

The Accusation Threshold Problem For Accusational Utterances

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Abstract

Having previously defined accusations, we noticed that accusations appear in gradations leading to borderline cases where the accusational status of an utterance may be disputed. The resolution of boundaries between accusations and other utterances, which do not qualify as accusations, is a critical matter for some applications of accusation theory.

We take “accusational utterances” as the widest class of utterances that purport to be, or may be taken to be, accusations. Accusations are a subclass of accusational utterances. Agents may differ in their willingness to recognize an accusational utterance as an accusation. An agent absorbs an accusation if they recognize the accusation as such and do not disqualify it as a mere accusational utterance.

In some cases it is hard to understand whether or not an accusational utterance will be absorbed by an agent. The accusational threshold problem for an accusational utterance concerns the question under which conditions an accusational utterance qualifies as an accusation and thereby is worthy of absorption.

An accusation may or may not be valid, where validity concerns the truth of the body of the accusation. Rejecting, or merely doubting, the validity of an accusation is a proof of absorption of the accusation. Admitting the validity of an accusation is a sign of absorption as well.

Within the class of accusations we find a strict subclass of verdictional utterances, which are accusations for which the accuser is not in significant doubt regarding the validity of the accusation. The verdictional utterance threshold problem is about the demarcation between accusations and verdictional utterances.

1 Introduction

Accusation theory, by Bergstra & Düwell [5, 6, 7, 8], is a development of Promise theory, by Bergstra & Burgess 2014 [3]. There are structural similarities between the two theories. A promise is issued by a promiser, an accusation is issued by an accuser. A promise is given to a promisee, an accusation implicates an accusee. A promise has a body which contains the content of the promise, an accusation has a body which contains the content of the accusations. Both promises and accusations have a scope, the set of agents which takes note of the promise or accusation.

As it turns out, the qualification of accusations by way of adjectives is a difficult matter. We will list some adjectives to begin with:

1. (Valid accusation.) An accusation is valid if the body of the accusation is true (valid). Of course validity of an accusation can be controversial matter and in many cases it may be unclear what truth of the body may mean.
2. (Genuine accusation.) An accusation differs from an uncontested statement of matter of fact. The latter we will call a verdictional utterance. Accusing president Truman of having agreed in 1945 with the use of nuclear weapons is unconvincing as an accusation because the matter is beyond reasonable doubt. A line of demarcation between accusations and verdictional utterances is hard to draw and for that reason we allow room for accusations which might in fact be verdictional utterances and propose to speak of a genuine accusation if an accuser keeps open the option, however unlikely, that their accusation is (will turn out to be) invalid. Every accusation in court is genuine by definition until a final verdict has been issued. If the accusation has been confirmed and found to be valid, the accusation (or rather its future copies) transforms into a verdictional utterance. A verdict is an original production of a verdictional utterance.
3. (Passing the non-verdictional threshold.) An accusation passes the non-verdictional threshold if it is taken to be genuine (and not a mere verdictional utterance). In view of the difficulty of demarcation we will take “passing the non-verdictional threshold” to constitute a property of accusations.
4. (Accusational utterances.) Suppose person A accuses living person B of having murdered person C while all agents involved and in scope are acutely aware that C is alive and unharmed, said “accusation” is so manifestly misguided that we propose not to regard it as an accusation but merely as an accusational utterance (a look alike of an accusation).
5. (Passing the accusational threshold.) The question in which cases an accusational utterance qualifies as an accusation will be a major theme of the paper. We will say that an accusational utterance passes the accusational threshold if it is taken for an accusation. Establishing that an accusation passes the accusational threshold is far removed from its validation (or invalidation). Thus our policy on passing the accusational threshold, which is not taken for a property of accusations, differs from passing the non-verdictional threshold which is taken for a property of accusations.
6. (Accusation absorption.) An accusee or agents in scope of an accusation may be unwilling to take an accusation seriously or to react to in any way or form. In this case these agents do not absorb the accusation. Stated positively, absorption of an accusation is taking it into account and responding to it. Upon thinking in terms of absorption of an accusation, however, we find a fundamental complication for the development of accusation theory: an accusee may justify non-absorption of an accusation by claiming that the accusation is merely an accusational utterance which fails to pass their favored accusational threshold. We are confronted with a dilemma: can accusation theory be of any help in cases where determination of the status of an accusational utterance as an accusation is the primary source of conflict and disagreement? Our way out is as follows: passing the accusational threshold is to be understood from the perspective of the accusee (who may deny that an accusational utterance passes their accusational threshold), whereas accusation absorption is to be understood from the perspective of the accuser whose accusation may not be absorbed (and who may be insensitive to the suggestion that their utterance might conceivably fail to pass an accusational

threshold). The dilemma reads as follows: when analyzing the situation in terms of an accusation which fails to pass the accusational threshold one sides with the accuser by using their wording in terms of accusations and by analyzing the matter not in terms of an accusation one may unwillingly and prematurely side with the accusee by not using, or even refusing to use, the terminology of accusations. Our policy amounts to allowing a grey area, which we do by reflecting about accusations which are plausibly taken for accusations by accusers and at the same time plausibly taken for mere accusational utterances by accusees.

7. (Confirmation of an accusational utterance.) In case of criminal accusations a principled way out seems to be the following: accepting an accusational utterance as an accusation may be taken for a formal step of the legal system, which may be termed confirmation. Confirmation admits an accusational utterance as an accusation, and a legal process may be needed for confirmation. Once that has been done some side may issue the corresponding accusation, wherafter assessing its validity is the task of the legal process.

In promise theory it is not assumed that promises introduce an obligation for the promiser to keep the promise. Similarly, a corresponding caveat holds for accusations: accusations may be issued, and should be considered, in the absence of any certainty that the accuser can convincingly demonstrate the validity of the accusation, or even has the intention to do so. Just as there is room for promises which are merely intended to induce certain responses from the promisee or from agents in scope of the promise, there is much room for accusations which are intended to obtain various side effects, and for which the validity of the accusation may be of limited importance. We assume, as a starting point, that the accuser believes the accusation might eventually turn out to be valid, and we may speak of a *genuine accusation* in this latter case.

What boundaries do promises and accusations have? In the case of promises: precisely where are the borders between promises and promise-like utterances which are not considered promises. In the case of accusations: precisely where are the borders between accusations and accusation-like utterances which are not considered accusations. We will speak of accusational utterances rather than accusation-like utterances. We assume that all accusations are accusational utterances, but some accusational utterances are not accusations. In view of the sensitive nature of some accusations, issue of demarcation may be essential for some future applications of accusation theory. Below we will focus on the concepts and terminology which comes into play when discussing demarcations. The paper is meant as a reference for further work where demarcation of accusations comes into play.

1.1 Promises, threats and accusations

Like accusations threats may be modelled with a similar structure as promises. A threat is issued by an agent (who threatens) towards an agent (or group of agents, who are threatened), it has a body which describes the threat and it may agents in scope (who take notice of the threat).

The connection between promises, threats and accusations goes beyond a mere similarity of structure. Threats often involve conditional promises (if you do *A* then I will respond with *B*), and accusations often come with implicit threats (if you cannot find a defense against accusation *P* you will face consequences *Q*). Threats may be viewed as promises with negative consequences for the promisee, in a threat such consequences may be left vague and rather unspecified in comparison with the case of a promise. An accuser may leave it up to the accusee to view an accusation as a source of implicit threats, and may not even think in such terms. It is plausible that an accusee takes an accusation for an implicit threat while the accuser is unaware of that particular form of absorption of the accusation by the accusee, or by agents in scope of the accusation.

1.2 Contextual features of accusations

In order to discuss demarcations we will speak of contextual features of accusations. We start with listing some contextual features which can be taken into account when considering the status of an accusation. Most of these features come with natural counterparts for promises.

1. Timing issues: most promises are about the future, hardly any promises are about the past or in real-time. For accusations, however, a major distinction is between real-time accusations (for instance that a company is using child labor in its production processes) and retrospective accusations (where most criminal accusations as issued in court are retrospective). Accusations regarding future behaviour exist as well. For instance: “he (the accusee) will bankrupt my business”. Accusations about future behaviour must be understood in a conditional way: “unless his behaviour changes significantly, he will will cause the bankruptcy of my business”.

