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ASSERTION AND THE VARIETIES OF NORMS[1]

abstract

This paper challenges Cappelen's claim that the speech act category of assertion is to be discarded since there is no principled way to distinguish between utterances that are assertions and those that are not. Using an Austin-inspired framework, I will argue that, in opposition to his claim, there are some norms that can be seen to apply to assertion in a more intimate way than others, and these norms can be shown to be constitutive of it, since it is by means of them that we can account for specific defects pertaining to the making of an assertion, which the reliance on contextually variable norms (such as the conversational maxims of Grice to which he refers) does not seem able to do.

keywords

assertion, norms of assertion, conversational maxims, speech act theory, J.L. Austin

1. Introduction

This paper challenges Herman Cappelen's claim that the speech act category of assertion, as characterized in the contemporary philosophical debate, is an empty category with no explanatory power, due to the fact that any attempt to identify a principled way to distinguish between those utterances that are assertions and those that are not is bound to fail (Cappelen, 2011). In particular, I intend to focus specifically on two of the arguments he provides against the most prominent theories of assertion, namely normative ones.[2] These arguments do indeed raise an interesting question about the ways in which normative theories deal with norms that are supposed to govern assertion essentially and how they relate to those governing assertion in a more extrinsic way, as conversational maxims do. My aim will be to show that, insofar as we want to defend the speech act category of assertion against arguments such as those proposed by Cappelen, we have to clarify the roles that different kinds of norms play in the making of assertions, and I shall argue that this can be done within an Austin-inspired framework for speech act analysis (see Sbisà, 2017).

2. The Debate Over the Nature of Assertion

In the last twenty years or so, there has been considerable debate over the nature of assertion among those who work in the philosophy of language and other related fields of research, such as epistemology.[3] At the core of this debate is Timothy Williamson's claim that the members of the speech act category of assertion are those speech acts whose performance is governed by the knowledge norm (henceforth KNA), which he articulates in the following way:[4]

(KNA) One must: assert *p* only if one knows *p* (Williamson, 2000, p. 243).

2   Cappelen (2011, pp. 30-37) provides four arguments against normative theories that take assertion to be governed by a constitutive rule. For a detailed, critical examination of these arguments, see Montgomery (2014).

3   As pointed out by a referee, the term 'assertion' has often been used ambiguously in this debate to refer either to all those utterances of indicative sentences involving the speaker's commitment to the truth of the proposition expressed, which Mitchell Green (2013) has grouped together under the label "the assertive family", or just to assertion proper. Here, when speaking of the nature of assertion, I am referring to what it is that qualifies a speech act to be an assertion proper. Later on, I will widen the discussion to other members of the assertive family, arguing that Cappelen's view cannot account for the differences among these types of act.

4   (KNA) has been defended, though on different grounds, by Keith DeRose (2002), John Hawthorne (2004), and John Turri (2011), among others.

According to Williamson (2000), (KNA) gives the condition "on which a speaker has the *authority* to make an assertion. Thus asserting *p* without knowing *p* is doing something without having the authority to do it, like giving someone a command without having the authority to do so" (p. 257). On this ground, (KNA) is conceived as constitutive of the speech act of assertion, that is, it is essential to this act, governing necessarily every instance of it. According to Williamson, indeed, (KNA) specifies a necessary condition for properly asserting. It is worth noting that, although (KNA) governs every instance of the speech act of assertion, when one violates it, one is still making an assertion, even if this assertion is improper and so may be subject to criticism from its audience. Moreover, there are some cases in which, for example, due to the urgency of the situation, one can legitimately assert that *p*, even if one knows that one does not know *p*. In these cases, Williamson (2000) holds, (KNA) "can be overridden by other norms not specific to assertion" (p. 256), making one's assertion that *p* permissible.

