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Know Your Rights: On Warranted Assertion and Truth

1 Introduction

Although this is controversial, I think that the truth norm is among the epistemic norms that govern assertion:

TN:

One must not assert p unless p .

Let's suppose that *TN* is indeed among the norms that govern assertion.¹ The question I want to address here is whether it might be the fundamental epistemic norm governing assertion. Should we adopt the truth-first approach to warranted assertion?

A standard reason for thinking that *TN* is not the fundamental norm is that it is too weak to explain the relevant data. Critics of the truth-first approach have argued that *TN* cannot explain why we don't have warrant to assert various true propositions (e.g., that a losing ticket in an upcoming lottery is a loser, that the number of stars is even (on the assumption that it is), or that the number of stars is even and that we don't know that this is so). They also allege that the truth-first approach cannot explain why certain challenges are appropriate (e.g., why we shouldn't respond with indifference to the charge that we don't know that what we're saying is true).²

Advocates of the truth-first approach have two options. They can try to account for the data or they can try to explain it away. We have seen both approaches in the literature and I don't think either approach has yet persuaded the critics of the truth-first approach that the approach can do justice to the data.

To try to account for the data some have argued that there are derivative epistemic norms, such as an evidential norm, that derive their authority from *TN*:

EN:

One must not assert p unless one has sufficient evidence for believing p .

In combination, *TN* and *EN* are supposed to account for the same data as the knowledge norm:

KN:

One must not assert p unless one knows p .

There are two *prima facie* problems with this appeal to derivative epistemic norms.³ The first is that it's not clear why *TN* places such complex demands upon us. Do the norms that require us to keep promises or pay traffic fines *also* require us to gather up evidence about what's required for keeping promises or paying traffic fines? If, as it seems, the duty to keep a promise or pay a traffic fine doesn't involve a duty to gather up evidence to determine what promises have been made or what traffic fines have been incurred, it's not at all clear what rationale there is for thinking that among the things we must do to conform to *TN* is conform to *EN*. The second is that it's not clear what the notion of sufficient evidence amounts to. It seems to many that we need knowledge-level evidence for warranted assertion and it's not at all clear how the truth-first approach can account for the fact (assuming that it is one) that this is the kind of evidence we need to conform

to EN.⁴ The third is that it's not clear that this approach can explain why challenges in which we question whether the speaker has *knowledge* have the force that they appear to.⁵

If the advocates of the truth-first approach cannot account for the data, they can try to explain it away. They might say, following Weiner (2005), that there's a sense in which it's always proper to assert something that's true even if there's a different sense in which it might be improper to assert something without evidence. By distinguishing between primary and secondary propriety, the advocates of the truth-first approach might say that it is proper in a primary sense to assert that a ticket for an upcoming lottery is a loser while conceding that the assertion is improper in some secondary sense. To explain away the data, the advocates of this approach have to explain why it's secondarily improper to assert lottery propositions and Moorean absurdities. It's not clear that this explanatory burden has been met. Moreover, I have to confess that I don't think there's *any* sense in which it's proper to assert 'I don't know whether the number of stars is even, but the number of stars is even', so a view that tries, *inter alia*, to justify the claim that there's a sense in which such an assertion would be warranted is going to fight an uphill battle.

Whiting's recent defense of the truth-first approach is the most promising to date.⁶ He thinks that there's the truth-first approach can offer a principled reason why challenges to the speaker's authority to assert would focus on whether the speaker knows that her assertion is true. As he sees it, there might be a warrant to assert any true proposition one believes, but one can only have this warrant if one knows that the propositions one asserts are true. If there is independent reason to think that having a warrant has to be understood in terms of knowledge, the truth-first approach nicely explains all of the observations that could possibly be appealed to in order to try to motivate the knowledge account of assertion. In this discussion, I shall argue that the latest defense of the truth-first approach falls short. If it fails, this should strengthen the case for the view that treats KN as the fundamental norm of assertion and treats TN as a derivative norm.

