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## **Word Giving, Word Taking**

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We live, sociologists tell us, in an information age. People continually impart information, purporting to speak with authority. 'Take my word for it,' they urge. 'You can rely on me.' Nevertheless, it is not altogether clear what it is to take someone's word or when it is reasonable to do so. In investigating such matters, a good place to start is *The Realm of Rights*, where Judith Jarvis Thomson provides an insightful discussion of word giving. She advocates accepting

The Assertion Thesis: *Y* gives *X* his or her word that a proposition is true if and only if *Y* asserts that proposition to *X*, and

- (i) in so doing *Y* is inviting *X* to rely on its truth, and
- (ii) *X* receives and accepts the invitation (there is uptake).<sup>1</sup>

If the Assertion Thesis is correct, word giving requires two parties: a word giver and a word taker. The word giver issues an invitation; the word taker accepts it, thereby acquiring a right. In particular, she acquires a claim against the word giver, a claim that is infringed if the proposition in question is not true.

Thomson focuses promising, where the moral dimension of word giving is particularly salient. But she recognizes that there are other modes of word giving as well. In what follows, I use her account as a springboard for investigating a different species of word giving, the one that epistemologists

(perhaps misleadingly) label testimony. I do not want to endorse everything Thomson says about word giving. But appreciating the virtues of theft over honest toil, I propose to steal what I can use from her analysis. With her unwitting help, I hope to shed some light on the epistemology of testimony.

Testimony is a mechanism for information transfer. Here are some examples: The guide says, 'The cave paintings at Les Eyzies are 14,000 years old.' The reporter announces, 'The Dow lost twenty-three points today on heavy trading.' The physician warns, 'Obesity increases the risk of heart attack.' The passerby obliges with directions, 'The museum is two blocks down, on the left.' In each case, the speaker represents herself as in a position to speak with authority. Although she intimates that her assertion is backed by epistemically adequate reasons, she does not supply them. Testimony then conveys information without supplying arguments or evidence to back it up.<sup>2</sup> To be sure, an idle assertive aside could do that. But because testimony is a mode of word giving, it does more. The testifier invites her word receiver to believe on the basis of her say-so. She assures him that her testimony is true. Should her testimony turn out to be false, she will have done him a wrong.

If we understand the nature of that wrong, we get a handle on what the good of testimony is, what benefits it provides. Here the contrast with promising is helpful. Promising provides a framework for voluntarily restricting one's freedom. It facilitates planning and fosters cooperation. Thomson identifies several characteristics of the word giving that constitutes promising. (1) Promising is future directed. The propositions whose truth a promisor commits herself to are in the future tense. I can promise that I will

eat my spinach. But if I give my word that I am now eating my spinach or that I ate my spinach yesterday, my word giving is not a case of promising. (2) Promising has the promisor as its subject. I can promise that I will eat my spinach. I can promise that I will do my best to get Sam to eat his spinach. But I cannot promise that he will eat his spinach. The reason, evidently, is that no act or omission of mine can insure his compliance. Promising then is essentially first personal. (3) Only a limited range of acts or refrainings or states of affairs fall within the scope of promising. I cannot promise that I will live to be 150, for I lack the capacity to bring that about.<sup>3</sup> Taken together, these features show that promising is restricted to future contingents that are within the agent's power. To the extent that it is indeterminate which states of affairs are contingent in the relevant sense, and which of those are within an agent's power, the scope of promising is indeterminate as well.

Testimony consists of statements of (purportedly) established fact. It has no restrictions as to tense or person. I can testify that Woodrow Wilson was president of Princeton University, that  $e=mc^2$ , that I am a resident of Massachusetts. I can't testify that I will eat my spinach though, for despite my best intentions, I might not. Future contingents then lie outside the scope of testimony. But not all statements about the future are excluded. If a prediction is so grounded in established facts and laws that its truth is not up for grabs, it can be the content of testimony. A scientist can testify that a sample of plutonium will continue to emit radiation for hundreds of thousands of years, since established physical facts and laws assure that the prediction is true. There may, of course, be some question as to what facts

and laws are capable of underwriting testimony about the future. So whether a particular prediction qualifies as testimony may be controversial. But a statement's being in the future tense does not automatically rule it out.

Talk of future contingents and freedom to act is apt to induce flutters of metaphysical anxiety. Is the future genuinely open? Is it open in the ways that we think it is? Do we even have a clear conception of what it means to say that it is? Are human beings genuinely free to choose and able to act as they choose? Are we free and able in the ways that we think we are? Do we have a clear conception of what that means? These are legitimate questions whose answers are by no means obvious. If we have to answer them correctly in order to explicate word giving, our prospects are bleak. Luckily, I think we need not do anything so ambitious. Promising, testimony, and other modes of word giving are human practices. They depend for their utility not on what is *really* the case with regard to contingency or human freedom but on shared assumptions about these matters. Even if human beings can, through a sheer act of will, live to be a hundred and fifty years old, no one believes that we can do this. So we are unwilling either to make or to accept a promise to live that long. Even if a psychologist's predictions about infants' eventual career choices have as high an objective probability as physicists' predictions about radioactive decay, we do not believe that psychological predictions are anywhere near that good. So a responsible psychologist would not proffer, nor would we accept, such a prediction as testimony. Promising, testimony, and other modes of word giving are circumscribed by shared, commonsensical assumptions about metaphysical matters. Many of these assumptions are vague and inarticulate. Some, no

doubt, are false. But because they are shared, they supply the mutual understanding that we need for the issuing and accepting of invitations to rely on a statement's truth.

