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On Legal Inferentialism.
Toward a Pragmatics of Semantic Content in Legal Interpretation?*

We consider in this paper whether a pragmatics of semantic content can be a useful approach to legal interpretation. More extensively, since a pragmatic conception of meaning is a component of an inferential semantics, we consider whether an inferentialist approach to legal interpretation can be of help in treating and resolving some problems of this important aspect of law. In sum: Is Legal Inferentialism a suitable conception of legal interpretation?

We start by briefly considering in Section 1 the semantics/pragmatics debate in contemporary philosophy of language and relatively to legal interpretation. Then we sketch in Section 2 the articulation between a pragmatics of semantic content and an inferentialist conception of content. In Section 3 we consider how Inferentialism can be applied to legal interpretation. Finally, we consider in Section 4 some possible advantages and drawbacks of Inferentialism applied to legal interpretation and adjudication.

1. *The Semantics/Pragmatics Debate and Legal Interpretation*

One of the most interesting topics of contemporary philosophy of language concerns the relation between semantics and pragmatics, and the attempt to redefine it[1].

Since the theoretical framework outlined by Charles Morris and Rudolf Carnap in the middle of the 20th century, we are usual to split up the study of language into three main fields: syntax, semantics and pragmatics[2]. Traditionally, *syntax* deals with the study of the relations between expressions; *semantics* with the study of meaning (the relations between expressions and what they stand for); and *pragmatics* with the study of the relations between expressions and those who use them in communicating the content of mental states as beliefs, desires, intentions, etc.

Such a distinction is still generally accepted not only in linguistics but also in legal theory. The claim is generally accepted that there are syntactic, semantic and pragmatic problems in legal interpretation, together with the claim that each of them has its own solutions which are relatively independent from the others'.

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[1] See *e.g.* Bianchi 2004, Bach 1999. See also Récanati 1993: 260 ff.

[2] See Morris 1938, Carnap 1939. Remember, however, that the distinction has distinguished ancestors. Consider the Medieval classification (*Trivium*) according to which *Grammar* teaches how to speak correctly, *Logic* how to speak truly and *Rhetoric* how to speak elegantly (cf. Moody 1953).

A typical example of this approach is given by the standard account of the problem of ambiguity in legal interpretation[3]. According to such an account, there are cases of syntactic ambiguity, in which the logical connection between the terms is not straightforward. Consider the legal sentence 'Men and women which are 60 years old can request the social security pension'. It is not straightforward whether the expression 'which are 60 years old' refers solely to 'women' or to both 'women' and 'men'. Besides, according to the standard approach, there are cases of semantic ambiguity, in which the meaning of a general term is not straightforwardly determined. The interpretation of the legal sentence 'The President of the Italian Republic may nominate five life senators' must determine which is the property expressed by the general term 'President': is the property instantiated by a person or the one instantiated by an organ? Finally, still according to the standard approach, there are cases of pragmatic ambiguity, concerning the kind of speech act performed by the utterance of the sentence. For example, the legal sentence 'The administrator takes part to the shareholders' meeting' can be used to express an imperative norm, a permission, or a constitutive norm. In each of these cases respectively, the legal sentence expresses a different normative content. These and other classifications of various problems in legal interpretation follow right from the triadic division of the theoretical understanding of language mentioned above.

Nevertheless, the traditional boundaries between syntax, semantics and pragmatics have been philosophically challenged, in particular by authors as Wittgenstein, Austin and Sellars, provoking a general drift to a "pragmatization of semantics" (Peregrin 1999: 420)[4]. The approach of such authors to language, even though for different reasons and to different extents, involves an alternative conception of semantics: the terms and the expressions of language are seen as tools used in a practice rather than as signs which stand for something else. From this angle "it seems that it must be pragmatics, as the theory of how people use linguistic signs, rather than semantics, which should be the heart of a theory of language" (Peregrin 1999: 425). In this sense the semantic content of a linguistic expression can find only a pragmatic explanation. At the same time, if legal language is an aspect of human action too, legal interpretation cannot be seen as a means to fix the relation between signs and what they stand for (objects, states of affairs, events, mental states, ideal entities, etc.), but as an aspect of the legal practice which aims to clarify the relation between different linguistic actions.

