**Assertion, Stakes and Expected Blameworthiness: An Insensitive Invariantist Solution to the Bank Cases**

Contextualists and Subject Sensitive Invariantists often cite the knowledge norm of assertion as part of their argument. They claim that the knowledge norms in conjunction with our intuitions about when a subject is properly asserting in low or high stakes contexts provides strong evidence that what counts as knowledge depends on practical factors. In this paper, I present new data to suggest they are mistaken in the way they think about cases involving high and low stakes and I show how insensitive invariantists can explain the data. I exploit recent work done on the distinction between flouting a norm and being blamed for that violation to formulate a rigorous theory of rational expected blameworthiness that allows insensitive invariantists to explain the data cited.[[1]](#footnote-2)

I begin by examining Contextualism and Subject Sensitive Invariantism, discussing the bank cases and outlining my general response. (§1) I then respond to DeRose’s claim that the data involving high stakes denials of knowledge doom any insensitive invariantist attempt to provide an alternative solution. (§2) Next, I flesh out a systematic account of how blameworthiness is related to stakes and show how it can explain our intuitions in the bank cases. (§3) Finally, I compare my solution to others in the literature and suggest why it is superior. (§4)

**§1 Contextualism and Subject Sensitive Invariantism**

**1.1 The General Argument**

Contextualists and Subject Sensitive Invariantists are united in holding that practical factors play some role in correctly ascribing knowledge to some agent. Following Kim (2017), we can separate factors that are truth relevant from practical factors which are not truth relevant. A factor is truth-relevant with respect to a proposition p just in case it affects the evidential probability that p is either true or false.[[2]](#footnote-3)

Let’s say that two agents are epistemically positioned in the same way relative to a proposition p just in case their evidence includes the same truth-relevant factors. According to subject-sensitive invariantism (e.g. Fantl and McGrath 2002, Stanley 2005), practical factors that bear on the putative knower may affect the standards or criteria someone must satisfy in order to count as knowing something. According to contextualism (DeRose 2002, 2009), those practical factors bearing on the context of utterance may affect the truth conditions of the claim that someone knows something i.e. the truth conditions of ‘know’ depend on the context of utterance. The denial of both theses we may call insensitive invariantism: both the criteria and content of the ascription of knowledge are independent of practical factors.

To make the case against insensitive invariantism, DeRose famously asks us to consider a series of ‘bank cases’:

LOW BANK: “My wife and I are driving home on a Friday afternoon. We plan to stop at the bank on the way home to deposit our paychecks. But as we drive past the bank, we notice that the lines inside are very long … Although we generally like to deposit our paychecks as soon as possible, it is not especially important in this case … so I suggest that we drive straight home and deposit our paychecks on Saturday morning. My wife says, ‘Maybe the bank won't be open tomorrow. Lots of banks are closed on Saturdays.’ I reply, ‘No, I know it'll be open. I was just there two weeks ago on Saturday. It's open until noon.’”

HIGH BANK: “My wife and I drive past the bank on a Friday afternoon … and notice the long lines. I again suggest that we deposit our paychecks on Saturday morning, explaining that I was at the bank on Saturday morning only two weeks ago and discovered that it was open until noon. But in this case, we have just written a very large and very important check. If our paychecks are not deposited into our checking account before Monday morning, the important check we wrote will bounce, leaving us in a very bad situation. And, of course, the bank is not open on Sunday. My wife reminds me of these facts. She then says, ‘Banks do change their hours. Do you know the bank will be open tomorrow?’ Remaining as confident as I was before that the bank will be open then, still, I reply, ‘Well, no, I don't know. I'd better go in and make sure.’” (DeRose 2009, p. 1.)

From these cases and analogous ones, two kinds of arguments are formulated. The first argument draws on the ordinary usage of ‘knows’ in such cases. In both cases, we assume that the husband is in the exact same epistemic position with regards to the proposition ‘the bank will be open tomorrow’, and only the practical stakes involved in successfully knowing the proposition have changed. However, the husband attributes knowledge to himself in LOW BANK while not doing so in HIGH BANK. As Stanley notes, “This provides a prima facie case for the thesis that knowledge is not just a matter of non‐practical facts, but is also a matter of how much is at stake.” (Stanley 2005, p. 6.)

On the other hand, a second argument depends on intuitions about the propriety of certain actions or assertions conjoined with epistemic norms connecting knowledge to action and assertion. I will restrict the scope of my argument to focusing only on the data and the knowledge norm concerning assertion. Both Contextualists and Subject Sensitive Invariantists have appealed to both sets of data, though Subject Sensitive Invariantists in particular rely more heavily on the data and norm concerning action. I leave it open as to whether the strategy I’ve outlined succeeds in explaining the data on action, but insofar as Subject Sensitive Invariantists rely on the data and norms of assertion, to that degree is their argument weakened.