Real-time accusations are about (alleged) episodal wrongdoings which are either ongoing at the moment the accusation is issued or are so recent that the alleged perpetrators are still active and the accusation may in a relevant manner influence their actions.

2. Qualifications of scope: public accusations (actual scope and intended scope may diverge, for instance in states without a free press), private accusations (intentionally limited scope), leaked private accusations, etc. We will focus on (intentionally) public accusations, without paying further attention to limitations on public distribution of such accusations due to restrictions on the freedom of exchange of information in various jurisdictions.
3. Wrongdoing types: it is a common case that the body of an accusation describes a wrongdoing by the accusee(s) (considered “wrong” in the perception of the accusers), types of wrongdoings correspond to types of accusations. We will assume that some conceptual framework indicates the type of wrongdoing which the body of an accusation describes. Said framework may take different forms ranging from an international legal framework, or a national or regional international jurisdiction, to the rules of behavior pertaining to a religion or to a company, or to less clearly determined informal rules of adequate behavior in a certain community. We will assume that the notion of a wrongdoing type is sufficiently clear for the development of accusation theory envisaged below.

Criminal accusations, relative to a jurisdiction, constitute the class of accusations for which, wrongdoing type is specified in detail as a crime in laws of said jurisdiction. Much is known about how such accusations work and can be handled.

Below we will focus on wrongdoings which are crimes in a relevant legal framework. The latter assumption guarantees the existence, in principle, of a clear definition of the (type of wrongdoing) at hand. Thus we will discuss crime types rather than wrongdoing types in a more general sense. For the development of theory a crime type may serve as a parameter which often is not in need of further elaboration. We will then speak of a fixed but arbitrary crime type. Below we will use CT as an abbreviation for a fixed but arbitrary crime type.

4. Accusation objectives: preventive, precautionary, law enforcement, (expression of) sentiment (hate, anger, desperation), (expression of) verbal aggression. Objectives are discussed in Subsection 2.2 below.
5. Absorption of accusations: explicit acknowledgment by accusee(s) and/or agents in scope of the accusation having been made. Absorption of accusations is discussed in Subsection 2.1 below.
6. Grounding of accusations, accuser grounded accusations and bare accusations. Accusations may or may not be given in combination with grounds for the validity of the accusation. A bare accusation comes without grounding, for instance: “accusee has stolen the (specific) car of (specified) victim”. In some cases it is plausible that an accusation comes with a statement of grounds, as provided by the accuser, in which case we speak of an accuser-grounded accusation. Such grounds need not be compelling and may induce a need for further proof in due time. Accusation grounding is discussed in Subsection 3.3 below.

7. Sensitivity types: accusations may be embarrassing for the accusee(s), more so than promises for the promisees. Embarrassment is one of several sensitivity types for accusee(s). We will focus on what we call ultimately problematic accusations. Accusation sensitivity types are discussed in Subsection 3.1 below.
 8. Accuser integrity, accuser credibility and accuser trustworthiness is discussed in Subsection 5.1 below. In particular we focus on the notion of a positive integrity accuser, the implications of which are surprisingly hard to grasp.
 9. Intentional aspects of accusation bodies. Sentiments may generate motivations, which in turn may create intentions leading to plans and to actions. Some wrongdoing types include besides actions (understood as instantiating a somewhat reduced wrongdoing type) also the presence of causally explanatory intentions, that is the presence of intentions to achieve the consequences of the actions involved, with plans in accordance with and generated from said intentions providing the causal factor with best explanatory value for said actions. We will speak of intention loaded accusations in this case. Intention loaded accusations are discussed in Subsection 5.3 below.
- In the paper various contextual features will be discussed in more detail

1.3 Survey of the paper

In Sections 2, 3, and 5 a number of the issues mentioned above are developed in sufficient detail that the paper can be used as a reference for such matters in further work.

Various aspects of these three chapters appear to be particularly relevant for the analysis of real-time accusations. However, most of the definitions and notions which we will discuss are relevant for retrospective accusations as well.

In Section 4 the terminology on accusation features is applied for an introduction and explanation of what we call the accusation propagation dilemma.

In Section 6 we introduce the accusation threshold problem for accusational utterances and we provide an accusation threshold for a certain class of accusations.

In Section 7 we discuss the phrase “definitional threshold” from which accusation threshold was derived.

2 Five conceptual extensions of accusation theory

We will first introduce/discuss several useful notions concerning accusations: accusation absorption, ultimately disrespectful accusations, accusation objectives, accusation grounding, sensitivity types, and accusational utterances. Each of these notions constitutes an extension of accusation theory as it has been developed thus far in our approach. These extensions are relevant for nearly all applications of accusation theory, however, only recently, we found these aspects missing.

2.1 Absorption and absorption refusal

In case an accusation is issued the response by the accuser may range from taking an interest and responding in detail, for instance by way of motivated denial, to taking the accusation for a taboo which must not be mentioned or discussed in public, a definite absorption refusal. In the first case we will say that the accusation is absorbed by the accusee which implies that the accusee is willing to discuss and analyze the accusation.

Definition 2.1. (*Accusation Absorption*) *An accusation is absorbed by an agent in scope of the accusation if the agent takes notice of the accusation, and will (in any case promises to) memorize the accusation, and admits the accusation as an incentive to contemplate and possibly to investigate its validity.*

Definition 2.2. (*Accusation admission*). *An accusation is admitted by an agent in scope of the accusation if the accusation is absorbed by the agent and thereafter the validity of its body is acknowledged by said agent.*

Absorption of an accusation is an instance of promising as understood in promise theory as set out in Bergstra & Burgess 2014 [3]. In particular making the promise to take a noticeable interest in the validity of the accusation. Admission of an accusation is also an instance of making a promise, namely to confirm the admission of validity of the body of the accusation and to repeat such confirmation on request (at least in critical cases).

Refusal to absorb an accusation may take the following form (i) first of all taking the accusation for a mere accusational utterance, (ii) claiming that said accusational utterance fails to pass the relevant accusational threshold, (iii) subsequent denial that an accusation has been issued, (iv) denial of failure to absorb the accusation, and (v) reciprocal accusation of wrongly being accused of absorption refusal.

2.2 Accusation objectives, preventive and precautionary accusations

Retrospective accusations issued by the prosecutor in court are meant to work towards justice in terms of wrongs being punished. During the proceedings for a case in court it may be assumed that the defendant is not any more able to execute the wrongdoing for which they are on trial. It follows that as a rule it may be assumed that accusations in court are retrospective. In the past the situation was different: a witch was on trial because of being a witch rather than having been a witch. It is seen as progress that in modern states people are on trial only because of what they have done, not because of who they are. Nevertheless, various other objectives of accusations exist. Accusations may be issued on order to weaken the position of the accusee(s) and/or to change their behavior. We discuss two types of accusation objectives: prevention and precaution.

Real-time accusations of episodal wrongs are issued during an episode of said wrong or alleged wrong. Real-time accusations are often used/issued as an instrument of prevention (or in some case precaution).

For a preventive accusation it is assumed that the accuser can explain why, in terms of a mechanism, and to which extent in terms of plausibility, they assume that the accusation will contribute to prevention in the given case.

Preventive and precautionary accusations typically arise if the accuser intends to achieve a change of the situation. For instance if a bank is accused of supporting wasteful production processes, the underlying objective is to terminate and replace such wasteful processes. The management of a company may be accused of failing to restructure the company properly, and such accusations are likely to be preventive or precautionary. Preventive and precautionary accusations may also be found in the area of accusations of human rights violations.

Definition 2.3. *A preventive accusation is an accusation which is issued in order to prevent (or to contribute to preventing) that the body of the accusation comes true, or alternatively to prevent that the body of the accusation continues to be true.*

For a preventive accusation it must be understood in advance how and with which subjective probability issuing the accusation will contribute to the desired effect.

An important motive for issuing real-time accusations is that these may work as preventive accusations. For instance real-time genocide accusations may be issued in order to bring an end to an episode of alleged genocide. Real-time accusations of other crimes against humanity may be issued for corresponding reasons.

