

# EPISTEMIC NORMS, CRITICIZABILITY, AND IMPROPRIETY

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## 1 Bridge Principles

In recent years, epistemologists have become interested in the norms governing action, assertion, belief, and deliberation. They are typically assumed to fit the following form:

### EPISTEMIC NORM SCHEMA

It is epistemically proper for agent  $\alpha$  to \_\_\_\_\_ only if \_\_\_\_\_.

Let's adopt terminology from G. H. von Wright (1963) and Clayton Littlejohn (2014a). Let 'norm act' denote the occupant of the first blank. The norm act specifies the activity over which the norm has governance. Possible substitution instances include 'assert that  $P$ ', 'believe that  $P$ ', 'treat that  $P$  as premise in practical reasoning', *et cetera*. Let 'condition of application' denote the occupant of the second blank. The condition of application sets the compliance condition(s) for the norm. Possible substitution instances include 'it is the case that  $P$ ', ' $\alpha$  knows that  $P$ ', ' $\alpha$  has a justified belief that  $P$ ', *et cetera*.

While a great many different epistemic norms have been proposed and discussed, the dialectic seems to be primarily driven the commitment to bridge principles. As the name is intended to suggest, bridge principles bridge the gap between different kinds of normative appraisals. My present focus is directed solely to the bridge principle that connects hypological<sup>1</sup> appraisals with deontic<sup>2</sup> appraisals employed by epistemologists. In particular, I focus upon the principle that links the negative assessment of an agent and the negative assessment of a norm act. To illustrate such a principle at work, consider an exemplary passage from Jennifer Lackey:

[T]here is an intimate connection between our assessment of asserters and our assessment of their assertions. In particular, *asserters* are in violation of a norm of assertion and are thereby *subject to criticism* when their *assertions* are

<sup>1</sup> Hypological appraisals are agent-focused assessments concerning desert-based responsibility, namely praiseworthiness, blameworthiness, and excusability. The wider corpus of hypological notions include an agent's deservingness of approbation or disapprobation, creditability or criticizability, laudability or culpability, *et cetera*. Zimmerman draws the term 'hypological' "from the Greek ὑπόλογος, meaning 'held accountable or liable'" (2002: 585).

<sup>2</sup> Deontic appraisals are (norm) act-focused assessments concerning right and wrong. Deontic concepts include, but are not limited to, the obligatory, permissible, prohibited, omissible, and optional. These concepts are very familiar in moral contexts, but are sometimes invoked using the nonmoral language of acceptability, appropriateness, aptness, correctness, nondefectiveness, propriety, warrant, *et cetera*.

*improper*. [...] [W]hen theorizing about norms of assertion, we are often trying to figure out what the norms themselves are. Because of this, it is fairly common for those working on this topic to take our intuitions regarding whether we feel that asserters are subject to criticism as evidence for concluding that a norm of assertion has been violated. Thus, if an asserter seems appropriately subject to criticism *qua* asserter, then this is taken to be a good reason to conclude that a norm of assertion has been violated (2007: 595).

This passage beautifully illustrates two points. Firstly, it is frequently assumed that there is some conceptual connection between the criticizability of *agents* and the impropriety of *norm acts*. Secondly, this assumed connection does heavy lifting in arguments for/against various epistemic norms. Summarily, the passage typifies the dependence upon **CIBP**.

#### CRITICIZABILITY/IMPROPRIETY BRIDGE PRINCIPLE (CIBP)

Agent  $\alpha$  deserves criticism for  $\varphi$ ing only if  $\varphi$ ing is objectively improper for  $\alpha$ .

**CIBP** is the bridge principle that makes impropriety (*qua* negative deontic appraisal) a necessary condition of criticizability (*qua* negative agent appraisal).

My aim for this paper is twofold. First, I argue that the reliance upon **CIBP** is indeed very pervasive. Second, I argue that **CIBP** is false.

## 2 Pervasive Demands for Bridge Principles

Reliance upon **CIBP** (or something like it) is widespread in the epistemic norms literature. In this section, I show how by surveying three of the most popular argument strategies.

Perhaps the most fundamental data cited in arguments for/against epistemic norms are our practices of criticizing or defending agents. There are other examples apart from the quoted passage from Lackey (2007). Some representative examples:

The practice of assertion is constituted by the rule/requirement that one assert something only if one knows it. Thus if someone asserts  $p$ , it is proper to criticize that person if she does not know that  $p$  (Hawthorne 2004: 23).

