THE NATURE OF TESTIMONY

BY

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Abstract: I discuss several views of the nature of testimony and show how each proposal has importantly different problems. I then offer a diagnosis of the widespread disagreement regarding this topic; specifically, I argue that our concept of testimony has two different aspects to it. Inadequate views of testimony, I claim, result either from collapsing these two aspects into a single account or from a failure to recognize one of them. Finally, I develop an alternative view of testimony that captures both aspects of the nature of testimony and thereby provides the basis for an illuminating theory of testimony’s epistemological significance.

Is testimony a reliable source of belief? When are we justified in accepting the testimony of a speaker? Is testimony just as basic a source of knowledge as sense perception, memory, and reason? These sorts of questions pervade the literature in the epistemology of testimony, and yet it is seldom recognized that there is substantive disagreement about what testimony even is, with theories being offered about what conditions need to be met for a person to testify that scarcely resemble one another. Even more importantly, when attempts are made at answering these questions, the epistemological consequences of competing views of the nature of testimony are often ignored.

In this paper, I plan to remedy this by, first, clearing up much of the current confusion about the nature of testimony and by, second, sketching an account of what it is to testify that is suitable for the epistemology of testimony. I shall proceed as follows: I shall first discuss various substantively different views of testimony and show how each proposal has importantly different problems. I shall then offer a diagnosis of why the disagreement over the nature of testimony is so deep; specifically, I shall argue that our concept of testimony has two different aspects to it. Inadequate views of testimony, I claim, result either from collapsing these two aspects into a single account or from a failure to recognize one
of them. Finally, I shall develop an alternative view of testimony that captures both aspects of the nature of testimony and thereby provides the basis for an illuminating theory of testimony’s epistemological significance.

1. Preliminary remarks

To begin, I should like to make several remarks about the topic with which I shall be concerned in this paper. First, my central focus will be on what C. A. J. Coady calls natural testimony. Unlike formal testimony, the paradigm of which is a statement offered under oath in a courtroom or commission of inquiry, natural testimony “. . . is to be encountered in such everyday circumstances as exhibit the ‘social operations of mind’: giving someone directions to the post office, reporting what happened in an accident, saying that, yes, you have seen a child answering to that description, telling someone the result of the last race or the last cricket score.”

Second, and related, I am not here specifically interested in characterizing the speech act of testifying but, rather, in carving out the domain of testimony as a source of belief. Otherwise put, in addition to sense perception, memory, reason, and introspection, ‘natural testimony’ picks out the other traditionally recognized epistemic source, the source whereby hearers acquire information from either the spoken or written word of others. Moreover, this is the same project that all of the authors considered in this paper are engaged in – they all wish to capture what it is to testify for the purposes of theorizing in the epistemology of testimony.

Third, my purpose in this paper is not to directly address how we acquire justified belief or knowledge via the testimony of speakers. These are extremely important questions – indeed, ones at which the epistemology of testimony ultimately aims. But here I am interested in the prior question of what precisely testimony is. Moreover, it will become increasingly clear throughout the discussion that lasting progress in the epistemology of testimony can be made only after we have settled upon a satisfactory account of the nature of testimony.

2. Coady’s Narrow View of Testimony

With these points in mind, let us turn to the account of natural testimony put forth by C. A. J. Coady, whose seminal book on testimony sparked much of the recent interest in this topic. For reasons that will become apparent later, I shall refer to his account as the Narrow View of Testimony (hereafter, the NVT), according to which:
NVT: S testifies by making some statement that \( p \) if and only if:

N1. S’s stating that \( p \) is evidence that \( p \) and is offered as evidence that \( p \).
N2. S has the relevant competence, authority, or credentials to state truly that \( p \).
N3. S’s statement that \( p \) is relevant to some disputed or unresolved question (which may or may not be whether \( p \)) and is directed to those who are in need of evidence on the matter.\(^4\)

Now, according to Coady, the notion of evidence figuring in N1 is similar to what Peter Achinstein calls potential evidence.\(^5\) Evidence in this sense requires the truth of \( e \) and an objective connection between \( e \) and \( h \), where \( e \) is the putative piece of evidence and \( h \) is that for which it is evidence. However, \( e \) can be evidence for \( h \) even if \( h \) is false, since all that is required is that there generally be an objective connection or association between \( e \) and \( h \). Furthermore, though \( e \) must be true in order to be potential evidence, it cannot entail \( h \): entailment is simply too good to be evidence.\(^6\)

So, let us now consider a case in which a speaker makes a statement but it fails to satisfy all three conditions of the NVT: suppose that Alice sincerely believes that she is a clairvoyant and tells Rita that she can see that Elvis Presley is not dead, but rather, that he is currently living in San Diego. Suppose further that there is no disputed or unresolved question in this context since Rita in fact knows that Elvis is dead and is therefore not in need of evidence on the matter. Such a statement, according to the NVT, is not a case of testimony since it fails all three conditions. With respect to N1, Alice’s statement, though offered as evidence to Rita, is not potential evidence since there is no objective connection between Alice’s statement that Elvis is living in San Diego and the obtaining of this state of affairs. Indeed, there is no such connection between anything that Alice says on the basis of her purported powers of clairvoyance and that for which it is offered as evidence. In this way, Alice’s statement also fails N2 since she does not have the relevant competence, authority, or credentials to state truly that Elvis is living in San Diego.\(^7\) Finally, Alice’s statement fails both conjuncts of N3 since recall that, \textit{ex hypothesi}, Rita \textit{knows} that Elvis is dead – hence, her statement is not relevant to some disputed or unresolved question and is not directed at a hearer who is in need of evidence on the matter.\(^8\)

In spite of Alice’s failure to satisfy all three of the conditions for testifying found in the NVT, my intuitions are clear: her statement that Elvis is currently living in San Diego is an instance of testimony. To defend this intuition, I shall now raise three central problems with this account of testimony. The first is that Coady has confused the \textit{metaphysics of testimony}...
with the epistemology of testimony. To see this, let us first consider N1. As will be recalled, in addition to requiring that the speaker offer her statement that p as evidence, Coady argues that her statement that p must be potential evidence in the sense specified above. This, however, conflates two distinct aspects of testimony: on the one hand, there is the question, “What is testimony, i.e. what are the conditions required for S to testify that p?” and, on the other hand, there is the question, “What is the difference between good and bad testimony, i.e. what is required for testimony to serve as an epistemically adequate source of belief?”