It may be so that the expected wrong is so problematic that an accusation is issued with an objective of prevention though without a sufficient explanation of expected effect, and merely an unquantified likelihood of effect, in such cases we speak of a precautionary accusation.

Defining a precautionary accusation is non-trivial, but we will try: following [1] we work with uncertainty intervals (a mechanism which is considered by some to be at odds with core assumptions about subjective probability theory).

Definition 2.4. A precautionary accusation is an accusation which is issued in order to prevent (or to contribute to preventing) that the wrong as specified in the body of the accusation will occur or (when already occurring) will continue. A precautionary accusation comes with several promises made by the accuser:

(i) it is known to the accuser how issuing the accusation might contribute to the desired effect, though a convincing subjective probability for achieving a positive outcome is unavailable.

(ii) It is understood by the accuser (in advance) that issuing the accusation has no or very limited foreseeable adverse effects.

(iii) An uncertainty interval is given, with convincingly motivated bounds, for the subjective probability that issuing the accusation has the desired effects.

(iv) Upon adopting a subjective probability (of success) p within the given uncertainty interval there is a good motive for issuing a preventive accusation based on subjective probability p of success.

Precautionary accusations are wide-spread, though often as expression of prejudice or of fear with trivial choices of underlying probabilities not based on any solid basis under the protection of a social structure which imposes no cost on the accuser for issuing a baseless accusation. Determination of the borderline between preventive accusations and precautionary accusations requires further research.

2.3 Accusational utterances versus (proper) accusations

A formidable complication arises if one takes into account that some utterances may be look-alikes of accusations while for some reason failing to qualify as proper accusations. Suppose A accuses their neighbor B of an attempt to shorten the day by magic. Then most people will say that such “nonsense” does not qualify as an accusation, and that it does not constitute a look-alike of an accusation either. Clearly in a context where magic is taken for real, said accusation may not be so easily done away with.

If, however, the person C is killed in a traffic accident of which person A is considered guilty, then the 7 year old son of C may accuse C of having murdered his father. However, as the 7 year old may not know the distinction between killing (by unfortunate accident) and murdering (upon intention), the accusation may be given the status of an accusational utterance which at closer inspection fails to qualify as an accusation. The life-cycle of an accusation is as follows:

- (1) draft accusation,
- (2) accusational utterance,
- (3) accusation (accusational utterance has yielded the status of an accusation by having been absorbed by some agents in scope),
- (4) admitted (by the accuser) or rejected (by the accuser),
- (5) valid (that is validated) or refuted (that is proven invalid).

A fundamental complication arises if an accuser issues an accusational utterance with the intention to issue an accusation while prospective absorbers fail to absorb the accusational utterance thereby obstructing or in any case delaying the progression of the accusational utterance to the level of an accusation. We will assume that accusations are a subclass of accusational utterances.

2.3.1 Accusational utterances for a given crime type

We will now focus on a fixed but arbitrary crime type CT. An agent contemplating an accusation needs instruments which may support deciding whether or not a draft CT-accusation can be issued, thereby becoming a CT-accusational utterance, though with a plausible prospect of being taken for a proper accusation.

Absorption of an accusational utterance may lend the utterance in due time the status of an accusation, and for that reason an absorber, or rather a prospective absorber, needs instruments in order to decide whether or not to absorb an accusational utterance, thereby risking contributing to its elevation to the

status of an accusation. Absorption of an accusational utterance, even when wrapped in an outright denial of the validity of (the body of) said utterance, will invariably contribute to it becoming qualified as a (proper) accusation.

Different observers may disagree on whether or not a given accusational utterance is in fact an accusation. An agent who issues an accusational utterance must accept that other agents may award the utterance the status of an accusation, and may disagree when that is not the case. An accuser may have to deal with a split scope, where some agents in scope of the accusation merely take it for an accusational utterance while other agents see an accusation.

2.4 Accusations, verdicts, and verditional utterances

Suppose agent A states (and thereby claims) that “on March 15, 44 BC a group of Roman senators killed Caesar”. Is this utterance an accusation, and in particular a retrospective accusation? There seems to be no doubt on the validity of the claim, and it is implausible to assume that A has such doubt in mind.

We understand the latter claim as a standing verdict on the actions of a group of Roman senators. As a standing verdict the claim is not in any way made in order to clarify doubts about what has happened. There seems to be a lack of terminology regarding accusations in connection with the level of doubts by the accuser. Below we will propose some new terminology, which may be useful in the context of accusation theory.

We look for terminology for utterances which differ from accusations by the lack of doubt from the perspective of the “accuser”. Verdict fails as it is mostly used for the formal outcome of a legal process. We list some options:

- (i) verditional accusation,
- (ii) verditional utterance,
- (iii) verdict based accusation,
- (iv) deprecatory utterance,
- (v) deprecating utterance,
- (vi) accusational standing verdict,
- (vii) accusational verdict

(viii) post-accusation (where to post-accuse is to issue an accusation as a matter of fact not in need of further confirmation).

In order to keep the terminology more systematic we will propose verditional utterance for (the expression of) a (negative) standing verdict. We will view verditional utterances as accusations, though not as so-called genuine accusations.

2.4.1 Verditional event

An event in which a verdict is made and communicated is a verditional event. It is plausible that a verditional event turns an accusation into a standing verdict (upon confirmation of the accusation), and alternatively a verditional event may produce a verdict refuting an accusation. It is a somewhat unfortunate situation that verdict is ambiguous by referring both the the action of producing a verdict and to the result of that action. A similar difficulty can be noticed with decision, see e.g. Bergstra 2011 [2].

2.4.2 Genuine accusations

A genuine accusation is an accusation for which the accuser is aware that confirmation of the validity of the body requires further attention. Thus a genuine accusation is an accusation which is not a verditional utterance.

The post-accuser of a verditional utterance may be asked to indicate grounds for the validity of the verditional utterance. Clearly it follows from the design of the terminology that a post-accuser assumes to avail of sufficient grounds for their verditional utterance.

Genuine accusations, and more specifically genuine retrospective accusations, are the rule rather than the exception in court proceedings. The prosecutor will issue an accusation which then may or may not become validated during the various sessions of the case. The prosecutor must be aware that the evidence they have provided does not necessarily convince the court (jury or judge).

2.4.3 Post-accusing

A verdictional utterance is an accusation which the accuser holds for valid, issuing such an utterance may be termed post-accusing. To post-accuse might be used as a verb. I retrospectively post-accuse you of P would then mean: I retrospectively accuse you of P and I have no further doubts on my accusation worthy of further attention by myself or by anyone else. Assuming that accusations have a negative connotation, a verdictional utterance is an expression of a standing (negative) verdict, where a standing verdict is understood as an assessment of fact of the matter, without reference to the verdictional event or events which turned the body of the verdict from a mere accusation into a verdict.

2.4.4 Verdictional utterances are neither preventive nor precautionary

Preventive accusations as well as precautionary accusations by necessity come with doubts about validity which the accuser is aware of. Therefore such accusations cannot at the same time be taken for verdictional utterances. In other words, preventive accusations and precautionary accusations are by definition genuine accusations.

3 Sensitivity, evolution, impact, grounding

After having introduced terminology for timing, life-cycle and status of accusations we focus on various aspects of impact of accusations.

3.1 Sensitivity types for accusations

Receiving an accusation is often a sensitive matter for the accuser. Disinclination to absorb an accusation may be a consequence of its sensitivity. For the further development of accusation theory it is useful to avail of a terminology of sensitivities. We suggest the following vocabulary, for qualifying accusations in terms of sensitivity:

- **Embarrassing:** an accusation is embarrassing if the mere fact that the accusation has been issued complicates and or negatively effects the reputation of the accuser in communities that matter for them.
Stronger forms are relevant, and in particular we are interested in ultimately embarrassing accusations:
- **Highly embarrassing:** a highly embarrassing accusation is an accusation of which the very fact that it is made feels or actually is very harmful to the accuser and the harm done in that manner probably outweighs the harm that might be subsequently done to the accuser if and when the validity of the accusation were to be demonstrated.
- **Ultimately embarrassing:** An ultimately embarrassing accusation is a highly embarrassing accusation with the following additional feature: the harm done by the very accusation having been issued is seen by the accuser(s) and their supporters as being so problematic that unless forced in court the accuser(s) and their supporters will handle the accusation as a taboo: they insist that no mention of the accusation is made, no response is given, no rebuttal is published, and no sign of acknowledgment of its existence is communicated, as if the accusation has not been made and in order to proceed as if it were nonexistent, and in any case not to contribute to extending its scope.