I am subject to criticism for driving to Syracuse without purchasing ultra cheap insurance in a situation where I reason 'I will not get into an accident', because I did not know that I would not get into an accident (Hawthorne & Stanley 2008: 578).

Like assertion, practical reasoning seems subject to epistemic appraisal. For instance, a policeman in charge of an inquiry would be rightly criticised for making an assertion or relying on an assumption without sufficient evidence.

For instance, he would be rightly criticised if he asserted “The assailant was over 6 feet tall” without any evidence. Similarly, he would be rightly criticised if he based a decision about whom to arrest on an assumption for which he lacked evidence, *e.g.* the claim that the assailant was male (Brown 2008a: 1135).

If assertion really does have an epistemic norm—something most people [...] appear to accept—then any case of assertion is a case in which the speaker can be blamed, and so in which the hearer has the “right of complaint” against the speaker, for asserting in violation of the norm (Goldberg 2011: 193).

Dub this the *explanation strategy*. Its goal is to explain why an agent deserves to be criticized, or defended from criticism, by appeal to an epistemic norm. Accordingly, there is some distinction between the impropriety of *norm acts* and the criticizability of *agents*. A norm is violated when the condition of application is not satisfied. A knowledge norm of assertion, for example, is violated when an agent asserts something that they don’t know. The natural thought is to explain the agent’s criticizability in terms of the agent’s norm act impropriety; that is, an agent deserves criticism in virtue of the fact that they (inexcusably) violated the relevant norm. *Mutatis mutandis* for agent defensibility.

Observe, however, that the “natural thought” motivating the explanation strategy is nothing less than an implicit appeal to a bridge principle. Stripped down to its barest essentials, the reasoning *vis-á-vis* criticizability must be:

1	The agent deserves criticism for $\varphi$ ing.
2	An agent deserves criticism (for $\varphi$ ing) only if they violate a norm (by $\varphi$ ing).
3	So, the agent must have violated a norm by $\varphi$ ing.
4	Norm N predicts that $\varphi$ ing is improper.
∴	
	Norm N is supported by cases where an agent deserves criticism for $\varphi$ ing.

Epistemic norms can explain, and be supported by, cases where an agent deserves criticism precisely because there is some assumed bridge principle that grounds criticizability in norm violation. A variant of **CIBP** appears as the second premise in the stripped down reasoning above. Parallel remarks apply for defensibility with respect to norm compliance. Without **CIBP**, there would be no reason to suppose that agents deserve criticism because what they did was improper, in which case there would no reason why our practices of criticizing and defending agents would count as evidence for any epistemic norm. The upshot is that **CIBP** (or something like it) is essential to the explanation strategy.

The explanation strategy is usually employed by exponents of epistemic norms. I want to turn to examine a strategy usually employed by opponents. Given the explanation strategy, it seems natural to assume that epistemic norms both predict and explain when agents do, or do not, deserve criticism. It might be thought that epistemic norms typically

predict that an agent is criticizable when they violate an epistemic norm, and typically predict that an agent isn't when they don't. The possibility of counterexample arises, then, when such predictions are off the mark. Dub this the *objection strategy*. Its goal is to problematize a given epistemic norm by offering one of two kinds of counterexample.

The most prevalent version of the objection strategy appeals to false negative counterexamples, which are cases that problematize an epistemic norm because it incorrectly predicts criticizability. Consider an example from the assertion literature. A knowledge norm of assertion states, roughly, that it is epistemically proper for any agent  $\alpha$  to assert that  $p$  only if  $\alpha$  knows that  $p$ . Whenever an agent asserts what they don't know, they violate the norm and, therefore, are typically deserving of criticism. However, putative problems arise with respect to Gettierized agents. Suppose that  $\alpha$  asserts that  $p$  but doesn't know it because  $\alpha$  is Gettierized (with respect to  $p$ ). The knowledge norm predicts that  $\alpha$  deserves criticism—at least typically—even though, intuitively,  $\alpha$  doesn't. So, cases of Gettierized assertion problematize knowledge norms of assertion. *Mutatis mutandis* for knowledge norms of practical reasoning. Ram Neta (2009), Jessica Brown (2008b), Jennifer Lackey (2007), Jonathan L. Kvanvig (2009), Igor Douven (2006), and E. J. Coffman (2014) offer such false positive counterexamples to various knowledge norms.

