How to Destroy an Epistemic Game: Epistemic Triflers, Cheats and Spoilsports

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Lisa Herzog's wonderful book *Citizen Knowledge: Markets, Experts, and the Infrastructure of Democracy* (Herzog 2023), examines how democratic market societies should deal with the tension that can arise between democracy and capitalism when it comes to our epistemic practices. One proposal Herzog develops is that rather than thinking of the exchange of ideas using the metaphor of the marketplace, it would be better to think of our epistemic practices as akin to sporting games (Herzog 2023, Ch.5). The kind of sporting contest Herzog has in mind is one in which people respect their fellow competitors, as well as the rules and integrity of the competition, and are willing to accept when they have been defeated. This way of thinking about epistemic practices helps us to recognize the plurality of ways in which different ideas may compete with each other and make clear the need for some form of regulation to ensure that these practices operate effectively.

In my review essay of Herzog's book, I argued that this metaphor can be helpfully extended by drawing on resources from the philosophy of sport (Archer 2024). Drawing on this literature, I argued that viewing the exchange of ideas through the metaphor of sports games makes clear the need for participants in epistemic practices to be motivated in the right way, the need for institutions to protect epistemic practices from malevolent actors and the need to protect epistemic practices from market forces that might crowd out the distinctive goods of these practices.

In Herzog's fascinating reply to my review (Herzog 2024), she develops this metaphor further, by highlighting the importance of knowing what kind of epistemic game they are involved in. When we are playing sport with others, it is crucial that we know what kind of game we are playing. If someone thinks they are playing basketball, when they are in fact playing soccer, then they will quickly find themselves being punished for violating the rule that outfield players may not pick up the ball. Similarly, if one is participating in a dance competition, then it is important to know whether you are being evaluated as a dancer of hip hop or of classical ballet. Similarly, Herzog argues that when exchanging ideas, it is crucial that we know what kind of epistemic game we are participating in. It is important to know, for example, whether we are engaged in a cooperative, truth-seeking discussion or in a competitive business negotiation. Moreover, we may wrong people if we mislead them into thinking they are engaging in one kinds of epistemic game, when they are in fact engaged in another (Herzog 2017).

By making someone think they are engaged in a cooperative, truth-seeking discussion when they are in fact in a competitive business negotiation, we wrong that person by misleading them and being dishonest about our motivations for engaging in the discussion. This, Herzog argues, highlights the need, in many situations, for meta-information about the kind of epistemic game that we are participating in. As Herzog argues: "as participants, audience members, and evaluators of different types of discourse, we need to know which game we are in, or are watching, or evaluating" (Herzog 2024, 42).[1]

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[1] We might even think that this meta-information is needed to count as playing a game at all. Schwengerer (2019) argues that one must meet certain epistemic conditions in order to count as playing a game.

In this response, I would like to further extend this investigation into the ways people may be wronged in their participation in epistemic games. I will do so by examining three ways in which people may mistreat others in relation to epistemic practices that relate to three kinds of ways in which Bernard Suits identifies that people may mistreat others in game playing: trifling, cheating and being spoilsports. In doing so, I hope both to further our understanding of the wrongs that can involved in the misuse of epistemic practices and to provide additional support for Herzog's claim that we need to know what kinds of epistemic practices we are involved in and the rules that should govern such practices.

Suits on Game Playing

In Bernard Suits's influential book *The Grasshopper: Games, Life and Utopia,* he outlines a theory of games (1978, Chapter 3). He argues that games involve an attempt to achieve a particular state of affairs (a prelusory goal) doing so only in ways that are permitted by the rules of the game. The constitutive rules of a game determine what the goals of the game are and what moves are permissible to make within the game. Players accept these constitutive rules in order to make the game possible, which in turn gives rise to the distinctive challenges that different games create. In soccer, for example, a team wins by scoring more goals than the opponent and a goal is scored by kicking the ball through the other team's goalposts. The rule that outfield players are not allowed to handle the ball creates the distinctive challenge of controlling the ball with one's feet (as well as the chest and the head) that is so distinctive to soccer. The fact that the rules state that teams consist of eleven players means gives rise to the particular challenges of teamwork and tactics that are distinctive to soccer.