Let’s notice the difference in the assertions the husband makes in both cases.. Let the proposition ‘the bank will be open tomorrow’ be *p*. In LOW BANK, the husband is willing not only to utter ‘I know that *p*’, he is also willing to utter the simple ‘*p*’ (“It’s open until noon”). On the other hand, in HIGH BANK, the husband not only does not utter ‘I know that *p’,* he is furthermore willing to utter ‘I don’t know that *p*’ and does not utter the simple ‘*p*’. We can summarise this data in the table below:

|  | ‘I know that *p*’ | ‘I don’t know that *p*’ | ‘*p*’ | ‘It is not the case that *p’* |
| --- | --- | --- | --- | --- |
| LOW BANK | Willing to utter. | Not willing to utter. | Willing to utter. | Not willing to utter. |
| HIGH BANK | Not willing to utter. | Willing to utter. | Not willing to utter. | Not willing to utter. |

*Table 1: Summary of data on speakers’ willingness to make utterances.*

A clarification here is required: as I have presented it so far, the data appears to be the mere empirical fact that speakers tend to make assertions in various conditions. This is not entirely true; as DeRose notes, the cases “display how speakers in fact, *and with propriety*” (DeRose 2009, p. 62. Emphasis mine.) behave in these situations. The data therefore displays not just the fact that speakers behave this way, but our intuitions of their propriety in behaving this way. There is a distinctively normative dimension to this data and so a satisfying response must explain not just the tendencies of agents to behave in certain ways, but also why it seems normatively appropriate or inappropriate for them to do so. We can therefore reframe the data this way:

|  | ‘I know that *p*’ | ‘I don’t know that *p*’ | ‘*p*’ | ‘It is not the case that *p’* |
| --- | --- | --- | --- | --- |
| LOW BANK | Appropriate to utter. | Not appropriate to utter. | Appropriate to utter. | Not appropriate to utter. |
| HIGH BANK | Not appropriate to utter. | Appropriate to utter. | Not appropriate to utter. | Not appropriate to utter. |

*Table 2: Summary of data on propriety of speakers’ utterances and action.*

Let’s bracket the data regarding denials of knowledge for now. DeRose claims that this data provides a decisive argument against Insensitive Invariantism, opting for contextualism instead, and the Subject Sensitive Invariantists have followed him in citing this as evidence for their view. (See DeRose 2002, Stanley 2005) We will examine this in the next section. (§2)

Our intuitions tell us that it is appropriate for agents to utter the simple ‘p’ in low stakes situations but that it is inappropriate to utter ‘p’ in high stakes situations. This pattern demands explanation and conjoining it with the knowledge norm of assertion supposedly strengthens the case for both Contextualism and Subject Sensitive Invariantism. The norm is as follows:

**Knowledge Norm of Assertion**: one is in a good enough epistemic position to assert p iff one knows that p.

A number of theorists have been moved by how this norm seems to capture a powerful intuition about the centrality of knowledge to the practice of assertion. I share this intuition and think that the norms are worth defending. Contextualists and Subject Sensitive Invariantists, however, have used this norm to mount an argument for their position. Here is the general structure of their argument:

1. If subject S is in a good enough epistemic position to assert p, then S knows that p. (Knowledge Norm of Assertion)

2. There exist a pair of cases which differ only in terms of practical factors where in one case the subject is in a good enough epistemic position to assert p while in another the subject is not in a good enough epistemic position. (i.e. the bank cases)

3. In these cases which differ only in terms of practical factors, the subject knows p in one case while the subject does not know p in the other. (From 1, 2)

4. What counts as knowing depends not only on truth-relevant factors but also on practical factors. (From 3)

Some philosophers have attempted to resist this argument by rejecting the knowledge norm.[[3]](#footnote-4) The norm has strong intuitive appeal, however, and so we should not be too quick to jettison it. The burden of this paper is therefore to show that one can be an insensitive invariantist, accept the knowledge norm of assertion, and yet explain the data that contextualists and subject sensitive invariantists have each cited in defence of their respective theses.

Let me outline the general insensitive invariantist strategy here. Unless we embrace some form of skepticism about most putative knowledge claims, the insensitive invariantist must claim that in both the low and high stakes scenarios that the agent in question knows the relevant proposition.[[4]](#footnote-5) In response to the first argument based on our ordinary linguistic patterns, this will mean that she has to provide a general explanation to account for the difference in our ordinary knowledge attributions in the bank cases. In response to the second argument based on the Knowledge Norm of Assertion, she must reject the second premise that there exists a pair of cases that differ in terms of practical factors where the subject is in a good enough epistemic position to assert in one but not the other. What she must say is that Contextualists and Subject Sensitive Invariantists are confusing our intuitions about the (im)propriety of certain assertions with the subject being in a good enough epistemic position to assert or act. She must instead provide an alternative account of what is driving those intuitions about the propriety of those assertions.

A quick methodological clarification is needed here. I have presented the data as tracking the propriety of making certain assertions. And I assume that the propriety of an assertion can be explained in various ways: it might be tracking the compliance of making assertions, or it might be tracking the blamelessness in making assertions, or some other positive evaluative status of the assertion in question. It might be objected here that our intuitions are more direct than that, they can tell us directly if an assertion is complying with the relevant norm or if it is excusably flouting some norm. For example, Contextualists or Subject Sensitive Invariantists might protest here that they have direct intuitions about when a subject is in the proper epistemic position to assert, not simply a more general intuition about propriety which can be explained by other means. [[5]](#footnote-6) I doubt, however, that our intuitions are so fine grained as to directly tell us whether our judgment of propriety is due to norm compliance or blameless norm non-compliance or something else. Even if they were, we would need to evaluate the strength of such intuitions in reflective equilibrium with other theoretical considerations to decide what evaluative status some assertion has. By showing that insensitive invariantism has the resources to make sense at least of judgments of propriety, I hope therefore to strengthen the case for its adoption.[[6]](#footnote-7)

I will later claim is that what is driving our intuitions of propriety as well as the ordinary usage of ‘knows’ in these cases is not the truth or falsity of the knowledge attributions and the consequent flouting of the knowledge norm but instead our judgments regarding the rational expected blameworthiness of performing this or that assertion. Theorists have not noticed that our judgments of blameworthiness are connected to the stakes of the situation. By providing a general account of this connection, I believe I have the resources to provide the requisite alternative explanation. Before that, however, let me examine an argument from DeRose that is supposed to show why such moves on the part of insensitive invariantists are mistaken.