Observe that the “natural assumption” motivating the objection strategy is, or appeals to, a bridge principle. Stripped down to its barest essentials, the reasoning *vis-à-vis* false positive counterexamples must be:

1	Norm N predicts that $\varphi$ ing is improper.
2	An agent deserves criticism (for $\varphi$ ing) only if they violate a norm (by $\varphi$ ing).
3	So, <i>ceteris paribus</i> , norm N predicts that an agent deserves criticism for $\varphi$ ing.
4	But an agent doesn't typically deserve criticism for $\varphi$ ing.
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∴	Norm N is problematized by cases where an agent deserves no criticism for $\varphi$ ing.

Epistemic norms can explain/predict when or why agents do or do not deserve criticism because there is some assumed bridge principle that grounds criticizability in norm violation. In the stripped down argument, a variant of **CIBP** appears as the second premise. Without **CIBP**, there would be no reason to suppose that epistemic norms explain/predict when, why, or how agents deserve criticism. After all, epistemic norms govern the appraisal of *of norm acts*, not the appraisal of *of agents*. Predictions about negative agent appraisals—accurate or not—are possible only if, and because, **CIBP** is assumed. The upshot is that **CIBP** (or something like it) is essential to the objection strategy.

I want to turn to examine an argument strategy employed by norm proponents designed to respond to the objection strategy. Given the objection strategy, it seems natural to assume that a norm can be defended if any counterintuitive hypological predictions can be denied

even in the face of norm violation. Dub this the *excuse strategy*. Its goal is to defend a given epistemic norm (from false positive counterexamples) by arguing that agent *excusably* violates the given epistemic norm in the relevant cases. Since no agent that excusably violates a norm deserves any criticism for violating the norm, a successful deployment of the excuse strategy shows that the norm does not typically predict criticizability in the relevant cases and thereby undercuts the motivation for the objection strategy. The excuse strategy has been deployed by many, including Timothy Williamson (2000), Keith DeRose (2002), Matthew Weiner (2005), John Hawthorne and Jason Stanley (2008), and Clayton Littlejohn (2012, 2014b). Here are two representative examples:

On this analogy between assertion and belief, the knowledge rule for assertion does not correspond to an identification of reasonable belief with knowledge... The rule makes knowledge the condition for permissible assertion, not for reasonable assertion. One may reasonably do something impermissible because one reasonably but falsely believes it to be permissible. In particular, one may reasonably assert  $p$ , even though one does not know  $p$ , because it is very probable on one's evidence that one knows  $p$ . In the same circumstances, one may reasonably but impermissibly believe  $p$  without knowing  $p$  (Williamson 2000: 256).

Where one has every reason to think that one knows that  $p$  but does not, an assertion that  $p$  is quite excusable. But that is no objection to the norm that one ought to assert that  $p$  only if one knows that  $p$ . On the contrary, the need for an excuse in the case is explained by that norm. *Mutatis mutandis* in the action-theoretic setting (Hawthorne & Stanley 2008: 586).

The excuse strategy seizes upon the plausible thesis that reasonable ignorance is an excusing condition; that is, an agent that is reasonably mistaken about whether a norm act is improper typically deserves no criticism for violating the relevant norm. Stripped down to its barest essentials, the reasoning *vis-à-vis* the excuse strategy must be:

1	Norm N predicts that $\varphi$ ing is improper.
2	An agent deserves criticism (for $\varphi$ ing) only if they <i>inexcusably</i> violate a norm (by $\varphi$ ing).
3	An agent excusably violates a norm (by $\varphi$ ing) if they reasonably believe that they do not violate the norm (by $\varphi$ ing).
4	So, an agent deserves no criticism (for $\varphi$ ing) if they reasonably believe that they do not violate the norm (by $\varphi$ ing).
5	Alleged false positive counterexamples to norm N are cases in which the agent reasonably but mistakenly believes that they do not violate the norm (by $\varphi$ ing).
∴	Norm N is not problematized by alleged false positive counterexamples where an agent deserves no criticism for violating the norm (by $\varphi$ ing).