2 Whiting's Defense

The truth account does say that there is sufficient warrant to assert any true proposition, but Whiting suggests that there is a distinction between there *being* a warrant for one to assert p and *having* a warrant to assert p. If *having* a warrant to assert p requires knowing that there is a warrant to assert p, there is more to asserting with warrant than simply asserting what's true. If one has a warrant iff one knows there is a warrant, it would follow from the fact that truth is the fundamental norm of assertion that one can assert with warrant iff one knows p.

There are two crucial steps in Whiting's defense of the truth-first approach. The first is the step where he introduces a distinction between there being a warrant and one having that warrant. The second is the step where he introduces an account of having in terms of knowing.

The being/having distinction is similar to a distinction that's familiar from the literature on reasons for action. If the basement of the building you're in is on fire, that's a good reason for you to exit. It's a reason there is to leave, let's say, but not among the reasons you have.

This reason is not among the reasons you have because you don't have any inkling that the basement is on fire and don't have any evidence that it's on fire. While it doesn't follow from the fact that there's a reason for you to X, it is supposed to follow from the fact that there's a reason for you to X that there is such a reason. Thus, being doesn't entail having but having entails being.

Whiting suggests that there's a similar distinction that applies to warrant. He writes:

[S]uppose that the fact that it is snowing is a warrant for Harry to stay indoors (given that it is snowing, Harry may go to the shops later when the weather improves). Suppose also that Harry stays indoors. It does not follow that Harry stays indoors in light of the warrant for doing so; he might be unaware that it is snowing. While such ignorance does not change the fact that there is or exists warrant for Harry to stay indoors, it does mean that the fact that it is snowing cannot be a warrant Harry possesses (in the relevant sense) for staying indoors, that he is not in position to stay indoors in light of the fact that it is snowing, that is, with the warrant which exists for doing so. Suppose now that Harry believes that it is snowing, having seen a weather report according to which it is snowing. Unbeknownst to Harry, the report was an elaborate hoax. Since he does not know that it is snowing, the fact that it is snowing is not a warrant which Harry possesses for staying indoors, and so he is not in a position to stay indoors in light of the fact that it is snowing, that is, with the warrant which exists for doing so (Whiting 2013).

What, then, does it take to have a reason? On an account that was defended by Unger, one's reasons can only include the facts known to them. Plausibly, anything that one knows that is a reason is itself among one's reasons. If this is correct, it seems the following equation must hold true:

Possessed Reasons:

One has p as a reason iff one knows p.⁷

As the passage above indicates, Whiting wants to offer a similar account of having a warrant:

Possessed Warrant:

The fact that p can be one's warrant for X-ing iff one knows p.

If this is correct, here's how Whiting can account for all of the data that seems to support the knowledge account of assertion. According to the knowledge account, the fundamental norm of assertion is KA. It says that there's only warrant for one to assert p if one knows p. Whiting's account says that there is warrant to assert p if p. However, to *have* a warrant to assert p, one must know p. Thus, it seems that the account predicts that challenges that focus on the speaker's knowledge are perfectly in order. The reason that you cannot respond with indifference to the challenge, 'Do you really know?' is that you cannot have warrant to assert unless you do. The mere existence of the warrant won't help you unless you know of its existence.

3 An Objection

Some critics will likely take issue with the idea that the being-having relations are as Whiting suggests. Some authors, for example, will say that there's less that's required for

having a reason than knowing it. Schroeder (2011) sets the bar rather low and argues that the reasons one has consists of the propositions that one believes. If the possession of reasons and warrants is understood along the same lines, Schroeder's account of possession would undermine Whiting's defense of the truth-first approach to the norms of assertion. Fantl and McGrath (2009) suggest that one has the right to treat something as if it's a reason if it's justifiably believed.⁸ They might say that a warrant is justifiably treated as a warrant if it's justifiably believed. If so, their account of possession might undercut Whiting's defense. There is a great deal of controversy at present as to whether the account of possession that Whiting takes on from Unger is correct, but I don't want to focus on that. I don't think we need to focus on that. I think that this strategy for defending the truth-first approach will not work even if we grant his assumptions about possessed reasons.