Suits argues that players of games need to have the right kind of attitude towards the game. This is the *lusory attitude*, which involves players willingly accepting the constitutive rules of the game that make the playing of the game possible (Suits 1978, 52). Suits argues that those who lack this attitude might not really be playing the game at all. In my original review of Herzog's book, I argued that viewing the exchange of ideas as akin to a sporting game can help to highlight the importance of having the appropriate attitudes when engaging in epistemic practices. Just as game players need to have the appropriate lusory attitude, participants in epistemic practices need to have the appropriate epistemic attitude, otherwise they may not actually be engaged in the epistemic practice they claim to be involved in and may be violating their obligations to their fellow participants (Archer 2024, 27).
However, as Suits goes onto argue, there are different ways in which people who appear to be participating in a game may in fact not be playing the game. As I will now argue, examining these different kinds of apparent game players provides useful resources for thinking about how people may misuse epistemic practices.

Epistemic Trifling

The first kind of behaviour that Suits discusses is that of the Trifler. Suits explains this form of behaviour in the following way:

> A trifler at chess is a quasi-player of the game who conforms to the rules of the game but whose moves, though all legal, are not directed to achieving checkmate. Such a trifler may have some other purpose in mind. He may,

for example, simply be trying to get six of his pieces to the other side of the board before he is checkmated, in which case he could be said to be trifling with chess by playing another game at the expense of chess. Or he may be interested simply in seeing what patterns he can create. Or he may just be moving his pieces at random (Suits 1978, 58-59).

The Trifler then is someone who is following the rules of a game but has no desire to achieve the goals of the game. As Suits puts it, "Such a person is not playing chess […] although he is engaged in something chess-like, playing chess is not what he is engaged in," (Suits 1978, 59). The problem Suits identifies with the Trifler, is that he is not trying to achieve the prelusory goal of the game. Someone making chess moves who is not trying to checkmate their opponent, is not engaged in the same activity as the committed chess player, as they are not direct towards the prelusory goal of chess. A serious chess player attempting to play chess with a Trifler is likely to be incredibly frustrated, as they will not find themselves in a contest that makes possible the distinctive challenges of chess. While they may be attempting to win a game of chess, their opponent is engaging in a quite different activity, albeit one that involves following the rules of chess.

Triflers also exist in epistemic games, though in many cases their behaviour may be sufficiently harmful to make a fairly innocuous term like 'trifler' inappropriate. For example, take one epistemic practice that Herzog mentions, academic research. Someone may engage in academic research in a way that obeys all of the rules of academic good practice: obtaining a doctorate under the supervision of a qualified supervisor, obtaining appropriate ethics approval for one's research and then submitting the results to an academic journal. However, the fact that someone is following the appropriate rules for academic research, does not guarantee that they are motivated by the appropriate goals of the epistemic practice. Herzog suggests that two such goals may be seeking the truth and solving societal problems (Herzog 2024, 39). We know, though, that some people who engage in scientific research are not seeking to achieve these goals.

For example, in *The Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*, Naomi Oreskes and Erik Conway explore the various ways in which tobacco companies sought to cast doubt on the link between tobacco smoking and lung cancer. One approach these companies took was to fund scientific research into other possible causes of lung cancer. As Oreskes and Conway explain, this research followed many of the rules and norms of legitimate scientific research: "All of the chosen studies addressed legitimate scientific questions, some that mainstream medicine had neglected—like the role of emotions and stress in somatic disease. All the investigators were credentialed researchers at respected institutions" (Oreskes and Conway 2010, 12).

The reason for funding this research, though, was not to advance knowledge or help to protect people's health but, as internal company documents state explicitly, to provide tobacco companies with legitimate scientific data that they could use to defend the industry from criticism (Oreskes and Conway 2010, 13). In this case, the scientists themselves may be pursuing the goals of academic research but the research funders are not. The funders' goal was not to advance knowledge or to protect health but to protect their industry from

criticism and enable them to continue making profits from selling tobacco. In this case the rules and norms of academic research may be respected by agents who are not pursuing the goals of scientific research.[2]

To take a more mundane example of epistemic trifling, a group of colleagues may be engaged in a discussion about what to think about a particular issue. While the majority of those involved in this conversation may be concerned with a desire for the truth or at least something approximating it, others may have entirely different motivations. They may for example, only be concerned with showing the others in the conversation how clever they are, or with humiliating a colleague they hold a grudge against, or with wasting everyone's time. Though they may not share the goals of the others in the conversation, they may nevertheless be respecting the conversational rules by making what are entirely appropriate conversational moves: asking for clarification when something is unclear, questioning the evidence for certain claims and the inferences that others are making. They are not though, really engaging in the epistemic practice, as they are not motivated by a desire for the truth. Epistemic triflers can have a damaging effect on epistemic practices. By engaging in the rules of these practices without pursuing the goals, they can undermine the understanding amongst fellow participants of the practice that the goals of the practice ought to be pursued at all.

