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TESTIMONY AS JOINT ACTIVITY

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Testimony is of epistemic and practical significance. It is of epistemic significance because majority of what we know and believe comes from being told. It is of practical significance because our agency can be undermined, bypassed, or overridden owing to systemic prejudices sustained by oppressive social or cultural practices and subsequently our routes to knowledge are either hindered or distorted. Things get more complicated when we introduce and examine how groups and other collectives testify and are recipients of testimony. For instance, group speakers are typically said to represent and reflect the view of the group they are speaking on behalf of. But sometimes because of these oppressive practices, a group speaker's assertion may deprive or impair its members' ability to perform certain actions through speech. This dissertation examines the intersection between testimony, collective phenomena, and epistemic harms. One aim is to argue for a view on the nature of testimony that can accommodate various ways collectives testify and are recipients of testimony. In particular, I argue and present a view of testimony as a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration. Another aim is to present an epistemology of testimony that tracks our ordinary testimonial practices. In this regard, I argue for a norm view where we have reason to believe what we're told because of the rules or norms that govern our communicative exchanges. A final aim is to explore the mechanism by which

collective speech ensues in an epistemic harm driven by social identity prejudices. I argue for a form of silencing that is distinctive of groups insofar as the silencing occurs because of group dynamics. I call the mechanism underlying this form of silencing "representational impairment". This dissertation, I hope, will motivate and inspire others to pursue philosophical projects at these intersections and in this spirit, I end by offering suggestions on areas of further development and future direction.

To my family,
My source of inspiration

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Preface

There is a tendency in philosophy to explore topics within an *individualistic* framework. Descartes began by asking what things he can undoubtedly know with certainty and used this knowledge as foundation for subsequent claims to knowledge. The topic of testimony is no exception to this rule. Most of the prominent accounts of testimony operate on the assumption that the testimonial act is an individual act formed by the speaker alone and our testimonial capacity to produce and consume testimony is an individual cognitive capacity.[1]

I think it is a mistake to explore the topic of testimony with an individualistic framework in mind because it downplays crucial features central to our understanding of testimony. For instance, it does not shed light (or has little to say) on the role of the interlocutor or the norms governing our communicative exchanges. If a testimonial act is an individual act, then what is the relationship between a speaker's testimony and the interlocutor's grasp (or lack thereof) of her utterance? How do the norms that govern our testimonial exchange figure into what the speaker should say and the interlocutor's reason for belief?

Similarly, the framework downplays our social testimonial practices. Our testimony can be excluded or silenced or by testifying we can exclude and silence others. If testimony is understood as an individual act and the product of an individual cognitive capacity, then how can the speaker be excluded or silenced through what she says? And how can she silence and exclude others through her testimony? The framework leaves

[1] For some accounts of testimony that adopt an individualistic framework, see e.g., Coady (1992), Graham (1997), and Lackey (2008). There are some exceptions, see e.g., Moran (2018).

open the relationship between the speaker's words and these other central features of our testimonial practices.

By shifting towards a *joint* framework, I believe we can find interesting answers to these (and other related) philosophical questions. Understanding testimony as a joint activity provides us a starting point for understanding the various roles the interlocutor and the norms play and the ways in which we can silence and exclude others via our testimony.

The idea is simple and elegant. If the testimonial act is a joint act, then we can make room for the role of the interlocutor – in addition to the speaker – towards its production. Majority of joint activities are governed by norms – e.g., playing soccer, walking together – and our testimonial exchanges are no exception to the case. If norms govern our exchanges, then our contributions are situated within these norms, and they dictate how we, in our respective roles as speakers and hearers, rationally and epistemically contribute toward these exchanges. And if our testimonial capacity is a joint cognitive capacity, then we can explain the range of ways we can exclude and silence our interlocutors. Because the other is essential for the successful execution of our testimonial capacity, we can silence others by systematically not doing our part owing, in part, to harmful prejudices and stereotypes.

I've indicated some reasons to approach the topic of testimony as a joint activity. The framework equips us with new conceptual tools and resources to tackle significant themes and emerging issues within the subject matter. My dissertation project addresses three themes within the literature and is divided into four subsequent chapters:

1. The Nature of Testimony

2. The Epistemology of Testimony
3. Silencing and Testimonial Exclusion
4. Future Direction and Areas of Further Development

In chapter 1 I am interested in answering the following: What kind of theory of testimony ought we accept? I draw a distinction between two approaches in theorizing about its nature: individual and joint approaches. I argue that a joint approach is warranted since an individual approach confronts difficulties in capturing testimony involving collective testifiers and collective recipients. The individual approach furthermore fails to account for the joint activity that lies at the heart of testimony. I proceed to develop a novel theory of testimony that has the resources to account for testimony as a joint enterprise as well as testimony involving collective testifiers and collective recipients. On my proposed theory, testimony is a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration. I conclude by showing that this theory can account for a hitherto neglected aspect of epistemic injustice.

In chapter 2, I am concerned with the epistemology of testimony. Existing work on testimonial justification ties our reason to believe constitutively to evidence or non-evidential structures concerning the interpersonal relationship or reliability of processes involved in the production and consumption of testimony. I argue that testimonial justification is more broadly applicable than has hitherto been appreciated. What is distinctive about testimonial justification – and why we have reason to believe what we're told – are the norms that govern our testimonial exchanges. I thus hold that what grounds testimonial justification are norms, and it need not require evidence. Testimonial justification can also be provided in contexts where an interpersonal relationship between

a speaker and audience doesn't exist and where the processes involved in producing and consuming testimony are unreliable. Appreciating the normativity of testimonial reasons and the underlying structure that characterizes them allows us to capture the diversity of testimonial reports, extend justification to different kinds of testimony, and track our ordinary testimonial practices.

In chapter 3 I explore and examine the relation between silencing and testimony. I argue that there is a form of silencing that is distinctive of groups insofar as the silencing occurs because of group dynamics. I call the mechanism underlying this form of silencing "representational impairment". Given that theories of silencing should explain all forms of silencing, any comprehensive theory should be able to account for representational impairment. I argue, however, that three theories of silencing cannot accommodate it. Representational impairment thus constitutes a novel explanatory problem for these silencing theories. Yet I introduce and argue for a novel theory of silencing that *can* accommodate and account for representational impairment, in which case this form of silencing constitutes a novel explanatory advantage for my theory. I also demonstrate how the theory can accommodate other forms of silencing prominently discussed in the literature.

Chapter 4 concludes with areas of further development and future direction. The previous chapters of this dissertation have set the stage to explore and examine philosophical issues at the intersection of group testimony and epistemic wronging. In particular, I'm interested in exploring two emerging themes: epistemic alienation and, group epistemic responsibility and epistemic blame. In this chapter I provide initial sketches of these notions and put forth an argumentative agenda. In particular, I

characterize a notion of epistemic alienation as *picking out a social or psychological ill referring to the problematic separation between either an individual or collective agent and the production of and/or the epistemic goods themselves that properly belong together.* The other theme is concerned with a group's epistemic duties to share and withhold information and its relation to epistemic blame. I hold that groups have an epistemic duty to share information when that information is relevant to the affected parties, has the potential to create more good than harm, and the benefits of sharing outweigh the costs of withholding. Similarly, groups have an epistemic duty to withhold information when that information has the potential to cause significant harm to the affected parties, and the benefits of withholding outweighs the costs of transparency.

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Chapter 1: Testimony as Joint Activity

1. Introductory Remarks

As individuals, we testify to each other all the time. But it is also a feature of our testimonial practices that collectives can and do testify and serve as recipients of testimony. We frequently witness corporations denying allegations, unions rejecting terms of a contract, sportsteams making public statements, and witnesses testifying to the Senate. Despite the fact that our testimonial practices purport to identify testimony involving collective testifiers and collective recipients, there has been little philosophical work done to address how to account for testimony involving collectives.[2]

This paper is a first step toward providing a systematic account of testimony that can accommodate testimony as a joint enterprise as well as testimony involving collective testifiers and collective recipients. The plan is as follows: in section 2, I introduce four kinds of testimony that arise in the collective setting. The first two focus on how a collective recipient is addressed whereas the remaining focus on the structure of a collective testifier. I argue that a satisfactory theory of testimony must be able to accommodate these four kinds of testimony. In section 3, I draw a distinction between two theoretical approaches to testimony. On the individual approach, testimony is understood as an individual act and our testimonial capacity is an individual cognitive capacity. On the joint approach, testimony is understood as a joint act and our testimonial capacity is a joint cognitive capacity. I argue that we should adopt a joint approach since the individual approach has difficulties capturing testimony involving collective testifiers

[2] For recent work on testimony involving collectives, see e.g., Fricker (2012) Lackey (2014, 2018, 2020), Ludwig (2014), and Tollefsen (2007, 2009, 2020).

and collective recipients. In section 4, I present my theory of testimony as a variant of the joint approach. On my proposed theory, testimony is a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration. I show that the theory is able to capture the four kinds of testimony involving collectives. In section 5, I consider an alternative joint theory but show it to be wanting. In particular, I argue that the requirements it imposes make it unable to accommodate testimony involving collectives. Finally, in section 6, I conclude by showing how my theory can account for a hitherto neglected aspect of epistemic injustice. In particular, I argue that testimony involving collectives gives rise to distinctive kinds of epistemic injustice and that these are best understood in terms of a breakdown of collaboration.

2. Four Types of Collective Testimony

Most problems of testimony discussed in the philosophical literature involve individual testifiers and recipients. For instance, a key question in the epistemology of testimony concern how an individual can acquire a justified belief on the basis of another's say-so (see e.g., Adler 2017; Greco 2012).

However, the testimonial cases that form the basis for epistemological scrutiny are what we might think of as limit cases of testimony. In real life, testimony often is much more complicated. Both the testifier and recipient commonly consist of collectives, that is, collections of individuals who stand to each other in various relationships.[3] In this

[3] 'Collectives' is as an all-encompassing term that, at minimum, involves reference to a collection of individuals. Among the various sorts of collectives, there can be 'groups', which refers to a robust agent in its own right that does not have a strict functional correspondence to what its group members think or do. I

section, I outline four types of testimony in which the testifier or recipient is a collective. The first two focus on ways in which the testifier *addresses* its collective recipient, whereas the remaining concern the *structure* of the collective testifier.

When a collective recipient is involved in a testimonial exchange, there are two ways in which the recipient can be addressed. The collective recipient can be addressed either non-distributively or distributively. These two forms of address are analogous to two kinds of ammunition shells available for shotguns. The shell can consist of either a single slug or a bunch of pellets known as a buckshot. Accordingly, I will refer to the first form of address as slug testimony and the second form of address as buckshot testimony.

As an example of slug testimony, consider the following case: Cindy is in the midst of planning her birthday party. Thinking about who to include on her invite list, she recalls an event where a chess club denied her request to join. It's been some time since Cindy was denied entry, and frankly, she cannot remember exactly who is part of the chess club. All she knows is that the club is up and running. Wanting to give them a taste of their own medicine, she sends an email to the chess club, using a general email address she found on the internet, stating that they are not invited to her birthday party. In the envisaged case, Cindy's testimony addresses a collective as a whole, that is, whichever members happen currently to be part of the chess club.

As an example of buckshot testimony, consider the following example, originally due to Andy Egan (2009). In the course of a sermon, Horton says to his studio audience "Jesus loves you". The natural way to read this is to understand Horton's utterance as expressing different propositions to each studio audience. To Frank, it expresses the

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will reserve the term 'groups' to refer to this particular kind of collective. For the most part, when I use the term 'collectives' I will be neutral as to what kind of entity is invoked, unless I specify otherwise.

proposition that *Jesus loves Frank*. To Daniel, it expresses the proposition that *Jesus loves Daniel*. And so on for the rest of the studio audience.

The third and fourth kinds of collective testimony focus on the structure of the collective testifier. The collective testifier can have either a summative or non-summative structure. In the summative case, a collective testifies by way of the organized efforts among its members that results in all (or a number of) members of the collective agreeing to what the testimony will consist in and what its purpose is. The testimony is nothing more than the sum of its members' attitudes toward what is said. Although a sufficiently small collective could, in principle, deliver the testimony by speaking at the same time (like a choir), in practice, a representative will ordinarily serve on behalf of the collective. Call this type of collective testimony "summative testimony".[4]

As an example of summative testimony, consider the following. Curtis, Melisa, and Michael are graduate students who witness Alex, the officer manager, steal money from the department's donation jar. Melisa believes that Alex stole the money. The same goes for Curtis and Michael. Neither of them wants Alex's behavior to go unnoticed, and they want to take action together. After some deliberation, they choose Melisa as the representative to speak on the collective's behalf. They head to the university's human resources department and Melisa says the following, "I am speaking on behalf of Curtis, Michael, and myself. We would like to report that Alex stole the money from the department's donation jar." While Melisa is the one who actually make this statement,

[4] The structure of the collective testifier in the kind of testimony I'm describing here has been discussed under different names. For instance, Lackey (2018, 22-23) calls this "coordinated group assertion" and List (2014, 1609) invokes something similar under the notion of a "common attitude".

she serves on behalf of the group. Accordingly, it's the *group* that is the testifier here, not Melisa as an individual.

In the non-summative case, a collective testifies as an agent in its own right. What the collective testifies to is not merely the sum of its members' attitudes toward what is said, but rather, it is a function of what the group thinks or does as an intentional agent. The group is said to have a "mind of its own" and what it says or does, does not strictly correspond to what happens at the level of its members. Ordinarily, a representative or spokesperson speaks on behalf of the group and represents or reports what the group thinks or does. Examples of collective testifiers that testify as agents in their own right are the State in criminal cases, the United States in federal cases, the university in academic integrity hearings, and a commercial corporation in public forums. Call this type of collective testimony "non-summative testimony."[5]

As an example of non-summative testimony, consider this case. In the *State v. Norman* (1989), the defendant, Judy Ann Laws Norman, appealed the jury's guilty verdict of voluntary manslaughter when she killed her husband in her sleep and claimed that the killing was an act of self-defense under battered wife syndrome. When the case was elevated to the Supreme Court of North Carolina, then question became whether or not self-defense was present. We can easily imagine the prosecutor representing the State of North Carolina saying the following, "Your Honor, the State finds Judy Norman guilty of voluntary manslaughter because there was no necessity, real or reasonably apparent, of

[5] Again, the structure of the collective testifier in the kind of testimony I'm describing here has been discussed under different names. For instance, Lackey (2018) discusses this in terms of "authority-based group assertion" and List (2014) invokes something similar under the notion of a "corporate attitude".

killing an unlawful aggressor to save oneself from imminent death or great bodily injury".

Thus far, I have outlined four kinds of collective testimony. Slug and buckshot testimony focus on the way in which a collective recipient is addressed, whereas summative and non-summative testimony focus on the structure of the collective testifier. I don't take this to exhaust all the potential cases of collective testimony, but a satisfactory theory of testimony should at the very least be able to accommodate these four types. In the next section, I consider two theoretical approaches in providing a framework to understand and accommodate these types of testimonies, what I will call the "individual approach" and the "joint approach". I argue that the joint approach is warranted since the individual approach lacks the conceptual tools needed to accommodate the four kinds of testimony discussed above.

3. Two Approaches in Theorizing about Testimony

We can distinguish between two theoretical approaches to testimony: the individual and the joint approaches. On the individual approach, testimony is regarded as an utterance made by a speaker and grasped by a hearer. The speaker and the hearer are treated as independent of each other, that is, whether the speaker succeeds in making a statement depends entirely on her cognitive capacity, or competence, as a speaker, and whether the hearer succeeds in grasping what was said depends entirely on her cognitive capacities as a hearer. The hearer furthermore succeeds in forming a justified true belief on the basis of testimony owing to her social competence, which enables her to choose to obtain

testimony from a person who seems reliable (Greco 2007; Sosa 2007, 95).[6] On the joint approach, by contrast, testimony counts as joint activity, even in the limit case in which a hearer seeks out a speaker in order to obtain information. In fact, I want to go as far as to say that in cases of pure telling in which the hearer is not seeking out the speaker in order to obtain testimony from her but simply grasps what the speaker chooses to tell her should be considered a joint cognitive activity. In what follows, I argue that the individual approach has shortcomings when it comes to more complex cases of testimony (section 3.1), but that the joint approach has the conceptual tools needed to accommodate such cases (section 3.2).

3.1 The Individual Approach

As noted above, the individual approach to testimony addresses various epistemological problems of testimony by identifying which cognitive capacities testifiers and recipients need in order to account for how a recipient can acquire a true belief on the basis of testimony. This is the most common approach taken in the philosophical literature. In identifying which cognitive capacities testifiers and recipients require, the individual approach makes two assumptions about testimony.

The first assumption is that the primary unit of analysis of a testimonial act is at the individual level. Testimony involves *individual acts*, such as the act of identifying someone who can give you information you need, that person's act of making an utterance, and your act of grasping the utterance and forming a belief on the basis

[6] Greco (2007) and Sosa (2007) are replying to Lackey's (2007) case of Morris asking for directions to the Sears Tower.

thereof.[7] For instance, C.A.J. Coady – who developed one of the earlier theories of testimony in modern times – holds that:

> S testifies by making some statement that *p* if and only if:
> 1. S's 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 whether *p*) and is directed to those who are in need of evidence on the matter. (1992, 42)

A more recent theory, developed by Jennifer Lackey (2008), argues for a disjunctive view which broadens the scope of testimony to include acts of communication. An act of communication "does not require that the speaker *intend to communicate to others*; instead, it requires merely that the speaker *intend to express communicable content*." (2008, 28). Someone's entry in a private diary or someone who gives a soliloquy performs an act of communication because they intend to express communicable content even though they do not intend to communicate to others. Although the scope of testimony is broadened, there is still a primary emphasis to understand it in terms of individuals acts made by speakers and hearers.

The second assumption made by the individual approach is that our testimonial capacity as testifiers or recipients are *individual cognitive capacities*. Our testimonial capacities are supposed to mirror other cognitive capacities or what is sometimes referred to as cognitive faculties, such as perception, memory, reasoning or introspection (see e.g., McDowell 1998, 45; Millikan 2004, 120; Sosa 2007).

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[7] For example, see Audi (1997), Coady (1992), Fricker (1995), Graham (1997), and Sosa (1991) for instances of testimony involving individual acts.

On the individual approach, our testimonial capacities function like other individual cognitive capacities in that when these capacities are reliable, they provide the hearer with a justified true belief or knowledge, on the basis of testimony. Importantly, there is no assumption that the testifier and recipient need to cooperate in some way. Indeed, Lackey (2008) does not even require that the speaker intend to communicate anything to others. Thus, on her theory, the successful execution of the speaker's testimonial capacity need not rely on others.

While the approach has a considerable degree of initial plausibility, upon closer examination, there are several shortcomings. I lay out three here concerning its ability to accommodate cases of testimony involving collective recipients, collective testifiers, and cases of collective recipients attaining justified true belief.

The individual approach runs into trouble with cases of testimony involving collective recipients because of the assumption that testimony involves individual acts. Individual acts alone – e.g., the speaker's act of making an utterance and the hearer's act of grasping the utterance – are insufficient to determine and differentiate forms of address.

Consider the following. Suppose that Sasha, a pop critic, is interviewing One Direction about their latest album. The interview is broadcasted live to fans and everyone is keen on what she has to say. During the interview, she says, "You guys, the album is a big success!" with the intent of addressing them by means of buckshot testimony. But, naturally, we hold the intuition that Sasha addressed One Direction by means of slug testimony. We can easily imagine cases where the live listeners report back that what

Sasha said was that “One Direction’s album is a big success”. Even the boy band may take Sasha’s words as slug rather than buckshot testimony.

Sometimes, there are additional factors – i.e., factors concerning the social or joint nature of acts – such as the social response the live listeners had toward the utterance, the context in which the utterance resides, the boy band’s collective grasp and response toward the utterance, and more that determine the way in which the collective recipient is addressed.

