



**Problems for Hearer Testimony:
Can There Be Testimony Without Speaker-Intention?**

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Problems for Hearer Testimony: Can There Be Testimony Without *Speaker-Intention*?

Abstract

This dissertation examines Lackey's Disjunctive View of the nature of testimony. More specifically, it examines the disjunct of hearer testimony, a notion of testimony that describes how a hearer can source belief from an *act of communication* when a speaker does not intend to convey their knowledge or beliefs to anyone but themselves. If the notion of hearer testimony is correct, then it can position the hearer to have a more central role in the nature of testimony which could have other implications in other problems in the epistemology of testimony such as the nature of testimonial exchange and testimonial justification. However, hearer testimony has a number of problems especially how the hearer is supposed to know what a speaker means in a supposed instance of hearer testimony if she cannot be sure what the speaker means. The problems I detail in this paper show that a hearer cannot know what a speaker means without *speaker-intention*, which is how a speaker testifies to others in a way that intends for his communication to make for them. The paper concludes that the Disjunctive View of the nature of testimony is false.

Keywords: testimony, meaning, speaker-intention, hearer testimony, speaker testimony

Introduction

The study of epistemology often involves questions about how we acquire knowledge from our perceptual or rational abilities such as interpretation, inference, memory and inductive or deductive reasoning. However, much of what we “know” comes from the expressed beliefs or words of others, or what epistemologists call testimony¹. But an ambiguity between knowledge gained from testimony versus other rational abilities makes defining the necessary and sufficient conditions for what counts as testimony a challenge. Some accounts attempt to describe it as a unified concept (Audi, 1997; Coady, 1992; Fricker,

¹ When I use testimony I am referring to what Coady (1992) calls *natural testimony*. Coady defines natural testimony by distinguishing it from formal testimony. Whereas formal testimony adheres to legal conditions in a court setting, natural testimony encompasses everyday situations where we presumably acquire knowledge from the words of others.

1995; Graham, 1997; and Sosa, 1991) or a concept that has many senses (Graham, 2016; 2021; 2022).

Regardless of what sense of testimony epistemologists have, most have a speaker intentionally conveying their beliefs or knowledge through statements in order to inform or confirm knowledge for a hearer or audience, who presumably need or happen to source beliefs from what the speaker says.

Lackey (2008) argues that the general sense or what she characterises as “unified views” are insufficient since they ignore instances where hearers can source information from the words of speakers even when speakers do not intend to inform anyone but are merely expressing their beliefs or knowledge out loud and only for themselves. Eavesdropping on a soliloquy or reading a private diary are examples of testimony even when they are not meant to inform others, but nonetheless can be sources of belief in Lackey’s view.

For Lackey, an account of testimony should describe its dual nature, having two independent aspects or disjuncts. The first disjunct has a speaker intentionally informing a hearer so that the hearer might acquire a belief, and a second disjunct, proposes a notion of testimony that has a hearer sourcing belief where the speaker’s intentions are not required. Lackey calls the first disjunct *speaker testimony* and the second disjunct, *hearer testimony*. Both disjuncts (henceforth *s-testimony* and *h-testimony*) are built into her account, the *Disjunctive View of Natural Testimony* (or the DVT). With this view, Lackey provides the hearer a more central role in the concept of testimony, that unified accounts overlook.

But a closer analysis reveals that many problems arise for *h-testimony* especially during what Lackey calls *acts of communication* that go beyond the basic statement utterance and instead take the form of facial or bodily gestures. The first problem is the way in which a hearer treats a speaker as a *source of information*, and not necessarily as an agent or *informant* with knowledge or beliefs (Craig, 1991). A rational informant, having knowledge, would provide further clarification around what an utterance *means* or *intends to mean* where an inanimate source of beliefs, would not know what they convey. A second problem is what I describe as *meaning moderation*, where controlling what is “meant” in an utterance shifts away from the speaker, placing the responsibility of understanding solely in the hands of the hearer. Essentially, in *h-testimony*, moderating meaning excludes the meaning-maker, the knower or informant. The last problem describes how *multiple hearer perspectives* can interpret an instance of *h-testimony* from different viewpoints, generating multiple propositions for individual hearers. If a speaker cannot moderate how a hearer sources what

the speaker means or intends to mean, then we do not have an instance of testimony, we have an inference of what the speaker means/intends to mean.

All of these problems centre around the absence of *speaker-intention*, a notion I describe as a speaker having the intention to inform others or confirm for others in a way that preserves what they originally mean in their utterance. A misinterpretation of what they intend to mean prompts the speaker to at minimum acknowledge the error (if aware) or compel them to further moderate how the hearer sources belief from their utterance (should the speaker be in the position to do so).

