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**Trust and Testimony**

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Abstract:

Some recent accounts of testimonial warrant base it on trust and claim that doing so helps explain asymmetries between the intended recipient of testimony and other non-intended hearers, e.g., differences in their entitlement to challenge the speaker or to rebuke the speaker for lying. In this explanation 'dependence-responsiveness' is invoked as an essential feature of trust: the trustor believes the trustee to be motivationally responsive to the fact that the trustor is relying on the trustee. I argue that dependence-responsiveness is not essential to trust and that the asymmetries, where genuine, can be better explained without reference to trust.

To some philosophers, it has seemed that the wrong of lying is mostly second-personal. This is exhibited by the fact that one's standing to make a moral complaint about a lie depends on whether it was delivered to oneself, or to somebody else. If it was delivered to oneself, 'to one's face,' then one has a privileged standing to make a moral complaint. But in the case where a bystander (e.g., somebody on a train platform) overhears testimony delivered to somebody else (e.g., about a sign in a foreign language), relies on it, and it turns out to have been a lie, the bystander does not have the same standing to complain about the lie even when the outcome for him is the same as for the addressee and there is clear wrongdoing. This moral asymmetry marks an important difference of standing between the recipient of testimony and other non-recipients who happen to hear the testimony and can use it as evidence.

On the basis of this difference of moral standing, it is tempting to infer that the

*epistemic* status of the recipient of testimony is also privileged. We may draw a distinction between bare assertion, and the act of telling something to another person (Hinchman 2005, 563). Bare assertion is an impersonal or third-personal act, which merely happens to be available as evidence for others. Telling, on the other hand, is a second-personal act, in which an assertion is offered to others expressly as a basis for belief. When a reliable speaker utters P sincerely, that is evidence for P. But testimony seems to involve a further *prima facie* epistemic entitlement for the person to whom the testimony is delivered. This can be explained in different ways. Some have argued that when a speaker tells me something, she guarantees or assures me of its truth (defensibility, warrant) in a way that goes beyond bare assertion (Moran 2006), creating a personalized *prima facie* entitlement for me to rely on the speaker and to form a belief on the basis of her testimony. Others have argued that I acquire a special *prima facie* entitlement to believe what somebody says because I *trust* them (Holton 1994; Hinchman 2005; Faulkner 2007a, 2007b).

In this paper, I consider an argument for this latter, trust-based view. The first premise is that accepting another person's testimony in the usual way involves taking an attitude of trust, where this means accepting the testimony on grounds separate from direct impersonal evidence for its reliability. Second, it is argued that trust involves the ascription of a kind of mutuality or second-personality, which I label 'dependence-responsiveness', in which the trustor believes the trustee to be motivationally responsive to the fact that the trustor is relying on her. And finally, it is argued that dependence-responsiveness provides a ground for believing testimony, consisting in the fact that since

the dependence-responsive speaker is *motivationally* responsive to my reliance, she will make a sincere effort to represent things as she sees them, and will thus be more truthful in what she tells me.

This type of argument has been criticized by Jennifer Lackey on the ground that any special second-personal relation (such as a special moral status) inherent to giving or receiving testimony would carry no epistemological implications unique to the recipient of testimony (Lackey 2008). The above version of the argument allows for a response to this criticism, but I argue that the argument is nonetheless wrong in its assumption that dependence-responsiveness or mutuality is an essential aspect of trust. To support this objection to the dependence-responsiveness of trust, I will consider cases of trust that do not involve such mutuality. In the last section of the paper, I reformulate the trust-based argument in a way that does not require mutuality, and I provide an alternative account of the moral and epistemic asymmetries between addressees and bystanders.

### **I. Trust and warranted testimonial reliance**

Trust affects what counts as evidence for us. As Judith Baker argues, when I trust a friend it is sometimes rational to believe in my friend's integrity and good-will even in the face of strong counter-evidence. In a case where my friend is accused of a crime, I do not take the evidence against her in the same way that others do: 'what others regard as evidence against her isn't considered by me as evidence at all. It is not that I close my ears to what people say, or refuse to look at, or repress, the facts. I believe that there is an explanation for the alleged evidence, for the accusation, which will clear it all up' (Baker

1987, 3). A related idea, expressed earlier by William James, is that the prospect of affective and cooperative ties to others can make it rational to form beliefs about them on the basis of (otherwise) inconclusive evidence (James 1956). The effect of trust on evidence also plainly carries over to what trusted people say, since it affects how I take the statements of my friend about her own innocence, for example.

