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Tesitmony as Significance Negotiation

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Graduate Program in Philosophy

A thesis submitted in partial fulfillment of the requirements for the degree in Doctor of Philosophy

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Abstract

This dissertation addresses the following questions: How should epistemologists conceptualize testimony? What do people use testimony to do? And why does “what people do” with testimony matter epistemically? In response to these questions I both define and characterize testimony.

While doing so I argue for the following answers, given here very briefly: What do people do when they testify? They tell each other things and avow that those things are true, offering their statements to others as reasons to believe. More importantly, they interact with each other in order to negotiate about significance. Why do these activities matter epistemically? Because by engaging in them people generate understanding, as well as knowledge that no one involved may have had prior to negotiation. Not only that, but they generate collective hermeneutic resources—conceptual tools with which to interpret and understand. In so doing, they not only learn, they create significance and (re)construct social worlds, living together as epistemic, moral, and political agents. So, how should epistemologists conceptualize testimony? They should treat it as a particular speech act that most often occurs as part of a testimonial exchange—an interactive, interpretive, dialogical activity that people use in order to negotiate about significance and generate understanding.

This characterization of testimony is an important contribution because it: reveals some of the distinctively social aspects of testimonial knowledge and understanding, suggests better answers to epistemic questions about testimony than those based on typical characterizations in the literature, leads discussion on the topic in a number of new directions, and lays a foundation for an ethics of testimony that cannot be separated from epistemic concerns. Neither can those concerns be separated from social, moral, and political considerations. The position thus pushes epistemologists to investigate the intertwining of epistemic, moral, and political agency.

Keywords

Testimony, significance, negotiation, speech acts, telling, social epistemology, feminist epistemology, epistemic agency, social construction, transmission versus generation, reductionism versus anti-reductionism, Gadamer.

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Table of Contents

Abstract	i
Acknowledgments	ii
Table of Contents	iv
List of Tables	vii
Introduction	1
Part One: Defining Testimony	9
Chapter 1	10
1 Telling	10
1.1 Speech Acts	12
1.2 Telling Requires Both Tellers and Recipients	14
1.2.1 Tellers/Attesters are Required	14
1.2.2 Recipients are Required (telling requires address)	15
1.2.3 Recipients are Required (address must be received)	16
1.3 Telling Does Not Require Recipient Understanding	19
1.4 Accidental Telling is Possible	20
1.5 Telling vs. Revealing	24
1.6 Telling vs. Informing	25
1.7 Telling vs. Showing	28
1.8 Telling Without Using Language	29
1.9 Summary:	35
Chapter 2	37
2 Testimonial Telling	37
2.1 Defining Testimony: TAVNT	37
2.2 Formal vs. Natural Testimony	38
2.3 The Tell Condition	39
2.4 The Avowal Condition	40
2.5 TAVNT vs. Richard Moran’s Assurance View	42
2.5.1 Trust and Objects of Belief: Person or Proposition?	43
2.5.2 The Reason to Believe Condition: Testimony as Reason or Guarantee?	44
2.5.3 Clarifying the Reason to Believe Condition	47
2.5.4 Testimony Involves Explicit Avowal, Not Implicit Assurance	47
2.6 The Avowal Received Condition	52
2.7 TAVNT vs. Jennifer Lackey’s DVNT	56
2.7.1 Lackey’s Proposal: DVNT	58
2.7.2 Narrow Views of Testimony Do Not Succeed	59
2.7.3 Objecting to H and S-testimony: Speech Acts Matter—Testimony and the Domain of Testimony are Not Equivalent	60
2.7.4 Learning from Meaning, Not Learning from Words: Pragmatics Matter Epistemically	65
2.7.5 Characterizing Broad Accounts of Testimony	68
2.7.6 DVNT Does Not Define Testimony as the Product of a Specific Speech Act	69
2.7.7 DVNT Inadvertently References Speech Acts, But Not Testifying	70
2.7.8 DVNT Divorces Testimony from Testifying	72

2.7.9	Testifying and The Domain of Testimony Are Not Identical.....	75
2.7.10	Broad Views of Testimony Do Not Succeed.....	77
2.7.11	Summarizing Objections to DVNT via Discussion of BVNT.....	79
2.7.12	Moderate Views of Testimony Do Not Succeed.....	80
2.8	Conclusion.....	86
Part Two:	Characterizing Testimony.....	88
Chapter 3	.....	89
3	Significance.....	89
3.1	Aspects of Significance and Perceivers:.....	90
3.2	Objectivity, Subjectivity, Intersubjectivity:.....	91
3.3	Creating Significance:.....	96
3.4	Evaluating Significance:.....	103
3.4.1	Facts, Meaning-making and Epistemic Evaluations.....	103
3.4.2	Entangled Evaluations.....	111
3.4.3	Moral and Pragmatic Evaluation:.....	113
3.4.4	Significance is Necessarily Negotiable.....	117
3.5	Conclusion.....	118
Chapter 4	.....	121
4	Negotiation.....	121
4.1	Defining Negotiation.....	121
4.2	Negotiation versus Argument, Deliberation, and Persuasion.....	123
4.3	Agreement To, That, and With.....	127
4.4	Micro- and Macro-Level Negotiation.....	136
4.5	Conclusion.....	145
Chapter 5	.....	147
5	Significance Negotiation.....	147
5.1	Monoactive, Decontextualized Characterizations of Testimony.....	148
5.2	A Contextual, Interactive Characterization of Testifying.....	158
5.2.1	Testimony Situated.....	158
5.2.2	Testimonial Interactions. Uniting Significance and Negotiation.....	160
5.2.3	Significance Negotiation in Practice.....	163
5.2.4	Concession during Significance Negotiation.....	169
5.2.5	Negotiating Significance with and in-Relation-to Others.....	173
5.2.6	Significance Negotiation as Interpretive.....	181
5.2.7	Significance Negotiation and Understanding.....	182
5.3	Conclusion.....	185
Chapter 6	.....	187
6	Significance Negotiation and Hermeneutic Understanding.....	187
6.1	Gadamer's Hermeneutics.....	189
6.1.1	Horizons, Historically Effected Consciousness, and Conversation.....	189
6.1.2	Intersubjectivity, Lack of Interaction, and Speaking For.....	192
6.1.3	Understanding Through Fusion.....	197
6.1.4	Misunderstanding, and Understanding without Fusion.....	202
6.2	Understanding Together.....	213
6.3	Conclusion.....	219
Chapter 7	.....	221
7	Conclusion: Significance Negotiation and Epistemic Puzzles about Testimony.....	221
7.1.1	Transmission versus Generation.....	221

7.1.2	Reductionism versus Anti-Reductionism	228
7.1.3	Summary and Overall Contribution.....	231
References	.....	235
Curriculum Vitae	.....	251

List of Tables

Table 1. Differentiating Relevant Speech Acts.....	24
Table 2. Different Views of Natural Testimony	57
Table 3. Contrasting Definitions of the Domain of Testimony	76

Introduction

This dissertation addresses the following questions: How should epistemologists conceptualize testimony? What do people use testimony to do? And why does “what people do” with testimony matter epistemically? In response to these questions I both define and characterize testimony. These are two different activities. As I will use the term, when one defines something she makes a statement about what that thing *is*. She identifies what will, for a specific purpose, be taken as essential to or definitive of that thing. Definition lays out conceptual boundaries, which enables categorization. By contrast, when someone characterizes something she explains not what that thing is but what it is *like*. Characterization describes rather than identifies. It offers a richer, qualitative, descriptive picture of something. Characterizations may try to communicate what something feels like, how it behaves, the sorts of roles it plays in a larger environment, and so on. Most importantly, for my purposes, characterization describes the ways in which a thing often operates or functions.

Having asked how epistemologists should conceptualize testimony, what testimony is used to do, and why that matters, I argue for the following answers, given here very briefly: When people testify they tell each other things and avow that those things are true, offering their statements to others as reasons to believe. More importantly, they interact with each other in order to negotiate about significance. These activities matter epistemically because by engaging in them people generate understanding, as well as knowledge, that no one involved may have had prior to negotiation. Not only that, but they generate collective hermeneutic resources—conceptual tools with which to interpret and understand. In so doing, they not only learn, they create significance and (re)construct social worlds, living together as epistemic, moral, and political agents. Therefore, epistemologists ought to conceptualize testimony as a particular speech act that most often occurs as part of a testimonial exchange—an interactive, interpretive, dialogical activity that people use in order to negotiate about significance and generate understanding.

This conceptualization of testimony takes discussion on the topic in a new direction in several ways. First, it reveals some of the distinctively social aspects of testimonial knowledge and understanding. Second, it suggests better answers to epistemic questions about testimony than those based on the implicit characterizations currently assumed in the

literature. Third, it leads discussion on the topic in a number of new directions. And fourth, it lays a foundation for an ethics of testimony that cannot be separated from epistemic concerns. Neither can those concerns be separated from social, moral, and political considerations. The position thus pushes epistemologists to investigate the intertwining of epistemic, moral, and political agency.

The dissertation is separated into two parts. In part one, consisting of chapters one and two, I propose and argue for a definition of testimony. In doing so, I propose a way to identifying what testimony is. In part two, consisting of chapters three to seven, I characterize testimony. In other words, I give a description of what testimony is like that focuses on how it functions and how it is used by attesters and listeners. I then apply my characterization to well-recognized debates in the epistemic literature in the last chapter of this section.

Despite taking up two different dimensions of testimony – definition and characterization, respectively – parts one and two each make a significant and unique contribution to the overall goals of the project. An adequate conceptualization of testimony requires both a definition and a characterization of the phenomenon. That is, epistemologists will need some idea of what testimony is (a definition). But they will also need some idea of what it is like and of how it operates (a characterization). Not only are both parts of the project necessary in order to answer my overarching question (i.e. how should epistemologists conceptualize testimony?) but, as I will demonstrate shortly, definitions and characterizations influence each other.

Definitions of testimony are under-explored in the epistemic literature, but the importance of definition is at least recognized. The need to characterize testimony, that is, to give an account of what it is like and how it functions, has been almost completely ignored.¹ Nevertheless, an implicit and unfortunate characterization of testimony has already been smuggled into almost every epistemic discussion on the topic. That characterization is radically limiting. It positions testimony as a decontextualized, transmissive action that an active attester takes in relation to a passive recipient of testimony. I examine this characterization of testimony in detail in chapter five.

¹ I have yet to find the term “characterization” applied anywhere, in the sense in which I use it here, in the epistemic literature on testimony.

This implicit characterization makes its way into discussion for at least two reasons, the second of which points to a connection between parts one and two of this work. First, historically, testimony has taken a back seat, if a seat at all, at the epistemic table. It has been suspect in a theoretical landscape that takes knowledge to be the province of epistemically self-sufficient, individual, interchangeable knowers (Code 1991; Potter, 1993; Grasswick 2004; see also Coady, 1992). Unlike perception, introspection, and reason, which may produce knowledge, testimony has been thought merely (if at all) to pass it on. Putative knowledge gained from testimony has been and often still is considered suspect because the recipients do not or cannot verify, for themselves, that what they are told is true. Remnants of this individualistic picture of knowledge acquisition are found in contemporary discussions of testimony despite its status as a central topic of investigation in social epistemology. It is uncontroversial to claim that testimony is social in that more than one person is involved when one person gains knowledge from what another person says. But testimony is not yet understood, as I will argue that it should be, as a locus of reciprocal epistemic dependence between attesters and listeners.² Neither are the social level epistemic effects of testimony often examined. The historical position of testimony in the hierarchy of modes of knowledge acquisition has thus influenced current discussions of testimony by prompting epistemologists to treat attesters as the active parties in relation to individual listeners who are positioned solely as passive and derivative knowers. This is understandable, but nonetheless inaccurate.

Second, contemporary definitions of testimony indirectly imply the individualist characterization of the practice that I have just described. That characterization, again, was one in which testimony appears as a decontextualized, transmissive action that an active attester takes in relation to a passive recipient of testimony. How do contemporary definitions imply such a characterization? First, most definitions depict a speaker making a statement of some sort to a hearer who is not depicted as responding externally in any way either to the statement or the speaker. In other words, most definitions represent testifying as an action that an attester takes in relation to a passive potential recipient of testimony. Here one person, an individual knower, acts on another person to (potentially) create another individual

² I know of no one who argues, as I do, that testifiers can learn by testifying or by engaging in a testimonial exchange. Similarly, very few epistemologists of testimony attend to the influence of listeners on an attester's testimony. See chapter six for discussion of these topics.

knower. Attesters and listeners do not act together or gain knowledge together. Only two of the definitions I discuss here, my own and Jennifer Lackey's (2008), treat recipients as agents. Lackey's definition, however, severs testimony into two types—Speaker and Hearer Testimony respectively. Her position ensures that speakers and hearers need not engage with one another. Therefore, despite its attention to recipients as agents, Lackey's definition best exemplifies the covert entry, into discussions in epistemology, of an individualistic characterization of testimony via a definition of testimony. Given this discussion of a link between issues of definition and characterization, part one of the dissertation serves not only to offer the necessary definitional part of my conceptualization of testimony, but to set the stage for the characterization that follows in part two.³

Allow me to explain again. In order to say anything about what testimony is like or how it operates—to characterize it—one must have some idea of what testimony is. But claims about what testimony is often arise from and imply characterizations of testimony. In the claim, “testimony occurs when person A tells x to person B,” there is a picture of how testimony operates that is bolstered by individualistic historical characterizations of knowers themselves. This indicates that definitions and characterizations of testimony are involved with each other, and both are needed if one is to answer epistemic questions about testimony. The two parts of the dissertation thus work together to offer a more complete picture than we usually see because, taken together, they provide both the definition and the characterization that are needed in order to conceptualize testimony. Though parts one and two make sense independently of one another, each would be incomplete without each other because definition and characterization are two aspects of conceptualization. In addition, part one serves to set up and motivate part two by demonstrating the current state of discussion—a state where attention is given only to definition, where characterization is ignored, and where an individualistic characterization of testimony nonetheless remains implicitly in play in a way that limits our understanding of how people learn from testimony.