As examples of ultimately embarrassing accusations we mention:

- (i) Some cases of real-time genocide accusations.
- (ii) Accusations of sexual misconduct may be ultimately embarrassing as well as accusations of having intentionally inflicted bodily harm.
- (iii) Plagiarism accusations may be ultimately embarrassing for top academics as well as for politicians.
- (iv) For top academics, accusations of fraudulent research may be ultimately embarrassing.
- Several other nuances can be introduced for which we will not provide definitions as there is no need for standardized terminology at this stage of development of accusation theory: disturbing, damaging, hurting, painful, offending, frustrating, problematic, ordinary, reassuring, helpful, and welcome. For each of these sensitivity types one may use increased levels of intensity: high and ultimate.
- An accusation may be damaging for a group or community to which the accusee belongs by implicitly involving group members by way of infectious prejudice. There are different degrees: highly damaging and ultimately damaging. Very severe damage may result from ultimately damaging accusations.
- In neutral terms we propose to use the adjective problematic for the range of sensitivity types mentioned above, with as additional levels highly problematic and ultimately problematic.

3.1.1 Accusation evolution

Accusational utterances may be turned into genuine accusations which merit absorption by accusees and supporters thereof.

Once issued as a genuine accusation, a genuine accusation may be propagated by other agents. Propagation may be repeated sequentially, and a combinatorial explosion of copycat accusations each with the same body may come about. Accusation propagation is discussed in detail in Bergstra & Düwell 2023 [7], with as an important conclusion that by propagating an accusation an agent becomes a co-accuser. During the phase of propagation the accusation the aspect of doubt which initially rendered the accusation genuine may get lost.

By consequence it may be the case that without any convincing verdictional event the accusation evolves into a verdictional utterance. Uncontrolled evolution of an accusation into a verdictional utterance is a rosly phenomenon. When propagating an accusation an agent must be aware of its status: is it a genuine accusation or is it a verdictional utterance. In the first case propagating the accusation should be done with full awareness that a drift towards verdictional utterance must be avoided. The accusation was never valid by merely having been made.

As indicated above an accusation may evolve in various steps from a mere accusational utterance to a (negative) verdictional utterance. The expected impact of an accusation depends on its phase in the accusation life-cycle.

3.2 Issuing extreme verdictional utterances may terminate communication with accusees

By combining the concept of an extreme accusation with the concept of a verdictional utterances one naturally obtains the concept of an extreme verdictional utterance. The assertion that Germany perpetrated the Holocaust during WW II is an example of an extreme verdictional utterance. Extreme verdictional utterances may be justified on the basis of preceding verdictional events in which the underlying accusation is taken for valid.

An extreme verdictional utterance which has not been thoroughly validated leaves the accusee(s) in a very difficult position. Are they supposed to deny the verdictional utterance and to operate as if a fair

debate on the validity of the underlying/preceding accusation is still possible? Accusee(s) of an extreme verdictional utterance may have no better option than to ignore the accusation and to wait until the frequency and intensity of its propagation has subsided.

3.3 Accuser-grounded accusations

Accusations may or may not be valid, though it is plausible to expect an accuser to have grounds for assuming the validity of their accusation. What matters for accusation first of all is a focus on the act of accusing. Grounds may but need not be provided as a part of an accusation. Thus far, however, our account of accusation theory lacks development of grounded accusations. We will now develop some terminology to that end. A difficulty is that speaking of grounded accusations is confusing because of the implicit connotation of the grounds being satisfactory. To avoid such confusion we propose somewhat more specific, though less appealing terminology.

We will now develop terminology for grounded accusations. We notice that the following definitions can be trivially extended to the case of real-time accusations.

Definition 3.1. *An accusation is accuser-grounded if (as a component of the accusation) the accuser provides a statement containing grounds for the (validity of the body of the) accusation. An accuser-grounded accusation has five components, the four components of an accusation as defined in Bergstra & D  iwell 2021 [5] (accuser, accusee(s), body, and scope) plus, as a fifth component, the statement of grounds.*

Definition 3.2. *An accusation is bare if it is not accuser-grounded.*

If one dislikes the use of grounded in the phrase “accuser-grounded accusation”, then one may use non-bare instead. Indeed, given the above definitions an accusation is accuser-grounded if and only if it is not bare. A bare accusation has four components, and our definitions of accusations in earlier papers all concern bare accusations. That is: we have abstracted from grounds and accusations may or may not have been issued together with grounds. Now speaking of accuser-grounded accusations reduces this freedom and some explicit statement of grounds, irrespective of the quality thereof, must be included.

Definition 3.3. (i) *A bare accusation may naturally be seen as an accuser-grounded accusation with an empty (also denoted as trivial) statement of grounds.*

(ii) *For an accuser-grounded accusation its bare form is obtained by removing the statement of grounds.*

(iii) *If a bare accusation A is the bare form of an accuser-grounded accusation A' then A' is an accuser-grounded version of A.*

Speaking of accuser-grounded accusations makes explicit the presence of additional structure. However, it is left undetermined to what extent the grounds as mentioned by the accuser are convincing, or even compelling, or merely irrelevant.

The notion of an accuser-grounded accusation has a number of useful variations, each involving certain assessments of the statement of grounds, which we mention below. A complication for these definitions of derived notions is that these derivatives each depend on an assessment and it is not made explicit whose assessment is meant. We will assume that these definitions work for an agent C in scope of an accuser-grounded accusation, and are all relative to the views and assessments of C, while the name of C is left implicit:

1. An accuser-grounded accusation is *vacuously* accuser-grounded if (i) the grounds given are manifestly insufficient for validating the body of the accusation, and (ii) it is not the case that sufficient grounds can be obtained by extending the grounds as given with missing details (that is: completing the argument in the same style will fail).
2. An accuser-grounded accusation is *marginally* grounded if the grounds given are probably and manifestly not sufficient for validating the body of the accusation, although refinement to sufficient grounds is conceivable.

3. An accuser-grounded accusation is *pre-grounded* if the given grounds are yet inconclusive and in need of strengthening.
4. An accuser-grounded accusation is *well-grounded* if the statement with grounds provides substantial, though perhaps not yet conclusive, grounds for the accusation.
5. An accusation is *conclusively grounded* if (as a component of the accusation) the accuser provides conclusive grounds for the accusation.
6. A bare accusation is *baseless* if the accuser cannot provide any plausible grounds for the accusation.

Accusations may be issued in linear chains with the successor accusation having the same body but an extended statement of grounds. An accuser-grounded accusation is ground refined by another accusation if the bodies are the same while the second grounding is more extensive and conclusive than the first grounding.

3.3.1 Accuser grounding matters most for genuine accusations

For verdictional utterances accuser grounding is often optional, in particular in cases where the verdictional utterance as well as its validity constitute common knowledge. Accuser grounding matters most for genuine accusations, that is in case the accuser is still in doubt regarding the validity of their accusation.

By definition, in a fair process, the accusation as brought forward by the prosecutor is genuine. Moreover, for genuine accuser-grounded accusations it is implausible that the grounds as provided already have been found convincing. Accuser-grounding may provide sufficient grounds for the accusation to be issued and for its validity to merit thorough investigation.

3.4 Scope and public accusations

Public accusations have all human agents, or more precisely in the intended scope from the perspective of the accuser. A public accusation expresses the intention of the accuser to achieve impact. A public accusation is more likely to be sensitive than a private accusation with a limited scope. All accusations may be somehow problematic, whence the following Definition.

