reason to think that Intuitive Shiftiness is true, we have equally good reason to think that KNA is indeed incompatible with Classical Invariantism. And that, of course, is all we need to

force The Shiftiness Dilemma on those who embrace both KNA and Classical Invariantism: they'll have to give up one of the two.

### 3. AGAINST CONDITIONAL INCOMPATIBILITY

While Conditional Incompatibility may indeed seem plausible at first glance, I will now argue that it is false. To see why, I'd first like to introduce some relevant parts of normativity theory:

First, there are many types of action that are governed by a specific type of norm: chess moves are governed by norms of chess, driving by traffic norms etc. (henceforth I will use *norm N* as a shorthand for such a type-specific norm). Now, everyone agrees that assertion is a type of action and the epistemic norm governing it is just such a norm N.

Second, all types of actions are governed by certain types of norm simply in virtue of being actions. For instance, all types of action are governed by prudential and moral norms. Crucially, a given action may be improper in one respect whilst being proper in another. When you move the bishop diagonally in chess, your move is proper by the norms of chess. However, if someone also threatens to kill you if you move the bishop diagonally, your so doing will be both practically and morally improper. And the same goes, *mutatis mutandis*, for asserting that  $2+2=4$  at gunpoint, say. Your assertion is proper in the sense that it satisfies KNA but both morally and practically improper.

Third, actions can be assessed not only with respect to whether they are proper in the sense that they comply with the various specific norms governing them, but also whether they are *all-things-considered* proper. Crucially, it may be that even though a given action conforms to one particular norm, e.g. norm N, it is all-things-considered improper. This is just what happens in the above gunpoint cases: it is all-things-considered improper to move the bishop diagonally and to assert that  $2+2=4$  even though the relevant norms N are satisfied here. The reason for this is that requirements of moral and practical norms override the requirements of the norms of type N. What comes to light, then, is that many norms, including the epistemic norm of assertion are defeasible: they can be overridden by other norms.

With these points in play, let's return to Intuitive Shiftiness. Recall that DeRose argues from the intuitive variability in proper assertion to the incompatibility of KNA and Classical Invariantism. Crucially, however, I already mentioned that it is widely agreed that KNA is a norm N governing assertion. More specifically, it is a distinctively *epistemic* norm of assertion, that is, a norm that specifies conditions for *epistemically proper assertion* in particular. But now recall that norms N, including the epistemic norm of assertion, can be overridden by other norms.

So suppose for a moment that our propriety intuitions in cases like the ASPIRIN cases do not track distinctively epistemic propriety but some other kind of propriety. Since it is entirely possible that an assertion is improper in some other way whilst being proper in the distinctively epistemic sense associated with the epistemic norm for action and vice versa, it simply does not

follow from Intuitive Shiftiness that KNA and Classical Invariantism are incompatible. By the same token, Conditional Incompatibility is false.

What DeRose needs in order to establish the incompatibility of KNA and Classical Invariantism is that there is variability in the distinctively epistemic propriety of assertion (henceforth also *Epistemic Shiftiness*):

*Conditional Incompatibility\**. If *Epistemic Shiftiness* is true, then KNA is incompatible with Classical Invariantism.

Of course, *Intuitive Shiftiness* and *Conditional Incompatibility\** will not serve to establish the incompatibility between KNA and Classical Invariantism unless the following assumption holds:

*Epistemic Tracking*. The intuitive variation in propriety of assertion tracks the distinctively epistemic propriety of assertions.

Unfortunately, Epistemic Tracking is not all that easy to defend. To see this, consider the following question: given the fact that actions, including assertion, are governed by many norms the requirements of which may conflict in a given case,<sup>7</sup> how are we to distinguish the requirements of the norm we are interested in – that is, the distinctively epistemic norm governing assertion – from the requirements of other norms governing it, especially when the requirements are in conflict? Note also that it is fairly plausible to think that, if anything, our intuitions track all-things-considered propriety, which may conflict with the requirements of pretty much any of the norms that govern the relevant action, certainly however any norm N. Given that this is so, however, the prospects of making a convincing case for Epistemic Tracking are dim. There is precious little reason to think that we can get to the condition for distinctively epistemic propriety simply by registering our intuitions about cases.