One might want to claim that definition is the core issue. That would only be true if:
 a) definitions were the only things that were influential in the current discussion (i.e. if characterizations were not implicitly influencing claims about how people learn from

³ Despite this stage-setting and the fact that both are necessary parts of my overall project of conceptualizing testimony my characterization of testimony does not depend on my definition. The characterization can be used in combination with other possible definitions of testimony, though definitions that do not allow for relationships between attesters and listeners will be untenable in combination with my characterization.

testimony); b) if definitions did not imply characterizations; c) if answers to epistemic questions about testimony could be answered without characterization, which is not the case as I will demonstrate in part two; and d) if definitions could suffice to illuminate what is essentially, a practical activity—that is, if, by defining testimony, one could show how it is epistemically effective in practice. None of these criteria are met. Current definitions of testimony imply a problematic characterization of testifying and a characterization is needed in order to understand testifying as an epistemically productive practice.

In light of all this, part one of the dissertation serves three functions. First, in it I offer my own definition of testimony in order to provide an important resource for answering the question “How should epistemologists conceptualize testimony?” Part two provides the second necessary resource for answering this same question. Second, part one introduces readers to the current state of discussion, in analytic epistemology, about how to understand what testimony is. Third, part one serves to motivate my own characterization in part two. It does so by providing support for my claims, given in detail in chapter five, about what is lacking and about what is problematic in current approaches to thinking about how we learn from testimony. That said, readers who are familiar with current discussions about how to define testimony, or who are more interested in characterization than in technical discussions of definition, may bypass part one without compromising their ability to understand part two.

Having given an account of the functions of the two parts of the dissertation, I now turn to a more detailed overview of the project. As noted above, chapters one and two deal with issues of definition. In order to prepare to give a definition of testimony, in chapter one I analyze the speech act of telling by contrasting it with the speech acts of informing, revealing and showing. In chapter two, I begin to answer my opening question (i.e. how should epistemologists conceptualize testimony?) by suggesting that epistemologists ought to treat testimony as a product of the speech act of testifying. Some theorists reject this claim so it is more controversial than it sounds (see Lackey 2008). Since there are many ways to describe testifying as a speech act, more needs to be said to flesh out this suggestion. In response I propose to define the speech act of testifying as a kind of “telling with explicit avowal.” In order to successfully complete the act, recipients of testimony must recognize that the attester is telling them something that she avows is true, and attesters must offer their testimony and their act of attestation as reasons to believe what they have said. Using work by Richard

Moran (2006) and Jennifer Lackey as foils, I argue for the “telling,” “avowal,” “avowal recognition,” and “reason to believe” conditions just described.

The result of this part of my investigation is not only a definition, but a set of arguments to the effect that: a) in order to be useful in epistemology, definitions of testimony ought to distinguish between testimony and other speech acts in order to reveal differences between these acts that may affect whether, or how, they enable people to learn, and that may expose speakers and listeners to different epistemic risks and benefits, and b) epistemologists should not define testimony in ways that collapse distinctions between the way people learn via testimony, via telling, via any use of language, and from other people non-linguistically. Again, from a different angle: What purpose might a concept of testimony or testifying serve in the epistemology of testimony? I suggest that the overall aim of enquiry in this field is to understand an epistemic practice or set of practices. If so, then epistemologists must ask which practice they want to understand. Presumably the practice of testifying, but perhaps also of telling more generally, or perhaps any practice that allows people to linguistically communicate information, or even any interpersonal practice that allows people to learn from one another. Even if one of these latter activities is the “target practice” under investigation, epistemologists will still need to differentiate testifying from telling and other speech acts given that, as I argue in chapter two, the differences between these acts are likely to be epistemically relevant. Whether or not epistemologists take up my definition of testimony, the arguments here draw attention to and contribute to a debate about how epistemologists ought to delimit the domain of testimony as an epistemic category.

Chapters three to six move away from issues of definition and toward issues of characterization. Recall that characterization differs from definition in so far as a definition identifies what something is, while a characterization explains what that thing is like and how it functions. Epistemologists of testimony typically hold that the purpose of testifying is to inform others (Lackey 2008, 30-31), or get someone to believe (Moran 2006, 299). I argue, instead, that by participating in testimonial exchanges people negotiate about significance. In doing so, they both change their social worlds and gain understanding. To do this I offer an analysis of significance in chapter three, and of negotiation in chapter four. In chapter five I combine the two concepts to explain what significance negotiation is, and to argue that it is a primary function of testifying that can generate understanding. Along the way I contrast this picture of testifying with typical characterizations of the practice that treat it as a

decontextualized, non-interactive event, as opposed to a situated, interactive exchange. In chapter six I draw on work by Hans Georg Gadamer, in *Truth and Method*, to investigate further the ways in which people gain understanding by negotiating with each other about significance.⁴

In brief, I describe significance negotiation as an interpersonal activity wherein participants use speech acts to attempt to reach agreement or resolve a dispute about the importance, relevance, meaning, and/or meaningfulness of some x . It is an interactive process of communal making-sense-of that involves interpretation, dialogue, and the potential for concession trading. More generally, significance negotiation is any activity wherein attesters and listeners offer, contest, and revise interpretations of the importance, proper understanding of, response to, or (non)existence of some x (where x may be a fact, situation, proposal, emotion, belief, decision, identity, etc.). It occurs, for example, during disagreements about whether a purported fact actually is a fact, as when people put forth conflicting interpretations of the same data set. It also occurs whenever people make assertions about what is important and why, about what one should care about, why, and how, or about what it means to be ‘who we are’. This is not an exhaustive list. Such negotiations have the potential to generate hermeneutic resources, and they may take place directly at the micro-social-level, or indirectly at the macro-social-level. In the latter case many smaller groups negotiate separately about the same topic in a responsive social environment and their negotiations may have unintended, cumulative impacts that alter social structures. I offer a number of actual rather than hypothetical examples of this activity, and of the understanding it generates, throughout chapters three to six.

I continue my discussion of Gadamer’s work to argue that conceiving of testimony as significance negotiation reveals epistemic agency for everyone involved in a testimonial exchange. On this picture, listeners are not passive recipients of information. Instead, they play a role in directing what is said, how it is said, whether and how what is said is taken up, and they are often also attesters. Without their participation the same kinds of things could not be learned. Because it describes a process during which testimonial interlocutors generate knowledge together in ways that no one participant could accomplish alone, the

⁴ Gadamer, Hans Georg. 1989. *Truth and Method*. 2nd revised edition. trans. by Joel Weinsheimer and Donald G. Marshall, London, New York: Continuum. First published in German in 1960. First published in English in 1975.

characterization demonstrates that attesters are not the sole originators of the understanding and knowledge gained during testimonial exchanges. This is a significant finding. It tells in favour of what is known as the Generationist position in a debate between those who argue that testimony merely transmits knowledge and those who argue that testimony is a generative epistemic source. In addition, my characterization reveals some of the ways in which testimonial knowledge is necessarily social. I describe these findings in the Conclusion and, in addition, apply the characterization to a third major debate—that between Reductionists and Anti-Reductionists. Without going in to detail here, I will suggest that there are novel reasons to think that both positions are correct with respect to various aspects of that overall debate.

Not only does my characterization of testimony as significance negotiation provide insight into a number of important questions in the epistemology of testimony, it broadens discussion in this field by calling for attention to under-theorized aspects of the ways in which we *learn* from others. We do not learn only by gaining knowledge. We learn when we come to understand. I therefore suggest that it would be worthwhile for epistemologists of testimony to investigate understanding, along with significance, relevance, meaningfulness, interpretation, various modes of testimonial interaction, address (as when a speaker addresses her testimony to others), and the active role of listeners during testimonial exchanges.

Finally, epistemic agents are also moral and political agents engaged in conflict about how things will be understood, where beliefs about significance change social worlds. Similarly, moral and political decisions about whom one produces knowledge with likely affect what one knows and can understand. Therefore, the characterization suggests directions for future research into connections between communicating well, knowing well, and living together well, and can act as a foundation for an ethics of testimony.

In sum, I both define and characterize testimony. Both are useful in epistemology. The characterization connects to broader topics in communicative ethics, where it positions testifying as interactive, dialogic, affective, and involved in the construction of personal and social identity and shared social worlds. Testifying thus emerges as a profoundly ethical and political, as well as epistemic activity.

Part One: Defining Testimony

Chapter 1

1 Telling

Research in the epistemology of testimony has thrived since C.A.J. Coady's landmark study of the topic in 1992. Yet there is little discussion or agreement in the literature about what testimony is. As Jennifer Lackey writes,

it is seldom recognized that there is substantive disagreement about what testimony even is, with theories being offered about what conditions need to be met for a person to testify that scarcely resemble one another. Even more importantly, when attempts are made at answering these questions, the epistemological consequences of competing views on the nature of testimony are ignored. (2008, 13)

In order to understand how people gain knowledge from testimony, or to investigate the epistemically interesting aspects of the activity of testifying, one must have some understanding of the phenomena themselves. The purpose of discussion in the first two chapters of this dissertation is to offer a resource that may help to enable a shared understanding of testimony to emerge in the field, whether by providing insight into the nature of testimonial acts, by discussion of the limitations and strengths of existing definitions, or by acting as fodder for further discussion. Part of this offering, especially in chapter two, centers on the neglected question of *how* to arrive at a useful definition or conceptualization of testimony, or of the domain of testimony.

I propose to begin by accepting three basic premises. First, testimony is always the product of the speech act of testifying. I mean to indicate that testimony is produced by testifying (and not some other sort of action), that testifying is something that an agent does (intentionally, as a goal directed activity), and that the action in question is a speech act (it takes place in part via language). This premise may seem uncontroversial, but in chapter two I will review and argue against an account of testimony, given by Jennifer Lackey, that purposely declines to make use of it. Second, to give statements under oath in a court of law is to testify, and any statement thereby produced is not only putative but

actual testimony.¹ Third, acts of testifying are most often instantiations of socially regulated testimonial practices.²

In this chapter, I analyze telling in order to be able to analyze testifying in chapter two. But what kind of telling? The activities we call “telling” bear family resemblances to each other, and I am interested in some forms and not others. The sort of telling that I aim to describe (the particular language game or speech act I investigate) is not the sort identified when we say that someone tells a story or a good yarn, which we might call *fictional telling*. Instead, I will attend to what I will call *assertoric telling*, since I take testimonial telling (testifying) to be type of assertoric telling. Unsurprisingly, assertoric telling involves assertion.³ It occurs when we tell others the news, when we tell the truth, a lie, a secret or a fortune, and it describes what someone does when they say “I’m telling you.” As Robert Audi points out, this telling is propositional rather than imperatival, *telling that* as opposed to *telling to* (Audi 2006, 25). This is the same sort of telling epistemologists of testimony usually investigate.

It is reasonable to describe fictional and assertoric forms of telling as different kinds of speech acts since, a) relevant norms generally ask assertoric tellers to tell the truth while fictional tellers need not do so, b) assertoric and fictional telling likely have different characteristic functions (perhaps to pass on information or to entertain), and c)

¹ If a concept or definition does not allow the direct products of the activity of legally testifying to count as testimony, then I will reject it.

² Some amount of evidence for this third premise will be provided below. Note that this is not to take a stance on whether or not most speech acts are conventional, or to say that they must be conventional. Rather they may be communicative as Kent Bach and Robert Harnish argue in *Linguistic Communication and Speech Acts*, (Cambridge, Mass.: MIT Press, 1979). See also “How performatives really work: A reply to Searle.” In *Linguistics and Philosophy* 15, no.1 (1992): 93-110. More argument would be needed, which I do not here provide, to establish either claim.

