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The Constitutive Aim-Rule
Approach to Assertion

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철학과 서양철학 전공
유 환

The Constitutive Aim-Rule Approach to Assertion

지도교수 강 진 호

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부위원장 _____ 강 진 호 (인)

위 원 _____ 한 성 일 (인)

Abstract

The Constitutive Aim-Rule Approach to Assertion

Hwan Ryu

Western Philosophy Major

Department of Philosophy

The Graduate School

Seoul National University

This thesis presents *the constitutive aim-rule approach to assertion*. It is a critical development of *the constitutive rule approach to assertion*, an account which takes assertion as a kind of speech act *constituted by its rules*, just as chess is a kind of game constituted by chess rules. While this approach does seem to capture much of the nature of the speech act of assertion, it suffers from two serious problems. First, its core elements, i.e.

the analogy between assertion and games and the notion of constitutive rules, remain unclear. Second, it even fails to achieve its own purpose: to *individuate* the speech act of assertion. So the task for the approach is twofold: to provide a definition of constitutive rules, and to find out some other constitutive elements of assertion which can individuate assertion jointly with constitutive rules. I aim to achieve these two tasks in this thesis, thereby reaching at the constitutive aim-rule approach to assertion.

Regarding the first task, I start by criticizing Timothy Williamson's *simple individuation account* of the notion of constitutive rules. An essential feature of constitutive rules of a practice is that, unlike its regulative rules, they *create the possibility* of doing the practice. And Williamson tries to capture this point by arguing that constitutive rules of a practice are rule that *individuate* it. But I argue that Williamson's attempt fails to distinguish *constitutive rules* from *regulative rules*, because there are *individuating regulative rules*. Also, I examine how the confusion between constitutive rules and regulative rules shapes the recent debates on the constitutive rule of assertion and drives the debate into a stalemate.

I then introduce Ishani Maitra's notion of *flagrant violation*, and provide my own account of the notion of constitutive rules by critically developing it. Unlike Williamson, Maitra characterizes constitutive rules of a practice as rules one cannot *flagrantly violate* in doing the practice. And I

believe that Maitra's view is on the right track, because the notion of flagrant violation is necessary for understanding what it is for a rule to create the possibility of doing a practice. But, as I see the case, Maitra fails to provide a correct analysis of the notion of flagrant violation, because her analysis neglects the *role of the judges*. On my own analysis of the notion of flagrant violation, the role of the judges of a practice is crucial in determining whether an agent flagrantly violated a rule. Further, based on my own analysis of the notion of flagrant violation, I provide my own account of the notion of constitutive rules, thereby providing a solid basis of the constitutive rule approach to assertion.

Regarding the second task, I start by arguing that, even when we assume the distinction between constitutive rules and regulative rules, constitutive rules of a practice are *insufficient* for individuating the practice, because two different practices can be constituted by the same set of rules. So, there must be some *constitutive elements* of a practice other than its constitutive rules. Such elements are individually necessary and jointly sufficient for individuating the practice they constitute. Inspired by the example of games, I argue that *constitutive aims* are the only such an element except constitutive rules. In other words, assertion is individuated by its constitutive aims as well as its constitutive rules, just as chess is. Accordingly, I further develop the constitutive rule approach to assertion by

claiming that assertion has its constitutive aims as well as its constitutive rules, thereby resulting in the constitutive aim-rule approach to assertion.

The discussion above forms the skeleton of the constitutive aim-rule approach to assertion. And, to flesh it out, I provide my own view about the following two questions: which rule is the constitutive rule of assertion, and which aim is the constitutive aim of assertion?

My answer to the first question is that the Truth Rule, whose form is “One must: assert p only if p is true”, is the constitutive rule of assertion. This view was defended by authors such as Matthew Weiner and Daniel Whiting, but I do not find their defense satisfactory. I criticize their defenses and provide my own argument for the Truth Rule. Also, I defend my position from criticisms given by authors such as Igor Douven, Jennifer Lackey and Timothy Williamson.

My answer to the second question is that what I call the *establishment of a prima facie, defeasible evidential authority of what is asserted* (*establishment*, in short) is the constitutive aim of assertion. I extract this notion from Robert Brandom’s commitment approach to assertion and his notion of the *game of giving and asking for reasons*, and argue that establishment is the *essential effect* of assertion, the thing we aim to achieve when we assert something. So my view can be considered as an attempt to combine the constitutive rule approach to assertion with Brandom’s

commitment approach to assertion.

To sum up, the constitutive aim-rule approach to assertion is a further development of the constitutive rule approach to assertion in its form, and is a combination of the constitutive rule approach and the commitment approach in its content. By presenting this approach, I intend to give a plausible account of the nature of the speech act of assertion.

Keywords: Assertion, Constitutive Aims, Constitutive Rules, Flagrant Violation, Individuation of a Practice, Assertoric Commitment, Game of Giving and Asking for Reasons

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Introduction

Many philosophers have thought that the speech act of assertion has great philosophical importance. First, it is widely believed that assertion is the central, most important speech acts. So explaining the nature of assertion is the central task of speech act theory. Second, many philosophers of language think that understanding the speech act of assertion is crucial for understanding linguistic meaning. Some philosophers, notably Michael Dummett (1978), even insist that understanding the notion of assertion will shed some light on the notion of truth. And recently John MacFarlane (2014) finds the motivation for the theory that he calls ‘truth relativism’ from the normative significance of meaning that reveals itself at the norms that governs assertion. Third, assertion is recently drawing more attention in epistemology than it has before, in that it can be a medium of transmitting knowledge to others (cf. Sanford Goldberg 2015).

So it is natural to ask what the nature of assertion is. The widely accepted working hypothesis since Gottlob Frege (1956) is that we can understand the nature of assertion by understanding what the *assertoric force* is. And there are many theories that are intended to provide a partial

understanding of assertoric force, or a complete understanding of it. Of those theories, the most prominent ones are what I call *the constitutive rule approach to assertion* and *the commitment approach to assertion*.

The constitutive rule approach to assertion, which was first introduced by Timothy Williamson (2002), starts from the analogy between assertion and games. Just as games are constituted by its rules, assertion also is constituted by its rules. And the constitutive rule of assertion individuates the speech act of assertion, according to this approach. But this approach has three problems. First, it is unclear exactly what it means for a rule to be *constitutive* of assertion or a game. Williamson tries to explain the notion of constitutive rules, but it seems to me that his account has some serious problems. Second, this approach *is insufficient* for *individuating* assertion and games, contrary to its purpose. Third, although many philosophers provided arguments for their favored rules, truth, knowledge and justification, it does not seem that these arguments are strong enough for convincing the other parties.

What about the commitment approach to assertion? Robert Brandom (1994) is the most important proponent of this approach, and he develops his theory in terms of the commitment in a game that he calls ‘the game of giving and asking for reasons’. But Brandom’s theory also has serious problems. Although this approach is intended to provide a complete account

of the notion of assertoric force, it seems that this approach is missing an essential feature of assertion, thereby falling short of what it purports to.

So what should we do to gain the understanding of the notion of assertoric force? I believe that it is given by combining the constitutive rule approach and the commitment approach, thereby producing what I call *the constitutive aim-rule approach to assertion*. This approach further develops the constitutive rule approach by endorsing the analogy between assertion and games, and by admitting the existence of the constitutive rule of assertion. And this approach further develops the commitment approach by arguing that the commitment approach can be understood as a theory that explains what the constitutive aim of assertion is. Most importantly, I argue that the constitutive aim of assertion is what I call *the establishment of a prima facie, defeasible evidential authority of what is asserted (establishment, in short)*, and that the constitutive rule of assertion is *truth*. I will provide grounds for these two points.

But what if this combination of two approaches is an arbitrary one? I argue that it is not, by arguing that the constitutive aim and the constitutive rule of assertion are individually necessary and jointly sufficient for individuating the speech act of assertion. This point is based on the analogy between assertion and games; just as a game is individuated by its constitutive rules and constitutive aims, so is assertion. But what is

problematic is that the notion of constitutive aims and constitutive rules of a game was not sufficiently explained before; in fact, the notion of constitutive aims has never been made explicit. So clarifying these notions are necessary for my argument. By doing so, I propose *the constitutive aim-rule approach to games*. The result of applying this approach to the case of assertion then yields the constitutive aim-rule approach of assertion.

The order of my discussion is as follows. In chapter 1, I introduce the constitutive rule approach to assertion. There are three notable accounts on what the constitutive rule of assertion is, namely the knowledge account, the truth account and the justification account. Among these accounts, I endorse the truth account. But to do this, I must introduce arguments for the knowledge account and the justification account, and must provide responses as an proponent of the truth account. Also, I must examine previous attempts of defending the truth account, notably Matthew Weiner (2005)'s and Daniel Whiting (2013)'s. I argue that both of these attempts fail to properly explain the fact that assertion has some kind of evidential norm.

In chapter 2, I develop the constitutive aim-rule approach to games. First, I criticize Williamson's account of the notion of constitutive rules of a game. Then I develop a new account of the notion of constitutive rules of a game in terms of the notion of *flagrant violation*. This is a notion first provided by Ishani Maitra (2011), but she fails to provide the correct

understanding. I propose that we should understand the notion of flagrant violation by noticing that whether an act violated a rule flagrantly or not is dependent on whether the *judge* excused it or not. After finishing this job, I introduce the notion of constitutive aims of a game. This notion, together with the notion of constitutive rules of a game, gives rise to the constitutive aim-rule approach to games, according to which a game is individuated by its constitutive aims and constitutive rules.

In chapter 3, I apply the constitutive aim-rule approach to assertion, and argue that the constitutive aim of assertion is the establishment and that the constitutive rule of assertion is truth. I first explain the notion of establishment in terms of Brandom's commitment approach to assertion. Specifically, the notion of game of giving and asking for reasons will play a crucial role. And I also argue that although Brandom's theory fails to provide a complete account of assertoric force, it can be understood as explaining what the constitutive aim of assertion is. After doing so, I defend the truth account of the constitutive rule of assertion. My argument aims to show that that assertion has some kind of evidential norm, and that the truth account is explanatorily superior than the knowledge account and the justification account. Finally, I answer the remaining questions, to complete the constitutive aim-rule approach to assertion.

I. The Constitutive Rule Approach to Assertion

This chapter introduces what I call *the constitutive rule approach to assertion*. Since Timothy Williamson (2002), it has become the most popular approach among various theories of the nature of assertion. According to this approach, there is a rule that *constitutes* the speech act of assertion, just as there are some rules that constitute a particular game. So we can understand the nature of assertion by finding out what this constitutive rule of assertion is, according to this approach.

There are various accounts that attempt to find out the constitutive rule of assertion. Among those, three accounts are the most notable ones: the truth account, the knowledge account and the justification account. I will introduce these three accounts in section 1.

Proponents of each of these accounts defended their own account. Of those, defenses for the knowledge account and the justification account are important for two reasons. First, they provide an important lesson, which can be summarized as follows: “Assertion obviously has some kind of evidential norm.” (Williamson 2002: 245) It is widely accepted that any account that belongs to the constitutive rule approach to assertion must

respect this lesson. So they are worth close examination. I introduce them in section 2, and points out that these defenses are somewhat problematic concerning their methodology.

Second, defenses for the knowledge account and the justification are also intended as an attack against the truth account. That is, if the truth account puts truth as the constitutive rule of assertion, how can it explain that assertion has some kind of evidential norm? So some proponents of the truth account, notably Matthew Weiner (2005) and Daniel Whiting (2013), attempted to defend the truth account from such an attack. But I do not find their defense convincing. So, in section 3 and 4, I introduce Weiner's and Whiting's defense of the truth account in turn, and criticize each of them.

1.1. Three Accounts of the Constitutive Rule Approach to Assertion

I am going to introduce two things in this section. First, I will introduce the notion of *assertoric force*, the subject matter of a theory that purports to explain the nature of assertion. Second, I will introduce three accounts that

belong to the constitutive rule approach to assertion.

Gottlob Frege (1956) is the pioneer of the study of the nature of assertion in the analytic tradition. Frege distinguishes what he calls *content* and *force*, two constituents of illocutionary speech acts. The content of a speech act, normally considered as the proposition it expresses, can be a constituent of other speech acts. But the force of a speech act is something that is intrinsic to the speech act in question. For example, the proposition <Ana eats kimchi>, with assertoric force, can be the content of an assertion “Ana eats kimchi”. But it can also be the content of a question “Is Ana eating kimchi?”, an utterance with interrogative force. And the similar goes for the command “Ana, eat kimchi!” The following passage of Frege expresses this point.

An interrogative sentence and an indicative one contain the same thought; but the indicative contains something else as well, namely, the assertion. The interrogative sentence contains something more too, namely a request. Therefore two things must be distinguished in an indicative sentence: the content, which it has in common with the corresponding sentence-question, and the assertion. The former is the thought, or at least contains the thought. So it is possible to express the thought without laying it down as true. Both are so closely joined in an indicative sentence that it is easy to overlook their separability. (Frege 1956: 294)

Frege's distinction between content and force was widely accepted. Especially, J. L. Austin (1962) developed the standard speech act theory based on Frege's distinction, according to which assertion is an illocutionary speech act typically done by an utterance of a sentence with assertoric force. So, we may say that the notion of assertoric force neatly locates the subject matter of the study of the nature of assertion. What makes an utterance into an assertion is its assertoric force. And the notion of assertoric force distinguishes assertion from the other speech acts. But at the same time, we can see that Frege's distinction by itself can hardly be considered as a *theory* that explains the nature of assertion. We need a theory that tells us something substantial about the concept of assertoric force.

MacFarlane (2011) notes that there are four kinds of approaches that intends to illuminate the concept of assertoric force. But I will discuss only two of these approaches in this thesis, *the constitutive rule approach* and *the commitment approach*, which are the most prominent ones among those. The commitment approach will be discussed in chapter 3. The constitutive rule approach will be discussed below.

The constitutive rule approach to approach is the most influential one among theories of the nature of assertion. This approach characteristically

conceives assertion by an analogy with games.¹ Just as a game is constituted by its rules, assertion also is constituted by its constitutive rules. For example, the rules of chess tell players how they must make moves in a game of chess. Likewise, there are rules that prescribe how speakers must make assertions. And by finding out what exactly these rules are, we can gain some understanding of the nature of assertion, according to this approach.²

There are various suggestions on exactly what the constitutive rule of assertion is. Timothy Williamson (2002), who initiated the constitutive rule approach, insists that *knowledge* is the constitutive rule for assertion. So he provides the following Knowledge Rule.

(Knowledge Rule) One must: assert p only if one knows p (Williamson 2002: 243).³

¹ For example, Williamson (2002: 238) declares: “On this view [the constitutive rule approach], the speech act, like a game and unlike the act of jumping, is constituted by rules.”

² In the literatures on the constitutive rule approach, most of the authors assume that ‘rule’ can be substituted by ‘norm’. Some even use ‘rule’ and ‘norm’ interchangeably, as Williamson (2002) does. The exceptions that I know are Maitra (2011) and McKinnon (2012), but this point is irrelevant to the discussions of this thesis. Hereafter I use ‘rule’ and ‘norm’ interchangeably.

³ The Knowledge Rule can be stated using deontic terms ‘permissible’, ‘may’, ‘entitled’ or ‘warranted’, as follows: “An assertion of p is permissible/entitled/warranted only if the asserter knows that p ,” “One may assert p only if the asserter knows that p .” It might be thought that these formulations are

This kind of accounts may be called *the knowledge account*. Notable proponents of this account, to name a few, are Keith DeRose (2002), John Hawthorne (2004) and Jason Stanley (2005)⁴. But it was Williamson's arguments for the Knowledge Rule that made the account the most influential one.

Before Williamson's knowledge account, many authors took *truth* as the norm of assertion. The rule is:

(Truth Rule) An agent is permitted to assert p only if p is true.

Dummett (1959; 1978) and John Searle (1969) are early proponents of this rule as the norm of assertion. It is not clear whether they considered this rule as constitutive of assertion. Michael Rescorla (2007: 251) even contends that Dummett (1978) did not consider truth as a norm of assertion, but

not strictly equivalent with Williamson's formulation because they do not use parentheses and thus exhibits scope ambiguity. This criticism seems reasonable, but I will not try to be precise in this thesis. Many authors, including almost all of the authors that adopt the constitutive rule approach, ignores this problem. So throughout this thesis hereafter, I will be using these formulations interchangeably. And also note that deontic terms 'obliged', 'must' and 'committed' are also considered interchangeable.

⁴ Peter Pagin (2014) points out that Stanley (2008) advocates the epistemic certainty rule, which imposes requirements on assertion that are even stronger than knowledge.

rather as the aim of assertion, just as winning is the aim for playing a game of chess. Be that as it may, it is natural to imagine an account that considers the Truth Rule as the constitutive rule of assertion, calling it *the truth account*. MacFarlane (2011), Weiner (2005) and Whiting (2013) are those who endorse the truth account.

Another kind of the constitutive rule approach includes what I call *the justification account*. Notable proponents of this account are mostly epistemologists: Igor Douven, Jonathan Kvanvig, Jennifer Lackey and Rachel McKinnon are those. Each of these authors adopts different rules, such as:

(Rational Credibility Rule) One should assert only what is rationally credible to one. (Douven 2006: 449)

(Justification Rule) The propriety of an assertion is a function of one's justification for the content of the assertion. (Kvanvig 2009: 144-9)

(Reasonable to Believe Rule) One should assert that p only if (i) it is reasonable for one to believe that p , and (ii) if one asserted that p , one would assert that p at least in part because it is reasonable for one to believe that p . (Lackey 2007: 608)

(Supportive Reasons Rule) (i) One may assert that p only if the speaker has

supportive reasons for p , and, (ii) The relevant conventional and pragmatic elements of the context of assertion are present. (McKinnon 2012: 205-6)

Evidently, these rules differ with each other in detail. But I am not going to compare them. Rather, I will focus on two features they share, and contrast these rules with the knowledge rule and the truth rule. First, they all insist that the existence of *evidence* determines the permissibility of assertion. Second, they all *deny* that the truth of an assertion contributes to the permissibility of assertion. So, at the risk of oversimplification, I propose the following rule as the representative of the justification account to highlight these two features. The term ‘proper’ is reserved for proper filling-in.

(Proper Justification Rule) An assertion of p is permissible only if the asserter has proper justification for p .

1.2. Arguments for the Knowledge Account and the Justification Account

I do two things in this section. First, I will introduce arguments for the knowledge account and the justification account, which are also intended as arguments against the truth account. Williamson (2002), the most notable proponent of the knowledge account, provided a powerful objection to the truth account. And various proponents of the justification account made an objection that is directed both to the knowledge account and the truth account. Second, I will pose a methodological worry concerning these arguments.

Let us start with Williamson's argument. Williamson (2002) provides two interesting examples. The first one is an assertion that concerns lotteries (Williamson 2002: 246). Suppose that you have a lottery ticket, and the expectation for the ticket's winning is very low. The draw for the winning ticket was already held, with the result of your ticket not win, but the result has not yet been announced. In this situation, I assert to you, on merely probabilistic grounds, "Your ticket did not win." Our verdict to this assertion is that I am not allowed to assert this; I may be even criticized to be cheating. Let us call this assertion *the lottery assertion*.

Williamson argues that while the knowledge account neatly explains this verdict, the truth account cannot. If the Truth Rule is the constitutive rule of assertion, then it cannot explain the impropriety of the lottery assertion, since the assertion is true; the truth account should yield the result

that the lottery assertion is not improper at all. But according to the knowledge account, the lottery assertion is violating the constitutive rule of assertion, and is therefore improper. Although the content of my assertion was true, I did not *know* it.