The trouble with Whiting's defense of the truth-first approach is that there's an important difference between reasons and warrants. Many reasons are contributory reasons. They can be weighed against each other and they can be defeated by countervailing considerations. Thus, a reason to X should be distinguished from the possessed right to X, a permission to X, or an entitlement to X. A warrant, on the other hand, is a technical term for a permission. One has a warrant to assert p if it's not true that one shouldn't assert p. The notion of a warrant is not a contributory notion, but an overall one.⁹

With this in mind, I would like to suggest that there is no gap between being and having in the case of a warrant because there is no gap between being and having in the case of a permission, right, or entitlement:

No Gap:

One is permitted to X in C iff one has a permission to X in C.

What motivation is there for No Gap? The permissions that one has must surely be permissions there are. Thus, if No Gap were false, there would be a situation C in which there is a permission for one to X where one does not have a permission to X. On one reading of 'having', it would be perfectly coherent to suggest that such a situation could arise. If 'having' is understood in terms of 'having in mind in the right way' and we follow Whiting's suggestion, to have the permission one must know the permission exists. The consequent wouldn't be trivially true whenever the antecedent is. For my own part, I think that the incoherence of the suggestion that No Gap might be false counts against this reading of 'having'. On a perfectly natural reading of 'having', we can read 'having' in terms of permissions granted to the relevant subject. The subject has the permission in C because the permission *pertains* to the subject in C.

I think that the right reading of 'having' is the reading according to which having a permission is simply a matter of there being a permission that pertains to one. Compare the case of permission with the case of a right. If one has the right to a fair trial, that seems to follow from the fact that there is a right for people in certain circumstances to have a fair trial and the further fact that one finds oneself in those circumstances. It would be outrageous for the authorities to say that there is a right to a fair trial that one would have had if only one's attorney was competent on the matters and put you in a position to know

of this right. Compare the case of permission to the case of prohibition. Suppose there is a prohibition against drawing fallacious inferences. Consider:

No Gap 2:

There is an obligation for one in C to refrain from X-ing iff one has an obligation to refrain from X-ing in C.

It seems that reading 'having' as pertaining is the natural reading for No Gap 2. Otherwise, one wouldn't have the obligation by virtue of the fact that one was ignorant of the grounds of the obligation or of the significance of these grounds. This seems to conflict with the categoricity of the relevant obligation. The relevant obligation is binding whether or not one knows one has it. (Consider the obligation not to draw fallacious inferences or the obligation not to believe without sufficient evidence.)

If No Gap is correct, then one cannot hope to show that knowledge of p's truth is necessary for having warrant to assert p unless one is prepared to concede that such knowledge is necessary for the existence of the warrant to assert p. Since it seems that it is correct, it seems that one cannot maintain that p's truth establishes the existence of the warrant to assert p whilst denying that the mere truth of p shows that the speaker has the warrant to assert p.

To resist this line of response, it seems that one would have to argue that the relevant notions of 'having' do indeed require knowing. This would suggest, however, that No Gap 2 is false because ignorance can subvert obligation. I seriously doubt that it can. I also seriously doubt that advocates of the truth-account would want to take that line. Suppose a speaker believes p but p is false. According to TA, there is an obligation for them to refrain from asserting p. Do they have an obligation to refrain from asserting p? I would think so. That seems quite plausible. If, however, No Gap 2 is false and they *have* no obligation to refrain from asserting p, one of two possibilities would obtain:

1. 1.

There is a permission for one to assert the falsehood;

2. 2.

One would have a permission for one to assert the falsehood.

It seems that (1) cannot be right. TA straightforwardly implies that there is not a permission for one to assert p if p is false. It seems that (2) cannot be right. Not only does (3) seem to entail (1), Possessed Warrant entails that one would *know* that one has the permission. Surely one cannot know that one has such a permission to assert a falsehood if TA is correct.