³ John Macfarlane reviews four types of accounts of assertion, based on expression of belief, action defined by constitutive rules, the purported addition to common knowledge, and the undertaking of commitment. What I say here should not commit me to any particular type of account of what assertion is. I need only demonstrate that assertion is present. To call assertion “a proposition made with a particular illocutionary force and truth-evaluable content,” however, should be uncontroversial and allowable on any of these four sorts of account. See McFarlane, John. “What is Assertion?” In *Assertion: New Philosophical Essays*, eds. Jessica Brown and Herman Cappelen, 79-96. Oxford, New York: Oxford University Press, 2011.

we do different things when we engage in assertoric and fictional telling (the former does and the latter does not involve assertion).⁴

Similarly, I am not interested in what we call “telling the time” (reading a clock), “telling apart” (distinguishing), “telling off” (berating), or in what we mean when we say “I could tell,” that “time will tell,” or that a feature of the world is “telling” (revealing). If assertion is not involved in an instance of telling, or if the telling in question is not propositional, then it is not a member of the set of tellings that I aim to investigate. In what follows please note that I will use “telling” (and “tell”) as shorthand for “assertoric telling” (and “tell with assertion”).

The chapter proceeds as follows: In section 1.1, I specify how “speech act” is to be used throughout the dissertation. In section 1.2, I distinguish telling from assertion, and argue that telling necessarily involves both tellers and recipients. In particular I insist that, in order for telling to occur, a would-be teller must direct an assertion to a recipient who successfully receive it, which she does by recognizing that the teller made an assertion and directed it to her. I then argue, in section 1.3, that it is possible to tell accidentally and, in section 1.4, that recipients need not understand what they are told in order for telling to occur. sections 1.5 – 1.7 differentiate telling from revealing, informing and showing respectively. And finally, in section 1.8, I argue that we may tell without using language (at least as I will define it).

1.1 Speech Acts

For the purposes of this investigation I will stipulate that a speech act occurs when, within the parameters of any semiotic system, a person generates some unit of communication with propositional content and articulates it with a given illocutionary force, whether via spoken or written language or not. That is, one performs a speech act whenever she uses elements of a symbol system in ways that could allow her to communicate about something, and when *in so doing* she engages in a particular communicative activity. She might, for example, use language to assert, order, request, demand, inquire, offer, thank, compliment, entreat, etc. Further, to do this she must

⁴ My thanks to Rob Stainton for drawing this to my attention.

complete a rhetic act (i.e. knowingly produce a sentence and mean something by it).⁵ To use such a definition is to treat speech acts as illocutionary acts, as is now common practice.⁶ Note that in using the term “language” I intend to refer to any kind of symbol system capable of encoding meaning. Language, then, will here include spoken and written words, gestures, glyphs, semaphore, indeed signs of any kind that are systematically related or that can be used in concert to communicate.

Though I have followed common practice in defining speech acts as illocutionary acts, traditionally speech acts involve three elements: locution, illocution and perlocution. A locutionary act is the act of saying something, i.e. the physical movement of the body to produce words with semantic content and grammatical structure.⁷ An illocution is what is done in performing a given speech act, while what is directly accomplished by the act is a perlocution. That is, the illocution is constitutive of the speech act itself, where a perlocution is a product of that act. Again, the illocution is what you do when you perform a speech act and the perlocution is what characteristically results from performing the speech act. An example will help. Imagine that someone exclaims “The butler did it!” Here the locution is the utterance of a meaningful, grammatically structured sentence with a particular sense and reference. The illocution is the act of accusation, and the perlocutions include perhaps that the butler comes under suspicion. Accusation is an illocution rather than a perlocution because it is not a result accomplished by the utterance. Instead, the speaker’s utterance *is* the accusation

⁵ See “The Three Components of a Locutionary Act” in François Récanati’s *Meaning and Force*, (Cambridge University Press, 1987) for a helpful explanation of phonetic, phatic, and rhetic acts.

⁶ A fuller explanation of illocutionary acts appears below when I contrast telling and showing. Note that I take no stance here about whether speaker intention is necessarily required to constitute something as a speech act. For example, a person learning Japanese may intend to make a statement but instead generate an utterance with the form of a question though he does not intend to query anyone. We might say that he did not ask a question, since the intention to question was lacking, or we might say that he did ask a question but did not mean to do so, since he intentionally produced an utterance with the grammatical form of a question. In either case the speaker must intend to offer a meaningful utterance, but in former case a specific intention is, and in the latter case is not, required. I make no general claim about the role of specific speaker intentions in constituting an utterance as a speech act. I do think, however, that speaker intention is a requisite element of the specific speech act of testifying. In particular, I will argue that testifying requires avowal and that a speaker cannot avow, that is give her word, unintentionally.

⁷ I.e. locutions are “vocables with a certain more-or-less definite sense and reference” (Austin 1962, 95). I refer to words here but another suitable term could be used instead, in response to questions about what the basic unit of meaning is. (These are questions that I leave aside for the purposes of this investigation.)

(assuming that it is done felicitously). The perlocutions are a consequence of the locution and its illocutionary force in a particular context – they are things that the speaker accomplishes by accusing, whereas accusing is the direct act the speaker engages in when uttering.

One can recognize an illocutionary act by checking to see whether one could accomplish it by saying that one is doing so. In other words, if you can *say* what you are doing and *thereby* do it then the act is illocutionary. Accusation is an illocutionary act because if I sincerely say “I accuse you” then I have accused you. Perlocutions cannot be accomplished simply in the saying. I cannot attempt to escape rapidly simply by saying “I am fleeing.”

1.2 Telling Requires Both Tellers and Recipients

I will now argue that, as we engage in it and as we understand the term, telling necessarily involves both attesters and actual, rather than simply intended, recipients. Since it is a kind of telling, the same is true of testimony.

1.2.1 Tellers/Attesters are Required

In order to be told, one must be told by someone else. If no one tells, nothing has been told and telling does not occur. The same is true of testifying. I have taken as basic the claim that testimony is always the product of a speech act of testifying. Acts are performed by agents⁸. If to testify is to perform a speech act, then in order for testifying to occur there must be some agent (the attester) who testifies that something is the case. If this were not so, there would be no difference between testimonial and any other sort of evidence. Notice, however, that in the paradigmatic legal context testimonial evidence is distinctive. Recipients are asked to consider, not an artifact, but the words of an attester offered specifically to them.⁹ Testimonial evidence is, distinctively and as C. A. J. Coady

⁸ Whether individual or corporate. This raises the possibility of group testimony.

⁹ Notice that in legal settings, testimony differs from linguistic documentary evidence created by an agent who is not a witness. Copies of e-mails, phone bills, diaries, overheard remarks and the like are examples of linguistic yet non-testimonial evidence. These sorts of evidence are not counted as testimony even when the person who produced them was using them to tell something to someone else because the teller did not intend to tell that content to those involved in the legal proceeding. This strongly suggests that not all telling is testimony.

points out, “‘say-so’ evidence” (1992, 27). In that case testifying necessarily involves the activity of an attester.

1.2.2 Recipients are Required (telling requires address)

What of recipients? I have suggested that to tell, in the sense that interests me, is to assert that something is the case. But not all assertions are told. Only when they are made in a particular way do assertions or statements become part of an act of telling.¹⁰ A person can make an assertion or statement without communicating anything.¹¹ Similarly, one may assert or state without intending that anyone else receive and understand that linguistic act. In both cases the act remains one of saying or asserting. By contrast, in order to *tell*, one must *direct* one’s assertion *to* someone else.

Imagine a person basking in the sun on a solitary walk to work. She vocally expresses her delight by saying out loud, to no one at all and with no intention to communicate since she is alone, that “it is a glorious day.” She has both said and asserted something and thereby expressed it, but she has neither communicated to or with anyone, nor told anyone anything. If, however, she says or asserts that “it is a glorious day” to someone who hears her and recognizes that she is speaking to him then she has told someone something.¹² While alone the speaker above expressed by asserting. In company, the speaker, who successfully addressed her expression to a hearer, told. As John Turri, argues, “[t]he same linguistic act [can] be used to perform different speech acts, depending on the context” (2010, 82). In this case, the contextual presence or absence of a recipient for one’s assertion is one part of what changes the linguistic act from stating or asserting into telling.

Contact with someone who might be a recipient for one’s assertion is not enough to make that assertion part of an instance of telling however. Nor is telling achieved simply because one person encounters and understands another person’s assertion. In

¹⁰ So testifying is a speech act that depends on accomplishing another speech act (telling), but in a particular way.

¹¹ This is a commonly accepted point (see Davis 2003, for example).

¹² Communication, as I will argue below, is a separate issue. If the hearer recognizes her address but does not understand the message then the speaker has communicated her intention to communicate. If the hearer also understands the message then the speaker has also communicated some propositional content.

order for telling to occur, the would-be teller must address an intended recipient or addressee. If I am standing near someone who, unbeknownst to me, overhears what I am saying then I haven't told her anything, though I may have revealed something to her or become a source of confirmation, information or data for her. Instead, I must *direct my statement to her* in order to tell her (and to someone in order to tell at all).

1.2.3 Recipients are Required (address must be received)

Two success conditions are built into the definition of the speech act of telling. Intending to tell is not sufficient for telling, nor is directing one's statement to an intended recipient. First, if a person intends to tell but does not make an assertion, then she has *attempted* to tell but has not told, even if other people understand what she intends to do.¹³ Second, one must succeed in *delivering* one's assertion to its recipient in order for telling to occur. In other words, the intended recipient of an assertion must actually *receive* it. When a person recognizes both that an assertion has been made and that is directed to him, then he receives it and the teller has delivered her message. (Understanding is not required for delivery to occur, as I will later argue.)¹⁴ If this condition is not fulfilled then she did not tell the intended recipient anything.¹⁵ Instead, she *attempted* to tell him. For example, if I send an e-mail that languishes unopened in an inbox, then I haven't told my colleague about the upcoming "really important event" though I tried to do so by directing my writing to her. In Austinian terms, if the addressee of my putative speech act (the recipient) does not respond to my assertion by giving it appropriate uptake (I suggest by receiving it), then my potential speech act is infelicitous, and in particular it has misfired. That is, the putative speech act has failed and has not been performed.¹⁶

¹³ For elaboration on this point see Mitchell Green, "Speech Acts," Section 5.2 in *Stanford Encyclopedia of Philosophy*, (Summer 2015 Edition), ed. Edward N. Zalta, <http://plato.stanford.edu/archives/sum2015/entries/speech-acts/>.

¹⁴ That is, something that is successfully received may nevertheless be misunderstood. Think of it this way: in order to understand a verbal or written statement one must first hear or read it.

¹⁵ See Edward Hinchman, 2005, "Telling as Inviting To Trust," in *Philosophy and Phenomenological Research*, 70, no.3 for an argument to this effect and an illuminating Austinian discussion of how telling works in practice.

¹⁶ In particular, I suggest that it has failed to fulfill one of Austin's rules for the successful conducting of a performative, rule B.2. In this set of rules he requires that "an accepted conventional procedure" for enacting the performative in question must be "(B.1) ... executed by all participants both correctly and

In the above example one might be tempted to say that I did indeed tell my colleague about the event, perhaps because it might seem that I am not at fault for the failure of my attempt to tell.¹⁷ Yet culpability, whether present or absent, does not change the status of an attempted telling. It may be that, in the case above, my colleague is at fault for my failure to tell, since it was entirely reasonable of me to assume that she would read the e-mail and since she should have been more diligent in reading her messages. Or it may be that I had a responsibility to make sure the message was received and should have followed up with her. Or both. No matter who, if anyone, is at fault, telling did not occur.¹⁸ This point is important because it shows the power that recipients have in enabling telling and therefore testimony. In some cases it is benign to fail to notice that one is being addressed but in other situations failure to notice address may harm others. An intended recipient of testimony will sometimes be morally culpable in such cases. My purpose here, however, is not to examine culpability conditions related to failed attempts to tell or testify. Rather I aim to show that in order for telling to occur the intended recipient must actually receive one's statement (whether or not she understands it). If an intended recipient does not receive an assertion that I directed to her then I *tried* to, but did not actually, tell her.

If you are still tempted to say that telling has occurred in cases where a recipient did not receive an assertion directed to her, consider what you would say in similar situations. For example, people who live together often try talk to each other through closed doors or from other rooms. That can make it very hard to hear, not only the content of what the person says, but that the person has tried to say anything to you at all. On my account if the intended recipient does not hear the attempted through-the-door

(B.2) completely" (1962, 15). In this case, I suggest, the procedure has not been executed completely since the telling has not been received by an important participant, the recipient.

¹⁷ One might be tempted to say "I told you" in order to avoid a charge that one is at fault, but it would be more accurate and no less damning to say "I tried to tell you and you should have known."

¹⁸ My argument here is both conceptual and ameliorative – it coheres with what we usually think about telling, and it allows us to pin-point when communication has and has not occurred. In practice it may be fine to say that "I told you" in situations like this, as long as everyone understands what one means. But greater precision is needed for our analytical purpose. The analysis is also partially descriptive, since it aligns with many, though not all, of our ways of speaking when say that we have or have, have not, or have attempted to tell.

telling, or hears it but does not recognize that he is being addressed, then telling has not occurred (though attempted telling has occurred).