A second shortcoming of the individual approach is that it cannot accommodate cases of testimony involving collective testifiers because it maintains that our testimonial capacities are individual cognitive capacities, and these alone, are unable to explain a collective’s capacity to produce testimony.

As pointed out earlier, a collective testifier can either produce summative or non-summative testimony. Since an individual cognitive capacity is a capacity that needn’t rely on others for its successful execution, the individual approach strikes a problem because a collective’s testimony, by its very nature, essentially relies on others for its successful execution.

For instance, in the case of summative testimony, when Melisa testifies on behalf of the group, her capacity to produce testimony essentially relies on Curtis and Michael. For if it hadn’t been the case that her statement speaks on behalf of Curtis, Michael, and herself, the testimony would not be the group’s but hers. While she is the one who makes the statement, it is the group that testifies, and her statement essentially relies on the other group members for its successful execution.

Similarly, with non-summative testimony, the collective testifier's capacity to produce testimony essentially relies on others. For instance, in the *State v. Norman*, when the prosecutor says that the State finds Judy Norman guilty, her statement is not hers but the State's. What the prosecutor says is a function of what the State thinks or does as a group agent. What the State testifies to does not solely depend on the prosecutor's own personal thoughts or actions. After all, she could find the defendant innocent but what she testifies to is a matter of what the *State* thinks or does. In this way, while the prosecutor is the one who makes the statement, it is the State that testifies, and her statement essentially relies on the State and its position for its successful execution.

A third and more pressing difficulty for the individual approach is epistemological. It is unable to accommodate cases where collective recipients attain justified true belief on the basis of testimony.[8]

To see this, consider the following. Suppose an oil mining company, OP, is responsible for an oil spill. For the sake of simplicity, let us say OP consists of three members: M1, M2, and M3. OP has recently been mandated by the government to hire a third-party impact assessor, Sarah, to determine how many barrels of oil were spilled into the ocean. After the assessment, Sarah says the following to OP, "Five million barrels of oil were spilled into the ocean". OP comes to justifiably believe that five million barrels of oil were spilled into the ocean. It turns out that the members of OP each privately hired their own impact assessors, who happen to be partial to the interests of the company and each providing a different assessment. Each private impact assessor provided M1, M2, and M3 respectively, the same reason to call into question the integrity and character of

[8] For a related query concerning what explains our learning that *p* from collective testimony to *p* and whether we need to reference a collective knower for collective knowledge, see Faulkner (2018).

Sarah and then provided an assessment of the damage. M1 believes that one million barrels of oil were spilled, M2 believes that two million barrels of oil were spilled, and M3 believes that three million barrels of oil were spilled.

In this case, what OP is justified in believing differs from what M1, M2, and M3 are justified in believing. Appealing to what the sum of its members believe is insufficient in explaining how OP is justified in believing that five million barrels of oil were spilled into the ocean. In our envisaged case, this stems in part from considerations owing to impartiality requirements imposed on OP by the government. What this means is that sometimes there are requirements imposed on collective recipients that do not necessarily govern its individual members as individual recipients.[9] Conceptual tools and resources at the individual level alone are insufficient in explaining away some cases of how collective recipients attain justified true belief on the basis of testimony.

As shown, the individual approach suffers shortcomings when it comes to cases of testimony involving collective recipients, collective testifiers, and cases of collective recipients attaining justified true belief. Since it assumes testimony to be an individual act and understands our testimonial capacity as an individual cognitive capacity, it places the individual at centerstage, and this alone cannot provide an adequate framework for capturing the four kinds of testimony.

[9] Lackey (2018, 38) draws a similar conclusion concerning norms of group assertion involving spokespersons. Rather than being governed by a knowledge norm or a weaker epistemic norm (e.g., justified belief), "the dominant norm governing spokespersons is to assert what bests reflects the view of the group she is representing".

3.2 The Joint Approach

An alternative to the individual approach is the joint approach. In contrast, the joint approach holds that the primary unit of analysis of a testimonial act is a joint act and our testimonial capacity is a joint cognitive capacity. Let's examine these further.

First, the joint approach views the primary unit of analysis of a testimonial act at the joint level. Testimonial acts are *joint acts* that depend on conditions affecting both parties to an exchange. Speaking on the nature of testimony, Richard Moran writes:

> [A]cts like that of one person *telling* something to another, is an *intersubjective act* in which the status of the utterance as a reason to believe what is said depends on the speaker and her audience… (2018, xi emphasis mine)

Moran explicitly emphasizes that testimony is a joint activity dependent on conditions affecting both parties. On this approach, there is concern with how some joint act qualifies as a testimonial act.

Second, the joint approach holds that our testimonial capacity is a *joint cognitive capacity*. A joint cognitive capacity essentially relies on another for its successful execution. Moran writes:

> [S]peaking and testifying to some fact are not to be understood as providing a window to an otherwise inaccessible mental state, but as acts which require two distinct parties for their completion, each with their own role to play. (2018, 5)

Testifying is unlike seeing, judging, or remembering where executing these acts needn't rely on others. Instead, it is more like promising or commanding in that the other is seen

as essential and not merely incidental to its execution (cf. Reid, 2010). Similar to how a promise is established only when the promisor's words are taken up by the promisee, so too does testifying require a testifier's words being taken up by the recipient. The testifier and recipient each have their own role to play in successfully executing the testimonial capacity. On this approach, the testimonial capacity does not consist of two independent components (e.g., expressing and receiving), but rather one component that is essentially joint requiring the other to act a part in them.

Unlike the individual approach, the joint approach does not confront difficulties in capturing the four kinds of testimony, and for this reason, I argue that such an approach is warranted.

First, it can capture testimony involving collective recipients. The problem with the individual approach is that it analyzes the testimonial act as an individual act that solely depends on conditions affecting a single party. But how a collective recipient is addressed is not solely up to the individual testifier. The upshot of the joint approach is that it holds testimony to be a joint act dependent on conditions affecting both parties to an exchange. For instance, to understand why Sasha addressed One Direction by means of slug testimony even though she intended to address them by means of buckshot testimony, the approach appeals to how there are conditions external to the individual that determine the nature of the act.

Second, it can capture testimony involving collective testifiers. The problem with the individual approach is that it understands our testimonial capacity as an individual cognitive capacity that needn't rely on others for its successful execution. But how the collective testifier formulates its testimony essentially relies on others for its successful

execution. In the case of summative testimony, the collective testifies in virtue of the organized efforts of its members. When Melisa says, "Alex stole the money from the department's donation jar", her testimonial capacity essentially relies on Curtis and Michael because what she says is a matter of their common awareness. In the case of non-summative testimony, the collective testifies as an agent in its own right. When the prosecutor says, "Your honor, the State finds the defendant guilty", what the prosecutor says is a function of what the State thinks or does, as a group agent. In either case, one's testimonial capacity essentially relies on another. The upshot is that understanding our testimonial capacity as a joint cognitive capacity that essentially relies on others for its successful execution is able to capture the ways a collective formulates its testimony.

For these reasons, we should adopt a joint approach in theorizing about testimony. In the next section, I develop a novel theory that has the resources to account for testimony as a joint enterprise as well as testimony involving collective testifiers and recipients. On my proposed theory, testimony is a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration.

4. The Collaborative Theory of Testimony

While the joint approach equips us with a framework to capture the range of ways one testifies to a recipient, it does not tell us what qualifies some joint act as a testimonial act. What is shared among the various ways a testifier addresses its recipient, whether individual or collective? I argue that by means of the testifier's utterance, *the participants commit themselves to a common aim of collaboration*. When a testifier produces an

utterance, she is engaged in a joint activity with her audience. The testimonial exchange is a *norm-governed* joint activity. While the testifier's and recipient's ultimate aims may diverge, they have a common aim. For instance, the testifier's ultimate aim in participating in the exchange may be to flaunt her knowledge whereas her recipient's ultimate aim in participating may be to befriend the testifier. But by engaging in the exchange, it becomes *necessary* that they commit themselves to a common aim. This is the common aim to collaborate.

To see this clearly, contrast an ordinary case of participants engaged in a testimonial exchange with one that does not get off the ground. A volunteer on the street asks you to engage in an exchange with her for the purposes of getting you to sign a petition. You simply walk by saying "Sorry, can't talk right now." Here there is no common aim to collaborate. Suppose you did stop and engage in conversation with her. Whether or not you signed the petition, the two of you have the common aim to collaborate for the purpose of the exchange.

A certain level of jointness is required when engaged in a testimonial exchange. The jointness is not so lenient so as to count loose similarities and resemblances as joint. Having a common aim to collaborate is unlike two people sharing the same faith. People can share the same faith even though they hold drastically different conceptions of what their faith requires of them. The jointness is also not so strict and demanding as to only count robust, interlocking forms of activities as joint. Having a common aim to collaborate is unlike two people rowing a boat. Rowing a boat requires participants to have a set of interlocking intentions and actions. Having a common aim to collaborate is joint in the sense that two people completing a transaction is. In order to complete a

transaction, one party needs to offer something while the other needs to take up the offer. If one party doesn't offer anything, then there is no transaction to be made. Similarly, if one does offer something but the other doesn't accept, then no transaction is made. Both parties must play their part in order to complete the transaction and the same goes for testimonial exchanges.

We can then say testimonial exchanges are governed by a basic principle:

Collaborative Principle: Contribute what is needed for the purpose of collaboration.

The Collaborative Principle (CP) is a principle governing the rational behavior of participants engaged in a testimonial exchange. CP is not a moral principle or a principle of etiquette. It is not a principle about what it is morally right or permissible to do when testifying nor is it a principle about what politeness requires. Although moral or etiquette principles are operative within testimonial exchanges, CP is put forth as a principle about what is *rationally* required by participants engaged in these exchanges and provides directions on how to do so.

How participants collaborate will be specified by the norms that govern our testimonial exchanges. I won't be able to present a complete list of these norms, but a tentative indication of the sorts of norms governing our exchanges will be useful to demonstrate how participants collaborate. What's essential for our theory is the *commitment* to collaborate rather than the *successful compliance* of CP and the norms I'm about to introduce. I don't deny that there is any relation between commitment and the

compliance of CP and the norms. If a testifier or recipient consistently violate CP or the norms, this may result in questioning whether he or she holds the commitment in question. With this in mind, here are some suggested norms:

Let A be the testifier, B the recipient, and *p* the proposition:

(N1) If A testifies that *p*, then *p* is presented as true.

(N2) If A testifies that *p*, then *p* is presented as relevant to the testimonial exchange.

(N3) If A testifies that *p*, then B should recognize that A is testifying.

(N4) If A testifies that *p*, then B should recognize *p* as being presented as true and relevant to the testimonial exchange.

Ordinarily, these norms are operative across testimonial exchanges. Let's examine these further. Take a case where the testifier and recipient are individuals. Suppose Andrew asks Eliana where the nearest Starbucks is, and she responds by saying "It's on Miracle Mile". Her contribution is guided by these norms. Suppose the proposition expressed by her testimony is not presented as true. Naturally, we'd question whether she is providing Andrew with her testimony. Or if we say she did, we'd rightly wonder whether she is misleading or lying to him. There is an expectation that the proposition expressed in her testimony is true. In other words, we would say that she violated norm (N1).

Suppose that the proposition expressed by her testimony is irrelevant to the exchange. For instance, it turns out that she did provide him with the location of the nearest Starbucks, but she knew it was closed. Naturally, we'd question her contribution

to the exchange and why she decided to testify to something she knows is irrelevant. Knowing that Andrew is asking for directions in order to go to Starbucks, there is an expectation that the proposition expressed in her testimony is presented as relevant. When it turns out that she says something irrelevant, we would ordinarily say she violated norm (N2).

There are also norms that govern the contributions of participants in their capacity as recipients. Suppose Andrew does not recognize Eliana testifying. For instance, suppose he received a text and was distracted by his phone while he hears Eliana in the background express loudly "It's on Miracle Mile" and mistakenly takes her to be performing some other speech act such as a declaration. Assuming Eliana is presenting what she says as true and relevant to the testimonial exchange, we'd question Andrew's contribution as the nonrecognition of the utterance's force leads them to halt further collaboration. There is an expectation that he should recognize that she testified. Assuming Eliana fulfilled her testifier responsibilities, if Andrew failed to recognize what she is doing, then we would say he violated norm (N3).

Lastly, suppose Andrew does recognize that Eliana is testifying but fails to recognize the proposition expressed as true and relevant to the exchange. This may be the result of a testimonial injustice whereby the recipient gives undue credit to a testifier's word, resulting in her word receiving a credibility deficit (Fricker, 2007). If Andrew happens to be sexist and treats what Eliana says as not true and relevant to the exchange due to identity prejudices, then we'd question his commitment to collaborate. Rightly, we'd question his contribution to the exchange and say he is in violation of norm (N4).

More often than not, commitment to CP and the norms is implicit. In our encounters, commitment to abide by CP and the norms is something we do tacitly. For instance, when a local testifies to a tourist, she is implicitly committed to present her testimony as true. Her commitment is not explicit in the sense that she declares her commitment to her recipient before they begin engaging. Rather, it is something she implicitly does. The same goes for the rest of the norms. Her commitment to collaborate is often implicit in that when she testifies, she implicitly contributes what is needed for the purposes of collaboration (e.g., providing the tourist with directions).

Sometimes, commitment to CP and the norms is explicit. For instance, in legal settings, those who testify make an explicit commitment to (N1) when they swear to tell the truth, the whole truth, and nothing but the truth. The commitment is explicitly made before one engages in an exchange, but the explicitness is usually set out as a feature of the particular institutional setting.

In principle, these norms could be different over time periods, across cultures, and specific institutions. For instance, in a court of law, hearsay is ruled out as inadmissible evidence. Here we have a particular norm call it (N*) that says: If A1 testifies that *p* and A1's testimony is a report of A2's testimony, then *p* is inadmissible as evidence. (N*) is a norm particular to a legal institution. We wouldn't say (N*) operates in ordinary settings like the household. If a daughter testifies to her father that her brother said that he took the cookie from the cookie jar, then what she testifies to is not governed by (N*). Her father would naturally take her testimony as evidence.

We are in a position to see how CP and the suggested norms can capture the range of ways we testify to one another. At its core, the theory holds that testimony has a

collaborative structure. In whichever form the testifier or recipient realize, there is, at minimum, a commitment to collaborate.

In the case where the testifier and recipient are individuals, there is a commitment to collaborate between them. For instance, when a tourist asks a local for directions, there is a commitment to collaborate for the purposes of providing the tourist with said directions. The local presents what she says as true and relevant to the exchange and the tourist aims to recognize what she says and aims to recognizes it as being presented as true and relevant. It is essential to the testimonial act that it involves a commitment to collaborate between the two parties. For if there hadn't been such commitment, there is no reason to suppose that what the local says should be related in appropriate ways to the tourist's inquiry. That is to say, there is no rational requirement on the participants engaged to contribute what is needed for the purposes of the exchange. A commitment to collaborate specifies what is needed for these purposes.

The same goes for testimony involving collective testifiers and recipients. We noted that a collective recipient can be addressed by means of slug or buckshot testimony. In these cases, both the testifier and collective recipient have a commitment to collaborate. Whether it's Cindy telling the chess club they're not invited to her birthday party or Horton saying to his studio audience that Jesus loves you, what is shared is the commitment to collaborate. It is essential to the testimonial act that it involves a commitment to collaborate between the testifier and collective recipient. Again, for similar reasoning, had there been no commitment, there is no reason to suppose that what either Cindy or Horton say be directed or related in appropriate ways to their recipients. The commitment to collaborate specifies what is needed.

But the collaborative structure of testimony can be seen as clearly essential when we examine how a collective testifies. We noted that when a collective testifies, it can either take the form of summative or non-summative testimony. Take the case of either Melisa speaking on the collective's behalf saying that Alex stole the money from the department's donation jar or the prosecutor stating that the State finds the defendant guilty. In either case, the collaborative structure of testimony comes in at two levels: the exchange and speech level. At the exchange level, a collective testifies to a recipient and this mimics the joint structure of testimony in the individual case. We have a testifier uttering something to a recipient and this is understood as a joint activity between the parties. What is joint is the commitment to collaborate.

At the speech level, there is also a collaborative structure. The commitment to collaborate is not between the two parties, but rather, between the individuals the collective is composed of. When Melisa speaks on behalf of the collective or when the prosecutor speaks in her capacity as a State representative, the individuals composing these collectives hold a commitment to collaborate between themselves for their defined purposes. We are unable to make sense of how a *collective* testifies unless we understand its members to commit themselves collaborate. Suppose the collective did not hold this commitment. It follows that its members or its representatives do not hold such a commitment. But if they do not hold such commitment, then what they say or do is not a reflection of what the collective says or does. It is merely the different voices of individuals saying what they think or do. But what the collective says or does is supposed to function as a reflection of what the individuals it is composed of or what the representatives say or do. Therefore, if a collective testifies, it is essential that we

understand its ability to testify as involving its members' commitment to collaborate. In the case of collective testifiers, the testimonial act is not merely joint between the parties in an exchange, but also joint with respect to the individual members the collective is composed of.

I have developed a joint theory of testimony that incorporates the range of ways we testify. On this theory, testimony is a norm-governed joint activity involving participants committing themselves to collaborate. Commitment to collaborate is what makes the testifier's words count as testimony.[10] In committing themselves, the testifier and her recipient form a rational requirement that govern their exchange. In the next section I examine an alternative joint theory of testimony developed by Moran (2018) and argue that his requirements pose difficulties in capturing cases of collective testimony.

5. An Alternative Joint Theory of Testimony

According to an alternative joint theory of testimony as developed by Moran (2018), in order to testify to a recipient, it is necessary that she exercises her authority and freedom to make her words count as they do, the recipient recognizes what the testifier is doing with her words, and they possess joint practical knowledge. I will only examine audience recognition and joint practical knowledge since these conditions are distinctively joint in

[10] I want to clarify that while I offer a commitment view concerning the nature of testimony, in the next chapter I don't subscribe to a commitment view concerning the *epistemology* of testimony. As the reader will see shortly, I argue that the norms governing our exchange provides an audience with a reason to believe what their told and not the commitment to these norms.

nature, whereas the testifier's authority and freedom are individualistic and needn't concern us.

On audience recognition, Moran states:

> [T]here is a prior involvement of others in the speaker's ability to confer a particular status on her words, one that adds a further dimension to the authority that is specifically illocutionary and its second-personal dimension. For naturally, the speaker can only appeal to the freedom of another person, and bind herself to it in specific ways, if this appeal is recognized by the other person. (2018, 134)

Audience recognition is necessary for the performance of the speech act. The testifier succeeds in telling her recipient something when she has an illocutionary intention of telling (as opposed to, say, promising) and the recipient recognizes the intention. Once the recipient recognizes the intention of the testifier, then do we say that she performed the speech act. If the recipient does not recognize that the testifier intends to *tell* her something with her words, then there is no speech act (with the force of telling). For instance, if an employer says to their employee "I'm the boss" with the aim of telling him something but he understands her as threatening him, then she did not perform the speech act of telling.[11]

On the nature of practical knowledge, Moran writes:

> The speaker's knowledge of the illocutionary status of her utterance […] is practical […] That is, for her to know whether she is making an assertion rather than a mere conjecture is for her to *know how* she means to commit herself or decline to commit herself in her speech act. (2018, 216 emphasis mine)

[11] There are cases where a speaker performs two speech acts simultaneously since it is possible to perform direct and indirect speech acts. For instance, in saying 'Can you pass the salt?', the direct speech act is a question, but the indirect speech act is a request. For more, see Searle (1979).

The passage implicates that practical knowledge is knowledge-how (see Ryle, 1949). Knowledge-how is knowledge one possesses when one knows how to do something. Knowing how to ride a bicycle exemplifies knowledge-how insofar as the knowledge one has is knowledge of how to do something. This is to be distinguished from knowledge-that where this is knowledge one possesses when one knows of some fact(s). Knowing that pushing the pedals accelerates the bicycle forward is an instance of knowledge-that. Knowing that fact does not necessarily mean one knows how to ride a bicycle.