Among those who support the constitutivity claim, but do not think that knowledge is the norm of assertion, there is wide disagreement about how the norm of assertion is to be characterized. Some hold that truth is the norm of assertion (Weiner, 2005), while others claim that it is governed by a norm of belief (Bach, 2008), others again conceive the norm of assertion as involving epistemic requirements other than knowledge, such as justified or rational belief (see, respectively, Kvanvig, 2009; and Douven, 2006), or that it is credible or reasonable for the speaker to believe the asserted content (Lackey, 2007), and the like. There are also those, such as Goldberg (2015), who argue that the norm of assertion is context-sensitive.[5]

3. Cappelen's No-Assertion View

Herman Cappelen (2011) has recently entered the debate over the nature of assertion, arguing in favor of what he calls "the No-assertion view", according to which the speech act of assertion can be discarded since it can be shown to be a theoretically useless category, at least as characterized by the most prominent theories of assertion, particularly the normative ones. According to him, all that we need to account for those utterances that philosophers traditionally place under this category is the notion of "saying", which refers here to the act of expressing a (complete) proposition by means of uttering a declarative sentence, together with some contextually variable norms (Cappelen, 2011, pp. 22-26). According to this view, "declarative" sayings are governed by norms that, since they vary across contexts, cannot be constitutive of the act of saying. Cappelen takes Grice's conversational maxims as a paradigmatic case of these norms because they "are norms that guide behavior, not norms that are essential to (or constitutive of) the behavior they guide" (Cappelen, 2011, p. 24). More specifically, since norms like these guide speech behavior, rather than being constitutive of it or of the conversational exchanges in which it is involved, they can never be stably associated with a certain context. Accordingly, given the contextually salient features of the situation, sayings may be evaluated by appealing to various norms, such as moral norms, norms of politeness, norms involved in communicative cooperation and so on.

While both Pro-assertion views (like those presented in the previous section) and Cappelen's No-assertion view concur that in uttering a declarative sentence one expresses a (complete) proposition, whatever it may be, what is at issue, in Cappelen's opinion, is the essentialist claim supported by normative theories of assertion, according to which an utterance counts as an assertion in virtue of its being governed by some norm. Accordingly, Cappelen holds that, insofar as the essentialist claim is shown to be false (regardless of its content), the No-assertion

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5 For an overview of the main theories involved in the debate over the nature of assertion, see Pagin (2007/2014).

view should be preferred to its main opponents. To this end, he gives four arguments, of which the first two support norm variability, while the other two regard our ordinary ways of speaking of unwarranted or insincere assertions and of reporting one's assertion, respectively. As mentioned in Section 1, I shall focus here on the first two arguments, since they purport to show that normative theories cannot account for the data supporting norm variability. Here I shall simply present the two arguments, while in Section 4.2 I shall proceed to discuss them in the light of the Austin-inspired framework.

The first argument is concerned with modal judgments about norm variability (Cappelen, 2011, pp. 30-32). Cappelen points out that, although Williamson (together with many other proponents of the norm of assertion) argues in favor of an essentialist claim about the norm governing the speech act of assertion, he provides no modal argument in its support, but merely aims to show that when making assertions, people actually conform to (KNA). Is Williamson justified in claiming that (KNA) *necessarily* governs every instance of assertion? If so, it would be impossible to conceive of assertion "as governed by a variety of norms" (Cappelen, 2011, p. 31). But according to Cappelen, this is easily conceivable. Think of Mia performing, by saying that *p*, a certain act E, corresponding to what the proponents of normative theories would take to be a paradigmatic case of assertion, and then ask yourself:

> Could Mia have done that, i.e. performed E, if the default assumption was that she only assert that *p* if she believes that *p*?
> Could Mia have done that, i.e. performed E, if the default assumption was that she assert *p* only if she is committed to defending *p* in response to objections?
> Could she have done that, i.e. performed E, if the default assumption was that she only assert *p* if *p* is true? (Cappelen, 2011, p. 31).

According to Cappelen, while proponents of normative theories, such as Williamson, would say that only in one case has Mia performed E, that is, in the situation in which the default assumption corresponds to their favored norm, in his view we can feel justified in holding that she has performed the act E in every one of these cases.[6] Consider now a case in which a game, that is, a paradigmatic case of a rule-governed activity, is involved:

> Could [Mia] have played that game, i.e. tennis, if serves were thrown by hand, without a racket, and no ball could be hit by a player unless she had a foot on one of the lines ....
> (fill out for completeness)? (Cappelen, 2011, p. 31).