According to Coady’s NVT, we need only ask the former question since a statement will not count as a case of testimony unless it is potential evidence. Thus, it is impossible to have an unreliable testifier on Coady’s model: a speaker would simply fail to testify if there weren’t an objective connection between the statement that p and that for which it is evidence.

This has the consequence that the work for epistemology is no longer to show that testimony is an epistemically acceptable source of justified belief but, rather, to inquire as to whether we do in fact have an institution of testimony. For if testimony is, as Coady suggests, a reliable source of knowledge by definition, then we need not give an account of the justification of testimonial beliefs. Instead, we need to show that we do have an institution of testimony or that when speakers are making statements, they are really testifying. Since this consequence is so unattractive, I take it that such a requirement is not necessary for a speaker to testify. Surely, the interesting epistemological question is how we are justified in accepting the testimony of others rather than whether we really do have an institution of testimony. Furthermore, there is a natural sense in which we say that speakers can testify about UFO sightings, alien encounters, spontaneous human combustion, and the like. Certainly, we might not and should not accept their statements as a source of our beliefs, but why should this prevent the speakers themselves from testifying?

Similar remarks can be made regarding N2. For a speaker who states that p in the absence of the relevant competence, authority, or credentials to state truly that p may not be a reliable testifier and her testimony may not be an epistemically good source of belief. But surely such a speaker is a testifier nonetheless. To my mind, N2 is a distinctively epistemic condition that may be necessary for epistemically reliable or good testimony but not for testimony simpliciter.

The second problem with the NVT is that Coady fails to recognize the sense in which testimony can be a source of belief or knowledge for a hearer, regardless of the speaker’s intention to be an epistemic source. For notice that many posthumous publications, especially of journals and diaries, will fail the second conjuncts of both N1 and N3. For instance, if a private journal in which it is clear that the author was writing only for herself is posthumously published, then, according to Coady, we must
deny that the thoughts expressed in the journal are instances of testimony. However, consider a case in which you learn from Sylvia Path’s posthumously published journal that she was deeply depressed, and then someone asks you what the epistemic source of this knowledge is. Isn’t the natural answer to this question testimony? For since you didn’t acquire this information from sense perception, memory, reason, introspection, or combinations thereof and, moreover, since you acquired this knowledge from an expression of someone’s thoughts, the intuitive conclusion to draw is that the source of your knowledge is testimony. Or consider a case in which you are talking on the phone and I overhear you say that you were in a car accident. Wouldn’t we say that the source of my information is your testimony, despite the fact that you did not direct your statement to me (and thus failed the second conjunct of N3)?

The third problem with the NVT is that Coady fails to recognize the sense in which a speaker can testify, regardless of the epistemic needs of her hearers. To see this, recall the case of Alice and her statement about Elvis currently living in San Diego. The mere fact that Rita rightly knows that Elvis is dead, and the context is therefore such that there is no disputed or unresolved question about him (thus Alice’s statement fails the first conjunct of N3), should not necessarily prevent Alice from testifying. For a central aspect of our concept of testimony is that its purpose is, at least quite often, for speakers to communicate their beliefs to others, whether or not there is an open question about that which is being communicated. For instance, consider a dinner party of devoutly committed atheists. Here, there simply is no disputed or unresolved question since these atheists are as certain as one can be that there is not a God. But shouldn’t it be at least possible for a theist to sit down and communicate, via her testimony, that there is a God? Couldn’t her statement, “There is a God” be an instance of testimony, despite the epistemic needs or desires of her hearers?13

What these problems point to is that there are at least two aspects to our concept of testimony. On the one hand, we often think of testimony as a source of belief or knowledge for hearers, regardless of the speaker’s intention to be such a source. On the other hand, we often think of testimony as involving the intention to communicate information to other people, regardless of the needs or interests of the hearers. One of the fundamental problems with the NVT is that Coady requires the conjunction of these features (i.e. the speaker’s intentions and the hearer’s needs) rather than their disjunction.

It seems, then, that we need a broader notion of testimony than the NVT, one that, first, doesn’t confuse the metaphysics and epistemology of testimony and, second, adequately captures the two aforementioned aspects of our concept of testimony. In what follows, we shall turn to several proposals that attempt to do just this and thus appear to provide more satisfying accounts of the nature of testimony.
3. The Broad View of Testimony

One of the main questions in the epistemology of testimony is how we are justified in forming beliefs on the basis of what people say. This, rather than what testimony is, is often taken to be the issue of central import from an epistemic point of view. As we saw in the previous section, Coady’s NVT has the unattractive consequence of reversing the priority of these questions which, in turn, makes the important epistemological question whether we do, in fact, have an institution of testimony. It is precisely to avoid these sorts of consequences that those who are interested in the epistemology of testimony often embrace a very broad notion of what it is to testify.

So, for instance, Elizabeth Fricker holds that the domain of testimony that is of epistemological interest is that of “tellings generally” with “no restrictions either on subject matter, or on the speaker’s epistemic relation to it.” Following this view, Robert Audi claims that in accounting for testimonial knowledge and justification, we must understand testimony as “. . . people’s telling us things.” In a similar spirit, Ernest Sosa embraces “. . . a broad sense of testimony that counts posthumous publications as examples . . . [it] requires only that it be a statement of someone’s thoughts or beliefs, which they might direct to the world at large and to no one in particular.”