**§2 Practical Stakes and Denials of Knowledge**

**2.1 DeRose’s Argument from Denials of knowledge**

In this section, I will consider DeRose’s argument from the data concerning denials of knowledge against insensitive invariantism. His argument fails because the data has been misconstrued by a misleading way of understanding practical stakes. A better way of understanding the stakes attached to assertion would reveal that the data does not support DeRose’s argument.

The insensitive invariantist has to say that in HIGH BANK, although the husband would speak truly if he said ‘I know that p’, something else about the norms governing that situation prevents him from appropriately uttering it. However, notice that in HIGH BANK, the husband can appropriately assert ‘I don’t know that p’ although this is false. This is deeply puzzling and DeRose claims that this data refutes any attempt by insensitive invariantists to provide an alternative explanation to this conversational pattern (DeRose 2002). The insensitive invariantist needs to explain why it appears to be alright for an agent to make a false utterance. Furthermore, since the stakes appear to be high, they cannot simply claim that high stakes in general increases the requirement for warranted assertability and so assertions in general become inappropriate to utter – the husband seems fairly willing to utter the denial of knowledge in this high stakes situation!

DeRose, however, claims to have a good explanation of this. According to him, the larger the stakes, the stronger the epistemic position one needs to occupy relative to a proposition to know it. And so the husband needs to be in a stronger epistemic position with regards to p in order to know that p in HIGH BANK as compared to LOW BANK. Notice also that as the standards required for knowledge go up, it becomes harder for knowledge to obtain, but easier for a lack of knowledge to obtain. Therefore, asserting ‘I know that p’ in HIGH BANK becomes false and thus inappropriate to utter, while ‘I don’t know that p’ becomes true and appropriate to utter.

This is a neat solution and one that adequately explains the data. My contention, however, is that the presentation of the data is misleading. Contrary to appearances, it is not obvious that the utterance of ‘I don’t know that p’ in HIGH BANK is a high stakes utterance.

**2.2 Clarifying the Stakes**

How should we understand what it means for stakes to be high or low? According to Stanley, the practical factors that are supposed to affect the putative knower are “facts about the costs of being right or wrong about one's beliefs.” (Stanley 2005, p. 6.) Here is one rough way of understanding the notion: the stakes attached to proposition p are high when a subject must choose between one action or another, and the difference between the utilities of the outcomes if the subject chooses one action or the other is large depending on whether p is true or false. On the other hand, the stakes attached to p are low when a subject must choose between two actions and the difference between the utilities of the outcomes if the subject chooses one action or the other is low depending on whether p is true or false. This way of cashing out stakes draws on the notion of regret from the literature on decision theory. This formulation is tentative and as Anderson and Hawthorne (2019) have shown, it may in fact be fairly difficult to provide a rigorous notion of stakes.[[7]](#footnote-8) Nevertheless, I believe this captures our intuitive understanding of stakes in the literature and shall provisionally utilise this notion.

When one makes an assertion, one attempts to add a certain proposition to the conversational presuppositions shared by the speaker and his audience. Adding a proposition to the conversational context has implications not only for the rest of the conversation, but in situations like the bank cases where the conversation is a deliberation over what actions should be undertaken, the assertion has implications for the actions that might subsequently be taken. This suggests that while we have been going on about general conversational contexts, we should really be interested in the stakes involved in making some *particular* utterance. In the very same context, one particular utterance might involve high stakes because the implications of adding it to the conversational presuppositions might be high, while another utterance in the same context might involve low stakes because the implications of adding it to the conversational presuppositions might be low.

Bringing our discussion together, we can thus say that in asserting p, the stakes involved are proportional to the maximal difference in utilities between outcomes in one of which a certain proposition is true and the other false. And the difference in utility is determined by how far the addition of that proposition was added to the conversation or considered would have implications for what the agent is given reason to do.

We can now see why the data regarding denials of knowledge are misleading. In general, denials of knowledge involve lower stakes then assertions of knowledge. Given that knowledge is factive, adding knowledge of a certain proposition to the set of conversational presuppositions means adding that very proposition to the mix as well. That proposition might be acted on by partners in the conversation to significant effect. Adding a denial of knowledge to a conversation, on the other hand, involves far less. It might decrease the evidential probability of the proposition for conversational partners or it might make no difference to it at all. This means that the stakes relevant to adding a denial of knowledge to a conversation are generally low. Thus, think about the bank case this is obvious. If the Husband asserts and successfully adds the proposition ‘I know that the bank will be open tomorrow’ and so the proposition that ‘the bank will be open tomorrow’, the couple might act on it and if the bank happens not to be open, they might lose their house. On the other hand, if the Husband asserts and successfully adds the proposition ‘I don’t know whether the bank will be open tomorrow’, it seems like acting on this proposition might only involve them sacrificing a relaxing Friday evening or taking the trouble to make a phone call to the bank. The bank cases therefore offer no evidence that speakers would deny knowledge in high stakes contexts because that denial of knowledge involves low stakes.

**2.3 Denials of Knowledge in High Stakes Contexts**

In order to test this data, we therefore need a case where the stakes attached to the denial of knowledge are as high as the stakes attached to the ascription of knowledge. Consider the following scenarios:

(JUDGE): Antonio is suspected of the murder of his colleague Ali although he is in fact innocent. He now stands before the judge who asks him whether he knows where his colleague was that night. During that fateful night Antonio heard from his friends that Ali was in the office working overtime and although he can’t be sure, he saw someone wearing Ali’s characteristic jacket rush by his cubicle — and he took himself to be seeing Ali in the office then. If he says that he knows where Ali was that night, that would severely implicate him. At the same time, if he denies that he knows where Ali was, there is the risk of the prosecution finding out that he did receive testimony from his friends about Ali’s location. A possibly false denial of knowledge would even further incriminate Antonio in the trial.