By the same token, DeRose will need to do more in order to get the argument from Epistemic Shiftiness and Conditional Incompatibility\* to the incompatibility of KNA and Classical Invariantism off the ground. Importantly, here the trouble is not with Conditional Incompatibility\*, which I agree is perfectly fine. Rather the difficulty lies with making Epistemic Shiftiness plausible. What has transpired now is that there is little reason to think that merely appealing to our intuitions about when assertions are proper will do the trick as there is little reason to think that our intuitions track distinctively epistemic propriety here. Rather, DeRose will need to supplement his methodology with a principled way to distinguish the requirements of the distinctively epistemic norm he is after and he needs to show that there is variation in just these requirements in the relevant cases. This will give him

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<sup>7</sup> Jennifer Lackey expresses a similar worry regarding excuse maneuvers brought in defence of KNA: “For now, whenever evidence is adduced that concerns the epistemic authority requisite for proper assertion, it may bear on the norm of assertion or it may bear on these other [...] norms. [...] [I]t will be extremely difficult, if not impossible, to tell which is being defended (Lackey 2011, 277).”

Epistemic Shiftiness. And, since Conditional Incompatibility\* is fine, it will enable him to establish the incompatibility of KNA and Classical Invariantism.

#### 4. EPISTEMIC NORMS AND NORMS WITH EPISTEMIC CONTENT

Now, here is a view about individuating epistemic normative requirements that enjoys a considerable amount of popularity among epistemologists:

*Content Individuation.* If a norm affects the amount of epistemic support needed for permissible  $\phi$ -ing, then it is an epistemic norm.<sup>8</sup>

Note that if Content Individuation is a viable way of distinguishing between genuinely epistemic norms and norms of different sorts, Epistemic Shiftiness is true. If this isn't immediately obvious, consider the following variation of ASPIRIN-HIGH:

ASPIRIN-HIGH\*. On the way to your place, your sister lets you know that her two years old baby urgently needs an aspirin on doctor's orders and asks you: 'Do you have aspirin at home, or should we go to the pharmacy?' You remember having bought aspirin last month. Even so, you think it best to have your partner double check and so you call. When s/he confirms that there is a full pack in the medical box you say to your sister: '*Don't worry, we have aspirin at home*'.

Here, your assertion that you have aspirin at home is again intuitively entirely proper. Crucially, the only thing that differs between ASPIRIN-HIGH and HIGH\* is that in the latter you have more epistemic support for your assertion than in the former: you not only remember having bought it a month ago, but you also have confirmation from your partner that it is there. But then, of course, it is hard to deny that the reason why the very same assertion would have been improper in ASPIRIN-HIGH is that you do not have enough epistemic support for it. By Content Individuation, the norm that you are violating in ASPIRIN-HIGH is an epistemic norm and so concerns distinctively epistemic propriety. This gives us *Epistemic Shiftiness*. Since *Conditional Incompatibility\** is unexceptional, the incompatibility between KNA and Classical Invariantism will be established.

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<sup>8</sup> One can find Content Individuation implicitly assumed in most of the literature on epistemic normativity of belief, assertion or action in the last decade (see e.g. Brown 2010, 555). Furthermore, Content Individuation is frequently explicitly endorsed as in the following passages:

[T]he problem with the agents in the above cases is that it is not *epistemically* appropriate for them to flat-out assert that  $p$  [...]. One reason this is clear is that the criticism of the agents concerns the *grounds* for their assertions (Lackey 2013, 38).

Assertions are governed by an alethic or an epistemic norm – that is, a norm that specifies that it is appropriate to assert something only if what is asserted is true, or justifiably believed, or certain or known (Maitra 2011, 277).

The trouble with this line is that there is excellent reason to believe that Content Individuation is false, and therefore does not serve to support Epistemic Shiftiness. To see why, I'd like to return once again to the general theory of normativity. Consider, once more, a chess case. You are in a situation in which someone will kill you if you make any move. Here doing what is proper by norm N – say, moving the bishop diagonally – is all-things-considered improper. Here overriding moral and practical norms render relevant action *altogether* improper in the sense that you shouldn't play at all in the circumstances.