According to Cappelen, it would be hard to hold that in this case she would be playing the same game. In his view, a comparison between the two cases makes it clear that "assertion is not like a game, and that it's not governed by rules" (Cappelen, 2011, pp. 31-32). If so, (KNA), or any other norm of assertion, cannot be conceived as constitutive of it, as there is no rule *necessarily* governing it. Accordingly, the proponents of assertion's norm have no principled way to distinguish between those sayings that they suppose to be assertions and those that are not. The second argument focuses on the actual variability of the norms involved in the making of an assertion (Cappelen, 2011, pp. 32-35). In Cappelen's view, if it can be shown that such

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6   One reviewer has pointed out that here Cappelen is misrepresenting the point of view of normative theorists. Be that as it may, my focus will not be on Cappelen's reconstruction of their point of view, but on his claim (to be discussed below in Section 4.2) that regardless of what norm is in force, one can recognize that by saying *p* Mia has performed an act E corresponding to what normative theorists would take to be an assertion.

a variability actually exists, then those "declarative" sayings that are taken to be assertions cannot be said to be governed necessarily by some norm. Here, Cappelen is referring to the discussions among the proponents of the norm of assertion. As in any philosophical debate, when someone argues for a certain norm of assertion, someone else provides one or more cases that are presented as going against the view that such a norm governs every instance of that speech act and is thereby constitutive of it. In response to these cases, the proponent of the norm will present some defensive maneuvers to account for them, holding, for example, that "the case in question wasn't really an assertion, or it wasn't performed in a default context, or it has some kind of second order justification that blinds us to the first order violation" (Cappelen, 2011, p. 33). What matters here is that the wide variety of counterexamples presented in the debate over the content of norm's assertion provide overwhelming evidence that the same instance of assertion can be legitimately accounted for by appealing to one norm rather than another. According to Cappelen, this overwhelming evidence suggests that it is impossible to identify one single norm governing all cases of assertion.[7]

4. How Do Norms Relate to Assertion?

In this section, I will argue that, in opposition to Cappelen's No-Assertion view, there is no need to discard the speech act category of assertion and replace it with a "minimalist" account centered on the notion of saying. On the one hand, Cappelen's proposal can be shown to be unsatisfactory. Indeed, he gives too much weight to norms such as Grice's conversational maxims, holding that we can explain what people do in conversation and how they do that by appealing solely to those norms, but this appears to be debatable (Section 4.1). On the other hand, if we want to defend the speech act category of assertion against arguments such as those presented above, one promising route to follow could be that of referring to the Austin-inspired framework recently developed by Marina Sbisà (2017) to account for "the different roles [speech act norms] play in the dynamics of illocution" (p. 1).[8] On the basis of this framework, we can shed light on the relationship between norms which need to be observed in the making of an assertion and norms governing assertion in a more extrinsic way, as conversational maxims do (Section 4.2).

4.1. Sayings and Grice's Conversational Maxims

As seen above, according to Cappelen's No-assertion view, in uttering a declarative sentence one performs a saying, expressing a certain proposition. But, and this is fundamental to his "minimalist" account, there is no rule governing a saying: for this reason, sayings can be assessed in a variety of ways, depending on the contextually salient features of the situation. However, in accounting for controversial cases in which putative assertions are involved, the norms referred to by Cappelen are almost always Grice's conversational maxims, regarded by him as the paradigmatic case of norms which, while operating on sayings, are not constitutive of the acts being performed. Consider the case of the conjunction of the form "p, but I don't know that p", whose apparent wrongness is usually provided as evidence in support of (KNA) (see, e.g., Williamson, 2000, pp. 253-254). Cappelen (2011, pp. 37-40) points out that, insofar as its wrongness is assumed to support a constitutive rule of that kind, the same could be said of many other similar sentences. Consider the following two examples taken from a list of sentences proposed by him:

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7   Even if it could be argued that Cappelen's conclusion is a non-sequitur (as a reviewer has rightly observed), I will challenge his argument from another point of view (see Section 4.2).

8   The page numbers of the quotations refer to the preprint version of Sbisà's paper available on her ResearchGate page (see *References*). The paper is in press and forthcoming in a theme issue of the *Poznan Studies in the Philosophy of the Sciences and the Humanities.*

(1) *p*, but I don't want you to believe that *p*
(2) *p*, but *p* is irrelevant to what we are talking about.