Because of the numerous problems I outline for *h-testimony*, I will argue that it does not exemplify the nature of testimony, making the DVT an untenable position. The structure of this essay is as follows. In section (1), I describe in more detail what motivates Lackey's general view of testimony and (2) her rejection of unified views that lead her towards the DVT. Section (3) details the problems for *h-testimony*. Section (4) considers an objection to my argument that even if intended, *s-testimony* may fail in interpretation as well. However, I contend that the nature of *s-testimony* is to avoid misinterpretation of what a speaker means or intends to mean. Of course a hearer intends to avoid misinterpretation as well, but it is the speaker who has the ownership and thus, access to what they themselves mean, and therefore is in the position to clarify or confirm meaning. Finally, section (5) concludes the main takeaway that the absence of *speaker-intention* reveals *h-testimony* to be an ill-conceived notion of testimony.

1. Lackey's Motivation

Before exploring the various views describing the nature of testimony, it is important to orient ourselves to Lackey's general view of what a testimonial exchange entails. According to Lackey, a common view of testimonial exchange is that beliefs are the central epistemic item that transmit from one person to another. Lackey refers to this as a *Beliefs View of Testimony*². We can also call this the *Transmission View* (Leonard, 2023). In this view, belief transmission happens from speaker to hearer/audience when a speaker states P and is received by a hearer or to an audience. Lackey rejects this view stating that testimonial exchange is not about the epistemic status of internal states of speakers but about the status of

² She attributes this *beliefs view* of testimonial exchange broadly to Austin (1979), Welbourne (1979, 1981, 1986, and 1994), Evans (1982), Hardwig (1985 and 1991), Fricker (1987, 1994, 1995, 2006b, and 2007), Ross (1986), Coady (1992 and 1994), Burge (1993 and 1997), Reid (1983), Plantinga (1993b), Dummett (1994), McDowell (1994), Williamson (1996 and 2000), Audi (1997, 1998, 2004, and 2006), Faulkner (2000 and 2006), Owens (2000 and 2006), Reynolds (2002), Adler (2002 and 2006), Pritchard (2004), and Schmitt (2006) as cited in Lackey (2008, p. 37)

the linguistic or communicative items such as statements that carry them. According to Lackey, as hearers, we learn from the words of speakers and not necessarily from their states of believing or knowing. In other words, epistemic dependence for the hearer rests not on what a speaker believes but on the words that state and represent what the speaker believes. Lackey calls this the *Statement View of Testimony*, but we can also call this the *Generation View*, per Leonard (2023).

The *Statement* or *Generation View* of transmission is convenient for Lackey's DVT because it allows her to propose a view of testimony which regards *speaker-intention* as neither a necessary condition in a testimonial exchange nor a necessary condition for the nature of testimony. Omitting *speaker-intention* gives the hearer the ability to acquire or generate knowledge or belief from a speaker "unintentionally testifying to others" or what is proposed as *h-testimony*.

Her *Creationist Teacher* case, in chapter 2 (Lackey, 2008, p. 48-53), is an example that supports the *Statement/Generation View*. The basic idea is that a speaker (a professor), even without personal belief in P, *the theory of evolution*, (because they believe in the theory of creationism) can still facilitate others (a class of students) in acquiring knowledge or justification through the assertion of P. According to the case, the assertion unaccompanied by the speaker's beliefs still counts as testimony. Although the speaker does not believe P, they still intend for an audience to acquire knowledge of P which is based on someone else's beliefs, at least in the direct sense of the statement. *Creationist Teacher* shows that a *Beliefs View* is too restrictive since testimony does not always require a speaker's beliefs to transmit to hearer. A speaker can convey P to a hearer or audience even if the speaker does not believe P themselves.

Although Lackey does not make a connection between the *Statement/Generation View* and the DVT in chapter 2 of her book, my hunch is that she might consider *Creationist Teacher* as an example that can be both an instance of *s-testimony* or *h-testimony* depending on individual hearer in the audience. There could be a hearer who is new to the topic of evolution and takes the statement, P *prima facie*. But there could also be a hearer who perhaps ignores what is directly stated and infers through other "tells" such as the lack of enthusiasm the professor demonstrates in not giving a full-throated endorsement of evolution, or possesses prior knowledge that the professor has religious inclinations that the hearer can learn from. The idea is that a hearer can infer what a speaker means, and learn or source belief in a way that can count as testimony in the *h-testimony* view. I believe Lackey would endorse this for the hearer as it aligns perfectly with the notion that *speaker-intention* is only

a sufficient condition in the nature of testimony (only necessary for *s-testimony*, but not required for *h-testimony*).

Another advantage for Lackey by rejecting that all instances of testimony needing *speaker-intention* is that it places the role of the hearer to be more on par with that of the speaker when acquiring knowledge from testimony. If common *Belief/Transmission Views* are true, then hearers are assigned a lesser role and can only source belief contingent on a speaker's intention to inform others (or what I am calling *speaker-intention*). The requirement of having *speaker-intention* as a part of a hearer's sourcing of beliefs is a common feature of unified accounts in the nature of testimony that Lackey feels to be too stringent on the hearer's experience regarding testimony.