Crucially, however, rendering the action altogether inappropriate is not the only way in which overriding norms can affect the all-things-considered status of particular action governed by it. To see this, consider traffic norms: suppose you are driving down a road for which the relevant traffic norm (norm N) prohibits driving faster than 50 km/h. Suppose next that a terrorist group placed a bomb in centre town and that you are the only person who is able to defuse it. In this case you clearly have a moral obligation to (do your best to) defuse the bomb. But now suppose that, in order to get there in time, you have to break the traffic norm and drive 90km/h. Clearly, the moral requirement does not render driving altogether improper. Rather, what happens is that the moral norm overrides the traffic norm and renders driving 90 km/h the all-things-considered proper thing to do.

Notice that, in the two cases above, overriding norms affect the normative profile of the cases in two importantly different ways. First, in the chess case, overriding moral and practical norms render actions that are proper by norm N *all-things-considered improper altogether*. In contrast, in the driving case, overriding moral and practical norms *modify the requirement for all-things-considered proper action*: the bomb threat moves the all-things-considered proper speed up to 90km/h. In sum, overriding norms can affect actions in both of the following two ways:

*Override1.* They can render an action all-things-considered improper altogether.

*Override2.* They can modify the requirements for all-things-considered propriety up or down.

It may be worth noting that *Override2* does not only concern the case of driving. On the contrary, similar examples can be construed for many types of action. What matters is that the norms in question regulate *how much of a gradable property* one's action needs to enjoy in order to be proper. The case of driving is but one instance of this phenomenon. If this isn't immediately obvious, just note that it can be morally and/or practically required to have a better or a worse grade average, to wear a longer or a shorter skirt, to speak louder or more quietly. These considerations suggest that, when a certain type of action is governed by a norm (e.g. a norm N) that requires a certain degree of a gradable property G, a norm overriding this norm can move the threshold for all-things-considered proper action up or down on the G spectrum.

Now here is the crucial point: when a certain type of action is governed by a norm (e.g. a norm N) that requires a certain degree of a gradable property G and an overriding norm modifies the threshold for all-things-considered proper action up or down, this does not turn the overriding norm into a norm of the type that it overrides. For instance, in the traffic case, when a moral norm modifies the requirements for all-things-considered proper driving up to 90km/h, it does not follow that what we are now dealing with is a traffic norm that requires driving 90km/h. On the contrary, the traffic norm remains unaffected – it continues to require you to drive no faster than 50km/h – as does the fact that the norm requiring you to drive 90km/h is a moral norm. Rather what is going on here is that we are dealing with a moral norm that has traffic-related content and the that the requirements for all-things-considered proper driving coincide with the moral norm.<sup>9</sup> *This means that there is a noteworthy difference between a norm of type X (e.g. a traffic norm) and a norm that has X-related content (e.g. a moral norm that tells you how fast you may drive). In particular, and most importantly for present purposes, the fact that a norm has X-related content does not imply that it is a norm of type X.*

With these points in play, let's return to the case of assertion. Recall that assertion is a type of action.<sup>10</sup> According to KNA, epistemically proper assertion requires knowledge. Now, it is widely agreed that knowledge in turn is true belief such that one is in a good enough epistemic position towards the target proposition (henceforth also *warranted* true belief for short). And, according to Classical Invariantism, the threshold for warrant is of course fixed.

Crucially, however, warrant is a gradable property: one can have more or less warrant for a given proposition. This means that, if KNA and Classical Invariantism are both true, assertion is a type of action that fits the normative profile of Override2. To repeat, KNA requires a certain (according to Classical Invariantism fixed) amount of a gradable property (i.e. warrant). We may thus expect overriding moral, practical, etc. norms to be able to modify the degree of warrant needed for all-things-considered proper assertion up or down. Moreover, here too, the fact that an overriding moral, practical, etc. norm so affects the degree of warrant required for all-things-considered action does not turn the norm into an epistemic norm. Rather, here too, what is going on is that overriding moral, practical, etc. norm has epistemic content and that the requirements for all-things-considered proper assertion coincide with the moral, practical, etc. norm. Here too, we find the difference between an epistemic

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<sup>9</sup> Again, the other cases follow suit: Just because a norm regulates the appropriate color of one's clothes for a funeral, it need not follow it is a fashion norm: it will likely regard social appropriateness. It can be practically appropriate to speak louder or more quietly, no matter what the norms of etiquette require – if one is talking to someone who is hard of hearing, say.