In order to assess this broad approach to the nature of testimony, it will be helpful to abstract away from some of the inessential differences between these individual characterizations of testimony and focus on what they all have in common. Since it is most natural to understand a ‘telling’ as an expression of one’s thought, let us say that the Broad View of Testimony (hereafter, the BVT) is roughly:

BVT: S testifies that $p$ if any only if S’s statement that $p$ is an expression of S’s thought that $p$.

As should be clear, such a broad view of testimony avoids the problems afflicting the NVT. First, since a speaker can surely state her thought, both without it being potential evidence and in the absence of the relevant competence to state truly that $p$, such a view properly leaves the distinguishing feature between good and bad testimony a matter for epistemology to determine. Second, such a view allows for testimony to be a source of belief or knowledge for a hearer, regardless of the speaker’s intention to be such an epistemic source. For, as Sosa makes explicit above, one can state one’s thought and thereby testify even if one’s statement is neither offered as evidence nor directed at those who are in need of evidence. Third, this account of the nature of testimony admits that a speaker can testify, regardless of the needs or interests of her hearers. For, again, one
can state one’s thought and thus testify, even if there is no unresolved or disputed question.

Despite the significant advantages of this broad account of testimony, however, there is reason to think that it is too broad. Specifically, the fundamental problem with the BVT is that it fails to recognize the distinction between entirely non-informational expressions of thought and testimony. For instance, suppose that we are walking down the street and I say, “Ah, it is indeed a beautiful day.” Suppose further that such a statement, though it expresses my thought that it is indeed a beautiful day, is neither offered nor taken as conveying information; it is simply a conversational filler, comparable to a sigh of contentedness. Or consider a case in which Ned tells a joke among a group of our friends and I casually say, “He sure has a great sense of humor.” Again, though I am stating my thought that Ned has a great sense of humor, the context is such that we all know Ned and we all know that he has a great sense of humor; thus, my statement is simply a polite response to a friend’s joke. Since our concept of testimony is intimately connected with the notion of conveying information, both examples should fail to qualify as instances of testimony.

Similarly, in my young daughter’s copy of *The Secret Garden*, Mary tells Colin as he attempts to stand for the first time, “You can do it! You can do it . . . I tell you, you can!” While Mary’s ‘telling’ is surely an expression of her thought that Colin indeed has the capacity to stand, its function in this context is merely to encourage her friend to accomplish a task that is quite difficult for him, similar to clapping or cheering. There is no intention on Mary’s part to convey information, nor is Colin apt to acquire information, from her words of encouragement. Hence, once again, this type of statement should not be regarded as testimony.

But perhaps the most decisive counterexample to the BVT is the following type of case: suppose that in the middle of a dramatic theatrical performance on stage, Edgar, an actor, delivers his line, “Life no longer has any meaning for me.” Surely, Edgar’s line should not qualify as testimony, despite being an expression of his thought. Now, the response most likely to be offered here by the proponent of the BVT is to deny that Edgar’s delivering his line is truly an expression of his thought. In particular, since there is no sense in which Edgar believes that life no longer has meaning for him, such a statement, the objection goes, fails to express Edgar’s thought. There are, however, at least two reasons why this response will not do. First, this criterion for expression of thought results in paradigmatic instances of testimony failing the BVT: suppose, for instance, that Clare testifies under oath that she saw the defendant in a capital murder case at a local gas station on the date in question. Suppose further, however, that she committed perjury on the stand. Despite the fact that Clare does not in any sense believe what she is reporting to the jury, it is widely agreed that she can nonetheless offer her testimony on
the stand. Hence, it is unclear how a proponent of the BVT could exclude Edgar’s statement as testimony while, at the same time, countenancing Clare’s as such. Second, it is surely possible and, indeed, even likely that there are times when an actor becomes so temporarily immersed in his character that the delivering of lines in fact expresses the actor’s thoughts at that moment. But even if an actor achieves this kind of character immersion, it would still be quite odd to regard such lines as instances of testimony in any reasonable sense of the word.

In all of the above cases, proponents of the BVT lack the resources to exclude such non-informational expressions of thought from qualifying as testimony. The upshot of these considerations is that if we embrace the BVT, then any expression of thought, from conversational fillers and polite responses to encouraging cheers and the reciting of acting lines, turns out to be an instance of testimony. This is clearly an unacceptable result. Hence, we need an account of testimony that is broader than the NVT but more restrictive than the BVT.²⁰

4. Graham’s Moderate View of Testimony

Peter Graham offers an account of testimony that adequately represents a moderate view of testimony.²¹ For it is broad enough to avoid many of the problems afflicting Coady’s account and yet it places restrictions on statements so that non-informational remarks are ruled out as instances of testimony. In particular, according to Graham’s Moderate View of Testimony (hereafter, the MVT):

MVT:  S testifies by making some statement that \( p \) if and only if:

M1. S’s stating that \( p \) is offered as evidence that \( p \).
M2. S intends that his audience believe that he has the relevant competence, authority or credentials to state truly that \( p \).
M3. S’s statement that \( p \) is believed by S to be relevant to some question that he believes is disputed or unresolved (which may or may not be whether \( p \)) and is directed at those whom he believes to be in need of evidence on the matter.²²

By amending Coady’s proposal so that the conditions for testimony are subjective rather than objective, Graham avoids many of the problems that were raised against the NVT. For instance, since Graham, first, does not require that the statement in question be potential evidence and, second, requires merely that S \emph{intends} that her audience believe that she has the relevant credentials to state truly that \( p \) (rather than that she actually have such credentials), the MVT does not confuse the metaphysics and the epistemology of testimony. Moreover, since he requires only that S
believes that there is an unresolved question (rather than that there actually be an unresolved question), the MVT also enables speakers to testify, regardless of the needs of the hearers. And, finally, since Graham places restrictions on the kind of statements being offered, non-informational remarks are distinguished from testimony. For the speaker must offer her statement that \( p \) as evidence that \( p \), she must at least believe that \( p \) is relevant to a question which she believes is unresolved, and she must direct her statement to those whom she believes to be in need of evidence on the matter. In this way, my casual statement that “Ah, it is indeed a beautiful day,” my polite response that “Ned sure has a great sense of humor,” Mary’s words of encouragement to Colin, and Edgar’s reciting of his acting lines all fail M3 and thus do not qualify as instances of testimony.