In the next section, we dig deeper into what Lackey characterises as unified views, all of which have a variety of problems according to Lackey, but above all, the necessity of *speaker-intention*.

2. From Unified Views to the Disjunctive View

There are numerous accounts of testimony that depict testimony as a unified concept that ties the role of speaker and hearer together. Lackey's dissatisfaction with all of them rests mainly on the idea that a conjunction of the two aspects: *the speaker who intends to inform a hearer*, and *a hearer who sources belief from a speaker's statement* either prioritises the speaker side over the needs of the hearer or forces their coexistence. Either way, nuance exists between unified accounts that inform Lackey's formulation of the DVT. The aim of this section is to describe unified accounts, what Lackey finds too restrictive or too broad about them, and outline the DVT while also describing terms of which it is built upon.

Lackey first surveys Coady's (1992) concept of natural testimony. She calls this a narrow view of natural testimony (NVT), mainly for being too restrictive in that it conflates the epistemology and nature of testimony. Additionally, the NVT is also restrictive because according to the view, when the speaker (S) states a proposition (P), P is potential evidence for P, and by stating P, S is offering evidence that P³. The speaker must also have the competence, authority, or credentials when stating P to the hearer and must direct the instance

³ Coady's concept of evidence comes from Achinstein (1978). Roughly, when a speaker testifies P, it is potential evidence E for a hypothesis H that P, even if H is false. E must be putatively connected to H. But E does not entail H, since if H were obvious or true, then evidence is not required. Achinstein's example for potential evidence is where a person has yellow skin, which is potential evidence for jaundice even if in fact he has some other rare disease which causes yellow skin discoloration.

of testimony toward a disputed or unresolved question, of which the hearer would presumably require information or evidence.

However, contrary to the NVT, it seems that a speaker can offer a hearer instances of testimony regardless of whether the speaker possesses these traits (evidence, competence, authority, or credentials) or whether the hearer would necessarily be in need of the particular instance of testimony, since testimony can be directed at anyone, regardless of whether they need the information from the instance of testimony or not. The speaker, in their own mind, could be delivering what to them is an epistemically significant piece of testimony even if the hearer does not see it that way. As a result, it seems that the NVT is too restrictive on what counts as testimony.

Lackey also surveys what she characterises as the broad view of testimony (BVT)⁴ which she attributes to Fricker (1995), Audi (1997), and Sosa (1991) as cited in Lackey (2008). This view encompasses testimony as the general act of telling things either directly in front of others, directly to others, or directly to the world at large with no particular audience (think of posthumous publications). The basic formulation of the BVT:

A Speaker (S) testifies that P if and only if S's statement that P is an expression of S's thought that p.

A positive feature of the BVT, is that a speaker can testify without the epistemic constraints required by the NVT, in that one can testify without the direct intention of informing someone, in addition to not needing to provide evidence, competence, authority, credentials, or necessarily considering the needs of a hearer or audience. Essentially, the BVT leaves issues of whether an instance of testimony is epistemically good or bad, for the hearer to determine since, even if it is significantly lacking epistemic value for the hearer, it still has a speaker telling or even attempting to inform a hearer or audience as an instance of testimony. But there are instances where a hearer does not require an instance of testimony to be intentionally directed to them or anyone and so the BVT should bode well for *h-testimony*.

However, even though there are benefits over the NVT, Lackey regards the BVT as being too permissive, since in her view, it fails to distinguish testimony from *non-informational expressions of thought*.⁵ Lackey's example of *non-informational*

⁴ Not to be confused with the *Beliefs View of Testimony* in a testimonial exchange. Although I imagine they align in many ways. But this is about the nature of testimony, not the nature of testimonial exchange.

⁵ If rejecting *non-informational expressions of thought* as testimony, then I might assume that *expressions of thought* or *informational expressions of thought* would count as or are synonymous with what Lackey calls *communicable content*. But expressions of beliefs could also be a useful term and better exemplify testimony than just mere thought. Section (3), *Problems for h-testimony*, will reveal an ambiguity between cases that seemingly could fit both the *non-informational expressions of thought* label and the *communicable content* label.

expressions of thought (I will call these NIETs henceforth), is when two people are together walking down the street on a sunny day, and one person states, “Ah, it is indeed a beautiful day” qualifies as an NIET since although it expresses a thought, it is neither meant to offer nor be taken as conveying information, since both people walking know via a shared perceptual experience already know the contents of P (it is a beautiful day). A NIET in this case serves as a conversational filler, or merely a gesture to express one’s satisfaction with the experience.