In this section I rationally reconstruct an argument, in line with the views of Holton (1994, 73–76) and Hinchman (2005, 576–579), but most plainly exhibited in Faulkner (2007a, 2007b), that testimonial trust provides a route to a non-evidential and non-reductive form of epistemic entitlement. Such an argument would explain how testimonial trust affects what it is rational to infer from testimony. The argument begins with the premise that normal reliance on what other people say presupposes or depends on trust, and that one is often entitled to such testimonial trust. Holton (1994), Hinchman (2005) and Faulkner (2007a, 878) all characterize the normal relationship between speaker and hearer in this way, drawing a contrast between two ways of construing the speech of others. On the one hand, we can take people’s speech as an indicator that ‘respond[s] to the environment in various ways’ (Holton 1994, 74), e.g., as one might normally take a person’s heavy clothing as an indication that it is cold outside. In doing so we rely on their speech as a source of information, but without thinking of it as having been made intelligible by an agent for the comprehension of others. Alternatively, we can trust them, in which case we take their agency as central, privileging the information they provide and not routinely checking up on their reliability. Richard Moran, advancing a related view of testimonial justification, explains the normal way of

accepting testimony as essentially interpersonal: ‘normally (though not without exception) we take it to be sufficient for bringing someone to know that P that they were told by someone who knew, and they believed him. ... [I]n [this] basic case ... , it is the speaker who is believed, and belief in the proposition asserted follows from this’ (Moran 2006, 273). The key idea is that our ordinary attitude toward testimony has as one of its objects an *agent* with intentions, attitudes, and capabilities (including crucially the capability to represent the truth) — to whom norms of due care, relevance and sincerity apply — not just an assertion or a proposition serving as linguistic evidence.

The first premise also asserts that one is sometimes *entitled* to regard another person as having whatever qualities are required to be testimonially trustworthy. The exact account of what would give one such an entitlement is a matter of some debate in the philosophical literature on testimonial trust. Some suggest it is a default interpersonal stance justified by necessity (e.g., Ross 1986). Others suggest it is largely based on evidence (e.g., Adler 2002, ch.5; Fricker 2006). But the claim that one is sometimes entitled to testimonial trust is itself almost trivially plausible. What is in dispute is whether the entitlement to testimonial trust carries any extra, independent epistemic force. The nature of this extra epistemic force will become clear in a moment.

The second premise of the argument is that trust involves the ascription of a particular motivation to the trusted person. The ascribed motivation needs to be spelled out carefully because it does crucial work in the argument. Holton (1994, 66ff.) contends that we respond to violations of trust by exhibiting ‘reactive attitudes’ (a notion from Strawson 1962) such as resentment, gratitude, and betrayal. Holton’s main example is a

case in which a student, as part of a class exercise, purposely relies on his fellow students to catch him as he falls (*op cit.*, p. 63). Holton suggests that the sign that he trusts his classmates to catch him would be that if they had not caught him, he would have felt betrayal as a result. Faulkner labels trust in this sense, signaled by this disposition toward betrayal, *affective trust* (2007a, pp. 881–2). Affective trust is to be distinguished from a simple predictive notion of trust that does not involve reactive attitudes. As Faulkner draws the distinction, if I merely predict that you will catch my fall and you do not, but I don't affectively trust you, then I will not feel betrayed by you. I might feel disappointed or stupid, but neither of these is a reactive attitude toward *you*. Hence I am only engaged in predictive trust, not affective trust.

By contrasting affective with predictive trust, Faulkner emphasizes the emotive quality of trust (an emphasis also found in Jones 1996). This is to be understood in a particular way: the emotions of trust are not merely idle passions, passive indicators of the attitude's character. They are essentially linked to the trusted person's motive for doing what is trustworthy. Expectations are themselves motivating; they are intrinsically normative. As a psychological claim, this is common sense: people are in fact often motivated by the mere fact of others' expectations. But Faulkner has a particular way of explicating the normativity of trust (and by extension, testimonial trust). As useful terminology, let us call the act of doing what is relied upon and expected *performance*. The basic idea is that the speaker/trustee, knowing that the audience/trustor is relying on their performance, is expected to be moved by the thought of this reliance. Mutual awareness of the audience/trustor's reliance is the core of the trust relationship. As