To explicate testimony and promising, we need to recognize the shared metaphysical assumptions that underwrite them. We understand a good deal about practices when we see how those assumptions function. If everyone agrees that people have the ability to return books that they borrow, we permit one another to promise to return books and hold them responsible for their failures to do so. If everyone agrees that some people are cognitively competent to calculate the rate of radioactive decay and to report the results of their calculations accurately, we count suitable assertions about such matters as testimony and consider testifiers blameworthy if their reports are wrong. By reference to the presuppositions in effect then, we can make sense of the actions, motivations, and assessments they give rise to.

'Ought' implies 'can'. If a person cannot do  $p$ , he is under no obligation to do  $p$ , and cannot rightly be faulted for failing to do  $p$ . Appeal to shared presuppositions explains why we hold people responsible when we do. But if the presuppositions are wildly off the mark, we may be holding people responsible when in fact they are not. Doubtless we sometimes hold people responsible for things they could not avoid. Probably some of our mistakes are due to our faulty views about matters like freedom, agency, and contingency. Still, our word giving practices are remarkably successful. People frequently behave in the ways they promised they would. Experts often convey information that later events bear out. This suggests that

however inaccurate the underlying assumptions are, they are not so far off that they discredit our word giving practices entirely. I suggest then that we bracket concerns about metaphysical underpinnings and proceed on the assumption that our word giving practices are reasonably well founded and do pretty much what we take them to do.

If I promise you that I will eat my spinach, I give you my word that 'I will eat my spinach' is true. I give you a right to expect that I will eat my spinach. Of course, you already had a right to expect that. Freedom of thought ensures that you have the right to expect anything you like. You want to expect that I will eat my spinach? Who's going to stop you? But if an expectation grounded in nothing but freedom of thought is unfulfilled, no one is to blame. When I make a promise, the situation is different. I give you a claim against me. *Ceteris paribus*, if despite my promise, your expectation is unfulfilled, I am at fault. I gave you a reason to expect that I would eat my spinach, a reason that you otherwise would not have had. In giving you that reason, I increased your warrant for the belief that I will eat my spinach. You have a claim against me then, because I altered your epistemic circumstances. This epistemic element to promising is, I suggest, what converts the bare right into a claim.

A claim, Thomson argues, is a behavioral constraint. In giving you a claim against me, I agree to keep my behavior within particular bounds.<sup>4</sup> In promising to eat my spinach, I agree to constrain my future behavior so as to include spinach consumption in it. The burden I shoulder is to make 'I will eat my spinach' true. Plainly, I am up to the task. But I can testify to all sorts of things that I am utterly powerless to affect. I might, for example,

testify that the cave paintings in Les Eyzies are 14,000 years old. Clearly, there is no way that I can make that statement true. The question arises: In so testifying, what claim do I give? How is my behavior constrained? If I don't eat my spinach when I promised that I would, I am subject to censure for failure to eat my spinach. But if the cave paintings are not 14,000 years old, it's hardly my fault. There is no way I can bring it about that the paintings are as old as I say they are. 'Ought' implies 'can'. If I cannot make it the case that the paintings are 14,000 years old, I am under no obligation to do so, and should not be faulted for failing to do so.

Nonetheless, I can be faulted. Why? Perhaps the most obvious answer is causal. My testimony that  $p$  caused you to believe that  $p$ . So, it might seem that I am to blame for your harboring a false belief. But I can cause you to believe that  $p$  in any number of innocent ways. You might, for example, overhear me rehearsing my lines for a play, mistake my utterance for an assertion, and so come to believe what you take me to assert. Although my utterance of  $p$  caused your belief, the mistake is surely yours. I am not responsible for your misconstruing my speech act and acquiring a false belief as a result. Maybe a more complicated causal story is needed. Perhaps I am to blame for your falsely believing that  $p$  if you come to believe that  $p$  because you rightly believe that I believe that  $p$ . This is more plausible, but it still won't do. Suppose you overhear me sincerely asserting that  $p$ , and rightly conclude that I believe that  $p$ . You therefore form the belief that  $p$ , on the basis of my assertion. What you don't realize, though, is that I am speaking to my therapist, and that my assertion is (and indeed, I recognize that it is) one of the baseless beliefs that I am in therapy to

overcome. Although I have plenty of evidence that  $\neg p$ , I cannot disabuse myself of the belief that  $p$ , having been taught that  $p$  at a particularly impressionable age. Again, it seems that I am not at fault for your mistake. It is not enough that I cause you to believe that  $p$  or even that I cause you to believe that  $p$  by causing you to recognize that I believe that  $p$ . I am responsible for your error, not when I cause you to believe that  $p$ , but when I entitle you to believe that  $p$ . I convey to you not just a belief, but a right to believe. As in promising, you already have a right -- a moral right -- to believe whatever you like. But neither that right alone, nor that right in conjunction with a causal story of how you came to believe gives you a claim against me. You have a claim against me because I invite you to take my word. I volunteer to shoulder the epistemic burden. Testimony, like promising, is a liability shouldering device.<sup>5</sup>

In testifying that  $p$ , I implicate that you can rely on me. For what? Let's look again at promising. When I break my promise, it is not because I failed to eat my spinach *simpliciter* that I am to blame. People are, in general, under no obligation to eat their spinach. I am to blame because I failed to eat my spinach *having given my word that I would*. Similarly, I am not to blame for the fact that the cave paintings are not 14,000 years old, but for the fact that they are not 14,000 years old *when I gave my word that they are*. In both cases, it seems, what is at issue is a conjunction of the form:

$p$  &  $Y$  gives her word to  $X$  that  $p$ .