The testifier and recipient must possess practical knowledge of the illocutionary status of her utterance. They must both know how she is to make her words count – e.g., as either promising, telling, etc. – if she is to perform the speech act.[12]

On the *jointness* of joint practical knowledge, Moran writes:

> For the act of asserting or promising to take place the two parties have to both understand and "know together" what it is that they are doing, for this shared knowledge is the formal cause of the reality of the act of illocution itself. (2018, 167)

Understanding and knowing together is another way to express what is understood as joint practical knowledge. Joint practical knowledge is knowledge that is, as P.F. Strawson (1964) says, "essentially avowable". The knowledge in question is not joint in the sense that it is obvious to the parties. Rather, essential avowability implies that the knowledge in question is unrestrictedly open.

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[12] Another way to put the point that is more in line with the Anscombeian spirit that Moran channels is to say that the speaker and hearer must know what they are doing *in* doing it. For instance, the speaker does not learn how she intends to make her words count by inferring from observation of what she said or did, rather, she learns how she intends to make her words count *in* making her words count as they do. For more on the relations between Anscombe and practical knowledge, see Moran (2017).

To elucidate, contrast a case of insinuation from that of testifying. If one insinuates that her recipient is a liar, then she is doing no more than *suggesting* or allowing him to *suspect* that this is her communicative intent. It may be perfectly clear to both of them that this is what she is doing, but evident as it may be, the knowledge of how she is to commit herself in speech is not unrestrictedly open. We can naturally imagine her recipient saying, "Are you calling me a liar?", and the individual responding, "I did not say that!".

By contrast, if one tells her recipient that she is a liar, then she is not merely suggesting that this is her communicative intent. In telling, she is making *explicit* her communicative intent, and consequently, how she is to commit herself in speech. We can imagine her recipient saying, "Are you calling me a liar?", and the individual responding, "Yes, I did say that!". Joint practical knowledge is the testifier's and recipient's unrestrictedly open knowledge of how the testifier is to commit herself in her speech.

These requirements raise difficulties in capturing testimony involving collective testifiers and recipients. In particular, Moran's requirement of audience recognition raises issues with respect to the ways a collective recipient can be addressed by means of slug or buckshot testimony while his requirement of joint practical knowledge raises issues with respect to the ways a collective testifier formulates its testimony.

Concerning audience recognition: because Moran's theory is variant of the joint approach, he maintains that how the collective recipient is addressed is not solely up to the individual testifier. We disagree upon is *what* else determines how the collective recipient is addressed. For him, the recipient must recognize the kind of speech act in question.

The first problem is that this requirement plays no role in delineating what *kind* of testimony is being offered. *There is a difference between recognizing someone telling you something and recognizing how it is told.* A collective recipient may be in a position to recognize that they are being told something but recognizing how they are being told is a further condition to be met. For instance, in the case of Sasha testifying to One Direction we can grasp the idea that there is a difference between the boy band recognizing that she is telling them something and recognizing how she tells them. It's one thing to recognize that Sasha is testifying and another thing to recognize it as slug or buckshot testimony. While audience recognition may determine the kind of speech act in question (e.g., promise or telling), the problem is that it cannot distinguish the different ways we testify, and therefore, the various ways a collective recipient is addressed.

Suppose we grant that audience recognition includes the means to distinguish the ways a collective recipient is addressed. Still, the requirement faces a further problem, namely, it isn't necessary to how we ordinarily testify. As mentioned earlier, Langton's (1993) case of a woman refusing a sexual advancement is an example of one testifying despite there being a lack of audience recognition. The problem with audience recognition is that it is neither sufficient nor necessary for testimony.

Concerning joint practical knowledge: because Moran's theory is a variant of the joint approach, he maintains that how a collective testifies essentially relies on others for its successful execution. We disagree upon *how* others figure into the successful execution. For him, the participants must possess joint practical knowledge.

The problem is that this is too demanding because when we involve collective testifiers, *the knowledge in place isn't merely between the testifier and the recipient, but*

also between the individuals the collective is composed of. There may be instances where collectives testify in this way. For instance, in cases of summative testimony, when Melisa testifies on behalf of the collective to the human resources department, it is plausible that the individuals jointly possess practical knowledge of how she is to commit herself in speech.

Things get trickier when we extend this requirement to non-summative testimony. When a prosecutor testifies in court in their capacity as a State representative, there does not seem to be joint practical knowledge that the individuals the collective composed of possess. It is highly unlikely that the State and the members it is composed of jointly possess practical knowledge of how the prosecutor is to commit herself in speech. Nonetheless, we intuitively think that the prosecutor still testifies.

While this requirement may be more plausible with summative testimony, it does not seem apply to non-summative testimony. We would need another account of how non-summative testimony occurs, one that is different from summative testimony and that seems to be a counterintuitive result of a joint theory.

Thus, there are significant problems facing Moran's joint theory, none which apply to my theory defended in this chapter.

6. Kinds of Testimony and Epistemic Injustice

In this section, I expand the notion of epistemic injustice in a novel way. Miranda Fricker (2007) introduced the term to refer to a recipient wronging a testifier in their capacity as a knower. I argue that for some kinds of testimony involving collectives, there are

distinctive kinds of epistemic injustices and I demonstrate how my theory can account for this.

One takeaway from section 4 is that a commitment to collaborate can occur at two levels. There is collaboration in terms of authoring and delivering the testimony, and collaboration between the testifier and recipient. We can call this *speech collaboration* and *exchange collaboration*.

Concerning speech collaboration, a distinctive kind of epistemic injustice arises when the testifier functions as a group agent. Suppose we consider a vote in an election as a form of testimony in an extended sense where your vote plays a role in the elected representative's future "genuine" testimony. In this case, voter suppression (e.g., racial gerrymandering) would be an instance of epistemic injustice related to one form of testimony – namely, non-summative testimony.[13]

Voter suppression is a tactic used to alter the outcome of an election by various means in order to deter or inhibit targeted groups from casting a ballot. Such means include intimidation, misinformation, and physical intervention. For instance, during the Jim Crow era, laws were passed that suppressed lower class and racial minority voters, such as the instituting of a poll tax (Johnson, 2010) or literacy test (Klarman, 2006). More recently, in the 2011 Canadian Federal Election, calls were issued to liberal voters informing them of a change in poll locations (Payton, 2012). The calls were used to spread misinformation in order to prevent voters from going to the correct polling stations.

[13] In Chapter 3, I delve deeper into the notion of group silencing and provide an in-depth treatment of the phenomenon.

The epistemic injustice lies in the breakdown of speech collaboration. For instance, suppose the representative says, “The American people chose me.” The epistemic injustice occurs because the representative is supposed to say what the group thinks or does, but by thwarting collaboration between the members of the group by means of voter suppression, what the representative says does not reflect the group’s stance. A proper functioning group agent’s testimony should be a reflection of what the group thinks or does. And what the group thinks or does is a reflection and function of its members’ commitment to collaborate for whatever purposes it sets out. By excluding targeted members from attempting to collaborate, a breakdown of speech collaboration occurs and results in an epistemic injustice. Collaboration is thwarted in terms of authoring and delivering the testimony.

To see this clearly, contrast the above with a slightly altered case. Instead of the representative implicitly misrepresenting what the group thinks or does, suppose the representative explicitly denies that those targeted by voter suppression are members of the group. When the representative says, “The American people chose me”, the representative is referring to only those Americans that could actually go out and vote and were not affected by voter suppression. There is a normative difference between the wrongness of these two cases and it concerns the testimonial features of the first case. While in both cases there is something socially or morally wrong about voter suppression, the first case has the further testimonial wrong in that the group testifier *misrepresents* what the group thinks or does through its utterance. Nothing parallels this in our altered case.

Concerning exchange collaboration, a distinctive kind of epistemic injustice arises when the collective recipient is addressed by means of buckshot testimony. Suppose we consider a Head of State addressing America about its fundamental values and says the following: “You can achieve the American Dream.” To each American, it expresses a catered proposition. To Craig, it expresses the proposition that *Craig can achieve the American Dream*. To Ahmed, it expresses the proposition that *Ahmed can achieve the American Dream*, and so on.

While this testimony is natural to ordinary discourse, there is a tension in the testifier’s utterance. The testifier knows that not every American can achieve the American Dream but still utters it. For some Americans, the shots will be true, but for the majority of them, it’ll be false.

The epistemic injustice lies in the breakdown of exchange collaboration by means of buckshot testimony. Assumptions about identity drive this kind of reasoning. The testimony is unjust because of the false assumptions concerning the collective’s identity that thwarts collaboration between the testifier and recipient. Suppose Ahmed, a naturalized American citizen, came overseas from a war-torn country and was unable to achieve the American Dream. Some may say Ahmed didn’t try hard enough or he is lazy. Obviously, this is not true. Ahmed does not have the privileges associated with socioeconomic status and other related markers of identity. There is harm in masking the testimony as a blanket statement that applies to the whole collective when in reality, it only applies to a subset of members in that collective. This generalization harms individuals like Ahmed in his capacity as a knower because it excludes him from being a

proper recipient of the testimony and places the onus on *him* rather than the false assumptions that drive this kind of reasoning.

To see this clearly, contrast the above with a slightly altered case. Instead of the Head of State implicitly testifying to all Americans, she explicitly testifies to white America. When she testifies, she is only referring to those Americans associated with white privilege. There is a normative difference between the wrongness of these two cases and it has to do with the testimonial features of the first case. While in both cases that there is something social or morally wrong about what the utterance achieves, the first case has the further testimonial wrong in that the utterance makes *false generalizations* about the collective's identity. Nothing parallels this in our altered case.

To sum up, I introduced two kinds of epistemic injustices that arise in a collective setting. The first occurs when the testifier is a group agent and it lies in the breakdown of speech collaboration. By excluding targeted members of the group, what the representative or spokesperson says is not a reflection of what the group thinks or does. The second occurs when the collective recipient is addressed by means of buckshot testimony and it lies in the breakdown of exchange collaboration. Because of the generalizations involved in buckshot testimony, targeted members are excluded from being proper recipients and place the onus of explanation on those members rather than the false assumptions of identity that drive this kind of reasoning.

7. Conclusion

In this chapter, I introduced four kinds of testimony involving collectives. I then introduced two approaches in theorizing about its nature. I argued for a joint approach

because the individual approach confronts difficulties in capturing testimony involving collective testifiers and recipients. Adopting the joint approach, I developed a theory of testimony as a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration. I dismissed an alternative joint theory since it does not have the resources to adequately capture testimony involving collectives. I concluded by showing how my theory can account for a hitherto neglected aspect of epistemic injustice.

Chapter 2: Normativity of Testimonial Reasons

1. Introductory Remarks

A central question in the epistemology of testimony is why we have reason to believe what we're told. Typically, an examination into testimonial justification begins by introducing a case where an audience intuitively receives justification on the basis of a speaker's say-so and asks what is it about the speaker's words that make it such that the audience has reason to believe (see e.g., Adler 2017; Greco 2012).[14] Here is a paradigmatic case:

> [DIRECTIONS]: Eliana visits Scotland for the first time. She is unfamiliar with the country and upon her arrival she asks a stranger for directions to the nearest Starbucks. They tell her that it is two blocks north. Eliana comes to believe that the nearest Starbucks is two blocks north on the basis of the stranger's testimony.

The case is usually accompanied by an explication of what grounds testimonial justification.[15] Is testimonial justification constitutively tied to evidence? Is evidence supplied by the hearer or inherited from the speaker? Or is justification tied to some non-evidential structure exhibited in our exchanges? Is it the interpersonal nature of the speech act of telling or the reliability of the processes involved in telling and being told?

[14] The vast majority of cases exclusively focus on simple testimony in which a speaker utters a single sentence. See Fraser (2021) for a paper that argues for the importance of narrative testimony – structured discourse of interlocking claims – in the epistemology of testimony.

[15] There are at least two distinct but related questions regarding testimonial justification. The first concerns whether a hearer has default justification to accept a speaker's testimony. The second concerns what justifies a hearer's testimonial-based belief on a particular occasion? This chapter is concerned with the latter rather than the former.

In what follows, I develop my own characterization of what constitutes a testimonial reason. I argue that what epistemically matters are the norms that govern testimonial exchanges. Call this the *Norm View*. The non-evidential structures that are epistemically relevant to our reason for belief are the norms that govern our testimonial exchanges.

However, before one can argue for or against a particular characterization of a testimonial reason, there should be a backdrop against which we can weigh and assess competing views. What features should a view of testimonial justification include? I argue that a theory of testimonial justification should include at least two features: first, it should accommodate our pretheoretical intuitions concerning cases where an audience has a testimonial reason with cases where an audience lacks such reason; second, the view should have theoretical utility in the sense that it can explain a wide range of phenomena that is relevant to how we provide and consume testimony.

Why should we subscribe to the desiderata? Concerning the first, if a view is able to accommodate our pretheoretical intuitions about when one has (or lacks) testimonial justification, then the view is in a better position to explain and track our ordinary testimonial practices. We should prefer a view where justification maps on to and exhibits what we do in ordinary discourse. Concerning the second, if a view has theoretical utility, then it has value with respect to the domain it covers and may have purchase beyond. We should prefer a view where testimonial justification is not merely limited to a particular set of testimonial exchanges, but to a wide range of ways we tell and are told. For these reasons, we should embrace our pretheoretical intuitions and theoretical utility as desiderata for a view of testimonial justification.

Admittedly, there are many reasonable ways of developing a view on the normativity of testimonial reasons that stem from our pretheoretical intuitions. Also, there may be substantial disagreement concerning what we regard as paradigm cases of testimonial justification so that our discussion of "pretheoretical intuitions" is not clean cut or sharply outlined. While I argue that competing views of testimonial justification fail to categorize certain intuitive cases as such, I do not take this sort of argument to constitute a refutation of these views. Rather, my aim in this paper is to argue that when it comes to satisfying our desiderata, the Norm View does the best job at accommodating our pretheoretical intuitions and embracing theoretical utility. While I hold that the Norm View fares better than existing views in this regard, I do not wish to exclude the possibility that these alternative views are better suited to justify some other feature of our testimonial practices and thus have some other kind of theoretical utility.

Here is the roadmap for the rest of the chapter: in Section 2 I begin by discussing existing characterizations of a testimonial reason and divide them into two categories; those that tie a testimonial reason constitutively to evidence, and those that do not. Call these Evidential and Non-Evidential Views respectively. I present existing Evidential Views in the first category and argue that they face a scope problem. Section 3 considers existing Non-Evidential Views – The Interpersonal View and Testimonial Reliabilism – and argues that they too face a scope problem. In Section 4 I introduce my preferred view of testimonial justification while Section 5 clarifies and presents benefits of the view. Section 6 addresses potential worries concerning the role of norms in the epistemology of testimony. Section 7 concludes with a recap of how the view fares with respect to the desiderata of accommodating our intuitions and embracing theoretical utility.

2. Evidential Views

2.1 Evidential and Non-Evidential Views

Concerning the central question of why we have reason to believe what we're told; responses can be divided into two broad categories. First, there are those responses that tie a testimonial reason constitutively to testimonial evidence.[16] Call these views *Evidential Views*.[17] Evidential Views claim that a testimonial reason is an evidential reason. Evidence is epistemically relevant to testimonial justification. Second, there are responses that deny the tie between a testimonial reason and evidence. Call these views *Non-Evidential Views*.[18] Non-Evidential Views claim that a testimonial reason is a non-evidential reason. Non-evidential structures are epistemically relevant to testimonial justification.

In the philosophical literature on testimonial justification, there have been proponents of both Evidential and Non-Evidential Views. For instance, some early developments of Evidential Views hold that testimonial justification should be understood in terms of evidence that the hearer can supply either from perceptual, memorial, or inferential sources that what the speaker says is true (see e.g., Adler 1994, 2002; Fricker 1995, 1994, 2002, 2006b, 2006a; Fricker and Cooper 1987). Another kind

[16] For the sake of brevity when I refer to 'evidence', I mean to refer to testimonial evidence, unless specified otherwise.
[17] For defenses of variants of Evidential Views, see e.g., Adler (1994, 2002), Begby (2021), Burge (1993, 1997), Fricker (1994, 1995, 2002, 2006a, 2006b), Fricker and Cooper (1987) McDowell (1994), Owens (2000, 2006), Schmitt (2006), Faulkner (2011), Wright (2015, 2016a, 2016b, 2019).
[18] For defenses of variants of Non-Evidential Views, see e.g., Faulkner (2007, 2021), Graham (2000a, 2000b, 2006), Goldberg (2010, 2014), Hinchman (2005, 2014), Leefmann and Lesle (2020), McMyler (2011), Moran (2005, 2018), Ross (1986) Sosa (2011).

of Evidential View holds that testimonial justification should be understood in terms of evidence that is inherited and supplied by whatever is justifying the speaker's belief (see e.g., Burge 1993, 1997; McDowell 1994; Owens 2000, 2006; Schmitt 2006; Faulkner 2011; Wright 2015, 2016a, 2016b, 2019) These early developments of Evidential Views contrast with more recent developments of Non-Evidential Views that hold testimonial justification should be understood in terms of non-evidential structures. For instance, one sort of development of the view holds that we should understand testimonial justification in terms of the interpersonal relationship had between a speaker and an audience (see e.g., Faulkner 2007, 2021; Hinchman 2005, 2014; McMyler 2011; Moran 2005, 2018; Ross 1986) whereas another holds that we should understand it in terms of the reliability of the processes involved in the production and consumption of testimony (see e.g., Graham 2000a, 2000b, 2006; Goldberg 2010, 2014; Sosa 2011).

As we will see, Evidential and Non-Evidential Views differ in terms of the sorts of cases beyond [DIRECTIONS] they recognize as exhibiting testimonial justification. In this section and the next, I argue that although current Evidential and Non-Evidential Views do much to shed light on important structures surrounding our testimonial practices, we have reason to embrace a novel view of testimonial justification.

2.2 Evidential Views

Generally speaking, Evidential Views are divided into two camps: Non-Inheritance and Inheritance Views. Non-Inheritance Views argue that testimonial justification amounts to evidence that the hearer can supply either from perceptual, memorial, or inferential sources that what the speaker says is true (Adler 1994, 2002; Fricker 1995, 1994, 2002,

2006b, 2006a; Fricker and Cooper 1987). When I come to believe that the garage is open on the basis of your say-so, my justification stems from the evidence I have at my disposal. For instance, I might have a memory of you saying, “the garage is open” and I infer from the premise that you said that the garage is open to the conclusion that the garage is open.

Alternatively, Inheritance Views argue that testimonial justification amounts to evidence that is inherited and supplied by whatever is justifying the speaker’s belief (Burge 1993, 1997; McDowell 1994; Owens 2000, 2006; Schmitt 2006; Faulkner 2011; Wright 2015, 2016a, 2016b, 2019). When I come to believe that the garage is open on the basis of your say-so, my justification stems from whatever evidence is justifying your belief. For instance, if you recently walked by the garage and have perceptual justification for holding the relevant belief in question, then my testimonial justification depends on your perceptual justification.

What binds these views together is that they understand testimonial justification as constitutively tied to evidence, but the two kinds of Evidential Views disagree as to what sort of evidence is relevant to our reason for belief. The crucial takeaway from these views is the commitment to understand testimonial justification in terms of evidence.

Since we are interested in how Evidential Views can capture paradigm cases of testimonial justification, we can for simplicity’s sake combine the insights from these views to formulate a disjunctive view where testimonial justification amounts to evidence that the hearer can supply either from perceptual, memorial, or inferential sources that what the speaker says is true *or* evidence that is inherited and supplied by whatever is justifying the speaker’s belief.