Faulkner writes with respect to testimonial trust,

[I]t is the idea of expecting things of speakers and holding speakers to these expectations which is needed for identifying the ‘thicker’ notion of trust that is trusting a speaker, where this is contrasted with merely trusting the speaker’s testimony. The thicker notion of trust needed is one where an audience (as truster) expects a speaker (as trusted) to try to say what is true because the audience is dependent on the speaker doing so. That this expectation is then more than a statement of the audience’s subjective probabilities is demonstrated by the audience being prone to resent the speaker were the audience’s trust to be let down (2007a, 881).

In this passage Faulkner links two things: on the one hand, the disposition of the affectively trusting person to feel resentment or betrayal when her expectation is not met, and on the other, the expectation’s content: that the trusted person will take one’s own dependence or reliance into account.

Thus when Faulkner says that both trust and testimony are relationship-based or affective, he means something quite specific about the characteristic expectation involved: A expects S to know that A depends on S, and expects that S’s knowledge will motivate S to perform (*ibid.*, 882). Faulkner thus makes a *dependence-responsiveness* claim about trust: the trustor A has an expectation grounded in a belief that the trustee S (i) acknowledges A’s particular reliance on him, and (ii) is motivated for this reason to satisfy A’s expectations (cf. Gilbert 1996, 15).

The third premise of the argument links dependence-responsiveness to epistemic warrant. If trust is the normal way of responding to others’ utterances, and if trust involves an ascription of dependence-responsiveness, then the person whose trust is

warranted will have (extra) reason to think a trusted speaker will be sincere, careful and evidence-responsive in her assertions to the hearer. If I trust you, and you therefore take the fact that I will rely on what you say as a reason to perform, then you will adjust what you say to my epistemic aims and norms, or those we have in common. Under normal conditions, this entitles me to believe your testimony, or gives me at least a *prima facie*, *pro tanto* reason to believe it (on the notion of a *pro tanto* reason applied to testimony, see Graham 2006).

This entitlement is unique to the hearer and therefore second-personal because dependence-responsiveness is cued specifically to the expectations of the hearer. The hearer expects the speaker to be responsive to *the hearer's own* affectively laden expectations when she speaks. This connects with the special privilege of moral complaint discussed at the beginning of the paper. On this account, it is the hearer who has a right to complain about being lied to because it is he whose trust matters, not that of bystanders and eavesdroppers. Bystanders and eavesdroppers cannot trust or ascribe dependence-responsiveness to the speaker because it makes no sense for them to expect the speaker to notice or respond to their specific act of reliance. Although they might be able to gain a parasitic kind of warrant by considering the expectations of the intended listener, they have poor access to that person's reasons. They may suppose that the intended listener ascribes dependence-responsiveness and that he is right in doing so, but this will stand on different grounds than the intended listener's own reasons.

## **II. Lackey's objections to trust-based views**



With the case EAVESDROPPER, Jennifer Lackey challenges the claim that testimonial trust provides a specifically hearer-directed epistemic reason to believe:

Ben and Kate, thinking they are alone ..., are having a discussion about the private lives of their co-workers. ... Ben tells Kate that their boss is having an affair with the latest intern who has been hired by the company, Irene. Unbeknownst to them, however, Earl has been eavesdropping on their conversation and so he, like Kate, comes to believe solely on the basis of Ben's testimony — which is in fact both true and epistemically impeccable — that his boss is having an affair with Irene. Moreover, Kate and Earl not only have the same relevant background information about both Ben's reliability as a testifier and the proffered testimony, they also are properly functioning recipients of testimony who possess no relevant undefeated defeaters (Lackey 2008, 233).

According to Lackey, Kate and Earl both have equal epistemic reason to adopt a testimonial belief on the basis of testimony. The things that might separate them, such as their differential standing to criticize Ben for lying, or to hold him responsible for actions they carry out on the assumption that his testimony is true, are irrelevant to the epistemic justification for their beliefs (*ibid.*, 237–238). Because Kate stands in a normal relationship of testimonial trust to Ben but Earl does not, the trust-based view of testimonial entitlement implies that Kate has a stronger reason to believe Ben than Earl does. The trust-based view must therefore be incorrect.