The promisor can affect the truth value of each conjunct. She can either bring it about that  $p$  or she can refrain from giving her word that  $p$ . The

testifier can affect only the second. So the locus of blame may be different.<sup>6</sup> The promise breaker is subject to reproach for failing to keep her word. In the case of testimony, there is no question of keeping one's word. Rather, the locus of responsibility lies in the word giving itself. When I promise you that  $p$ , the claim I give you constrains my future behavior. I commit myself to behaving in the future so as to assure the truth of  $p$ . When I testify to you that  $p$ , the claim I give you manifests a constraint on my current behavior. I present myself as having the resources to underwrite your reliance on  $p$ . If  $p$  turns out to be false, I am to blame, since I invited you to rely on the truth of  $p$ , and I implicated that I was in a position to issue such reliance. The false testifier is blameworthy for having given her word in the first place, for having invited the word taker to rely on it. The proper reproach then is something like: 'You shouldn't have said it if you weren't sure.' False testimony is morally wrong because it is epistemically wrong.

It is irresponsible to invite someone to rely on your word when your word is not reliable. But when is that? One might think that a person's word is reliable whenever what she says is true, and is unreliable whenever what she says is false. In that case, my promise is reliable whenever I do what I promise to, and unreliable whenever I do not. It is not clear that we should say this, though. Suppose I promised to meet you at the railroad station at 5 pm, but I had no intention of keeping my promise. Or suppose that although I intended to keep my word, I was obviously unlikely to be able to do so. (In the last five years, the noon train from New York has almost never been on time, as it would have to be for me to arrive in time to keep my promise.) As it turned out, though, my train was early, so I encountered you in the station

at five o'clock. Thomson contends that I infringed no claim of yours, since I kept my word. She takes it that the claim my promise gives you lies in the truth of  $p$ , and thus is not infringed so long as  $p$  turns out to be true.<sup>7</sup> This may be so.<sup>8</sup> But it seems plain that you ought not to have counted on me. It was too nearly a coincidence that we met at the appointed time and place. My word was unreliable. Similarly, if I testified on inadequate grounds that the prehistoric cave paintings served a religious purpose, even if it turns out that my assertion is true, my word was unreliable. You ought not to have relied on it.

Should we say, nevertheless, that my testimony did not infringe your claim? Even if Thomson is right about promising, I do not think that we should. To see why, we need to consider the point of each practice. Promising is future directed and action oriented. Because we in fact met at the station at five o'clock, I did what you were counting on me to do. Hence I did not cause your plans to go awry. Whether or not I ought to have given my word as I did, I arguably infringed no claim, for I (*per accidens*, to be sure) kept my word. Testimony's epistemological function is more central, since testimony serves as a conduit of epistemic entitlement. A speaker cannot convey epistemic entitlement if she has none. And the mere fact that her statement is true is not enough to epistemically entitle her to it. It could just be a lucky guess. If, purely on a hunch, I testify that the cave paintings served a religious purpose, I am not epistemically entitled to say what I do, hence I have no epistemic entitlement to convey to you. This suggests that a testifier infringes a word taker's right when she testifies to something for which she lacks sufficient grounds.

Let's look at it from the word taker's perspective. If I believe someone's testimony, it is because I believe she speaks with authority. If it is reasonable for me to believe her testimony, it is reasonable for me to believe that she speaks with authority. In believing she speaks with authority, I don't believe merely that she believes what she says. Nor do I believe merely that she has what she takes to be adequate grounds for her remarks. Rather, to take her word for something involves believing that she has what are in fact adequate grounds. The question then is what constitutes adequate grounds? A seemingly obvious answer is that adequate grounds consist of evidence or reasons that are in fact sufficient to support the assertions that constitute the testimony. But this is not enough. Unless there is good reason to think that the evidence or reasons are adequate, we should not take her word. Suppose a blood test reveals the presence of antibodies that are in fact antibodies to a newly discovered virus. Skeptical worries aside, the antibodies are sufficient evidence of the virus. Dr. No testifies on the basis of the blood test that Zeb has the virus. Unless there is consensus in the medical community that the antibodies in question are the antibodies to that particular virus, Dr. No, although speaking the truth and having what is in fact adequate evidence, does not speak with authority. Until the connection between the antibodies and the virus is established to the satisfaction of the medical community, we ought not take her word.

Should we take someone's word if the evidence she relies on satisfies the standards of the relevant epistemically reputable community, even if the evidence turns out to be misleading? Suppose Professor Cro testifies on the basis of the best available evidence -- evidence that satisfies the

paleoanthropological community -- that the cave paintings are 14,000 years old. The best currently available evidence is circumstantial. There is, to be sure, a margin of error in the dates paleontologists assign. But the experts are confident that 14,000 years old is about the right age, and they have good reason for their confidence. Suppose, though, that they are wrong. If the paintings are in fact 15,000 years old (an age that lies outside the acknowledged margin of error), should we consider Professor Cro epistemically blameworthy for having testified as she did? Does her testimony infringe a claim?