<sup>10</sup> One legitimate question at this point is: where does this discussion leave the epistemic norm for action and/or practical reasoning? A full answer to this question falls outside the scope of this paper. I have argued elsewhere (Simion 2018) in quite some detail that, in virtue of the distinction between epistemic norms and mere norms with epistemic content, it is a mistake to lump together the epistemic propriety of practical reasoning with that of action. Practical reasoning is will be governed by genuine epistemic norms; action will not. For similar views, see Fantl & McGrath (2002).

norm (e.g. KNA) and a norm with epistemic content (e.g. a moral, practical, etc. norm that tells you how much warrant you need to assert properly). *And, again most importantly for present purposes, here too, the fact that a norm has epistemic content does not imply that it is an epistemic norm.*<sup>11</sup> By the same token, there is excellent reason to think that Content Individuation is false.

Now, recall that we are in the business of assessing the argument from Epistemic Shiftiness and Conditional Incompatibility\* to the incompatibility of KNA and Classical Invariantism. We had already seen that there was little hope that Epistemic Shiftiness could receive the needed support from intuitions about the propriety of assertions in cases like the ASPIRIN cases. And while Content Individuation may at first glance appear to offer a more promising alternative, we have now seen that there is excellent reason to think that there is an important difference between epistemic norms and norms with epistemic content and, as a result, Content Individuation is mistaken also. As a result, it doesn't serve to provide the needed support for Epistemic Shiftiness either.

In sum, DeRose's argument that KNA and Classical Invariantism are incompatible remains unsuccessful. The original argument from Intuitive Shiftiness and Conditional Incompatibility fails because Conditional Incompatibility is false. This problem can be fixed by replacing Conditional Incompatibility by the more plausible Conditional Incompatibility\*. The trouble now is that the uncontentious Intuitive Shiftiness will not serve to establish the desired result in conjunction with Conditional Incompatibility\*. Rather, what is needed is the stronger Epistemic Shiftiness. And we have now seen that there is no reason to think that Epistemic Shiftiness is true. Either way, the argument does not go through.

## 5. A CLASSICAL INVARIANTIST REJOINER: ASSERTION FUNCTIONALISM

It is, of course, one thing to show that a certain argument for the incompatibility of KNA and Classical Invariantism fails and quite another to establish that the two theses are actually compatible. This section takes on this latter task by offering an attractive view that combines the two and accommodates Intuitive Shiftiness.

### 5.1 Association Typing

I will once again start by looking at some relevant issues in the general theory of normativity. Recall that we have distinguished between norms of type X and norms with X-related content. Most importantly for present purposes, there is a difference between epistemic norms and norms with epistemic content. We have seen that, as a result, Content Individuation is false. But, of course, even if

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<sup>11</sup> Here is one natural worry that might arise at this point: Is the distinction concerning epistemic norms vs. norms with epistemic content merely terminological? What hinges on this distinction? Even if this paper is right, couldn't we just continue using 'epistemic norm' as standing for 'norm with epistemic content'? The answer is 'no'; first and foremost, because this would get us in trouble when it comes to fit with the general normative landscape, if we do individuate other types of norms along different lines. This paper argues that we do. For more discussion, see (Simion 2018).

norms of type X are not individuated by whether they have X-related content, the question remains just how norms of type X are individuated.<sup>12</sup>

Fortunately, the theory of normativity has a widely accepted answer ready to hand:

*Value Individuation.* Norms are typed by the type of good they are associated with.

For instance, prudential norms are associated with prudential goods, moral norms are associated with moral goods and so on.

Value Individuation is uncontroversial in value theory, in virtue of being value-theoretically neutral: it does not come with any substantive commitments about the relation between the axiological and the deontic. The association claim between norms and goals of the same type does not imply any direction of explanation. As a result, it is compatible with both of the two leading views about the relationship between the axiological and the deontic. The teleologist explains the ‘ought’ in terms of the ‘good’; he will say that the norm of type X is there to guide us in reaching the goal of type X. In contrast, the deontologist reverses the order of explanation: according to ‘Fitting Attitude’ accounts of value, the goal of type X is only valuable because the norm of type X gives us reasons to favour it. Crucially, in either case, the mere *association* claim at issue in Value Individuation holds.<sup>13</sup> As such, for my purposes here, I will rely on Value Individuation without further defence.<sup>14</sup> In what follows, I will only employ the teleological order of explanation, for the sake of simplicity. Nothing

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<sup>12</sup> Note that the answer to this question just might still play into DeRose’s hands. It will of course do so if the correct way of individuating epistemic norms supports Epistemic Shiftiness.