If we follow Williamson's line of argument, says Cappelen, each one of these sentences would provide evidence for a different constitutive norm of assertion, but this would be in stark contrast with the essentialist claim supported by normative theories of assertion. Moreover, Cappelen (2011) maintains that "the feelings of badness triggered by these conjunctions are easily explained by standard Gricean considerations" (p. 38). According to him, if a speaker uttered (2), she would directly violate the maxim of relevance, since, while presenting herself as conforming to it in the first conjunct ("*p*"), she would then be denying it in the second one ("but *p* is irrelevant to what we are talking about"). The same can be said of "*p*, but I don't know that *p*", except for the fact that here the speaker would be violating the maxim of quality (see Cappelen, 2011, p. 39). However, it seems to me that reliance on Grice's conversational maxims is not enough to account for the defects of speech behavior corresponding to the utterance of sentences such as those presented above. Note that already Austin (1975) pointed out that "in order to explain what can go wrong with statements we cannot just concentrate on the proposition involved" (p. 52), since what is required is a reference to the total situation in which they are made: however, he was referring not only to aspects external to the performed act, as Cappelen does by appealing to Grice's conversational maxims, but also to those aspects that make it possible. If both these kinds of aspects are taken into account, (1) and (2) can be shown to be radically different from "*p*, but I don't know that *p*" because, while in the latter *p* turns out to be infelicitous, in the former *p* merely appears to be put forward in an awkward or unusual way. Indeed, we can easily conceive of conversational patterns involving (1) and (2), but that would be very difficult in the case of "*p*, but I don't know that *p*". If during a conversation a speaker utters the sentence "The red pen is on the table", and then adds "...but what I have just said is irrelevant to what we are talking about", she appears only to be making explicit that what she has said is not relevant to the purposes of the conversation, but in so doing she does not seem to be questioning any aspect that is characteristic of the practice of asserting. Although more complex, something similar can be said as regards (1). There can be many reasons why a speaker, after making the assertion that *p*, might point out that she does not want the hearer to believe that *p*, but that does not mean that the utterance of *p* would result in an infelicitous assertion; it may instead count as an assertion followed by a warning ("I warn you that I don't want you to believe that *p*"). Note, *inter alia*, that uttering (1), as well as (2), can stimulate the hearer's interest in *p*: there would be nothing wrong if she were to challenge the speaker by asking "How do you know that *p*?", even if *p* is not relevant to the discussion, or the speaker does not wish the hearer to believe that *p*, respectively. However, if we focus on the second conjunct of both (1) and (2), a standard reaction to their being uttered may be a request for clarification, due to the fact that, as said above, their conjunction with *p* makes the utterance of the latter seem unusual or awkward. Indeed, the request for clarification will be not concerned with the act of asserting itself, but with the apparently inappropriate contribution the speaker has given to the conversation by uttering those sentences. For example, when a sentence such as (2) is uttered, a hearer could ask the speaker "So, why did you say that?": note that this is not a challenge to her asserting that *p*, but rather a request to explain why she has given this "unusual" conversational contribution. If, instead, a speaker asserts only that *p*, and *p* is irrelevant to the goal of conversation, she may be liable to criticism for violating the maxim of relevance ("Hey, what you have just said is not relevant to what we are talking about!"), and the criticism can be then followed, if necessary, by a request for clarification ("So, what do you mean by saying that *p*?"). Very different is the case of "*p*, but I don't know that *p*". When a sentence such as this is