2.3 Evidential Views and the Scope Problem

The first desideratum tells us that a view should intuitively capture paradigmatic cases of testimonial justification and exclude cases that do not intuitively count as such. I argue that this desideratum can be used to motivate an argument against Evidential Views. The basic problem for Evidential Views is that a range of paradigm cases need not require evidence in order to amount to testimonial justification.

Other philosophers have felt the force of this type of objection to Evidential Views. For instance, Moran (2018) distinguishes two ways in which an audience can relate to a speaker's testimony:

> There are two broad ways in which a speaker's words can provide her audience with a reason to believe something. In one of these ways, we may learn something from the speaker's utterance in the same way we learn from her blushing, or the way the sound of her speech reveals her accent and her origins. Here the event of the speaker's utterance is functioning in the same way as ordinary evidence, an indication from which we infer something. […] In another way of relating to the speaker, one that is more at home in the situation of ordinary dialogue, the audience believes *what* the speaker says […] because he believes *her*, and he believes her because she has addressed a particular claim or assertion *to him*, and presented it as true, worthy of belief. (2018, preface x, emphasis in original)

With this distinction in mind, consider the following case:

> [ORIGIN]: Darryl asks Maria where she is from and she responds by saying, "I'm from Colombia". Darryl comes to believe on the basis of her testimony.

Cases like [ORIGIN] are ubiquitous across our testimonial exchanges. As the case stands, it is underspecified in that it does not tell us how Darryl relates to Maria's testimony. Perhaps Darryl believes Maria on the basis of her utterance functioning as ordinary evidence. For instance, it could be that her speech reveals her accent and facts about her origin. Or it could be that Darryl believes Maria on the basis of believing *her*, where believing her involves the speaker assuring or guaranteeing you that something is the case.

Whatever way Darryl comes to believe what Maria tells him, we can identify at least one way in which he comes to believe what Maria tells him that is *not* based on evidence. This conclusion is further suggested by Anscombe's observation that "It is an insult and it may be an injury not to be believed" (1979, 150). For instance, suppose my wife tells me that the baby is sleeping, and I come to believe this on the basis of evidence (e.g., infer that this is the best conclusion). It seems that by believing in what she says without believing *her*, I undermine her agency by bypassing her epistemic capabilities. If she finds out that I treated what she said as ordinary evidence, she may rightly rebuke me for not trusting her. What this suggests is that the Evidential View faces a scope problem since there is at least one way in which an audience can obtain testimonial justification without relying on evidence.[19]

[19] A proponent of the Evidential View may attempt to undermine the distinction between the two ways of relating to a speaker's testimony. For instance, when I come to believe that the baby is sleeping on the basis of believing my *wife*, my testimonial justification is grounded in perceptual evidence my wife has of the baby sleeping. In this way, evidence constitutes testimonial justification. It is for reasons concerning how my wife came about learning of the baby sleeping that grounds my testimonial justification in believing *her* on the basis of what she said. However, upon reflection, it should be clear that there are cases of testimonial justification where we can sever the tie between evidence and believing the speaker. For instance, suppose my wife is sleep deprived and cannot recall with certainty if she's seen the baby sleeping but has a hunch that she's in fact sleeping and tells me this when I ask her. In this case, I still have reason to believe what she says even though she or I lack evidence (and this is because I believe on the basis of believing her).

Additionally, the second desideratum tells us that we should prefer a view where testimonial justification is not limited to merely to a particular set of testimonial exchanges, but to a wide range of ways we tell and are told. If one way we tell and are told things is by way of believing the speaker herself where the believing is not based on evidence, then this suggests that Evidential Views do not have explanatory power beyond ways we tell and are told involving evidence. All things considered, if there is a view that can accommodate the range of ways we tell and are told, then we should prefer that view over alternatives that are limited to the evidential domain.

I do not take the above considerations to be a refutation of Evidential Views. While our pretheoretical intuitions about testimonial justification may not be systematic enough to serve as the basis for a refutation of any existing view, nevertheless, if there is no trouble imagining cases like [ORIGIN] as involving testimonial justification without reliance on evidence, then Evidential Views are limited in scope as they fail to characterize paradigmatic cases of testimonial justification.

While [ORIGIN] and other related cases do not constitute a refutation of Evidential Views, they provide theoretical motivation to develop Non-Evidential Views of testimonial justification. If one can develop a theoretically useful Non-Evidential View, the fact that it can more easily accommodate the intuition that [ORIGIN] exhibits testimonial justification, the more reason we have to prefer it over existing Evidential Views. In the next section, I present two prominent Non-Evidential Views and show that they face a similar scope problem before moving on to present and defend a novel Non-Evidential View in Section 4.

3. Non-Evidential Views

There are two extant Non-Evidential Views espoused in the epistemology of testimony: The Interpersonal View and Testimonial Reliabilism. Each theory holds that certain non-evidential structures are relevant to our reason to believe what we're told. The relevant non-evidential structure for The Interpersonal View is the fact that the speaker assures or guarantees the hearer that something is the case, whereas for Testimonial Reliabilism it is the reliability of the processes involved in telling and being told. I argue that both these views face a similar scope problem that Evidential Views confront.

3.1 The Interpersonal View

The central claim of The Interpersonal View[20] is that what makes a testimonial reason distinct is the interpersonal relationship between the speaker and the audience. There is something special about the intersubjective speech act of telling – the primary vehicle of testimony – that gives rise to a distinctive epistemic reason for belief. On the nature of telling, Moran (2018) says:

> [A]cts like that of one person telling something to another, is an intersubjective act in which the status of the utterance as a reason to believe what is said depends on the speaker and her audience being related in a way with a particular structure. (2018, p. xi)

Let's examine this closer. When a speaker *tells* their audience something, they are doing more than merely uttering words. The Interpersonal View holds that telling involves a set

[20] What I sometimes call the 'Interpersonal View' is also sometimes called the 'Assurance Theory'.

of intentions that requires both parties in an exchange to do their respective parts. Adopting a Gricean (1957, 1989) framework for communicative acts, we can say that:

S *tells* A that *p* iff in uttering *p*:

a. S intends that A should believe that *p*
b. S intends that A recognizes their intention (a)
c. S intends that A recognizes (a) by way of (b)

The Gricean framework itself cannot capture how telling is an intersubjective speech act since uptake is merely a constitutive goal of speech. For that, we need to add the following uptake condition:

d. A recognizes (a) by way of (b)

These intentions (and their recognition) transform a mere utterance into a claim with the status of *telling*.[21] Both the speaker and audience must play their respective parts. So, when I *tell* you that the baby is sleeping, I intend (a) that you should believe that the baby is sleeping, intend (b) that you recognize my intention (a), and intend (c) that you recognize my intention (a) by way of my intention (b), and (d) you recognize my intention (a) by way of intention (b). The nature of the speech act generates an epistemic reason to believe and establishes an interpersonal relationship between you and I.

[21] For instance, Hinchman (2005, 562) states that "When a speaker tells her hearer that p […] she intends he gain access to a prima facie reason to believe that p that derives not from evidence but from his mere understanding of her act".

Proponents of The Interpersonal View all maintain that the joint act of telling makes testimony distinct and contributes to the epistemology of testimony. Moran (2005, 2018) argues that we have reason to believe what we are told because the speaker overtly and freely assumes responsibility for the truth of what they say, or in other words, *assures* their interlocutor that *p*. Faulkner (2007, 2021) argues that a testimonial reason is a trust-based reason where an audience relies on a speaker by trusting the speaker and this trust is not reducible to a reliance on evidence. Hinchman (2014) argues that a testifier's assurance creates genuine epistemic warrant for the addressee because it is context-sensitive to their epistemic needs. McMyler (2011) argues that testimonial knowledge is distinct in the sense that it is justified by an appeal to the speaker's authority.

In what way does telling understood in terms of the interpersonal relationships that obtains between a speaker and audience contribute to the epistemology of testimony? Advocates of The Interpersonal View hold that there is a disanalogy between believing on the basis of evidence and believing on the basis being told. This point was first made by Grice (1957) to elucidate the difference between natural and non-natural meaning. Suppose I have reason to believe that the baby is sleeping. One way I can come to believe is on the basis of perceptual evidence. For instance, I can observe the baby sleeping in their crib and form the belief that the baby is sleeping. Here, my perceptual evidence counts in favor of believing that the baby is sleeping irrespective of what anyone intends.

Another way I can come to believe is on the basis of being told. For instance, I come to believe that the baby is sleeping because you *tell* me that this is so. Here, my reason to believe that the baby is sleeping crucially depends on your intentions and my

ability to recognize them as such. An utterance's status as a reason to believe only counts as a reason to believe given the set of intentions invoked. Because believing on the basis of evidence is independent of anyone's intentions and believing on the basis of being told is dependent on the speaker's intentions, it is for this reason that testimonial justification is non-evidential in nature.

In short, The Interpersonal View holds that we should pay particular attention to the nature of the speech act of telling because by examining the relationship a speaker and audience enter when one tells and one believes on the basis of being told, we are able to notice how the audience relies on the speaker and it is the mutual obligations generated by the joint act that contributes to the epistemology of testimony.

While The Interpersonal View avoids tying testimonial justification constitutively to evidence, it does face a similar scope problem. Consider again [DIRECTIONS] and suppose the stranger, call them Jesse, is indifferent as to what Eliana does with what they say because they are in a rush. Jesse doesn't form any intentions concerning what (or even if) she should believe.

Since on The Interpersonal View it is necessary that to transform a mere utterance into one with the status of *telling* the speaker must invoke a set of intentions, it is unable to accommodate this version of [DIRECTIONS] as a case exhibiting testimonial justification. This is because Jesse is indifferent to what Eliana does with what they say and does not form any intentions concerning what she has reason to believe. In this case, there is no interpersonal relationship between Jesse and Eliana and nothing special about the intersubjective speech act of telling that gives rise to a distinctive epistemic reason for belief.

It is important to note that The Interpersonal View may describe *one* way we tell and are told, but it does not begin to describe the whole terrain (Graham 2020). Jesse is not merely uttering words, but they are not doing so much as to *tell* or *assure* in the way characterized by The Interpersonal View. Instead, Jesse's testimony provides a middle ground where what they say is weaker than *telling* but more robust than a mere utterance. For this reason, The Interpersonal View faces a scope problem and is unable to accommodate our pretheoretical intuitions concerning cases where an audience has a testimonial reason with cases where an audience lacks such reason.

For a similar reason, because The Interpersonal View ties testimonial justification to the particular nature of the speech act of telling, it does not have explanatory power outside acts of telling and thus the view espoused only has theoretical utility with respect to those speech acts. Given our second desideratum, if there is a view that can accommodate other ways speakers can provide testimony (e.g., assure, state, assert, claim, etc.) then we should prefer it over The Interpersonal View.

3.2 Testimonial Reliabilism

The central claim of Testimonial Reliabilism is that what makes a testimonial reason distinct is the reliability of the processes involved in telling and being told. Graham (2000a, 366) argues that what grounds testimonial justification is a speaker's statement carrying information that *p*, where information carrying is due to a "law-like correlation" between an event, condition, or state of affairs and another event, condition, or state of affairs. Goldberg (2010, 79-80) argues for the "extended hypothesis" which claims that testimonial justification is an interpersonally extended process which includes both

processes of the production and consumption of testimony. Sosa (2011, 128-129) argues that testimonial knowledge is a kind of instrumental knowledge that depends on factors and processes beyond the scope of one's reflective perspective. It is the *reliability* of the processes involved in the production and consumption of testimony that give rise to a distinctive epistemic reason for belief. For instance, suppose my friend tells me that class is cancelled, and I come to believe this. Proponents of the view hold that when it comes to class schedules, my friend testifies truly almost all the time and moreover, I am great at differentiating between cases in which my friend is speaking sincerely and deceptively. Thus, I have an epistemic reason for belief because the processes involved in the production and consumption of the testimony in question are highly reliable.

For a similar reason, Testimonial Reliabilism faces a scope problem. Consider the following case:

> [FINCH]: During a lunch break, Remy decides to take a stroll to the local park. He finds a nearby bench to sit down on and begins bird watching while he eats his lunch. When it comes to identifying different bird species, Remy is a novice and has no expertise in this field. Moments later, Aaliyah joins Remy in bird watching. Remy and Aaliyah do not know each other and have not had any prior encounters with one another. Making small talk, Remy points to a bird and asks Aaliyah, "What kind of bird is that?" As it happens, Aaliyah has a casual interest in bird species but she has only just begun studying the difference between purple and house finches. She responds by telling Remy in a sincere and informative

manner that that bird is a house finch. Remy comes to believe that that bird is a house finch on the basis of being told by Aaliyah.

Intuitively, Remy comes to have testimonial justification for believing that the bird is a house finch on the basis of being told so by Aaliyah.

Testimonial Reliabilism offers three strategies for developing an account of testimonial justification in terms of the reliability of the processes involved. Each confronts a difficulty in accounting for testimonial justification exhibited in [FINCH]. First, there is the strategy of accounting for testimonial justification solely in terms of the reliability of processes involved in the consumption of testimony. Essentially, Remy's testimonial justification boils down to the reliability of the processes involved in him being able to monitor, detect, and assess that what Aaliyah says is false or unlikely to be true.

Upon examination, we see that the reliability of the processes of consumption alone are unable to account for Remy's testimonial justification because he is not in a position to reliably detect whether or not what Aaliyah says is false or unlikely to be true. As the case illustrates, when it comes to identifying different bird species, Remy is a novice and has no expertise in this field. Additionally, he had no prior encounters with Aaliyah making it more difficult for him to assess that what she tells him is false or highly unlikely. Putting this together, the processes involved in the consumption of Aaliyah's testimony alone cannot account for Remy's testimonial justification.

A second strategy available to the testimonial reliabilist would be to account for Remy's testimonial justification solely in terms of the reliability of processes involved in

the production of the speaker's testimony. Essentially, Remy's testimonial justification boils down to the reliability of the processes that concern the likelihood that what Aaliyah says is true. It concerns the processes involved in generating the testimony in question and its likelihood of being true.

Again, we see that the reliability of the processes of production alone are unable to account for Remy's testimonial justification because the processes involved in the likelihood that what Aaliyah says as being true are unreliable. This is because Aaliyah has just begun studying the difference between the bird species and in producing her utterance about the finch's identity, she relies on processes that are at least somewhat unreliable. Since studying bird species is a new field for her, it is not as if she testifies truly almost all the time and the likelihood that what she says is true is either nonexistent or relatively low. Thus, the processes involved in the production of Aaliyah's testimony alone cannot account for Remy's testimonial justification.

A final strategy available is to account for Remy's testimonial justification in terms of both the reliability of processes involved in producing *and* consuming Aaliyah's testimony. Testimonial justification amounts to combining the reliability of processes that what the speaker says is likely to be true with the hearer's processes of being able to detect that what the speaker is false or highly unlikely.

It should be clear that combining the reliability of processes involved in producing and consuming testimony cannot account for Remy's testimonial justification since both these processes alone are unreliable and adding them together doesn't equate to higher reliability but rather, provides us with more of a reason to support the conclusion that the testimony in question is more than likely to not be true. For example,

combining the reliability of processes involved in Remy being able to detect that what Aaliyah says is either false or unlikely with the reliability of processes concerning the odds that Aaliyah speaks truthfully on the subject matter cannot provide us with the verdict that the combination of processes involved are highly reliable since each process alone is unreliable. Since these three ways exhaust the options for this view, Testimonial Reliabilism confronts a scope problem because there are cases like [FINCH] that exhibit testimonial justification, but such justification does not involve the reliability of processes concerning telling and being told.[22]

Finally, there are at least some versions of Testimonial Reliabilism that limit testimonial justification to particular kinds of testimonial reports (e.g., perceptual reports) (see Graham 2000a, 368). The second desideratum tells us that we should prefer a view where testimonial justification is not limited to merely to a particular set of testimonial exchanges, but to a wide range of ways we tell and are told. If testimonial justification is limited to particular kinds of testimonial reports, then the view lacks theoretical utility because testimonial reports can be just about anything. A speaker can testify about perceptual, aesthetic, or moral matters. All things considered, we should prefer a view

[22] There is another way that the Testimonial Reliabilist may attempt to resurrect the three strategies for developing an account of testimonial justification in terms of the reliability of the processes involved. Instead of including the reliability of the processes involved in a particular testimonial exchange, a defender of the view may extend them to include the *general* reliability of one's testimonial processes *across time*. (see Goldberg 2010, 84-85). At first glance, it seems that by including the general reliability of one's testimonial processes across time can potentially account for testimonial justification in [FINCH], because while the particular processes invoked in that testimonial encounter may be unreliable, the overall testimonial processes involved across time are reliable. There are two points to make: first, the Testimonial Reliabilist faces the challenge of identifying *which* processes are relevant to testimonial justification and do so in a way that intuitively captures every instance where an audience acquires justification from the speaker's word (see Wright 2019). Second, if the defender of the view can identify the relevant processes in [FINCH], these processes are in fact unreliable. Prior to their exchange, Aaliyah had no clue about the difference in bird species and the relevant process to distinguish is nonexistent. Additionally, this holds for Remy as he is a novice and has no expertise in this field. So, even if we extend the reliability of testimonial processes to include those across time, it does not change the status of these processes from being unreliable to reliable.

that can accommodate the various kinds of testimonial reports over alternatives that limit testimonial justification to particular kinds of testimonial reports.

3.3 The Takeaway

The lesson to be learned from these Non-Evidential Views is that they invoke the wrong kind of connection between non-evidential structures and testimonial justification. This is what created the scope problem and thus do poorly in meeting our first desideratum which tells us that a view should intuitively capture paradigmatic cases of testimonial justification and exclude cases that do not intuitively count as such. While these extant Non-Evidential Views constitutively tie testimonial justification to either the interpersonal relationship between a speaker and audience or to the reliability of processes involved in telling or being told, these non-evidential structures are not essential features for a Non-Evidential View. It is possible to formulate a version of a Non-Evidential View that is not subject to this sort of problem.

4. The Norm View of Testimonial Justification

Recall the case of [DIRECTIONS] where Eliana comes to believe that the nearest Starbucks is two blocks north on the basis of the stranger's testimony. Though they have never met and are strangers to one another, there is a familiar structure that guides their exchange. Namely, the structure I'm alluding to is the rules, norms, or conventions

governing their exchange.[23] The idea that the norms or conventions are intimately connected to testimonial justification has been mentioned by Graham (2000a):

> [T]he source of the reliability of linguistic communication may be due, at least for creatures like us, to intentional agency and to our willful acceptance of certain norms or conventions that govern the practices of assertion and acceptance. (387)

While Graham alludes to norms that govern our testimonial exchanges as being partly responsible for the reliability of the processes involved in telling and being told, he does not claim that the norms themselves ground testimonial justification.[24] The view I propose departs from existing work in that it takes the rules, norms, or conventions governing our testimonial exchanges to ground testimonial justification. I argue that the non-evidential structures epistemically relevant to our reason for belief are the norms themselves. Unlike existing Evidential Views, it does not constitutively tie our reason for belief to evidence. And unlike existing Non-Evidential Views, it does not posit a fundamental connection between testimonial justification to either the interpersonal relationship had between a speaker and audience or to the reliability of processes involved in telling and being told.

The idea that rules, norms, or conventions ground testimonial justification has been underexplored.[25] To illustrate, Goldberg (2015) ties the literature on the speech act of assertion to the epistemology of testimony. In particular, Goldberg argues that the norm of assertion grounds testimonial justification. He states that testimony involves

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[23] For our purposes, I will refer to 'rules', 'norms', and 'conventions' interchangeably.
[24] While he does not argue for the norms themselves as grounding testimonial justification, see Graham (2012, 2013, 2015, 2018) for some discussion on assertion, epistemology of testimony, and social norms.
[25] There are exceptions, see, for instance: Goldberg (2015) Simion (2021b).

assertion in the sense that in order to testify, the speech act must have the assertoric force of straight assertion (cf. speculations, guesses) (2015, 76). He defends the claim that the speech act of assertion is governed by a norm of assertion which is robustly epistemic and commonly known (76). The norm of assertion provides an epistemic standard for when a speaker properly or improperly asserts. Then, since testimony involves assertion, it is governed by the norm of assertion and speakers are only warranted in testifying when they meet this standard. Therefore, on the assumption that the norm is common knowledge, hearers have reason to believe the speaker's testimony because the speaker's testimony purports to meet the epistemic standard in question provided by the norm of assertion.