We can and should hold people blameworthy for testifying on the basis of insufficient evidence. If purely on the basis of anecdotal evidence or an experiment run on just twelve subjects, a scientist testified that drinking green tea cures poison ivy, we would consider him epistemically remiss. But arguably, the case we are considering is different, for Professor Cro had what everyone concedes was excellent evidence. We might, of course, take a hard line. You have a right to remain silent, so anything you say can be held against you. Despite the best efforts of the community of paleontologists, which were in fact quite good, Professor Cro testified falsely, and thereby misled those who took her word. Hard liners insist that responsible testimony, like knowledge, requires truth. If so, she should not have testified as she did.

If we take the hard line, false testimony violates a right, even if at the time of the testimony there was no reason to believe it false and overwhelming reason to believe it true. Perhaps the counterexample to a highly confirmed universal generalization had not yet even arisen. Perhaps

the methods required to discredit it had not yet been developed. Nevertheless, if I give you my word that  $p$  and in fact  $\neg p$ , I infringe your claim. Such a hard line might seem to violate the maxim 'Ought implies can'. If I genuinely could not have known that  $p$  is false, and/or that the evidence for  $p$  is misleading, then I was under no obligation to deny that  $p$ . Hence, it may seem, I ought not be faulted for testifying that  $p$ . But things are not so simple. For I need not have testified at all. Perhaps I could not have known that  $p$  is false. But I surely could have known -- indeed, surely did know -- that  $p$  might be false. I could simply have held my tongue. 'Ought implies can' then does not directly discredit the hard line.

We can avoid imparting falsehoods by exercising our epistemic Miranda rights. Ordinarily, testimony cannot be compelled. But withholding testimony has a price. In hoarding information, we lose opportunities to advance understanding through education, collaboration, testing and building on other people's findings. It is irresponsible to testify without adequate evidence. It may be equally irresponsible to be excessively demanding in matters of evidence. There is a familiar tension between the desire for well grounded information and the requirement that the information consist entirely of truths. Reasonable levels of evidence tend to be satisfied by falsehoods as well as truths. If we raise our standards enough to eliminate the falsehoods, cognitively valuable truths are excluded as well. The parallel to arguments that push us toward skepticism is plain. We can avoid judging falsely by refraining from judging at all. We can avoid testifying falsely by refraining from testifying at all. But refusing to believe and refusing to testify are cognitively costly. The risk of error is sometimes

worth taking. Nevertheless, if the hard line is correct, I put myself morally and epistemically at risk every time I testify. That gives me an incentive to increase the level of evidence I demand. To protect myself from inadvertent wrong doing, I don't just want adequate grounds. I want grounds that I am sure are adequate. That is a more demanding standard. It may be an unsatisfiable one. If Dr. Cro was blameworthy, despite the fact that the test needed to discredit her report had not even been invented at the time she testified, I should hardly be complacent merely because my remarks satisfy contemporary standards. The worry is that the hard line, by supplying a disincentive to testify, stifles information transfer at the cutting edge of inquiry.

A similar worry can be raised about promising. If my failure to keep my promise, for whatever reason, puts me morally in the wrong, I should be extremely circumspect about making promises. Before I give my word I should be absolutely sure I can deliver. Unfortunately, I cannot be absolutely sure. Neither can anyone else. Should we stop making promises? Given the utility of the practice, that seems a high price to pay. Luckily, we don't have to pay it. Granted, we shouldn't give our word cavalierly, but obsessive caution is not required. When I make you a promise, we both recognize that I *might* not be able to keep it. Unforeseen circumstances might interfere. Even if I am scrupulous about my moral character, that recognition should not prevent me from giving my word. For part of the institution of promising is that there are forgivable lapses and acceptable excuses. If I failed to keep my promise to meet you to go comparison shopping for grass seed, I infringed the claim I gave you. But if the reason for my absence was that I

was negotiating with a deranged student who was holding the dean hostage, my failure to keep my word is excusable. Perhaps I owe you an explanation, but it is not clear that I owe you an apology, since we agree, and know that we agree, that that sort of demand on one's time takes precedence.

We might want to say the same about testimony. Although truth is required and falsehood infringes the word taker's claim, there are forgivable lapses and acceptable excuses. You exonerate me for breaking my promise, saying, 'You couldn't have known'. My lapse is excusable, for there was no way I could have foreseen the hostage situation that prevented me from keeping my word. The message is this: Had you known that  $q$  when you said what you did, you would have been seriously remiss. But since you couldn't have known, you are morally off the hook. We might want to make the same sort of move in the case of false, but well grounded testimony. Had Professor Cro known that the cave paintings were 15,000 years old, or had more accurate dating methods been available, she would have been seriously remiss when she testified that they are 14,000 years old. But since she couldn't have known -- since the requisite ferrous oxide dating test will not be developed for another fifty years -- her lapse is excusable. We can then retain the hard line requirement that the content of testimony must be true, while weakening the disincentive to testify by conceding that some false testimony is excusable.