(PRESIDENT): Nikson is running for the office of President and has a large team of staff campaigning for him. Winning is important to him and he has instructed his staff to do their best to get him elected. He has gotten some evidence that they, without his instruction, may have resorted to underhanded means to bug his opponents to uncover their dirty secrets so as to undermine them. Just last week, he walked into a room full of bugging equipment and after some probing, was meekly told that they were for ‘security purposes’. His staff are eventually caught bugging and he is publicly questioned over his knowledge of the offence. He is told by his political advisors that the safest move is to issue a firm denial of knowledge, but Nikson, though a politician, is one who believes he should not be driven merely by the political calculus. If he says that he knows that his staff were committing wrongdoing, he chances of being elected would be over. At the same time, he feels deeply uneasy about the possibility of lying, and there is the risk of the prosecution finding out that he did have evidence of his staff committing the offence. A possibly false denial of knowledge would be even more worrying.

In both these cases, it would be inappropriate for either Antonio or Nikson to flat-out deny knowledge. They might make hedged statements such as “I think I knew but I’m not so sure.” or they might refrain from answering the question directly and perhaps cite the relevant evidence e.g. “Well, I saw his jacket,” or “Well, they did seem to be doing something suspicious”. It would seem both inappropriate and unlikely that either would flat out assert ‘I don’t know’. DeRose is therefore mistaken when he claims that in high stakes contexts, it is always appropriate for speakers to deny knowledge.

DeRose may still be able to explain all of these data within his framework.[[8]](#footnote-9) Nonetheless, this severely weakens his claim that contextualism or subject sensitive invariantism has an edge in explaining the data regarding denials of knowledge that insensitive invariantism cannot explain. I will now sketch an account of stakes and blameworthiness that will explain these data just as well.

**§3 An Account of Stakes and Blameworthiness**

**3.1 Stakes and Rational Expected Blameworthiness**

We’ve seen that the data do not support the rejection of insensitive invariantism, let me assume that insensitive invariantism is true and try to provide a positive proposal to explain the data. I will sketch out my proposal before elaborating on it in more detail. When speakers make an unwarranted assertion, they are sometimes blamed for it. How much they are blamed seems to depend on their epistemic position with respect to the relevant proposition and the stakes that are involved. There is thus an epistemic factor and a stakes-relevant factor to the overall blame speakers are given for flouting the knowledge norms. Speakers should try to avoid getting blamed for what they do. The explanation for the differences in the propriety of their assertions in the two bank cases, and related scenarios may turn, then, what I call the rational expected blameworthiness associated with each assertion. This at any rate is what I shall argue here.

What explains the tendency and propriety of agents in these situations is therefore our sensitivity to what I will call the rational expected blameworthiness involved in performing each assertion.

If knowledge is the norm of action and assertion, flouting the norm is a bad thing. But as Williamson notes, one can blamelessly flout some norm (Williamson 2002, Forthcoming). If one has good reason for believing that one is adhering to a norm, it seems that even if one flouts the norm, one has a good excuse and so does it blamelessly. On the other hand, if one is unsure whether one is adhering to that norm and one does flout it, one is blamed to the degree that one had good evidence that one would be flouting the norm in performing some action. Without good reason, one has no good excuse and so is blamed.

Let’s apply this to the knowledge norm. If one asserts some proposition without knowing that proposition, one has flouted the norm. If one has good reason for believing that one did know, then one has a good excuse for flouting the knowledge norms and so is not blamed. A good example would be someone in a typical skeptical scenario — that of a brain in a vat. This person has good reason to believe that she knows that she has hands, and so if she asserts ‘I have hands!’ she does so blamelessly despite violating the knowledge norms. Often, however, it might not be obvious whether we have the requisite knowledge to satisfy the norms. If we are unsure of whether we have the relevant knowledge and we unwarrantedly assert the proposition, we are liable to blame. We will be liable to blame to the degree that we had evidence that we were in fact flouting the norm.

We can formalise the epistemic factor that contributes to blame (EB) in terms of evidential probability. Take φp to be an assertion of the proposition p. And let EB(φp) be the epistemic factor that determines how much someone is to blame for the assertion φp when the norm for that assertion has indeed been flouted. Furthermore, let E(Kp) be the probability given our evidence that we know the proposition p.[[9]](#footnote-10) The epistemic probability that we do not in fact know the relevant proposition would then be (1 - E(Kp)), let’s call this E(~Kp). If we do flout the Knowledge norm, how much we are to be blamed would then be proportional to how much evidence we had that we were not in fact adhering to the norm, i.e. it would be proportional to E(~Kp). Thus:

EB(φp) ∝ E(~Kp)

Now, notice that EB(φp) on an insensitive invariantist scheme is the same for the speaker in both high and low stakes scenarios. In HIGH BANK and LOW BANK the husband has the same epistemic position and the evidence he has as to whether he knows ‘the bank will be open tomorrow’ is the same. Nonetheless, it seems obvious that the Husband would be blamed more in HIGH BANK than in LOW BANK if he did indeed flout the norm in that scenario. Let’s focus on the situation where the norm is indeed flouted first and calculate the overall blame that he would receive. My suggestion is that we include the magnitude of practical stakes involved as a factor in calculating his overall blameworthiness. Recall that the stakes associated with an assertion are proportional to the maximal difference in utilities between outcomes where the assertion is added to the conversation and in which the proposition is true in one of them and the other false. Let’s call the practical stakes governing some assertion φp, PS(φp). The overall blameworthiness would then be proportional to both EB(φp) and PS(φp):