When a speaker utters a NIET, they are stating out loud what is obvious to a hearer who they know is experiencing the same event or phenomenon. Similar to Lackey’s SUNNY DAY example, let me offer a case, LOUD PARTY, when a speaker and hearer are at a very loud party and the speaker yells to the hearer, “It is so loud at this party!” The statement would not be a source of belief, since the hearer has already discerned for themselves that it was loud, since (like in SUNNY DAY) the source of belief derives from what they are mutually experiencing. An example like LOUD PARTY should qualify as an example of a NIET on Lackey’s view, since the speaker’s intention is not to inform a hearer, nor would a hearer source it for epistemic need or gain, but merely to function as a conversational filler or a gesture for seeking social connection. Both the speaker and the hearer are connected in the same context, jointly experiencing and thus sourcing belief from a shared perceptual experience.

With NIETs, Lackey is showing a difference between uttering statements that serve as conversational fillers, or function for social connection (like being polite, or offering pleasantries) from utterances that can be reasonably taken as *conveying information* from a speaker who does so intentionally or unintentionally. In short, Lackey uses NIETs to show that there are expressions of thought that are not offered as conveying information by the speaker, and are not accepted as conveying information by hearers since the information has already been sourced.

This last account is a moderate view (MVT) attributed to Graham (1997). The MVT is similar to the BVT but it rules out NIETs⁶. The MVT also sets up similarly to the NVT, except it only requires the speaker to believe that what they offer is evidence, authority,

⁶ Graham (2022) points out that one of the key examples she uses in her description of the BVT is that of an actor who recites lines during a play would be committing a NIET. Graham believes this example to be a mischaracterization of the works she places under the BVT umbrella. His distinction is that an actor is not expressing their thoughts, they are just reciting lines. They are acting, not telling, not promising, and not intending to convey information for a hearer to form beliefs.

credentials, competence, or significance to the hearer as opposed to these being conditions for both the speaker and the hearer.

The MVT formula is that S testifies by making some statement that P if and only if:

- (1) S's stating that P is offered as evidence that P.
 - (2) S intends that his audience believe that he has the relevant competence, authority, or credentials to state truly that P.
 - (3) S's statement that P is believed by S to be relevant to some question that he believes is disputed or unresolved (which may or may not be whether P) and is directed at those whom he believes to be in need of evidence on the matter.
- (Graham, 1997, p. 227).

The main problem for the MVT as Lackey sees it, is that it still requires a speaker to intend to inform a hearer. And as I described earlier, what motivates *h-testimony*, is the need to carve out a space for hearers to also source beliefs in the nature of testimony even when a speaker utters words that are not intentionally directed towards them or anyone else.

Another problem for Lackey is that the MVT, like all the unified views, includes offering evidence as opposed to conveying information. The *h-testimony* disjunct is premised on the idea that *speaker-intention* is not required. Intention is embedded in an offering of evidence, but can be excluded from conveying information, since the latter allows for the speaker to do so unintentionally.

Before sharing Lackey's formulation of the *s-testimony* and *h-testimony* disjuncts, I will describe what Lackey means by *communicable content*. Although many instances of testimony take the form of a statement, and indeed all the unified accounts just surveyed do this, it is important to note that an utterance that expresses a thought or conveys information need not be in the form of a verbal or written statement but can be an *act of communication* such as through gestures like pointing, winking, waving, nodding, etc., whilst still conveying information as long as they have *communicable content*. An example is when a person asks another if it is cold outside, before heading out the door. Directly, the person can nod yes to affirm that it is cold outside, but they can also respond indirectly by gesturing towards a wool cap or coat. In the indirect example, the *act of communication* is a gesture with *communicable content* that conveys information which the speaker intends for the hearer to know but also for the hearer to source from the gesture the knowledge that indeed it is cold outside.

A further point to be made to ensure we have clarity on what an *act of communication* is can be found in Lackey's statement, "I am construing the concept of an act of

communication broadly so that it does not require that the speaker intends to communicate to others; instead, it requires merely that the speaker intends to express *communicable content*." (Lackey, 2008, p. 28). And so an example where we would not have an *act of communication* with *communicable content* is when your friend is wearing headphones, nodding while listening to music and if you ask if there is, P, *more soda in the fridge*, and see them nodding in what seems to indicate the affirmative and you as the hearer mistakenly source that as a response to your query, this is not a case where the speaker intends to express *communicable content* that P and not a case where a hearer should *reasonably take* this *act of communication*, A, as indicating P. Essentially, if an event perceived as an act of communication some way does not contain *communicable content*, a hearer may not reasonably take it as an act of communication that conveys information P.

Let's take stock of what we have discussed so far. In the nature of testimony, Lackey finds that unified views are either too restrictive (NVT) by applying too many epistemic constraints, too permissive (BVT) for allowing NIETs, or ignore that a hearer can source belief without speaker intentions (MVT). But Lackey argues that as long as speakers perform *acts of communication* even without the intention to inform anyone, as long as *communicable content* is present, hearers can still source belief. *Acts of communication* with *communicable content* not intended for an audience counts as testimony.

Lackey determines that unified views ignore the dual nature of testimony, a concept of testimony that is defined as *an act of communication, A, reasonably conveying the information that P or being taken as conveying the information that P*.