Definition 3.4. *We call an accusation ordinary if it is at most problematic but neither highly problematic nor ultimately problematic.*

Many public accusations are not ordinary, such as accusations of war crimes, however ordinary public accusations exist, and we will provide an example. In December 2025 in the Dutch parliament the following Accusation 3.1 was issued (see e.g. [12]) after (i) a proposal was made, and was agreed to by the second chamber with a majority vote, to instantly promise an additional 2,000,000,000 Euro of support to Ukraine, and (ii) it turned out that the NL government refused to accept said parliamentary decision.

Accusation 3.1. *The government mistakenly adopts a bookkeeping perspective in these matters, thereby failing Ukraine. We may still be happy that during WW II the US did not apply a similar bookkeeping approach.*

The Dutch prime minister Schoof was clearly unhappy about the phrasing of Accusation 3.1. He and his government worked hard to do the right thing and were not overly constrained by bookkeeping concerns so he insisted.

Now we hold that in spite of the PM's doubts about the validity of Accusation 3.1 the accusation is ordinary in the following sense:

- (i) the example is concrete even if not all data are included, by looking into the various minutes of parliament it may be recovered in full detail;
- (ii) the example is accuser-grounded as the remark about WW II has explanatory significance only, an underlying bare accusation would read: "The government mistakenly adopts a bookkeeping perspective in these matters, thereby failing Ukraine."

(iii) there can be no fundamental objection against describing the case, and formulating or reformulating the accusation (and of course our presentation of the case may be criticized);

(iv) whatever one thinks of the situation, ranging from support for Russia to support for Ukraine, and within a wide spectrum of views about how to support Ukraine if at all, the merits (validity and perhaps effectiveness) of Accusation 3.1 may publicly and in (potentially scholarly) writing be discussed without creating such complications that no further discussion is possible.

We conclude that Accusation 3.1 is an ordinary accusation as defined above:

Claim 3.1. *Accusation 3.1 is problematic, however it is not highly problematic, and certainly not ultimately problematic.*

4 The accusation propagation dilemma

In this section we will discuss, what we call the accusation propagation dilemma for genuine ultimately embarrassing extreme accusations. We consider the case of an agent (or a plurality of agents) B who is accused by a prosecutor (i.e. an accuser in the role of a prosecutor) A_P of wrongdoing of crime type CT, which constitutes an ultimately embarrassing extreme wrongdoing. The accusation, say $ACC_{UE/E}$ is a genuine public accusation (with UE for ultimately embarrassing and E for extreme).

Further we consider a member of the public, say M (for instance a journalist) who sympathizes with prosecutor A_P and who expresses this state of affairs by propagating the accusation (either by communicating that A_P has issued accusation $ACC_{UE/E}$ to B, or more abstractly by communicating that an accusation $ACC_{UE/E}$ has been issued to B) to an audience (scope) to which M has easy access. Following the account of accusation propagation in [7] it is the case that M becomes a co-accuser by propagating the accusation.

In the above circumstances there is a paradoxical aspect: unlike A_P (who may be blamed for incompetence), M faces no consequences if accusation $ACC_{UE/E}$ is ultimately left unconfirmed while unlike A_P , M has not made any implicit or explicit promise to demonstrate the validity of the accusation $ACC_{UE/E}$.

The paradox comes about from conflicting requirements on M, and there is no simple solution: (i) fair trial needs open communication, and (ii) (following the account of extreme promises in Bergstra & Düwell 2024 [8]) promises must be made by an accuser of an extreme accusation about how to compensate the accusee(s) in case the accusation is not validated.

We propose that a promise of compensation for the accusee in case of (definitive) absence of validation should be expected also in the light-weight case of accusation propagation. Thus also for an agent (like M) who propagates an extreme accusation: either it must be clarified by the agent how they will or may compensate the accusee in case the accusation fails to be validated in due time, or it must be made very clear by the agent that the verdict has not yet been made, and that the accused are to be considered not guilty until a verdict (in the opposite direction) has been produced.

Of course, by making reference to accusee B in an anonymous way only, the paradox may be prevented, but in the case of extreme accusations, it is plausible that various public media are covering the case so that anonymity of the accusee may be very hard or impossible to achieve. The paradoxical situation arises because fair trial implies a need of open communication and communication can hardly be open if a witness of the proceedings incurs non-trivial obligations (of compensating the accusee in certain future circumstances) upon making public what they saw or heard.

In order to resolve the accusation propagation paradox the following informal rule of conduct may be needed: when propagating a genuine ultimately embarrassing extreme accusation it ought to be strongly emphasized that the accusee is considered to be not guilty unless and until the accusation has been confirmed by a verdict in court. In particular if extreme accusations coincide with strong emotions it may be felt as counterintuitive that the journalist who propagates an accusation should at the same time clearly and convincingly emphasize that the accusee is not to be considered guilty for the time being, thereby opposing the momentum of emotions. No amount of accuser-grounding for an accusation can relieve a

propagating journalist (say M) from the constraints just mentioned. Once M would claim to value the given grounds as being convincing M becomes a “full screen” co-accuser who must indicate how they would compensate the accusee if and when, in a later stage, the accusation would be refuted.

In the light of the counterintuitive suggestion that M should communicate in a legalistic rather than in an emotion driven manner we propose to speak of an accusation propagation dilemma (requiring the suppression of emotions) rather than of an accusation propagation paradox.

5 Aspects of accusations involving competences and/or mental states of agents

When analyzing or describing an accusation mental state aspects for accusers and accusees may be of relevance. For instance the accusation may be intention loaded which says that the presence of some intention is part of the body of the accusation. It is also possible that the accusee distrusts the accuser and for that reason prefers not to absorb the accusation. In this section we will look at: accuser qualification, accuser intention, and intention loaded accusations.

5.1 Accuser qualification

An extreme qualification is a qualification q of a state of affairs (or behavior) which is extreme in the sense of extremely negative. The mere possibility of an extreme qualification gives rise to the (possibility) of an extreme veridictional utterance: P accuses Q (with scope S) of committing/having committed q (as understood by performing X). An extreme veridictional utterance turns into a genuine extreme accusation if its phrasing leaves some room for some doubts regarding validity.

Here is a fictional example: q stands for omnicide, which consist of terminating all life on earth. Now consider an accusation A whereby the human earthly inhabitant P accuses the human earthly inhabitant Q (with scope S containing some other humans on earth) of having committed q one year ago (by terminating all life on earth).

Clearly the very fact that P is in the position to accuse Q already implies that the body of the accusation cannot be valid. This is so obvious that one may doubt the integrity of the accuser for not taking that evidence into account.

We find that conceiving extreme qualifications, such as terminating all life on earth, creates opportunities for formulating extreme accusations (in the sense of [8]), even if such accusations are plainly nonsensical. Obviously extreme qualifications, create opportunities for accusations the validity of which range from very implausible to very plausible.

Now if a 5 year old child issues a war crime accusation there is a problem too. It cannot be assumed that a child of that age is sufficiently aware of the concept of war crimes to be able to carry the responsibility for the accusation. It is more likely that the child echoes an accusation which others have issued before in their presence. Although this example seems rather grotesque it addresses an issue of practical relevance: what is the role of accuser qualification in the appreciation of sensitive accusations? The example may seem extreme but upon increasing the age of the accuser, and the number of accusers at the same time one reaches a point where the example turns into a difficult question about sufficiency of accuser qualification.

We will discuss three different accuser qualifications, each of which may have variations: positive integrity, credibility, and competency.

5.1.1 Positive integrity accusers

An accuser P (in case of a given accusation) has positive integrity (is a positive integrity accuser) if the following criteria are met:

1. P issues (has issued) an accusation, say A with body q_A ;
2. P is sufficiently knowledgeable about how to assess the validity of q_A ;
3. P is convinced of grounds for the validity of q_A ;
4. P is willing to share their grounds for the validity of q_A with agents in scope of the accusation;
5. P has no excessive track record of previous invalid accusations;
6. P has taken notice of objections by other agents against adopting the validity of q_A ;
7. P has promised to take into consideration the possibility that q_A is invalid, and promises to announce at the earliest convenience such state of affairs were that to be the more plausible one after all (in the perception of P);
8. P has promised not to issue A in order to promote its validity to come about;
9. P can explain and justify why they are issuing accusation A.