**Overall Blameworthiness(φp)** ∝ EB(φp) x PS(φp)

This gives a good explanation of why the Husband might be blamed more in HIGH BANK than in LOW BANK. If he happens to be flouting the Knowledge norm and adds ‘the bank is open on Saturdays’ to the conversation, how much he will be blamed depends on how probable it is that he knows the bank is open on his evidence multiplied by the implications of adding that knowledge to the conversation. Although E(~Kp) and so EB(φp) is exactly the same in both cases, PS(φp) is different, because adding a false assertion to the conversation might lead to them acting on that assertion and staying home instead and so losing their house in HIGH BANK, whereas no similarly serious outcome would result from being mistaken about the bank in LOW BANK.

However, overall blameworthiness tracks the amount of blame accrued to an agent when he has indeed flouted a norm but as the insensitive invariantist will insist, in cases like that of HIGH BANK, the agents are not in fact violating the norms since knowledge has not been lost despite the transition to a high stakes context. Nevertheless, when the agent asserts, she takes a risk because she might find herself in a position where she ends up flouting a norm and so being blamed. We can understand how much of a risk the agent takes by looking at how much evidence she has that that she would be flouting the norm; this is once again the evidential probability that she does not know the relevant proposition i.e. E(~Kp). We may call this risk the rational expected blameworthiness associated with an assertion. Hence, whether it is appropriate for a speaker to assert depends not only on the magnitude of blame he might receive if she does indeed flout the norm, but on how risky it is that she is flouting the norm as well. The rational expected blameworthiness of φp would therefore be the product of Overall Blameworthiness and E(~Kp). Thus,

**Rational Expected Blameworthiness(φp)** ∝ Overall Blameworthiness(φp) x EB(φp)

which is equivalent to,

**Rational Expected Blameworthiness(φp)** ∝ EB(φp) x EB(φp) x PS(φp)[[10]](#footnote-11)

Rational expected blameworthiness here comes in degrees, but I assume the propriety of an assertion is associated with a certain vague threshold of Rational Expected Blameworthiness. Only when the Rational Expected Blameworthiness associated with an assertion exceeds a certain threshold does it become improper. As a rule of thumb, where the rational expected blameworthiness is pretty high, we should expect that the action would seem inappropriate and agents would be unwilling to take that action. This account naturally gives the right results in the cases concerning the simple assertion of p in high and low stakes scenarios: when the stakes go up, rational expected blameworthiness also rises and so any utterance or action based on the relevant proposition would correspondingly be seen to be increasingly inappropriate. In the next section, I show how the account can handle data pertaining to the cases of denials of knowledge as well.

**3.2 Application of the Account to Denials of Knowledge**

Recall that in HIGH BANK, the assertion of knowledge (‘I know that the bank will be open’) has higher stakes attached to it as compared to the denial of knowledge (‘I don’t know whether the bank will be open’). This is because asserting the knowledge proposition as well as the proposition it entails (that the bank will be open tomorrow) might lead to a terrible situation, while asserting the denial of knowledge might only lead to them sacrificing a relaxing Friday evening. Let’s assume that the Husband has fairly good evidence that he knows the proposition, and that the difference in stakes between asserting knowledge and denying it are fairly significant. Putting in dummy numbers once again, we then have the values below:

| φp | E(~Kp) | PS(φp) | Rational Expected Blameworthiness(φp)∝ |
| --- | --- | --- | --- |
| Assert, “I know that the bank will be open.” | 0.3 | 1000 | 0.3 x 0.3 x 1000 = **90** |
| Assert, “I don’t know whether the bank will be open.” | 0.7 | 10 | 0.7 x 0.7 x 10 = **4.9** |

*Table 3: Applying the model to the bank cases.*

Expected blameworthiness is significantly lower for the denial of knowledge than the assertion of knowledge. This therefore explains why the Husband is unwilling to assert knowledge while being fairly willing to deny knowledge. The expected blameworthiness attached to his denial is not significant.

Let me address a potential worry here. Even if the Husband can expect very little blame in making a false statement, what positive reason might he have for being willing to deny knowledge in that situation? In the first place, I shall admit that my account does not track what positive reasons speakers may have that motivate them into making assertions in the face of expected blame. Often in denying knowledge one is attempting to absolve oneself of taking responsibility for the making of a certain decision – perhaps the husband is trying to do that here. Second, recall that the important data point concerns not the tendencies of speakers to make assertions but the propriety of those assertions. It’s seems more important to explain why the husband seems to make an appropriate assertion when he denies knowledge. This account *does* explain that by pointing out that the rational expected blameworthiness would be low.