Williamson's second example is a variation of Moore's Paradox. (2002: 252-4) Imagine how weird it would be if someone assert "*p*, and I do not know that *p*", for example "It is raining, and I do not know that it is raining." Williamson argues that the weirdness of this assertion is easily explained if we suppose the Knowledge Rule as the constitutive rule of assertion. If one knows that *p*, then the second conjunct is not true, therefore the whole assertion violates the knowledge rule. On the other hand, if one does not know that *p*, the same thing also happens. So it is impossible that the knowledge version of Moore's Paradox is proper, according to the knowledge account. But the truth account fails to give this conclusion. It is possible that although *p* is the case, the speaker does not know it. So in this case, the Truth Rule is not violated.

These two examples are surprisingly simple. But they seem to give us an important lesson: to take Williamson's word, "Assertion obviously has some kind of evidential norm." (Williamson 2002: 245) This lesson indeed seems to point out an important aspect of assertion. An assertion made without proper evidence is improper; as Williamson says, we have the

impression that it is cheating.

Now let us move on to the objection from the justification account. Proponents of this account take Williamson's lesson and rendered the constitutive rule to include some evidential element. But they also criticize both of the knowledge account and the truth account, on the grounds that they all render truth as an element of the constitutive rule of assertion. This is because they think that truth or falsity of an assertion is irrelevant to *blameworthiness* on the assertion in question. Let us see Douven (2006: 476)'s remark. Italics are added.

Suppose that someone has excellent reasons to believe ϕ and that these reasons are sufficient to make the proposition rationally credible to her, but that ϕ is in fact false and so she cannot know ϕ . Suppose that person then asserts ϕ . Does that make her *blameworthy* in any way? It seems to me that the intuitively correct answer is negative. Of course in one clear sense the assertion is wrong, for its content is false. And in an equally clear sense this reflects negatively on the asserter, for it means that she is mistaken. But that she is mistaken does not imply that she has violated a norm or done anything else for which she deserves reproach. Presumably brains in a vat are to be deplored for being so massively and inveterately mistaken, but they certainly are not to be *reproached* for that. (Douven 2006: 476)

This passage manifestly exhibits the strategy of proponents of the justification account. On their observation, the *blameworthiness* of an assertion is determined by the evidence that the asserter has. The falsity of course renders the assertion as *wrong*, but being wrong in this sense does not render an assertion *blameworthy*.⁵ This is because whether an assertion is true or false is subject to *luck*, as we can see in the case of brains in a vat. But since the blameworthiness of an assertion must be explained by the constitutive rule of assertion, the constitutive rule is proper justification.⁶

I now point out a methodological worry concerning both of the objections that were introduced just above. For expository purpose, I begin with the objection from the justification account. The objection seems to

⁵ This indicates that the truth of an assertion is *unnecessary* for an assertion not being blameworthy. Lackey (2007: 607) points out that the truth of an assertion is *insufficient* as well as unnecessary.

⁶ Two notes. First, see also Lackey (2007: 476-7), Kvanvig (2009: 146) and McKinnon (2012: 215-6) for a similar line of thought. All of them observes the uses of the terms ‘is blameworthy’, ‘needs apology’, ‘worth criticism’, ‘is inappropriate’ etc.

Second, McKinnon, unlike other authors, distinguishes rules from norms. According to her terminology, examples of rules are the rules of games, but norms are to be said as the rationally optimal strategy, that is, the strategy that maximizes expected value (McKinnon 2012: 208-9). And McKinnon asserts that what she is interested in is norms of assertion, not rules.

But McKinnon is also interested in under what condition an assertion should be made. I think McKinnon’s two concerns do not match up to each other. What warrants assertion are rules, not some strategy; just as foolish moves in chess are permissible ones, as ingenious ones are. But I ignore these complications and treat McKinnon’s position equally with other authors.

presuppose that the constitutive rule of assertion must track the *blameworthiness* of assertion. But how is this premise justified?

Proponents of the justification account try to support this presupposition by pointing out that the blameworthiness of an assertion is not subject to luck, unlike its truth or falsity. But is this point really relevant? Why whether an assertion violated the constitutive rule of assertion must not be subject to luck? If proponents of the justification account want to answer this question, then they must show that the notion of the constitutive rule of assertion has something to do with the exclusion of luck. But, as far as I know, they do not provide such arguments.

A similar point can be applied to Williamson's defense of the knowledge account. Unlike the justification account, the knowledge account implies that an assertion must be true if it does not violate the constitutive rule of assertion. So Williamson (2002: 262) argues that false assertions are faulty, and this impression of fault must be explained by the constitutive rule. But this is just what proponents of the justification account argues against. What if proponents of the justification account claim that while proper justification rule is constitutive of assertion, the truth rule is not? And on the other hand, even proponents of the truth account can have similar complaint. They may grant that assertion has some evidential norm, while denying that such an evidential norm is the constitutive rule of assertion; such an

evidential norm is intimately related to assertion, but is not constitutive of assertion!

These considerations pose a methodological worry: *how* should we find out the constitutive rule of assertion? Without the answer for this question, it seems that there is no hope for the debate between three accounts of the constitutive rule of assertion. I will be giving the answer in chapter 2, by clarifying what it is for a rule to be constitutive of assertion.

1.3. Criticism of Weiner's Defense of the Truth Account

Weiner (2005) provided a long and detailed defense of the truth account from Williamson (2002)'s objections. But in this section, I am going to argue that his defense is not successful. The order of discussion is four-step. First, I introduce Paul Grice (1989)'s theory of conversational implicature. This is because Weiner intends to explain away Williamson's examples using Grice's theory. Second, I introduce Weiner's defense. Third, I introduce arguments against Weiner's account and construct a Weiner-style defense of the truth account which seems to work better than Weiner's own

account. Fourth, I argue that even this Weiner-style defense does not adequately incorporate the evidential norm of assertion, because it has the implication that assertions violating the evidential norm are *conditionally* improper, which is wrong.

Let us see Grice's theory of conversational implicature first.⁷ According to Grice, conversational implicature typically arise in a situation where the speaker seems to *flout* the *norms of conversation*. Norms of conversation exist because linguistic communication is a kind of rational behavior: participants of linguistic communication are expected to be following some norms of conversation while they are having conversation with each other. So if a speaker seems to flout the norms of conversation, hearers typically introduce additional premises that can reconcile the speaker's saying with the supposition that the speaker is conforming to the norms of conversation. (Grice 1989: 49-50)

To put conversational norms in a word, it would be what Grice calls the *Cooperative Principle*: "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged." (Grice 1975: 45). More

⁷ I presuppose that the reader is already familiar with the distinction between what is *said* and what is *implicated*, and the distinction between *conversational* implicature and *conventional* implicature. Grice (1989)'s paper introduces these distinctions.

specifically, under this principle what Grice calls *Conversational Maxims*, which comprises four categories of quantity, quality, relation and manner: (i) the maxim of Quantity requires to participants that they make their conversational contribution as informative as required but not more informative than is required, (ii) the maxim of Quality requires that participants make their contribution one that is true, (iii) the maxim of Relation requires to be relevant, and (iv) the maxim of Manner requires to be perspicuous. (Grice 1975: 45-7)

Now let us move on to Weiner's defense of the truth account. First, for the lottery assertion "Your ticket did not win", Weiner insists that it is permissible, since it conforms to the truth rule. But what about the intuition that this assertion is problematic? Weiner's explanation is that this intuition originates from the falsity of the conversational implicature <The speaker has some inside information about the result of the lottery draw>.⁸

Providing the Gricean framework, Weiner (2005: 232-3) argues that the lottery assertion "Your ticket did not win" is not required in conversation, i.e. violate the Cooperative Principle or some of Conversational Maxims, as long as the following three conditions hold: (a) the hearer is aware of the overwhelming likelihood that her ticket did not win; (b) the speaker is not presenting himself as knowing anything that could strengthen the hearer's

⁸ I use '<' and '>' for indicating propositions.

belief that her ticket did not win; (c) the hearer does not need reminding that (most likely) her ticket did not win. But when the speaker makes the lottery assertion in spite of the fact that all of (a)-(c) hold, the speaker is violating the maxim of Quantity. This generates the conversational implicature in question, and it explains our intuition on the lottery assertion.

But what if any of (a)-(c) do not hold? Especially, it must be explained why the lottery assertion is problematic even when (a) do not hold. For example, imagine that the hearer believes, on some flimsy grounds, that the hearer's ticket was won. In this case, the lottery assertion is not violating the maxim of Quantity, so the explanation above would not work. But there still something problematic in the lottery assertion.⁹

To answer this objection, Weiner introduces DeRose (2002)'s distinction between primary propriety and secondary propriety and uses it to prove that the lottery assertion violates some conversational norm (Weiner 2005: 234-7). An act is *primarily proper* if it conforms to some norm that governs it. But an act is *secondarily proper* if the agent has reason to believe that the act conforms to the norm.

Weiner argues that "if assertions are governed by the truth norm, the hearer *may reasonably expect* that the speaker has some warrant for what

⁹ This is actually how Williamson (2002: 247-8) anticipates and responds to Gricean account.

she say” (Weiner 2005: 235. Italics are added)¹⁰, because of the expectation that the assertion is secondarily proper. This expectation leads the hearers of the lottery assertion to infer that the speaker in question has some evidence that is knowledge-affording. It is because of the assumption that the speaker is conforming to the maxim of Manner; the speaker must clear the nature of the ground of the assertion. If the ground is a mere probabilistic one, then the speaker must make this point clear by saying “Your ticket is almost certain not to have won”. Since the speaker did not, the hearer comes to believe that the speaker has evidence for the assertion, namely that the speaker has some inside information about the result of the lottery draw.

Now let us see Weiner (2005: 237-8)’s explanation of the knowledge version of Moore’s paradox. An assertion of “*p*, and I do not know *p*” can be true, since it is possible that both of the conjunction is true. So this assertion can be permissible. But even so, this assertion is bound to have secondarily impropriety. The first conjunct of the assertion in question suggests to the hearer that the speaker has some evidence for *p*; otherwise the assertion is secondarily improper. But the second conjunct denies that the speaker has such evidence. Therefore, this assertion is bound to have some impropriety

¹⁰ Weiner paraphrases this by using terms such as ‘justified in inferring’, ‘entitled to assume’ (Weiner 2005: 236). It may be questioned whether these terms are really interchangeable, but I will ignore this complication.

even according to the truth account. Someone asserting p and disclaiming knowledge “is admitting that she does not have the most likely and most satisfactory warrant for the truth of her assertion” (Weiner 2005: 238).

In short, Weiner’s defense is that Williamson’s examples violate some conversational norms, especially the maxim of Quantity or the maxim of Manner. So we may call this defense a *pragmatic* one. Now let us move on arguments against Weiner’s pragmatic defense.

Lackey objects to Weiner’s argument that by denying that the notion of secondarily impropriety at all:

(...) the notions of secondary propriety and impropriety are spurious: either a speaker is behaving appropriately and is not subject to criticism *qua* asserter, in which case she has not violated a norm of assertion, or she is behaving inappropriately and is subject to criticism *qua* asserter, in which case she has violated a norm of assertion. There is simply no room for acts being secondarily proper or improper. (Lackey 2007: 604. See also 604-7).

But this denial is implausible; we may think of countless cases where an agent conforms to a norm but nevertheless blameworthy because of his carelessness, and also countless cases where an agent violated a norm but nevertheless exempt from criticism because he had good evidence that he is

conforming to the norm. I think the distinction between primary and secondary impropriety just deals with this point.¹¹

Williamson argues against Weiner's defense on several grounds. First, according to him, a Gricean account would predict my friend's assertion to me "Your ticket is almost certain not to have won", under the settings of the lottery assertion, as improper because it violates the maxim of Quantity; I am already aware of the fact that my ticket is almost certain not to have won. Second, while the conversational implicatures are cancellable, such as the assertion "Your ticket did not win, but I do not mean to imply that I have inside information" does, the impropriety of an unjustified assertion is not removable. (Williamson 2002: 247-8).

How should a proponent of a pragmatic defense of the truth account answer Williamson's objection? Weiner (2005: 233-4) replies that the Gricean solution indeed predicts that the assertion "Your ticket is almost certain not to have won" and the assertion "Your ticket did not win, but I do not mean to imply that I have inside information" are improper, because these assertions are pointless (that is, violates the Cooperative Principle). Weiner's response to Williamson deals with complicated considerations on the settings of the assertions in question.

But I doubt that this is necessary, for it seems that there is a much

¹¹ McKinnon (2012: 217-9) also notes this point.

more straightforward version of pragmatic defense. The maxim of Quality has a submaxim that prescribes to speakers that they say only what they have adequate evidence.¹² (Grice 1975: 46) So assertions without adequate evidence are bound to violate conversational norms, regardless of the given settings, and regardless of whether one endorses the notion of secondary impropriety. So based on the maxim of Quality, we may make a Weiner-style pragmatic defense of the truth account. This new pragmatic defense predicts that the lottery assertion and the knowledge version of Moore's paradox violate the maxim of Quality. And this defense seems better than Weiner's. It is simpler, does not need extra devices such as secondary impropriety, and does not deal with conversational settings of Williamson's examples.

But I believe that no version of the pragmatic defense, including the version just provided, is the adequate explanation. It is because conversational maxims are related to assertion in an indirect way. On any version of the pragmatic defense, the explanation for the impropriety of assertion without adequate evidence is that it violates some conversational norms, and therefore implicates something false. And conversational implicatures arise only on the assumption that speakers are in fact

¹² It is surprising that both Weiner and Williamson neglected the existence of the maxim of Quality.

conforming to the norms of conversation; this assumption creates the obligation to conform to the conversational norms.

But this assumption is valid only when the speaker in question intends to participate in the conversation with the hearer. If the speaker decides to give up the conversation with the speaker, there is nothing that compels the speaker to satisfy the assumption in question. That is, the obligation to conform to conversational norms is *conditional* upon the speaker's intention to participate in conversation.

To see this point, imagine the following situation. I ask my colleague "When is the graduate student workshop?", and he says "Tomorrow". But this does not seem an adequate answer. Everybody knows that the upcoming workshop is tomorrow. What I am asking is the exact time. And since the colleague is the husband of the workshop organizer, he must know it. So I tell him that I want to know the exact time, but he repeats: "Tomorrow". I conclude that he does not want to talk to me at all. It is a sad thing, but I do not find that he has done something wrong. Maybe he is tired of people asking about the workshop all the time. And so I do not blame him for not providing the conversational contribution I required, i.e. violating the maxim of Quantity. So his answer is in fact an adequate one.

But it does not seem that the lottery assertion and the knowledge version of Moore's paradox are similar with the above case. For example, it

is possible that I utter the lottery assertion without any intention for any conversation. Or I can say “There are extraterrestrial creatures, but I don’t know whether they are” while watching TV with my spouse, without any conversational intention.

In these cases, the lack of the conversational intention does not remove the impropriety of these assertions. Our intuition is that these assertions are improper, because they are violating some kind of evidential norm. This cannot be the case if the correct explanation is a pragmatic one. The lack of the intention to participate in a conversation would remove the impropriety.

Some proponents of the pragmatic defense may have the intuition that there is nothing problematic of the lottery assertion *over and above* violating conversational norm. They would insist that instances of the lottery assertion refusing any conversation is not problematic at all. I admit that I have nothing to answer these. But I doubt that people would share this intuition. Like Williamson and proponents of the proper justification account, it strikes me that assertion has some evidential norm. But conversational norms, mediated by conversational intention, seems too indirect.

1.4. Criticism of Whiting's Defense of the Truth Account

I now introduce Whiting (2013)'s defense of the truth account and criticize it. Like Weiner, Whiting attempts to defend the truth account from Williamson (2002)'s objections. And unlike Weiner's, Whiting's defense predicts that the lottery assertion and the knowledge version of Moore's Paradox are *categorically* improper *qua* assertion. But it seems to me that his defense fails to predict that such impropriety generates from *violation* of some rule.

To develop his defense, Whiting introduces the distinction between there *being* warrant for an agent's doing ϕ and the agent's *having* or *possessing* warrant, or *the agent's warrant* for doing ϕ . According to this distinction, for an agent to have a warrant p , the agent must know that p . Let us see Whiting (2013: 859)'s example. Suppose that the fact that it is snowing is a warrant for Harry to stay indoors. And Harry stays indoors. But it is possible that Harry stayed indoors even if he did not know that it is snowing. In this case, Harry did not *have* or *possess* warrant for staying indoors, although there *were*. But suppose again that Harry saw that it is snowing and decided to stay indoors. In this case, Harry possesses the

warrant for staying indoors.

Then, what would it *mean* to say that Harry possesses warrant for his staying indoors? Whiting's answer is that Harry stayed indoors *in light of* the warrant. That is, the warrant for Harry's staying indoors worked as a premise in Harry's reasoning concerning Harry's staying indoors. To argue this, Whiting provides the following theses:

(KPR) One may treat that p as a premise in one's practical reasoning if and only if one knows that p .

(KR) One may treat that p as a premise in one's reasoning if and only if one knows that p .

Whiting points out that (KPR) is widely accepted by many philosophers, even by many proponents of the knowledge account such as Williamson (2002). And he thinks that if one accepts (KPR), there is nothing that prevents him from accepting (KR). But if one accepts (KR), the following thesis follows:

(Possession) The fact that p can be one's reason for ϕ ing if and only if one knows that p .¹³

¹³ Whiting's definition of 'reason' and 'warrant' is as follows: "If a reason to ϕ is

And, according to Whiting, accepting this thesis would lead to accepting the following thesis:

(Possession*) The fact that p can be one's reason or *warrant* for ϕ ing if and only if one knows that p .¹⁴

So saying that Harry possesses warrant for his staying indoors describes Harry's motivational structure. Harry's reasoning that resulted in Harry's staying indoors includes the proposition <It is snowing> as a premise, a proposition that Harry knows.¹⁵

conclusive or undefeated, one ought to ϕ ; and, if one ought to ϕ , there is a reason for ϕ ing. (...) If a warrant to ϕ is conclusive or undefeated, one may ϕ , though it might not be the case that one ought to ϕ ; and, if one may ϕ , there is a warrant for ϕ ing. So understood, a warrant to ϕ is, as it were, a (prima facie) entitlement, permission or license to ϕ " (Whiting 2013: 849)

¹⁴ Although the use of the asterisk is not Whiting's I added the asterisk for clarification. To see arguments from (KPR) to (Possession*) with Whiting's own explanation, see Whiting (20013: 858-9).

¹⁵ Strictly speaking, it does not seem to follow from the fact that Harry possesses the warrant in question that the warrant actually worked as a premise. Although Harry knows that it is snowing outside, he can just ignore this and stay indoors for some other reason. If this is so, then to say that Harry possesses the warrant in question is a *mere* description of Harry's motivational structure. It says nothing about what propositions are premises in Harry's (practical or theoretical) reasoning. But it is unclear whether Whiting is aware of this point; the right-to-left side of (KPR) and (KR) that Harry's knowledge of p implies that p worked as a premise in Harry's reasoning.

I will just ignore this complication and pretend that Harry's possession of the

Based on the distinction between there being warrant and having warrant, Whiting argues that a proponent of the truth account can explain the impropriety Williamson's two examples have. Let us see the lottery assertion first. Since it is true that the hearer's ticket did not win, the warrant for the lottery assertion exists, according to the truth account. But the asserter of the lottery assertion does not *have* warrant for it. And according to Whiting, "(...) typically what matters to our evaluation of a person and her actions is not simply that there is reason or warrant for what she does, but that she does what she does for that reason or in light of that warrant." (Whiting 2013: 860) This is why the lottery assertion seems problematic to us, Whiting insists.