While Goldberg relies on the norm of assertion as a way to ground testimonial justification, the route I offer to a Norm View differs in two respects. First, the norm of assertion is a *speaker-centric* norm in the sense that it is a norm concerning what one says. The norm provides an epistemic standard for a speaker's assertion and it is in virtue of this standard and its being commonly known that hearers are provided with a reason to believe. Alternatively, my entry point for a Norm View is not the norm of assertion. I begin with an *exchange-centric* norm that concerns believing what one says. As we will see shortly, I claim that it is in virtue of the collaborative rules or norms governing our testimonial exchanges that hearers are provided with a reason to believe.

Another difference between the route I take to a Norm View concerns the commitment to the relation between assertion and testimony. Goldberg relies on a conception of testimony that involves assertion. He argues that "testimony-constituting speech acts must have the assertoric force of assertions" (2015, 77). Testimony involves

presenting a proposition as true by implicating one's epistemic authority and assertion, by its nature, implicates the speaker's epistemic authority over what one asserts. It is in this sense that testimony involves assertion.[26] The way I will argue for the Norm View is less committal in the sense that it does not invoke a particular relation between assertion and testimony. Testimony may involve assertion and assertion may involve testimony, however, my route to a Norm View leaves open the relationship between assertion and testimony.

Before detailing out the positive view, I wish to highlight this sort of non-evidential structure within the practical domain before drawing parallels to the epistemic domain. Suppose I come to a four-way stop. Why do I have reason to believe that the other driver approaching the intersection will yield? It's not because I believe the driver *themself*. Far from it – in fact, it is typical to not trust them. It's also not because I have strong evidence that grounds my belief that they will yield. I do not relate to the driver and their driving as objects or natural signs – there's someone behind the wheel! Additionally, my belief is not due to the reliable processes involved in driving. Even though there may be a high correlation between drivers, cars, four-way stops, and yielding, I don't believe that a particular driver will yield on this basis. Rather, I believe that she will yield because there are rules that govern how we ought to behave with respect to driving. Simply put, I believe that the driver will yield because there are rules that dictate and govern our driving behavior.

This is the kind of reason characteristic of testimonial reasons. We believe what we're told because we believe there are norms that govern how and what we say to each

[26] For a similar view that takes telling to be a species of assertion, see Simion (2021b). For a view that takes testimony to be more basic than assertion, see Hinchman (2020).

other. For instance, in light of the norms concerning how one ought to respond to inquiries, Eliana believes what the stranger says in providing her with directions. I believe CNN's report of the presidential election outcome because I believe there are norms governing how they report on such matters. Here is the positive proposal:

> **Norm View**: For all individuals or groups *A*, *B*, and propositions *p*: *B* has testimonial justification with respect to *p* iff: (i) *A* produces an utterance that *p*, (ii) *A*'s utterance that *p* is situated within norms governing testimonial exchanges, (iii) the norms concern believing what one says and govern all testimonial exchanges, (iv) the norms are collaborative in nature, and (v) *B* receives *A*'s utterance that *p* as a result of these collaborative norms.

Before turning to the conditions, some general comments are in order. The **Norm View** provides a *defeasible* but *presumptive* account of testimonial justification. Eliana's reason to believe what the stranger tells her may be overridden or defeated by other epistemic considerations. For instance, a Starbucks employee may provide her with directions that conflicts with the stranger's testimony (e.g., that the nearest Starbucks is two blocks south instead of north). We believe what someone says in a similar fashion to how we believe on the basis of perception. Suppose I come to believe that the grass is green. If I form this belief on the basis of my perceptual experience as of the grass being green, then my perceptual experience by itself serves as a defeasible immediate justifier for my belief that the grass is green (Pryor 2000). Similarly, with testimony, I relate to what the interlocutor says by uttering the words "The grass is green" in much the same way that I

relate to my perceptual experience as of the grass being green. So, what the interlocutor said by her utterance can itself serve as a defeasible immediate justifier of my belief that the grass is green.

Further, the view of testimonial justification on offer is presumptive. It does not depend on one's having evidence of the reliability of the rules or norms governing our exchanges. For instance, Eliana can come to believe on the basis of the stranger's testimony without requiring further evidence of the reliability of the rules or norms. With this in mind, let us turn to the conditions.

Condition (i) states that a speaker must produce an utterance that *p* and this is neutral as to the various ways that one can go about producing such an utterance. For instance, it may be that the speaker asserts *p,* assures *p*, tells *p*, or claims *p*. The idea behind the condition is that there are various ways an utterance can count as providing testimony that *p*.

Condition (ii)-(iv) require further explanation together. Condition (ii) states that the speaker's utterance must be situated within norms that govern one's testimonial exchange. There is no doubt that norms are ubiquitous across our exchanges. For instance, it is impolite to utter a rude comment to your interlocutor, socially unacceptable to speak over them, morally blameworthy to lie, epistemically improper to assert something you don't know (Williamson 2000) or reasonably believe (Lackey 2008) and, for the most part, irrational to bullshit your way through a conversation.

However, condition (iii) picks out a subset of norms that are relevant to testimonial justification. These are norms having to do with believing in what one says. This condition intentionally rules out norms concerning what we say. For instance, it may

be that it is improper to assert something you don't know or reasonably believe, but these norms concern what we say and not what we believe.

Additionally, this condition also rules out norms that are specific to a particular domain or localized. For instance, in a legal context, hearsay is inadmissible as evidence in a court of law. While this norm may govern a legal domain, this is not true for all testimonial exchanges. If Sam tells me that Josie took the cookie from the cookie jar, then typically I have reason to believe what Sam says as being true. Ordinally, outside of a legal context, hearsay can provide me with reason to believe what my interlocutor says. There also may be norms that are localized to a particular testimonial exchange. It may be that given the relationship between a husband and wife, there may be a precedent that one should believe unconditionally in what the other says. For instance, if my wife tells me that the baby is sleeping, I may believe this without further qualification. While this may be true, we are not interested in these sorts of norms.

Condition (iv) imposes a requirement on the nature of the norms governing our testimonial exchanges. It states that the norms must be collaborative in nature. Compare two cases: one where the participants are engaged in a testimonial exchange with one where no such exchange occurs. Suppose you ask someone about the time and they stare blankly at you and proceed to walk away. Here, there is no exchange of words and hence no sort of collaboration. Now suppose we slightly alter the case where the individual does tell you the time. Whether the individual told the truth, lied, or is mistaken about the time, they collaborate with you for the purpose of said exchange. It is clear that collaboration imposes a requirement on believing what one says and this is true across all our testimonial exchanges. For there to be an exchange, there must be some sort of

collaboration. That is to say, testimonial participants contribute what is needed for the purpose of collaboration. We can then say testimonial exchanges are governed by collaborative norms.

Lastly, condition (iv) states that the audience must receive that speaker's utterance that *p* as a result of these collaborative norms. This condition concerns how it is that an audience comes to believe on the basis of the speaker's say-so. For instance, it rules out cases where I believe what the speaker says because of evidence that the hearer can supply either from perceptual, memorial, or inferential sources or evidence that is inherited and supplied by whatever is justifying the speaker's belief. It also rules out cases where I believe what the speaker says because of the interpersonal relationship that obtains between interlocutors or because of the reliability of the process involved in the production and consumption of testimony. The condition explicitly states that an audience believes what the speaker says because of the collaborative norms that govern testimonial exchanges.

Returning to [DIRECTIONS] where Eliana comes to believe that the nearest Starbucks is two blocks north on the basis of the stranger's testimony; the **Norm View** states that what grounds testimonial justification are the norms that govern their exchange. Eliana has reason to believe what the stranger says because there are collaborative norms cutting across all testimonial exchanges that concern believing what the stranger says, and Eliana receives the stranger's testimony in light of these norms.

Similarly, in [FINCH] Remy has reason to believe what Aaliyah tells him because of the collaborative norms that govern their exchange. The norms concern believing what

Aaliyah says and Remy receives her utterance in light of these norms. Remy thus comes to believe that the bird is a house finch on the basis of Aaliyah's testimony.

In the next section, I present three benefits of the **Norm View**. Appreciating the normativity of testimonial reasons and the underlying structure that characterizes them allows us to extend justification to different kinds of testimony, capture the diversity of testimonial reports, and accommodate the various ways evidence and other non-evidential structures can be salient features of our testimonial exchanges.

5. Benefits of the Norm View

There are at least three benefits of the **Norm View** as an account of testimonial justification. First, the view allows us to extend justification to different kinds of testimony. There is more than one way for a speaker to provide testimony that *p* and the view allows us to capture this. For instance, a speaker may assert, tell, inform, state, assure, or claim that *p* and the view is neutral as to how an utterance can count as providing testimony that *p*. Unlike The Interpersonal View where testimonial justification is tied to the particular nature of the intersubjective speech act of telling, it is a feature of the **Norm View** that testimonial justification is independent from the nature any particular speech acts. On the positive view, testimonial justification is dependent on the norms governing our testimonial exchange and this does not specify how it is that a speaker provides testimony that *p*. All that is required is that a speaker must produce an utterance that *p* and this is neutral as to the various ways that one can go about producing such an utterance.

Second, the view allows us to capture the diversity of testimonial reports. Testimonial reports can be about all sorts of things. A speaker can testify about perceptual, aesthetic, or moral matters. For instance, one can testify that *it is raining*, *Mona Lisa is beautiful*, or *it is wrong to lie*. Unlike some versions of Testimonial Reliabilism[27] where testimonial justification only extends perceptual reports, it is a consequence of the **Norm View** that testimonial justification can be just about anything we ordinarily report on. Since on my view, what grounds testimonial justification are the norms and these norms do not pick out particular types of testimonial reports, we are able to capture the various types of reports that speakers testify about. For instance, if Daisy tells me that it is wrong to lie and I come to believe this on the basis of their say-so, my justification and why I have reason to believe what they say does not concern my relation to any particular source of justification (e.g., perceptual or memorial), but rather, whether or not there are collaborative norms that govern our exchange. Since on the **Norm View**, there is no constitutive connection between other sources of justification and testimonial justification, it is not limited to particular kinds of reports such as perceptual, memorial, or introspective reports. Why we have reason to believe what we're told is a matter of the norms governing our exchanges. It does not matter if the speaker reports on perceptual, aesthetic, or moral matters, so long as what they say is situated within the context of these collaborative norms. An account of testimonial justification that can capture the diversity of testimonial reports should be preferred over alternatives that fall short on this front.

Third, the view can accommodate the various ways evidence and other non-evidential structures can be salient features of our testimonial exchanges. Earlier I argued

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[27] For instance, speaking about the range of reports, Graham states that "It may be that the truth of my view is limited to perceptual or observational reports" (2000a, 368).

that there is no constitutive connection between a testimonial reason and either evidence or non-evidential structures concerning the interpersonal relationship between a speaker and audience or the reliability of processes involving in telling and being told. But this is not to say that they cannot be important features of our exchanges.

In some cases, it seems that evidence or these other non-evidential structures are crucially relevant to our reason for belief. For instance, Greco (2012) introduces three compelling cases where either evidence, the interpersonal relationship, or the reliability of processes involved appear to be salient features for what one has reason to believe:

> [C]onsider the case where a seasoned investigator questions a potentially uncooperative witness. The investigator asks questions and the witness answers them, but clearly the investigator should not just believe whatever the witness says. On the contrary, she will employ skills learned and honed over a career to discern what is and is not believable in what the witness asserts. We might think of these skills in terms of bringing to bear inductive evidence—the investigator employs various well-grounded generalizations to determine whether the witness is telling the truth in a particular instance. (19-20)

> [C]onsider a testimonial exchange among trusted friends. You ask your friend whether he intends to come to your party, and he says that yes, he does. Here it is at least plausible that you may believe straightaway what your friend tells you. And here it is at least plausible that something epistemically special is going on—that testimonial justification and knowledge depends on a relationship between speaker and hearer that is present… (20)

> [C]onsider a case where you ask directions from a stranger in an unfamiliar city. This case seems somewhere between the first two. On the one hand, there is little reason to think that the testifier might be uncooperative. On the other hand, you might be looking for signs of competence and depending on these. (20)

On the **Norm View**, there is a simple explanation for how to accommodate the various ways evidence and other non-evidential structures can be salient features of our

testimonial exchanges. The norms governing our testimonial exchanges give rise to certain contexts where evidence, the interpersonal relationships, or the reliability of processes involved in telling and being told may be significantly relevant to our reason for belief.

Balkin (1990) alludes to this insight when he discusses the nature of nested oppositions where certain concepts are understood to be opposites in a given context:

> If we say that red and green are opposite colors in a traffic light, we are not saying that they logically contradict each other. Rather, they are opposed with respect to the meanings these colors are given in traffic signals. The context of conventions concerning traffic signals makes them opposites. In another context, they may be seen as similar to each other. For example, red and green are both colors of the natural spectrum, or colors associated with Christmas, while lavender and brown are not. Thus red and green are seen as different in some contexts, and are seen as having similar properties in others. (1990, 1674)

We can apply Balkin's insights to the nature of testimonial justification. Ultimately, what grounds testimonial justification are the collaborative norms that govern our testimonial exchanges. However, the context of these norms may give rise to certain settings where evidence is crucially significant to our reason for belief (e.g., seasoned investigator case). For instance, because the witness is being uncooperative and their suspicious behavior is due to their inability to not abide by the norms, this provides the seasoned investigator with a reason to rely on evidence as a salient feature of their testimonial exchange.[28] That is, it is in virtue of the norms and the context in which the witness does not abide by them that gives the seasoned investigator a reason to rely on evidence as being a salient feature

[28] One may rightly insist that there is an alternative explanation of why the seasoned investigator relies on evidence that isn't due to the context of norms. It is for some other reason that the seasoned investigator relies on evidence as being crucially significant to her reason for belief. In the next section I'll address this worry.

of their exchange. Other times, the interpersonal relationships between a speaker and audience (e.g., trusted friends case) may be a salient feature of our testimonial exchanges or the reliability of the processes involved in the production and consumption of testimony (e.g., stranger case). So long as these structures contribute what is needed for the purpose of collaboration, then we can say they are salient features of our testimonial exchanges.

While understood in the context of what grounds testimonial justification, these Evidential and Non-Evidential Views are seen as offering opposite explanations. However, within the context of these collaborative norms, the evidential or non-evidential structures these views allude to are understood to be working towards a similar goal and that is to get testimonial participants to contribute what is needed for the purpose of collaboration. Whether or not evidence or these alternative non-evidential structures are salient features of our testimonial exchanges will depend on how they serve the collaborative norms that govern our exchanges. The **Norm View** can accommodate the appeal that there are various evidential and non-evidential structures that can be epistemically relevant to our reason for belief without claiming that there is a constitutive connection between a testimonial reason and these structures. Thus, the view demonstrates how these structures can be relevant features for testimonial justification while avoiding the scope problem plaguing the Evidential and Non-Evidential Views discussed above.

6. Potential Worries for the Norm View

In this section, I address worries to the **Norm View** that challenge the role and place of norms in the epistemology of testimony. I address the worries that norms are epistemically insignificant in characterizing the structure of a testimonial reason.

6.1 An Epistemic Reason for Belief that Does Not Rely on Norms

Earlier I mentioned that there are cases where an audience gains an epistemic reason for belief but one that does not rely on norms. Suppose we tweaked the seasoned investigator case slightly such that the investigator gains an epistemic reason for belief on the basis of the speaker's testimony but one that doesn't rely on the norms. For instance, the investigator employs her skills to determine what is and is not believable in what the witness testifies to because they exhibit suspicious behavior when they assert (e.g., nervousness and frequent fumbling of words) and not because of their inability to abide by the norms. In this case, the investigator gains an epistemic reason for belief via the witness's testimony without reliance on the norms.

While it may be true that the seasoned investigator gains an epistemic reason for belief, I claim that she does not gain a *testimonial reason*. This alone is an unsatisfactory answer because it does not provide grounds for why one should think there should be a difference between testimonial justification and other sorts of epistemic justification other than the fact that there are no norms in the latter but only in the former.

However, there is a crucial difference between other sorts of epistemic reasons and testimonial reasons for belief and it concerns how we regard and treat the speaker's testimony. Sometimes, it may be the case that we treat the speaker's testimony as a piece of evidence –as illustrated in the seasoned investigator case – but doing so goes against the spirit of our ordinary testimonial practices and promotes epistemic disregard and disrespect toward testimonial participants and the various roles they occupy as speakers and hearers (see Daly 2018; Moran 2018, 68-75).

Our testimonial exchanges exhibit reactive attitudes, that is, the "reactions to the good or ill will or indifference of others towards us, as displayed in their attitudes and actions" (Strawson 1962, 6-7).[29] For instance, in [DIRECTIONS] Eliana may express gratitude toward the stranger in providing her with directions. These reactive attitudes arise due to the normative expectations we have toward each other as testimonial participants.

Returning to the tweaked seasoned investigator case, the witness may express resentment and disappointment toward the seasoned investigator upon learning that she is treating their word merely as evidence. The witness can rightly claim that they are not treating them with epistemic respect because they are treating their testimony as mere evidence and bypassing or undermining their epistemic agency altogether. Although the investigator gains an epistemic reason for belief, she does not gain a testimonial reason because she extracts the testimony from the context of our ordinary testimonial practices.

[29] For further discussion on what sorts of reactive attitudes are typically elicited in testimonial exchanges, see Faulkner (2011) and Tanesini (2020).

She gains an epistemic reason at the cost of promoting epistemic disregard and disrespect toward the witness and the role they occupy as a speaker.[30]

6.2 Norms Only Have Social and Not Epistemic Dimensions

First, one can argue that norms are epistemically insignificant because they are nothing more than a social affair and our reliance on norms bottom out to our reliance on evidence. While it may be true that there are norms that govern our testimonial exchanges, and these norms play a role in directing how we tell and are told, perhaps these are nothing more than social norms that play no role in epistemically justifying an audience's testimonial belief.[31] The norms that govern our testimonial exchanges may be a legitimate social affair and may have moral implications, but they are of no proper epistemic significance. If this is the case, then the justification of an audience's testimonial belief can bottom out in evidential relations.

It is important to recognize what is implied by rejecting the epistemic significance of norms in this way. If the norms that govern our testimonial exchanges play no epistemic role in an audience's coming to believe on the basis of a speaker's say-so, then they do not concern believing what one says. In the case of [DIRECTIONS], Eliana believes what the stranger says not because she believes there are norms that govern how

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[30] I do not deny that there may be instances where it is appropriate to regard the speaker's testimony as mere evidence. The question becomes: is there is way to determine when it is epistemically appropriate to treat someone's word as mere evidence in contrast to understanding someone's testimony in the context of norms? There are at least two ways to determine this: (1) by way of the epistemic agent exercising their competence to determine whether the audience should treat the speaker's testimony as mere evidence or (2) the context of the norms determine whether or not evidence is a salient feature of their testimonial exchange. Thanks to Nathaly Ardelean Garcia for bringing this to my attention.

[31] For the sake of argument, I'm granting that some norm being epistemic excludes it from being social and vice versa. See Graham (2015) for a chapter that argues some norms with epistemic content are social norms.

the stranger ought to respond to her inquiry and this acts as her direct reason, full stop. Rather, because the norms governing their exchange are nothing more than a social affair, Eliana then relies on the norms as providing evidence that what the stranger says is likely to be true.

Describing the role of norms this way does not paint a faithful picture of our testimonial practices and the various ways we tell and are told. If norms played no epistemically significant role in coming to believe, then the audience would always have to cite some sort of evidential reliance on the norms. For instance, Eliana believes what the stranger says because they infer that the stranger abiding by the norms provides them with evidence in favor of what they say as likely being true.