Let’s move on to the case where high stakes attach to both assertions and denials of knowledge. Let’s focus on PRESIDENT here. Recall that Nikson is incriminated in the unlawful activities of his staff and is asked whether he knew about the matter. An assertion of knowledge would implicate him and a denial of knowledge, if it were false, would have even more worrying consequences. We can therefore assume that the stakes are high in both situations. Plugging in dummy numbers again:

| φp | E(~Kp) | PS(φp) | Rational Expected Blameworthiness(φp)∝ |
| --- | --- | --- | --- |
| Assert, “I knew about the bugging.” | 0.3 | 1000 | 0.3 x 0.3 x 1000 = **90** |
| Assert, “I didn’t know about the bugging.” | 0.7 | 1500 | 0.7 x 0.7 x 1500 = **735** |

*Table 4: Applying the model to PRESIDENT.*

This gives us the result that both assertion and denial results in high rational expected blameworthiness — which is consistent with our data which tells us that in this case both assertion and denial of knowledge seem inappropriate. In fact, in this case assertion of knowledge is less inappropriate than a denial of knowledge. This also seems right. If Nikson admitted that he knew about the bugging when he might not actually know, we would judge him a lot lighter than if he were to claim that he did not know about the bugging when he actually did! This account can therefore explain the data.

**§4 The Strength of the Account — Upholding the Centrality of the Knowledge Norms**

In this final section, I compare my account to Williamson’s own insensitive invariantist proposal. The best support for my account comes from its neat explanation of the data, but for those who are enamoured with the knowledge norms, I suggest that another strength of this account is its ability to better uphold the centrality of the knowledge norms. Before making the comparison though, I want to make a comment on the connection between rational expected blameworthiness and the data regarding inappropriateness.

Why is it the case that when the rational expected blameworthiness attached to an assertion is high we find that assertion inappropriate? After all, the norm itself is possibly not violated, as in the case of HIGH BANK if the husband decides to assert knowledge. The reason for this is that we evaluate agents not just for whether their actions are blameworthy, but also for their disposition to undertake blameworthy acts. There is a distinction here between the normative evaluation of reasoning and the evaluation of epistemic character. An agent who undertakes an act with high rational expected blameworthiness is seen to be expressing an epistemic character that would lead him to receive a lot of blame in similar situations. That is why we find such acts inappropriate.

My proposal is therefore somewhat similar to that of Williamson’s recent work on the New Evil Demon problem (Williamson Forthcoming) where he suggests that we evaluate agents not just on their adherence to the knowledge norms, but also on their disposition to keep or violate the norms in analogous situations. We can judge the unfortunate brain in a vat well for his beliefs and actions although they flout the knowledge norms because he displays a disposition which, if he were in an analogous situation such as ours, he would be in regular compliance with the norms. My proposal, however, goes a step further than Williamson’s. I suggest that our evaluation of epistemic character depends not only on the tendency of agents to violate the norms, but also on the amount of blame they ought to receive in analogous situations. An agent who regularly risks flouting the norms in low stakes scenarios is judged less harshly than one who regularly risks flouting the norms in high stakes scenarios. My framework therefore takes on board the observation that judgments of blameworthiness are sensitive to stakes in a way that Williamson’s framework does not. Regardless, the crucial point to note here is that the inappropriateness of the assertions in the relevant data is intimately linked to being blamed for flouting the knowledge norm.

Let me now compare my proposal to Williamson’s which we may call the higher-order view. Recall that the general strategy of the insensitive invariantist is to claim that something else is shifting across the various contexts other than the standards required for knowledge. According to the higher-order view, what happens when we move from the low stakes to the high stakes context is that we begin to require higher iterations of knowledge (Williamson 2005).[[11]](#footnote-12) In the low stakes context, one is required just to know the relevant proposition to assert it or act on it. As the stakes increase, it is not enough just to know the relevant proposition, we begin to judge agents more harshly if they assert or act without *knowing that they know* the proposition. If the stakes continue to go up, we then continue to require even more iterations of knowledge: they may need to know that they know that they know the proposition, and so on.

It is important to note here that Williamson espouses a view in which one’s evidence is one’s knowledge — the evidential probability of a proposition is the probability of that proposition conditional on what one knows (See Williamson 2002, Chapters 9 and 10). If I do accept the link between knowledge and evidence however, it carries with it the implication that one never needs to be blamed if one has second order knowledge of a proposition and then asserts that proposition. If I know that I know p, and evidential probability is probability conditional on my knowledge, it follows that E(Kp) is 1 and E(~Kp) would be 0. Since E(~Kp) is a factor in calculating blameworthiness, both overall blameworthiness and rational expected blameworthiness would be 0.

Given that a non-skeptical insensitive invariantist has to grant that knowledge is not difficult to come by, second order knowledge of a proposition too should be easy to attain and one might be disturbed by the fact that this allows agents to make blameless assertions even in situations with extremely high stakes.[[12]](#footnote-13) However, I can avoid these problematic results as nothing in my proposal necessitates this view. For example, my view is compatible with a fallibilist view of knowledge[[13]](#footnote-14) where knowledge of a proposition only implies a sufficiently high evidential probability that the known proposition is true. In which case, even if one has second order knowledge of some proposition, there is a non-zero probability that one does not know the relevant proposition. If the stakes are high enough, the rational expected blameworthiness can then be raised to a degree that makes the assertion improper. Regardless, I leave it open here whether to accept equating evidence with knowledge.

In any case, my account differs from Williamson’s proposal where third or fourth order knowledge might be required in some situations. He claims that “If stakes are high enough, prudent human agents will engage in third-order reasoning about whether to trust their second- order reasoning about whether to trust their first-order reasoning, and so on”. He asks us to consider the following dialogue: (Williamson 2005, p. 233)

Q1. Is q the case?  
A. Yes.  
Q2. Did you have warrant for your answer to Q1? A. Yes.  
Q3. Did you have warrant for your answer to Q2? A. I don’t know.