However, although the MVT avoids these problems, it should be clear that, by virtue of requiring various intentions and beliefs on the part of the speaker, Graham’s account fails to capture the sense in which testimony can be a source of belief or knowledge for a hearer, regardless of the speaker’s intention to be such a source. For instance, like Coady, Graham will have to deny that many posthumous publications are instances of testimony, e.g. private journals where the author did not offer her reflections as evidence. Similarly, consider a case in which Frank believes that I already know the confidential piece of information that the President of our university is resigning. Now, suppose that he casually makes a statement about this fact, though he does not offer this statement as evidence, does not believe that his statement is relevant to some disputed question, and does not direct his statement to someone whom he believes to be in need of evidence on the matter. Frank’s statement, therefore, fails M1 and M3 and is not a case of testimony according to Graham.

This, however, is an unwelcome consequence. For it is precisely because we often acquire knowledge from speakers, regardless of their intentions, that proponents of the BVT urge the necessity of placing “no restrictions either on subject matter, or on the speaker’s epistemic relation to it.” If we are to have an account of the nature of testimony that is epistemically acceptable, it simply has to be acknowledged that we learn things from the testimony of others even when they don’t intend for us to do so.

5. General problems

Before turning to my account of testimony, I would like to briefly discuss two general problems afflicting all of the views that have been discussed thus far. First, notice that, in one form or another, all of the above proposals flesh out the notion of testimony in terms of *statements*. For instance, Coady and Graham both explicitly say that “a speaker testifies by making some statement \( p \ldots \)” and Sosa claims that his account of
testimony “requires only that it be a statement of someone’s thoughts or beliefs.” Similarly, Audi maintains that testimony is “saying or affirming something” and Fricker holds that the domain of testimony is that of “tellings generally.” The thought underlying these views is that an instance of testimony is fundamentally a statement, either verbal or in writing, of a speaker’s thoughts.

But consider a case where Randall asks me whether there is any coffee left in the kitchen and I respond with a nod of my head. It is rather counter-intuitive to say that a nod qualifies as a statement. In this context, however, it is an expression of a person’s thought that is intended to, and successfully does, communicate information. Because of this, my nod does indeed seem to be a case of testimony. Or consider a case where Natasha asks me where the nearest coffee shop is and I, with a mouth filled with biscotti, point to the north. Again, it is doubtful that we would regard pointing as a statement, but, in this context, it does seem to qualify as testimony precisely because I intend to, and successfully do, convey information to another person. Other cases abound: winking, clapping, snapping, and so on. It is at least arguable that, in certain contexts, people can testify about countless things of varying degrees of importance without making statements. Thus, it seems that an adequate account of testimony needs to be fleshed out in terms broader than those imposed by statements.

Another problem shared by many of the aforementioned proposals is the assumption that there is always a one-to-one correspondence between the explicit content of one’s testimony and that which is being testified to. For instance, both Coady and Graham claim that “S testifies by making some statement p if and only if S’s stating that p is offered as evidence that p” and Sosa holds that “one ‘testifies’ that p if and only if one state’s one’s belief [or thought] that p.” However, it is not uncommon for one to state one’s belief that p as conveying the information that p and, e.g. that q and r and so on. For instance, suppose you ask me, “Is it raining outside?” and I say “There is an umbrella in the closet.” In this context, my statement that there is an umbrella in the closet is meant to convey the information both that there is an umbrella in the closet and that it is raining outside.24 I am, therefore, testifying to both propositions, despite the fact that the content of my testimony explicitly corresponds to only one of these propositions.25

In what follows, then, I shall offer an account of testimony that accommodates these features and avoids the problems afflicting Coady’s NVT, the BVT endorsed by Fricker, Audi, and Sosa, and Graham’s MVT.

6. Speaker testimony and hearer testimony

The diagnosis that emerges from the previous sections is that our concept of testimony is not univocal since there seem to be two distinct and often
independent aspects to such a notion. On the one hand, testimony is often thought of as an intentional activity on the part of the speaker. This is captured by the NVT and, to a greater extent, by the MVT. So, for example, both Coady and Graham require that the speaker offer her statement as evidence that \( p \) and, in this way, non-informational remarks fail to qualify as instances of testimony. The thought underlying these conditions seems to be that a speaker cannot testify unless there is some intention on the part of the speaker to convey information. On the other hand, however, testimony is often thought of simply as a source of belief or knowledge for the hearer or audience. For instance, even if a speaker does not intend to convey information, as in the case of posthumous publications of private journals or Frank’s statement about the President of our university resigning, we often think of the speaker’s statement as testimony in the sense that it provides the hearer with information. In this sense, testimony does not depend on the intentions of the speaker but, rather, it depends on the needs of the hearer or the receiver of the information in question. Indeed, it is my contention that inadequate accounts of testimony result from a failure to recognize this distinction, that is, from a failure to recognize the difference between \( \text{testimony as an intentional activity on the part of the speaker} \) and \( \text{testimony as a source of belief or knowledge for the hearer} \).

To begin, let me make some remarks on behalf of the concept on which I shall be relying in order to flesh out the nature of testimony. I shall then discuss how I wish to apply the distinction between what we may call \( \text{speaker testimony} \) and \( \text{hearer testimony} \) (henceforth, testimony\( s \) and testimony\( h \), respectively). Finally, I shall show how both notions fall under the general rubric of testimony and how such a distinction fares with respect to the problems afflicting the rival views.