This philosophical point of view had important effects in the discourse of jurisprudence: it leaded to a practice-based approach to law and legal interpretation. In particular, the intuitions of the philosophers mentioned above originated different theoretical solutions to the problem of semantic content and of its determination. According to Hart, for example, the meaning of a legal sentence depends upon the conventional use that jurists make of it, and its determination in hard cases is the result of new conventional ways of understanding fixed through interpretation (Hart 1994:

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[3] We take the following examples from Guastini 1993: 351-355. On ambiguity cf. *e.g.* Atlas 1989, Chap. 2.

[4] The drift to a "pragmatization of semantics" was provoked by the internal development of the traditional triadic schema as well. The direction pointed out by Carnap in intensional logic (Carnap 1956), with the attempt to develop a formal semantics of natural language (Montague 1974), has leaded to consider some kinds of terms and expressions that do not support a context-independent analysis. This is the case of indexicals, pronouns and articles. What these kinds of terms stand for depends on some aspects of the speech context: their meaning (semantic content) is a function which yields a denotation only when applied to a context. So there are some problems in legal interpretation which seem syntactic or semantic but find a pragmatic solution.

245-246). Dworkin, on the contrary, characterizes the semantic content as the outcome of an interpretive conception of the morality of law, a conception which can be objectively identified as the best we can have within a community (Dworkin 1986)[5]. From Fish's point of view, instead, the meaning of a legal sentence is the result of the reading that the judge makes of it within the professional community he belongs to: text, context and conceptual content are all together "a consequence of a gesture (the declaration of belief) that is irreducibly interpretative" (Fish 1980: 340) and that aims at a general agreement within a community[6].

Now, do these conceptions endorse a "pragmatization of semantics" relatively to legal interpretation? On the one hand, it is clear that those issues endorse different practice-based approaches to legal interpretation. On the other, apart from their theoretical differences, it is easy to show that in each conception mentioned the relation between practice and meaning is still considered through the lenses of the traditional distinction between pragmatics and semantics. In the first case (Hart), interpretation is the way of assessing new semantic conventions for lack of understanding (*interpretation towards convention*); in the second (Dworkin), interpretation is the way of every possible understanding of the objective content of a legal concept (*interpretation towards objective understanding*); in the third (Fish), interpretation is the gesture that creates both the text and what the text means within a rhetorical game of declarations of beliefs (*interpretations towards general agreement*). In each of these conceptions, the interpretation of a legal sentence is seen as a way to determine what a general term stands for and not what a term or expression is used for. In other words, it would be possible to explain what a legal sentence means independently from the illocutionary force of the utterances performing the sentence, and thus independently from the peculiar speech context within a linguistic practice and the propositional attitudes of the participants[7].

Yet it is easy to show that the "semantic content" of a legal sentence, as conceived following the traditional distinction between pragmatics and semantics, is *never* sufficient to determine what the sentence really means[8]: by consequence, what a general term stands for in the legal practice is always determined by the linguistic interaction performed by the participants in the practice[9]. Why? First, it is a result of the great variability of the contextual background of legal action and interpretation. There is not a unique set of conditions of significance for a legal sentence and, at the same time, there

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[5] As Dworkin has recently pointed out (2004: 10-13), the law is an interpretive practice which leads to identify its own conceptual content, seen as a normative "natural kind", as the objective "deep structure" of legal and political understanding.

[6] "It follows, then, that when one interpretation wins out over another, it is not because the first has been shown to be in accordance with the facts but because it is from the perspective of its assumptions that the facts are now been specified" (Fish 1980: 340).

[7] Austin (1976: 139) points out that once "we realize that what we have to study is not the sentence but the issuing of an utterance in a speech situation, there can hardly be any longer a possibility of not seeing that stating is performing an act". This means that studying words or sentences (locutionary acts) outside a specific context tells us little about propositional content and communication. (For reasons of space we cannot discuss the notion of context, which in its turn can take different connotations, *e.g.* linguistic and extra-linguistic context).

[8] Cf. Searle 1980: 221-231; Travis 1997. See also our Section 3.

[9] In this sense, pragmatics is not an attempt to fill the gap between the conventional meaning of a legal sentence and what is communicated (Grice 1957), seen as the intention of the "fictitious author" of the sentence (Marmor 2005: 25). Pragmatics is rather an attempt to explain what a sentence means analyzing the use the practitioners make of it in linguistic interaction.

is not a unique criterion which identifies the conditions of variability of such a set. The *way* of contextual dependence of semantic determination depends upon the context itself[10]. Secondly, the participants in a linguistic practice have different masteries and propositional attitudes their use of language depends on. What we call a "correct" use of a concept is neither a presupposition of legal practice shared by the participants, nor a simple result of the practice itself: the very criteria of correctness in using language depend on the pragmatic interaction of the participants[11].