Williamson asks us to notice that if we were to follow this reasoning, our confidence in our first order reasoning would be weakened. Perhaps we do sometimes try to reason like that in such situations, but that does not obviously show that we *ought* to undertake such reasoning in high stakes contexts nor that such reasoning *ought* to undermine confidence in our first order knowledge. Recall that the data we are trying to explain are not merely the tendency of agents to behave in certain ways, but why we consider those certain ways to be *appropriate*.

Regardless, the dialogue seems to me implausible as a reconstruction of the actual reasoning that goes on in high stakes situations. Notice that the content of higher-order knowledge is of other knowledge propositions themselves. However, consider again the bank cases. In HIGH BANK, the intuition is that the husband makes an inappropriate assertion if he claims that the bank will be open or if he acts on that reason that the bank will be open. What we will require of him, as the wife would, is that he should go and check via other sources whether the bank will be open. In other words, she wants him to find more first-order evidence of the bank’s opening the next day that may be more reliable than the evidence that he currently has. Contrary to Williamson’s claim that when stakes go up we question our first order reasoning, and then our second order reasoning and so on, what often happens is that we interrogate our first order reasoning again and again more thoroughly. This implies that our intuition of inappropriateness and our practice of criticising others in those situations hovers around the first-order level. This is to be expected if the primary norms governing action and assertion are the ones that require *first-order* knowledge of the relevant propositions.

A higher-order theorist like Williamson may point out here that even if a question about a higher iteration of knowledge is not explicitly asked, demanding increasing amounts of evidence is akin to requiring higher order knowledge.[[14]](#footnote-15) One of the features of higher-order knowledge about p is that it requires a smaller margin for error with respect to p as opposed to first order knowledge. And this increase in the safety of the belief may be obtained by increasing first order evidence. However, we should note that increasing safety of the first order belief and increasing orders of knowledge can come apart. For example, an agent’s belief in a proposition may be as safe as when he has fourth-order knowledge in that proposition but he finds himself unable to psychologically sustain belief in his fourth order of knowledge. If we were concerned merely with the safety of the first order belief, the agent would display no epistemic defect here, but if we are also concerned with him requiring fourth order knowledge of the proposition, he would then be faulted. Calling for increasing amounts of evidence for first order knowledge is therefore not the same as demanding higher order knowledge.

Furthermore, not only are questions about higher order knowledge never explicitly asked, but it seems to me that when they are explicitly asked and a putative knower is revealed to have only first or second order knowledge, they seem normatively irrelevant to the question of whether the assertion is appropriate. Consider the high stakes bank case again and let us stipulate that the husband has second order but not third order knowledge of the bank being open, perhaps this is because the husband decided to go online to check the bank’s hours but is alerted to the distant possibility that the bank’s website might be hacked or that they forgot to update their hours on the website. (We can suppose, somewhat implausibly, that the husband is roughly aware of how many orders of knowledge he has.) The wife now decides to interrogate and pin blame on her husband by pointing out that he lacks third order knowledge:

Wife: So, the bank is open?

Husband: Yup.

Wife: Do you know that?

Husband: Yes.

Wife: Are you sure you know the bank will be open?

Husband: Yes, I’m sure I know, I went online to check the hours.

Wife: Ah, but are you sure that you know that you know?

Husband: Well, I guess not.

Wife: And are you sure that you know that you know that you know?!

Husband: Okay, I don’t. But so what?

The preceding conversation is no doubt implausible and artificial, but the point is that queries about the Husband’s third and fourth orders of knowledge do not seem normatively relevant to the question of whether the husband can assert based on his purported knowledge of the bank’s being open the next day. And so even if the higher-order theorist could claim that requiring first order evidence may be an implicit way of demanding higher-order knowledge, it does not explain why, when higher-order knowledge is demanded explicitly, it seems to be an unreasonable demand. When we deliberate on whether to assert a proposition, the primary norms that govern our everyday epistemic practices are the (first-order) knowledge norms. By moving to require higher order levels of knowledge, the higher-order theorist ends up moving away from the centrality of the knowledge norms. By contrast, my proposal tracks none other than the expected blameworthiness that results from flouting the primary norm as opposed to some other higher order norms. This, therefore, is an important strength of my proposal.

**§5 Conclusion**

In this paper, I have shown that insensitive invariantists have the resources to explain the data that is commonly cited by Contextualists and Subject Sensitive Invariantists for their position while retaining the knowledge norms of assertion. I have first cleared away DeRose’s supposedly fatal objection to insensitive invariantism’s general strategy regarding denials of knowledge. I then formalised a model of how rational expected blameworthiness varies with stakes and showed that this is what drives our intuitions of propriety in the bank cases. This I take to be strong evidence that my account, or at least something along its lines, is the right explanation of the data. Finally, I have shown that if one is moved by the knowledge norm and how it captures something central to our epistemic practice of assertion, my proposal better captures this intuition compared to the higher order account.[[15]](#footnote-16)