<sup>13</sup> For a good general overview of the relevant literature in value theory, see, for instance, Schroeder (2012); for champions of the teleological direction of explanation, see e.g. Moore (1903), Portmore (2005), Sidwick (1907) and Slote (1989). For the deontological direction, see e.g. Scanlon (1998) Ewing (1947), Rabinowicz and Rønnow-Rasmussen (2004)).

<sup>14</sup> An anonymous referee for this journal voiced an interesting worry about VI: according to VI, in virtue of not being associated with any goods, ‘bad’ norms (for instance, bad social norms) will not be norms at all. I agree. On a first approximation, I believe that this suggests that VI needs to be restricted to foundational normative domains. In the case of foundational normative domains (i.e. moral, prudential, epistemic, which are the ones at stake in the relevant value-theoretic literature), VI holds as stated: if *phi*-ing is associated with moral bads, then *phi*-ing is not (prima facie) morally permissible, there is no moral norm asking one to *phi*. There are no bad moral norms. In contrast, in derivative, human-regulated domains (such as legal, social etc) there can be such things as bad norms, in virtue of the fact that we fail to be associated with any goods (although, likely, in most cases, the intention behind them is to track some moral or prudential goods).

Fortunately, for the purposes of this paper, all I need to import from value theory is the type association for foundational domains. As such, from here onwards, I will take this restriction as read. I take it to be eminently plausible that there are no bad epistemic norms, just as there are no bad moral norms.

One last issue: one might wonder whether, in the light of the point above, some of the examples I give, featuring derivative norms (I take it to be plausible that traffic norms, for instance, are meant to track prudential normativity) do not weaken the argument. It does not. The referee’s worry regards the necessity claim involved in VI. The sufficiency claim is still standing, and that is all the cases put forth exploit.

hinges on this: the argument can easily be re-construed in a deontologically-friendly way.

Now, note that Value Individuation can offer an attractive account of the kinds of cases that caused trouble for Content Individuation. Consider, for instance, the driving case: the good associated with traffic norms is, presumably, the safe passage from one point to another. The norm that prohibits driving faster than 50km/h within city limits, for instance, is a traffic norm in virtue of being associated with this particular good. Moral norms, in contrast, are associated with the wellbeing of humans and other forms of life. With these points in play, let's return to the case in which it is all-things-considered proper for you to drive 90km/h in order to defuse a bomb in time. What calls the shots here is clearly the wellbeing of humans and other forms of life, not the safe passage from one point to another. By Value Individuation, then, it is *morally proper* for you to drive 90km/h. The traffic norm still requires you to drive no faster than 50km/h. Moreover, in this case, the moral norm overrides the traffic norm with the result that the all-things-considered proper thing to do coincides with the morally proper thing to do. What we get is just the analysis we were after. It is not as if the fact that the norm concerns the appropriate speed turns it into a traffic norm (as a generalized version of Content Individuation would have it). Rather, what happens is that we are dealing with a distinctively morally normative requirement, albeit one that, in this particular case, has traffic-related content.

Of course, Value Individuation also gives us a criterion for individuating distinctively epistemic norms. They are norms that are associated with distinctively epistemic goods. And it may be worth noting that, although many epistemologists have subscribed to Content Individuation, some have also embraced the value-theoretically more standard view. Peter Graham is one case in point: "*Epistemic* norms in this sense govern what we ought to say, do or think from an *epistemic point of view*, from the point of view of promoting true belief and avoiding error" (Graham 2012). Note also that Value Individuation makes plausible predictions about epistemic norms and norms with epistemic content. For instance, the norm that you may believe what is sufficiently supported by your evidence, is correctly characterized as an epistemic norm. After all, it is a norm that is associated with the epistemic good of promoting true belief and avoiding error. Consider, by way of contrast, the norm that requires you not to jump in the lake unless you know how to swim. Rather than being associated with distinctively epistemic goods, it is associated with the practical and/or moral good of survival. As a result, Value Individuation classifies it, again correctly, as a moral and/or practical norm, albeit one with epistemic content.<sup>15</sup>

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<sup>15</sup> Note that the Value Individuation claim is perfectly compatible with a norm being of several types at the same time, insofar as either (1) it is associated with several goods of different types or (2) the good that it is associated with is central to more than one normative domain. For instance, plausibly, knowledge is both epistemically (for inquiry) and prudentially (for survival) good.