uttered, it looks as though something has gone wrong with what the first conjunct is designed to accomplish, which, insofar as this is an act of assertion, goes beyond the plain expression of a proposition. In particular, it is not only conversationally inappropriate to utter the two conjuncts together, but it looks as if uttering the second conjunct in some way questions what the speaker has done in uttering the first one. Indeed, if the speaker maintains that she does not know that *p*, how could she seriously assert that *p*? She could have made many other moves: for example, she could have made an assertive speech act not involving any claim to knowledge, such as a conjecture or a guess or the utterance of a hedged sentence, e.g. "I think that *p*" or "It may be that *p*". Regardless of the precise content of the norm of assertion, the second conjunct appears to question something that is at the very core of the practice of assertion. It seems to me, then, that contrary to Cappelen's view, making reference to Grice's maxims is not enough to account for this case: while uttering a sentence such as "*p*, but I don't know that *p*" involves a specific defect that in some way questions the act the first conjunct is designed to accomplish, that is, an assertion that *p*, (1) and (2) exhibit generic defects that have no impact on the act being performed by the utterance of the first conjunct. In a conversation, any linguistic move gives rise to certain expectations between the interlocutors, which are unrelated to the common goal of that conversation and so cannot be reduced to expectations of cooperativeness. If I choose to make an assertion, rather than a guess, and thereby utter a declarative sentence, my audience will form some expectations, which differ in some way from those raised by uttering "I guess that...", regardless of the goal(s) of the conversation in which I am involved. But the differences among these types of act do not seem to be accountable within Cappelen's framework because according to it, there cannot be rules that are constitutive of one or another assertive speech act. Moreover, the evaluation of speech behavior as appropriate or inappropriate to the goal of the conversation, as polite or impolite etc. also depends (in part) on it being recognized as a certain kind of illocutionary act. In Cappelen's framework, there is no need for the hearer to recognize the utterance of a declarative sentence as being an assertion: it is enough to recover the proposition expressed and evaluate this saying against the norms one assumes to be the most relevant, given the contextually salient features of the situation. But as I have tried to show, whether a declarative sentence is used to do something is dependent on more than just what the speaker says by means of uttering it, and this "more" (whatever it may be) cannot be explained merely by appealing to some contextually variable norms that are external to the act being performed.

4.2. Assertion and the Dynamics of Illocution

In order to defend the speech act category of assertion, it is not enough simply to question Cappelen's "minimalist" account. Two more issues still need to be addressed. On the one hand, we have to clarify the different functions served by those norms which are (or may be) involved in the making of an assertion. On the other hand, insofar as we want to show that there is a principled way to distinguish between those utterances that are assertions and those that are not, and that this can be characterized in normative terms, we also have to show why Cappelen's arguments should be rejected. To tackle these issues, I will rely on an Austin-inspired framework for speech act analysis, focusing on what Marina Sbisà calls "the dynamics of illocution", by which she refers to "the interactional mechanisms that make it possible for the utterance of one interlocutor to bring about an illocutionary effect, recognized by the other interlocutor" (Sbisà, 2017, p. 1).

Let us first consider Cappelen's argument for the actual variability of norms. In support of his claim, Cappelen offers a lengthy quote from an article by Janet Levin (2008), in which she argues that there is no single norm of assertion, but many norms that "are always pragmatically determined" (Levin, 2008, p. 371). Indeed, in her view, there are so many reasons why we can make assertions which, while not conforming to (KNA), can be legitimately

regarded as normatively appropriate, that (KNA) itself could be conceived as one among the many norms locally governing assertion. Levin (2008) points out that an assertion can be made, among other things, "to establish authority, to demonstrate conviction, to encourage others to believe, to commit themselves publicly to a belief about which they themselves had been (perhaps irrationally) wavering" (p. 367). This leads her to conclude that when one makes an assertion, e.g., to demonstrate conviction, one's audience understands that the assertion is being made for that reason, regardless of whether (KNA) has been respected or not, and that the same can be said for many other cases. Williamson might observe here that Levin's examples correspond to non-default uses of declarative sentences. However, it is far from clear how to distinguish between default and non-default uses. A more viable reply can be found in the light of the Austin-inspired framework mentioned above. Indeed, the dynamics of illocution is centered on the bringing about of illocutionary effects, while Levin's examples include consequential effects pertaining to the perlocutionary dimension of speech acts. Here I am relying on the received distinction between illocutions and perlocutions: illocutions are the kinds of acts done in saying something according to a procedure designed to have characteristic effects (Austin, 1975, p. 14), while perlocutions are the kinds of acts done by saying something amounting to the production of consequential effects (Austin, 1975, p. 101). For example, by means of asserting that p, I can convince the audience to believe that p or that I am very competent with regard to the subject matter of p. But the assertion being made in no way depends on the reasons for making it. The fact that an assertion has been made, as well as the conditions upon which its performance is dependent, differ in important ways from the reasons why one has made that assertion. There is thus a sharp distinction between the illocutionary and perlocutionary dimension of a speech act. Note that, in challenging Cappelen's argument about the actual variability of norms, I have also delimited the field of illocutionary act dynamics, since strictly speaking, the reasons why one makes an assertion cannot be conceived as part of that dynamics.