Epistemic Cheating

The next form of behaviour that Suits investigates is that of cheating. Cheating involves trying to achieve the prelusory goals of a game by violating the rules of that game (Suits 1978, 59). A chess player, for example, may attempt to reach checkmate by making moves that are not permitted by the rules, perhaps by removing their opponent's pieces while they are distracted. Similarly, a soccer player may punch the ball into the goal with their hands, as Diego Maradonna famously did for Argentina against England in the 1986 World Cup. Unlike the Trifler, the Cheat is trying to achieve the goals of the game (checkmate or score more goals than their opponent). Like the Trifler though, the cheat is not really playing the game, as the Cheat's attempts to achieve these prelusory goals do not conform to the constitutive rules of the game. As Suits explains, cheats engage in a form of "lusory theft", as they unfairly deprive other players of the game of chances to win the game (Suits 2023, 104). In the case of Maradonna's goal against England, his cheating reduced England's chances of winning the match and so played a role in depriving them of an opportunity to compete in the later stages of the competition.

Clearly, cheats exist in epistemic games too. Most obviously, liars are people who may try to achieve the particular goals of a particular epistemic practice, without respecting the norm that one should only assert what one believes to be true. As Suits himself points out, liars depend upon the widespread acceptance of the norm of truth telling in order for their own assertions to get uptake from others (Suits 1978, 59).

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[2] Another possible example of epistemic trifling could be some instances of the journalistic practice of false balance, where journalists 'balance' the opinion of an expert with that of a non-expert in order to generate sensational content. Here the journalist may comply with the rules of good interviewing practice but not with the aim of finding the truth but rather with attracting viewers. For further discussion of false balance see Rietdijk and Archer (2021).

Scientific fraud is another example of epistemic cheating. Take, for example, the case of Diederik Stapel, a professor of psychology at Tilburg University who fabricated data for years and published it at least thirty academic papers (Jha 2012). If we understand one goal of academic research to be publishing academic articles (hopefully as a step towards contributing to knowledge and improving people's lives) then Stapel's fraud can be seen as an attempt to achieve this goal. However, he did so using means that are forbidden by the rules of the epistemic game. The rules dictate that the data contained in such publications should be gathered using appropriate scientific methods, rather than simply fabricated. By acting in this way Stapel may be pursuing some of the intermediary goals of scientific research but he did so in a way that is forbidden by the rules of the practice. In Suits's terms then, he would not properly count as participating in this epistemic game.

Epistemic cheats also have a damaging effect on epistemic practices. First, they deprive other participants in these practices of opportunities to succeed in them. If Stapel had not engaged in academic fraud, for example, then his professorship would likely have been held by a different psychologist who respects the rules of the scientific research. More than this though, they can have a damaging effect on the academic practice as a whole. Those within the practice may lose their trust in their fellow participants and outsiders to the practice may lose their trust in the practice itself.

Epistemic Spoilsports

The final form of behaviour that Suits examines is that of the spoilsport. While Triflers respect the rules of a game but do not pursue its goals, cheats pursue the goals but do not respect the rules, spoilsports do not care about either the rules or the goals. Suits provides the following example of this kind of behaviour:

> Checkmate,' says the cheat.
> 'Nonsense,' his opponent rejoins. 'Checkmate is the condition when you
> have immobilized my king. But you have *not* immobilized my king. Behold; I
> am moving it about in the air.'
> 'That isn't a move in *chess*, you idiot!' cries the enraged cheat.
> 'What rubbish. A move is a move.'
> 'Don't be absurd. How could I possibly counter such a "move"?'
> 'Why don't you try to grab me by the wrist?'
> 'How can you be so stupid? Do you want to play chess or do you want to
> arm wrestle?'
> 'Arm wrestle, now that you mention it. Chess bores me to death.'
> 'Damn you!' sobs the cheat. 'You're nothing but a spoilsport!'
> 'Bang in the gold,' replies the spoilsport (Suits 1978, 59-60).