A 5 year old child issuing a war crime accusation will not satisfy the positive integrity criterion by failing on item no. 2. The 5 year old may perhaps issue an accusational utterance concerning a war crime but the accusational utterance will not be granted the status of a war crime accusation.

As alternative naming of positive integrity accuser we suggest: trustworthy accuser. A trustworthy accuser is trustworthy as a person in their role of accuser, although their accusations may be wrong. In The Netherlands where most citizens trust the legal system is reasonably adequate most people see the public prosecutors as a trustworthy accusers. Needless to say that in some authoritarian states the situation has been different.

We prefer the phrase positive integrity accuser over trustworthy accuser in view of the risk that one reads trustworthy accuser as an accuser who issues accusations which can be trusted, and that is not what is meant.

5.1.2 Credible accusers

An agent R may call an accuser P of an accusation A credible if

- (i) R considers the accuser to be integrity positive, and
- (ii) R considers the accuser to be knowledgeable on the theme of the accusation (though perhaps not on the specific details thereof);
- (iii) on the basis of (ii), R considers the fact that P issued the accusation A constitutes a reasonable (though perhaps not decisive) ground for the belief that the accusation is valid.

Credibility differs from positive integrity by involving general aspects of the accusation type which may be in correspondence with general qualifications for the accuser. A yet stronger positive qualification is competence, a qualification which is yet more specific for the particularities of the accusation at hand.

5.1.3 Competent accusers

An accuser is competent (given a specific accusation) if the accuser is of positive integrity, is credible (in the context of the given accusation), and if they are experienced in issuing and/or evaluating accusations comparable to the given accusation, and if in the past their reasoning about the validity of similar accusations has been reliable and convincing. Sapir 2025 [14] criticizes the claims of competence for certain groups of accusers.

Even a competent accuser may issue an invalid accusation, in which case a possibly but not necessarily a deficiency of competence has occurred. If a competent accuser issues an accusational utterance in an area of their competence it is plausible that the accusational utterance is taken for an accusation.

5.2 Accusee's intentions: revealed versus unveiled intentions

A thorough terminology for description of accusee intentions is needed. In particular we will use these phrases: unveiled intention, revealed intention, operationally revealed intention, and discursively revealed intention.

An accusee may have intentions which play a causal role for bringing about their consequential activities. Accusers may wish or need to take such intentions into account. An accusee may not be open about their intentions. In some cases the accuser can infer intentions from circumstantial evidence, in which case we speak of revealed intentions. Revealed intentions may come about in two forms: operationally revealed intentions and discursively revealed intentions. Operationally revealed intentions are inferred from observations about activities for which the accusee(s) is (are) responsible, while discursively revealed intentions are derived exclusively from written or spoken utterances from the side of the accusee(s) and their collaborators.

Unveiled intentions are by definition discursively unveiled and there is no such thing as an operationally unveiled intention.

5.3 Intention loading

After a failed attempt to kill a person an accusation of attempted murder can be issued, if enough information is available. Conceivably in some cases an accusation of failed attempted murder is more severe than an accusation of successful though unintended killing. Murdering and killing are related but different types of wrongdoing. We say that murdering is the intention loaded counterpart of killing.

One may accuse someone of having shot and killed a victim. That accusation still leaves open the possibility that the shot was fired by accident. The situation is quite different if the intention to kill is part of the wrongdoing and if corresponding accusations are "loaded" with a claim of presence (and causal relevance) of an intention to hit the victim with a gunshot.

The example of murder versus killing indicates a weakness of the terminology of intentionality. Indeed a soldier in combat may kill intentionally, an action which is usually not understood as murder. Murder is illegal intentional killing rather than mere intentional killing. Complex ethical issues arise if an agent in combat receives an illegal command to carry out an intentional killing. The agent is murdering if and only if it was illegal for them to act in accordance with the (wrong) command.

Definition 5.1. *A consequential activity consists of the following components:*

- (i) *An actor (or group of actors), and*
- (ii) *An activity Activity_A (a single action/spike or sequential path of actions or a plurality of such paths running in parallel, with in any case all actions performed by A), plus*
- (iii) *a combination of consequences/effects Con resulting from the activity.*

The effects are referred to as the consequences of the activity.

Definition 5.2. *An unintended consequential activity is a consequential activity for which there is no presumption that the actor(s) intended to act as they did (for instance shooting by accident).*

For instance: an event of killing may consist of the single action of firing a shot and the resulting effect of a victim losing their life as a result of it. Murder goes beyond mere killing by way of fact that achieving the consequence has been intended, and that given the circumstances killing was an illegal action.

Definition 5.3. *An intention loaded consequential activity consists of the following components:*

- (i) *a consequential activity (with actor(s) A, activity Activity_A and consequences Con),*
- (ii) *An intention Int in the mind of the actor(s) such that bringing about Con complies with (i.e. fulfills) the intention Int .*
- (iii) *A causal relation between the intent Int and the activity A, which is thereby explained on the basis of Int .*

Some actions cannot be understood otherwise than as having been planned with plans derived from intentions. Sending astronauts to the moon in 1969 cannot be imagined as having been an accidental achievement of engineering in the same way as the use of medication for type-2 diabetes for purposes of weight control may be seen as an accidental, though monumental, achievement of medication practice development. The following definition makes this matter explicit.

Definition 5.4. *An intention revealing consequential activity is an intention loaded consequential activity which cannot be imagined otherwise than as an intention loaded consequential activity.*

The intention revealed by an intention revealing consequential activity is said to be operationally revealed.

Given an intention loaded consequential activity one may forget about the intention, that is consider the consequential activity as a separate phenomenon independently of the intention. For instance in some cases a murder involving a seemingly accidental killing may be taken for a mere accidental killing upon forgetting intentions. In some cases the remaining consequential activity may be considered unintentional, but whenever the resulting consequential activity is intention revealing forgetting about the intention does not render an unintentional consequential activity.

With an intention loaded consequential activity we still fail to define a category which fits a murder, as the killing might have been performed in order to save the lives of hostages held by the victim of the killing who engages in an act of terrorism. The following definition provides more clarity on that matter:

Definition 5.5. *A specific intention loaded consequential activity is an intention loaded consequential activity $Activity_A$, with actor(s) A , consequences Con , and intentions Int with the property that there is no overarching credible intention Int_{over} which A is likely to have in mind, or plausibly might have in mind, with intended consequences $Con_{Int_{over}}$, such that the following conditions are met:*

- (i) Int_{over} explains activity $Activity_A$ (inclusive awareness of consequences Con),
- (ii) achieving fulfillment of intentions Int_{over} can not be done without obtaining, enduring and accepting the consequences Con or consequences qualitatively similar to Con .
- (iii) A holds that achieving (Int_{over} -intended) consequences $Con_{Int_{over}}$ is so important that the price of Con coming about may be accepted as collateral damage,
- (iv) A has a preference for fulfillment of intentions Int_{over} without the resulting consequences Con or qualitatively similar to Con , and
- (v) A holds that without justifying intentions (such as Int_{over}) willfully creating the consequences Con is a wrongdoing.

5.3.1 Intention loaded accusations and intention stripped accusations

Having defined the notion of specific intention loaded consequential action we are now able to introduce intention loaded accusations.

Definition 5.6. *An intention loaded accusation is an accusation where the wrongdoing as described in the body of the accusation is a specific intention loaded consequential activity.*

In some cases intention loading is irrelevant both for wrongdoings and corresponding accusations. A killing by a sniper is intention loaded by definition, and so is a sophisticated fraud. Intention loading of a wrongdoing matters only in case there is a reasonably clear understanding of an intention unloaded (stripped from intention) version of the same wrongdoing. Clearly there is no such thing as the unintentional killing of a person walking alone, so that misfiring can be excluded, by means of a long distance shot.

Apparently the notion of an intention loaded wrongdoing goes hand in hand with the notion of a corresponding unintentional wrongdoing consisting of the “same” behavior and outcomes (i.e. the same in terms of actions and consequences). Complementary to intention loaded accusations we have intention stripped accusations.