There are two points worth making about the argument strategy. Firstly, if successfully deployed, it supplies a powerful motivation for rejecting the third premise of the false positive objection argument. This premise would be false because the *ceteris paribus* clause is unsatisfied; more specifically, the possibility of excusable norm violations is ignored. Secondly, a variant of **CIBP** appears as the second premise. While endorsing the possibility of excusable norm violations does not entail any commitment to **CIBP**, its appearance isn't accidental. One reason to think that it isn't accidental is that some epistemologists, like Hawthorne and Stanley, claim that the need for an excuse is explained by an epistemic norm. But how is it possible that an epistemic norm can explain the need for an excuse? Think about what excuses are and do:

[W]hat is an excuse? An excuse is offered in response to an accusation. It is a defense to a charge. It is a denial of responsibility when responsibility has been imputed (Zimmerman 1996: 94).

Excuses exculpate *agents*, making excuse a species of hypological appraisal. An agent “needs” an excuse when they are culpable or deserve criticism. I take it that, stripped down to its barest essentials, Hawthorne and Stanley have the following argument in mind:

1	An agent is excusable (for $\varphi$ ing) only if they (would) deserve criticism (for $\varphi$ ing).
2	An agent deserves criticism (for $\varphi$ ing) only if they violate a norm (by $\varphi$ ing).
3	So, an agent is excusable (for $\varphi$ ing) only if they violate a norm (by $\varphi$ ing).
4	Norm N predicts that $\varphi$ ing is improper.
∴	
	Norm N is supported by cases in which an agent is excusable for $\varphi$ ing.

Given this argument, it is easy to see why Hawthorne and Stanley claim that explaining an agent's need for an excuse incurs the burden of explaining the impropriety of the norm act. But notice, again, that a variant of **CIBP** appears as the second premise of the stripped down argument. Without **CIBP**, it would be impossible for an epistemic norm to explain or predict when agents either need or deserve an excuse. The upshot is **CIBP** (or something like it) motivates, and is essential to, the excuse strategy.

My argument for this section is now complete. I have shown that the reliance upon **CIBP** in arguments for/against various epistemic norms is pervasive. Because space constraints make an exhaustive survey of the literature impossible, I have made my case by showing that **CIBP** is more or less essential to three of the most popular argument strategies. I take this to be defeasible inductive support for a much more ambitious hypothesis that a very large proportion of arguments for/against various epistemic norms implicitly assume some conceptual connection between criticizability and impropriety.

### 3 Against the Candidate Bridge Principle

In this section, I argue that there is no conceptual connection between negative hypothetical appraisals and negative deontic appraisals. In truth, there are more reasons to deny **CIBP** than present space allows me to acknowledge.<sup>3</sup> Though there are others, I presently sketch but one argument for my second thesis.

As observed by Haji *op. cit.*, Frankfurt-style cases sever the link between agent appraisals and norm act appraisals. Adapted from Frankfurt (1969), here is the basic recipe:

**FRANKFURT:** A completely able, psychologically normal person is confronted with a binary choice between  $\varphi$ ing or refraining from  $\varphi$ ing. (Assume that  $\varphi$ ing is something for which the agent would be morally blameworthy and refraining from  $\varphi$ ing is something for which the agent would not.) The decider deliberates on the matter, carefully weighing all the reasons for and against  $\varphi$ ing. As a direct result of this circumspection, the decider ultimately decides to  $\varphi$ .

**FRANKFURT VARIANT:** As **FRANKFURT**, except that, unbeknownst to the decider, there is a counterfactual intervener that wants the decider to choose to  $\varphi$ . The intervener takes effective steps to ensure that the decider chooses to  $\varphi$ . The decider has (completely unbeknownst to the decider) been fitted with a counterfactual device that overrides the decider's cognitive systems at the relevant first signs that the decider will ultimately decide to not  $\varphi$ , and under no other conditions. Were the decider going to decide to refrain from  $\varphi$ ing, the intervener would unfailingly intervene, thereby compelling the decider to decide to  $\varphi$ . However, the counterfactual device is never engaged because the decider ultimately decides to  $\varphi$ .