In my proposal, I shall focus on the notions of an \( \text{act of communication, a, conveying the information that } p \). There are, however, some points of clarification that are needed about how I am understanding these crucial notions. Let us begin with the concept of an act of communication. In the previous section, I argued against views that use the notion of a statement in order to flesh out the concept of testimony. In order to avoid the difficulties with this approach, I am construing the concept of an act of communication broadly so that it does not require that the speaker intend to communicate to others; instead, it requires merely that the speaker intend to express communicable content. A couple of examples should make this distinction clear. Consider a case in which, unbeknownst to me, Chloe has headphones on and is bopping her head to the beat of the music. I walk into the room, ask her if there is any cake left, and, seeing her bop her head, think that she has intended to communicate to me that there is cake left in the kitchen. To my mind, this sort of case may be an example of \( \text{ostensible testimony} \), but it should not qualify as genuine testimony in
any sense of the word. To use my terminology, I would say that Chloe’s head-bopping is not an act of communication since she did not intend to express communicable content.\(^{29}\)

On the other hand, consider a case in which Davis is engaged in a soliloquy in his room and, unbeknownst to him, someone in the next room overhears what he is saying. Such a soliloquy, on my view, is an example in which a speaker intends to express communicable content but does not intend to communicate; accordingly, I would say that Davis’s soliloquy qualifies as an act of communication. Similar considerations apply to posthumous publications of journals, private diaries, and so on. Such cases, I would argue, qualify as acts of communication since the speaker intends to express thoughts with communicable content, despite the fact that she does not intend to communicate them to anyone else.

Let us now turn to the concept of conveying information. What does it mean for an act of communication, \(a\), to convey the information that \(p\)? Here are at least three clear instances in which this is the case:

1. Where \(a\) is the utterance of a declarative sentence such that it expresses the proposition that \(p\), \(a\) conveys the information that \(p\).
2. Where \(<p>\) is an obvious (uncancelled) pragmatic implication of \(a\), \(a\) conveys the information that \(p\).
3. Where an act of communication \(a\) expresses the proposition that \(q\), and it is obvious (either to everyone in the exchange or to a normal competent speaker) that \(<q>\) entails \(<p>\), \(a\) conveys the information both that \(q\) and that \(p\).

While I shall not defend 1–3 as capturing an exhaustive list of acts of communication conveying information, they do represent paradigmatic instances of such a process. This will suffice for introducing the crucial distinction between speaker testimony and hearer testimony in what follows.

With these points in mind, let us now turn to the concept of speaker testimony. My account of testimony \(_s\) requires that a speaker intend to convey information to her hearer and, in this sense, it requires that the act of communication be offered as conveying such information. Since it is possible for one to offer one’s act of communication as conveying the information comprising multiple propositions, let us say that testimony \(_s\) requires only that the act of communication be offered as conveying the information comprising some proposition(s).\(^{30}\) So, let us propose the following:

\[\text{Speaker Testimony: } S \text{ testifies that } p \text{ by making an act of communication } a \text{ if and only if } S \text{ reasonably intends to convey the information that } p \text{ (in part) in virtue of } a\text{'s communicable content.}\]
Two points should be noted about this account of testimony. First, notice that while there need not be a direct correspondence between the content of the proffered act of communication and the content of the proposition testified to – my saying that there are umbrellas in the closet, for instance, may be offered as conveying the information both that it is raining outside and that there are umbrellas in the closet – a reasonably obvious connection must exist between such contents. Roughly, the connection between the proffered act of communication \( a \) and the information that \( p \) must be such that a normal speaker who offered \( a \) in similar circumstances would intend to convey the information that \( p \) (in part) in virtue of \( a \)’s communicable content. For instance, my intending to convey the information that corn on the cob is yellow by virtue of saying that grass is green fails to qualify as testimony since, in the absence of rather unusual circumstances, there fails to be a reasonably obvious connection between the contents of these two propositions. Second, notice that I have included the clause “(in part) in virtue of \( a \)’s communicable content.” This clause is intended to rule out cases such as the following: suppose that I sing “I have a soprano voice” in a soprano voice and I intend to convey the information that I have a soprano voice in virtue of the perceptual content of this assertion. Such an act of communication does not qualify as testimony on my view, because it was not offered as conveying information (in part) in virtue of its communicable content; rather, it was offered as conveying information entirely in virtue of its perceptual content. Testimony, therefore, captures the sense in which testifying requires some intention on the part of the speaker to convey information. If, for instance, I make a casual remark, it will fail to be an instance of testimony because I am not offering such an act of communication as conveying information.

Testimony, on the other hand, does not require any such intentional activity on the part of the speaker. For this notion captures the sense in which testimony can serve as a source of belief or knowledge for others, regardless of the testifier’s intention to be such an epistemic source. In this way, posthumous publications of private journals and Frank’s statement about the President of our university resigning will both qualify as testimony so long as someone takes the acts of communication in question as conveying information. Indeed, a speaker may testify even if she positively intends for her statement or thought never to be taken as conveying information to anyone. For example, suppose Lucy’s private journal is found by the police. Suppose further that she wrote down that her husband had committed the crime for which he is suspected, though she intended such thoughts only for herself – in fact, she even encrypted the entries in what she (mistakenly) thought was an unbreakable code and, thus, in no way offered such thoughts as conveying information regarding her husband’s guilt. Nonetheless, according to the current proposal,
Lucy’s journal will qualify as testimony_h since it is taken as conveying information by the police. Furthermore, just as in testimony_s, a speaker’s act of communication may be offered as conveying the information comprising multiple propositions, so in the case of testimony_h a hearer may take a speaker’s act of communication as conveying the information comprising multiple propositions. So, let us propose the following condition for testimony_h:

**Hearer Testimony:** S testifies_h that p by making an act of communication a if and only if H, S’s hearer, reasonably takes a as conveying the information that p (in part) in virtue of a’s communicable content.