Definition 5.7. *An intention stripped accusation is an accusation where (i) the wrongdoing as described in the body of the accusation only consists of the consequential actions of a specific intention loaded consequential activity, and (ii) an intention is not included as a feature of the (body of the) accusation (although an operationally revealed intention may be obvious).*

5.3.2 Motivation, intention, plan, and action

Intentions may be part of a mental causal chain. We distinguish motivation, intention, plan and action, where motivation is an overarching though possibly imprecise form of intention. Motivation cause the creation of intentions, intentions cause the creation of plans and plans cause the creation of progressions of actions. We say that intentions may express an underlying motivation. Typically the intention to kill a shop owner in order to steal their possessions expresses an underlying motivation to acquire wealth of some form. In case the shop delivers food the stealing of which is the only way to survive and in case a less aggressive action will not work may be considered to be different, however.

These notions are quite tricky. Suppose that someone is accused of throwing stones through several windows in a street. Now they may claim to have been drunk and for that reason the throwing was in fact unintentional. Then it turns out that 25 windows were successfully damaged, each of separate homes, and in addition that these were precisely all and only addresses in said street where one or more of the inhabitants had a second name starting with a capital *C*. Having made the latter observation it is inferred that a plan was carried out while the story of chaotic behavior of a victim of alcohol consumption was a fake meant to detract attention from the plan. The plan cannot come into existence without an intention to harm precisely these houses. How that intention may have come about from an underlying motivation may remain undisclosed. We may label the wrongdoing at hand as systematically and extensively throwing stones through windows. And we find that it is implausible to look for an intention stripped counterpart of the latter wrongdoing type.

5.4 Clues for intention

We distinguish three paths of reasoning along which a consequential activity may be taken for being specific intention loaded: operationally revealed intention, discursively revealed intention and discursively unveiled intention.

5.4.1 Operationally revealed (specific) intention

Specific intention is operationally revealed if mere inspection of operations provides unambiguous evidence for the causally relevant presence of specific intent. The idea is that an observed pattern of activities leaves no other option than to infer the presence of special intention. A paradigmatic example is a long distance shot of 800 meters killing a political person, where the killer had made a previous failed attempt to kill the same person by way of a long distance shot. There is no way that the accusee can convincingly dismiss an intention to kill and thereby to avoid an accusation of murder.

5.4.2 Discursively unveiled revealed (specific) intention

Discursively unveiled specific intention applies to an accusee if there are (demonstrably) authorized proceedings, either acoustic or textual, of claims, statements and/or deliberations made by the accusee(s) which unambiguously and undeniably demonstrate the presence and relevance of causally relevant specific intent. A paradigmatic example of discursively unveiled intent is present in the minutes of the Wannsee conference (20 January 1942) where the phrase “Endlösung der Judenfrage” was given a novel and deadly interpretation, thereby unveiling special intent of key members of the German leadership regarding what later became know as the Holocaust.

5.4.3 Discursively revealed (specific) intention

Discursively revealed specific intention applies in case a plurality of claims and assertions made by individuals close to the accusees lead to the conclusion that the accusees worked in a context where specific intent was the rule rather than the exception, so that by induction, it may be inferred that the accusee(s) were motivated by specific intent, which in view of their leadership, was causally relevant for the execution of the (intended) activities under scrutiny

6 The accusation threshold problem for accusational utterances

As we have seen many parameters come into play when considering an accusational utterance.

Definition 6.1. *The accusation threshold problem for a crime type CT consists of determining whether or not an accuser-grounded accusational utterance regarding CT is to be considered a genuine accusation which merits absorption.*

Needless to say that accusers and accusees may disagree about the absorption threshold problem in practical cases.

The accusation threshold problem has no generic solution that works for all crime types CT. Moreover different thresholds may be proposed for the same crime type CT.

In general it is required that the accusational utterance comes from a positive integrity accuser, otherwise it will not pass the accusation threshold. Stronger requirements may be in place, however. We will consider as one of many possible cases, concerning an accusational utterance the corresponding accusation of which is: real-time, public, accuser-grounded, and ultimately embarrassing and the underlying crime CT of which is: episodal and specific intention loaded. Such accusational utterances will be called CT*-accusational utterances, and the corresponding accusations (upon having been recognized as such) are named CT*-accusations.

6.1 The accusational threshold $AT_{CT}^{OR,DU}$ for CT*-accusational utterances

We will consider the accusational threshold problem for CT*-accusational utterances. The accusational threshold $AT_{CT}^{OR,DU}$ may be used to decide whether or not a CT*-accusational utterance $ACC_{CT,G}^U$ can be taken for an accusation $ACC_{CT,G}$. Here OR stands for operationally revealed, DU stands for discursively unveiled, OR stands for operationally unveiled, CT stands for a crime type, and G stands for (accuser) grounded. Here it is taken for granted that the accuser given grounds are incomplete and may indicate, by partial arguments possibly involving claims which have yet to be established beyond doubt. The accusation $ACC_{CT,G}$ (once recognized as passing the threshold) is plausibly genuine for that reason.

The accusational threshold, named $AT_{CT}^{OR,DU}$, consists of a combination of the following five conditions. We recall that the threshold is to be primarily given in terms of constraints on the grounds given by the accuser.

- (i) The accusational utterance pertains to a consequential activity of crime type CT,
- (ii) The accuser provided grounds involve a claim of the presence of intention which is in turn based on either a claim of discursively unveiled intention or a claim of operationally revealed intention (while any claim of the presence of discursively revealed, if contained in the accuser given grounds at all, intention plays a marginal role only for the argument of the presence of specific intention), and
- (iii) there is no overarching objective which is or might be achieved with the consequential activity involved in behaviour of type CT and which provides a reasonable explanation of the behaviour of the accusee. (In case of an alleged war crime, the overarching objective may be a military objective.)

6.2 A rationale for adopting $AT_{CT}^{OR,DU}$

A rationale for adopting $AT_{CT}^{OR,DU}$, and thereby for not recognizing as accusations, accusational utterances failing to comply with the threshold may be as follows.

(a) To begin with we may assume that a real-time preventive accusation is issued with the accuser's objective to bring the accusee's consequential activity to an end, and thereby to interrupt and preferably halt the episodal wrongdoing of type CT.

(b) In addition it is plausible, and we assume for that reason, that the accusee(s) do not agree with being ascribed specific intent (for CT type consequential activity), while instead they may claim to work for an overarching objective, not involving specific intent.

(c) Bringing the activity to a halt requires (so we assume) communication and interaction with the accusee(s). Preserving adequate lines of communication is an essential element of the quest for prevention.

(d) Using clues for discursively revealed specific intent as sufficient grounds for ascribing causally relevant specific intent to the accusee(s) may collide with their perception of having/enjoying first person authority over their own intentions to such an extent that further interaction and communication becomes impossible. In other words: given the ultimately embarrassing quality of CT accusations the accusee requires that the accuser claims or provides reliable grounds for the presence of specific intention, either in terms of operationally revealed intent or in terms of discursively unveiled intent.

(e) Both accuser and accusee(s) acknowledge that the accusational utterance is made under the assumption that the accuser is unaware of any overarching objectives which might plausibly explain the accusee(s) alleged CT type activities. Disagreement on this matter does not stand in the way of recognition by the accusee(s) of the accusational utterance as an accusation and of subsequent absorption thereof.

6.2.1 Practical application

In spite of the seemingly formalistic and theoretical phrasing of the accusational threshold $AT_{CT}^{OR,DU}$ its practical implications may be significant. Accusers may not understand why their accusations are not absorbed by accusee(s) and supporters of accusees. In a practical context accusers may fail to see that their "accusation" is taken by the accusee(s) for no more than an accusational utterance which fails to comply with $AT_{CT}^{OR,DU}$ and which for that reason does not merit absorption. Even stronger: any sign of absorption of the accusational utterance ACC_{CT}^U by the accusee(s) might indicate that it is taken by them for an accusation (ACC_{CT}) thereby implicitly indicating the recognition that ACC_{CT}^U complies with $AT_{CT}^{OR,DU}$, thereby admitting a state of affairs which the accusee(s) understand as a fundamentally unacceptable infringement of their first person authority over their private intentions.