EAVESDROPPER is tailored to challenge a specific variant of the trust-based view, that of Hinchman (2005), according to which trust is established by an implicit invitation that one only receives as the intended hearer of testimony. Hinchman's view holds that since Kate has received this invitation by being told, but Earl has not, Kate has a special

trust-based entitlement that Ben does not have. On a looser view of testimonial trust on which it can be established in ways other than by invitation, it is open to hold that both Kate and Earl equally trust Ben. But even on the looser view, there is still something important distinguishing Kate from Earl: the dependence-responsiveness she ascribes to Ben. For while Kate can have the thought that Ben will make what he says more accurate in this context because she trusts him, Earl cannot have a corresponding thought about himself. Since Ben does not realize that Earl is listening, Ben cannot adjust his performance to Earl's reliance. Therefore, Earl's trust makes no difference to Ben's performance, while Kate's trust does. Earl could reason that since Kate trusts Ben and Ben is trustworthy, Ben will speak truthfully, but this is a very different and less direct reason for belief than Kate's. Earl is likely to have less adequate support for it than Kate does for her own trust-based justification. Moreover, Earl probably does not have specific reason to believe that Ben is trustworthy *when speaking to Kate*; his reasons for thinking Ben trustworthy might not clearly cover Ben's speech to Kate. Kate is therefore in a privileged position to apply the distinctive style of justification based on dependence-responsiveness that we developed in the previous section. Faulkner's version of the trust-based view can respond to Lackey's objection by making this point.

For this response to work, it is crucial to formulate dependence-responsiveness moderately strongly. Faulkner's actual formulation is very strong: A expects S to *know* that A depends on S (Faulkner 2007a, 882). A slightly weaker formulation would do much the same work: if A expects S to *believe* that A depends on S, this also gives A reason to think S will take his reliance into account when he trusts her. However, we

cannot leave the referential content existentially open: A expects S to believe that *somebody* is depending on S's performance. On this formulation, the proponent of a distinctively second-personal trust-based entitlement to testimonial belief cannot respond to Lackey's criticisms. For in EAVESDROPPER, both Kate and Earl can expect Ben to believe that *somebody* (namely Kate) depends on his performance. This looser formulation does not distinguish what is special about Kate's epistemic position. In what follows, then, we will take dependence-responsiveness as needing one of the stronger formulations.

### III. Trust and dependence-responsiveness

The problem with dependence-responsiveness, formulated in this stronger way, is that (testimonial) trust does not require it. Thus, although dependence-responsiveness might be present in many or most cases of (testimonial) trust, it is not essentially linked to trust or the normal way of receiving testimony, as Faulkner suggests. Many of the hallmarks of trust mentioned by Faulkner and others, such as affect-ladenness and the salience of reactive-attitudes, do not require an ascription of dependence-responsiveness to make sense. Consider the following cases of apparent trust, one non-testimonial and one testimonial, in which there is no (strong) dependence-responsiveness:

- (A) Professor Zorn writes extensive and helpful comments on her students' essays, but almost none of her students ever read them. This is common knowledge. One particular student, Sam, believes that all professors should write extensive comments on student work, knows that Zorn normally does so, and expects her to continue doing so. Although Sam has never spoken to Zorn, on the basis of her lectures and her reputation Sam thinks she

is an engaged and responsible professor. Although Zorn has little reason to think that Sam will read her comments (and Sam knows this), if Sam received an essay back from her with no comments he would feel resentment and drop her class.

(B) In the True Travelers online advertising forum, hotel proprietors provide information about their facilities, services and prices. Because of recent exposés in the news and a poor overall industry track record, there is a widespread belief among travel site users that proprietor's posts are unreliable, and this cynicism is well-known to proprietors. Some of the proprietors, however, post scrupulously accurate and up-to-date information even though they know few people will believe it. One user, Chung, aware of the news reports and the general cynicism about travel sites, values high standards of honesty and hears from friends that the owner of Hotel Stranieri is honest. Chung comes to believe on the basis of the owner's posts that free Internet is available there and that the final price of his stay will be €68. If these claims turn out to be false, Chung would resent the proprietor and advise his friends not to book at Hotel Stranieri again.