If the would-be teller-through-the-door tries to say to his intended recipient “I told you this morning that I need the car this afternoon,” the intended recipient would be quite right to say that he had told him no such thing. In this case the recipient, we should say, is in the right. Yet, once again, our normative expectations about when and how people should tell or should listen and attend to attempted tellings should not change our evaluations of whether or not telling has occurred. Does this mean that such expectations are not important? Of course not. Does it mean that it must be reasonable for a would-be teller to assume that the intended recipient will receive the message if telling is to occur? No.¹⁹ Instead first, in order for telling to occur, the speaker must intend that a recipient recognize that she is being addressed with an assertion, even if it is unlikely that the address will be successful.²⁰ Second, whether or not telling occurs depends on whether or not the message was indeed received. Why? Because to tell is to communicate and if a recipient does not receive a message then communication does not occur. What kind of communication is required? Not, as I will argue below, communication of the content of a message but rather communication of an intention to communicate content and communication to the intended recipient to that they are the intended recipient. In other words, one must communicate that one intends to communicate in order to tell.

Recalling that testifying is a kind of telling, so far we should say that in order to tell, a would-be teller must intentionally direct an assertion to one or more particular recipients who recognize that an assertion has been made and that it is directed to them. Required elements of telling are therefore: a teller; a recipient; an assertion; a communicative intention (the speaker’s intention to direct the assertion to the recipient); and receipt of the assertion (the recipient’s recognition of the existence of the assertion and the speaker’s intention to direct it to her).

¹⁹ ‘Telling’, I suggest, is the best description for a situation in which a recipient, against all odds in some ridiculous situation, hears an assertion and recognizes that it was directed to her by a would-be-teller.

²⁰ It is likely, however, that in order to sincerely *try* to tell someone a would-be teller must believe that there is at least some small chance that the telling will succeed.

1.3 Telling Does Not Require Recipient Understanding

Would-be tellers almost always intend recipients to understand what they say when they tell. Note, however, that on my view in order to tell, a speaker does not have to intend to communicate any content to a recipient. Instead, a would-be teller simply has to a) intend to direct her statements toward a potential recipient, and b) intend that the addressee recognize that an assertion is being directed to her.²¹ Why say this? To allow that tellers may sometimes intend to confuse their addressees by engaging in conventional communicative practices that may partially constitute utterances as speech acts of certain kinds.

Imagine a person who wants others to believe that she told content x to person Y so that she will not be blamed for failing to tell. However, she simultaneously does not want to tell, for fear of person Y 's reaction. This person does not intend to communicate any content but nevertheless chooses to make use of a recognizable, conventional mode of linguistic interaction that will deliver an assertion to Y as her addressee. She presents the content of her assertion, however, in a way that she believes will make it likely that person Y will fail to understand her message. (Perhaps she makes her assertion in French, believing that person Y is a unilingual English speaker, while intending to lie and say that she thought person Y was bilingual if anyone questions her.) Imagine, however, that person Y receives her address and, despite the speaker's intention, understands the content of the assertion. If so, then the speaker did indeed tell x to person Y though she did not intend to communicate anything more than her intention to address an assertion to Y .²² The speaker told not simply because the addressee understood, but also because of the conventional nature of the speech act (its status as a socially recognizable and generally effective method of telling) and in particular because the teller *addressed* person Y with her assertion.

²¹ An addressee's recognition of a speaker's intention to get her to *believe* something is not necessary to make something into telling. I can recognize that someone is trying to *tell* me something (communicate a claim or assertion to me) and think they are doing it to anger or amuse me (which may be the speaker's actual motivation) and the act is still telling. An addressee's understanding of the content is also not required, as I will argue below.

²² In this case something is wrong with her speech act; it *is* infelicitous, but not because it misfired (i.e. did not occur). Instead, her act was what Austin might call an abuse since her attempt to tell was not sincere.

1.4 Accidental Telling is Possible

Nothing I have said so far implies that we cannot accidentally tell people things or that people cannot misunderstand what we tell them. Consider accidental telling. In these cases not only do people *not intend* to tell what they nevertheless do tell, they may also tell what they *intend not* to tell. (Here one does something that one means not to do, rather than simply doing something that was unplanned).²³

Consider the latter case, wherein a person says something that he meant not to say. In this case the speaker may at the same time intend to direct a statement to a listener and intend not to utter some particular content within that statement, yet accidentally utter it anyway.²⁴ If the recipient understands what she is told then the speaker inadvertently communicated content, by telling it, that he did not intend to reveal. If the recipient does not understand, then the speaker has inadvertently told and has been saved from his mistake by the recipient's lack of understanding. "How could you *tell* her?!" one might exclaim, in either situation and with perfect justification, to a confidant who inadvertently revealed a sworn secret in conversation. "I didn't mean to, it just slipped out!" is a much more reasonable response than "I didn't actually tell her because I didn't mean to say what I said," or "She didn't understand so I didn't tell her," or "I just said it, I didn't tell her"—partly because the latter three statements do not accurately describe what occurred.

As suggested above, it is also possible for a person to misunderstand, or simply not understand, what they are told (i.e. where they correctly recognize that someone directed a statement to them and thus receive that statement). Notice the difference between receiving a statement that is directed at you and understanding it. Imagine that you recognize that the following statements are directed to you: "143" and "AFK ATM

²³ In *Three Ways of Spilling Ink*, Austin distinguishes between things done intentionally, on purpose and deliberately. Along the way he suggests that things done by accident, unintentionally, not done intentionally, and done by mistake may differ. It seems that when one acts intentionally one might say "I knew what I was doing and meant to do it" (431). Austin maintains that intentional action differs from undertaking an act on purpose (i.e. for a reason or in order to achieve some end) or deliberately (i.e. after deliberation wherein one reasons about various options for acting and then decides whether or not to do something). He connects intentional action with having "my idea of what I'm doing" (438). If so, then things done *unintentionally* are things done that one did not mean to do, and perhaps that one did not know one was doing.

²⁴ Even though a speaker may mean to say something, he may not mean to say *that* particular something.

B/C OMG a hurricane!” (Citizen 2012). In the first case you might think that someone was telling you the number one hundred and forty-three for some reason. If so, you would be incorrect because, let’s say, the sender is using text-speak to say “I love you” (as “143” is apparently used, in homage to Mr. Rogers) (Hattikudur 2008). In the second case you might know that someone is telling you something but not have a clue that, again in text-speak, they mean “Away from keyboard at the moment because oh my god a hurricane.” In both cases telling occurred because the teller directed the statement to a person who recognized both that it was a statement and that it was directed to them. And in the first case, the participants may not realize, right away or perhaps ever, that something has gone wrong. Alternately the recipient may partially understand and partially not understand, or even partially misunderstand, what the teller tells her.

John Searle has argued that “If I am trying to tell someone something, then (assuming certain conditions are satisfied) as soon as he recognizes that I am trying to tell him something and exactly what it is I am trying to tell him, I have succeeded in telling it to him” (1969, 47). Here Searle partially defines telling in terms of understanding, requiring that an intended recipient understand “exactly” what the would-be teller is attempting to communicate if telling is to occur (Ibid.). Similarly, Wayne Davis argues that

S told or informed A that p only if S intentionally communicated the belief that p to A by addressing A. ... telling A something, or informing A, entails communicating with A. (2003, 92)

I agree with Searle that recognition of the attempt to tell is a requisite element of successful telling, just as I agree with Davis that a teller must address someone in order to tell. Searle ought not, however, treat understanding as a constitutive element of telling since it seems that in practice we can misunderstand what we are told. If this were not the case then we would be pushed to say, implausibly, that we only misunderstand what others state or assert but not what they tell us, even when they intentionally direct their statements to us and we know it.²⁵ If we say that they state or assert in this situation, rather than tell, then we fail to capture the element of address, and of apparently attempted communication, that both the teller and the recipient recognize are present. It

²⁵ One might plausibly say here, instead, that “He is trying to tell me something” and thus imply that he has not yet told. But we might just as easily say that “He is telling me something but I don’t understand” which is, for our purposes more accurate.

seems even less likely that telling has not occurred when a recipient partially, rather than exactly, understands a teller's message.

But perhaps I have been uncharitable. If we focus on the "it" in "telling it to him" then Searle's statement makes more sense in that it now appears that he is explaining what is required if we are to successfully *communicate the content* of our statements *via* telling. If so, he is clearly correct. We cannot, however, understand Davis's position this way since he explicitly makes communicating content a requisite element of telling. (2003, 92-93 see also 85) Shortly after the passage quoted above, Davis distinguishes between telling and informing. He does so by stipulating that telling must take place via language, code or signaling, while informing need not be thus constrained. He also argues that informing does, whereas telling does not, require that what is communicated is knowledge. Finally he states that informing specifies the results of, while telling specifies the means of, communicating. I suggest that he ought to further distinguish the two since informing clearly requires communication of content whereas telling does not. You have not informed me if you have not communicated any information to me, though you have told me something without communicating content if I recognize that you are directing a statement to me that I nevertheless do not understand. While attempts to tell almost always involve an attempt to transmit some content, the act of telling and the content that we thereby try to deliver are conceptually separable. Again as an Austinian might say, the speech act of telling can be infelicitous without misfiring (i.e. it can go wrong without failing to occur).²⁶

²⁶ Austin identified two types of infelicity, misfires and abuses. He was also interested in mistakes – ways that performative acts could go wrong even when performed successfully and without abuse. I have argued that a misfired telling does not occur in the case of misunderstanding. Using Searle and Vanderveken's account of the components of illocutionary force (1985), I suggest that misunderstanding is a kind of mistake wherein the act, which did occur, nevertheless does not achieve its illocutionary point, i.e. its characteristic aim. That aim is likely 'to communicate the content that the speaker intended to communicate' or something similar. I will, however, leave the proper identification of the characteristic aim of telling as an open question. Further, with lack of understanding the mistake is that communication did not occur. With misunderstanding it is both that communication did not occur and that a) the lack of communication was not recognized (immediately or at all), and that b) miscommunication did occur, so that the recipient believed that the teller intended to communicate some content that she did not, in fact, intend to communicate. In any case, misunderstanding and lack of understanding do seem to be mistakes rather than misfires. Alternately misunderstanding and lack of understanding might be an abuse, a violation of Austin's second last rule for the successful conducting of a performative, rule $\gamma.1$ (1962, 15). In it he notes that for a performative to be felicitous those enacting the performative must have certain thoughts,

In the text-speak cases described above, understanding was not achieved and communication of the intended content of the message did not occur, and yet, I suggest, telling did occur. If so, then telling does not entail successfully communicating the content of an assertion. Rather it entails successfully communicating to the recipient only that a message is directed at her.²⁷ To reiterate, one can successfully tell and yet be misunderstood or not understood. Again, culpability is a separate issue, as assigning responsibility for lack of understanding or misunderstanding should not be taken to alter the ontological status of the speech act in question.

The overall point of the foregoing discussion was to demonstrate that testifying necessarily involves both attesters and actual, rather than simply intended, recipients. I argued that actual recipients were required because to testify is to engage in the communicative act of telling. That act requires a recipient to receive a message directed to her by a would-be teller. Intending to tell does not mean telling has occurred. If the recipient does not actually receive the message, by recognizing it as an assertion that is directed at her, then the would-be teller has only succeeded in *attempting* to tell. Telling also requires intentional action on the part of a would-be-teller who purposefully directs her assertions to an intended recipient. If her assertions are not so directed then she has merely stated, said or asserted rather than told and has, perhaps, been overheard. Similarly, if the would-be teller intends to tell but does not succeed in making an assertion then she has attempted to tell but has not done so.

Since to testify is to tell, further consideration of telling is warranted. Here, then, I will: differentiate telling, revealing, informing and showing; and argue that one may tell with or without words. After that, I will be well positioned to differentiate between telling and testimonial telling in chapter two. Before beginning, a table of proposed differences may help to orient the reader.

feelings and intentions. In the case of lack of understanding an abuse may occur because recipients, as participants, fail to have certain thoughts, i.e. those that would arise were understanding to occur.

²⁷ Despite the potential for misunderstanding or lack of understanding, as a typically successful attempt to communicate telling is essentially a communicative act (both in terms of its purpose and its usual outcome). If misunderstanding was more likely than not, we probably would not make such heavy use of telling and would demonstrate, etc. instead much more often. Some problems with understanding are probably irresolvable, but others are often remedied by further questioning and telling.