And for the knowledge version of Moore's paradox, Whiting insists that "According to the truth view, it is possible for there to be warrant to assert this [*p* and I do not know that *p*']. (...) However, given [(Possession*)], it is not warrant one can *have* or act in the light of." (Whiting 2013: 860) If the asserter has warrant to assert the first conjunct, then the second conjunct is false; on the other hand, if the second conjunct is true, the asserter does not have the warrant for the first conjunct.

Is Whiting's defense successful? A possible worry concerns whether

warrant in question implies that the warrant in question actually worked as a premise.

accepting (Possession) really amounts to accepting (Possession*). If an agent S has *reason* for ϕ ing, then there is obligation for S to ϕ and S knows this. And If S has *warrant* for ϕ ing, then there is no obligation for S not to ϕ and S knows this. But is the knowledge of the existence of some obligation really on a par with the knowledge of the *non*-existence of some other obligation? It is unclear how Whiting moves from (Possession) to (Possession*).

But I will not pursue this point anymore. My criticism of Whiting's defense *questions in what sense* Williamson's two examples are improper according to Whiting's account. On Whiting's defense, what is problematic in Williamson's two examples is that the motivational structure of the asserters in question deserve negative *evaluation*; it is *better* or *more praiseworthy* to act in light of the warrant one possesses than to act without possessing warrant.

Let us grant this point. And let us also grant that Whiting's defense, unlike Whiting's, yields the prediction that Williamson's two examples are *categorically* improper; assertions without knowledge are always improper, according to Whiting's understanding. But it is unclear that whether this impropriety arises from some *violation* of a *rule*. To see this point, let us imagine the following rule that governs acts in general.

(Warrant Possession Rule) Do ϕ only if you have warrant for ϕ ing.

If this Warrant Possession Rule is correct, then we can easily argue that the impropriety of Williamson's two examples arises from violating some rule. But the Warrant Possession Rule is not correct. Recall Harry's example above, and imagine that Harry did not know that it is snowing outside. If Harry did not know that it is snowing, then his staying indoors is violating the Warrant Possession Rule. And if Harry's act really is violating the rule, there must be some sense that the act is *impermissible*. But this does not seem to be the case; Harry's act is utterly *permissible*.

So, on Whiting's account, assertions in Williamson's two examples are improper, but it is not because they are violating some *rules*. I find this problematic, because the proper evidence for what is asserted is a *norm* of assertion. This is why Williamson insists that assertions have some evidential norm; assertions without proper evidence are *violating* some evidential norm. And as I already discussed in section 2, proponents of the justification account also share this intuition. But if Whiting's notion of having warrant does not pertain to any rule, then it cannot be said that Whiting's defense is not explaining what is to be explained.

It is not easy to evaluate Whiting's defense of the truth account at this stage, since it is unclear why it is improper if an agent does not possess the

warrant for her act. On my current understanding, the notion of having warrant pertains to some *value*; to act in light of the warrant one is possessing is a *good* thing, and acting without warrant is a *bad* thing. But this is not to say that one *ought not to* assert something without the possession of the warrant for the assertion.

There are some reasons that lead me to think so. In a response to Clayton Littlejohn (2014)'s criticism of Whiting (2013), Whiting says that the reason that an assertion without the possession of the warrant deserves criticism is that "(...) if you ought not to perform a certain act unless some condition obtains, and you perform that act in ignorance of whether the condition obtains, you are in that respect criticisable (e.g., as reckless), even if the relevant condition happens to obtain." (Whiting 2015: 1247)

So on this account, assertions in Williamson's two examples deserve criticism in the sense that they are *recklessly* made. But this explanation seems incorrect. Although reckless acts are indeed imperfect and criticizable, they can still be *permissible*. Recklessness does not entail impermissibility.

Some readers may have suspicion on whether I understood Whiting's thought correctly. But Whiting explicitly notes that even an assertion not made in light of its warrant can be permissible. That is, an assertion can be permissible even if it was made without the possession of the warrant for the assertion in question.

Perhaps there is a sense in which to say that an assertion is warranted is just to say that there exists a warrant for making it, not that it was made in light of that warrant. In that sense, I do not claim that a warranted assertion requires asserting in light of the fact which provides the warrant, hence, knowledge of that fact; it requires only the truth of what is asserted. (Whiting 2015: 1251)

I concede that Whiting's defense of the truth account has some importance. The notion of having a warrant is intelligible, and it might have some importance. And it is better than Weiner's defense, because it predicts that an assertion lacking proper evidence is *improper* regardless of whether the speaker has some intention to participate in a conversation or not. But it still does not show that such an assertion is *impermissible*. But this is just what has to be shown, when Williamson and others say that assertion has some kind of evidential *norm*.

This point also notes the strategy that any defense of the truth account must take. First, it must acknowledge that some evidential norm, namely the Proper Justification Rule, governs the speech act of assertion *qua* assertion. Second, it must not render the Proper Justification Rule as the constitutive rule of assertion. This strategy immediately calls for the clarification of the notion of the constitutive rule of assertion. That is, it must succeed in

showing that some constitutive rules that govern assertion. And we can also see that this is exactly what the methodological worry that was posed in 1.2 requires. So I will do the clarification job in chapter 2 and 3.

II. The Constitutive Aim-Rule Approach to Games

My purpose in this chapter is to develop what I call *the constitutive aim-rule approach to games*. According to this approach, a game is individuated by its *constitutive aims* and *constitutive rules*. And it explains the notion of constitutive rules and constitutive aims in terms of the impossibility of *flagrant violation* and *flagrant betrayal*, respectively. Developing this approach is to apply it to assertion based on the analogy between assertion and games, thereby resulting in *the constitutive aim-rule approach to assertion*, which will be developed in chapter 3. So this chapter can be considered as a preliminary study for discussions in chapter 3.

As was discussed in chapter 1, the notion of constitutive rules of a game played a crucial role in the constitutive rule approach to assertion, because this approach is based on the analogy between assertion and games. But few proponents of the constitutive rule approach to assertion tried to explain the notion of constitutive rules. Williamson (2002)'s *simple individuation account* is the only exception, according to which constitutive rules of a game individuates the game. But it seems to me that Williamson's simple individuation account has two serious defects. In section 1, I discuss

these two defects.

I will provide my own account of the notion of constitutive rules of a game in section 2. I argue that constitutive rules of a game are rules such that it is impossible for a move of the game to *flagrantly violate* them. Ishani Maitra (2011) first provided the notion of flagrant violation, but she uses this notion for her argument against the constitutive rule approach. But, unlike Maitra, I improve on her notion of flagrant violation by arguing that the role of *judges* is crucial whether a move violated a rule flagrantly or not.

It seems that Williamson's simple individuation account is motivated by the idea that constitutive rules of a game play an important role in individuating the game. Although I criticize this idea in section 1, I respect it and intend to further develop it. In section 3, I introduce the notion of constitutive aims of a game. The notion of constitutive aims is explained in terms of the notion of *flagrant betrayal*, a notion that is similar to the notion of flagrant violation. And by putting the constitutive aims and constitutive rules of a game together, *the constitutive aim-rule approach to games* emerges. On this approach, constitutive aims and constitutive rules are necessary and jointly sufficient for individuating a game. So this approach further develops Williamson's simple individuation account, by providing the way for individuating a game. Also, this approach explains what it means for constitutive aims and constitutive rules of a game to *create the*

possibility of the game in question, a notion John Rawls (1955) first introduced. And finally, I sketch the prospect of the constitutive aim-rule approach to *assertion*, which I will develop in the next chapter.

2.1. Criticism of Williamson's Simple Individuation Account of Constitutive Rules of a Game

In this section, I do three things. First, I explain why the analogy between assertion and games is important in understanding assertion, in the light of the discussion of Michael Rescorla (2009). Second, I explain what I call *the simple individuation account of constitutive rules of games*, which was provided by Williamson (2002). Based on the analogy between assertion and games, Williamson tries to illuminate the notion of the constitutive rule of assertion by illuminating the notion of constitutive rules of games. But it seems to me that his simple individuation account does not succeed in analyzing the notion of constitutive rules of games, for two reasons. Giving these two reasons is the third thing I am doing in this section.

I noted in 1.1 that the constitutive rule approach to assertion typically

conceives assertion by an analogy with games. Williamson (2002) first provided this analogy when he initiated the constitutive rule approach. This analogy has two importance. First, it reveals the fact that assertion is a kind of *practice*. Second, Williamson (2002) provides his analysis of the notion of the constitutive rule of assertion in light of this analogy. So let us see these in turn.

What are practices? According to Michael Rescorla (2009: 101), practices are contrasted with *mere activities*. Activities are what are done by agents, such as walking, jumping, watching something etc. Practices also are a kind of activities. But unlike mere activities, practices are associated with *internal evaluative standards*. Marriage, dancing and religious rituals are notable examples of practices. Each of these practices is evaluated by its own internal standards.

Rescorla's point seems correct, but we may ask *why* practices have internal evaluative standards. John Searle (1969: 51-2) gives insightful answer for this question: it is because practices are *institutional facts* that are *constituted* by some rules, unlike *brute facts* which just exist without any dependence to some rule.

Unquestionably, games are also a kind of practice. Moves in a game are bound to be evaluated by some standards that are in some sense intrinsic to the game. So, analogy of assertion with games does illuminate an essential

feature of assertion, that assertion is a kind of practice and thus is intrinsically subject to constitutive rules.¹⁶ There are other aspects of assertion that the analogy between assertion and games, which I will discuss at 2.3 and 3.4. But be that as it may, let us move on to the next discussion.

Although Williamson does not provide the analogy exactly in this way, we can assume that he took some similar line of thought; that is, both of games and assertion are constituted by some rules. And Williamson provides his own account of the notion of constitutive rules. I call it *the simple individuation account* of constitutive rule. On this account, the constitutive rule individuates the speech act of assertion: “[N]ecessarily, assertion is the *unique* speech act A whose unique rule is the C rule [the rule which has the form ‘One must: assert *p* only if *p* has C’]” (Williamson 2002: 241).

This account may seem trivially false, since there are many rules that govern assertion – being sincere, being polite, being informative, being eloquent, not to harm innocent people etc. But in fact it is not. Williamson thinks that these rules are applied to assertion because these rules are by itself general norms that can be applied to human acts in general, or derived from some interaction between general norms and the nature of assertion

¹⁶ I do not intend to explain what is it for a rule to be constitutive of a *practice* in this thesis. Rather, I intend to analyze what is it for a rule to be constitutive of a *game*.

(Williamson 2002: 238). So we may say that Williamson's simple individuation account seeks to the one unique rule which applies to assertions *qua* assertion, not *qua* a human activity, not *qua* a practice or etc.

One more thing to note. Strictly speaking, Williamson's remark only discusses what is it for a rule to be constitutive of *assertion*. But since Williamson accepts the analogy between assertion and games, we may safely conclude that by modifying Williamson's remark we get an account of what is it for some rules to be constitutive of *a game*. So if Williamson's account has some problem concerning games, then it will share the same problem in the case of assertion.

Now I will provide two arguments against Williamson's simple individuation account. The first point is that the simple individuation account of the constitutive rules does not distinguish *constitutive* rules from *regulative* rules. To see this, let us see the distinction between regulative rules and constitutive rules first, which was introduced by John Rawls (1955) and later given the term by Searle (1965).

Some rules regulate pre-existing acts, whose existence does not *logically depend* on those rules. For example, it is a moral norm that one must not act in a way to harm innocent ones. But the acts that are governed by this rule exist independent of moral rules. So this rule is a *regulative* one. On the other hand, some other rules regulate some act and, in a sense, *create*

the possibility of these acts or define these acts. Rules of games such as chess and soccer are examples; they provide the ‘stage-setting’ of the game. So the existence of these acts logically depends on these rules. These rules are *constitutive* rules.¹⁷

Providing this distinction, my point is that there are *individuating* regulative rules for a game. For example, chess players must not castle in a way to put their king in danger. This rule obviously individuates the acts they govern, since it adopts terms such as ‘chess’, ‘castling’. These terms deal with notions that are intrinsic to chess.

One may insist that my alleged individuating *regulative rules* must be considered as a constitutive rule. But there are two problems. First, to accept this response is to give up Williamson’s simple individuation account, for it would have the consequence that there are other constitutive rules of assertion apart from the Knowledge Rule. Second, this objection is based on misunderstanding of the distinction between constitutive rules and regulative rules. Although in a sense my alleged individuating regulative rule of chess is intimately related to the move of castling, what this rule does is merely *evaluating* instances of castling, not creating the possibility of

¹⁷ Of course, the term ‘logical dependence’, ‘create the possibility’ used above is somewhat obscure. But the notion of constitutive rules of a game will be clarified in the next section, and the point against Williamson can be made without clarification.

castling itself. Some instances of castling are brilliant, some others foolish, but all of them are instances of castling as long as they are made according to the castling rule. The alleged individuating regulative rule of chess does not have this characteristic.¹⁸

Williamson may respond to my criticism that my alleged individuating regulative rules can somehow be derived from constitutive rules. But the derivation cases Williamson illustrated seems different from this case. Williamson's explanation above deals with rules that are derived directly from the constitutive rule, or rules that are derived from the interaction between general norms and the constitutive rule. But individuating regulative rules are neither of these kinds; It does not seem to be the case that constitutive rules derive these individuating regulative rules, with or without general norms.

For this point, let us see John MacFarlane (2011)'s criticism of the constitutive rule approach to assertion. According to MacFarlane, even if we come to know which rules are constitutive rule(s) of a given game, say chess, we may still lack the understanding of the game in question, or of the

¹⁸ In fact, I think that this objection makes some point; that is, individuating regulative rules of chess are derived from the constitutive *aim* of chess (e.g. protecting one's king from being checkmated and checkmating the opponent's king), which is not the same with the constitutive rule of chess. I shall elaborate on the notion of the constitutive aim in 2.3.

act the rule governs.

MacFarlane takes the example of the move of castling in chess. Even if I tell somebody the rule for castling, one may still have no idea how she should move pieces when she castles. For example, someone who knows the following Castling Rule may move his king to be in danger while conforming to the following Castling Rule.

(Castling Rule) One must castle only when (i) the king and the king's rook have not been moved previously, (ii) there are no pieces between the king and the king's rook, (iii) the king is not in check and would not be in check in either of the two squares between it and the king's rook. (MacFarlane 2011: 86)

MacFarlane's point is that the same happens in the case of assertion. Even when we come to know what the constitutive rule of assertion is, we may still lack the complete understanding of the notion of assertoric force. The constitutive rule of assertion gives us direction on under what condition our uttering something with assertoric force are permissible *qua* assertion. But we may still lack the understanding of the *aim* or *purpose* of asserting something, just as the Castling Rule does not provide us the understanding of the *aim* or *purpose* of castling.¹⁹

¹⁹ MacFarlane does not explicitly say that what the constitutive rule approach to

MacFarlane's criticism seems to me legitimate. The constitutive rule approach does not give a *complete* theory of assertoric force, for it misses an important aspect of assertion: an assertion aims at something that is not explained in terms of its constitutive rule. It is hard to see how the understanding of this missing aspect can be derived from the constitutive rule of assertion, with or without some general norms.

But although this criticism is legitimate, I believe that this worry does not amount to prove that the constitutive rule approach is wrong. We may, for example, imagine that the approach is combined with some other approach that explains the missing aspect of assertion. Then the result of the combination between these two approaches would be a complete theory of assertoric force. In fact, this is the way I want to take throughout this thesis.²⁰

Be that as it may, I move on to the second problem of the simple

assertion fails to capture is the *aim* of assertion; he only says that "(...) an individuating account of something might not be very illuminating" (2011: 86), because "(...) [someone knowing the constitutive rule of assertion may] have no understanding of what kind of act assertion is, or of how to make an assertion." (2011: 87). But I believe that my criticism of Williamson's simple individuation account shares the same spirit with MacFarlane's criticism of the constitutive rule approach to assertion.

²⁰ A point worth noting is that neither Williamson nor any proponents of the justification account described themselves as giving a full explanation of assertoric force. And typically they even do not mention the notion of assertoric force at all. So I cautiously conjecture that they will not in principle reject this combination.

individuation account. My point is that it does not even succeed in individuating the game in question. That is, constitutive rules of a game are not *sufficient* for its individuation, because there can be some other game that has exactly the same constitutive rules.

Let us see Dummett (1981)'s argument. Constitutive rules of a game can be considered as a *formal description* of that game. All of the initial position of the pieces, legitimate moves of a given piece, the order of each player's turn and the end-positions (Black's checkmate, White's checkmate stalemate) are the content of the formal description of chess. But, as Dummett points out, "there could be a large number of variant games each sharing the same formal description: for instance, the game in which each player tries to force his opponent to checkmate him, or again the game in which it is White's object to produce a checkmate (of either side by the other) and Black's to achieve stalemate." (Dummett 1981: 296) So, merely stating the constitutive rules of chess does not *individuate* the game of chess.²¹

²¹ One may point out that what is missing in given formal description is the concept of winning in chess, and object that by making the formal description of chess includes the concept of winning in chess, variants of chess can be ruled out. Dummett (1981) anticipates this and responds that this objection is illegitimate because it presupposes the understanding of the notion of winning: "if we are interested in giving an account of playing chess as a human activity, we must give an account which does not, by presupposing an understanding of the word 'win', assume that something is known about the activity of playing games in general." (Dummett 1981: 297)

This is why the simple individuation account is incorrect. The notion of individuation does not give an adequate notion of a rule being constitutive of a game. At best, constitutive rules of a game give a *necessary* condition for a practice being the game in question.

2.2. The Role of Judges: A New Account of the Notion of Constitutive Rules of a Game

If the simple individuation account of constitutive rules of games fails, how should we understand the notion of constitutive rules of a game? I will present my own account of the constitutive rule of a game. My strategy is as follows. I start from the distinction between regulative rules and constitutive rules that was introduced in the previous section. Then I introduce Ishani Maitra (2011)'s attempt to understanding the notion of constitutive rule(s) of assertion in terms of *the impossibility of flagrant violation*. Then I criticize

I do not fully understand why Dummett thinks like this. But I have some other response to the objection. The 'winning in chess' rule presupposes the concept of winning, that winning is one of the aim that players *qua* players must pursue. But this notion of the aim *qua* player had better not be explained in terms of rules. I will elaborate the notion of the aim of a game *qua* player (the constitutive *aim*) of the game, and why we had better understand this notion not in terms of rules in 2.3.

Maitra's attempt. Maitra argues that although understanding the notion of constitutive rules in terms of the impossibility of flagrant violation works well for *games*, this understanding does not work in the case of *assertion*. So she concludes that this argument can work as an objection to the constitutive rule approach to assertion, by disqualifying the analogy between assertion and games. But I believe that this line of thought is wrong, because Maitra does not succeed even in providing the correct understanding of the notion of constitutive rules of *a game*. I argue that, by giving a precise analysis of the notion of the impossibility of flagrant violation, we can have an understanding of constitutive rules that is applicable both to games and assertion. The key notion in my argument is the role of *judges*. So I explain the role of judges in detail. And based on all these explanations, I provide my own account of the constitutive rules of a game.

Let us recall the distinction between constitutive rules and regulative rules. Unlike regulative rules of a game, constitutive rules of a game *create the possibility* of moves that belongs to the game in question. So the existence of the game in question *logically depends* on its constitutive rules. So these notions explain why constitutive rules are necessary for individuating the game. But what do these notions exactly mean? What is it for a rule to create the possibility of making moves of a game, thereby the

existence of the game in question logically depends on such a rule?

Some authors, notably Rawls (1955) and Williamson (2002) attempted to illuminate this notion. While offering the simple individuation account, Williamson notes a feature of constitutive rules: “some sensitivity to the difference between conforming to the [constitutive] rule and breaking it presumably is a necessary condition of playing the game.” (Williamson 2002: 240) This description seems to me capture an essential character of constitutive norms. If we are to *make* a permissible move of a game, then we must possess the *sensitivity* Williamson is talking about. But it is still unclear what the sensitivity in question amounts to.