However, it is plausible and likely that we directly appeal and cite the norms as our reason for belief. For instance, a student may not comprehend or understand a claim their teacher makes and further may be unable to cite any evidential reasons in support of believing that what the teacher says is true, but they nonetheless have good reason to believe what their teacher tells them, namely that there are norms that govern their exchange, and this acts a direct reason for belief. If reliance on norms always bottoms out to reliance on evidence, then this would exclude various groups (e.g., children, students) from obtaining testimonial justification on the grounds that they cannot cite evidential reasons to rely on the norms and this doesn't look our ordinary testimonial practices.

Similar to how we appeal to the rules or norms governing traffic as acting as a reason to observe the speed limit, so too do we appeal to the rules or norms governing our exchanges as acting as a reason to believe what one says. If one was to say that appealing to these norms are epistemically improper, I think we would be unconvinced by this

response. Rejecting the epistemic significance of norms in this way then leaves us with a picture of testimonial practices that doesn't look like our own.

Additionally, as noted earlier, understanding our reliance on norms as bottoming out to our reliance on evidence leaves us with the problem that this isn't the only way we come to believe on the basis of a speaker's say-so. While it may be true that an audience can relate to a speaker's words the same way as natural signs or objects, this is merely *one* way we tell and are told. To claim that all testimonial justification is like this is to deny the significance of the various features of our testimonial exchanges and the role they play in coming to believe.

Further, I should emphasize that the **Norm View** explicitly focuses on norms that concern believing what one says. This is significant because the norms we are interested in are concerned with epistemic matters. Believing what one says concerns what reason an audience has for being justified in accepting a speaker's word. It is for these reasons, then, that norms governing our exchanges cannot be merely social but have an epistemic dimension.

6.3 Non-Normal Reliability or Unreliable Norms?

Another way to deny the epistemic significance of norms is to explain their importance in terms of their reliability. There is the possibility that we can explain what grounds testimonial justification not by appeal to the norms governing our exchanges but rather to the *reliability* of such norms. An appeal to norms is explained and reduced to the reliability these norms have in producing true beliefs and avoiding falsehoods. For instance, in the case of [DIRECTIONS] Eliana believes what the stranger says in

providing directions because the norms are highly reliable in producing and consuming testimony that is true while avoiding falsehoods.

My intuition is that by explaining the appeal to norms in terms of their reliability is to reverse the order of explanation. To appeal to the reliability of some process or function, there must have been an initial reason to rely on it. When it comes to explaining why the norms governing our exchange are highly reliable, we cannot appeal to reliability of these norms as that would be circular. The reliability of norms can be explained by appealing to the norms themselves and not the other way around.[32]

Additionally, it strikes me as being odd that when explaining why we have reason to believe what we're told we appeal to the reliability of the norms rather than to the norms themselves. For instance, I have reason to observe the speed limit not because the rules governing traffic are highly reliable but rather because there are these rules that govern traffic. Likewise, I have reason to believe what I'm told not because the norms governing our exchanges are highly reliable but rather because there are norms that govern what we say and believe. For these reasons, it does not seem that we can explain the epistemic significance of norms in terms of their reliability.

One may press the worry further and state that surely when we have *both* the reliability of norms and the norms themselves, it may intuitively seem as if the norms are doing all the epistemic work. We explain the reliability of the norms in terms of the norms, and it is the latter rather than the former that grounds testimonial justification.

[32] Recall the earlier passage by Graham: "[T]he source of the reliability of linguistic communication may be due, at least for creatures like us, to intentional agency and to our willful acceptance of certain norms or conventions that govern the practices of assertion and acceptance" (2000a, 387).

However, when we tease these two features apart – i.e., non-normal reliability and unreliable norms – it looks as though it is the *reliability* rather than the norms that are doing all the epistemic work. When we are confronted with the option of choosing between two less than ideal candidates for an account of testimonial justification, it strikes me as though we would prefer non-normal reliability over unreliable norms because the former provides an external grounding of how it is that we can come to believe on the basis of someone's say-so. For instance, it is preferable that Eliana comes to believe without any rules that determine the reliability of processes involved in producing and consuming the stranger's testimony over the alternative of having rules that are unreliable governing their exchange. In the absence of norms, it is the reliability that grounds one's reason to believe via testimony. Intuitively, we would hesitate to say that in the absence of reliability, it is the norms that ground testimonial justification.

While I share the intuition that when we tease these two features apart, it appears as though it is non-normal reliability rather than the unreliable norms that is doing all the epistemic work, upon closer examination, non-normal reliability cannot play the role of grounding testimonial justification because it provides us with a dubious epistemology whereas unreliable norms do not.

To see this, suppose we are determining the temperature in a room. One way we can come to learn the room's temperature is by means of a reliable thermometer whose functional reliability is not determined by any sort of rules governing its behavior. The thermometer is reliable but its reliability is not due to any physical laws that determine its output. Instead, its ability to measure the room's temperature (while highly reliable) is due to some sort of nonconventional method. The question becomes how it is that the

thermometer functions as it does if there is no principled way to determine how it tracks temperature. At best, the thermometer provides us with as reliable means of determining the room's temperature but only at the expense of being unable to know how it functions.

Another way we can learn about the room's temperature is by means of an unreliable thermometer whose function is determined by some sort of rules governing its behavior. While the thermometer is unreliable, its ability to determine the temperature is in fact due to physical laws that do determine its output, although in an unreliable fashion. While it may be the case that relying on the thermometer provides us with unreliable results, we can in fact determine how it is that the thermometer tracks temperature. For instance, due to the physical laws, when the tip of a thermometer touches the material it is measuring, it conducts heat energy to the mercury inside and expands while slowly rising up the tube to a point on the scale where one can take a reading of the temperature. Even though the thermometer is unreliable, there is at least a principled way of grounding and coming to know how it is that the thermometer functions.

We can apply this lesson to the testimony case. We should prefer an account of testimonial justification that provides us with a principled way of determining how it is that we obtain justification even though unreliably, rather than an account that reliably gets things right without a principled way of determining how it is that we obtain justification. I'd bite the bullet and take unreliability over a dubious epistemology. For these reasons, it does not seem that we can explain the epistemic significance of norms in terms of their reliability.

6.4 Norms as an Extension of the Interpersonal Relationship in a Testimonial Exchange

Lastly, we can deny the epistemic significance of norms by appealing to the interpersonal relationship that obtains between a speaker and an audience. It is the interpersonal relationship generated by the speech act of telling that is doing all the epistemic work and the norms that arise in an exchange are merely an extension of this relationship. You have reason to believe what you're told because of the relationship that obtains between us and the norms that arise in our testimonial exchange are due to the commitments we share as speaker and audience. On this picture, the speech act of telling is what gives rise to the norms and what ultimately grounds testimonial justification.

Describing the norms that govern our testimonial exchange as being an extension of the interpersonal relationship that obtains between a speaker and audience limits the nature of testimonial justification. As noted earlier, The Interpersonal View ties testimonial justification to the particular nature of the speech act of telling. And if the norms are a mere extension of the interpersonal relationship that arises from this speech act, then we cannot account for cases of coming to believe on the basis of a speaker's testimony outside of this speech act. But it is clear that the norms that govern our testimonial exchanges do not merely apply to acts of telling, but also other acts such as asserting, informing, stating, assuring, claiming, and so on. It is for this reason that we cannot appeal to the interpersonal relationship that obtains in a testimonial exchange to explain the epistemic significance of norms since these norms have application outside the speech act of telling.

What this discussion highlights is that the collaborative norms exhibited in the **Norm View** are epistemically significant in characterizing the structure of a testimonial

reason. The norms are not merely social or redundant – they are a constitutive feature of testimonial justification.

7. Conclusion

I have argued that a view of testimonial justification should be assessed according to the two desiderata of accommodating our pretheoretical intuitions concerning cases where an audience has a testimonial reason with cases where an audience lacks such reason, and theoretical utility in the sense that it can explain a wide range of phenomena that is relevant to how we provide and consume testimony. I highlighted the challenges that existing Evidential and Non-Evidential Views confront in capturing our intuitions about cases where an audience has testimonial justification without requiring evidence or in contexts where an interpersonal relationship between a speaker and audience doesn't exist and where the processes involved in producing and consuming testimony are unreliable. I have emphasized that the **Norm View** succeeds where they do not.

I'd like to conclude by touching upon how the **Norm View** fares with respect to the second desideratum of theoretical utility. In terms of how it fares with respect to explaining phenomena that is relevant to how we provide and consume testimony, I hold that the **Norm View** tracks our ordinary testimonial practices. Reflecting on the folk conception of testimonial reasons, we come to appreciate that we testify in all sorts of mediums, to various people, and about all sorts of things. I can come to have testimonial justification in cases where I read a corporation's brief report, receive directions from a stranger, and even about matters concerning what is right and good.

A view of testimonial justification that is grounded in norms has extensive reach and it purports to accurately track how we provide and consume testimony. Unlike the other views, testimonial justification is not limited to a particular kind of testimony (e.g., *tellings*) nor is it limited to a particular kind of testimonial reports (e.g., perceptual). The **Norm View** extends justification to different kinds of testimony and various kinds of testimonial reports. In this way, it fares better than its alternatives with respect to the desideratum of theoretical utility.

In sum, I argued that why we have reason to believe what we're told and what distinguishes testimonial justification are the collaborative norms that govern our exchanges. Testimonial justification need not be provided in contexts where an interpersonal relationship between a speaker and audience exists or where the processes involved in producing and consuming testimony are reliable. It also need not require evidence. Appreciating the normativity of testimonial reasons and the underlying structure that characterizes them allows us to capture the diversity of testimonial reports, extend justification to different kinds of testimony, and track our ordinary testimonial practices.

Chapter 3: Group Silencing and Testimonial Exclusion

1. Introductory Remarks

As conversational participants, our agency can sometimes be unjustly disregarded because we are systematically deprived of the ability to perform certain kinds of speech acts, owing to oppressive social or cultural practices. A woman's attempt refusing romantic or sexual advances can be just that – an attempt. Sometimes she can succeed in refusing but fail to communicate her refusal as such because her audience is under the false impression that she's playing coy. Other times, a woman's attempt at refusal may even be treated as consent, in which case she is wrongly taken to perform a different kind of speech act altogether from the one she intended. In all these instances, the woman struggles to have her voice heard, owing to systematic prejudices against women. Cases like these have come to be known as "silencing" (see e.g., Hornsby & Langton 1998; Langton 1993).

Over the past few decades, a rich and growing body of literature on silencing has been dedicated to exploring the nature and harms of this phenomenon (e.g., Hornsby 1994, 1995; Hornsby & Langton 1998; Langton 1993; Maitra 2009, 2012; McGowan 2004, 2009, 2014, 2019; Schiller 2021; Tanesini 2016, 2019). Although significant strides have been made towards a clearer understanding of its nature and scope, there is still room for improvement. Or so I will argue.

In this spirit, I levy two criticisms towards standard accounts of the notion of silencing in the hopes of sharpening our understanding of the concept. First, most literature on silencing has focused on silencing of individuals that occurs as a result of receptive conversational failures. By "receptive failures", I mean speech act failures that

result in the conversation going awry because of how the audience receives (i.e., understands or responds to) the speaker's words. A woman's attempt at refusing romantic or sexual advances remains a mere attempt, owing in part to how her audience receives or responds to her attempt at successfully carrying out the speech act of refusing. But this is merely one *type* of conversational failure that can result in an individual or group being silenced.

As conversational participants, we are sometimes systematically deprived of the ability to perform certain kinds of speech acts, not because of receptive conversational failures, but rather because of what I will call "representational conversational failures" (or "representational failures" for short). Representational failures silence an individual, institution, or social identity group by interfering with the rightful representation of their interests. For example, when – owing to systematic identity prejudices – a spokesperson asserts their own view in a way that mistakenly makes it appear to be their client's, they misrepresent what the client wished to assert or testify to. The spokesperson thereby silences their client by interfering with the representation of her views, in this case by misrepresenting their client's views. In this way, the client fails to have her voice heard.

Second, most philosophical literature in this area has primarily focused on silencing that involve failures of *individual* speech acts.[33] The interest in individual speech acts dates back to philosophical investigations into ordinary language starting around the mid-twentieth century (e.g., Austin 1975; Grice 1957, 1989; Searle 1979; Strawson 1964). The turn to ordinary language philosophy resulted in a preoccupation

[33] The few exceptions are Townsend (2020) and Townsend & Townsend (2020). However, as I will argue below, they do not seem to identify representational failure as a potential mechanism driving group silencing.

with conversational exchanges between two individuals: a speaker and a hearer. For instance, J. L. Austin's (1975) speech act theory focuses on how individuals are able to do things with words.[34] One of his primary concerns is to lay down the requirements for how an individual can successfully perform a speech act. Unlike early ordinary language philosophy, the literature on silencing has been sparked by an interest in how an individual's group identity can result in receptive failures. Even so, *individual* speech acts and the impact of receptive failures on individual agency have continued to dominate these explorations.

There is no doubt that silencing can result in our agency being undermined, overridden, or bypassed. However, it is equally evident that individuals are not the only entities that can be silenced. Conversational failures can lead to the silencing of marginalized and oppressed groups. Or so I will now argue. For instance, an indigenous community can be silenced by having their assertion about their land be treated as an expressive speech act merely conveying a feeling or sentiment about it. Or to take another example: when the political speech of the Palestinian people on digital platforms showcasing the daily injustices they face is censored, they too are silenced as a group. As these examples illustrate, while an individual's group identity can be a cause of silencing, as many thinkers have demonstrated, marginalized social groups as a whole can also be the victims of silencing. This, in turn, suggests a need to expand on the individualistic

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[34] Austin also was interested in speech acts that may be deemed joint in nature, like promising. In order to make a promise, another agent must serve as a promisee. While promises are indeed joint enterprises, the second person plays only a minimal role in ensuring the successful performance of the speech act. The promisee needs to recognize that the promisor intends to make a promise, but this receptive requirement – or what is sometimes called an uptake condition – is satisfied as long as the promisee takes the promisor to be making a promise. So, the case of promises doesn't differ from paradigm speech acts, the failure of which can lead to silencing. A failure to recognize a woman's refusal of sexual advances as the speech act of refusing is also receptive in nature.

approach to speech acts. Specifically, to be able to analyze how groups and other collective entities can be victims of silencing, we need to branch out to collective speech acts.

The plan for this chapter is as follows: In Section 2, I argue that just as individuals can be subject to silencing because of their group identity, marginalized groups can also be (group) victims of silencing. I call the mechanism underlying group silencing "representational impairment". I furthermore identify some differences and similarities between representational impairment and paradigmatic forms of silencing. In Section 3, I argue that three influential theories of silencing are unable to accommodate silencing driven by representational impairment rather than receptive failure, and that this inability constitutes a novel explanatory problem for this group of theories. In Section 4, I introduce and argue for a novel theory of silencing that *can* accommodate representational impairment. My proposed theory, I argue, thus has an explanatory advantage compared to the three prior theories under consideration. I proceed by demonstrating how my proposed theory can accommodate the types of silencing most commonly discussed in the literature. I summarize and conclude in Section 5.

2. Group Silencing

During the Jim Crow era, voter suppression tactics in the Southern States were used to exclude racial minorities from voting. Such measures included instituting poll taxes (Johnson 2010), literacy tests (Klarman 2006), and grandfather clauses. For instance, in 1964 the state of Louisiana implemented a literacy test designed to disenfranchise black voters from casting ballots in the general election. The test imposed a 10-minute time

limit and consisted of 30 questions the content which had nothing to do with voting capabilities. One question was, “Circle the first, first letter of the alphabet in this line” (Annear 2014).

Let it be granted for argument’s sake that an individual vote in an election is a form of testimony. As a kind of testimony, a vote does not express the voter’s preference (or lack thereof) for a representative or proposition. A vote is not simply a matter of personal taste. Rather, qua testimony, a vote conveys an (full, partial, or relative) approval of a representative’s agenda and viewpoints or of the content of a proposition. Say Proposition 10 in a state election proposes to legalize the recreational use of marijuana. By voting in favor of Proposition 10, a voter conveys something like “I approve of legalizing the recreational use of marijuana in our state”. And conversely, if they vote against. Or suppose that political candidates A and B are competing in a national election. By voting for A (say), a voter conveys something like “My own political views align to a greater degree with A’s political agenda and views than with B’s”. Votes blanc (unlike not voting at all) also convey a message. For instance, a vote blanc on Proposition 10 conveys something like “I do not want to express my approval or disapproval of legalizing the recreational use of marijuana in this election”. Voting can be either anonymous or not. At a U.S. presidential election, citizens vote anonymously. In the U.S. House of Representatives, by contrast, voting is not anonymous. Anonymous voting is a form of anonymous testimony. There is another way in which voting can serve as testimony. When the votes of a group of people result in the election of a representative who has the group’s interests at heart, then the representative speaks, and testifies, on their behalf. So, when a marginalized group’s votes result in the election of a

representative that has the group's interests at heart, then the representative's assertions on behalf of the group is a kind of group testimony – at least when the representative accurately represents the group's interests.

In light of these considerations, let's now return to the case of voter suppression in Louisiana in 1964:

> **STATE REPRESENTATIVE (SR)**: In 1964, the United States was in the midst of a presidential election. In the state of Louisiana, electoral officials designed and implemented protocols for determining voter eligibility. One such protocol was a literacy test designed to disenfranchise Black voters from casting a ballot in the general election. The test was administered to potential voters who could not prove a fifth-grade education. As significantly more whites than Blacks had at least a fifth-grade education, this disproportionately targeted the Black community. The political scheme yielded the intended result: because most Blacks who were old enough to vote had been denied an education, the test succeeded in disenfranchising Black voters. Accordingly, most Blacks were prevented from casting a ballot in the election. So, on November 3, 1964, Louisiana elected its state representatives with the majority of its votes coming from its white constituents. As a result, political debate and decisions for many years to come would disregard Black people's concerns about housing, education, and segregation, among many other issues. One issue was that of future housing policies. F. Edward Hébert, one of the elected state representatives, had a particular platform on housing policies and testified on behalf of his white voters

> on multiple occasions, saying for instance: "Our constituents want to enact stricter and tougher housing policies". The housing policies his constituents wanted to enact were designed to uphold and maintain discriminatory practices and limit opportunities for the Black community for placing down payments, receiving mortgages, and so on.

Here, the white electoral officials enacting voter suppression silences the Black community in Louisiana in two ways. First, they silence each Black person who would otherwise have been eligible to vote (e.g., by meeting the age requirement) by preventing them from casting a ballot and hence anonymously expressing their political views. However, the white electoral officials also silence the Black community in Louisiana as a whole, as the voter suppression makes it impossible for the representatives who would have spoken on their behalf to get elected. So, not only do the white state officials silence Blacks qua individuals because of their anti-Black hatred, they also silence the entire Black community by preventing Blacks who were otherwise eligible voters from voting for and electing a state representative who would then have been able to speak on their behalf. Let us call the mechanism underlying group silencing of the kind exemplified by **SR** "representational impairment".[35] In what follows, I will identify some similarities and

[35] There are, of course, a myriad of instances of group silencing driven by representational impairment throughout history. For instance, in South Africa there is an ongoing dispute involving a mining company seeking a license to carry out mining-related activities (Townsend & Townsend 2020). Under South African law, a mining company cannot be granted a license unless it has demonstrated that it had consulted all interested and affected parties. The Madadeni community is one the affected parties, and they only became aware of mining operations after the license had been granted and excavations on the community farmland had begun. When the community complained that they had not been consulted, they were advised by the mining company that they *had* in fact consulted with them, as it had reached an agreement with their Chief. It turned out that the company and the Chief reached an agreement after certain private arrangements were made (e.g., purchasing a car for the Chief's daughter). The company maintained that because the Chief was the traditional leader of the Madadeni community, she automatically had the authority to enter

differences between individual and group silencing and between receptive failure and representational impairment before entertaining an objection to the effect that group silencing driven by representational impairment is not a genuine form of silencing.