Table 1. Differentiating Relevant Speech Acts

	Telling	Asserting	Revealing	Informing	Showing
Speech act necessary	Y	Y	N	N	N
Addressive intention necessary	Y	N	N	Y	?
Address must be received	Y	N	N	?	?
Assertion necessary	Y	Y	N	N	N
Information must be new	N	N	Y	Y	N
Must result in Belief	N	N	N	Y	N
Content must be factual	N	N	?	Y	N
Can be done by showing	N	N	Y	Y	Y
Can be done implicitly	Y	Y	N	Y	N

1.5 Telling vs. Revealing

Telling differs from revealing not, as one might suspect, by making use of words rather than actions but a) in the relation of the act to the prior epistemological situation of the recipient, and b) in whether or not the teller or revealer must intend to address a potential recipient in order to tell or reveal. Regarding a), when we reveal something to someone we show or tell them something new. That is, we help to change their epistemological situation by enabling them to know something they did not previously know. Telling may, but does not always, involve revelation. One might easily tell a recipient something that they already know, as when a child, bursting with excitement about his birthday, announces it to everyone every few minutes. Regarding b), as I have argued, in order to tell one must intend to address a recipient by directing an assertion to her. In order to reveal, however, no such intention is required. While it is possible to reveal by intentionally addressing someone and thereby imparting new knowledge, information or data to her, it is also possible to accidentally reveal with no communicative intention whatsoever (whether addressive or assertoric). I might, for example, usher you into a room containing what is obviously your unwrapped birthday present, thereby revealing it to you by mistake. While I intended to open the door and bring you into the room, I did not, either intentionally or unintentionally, address you or assert anything by doing so. When accidentally telling, by contrast, the teller must still intentionally direct her statements to the recipient, unintentionally including certain content but nevertheless making use of a certain kind of communicative intention, call it “addressive.”

1.6 Telling vs. Informing

Davis contrasts telling with informing rather than revealing. As explained above, he differentiates the two in three ways (2003, 92-93). First, he asserts that telling must happen via language (and here I disagree, but more on that below), while informing need not. Second, he holds that telling does not have to, while informing must, involve imparting knowledge. Third, he claims that both telling and informing involve communicating but that telling is a means of, while informing is a result of, communication. I agree with Davis's second condition but not the third, in part because of a difference between telling and informing that Davis does not discuss.

Before inquiring about their differences notice that telling and informing are similar; they both involve an intentional action on the part of an agent. To see this, notice that informing people and being a source of information for them differ. Someone might come to know something from observing me, even if I do not purposefully tell, show or communicate anything to her. If someone, unbeknownst to me, learns my pin number by watching me select numbers on a debit machine, then I have been a source of information for him but I certainly have not informed him.

Now for the unnoticed difference: telling is, while informing is not, necessarily a speech act. I can *use* the speech act of telling to inform, but I need not do so. Instead, one can inform by showing and without language. I might bring you into a room and show you your unwrapped present, quite purposefully, to inform you of its contents in private before you open it in front of everyone else. If so, then informing, unlike telling, is an act but not necessarily a speech act. The example also demonstrates that in order to inform one need not assert, while we have seen that the sort of telling that is of interest to us does require assertion. If informing is an action, Davis should say that it is also a means of communicating (albeit one that can be enacted via other actions such as telling or showing) and that being informed is a result of that communication.

Telling and informing differ, again, in that one cannot inform someone with a lie or an untruth. Instead, we commonly say that, in that case, one "misinforms." But one can certainly tell a lie or an untruth.

If we can only inform people of truths or facts should we agree with Davis that when one informs one imparts knowledge to a recipient (2003, 92-93). We might ask this

question by asking about the success conditions for the act of informing. Do I inform you when I expose you to information? Or do I inform you when you come to know what I tell you, i.e. when you take up the information so that it becomes “yours” (allowing you to share it or act on the basis of it)?

Some common uses of “inform” suggest that the latter position is both descriptively and conceptually accurate. It is, for example, usual to treat “to inform” as synonymous with “to make known to,” where if I “make it known to her” I “make her aware of it” (I inform her). Further, when we say that someone is informed about x , we mean that they have a thorough knowledge of x . However, it would not be unusual to say “I informed her, but she did not believe me,” which suggests that I might successfully inform you if I merely expose you to information, whether or not you come to know or believe what I tell or show you. It seems, then, that we use “inform” as a synonym for “tell” as well as for “to make known.”²⁸ I suggest, however, that when we use “inform” to mean “tell” what we are doing is offering an excuse that is commonly accepted when our attempt to inform misfires (i.e. fails to occur). That is, what I am really trying to say is that I discharged my duty to offer information by telling it, and that I am not at fault for the intended recipient’s failure to take up the information. Once again, this moral claim does not change the status of the action itself. If so, then exposing someone to information will not allow one to successfully inform. Instead, the other person must take up what one communicates in a particular way.

That said, it is still unclear what we should say about this up-take. Is recipient knowledge the success condition for informing, or is recipient belief all that is required? To believe is to take up, as is to know. We can share and make use of both knowledge and beliefs. And it does not seem obviously wrong to say that one “has” the information that x if she believes truly that x , though we might insist that she must know. Since belief is a component of knowledge, and since requiring it is sufficient to differentiate telling from informing, I will leave further discussion of this point to Davis. It is enough to say, for our purposes, that you succeed in *telling* me, but not in *informing* me, if I do not come

²⁸ Here, it seems, two operative concepts of “inform” are at play, one of which more closely matches our manifest concept. Below I offer a re-description of one practice that suggests that the operative concepts do not conflict as much as it might seem, and to give a reason to prefer the use of one of the operative concepts, and the manifest concept, when differentiating telling and informing.

to believe what you communicate. While we have linked informing and believing, it is perfectly possible to be told something that you do not believe. Cassandra's curse depends on just that.

A connection between revealing and informing brings out another difference between telling and informing. When we inform someone we do not only offer them objective information (data), we impart to them that which is informative (subjective information). X can be informative to one person but not to another based on their prior epistemic state. If so, we cannot be informed of something we already know though, as we have seen, we can be told something that we already know. This seems correct. If a friend arrives on my doorstep, seeking shelter from the rain and without an umbrella, I might tell him "You are soaking wet" but I cannot inform him of it. He already knows

We do, however, say things like "I informed them of the new policy, and they conceded that they already knew about it."²⁹ If so, perhaps we should say that we inform someone when we give them information whether or not they have that information already. To do so would run us aground on a point mentioned in the previous paragraph. A recipient who already knows its content cannot take up our claim and make it their own, since they have already done so. In addition, if we were to accept that we can inform someone of something they already know, we would force ourselves to say things like "I informed her, but I was not informative." I suspect, however, that what we really mean is that we *told* her something uninformative (though of course we could have informed her had we managed to pass on new information). After all, we would not (I suggest cannot) set out to inform someone of x if we know that they already know that x . Similarly, we do not say "I am going to inform him again," unless we mean that we are going to give an order, in the guise of a reminder, that he ought not to dispute. We might mistakenly believe that we have informed when, without knowing that the recipient already knows, we set out to inform and complete an action (telling) that could allow informing in other circumstances. But that does not mean that we succeed in informing.

²⁹ Thanks to Rob Stainton for offering this objection.

Passing on novel information, it seems, is a success condition for informing.³⁰ The same is not true of telling. Recall, as evidence, the child described above who excitedly tells everyone about his birthday every few minutes. He tells but does not inform.³¹

There are, to summarize, at least four reasons to distinguish telling from informing: They differ in relation to act type (whether they are necessarily speech acts or not), in relation to their possible content (whether the content must be factual or not), in relation to possible responses from recipients (belief or not), and in their necessary functions (revelation or not).

1.7 Telling vs. Showing

Above I established that not all telling is informing. It is also the case that not all informing is telling since one might inform by showing instead. But how, in particular, do telling and showing differ? First, in order to tell one must assert.³² No assertion is required in order to show. I can show by presenting an item to someone, wordlessly, without directing any sort of claim or statement toward them. Not so for telling. That means that tellers and showers use different methods to direct a recipient's attention. Showers typically manifest something, while tellers make and address claims to others.³³

Second, telling is a kind of speech act and showing is not. Recall that one can recognize an illocutionary act (a speech act) by checking to see whether one could accomplish it by saying that one is doing so. In other words, if you can *say* what you are doing and *thereby* do it then the act is illocutionary. Notice, now, that I can tell you something by saying "I am telling you that X." I cannot show you by saying "I am

³⁰ It is possible that a statement might carry information but not be informative. We might say that whether or not a statement carries information is objective, and whether it is informative is subjective. I am claiming, therefore, that in order to inform we must do more than pass on or repeat information.

³¹ Another example: Consider that person P might *tell* person R that "We really think that's the case." The assertion is not informative if R has no idea who "we" is or what "that" refers to. The only novel information here might be that person P thinks *something* is the case.

¹⁴ Though as discussed above, not all assertion is telling.

³³ One might object either that one can manifest something in language (e.g. a poem), or that to show can be to demonstrate (i.e. to show how to do *x* or that *x* is the case), where one can demonstrate linguistically. I can concede this unproblematically and require here only that showing can be done without assertion or address while telling cannot.

showing you that X.” In the latter case I would still need to act, that is to manifest or demonstrate, while in the former case the act is in the saying. In other words, when showing, no illocutionary act need be performed, though a locutionary act and perlocutionary effects *may* be present. But telling *is* an illocutionary act, typically enacted via locution and with perlocutionary effects. Thus, telling and showing differ in two important ways. First, telling is a kind of speech act and showing is not.³⁴ Second, telling necessarily involves assertion and showing does not.

1.8 Telling Without Using Language

Telling is a speech act, but can we tell without using spoken or written words or without using language, even understood broadly as a symbol system? Recall that to testify is to engage in a particular kind of telling, and that to tell is to assert while intentionally directing that assertion to someone who receives it by recognizing that it is an assertion that is directed to her. Now consider the intentional use of gesture, facial expression and body posture (where this gesture is not sign language) to assert:

Imagine that I look directly at you, furrow my brow, extend my pointer finger and wag my finger at you. In so doing I can assert that “You shouldn’t have done that.” Or I could raise my shoulders, lift my hands to bicep height, each hand to one side with the palms facing up, cock my head to one side, raise my eyebrows and purse my lips to assert that “I don’t know.” Or you might, in answer to the verbal question “Who did this?” surreptitiously, hold your hand in front of your torso, poke your finger back and forth while it points to the left, and emphatically look to the left at the same time to surreptitiously assert that “It was her.” Someone else might shrug with a bored or dismissive facial expression to assert that “I don’t care.” You might point to another person (with their eyes, pointer finger or thumb) and then lift your hand, extend your pointer finger toward your temple and twirl the finger and hand in a circle to assert that

³⁴ Showing, however, may be a perlocutionary effect of an illocutionary act (as when by promising one manifests and demonstrates, i.e. shows, one’s commitment or as when by telling another that “I love you” one manifests, i.e. shows, that love). It is also likely that we can show by using words, as when showing a poem by reading it aloud. But that does not mean that showing is a speech act. In such cases the illocutionary act is missing as showing is not accomplished *in* the act of speaking, rather it is a linguistic perlocutionary effect. In other words, I still cannot say “I am showing you the X” and thereby show it. To see this return to the example and note that “I am showing you the poem” does not itself show the poem. The showing is accomplished *by* saying.

“He’s crazy.” Or you might assert that “I am cold” by crossing your arms across your chest, raising your shoulders, tucking your head down toward your chest and making a cringing expression with the face. Finally, at least in North America, by pointing to someone and then extending both the right thumb and pointer finger to form an “L” shape and holding it to one’s forehead, one can assert to one’s friends that “He’s a loser.”

Some of the above can, I suggest, be categorized as a type of gesture that is known as an “emblem.” Paul Ekman and Wallace Friesen, who introduced the term in an influential attempt to give a taxonomy of gesture, define emblems as “those nonverbal acts which have a direct verbal translation, or dictionary definition, usually consisting of a word or two, or perhaps a phrase” (Ekman and Friesen 1969, quoted in Kendon 2004, 96). Adam Kendon redescribes Ekman and Friesen’s definition, by saying that they mean to refer to “any gesture that had become established as a vocabulary item with a shared meaning, which could be used in place of words” (Kendon 2004, 335). Kendon also states that emblems are “standardized gestures which can function as complete utterances in their own right” (105). In other words, emblems have conventional forms and meanings and they can be produced incorrectly, or “mispronounced.” They are intentionally produced by speakers and, in most cases, consciously recognized by recipients as a result of their standardized usage. The “crazy” gesture, “I don’t care” shrug, “loser” sign on the forehead, or finger wag indicating “shame on you,” all described above, qualify as emblems since they have conventional meanings that can be translated into a word or a few words from a natural language and that are communicated in well-known, standardized gestural forms. Other well-known emblematic gestures include the Okay and Thumbs Up signs, and The Finger.