Still, one might wonder whether the truth requirement is an idle wheel. In deciding whether it is reasonable to give or accept testimony that  $p$ , we consider whether the assertion that  $p$  is well grounded. Even though we recognize that well groundedness is no assurance of truth, we don't and can't go on to ask the further question: Besides being well grounded, is  $p$  also true? For our best hope of discovering whether  $p$  is true lies in discovering whether  $p$  is well grounded. Current standards of acceptability are the best standards we have for deciding that. It makes no sense then to construe the truth requirement as an additional factor that figures in the decision whether to give or to accept testimony that  $p$ . Nevertheless, it does not follow that the truth requirement is idle. It may play a different role. Testimony is responsibly proffered and accepted when it satisfies the current standards of the relevant epistemically reputable community of inquiry. Subsequently, new evidence, improved techniques, or refined standards may lead us to conclude that previously accepted testimony is false. If its being false is a sufficient reason to reject it as error, we have the resources to construe revisions in beliefs, methods and standards as improvements rather than mere changes in our understanding. If the best we can say is that  $p$  satisfied the standards accepted at one time but not those accepted at a

later time, we do not. For in that case changes in what it is reasonable to believe or to testify are like changes in fashion. Sometimes one standard or skirt length is in style, sometimes another. A truth requirement is not the only requirement that could play this role, nor is it clearly the best choice.<sup>9</sup> But some such requirement is needed to distinguish advancing understanding from changing intellectual fashions.

Word giving, according to Thomson, requires uptake. The invitee, she says, needs to receive and accept the invitation to rely on the truth of  $p$ . But, it seems, we are inundated with testimony we have no use for. Textbooks, news reports, lectures, and gossip supply vast amounts of seemingly useless information. Does this discredit Thomson's account? To decide, we need to consider what accepting an invitation involves. To accept my invitation to dinner on Sunday at seven requires appearing for dinner on the appointed day at roughly the appointed time. To accept my invitation to call on me if you need help is different. You accept my invitation if you henceforth consider yourself free to call -- if, that is, you adjust your attitudes so that asking me for help is now a live option. You may turn out not to need my help. But even if no call is made, the invitation is accepted. Testifiers issue invitations of both kinds. My testimony may provide you with the specific information you need for a particular purpose. I inform you that in the 1760s Hume was a diplomat in Paris. Relying on my expertise, you incorporate that information into your history of Scottish thought. But not all information transfer is on a need-to-know basis. I make the same remark in an introductory philosophy lecture. I invite my students to rely on its truth, just as I invited you. Most of them will do nothing with it. They have nothing to rely on it for. In my lecture I, as it were, issue an open invitation. I invite my students to rely on the truth of my assertion when and if they need to. If they are prepared to do so, they accept my invitation. Both of these sorts of reliance fit Thomson's model easily. The argument that we receive vast amounts of useless information does not discredit her analysis.

What should we say about proffered testimony that is flatly disbelieved? The invitation to rely is issued, received, and refused. Should we say that such testimony is abortive? If so, there is no word giving without word taking. This seems wrong. The suspect's mother asserts under oath that he was home watching television at the time the crime was committed. No one believes her. Still, it seems, she testifies that he was home. (She couldn't be charged with perjury if she didn't testify.) But simply to jettison the uptake requirement also seems wrong. If my students sleep through the lecture where I assert that Hume was a diplomat, or I make that assertion in a language they don't understand, we would be reluctant to say that I gave them my word that Hume was a diplomat. They can't take my word for it, since they have no idea what my word is. I recommend then that the uptake requirement be modified. Testimony is abortive, I suggest, unless the

invitation is received. But the invitation need not be accepted. Receiving an invitation to rely on the truth of an assertion is not just having one's sense organs stimulated by the assertion. To receive such an invitation requires understanding the content of the assertion, recognizing it as an assertion, and acknowledging that one has been invited to rely on its truth. This in turn involves recognizing that it has been put forth as having appropriate epistemic backing. I suggest that testimony occurs when a statement of purportedly established fact is offered as someone's word and the offer is understood, recognized, and acknowledged, whether or not it is believed.

When I testify that  $p$ , what do I invite you to take my word for? The obvious answer is that I invite you to take my word that the sentence I utter -- the sentence that replaces the schematic letter  $p$  -- is true. This can't be right, though. For I can give you my word that the cave paintings are 14,000 years old by uttering any of a variety of syntactically and semantically divergent sentences, as well as via contextually appropriate nods, gestures, and inarticulate grunts. I might, for example,

- (1) assert, 'The cave paintings at Les Eyzies are 14,000 years old'.
- (2) assert, 'At Les Eyzies, the cave paintings are 14,000 years old'.
- (3) assert, '14K years ago the cave paintings at Les Eyzies were painted.'
- (4) respond to the question, 'How old are they?' by saying, '14,000 years old'.
- (5) nod when asked, 'Are you testifying that they are 14,000 years old?'

As testimony, (1) - (5) amount to the same thing. I issue the same invitation, I shoulder the same epistemic burden, regardless of which of the five I use. The common denominator, Thomson believes, is the proposition they all express. According to Thomson, I invite you to take my word, not for the sentence, if any, that I utter, but for the proposition that I assert.<sup>10</sup>

Like Goodman and Quine, I have doubts about the existence of propositions. So I am disinclined to accept this part of Thomson's analysis. But even if we eschew propositions, we are not forced to conclude that every difference between sentences uttered constitutes a difference in the content they convey. Sameness of proposition is not the only criterion of semantic equivalence for sentences. Other, more flexible criteria are available. We might follow Goodman and Scheffler and explicate the equivalence of (1) - (5) in terms of secondary extensions.<sup>11</sup> Then (1) - (5) amount to the same

thing because they are all that-the-caves-paintings-at-Les-Eyzies-are-14,000-years-old-assertions. Or we might follow Sellars and explicate the equivalence in terms of dot quotes.<sup>12</sup> We need not decide among the alternatives here. Various symbols amount to the same thing in the sense that concerns us just in case a testifier shoulders the same epistemic burden regardless of which of them she uses in giving her word. Let us say that all such symbols *convey the same message*. Doubtless this is imprecise, but further precision is unnecessary for our purposes. Thomson is surely right to recognize that what I invite you to rely on when I give you my word that  $p$ , is not, or not only, the truth of the particular sentence that I utter. In fact, I would go further and say that it is not, or not only, the truth of the sentence or proposition (if such there be) that I assert.

