

## The Concept of Testimony

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### 1. Introduction

One main problem of the epistemological discussion about *knowledge by testimony* is the concept of testimony itself. What exactly do we mean, when we speak about testimony in the epistemological sense? Normally we find examples like the following in the literature:

(E-1) John is visiting his friend Paul in his native town Muenster. During a short sightseeing tour Paul tells John something about the cathedral of Muenster – namely, that it was rebuilt after the Second World War in its original manner. Afterwards, John knows this proposition by means of his friend's testimony.

A good deal of people, working on the topic, leaves it at that, suggesting that our intuitions are sufficient to grasp what the concept of testimony is about. However, it is not far reaching to see the threatening vagueness lurking behind such a concept – threatening, as we want to say something about the conditions of justification in this context. But how can we do this, if we do not know what we are talking about? Being precise in defining the justificatory conditions calls for being precise in the definition of the concept itself. The aim of this talk will be a proposal of this definition. But let us start with some attempts of clarification that have already been put forward.

### 2. Formal and Natural Testimony

The most common definition of testimony is the one developed by C.A.J. Coady (see Coady 1992). His account is based on the general assumption that testimony can be regarded as a kind of speech act, primarily as an instance of Searle's so called *assertives* (see Searle 1979, 12). He continues by making a distinction between *formal* and *natural testimony*.

The concept of *formal testimony* is needed in formal settings – most of all in legal ones. The treatment of witnesses and the conditions of testifying in court are legally fixed. Coady's concept of formal testimony is meant to do justice to these requirements (see Coady 1992, 32/33). The concept of *natural testimony* is needed to accommodate the notion of testimony in all situations of daily life. It is also this concept that will concern us further. In accordance

with Coady's view, the necessary and sufficient conditions for this term are the following ones:

„A speaker S testifies by making some statement  $p$  if and only if:

- 1) His stating that  $p$  is evidence that  $p$  and is offered as evidence that  $p$ .
- 2) S has the relevant competence, authority, or credentials to state truly that  $p$ .
- 3) S's statement that  $p$  is relevant to some disputed or unresolved question (which may, or may not be,  $p$ ?) and is directed to those who are in need of evidence on the matter” (ibid., 42).

Many other authors engaged in the debate use Coady's definition of natural testimony. Nevertheless, it leads to the difficulty that some cases, though, ordinarily assumed to belong to the scope of the concept, are not covered by this definition. Obvious examples are diaries. In this case the author does not address a recipient – except for himself – to answer a certain question. There is no dispute to settle and no one is in need of evidence whatsoever.

The problem of Coady's definition is that it is too narrow. Several philosophers have already criticized this (see Graham 1997, Kusch 2004, Welbourne 1994). The reason for the problem is that his concept of the formal setting is working as a kind of *intuition pump* for defining the natural one (see Kusch 2004, 16). The assumption is that Coady unconsciously transferred the much stronger requirements of testimony in the legal context to his concept of natural testimony. And in the latter context they raise the epistemic burden for the testifier to an unrealistic level (see Welbourne 1994, 121, and Graham 1997, 231).

Different proposals were made to modify Coady's definition (see e.g. Graham 1997, 227). In the following I want to present and analyse just one of them – the account of Jennifer Lackey.

### **3. Lackey's twofold definition**

In developing her own proposal Lackey tries to approach the combination of two main objectives:

- 1) to define a neutral concept of testimony, i.e. one free of possible epistemic functions, and
- 2) to defend the distinction between the speaker's and the hearer's context.