Here is Lackey's formulation of both disjuncts:

s-testimony: S *s-testifies* that P by performing an act of communication A if and only if, in performing A, S reasonably intends to convey the information that P (in part) in virtue of A's communicable content. (p. 30)

h-testimony: S *h-testifies* that P by making an act of communication A if and only if H, S's hearer, reasonably takes A as conveying the information that P (in part) in virtue of A's communicable content. (p. 32)

Two paradigmatic examples used to highlight the need for both disjuncts are *blogs* versus *private diaries* and *speeches* vs. *soliloquies*.

For diaries, she uses Sylvia Plath's posthumously published diary as an example where even though Plath does not intend to inform readers of her depression (we might assume), but rather for her own reflection (we might assume), it is reasonable for someone to claim that they know Plath was depressed based on the information they sourced from Plath's

diary. The same goes for a soliloquy where a speaker (Lackey names him Davis) in the privacy of a room is stating out loud numerous beliefs about propositions or state of affairs, without the intention of informing others. But unbeknownst to Davis, a hearer is overhearing him in the next room, listening and (presumably) reasonably taking what Davis is saying as testimony and thus as a source of belief.

With the disjuncts at hand, we have a formulation of the DVT:

S testifies that P by making an act of communication *A* if and only if (in part) in virtue of *A*'s communicable content, (1) S reasonably intends to convey the information that P or (2) *A* is reasonably taken as conveying the information that P.

(Lackey, 2008, p. 35-36).

But if a hearer can *reasonably take A as conveying the information that P*, should we assume they are able to access what the speaker means in terms of P? In addition to inference and evidence, the idea of a hearer reasonably taking an act of communication as conveying P in many of these indirect and non-literal cases seems to rest more on the individual needs of the hearer which we have to assume as *reasonable*.

In the next section, I will explore some examples that will test Lackey's formulation of *h-testimony* when it comes to what is *reasonable* for hearers to source beliefs. To source belief assumes that the hearer knows what a speaker means to convey even without the speaker intending to convey what they mean, but just to convey information. We will see that *h-testimony* misses the mark in this regard. Testimony requires *speaker-intention*, or so my problems of *h-testimony* will show.

3. Problems for *h-testimony*

As we saw in the last section, Lackey's diagnosis is that unified views fail, leading her to the DVT, and in particular the *h-testimony* disjunct since *speaker-intention* is not always required. But can *h-testimony* provide a reasonable picture that is epistemically on par with what the speaker originally *means*?

A few problems arise when omitting *speaker-intention* that suggests it cannot. These are: (i) cases where a hearer treating the speaker as a *source of information and not as an informant* with knowledge, (ii) *Meaning moderation* - cases where moderation of what the speaker means is in the hands of the hearer, and cases where *NIETs* and *communicable content* are indistinguishable, which oddly places an *act of communication* as an instance of

testimony for one hearer but not an instance of testimony for another. The previous problem leads to problem (iii) where *multiple hearer perspectives* generate multiple propositions departing from the speaker's original thoughts, beliefs, or what they mean. We will see that what the speaker *means* is important for testimony.

Before describing these problems, I want to clarify how I use the notion of meaning. When using the term meaning, I have Grice's (1957; 1969) non-natural meaning in mind. Grice distinguishes between natural meaning, the meaning of expressions versus the non-natural meaning, the meaning of individual utterances. I will use the term meaning, in regards to the latter where the speaker's intentions and the pragmatic aspects of communication that go beyond the literal meaning of words.

To further illuminate what a speaker means when not intended for others versus what a hearer takes them to mean, we can further consider what Grice (1969) describes as an *utterer's occasion-meaning* the notion that defines meaning in terms of an utterer's intentions or what they intend for an audience to know or an expression of meaning for themselves via their utterance.

Utterer's occasion-meaning is similar to my notion of *speaker-intention*. However, a difference is that an *utterer's occasion-meaning* can take place when a speaker utters thoughts to themselves and not intentionally to inform or confirm for an audience. For Grice (1969) an *utterer's occasion-meaning* might have a future audience in mind, an imaginary audience, or well-framed thoughts that will make sense to oneself later. It does not apply for verbal thoughts that merely pass through a speaker's head as distinct from being "framed" by them where it would be considered inappropriate to talk of the speaker as having meant something by them.

The last example of "passing un-framed thoughts" is omitted by Grice's analysis of meaning in his paper but I think is useful for the problems I outline, since a speaker means nothing when expressing a stream of thoughts for themselves, beyond just searching for meaning for themselves. What might be reasonably taken to mean something for the hearer could easily be rejected by a speaker who intended no meaning as far as an instance of testimony is concerned.

How can the individual hearer confirm what the speaker means if perhaps the speaker means nothing, nothing yet, or something else? It seems we can only find confirming or informing occurring through *speaker-intention*.

i. **Speaker as a Source of Information**

Treating a speaker as a source of information as opposed to someone who is as an informant reasonably conveying their knowledge intentionally is a problem for *h-testimony*. If not intentionally conveying information, then a speaker is not intentionally conveying information to a hearer, what he (the speaker) knows, or means, or for the hearer to source belief.