If I testify that  $p$ , I give you my word that  $p$  is true. But if I testify that the cave paintings are 14,000 years old, I do not commit myself to the truth of the sentence, 'The cave paintings are 14,000 years old'. I would be astounded if they were exactly 14,000 years old. I would consider myself, and be considered by others, to be right, if I was off by no more than a few hundred years. Indeed, in the absence of new evidence, I am apt to utter the very same sentence in my lectures year after year. If I thought the paintings were exactly 14,000 years old this year, I should update my notes and say that they are 14,001 years old next year. Evidently, I use a seemingly precise sentence then to convey a considerably vaguer message. It is the truth of the vague message, not the truth of the precise sentence,

that my testimony commits me to. There is nothing disingenuous about this. I am not pretending to provide more precision than I do. It is tacitly acknowledged on all sides that the age I ascribe has a fairly generous margin of error. If the actual age of the painting falls within the margin, my testimony counts as true.

Contextual factors also create a discrepancy between medium and message. When in my lecture on prehistoric Europe, I say, 'There are no cave paintings of women,' my testimony is not falsified by the recent work of a graffiti artist in a cavern in Kentucky, for the scope of my quantifier is tacitly restricted. The message my testimony conveys is that none of the paintings in a contextually circumscribed range (which excludes graffiti in Kentucky) portrays a woman. Testimony's message may diverge considerably from the medium that conveys it -- the contents of the conveying sentences, strictly construed.

How then is it that the message conveyed is the message received? What prevents my audience from concluding that my testimony reports the exact date the paintings were produced, or from ascribing to it a significantly different penumbra of vagueness? If all parties to an exchange share the relevant assumptions, there is no mystery. In that case, everyone imposes the same constraints on the interpretation of my words. But why should we think this? If the assumptions have not been expressly agreed to, why should we think that they are shared? Background assumptions plainly vary

from one linguistic context to the next. Moreover, they are continually revised and updated as discourse proceeds. But they are neither random nor idiosyncratic. Grice's account explains why. Linguistic communication, he contends, is governed by general principles that focus discussion and coordinate presuppositions. Communication has a variety of functions. Consoling someone may require different principles than informing him does. Grice articulates the maxims that he takes to underlie communication for the purpose of information transfer. I am not confident that the scope of the maxims is as wide as he believes. To produce a sound argument may require stating the obvious, thus violating a maxim of quantity. Nevertheless, I believe the Gricean maxims, or maxims very close to them,<sup>13</sup> apply to testimony, and explain how testimony conveys information when medium and message diverge.

Grice's basic insight is that communication is genuinely interpersonal. Although this does not sound particularly momentous, Grice shows that it is a deep and deeply important point. The informant is not just a spouter of truths; nor is the receiver an empty vessel into which data is poured. Because every interchange involves presuppositions, speaker and hearer must understand each other. This is not just a matter of grasping the words that comprise an utterance or inscription. It involves appreciating why, and to what end, and against what background those particular words are uttered or inscribed. To understand an utterance requires understanding its

utterer, for communication is a matter of mutual attunement. This is why Grice contends that communication depends on cooperation. Informative exchanges are, he maintains, governed by the Cooperative Principle: 'Make your conversational contribution such as is required at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged.'<sup>14</sup> To satisfy this principle, he argues, involves satisfying subsidiary maxims. Among these are

(a) the maxims of quantity:

1. Make your contribution as informative as is required (for the current purposes of the exchange).
2. Do not make your contribution more informative than is required.

(b) a supermaxim of quality:

Try to make your contribution one that is true.

as well as two submaxims:

1. Do not say what you believe to be false.
2. Do not say that for which you lack adequate evidence.

and (c) a relevance requirement.<sup>15</sup>

Although the cooperative principle and the maxims are cast as instructions to the speaker, they supply rules for the hearer as well. *Ceteris paribus*, in order to interpret an informative utterance or inscription correctly, we must construe it as one that satisfies (or at least purports to satisfy) the Gricean rules. In a communicative exchange, each party not only conforms her contributions to the maxims, she also takes it that the other parties are doing so. Interpreting then is not a matter of rote

application of the homophonic rule or of some regimented principle of interlinguistic translation. It involves consideration of what interpretation of the speaker's remarks would be one that the speaker could have, or at least believe herself to have, adequate evidence for, what interpretation would yield a statement that the speaker would consider informative, relevant, and so on. You don't take me to have testified that the cave paintings are *exactly* 14,000 years old, because you don't think it remotely likely that I have evidence that could support such a precise statement, nor do you think that such precision is required, or even desirable, in the context in which we are speaking. You take me to have testified that the paintings are in the neighborhood of 14,000 years old, since that is an informative, contextually relevant contention that you think I could have adequate evidence for. You also deploy the maxims in assigning the neighborhood a size. What is conceded on all sides goes without saying, for if all parties agree that  $p$ , ' $p$ ' is uninformative. Therefore, you take me to be saying something more specific than what everyone in the audience already knows anyway. Considerations of relevance provide further constraints. If the discussion requires that the date be specified within 500 years, I am uncooperative if my remark is not that specific. Since you take me to be cooperative, you therefore interpret my remark as saying that the paintings are within 500 years of being 14,000 years old. If we only need a date within 500 years of the right one, it would be uncooperative of me to be much more precise than that. So you have reason to refrain from taking my statement to be overly specific.