Let us now turn, firstly, to the functions served by the norms that are (or may be) involved in the making of an assertion, and secondly, once this point is clarified, to Cappelen's argument concerning modal judgments about norm variability. With reference to the dynamics of illocution, Sbisà (2017) distinguishes between three different kinds of norms: constitutive rules, maxims, and objective requirements. Here I will focus exclusively on the first two kinds of speech act norms, since they are more relevant to the issues raised by Cappelen. As to constitutive rules, Sbisà (2017) takes them to be those norms that "when complied with, enable us to perform the acts they define" (p. 1). In other words, success in the performance of an illocutionary act is dependent upon compliance with those norms. Contrary to appearances, Sbisà's constitutive rules cannot easily be equated with those proposed by the supporters of mainstream normative theories. Indeed, while Williamson (2000, p. 239) holds that, insofar as (KNA) necessarily governs any instance of assertion, it cannot be conventional because it is neither contingent nor replaceable, according to Sbisà (2017), there are good reasons to regard constitutive rules as socially accepted norms, fixing "procedures or routines that are repeatable and recognizable from one occasion to another and whose function (the production of illocutionary effects) is only exercised against a background of intersubjective agreement" (p. 1; see also Witek, 2015). Accordingly, within this framework, any illocutionary act, be it an assertion or not, can be described as the execution of a procedure fixed by socially accepted norms which is designed to produce a conventional effect; its achievement depends on the interlocutors' intersubjective agreement, be this explicit or tacit (Sbisà, 2007; 2009). The reference to tacit agreement is due to the fact that a hearer does not usually check whether the speaker's utterance complies with constitutive rules; instead, compliance is presumed by default, unless there are specific reasons for doubting it. For example, a speaker who utters

a simple declarative sentence, unless special conditions obtain, will be expected to be in a position to successfully make an assertion by means of it,[9] since she has used a linguistic form that makes the act she purports to perform recognizable. Within this framework, then, constitutive rules specify the initial conditions (as well as the appropriate steps) required to execute the procedure successfully: failure to comply with them leads "to failure in performing the act and therefore in bringing about its illocutionary effect" (Sbisà, 2017, p. 15). In the case of assertion, beyond requiring the utterance of a declarative sentence, constitutive rules fix the epistemic position that is required of a speaker for asserting successfully (i.e., the speaker's epistemic authority with respect to the content she purports to assert) and the circumstances in which the procedure for asserting can be invoked (see Labinaz and Sbisà, 2014).[10] As said above, if special conditions do not obtain, compliance with constitutive rules is presumed by default: the speaker and her audience are entitled to form certain expectations of each another connected with the correct execution of the procedure for asserting, which differ, for example, from the expectations raised by the correct execution of the procedure for performing other kinds of assertive speech acts (e.g., a guess or a conjecture). When an assertion is performed successfully, the bringing about of its illocutionary effect, which can be characterized in terms of commitments and entitlements, is also expected to be obtained. Now consider once more "*p*, but I don't know that *p*". In the light of our Austin-inspired framework, we can say that, insofar as it states that a constitutive rule of the act of asserting is violated, the utterance of the second conjunct impedes the generation of the commitments and entitlements that a speaker and her audience would expect of one another when a (successful) assertion is made. What happens then is that it is not clear what the speaker has done in uttering that sentence. On the one hand, one could suppose that the speaker has intentionally made an unsuccessful assertion, pointing out her lack of relevant knowledge for some particular reason (as observed in the previous section, it is very difficult to conceive of a conversational pattern involving the utterance of "*p*, but I don't know that *p*"). The reason why she has made this unsuccessful assertion might be explained in terms of intended perlocutionary effects. On the other hand, in uttering that sentence, a speaker could be regarded (in a more charitable way) as executing the procedure for performing another kind of assertive speech act, such as a conjecture, whose successful performance does not require the speaker being in the same epistemic position as appropriate for assertion. Something different happens when a violation of a conversational maxim, even a non-repairable one, is discovered. In these cases, there is a penalty for the speaker, which consists of criticism, damage to reputation, or loss of reliability, but which in no way questions the achievement of the conventional effect characteristic of assertion. As noted by Sbisà (2017, p. 4), "[t]his does not make sense with conversations, since there is no single conventional effect to be associated with conversation as such".[11] Speaking of conversation brings us to the second kind of norms applying to speech acts, maxims. Maxims can be seen as half-way between constitutive rules (in the sense described above) and Grice's conversational maxims: despite being in some sense associated with the procedure for performing the speech act, they are not conventional, but are based on rational motivations, just like Grice's conversational maxims.