Notice that I have again included the clauses “reasonably” and “(in part) in virtue of a’s communicable content.” The former clause is included to ensure that there is a relevant connection between the content of a proffered act of communication and that of the belief formed by a hearer. Roughly, reasonably taking a as conveying the information that p requires that a normal hearer in similar circumstances would take a as conveying the information that p (in part) in virtue of a’s communicable content. For instance, while it would be reasonable for a normal hearer to take the statement that there are umbrellas in the closet as conveying the information that it is raining outside, it would not be reasonable for a normal hearer to take a speaker’s statement that bananas are yellow as conveying the information that grass is green. Hence, adding “reasonably” prevents such disconnected contents from qualifying as testimony_h. The addition of the latter clause is intended to rule out cases such as the following: suppose that I say that ten people have spoken in this room today and you, having counted the previous nine, come to believe that ten people have spoken in this room today.34 Here, my statement may certainly be causally relevant with respect to your forming this belief, but your belief is based on your having heard and counted the speakers in the room today, thereby rendering it perceptual in nature. Since you did not take my statement as conveying the information that ten people have spoken in this room today in virtue of its communicable content, then, it does not qualify as an instance of testimony_h.35

Now, notice that while the views of testimony considered earlier in this paper – notably, the NVT and the MVT – focus on the notion of offering evidence, I instead rely on the concept of conveying information. This is an important substitution. For with respect to both testimony_s and testimony_h, there is a crucial difference between an act of communication either being reasonably offered or taken as conveying the information that p and an act of communication being reasonably offered or taken as evidence that p. In particular, there are clear instances of an act of
communication intuitively failing to qualify as testimony in which the latter is true of such an act even though the former is not. To see this consider the following:

A. S reasonably offers an act of communication \( a \), where the content is extremely complex and such as only someone intelligent could communicate, as evidence that she is intelligent.

B. H reasonably takes S's act of communication \( a \) as evidence that S had witnessed a certain episode, or had been at a certain locale, where \( a \) has communicable content that would be unlikely to occur to anyone who had not witnessed such an episode or visited such a locale.

C. H reasonably takes S's act of communication \( a \) as evidence that S can communicate such a content.

D. H reasonably takes \( a \) as evidence that people of a certain sort – to which S belongs – are prone to affirm things with that content.\(^{36}\)

In each of the cases found in A–D, the following three things are true: (i) intuitively, S is not testifying to the proposition in question, (ii) the act of communication is either reasonably offered or taken as evidence for the proposition in question, but (iii) the act of communication is neither reasonably offered nor taken as conveying the information of the proposition in question. Let us begin with A: S is clearly not trying to convey the information that she is intelligent, nor could her act reasonably be taken to be conveying this information, even though she could reasonably offer it, and one could reasonably take it, as evidence that she is intelligent. Similarly, in B, S is not trying to convey, nor could reasonably be taken to be conveying the information, that she was in a certain place,\(^{37}\) despite the fact that one could reasonably take her act as evidence that she was in a certain place. For notice that in both cases A and B, the propositions in question are unlike any of the three instances of conveying information discussed earlier, i.e. \( a \) is not the utterance of a declarative sentence such that it expresses the proposition that \( p \), \(<p>\) is not an obvious (uncancelled) pragmatic implication of \( a \), and \( a \) does not express the proposition that \( q \), where it is obvious (either to everyone in the exchange or to a normal competent speaker) that \(<q>\) entails \(<p>\). The same is true of C and D: in the former, a hearer could not reasonably take S’s act of communication to convey the information that S is capable of performing such an act and, in the latter, a hearer could not reasonably take S’s act of communication to convey the information that she belongs to a type of creature that can perform an act with that content. For, again, in both cases C and D, the acts of communication express propositions unlike those found in the three instances of conveying information discussed earlier. Nevertheless, in both cases, such acts could be taken as evidence for the
propositions in question. This shows not only that conveying information is importantly different than evidence, but also that the former, unlike the latter, corresponds with our intuitions regarding acts of communication that qualify as testimony and those that do not.

Both testimony and testimony_h seem to fall under the general concept of testimony. For as mentioned earlier, testimony is thought of not only as an intentional act on the part of the speaker, but also as a source of belief or knowledge for the hearer. Many of the problems that we saw in the previous sections result from conflating these two notions. Once this distinction is made, however, and we see that a speaker can testify without testifying_h and vice versa, all of the desiderata for an adequate account of testimony can be captured.

To see this, recall that the NVT includes restrictions on the speaker, the hearer, and the nature of the statement being offered. In doing so, Coady is conflating testimony_s and testimony_h. Consequently, he fails to adequately capture either notion since he must rule out both (i) cases in which a speaker intends to convey information but her hearer is not in need of it and (ii) cases in which a hearer takes an act of communication as conveying information but the speaker does not offer it as such.

The MVT, on the other hand, shifts the emphasis away from the hearer and focuses exclusively on the intentions and beliefs of the speaker. In this way, though Graham is more successful than Coady in capturing testimony_s, his account cannot sufficiently accommodate testimony_h. So, for example, he must claim that Lucy did not testify about her husband’s guilt since she did not direct her thoughts to those whom she believes to be in need of evidence on the matter. But there is a clear sense in which Lucy’s journal writings are testimony, namely, the sense in which they serve as a source of information for the police. According to the above distinction, Lucy’s journal writings are a case of testimony_h but not testimony_s.

Finally, if we endorse a view of testimony that relies on the distinction between testimony_s and testimony_h, we can also provide a more restrictive account than the one put forth by proponents of the BVT. For recall that the only condition needed for a speaker to testify on this view is that she express her thought. This conception of testimony is too broad, however, since there is nothing that distinguishes non-informational remarks from genuine cases of testimony. The above distinction avoids such a problem since, if the speaker does not reasonably intend to convey information through her act of communication and if the hearer does not reasonably take the act of communication as conveying information, then it will fail to be a case of either testimony_s or testimony_h. Instead, it is simply a casual remark, conversational filler, or some other non-informational remark.