Kendon goes on to say that emblems “do not constitute the components of a *language system*, as is the case with signs” (105). One might think of them, therefore, as conventional lexical units that nevertheless do not belong to a linguistic system. Unlike the individual gestures or signs used in sign language, emblems do not combine into larger strings of gestures or sentences and are not subject to grammatical regulation. In other words, though one might be able to identify a basic lexicon of conventional emblematic gestures used in particular social contexts, emblems “do not form a linguistic system” or have “language-like form” since they do “not convey meaning by rule-

governed combinations of discrete units” (Goldin-Meadow 1999, 419-20). Clearly emblems are symbols, but they are not systematically related to each other and so do not, on the definition given at the outset, qualify as language. If one can assert using emblems only, then it is highly probable that telling can occur outside of language as well. This should not be surprising as other types of speech act can also be performed via emblematic gesture; for example in Italian the *Mano a borsa* gesture is used both to ask a question and express disapprobation. The gesture translates roughly as “What do you want from me?” or “What are you doing?” (Kendon, 2000, 56 and Rossini 2004, 6).³⁵

According to Ekman and Friesen (1969) there are many other types of gesture. Affective gestures display emotion. Iconic gesture indicates a concrete item or action via movements that “picture” or look like the item or action. Such gestures are illustrative and include, for example the mimicked action of paddling a canoe. Metaphoric gestures are also illustrative but indicate a concept, rather than a concrete item or action, via a movement that “pictures” the concept in some way. Finally, deictic gestures indicate a spatial relation via some type of pointing.

A few things to notice. First, sign languages contain signs (gestures) that belong in each of these categories, but there are also instances of each gesture type that do not belong to the lexicon of a signed language. In that case, we might say that gestures can be but are not, strictly speaking, words. Second, it is likely that some individual deictic, iconic, metaphoric and affective gestures are also emblematic and vice versa. I will not make that argument fully here but will instead offer an example. Consider the emblematic “L” symbol to the forehead. It is also appropriately classified as an iconic gesture since it pictures the first letter of the word “loser” which is what the gesture means. That is, the L-to-forehead gesture is an iconic emblem. Other examples are likely available. “Emblem” should not, therefore, be treated as a taxonomical option that competes with the other categorizations described above.

Third, the examples of assertion via gesture given above suggest that it is possible to combine non-emblematic gestures into short gestural strings, especially when

³⁵ One might object that we have not yet seen an assertion made via emblem alone. In reply recall the description of the emblematic “I don’t know” gesture or the “I’m cold” gesture given above. For consideration of other pragmatic or illocutionary uses of gesture, see Kendon, 2004, Chapters 12 & 13.

deictic gestures are used in conjunction with gestures of other sorts. It is also likely that short strings can be created by adding other sorts of gesture (particularly deictic) to emblematic gestures even if emblems don't combine that way with each other. For example, a deictic gesture can be combined with the L-to-forehead emblem, not to *insult* someone or *name* them a loser, but to describe to other people that, i.e. to *assert* that, "He is a loser."

One might be tempted one to think that non-codified gestural strings (those that are not part of recognized signed languages) would have a structure or grammar of their own, making them language-like. Evidence from studies of informal gestural systems developed by deaf children, those who have not been taught a signed language by their hearing parents and who are otherwise unable to speak or write, supports this claim. The informal gestural systems the children create are language-like in a number of ways:

gestures [are] stable over several years. These lexical items are combined into gesture strings characterized by patterns reminiscent of ergative structures found in many natural languages. In this sense, the gestures have syntactic structure. The systems also have morphological structure, with each gesture itself composed of smaller, meaningful handshape and motion components. Finally, the gestures are language-like in that they are used for many of the functions of natural language – describing the non-present, 'talking' to oneself and commenting metalinguistically on one's own or another's gestures. (Goldin-Meadow 1999, 420-21)

The ergative structure Goldin-Meadow indicates is found in, among other things, the children's use of gestural strings that consistently treat transitive actors, patients, and intransitive actors in grammatically different ways and that consistently place intransitive actors and patients in different positions in such strings (420-21). As Kendon puts it "the sentences were found to have a 'predicate structure'" and "Elements in these gesture sentences showed a consistent order" (2003, 288). Because these non-codified sign systems are similar to natural languages, systematic, subject to some form of grammar, because one can thus sign in them incorrectly (the children sometimes correct the parents), and because they were developed by children who are "native speakers" in relation to non-systematically gesturing parents, it may be appropriate to

think of these kinds of gestural systems as Creole languages.³⁶ In that case, I have not yet shown that assertion, and therefore telling, can occur outside of language (though I have shown that it need not be accomplished through spoken or written language).

But non-codified gestural strings might, instead, be part of a Pidgin, remaining communicative but unsystematic, changeable and grammatically ungoverned. Pidgins cannot be spoken incorrectly, since communication is the only hallmark of successful use, but they are identifiable as unique entities and they often involve convention. They are used by people who are competent speakers of at least one language, but who do not speak the same language as do the people with whom they wish to communicate. That non-codified gestural strings might be part of a pidgin but not part of a symbol *system* is evidenced in the gestures used by hearing parents of the deaf children who have developed gestural systems – the children gesture in systematic ways while the parents do not. Parents are less likely to use gestural strings, and when they do, the strings do not demonstrate the syntactic regularities or patterns of use described above. (Goldin-Meadow 1999, 420-21) Yet the parents still manage to communicate assertions this way to their children. In that case it appears likely that assertion without spoken or written words and outside of a language - outside a symbol *system* that is - is possible.

The possibility of non-linguistic assertion, and therefore telling, is made even more likely by noticing that communicative gestures may not be part of a signed language, creole, or identifiable pidgin at all. A gesture or series of movements may be entirely unsystematic, spontaneous, happen in a one off situation, and yet allow assertion. Imagine two speakers of English, unable to hear each other since they are separated by a window. One uses a deictic gesture with the emblematic “I don’t know” gesture to ask “What are you doing?” So far things are, perhaps, systematic. But the other asserts “I’m going to put on a coat” not by using emblems or other elements of a pre-existing gestural

³⁶ Kendon would likely disagree as he has claimed that in order to exhibit features sufficient to warrant being accorded status as a language, a communication system must be used reciprocally by signers and not in a situation in which one party signs and the other responds by signing less often or in less detail as with the parents in this case (291). If he is correct this only further supports my claim that assertion, and therefore likely telling, can occur outside of language.

lexicon but through pantomime – he imitates the motions of putting on a coat.³⁷ This movement will look familiar, enabling communication and making it reasonable for the second person to assume that the first will understand his assertion. But familiarity and communication do not result because the participants share knowledge of a pre-existing or conventional gesture, or because the motion of putting on a coat is part of a gestural system. Instead, the two can communicate this way because the actual, non-pantomimed act of putting on a coat is familiar and they have discerned a mutual intention to be told and to tell.³⁸ I suggest, therefore, that it is possible both to assert and to tell using gesture, and without using language (understood broadly as a symbol system).³⁹

Let me ask again. Why claim that people can assert by using emblems, affective, deictic and iconic or metaphoric gestures? Because people use these types of gesture to accomplish acts that would count as asserting if they were accomplished using spoken language instead. Gestures are communicative in the requisite way. One can make a claim, or express a proposition, rather than simply manifest something via gesture. If I shrug in the right way, I am not simply manifesting my lack of understanding or trotting it out for you to observe. Instead, I am intentionally communicating to you a proposition made with a particular illocutionary force (assertoric) and truth-evaluable content, and in many cases you are likely to receive the gesture and recognize it as an assertion directed toward you.

The ability to assert via gesture may or may not rest on the existence of conventions that allow one's gesture to be emblematic and thus allow recipients to recognize an assertion as such. It may or may not also be that the communicative value of a gesture depends on the existence of spoken language, though gestures very often do not need to be accompanied by speech in order to be effective. But *how* communicators

³⁷ Perhaps the pantomime can only loosely be described as a 'gesture' since it is not composed of well-defined, separated movement but rather resembles a long display of activity. Either way the point stands – assertion is possible through non-verbal, non-written, unsystematic use of movement.

³⁸ How they so discern is as much a problem for those interested in spoken and written language as it is for those interested in gesture.

³⁹ Charades provides another example of telling via gestures, some conventional and others invented in the moment to mimic an aspect of the assigned word or phrase. We are likely also able to tell using logograms, commonly used pictorial symbols or non-codified pictorial representations, as one does while playing pictiary or in certain kinds of testimonial painting.

indicate the force of their assertoric speech act via gesture, though an interesting problem, is not the issue here. It is a live problem for theorists studying verbal or written assertion. My claim is simply that communicators *do* manage to communicate assertoric force via the use of gesture. The implication is that one can tell, and therefore likely testify, via gesture since it is possible to direct one's assertoric gestures toward someone who receives them by recognizing that the gesturer has addressed them with an assertion.

I have tried to suggest that the ability to tell via gesture, especially via non-codified pantomime, probably means that we can tell outside of language, making it possible to engage in a speech act that is not, strictly speaking, linguistic – a surprising result. But that claim depends largely on how one defines “language” itself, and while I have stipulated my usage of the term I have done so for pragmatic purposes. For that reason, I will be content if the reader instead decides that I have shown that one can likely tell using gestures that are not part of a codified or non-codified gestural system but that are nonetheless linguistic. In that case telling appears as a speech act, but as one that can happen both with and without verbal speech and writing, though not outside of language.

1.9 Summary:

Enough has been said to make it useful to refer to telling when investigating testimony. I will now briefly recap before moving on to differentiate between *testimonial* telling and telling more generally in chapter two. Most centrally, I argued that in order for telling to occur, a would-be teller must direct an assertion to a recipient who successfully receives it by recognizing that the teller made an assertion and directed it to her. I then made two qualifications. First, recipients need not understand the content of a teller's assertion in order for telling to occur, though they must understand that a teller addressed them with an assertion. Second, though a teller must intentionally address a recipient in order to tell, it is possible to tell accidentally by unintentionally asserting particular content. I then proceeded to differentiate testimony from closely related speech acts as follows:

- Telling does, and asserting and revealing do not, require one to address a recipient.
- Telling does, and revealing does not, require address.
- Telling cannot, and revealing can, be done by showing.
- Telling does not, and informing does, require one to pass on new information.

- Telling does not, and informing does, require one to pass on true/factual content.
- Telling does not, and informing does, require recipient belief.
- Telling is necessarily a speech act, while informing and showing are not necessarily speech acts.
- Telling does, and showing does not necessarily, involve assertion.⁴⁰

Finally, I argued that it is possible to tell using gesture and without using language. With this understanding of telling in hand, let us move on to examine *testimonial* telling.

⁴⁰ I did not argue, but suspect that it is the case that telling can, while revealing and showing cannot, be done implicitly. For a compelling argument that implicit telling is possible see Jennifer Lackey's work in *Learning from Words*. She suggests, for example, that I can implicitly tell you that it is raining by answering "There's an umbrella in the closet" when you ask about the weather (2008, 26).

Chapter 2

2 Testimonial Telling

2.1 Defining Testimony: TAVNT

People tell in many different ways, under many different circumstances. We may tell about matters of grave importance to juries in court under oath, or tell about often banal events to friends and casual acquaintances on social networking websites. I will argue that differences in the way a person tells matter epistemically and suggest that, for this reason, epistemologists should differentiate between testimonial and non-testimonial telling. While there are many possible ways to make that differentiation, I suggest that the following understanding of testimonial telling is productive in the context of epistemic investigations of testimony:

Testimonial telling, i.e. testifying, occurs when ...

- a) An attester *tells* some assertion x to a recipient(s). I.e. an attester directs some assertion x to a listener and the listener receives it by recognizing that the attester made an assertion and intentionally addressed it to her. Call this the “Tell condition.”
- b) The attester makes a strong and explicit commitment that, to the best of her knowledge, her assertion is/will be true. Call this the “Avowal condition.”¹
- c) The recipient recognizes the attester’s avowal as such. I.e. the recipient recognizes that the attester has made a strong and explicit commitment that, to the best of her knowledge, her assertion is true. Call this the “Avowal Recognition condition.”
- d) The attester presents her act of attestation y , i.e. her told avowal that x is true, as a reason to believe that x is true. Call this the “Reason to Believe condition.”

Together, call these conditions the Telling with Avowal View of Natural Testimony (TAVNT).² Communicative content that results from this sort of telling is testimony.

¹ For ease of writing I may sometimes omit the “to the best of her knowledge” clause. Nevertheless please assume that I intend it to apply in all cases discussed below. Note, also, that both court treatments of perjury and common understandings of what constitutes lying recognize and make use of the “to the best of her knowledge” condition.

² Notice that this definition does not reveal testimony’s functions. There is no “in order to” or “thereby accomplishing” element in this definition. That one offers her testimony as a reason to believe suggests that one function of testimony may be to get people to believe something, but it does not prove that this is the or a primary function of testimony. And it certainly does not reveal that getting-to-believe is the sole function of testifying. The function question must be asked separately.

The chapter proceeds as follows: section 2.2 clarifies the scope of the definition that I have just provided. Sections 2.3 and 2.4 offer initial support for the Tell and Avowal conditions, while section 2.5 provides further argument for all four conditions of TAVNT by comparing them with a definition of testimony implied by Richard Moran's Assurance View. Next, section 2.6 argues in favour of the Avowal Received condition. Section 2.7 then shifts the focus from particular conditions of TAVNT to methodological questions about how best to define testimony in epistemology. Jennifer Lackey's Disjunctive View of Natural Testimony serves as a foil, in this section, against which to defend my claim that testimony ought to be treated as the product of the speech act of testifying. In addition to its methodological focus, the section defends TAVNT against particular objections and argues against the particulars of Lackey's own view. The chapter concludes with a brief discussion of the desiderata for a definition of testimony in epistemology.