The first point refers to her criticism of Coady's conception. She is of the opinion that he mixes up the epistemic and the metaphysical aspects<sup>1</sup> of the concept (see Lackey 2008, 16f.). Contrary to this, Lackey wants to define a neutral concept which will then be open for further epistemic assessment, i.e. the question whether the testifier's word is a reliable source of information or not. The second aim is related to a general observation of hers with regard to a great deal of definitional difficulties of testimony. Lackey claims that most of them arise as philosophers do not pay attention to the two contexts which are involved, namely the context of the speaker and the one of the hearer (see *ibid.*, 27). The point is that not all conditions of the speaker's context are also necessary from the hearer's perspective and vice versa. Furthermore, Lackey refrains from the concept of evidence as a clarifying item. Alternatively, she stresses the point that the purpose of testifying is an act of communication conveying certain information (see *ibid.*, 28). Taking these preliminary points into account, Lackey's own definition of the concept of testimony runs as follows:

„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 (2) *a* is reasonably taken as conveying the information that *p*” (*ibid.*, 35f.).

Obviously Lackey argues in favour of a very broad notion of testimony. I will proceed by showing that her account is in fact *too broad* to help us understand, how we use the term *testimony* in an epistemological sense.

#### **4. What is wrong with Lackey's Definition?**

Searching for the right notion of testimony, one has to bear in mind that one is concerned with a technical term of philosophy. *Testimony* and *testifying* do not – or seldom, namely in legal contexts – refer to acts of ordinary language usage. If asked, ‘how do you know that *p*?’, the hearer normally would not answer, ‘because S testified that *p*’, but would say something like, ‘because S told me that *p*’, or just, ‘because S said so’. Ordinary speech does not provide an adequate phrase with a notion of testimony of this kind. The reason for this is that *testimony* denotes an epistemic source. Taking this consideration into account, Lackey's proposal of defining testimony without referring to its epistemic role becomes questionable.

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<sup>1</sup> By *metaphysical aspects* Lackey refers to the conditions which must be fulfilled to classify the epistemically neutral act of testifying (see Lackey 2008, 16).

Besides this, an unfavourable vagueness is lurking in her concept, too. In focussing on the communicational act of conveying information as the essential part of the definition it becomes quite unclear whether a precise distinction between the concept of testimony and the one of communication can be found. And this differentiation is a necessary one as, of course, each testimony is a case of communication, but not vice versa! To see this, think of speech acts such as *congratulation* or *expression of thank*. It can be taken for granted that you are communicating in these situations. But it seems obviously wrong to apply the concept of testimony here. Therefore, you need to make a distinction between the much broader concept of communication and the one of testimony.

Lackey's concept, however, allows us to speak about testifying even in such contexts. She also broadens her definition to capture nonverbal behaviour – like nodding – as a possible instance of testimony (see *ibid.*, 25f.). But what kind of content is transmitted in such situations? Think of the following example, discussed by Lackey (see *ibid.*, 28): A friend is asking you whether there is any cake in the kitchen. She sees you nodding and therefore assumes that there is some cake in the kitchen. But, as a matter of fact, you were just moving your head to some music that you were listening to via your earphones which your friend cannot see. You did not even notice her question. So, would you say that you have testified in any sense or conveyed a certain sort of information? It seems not. Now, take the same situation, but with the difference that your nod actually is an answer to the question of your friend. From the speaker's perspective it is clear why the latter case is an instance of testimony while the former is not. But how can the hearer grasp the difference? Lackey says that we should refer to the *communicable content* of the situation. But what is the communicable content of a nod? To get knowledge from a nodding person you have to infer from certain premises what sort of information you can get. Gestures and facial expressions *are* acts of communication but in the epistemological sense it seems more appropriate to analyse them as a part of *inferential reasoning* than as an instance of testimony.

To sum up, I think that Lackey's definitional proposal has a good starting point in taking the twofold nature of testimony seriously, but ends up with too broad a concept as it is not clear how to make a distinction between communicating in general and testifying in particular any longer.