Thus, let us propose the following as a fully general definition of testimony:
T: S testifies that \( p \) by making an act of communication \( a \) if and only if (in part) in virtue of \( a \)'s communicable content, (1) S reasonably intends to convey the information that \( p \), or\(^{39} \) (2) \( a \) is reasonably taken as conveying the information that \( p \).\(^{40} \)

According to T, then, testimony is afforded with certain features that distinguish it from everyday chatter. I take this to be a significant advantage for the present account since not all expressions of thought are cases of testimony. Moreover, a further virtue of the account of testimony found in T is that it properly leaves the distinction between good and bad testimony for epistemology to delineate. For a speaker can surely reasonably intend to convey the information that \( p \) through offering an epistemically inadequate act of communication and, accordingly, a hearer can undoubtedly reasonably take an epistemically unacceptable act of communication as conveying the information that \( p \). In this way, T allows for an illuminating theory of the epistemology of testimony.\(^{41} \)

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NOTES

1 Coady 1992, p. 38.
2 Henceforth, ‘testimony’ should be understood as referring to natural testimony. It should be noted, however, that while my focus is on natural testimony, the account that I later offer will be general enough to subsume formal testimony (though a full account of the latter will most likely include even further conditions). I should also mention that I later argue that testimony need not involve any words at all. But for present purposes, this rough characterization of testimony is sufficient.
3 I take up these questions in Lackey 1999, 2003, 2005, forthcoming A, forthcoming B.
4 Coady 1992, p. 42.
5 See Achinstein 1978 and 1983.
6 It should be noted that this has the consequence that no one could testify about necessary truths, given that everything entails propositions that are necessarily true.
7 I am here assuming that clairvoyance is not a reliable belief-producing source and hence that a speaker who offers a statement that \( p \) as evidence that \( p \) on the basis of her purported powers of clairvoyance will invariably fail N2. If there are or could be reliable clairvoyants (!), then we can simply modify our example such that Alice, as a matter of fact, does not have such powers and thus does not have the relevant qualifications to state truly that Elvis Presley is currently living in San Diego.
8 Is the mere fact that it seems to Alice that her statement regarding Elvis is relevant to some disputed or unresolved question and that it is directed to someone who Alice believes is in need of evidence on the matter enough for her statement to satisfy N3? (I am grateful to an anonymous referee for raising this point.) No. For notice that there is a difference between the following two conditions:
N3: S’s statement that $p$ is relevant to some disputed or unresolved question (which may or may not be whether $p$) and is directed to those who are in need of evidence on the matter.

N3* S believes that her statement that $p$ is relevant to some disputed or unresolved question (which may or may not be whether $p$) and is directed to those whom S believes are in need of evidence on the matter.

While Alice’s believing that Elvis is dead is sufficient to satisfy the subjective N3*, the objective N3 requires that there in fact is a disputed or unresolved question regarding Elvis’s death and that Rita in fact needs evidence on this matter. Since, ex hypothesi, Rita knows that Elvis is dead, neither of these conjuncts is true. Hence, Alice’s statement fails N3. (More will be said about the distinction between N3 and N3* when Peter Graham’s view of testimony, which replaces N3 with a condition like N3*, is discussed in Section 4.)

Fricker raises a similar objection to Coady’s view of testimony in Fricker 1995.

A similar point is made in Lackey 1999, though Coady is not my target in that paper.

A different sort of problem case for N2 is where a speaker knows that she does not have the relevant qualifications to state truly that $p$ but she intends to deceive her hearer, i.e. cases of lying or false testimony. Regarding this type of case, a proponent of N2 may argue that since we often think of testimony as requiring some intentional activity on the part of the speaker to convey evidence, lying does not qualify as testimony since the speaker intends to deceive. But notice that it makes perfect sense to speak of a witness testifying in a courtroom to something that she herself does not believe – it is called perjury. Moreover, it is uncontroversial that we have a concept of false testimony in the same way that we have concepts of valid and invalid deduction, veridical and non-veridical perception, and the like.

It should be noted that Coady thinks that his account of testimony can be extended to capture some of these cases. So, for example, he claims: “Confidential documents such as diplomatic communications or the private record of conversations, or even private diaries which were never intended for communication to anyone, are perhaps more difficult to subsume under our definition but where we can legitimately create an author-reader situation it would seem natural to extend the notion of testimony to cover such cases as well, particularly where the document in question was concerned, for whatever reason, to set the record straight” (1992, p. 50). This response, however, will not do. Either the second conjuncts of N1 and N3 are necessary for S to testify that $p$ or they aren’t. If they are, then, e.g. posthumous publications of private journals will fail to be instances of testimony. If they aren’t, then only the first conjuncts of N1 and N3, and N2 are necessary for S to testify that $p$. Thus, Coady cannot consistently remain committed to these conditions and simply claim that his definition can be extended.

One might say here that what the theist is testifying to is her belief that God exists, not that God exists. There are two points I would make by way of response. First, we could, of course, envisage a case in which all of the atheists in the room also know this state of affairs to be true, i.e. that the speaker is a theist. Nevertheless, I would still like to say that the theist could testify that she believes that God exists. Second, if we are inclined to say that the theist is merely testifying that she believes that God exists when she states that God exists, then why wouldn’t we say the same thing about all (or most) statements? What makes this sort of statement relevantly different?


Audi 1997, p. 406. Elsewhere in the same article, Audi claims that “Testimony of the wide sort that concerns me – roughly, saying or affirming something in an apparent attempt to convey (correct) information – is what raises the question of how testimony is

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important for knowledge and justification” (1997, p. 405). There are, however, several questions that might be asked about this formulation. For instance, from whose perspective does the statement need to be apparently conveying information – the speaker’s, the hearer’s, or both? And, does the information need to seem correct to the speaker, the hearer, or both? In a similar spirit, Catherine Elgin characterizes testimony as “... utterances and inscriptions that purport to convey information and transmit warrant for the information they convey” (2002, p. 292). Again, from whose perspective does the utterance or inscription need to purportedly convey information – the speaker’s, the hearer’s, or both? As will become clear in the discussion that follows, I think that there are difficulties with all of these responses.