Gricean considerations show how complex and context-sensitive uptake is. To properly interpret a speaker's testimony involves an

awareness of the course and point of the discussion, as well as an appreciation both of what has already been established and of what goes without saying. It also involves epistemic sensitivity. The speaker purports to be satisfying the maxim of quality. So we need to construe her as saying something she has, or takes herself to have, or purports to have adequate evidence for. To do that, we need to be sensitive to the relevant epistemic norms. We need, that is, to understand what sort of and how much evidence is required. To decide among the available interpretations of a speaker's words requires recognizing which of them she can purport to have adequate evidence for, hence what evidence she might have and what evidence would be adequate. Evidential standards vary. A measurement that would be acceptable in the kitchen is apt to be too rough to accept in the lab. Finally, we need interpersonal awareness. It is not enough to know what has actually transpired in the course of the discussion and what is actually required by way of evidence. We also need to understand what each party takes to have transpired and what each takes to be required.

To understand someone's testimony is to construe it as a statement of fact (or a collection of statements of fact) for which the testifier purports to have adequate grounds. People sometimes testify without adequate grounds, being either misleading or misled about the strength of their evidence. In taking someone's word, we assume that she is neither. We take it that she has the adequate grounds that she purports to have. This might be doubted. Suppose Pat says, for no good reason, that  $p$ . Although she realizes that Pat has no justification for her remark, Sarah has very good reasons for believing that  $p$ , reasons she never brought to bear on the issue

prior to hearing Pat's totally unfounded utterance. Sarah is now justified in relying on the truth of  $p$ , and came to be justified via Pat's testimony. Still, one wants to say, Sarah does not take Pat's word that  $p$ . Pat's statement was a catalyst, but conveyed no epistemic entitlement. Sarah did not accept Pat's invitation to rely, but took the occasion to marshal her own evidence. Sarah did not take Pat's word. There is a harder case, though. Suppose Sasha testifies, on relatively weak grounds, that  $q$ . Sasha's grounds are inadequate. But they're not *nothing*. They afford some reason to believe that  $q$ . Jenny has additional grounds which are also insufficient if taken alone. But combined with Sasha's grounds, they yield sufficient evidence for  $q$ . Jenny relies partly, but not wholly, on Sasha's testimony. I suggest that the strength of Jenny's reliance on Sasha's testimony is determined by the strength of the backing Jenny takes Sasha's testimony to have. Word taking then can be a matter of degree. We may partly rely on the word of someone whose evidence we consider weak.

We are justified in taking someone's word only to the extent that we are justified in thinking her grounds are adequate. But we can take a speaker's word and be justified in doing so without knowing what her grounds are. In some cases, a speaker's behavior might afford ample evidence that she is satisfying the cooperative principle, hence satisfying the second maxim of quality. Sometimes, e.g., in reporting one's zip code, that is enough, since this is the sort of thing a normal speaker knows. In cases where evidence of co-operation is not enough, we may know the particular speaker to be morally and epistemically trustworthy. Then even though we lack access to her grounds, we know that she would not be testifying if they

were inadequate. In yet other cases, testimony may be given in a context where there are sufficient institutional safeguards to block epistemically irresponsible testimony. The fact that the experts in the field raise no objection indicates that the evidence, whatever it is, satisfies the relevant standards. If the field is epistemically estimable, institutional safeguards are safeguards enough.

Testimony then conveys more than the facts that comprise its message. It also conveys that those facts have been established to the satisfaction of the relevant community of inquiry and that the testifier is in a position to epistemically entitle her audience to believe them. That being so, a speaker testifies responsibly only if she is in a position to shoulder the epistemic burden for everything her testimony conveys. It might seem that this does not add to the load. Perhaps a speaker is epistemically entitled to convey anything she is epistemically entitled to believe, and epistemically entitled to believe anything that satisfies the standards of the relevant community of inquiry. If so, the brute fact that she has adequate grounds suffices. She need not be aware that her grounds are adequate. She need not even be aware of what her grounds are.

This is in line with currently popular epistemological theories which hold that a subject can be fully warranted in believing that  $p$ , without being aware of what supplies the warrant. Such theories provide an attractive account of perceptual warrant. Seeing a rabbit twenty feet away in the center of his visual field wholly justifies a subject with good eyesight in believing that there is a rabbit in front of him. He need not have the conceptual resources to appreciate that his perception supplies him with

grounds, much less know anything about the perceptual mechanisms that make seeing reliable. At least in some cases then, there is reason to believe that it is the having of grounds, not the awareness that one has grounds that is required for warrant. But even if this is so, and even if it holds for warranted belief generally, nothing directly follows about what is required to convey warrant.

Being in a position to convey warrant requires more than merely being warranted. A subject who has scattered evidence that warrants her belief that  $p$ , but has never put that evidence together, does not realize that she is warranted in believing that  $p$ . It does not seem that she can give her word that  $p$ , since she is not prepared to shoulder the epistemic burden for the truth of  $p$ . A subject whose evidence in fact warrants  $q$ , might fail to realize that her belief that  $q$  is warranted because she thinks that stronger evidence is required. (Perhaps she thinks that Cartesian doubts have to be answered before one is epistemically entitled to believe an empirical theory. Or perhaps, having confused *The Philadelphia Inquirer* with *The National Enquirer*, she considers her source unreliable.) Again, it seems, she is unable to shoulder the epistemic burden, since she considers her grounds inadequate. These examples suggest that in order to testify responsibly, one must not only be justified in believing that  $p$ , one must also be justified in believing that one is justified in believing that  $p$ .