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1. More recent work done on this distinction include (Williamson Forthcoming) and (Kelp and Simion 2017). These theorists, however, have not given a role to stakes in their calculation of blameworthiness and one of my primary contributions in the paper is to develop a systematic model of how stakes interact with judgments of blameworthiness. [↑](#footnote-ref-2)
2. This is just a rough description of truth relevance, for example, we might want to count the conjunction of two factors, each of which increase and decrease evidential probability but together cancel each other out, as a truth relevant factor itself. Furthermore, some theorists may want to claim that the notion of evidential probability itself is pragmatically encroached upon. If such is the case, they need another way to cash out the distinction between truth relevant and non-truth relevant factors. (For further discussion, see (Comesana 2013)) I bracket these issues here and will go along with this natural way to understand the distinction between truth and non-truth relevant factors. [↑](#footnote-ref-3)
3. For example, see Brown (2008, 2010). [↑](#footnote-ref-4)
4. I assume that even in the high stakes scenario, the agent in question continues to sustain belief in the relevant proposition. Some philosophers have suggested that because the threshold of credence to sustain belief is sensitive to practical factors and so in the high stakes situations, the agent no longer sustains belief in the relevant proposition. Full discussion of this claim is outside the scope of this paper, but I am unconvinced that this adequately describes the phenomena. After all, we can make the psychologically plausible stipulation that the husband has a credence high enough for belief even when the stakes are high. Even after making this stipulation explicit, however, our intuitions of propriety are unchanged and stand in need of explanation. I will hence bracket this issue and assume that belief in the relevant proposition is sustained in the high stakes situation. See e.g. (Bach, 2005; Nagel, 2008) for further discussion. [↑](#footnote-ref-5)
5. This move is also dialectically problematic: Contextualists and Subject Sensitive Invariantists have often exploited this distinction between flouting the norm and being blamed for flouting it to respond to critics. For example, in response to Brown who claims that in Gettiered examples the subject can act or assert without flouting any norms, they have claimed that the intuition is explained by how the subject flouts the norm but does so blamelessly. (e.g. DeRose 2009 p. 93-95, Hawthorne and Stanley 2008 p. 587, and see Brown 2008 p. 171-4 for further discussion) [↑](#footnote-ref-6)
6. I thank an anonymous referee for pressing me to clarify my methodological commitments here. [↑](#footnote-ref-7)
7. One problem with this formulation is that it seems insensitive to the probability of outcomes occurring when calculating the difference in utilities given that we should be sensitive to the probabilities of outcomes occurring when we act. The solution might then be to calculate the difference in *expected* utilities instead of utilities. This, however, might not adequately capture the intuitive way we talk about stakes, where often raising the slight possibility of something terrible happening would make us describe the situation as a high stakes one. (See Anderson and Hawthorne (2019) for further discussion) Nevertheless, I share the intuition that we should consider probabilities when we act, and I believe I accommodate this intuition in my positive account of rational expected blameworthiness. [↑](#footnote-ref-8)
8. In HIGH BANK, DeRose can insist that the stakes that affect the meaning of ‘knows p’ in the sentence are not the stakes attached to the utterance of the sentence in which it is embedded, but simply the stakes attached to the simple ‘p’ or ‘knows p’. It would therefore be the high stakes attached to ‘p’ that modify ‘know that p’ in “I don’t know that p”, causing the denial of knowledge to turn out to be true. In JUDGE or PRESIDENT, DeRose can point out that since “I don’t know that p” is high stakes according to my construal, it is difficult for Antonio/Nikson to know that he does not know that p, thus making it improper to assert. Thanks to Abelard Podgorski for pointing this out to me. [↑](#footnote-ref-9)
9. Some may wonder about the implications of the thesis that one’s evidence is one’s knowledge on my proposal. Discussing E=K is outside of the scope of this paper, but I assume that it can be consistent with my proposal here. I discuss the implications of this in §4. [↑](#footnote-ref-10)
10. One may be puzzled why EB(φp) occurs twice in the final formula for rational expected blameworthiness. An anonymous reviewer points out that perhaps overall blameworthiness should just be proportional to the practical stakes alone and that EB(φp) should only come in when calculating rational expected blameworthiness. I think that this is mistaken. Recall that overall blameworthiness tracks the blameworthiness of an agent when the norm is indeed being flouted. It seems plausible to me that there needs to be an epistemic factor here. Consider an example outside of assertion: if, while reversing my car, I accidentally hit and seriously injure a young man, it seems how much blame I ought to receive depends on how much evidence I have that my actions would hurt the person in question. If he ran behind my car from my blindspot, it seems I should be blamed less than if I saw him in my rear mirror and assumed that he would move out of the way. Given that we are now interested not in how much one is blamed when flouting a norm but on the amount of risk once takes in flouting a norm, we then have to factor in one’s evidence again in calculating the rational expected blameworthiness. This is why, even if I would indeed be severely blamed for hitting someone while reversing my car (I assume this is so even in the good case), I might do nothing improper in trying to park and running the relatively low risk of hitting someone.

    Regardless, even if EB(φp) only appears once in the final formula, it should make only minimal difference to my account. All I need is for our judgments of propriety to track both the stakes as well as our evidence that we are ignorant of the relevant proposition. [↑](#footnote-ref-11)
11. See also Schulz (2017) who endorses and provides a more formal statement of this view. [↑](#footnote-ref-12)
12. This is related to Greco’s (2013) Prodigality problem for the thesis that one’s evidence is one’s knowledge: given that one’s evidence is one’s knowledge, the evidential probability of a known proposition is 1. Adopting standard assumptions in decision theory, this would then allow the agent to make all sorts of wild bets based on known propositions. The problem is therefore a general one that afflicts any account of evidential probability that assigns known propositions the value of 1. As my account does not necessitate this view, I leave it open here whether the Prodigality Problem can be overcome. [↑](#footnote-ref-13)
13. See Reed (2002) for discussion on Fallibilist accounts of knowledge. [↑](#footnote-ref-14)
14. I thank an anonymous reviewer for pressing me on this point. [↑](#footnote-ref-15)
15. Thanks to Abelard Podgorski, Bob Beddor, Philip Pettit, Yeo Shang Long and two anonymous referees for reading and providing invaluable comments on earlier drafts of this paper. I'd like to thank Bob Beddor especially for encouraging me on this project and providing extensive discussion and feedback along the way. [↑](#footnote-ref-16)