2.1 Differences with Paradigmatic Forms of Silencing

Silencing that occurs as a result of representational impairment and silencing resulting from receptive failure differ in at least two ways. One difference turns on *where* the failure or impairment occurs. In the case of representational impairment, the failure lies at the level of authoring and delivering the speech act. In the example presented above (SR), the failure lies in the Black residents of Louisiana being denied the right to vote. As a result of this failure, the Black residents of Louisiana were unable to author or deliver any speech acts that might have helped improve their circumstances and reinforce their rights. When the officials elected by the predominantly white constituents spoke as if it were in the interests of all the residents of Louisiana for them to enact stricter housing policies, the officials were misrepresenting what the Black people would have asserted.

Contrast this example with Langton's (1993) case of a woman refusing a sexual advancement. In the latter case, the woman says 'no,' intending to successfully perform the speech act of refusing the sexual advance. However, due to systemic prejudices

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into consultation on behalf of the community and represent them in negotiations. In response, the Madadeni community pointed out that under African customary law, the Chief can only speak on behalf of the community only if she first engages with the community with respect to the issue at hand. In this case, the Chief did not follow these steps and by not doing so, she silenced the community by preventing the individual members from contributing to the official testimony given on behalf of the community. In their discussion of this case, Townsend & Townsend (2020) argue that the silencing of the Madadeni community is a form of locutionary silencing. I agree that they are also silenced in this way. However, as I will argue below, they are also the victims of a different form of group silencing driven by representational impairment.

against women – reinforced by pornography that represents women's refusals as consenting – her audience is under the false impression that she's playing coy but is in fact consenting to sex. In this case, the woman's audience takes her to make a speech act that is effectively the opposite of the one she intends to make. The failure thus lies in the uptake or reception of the woman's speech act rather than in the authoring or delivery of the speech act. The woman is silenced by her audience's failure to recognize what she intends to do with her words, and they in fact take her to be doing something entirely different with her words. Other paradigmatic forms of silencing likewise occur as a result of a receptive failure. For example, Kukla (2014) invites us to consider a case of a woman who works as a manager in a workplace with only male workers. When the manager attempts to make an order or command, the male workers fail to recognize her as doing so. Instead, they take her to merely be asking them to do what she in fact attempted to demand that they do. Here, too, the woman is silenced as a result of a receptive failure (cf. Dotson 2011; Fricker 2007; Maitra 2009).

The difference between the two types of silencing should now be clear. Silencing that occurs as a result of representational impairment is the consequence of one individual or group interfering with a second individual or group's ability to successfully author and deliver a descriptive speech act, that is, a speech act of the kind John Searle (1983) calls "representatives". As only (direct or indirect) descriptive speech acts can serve as testimony in the philosophical sense, representational impairment silences by preventing someone from testifying (i.e., deliver a descriptive speech act), as in the case of voter suppression (**SR**), or by misrepresenting the content of the silenced individual's

descriptive speech act, as in the case of the official misrepresenting the interests of Blacks (**SR**).

A further difference between representational impairment and receptive failure is that the mechanism underlying receptive failure is interpersonal in nature, whereas the mechanism underlying representational impairment need not be. Receptive failures silence by means of an audience's reception to a speaker's words. For instance, when the woman in Langton's (1993) case attempts to refuse a sexual advance by uttering 'no', but because her interlocutor does not understand or recognize her intention due to gendered prejudices, she is silenced. By its very nature, this is an interpersonal speech failure that concerns how conversational participants in a testimonial exchange relate to each other and their words. Receptive failures of speech always occur *between* persons – it concerns how an audience understands or responds to the speaker's words.

With representational impairment, matters are quite different. While silencing that occurs as a result of representational impairment can be interpersonal in nature, it can also be intrapersonal. For instance, in **SR** the white state officials silence the Black community by preventing Blacks who were otherwise eligible voters from voting for and electing a state representative who would then have been able to speak on their behalf. This is an interpersonal speech failure that occurs between the white state officials on one hand, and the Black community on the other. However, silencing via representational impairment can also be an intrapersonal speech failure. Consider again the case where the Chief speaks on behalf of the Madedini community in negotiations with the mining company. In this case, the Chief represents the whole community. There is a sense in which the whole community serves as the speaker, whereas the mining company serves

as the audience. In our envisaged case, the Chief fails to follow African customary law, where she can speak on the community's behalf only if she first engages with them about the issue. Because she fails to follow African customary law, she thereby silences the other community members (Townsend & Townsend 2020). In this case, the silencing is driven by representational impairment and the speech failure is intrapersonal because it resides *within* the community (the speaker) rather than between the community and the negotiators (the audience).[36]

These are thus some ways in which representational impairment and other forms of silencing differ. While they differ in these respects, this is not to say that they do not share similarities. As we will see, they share some very important structural similarities.

2.2 Similarities with Paradigmatic Forms of Silencing

There are at least three important similarities between representational impairment and other forms of silencing. The first is that representational impairment, like other forms of silencing, results in people having their voice go unheard. In **SR**, the Black constituents have their voice go unheard due to voter suppression tactics that deny them their say and ability to contribute to the group's testimony. When the elected state representative speaks on behalf of his constituents, he unfairly excludes and misrepresents their stance. The same holds for Langton's case and other forms of silencing like testimonial injustice. The woman has her voice go unheard when she attempts to refuse because of the lack of reception from her audience. Likewise with testimonial injustice, when a speaker suffers

[36] As stated earlier, a party may be silenced in more than one way. As Townsend & Townsend (2020) point out, the silencing that occurs between the negotiators (i.e., the mining company) and the Madedini community is a form of locutionary silencing which is an interpersonal failure of speech.

an unfair credibility deficit due to identity prejudices, the speaker has her voice go unheard in her capacity as a knower.

A second similarity is that these forms of silencing constrain speech. Constraining speech is to be contrasted with producing or extracting speech. Rachel McKinney (2016) provides a useful distinction between the two. Working with a Foucauldian inspired concept of power, she says, "power is not only a force that *keeps* us from doing things, but also *gets* us to do things […] power doesn't just keep us from speaking – it also *makes us* speak" (2016, 261, emphasis in original). The phenomenon of silencing is primarily concerned with how speech failures disregard agency by constraining speech. A woman is silenced when she is unable to refuse, an employer issuing a command is silenced when her words are understood as making a request, and constituents are silenced when their representatives unfairly speak on their behalf. In these cases, these parties have their speech constrained since they are unable to perform certain actions with their words.

A third way in which these forms of silencing are similar is in terms of the way in which their injustices are a systematic phenomenon. Systematic is to be contrasted with incidental (Fricker 2007, 27). An incidental injustice is a phenomenon that is highly localized, and the prejudice does not render the agent vulnerable to any other kinds of injustice. For instance, if a research committee has a bias towards granting funds to projects adopting method *X* and you utilize method *Y*, and on this basis, your project is denied funding, the injustice is incidental since outside of this context, the bias does not percolate into other domains of life such as the educational, professional, or economic sectors. A systematic injustice is structural and connected via a common prejudice to

other types of injustices. Identity prejudices are paradigm examples. Being a woman renders the agent subject to injustices in various domains of life – e.g., glass ceiling effects in professional settings. Whether it is a representational impairment or other form of silencing, as conversational participants, our agency can be unjustly disregarded because we are *systematically* deprived of the ability to perform some kinds of speech acts owing to oppressive practices.

2.3 Objection: Silencing Driven by Representational Impairment is not Genuine Silencing

One might object that silencing driven by representational impairment is not *genuine* silencing because silencing is a speech failure situated within a speaker-audience dynamic. In instances of illocutionary disablement, communicative disablement, discursive injustice, testimonial injustice, testimonial smothering and testimonial oppression, the *audience* silences the *speaker*. While each form of silencing above describes different ways in which the audience silences the speaker and pays attention to different features of the harms, they are all still preoccupied with the speaker-audience dynamic. Put another way, silencing is a conversational failure that refers to the exchange between a speaker and her audience. Genuine silencing examines how an audience can fail the speaker in these ways. Since representational impairment is preoccupied with speech failures situated within a group-member dynamic, this is not a genuine form of silencing. It purports to describe and shed light on a different phenomenon altogether. Or so the argument goes.

I concede that paradigmatic forms of silencing describe speech failures situated within a speaker-audience dynamic, but I do not concede that this is essential to our notion of silencing (and for that matter, what *genuine* silencing is). The speaker-audience dynamic is merely an incidental rather than constitutive feature of silencing. Instead, what is crucial to our notion of silencing is that they are speech failures that unjustly disregard agency by constraining speech owing to systematic identity prejudices. Silencing is a phenomenon about how agents can be denied their say and ultimately are unable to perform certain actions with their words.

When we examine this constitutive feature of silencing, we can illuminate the ways in which silencing driven by representational impairment is just as genuine a form of silencing as any other discussed in the literature. As **SR** demonstrates, the Black constituents have their agency unjustly disregarded due to voter suppression tactics that bypass their ability to contribute to the group's testimony, owing to systemic identity prejudices. Similarly, in Langton's case, the woman has her agency unjustly disregarded due to her audience constraining her speech owing to systematic identity prejudices.

3. Competing Theories of Silencing and Representational Impairment

I shall now argue that three extant theories of silencing cannot account for silencing driven by representational impairment. The theories I will discuss have been developed by Langton (1993), Maitra (2009), and Kukla (2014). Each entertains that speech is a social affair and, accordingly, speech acts possess a distinctively social character. Given that any comprehensive theory should be able to accommodate and account for *all* forms

of silencing, representational impairment as a silencing mechanism thus constitutes a novel explanatory problem for these theories.

3.1 Langton and the Austinian Framework

Langton adopts and relies on Austin's (1975) speech act theory to develop her theory of silencing. Austin was particularly interested with what kinds of acts we perform when we speak. Austin claims that when a speaker produces an utterance, she typically performs three acts. The first is the locutionary act which is the act of producing a meaningful utterance with a certain sense and reference. For instance, in saying 'there's a bull', the speaker uses 'there' to refer to a proximal location and 'bull' to refer to a bull. The second is the illocutionary act which is what is done in performing the utterance. Examples of illocutionary acts include promising, telling, commanding, warning, and declaring just to name a few. If a speaker says, 'there's a bull' she may be *warning* her interlocutor of the bull's presence as in the running of the bulls in Spain or she may just simply be *telling* him as she is graced by the bull's presence at an animal sanctuary. The third is the perlocutionary act which describes what happens as a result of uttering. Typically, these are the effects that the utterance achieves on an audience. Again, in saying 'there's a bull', the speaker may alert or scare her interlocutor where alerting and scaring are distinct perlocutionary acts. Thus, according to Austin, when a speaker produces an utterance, she typically performs three distinct acts and correspondingly she is said to have her say in three different respects.

Corresponding to the three acts a speaker performs in producing an utterance, Langton claims that a speaker can be denied their say or *silenced* in three ways. The first

is what she calls *locutionary silencing* (Langton 1993, 315). Locutionary silencing occurs when a speaker is unjustly denied her say with respect to producing a meaningful utterance. There are various ways in which speakers can be locutionarily silenced. For instance, a speaker may be physically restrained or intimidated.

The second and notably most important way in which a speaker can be silenced is what Langton calls *illocutionary disablement* (1993, 315). Illocutionary disablement occurs when a speaker is unjustly denied her say with respect to performing an illocutionary act. For Langton, crucial to performing an illocutionary act is the role of uptake. In this context, uptake is the audience's recognition of the speaker's illocutionary intention (1993, 301). For instance, the woman attempting to refuse sexual advancement has an illocutionary intention of refusing but because her audience is under the false assumption that she's playing coy, he is unable to recognize the speaker's illocutionary intention, and thus she is silenced by being illocutionarily disabled.

The third way a speaker can be silenced is known as *perlocutionary frustration* (1993, 315). Perlocutionary frustration occurs when a speaker is unjustly denied her say with respect to the intended effects that she aims to achieve with her speech act. For instance, in asserting, the speaker aims to have her audience come to believe in what she says, but if her audience does not come to believe on the basis of identity prejudice, then she is silenced by being perlocutionarily frustrated.

Silencing driven by representational impairment does not fit into any of these categories, and thus, since these exhaust the ways in which silencing can occur on Langton's framework, her theory is unable to accommodate representational impairment. Let us examine each form of silencing in reverse order. First, can we explain the case of

SR as an instance of perlocutionary frustration? Clearly, we cannot since the state representative still achieves the intended effects on their audience, namely, to convince or enlighten its listeners about the stricter housing policies. And even if the state representative does not achieve the intended effects due to unjust systematic practices, this is not what is at issue in **SR**. What is at issue is not how the audience receives the speaker's utterance and its intended effects, but rather, how the group speaker comes to represent its constituents' stance in the group's testimony.

Is the case of **SR** an instance of illocutionary disablement? No. The state representative still testifies or asserts that its constituents want to enact stricter and tougher housing policies. The group speaker still performs the speech act that they intended – i.e., assertion – and accordingly they secure uptake. There is no issue as to whether the speech act misfires due to unfair biases had by the audience concerning the speaker's ability to perform certain actions with their words. In this way, silencing via representational impairment cannot be an instance of illocutionary disablement because in the former case the speech act still occurs, whereas in the latter, there is no speech act.

Can the case of **SR** be described as an instance of locutionary silencing? Yes, but doing so would be to describe another form of silencing that occurs *in addition* to silencing via representational impairment. We could say that the Black constituents of Louisiana are locutionarily silenced because they are unjustly denied their say with respect to producing a meaningful utterance. By having their votes suppressed, they are prevented from performing a locutionary act, full stop. But if we stop here, we are unable to capture the further dimension of harm that occurs when the state representative asserts that its constituents want to enact stricter and tougher housing policies. The further harm

that occurs in **SR** concerns how its Black constituents relate to the group's speech. The state representative, in their speech, purports to represent its constituents' stance, but clearly, what they say does not do so. In this way, locutionary silencing cannot be all there is to say in the case of **SR** because there is a further harm that goes beyond being unable to produce a meaningful utterance. This further harm is what representational impairment purports to fixate on as a mechanism of silencing. Thus, since locutionary silencing and representational impairment purport to describe different harms, Langton's framework is unable to capture the latter.

3.2 Maitra and the Gricean Framework

Maitra (2009) adopts Grice's (1957, 1989) account of speaker meaning as a framework for her theory:

> A speaker *S* means something by uttering *x* iff, for some audience *A*, *S* utters *x* intending:
> (i) *A* to produce a response *r*;
> (ii) *A* to think (recognize) that *S* intends (i); and,
> (iii) *A*'s fulfillment of (ii) to give him a reason to fulfill (i) (Grice 1989, 92; Maitra 2009, 325).

On the Gricean framework, these three intentions are necessary and sufficient for a speaker to mean something by her utterance.[37] The first intention has come to be known as the informative (primary) intention, the second is the communicative intention, and the

[37] The notion of uptake that is operative in Maitra's (2009) theory of silencing is the same as Langton's (1993). However, while in the latter case, the role of uptake is a necessary component for the completion of the speech act, this is not so in the former case. Instead, in Maitra's theory, uptake is not necessary but rather a constitutive goal of speech.

third is the Gricean intention. To illustrate the workings of the framework, consider a case of refusing a sexual advancement:

> A speaker S means to refuse by uttering *x* iff, for some audience *A*, *S* utters *x* intending:
> 1. *A* comes to believe that (all things considered) she does not want to have sex with him;
> 2. *A* comes to think (recognize) that she has the (informative) intention mentioned in (i); and,
> 3. *A*'s fulfillment of (ii) gives him a reason to fulfill (i). (Maitra 2009, 326).

For Maitra, silencing occurs when a speaker is *communicatively disabled*. "[A] speaker is communicatively disabled iff she is unable to fully successfully perform her intended communicative act, because her intended audience fails to satisfy either the second or third of her […] intentions." (2009, 327-328). In other words, a speaker is communicatively disabled if and only if she is unable to satisfy (ii) or (iii) above. One way in which a speaker can be communicatively disabled is if her audience fails to recognize that there is any informative intention at all – e.g., fails to even recognize that the speaker intends any kind of response with her utterance. For instance, in uttering 'no', her audience can fail to recognize that she is intending to refuse because he does not recognize her subjectivity, but rather, views her as an object of sexual desire. Another way in which a speaker can be communicatively disabled is if her audience comes to recognize her informative intention but mistakes the content of it. For instance, in refusing the speaker means to produce a response in her audience that she does not want to have sex with him, however, given social practices surrounding pornography consumption, her audience comes to believe that she's playing coy and in turn wants to have sex with him. Yet another way in which a speaker can be communicatively disabled

is if her audience recognizes the informative intention by way of the communicative intention, but it doesn't provide him with a reason to fulfill the informative intention. For instance, an audience can recognize that the speaker intends for him to recognize that she does not want to have sex with him by way of recognizing this very intention, however, because of oppressive patriarchal practices, this does not provide her audience with a reason to fulfil her intention that she does not want to have sex with him. These are some of the several ways in which a speaker can be communicatively disabled.

Can silencing driven by representational impairment be accommodated on a theory of silencing as communicative disablement, where this occurs if and only if a speaker is unable to satisfy either her communicative or Gricean intention? In what follows, I will demonstrate that silencing via representational impairment cannot be accommodated under this theory since this form of silencing is not concerned with the inability to satisfy either the speaker's communicative or Gricean intention. Let us examine these requirements in turn.

First, can we understand **SR** as a case of communicative disablement where the speaker is unable to satisfy her communicative intention? No. In uttering that the constituents want to enact stricter and tougher housing policies, the state representative satisfies the communicative intention, namely, for the audience to come to recognize that the representative intends to produce a response in them that they come to believe that its constituents want to enact stricter and tougher housing policies. Instances of representational impairment are not concerned with the audience's receptiveness to the speaker's intention, rather, they are concerned with how its members relate to the collective speech act made by the group speaker.

Second, can the case of **SR** be described as a case of communicative disablement where the speaker is unable to satisfy her Gricean intention? For similar reasons, the answer is no. In uttering that the constituents want to enact stricter and tougher housing policies, the state representative gets the audience to come to believe this by way of recognizing the communicative intention. Representational impairment as a mechanism of silencing is not concerned with how the audience understands the speaker's intentions by way of her utterance. It concerns how the group speaker's collective speech act relates to its members' ability to contribute to said speech act.

While Maitra's theory of silencing broadens the way in which we conceive of silencing and consequently, broadens the possibilities of how we can fail to satisfy a speaker's communicative or Gricean intention, it does not shed light on the various representational dimensions of speech (and its corresponding failures). In this way, since silencing as communicative disablement is exhausted by either failing to satisfy the communicative or Gricean intention, and representational impairment does not fit into this schema, Maitra's theory of silencing is unable to accommodate this form of silencing.

3.3 Kukla and the Normative Functionalist Framework

In their book, *'Yo!' and 'Lo!': The Topography of the Space of Reasons* (2009), Kukla and Lance develop a normative functionalist framework for speech acts. In this framework, speech acts are pragmatic kinds (Kukla 2014, 442). A speech act is the kind of speech act it is – e.g., assertion or order – because of its performative force. A speech act's performative force is characterized by the social conditions under which speakers

are entitled to perform them (pragmatic 'inputs') and the social conditions and normative changes they produce (pragmatic 'outputs') (Kukla & Lance 2009, 15). For instance, the speech act of asserting may be made by anyone who knows (believes) that *p* (inputs) and it permits others to challenge or re-assert it themselves (outputs).

It is important to note that the notion of uptake differs from the previous theories we've discussed.[38] On Kukla's framework, uptake is *social uptake* where this refers to "other's enacted recognition of its [i.e., the speech act's] impact on social space" (2014, 444). In this sense, uptake is more than just the audience's recognition of the speaker's illocutionary intention.