One could argue that there is a cognitive possession condition on permissions, but not on prohibitions, but I do not think this is a promising line to take. On this line, No Gap would be false because ignorance of the existence of the permission means that one does

not have the permission. If one does not have the permission to assert p , one has the obligation to refrain from asserting p . Thus, according to No Gap 2, there exists the prohibition to refrain from asserting p . It seems that the permission to assert p cannot co-exist with the prohibition to refrain from asserting p .

The last line of response would thus appear to be to deny that the notion of warrant is an overall notion. It's hard to see how this could save the truth account, however, because 'warrant' is a technical term for the thing that one has when one satisfies the epistemic norms that govern assertion. If it were not, one could have warrant to assert p even if one should not assert p by virtue of the fact that one violates the norms governing assertion. That seems quite impossible.

In response, someone might raise two worries. The first is to challenge the idea that warrant is indeed an overall notion. The second is to challenge the idea that the being/having distinction does not apply when we are dealing with overall notions. I shall briefly address these concerns.

It should be conceded that a warrant can be weighed against a reason.¹⁰ The fact that it is now quitting time is a fact that might warrant leaving work. The fact that I need to comment on student papers might nevertheless be a reason to stay in the office, one that I weigh against other considerations in spite of the fact that I have a warrant for leaving.

While I think the example is coherently described this way, I think that it is consistent with the point that I made above. As Williamson observed, we can assess assertions along a number of different dimensions. They can be criticized for being rude or insincere, for example.¹¹ If we say that a speaker has sufficient warrant to assert p because the speaker knows p , we are not saying that they should feel free to assert p in light of all the reasons that bear upon whether p . What we're saying is that there is not a decisive *epistemic* case against asserting p .¹² That is to say that so far as the distinctively epistemic standards are concerned, all the reasons for asserting and against asserting can be taken account of and these reasons do not constitute a compelling case against asserting. Thus, there can be *epistemic warrant* sufficient for asserting what should not be asserted.

The case with assertion is similar to the case with reasoning about leaving work. To say that there is a warrant to head home might simply mean that some particular source of reasons or standards does not provide a case against it, not that this warrant cannot be weighed against reasons from other sources or standards. A single source of reasons or standards might provide you with a plurality of reasons that conflict. Within that source, the winning reason will determine what's warranted by those standards. It need not determine what there is overall reason to do. Thus, if you like, we can distinguish between a weak and a strong reading of the claim that warrant is an overall notion. On the weak reading, we can say that ' ϕ -ing is warranted' is true if there is some source of reasons or standards that permits ϕ -ing. This is an overall notion, in a sense, because we have to consider all the standards or reasons that come from a source to determine whether ' ϕ -ing is warranted' is true. On the strong reading, we can say that ' ϕ -ing is warranted' is true if all the sources of reasons and standards permit ϕ -ing. The example that the objector has in mind shows that warrant is not an overall notion in the stronger sense, but the point that I

had made was simply that warrant is an overall notion in the weaker sense. That claim is strong enough for my objection to go through.

There is a second worry to consider. Someone might not be convinced by my claim that the being-having distinction only applies to contributory notions. The objector agrees with my judgment about the trial, which is that it would be outrageous to deny someone the right to a fair trial on the grounds that they did not know that they had this right. What they insist is that there is more to the possession of a permission or right, say, than the mere existence of it on the grounds that the mere existence of the right or permission is not sufficient to act 'in light of' or 'because of' the permission or right.¹³ The objector continues that the notion that interests Whiting is not simply that of doing what is permitted but the more demanding notion of doing something in light of a permission or right.

As interesting as this suggestion is, it does not cause trouble for the No Gap principles and I don't think that it will save Whiting's proposal. While I would agree that a subject cannot ϕ in light of the fact that p or for the reason that p unless she knows that p, I do not think that this notion of possession is the central one at issue.