For the purposes of this paper, this is not problematic. If VI holds, the norm rendering the relevant assertion impermissible in the relevant cases is a prudential norm, i.e. associated with a prudential good. Dialectically, the contextualist is in need of an epistemic normative constraint to

## 5.2 What Assertion is Good for

In the light of the previous discussion about Value Individuation, the following question immediately arises: what is assertion good for (epistemically)? After all, if there is such a thing as an epistemic norm for assertion in the first place, it is likely there to insure that assertion delivers the epistemic goods we are using it for. Now, what epistemic goods is assertion meant to deliver?

Here is one plausible thought: assertions characteristically<sup>16</sup> aim at generating testimonial knowledge in the audience. Plausibly enough, this is the main epistemic function<sup>17</sup> of assertion.<sup>18</sup> What's more, it is hard to understate the epistemic significance of assertion. Due to our physical and cognitive limitations, a lot the knowledge we have is testimonial. Arguably, we learn most of the things we know about the world from our parents, our teachers, the media and so on. In this way, then, assertion is one of our key epistemic vehicles.<sup>19</sup> This point is further reinforced by the fact that there is a sense in which knowledge is our way of being in cognitive contact with reality: in a

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be at work in the bank-like cases for them to constitute data points against the classical invariantist. I take it, then, that, assuming VI, it rests on the shoulders of the contextualist now to argue that there is also a distinctively epistemic good associated with the norm here, which renders the norm genuinely epistemic too, by VI.

<sup>16</sup> Claiming that this is an essential aim of assertion would appear too strong. After all, I can, say, make assertions in a diary, which are usually not intended to affect any audience in any way.

<sup>17</sup>For this paper, I do not need to go more into technical detail regarding the precise account of functions I have in mind, since it would crowd up the paper unnecessarily: any account thereof will do for present purposes. Also, I follow Peter Graham in using function, goal and aim talk interchangeably; for discussion, see Graham (2012). Nothing here hinges on this.

<sup>18</sup> For support of this claim, see e.g., Kelp (2014, Forthcoming), Reynolds (2002), Goldberg (2015), Turri (2016), Williamson (2000).

*Contra* the account employed here, Ruth Millikan (1984) and Peter Graham (2010) take the function of assertion to be generating true belief rather than knowledge in one's audience. If they are right, one could wonder, would it not be reasonable to suppose that assertion is governed by a corresponding truth norm? I have argued in more detail in previous work (e.g. Simion 2018) that the function at stake is generating knowledge rather than true belief, so I will not rehearse the entire argument here. In a nutshell, the thought goes as follows: function ascriptions are value loaded: that they correspond to the (most) valuable contribution of the respective trait to the relevant system. The function of the heart is pumping blood in the circulatory system – not just pumping blood, since pumping it anywhere else would fail to be valuable for the organism; also, not just pumping *something* in the circulatory system, since pumping orange juice would also fail to do the work. On the other hand, pumping blood and making a beating sound does not seem to be in any way more valuable to the organism than merely pumping blood. Now, the way in which knowledge is more valuable than mere true belief (or any epistemic standing that falls short of knowledge, for that matter) has been a fairly hot topic of debate in the last years (see, e.g. (Pritchard 2010)). One thing is, however, assumed by most actors in the debate: knowledge is, as a matter of fact, more valuable than true belief; the challenge is to explain how, not to argue that it is. If that is the case, however, it looks as though, similarly to the case of the heart, value considerations give us reason to describe the function at stake as being generating knowledge rather than true belief.

<sup>19</sup> Is all knowledge on a par in this respect? Some items thereof seem entirely useless (e.g. about the number of blades of grass on my lawn). Perhaps it is more plausible to think that the epistemic function of assertion is generating interesting knowledge (see, e.g., Alston 2005 for discussion). For the purposes of this paper, I will take any such restriction on the relevant epistemic goal as read.

wide range of areas, knowledge is widely and readily available. For instance, all I have to do in order to come to know that there's a computer in front of me is take a look; all I have to do in order to come to know whether I have a headache is introspect. In contrast, arriving at the corresponding true beliefs that fall short of knowledge is really quite a task (Kelp and Simion 2016).