What sorts of things could the  $\varphi$ ing be? It might be callously insulting an innocent passerby, or stealing from an innocent vendor, or brutally murdering an innocent party, *et cetera*. Whatever the details, I take the following intuitive data for granted:

- ◆ In **FRANKFURT**, the decider is morally blameworthy.
- ◆ The decider is just as blameworthy in **FRANKFURT VARIANT** as they are in **FRANKFURT**. Presumably, this is because they decide on the basis of the very same set of [what they reasonably take to be] morally vicious reasons.
- ◆ So, in **FRANKFURT VARIANT**, the decider is morally blameworthy.

The upshot is that the agent is morally criticizable in both cases.

So much for the hypothetical appraisal. How should the agent's mental act (*viz.*, the agent's deciding to  $\varphi$ ) be appraised in the pair of cases? In paradigmatic Frankfurt-style

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<sup>3</sup> Among many others, see Roderick Chisholm (1963, 1964), Alvin Goldman (1986, 1988), Julia Driver (1992), Michael J. Zimmerman (1997, 2002, 2004), Paul McNamara (1996, 2011a, 2011b), Ishtiyaque Haji (1998, 2002, 2006, 2012, 2013, 2014), Gregory Mellema (2005), and Justin Capes (2012).

examples, the relevant norm act in **FRANKFURT** is morally wrong. (Callously insulting an innocent passerby, or stealing from an innocent vendor, or brutally murdering an innocent party are all paradigmatic instances of wrongdoing.) However, the very same act is not wrong in **FRANKFURT VARIANT**—given, that is, the following deontic principle:

**KANT'S LAW (KL)**

It is, as of time  $t$ , obligatory for agent  $\alpha$  to  $\varphi$  at time  $t'$  only if, as of  $t$ ,  $\alpha$  is able to  $\varphi$  at  $t'$ .

**KL** suggests that deontic appraisability supervenes upon ability. Given **KL**, it cannot be wrong for the decider to decide to  $\varphi$  because the agent lacks the relevant ability. The derivation is simple. If deciding to  $\varphi$  is morally wrong, then the decider is morally obligated to decide to not  $\varphi$ . If the decider is morally obligated to decide to not  $\varphi$ , then the decider is able to decide to not  $\varphi$ . But, in **FRANKFURT VARIANT**, the decider cannot decide to not  $\varphi$  because interverter robs the decider of the requisite ability to relevantly refrain. Consequently, it cannot be morally wrong for the decider to decide to  $\varphi$ . Given the argument from **KL**, then, the following may be taken for granted:

- ◆ In **FRANKFURT**, it is morally wrong for the decider to [decide to]  $\varphi$ .
- ◆ In **FRANKFURT VARIANT**, it is *not* morally wrong for the decider to [decide to]  $\varphi$ .

The upshot is that the deontic status of the relevant norm act varies in each case.

Pulling the data together, **FRANKFURT VARIANT** is a case in which an agent deserves moral criticism for deciding to  $\varphi$  even though deciding to  $\varphi$  is not morally wrong for the agent. **CIBP** (and its variants) makes the negative appraisal of a norm act a necessary condition for the negative appraisal of an agent. Any case in which an agent deserves blame or criticism despite no impropriety or wrongdoing is a direct counterexample to **CIBP**. As such, **FRANKFURT VARIANT** is a direct counterexample. Furthermore, because Frankfurt-style cases can be iterated *ad nauseam*, there is an inexhaustible stock of cases instantiating these normative features, and therefore an inexhaustible stock of counterexamples to any principle linking negative hypothetical appraisals with negative deontic appraisals. I take it that the bridge principle is employed in the epistemic norms literature because it is both *prima facie* plausible and *prima facie* theoretically neutral. The Frankfurtian argument helps to dispel both myths. With respect to the former, the argument directly contests the bridge principle by counterexample. With respect to the latter, denying either of the central premises of the Frankfurtian argument entails contentious commitments elsewhere.<sup>4</sup> Due to space constraints, I omit any further comment on these commitments.