The first point I shall offer in response is a sociological point. The debate about KN has been a debate about the conditions under which an assertion is warranted. It has not been explicitly been a debate about the conditions under which a speaker can assert p in light of the fact that such an assertion is warranted. If, as the objector suggests, Whiting's account is an account of the conditions under which a speaker can assert p in light of the fact that such an assertion is warranted, Whiting's account is either not a rival to accounts like KN or the objector assumes that the speaker must be able to assert in light of the fact that her assertion would be warranted in order for her assertion to be warranted. On its face, it looks to me like the objector is changing the topic by shifting focus away from a debate about warranted assertion to a different debate about the conditions under which the speaker's assertions are warranted and the speaker asserts in light of this.

The second point is philosophical, not sociological. I suppose someone could accept the No Gap principles from above and the verdicts I appealed to in criticizing Whiting's proposal and argue that these considerations leave Whiting's proposal untouched precisely because there is more to warranted assertion than simply asserting what there is warrant to assert. Is there? Let's consider two further No Gap principles:

No Gap 3:

If there is a warrant for S to assert p and S asserts p, S's assertion of p is warranted.

No Gap 4:

If S's assertion of p is warranted, S asserts p in light of the fact that there is warrant for S to assert p.

I would appeal to the first in criticizing Whiting's account. The objector seems to be assuming the second in defending the account.

I don't think both of these No Gap principles could be true as that would mean that there could not be sufficient warrant for S to assert p unless S can assert p in the knowledge that there is such a warrant. On my preferred view (i.e., one that identifies warranted assertion with an assertion of what the speaker knows), that would mean that the speaker could not know that p unless she was in a position to know that she knew this. Since I think that asserting what's known is necessary and sufficient for warranted assertion, No Gap 3 and 4 would commit me to some sort of KK principle. On my objector's view, the right hand of No Gap 4 is true only if the speaker knows p and the left hand side of No Gap 3 would be true provided that p is true. In combination, No Gap 3 and 4 would commit the objector to Sartwell's (1991) view that truth is sufficient for knowledge. If we cannot accept both, which should we reject?

Myself, I don't see how there could be a gap between S asserting p under the conditions where there is a warrant to assert p and S's assertion being warranted. If we knew, say, that there was sufficient warrant for a speaker to assert p, I don't think we would say that her assertion was unwarranted simply because she had no view about whether her assertion was warranted. I would think that anyone who was willing to criticize the speaker or her assertion for being unwarranted would think that there was not sufficient warrant for the speaker to assert what she did. This is just a bare appeal to intuition, but it is an intuition I expect to be widely shared. If someone contested that intuition, in part, because they accepted No Gap 4 and TN (as my objector appears to), it seems that they would have to say that the mere fact that the speaker did not know that there was warrant to assert would ensure that the speaker's assertion was not warranted. It seems a bit odd, however, to think the following conditions are conditions under which the speaker's assertion would not be warranted as that would mean, inter alia, that the speaker should not have asserted what she did:

- The speaker asserts p when there is sufficient warrant for her to so assert but did not assert p in light of the fact that she had this warrant. This is because she believed that warranted assertion requires knowledge and she had no view about whether she knew p. Thus, even if she did in fact know p, she would not have asserted p in light of the fact that there was sufficient warrant to assert p.

Note that under the condition described, the speaker might well have known p without asserting p in light of the fact that there was sufficient warrant to so assert. By No Gap 4, that would mean that her assertion was not warranted in spite of the fact that she asserted something she knew to be true. As it seems relatively uncontroversial that asserting p in the knowledge of p's truth is typically sufficient for warranted assertion, No Gap 4 is highly problematic.