Craig (1991) believes it to be odd to treat informants synonymously as sources of information. He draws a distinction through a couple of examples. If a speaker tells me their age, it seems intuitive that they know their age well enough to tell me. To know the age of a tree, I would source the information by the number of rings I could count. The rings are potential evidence for the age of the tree, and that is how I source my information. We would not speak of a tree knowing its age and then informing us, or “metaphorically, of a tree as knowing how old it is.” (p. 35). We certainly can treat humans as objective non-agents if we can obtain knowledge through our observations of them, but this is not testimony.

Testimony occurs when the speaker-hearer interaction is moderated through *speaker-intention*. We view people as agents that are ready to reason with us about the states of affairs of the world. They tell us something, as opposed to us being able to tell something from what we observe from them. My wife could infer of my distaste for cats by observing my interactions with them from afar, but my testimony confirms that indeed I dislike cats, when I give her direct testimony of the fact. My wife’s knowledge from what I tell her confirms her prior observations and inferences. She might also overhear that “I hate cats” without me knowing she is there. I might mean this in a direct way, but easily I could not mean it. If I intentionally inform or confirm for her, I pose myself as a knower, in this case as a knower of how I feel about cats. I mean it when I say it. When she overheard me, she might know for sure that I meant what I said, but with more certainty when I confirmed to her later that I meant what she overheard. I do so intentionally. It counts as testimony, but now as an instance of *s-testimony*.

Craig (1991) states that “human beings treat each other as subjects with a common purpose, rather than as objects from which services, in this case, true beliefs, can be extracted.” (p. 36). Lackey’s *statement view* of testimonial exchange aligns with a view of the nature of testimony distances itself from the epistemic status of internal states of speakers towards the epistemic status of the linguistic or communicative items extracted from statements or *acts of communication*. She is arguing that hearers learn from the words of

speakers and not necessarily from their states of believing or knowing. Words carry the content P.

However, at least in the case of statements, *speaker-intention* drives how those words are formulated to convey meaning to the hearer. There is not so much an extraction or sourcing from statements, words, or *acts of communication* (which we are hard-pressed to find unintentional examples). A speaker revealing their intentions for meaning, is less about extraction and more about informing and confirming that allows the hearer to source belief with more accuracy to the intended meaning.

Regarding *acts of communication*: Do people nod and gesture to themselves in ways that unintentionally conveys information to others count as testimony? Would my body language or facial expressions with no audience in mind or in view, provide testimony? Seems rather odd that if the concept of *h-testimony* is troublesome for statements, I am not sure how other *acts of communication* fare any better.

A speaker is a rational source that provides clarification for what they mean, and perhaps reasons on why it should be believed. A speaker is not an object that just embodies evidence or information for the hearer to derive their own meaning, and not in the least as an instance of testimony.

ii. Meaning Moderation

Here, we shall consider who should moderate what is meant by an *act of communication* when it is unclear perhaps to all parties involved, be it speaker, hearer or multiple hearers. We will also consider examples where an instance of testimony can be considered both a *non-informational expression of thought (NIETs)* and an *act of communication* with *communicable content* depending on who is on the receiving end of the NIET/*act of communication*. What I will show is that an act of testimony, as one occurrence, cannot be labelled both ways.

Recall the explanation for *non-informational expressions of thought (NIETs)* in LOUD PARTY where when two people experiencing the same loud party and one states the obvious proposition that the party is loud, the other would not take that statement as source of belief regarding the loudness of the party since their source of belief comes from their perceptual experience of the party, not the statement. The speaker in this case, has given a *non-informational expression of thought (NIET)* according to Lackey. But it seems to be that this is still informational in some plausible way when, for example, someone was lip reading the speaker's lips but was not aware of the context of the loud party because they were deaf

and not experiencing the loudness of the party themselves. They could still see this as an *act of communication* containing *communicable content*. They clearly can source the information either as *s-testimony* if we view this as a case of *speaker-intention* (although as a NIET we might not see this as an intention to convey information as Lackey conceives it) or *h-testimony* since if the expression was just to express a general sentiment without intention to inform, but still conveys information to be sourced by the deaf lip reader. Recall that in *h-testimony*, even though the speaker is making an *act of communication* holding *communicable content*, he is not intending to convey it as information for others, since that would imply that the *communicable content*, P, should transfer from speaker to a prospective hearer. My guess is that the deaf lip reader would view this through the lens of *speaker-intention*, because they see that speaker expresses the statement, A, *It is so loud at this party!* towards another hearer. Here we have another case of *s-testimony*.