Rawls (1955)’s discussion gives us some important insight. He argues that constitutive rules provide the ‘stage-setting’ of the game in question, and explicates this notion as follows:

To engage in a practice, to perform those actions specified by a practice, means to follow the appropriate norms. If one wants to do an action which a certain practice specifies then there is no way to do it except to follow the rules that define it. (Rawls 1955: 26)²²

²² Here, Rawls is referring to practices, not games. But this difference is harmless, because games are a kind of practices. And emphasizing once again, I do not intend to illuminate the notion of constitutive rules of a practice.

This explication is illuminating, but still not satisfactory. The problem is that the notion of rule-following in this explanation is notoriously unclear since the discussions of Ludwig Wittgenstein (1953). How should we decide whether a game player is following the constitutive rules? Answering this question gets harder when we consider that following a rule does not imply conforming to the rule. An agent who sometimes fails but always tries really hard to conform to a rule and even corrects her behavior according to it is following the rule.²³

So, instead of explaining ‘sensitivity to a rule’ in terms of the notion of rule-following, I suggest that we understand it in terms of the notion of a particular act *flagrantly violating* or *flagrantly failing to conform to* a rule, following Maitra (2011). If an act flagrantly fails to conform to the constitutive rules, then it is impossible for this act to be a move of the game at all. So constitutive rules create the possibility of a game by creating the possibility of an *act* to be a *move* of the game. And this suggestion also illuminates the notion of sensitivity to rules, since an agent who acts in a way that flagrantly violate a rule is not sensitive to the rule in question, even

²³ Maitra believes that “following a norm requires at least conforming to it.” (2011: 281) So according to her, an agent cannot make a mistake in following a rule; no agent can make an act that does not conform to a rule R and follows R. But this seems wrong. Clearly someone can make mistakes in following a rule.

though the agent knows the rule.²⁴

Then, what does it mean to say that an act flagrantly violates a rule? Maitra's analysis is: "a failure to conform to a norm is *flagrant* if it is intentional and sufficiently marked." (Maitra 2011: 282) This analysis surely captures much of our intuition. If a chess player makes an illegitimate move inconspicuously, we may say that this chess player deserves reproach for deploying illegitimate move, though it does not ruin the game altogether. But if a chess player makes this move on the face of the opponent and spectators and knows that his illegitimate move was marked by them, we are inclined to say that he is not playing chess at all. Letting his move not undone seems to be ruining the game.

But Maitra points out that this analysis does not work for the case of assertion. To argue this, she provides an interesting example.

²⁴ Strictly speaking, the agent is not sensitive to the rule *regarding the act*. An agent may *just once* flagrantly violate, say, the castling rule, while conforming to it many other times. Whether the agent is insensitive to a rule *per se* is another thing. Though it must be that the notion of insensitivity to a rule *regarding a particular act* is deeply related to this matter, I do not pursue this issue in this thesis. For one point, the notion of sensitivity to a rule *per se* seems the same with the notion of rule-following. And another point is that it seems unclear whether Williamson is referring to insensitivity *regarding a particular act* or insensitivity *per se*, when he talks about insensitivity.

Fortunately, this complication would not bother the explanation of the notion of constitutive rules. What rules primarily govern are particular *acts*, not agents. It seems possible that even an agent who is not following the rules of a game sometimes can make legitimate moves of the game.

Consider the case of Pete Rose. In 2004, Rose admitted that he intentionally told a falsehood when he said several years earlier, “I’m not a chronic gambler”. Even before Rose’s 2004 admission, most baseball fans thought that his earlier utterance expressed a falsehood. So this was an intentional and highly marked failure to conform to both the truth and the knowledge norms. Such failures count as flagrant failures. Nevertheless, surely Rose managed to assert that he is not a chronic gambler. (Maitra 2011: 283)

It is evident that Pete Rose managed to make an assertion, in spite of the fact that his violation of the alleged constitutive norm of assertion is intentional and sufficiently marked. So Maitra concludes that if there is the constitutive rule of assertion, then it must be something weaker than both the Knowledge Rule and the Truth Rule.²⁵ This conclusion, according to Maitra, gives some reason to reject the analogy between assertion and games, that is, reject the claim that we can gain some understanding of the

²⁵ Though Maitra does not mention the justification account, I think that Maitra’s argument naturally applies to the justification account; since Pete Rose knew that he is a chronic gambler in this example, he intentionally violated the Proper Justification Rule. It is a bit more controversial that his failure was sufficiently marked by baseball fans, but we can easily imagine a similar case in which the failure was sufficiently marked. For example, imagine that he fails to provide any alibi for why he was at the gambling place.

nature of assertion by the analogy with games.²⁶ So if Maitra's argument is successful, then it threatens our belief that assertion is essentially a kind of practice, a point that the analogy between game and assertion indicates.

But I believe that Maitra's analysis does not give the exact notion of flagrant failure to conform to a rule, even in the case of games. There are acts that are intentionally made, sufficiently marked and fail to conform to a constitutive rule of a game, but nevertheless are a move of the game.

Imagine two friends playing chess with each other. One of them is a chess master, but the other is an average chess player. Soon the game went for the chess master, and evidently a few more moves would result in the opponent's king being checkmated. A castling would prevent this result, but there is a piece between the king and the rook. But these two friends agree to be loose on conforming to the castling rule only this time to prevent the game from being over too easily, so the king escaped danger and the game went on.

In my view, what these two friends were playing was indeed a game of chess, and the king's move is indeed a move of chess. Some may consider this view unpalatable. They would insist that the move is definitely not of

²⁶ Maitra further discusses what she calls purposive norms, and concludes that this discussion and the discussion about constitutive rules jointly gives sufficient reason to reject the analogy between assertions and games (Maitra 2011: 279). But since purposive norms are not of my interest, I will remain silent on this point.

chess, and may further claim that what they were playing is not a game of chess. But this response excludes too many cases that counts as a legitimate instance of a move in a game. Unless we are playing a professional game, instances of being lenient with applying the rules abounds. Excluding all these cases from legitimate game also is unpalatable. What we really need is an adequate theorizing of our conflicting intuitions. I will be doing this by providing my analysis of the notion of flagrant failure to conform to a rule.

It seems to me that Maitra's analysis of flagrant failure misses the role of the *judge* of a game. The notion of the judge of a game is intrinsic to the notion of a game. This is because the rules of a game have to be *applied* to a specific act to determine the *status* of the act in that game: namely, whether the act is permissible, what score does it earn and so on.

Of course, there are facts about whether a given act conforms to the rule. But it is not the case that these facts are always accessible to players, spectators etc. In fact, the access for these facts is not even necessary for a game to be played. All we need are judgements of *authority* on what status does an act have.

But not anybody can have this authority; otherwise disagreements about the status of the act would make the game halt, thereby making it impossible to play. So we delegate the authority to determine the status of given acts to some agents. Those who have this authority are judges of the

game. So, judges are necessary for playing a game. But games are to be played; so the notion of a game is conceptually connected to the notion of a judge.

So, what makes an act into a move of the game is the judgement of judges. But this is not to say that judges are immune to criticism of their judgement. There are standards that determine what the correct judgement on the status of a given act is; facts mentioned above are those. So judges are subject to criticisms of making incorrect judgements. But this criticism does not, by itself, deprive of the authority from them. Incorrect judgements also grant statuses to acts, just as correct ones do. In other words, there are *metarules* of games that evaluate judgements of the judges. Thus Robert Brandom (1994) says:

[According to this view,] the rules function as something like guides or advisory maxims for the judgment of the umpire, who *makes* a throw into a strike when he *takes* it *as* a strike. But though the attitude of the umpire does determine the status of a throw as a strike for official scorekeeping purposes (that is, does determine what the score is), the use of nonscorekeeping vocabulary in stating the rules that determine how the scorekeeping vocabulary *ought* to be applied to particular cases establishes a perspective from which the judgment of an umpire can nonetheless be understood to be *mistaken*. (Brandom 1994: 184, italics are Brandom's.)

Some may worry that Brandom's view as well as mine obscures the objective, universal normativity of constitutive rules of a game. If constitutive rules of a game are mere guides or advisory maxims for the judge and incorrect judgements do not by themselves deprive of the authority from the judge, then is it not the case that constitutive rules virtually have no effect on determining whether a given act is a move of the game or not, thereby making the determination irrational?

There are indeed discrepancies between an ideal game and an actual game. But this fact does not threaten the normativity of constitutive rules, since they do not act on the moves of the game directly. Constitutive rules of a game impose the property of permissibility or impermissibility, without exception. Even judgements with authority cannot affect this.²⁷

But to minimize discrepancies, we issue licenses for being a judge. Acquisition of a license involves a vow of being correct in making judgements with authority. So judges must track permissibility and impermissibility in making their judgements. And because of this obligation,

²⁷ One must distinguish between (i) an act is impermissible *qua* a move of a game, and (ii) an act has the status of being impermissible *in a game*. To take the case of chess between chess master and her friend once again, the castling they allowed is impermissible in the sense of (i). But at the same time, it is not impermissible in the sense of (ii). They can legitimately treat the castling as if it is permissible.

incorrect judgements can be a reason for revoking the license of a judge. But licenses are essentially a social institution, so exactly under what condition a license should be revoked is up to the community that matters. This is why games are a kind of social practices. In a word, the normativity of constitutive rules of a game attributes permissibility or impermissibility on acts, but is applied to a particular move indirectly by governing the judges.²⁸

²⁸ Some may worry that this answer is giving a circular definition of constitutive rules of a game. Constitutive rules of a game are being understood in terms of judges, judges in terms of license and correct judgements. But how can a correct judgement be understood without referring to the constitutive rules of a game in question? (Jinho Kang pushed this worry to me)

My answer is that the notion of a rule being constitutive of a game is not needed in understanding the notion of correct judgements. We may, as a parallel of David Lewis (1975)'s distinction between language as an abstract, formal system and language as a social practice. Games as an abstract, formal system of rules exist regardless of people actually play them or not. The notion of constitutive rules is not required in defining them, since a set of rules (plus a set of aims of the game) defines a game. On the other hand, games as a social practice requires the notion of constitutive rules, since whether a given act belongs to a specific game must be determined. But when we say that a judgement with authority is correct or incorrect regarding the game of chess, the notion of a game that we are using is the latter, not the former. So there is no circularity in explicating the notion of a rule being constitutive of a game. Correctness is understood in terms of rules, not in terms of constitutive rules.

But there still is a worry in the vicinity. How can we decide which game is in practice in a society? Can a license for being a judge of a game be revoked incorrectly by its institution, or is it impossible? Suppose an association revokes licenses from some judges belong to them because they allowed castling to be in games they conducted. Judges considered themselves as conducting a chess game. Then how should we understand the association's measures? Was it incorrect because the association is governing chess, or the association was governing some other game than chess, so therefore their measures were correct but nevertheless

A consequence is that there are moves that are impermissible *qua* a move of the game, but nevertheless the judges consider them as a move of the game and let it be in the game. This is indeed unpalatable, but it does not mean that the theory is wrong. What is really unpalatable is that our lenient attitudes toward breaches of the rules. But at the same time, that is what we actually do and tolerate. Thus Williamson says: “We are often quite relaxed about breaches of the rules of a game which we are playing. If the most flagrant and the most serious breaches are penalized, the rest may do little harm. (...) [But t]o be relaxed in applying a rule is not to replace it by a different rule.” (Williamson 2002: 258-9).²⁹

Now we have the notion of the judge of a game. I believe that the authority of judges is essential for explaining the notion of *flagrant violation* of rules of a game. A player who intentionally made a movement of a piece that does not conform to the rules of chess and even was sufficiently marked may still be playing chess, if his behavior was authorized by the judge. The judge may *excuse* the player’s violating the rule, that is, make incorrect

illegitimate? Or is it the case that judges subject to the association (i.e. the authority of license) and therefore it was judges that were in fault? Which game is in practice? This question is an important one, but I will remain silent on this issue. The notion of games and judges of a game can be grasped without answering this question anyway.

²⁹ It is not clear that Williamson is using terms such as ‘flagrant’, ‘applying a rule’ in the exactly same way as I do, since he says nothing on these notions. But I believe that he is.

judgements with authority, on good grounds or bad grounds. So this movement remains as a move of the chess in spite of the fact that it is impermissible *qua* a move of chess. But if no judge excused the movement, then it is not a move of chess at all. In other words, a movement of a piece that does not conform to the rule of chess, was intentionally made, sufficiently marked and was not *excused* by the judge cannot be a move of chess. So I provide the following formulation:

(Flagrant Violation) A violation or a failure to conform to the rule is flagrant if and only if it is intentional, sufficiently marked and is not excused by judges.³⁰

One may wonder who is the judge in my example the chess master and her friend. My answer is that the players themselves are taking the role of judge. They make judgements on whether a movement of a piece counts as a move of the game they are playing, whether a king is checkmated on current position of pieces, whether a pawn capture the opponent's pawn *en passant* and so on. After all, a friendly match between friends does not require a

³⁰ I note two points. First, maybe the notion of excuse can be generalized even for practice. But since it is not clear that whether there are judges of some practice or activity (is there a judge in the case of marriage? Or what about dance?), I restrict the above analysis only to games. Second, though the relation between game and practice requires clarification, I will not try to clarify it in this thesis. All I rely on this thesis is that games are a kind of practices.

separate judge.

Now we have the correct notion of flagrant failure to conform to the rule of a game. So let us formulate what it is for a rule to be constitutive of a game.

(Constitutive Rule) A rule is constitutive of a game if and only if it is impossible for an act to flagrantly fail to conform to those rules while being a move of the game in question.

There are no moves of a game that flagrantly fail to conform to the constitutive rules of the game. This notion of constitutive rules of a game is not by itself giving the notion of constitutive rules of a practice. But I hope that this notion shed light on the notion of constitutive rules of a practice. And the notion of constitutive rules of a game will be sufficient for studying the nature of assertion, as long as we keep the analogy between games and assertion.

2.3. The Constitutive Aim-Rule Approach to Games

I do three things in this section. First, I explain the notion of constitutive aims of a game. Second, I develop what I call *the constitutive aim-rule approach to games*, according to which a game is individuated by both *constitutive aims* and *constitutive rules*. So this approach in a sense further develops Williamson's simple individuation account. And also, it provides a methodology for finding out what rules (and of course aims) are constitutive of a game. Developing the constitutive aim-rule approach to assertion is of course to apply it to assertion, based on the analogy between assertion and games. And by applying the constitutive aim-rule approach *to assertion*, we can gain a new understanding of the notion of the speech act of assertion. This is the third thing I am going to do in this section.

In 2.1, I argued that constitutive rules of a game are necessary, but not sufficient for the individuation of the game; there are many games that share the exactly same constitutive rules. So we may imagine some other constitutive elements of a game other than its constitutive rules, which are necessary and jointly sufficient for individuating the game. Imagine that there is a practice and we know that it is a game, but that we do not know exactly which game it is. Then what makes this game a specific game, rather than some other game, apart from its constitutive rules?

It seems to be the *aims*. Changing the aims while keeping the rules same makes another game, as we saw in Dummett (1981)'s discussion. On

the other hand, it seems impossible that there are two distinct games that nevertheless share their rules and aims; if a game has exactly the same rules and aims with chess, then the game *is* chess. This observation introduces the notion of *constitutive aims* of a game: namely, aims that an *agent* must pursue in order to be a *player* of the game.

Constitutive aims create the possibility of an *agent* being a *player*. Just as we understood constitutive rules in terms of flagrant violation, we can understand the notion of constitutive aims in terms of *flagrant betrayal* where ‘betraying an aim’ means not pursuing it.

(Flagrant Betrayal) An agent betrays an aim flagrantly if and only if the betrayal is intentional, sufficiently marked and not excused by judges.

(Constitutive Aim) An aim is constitutive of a game if and only if it is impossible for an agent to flagrantly betray it while being a player of the game in question.

An example would illustrate this point. A parent may play chess with her child with the purpose of training his skill. But she need not aim at winning. She may just deploy her pieces to threaten her child’s king, not to checkmate it. It seems to me that she is a player of chess. Although she intentionally betrayed the aim of winning, and her betrayal was sufficiently

marked, her betrayal is excused by her educational purpose, which allows her to be a player of chess. But imagine that the child now wants his parent to ‘play’ the game. Since the child is indeed one of the judges of the game, the parent is either to aim at winning or not to be a player anymore.³¹

Three notes are required for the notion of betrayal and the notion of excuse. First, unlike constitutive rules, constitutive aims are primarily what an *agent* have. Although there is a sense in saying that an *act* aims at certain thing, this sense must be derivative. For example, whether a particular move violated the Castling Rule or not can be determined solely in terms of the rules of chess. But whether an instance of castling aims at protecting the king from being checkmated cannot be determined solely in terms of constitutive aims of chess. We must look at what the player intended in making the move, and whether the move actually succeeded in achieving its aim; a brilliant castling in a game can be a lamentable mistake in some other game.

This point suggests a problem. In the case of rules, it is easy to decide our mind on whether an act conforms to the rule or not. But in the case of aims, this is not an easy thing. What is the criterion for discerning agents

³¹ Here I am presupposing that the players can be the judges of the game, just as I argued in 2.2. Not anybody can be a player, so decision must be made by someone with authority. So there must be judges who decides who are the players of the game in question.

pursuing a rule from agents who do not? Although I cannot solve this problem, I appeal to two things. First, this is a general problem of the epistemology of mental attitudes. Second, it seems that our judgements on whether an agent is pursuing or betraying an aim are by and large reliable. So I suppose that this problem does not seriously damage my discussion.

Second, a player betraying the constitutive aim of the game typically does not render a move impermissible. Recall the chess game between the chess master and her friend, but now suppose that the chess master did not agree to be loose on conforming to the rule. So the game goes terribly to her friend. And now, the friend makes some moves, with the obvious intention of quickly finishing the game. So he is intentionally betraying the constitutive aim of chess. But it would be absurd to say that these moves are impermissible.

Exceptions are cases where a betrayal of the constitutive aim of chess was *flagrant*; it can have the result of some move being impermissible. But this is possible because of a basic principle of game: only the players of a particular game can make a move. If an agent flagrantly betrays the constitutive aim of chess in a chess game, she is not a player of chess regarding the game. But such an agent cannot make a move of chess permissibly, for she is no longer a player. And the judge must make decision; to declare that her acts do not belong to the game (in this case, the game

itself would count as a ‘no game’), or to declare that her acts still belong to the game (in this case, the game record would count valid). The latter decision would result in her moves being impermissible, while the former would not.³²

Third, constitutive aims, together with constitutive rules and some other norms of rationality, give rise to *regulative* rules, since players must make moves that help them to achieve the constitutive aims. For example, chess players must move their pieces in a way that contributes to checkmating the opponent’s king. These regulative rules can be considered as *tactics* or *strategies* of playing the game.

This point may lead some readers to think that constitutive aims can be understood in terms of constitutive rules. On this view, to aim at checkmating the opponent’s king is to follow the rule “A player must aim at checkmating the opponent’s king in making a move”.

But this does not seem recommendable for three reasons. First, we do have a clear conception of the distinction between rules and aims. Different tactics or strategies can contribute to achieving one and the same aim. Both

³² An interesting point is that Williamson (2002) formulated the constitutive rule of assertion in a way that conforming to it is a necessary condition for an act be permissible. That is, Williamson’s formulation of the constitutive rule of assertion allows the possibility that even an assertion conforming to the Knowledge Rule can be impermissible. I believe that flagrantly betraying the constitutive aim is a way of a move of a game being impermissible, even if it conformed to constitutive rules.

of *Sicilian Defense* and *Ruy Lopez* are effective chess openings and therefore are tactics of chess. They can be described in terms of rules. That is, rules are derived from aims, not the opposite direction.