Crucially, given all this, it makes sense to regulate assertion with a biconditional knowledge norm. To see why note first that we would want assertion to be both a *reliable* and a *productive* epistemic vehicle, especially in view of just how important assertion is as an epistemic vehicle for us. Second, on most if not all accounts of testimony in the literature,<sup>20</sup> in nearly all cases,<sup>21</sup> speakers will put their hearers in a position to know what they are being told and so, assuming that hearers do their bit, will generate the corresponding knowledge in them if and only if they themselves know what they say. As a result, it makes sense to regulate assertion by a biconditional knowledge norm: abandoning the necessity direction in favor of a stronger rival may be expected to lead to a loss in productivity, while abandoning the sufficiency direction in favor of a weaker competitor may be expected to lead to a loss in reliability.

In sum, given that generating testimonial knowledge in hearers is the primary epistemic function of assertion and given that, on the vast majority of accounts of testimony out there, a speaker will do so if and only if he knows what he asserts, it makes sense to have a knowledge norm governing epistemically proper assertion. Let us call this account, deriving KNA from its epistemic function of generating knowledge in hearers *Assertion Functionalism*.<sup>22</sup>

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<sup>20</sup> See Lackey (2008) for a nice overview.

<sup>21</sup> The following two types of case are the only exceptions I am aware of. The first are cases of 'selfless' assertions in which the speaker asserts what is best supported by the evidence even though she does not believe what she asserts herself, for idiosyncratic reasons (Lackey 2007). These speakers assert to what is best supported by evidence, although they cannot get themselves to believe it due to some rationality failures. The second are cases in which speakers compulsively lie in a patterns manner but where this pattern is counteracted by a corresponding patterned unreliability in belief formation with the result that the speakers reliably assert truths (Lackey 2008). In both types of case, the speakers seem to be perfectly able to generate knowledge in their audiences, in spite of the fact that they themselves don't know what they assert. While exceptions do exist, these cases are highly exceptional. As a result, I conjecture that they are statistically too insignificant to affect the above argument: weakening the norm of assertion to allow for these cases to come out permissible will incur greater overall losses in reliability and productivity than holding on the biconditional knowledge norm.

<sup>22</sup> An anonymous referee worried that the functionalist framework lacks the resources to explain the guiding character of the norm governing assertion. The functionalist normative framework is not, however, in virtue of being functionalist, restricted to generating norms without guiding potential. Whether functions generate norms that carry guiding potential depends on the entity that they regulate. When it is a biological trait that is at stake, likely, the generated norms will carry little guiding potential. Take the following normative claim: a properly functional heart is a beating heart; there is a biological norm that governs the activity of hearts in virtue of its function of pumping blood; its point is to make function fulfilment reliable. Of course, this norm will not 'guide' the heart in its behaviour in any way. Consider, in contrast: the function of the practice of shaking hands is social bonding. There are going to be proper and improper tokens of the type in the light of this: shaking someone's hand too forcefully, for instance, it's unlikely to be conducive to function fulfilment, which is why it will constitute an improper token of the type. That is, there will

Before moving on, I'd like to make two quick observations. First, Assertion Functionalism motivates a distinctively epistemic norm of assertion. After all, the good that its key norm is associated with is the distinctively epistemic good of knowledge. In this way, Assertion Functionalism also delivers the desirable result that KNA is a distinctively epistemic norm.

Second, Assertion Functionalism is entirely compatible with Classical Invariantism. In fact, the above motivation of KNA in terms of Assertion Functionalism plausibly works best on Classical Invariantism. After all, according to that view, how good an epistemic position one needs to be in in order to count as knowledge is fixed. As a result, it is no mystery that one will generally generate knowledge in hearers if and only if one asserts what one knows. In contrast, given practical sensitivism about knowledge (or 'knowledge'), which allows for variation in whether one knows with stakes, it is not so clear that assertion should be as good of a vehicle for generating knowledge in hearers as we take it to be. After all, the relevant stakes on the side of the speaker might differ from the ones on the hearer's side.<sup>23</sup> Since I am of course mostly interested in a Classical Invariantist version of Assertion Functionalism, in what follows I will take 'Assertion Functionalism' to mean *Classical Invariantist Assertion Functionalism*.