17 Similarly, Peter Graham says, “... it should be noted that mere statements are not testimony. Saying ‘It is a nice day’ is not usually taken as testimony about the weather (though it is when said by the weatherman). Repeating what you have already said over and over does not count as testimony either, unless you have forgotten each previous utterance” (1997, p. 231).

18 Let me emphasize that my claim here is not that such conversational fillers and polite responses should never qualify as instances of testimony but, rather, that they should not always qualify as testimony. For instance, if I say to my blind companion, “It is a beautiful day today,” such a remark may qualify as testimony in this context since its function may be to convey information, not to merely fill a gap in the conversation. The positive view that I develop later in this paper will be able to accommodate this feature of testimony since, on my account, sometimes these kinds of remarks qualify as testimony and other times they do not.


20 I should mention that providing an account of the nature of testimony does not seem to be the central goal for proponents of the BVT. Such an account is provided by these theorists primarily for the purpose of assisting with the epistemology of testimony.

21 Graham 1997.

22 Graham 1997, p. 227. James Ross offers a definition of testimony that bears some similarities to Graham’s account. According to Ross, testimony is “... any verbalized reporting of a purported state of affairs where the reporter intends that the hearer (reader, viewer, etc.) will take it on his report that the state of affairs is as reported” (1975, p. 3). Thus, like Graham, he emphasizes the speaker’s intention to convey information rather than the hearer’s need for it. Though I shall not discuss Ross’s specific account of testimony in any detail, the problems discussed in this section apply, *mutatis mutandis*, to his proposal.


24 Indeed, my testimony in this case is primarily meant to convey the information I do not explicitly state.

25 I should note that there may be responses that can be offered to both of these problems. With respect to the first point, it may be argued that though I do not explicitly state that there is coffee left in the kitchen, there is a clear sense in which the non-verbal testimony provided by my nod has this as its content. For just as my responding “Yes” in this context amounts to “There is coffee left in the kitchen,” so too does my nodding in this context amount to testifying to this proposition. Regarding the second point, one might argue that your belief that it is raining outside relies too heavily on memory and inference to qualify as testimonial. In particular, one might claim that you must rely on background information stored in memory about the relationship between rain and umbrellas and
explicitly infer that it is raining outside from my testimony that there is an umbrella in the closet. And even though memory and inference arguably play a role in the acquisition of all testimonial beliefs, one might claim that here the role of memory and inference is simply too significant for the resulting belief to properly be regarded as testimonial.

Though I do not find either of these responses particularly compelling, I shall not here try to resolve these issues. I shall merely point out that the view that I develop in the next section has the advantage of being able to clearly and explicitly accommodate these types of cases.

26 This section has benefited greatly from discussions with Baron Reed.

27 For the sake of ease of exposition, I shall often use the term ‘statement’ when discussing a person’s testimony, despite my earlier argument that the class of testimony is broader than statements. When offering my account of testimony, however, I shall be explicit that we cannot flesh out testimony in terms of statements alone.

28 The import of this distinction will become clearer when we turn to the discussion of testimonyh.

29 Even if one retains statements as the central items involved in testimony, a similar distinction will be necessary to distinguish genuine statements from spurious ones. For instance, if someone just happens to make sounds that mean “I like apples” in a foreign language, we would be reluctant to regard this as a genuine statement.

30 Of course, not every proposition that a hearer could come to know through a speaker’s act of communication qualifies as testimonial knowledge. For instance, if I come to know that you are feeling nostalgic from your testimony that looking at old photos made you cry earlier today, the resulting knowledge, though in part due to testimony, is primarily inferential. Although more might be said about distinguishing between knowledge that is testimonial and that which is inferential, I suspect that the boundary between these two kinds of knowledge is ultimately quite vague.

31 This is a variation of an example found in Audi 1997.

32 The ‘in part’ clause is included since an act of communication can, for instance, be offered as conveying information in virtue of both its perceptual and its communicable content and yet still qualify as testimony, e.g. I intend to convey the information that I have a soprano voice in virtue of both the perceptual and the communicative content of my saying, in a soprano voice, that I do.

33 All that is required is what is necessary for there to be an act of communication.

34 This type of example is found in Sosa 1991.

35 Though, of course, both cases may qualify as testimony, if the speaker reasonably offers her statement as conveying information (in part) in virtue of its communicable content.

36 I am very grateful to Ernie Sosa for pressing these objections to an earlier version of this paper.

37 Unless, of course, that S was at a certain place is an obvious pragmatic implication of what she says – e.g. S says, “Pavarotti’s voice sounded great tonight, much better than on a recording.”

38 This is not entirely accurate. For since neither testimony, nor testimonyh, requires that the proffered information be potential evidence, Coady is including a further requirement. As mentioned earlier, however, a’s being potential evidence is not necessary for a speaker to either testify, or testifyh. Instead, it may be a helpful epistemic criterion for distinguishing between good and bad testimony.

39 This, of course, is not an exclusive ‘or’; both (1) and (2) could be satisfied simultaneously.

40 Clause (2) of T may need to be modified in something like the following way:

\[(2^*) a \text{ is or should be reasonably taken as conveying the information that } p.\]
This modification would allow for the following type of case to qualify as testimony: Thelma, while engaged in a soliloquy, confesses to murdering her husband. Although I overhear her make this confession, I do not take her act of communication as conveying any information since I think it is far too outlandish a possibility. Nevertheless, we may still wish to regard Thelma’s statement as an instance of testimony because I should have reasonably taken it as conveying the information that she murdered her husband. If this is correct, then (2*) can be substituted for (2) in T.

I am very grateful to Baron Reed, Ernie Sosa, and an anonymous referee for invaluable comments on earlier drafts of this paper.

REFERENCES


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