Second, the rule just mentioned in the above paragraph seems to presuppose the notion of winning, rather than to derive it. Winning in chess seems to have something common with winning in soccer: the notion of winning. But “Make moves that contribute to the opponent’s king being checkmated” and “Make moves that contribute to our team earning the most score by the end of the match” do not have such thing, apart from the notion of winning.

Third, and most importantly, constitutive rules must not imply constitutive aims, strategy or tactics for achieving constitutive aims. No matter how well one knows the constitutive rules of chess, this knowledge is irrelevant whether he knows the tactics or strategy of chess. Such a knowledge would at best let him know all the permissible moves in the form of a tree, whose nodes are permissible moves. But to which branch he must move on, so to speak, must not be determined by constitutive rules. But if the constitutive rules of chess contain rules such as “Make moves that contribute to the opponent’s king being checkmated”, then every terminal node of this tree would be the winning position; this is not what this tree must represent.

Let us now put together the notion of constitutive aims and the notion of constitutive rules. Then we have an approach that I call *the constitutive aim-rule approach to games*.³³ This is an approach that intends to individuate a game in terms of its *constitutive rules* and *constitutive aims*, by describing how these elements *create the possibility* of the game in question. This approach can be considered as a *complex individuating account* of the notion of constitutive rules, since it further develops Williamson's simple individuation account by rendering constitutive rules as a part of the individuating elements.³⁴

The constitutive aim-rule approach to assertion explains what it means for constitutive rules and constitutive aims *create the possibility* of a game. According to the constitutive aim-rule approach to games, Constitutive rules decide whether an act is permissible *qua* a move of the game. Constitutive aims decide whether an agent has consistent attitudes *qua* a player of the game. These two properties, permissibility and consistency, are guides or

³³ I emphasize that the question "What makes a game different from another game?" is different from the question "What are games?". What I intend to explain is the difference between, say, chess and Suicide Chess. I do not intend to explain the notion of game itself.

³⁴ Williamson, right after introducing his simple individuating account, indicates the possibility of this complex individuating account, according to which "[a]ssertion might be wholly or partially constituted by a norm or norms whose normativity is not rule-like." (2002: 241). I believe constitutive aims have this not rule-like normativity since they imply regulative rules that indirectly prescribe how players must behave.

advisory maxims for judges, who decide what acts are moves of the game and who are the players. In this way, each of the two constitutive elements creates the possibility of an act *becoming* a move and the possibility of an agent *becoming* a player.

The constitutive aim-rule approach to games also illuminates that constitutive rules also enable the players to pursue constitutive aims *in a game*. To take the example of chess once again, checkmating the opponent's king is one of the constitutive aims of chess. But this aim can be achieved in a game that is not chess. For example, Gliński's Hexagonal Chess has different initial positions from that of chess (and therefore has different rules), but has the same aims with chess. So achieving the aim of checkmating *in chess* and *in Gliński's Hexagonal Chess* are different. And what differentiates these two things are constitutive rules; constitutive rules of chess create the possibility of checkmating opponent's king *in chess*.³⁵

Furthermore, the constitutive aim-rule approach to games yields a method for finding out what constitutive rules and constitutive aims are. A rule R is constitutive of a game G if and only if it is impossible for an act to flagrantly violate R and still be a move of G. And an aim A is constitutive of

³⁵ A related point is that an agent *can* betray constitutive aims of a game *by* making moves of the game, but *cannot* betray constitutive aims *by* making acts that flagrantly violating constitutive rules. Without sensitivity to constitutive rules, there is no pursuing or betraying constitutive aims.

G if and only if it is impossible for an agent to flagrantly betray A and still be a player of G.

So I developed the constitutive aim-rule approach to assertion. Needless to say, this is to apply the approach *to assertion*. This application is possible because of the analogy between assertion and games. And it has two advantages regarding our understanding of the speech act of assertion. First, the approach gives methodology for finding out what constitutive rules and constitutive aims are. Second, the approach explains the significance of the analogy between game and assertion, by providing a conception of assertion. So, the constitutive aim-rule approach to assertion reconfirms the reason to keep the analogy between assertion and games. So let us see the two advantages.

First, the approach provides a methodology for finding out the constitutive rule of assertion by adopting the constitutive aim-rule approach to assertion: ask whether an assertion can flagrantly violate the rule in question. This method answers the methodological worry that was raised in 1.2.

Second, and the more important, the constitutive aim-rule approach to assertion explains what is the significance of the analogy of assertion with games. Strictly speaking, assertion is not a game; answering “Assertion” to

the question “What are the examples of games?” is wrong.³⁶ But then, what is the *significance* of the analogy? Why was this analogy widely accepted since Williamson (2002), and what does it tell us about assertion? The constitutive aim-rule approach to assertion answers these questions by providing a conception of the assertion: each assertion has something to achieve, and must achieve it in a particular way.

According to the constitutive aim-rule approach to games, a game player has something to *achieve* in playing the game, and must achieve it *in a particular way*. The things to achieve are the constitutive aim of the game, and the way for achieving it is dictated by the constitutive rules. In this sense, constitutive rules and constitutive aims create the possibility of the game.

So, applying the constitutive aim-rule approach to assertion means that asserters also has something to achieve in asserting, and must achieve it in a particular way. This is the real significance of the analogy between assertion

³⁶ Some readers may think that this remark is problematic. If I apply the constitutive aim-rule approach to assertion, would not it mean that assertion is a kind of game?

But this objection is ignoring the difference between the question “What are games?” and “What makes a game different from some other game?” If the constitutive aim-rule approach to games is devised to answer the former question and therefore implies that anything that have constitutive rules and constitutive aims are games, then applying it to assertion inevitably renders assertion as a game. But it does not. What it actually does is explaining what makes assertion different from other speech acts, providing that assertion is a kind of speech act.

and games. Providing this ‘picture’ of assertion is the most important advantage of the constitutive aim-rule approach to assertion. The next chapter will reinforce this picture by finding out what are the constitutive rule and the constitutive aim of assertion.

III. The Constitutive Aim-Rule Approach to Assertion: Establishment and Truth

My purpose in this chapter is to develop *the constitutive aim-rule approach to assertion*. As I noticed before, this approach is a consequence of applying the constitutive aim-rule approach to games, based on the analogy between assertion and games. I intend that this approach will give a complete explanation of the notion of assertoric force.

The most important question would be: what are the constitutive aim and the constitutive rule of assertion? I argue that the constitutive aim is what I call *the establishment of the prima facie, defeasible evidential authority of what is asserted*, or *establishment* in short, and that the constitutive rule is the Truth Rule.

The notion of establishment requires clarification. This job is done in terms of the notion of game of giving and asking for reasons ('reason game' in short), a key notion in Brandom's commitment approach to assertion. So I must elaborate on the notion of reason game. Since reason game is also a kind of game, we can understand it by finding out its constitutive aims and constitutive rules, according to the constitutive aim-rule approach to games.

So section 1 introduces Brandom's commitment approach and the notion of reason game.

Section 2 introduces the notion of establishment. This notion is derived from the notion of reason game. But it is not a notion that Brandom originally introduces, although some clues for it is already present in Brandom's theory. If so, then why introduce such a notion? It is because I want to provide a new understanding of the commitment approach to assertion. This is because of two reasons. First, contrary to Brandom's hope, it seems that the commitment approach to assertion by itself cannot distinguish assertion from other speech acts, therefore fails to provide a complete explanation of the notion of assertoric force. I argue this point based on discussions of authors such as Peter Pagin (2004), MacFarlane (2011) and Rescorla (2007; 2009). Second, it is because I believe that the notion of establishment will open a new way to understanding Brandom's commitment approach. I argue that Brandom's commitment approach contributes to explaining the notion of assertoric force, by providing an explanation of what the constitutive aim of assertion is.

In section 3, I ultimately argue that the Truth Rule is the constitutive rule of assertion. To argue this, I first argue that truth, especially *speaking the truth*, is not the constitutive aim of assertion. Then I argue that speaking the truth is the constitutive rule of assertion, by arguing two points: the

Truth Rule is the only rule that an assertion cannot flagrantly violate, and the falsity of an assertion makes it impermissible or *required to be retracted*. And, through these arguments, I criticize the knowledge account and the justification account on two points. Not only do they make wrong predictions, but also they do not possess a principled methodology for finding out the constitutive rule of assertion.

In section 4, I complete developing the constitutive aim-rule approach to assertion by answering three remaining questions. First, who are the judges of assertion? Second, what is the institution that issues licenses for judges of assertion? Third, what is the exact relation between assertion and the constitutive rules of reason game?

3.1. Brandom's Commitment Approach to Assertion

This section introduces the commitment approach to assertion by focusing on the most prominent version of the commitment approach, which was developed by Brandom (1994). This job will essentially include introducing the notion of game of giving and asking for reasons ('reason game'). So I

explain the notion of reason game by applying the constitutive aim-rule approach to games. That is, I will discuss what constitutive rules and constitutive aims of reason games are. Of course, all of this job is to prepare for discussions that will be given in the next section.

But before I start the discussion, I must make clear what I am not going to discuss. This is because Brandom (1994) intends his discussion of reason game be a part of his grand scheme of explaining the problem of intentionality. Brandom intends to explain the nature of assertoric force solely in terms of notions that belongs to the notion of reason game. Furthermore, Brandom thinks that the meaning of uttered sentences must be explained in terms of reason game. This is because he believes that it is our linguistic practice that confers the propositional content to an utterance. And since Brandom believes that nonlinguistic intentionality is to be understood in terms of linguistic intentionality, Brandom is ultimately intending to explain the nature of intentionality in general.³⁷

This is indeed a grand scheme. I will not argue for or against any of these big theses, except for the thesis that the nature of assertoric force *solely* in terms of the notion of reason game. I believe that the notion of assertoric force is understood *partly*, but not *solely*, in terms of reason game,

³⁷ This line of thought can be found in Brandom (1994) in chapter 3, especially in 3.I. and 3.II..

thus disagreeing with Brandom's commitment approach to assertion. Providing this point, let us see Brandom's commitment approach to assertion in detail.

According to the commitment approach, to make an assertion is to undertake a certain kind of *commitment* for its truth. MacFarlane (2011) notes C. S. Peirce (1934) as the root of this approach.³⁸ And he notes authors such as Searle (1969; 1979), Brandom (1983; 1994) and MacFarlane (2003; 2005), as notable proponents of this approach, to name a few.

What is it to undertake some commitment? It is to acquire an *obligation*. So on the commitment approach, the speaker newly gains certain obligation by asserting something, and this is the *essential effect* of assertion. But what is this obligation, and how is it related to the truth of the assertion in question?

It is at this point that Brandom's commitment approach is distinctive. Brandom explicates the notion of assertional commitment in terms of what he calls *game of giving and asking for reasons*.³⁹ This is a game already familiar with us; we play it when we rationally discuss with others. When playing game of giving and asking for reasons, we expect and require the

³⁸ "(...) to assert a proposition is to make oneself responsible for its truth" (Peirce 1934: 384)

³⁹ Brandom attributes this term to Wilfrid Sellars (Brandom 1994: 139).

asserter to provide the proper justification or evidence for the assertion he or she made. So we may say that the nature of this game is an *epistemic* one.

Since game of giving and asking for reasons (or ‘reason game’ in short) is also a game, there are rules that govern this game. For example, the idea presented in the above paragraph can be formulated as a rule ‘when someone challenges an assertion you made, defend it by providing proper evidences for what is asserted’. In fact, there are more rules of reason game, which I will introduce below. The point here is simply this. The commitment that the asserter undertakes in asserting can be understood as the obligation to conform to the rules of reason game. This is how Brandom understands the commitment for the truth of an assertion.

Now suppose that a speaker made a number of assertions, and think of all commitments or obligations regarding the rules of the reason game that the speaker has. This ‘sum’ of the commitments or obligations is included in the *deontic* status of the speaker. And since *entitlement* or *permission* as well as obligation is a primitive deontic term⁴⁰, the deontic status of a speaker

⁴⁰ Two notes for clarification. First, to say that one is permitted to ϕ is to say that one does not have the obligation not to ϕ . And to say that one is obliged to ϕ is to say that one is not permitted not to ϕ . Second, the term *responsibility* and *authority* corresponds to the term obligation and permission. When one is responsible for ϕ ing, one is obliged to ϕ and vice versa. And when one has authority in ϕ ing, one is entitled to or permitted to ϕ and vice versa. Third, although Brandom thinks that commitment and entitlement corresponds to obligation and permission, he does not

would include entitlements or permissions in reason game that are related to assertions that the speaker in question made.⁴¹

There are indeed such entitlements. When one asserts p in a reason game, this assertion entitles the players of the game (not only oneself, but also the other players) further assertions based on the assertion of p . For example, assertions of the inferential consequences of p is authorized by one's assertion of p .

The nature of this entitlement in reason game is a *prima facie*, defeasible one concerning the evidence of the assertion. To see this point, let us imagine the following situation. I tell my two friends Ana and Chanwoo "There was a fire at Building 301 today morning". Chanwoo, who was at Building 301 today afternoon and saw that things were as always were, says "Then it must be that someone extinguished the fire", based on my assertion. But Ana, who was at a building nearby Building 301 today morning,

prefer using 'obligation' and 'permission'. This is because he believes that using these terms for describing reason game will mislead us in a way (Brandom 1994: 160). But I will ignore these complications and use 'commitment', 'obligation' and 'responsibility' interchangeably. The same goes for 'entitlement', 'permission' and 'authority'.

⁴¹ One may ask why Brandom is including *entitlement* as well as commitment in the deontic status of the speaker. Brandom (1994: 159) says that although the fundamental normative term required for the current discussion is commitment, "(...) deontic statuses come in two flavors. Coordinate with the notion of commitment is that of entitlement. Doing what one is committed to do is appropriate in one sense, while doing what one is entitled to do is appropriate in another."

challenges: “I didn’t see any fire. I must have seen it if there were any”. I fail to respond Ana. I just move on to another subject; in fact, I just lied to them in order to cover my tardiness for lunch.

Chanwoo was at first entitled to assert that someone extinguished the fire. This is because that the players of the reason game expect that I can provide proper evidence in face of challenges to the assertion. The nature of the entitlement concerns the *evidence* of the assertion. Of course, Ana and Chanwoo know that the entitlement would be *defeated* if I fail to defend my assertion from challenges. But the expectation of the players conform to the rules of reason game allows them to attribute the entitlement in a *prima facie* way.

Now let us sum up discussions so far by seeing the following remark of Brandom.

In producing assertions, performers are doing two sorts of things. They are first *authorizing* further assertions (and the commitments they express), both concomitant commitments on their part (inferential consequences) and claims on the part of their audience (communicational consequences). In doing so, they become responsible in the sense of answerable for their claims. That is, they are also *undertaking* a specific task *responsibility*, namely the responsibility to show that they are *entitled* to the commitment expressed by their assertions, should that

entitlement be brought into question. This is the responsibility to *do* something, and it may be fulfilled for instance by issuing other assertions that *justify* the original claim. (Brandom 1994: 173)

When one asserts *p*, one's deontic status (which includes one's commitments and entitlements) changes in two respects. First, one undertakes the commitment to conform to the rules of reason game concerning the assertion of *p*. Second, because of the undertaking of the commitment, one issues entitlement for further assertions based on the assertion of *p*, both of those made by oneself and made by other participants of the reason game. These two respects are interrelated; to undertake the commitment is to undertake the responsibility of showing that one is entitled to the assertion of *p*. So failure to fulfill this responsibility can have the consequence of depriving the asserter's entitlement to the assertional commitments.⁴² I called it the *prima facie*, defeasible evidential nature of

⁴² This is due to Brandom's certain view of commitments in reason game. He thinks that commitments in reason game (and of course entitlements) are deontic statuses that are instituted by social practices. So failure to showing that the asserter is entitled to the commitment leads other speakers not attributing the assertional commitment to the asserter, thereby depriving the entitlement. "Deontic statuses of the sort to be considered here [commitment and entitlement] are creatures of practical attitudes. There were no commitments before people started treating each other as committed; they are no part of the natural furniture of the world. Rather they are social statuses, instituted by individuals attributing such statuses to each other, recognizing or acknowledging those statuses." (Brandom

entitlement. Brandom calls this the *default and challenge structure* of entitlement in reason game.

The model presented here has what might be called a *default and challenge structure* of entitlement. Often when a commitment is attributed to an interlocutor, entitlement to it is attributed as well, by default. The prima facie status of the commitment as one the interlocutor is entitled to is not permanent or unshakable; entitlement to an assertional commitment can be challenge. When it is *appropriately* challenged (when the challenger is *entitled* to the challenge), the effect is to void the inferential and communicative authority of the corresponding assertions (their capacity to transmit entitlement) unless the asserter can vindicate the commitment by demonstrating entitlement to it. (Brandom 1994: 177-8)

Enough for Brandom's notion of commitment and entitlement! Now I explain the notion of reason game by applying the constitutive aim-rule approach to games. As was mentioned, the notion of reason game is already familiar to us. But to understand Brandom's commitment approach in more depth, we must know what are constitutive elements of reason game, i.e. its aims and rules. Brandom (1994) already provided a brief sketch of constitutive rules of reason game. And Rescorla (2007; 2009) candidates of

1994: 161)

constitutive aim(s) of reason game. Referring to their work, I explicate the constitutive elements of reason game below.

Let us start with the constitutive aim. Although Brandom (1994) introduced his commitment approach in detail, he mentioned nothing about the constitutive aim of reason game. To my knowledge, Rescorla (2007) is the only author who does so under the term ‘constitutive goals of reason game’. He proposes that what he calls *rapprochement*, “isolating relevant, mutually acceptable premises” (Rescorla 2007: 255-6), is the most fundamental constitutive goal.⁴³ This seems to me the correct description of reason game. When we play reason game, we aim to reach at the *common ground* between participants in a discussion. And when we succeed in securing the common ground, the game ends. So I consider *rapprochement* as the constitutive aim of reason game.

Now, let us see the constitutive rules of reason game, focusing on

⁴³ Rescorla adds two additional constitutive goals of reason game: avoiding decisive counterarguments against one’s assertions, and providing decisive arguments for those assertions. But they seem to me as one of the strategies in reason game, not goals. What is the relation between these two additional constitutive goals and the fundamental constitutive goal of *rapprochement*? It seems that the only possible answer is that the former is a means for achieving the latter. Furthermore, Rescorla’s remark that “[t]hese two constitutive goals correspond roughly to the two principal constitutive goals underlying competitive games: that one *not lose* the game and that one *win* the game.” (Rescorla 2007: 256) increases the doubt against him. Winning and losing is the fundamental goal, not additional ones.

Brandom (1994)'s remarks. As Brandom notes, reason game has a *default and challenge structure*. This structure characterizes the nature of the commitment to the truth of what is asserted. An asserter is entitled to what is asserted *by default*, but she may be deprived of the entitlement if she cannot answer challenges that amounts to an evidence for the falsity of what is asserted. So, borrowing Rescorla (2009: 116)'s term, we can say that an asserter is committed to *defending* the truth of what is asserted in making an assertion as a move of reason game, but not committed to *speaking* the truth. This is just as it should be, since the nature of default and challenge structure is an epistemic one, not alethic. If so, then we should see what rules are constitutive rules of reason game, thereby constituting the commitment to defending the truth.

Brandom's discussion on the default and challenge structure of entitlement already sketches the first and the most important rule. To cite again, "When it is *appropriately* challenged (when the challenger is *entitled* to the challenge), the effect is to void the inferential and communicative authority of the corresponding assertions (their capacity to transmit entitlement) unless the asserter can vindicate the commitment by demonstrating entitlement to it." (Brandom 1994: 177-8) So based on this passage, I posit the following *Challenge and Defense Rule* as a constitutive rule of reason game.