These are cases of trust, in which one person exhibits willingness to rely on a second for something that matters to him, thereby making himself vulnerable, and exhibits reactive attitude dispositions toward that other person. Such characteristics are frequently cited as hallmarks of trust (Holton 1994, Walker 2006). However, it would be irrational to believe that the trusted person will perform because she believes she will be relied upon, since she is very unlikely to be relied upon under the circumstances. The person who trusts her does not think she acts in response to his reliance. Trust is unlinked from dependence-responsiveness.

Such cases raise doubts about the interpretation of other cases from the trust literature. Consider the person who affectively trusts his classmates to catch him when

he falls (Holton 1994). Must he expect his classmates to catch him *because he knows they see that he is relying on them to do so*? Or may he expect his classmates to catch him because he thinks they should catch a person who is falling, irrespective of whether they think *he* expects them to do so? It seems a perfectly intelligible stance of trust, and it is normative rather than predictive. The ascription of an obligation to the ‘catchers’ makes the reactive attitudes appropriate, without the element of reflexivity or mutuality that the advocates of dependence-responsiveness incorporate into affective trust.

An important application of this point is to game-theoretical cases in which the parties to the game cannot communicate with each other. For example, in prisoner’s dilemma cases where there has been no prior communication between the participants, but the terms of interaction are known to both sides, there is room for this kind of trust. Suppose I choose ‘cooperation’ (here a label for my choice, not a description) in a prisoner’s dilemma, relying on my counterpart also to choose cooperation. This cannot be based on a specific expectation that my counterpart believes I am relying on him. Both of us have general knowledge that whether I will rely on her in this way is uncertain to her. Hence I cannot meet Faulkner’s condition. Still, it seems, in this case I might trust her to choose cooperation and choose cooperation myself as a result. The mark of this would be that I have reactive attitude dispositions toward her that would appear if she defected. This would be easy to imagine if the stakes were significant and I therefore ascribed a moral responsibility to my counterpart to choose cooperation as well. (Note that this doesn’t commit us to a solution to the prisoner’s dilemma, it’s just a way of labeling the motive that might be involved.)

To sum up: one of the distinctive things about trust, separating it from reliance on promises, is that it does not always depend on specific agreement or mutual understanding. Although it is very common to trust people to do what they have agreed to do, not all cases of trust are like this. The match between the expectations of the person who trusts, and the tendency of the person trusted to perform as expected, can be non-mutual in the sense that it only occurs because of reasoning or motivations that each side has independently of one another, without specific agreement that would bring about nested or reflexively-aware intentions about how things will go. And both sides can allow for this. I can expect somebody to do what I think is required of somebody in her position to do, and in having this expectation trust her. She, in turn, can be motivated by her independent regard for these same considerations, without any information that I have expectations of performance (Nickel 2007). The language of trust is still appropriate despite the lack of mutual agreement. For example, we typically trust people we do not know to obey traffic rules, not out of an awareness of our reliance, but because we anticipate their regard for the bindingness of the rules.

These considerations do not rule out every epistemic argument that could be constructed on the basis of testimonial dependence-responsiveness. But arguments flowing from the dependence-responsiveness of (testimonial) trust will not work.

#### **IV. Eavesdropper Cases and Asymmetries of Standing**

The claim that dependence-responsiveness is not entailed by testimonial trust is brought out vividly in cases of reliance on testimony not directed at anybody at all: cases

of private soliloquy or diaries (authored by a trusted person) that an audience perchance observes and relies on. I have not made such cases a centerpiece of my reasoning because it is not obvious that one obtains the usual sort of testimonial warrant in them. The matter is controversial. David Owens claims that we can acquire testimonial belief in such cases, presenting them as counterexamples to the ‘assurance’ view of testimony of Moran, and in favor of an alternative view on which testimony is a belief- and warrant-transmitting mechanism, a sort of interpersonal analogue of memory (Owens 2006). Others have argued in response that soliloquy cases lack essential features of distinctively testimonial transmission, e.g., the hearer’s license to deflect justificatory challenges to the testifier (McMyler 2011). What should we say, then, about these cases and the case of EAVESDROPPER? They are a test of the relationship between testimonial reliance, trust, and epistemic warrant.

Let us begin by adapting our earlier argument, sketching a new trust-based testimonial warrant not hinging on dependence-responsiveness. The goal here is not to defend such an argument at length, but to make its form and implications explicit:

- (1) One is sometimes entitled to rely on other people in communicative transactions in the normal way, where this amounts to trusting them as agents capable of gathering, representing and transmitting information.
- (2) Trust implies a strong normative expectation (signaled by reactive attitude dispositions) that the trusted person will perform in the context by speaking the truth.
- (3) We cannot make sense of this normative expectation without presupposing that the person to whom it applies is responsive to a strong reason (e.g., an obligation) to speak the truth.