The role of uptake also differs. On Langton's theory, the role of uptake is to complete the speech act. For instance, when a speaker has an illocutionary intention of telling, then uptake secures the identity of the speech act as one of telling rather than, say, promising. In this sense, uptake ratifies the identity of the speech act. In contrast, the role of social uptake is not to ratify the identity of the speech act, but rather it is to partly determine or constitute the speech act itself (2014, 443). Depending on the audience's reception of what the speaker is doing with her words, his reception partly determines whether some speech act has the performative force of an assertion or promise. For instance, depending on the interpersonal relationship between a speaker and her audience (e.g., friends or strangers) and given their prior conversational commitments, a speech act can have the performative force of a promise even though the speaker intends it as an assertion.

[38] For an interesting paper on what notion of uptake we should adopt, see McDonald (2020).

With this framework in mind, we are able to illuminate Kukla's theory of silencing:

> When members of any disadvantaged group face a systematic inability to produce certain kinds of speech acts that they ought, but for their social identity, to be able to produce—and in particular when their attempts result in their actually producing a different kind of speech act that further weakens or problematizes their social position—then we can say they suffer a *discursive injustice*… (2014, 441)

On their theory silencing is a discursive injustice and it occurs when social disadvantage *distorts* (rather than cancels) the speech act's performative force. For instance, an illustrative case they discuss is when, Celia, a floor manager at a heavy machinery factory consisting of a male dominated workforce attempts to issue an order, but because of her social identity, her employees receive it as a request. In this way, uptake is secured, and given the pragmatic inputs and outputs, the speech act should have had the performative force of an order rather than a request. In this way, the speaker's social identity distorts the characteristic performative force of a speech act, and thus she is silenced.

Can the notion of silencing as discursive injustice accommodate silencing driven by representational impairment? It should be clear that the mechanism of representational impairment does not fit into this framework. This is because in cases of representational impairment, the performative force of the speech act is not distorted because of social disadvantage. As **SR** highlights, the characteristic performative force of a speech act is still intact given its pragmatic inputs and outputs. The state representative still asserts or testifies that its constituents want to enact stricter and tougher housing policies. In this way, the group speaker does not suffer a discursive injustice.

However, a case could be made that the normative functionalist framework can accommodate and capture what goes on in **SR** as a form of discursive injustice. For instance, when the Black constituents attempt to protest or complain but, because of their social identity, they are taken as having asserted to enact stricter and tougher housing policies, the performative force of the speech act is distorted. Thus, the Black constituents suffer a discursive injustice.

While we can describe **SR** as an instance of a discursive injustice, doing so would describe another form of silencing that occurs in addition to silencing driven by representational impairment. The notion of discursive injustice pays particular attention to the harm members of a disadvantaged group confront given their social identity. However, there is an additional harm that occurs in **SR** and it concerns how its Black constituents relate to the group's speech. The state representative, in their speech, purports to represent its constituents' stance, but clearly, what they say does not do so. The additional harm concerns how the Black constituents as a disadvantaged group relate to the group's speech.

What is at issue in cases of representational impairment is not distortion but rather representation. It is how the group speaker's collective speech act purports to represent those it speaks on behalf of and how its members relate to it. Further, it is not a matter of the audience's reception of what the speaker is doing with her words, rather, it is about the group dynamics at play with respect to how the speech is formed. Since silencing as discursive injustice occurs only when social disadvantage distorts the speech act's performative force, Kukla's theory is unable to accommodate forms of silencing driven by representational impairment.

3.4 Insights for a Theory of Silencing

We have seen that none of the three theories discussed are able to accommodate and capture silencing that occurs as a result of representational impairment. There is an important lesson to draw from this. I've hinted at this earlier, but to make it explicit, we need a theory of silencing that can capture the ways in which silencing can occur at the level of authoring and delivering an utterance, alongside the ways in which it can occur at the level of exchange between a speaker and audience.

In the next section, I proceed to introduce and argue for a theory that can do just that. Not only can my theory accommodate silencing driven by representational impairment, but it is also able to accommodate other forms of silencing prominently discussed in the literature. In this way, my theory has a novel explanatory advantage over the others we've discussed.

4. A Novel Theory of Silencing

A theory of silencing should be broad enough to capture representational speech failures as well as be able to branch out to collective speech acts. It is at this intersection that we introduced a form of group silencing driven by representational impairment. I propose the following theory: silencing occurs *when harmful social practices suppress the voices of those involved resulting in a breakdown in collaboration*. We can break down the proposal into three components: harmful social practices, suppression of voices, and collaboration. Let us look at each of these in turn.

First, what are harmful social practices? I use this term to refer to practices that systematically harm others with respect to markers of social identity. For instance, in the workplace hiring practices disproportionately disadvantage women. A study conducted by González et al., (2019) revealed that there are gender biases in recruitment practices that discriminate against women given negative stereotypes. As another example, there are social practices that disproportionately disadvantage people on the basis of class. Because of negative stereotypes, the homeless often are unable to move freely between spaces and occupy areas others ordinarily would (e.g., parks). Christopher Essert writes that "to be homeless is to be under the power of others—to be dominated by them or dependent on them—in respect of where one may be" (2016, 266). These are examples where social practices systematically harm people in virtue of their social identity, be it gender, class, or race.

Second, what is it to suppress one's voice? Let me first say that voice is not a mere vocalization. It is a technical term that refers to the ability to perform certain actions through speech. For instance, a speaker can tell, refuse, warn, order, command, and declare. These are all instances of a speaker's ability to perform certain actions through her speech. To *suppress* one's voice is to deprive or impair one's ability to perform certain actions through speech. There are various ways in which one's voice can be suppressed. One way is to not have one's voice heard. In this case, there is no recognition of the ability existing. For instance, when an audience fails to take into account that a speaker produces an utterance to perform certain actions in her speech, say, like promising, then the audience suppresses the speaker's voice because he does not recognize her very ability. A second way to suppress a voice is to not have one's voice

represented. In this case, the ability is acknowledged but the agent is unable to perform actions through speech. For instance, a speaker can successfully refuse but she is unable to communicate by her refusal. She is seen as a conversational participant, but she is unable to make moves that impact the conversational space. A third way to suppress a voice is to have one's voice misrepresented. In this case, the ability is acknowledged, but what sorts of actions the agent is able to perform is misconstrued. A speaker intending to order but one who ends up requesting has her voice misrepresented. While I've highlighted three ways in which a voice can be suppressed, this by no means exhaust the range of ways suppression can occur.

Third, what is collaboration? I take it that collaboration is the joint enterprise participants commit themselves to in speech. To see this, contrast an ordinary case of participants engaged in a testimonial exchange with a failed exchange attempt. A volunteer on the street asks you to engage in an exchange with her for the purposes of getting you to sign a petition. You simply walk by saying 'Sorry, can't talk right now'. Here there is no common aim to collaborate. Suppose you did stop and engage in conversation with her. Whether or not you signed the petition, the two of you have the common aim to collaborate for the purpose of the exchange.

A certain level of jointness is required when engaged in a conversational exchange.[39] The jointness is not so lenient so as to count loose similarities and resemblances as joint. Having a common aim to collaborate is unlike two people sharing the same faith. People can share the same faith even though they hold drastically different conceptions of what their faith requires of them. The jointness is also not so strict and

[39] For competing accounts on what puts the 'joint' in joint action see, Bratman (2014) Gilbert (1989, 2013), and Butterfill (2012).

demanding as to only count robust, interlocking forms of activities as joint. Having a common aim to collaborate is unlike two people rowing a boat. Rowing a boat requires participants to have a set of interlocking intentions and actions. Having a common aim to collaborate is joint in the sense that two people completing a transaction is. To complete a transaction, one party needs to offer something while the other needs to take up the offer. If one party doesn't offer anything, then there is no transaction to be made. Similarly, if one does offer something but the other doesn't accept, then no transaction is made. Both parties must play their part in order to complete the transaction and the same goes for conversational exchanges.

One thing to note is that collaboration can occur at different levels. There is collaboration in terms of authoring and delivering the speech, and collaboration between the testifier and recipient. We can call this *speech collaboration* and *exchange collaboration*. With respect to speech collaboration, typically, participants (e.g., members of a group) commit themselves to collaborate in terms of authoring and delivering what is to be said. There is collaboration between the members of the group concerning what is to be said or done. In contrast, exchange collaboration occurs at a subsequent level where conversational participants commit themselves to collaboration for the purposes of the exchange. Here, there is collaboration between the speaker and her audience, whomever the exchange parties may be.

Putting this all together, silencing occurs when harmful social practices suppress the voices of those involved resulting in a breakdown in collaboration. Since collaboration can occur at different levels, silencing can occur with respect to either speech collaboration or exchange collaboration or both simultaneously. When these

practices that systematically harm others with respect to markers of social identity deprive or impair the agent's ability to perform certain actions through speech resulting in a breakdown in collaboration, then do we say that the agent is silenced.

4.1 The Theory, Representational Impairment, and Other Forms of Silencing

Under this theory, silencing driven by representational impairment can be easily accommodated and accounted for. In **SR**, the harm is constituted by the state representative inappropriately misrepresenting its constituents' views on housing policies in their speech owing to discriminatory practices. The Black constituents were unable to properly voice their concern and appropriately contribute to the group's testimony because of voter suppression tactics.

What is fruitful about the theory is that it relies on a notion of collaboration, and this can enter at different levels. In the case of **SR**, silencing occurs because harmful social practices suppress the voice of the Black constituents, resulting in a breakdown in speech collaboration – i.e., breakdown in terms of authoring and delivering the speech. Here, there is no joint commitment to collaborate for the purpose of authoring and delivering the speech because these harmful social practices (e.g., voter suppression) deprive the Black constituents of the ability to perform certain actions with respect to the group's speech. Thus, they are silenced.

Our theory can also accommodate and account for other forms of silencing prominently discussed in the literature. For our purposes, it will suffice to show how it can accommodate illocutionary disablement, communicative disablement, and discursive injustice. Since our theory relies on a notion of collaboration that can enter at different

levels, we can easily see how all three forms of silencing concern themselves with exchange collaboration. In each case, harmful social practices suppress the voice of the speaker resulting in a breakdown in exchange collaboration between the speaker and her audience.

Taking a closer look at illocutionary disablement, we can say that harmful social practices deprive the speaker's ability to perform certain actions through her words by not having her voice heard. For instance, in the case of the woman attempting to refuse, she speaks but her words don't register into action, thus her voice goes unheard, and this results in a breakdown in exchange collaboration between both parties, thus she is silenced by her audience.

Concerning communicative disablement, harmful social practices deprive the speaker's ability to perform certain actions through her words by not having her voice represented. In Maitra's (2009) reading of a woman refusing a sexual advancement, her ability to refuse is acknowledged, but she is unable to perform actions by way of her speech. She can successfully refuse but she is unable to communicate by her refusal. She is seen as a conversational participant, but she is unable to make moves that impact the conversational space. In this way, harmful social practices suppress the speaker's voice by not having it be represented in the exchange, resulting in a breakdown in exchange collaboration and thus constitute silencing.

Lastly, with respect to discursive injustice, harmful social practices deprive the speaker's ability to perform certain actions through her words by having her voice misrepresented. When Celia's words are taken up as a request rather than an order, her ability to perform certain actions in speech is recognized but it is misconstrued. She can

make conversational moves in the exchange, but what she is able to do in this space is limited by these harmful social practices, therefore resulting in a breakdown in exchange collaboration and ultimately silencing her. Here, her audience does not share a commitment to collaborate with her for the purpose of the exchange.

Silencing occurs when harmful social practices suppress the voices of those involved resulting in a breakdown in collaboration. As I've shown we can accommodate silencing driven by representational impairment as well as other forms of silencing discussed in the literature. What is fruitful about this theory is that it makes room for forms of silencing that are receptive and representational in nature, as well as accommodate ways in which individual and collective entities can silence and be victims of silencing.

5. Conclusion

I introduced and argued for representational impairment as a mechanism of silencing that is distinctive insofar as it occurs because of group dynamics. I illustrated how silencing driven by representational impairment differs from and is similar to other forms of silencing before going on to argue that three comprehensive theories are unable to accommodate it. This creates a novel explanatory problem for these theories as any comprehensive theory should be able to accommodate various forms of silencing. I then argued for a novel theory of silencing as occurring when harmful social practices suppress the voices of those involved resulting in a breakdown in collaboration. I demonstrated how this theory can accommodate and account for silencing that occurs as a result of representational impairment alongside other forms of silencing prominently

discussed in the literature, thus constituting a novel explanatory advantage over the other theories.

Chapter 4: Future Directions and Concluding Remarks

This dissertation begins to explore the concept of testimony within a joint action framework. In Chapter 1 I have argued that to be able to account for the various kinds of testimony involving collectives, we should adopt a joint action framework and argued for a novel theory of testimony as a norm-governed joint activity involving individual or collective participants that commit themselves to a common aim of collaboration. Relatedly in Chapter 2, I was primarily concerned with the epistemology of testimony and developing an account of testimonial justification that captures our ordinary testimonial practices. I argued against Evidential and Non-Evidential Views of testimonial justification that tie our reason to believe constitutively to evidence or non-evidential structures concerning the interpersonal relationship or reliability of processes involved in the production and consumption of testimony. Instead, I argued for a Norm View of testimonial justification that holds we have reason to believe what we're told because of the norms that govern our testimonial exchanges. In Chapter 3, I shifted towards examining the relation between collective testimony and silencing. I introduced and argued for a form of silencing that is distinctive of groups insofar as the silencing occurs because of group dynamics. I dubbed the mechanism underlying this form of silencing "representational impairment." Demonstrating that current theories of silencing are unable to accommodate representational impairment, I developed and argued for a novel theory which states that silencing occurs when harmful social practices suppress the voices of those involved resulting in a breakdown in collaboration.

These chapters have set the stage to explore and examine philosophical issues at the intersection of group testimony and epistemic harm. In the remainder of this chapter, I

introduce areas of further development and future direction. In particular, I'm interested in exploring two emerging themes for future projects:

(1) The notion of epistemic alienation and;

(2) Group epistemic responsibility and epistemic blame

Concerning (1), epistemologists are often concerned with our routes and claims to epistemic goods such as knowledge, understanding, truth, among others. In particular, a recent emergence in exploring how are epistemic practices can either facilitate or hinder our routes and claims to these epistemic goods has rightly taken up space in social epistemology debates. For instance, Fricker (2007) introduced and coined the term 'epistemic injustice' to refer to a recipient wronging a testifier in their capacity as a knower. In a similar spirit, other prominent epistemologists have introduced labels to phenomena that distort or hinder our routes and claims to epistemic goods (see e.g., Dotson (2011), Kukla (2014), Langton (1993), and Maitra (2009)).

But it is interesting to note that there has not been previous discussion in social epistemology that concerns how *alienation* can hinder our routes and claims to these epistemic goods. While there is no consensus concerning the various elements of alienation, theorists of alienation agree that in its most basic form, alienation consists in the "problematic separation" between a subject and object that properly belong together (Leopold 2022). A subject can be either an individual or collective agent. For instance, Abigail can be alienated from her basketball league, or her team can be alienated from the league. An object may refer to an entity that is not a subject, another subject(s), or oneself. For instance, Abigail may be alienated from an epistemic practice, her family, or herself.

Building on this basic concept of alienation, I'm interested in developing and characterizing a notion of epistemic alienation that *picks out a social or psychological ill that refers to the problematic separation between either an individual or collective agent and the production of and/or the epistemic goods themselves that properly belong together.* To provide an example, indigenous communities are often the subjects of epistemic alienation. For instance, policymakers and researchers often extract indigenous knowledge and ways of knowing in a careless manner that remove such knowledge from their social practices and cultural frameworks. Typically, these policymakers and researchers take such knowledge to substantiate and further claims towards their particular ends or goals without full consideration or recognition to the larger sociocultural context in which particular tenets of indigenous knowledge are embedded (see e.g., Heyd 1995). This example illustrates that indigenous communities are often the subjects of epistemic alienation because there is a problematic separation between indigenous communities and their routes and claims to knowledge.

In the project on epistemic alienation, I aim not to merely characterize and introduce the notion, but also to consider further questions. For instance, what is the significance of epistemic alienation to our epistemic practices? What is the extent of epistemic alienation? Is the phenomenon localized to particular settings or does it percolate across cultures and practices? Also, what is the *cause* of epistemic alienation? Is it caused by certain systemic or structural features of society? My initial reaction is that it is caused by negative stereotypes and harmful identity prejudices. Another thing to consider is how the notion of epistemic alienation relates to and differs from other adjacent concepts such as epistemic objectification, epistemic injustice, epistemic

oppression, among others. Lastly, how should we address or remedy epistemic alienation? Should our focus either solely be on structural reform or reshaping our psychology? Or do we address epistemic alienation on both fronts? This is an initial sketch into the project of epistemic alienation but I do believe it is significant because if we can understand the cause of this problematic separation between agents and their means of production or the products themselves, then it is a helpful step in addressing how we can overcome such hindrances to our epistemic practices.

Concerning (2), there has been a recent surge of work exploring various facets of group epistemology.[40] One facet I wish to explore is the notion of group epistemic responsibility with respect to the sharing and withholding of information. It is common practice for groups to share information. For instance, a university shares information concerning its strategic initiatives and its enrollment patterns. An awards committee shares information to applicants regarding its eligibility requirements.

In addition to sharing information, it is common practice for groups to *withhold* information. For instance, a university may withhold information concerning its budget allocation. Nike may withhold information regarding its drop date for the next Air Jordans. The practice of withholding information is integral to group functionality, so much so, that it may be reasonably expected or required of groups to withhold information (suppose Nike shared information concerning its marketing strategies to Adidas). The questions I wish to explore are the following:

1. When do groups have an epistemic duty to share information?
2. When do groups have an epistemic duty to withhold information?

[40] For instance, see Brown (2021, 2022a, 2022b, 2022c), Lackey (2018, 2020), Miragoli and Simion (2020), Simion et al. (2022).

I don't think it's as controversial to hold onto the claim that groups have an epistemic duty to share information. For instance, in the individual case, it is reasonable to assume that a pilot may have an epistemic duty to share information concerning the plane's functional status to its passengers. Similarly, in the group case, it is reasonable to assume that the government has an epistemic duty to share information regarding safety concerns to its citizens. I do think one has to posit a stronger argument for the case of the epistemic duty of groups to withhold information because there is an asymmetry between the individual and group case. While there may be epistemic norms or standard to which individuals are said to share information (e.g., norms of assertion), there is no parallel with respect to withholding information in the individual case. Then, the question is: do groups have an epistemic duty to withhold information?

My initial response is that groups have the epistemic duty to share and withhold information. Groups have an epistemic duty to share information when that information is relevant to the affected parties, has the potential to create more good than harm, and the benefits of sharing outweigh the costs of withholding. For instance, if G has information that p and p is relevant to S, has the potential to create more good than harm, and the benefits of sharing outweigh the costs of withholding p, then G has an epistemic duty to share that p to S.

Similarly, groups have an epistemic duty to withhold information when that information has the potential to cause significant harm to the affected parties, and the benefits of withholding outweighs the costs of transparency. For instance, if G has information that p and p has the potential to cause significant harm to S, and the benefits

of withholding p outweighs the costs of transparency, then G has an epistemic duty to withhold that information.

The significance of this project concerns how a group's epistemic duties to share and withhold information tie into discussion concerning epistemic blame and ignorance (see e.g., Boult (2021a, 2021b, 2021c, 2023), Brown (2020, 2021), Kelp (2020), Kelp and Simion (2017), Lackey (2022), McCain and Stapleford (2020), Simion (2021a)). For instance, Brown states that "whether a group's ignorance is blameless depends on the nature of its duties (2021, 10). By getting clear on what a group's epistemic duties are concerning the sharing and withholding of information, we will be in a position to understand whether their actions or inactions are epistemically blameworthy.

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