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9   By 'successfully' I mean here that there is no misfire (in the Austinian sense), but there may still be an abuse of the procedure of asserting.

10   Since it is not a goal of this paper to determine the precise content of these constitutive rules, I will remain neutral on how their content should be articulated.

11   As pointed out by a reviewer, even if it is true that there is no single conventional effect to be associated with conversations as such, we can still conceive of conversations as sequences of speech acts having some aim or other (such as to answer a question or settle on a plan) (see, in particular, Green, 2017).

Indeed, according to Sbisà (2017, p. 4), both maxims applying to speech acts and conversational maxims can be characterized as advice that must be followed in the attempt to optimize one's communicative behavior. In particular, compliance with these maxims should lead to the performance of "a speech act optimally satisfactory in the perspective of the participants" (Sbisà, 2017, p. 15). In the case of such an "optimal" assertion, maxims require that the speaker should (at least) believe that what she has asserted is true, and that her subsequent behavior (be this verbal or non-verbal) is consistent with it. As said above, although these maxims are associated with the procedure for performing the speech act, and thus we normally expect from a speaker making an assertion that she will be sincere and consistent in her subsequent behavior, their violation does not lead to questioning the assertion's successfulness, at least insofar as its constitutive rules are respected. As in the case of the violation of a conversational maxim, here too, if the speaker turns out not to be complying with one of the maxims, she will be blamed for this (with a resulting loss of credibility or reliability), but these consequences have no impact on the act being performed. For example, when someone lies by asserting that *p*, the act being performed is still recognized as an assertion: what may happen is that, if she is recognized as not believing what she has asserted to be true, her assertion is taken to be insincere and therefore subject to criticism. We can say that the speaker has made a successful assertion, which is however not an optimal one; that is to say, it does not amount to an optimal speech act performance from the perspective of the participants in the conversation (which would require full cooperativity).

We can now return to Cappelen and to his argument concerning modal judgments about norm variability. Remember that this argument aims to show that, contrary to Williamson's claim, according to which assertion does not exist without being governed by (KNA), because that rule necessarily governs any instance of this speech act, we can conceive of cases in which, regardless of which of the norms mentioned in Section 3 above is in force, one can recognize that by saying *p* a speaker has performed an act corresponding to what normative theorists would take to be an assertion. But the three norms to which Cappelen refers highlight aspects that are actually involved in the making of an assertion, i.e., when taking an utterance to be an assertion, we normally expect that the asserter believes what she asserts, that she is committed to defending the asserted content if appropriately challenged, and that the asserted content is true. That is why at first sight one might be convinced by Cappelen's argument that each of the norms considered can be regarded as an equally plausible candidate for the norm of assertion. But this conclusion does not hold. As our Austin-inspired perspective makes clear, mere compliance with any of those rules, taken individually, does not suffice to outline the complete procedure of asserting, to which they all in fact contribute. Moreover, even compliance with them all fails to put the speaker in a position to successfully make an assertion, since none of them makes any reference to the speaker's epistemic authority with respect to the content she purports to assert.

5. Concluding Remarks

In this paper, I have argued that, contrary to Cappelen's No-assertion view, some norms can be seen as applying to assertion in a more intimate way than others, because of the role they play in what Sbisà has called "the dynamics of illocution". Among these norms, while constitutive rules are those the observance of which makes assertion possible, the compliance with maxims makes the performed assertion optimally satisfactory in the perspective of the participants in the conversation. As I have tried to show, distinguishing between these two kinds of norms can help us to account for specific defects pertaining to the making of an assertion, which, contrary to what is claimed by Cappelen, reliance on Grice's conversational maxims alone does not seem able to do. Clearly, I have only laid the basis here for a deeper analysis of the role that different kinds of norms may play in the making of assertions. Many issues still

need to be tackled, such as the relationship between the maxims involved in the dynamics of illocution and Grice's conversational ones, particularly with reference to the maxim of quality, which appears to have a special relationship with the making of assertions (see, e.g., Goldberg, 2015). For the moment, however, I hope to have shown that, thanks to the Austin-inspired framework presented above, we can still conceive of assertion as a category to be accounted for in speech act-theoretical terms.

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