(Challenge and Defense Rule) When faced with an appropriate challenge to defend the asserted proposition, the asserter must provide a proper justification for the proposition.⁴⁴

Another passage of Brandom suggests that the Proper Justification Rule is one of the constitutive rules of reason game: “(...) in the ideal Sprachspiel [the ideal reason game] being described, making a claim one is not entitled to (even as a challenge) is a kind of impropriety, the violation of a norm.” (Brandom 1994: 179)⁴⁵ The idea is that making indefensible assertions are improper *qua* a move of reason game, even if they are not actually challenged. In other words, the *prima facie*, defeasible entitlement is *wrongly* attributed to an indefensible assertion. To cite again the rule:

(Proper Justification Rule) An assertion of *p* is permissible only if the asserter has proper justification for *p*.

These two rules govern a *single* assertion. But there must also be some rules

⁴⁴ This formulation slightly modified version of Rescorla (2009)’s ‘Default-Challenge Norm’. MacFarlane (2005: 318) also develops a similar rule based on Brandom’s passage above.

⁴⁵ Rescorla (2007:255) interprets Brandom’s remark in the same way: “Brandom regards the Warrant Norm [Proper Justification Rule] as constitutive of reasoned discourse [reason game]” (Rescorla 2007: 255)

that govern the *relation* between assertions, because assertions have *inferential relations*.⁴⁶ Thus Brandom says: “Undertaking commitment to p is undertaking commitment as well to its inferential consequences - to those claims q that are related to it as conclusions of commitment-preserving inferences having p as premise.” (Brandom 1994: 186) This idea suggests the following rule, according to which to commit to an assertion means to commit to all of the assertion whose content is (logically or analytically) implied by the original assertion.

(Consequential Commitment Rule) If one is committed to defending the truth of p , then one is also committed to defending the truth of q , which is a logical or analytic consequence of p .

The existence of inferential relation between assertions gives rise to another rule, according to which commitment to (logically or analytically) inconsistent propositions must be forbidden. Thus:

(No Inconsistent Commitment Rule) If one is committed to defending the truth of p , then one must not commit oneself to defending the truth of q , which is logically or analytically inconsistent with p .

⁴⁶ I understand the notion of inferential consequence as a notion covers both of logical consequences and analytic consequences.

All of these four rules are *synchronic*. But there must be some *diachronic* rule that govern commitments in reason game, if we want to prevent a player from claiming “Of course I *was* committed to p , but the past is the past. I don’t have to give you any arguments for p now.” This is because one’s deontic status remains changed once one is committed to something.

(Commitment Inheritance Rule) If one commits oneself to defending the truth of p at a context c and did not retract one’s commitment at c_1 , then one is committed to defending the truth of p at c_2 , where c antecedes c_1 and c_1 antecedes c_2 .

These five rules are, in my opinion, some instances of the constitutive rules of reason game. It might be the case that there may be some other constitutive rules of reason game, for two reasons. First, there are some other speech acts other than assertion in reason game; questions, conjectures and suppositions, to note a few. Constitutive rules of reason game must govern these. Second, there must be some rules that assign the relevant *authority* to each speech act. For example, a conjecture issues some kind of evidential authority that is much weaker than one an assertion issues. So there must be some rules that prescribe the appropriate evidential authority a conjecture issues.

But I will not further investigate this issue. It is because these five rules seem enough for explaining what it is for an agent to be committed to defending the truth of an assertion; the commitment to conform to these rules regarding the assertion in question.

3.2. Establishment as the Constitutive Aim of Assertion

This section seeks to provide a new understanding of the commitment approach to assertion, by introducing the notion of *establishment of a prima facie, defeasible evidential authority of what is asserted*, or *establishment* in short. To be clear, this notion is not a brand-new one. Brandom's account of reason game already contains some clue of this notion, although he never made this notion explicit. But I believe that, by introducing the notion of establishment, we can make clear exactly what contribution Brandom's commitment approach makes to a *complete* theory of the nature of assertion. In this section, I argue that the establishment is the constitutive *aim* of assertion, and that Brandom's commitment approach to assertion can be understood as an explanation of the constitutive aim of assertion. To do so, I

will first motivate my argument by examining advantages and problems that Brandom's commitment approach has.

The commitment approach has an important advantage. To take MacFarlane (2011: 91)'s term, it tells us what is the *essential effect* of assertion. That is, this approach provides a satisfactory answer to the question "What are we doing when we are asserting something?"⁴⁷: we are undertaking some kind of commitment to the truth of what is asserted. If this point does not seem transparent, compare the constitutive rule approach to assertion. The answer that the constitutive rule approach provides to the question is at best: "We are doing a speech act that is governed by its constitutive rule!" But, as MacFarlane (2011) argued by using the example of the Castling Rule, this answer does not provide us a good understanding of the notion of assertion. One may come to know what the constitutive rule of assertion is, but this knowledge would not answer the question "What will happen when we assert something in accordance with the constitutive rule of assertion? What change does it bring?"

But the commitment approach also has some problems. Peter Pagin (2004) poses three objections, but I will here discuss only one objection,

⁴⁷ To be clear, the commitment approach is not the *only* approach that tells us about the essential effect of assertion. For example, Robert Stalnaker (1999)'s approach to assertion also does so.

which seems to me the strongest one. Pagin objects to the idea that to assert p is to undertake the commitment to the truth of p . To illustrate this point, Pagin asks: if someone says “I hereby commit myself to the truth of p ”, then did he assert p in uttering this? Pagin’s answer is negative.⁴⁸

If we understand the notion of commitment to the truth of a proposition in terms of Brandom’s explanation, the problem is more evident. Suppose that someone is committed to conform to the rules of reason game, and so provides defenses for p against challenge, entitles others to commit to the truth of p in virtue of his being committed to the truth of p . Do these facts really amount to one asserting p ?

Let us see MacFarlane (2011: 95)’s example. A lawyer commits himself to the innocence of her client, so she provides defenses against challenges. But this does not seem to amount to the lawyer’s asserting that the client is innocent. If the lawyer asserts to her family that the client is guilty, does it mean that the lawyer asserted contradictory things? It does not seem so. She may be accused of being not loyal to her commitment, but it is unclear that this accusation really amounts to the criticism of making contradictory assertions.

So Pagin (2004) and MacFarlane (2011) are arguing against Brandom’s

⁴⁸ Of course, the term ‘commit myself to the truth of p ’ must be read as ‘commit myself to *defending* the truth of p ’, as was explained in 3.1.

main idea that to assert something is *just the same as* to committing to (defending) the truth of *p*. Brandom considers his theory as explaining the *whole* notion of assertoric force, as we can see in the following passage: “The *force* of an utterance, the *significance* of a speech act, is to be understood in terms of the difference it makes to what commitments and entitlements are attributed and undertaken by various interlocutors – that is, in terms of the alteration of deontic scorekeeping attitudes it underwrites.” (Brandom 1994: 188) So Pagin (2004)’s and MacFarlane (2011)’s argument poses a strong objection to Brandom’s commitment approach. Although it may be said that Brandom’s theory *partly* explain the notion of assertoric force in that it can answer the question “What are we doing when we are asserting something?”, Brandom’s theory fails to provide a *complete* explanation of assertoric force.

But one may want to insist on the claim that Brandom’s notion of commitment to defending the truth is sufficient for explaining the whole notion of assertoric force. Rescorla (2007; 2009) is such an author. But against Rescorla’s insistence, I argue that Rescorla fails to show what he wants to.

Rescorla (2007; 2009) takes the notion of reason game and its constitutive rules and constitutive aims (‘constitutive goals’, in his term). And he tries to explain assertion in terms of these. So according to him,

speakers commits themselves to defending the truth of what they asserted, challenge and defend with each other, and isolate mutually acceptable common premises. So, Rescorla insists that the constitutive aims and the constitutive rules of reason game *are* the constitutive aims and constitutive rules of assertion.⁴⁹

And he further focuses on the fact that there is no rule in reason game that compels its players to assert only what is true. To take his term once again, the commitment to the truth of what is asserted in reason game is the commitment to *defending* its truth, not the commitment to *speaking* the truth. So he calls his approach ‘the non-restrictive version of the dialectical model’ of assertion.⁵⁰

But Rescorla’s view has an astonishing result. Since there is nothing in reason game that always compels its players to assert only true things, being

⁴⁹ He provides the following definition: “A norm is constitutive of assertion i□ it is a norm of assertion and it is constitutive of a practice to which assertion is intrinsically connected.” (Rescorla 2009: 102)

⁵⁰ An important difference between my view of the constitutive rules of reason game and Rescorla’s view is that Rescorla does not render Proper Justification Rule as a constitutive rule of reason game. This is because according to his non-restrictive version of the dialectical model, “constitutive assertoric norms constrain how I must react if someone challenges my assertion, but they do *not* constrain what I should assert in the first place.” (2009: 100)

It is unclear whether Rescorla renders Consequential Commitment Rule, No Inconsistent Commitment Rule and Commitment Inheritance Rule as constitutive rules. But I guess that there is no reason for him not to do so, and the discussion in this subsection remains intact, come what may.

truthful is not required to the players in a strict sense. If a speaker playing reason game successfully defends what he or she asserts, then there is nothing improper with such an assertion and speaker, even if what was asserted is actually false. This consequence is what I consider astonishing. Speakers consider a false assertion improper, and believe that they have some reason to be truthful.

To be sure, by and large, speakers tend to avoid speaking something false. Rescorla's explanation on this phenomenon is that being truthful is "the rational default strategy for avoiding decisive counter-arguments" (2007: 265). In many cases, a truth is easier to defend than a falsity. So speakers have some reason not to speak falsity in many cases. But as a matter of fact, that there *are* cases where defending a falsity is as easy as, or even easier than, defending a truth.⁵¹ And in such a case, there is no reason for a speaker to speak something true rather than something false. One may just forge a series of cunning lies to deceive the opponent to gain a penny or for a bit of joy. Thus Rescorla says: "Thus, my account isolates an extremely fragile reason for truthfulness. Virtually any reason for lying can

⁵¹ An illustrative case is the assertion of "The sun revolves around the sun" made in ancient and medieval times. Surely it was much easier to defend it compared to heliocentric system then. Rescorla would insist that assertions that advocates geocentric system at those times have nothing wrong *qua* assertion. But surely this is not the case; all the debate between heliocentricism and geocentricism was about the truth of this assertion! (Jinho Kang pointed out this case to me)

outweigh it, and virtually any evidence of relevant epistemic or cognitive advantages can undermine it” (2007: 268) “On my approach, truthfulness is not constitutive of assertion, but it emerges from more explanatory fundamental constitutive features of assertion.” (2007: 254)

I acknowledge that truthfulness is indeed the rational default strategy of reason game. I even believe that playing reason game using this strategy gives us benefit of securing defensible premises; in a sense, an elaborate argument for a falsity is better than a crude one. But what really astonishes me is that Rescorla believes that *this* is the account of the nature of assertion. On this account, truth is ruled out from constitutive elements of assertion. And thus an assertion become similar to an attorney’s defense for the defendant in an adversarial legal system; attorneys are committed to *defending* the truth of the position they are taking, but are not committed to *speaking* the truth. And Rescorla admits this point (Rescorla 2009: 116).

This just strikes me as wrong. It seems to me that assertions essentially includes the commitment to speaking the truth. So false assertions are improper *qua* assertion. At least Pagin (2004) and MacFarlane (2011) also do not seem to share Rescorla’s intuition, since they do not think that a commitment to defending the truth of something tantamount to assertion of it. Rescorla (2009: 118) anticipates this claim and provides his response, according to which deceiving someone with assertion has just the same kind

of defect with deceiving someone with some other thing than assertion.⁵² But this response does not seem convincing. According to this response, an assertion that is false but sincerely made by a speaker, such as Aristotle asserting “The Earth revolves around the Sun”, should be considered as proper. But I do not share this intuition. It is improper.

On this stage, readers may not be sure whose intuition is the one they also share. So I provide an argument below. Suppose that Rescorla’s theory is right. And imagine a linguistic community whose members play reason game perfectly, just as Iago does. They conform to constitutive rules of reason game, and try to reach at rapprochements. But unlike us, they never mind at all even if their utterances in reason game turn out to be false. They never criticize each other for speaking something false, unless one is committed to some impropriety in reason game. In other words, these people are committed to defending what they said, but are not committed to speaking the truth. Now, suppose that we come to know all of these things. Unlike us, they never mind that they spoke falsity. This kind of propensity is widespread among them, and it is even a common knowledge between them. In this situation, will we judge that they were *asserting* to each other? I do

⁵² To see an example of Rescorla (2009)’s, compare these two cases: (a) Iago tells Othello that Desdemona betrayed him with Cassio. (b) Iago shows Othello doctored photographs of Desdemona betraying him with Cassio. Rescorla claims that Iago in (a) and Iago in (b) shares the same kind of defect.

not think so, and I do not think that other people would. My intuition is that the speech act that these people are doing is not assertion, but some other speech act which superficially resembles assertion. But if Rescorla's theory is really right, the correct judgement is that they were indeed asserting to each other. This seems wrong.⁵³

So I conclude that Brandom's commitment approach (and also Rescorla's approach, of course) is by itself not sufficient for providing a *complete* account of assertoric force. The notion of reason game is insufficient for explaining the nature of assertoric force. To some readers, this would mean the death sentence for Brandom's commitment approach. But I do not think so. I am sympathetic to MacFarlane (2011)'s remark that Brandom's theory illuminates the essential effect of assertion by providing an adequate answer for the question "What are we doing when we are asserting something?". So I am going to provide a new understanding of Brandom's commitment approach, by arguing that Brandom's commitment approach makes good sense of the constitutive aim of assertion.

⁵³ Maybe Rescorla can exclude these speech acts from assertion by the following line of thought: prohibition of deceit is necessary for the possibility of communication, and this possibility is necessary for a group of people to form a linguistic community. But Rescorla (2007; 2009) provides no such arguments, and I doubt whether this line of thought fits with the 'picture' Rescorla has in mind. If Iago really is a competent asserter and his utterances are indeed proper assertions, then why introduce such a thesis?

However, two questions immediately arise. First, what is such a constitutive aim of assertion in Brandom's commitment approach? On Brandom's theory, the essential effect of an assertion is the change of deontic status of the speaker who made the assertion. But it sounds strange to say that I *aim to* change my deontic status in a certain way when I am asserting something, if asserting something just is an act changing the deontic status. If so, can Brandom's theory make sense of talking about some aim of assertion? Second, even if we concede that such a candidate which deserves the name 'aim' exists in Brandom's theory, is it the case that such an aim is a *constitutive* one? That is, is it the case that the aim in question is something such that asserters cannot *flagrantly betray*? I am going to answer these two questions by introducing the notion of establishment below.

Making an assertion of p in a reason game has two aspects. First, as was introduced in the previous section, it includes the commitment to conform to the constitutive rules of reason game regarding the assertion. Second, it endows p with an authority (to repeat: a *prima facie*, defeasible and evidential authority) for working as a premise for making further assertions. And so p may work as a mutually acceptable premises, unless it was challenged.

Although the first aspect is more fundamental in that the authority is

attributed to the assertion in virtue of the commitment in making the assertion, it is true that each assertion does have this second aspect. I call this second aspect of assertion *establishing a prima facie, defeasible evidential authority of what is asserted*, or *establishing what is asserted* in short.

Two things for clarification. First, to say that an assertion of *p* establishes the evidential authority of *p* does not mean that it makes the hearer *accepts p*, if the term ‘acceptance of *p*’ is understood as meaning the same thing with ‘come to believe *p*’. Peirce (1934: 386) once said that that “(...) every assertion involves an effort to make the intended interpreter believe what is asserted (...)”. At first glance, this suggestion seems quite plausible. It seems to explain *why* a speaker asserts something. Normally, when I assert to my friend that there was a fire at Building 301 this morning, then I am intending the hearer to believe it.

But closer scrutiny reveals that it is not so. Searle (1969: 46) points out that “I may make a statement without caring whether my audience believes it but simply because I feel it my duty to make it.” Imagine that I tell a friend that the theory of evolution is right, and it is a common knowledge between me and my friend that the hearer will not believe it. In this situation, I do not intend that my friend come to believe that the theory of evolution is right. Whether my friend come to form such a belief is an effect that

depends on my friend's response. So acceptance is a *perlocutionary* effect of an assertion, not an illocutionary one.

But it is still the case that I intended to, so to speak, present to my friend the proposition that the theory of evolution is right. That is, I have established the evidential authority of what I asserted. This is irrelevant to my friend's response. So it is an illocutionary effect.

Second, whether an assertion established a *prima facie*, defeasible evidential authority must be distinguished from whether the assertion has an *all-things considered* evidential authority. Confusing these two notions would result in thinking that the establishment is a *perlocutionary* effect of assertion, which is a mistake. Imagine that a hearer succeeded in challenging my assertion "There was a fire at Building 301 this morning". Then my assertion will not work as a mutually acceptable premise in the reason game we are playing. And this can make an impression that whether an assertion established the evidential authority of what is asserted depends on whether the hearer succeeded in challenging the assertion

To correct this understanding, let us see an example. Imagine an undergraduate student came to a philosophy professor, insisting that she made a conclusive argument that proves the existence of god. And she fervently continues the implication her 'proof' has for moral issues. But the professor scrutinizes her argument and makes piercing attacks on her

premises. So the professor concludes, “I know that you succeeded in convincing your undergraduate friends, but you failed to convince me. You may share that opinion with your friends, but don’t try it to me.” And the undergraduate student pleads in order to say some more things on the moral implication of her ‘proof’: “But I still think it’s true! I know that I can’t give better argument to you, but could you please just take my word to keep things going?” But the professor rejects, “No, I won’t.”

The student established a *prima facie* evidential authority of her assertion that god exists. And the professor successfully challenged it. So the *prima facie* evidential authority of the student’s assertion is at peril; it is *overridden* by the *prima facie* evidential authority that the professor’s challenge has. So the student’s assertion has no evidential authority *all things considered*. And it is *illegitimate* to proceed to the moral implications of the student based on the student’s assertion, although the student can (with her friends, or with the professor unless the professor rejects to play reason game with her).

But this is not to say that the *prima facie* evidential authority of the student’s assertion is *removed*. It is only after the student *retracts* her assertion that the *prima facie* authority is removed. If the student retracts her assertion, then there is no authority that permits her to proceed to the moral implications in question, *prima facie* or otherwise. In a word, challenges do

not remove the *prima facie* authority of an assertion; they rather *override* it.

So, my answer to the initial question concedes that a challenged assertion does not constitute mutually acceptable premises by itself. An assertion establishes a *prima facie* evidential authority, regardless of whether hearers challenged it or not. So the establishment of the *prima facie* evidential authority of what is asserted is a illocutionary effect of assertion. But whether what is established would count as a point of rapprochement, i.e. one of the mutually acceptable premises, depends on how hearers respond. Thus, whether an assertion would count as a point of rapprochement is a perlocutionary effect of assertion. So establishment is not a perlocutionary effect after all.⁵⁴

To summarize, an assertion establishes a *prima facie*, defeasible evidential authority of what is asserted. Establishment is different from acceptance. It is an illocutionary effect of an assertion. And if an assertion establishes the evidential authority of its content and is not challenged, its

⁵⁴ It is worth noting that there is a ‘backdoor’ strategy for the student; plead with the hearer when challenged. Imagine that the professor answers to the students plead by “Ok, go ahead” instead of saying “No, I won’t”. Then the student is entitled to proceed to the moral implication of her assertion.