### 5.3 Back to Intuitive Shiftiness and the ASPIRIN cases

With these points in play, let's finally return to Intuitive Shiftiness and the ASPIRIN cases. In order to make a fully convincing case that KNA is indeed compatible with Classical Invariantism, we still need to show that there is a view that combines the two and accommodates Intuitive Shiftiness. I will illustrate how this can be done by taking another look at the ASPIRIN cases.

Before getting down to business, I'd like to flag that I will assume without further argument a version of Classical Invariantism according to which you know that you have aspirin at home in all the ASPIRIN cases. This means that we will have to explain why, in ASPIRIN-HIGH, your assertion that you do would be intuitively improper. Here is how.

First, your assertion would satisfy KNA and so, by the lights of Assertion Functionalism, would comply with the distinctive epistemic norm governing assertion. Note also that this is perfectly fine by Assertion Functionalist lights. After all, not only do you know what you would assert, by asserting what you know your hearer would come to know what you asserted as well, provided, that is, that she would do her bit also.

This means that the intuitive impropriety of your assertion must be explained in terms of some other, overriding norm. My suggestion is that it is practical norms that are at work here. Note that, once it is noted that the only

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be a norm – generated by the corresponding function – that governs hand shaking, forbidding shakings that are too forceful. Note that this latter norm is able to guide agents engaged in the practice of hand shaking. Similarly, on the view defended here, the practice of assertion has the function of generating knowledge in hearers; in virtue of this function, proper assertion is knowledgeable assertion. Again, just like in the case of hand shaking, this norm is capable to guide agents engaged in the practice.

<sup>23</sup> See e.g. (Peet and Pitcovsky Forthcoming) for more discussion on this.

difference between ASPIRIN-LOW and HIGH is that the *stakes* go up, this makes a lot of sense. If the *stakes* change, the practical good that's at issue changes also. In ASPIRIN-HIGH, the relevant good is your sister's baby's wellbeing, which now depends on whether you have aspirin at home. But if it is a distinctively practical good that gives rise to the higher degree of warrant needed for proper assertion, then, by Value Individuation, the relevant normative requirement is arguably a *distinctively practical* one also. What is going on in ASPIRIN-HIGH, then, is just an instance of Override2: the requirements of a practical norm override the requirements of KNA and drive the degree of warrant required for all-things-considered proper assertion up to a point that you simply don't reach.<sup>24</sup> That's why asserting that you have aspirin at home would be all-things-considered improper. And that, in turn, explains our corresponding intuition.

In this way, even on a Classical Invariantist reading, Assertion Functionalism can not only accommodate Intuitive Shiftiness and the ASPIRIN cases, it can offer a particularly attractive account of it. After all, this account of Intuitive Shiftiness and the ASPIRIN cases is but a plausible application to the epistemic case of relevant parts of standard normativity theory, to wit, Value Individuation and Override2. This completes my argument that the Shiftiness Dilemma is a false dilemma: contrary to what most contributors to the debate have taken for granted, it is entirely possible to embrace both KNA and Classical Invariantism.

## 6. CONCLUSION

It is widely agreed that the variability of proper assertion with practical stakes makes it impossible to combine KNA and Classical Invariantism. Accordingly, it is widely agreed that those who are tempted by both face the Shiftiness Dilemma: if they want to hold on KNA, they'll have to give up Classical Invariantism and vice versa. This paper has argued that this dilemma is a false dilemma. The key argument in support of it, due to DeRose, remains unsuccessful. The fact that there is intuitive variability in proper assertion does not entail the incompatibility between KNA and Classical Invariantism since what's needed is variability in epistemic propriety and there is no good reason to think that our intuitions track distinctively epistemic propriety. On the other hand, variability in epistemically proper assertion does entail the incompatibility between the two. But then there is no good reason to think that there really is variability in epistemically proper assertion. What's more, I have developed a view, Assertion Functionalism, which combines KNA and Classical Invariantism and offers a viable account of the intuitive variability of proper assertion. In this way, the Shiftiness Dilemma is shown to be a false dilemma.

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<sup>24</sup> Note that, importantly, extant pragmatic moves employed to dismiss contextualist cases have little in common with the view defended here, in that they concern the pragmatics of language. People like Jessica Brown (2006), Patrick Rysiew (2001) and Alan Hazlett (2009) argue that the assertion made in contextualist cases is impermissible due to triggering the false implicature that the speaker can eliminate all the practically relevant alternatives. In contrast, the pragmatic move made by this paper is at the level of the normativity governing the relevant speech act.

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