2.2 Formal vs. Natural Testimony

In presenting these conditions I intend to characterize both what Coady names as "formal" and as "natural" testimony. Formal testimony, as he defines it, occurs in "legal and quasi-legal settings," as exemplified by statements given under oath "in a court of law, or before a commission of inquiry or something of the sort" (1992, 26-7). Natural testimony appears to refer to statements of fact, represented as true, but given in informal settings or "everyday circumstances" (38). Coady offers a number of examples of natural testimony, which can be created by reporting the events of an accident, giving directions, answering a factual question in the affirmative, telling someone the score of a sporting event, and in numerous other ways. He adds that this sort of testimony exhibits what Thomas Reid called the "social operations of mind" (Reid 1983, 244-45; see Coady, 54-62).³ Some of the cases Coady counts as natural testimony will not qualify as such on my account, because such statements will not meet the avowal condition. But other non-legal

³ In order to count as natural testimony Coady also requires that the speaker's testimonial speech act supports "the truth of some proposition which is either in dispute or in some way in need of determination and his attestation is evidence towards the settling of the matter" (38). These conditions, however, go further than identifying a phenomenon that has yet to be defined or characterized. Instead, they reflect the disputed particulars of his own definition and so I do not include them here. (See Lackey, 2008, for a discussion of why these requirements ought to be rejected.)

tellings will meet the above conditions, as when one person swears to another that she observed a spouse cheating, or when a friend promises that he saw the missing family pet unharmed. In any case, I intend the definition given above to apply to both formal and natural testimonial telling, though, as Jennifer Lackey has said, a full account of formal testimony might require further specification (2008, footnote 1, 14).

2.3 The Tell Condition

In chapter one I argued that the tell condition accurately describes the activity of telling. I will not argue further for that claim here. Nor will I argue very much, here, for the claim that testifying involves telling. I will say, however, that if telling was not an aspect of testifying the practice would be far less effective in serving one of its characteristic purposes—the one that epistemologists have shown the most interest in. We engage in testimonial exchanges in order to help each other decide what to believe. We form, solidify, interrogate, and change our beliefs in relation to attestations. And we share knowledge. Telling is one tool that can directly enable people to engage in all of these activities. Our testimonial practices would be far less effective, and would occur in a very different manner, if telling was not involved.

Indeed, it is difficult to imagine what testifying, as a social practice, would look like without telling. Perhaps this is because every act of assertion that everyday language users now call “testifying” does involve telling. But why reference everyday language descriptions of formal testimony if I am stipulating, outside of current practice, that there is such a thing as *natural* testimony? I do so in order to pick out and describe informal or “natural” epistemic activities that closely resemble formal testimony in practice. There are many linguistic activities that enable knowledge transmission or generation. We currently refer to some of them, and not others, as “testimony” in order to capture something distinct about them. This should be as true for natural as for formal testimony. To call utterances, even assertions, that are not told “testimony” would be to diminish the term’s usefulness by using it to blanket too many epistemically distinct activities, thereby concealing their disparate features.⁴ Further argument for this claim appears toward the

⁴ I may have more reason to believe something you tell me or someone else, for example, than things I hear you express to no one in particular. In the former but not the latter case you are putting your credibility on the line.

end of the chapter when I discuss Jennifer Lackey's proposal to conceive of testimony disjunctively.⁵

2.4 The Avowal Condition

Similarly, I include the avowal condition to recognize an important feature of activities ordinarily recognized as testifying as opposed to telling. The avowal condition also explains the fact that in common usage to "testify" is not to speak lightly. In fulfilling the avowal condition the attester not only commits to the truth of her attestation but does so to a greater degree and more explicitly than is usual in most communicative situations and in most instances of telling. Undertaking such a commitment creates obligations for the attester and leads to appropriate expectations for listeners who may reasonably respond to attestations by believing them, at least when there is no apparent reason to distrust the speaker or disbelieve the content of the assertion. These commitments, obligations, and expectations, combined with the significance of the testimonial exchange, underwrite the semantic connotation of solemnity, import, and explicit commitment to truth found in the terms "testimony" and "testify," and in similar terms like "swear," "aver," and "avow." More casual terms for other kinds of tellings do not carry these connotations, and for good reason – the speech acts they describe differ.

When we testify we make a strong and explicit commitment to speak truly about something that is important. To say is not to testify; neither is to tell, mention, narrate, remark, pass on, gossip, relate, recount, and so on. It would be misleading, and depending on the situation perhaps even morally irresponsible, to claim "He testified to the fact that *x*" when the speaker in question merely mentioned that *x* in passing. "He told me that *x*," other pragmatic acts or potential unstated but speaker-implied semantic content aside, would not be similarly problematic. Why not? Because to claim that someone has testified to something is to claim that they made a commitment that they did not make if they merely told.

Consider how odd it sounds to say "Robin testified that she was going to the store as she walked by my house yesterday." The situation is too casual; Robin has made no

⁵ For whatever it is worth, to do so is also intuitively unappealing. Consider "She testified to the air that it was true, though she never told a soul." This is a poetic way of expressing that she solemnly stated or expressed a conviction to herself. It is not an accurate description of her speech act.

greater commitment than usual to tell the truth and no explicit commitment at all, and in this context the content of her assertion isn't particularly important. To say that she testified is to say too much, since doing so implies that a different sort of communicative exchange took place. It is as if information was added that should not have been added. This is not simply a matter of an odd sounding word choice. It is a matter of meaning.

By contrast, notice that information is missing from the following statement by Person A: "Giles said in court yesterday that the defendant's name is actually Beth." But Giles didn't simply "say;" he testified. In that case the missing information includes, and this is not an exhaustive list, the fact that: Giles made the statement in his capacity as a witness; he undertook a greater than usual commitment to speak truly by swearing to do so; his statement is offered as evidence; and the statement is, for that reason, more significant than it would be if, for example, he had been a member of the public correcting his companion while viewing a trial. If Person B did not know that Giles had in fact testified, they could rightly accuse Person A of having spoken improperly, not because that speaker didn't follow common usage, but because their usage misdescribed the situation in important ways and failed to convey what might have been important information. Testifying and telling are, therefore and as everyday language reflects, not the same, and avowal is a significant part of that difference.

I am not arguing for a slavish adherence by epistemologists to everyday language usage of terms. Instead, I discuss everyday usage here because it communicates epistemically relevant aspects of the speech act of testifying. The epistemic conditions of the speech act that the term "testify" describes inflect the meaning of the term as it is commonly used. Of course epistemologists might, and indeed do, choose to use the term "testimony" to describe all telling. But to do so is to make a potentially risky stipulation by veiling epistemically relevant difference.⁶

⁶ Now, while I respect everyday usage, my stipulated definition of "testifies" differs from common usage since it counts, as testimony, some tellings that occur outside of legal and religious settings. I justify this divergence from common use first, by suggesting that the ability to stipulate different usage is important in the context of theoretical investigation. More importantly, the acts that I count as producers of natural testimony share epistemically relevant characteristics with the testimonial acts and products that everyday language identifies – similarities that other stipulations miss while eliding relevant difference.

2.5 TAVNT vs. Richard Moran's Assurance View

The avowal condition bears a striking resemblance to Richard Moran's discussion of the activity of testifying in *Getting Told and Being Believed* wherein he presents his Assurance View of the epistemic value of testimony. Moran does not define testimony.⁷ He is interested instead in differentiating telling from other assertoric speech acts "such as persuading, arguing, or demonstrating" and in examining "the relation of believing where its direct object is not a proposition but a person" (2006, 273). His overall project is to explain why a speaker's testimony that x gives recipients a reason to believe that x , and he insists that it is not because the testimony acts as evidence in favour of the truth of x . Instead, according to Moran, in the very act of freely telling, speakers offer their assurance that what they assert is true. Simply by voluntarily undertaking the act of telling itself, that is, an attester commits to acting as a guarantor for the truth of a proposition and invites listeners to "take my word for it" (274). In his words,

the speaker, in presenting his utterance as an *assertion*, one with the force of *telling* the audience something, presents himself as *accountable* for the truth of what he says, and in doing so he offers a kind of guarantee for this truth.⁸ (283)

While our positions share a strong focus on the relationship between attester and recipient, or speaker and hearer, and an awareness of the importance of the speaker's commitment to speak truly, my definition of testimony differs from Moran's characterization of telling in at least three ways. First, avowal is stronger than assurance. I require explicit and strong commitment to speak truly to the best of our knowledge where Moran does not. Second, my understanding of the way testimony must be offered (i.e. as "a reason to believe") does not align with Moran's (mistaken) treatment of telling as a guarantee or a "take my word for it" activity. Third, Moran and I disagree over the object of belief when one person accepts another's testimony. I will begin by discussing this last point before considering the others.

⁷ But he does discuss it in ways that make it possible to identify at least some of the features he understands it to exhibit.

⁸ Please note that, at this point and unlike Moran, I am involved in definition rather than investigation of the epistemic value of testimony.

2.5.1 Trust and Objects of Belief: Person or Proposition?

For Moran, it is primarily a person who is believed rather than, as I hold, a proposition that is believed. On his view an attester asks a recipient to believe *him* and therefore to “take my word for it” (274). As he says “In the basic case described, it is the speaker who is believed and belief in the proposition follows from this” (273). That is, Moran holds that, at least with regard to telling, believing what someone tells us depends on believing *him*. But a person is not a proposition and, strictly speaking, cannot be believed. A person can, however, be trusted and trust can provide a reason to believe what that person says. If I say “I believe you,” what I mean is that I believe that you are telling the truth because I have faith in you. Two separate beliefs are found in this situation: belief *that* you are telling the truth, and belief in the *content* of what you have said. Neither is a belief in *you*. Put differently, when one says that they believe someone what they mean is “I believe what he says because *he* says it” which just means “I trust him.” The objects of belief in this case are propositions, but the trust to which Moran’s characterization draws attention is very important.

If you are still inclined to agree with Moran, consider this: Can you believe *a person* and yet not believe *what* he tells you? Well, one might believe a person about some things (assuming that she told more than one thing). But in that case it is still propositions that are the objects of belief, some which are accepted and others of which are not. And one certainly cannot believe a person without believing anything that she says when telling. It seems, therefore, that believing someone depends on believing what she says and not, as Moran would have it, the other way around. Alternatively, and at the very least, believing someone and believing what they say are reciprocally dependent. If so, nothing is added by thinking of the exchange as one person believing another rather than as one person trusting another and therefore believing what is told. Making use of the latter description, however, draws attention to trust as an important feature of an epistemic context.

2.5.2 The Reason to Believe Condition: Testimony as Reason or Guarantee?

Moran is right, however, to distinguish between believing what someone tells you and believing it “on the basis of taking the speaker’s word for it” (2006, 274). In the former case you might believe but for reasons that have nothing to do with the fact you were told by the speaker, whom you distrust. Moran illustrates the point by describing an exchange between a hearer and a con man. To elaborate on his example, consider that the most convincing lies are those nested in truths or those that are as close to the truth as possible. In that case, a discerning recipient might believe some of what a known con artist says but surely not on the basis of accepting his word, i.e. surely not on the basis of trust. Since I accept Moran’s distinction between believing and believing on the basis of accepting someone’s word, the question now is whether or not the invitation to believe on the basis of accepting someone’s word is constitutive of testimony.⁹ I will argue that it is not.

Moran holds that it is constitutive of *telling* that one person invites another, or others, to accept what she says because she says it. In his words, “Telling someone something is not simply giving expression to what’s on your mind, but is making a statement with the understanding that here it is your word that is to be relied on” (2006, 280). That is, he holds that the invitation to believe on the basis of accepting someone’s word is constitutive of telling. On my view all testimony is telling, though not all telling is testimony. If Moran is right, then, the invitation to believe on the basis of accepting someone’s word will also be constitutive of testimony.

But Moran is mistaken. It is certainly possible to tell someone something without inviting them to accept what you say because you have said it. A speaker need not present her statement as *the* basis for believing the proposition it expresses. Instead, she

⁹ Robert Audi makes a similar distinction between beliefs that arise *because of* testimony (you have them only because a person testified, but they are not related to the content of the attestation), beliefs that are *from* testimony (you have them because you inferred using the content of the attestation), and beliefs that are *based on* testimony (you have them because you accept the content of the attestation) (2006, 26). Note that Audi characterizes all three as responses to testimony, so that a particular response is not definitive of testimony itself. The *invitation* to believe is different from the response to that invitation, however; so it is worth considering Moran’s proposal.

might present her assertion as a reason to investigate the truth of that proposition, or as a reason to think that it *might* be true. To make this possibility more plausible, consider a teacher who knows that one of her pupils is being abused but who cannot prove it to others. The teacher believes that if she tells, no one will believe her statement because the person she suspects as the abuser is well respected by everyone in the community. However, she also knows that if she reports the abuse, her allegation will, by law, trigger an investigation. She therefore asserts to a person in a position of authority that “Person *P* is abusing student *S*.” In addition, the teacher herself might think that others *should not* take her word for it and that they would be remiss to do so and not to investigate her claim. Surely in this case we should not say that she did not *tell* simply because she did not present her assertion as entitling others to “take her word for it.”¹⁰ Instead, we should accept that she told and agree that in order to tell, people do not have to present their assertions as a sufficient basis for belief.