This strategy is dishonorable and inefficient; most of the hearers will not allow it. But inefficient strategies are strategies indeed, and sometimes inefficient strategies actually work. So we may conclude that conforming to the constitutive rules of reason game is not necessary for an asserter to make her assertion constitute mutually acceptable premises. This consequence is indeed surprising. But it is no more surprising than the fact that inefficient strategies sometimes work.

content would count as a mutually acceptable premise, i.e. the evidential authority of its content becomes an *all things considered* evidential authority, if it is not challenged.

The notion of establishment is now intelligible in the light of the notion of reason game. And it seems that this notion deserves the name ‘aim’; when we assert something, we aim to establish its *prima facie*, defeasible evidential authority. So I conclude that the first question is answered.

Now I turn to the second question. Is the establishment an aim that is impossible for an asserter to flagrantly betray? I argue that it is so. To see this point, let us start with the communicative intention that an assertion necessarily accompanies. Many philosophers have thought that in making an assertion, the asserter must possess some kind of communicative intention which concerns its hearers. For example, H. P. Grice (1957)’s analysis of what he calls ‘non-natural meaning’ is as follows:

(Non-natural Meaning) A speaker S non-naturally means *m* by an utterance *u* if and only if by *u*, (i) S intends to induce a belief of *m* in the hearer H, (ii) S intends that H recognizes (i), and (iii) S intends that H’s belief of *m* is induced by the recognition of (i).

Grice’s analysis was criticized and further developed by philosophers such

as Searle (1969), Kent Bach and Robert M. Harnish (1979) and François Recanati (1987). But all of these further developments have one thing in common: when a speaker makes an assertion, his or her communicative intention includes an expectation of the assertion be ‘seriously considered’ by its hearers. Let us see by looking an example. Imagine an atheist who keeps his atheist faith secretly. He knows that everyone around him would not think his faith as something worth considering, if not blameworthy or something must be oppressed. Furthermore, he never thinks that anyone in his world would be persuaded by him in the slightest. He does not even think that he can ever communicate with someone regarding his belief, throughout past, present and future. In this situation, imagine that he mutters “There is no such thing as God”, perhaps when he was alone. In a sense, he is like Robinson Crusoe regarding this utterance. Now let us ask whether his utterance counts as an instance of assertion. I believe that our answer would be negative. The atheist did not possess some appropriate communicative intention when was uttering. And this is because the atheist did not have an expectation of the utterance to be ‘seriously considered’ by its hearers.

Admittedly, the exact content of the expectation of ‘serious consideration’ I am talking about is somewhat unclear. It must be different from considering an utterance as a joke, as a supposition or as an antecedent in a conditional, but exactly what it is? I do not attempt to provide a

complete analysis of this notion in this thesis. But one thing seems clear: it is a consideration that concerns the *evidence* of what is asserted. This is because linguistic communication is an action conducted between *rational* agents. Suppose a speaker utters something to a hearer. Because the hearer is a rational agent, she will require the evidence for what is asserted, as long as she considers the utterance as an assertion at all. And this is a common knowledge between the speaker and the hearer. So on the hearer's part, the speaker must be prepared to provide proper evidence for what is said on demand. And the speaker, to whom all of these hearer expectations are known, expects that the hearer will require the evidence of what he said, and regard him as saying something for which he has proper evidence.⁵⁵ This kind of expectation is what I am calling the expectation of 'serious consideration'.

But witness that this kind of expectation reflects the default and challenge structure of reason game. That is, the speaker's expectation of the hearer regarding the speaker as having proper evidence and as prepared for providing the evidence on demand, is just the expectation that the hearer

⁵⁵ To be sure, it is irrelevant whether the speaker in question *actually* has such proper evidence. Even when the speaker lacks proper evidence for what he said, the hearer's expectation for proper evidence is legitimate. And the speaker also knows this. So the speaker expects that the hearer will consider him as having proper evidence.

would play reason game with the utterance in question. In other words, the speaker expects that the hearer would regard him as establishing the evidential authority of what he said, and thereby attributing the evidential authority to the assertion. So, a speaker cannot assert something without intending to establish its evidential authority. Therefore, an asserter cannot flagrantly betray the aim of establishing.

To some readers, this would mean a disanalogy between games and assertion. It seems that every game is such that its player can intentionally (but not flagrantly) betray its constitutive aims. But in the case of assertion, this is not so. This is indeed a disanalogy. But I do not think that we have any reason to think that this disanalogy is problematic. All this point shows is that constitutive aims of a game and the constitutive aim of assertion differ in some respect. But this is what we can cope with; the significance of the analogy between assertion and games is the possibility of a deeper understanding of the nature of assertion, not similarity in every respect.

So I argue that the establishment is the constitutive aim of assertion, and that Brandom's commitment approach to assertion makes good sense of the notion of establishment. In the next section, I examine and dismiss other candidates for the constitutive aim of assertion.

3.3. Truth as the Constitutive Rule: In Defense of the Truth Account of the Constitutive Rule of Assertion

I now argue that the commitment to speak the truth is the constitutive *rule* of assertion, not the constitutive aim. I first discuss why truth is not the constitutive aim of assertion, and then provide my argument for rendering the Truth Rule as the constitutive rule of assertion. By doing so, I further develop the truth account of the constitutive rule of assertion. This job will necessarily require answering objections from proponents of the knowledge account and the justification account, and also properly criticizing those two accounts. I also deploy such arguments in this section.

I argued in the previous section that the establishment is the constitutive aim of assertion. But this view was not widespread. It was much more common to take truth as the aim of assertion. So a natural thought is that truth is the constitutive aim of assertion.⁵⁶ This idea seems plausible at the first glance. But closer scrutiny reveals that it is not so.

Let us start with the notion of constitutive aims of a game. If the constitutive aims of a game are achieved, then the game ends. So players of

⁵⁶ Dummett (1959; 1978) and McKinnon (2012) can be considered as proponents of view

the game aim to bring about the achievement. So constitutive aims provide a starting point for construing an explanation of why players made a move in playing the game. Without making any reference to constitutive aims, it is almost impossible to provide a proper explanation for a move made in a particular game. What should we say if we want to explain why a chess player castled her king, without making any reference to the constitutive aims of chess? I cannot imagine an answer that does not contain the phrase like “Because she wanted to win, and she thought that the castling would contribute to winning in such-and-such a way.”

And this must be so in the case of assertion. If a speaker made an assertion of p , our explanation on why she made it must have the form of: “Because she wanted to achieve the constitutive aim of assertion, and she thought that her asserting p would contribute to achieving it in such-and-such a way.” But truth cannot do such a role. When Galilei asserted “And yet it moves”, he did not think that his assertion would contribute to the earth moving around the sun!

Some may think that this criticism is too uncharitable. They would argue that although truth *simpliciter* is not suitable for being the constitutive aim of assertion, *speaking* the truth is. So we may say that: “Galilei wanted to speak the truth, and he thought that her assertion would contribute to him

achieving the aim of *speaking the truth*.⁵⁷ This seems close to what Dummett (1959) says “(...) it is part of the concept of truth that we aim at making true statements; (...)”. If this view is right, then the commitment to speaking the truth should not be considered as the constitutive rule of assertion. It is the constitutive aim. And this is just as was expected; as was argued in 3.2, commitment to speaking the truth is indeed constitutive of assertion.

But this view fails to provide an adequate prediction whether a false assertion is required to be *retracted*. To see this point, let us return to the case of chess, and ask ourselves in what cases a chess player must retract some move she made. Consider the rules first. A move that violates some rules of chess must be retracted, regardless of whether the judge excused it or not, and without exception. This is because all move that violate rules of chess are impermissible *qua* a move of chess, and because the following point is a trivial truth:

(Impermissibility and Retraction) An act is impermissible *qua* a move of a game G if and only if it is required to be retracted *qua* a move of G.

⁵⁷ Sometimes we say that one asserted something because it is true. For example, Galilei asserted that the earth moves around the sun because *it is true*. (Jinho Kang suggested to me) This point also can be explained if one puts speaking the truth as the constitutive aim of assertion.

But how about the aim? As was discussed in 2.3, betraying the aim of chess render an act impermissible *qua* a move of chess only if it was flagrant. Even an intentional betrayal of the constitutive aim of chess does not render an act impermissible *qua* a move of chess.

Now, suppose that a speaker breaks her commitment to speaking the truth in asserting something. Must she retract her assertion? It seems to me that the answer is yes, no matter how we change the situation concerning the speaker in question. To see this, suppose that there is an assertion that is not true but nevertheless not required to be retracted. And since an act is required to be retracted if and only if it is impermissible, the assertion in question is permissible. But one of the most important role of an assertion is to represent the world correctly, that is, to be true. This role of assertion contradicts the supposition that even false assertions can be permissible. So false assertions are required to be retracted, without exception. But this is not a feature of the constitutive aim.

I do not deny that commitment to speak the truth is in a sense an important aim of assertion. This is for two reasons. First, unlike many rules, one need to put much effort if one intends to conform to the Truth Rule. We must examine evidences, carefully discern distinct concepts and propositions and must not retain beliefs that are not true. So we can say that

the commitment to conform to the Truth Rule is an aim of assertion, in the sense that we may fail to conform to it in spite of our efforts. Second, we can say that assertions aim at speaking the truth in the sense that they aim at *reaching* the truth. Sciences use assertions to express knowledge that are already known, and reach at some new truth on the base of them, which are also expressed by assertions.

But still, the essential point remains. Speaking the truth is not the *constitutive* aim of assertion. This is compatible with saying that speaking the truth is an *important* aim of assertion. My point is just that speaking the truth has some feature that the constitutive aim must not possess.

This point naturally provides an argument against the justification account. To recall, proponents of the justification account claim that the property that the constitutive rule of assertion must track is the *blameworthiness* of an assertion. So they argued that assertions that are not blameworthy (i.e. made with proper evidence) are not required to be retracted, even if they are true. But this claim contradicts the point made above; assertions are to represent the world correctly. Further, the discussion above reveals a crucial fault in the methodology they endorse. Why must the constitutive rule of assertion track blameworthiness rather than

impermissibility?⁵⁸ Such claims are justified only after the notion of the constitutive rule of assertion is carefully scrutinized.

But things get complicated when we observe that an assertion lacking proper justification is also impermissible. According to the constitutive rules of reason game, assertions without proper evidence must be retracted. And assuming that the thesis that an act is impermissible if and only if the act is required to be retracted, assertions without proper evidence are also impermissible. So some may conclude that the knowledge account is the correct one, since the Knowledge Rule predicts that both of false assertions and assertions without proper evidence are impermissible. So the knowledge account is superior to the truth account and the justification account!

At first glance, this line of thought seems plausible. But it rests on an unjustified premise: if an assertion is impermissible, then it violates the constitutive rule of assertion.⁵⁹ And discussions on the notion of constitutive aims already showed that this premise is false. Just as a move of chess can be impermissible because of its agent flagrantly betraying some

⁵⁸ T. M. Scanlon points out that impermissibility and blameworthiness are two distinct notions, and provides examples to demonstrate this point. See Scanlon (2008: 124-6)

⁵⁹ It is important not to confuse this premise with its converse, which seems almost trivial: if an assertion violates the constitutive rule of assertion, then it is impermissible. I have been using this trivial one throughout my discussion on why speaking the truth is not the constitutive aim of assertion.

constitutive aim of chess, the same goes for the case of assertion. So the fact that assertions without proper evidence are required to be required does not support the knowledge account. And we see another crucial fault in methodology at this point. For when Williamson (2002) argues that the lottery assertion and the knowledge version of Moore's paradox are evidences for the knowledge account, it seems that he was using the unjustified premise in question.

Where are we? We need a theory that explains why assertions are required to be retracted in terms of the constitutive aim and the constitutive rule. And the theory must have a principled methodology for finding them out. These two requirements call for the constitutive aim-rule approach to assertion. As I discussed in 2.3, the constitutive aim-rule approach to assertion provides a principled methodology for finding out the constitutive aim and the constitutive rule of assertion. A rule R is constitutive of assertion if and only if it is impossible for an assertion to flagrantly violate R. So let us ask whether there is such a rule.

Suppose that I utter something false, say "Busan is the capital city of Korea." And suppose further that its falsity is evident for everybody including myself. And imagine further that there is nothing that can elicit an excuse from the judge of assertion (I will explain who is the judge in the next subsection); you cannot find out any reason for me to assert such a

thing. Then you would find it difficult to consider it as an assertion; you would not classify it as an assertion.

But things are different when it comes to the issue of justification. Imagine that I assert that Goldbach's conjecture is true. Of course, I do not have any justification for this. And imagine further that my lack of justification is evident to everybody including myself, and that there is nothing that can elicit an excuse from the judge of assertion. But we still can find it as an instance of assertion. Everyone will blame me for making assertion irresponsibly. But no matter how irresponsible it is, it still is an assertion!

The above consideration, together with the discussion on why speaking the truth is the constitutive aim of assertion, shows that truth is the constitutive rule of assertion. The "Busan is the capital city of Korea" case supports that speaking the truth is either the constitutive rule or the constitutive aim of assertion. But I have already argued that it is not the constitutive aim of assertion. So the case shows that speaking the truth is the constitutive rule of assertion. Justification drops out. That is, the truth account achieve superiority over the knowledge account and the justification account.

Now, combine this conclusion with the discussion of 3.2. I provided a separate argument for the claim that establishment is the constitutive aim of

assertion. This point explains why an assertion lacking proper evidence must be retracted. Such an assertion establishes a *prima facie*, defeasible evidential authority of what is asserted, like every other assertion. But since establishment is a notion of reason game, such an assertion does so by violating the Proper Justification Rule, a constitutive rule of reason game. And since an assertion is essentially a move of reason game, it must be retracted if it lacks proper evidence.

And further, the case of my asserting “Goldbach’s conjecture is true” proves that the constitutive aim-rule approach is better than the knowledge account. For the knowledge account predicts that my utterance “Goldbach’s conjecture is true” is not assertion, contrary to our intuition.

Apart from this point, the knowledge account has some other problems. The knowledge account lays four constraints for an assertion to be permissible: the asserter having proper justification for what is asserted, the assertion being true, the asserter believing what is asserted, the asserter not being susceptible to Gettier-style cases. So if any of these constraints are violated by an assertion, then the assertion is impermissible and must be retracted, according to the knowledge account.

But this conclusion seems to me wrong for two reasons. First, there are counterexamples of the belief constraint. Lackey (2007) introduces what she calls ‘selfless assertion’, an assertion that the asserter makes in virtue of her

having proper justification but nevertheless does not believe what is asserted. Lackey provides various examples, but let us just take one of her examples. Imagine a teacher who believes, on her religious faith, that the evolutionary theory is not true, but teaches her students that the evolutionary theory is true in virtue of scientific evidences. This assertion is ‘selfless’, in the sense that the teacher was insincere in the sense that she does not believe what she asserted. But Lackey points out that “(...) in cases of selfless assertion, even though the person in question [the teacher] may be subject to criticism *qua believer*, she is nonetheless subject to praise *qua asserter*.” (Lackey 2007: 600, italics are Lackey’s) Lackey’s point seems to me right. The teacher does not have to retract her assertion. And this is also what the constitutive aim-rule approach predicts, since it does not contain the belief constraint.

Second, the similar goes for the Gettier condition. Imagine that I assert “There is a barn” in seeing a barn. But unbeknownst to me, the region is full of barn facades made of papier-mâché; the only real barn is what I saw. So I cannot discriminate real barns from fake barns, thus I do not know that there is a barn.⁶⁰ But still, I do not have to retract my assertion. It seems to me that the correct description is that this assertion is proper in any sense, let alone of its being permissible. So I conclude that Gettier condition had better be out from the constitutive rule of assertion, unlike the knowledge

⁶⁰ This example is Alvin Goldman (1976: 772-3)’s.

account.⁶¹

Now let us see the lottery assertion and the knowledge version of Moore's paradox, which were alleged counterexamples to the truth account. The constitutive aim-rule approach to assertion easily explains the impropriety of the lottery assertion. The lottery assertion "Your ticket did not win" wrongly establishes the evidential authority of what is asserted, because it violates the Proper Justification Rule. This is why we think that the lottery assertion is cheating, just as Williamson does.

But the case for the knowledge version of Moore's paradox is somewhat more complicated. This is because Williamson's understanding of the knowledge account has gone wrong on some subtle issues. Williamson says that "Something is wrong with *any* assertion of the form 'A and I do not know that A', even though such assertions would often be true if made."

⁶¹ It is a surprise that Kvanvig (2009: 146-7)'s intuition is that we must retract our assertion if we were Gettierized. I have two remarks on his intuition. First, Kvanvig does not include Gettier condition in the constitutive rule of assertion, because he believes that an asserter violating the Gettier condition is not required to apologize for her assertion. I admit this. But he proceeds from this point to insist that the Gettier condition must not be included in the constitutive rule of assertion. This seems to me wrong methodology: it presupposes that requirement for apology must be explained by the constitutive rule.

Second, his intuition on Gettier condition based on the example of "Someone in this room owns a Ford", but it seems to me that the existential quantifier in this sentence seems problematic. Naturally, the asserter would pragmatically refer to a particular person with his use of 'someone' in this situation, and what she would willingly retract is that the person she thought owns a Ford.

(Williamson 2002: 253. Italic is mine). Here, Williamson seems to have in mind a variant of the truth account that denies the existence of some evidential norm of assertion. If this is all Williamson is concerned, there is nothing wrong in his understanding. But if he seriously means that *any* assertion of the form “*p*, and I do not know that *p*” is improper, then his view would have counterintuitive results.

To see this point, let us see the following three assertions, assuming that both of the conjunctions are true in every case, the other three constraints necessary for knowledge is met and all of these are known to us.

(Lack of Evidence) “*p* and I have no evidence for it.”

(Lack of Belief) “*p* and I do not believe it.”

(Lack of Gettier-proof) “*p* and I am Gettierized regarding it.”

All of these three assertions have something wrong. But only the Lack of Evidence exhibits genuine fault regarding its being an assertion. Consider what our appropriate responses would be. For the Lack of Evidence, our natural verdict is “But then you should not say *p*!” This verdict is directed at my words (i.e. the Lack of Evidence itself). So if I reply to you “Ok, I admit it. But I will keep saying *p*”, you will reproach me for making such a response.

But compare our response for the Lack of Belief. Our natural verdict is “But then you should believe *p*!” Note that this verdict is directed at me, not at my words. So if I reply to you “Ok, I admit it. But I will keep saying *p*”, you will not reproach me for making such a response. This is because, to borrow Lackey’s terms once again, I did not something wrong *qua* asserter, but did something wrong *qua* believer. And the same goes for the Lack of Gettier-proof. Our natural verdict would be like “But you shouldn’t be so sure regarding *p*!” This verdict is also directed at me, not at my words.

These discrepancies prove that the constitutive aim-rule approach to assertion is better than the knowledge account. The knowledge account predicts that all of these three assertions are impermissible, because the truth of the second conjunct in each case constitutes the lack of relevant knowledge. But this prediction is wrong. On the contrary, the constitutive aim-rule approach to assertion does not predict so, because it does not include the belief constraint and the Gettier-condition constraint.

I will not elaborate on problems of the justification account. It seems to me that the justification account is deeply mistaken in that it ignores the essential role of assertion; assertions must represent the world correctly. On the other hand, I have much more respect for the knowledge account. Williamson’s two points, that assertion obviously has some kind of evidential norm, and that false assertions are faulty, seems to me a valuable

lesson for a theory of the nature of assertoric force. So the constitutive aim-rule approach to assertion takes Williamson's lesson. In this sense, I intend to further develop Williamson's knowledge account.