2. *Pragmatics of Semantic Content and Inferentialism*

The issues we have just underlined seem to foster a radically skeptical view of legal interpretation. Anyway it is not the only alternative we have. It is possible to adopt a different strategy to analyze the issue of semantic determination: developing a pragmatic explanation of the semantic content of normative sentences.

In order to develop an explanation of this kind, it is necessary to consider as basic unit of meaning not the sentence, but the relations among sentences. This way has been taken, in particular, by Wilfrid Sellars and Robert Brandom. Sellars claims that the meaning of a concept is determined by the set of material inferences which make use of it in linguistic exchange: conceptual contents are inferential roles, and the inferences which matter for such contents include those that are materially correct, that is to say the inferences whose correctness is an aspect of grasping or mastering those concepts[12]. So, to determine the conceptual content of the word 'contract' we should analyze those inferences in which the word 'contract' is used and which the speakers treat as correct[13].

Brandom makes a further step. The inferential relations among sentences are considered under a strictly pragmatic point of view. Any assertion or prescription can be seen as a speech act committing the speaker to a determinate set of inferences, a commitment instituted by the participants in a legal practice attributing to each other such a status. If the commitment undertaken in making the assertion '*p*' or the

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[10] See Bianchi 2002: 262-263. Robert Brandom (1994: 144) points out that "it is pointless to attribute semantic structure or content that does no pragmatic explanatory work. It is only insofar as it is appealed to in explaining the circumstances under which judgements and inferences are properly made and the proper consequences of doing so that something associated by the theorist with interpreted states or expressions qualifies as a *semantic* interpretant, or deserves to be called a theoretical concept of *content*".

[11] See Quine 1960: 128-130. Dennis Patterson (2004: 246) has rightly argued that "concept possession is the demonstrated ability to participate in the manifold activities in which the concept is employed … It is only when we master the techniques employed by participants in a practice that we can grasp the distinction between correct and incorrect action". This approach, which claims the priority of understanding over interpretation, gives a persuasive account of what is a practical attitude in using language. Nevertheless it seems to be incomplete. It does not explain how the participants can share the *same* mastery in a practice, or rather how a legal sentence can be understood if the participants do not share the same "grammar" – in Wittgenstein's sense. On this point cf. Forster 2004. Such an issue makes more difficult to distinguish understanding from interpretation and can justify the interpretive approach to understanding developed by Donald Davidson and Robert Brandom.

[12] Sellars 1953. On this point see also Brandom 1994: 97-107.

[13] A analogous example is presented by Jules Coleman (2001: 7): "Suppose … that I say to Smith 'I promise to meet you for lunch today'. Understanding this as a *promise* means knowing that it warrants a variety of inferences – for example, that I predict I will show up for lunch; that I have a duty to show up; that Smith has a right that I show up; and so on. The content of the concept 'promise' is revealed in the range of inferences warranted by the belief that a promise has been made; and to grasp the concept of a promise is to be able to project the inferences it warrants".

prescription '*q*' is discursively fulfilled, so that the speaker is entitled by the others to assert *p* or to prescribe *q*, the inferences used are taken as valid from an intersubjective point of view, determining, in case of a legal rule, the semantic content of the rule so stated. In particular, the structure of the pragmatic interaction attributing commitments and entitlements is described by Brandom through a deontic scorekeeping-model of semantic determination. Competent practitioners keep track of their own and each other's linguistic action: they "keep score" of commitments and entitlements by attributing those deontic statuses to others and undertaking them themselves[14]. By virtue of this model, the significance of a concept, that is the set of the correct inferences it can be involved in, is instituted by the practice consisting in keeping score of discursive duties (commitments) and authorities (entitlements) of the participants in the practice.

Once this point of view is assumed, what about legal interpretation? Legal interpretation ceases to have the semantic content of legal sentences as subject-matter and its determination as goal. The subject-matter of legal interpretation, instead, are the relations among the deontic statuses expressing the condition of significance of a legal sentence, while its goal consists in determining the inferences that can be treated as correct in the context of decision-making, by virtue of a deontic scorekeeping of the assertional and prescriptional contributions of the participants in the discursive practice.