This sets an additional demand, but not an unsatisfiable one. It does not require ever more evidence for  $p$ . Rather, it requires reason to think that one's evidence or grounds for  $p$  are adequate. It therefore introduces second-order considerations about the adequacy of grounds. If Jenny is to be

justified in believing that she is justified in believing that  $p$ , she needs to appreciate her grounds. This requires critical self-awareness. She needs self-awareness because she must be cognizant of the beliefs and perceptual states that supply her grounds. The self-awareness must be critical, for she must recognize that the considerations she adduces qualify as reasons to believe that  $p$ . The fox is warranted in believing that there is a rabbit in front of him, but is not justified in believing that his belief is warranted, for he has no idea why he trusts his senses or whether it is reasonable to do so. Jenny also needs some awareness of the relevant epistemic standards. She has to know what sort of evidence and how much evidence is required in a context like this to support a belief like the belief that  $p$ . She needs, moreover, to credit those standards. She must consider them reasonable, or at least not unreasonable. If she considered the accepted standards of evidence to be epistemically shoddy, she would have no reason to take their satisfaction to confer epistemic entitlement. Knowing that one's reasons satisfy the standards of the contemporary astrological community does not inspire confidence in the belief they are supposed to support. Finally, she needs to recognize that the grounds she has satisfy the relevant epistemic standards.

This is fine, one might say, if we are talking about the first link in the chain of epistemic entitlers. If a subject is attuned to the standards of the relevant community of inquiry, recognizes that they are reasonable standards, and realizes that her evidence satisfies those standards, she justifiably believes that she is justified in believing, and in testifying that  $p$ . Often this is not the case. As an intermediate link in the chain, Mike has it on

good authority that  $p$ , and undertakes to pass the information along. He read it in the newspaper, heard it in a lecture, learned it in school. But he is in no position to supply the backing for it. Nor does he have the expertise to recognize or endorse the standards of the community that underwrites his belief. Still, one wants to say that as an informed layman he can testify responsibly that the political situation in Rwanda is unstable, that electrons have negative charge, that Hume was a diplomat. The reason is that an informed layman is not just a gullible stooge. He believes and has good reason to believe that the authorities his judgment rests on are good. The source he relies on to back up his assertion is not only a reliable source, it is also a source he considers reliable and has good reason to consider reliable. Even intermediate links in the chain of epistemic entitlers then satisfy the demands of critical self-awareness.

Testimony turns out to be more complex than the idea of information transfer might initially suggest. Testifying that  $p$  is not just asserting  $p$ . Nor, of course, is testifying that  $p$  the same as testifying that one is warranted in testifying that  $p$ . But it would be unreasonable for you to take my word for it that  $p$ , if I was not warranted in testifying that  $p$ . When I testify to you that  $p$  then, I do not merely impart the information that  $p$  is the case. I also give you reason to believe that  $p$  is warranted and that I am warranted in testifying that  $p$ . In addition, my testimony gives you moral and epistemic claims against me. If  $p$  is false (and no exonerating conditions obtain), then in testifying that  $p$ , I both impart false beliefs, and do you a moral wrong. I mislead you about  $p$ 's epistemic standing by assuring you that it is epistemically safe to rely on the truth of  $p$ , when in fact it is not. So the

ground for the moral wrong is an epistemic wrong. In the realm of rights, epistemology and ethics overlap.

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## **Notes**

- 1 Judith Jarvis Thomson, *The Realm of Rights*, Cambridge, Massachusetts, 1990, p. 298.
- 2 There are matters of degree here. Sometimes a speaker supplies some reasons but relies on authority to provide the additional backing that her statements need.
- 3 Thomson, pp. 299-300.
- 4 Thomson, p. 64.
- 5 Thomson, pp. 94-95.
- 6 It may be, but it need not. We sometimes reproach promise breakers by saying, 'You should not have promised what you weren't going to deliver.'
- 7 Thomson, pp. 305-306.
- 8 I am not sure about this. Thomson may unduly downplay the epistemological factor in promising. My point, though, is that whatever we should say about promising, the epistemological dimension is crucial to the claims given through testimony.
- 9 See my *Considered Judgment*, Princeton: Princeton University Press, 1997, chapters 3-4 for an alternative.
- 10 Thomson, p. 295.
- 11 Nelson Goodman, *Problems and Projects*, Indianapolis: Hackett Publishing Co., 1972, pp. 221-238; Israel Scheffler, *Inquiries*, Indianapolis: Hackett Publishing Co., 1986; see also, Catherine Z. Elgin, *Between the Absolute and the Arbitrary*, Ithaca: Cornell University Press, 1997, pp. 110-130.
- 12 Wilfrid Sellars, *Science and Metaphysics*, London: Routledge and Kegan Paul, 1968, pp. 91-116.
- 13 I have suggested elsewhere that the first maxim of quality should be revised to say, 'Do not say what you believe to be misleading,' rather than 'Do not say what you believe to be false.'
- 14 Paul Grice, 'Logic and Conversation,' *Studies in the Way of Words*, Cambridge, Massachusetts: Harvard University Press, 1989, p. 26.
- 15 Grice, pp. 26-27.