Concerning first person authority, we will assume that accusees avail of first person authority over their intentions. This view is consistent with what Khani 2021 [13] refers to as Davidson's transcendental explanation of the phenomenon of first person authority in philosophy.

6.2.2 Taboo mechanism and abstraction from accuser identity

One may imagine a state of affairs where many accusers produce accusational utterances similar to ACC_{CT}^U , where similarity regards the body of the accusation, not the grounds given. Such accusational utterances then constitute a societal phenomenon which may be considered worth of scholarly investigation. However, precisely this situation may turn out to be controversial, with accusee(s) rejecting said clue for scholarly work on a principled basis. For the accusee(s) the situation may be as follows: if none of the known accuser grounded accusations similar to (i.e. with a similar body) ACC_{CT}^U pass the accusational threshold $AT_{CT}^{OR,DU}$ then speaking of (or scholarly writing about) such accusations in general (that is without mentioning accuser identities) still constitutes an unacceptable form of recognition of such accusational utterances as accusations, and for that reason such work is tabooed.

6.2.3 Tabooization obstructs exemplification

It is plausible to ask for a convincing example of an application of the accusational threshold $AT_{CT}^{OR,DU}$ and the corresponding taboo mechanism as outlined above. We claim that such examples exist. However, and rather paradoxically involving self-reference as a variation on the liar paradox, at the same time mentioning an example in detail would constitute a form of absorption of the accusation(s) at hand, and would thereby disregard the taboo, and would, by doing so involve making a significant political/ethical choice (by absorbing the accusations at hand). Making such choices, however, is not the primary objective of accusation theory. Accusation theory merely supports the framing of accusations and accusational utterances in ways which enable awareness of underlying choices and decisions.

7 Concluding remarks

We will first highlight the option of confirmation of accusational utterances as accusations and then discuss the origin of the notion of an accusational threshold, and we will discuss a similar notion in the field of metrology.

7.1 Confirmation of a grounded accusational utterance

In sensitive cases it may be vital that issuing an accusation is not taken too lightly, as if it were the case that rejecting an accusation as invalid suffices to compensate an accuser for the harm done, and the pain caused by having been accused. Instead a formal and preliminary phase where a grounded accusational utterance is considered for confirmation by a relevant court may be needed or helpful. The court may then be informed on why a potential accuser considers the grounded accusational utterance not fit for passing the accusational threshold. Our investigation has established that such arguments may be quite involved.

Only after confirmation of a grounded accusational utterance as a grounded accusation, a corresponding accusation may be submitted to the court and its validity may be investigated and assessed.

In some cases requiring the formal confirmation of an accusational utterance in advance of dealing with an accusation might be essential for the ICC and the ICJ, both institutions whose jurisdiction and recognition is under close scrutiny of their opponents.

7.1.1 Is the confirmation requirement counter intuitive?

It seems plausible that for every wrongdoing type, and in particular for every crime type CT a corresponding grounded accusation towards an accuser can be made whereafter a court may decide upon the validity of the accusation. The requirement of confirmation of an accusational utterance in advance of it being considered an accusation, and in advance of it being accepted as a case about which a court may decide seems to be unnecessary in view of the fact that if the accusational utterance fails to pass the accusational threshold as understood by the court the case may be dismissed. However, we claim that in very sensitive cases additional caution is needed and accusers ought to be protected against being accused in ways which violate their notion of an accusational threshold. Such protection may take the form of legal proceedings where the case against letting an accusation utterance pass the relevant accusation threshold can be brought forward in detail. The argument against allowing a grounded accusational utterance to pass the accusational threshold, if raised at all, will invariably be based on the claim that given the definition of the crime type and given the structure of the envisaged proof, no convincing demonstration of validity of the accusation (assuming it has been admitted as an accusation) can be found.

7.1.2 An example of confirmation/disconfirmation

An example of a situation where confirmation or disconfirmation of an accusational utterance is involved may be as follows: a prospective accuser may claim to have been seriously offended by an accusee during a private meeting, and they plan to sue the purported offender. The offended person, or a representative, drafts an accusational utterance with the intention to have it confirmed to begin with. The accusational utterance must come with some grounding for its key claims. Sufficient grounding is found when the claim is made that several witnesses were present during the incident and that these witnesses are willing to testify about it. If one or more witnesses are available for supporting the claims of the prospective accuser that state of affairs must be made explicit in the grounds given for the accusational utterance. For confirmation of the accusational utterance it is not needed that names of one or more witnesses are included in the grounds given for the accusational utterance, neither that a summary of their statements is provided. Failure during trial (after confirmation and corresponding accusation) to produce witnesses as announced may indicate that the confirmation was based on a lie from the side of the accuser which would constitute a criminal wrongdoing by itself which may come with prosecution and punishment for the accuser as well as dismissal of their case.

7.2 Origin of the notion of an accusational threshold

The suggestion for development and use of a concept of a definitional threshold for a type of criminal accusations was suggested to the author by Dr. E. Sapir (Maastricht University, The Netherlands) during an extensive personal communication by email in the fall of 2025 and early 2026. We made an attempt to cast/formalize the suggested idea of a definitional threshold in terms of accusation theory, with an emphasis on real-time extreme accusations, where the retrospective time case may come as a corollary. During the work we found that the phrase accusational threshold seems to fit better within the setting of accusation theory.

We do not claim that the analysis of accusational thresholds given below corresponds to the views of Dr. Sapir. Nevertheless, we fully concur with Dr. Sapir that in sensitive cases when analyzing accusations (or rather accusational utterances), an attempt to proceed on the basis of a conceptual threshold based on the definitions of a particular crime type must be made in order to avoid taking too many (accusational) utterances seriously as accusations. Although accusational thresholds may not exist for all types of extreme accusations, the notion of an accusational threshold appears to apply in important and practical cases.

Looking for an accusational threshold for a given type of accusations may well be informative even if providing a foundational justification of the notion of an accusational threshold (and of the existence thereof) proves difficult or impossible under the specific conditions, that is for the type of accusations under consideration. In case an accusational threshold can be established a well-defined distinction between mere accusational utterances and accusational utterances which qualify as accusations can be made.

Working towards a better understanding in terms of accusation theory of the (in many cases conceivably empty) category of accusational thresholds for a given type of accusations is an important challenge, the outcome of which can be considered a yardstick for the relevance of accusation theory when it comes to difficult matters.

7.3 Definitional thresholds in metrology

With the understanding in mind of accusational threshold as an instance of definitional threshold for the case of accusations for a given crime type, we have looked for uses of the phrase “definitional threshold” in the literature. As it turns out the phrase “definitional threshold” is not very common, we found, however, occurrences in metrology which are worth being mentioned. Grégis 2023 [11] provides a fairly precise notion of a definitional threshold in the context of metrology. In [11] the phrase definitional threshold is attributed to Giordani et. al. 2020 [10], where, in the wording of [11] a definitional threshold is defined as the scale “below which the definition of the measurand is no longer valid”.

The notion of a definitional threshold as used in these papers in metrology is connected with a specific measurand, or rather the definition of said measurand. Attempts to obtain measurements with higher precision than the definitional threshold are futile “by definition”.

It seems that the use of definitional thresholds in metrology is sufficiently close to its intended use in accusation theory for an attempt to connect both situations to make sense. Perhaps one may compare a measurand with a crime type, and an accusation regarding the crime type as a proposition about the state of affairs which may be more or less close to the truth (thereby following [11]). The (a) definitional threshold for accusations is connected with the definition of the crime type. Now the definitional threshold indicates a range (scale) of (accuser given grounds) of accuser-grounded accusations such that:

(i) inside the range (i.e. below the scale implicitly suggested by the range) the definition of the crime type becomes uninformative and additional conceptual precision is needed if more precision is required, and

(ii) outside the range an accusation of said crime type should be rejected (the definition of the given crime type being irrelevant) and be qualified as a mere accusational utterance.

7.4 Application perspectives and future work

We expect that the various accusation features will find use in forthcoming applications of accusation theory. In particular we expect that the notion of an accusation threshold, as well as the particular threshold given in Section 6 may find application in the context of highly sensitive accusations where disagreement about definitions of the crime at hand obscure communication.

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