## **5. Testimony: Epistemic Source or Speech Act?**

In the last section I want to propose an alternative account of how to understand testimony in a twofold way. I think that Lackey is right to highlight this feature of testimony and that the

neglect of this was a major source for definitional difficulties up to now. The point is that, on the one hand, a speaker may intend to testify that *p* although his recipient does not accept his assertion as a testimonial act. For example, the hearer may think that the speaker is not sincere or competent to testify that *p*. And, on the other hand, a hearer may use an assertion as an epistemic source, even though the relevant speaker did not intend to testify at all – diaries are the obvious example of such a case. Both situations are possible. Additionally, situations, when speaker and hearer agree that an act of testifying took place, remain the default setting of testimony. Accordingly, our concept of testimony should be able to accommodate these three different situations. It seems appropriate, therefore, to define the act of testifying from the speaker's perspective and the act of using an assertion as an epistemic source – namely, as testimony – from the hearer's perspective.

Let us start with the speaker. What are the necessary conditions in his context? The proposal is this (see Mößner 2010, ch. 2.4.1):

S testifies that *p* if and only if

- 1) S intends to exert influence on the belief system of the hearer;
- 2) S offers his assertion as a kind of potential evidence for *p*;
- 3) S acts in a sincere manner;
- 4) S believes that he has the relevant competence to assert that *p* sincerely;
- 5) S takes Grice's principle of cooperation into account, i.e. he tries to formulate his assertion in an intelligible manner.

The first condition is related to the relevant intention of the speaker. What is his aim when he testifies that *p*? Obviously he wants to influence the hearer's belief system. In accordance with this main intention, different kinds of epistemic goals are possible. a) S wants to provide a new proposition; b) S wants to confirm H in believing an existent proposition, or c) S wants to give rise to change a belief hold by H. Now, following one of these goals, the speaker offers a piece of information to the hearer. But how can he make sure that the hearer will trust him and accept his offer? Some formal and epistemic requirements seem to be necessary supplements in this context.

Firstly, S has to formulate his assertion in an intelligible manner. As, of course, the hearer has to understand his assertion before accepting its content. In condition (5) we find this requirement. Here we stick to Paul Grice's principle of cooperation which is meant to

ensure the intelligibility of an utterance: “Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged” (Grice 1989, 26).

Secondly, remember that we are talking about testimony as an epistemic source. Conditions (2) to (4) are relevant in this context. When the speaker tells a lie, for sure, he wants to influence the hearer’s belief system, too. But, furthermore, he has the intention to deceive the hearer – a case that shall be excluded from the notion of testimony. Due to this fact the act of testifying is combined with the speaker’s sincerity and believed competence with regard to the proposition in question. He offers his assertion that *p* in a sincere manner when he himself believes that *p* is true. As mentioned by Coady (see Coady 1992, 44) this does not mean that *p* is in fact the case, but only that *S* thinks so. Additionally, *S* has to believe that he has the relevant competence in question. In fulfilling both of these conditions the speaker can offer his assertion as a kind of evidence on the asserted fact.

The second context for our concept of testimony is the one of the hearer. As testimony is normally discussed under the heading of an epistemic source, this also seems to be the more common one.

What kind of conditions must obtain so that a recipient is able to learn something from *S*’s assertion? The main difference to the conditions of the speaker’s context rests on the fact that it is up to the hearer to assess the testifier in question. The following conditions seem to be appropriate for our notion of testimony as an epistemic source (see Mößner 2010, ch. 2.4.2):

*H* uses an act of communication of the speaker *S* that *p* as an instance of testimony that *p* if and only if:

- 1) *S*’s assertion that *p* is taken by *H* as providing a kind of evidence that *p*;
- 2) *H* believes that *S* is competent to assert truly that *p*;
- 3) *H* believes that *S* is sincere in asserting that *p*.

Typically the hearer does also ascribe a certain intention to the hearer, namely that *S* wants to influence *H*’s belief system. But this is not a necessary condition, as the example of the usage of diaries shows.

To put my results in a nutshell: Our twofold concept of testimony can accommodate all three mentioned cases. Although a hearer might not accept an assertion as an epistemic link,

the speaker can, nonetheless, testify. And a hearer might, respectively, use a piece of information – e.g. a diary – as an epistemic source, although the speaker did not intend to testify. In the default setting of testimony both concepts – the one from the perspective of the speaker and the one from the perspective of the hearer – are applied simultaneously.

### **Literature**

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