The spoilsport in this example abides by neither the rules nor the goals of the game but rather destroys the game entirely. To give another example, imagine a game of singles tennis in which midway through one player gives up on the game and starts instead to see how high they can hit the ball in the air. By doing so, the spoilsport has destroyed the game of tennis

that was taking place. As Suits describes elsewhere the spoilsport is the worst kind of lusory villain as, "while cheats are lusory thieves, spoilsports are lusory murderers" (Suits 2023, 104). While the cheat engages in a form of theft by stealing opportunities to succeed at the game from other players, the spoilsport engages in a form of murder by killing off the game entirely.

Spoilsports also exist in epistemic games. One form of epistemic spoilsporting is the political strategy known as the Dead Cat Strategy. This involves making a shocking announcement or creating some other form of distraction in order to divert attention away from a news story that is damaging to one's own political chances. This strategy is credited to the Australian political strategist Lyndon Cosby and has been explained by Boris Johnson, the former Prime Minister of the United Kingdom, in the following way:

> There is one thing that is absolutely certain about throwing a dead cat on the dining room table – and I don't mean that people will be outraged, alarmed, disgusted. That is true, but irrelevant. The key point, says my Australian friend, is that everyone will shout, 'Jeez, mate, there's a dead cat on the table!' In other words, they will be talking about the dead cat – the thing you want them to talk about – and they will not be talking about the issue that has been causing you so much grief (cited in Delaney 2016).

The dead cat strategy can be seen as a form of epistemic spoilsporting. Suppose one particular epistemic game is in progress, such as a discussion of the evidence underpinning a political party's taxation policies. Employing the dead cat strategy effectively ends that epistemic game altogether by diverting people's attention towards something else. For example, American broadcaster CNN accused Donald Trump of employing this strategy in the 2016 US Presidential Election campaign. In a week when he had had to settle a 25-million-dollar lawsuit against Trump University, Trump took to Twitter to criticize the cast of the musical *Hamilton*. CNN critic Kate Malby (2016) described this as "a particularly malodorous dead cat" for the way in which this tweet distracted the attention of the media and the public away from the lawsuit and towards something entirely different. As with spoilsporting in other games, epistemic spoilsporting destroys the game that is in progress.

Conclusion

I have drawn on Suits's work on games to further extend Herzog's claims about the ways in which people may be wronged in epistemic games. While Herzog emphasized the ways in which people may mislead others about the kind of epistemic games they are participating in, I have investigated ways in which existing epistemic games may be damaged or even destroyed altogether by malevolent actors. The epistemic trifler may damage the game by participating in it in a rule and norm following way when they have no interest in pursuing the goals of the epistemic practice they are participating in. The epistemic cheat damages epistemic practices by distorting the results epistemic competitions and engaging in a form of theft from the other participants in the practice. Finally, the epistemic spoilsport inflicts the worst damage of all by destroying the epistemic game altogether.

This preliminary investigation of these concepts is far from exhaustive. There may be many more kinds of behaviour that can be seen as forms of epistemic trifling, cheating or

spoilsporting. Analyses of bullshitting (Frankfurt 2005), trolling (DiFranco 2020), sealioning (Green 2022), and post-truth politics (Rietdijk 2024) might all be helpfully developed by drawing on some of the concepts that I have outlined here.[3] Another important way in which this investigation could be developed is to explore the ethics of destroying epistemic games in these ways. While my discussion has focused on the harmful ways in which epistemic games may be damaged or destroyed, it may be that there are some epistemic games that should be damaged or destroyed. Finally, the way in which new technologies like large language models and other AI systems may increasingly be infiltrating our epistemic practices makes it particularly important to examine the ways in which these systems are participating in these games.[4]

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[3] Thi Nguyen (2022) discusses one connection between spoilsports and the value of epistemic playfulness though he does not draw on Suits's analysis of the spoilsport.

[4] See, for example, Hicks et al.'s analysis of Chat-GPT. (Hicks et al. 2024).

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