Another issue with LOUD PARTY is what may seem to be a NIET or a casual remark initially may carry more information even if it is not fully intended by the speaker to convey information, but possible they are thinking out loud, pondering, or unconsciously testifying other content or information. Even though LOUD PARTY demonstrates the utterance of P, *the party is loud!*, may carry no additional epistemic value for a hearer, since they are already experiencing the loudness that is expressed by the speaker's statement first hand, it could highlight situations where the hearer seeks to know if more is meant, or if there is an underlying meaning when the speaker states P that is not directly encoded in the statement.

Lackey seems to recognize situations where there is an ambiguity of meaning. She states, "A speaker can surely reasonably intend to convey the information that P through offering an epistemically inadequate act of communication and, accordingly, a hearer can undoubtedly reasonably take an epistemically unacceptable act of communication as conveying the information that P." (p. 36).

Ambiguous examples of meaning like this might serve the concept of *h-testimony* if indeed there is an underlying meaning that the speaker is uncomfortable and wants to leave the party whether the speaker initially intends to mean this or not. However, the hearer is still relying on an inference based on clues from body language and expression where the speaker relays them unintentionally. But it would be odd for a hearer to not seek further confirmation to this "act of communication conveying communicable content". Most certainly, information is conveyed, and a hearer can have adequate inferential insights, but further query will be required by the hearer. To answer the hearer's query, a speaker would intentionally give

confirmation or disconfirmation through a statement or through the *act of communication* of leaving or staying. Once again, we have confirmation but in the form of *s-testimony*.

Instances of ambiguity between what a speaker means and what a hearer infers, suggests to me that we have a neutral exchange happening between speaker and hearer for the time being, but an intentional clarification can take place through further communication that moves beyond the initial instance whether the utterance was an *act of communication* with *communicable content*, or just a NIET. My intuition here is that the longer a neutral or ambiguous interaction persists as a potential case of testimony, the more likely it will tip towards an instance of *s-testimony* since clarification ultimately requires the speaker to become aware of what they mean to convey (beyond a verbal expression of “unframed thoughts”), and the need to clarify what they mean or engage in *meaning moderation* for the hearer.

Speaker-intention is inherently embedded in *meaning moderation* as is shown by cases like LOUD PARTY because exchanges between speakers, hearers, and onlookers (like the deaf lip reader) require a speaker to clarify what they mean, when they do, it counts as testimony. Hearers as onlooking observers, or inferers of underlying meaning may acquire evidence or information to derive their own meanings, but this is not testimony until a speaker through testimony rationally corroborates what is previously acquired by the hearer through observation and inference.

iii. Multiple Hearer Perspectives

There is one more problem I want to explore that follows from the last section: the idea that when a speaker commits an *act of communication*, it seems that without *speaker-intention* as a key element moderating what counts as testimony, multiple hearer's can (reasonably) generate multiple propositions from a single instance of “testimony/*h-testimony*”, in a way that aligns with their inferences and needs. The I LOVE EXTRA WORK case demonstrates the problem:

Bob, alone in his office, states, “I love extra work” as a positive affirmation that helps himself deal with negative feelings about work. In this instance, Bob is suddenly assigned a large caseload at the end of his work day. Bob is disappointed and does not like extra work, but intentionally states *I love extra work*, to himself with a measured unassuming tone to help reframe his mindset. Although he does not like extra work, he is ready to take on the word load with a positive disposition (yet negative belief) towards the extra work anyways. Although Bob's utterance, *I love extra work* is an

expression just for himself, it is overheard by Sam who is eavesdropping in the office next to Bob. Sam misinfers Bob's utterance as the literal meaning that indeed Bob loves extra work not only because it reasonably sounds that way to Sam but also because he heard from another colleague that Bob was a really positive person.

In this case, does Sam's inference that Bob, P, *loves extra work* as a case of *h-testimony* supersede what Bob actually believes, though he wants to affirm a more positive mindset for himself? Sam is reasonably taking Bob's expression, A as stating P, when really Bob means \sim P.

Let's further complicate this case by adding an additional hearer, Brenda, who also happens to be eavesdropping in the office on the other side of Bob's office.

Brenda has more of a relationship with Bob and has an intimate knowledge of Bob's struggles at work and his general mood. She is not only a long-time colleague of Bob's, but they are also very good friends outside of the office. Brenda "knows" Bob well. She knows that Bob struggles emotionally with many aspects of his job, and has been taking courses on the internet about how to reframe situations at work, to be more positive. Such is the example of the statement that sounds like a positive affirmation to Brenda when Bob utters *I love extra work* to himself out loud.

In this instance of testimony, Sam is taking Bob as conveying information that Bob, P, *loves extra work*, whereas Brenda is taking him as conveying information \sim P but Q, *is applying a method to deal with it positively*.

It seems that we have a case where *multiple hearer perspectives* are reasonably generating or taking the meaning that P, where one is Sam's way of "knowing" what Bob means or believes and one where Brenda's "knowledge" is more approximate or in line with what Bob means or believes but is more of an observation. Both seem to reasonably *source belief* but are not directly *informed* by Bob.