3. *Inferentialism and Legal Interpretation*

That being said, can we give an example of an inferentialist explanation of conceptual content in legal interpretation and adjudication?

Take the well-known example: 'No vehicle may be taken into the park'. As everyone knows, such an example is provided by Herbert L.A. Hart is his book *The Concept of Law* (1994, Chap. VII). Considering a series of possible cases (notably some unclear ones as roller skates, bicycles, ambulances) Hart shows that the concept 'vehicle' is vague and that the task of interpretation consists in determining its content. There is a huge amount of literature on that issue, where the different ways of semantic determination in legal practice are analyzed, together with their consequences concerning, for example, the concept of law and the relationship between law and morality[15]. But notice the following point, which is often neglected in the literature: the subsentential components of the given example are semantically determinate or indeterminate (then relevant for interpretation) depending on the context and so depend on the pragmatic dimension of linguistic meaning. Such components change their meaning according to the contextual framework of linguistic interaction. In some contexts the linguistic component relevant for interpretation may be the verb 'to be taken' (think of a vehicle taken by a thief outside the park), in some others the preposition 'into' (think of a bicycle leaned against the wall of the park), in some others the general term 'park' (is my own park semantically equivalent to the public park?), in some others the connection among those very subsentential components. Thus, we

[14] "The significance of a performance is the difference it makes in deontic score – that is, the way in which it changes what commitments and entitlements the practitioners, including the performer, attribute to each other and acquire, acknowledge, or undertake themselves" (Brandom 1994: 166). Cf. Brandom 2000: 173 ff. For a critique of such an approach as to practical reason, see White 2003.

[15] On vagueness suffice it to see, for discussion and further bibliography, Endicott 2000. On law and morality see in particular Raz 1996, Raz 2003, Alexy 2004.

cannot provide a purely semantic explanation of conceptual content, nor describe such a content independently from the context of discourse.

However, a partisan of the traditional semantically-centered explanation of content may object that such an analysis is perfectly possible without having recourse to an inferentialist point of view. One may claim that semantics is to be seen as specifying the constraints that word meanings place on what a speaker can say in uttering '*p*'[16] and claim in this sense that a complete "pragmatization of semantics" is neither necessary nor desirable. So, in what an inferentialist explanation of content really differs from the traditional semantically-centered one? It is necessary to stress the role of the pragmatic interaction of the speakers and the deontic statuses they assume in using language. Suppose there is a dispute between lawyer A and lawyer B. Lawyer A says:

(A) Since no vehicle may be taken into the park and Theodore has parked his bicycle in the garden of Basil, Theodore must be punished so-and-so.

Then lawyer B ascribes to lawyer A a pragmatic commitment to the validity of a set of inferences determining the semantic content (*i.e.* the application conditions) of some subsentential components as 'vehicle', 'park', 'to be taken', 'bicycle', 'garden', 'into', and then the validity conditions of the interpretive sentence 'No bicycle may be taken into Basil's garden'. Lawyer B may take such inferences as correct, using them in his own discourse. In this case, he entitles lawyer A to such a prescription acknowledging his inferential articulation (semantic content) of the relevant concepts. However lawyer B may propose some alternative inference as the following:

(B) Since Theodore has parked his bicycle in Basil's garden, but a bicycle is not a vehicle and Basil's garden is not a public park, Theodore must not be punished so-and-so.

With this new speech act, the subsentential components which were already present in lawyer A's speech act acquire a different semantic content. Also the validity conditions of the relevant interpretive sentence will be different. This is an important point, since the semantic content of these components is not fixed once and for all. The subsentential components that generate semantic indeterminacies are individuated each time through the pragmatic interaction of A and B.

The conclusion of such an exchange of reasons within a legal process is the decision of judge C, who keeps score of the inferences which have been showed to be pragmatically correct comparing the statements of A and B. The result of the judge's deontic scorekeeping will determine the semantic content of the legal sentence relatively to the concrete case[17].

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[16] This view is defended in Neale 2005. To such a view one can object that 'word meanings' cannot be determined outside a context.

[17] Why speak of *deontic* scorekeeping? From a philosophical point of view, one could object that the norms governing a language game express oughts-to-be rather than oughts-to-do (to put it differently, they are constitutive and not regulative rules). In reply, one could claim that at least in institutional contexts (like the legal one) the oughts expressed are oughts-to-do and the moves in the language game are actions answering to them. For a more articulated discussion on the application of Brandom's scorekeeping-model to legal interpretation see Canale 2003: 179 ff. On the application of this model to legal argumentation see Klatt 2004.