- (4) A person responsive to such a strong reason is, other things equal, more likely to speak the truth.
- (5) Hence, the person whose trust is warranted will have (extra) reason to think the assertions of the trusted person are true.

The point of the argument is to trace the most direct possible line from normative, affective trust to its epistemic consequences. The argument does not assume dependence-responsiveness, since the speaker's responsiveness to obligation, responsibility, or other overriding reasons to tell the truth need not take into account the specific reliance or expectations of the hearer (though it may do so).

First consider EAVESDROPPER. According to the revised line of argument, a warrant for belief is available to Earl in EAVESDROPPER. Suppose Earl trusts Ben in the usual way, and is entitled to do so. We remain open about the basis of this entitlement: it can relate to Ben's positive characteristics as an agent (such as responsibility, honesty, or kindness), normal characteristics of sentient rational agents in an ongoing cooperative relationship, the impossibility of avoiding extensive affectively-charged reliance on others, etc. For present purposes it is taken for granted that one is sometimes so entitled. Because of the nature of trust, if Earl trusts Ben it commits him to the view that Ben is responsive to relevant reasons to speak truthfully. Earl will be warranted in believing Ben's statements because, barring additional information, he can assume that Ben has as strong a reason to speak truthfully when speaking to Kate as when speaking to Earl. There could be 'defeaters' in play, e.g., reasons why Ben would not speak sincerely to Kate, or why Ben's trustworthiness does not extend to Kate. Since these are special conditions, not a general commitment of trust, they need not be ruled out explicitly in the



argument. The new argument, then, differs from prior accounts of testimonial trust in allowing for testimonial transmission to both hearers in EAVESDROPPER.

From the point of view of our revised argument, soliloquy and diary cases are more tenuous. Imagine a variant of EAVESDROPPER, EAVESDROPPER-SOLILOQUY, where Earl overhears Ben's secret soliloquy. Here, it is less clear that Earl's trust in Ben commits him to thinking that Ben is likely to speak the truth. In order for it to do so, it would have to be plausible that the strong reason to tell the truth covers cases of completely private speech. I submit that if Ben is making serious assertions, genuinely describing Irene's situation, then he has an obligation to be truthful. But there are barriers to making this the basis of an epistemic warrant. First of all, the obligation is tenuous. It is perhaps not even clear whether Kant, with his stringent prohibitions on lying, would endorse these prohibitions for completely private speech (1993 [1799]). Second, it has to be supposed that Ben is responsive to such a tenuous obligation. And finally, the obligation would apply only if somebody is making genuine assertions. The hearer might not be able to ascertain this: are these perhaps ravings or wishes rather than assertions? And is it certain that assertion can even be felicitous, in Austin's (1962) terms, when there is no known audience?

It seems equally difficult to say *intuitively* whether Earl gets a normal testimonial warrant in EAVESDROPPER-SOLILOQUY. Lackey insists that we can obtain testimonial knowledge in soliloquy cases, and takes this as an objection to interpersonal accounts of testimonial warrant. To establish this she considers a case in which one person comes to believe another person committed a murder by overhearing a soliloquy in which he

seemingly describes the event (Lackey 2008, 224). Her case is tainted, however, by the fact that the speaker is already suspected of the murder. Although I agree that one could obtain knowledge in such a case, it might be inferential knowledge, making use of the verbal behavior of the suspect, rather than taking his words at face value. Even if one could indeed get testimonial warrant for full belief in such a case, it would not seem to have the same evidential value as a normal confession. But above all, it does not seem that one should rest a theory of testimonial warrant too heavily on intuitions about such cases.