But I also criticize Williamson's account not only because it includes unnecessary constraints, but also because it imposes the same status to the Truth Rule and the Proper Justification Rule and; whereas former is constitutive of assertion, the latter is not. In this sense, I endorse the truth account, and supplement it with evidential norms that are related with the aim of establishment. Although the slogan "Only knowledge warrants assertion" (Williamson 2002: 253) may seem catchy and easy to understand, it is an oversimplification with wrong conclusions.

Now it seems that that the constitutive aim-rule approach explains everything that must be explained. I now move on to the next section to complete the constitutive aim-rule approach to assertion.

3.4. Completing the Constitutive Aim-Rule Approach to Assertion

I discussed the explanatory power of the constitutive aim-rule approach to assertion. But there are some more things to say about it. Apart from its explanatory power, the constitutive aim-rule approach to assertion has two more significances. And there are more things to be explained. Namely, three questions remain. Who is the judge of assertion, if we keep the analogy between assertion and games? What is the license-issuing institution for judges of assertion? And what is the relation between assertion and constitutive rules of reason game? By answering these three questions, I complete the constitutive aim-rule approach to assertion.

The constitutive aim-rule approach to assertion has two significances. First, it provides a plausible ‘picture’, in other words a plausible conception of the notion of assertoric force. As I argued in 2.3, the constitutive aim-rule approach to assertion conceives assertion as a practice that has an aim to achieve and a certain way of achieving this aim. The constitutive aim of assertion corresponds to the former, and the constitutive rule corresponds to the latter. This fits with two major roles of language: being the medium of linguistic communication between language users, and representing the world. Thus, the constitutive aim-rule approach to assertion gives a ‘picture’ of assertion. If we consider assertion as the most important one among various speech acts, this is a desirable result.

Second, it solves the problem the commitment approach has. Recall the

linguistic community whose members are like Iago. If we put the establishment as the constitutive aim and stops at there, then there is no way to deny that the community exhibits the practice of assertion; they establish the evidential authority of what is uttered, since they conform to the constitutive rules of reason game. But now suppose further that the Truth Rule is the constitutive rule of assertion. Then we get the result of denying that the community exhibits the practice of assertion. This is the correct result.⁶²

And also, Pagin (2004) and MacFarlane (2011)'s objection to the commitment approach is answered. In my view, someone saying "I hereby commit myself to the truth of p , and will undertake the obligation to retract what is asserted if it is shown to be false" seems to me genuinely asserting p , unlike someone asserting "I hereby commit myself to the truth of p ."⁶³ In other words, assertion involves commitment to *speaking* the truth as well as commitment to *defending* its truth.

⁶² Strictly speaking, positing the Knowledge Rule also works, since it implies the Truth Rule. But I provide arguments against the knowledge account in 3.3.

⁶³ I guess that MacFarlane shares this intuition. He complains that his intuition indicates uttering "I hereby commit myself to the truth of p " really amounts to asserting p (MacFarlane 2011: 92). But MacFarlane has long been insisting that commitment to the truth of the assertion unquestionably includes the commitment to retract the assertion when the assertion is shown to be false (MacFarlane 2005: 318), and this fact can be understood that MacFarlane is sympathetic to positing truth as the constitutive rule, as seen in MacFarlane (2011: 85; 2014: Ch.5)

So are the two significances of the constitutive aim-rule approach to assertion. And its explanatory power was also discussed in the previous section. But there still remains two questions the constitutive aim-rule approach to assertion. Who is the judge of assertion? And what is the license-issuing institution of assertion?

As for the judge, I propose the speaker herself. This may seem surprising, because this implies that even a speaker who knowingly violates the Truth Rule can remain as an asserter by excusing every violation of the Truth Rule, including intentional and sufficiently marked ones, at the cost of being irresponsible as a judge. But this conclusion is mitigated by the fact that the linguistic community will revoke such speaker's license. Normally, it is rather easy to be an asserter. If a speaker makes an utterance and contends that it is an assertion, we tend to ascribe it a status of the speech act of assertion. And this is the case even if we are well aware that what is said by the utterance is not true, not believed by and not justified to the speaker, as long as the speaker contends so. We first concede that the utterance is indeed an assertion, and then criticize the speaker for doing some as an asserter, the judge of assertion. That is, we have a practice of tolerating judges making errors.

But since we do not want to tolerate judges making too many errors, we revoke the license from them. That is, the linguistic community does the

role of license institution. Aesop's fable *The Boy Who Cried Wolf* shows this point vividly. In the end of the fable, the villagers did not consider the Boy's utterance as an assertion, even though the Boy contends that he is making an assertion. So assertion essentially is a social practice, in the sense that whether one is making an assertion or not is determined by linguistic community. Although this practice of revoking license seems somewhat too relaxed and incomplete, it seems to me that this is what we actually do.⁶⁴

Now the two questions are answered. But my answer leads us to another important question: what is the relation between the constitutive rules of reason game and assertion? The following line of thought reinforces this question. As was noted several times, what an assertion establishes is a kind of authority. And this authority is given in virtue of the commitment to the constitutive rules of reason game. But now imagine a speaker who flagrantly violating the constitutive rules of reason game too many times. She flagrantly violates the Proper Justification Rule in making assertions too often. She almost rejects having any rational discussion with others too often. Then we are ready to *ban* her from being a player of the reason game

⁶⁴ Jinho Kang pointed me out that our practice of issuing the license also helps to exclude agents who ignores the constitutive rule of assertion itself. We issue licenses for being a judge of assertion, i.e. being an asserter, on the ground that the agent in question is a *competent* user of the given language. Since an agent who frequently violates the constitutive rule of assertion is not to be counted as a competent user of the given language, such agents do not deserve the license.

at all. But if one fails to be a player of the reason game, then one cannot be attributed with any authority in reason game at all. This means that she fails to establish something by assertion. To summarize, flagrant violations of the constitutive rules of reason game sometimes *affect* whether an utterance counts as an assertion. But does not this mean that the constitutive rules of reason game are also the constitutive rules of assertion?

This worry is somewhat exaggerated. It is true that flagrant violations of constitutive rules of reason game *sometimes* affect whether an utterance counts as an assertion. But it does not follow that constitutive rules of reason game are the constitutive rule(s) of assertion, for flagrant violations of the constitutive rule(s) of assertion must *always* affect whether an utterance counts as an assertion, as was argued in 3.3. But still, it is important to ask what the exact relation between assertion and the constitutive rules of reason game is. I discuss this issue below.

While explaining that the institution for issuing licenses for being a judge of assertion is the linguistic community, I noted that we revoke their license on the reason that they make too many errors as a judge of assertion. But there is another reason for revoking the license in question: one must be a player of the reason game. So if one fails to be a player of reason game, the linguistic community no longer treats one as an asserter. But we do not easily ban someone completely from reason game. Even those who are

utterly irrational on some issues can be a player of some reason game, if they are rational on some other issues. But we can imagine an agent who are irrational on *too many* issues. Then it is not worth trying to play reason game with her. She is not a player of reason game at all, and therefore not an asserter. Every utterance of declarative sentences will slip from her mouth, lacking assertoric force.

So the relation between the constitutive rules of reason game and assertion is *indirect*. Flagrant violations of the former affects the latter by the mediation of linguistic community as the license-issuing institution of assertion. But being indirect does not mean being unimportant. The practice of reason game creates the possibility of the practice of assertion, by governing the license-issuing institution.⁶⁵

A conclusion is that the constitutive rules of reason game are *regulative* rules of assertion. Although they are not the constitutive rules of assertion, they govern assertions. This is because every assertion is essentially a move in a reason game.⁶⁶ An assertion necessarily involves a commitment to

⁶⁵ It is easy to find judges of reason game: typically participants. But I did not clarify what is the license-issuing institution of reason game. This seems to be a real hard question. I confess that I am not ready to clarify it in this thesis.

⁶⁶ I will make only one comment on the issue of whether philosopher's Robinson Crusoe, who was discussed in many literatures concerning the interpretation of Wittgenstein's 'private language argument' in his *Philosophical Investigations*, can make an assertion. I am not sure whether Crusoe can have a language or not. But

conform to the constitutive rules of reason game, thereby acquiring a *prima facie*, defeasible evidential authority. It alters the deontic status of the asserter in question, as long as she can count as a player of reason game. So any assertion that violates some constitutive rules of reason game are impermissible, therefore is required to be retracted, just as was explained in 3.3.

this problem is related to the question of whether Crusoe is a player of reason game or not. If Crusoe cannot be a player of reason game, then he cannot make any assertion. Ant this seems to threat the possibility of Crusoe having a language, although the notion of ‘having a language’ remains unclear.

Conclusion

Let us summarize what was discussed in this thesis. I developed what I call the constitutive aim-rule approach to assertion. It is an approach that results from applying the constitutive aim-rule approach to games to the speech act of assertion, based on the analogy between assertion and games. According to this approach, an assertion is a speech act whose agent aims to achieve the constitutive aim of assertion in making the assertion in question, and whose agent must achieve it in a way that conforms to the constitutive rule of assertion. And I argued that the constitutive aim of assertion is what I call the establishment of a *prima facie*, evidential authority of what is asserted, and that the constitutive rule of assertion is the Truth Rule.

This approach combines and further develops the constitutive rule approach to assertion and the commitment approach to assertion, the most prominent approaches to the nature of assertion. It further develops the constitutive rule approach to assertion, in the sense that it admits of the existence of the constitutive rule of assertion. And it further develops the commitment approach, in the sense that it provides a new understanding of the commitment approach, according to which the commitment approach is

a theory of the establishment as the constitutive aim of assertion.

The most distinctive feature of the constitutive aim-rule approach to assertion is that it explains the notion of the constitutive aim and the constitutive rule in terms of the role of judges. To say that a rule is constitutive of a game is to say that it is impossible for a move of the game to flagrantly violate the rule in question. And judges of the game play a crucial role in determining whether the violation is flagrant or not, by excusing intentional and sufficiently marked violations. And the similar explanation goes for the case of the notion of the constitutive aim, which is explained in terms of the notion of flagrant betrayal.

One may wonder whether combining the constitutive rule approach to assertion and the commitment approach to assertion is arbitrary. I argued that it is not. This is because the constitutive aim-rule approach to assertion combines these two approaches to individuate the speech act of assertion. Just as a game is individuated by its constitutive aims and constitutive rules, assertion also is individuated by its constitutive aim and its constitutive rule.

Another strong point of the constitutive aim-rule approach to assertion lies in its explanatory power. It assimilates the point that assertion obviously has some kind of evidential norm. And also, it does not neglect the essential role of assertion, that assertions must represent the world correctly. But unlike Williamson's knowledge account, it successfully captures a subtle

difference between justification and truth; while assertions can flagrantly violate the Proper Justification Rule, they cannot flagrantly violate the Truth Rule.

So I conclude that the constitutive aim-rule approach to assertion provides an adequate theory of assertoric force. Now I finish this thesis by providing a brief prospect for further research. First, the constitutive aim-rule approach to assertion can make a contribution for theories of the meaning of natural language expressions. Specifically, in his defense of truth relativism, MacFarlane (2014) argues that the normative significance of relative truth reveals itself at the constitutive rule of assertion (and the constitutive rule of the speech act of retraction). But he does not explain what he means with the notion of the constitutive rule. This makes it hard to decide whether MacFarlane's argument concerning the normative significance of relative truth account is right. But I think that the constitutive aim-rule approach to assertion gives a good explanation of the notion of the constitutive rule, thereby providing grounds for assessing whether MacFarlane's argument for truth relativism succeeds or not.

Second, the constitutive aim-rule approach to assertion can be considered as a theory that provides the foundation for knowledge transmission through assertion. Recently, many epistemologists, for example Goldberg (2015), took notice of the fact that assertion works as a medium

for transmitting knowledge to others. And since the constitutive aim-rule approach to assertion describes how the speech act of assertion is related to truth and justification, it can naturally work as a theory of *why* assertion can be used a medium for transmitting knowledge.

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국문초록

주장에 대한 구성적 규범-목표 접근

서울대학교 대학원

철학과 서양철학전공

유 환

이 논문은 주장(assertion)에 대한 구성적 규범(constitutive rule) 접근을 비판적으로 발전시켜, 주장에 대한 구성적 목표-규범 접근을 제시한다. 구성적 규범 접근에 따르면, 체스가 체스의 규칙들에 의해 구성되는 게임의 일종인 것과 마찬가지로, 주장은 주장의 규칙들에 의해 구성되는 언화행위(speech act)의 일종이다. 이러한 접근은 주장이라는 언화행위의 본성에 대해 많은 것을 규명하지만, 두 가지의 문제를 가지고 있다. 첫째, 해당 접근의 핵심 요소인 구성적 규범 개념 및 주장과 게임 간의 유비 개념이 불분명한 상태다. 둘째, 해당 접근은 주장이라는 언화행위의 개별화(individuation)라는 그 자신의 목표를 성취하는 데에조차 실패한다. 그렇다면 해당 접근이 완수해야 할 과제는 두 가지이다. 구성

적 규범에 대한 정의를 제시하는 것이 첫째이고, 주장의 구성적 규범과 함께 주장을 개별화할 수 있는 또다른 주장의 구성적 요소를 찾아내는 것이 둘째다. 나는 이 논문에서 위의 두 과제를 완수하여 주장에 대한 구성적 목표-규범 접근을 완성하고자 한다.

첫째 과제와 관련하여, 나는 티모시 윌리엄슨(Timothy Williamson)의 구성적 규범 개념에 대한 **단순 개별화 접근**을 비판하는 것으로 논의를 시작한다. 어떤 관습(practice)의 구성적 규범의 본질적인 특징 중 하나는, 해당 관습의 규제적 규범(regulative rule)들과는 달리, 그것들이 해당 관습을 수행할 **가능성을 창조**한다는 것이다. 이 점을 포착하기 위해, 윌리엄슨은 어떤 관습의 구성적 규범이란 해당 관습을 **개별화**하는 그러한 규범이라고 주장한다. 하지만 나는 **개별화하는** 규제적 규범 또한 존재한다는 점을 들어, 윌리엄슨의 시도가 **구성적 규범을 규제적 규범과 구분**하는 데에 실패한다고 주장한다. 또한, 나는 구성적 규범과 규제적 규범을 혼동하는 것이 구성적 규범에 관한 최근 논쟁들에 어떻게 영향을 주는지와, 어떻게 논쟁들이 교착 상태로 물려가는지를 살펴보겠다.

그런 후 나는 이샤니 마이트라(Ishani Matira)의 노골적 위반(flagrant violation) 개념을 소개하고, 해당 개념을 비판적으로 발전시켜 구성적 규범 개념에 대한 나의 해명을 제시한다. 윌리엄슨과 달리, 마이트라는 어떤 관습의 구성적 규범을 행위자가 해당 관습을 수행할 때 **노골적으로 위반**할 수 없는 그러한 규범으로 특정짓는다. 나는 마이트라의

견해가 올바른 방향으로 나아가는 것이라고 보는데, 왜냐하면 어떤 규범이 어떤 관습을 수행할 가능성을 창조한다는 것이 무슨 뜻인지를 이해하기 위해서는 노골적 위반 개념이 필수적이기 때문이다. 하지만, 내가 보기에는, 마이트라는 노골적 위반 개념에 대한 올바른 분석을 제시하지 못하고 있는데, 이는 그녀의 분석이 **심판의 역할**(role of the judges)을 간과하고 있기 때문이다. 내가 제시하는 노골적 위반 개념에 대한 분석에 따르면, 심판의 역할은 행위자가 어떤 규칙을 노골적으로 위반했는지의 여부를 결정하는 데에 있어서 핵심적이다. 그리고 더 나아가, 나는 내가 제시한 노골적 위반 개념에 대한 분석에 기초하여, 구성적 규범 개념에 대한 나의 설명을 제시한다. 이는 곧 주장에 대한 구성적 규범 접근의 견고한 토대를 제공하는 것이 된다.

둘째 과제와 관련하여, 나는 설령 우리가 구성적 규범과 규제적 규범 간의 구분을 전제하더라도, 어떤 관습의 구성적 규범은 해당 관습을 개별화하기에 **불충분**하다는 점을 논증하는 것으로 시작한다. 이는 서로 다른 두 관습이 동일한 규범에 의해 구성될 수 있기 때문이다. 그렇다면 각 관습에 대해 해당 관습의 구성적 규범 이외에도 또다른 **구성적 요소**가 존재할 것이다. 그러한 구성적 요소들은 해당 관습을 개별화하는 데에 있어서 개별적으로 필요조건이 되며 공동으로 충분조건을 이룰 것이다. 게임의 사례에 주목하여, 나는 구성적 규범을 제외하고서는 **구성적 목표**(constitutive aim)가 바로 그러한 구성적 요소로서 유일하다고 주장

한다. 달리 말하면, 주장이라는 언화행위는 마치 체스가 그러하듯이 자신의 구성적 목표와 구성적 규범에 의해 개별화된다는 것이다. 이러한 입장을 이어서, 나는 주장이 구성적 규범뿐만 아니라 구성적 목표 또한 가진다는 입장을 취하여, 주장에 대한 구성적 규범 접근을 발전시킬 것이다. 이는 주장에 대한 구성적 목표-규범 접근이라는 결과를 낳는다.

이상의 논의는 주장에 대한 구성적 목표-규범 접근의 골격을 형성한다. 이 골격에 살을 붙여나가기 위해, 나는 다음의 두 질문에 대한 나 자신의 견해를 제시한다. 어느 규칙이 주장의 구성적 규범인가? 그리고 어느 목표가 주장의 구성적 목표인가?

첫째 질문에 대한 나의 답변은, “행위자는 다음과 같이 해야만 한다: p 가 참일 경우에만 p 를 주장하라”의 형식을 가진 참 규칙(the Truth Rule)이 주장의 유일한 구성적 규범이라는 것이다. 매튜 와이너(Matthew Weiner) 및 다니엘 화이팅(Daniel Whiting) 등의 논자들이 이 입장을 옹호한 바 있다. 하지만 나는 그들의 옹호가 만족스럽지 않다고 생각한다. 나는 그들의 옹호를 비판하고, 참 규칙에 대한 나 자신의 옹호 논변을 제시하겠다. 또한, 나는 내 입장을 이고르 두벤(Igor Douven), 제니퍼 래키(Jennifer Lackey) 및 윌리엄슨 등등의 논자들이 제시한 비판으로부터 방어하겠다.

둘째 질문에 대한 나의 답변은, 주장된 내용의 직견적(prima facie), 폐기가능한(defeasible) 증거적 권위(evidential authority)의 수립

(establishment) (축약하여 **수립**) 이 주장의 구성적 목표라는 것이다. 나는 이 개념을 로버트 브랜덤(Robert Brandom)의 주장에 대한 개입(commitment) 접근 및 **이유를 묻고 답하는 게임**(game of giving and asking for reasons) 개념으로부터 추출해낸다. 그리고 수립이야말로 주장의 **본질적 효력**(essential effect), 즉 우리가 무언가를 주장할 때 성취하고자 하는 그러한 것이라는 점을 논증한다. 즉, 내 입장은 주장에 대한 구성적 규범 접근을 주장에 대한 개입 접근과 결합시키는 시도로 이해될 수 있다.

요약하자면, 주장에 대한 구성적 목표-규범 접근은 그 형식 측면에서는 주장의 구성적 규범 접근을 발전시킨 것이며, 그 내용 측면에서는 구성적 규범 접근과 개입 접근의 결합이라고 할 수 있다. 이 접근을 제시함으로써, 나는 주장이라는 언화행위의 본성에 대한 그럴듯한 설명을 제공하는 것을 의도한다.

주요어: 주장(assertion), 구성적 목표(constitutive aims), 구성적 규범(constitutive rules), 노골적 위반(flagrant violation), 관습의 개별화(individuation of a practice), 주장에 관련된 개입(assertoric commitment), 이유를 묻고 답하는 게임(game of giving and asking for reasons)

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