Focusing on the judicial decision, it is to be noted that its authoritative character may yield some pragmatic conceptions of legal interpretation and normative content which are not, still, inferentialist conceptions. For instance, Brian H. Bix has recently (2003) stressed the role of authority (in the form of lawmaker choice) in determining the meaning of legal terms. In a sense it is a pragmatic theory of legal interpretation, critical as to the application of semantic theories or theories of reference to the problem of legal determinacy: it is pragmatic since the account it gives of the meaning of legal terms is not semantic but in terms of authoritative acts determining their content[18]. But it is not (necessarily) an inferentialist theory of legal interpretation. For stressing the role of authority does not mean accounting for the interplay and social context from which decisions stem. So, if applied to judicial decision, it is a half-pragmatic theory of legal interpretation. The judicial decision, seen as the outcome of the process of scorekeeping, is the result of an interplay and exchange of reasons within a legal process. To be a fully-pragmatic one, a theory of legal interpretation must take into account not only the role of authority in determining the meaning of legal terms, but also (and most of all) the process of deontic scorekeeping from which decisions stem.

Furthermore, judicial decisions can be seen as particular responses to problems originated by social interaction in a social context. Let us briefly recall some ideas of George H. Mead, who sees our individual acts as calling out an organized set of responses in a social context[19]. The organized sets of responses are related to each other: if one calls out one such set of responses, he is implicitly calling out others as well. An example made by Mead are the responses in case of theft.

> In the case of theft the response of the sheriff is different from that of the attorney-general, from that of the judge and the jurors, and so forth; and yet they all are responses which maintain property, which involve the recognition of the property rights in others. There is a common response in varied forms (Mead 1967: 261).

So, a theft calls out a set of responses which maintain property recognizing the property rights. Now, to put it in inferentialist terms, the application of the concept ‘theft’ calls out a set of inferences applying the concept ‘property’ and other concepts related to ‘theft’, together with the relevant subsentential components depending on the case. Thus, such a general view of social interaction is significantly exemplified by the interaction taking place in a legal process[20], and the judicial decision issuing from the process is better viewed as an outcome of that very process and the process of scorekeeping rather than an authoritative decision *simpliciter*.

4. *Advantages and Drawbacks of Legal Inferentialism*

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[18] Cf. Bix 1993. As to the application of theories of reference to legal interpretation, see Brink 1988, Moore 1989, Stavropoulos 1996.

[19] “There is a certain sort of organized response to our acts which represents the way in which people react toward us in certain situations. Such responses are in our nature because we act as members of the community toward others, and what I am emphasizing now is that the organization of these responses makes the community possible” (Mead 1967: 265-266).

[20] “The organization, then, of social responses makes it possible for the individual to call out in himself not simply a single response of the other but the response, so to speak, of the community as a whole. … We refer to that response by the symbols which serve as the means by which such responses are called out. To use the terms «government», «property», «family», is to bring out, as we say, the meaning they have. Now, those meanings rest upon certain responses” (Mead 1967: 267-268).

If all of that is true, a pragmatic (inferentialist) explanation of semantics seems to offer some relevant advantages for a theory of legal interpretation. In particular the following.

Context sensitivity: an inferentialist explanation of semantics permits to individuate those sentential and subsentential components which are contextually "sensible" with regard to a concrete case, and which fix the significance conditions of a legal sentence.

Process sensitivity: an inferentialist approach shows how the significance conditions of legal sentences are elaborated within a legal process by means of the pragmatic interaction of the speakers (lawyers, judges, experts appointed by the court) concerning the content of the legal sentences formulated by lawmakers.

An account of contextual constraints and correctness conditions: an inferentialist view of interpretation permits to individuate the correctness conditions of an interpretive sentence in the light of the contextual constraints put on interpretation.

An account of the distinction between interpretation and understanding: an inferentialist approach shows how to keep a distinction between interpretation and understanding. Let us say a bit more on this point. On the one hand, Inferentialism seems to be a broad version of Interpretivism: the understanding of a legal sentence is the result of an interpretive practice, which aims at negotiating the discursive inferences we can treat as correct[21]. On the other hand, however, Inferentialism makes possible to draw a line dividing understanding from interpretation *within* the legal practice itself, relatively to the context and the speakers' mastery of the relevant legal concepts. In brief: there is "understanding" if commitments and entitlements are immediately acknowledged by the participants in the practice; there is "interpretation" if they are not. In this case, the speakers' technical mastery of legal concepts will be updated through the scorekeeping of practitioners' contributions in articulating reasons for adjudication.