Setting aside soliloquy cases, then, the revised trust-based view is left with the puzzle of explaining the asymmetries of standing in (the original version of) EAVESDROPPER and other similar cases. On the revised view, these asymmetries are not a matter of testimonial trust and do not arise directly along with testimonial warrant. Hence they require some explanation apart from the trust attitude, or they need to be explained away as illusory. The purported asymmetries are as follows:

- (i) The addressee has a right to challenge the speaker's assertions, but an eavesdropper does not (Moran 2005).
- (ii) The addressee may deflect challenges to his testimonial belief to the speaker, but an eavesdropper may not. Deflection implies that the burden of responding to the challenge is passed from one person to another (Ross 1986, Hinchman 2005, McMyler 2011).
- (iii) If two listeners, one an addressee and another an eavesdropper, both refuse to treat what the speaker says as a reason for belief, the speaker is entitled to feel slighted by the addressee's but not the eavesdropper's refusal (Hinchman 2005,

Faulkner 2007b).

- (iv) The addressee has a greater right to complaint and resentment than a bystander in case the speaker's testimony turns out to have been a lie.

It is important to note that not all listeners can be classified as addressees or eavesdroppers. The speaker can know a bystander to be in auditory range and *not mean to exclude him* from taking an utterance in the usual way, even though he is not the intended recipient of the message. The above points, with the possible exception of (iv), only clearly apply to true addressees and eavesdroppers, not to bystanders.

Eavesdroppers are presumptively excluded from the conversation by definition.

We begin with (i) and (ii). Lackey claims these asymmetries are bogus, arguing that there are cases where a bystander has the standing to challenge the speaker: 'suppose that Malcolm tells me that your wife is abusing drugs and you overhear this conversation from the hallway' (2008, 236). Lackey is right that in such a case a bystander, let's call him Shawn, could try to challenge or question the speaker. But surely this depends on Shawn's special claim to control information within his personal sphere, perhaps with the implicit agreement of his wife. If it were a confidential discussion concerning a casual acquaintance, rather than his wife, things would be quite different. Lackey's case also doesn't make it clear whether Shawn is properly an eavesdropper, i.e., one presumptively excluded from the conversation. If two medical professionals are confidentially discussing the clinical diagnosis of Shawn's wife amongst themselves, it is unlikely a challenge from an eavesdropper will be accepted, even if it is Shawn himself. Where private conversation obtains, it is inappropriate for a bystander to challenge a speaker's reasons or even acknowledge that he was listening intently. Lackey's case does not touch

this basic point.

As this case begins to suggest, asymmetry (i) can be explained in terms of privacy and confidentiality norms, logically independent of testimonial trust. It may be an exaggeration to say, as Bok does, that ‘secrecy is as indispensable to human beings as fire’ (1983, 18), but privacy and confidentiality are powerful values and are highly relevant to norms of communication (Nagel 2002; Nissenbaum 2004). They protect people from the unwanted interference of others and create a safe sphere for interpersonal association, self-definition and the exploration of ideas. In turn, they have a strong influence on the normative standing of those who are in one’s private sphere — part of the conversation — and those who are not. Norms of privacy and confidentiality directly exclude eavesdroppers as legitimate parties to an informational exchange, implying that they have no standing to do many of the things, such as issue challenges or questions to the speaker, that would be normal for conversational participants. In practice the difference between eavesdroppers, bystanders, and intended hearers of testimony is determined by situational norms and the expectations of various parties to the conversation (Petronio 2002). These are logically independent of testimonial trust and any associated warrant. In the end, then, Lackey is wrong to dismiss asymmetry (i), but she is right that it is largely irrelevant to testimonial warrant. In EAVESDROPPER, Kate and Earl have equal testimonial warrant because (*a fortiori*) they have equal reason to trust Ben. But they do not have equal standing to challenge his assertions.

Asymmetry (ii) needs clarification, because deflection can be thought of, either as involving an actual challenge to the speaker that is passed along to him, or alternatively

as merely providing an indication that one's warrant traces back in some way to the speaker. On the first interpretation, there is an asymmetry, but this is explained by privacy and confidentiality norms. The eavesdropper is not licensed to challenge the speaker or pass along the challenges of others in a way that violates the speaker's privacy, as explained just above. On the second interpretation, however, there is no asymmetry. In terms of warrant, the eavesdropper and the addressee are on equal footing: in EAVESDROPPER, Earl's indication that his warrant traces to Ben's testimony, although it may reveal his violation of Ben and Kate's privacy, may be just as successful as Kate's in explaining and justifying his belief. Either way, (ii) poses no problem.