Of course if all three went for drinks after work at the pub at the end of the day and discussed how their day went, it seems plausible that if the Bob were to divulge that he indeed was not happy with the extra work he just received, he could intentionally *inform* Sam that she has the wrong impression of him, that he in fact does *not love extra work*, whilst intentionally *confirming* with Brenda that yes he is *applying a method to deal with it positively* but that this particular method is one of proposition R, *reframing his mindset*, a specific method that Brenda was unaware of until Bob intentionally informed her. Now both Sam and Brenda know what Bob means by A, *I love extra work*.

The I LOVE EXTRA WORK case shows that the underlying meaning is also somewhat elusive to Brenda whose inductive inference of generally knowing and having a personal connection to Bob and Bob's context was not reliable enough to reasonably take belief purely from the statement alone (as she only had a general sense, a limitation of her seemingly well-informed inference). More clearly, even though inference was helpful, it did not serve well enough to know *specifically* about Bob's *reframing his mindset* method.

The consequence of these three problems is that for an *act of communication* to have *communicable content* that is reliable enough to be taken as a *source of belief*, there needs to be some degree of intention from the speaker that is meant to inform or confirm what is meant in an *act of communication* to count as an instance of testimony. For the *s-testimony* disjunct proposed by Lackey, the intention to inform is included. I think at minimum the *h-testimony* disjunct needs the speaker's confirmation. But by adding the intention to confirm, an "instance of *h-testimony*" loses its original purpose which is to create a role for the hearer in the nature of testimony that is not contingent on *speaker-intention*.

4. Misinterpreting the Speaker's Intentions

One can argue that even if the speaker intends to inform others, they still might not get their meaning across, that just as *h-testimony* sources what the speaker means incorrectly, *s-testimony* can suffer the same fate. There are cases of *s-testimony* where written texts that are written to inform others lead to a misinterpretation of meaning by a hearer that cannot be reinforced by a speaker's original intention. There is one main issue with this objection.

In a case of testimony, the speaker does not intend for others to misinterpret⁷ what they mean. They want the reader to clearly understand what they are conveying. This is important, because the speaker wants to inform them with the information they are conveying. If it was a random piece of writing meant for no one, say a private diary, then what is written may mean something, or it may just be reflective ramblings of meaningless thoughts. It could be a NIET for the writer (speaker), since they have access to what they themselves know, and what they themselves mean. It could also have *communicable content* for a nosy reader (hearer) who may source belief. But since the author's original intention of meaning for others is not present, what may be incorrectly sourced as belief in the case of

⁷ Although they may intend to lie or deceive others through false testimony. They would not want their lie to be interpreted as the truth. The speaker wants their testimony to mean what they intend it to mean.

s-testimony would be noticed by the original speaker if they were somehow made aware of the misinterpretation, and invoke a reactive attitude to clarify meaning whereas if it were a case of *h-testimony*, a speaker likely would have no reactive attitude or in the cases of private expressions of thought, have a visceral reaction that their privacy was invaded. “*Not only did I not want you to have access to my thoughts but you do not know what I mean, and I do not mean for you to know.*” When a speaker testifies, they intend for others to know what they mean, or intend for them to know what they know (unless deceiving them to believe the opposite of what they know.)

5. Conclusion

What we learn from Lackey’s *h-testimony* is that “hearers” can treat the speaker as objective conveyors of information that can serve the hearer’s epistemic needs but via a hearer’s inferences, interpretations, etc. Even if a hearer reasonably takes the ‘information’ they acquire as a source of belief, it seems to derive from evidence as they perceive it and not necessarily as information from *communicable content*. What appears to be or what could be *communicable content* can certainly be reasonably taken as such by the hearer, but by lacking the rational confirmation or information from the original meaning-maker, the speaker, an utterance means whatever the hearer believes it to mean. The speaker might not mean anything, or might mean something more precise. And it seems that the speaker is in the driver’s seat, so to speak, to get that meaning across in a way that preserves the original intended meaning.

Additionally, the idea that an *act of communication* can somehow convey this information without the intentions of the speaker present to confirm meaning, is highly implausible unless you want to accept gestures conveyed to oneself. I cannot imagine spying on a person who points, winks, waves, or nods to themselves information I might source as belief. And so at minimum the concept of *h-testimony* must come from words unintended for others. But as I have shown, even if a speaker’s statements or words (unintended for others) might provide evidence, or “information” as the hearer seems fit, comprehends them, or even learns something from them, the act of testifying, or an instance of testimony has to be given intentionally. It only counts as testimony when the speaker has a role in preserving what they mean in an utterance or an *act of communication*.

To summarise, the absence of *speaker-intention* reveals *h-testimony* to be an ill-conceived notion of testimony since it leaves interpretation of meaning in the hands of the

individual hearer as they have sourced or evidenced it, as opposed to just being told or informed by the speaker: the knower who intends for the hearer to know what they mean for them to know.



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