Of course there are possible objections and challenges to an inferentialist view of legal interpretation. In particular the following.

The skeptical objection: the question is whether an inferentialist view really differs from a skeptical view of legal interpretation. On the one hand, it doesn't seem so. Semantic content depends first on *subjective* mastery in using legal language, and secondly on the practitioners' scorekeeping of different inferential assessments of concepts and their application. On the other hand, however, such a subjective mastery is seen as a *result* of social interaction: it seems to rest on a social level of meaning which is independent from the propositional attitudes of the single speaker. If that is true, the problem of semantic determination would be transposed into a socially construed normative scenario as the one sketched by Mead and seen above.

The semantic objection: the question is whether an inferentialist view is a real alternative to the traditional view of legal interpretation as based on a semantic-centered explanation of content. If interpretation itself cannot be explained making abstraction from the pragmatic interaction of the speakers and the deontic statuses assumed in using

[21] In this sense Brandom accepts Davidson's theses on interpretation and even presents Inferentialism as a development of Davidsonian Interpretivism: an "inferential view of rationality develops and incorporates a broadly interpretational one. For to take or treat someone in practice as offering and deserving reasons is to attribute inferentially articulated commitments and entitlements … This is a matter of being able to map another's utterances onto one's own, so as to navigate conversationally between the two doxastic perspectives: to be able to use the other's remarks as premises for one's own reasoning, and to know what she would make of one's own. Although the details of this process are elaborated differentially … deontic scorekeeping is recognizably a version of the sort of interpretative process Davidson is talking about" (Brandom 2002: 6-7).

language, it is a real alternative to the traditional view. If pragmatic interaction and deontic statuses are just pragmatic aspects of semantic content and interpretation, it is not (and a "pragmatization of semantics" is not necessary). But the recent literature in the philosophy of language we referred to in Section 1 seems to show that semantic content cannot be assessed making abstraction from the contexts of use of terms and expressions; if that is true, also interpretation cannot be assessed in that way and an inferentialist view seems to be a good candidate to explain how it works.

The fact-finding challenge: the question is whether an inferentialist explanation provides a satisfying account of the process of fact-finding. Is an inferentialist conception capable of providing an account not only of the semantic content of normative claims but also of factual claims? In particular, when scientific evidence is given in favor or against a factual claim, the most important issue, as it seems, is not what are the inferential relations among the relevant sentences, but what is the case as a matter of fact[22].

The acceptability problem: the question is whether we should accept any concept which has an inferential role. What about concepts deprived of scientific justification like 'witch', for instance? If in context C the inference from W's possessing characters P_1, P_2, and P_3, to W's being a witch is taken as correct, are we to take it as correct? This objection can be resisted from the point of view of Brandom's scorekeeping theory of conceptual content. In the context of discourse, and legal discourse as well, there is no inferential content that *ought* to be taken as correct by the participants. New scientific acquisitions can be used in a process as reasons for adjudication and so modify the inferential articulation of the discourse itself (the content of the relevant legal concepts)[23]. The normative character of the practice concerns the way of articulating reasons within a community rather than the propositional content of a sentence.

To conclude this survey. Judging whether an inferentialist conception of legal interpretation and adjudication is a suitable one requires a discussion of these points at least, in order to check the possible advantages and drawbacks of such an approach. On the one hand, we think that Inferentialism provides a promising framework. On the other, the issues just sketched show that it is in need of further clarification and critical discussion.

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[22] On scientific evidence and scientific testimony see Haack 2003 (especially Chap. 9). For an inferentialist account of content combined with a non-inferentialist account of truth see Esfeld 2005. (Cf. Rosenkranz 2001 claiming that Brandom's account of inconsistency is at odds with the conception of truth as objective).

[23] "Whenever an interpreter takes a community to be engaging in scorekeeping practices whose implicit properties confer one set of propositional contents on the deontic statuses they institute, there will always be alternatives, others sets of contents that could be taken to determine the pragmatic significances that scorekeepers ought to associate with discursive performances" (Brandom 1994: 638).

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