<sup>4</sup> Frankfurt cases were originally devised to impugn the Principle of Alternative Possibilities (PAP), which,

Before concluding, it is worth considering an objection. It might be thought that there is an important asymmetry between ethics and epistemology. More precisely, it might be thought that while **CIBP** fails for moral appraisals, it doesn't for epistemic appraisals. The asymmetry in bridge principle application might be motivated by appeal to the asymmetry of scope of **KL**. It might be thought that appealing to **KL** commits one to metaphysical freedom. This is unproblematic for the moral appraisal of actions because actions are under our voluntary control, but this is problematic for epistemic appraisal because beliefs are not. The normative assessment of belief cannot require doxastic voluntarism.<sup>5</sup> If, as the objection holds, endorsing a version of **KL** in epistemology entails a commitment to doxastic voluntarism, and doxastic voluntarism is false, it is plausible that **KL** fails in epistemology. Because **KL** is an essential premise of the Frankfurtian argument, and **KL** is false for epistemic appraisals, the Frankfurtian argument doesn't show that epistemic criticizability doesn't require epistemic impropriety.

Unfortunately, the proffered motivation for the ethics/epistemology bridge principle asymmetry is problematic. First, this objection doesn't cut muster as far as action or assertion are concerned. It grants that these are under our voluntary control, in which case most of the ground is conceded to the Frankfurtian argument with respect to the epistemic appraisal of these. Second, and as others have persuasively argued, there is no essential link between doxastic voluntarism and **KL**.<sup>6</sup> I purposively frame the principle in such a way that it does not require that the agent is able to discharge their obligation voluntarily in the sense evocative of metaphysical freedom. It means simply that it is not personally impossible for the agent, under some set of reasonably accommodating circumstances, for the agent to discharge the obligation—and it might not at all be up to the agent whether this occurs.

As a means of highlighting what I have in mind, consider the following principle:

**DOXASTIC JUSTIFICATION IMPLIES COGNIZABILITY (DJIC)**

Agent  $\alpha$ 's doxastic attitude  $d$  toward that  $p$  is, as of time  $t$ , doxastically justified at time  $t'$  only if, as of  $t$ ,  $\alpha$  is able to have  $d$  toward  $p$  at  $t'$ .

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roughly, holds that free will/moral responsibility requires alternate possibilities. To resist the Frankfurtian argument, one must either accept PAP or deny **KL**. Neither is an attractive option, but the former looks particularly bad for reasons explored by William Alston (1989) and Nikolaj Nottelmann (2013).

<sup>5</sup> Doxastic voluntarism is, roughly, the view that agents are sometimes able to exercise direct voluntary control over their doxastic states. For arguments against **KL** in epistemology, see Sharon Ryan (2003) and Richard Feldman (2008, 2001).

<sup>6</sup> See Philippe Chuard and Nicholas Southwood (2009) and Conor McHugh (2012).

Doxastic justification is the justification ascribed to the doxastic attitude actually possessed by the agent. Doxastic justification cannot, by definition, be ascribed to attitudes the agent does not actually possess. But if the agent actually possesses the doxastic attitude, then there is a perfectly straightforward—albeit very weak—sense in which it is not personally impossible for the agent to have the relevant attitude. Since it isn't personally impossible for the agent, they are able to have that attitude.<sup>7</sup> Consequently, doxastic justification implies cognitive ability.

I take **DJIC** and **KL** to be sibling principles of equal plausibility. Anyone who rejects **KL** should also reject **DJIC**. But since the latter is a tautological consequence of the very concept of doxastic justification, both **DJIC** and **KL** should be endorsed. Each principle makes weak ability ascriptions a requirement for justification and obligation ascriptions, respectively, but these weak abilities are clearly too weak to ground any interesting notions of metaphysical freedom. In **FRANKFURT**, the agent has the relevant weak ability because there are nearby possible worlds where the agent does not decide to  $\varphi$ . In **FRANKFURT VARIANT**, the presence of the counterfactual intervener ensures that even this weak ability ascription is false of the agent. Therefore, the Frankfurtian argument does not assume that the agent is relevantly free. So, the argument from **KL** goes through without doxastic voluntarism or free will.

## 4 Conclusion

Though it isn't decisive, the Frankfurtian argument offers a powerful reason to deny **CIBP**. In the very least, it isn't *obvious* that it can be validly inferred that the agent's norm act is improper from the grounds that the agent deserves criticism. Bridge principles are not theoretical freebies. Rather, they are substantive commitments that require clarification, elaboration, and defense. My point can be stated this way: if **CIBP** is indeed false, much of the existing literature rests upon a fallacy. Because bridge principles are contentious, they are dialectically unfit to serve in arguments for/against any kind of norm.

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<sup>7</sup> Compare with Alfred Mele (2003) on simple abilities.

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