Asymmetry (iii) is illusory, as Lackey argues (2008, 235). If Earl refuses to believe what Ben says and Ben somehow learns this, it reveals something to Ben about his perceived trustworthiness. It also signals a breakdown of Earl's trust, which Ben might have valued. Although Earl violated Ben's confidentiality by eavesdropping, Ben may nonetheless be upset by this breakdown of (testimonial) trust, just as he would be if Kate refused to believe him. Ben's feeling of sadness or frustration about Earl's low trust is perhaps confused or tempered by his anger or resentment at the privacy violation, which gives the appearance of an asymmetry of standing when there is none in fact.

Finally, we come to asymmetry (iv), with which we began the paper, concerning one's special entitlement to complain and express resentment when one has been lied to directly. By way of illustration, suppose Bob, on a date with Anna, tells her that although he still lives with his ex-wife, they are divorced and dating other people. It is a lie; they have not divorced and have no agreement to date others. He correctly thinks Anna would

not wish to date him if she knew the truth. Faulkner (2007b) has rightly pointed out that the wrong of lies is partly due to their manipulative aspect, and that the right of complaint about this aspect is furthermore ‘second-personal’ in the sense that it belongs to the person manipulated, not to others, even when they are affected similarly. Suppose, in a variation of the case, that Bob never lies to Anna directly, but she secretly reads a text message he sent to another woman he was also seeing, which said that although he still lives with his ex-wife, they are divorced and dating other people. In this variant, if Anna discovers that Bob’s claim is a lie she cannot similarly complain that Bob tried to manipulate her with his lie, or resent him for doing so, even though the evil of Bob’s manipulative intentions and the consequences of his lie for her are equally bad in both variants. On Faulkner’s view, this special second-personal resentment is explained by the misuse of the listener’s good faith that her own interests will be looked after by the speaker (i.e., dependence-responsiveness), and is thus intrinsically linked to the trust-based warrant for believing testimony (2007b).

Being the person to whom a lie is delivered, regardless of the intent or the consequences, does seem to give one a special standing to feel and express resentment toward the speaker. Can this be explained without making reference to the fact that that person trusts, or trusted, the speaker (for after all, an eavesdropper can also trust the speaker but does not have this standing)? Indeed it can, because it is true in virtue of a more general principle that itself makes no reference to trust: namely, that it is the intended target of a wrongful act who has the right of rebuke or resentment in the first instance. This is true even of those who actively distrust the person who wrongs them. If

my scoundrel neighbor RJ steals my bicycle or kills the tree in my front yard, I have a special right of rebuke and resentment even though I did not trust him beforehand.

Although there are some things RJ can only do to me if I trust him, such as manipulate me in certain ways, the special standing I would have in those cases derives from the fact that I am the intended target of his wrongful act, not from the fact that I trusted him.

Since Anna was not herself the intended target of Bob's manipulation in the variant case, she does not have this special standing. She can still make a moral complaint, but it is of a different sort. Hence a non-trust-related fact explains the asymmetry of standing.

## **V. Conclusion**

I conclude that trust does not generate an audience-specific testimonial warrant. However, this does not mean that speaker-audience relations are epistemologically irrelevant. There are at least two ways in which the mutual communication, acceptance and adjustment of speaker and audience expectations facilitate the acquisition and maintenance of testimonial trust, even though they are not strictly required for it. First, testimonial trust can best be acquired and maintained through mutual assessment and adjustment of expectations. If Kate and Earl each have doubts about what Ben says but only Kate is in a position to challenge or confront him about these doubts, this can have serious epistemological implications for Earl. Earl is not in a position to test Ben by asking questions or making counterclaims, and this may be crucial in situations where he has doubts about Ben's trustworthiness. Second, testimony is often adjusted to a person's evidential standards. Whether this is happening on a particular occasion may be difficult

to determine without being able to communicate mutually about these standards.

Suppose I know that my friend Lisa gets cold easily. If I tell her what the weather will be like when she visits me in Seattle, I will normally keep her particular standards in mind and adjust my statements accordingly. (A rich array of examples along these lines is considered in Hinchman (forthcoming).) If a person is blocked from speaking with her testimonial sources, she cannot easily express her own epistemic standards or determine whether the speaker is aware of them. These are just two ways in which the dynamics of actual conversation facilitate trust and warranted belief. There are probably others. My point here has not been to discount the importance of processes of mutual expression, acknowledgement and adjustment of the expectations of trust to testimonial warrant, but to point out that trust-based testimonial warrant does not essentially depend on such processes.

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