I should briefly note that there is something quite odd about the view that combines TN with No Gap 4. It is not clear that such a view can really do justice to the intuitions that we might have hoped Whiting's account would vindicate. Consider three cases:

- The speaker holds a losing ticket for a lottery that has been held. The speaker does not have any information about the outcome of the drawing [Lottery loser].
- The speaker holds a winning ticket for a lottery that has been held. The speaker does not have any information about the outcome of the drawing [Lottery winner].
- The speaker believes both that God exists and that nobody can know whether God exists. Both of the speaker's beliefs are correct [Moorean absurd theist].¹⁴

In these cases, TN tells us that there is warrant for each of the speakers to assert the relevant true propositions. Because the speakers could not know that the relevant propositions are true, the speakers could not assert these propositions in light of the fact that there is such a warrant. Because of No Gap 4, the account is thought to vindicate the intuition that these assertions would not be warranted.

I have two concerns about this. The first is the simple thought that part of what seems counterintuitive about TN is simply the suggestion that there exists a warrant for a speaker to assert a Moorean absurdity. Similarly, it strikes me as counterintuitive that there is sufficient warrant for a lottery loser and winner to assert that they lost and won. Second, the objector's view implies that in the cases described, there is a sufficient warrant for the speaker to assert. That looks like a permission to assert. However, according to No Gap 4, it is a permission that no speaker could ever take advantage of and assert permissibly. To my mind, if it is impossible for a speaker to permissibly assert p under such and such circumstances, those circumstances are *not* circumstances under which there is a permission for the speaker to assert p . The notion of a permission that cannot possibly be permissibly used strikes me as paradoxical. If so, it would be best to reject No Gap 4. That should remove the objector's second worry.

4 Conclusion

It would appear that the latest strategy for defending the truth-first approach to the norms of assertion has proven ineffective. While it seems rather plausible that only the reasons that are in one's cognitive possession can help to justify one's actions or beliefs, this does not show that there are similar possession conditions on warrant. Thus, it seems that there is no difference between the assertions that one has warrant for and the assertions that are warranted. If knowledge is required for one to have warrant to assert p , knowledge is required for the existence of the warrant to assert p .

Footnotes

1. [1](#).

For arguments that the truth norm is too demanding, see Kvanvig ([2009](#)), Lackey ([2007](#)), McKinnon ([2013](#)).

2. [2](#).

Williamson ([2000](#)). For further defenses of KN, see DeRose ([2002](#)), Slote ([1979](#)), and Unger ([1975](#)).

3. [3](#).

Littlejohn ([2012](#)) develops this strategy. For critical discussion, see Littlejohn ([2013](#)).

4. [4](#).

See Williamson ([2000](#): 245).

5. [5](#).

See Williamson ([2000](#): 245) and Turri ([2011](#)) for discussion.

6. [6](#).

Whiting ([2013](#)).

7. [7](#).

Similar views have been defended by Hornsby ([2007](#)), Hyman ([1999](#)), and Unger ([1975](#)).

8. [8](#).

Similar views have been defended by Fantl and McGrath ([2009](#)), Gerken ([2011](#)), and Neta ([2009](#)).

9. [9](#).

Some authors (e.g., Dancy [2002](#)) maintain that reasons are not operative unless they pass through some sort of epistemic filter. If the reasons one has are understood as normatively active and the reasons there are should be understood as only potentially determinative of overall obligation, it would not be surprising that the set of reasons there are should differ from the set of reasons one has. While the idea that reasons might display this interesting difference has some plausibility, it is considerably less plausible to think that permissions and similar overall notions have to pass through a similar epistemic filter. That something has passed through the filter suggests that the conditions have enabled the relevant item to be deontically operative. When we talk about the permissions there are, these permissions are the result of the interplay of all the deontically operative forces. There is thus no need for further enabling conditions to be switched on and no possibility for them to be switched off.

10. [10](#).

This point was raised by an anonymous referee.

11. [11](#).

Williamson ([2000](#): 238).

12. [12](#).

See Williamson ([2009](#)) for discussion.

13. [13](#).

This point was also raised by an anonymous referee.

14. [14](#).

Feel free to alter the details of the case if you prefer Moorean atheism.

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