Though we should answer in the negative when considering *telling*, the question remains as to whether the invitation to believe on the basis of taking a speaker’s word for it is constitutive of *testimony*. As I see it, the answer to this question depends on the nature of the commitment, described in the avowal condition, that one undertakes when testifying. As a reminder, the avowal condition reads “The attester makes a strong and explicit commitment that, to the best of her knowledge, her assertion is true.” When explicitly making this kind of commitment *without qualification* attesters do invite recipients to believe based on the attester’s say-so. In such cases Moran is right to say that the speaker gives her assurance that what she says is true. She thereby takes on an obligation to speak truly. But, though attesters often do offer an invitation to believe based solely on their say-so, they do not *necessarily* do so.

Consider the Humble Witness. She is a paradigmatic attester, a witness testifying in court, who answers “Yes, absolutely, to the best of my knowledge that is correct. But I know that people don’t always remember accurately in these kinds of situations. So I might be wrong.” Or a person giving natural testimony who says, in conversation with a

¹⁰ Again, if we do not recognize her assertion as testimony we ignore the fact that she addressed an assertion to a recipient and the recipient recognized that address. She says, let’s say, “I believe that this person is abusing this student” and so is reporting her belief.

friend about a very important event, “Seriously, I swear that’s what I saw. But you shouldn’t take my word for it. Go check.” In both situations the attesters present their testimony as a reason for belief, but not as a *sufficient* reason. In other words, contra Moran, when I testify I might not be asking you to “take my word for it” if that means that I must claim that my say-so is a sufficient condition for believing x with justification, or for claiming to know x .¹¹ Therefore, when defining testimony, I require only that an attester offer her testimony as *a* reason to believe (condition b). That means that an attester might intentionally invite listeners to take her say-so as one independent reason among others for believing or claiming to know x (perhaps as necessary for believing or making a knowledge claim, or perhaps as neither necessary nor sufficient, depending on context). In that case she still takes on a responsibility to speak truly, but does not offer to become a guarantor for the recipient’s belief. If I am correct then we may testify with or without asking others to take our word for it.

But why not omit a reason to believe or evidence requirement altogether when defining testimony? First, simply because to do so would be to misdescribe what people do when they attest. To successfully attest by asserting with recognized avowal just is to say “here is a good reason to believe this particular claim.” But more than that, recall that one important function of the activity of testifying is to enable people to decide what to believe, or to share knowledge. Testifying could not serve this purpose if it did not involve reason giving.

¹¹ I agree with Moran that it is possible for an attester to present her testimony as the sole and legitimate basis for a belief, but this is not the *only* way to present it. Our disagreement results from a conflict in our definitions of telling. For Moran the defining feature of telling is that one is invited to accept someone’s word and is thereby given the assurance that one’s word is truthful. As I argued in Chapter One, it is the assertion of semantic content to another and the other’s recognition of that act, not the assurance of truth that might accompany that act, that individuates telling. Moran requires that ‘asserting to’ be done with the understanding that the recipient is to ‘take my word for it’ if it is to count as telling. But I see no reason to differentiate ‘successfully asserting to’ and telling, though of course telling may be done in many different ways, *one* way being along with the assurance Moran describes. He also appears, on my view mistakenly, to equate telling with informing since a few sentences after this passage he continues with “This is again quite different from the exchange of information through telling and being told in everyday life” (2006, 280).

2.5.3 Clarifying the Reason to Believe Condition

Notice that a person may offer her assertion that x as a reason to believe that x whether or not others will believe her, whether or not she believes they will believe her, and whether or not she is inviting them to believe based solely on her say-so. Add the Avowal Condition to the Tell Condition and the attester also presents the fact that *she* is asserting x , after making a commitment to speak truthfully, as a reason to believe x . It is her willingness to become explicitly accountable for her degree of honesty in relation to x , as well as her self-presentation as epistemically reliable, that matter here. After all, she cannot take responsibility, in the same way, for someone else's act of attestation.

So, on my view, she offers *her assertion that x* and *her avowal that x is true together* as a reason to believe that x . The Reason to Believe Condition thus has three aspects: the act of asserting particular propositional content, the attester's ownership of her act of attestation via avowal, and the fact that it is a particular attester who both asserted and avowed.¹² Each aspect is a necessary element of the speech act of testifying. When all three elements are in place the attester extends an invitation to recipients to enter into a trust-based, doxastic relationship. The attester invites recipients to trust that she is a reliable knower who is telling the truth, to the best of her knowledge, and thereby invites them to take her attestation as a reason to believe that which she attests. Even so, nothing requires her to present herself as *infallible*. This is reflected in the requirement that she commit to tell the truth "to the best of her knowledge." Therefore she does not need to present her assertion as sufficient for belief, though she often will.

2.5.4 Testimony Involves Explicit Avowal, Not Implicit Assurance

Just as on my account not all testimony is of the "take my word for it" variety, not all telling of the "take my word for it" variety is testimony. Consider Moran's example, the utterance of "It's cold out" to someone else. He implies, but does not specify, that this utterance is casual but sincere. When offered that way to a listener, as a sufficient basis for believing that it is cold, that utterance is not testimony because it fails to meet the avowal condition argued for above. Furthermore, it is not yet clear that a speaker does in

¹² If I say that x is true, and you but not I avow that I am telling the truth, I have not testified.

fact offer her assurance when she tells. And if she does so, it is not yet clear how she does so. To characterize telling in general Moran writes that,

when someone tells me it's cold out I don't simply gain an awareness of his beliefs, I am also given his *assurance* that it's cold out. ... When someone gives me his assurance that it's cold out he explicitly assumes a certain responsibility for what I believe. (2006, 278)

and to repeat,

the speaker, in presenting his utterance as an *assertion*, one with the force of *telling* the audience something, presents himself as *accountable* for the truth of what he says, and in doing so he offers a kind of guarantee for this truth. (283)

The claim that I commit to speak truly when telling is clearly untrue on my account of telling since, for example, I could be required to tell lies as part of a game (Balderdash) or expected to tell polite lies in certain social situations ("It was no trouble at all").¹³ But should we say that a speaker makes a commitment to speak truly during instances of telling of the kind that concern Moran? That is, when you tell in circumstances where you present your words "with the understanding that here it is your word that is to be relied on" (280), do you explicitly take on a commitment to speak truly?

First, it is not at all clear that tellers offer a *guarantee* of the truth of the content of their assertions. Instead, as I understand it, they guarantee that they are speaking the truth *to the best of their ability*. That ability will sometimes, or even often, be limited unbeknownst to the teller and reasonable epistemic agents know this. As a result, it remains the responsibility of recipients a) to evaluate whether or not a teller (or attester) is epistemically reliable and/or b) to be sensitive to defeaters for the assertion or to reasons to doubt the speaker's credibility.

Second, Moran's use of "explicitly" to describe the teller's commitment is puzzling, since on his description the teller has done nothing other than make a statement to someone else. She has neither promised, sworn, pledged nor made any kind of statement that expresses or acknowledges her accountability for the truth of her assertion. Nor has she undertaken any other action that would explicitly position her as guarantor for the truth of what she says or of what another person believes as a result. If she has

¹³ This counts as telling on my account because it involves a speaker addressing an assertion to a recipient where the recipient receives it by correctly recognizing the speaker's act.

taken on a responsibility for the truth of another's belief, or made a commitment of the kind that could position her as guarantor, then under the circumstances Moran describes, she could only have done so implicitly. The implicit/explicit distinction makes a difference. After all, if it turned out that a speaker did not tell truthfully, to object by saying "But she assured me that she was telling the truth" would be misleading since it implies that something over and above telling occurred. To object, instead, that she *implied* that she was telling the truth and could be trusted would not mislead.

Moran's position runs into difficulty either because he does not treat telling and assuring as distinct speech acts, or because he believes that all acts of telling also accomplish acts of assurance but does not examine how this assurance might operate, whether it comes in degrees, and so on. There are, however, different degrees of, and methods for, forming a commitment to tell the truth. These differences bear directly on Moran's project, in that they affect the degree, if any, of entitlement a recipient has to rely on the word of another when forming a belief. These differences also affect how we ought to characterize testimonial telling, because the method one uses to commit to the truth of one's assertion, and the degree of commitment one makes, differs when one tells and when one testifies.

Except in cases where we tell another person of our commitment to do so, telling alone does not allow asserters to explicitly commit to speak truly, nor do asserters explicitly assure listeners that they are to be trusted simply by telling. But do they do so implicitly? What would such an implicit commitment look like? Well, in order to offer implicit assurance to someone else, an asserter could not simply think to herself "I should tell the truth about the weather" or "I will be truthful with my interlocutor." Instead, either the attester would need to communicate the implicit assurance to a recipient, or it must be reasonable for both parties to assume that such an implicit commitment exists. I will focus on the latter possibility.

With most voluntary telling it is reasonable to assume implicit commitment by the asserter to speak truly, whether that commitment is intentionally communicated by the asserter or not. As a speaker I do expect you to believe me about the weather, but not because I explicitly assumed a responsibility to tell the truth. Rather, I expect you to treat me as trustworthy because if you fail to do so on a regular basis, you cast aspersions on

my status as a fellow epistemic and moral agent in ways that could seriously damage my standing in the community and impair my agency. In well-functioning societies there is likely a social expectation not only to speak truly, but also to give the benefit of the doubt and extend some degree of trust to fellow speakers (barring defeaters, responsibilities that may accrue to one's social role requiring epistemic diligence, or potentially serious consequences for mistaken belief). In ordinary circumstances not only do I expect you to trust me, but I also expect not to have to make an explicit commitment to speak truly in order for you to do so. If I claim that "It's cold outside" and you sincerely ask "Are you telling the truth?" or "Do you promise?", then barring unusual circumstances, "Yes, but why would you ask me that?" is an understandable reply.

But with the expectation that you will believe me comes a responsibility to deserve your trust. And when I voluntarily tell you something I not only take on that responsibility but, because my action is voluntary, I imply that I am making a commitment to fulfill it. When I voluntarily tell you something, I choose to take on a responsibility to deserve your trust; I implicitly agree to become responsible for doing something that hasn't been thrust upon me. In effect, I make a commitment.¹⁴ Why? Because if that commitment is not in place it is unreasonable, without some other strong motivation, for speakers to expect listeners to trust them, to believe what they say, or to risk acting on that belief. Hence, Moran is right to claim that telling involves the offer of assurance, *if* we understand that assurance to be implicit.

Telling regularly occurs in circumstances that are not ideal. As Miranda Fricker has argued, members of oppressed social groups often suffer systematically, as attestors and tellers, from an unjust "credibility deficit"—a "systematic testimonial injustice" (2007, 17-29). Speakers in these situations may not expect that members of oppressor groups will trust them, and in many contexts there will be no social expectation that one should give the benefit of the doubt to speakers who are the targets of testimonial injustice. In these situations oppressed speakers will be forced to offer various kinds of explicit commitments to speak truly or correctly more often than they ought to be. Yet speakers suffering from testimonial injustice can still be said to make an implicit

¹⁴ Similarly, Moran insists that "a statement only provides the kind of reason for belief that *testimony* does if it is understood to be something freely and consciously undertaken by the speaker." (281)

commitment to speak truly when they tell, at least in cases where the telling is voluntary and uncoerced, since in those cases they still ask listeners to risk believing what they say (whether they expect to be believed or not).¹⁵

In order to determine whether an implicit commitment to speak truly is in play with respect to ordinary telling, one might ask whether or not a listener could legitimately accuse an asserter of deception if it turns out that the asserter told but had no intention of telling the truth.¹⁶ We must answer in the affirmative. If I tell someone something without qualification or obvious contextual cues that would indicate otherwise, I tacitly represent myself as speaking truly. Why? Because of a widely known, socially supported general moral imperative that one ought not lie and because of the expectation that others will trust you when you tell them something, combined with your implication that they can trust you and the cost to them if you do not speak truly, discussed above. As a result, when I say “It’s cold out” I do not make an explicit commitment to speak truly, but as a listener you can reasonably expect me to do so anyway, and I should know this. Accordingly, by telling I take on an implicit commitment not to lie. Do I make myself responsible for the truth value of your belief? To some degree, depending on the kind of commitment, it is reasonable to say so. If I imply that you can “take my word for it” then I am responsible for the truth of your belief to a greater degree than if I’ve implied that I am giving you one reason among others to believe. I am not entirely responsible, however, since you retain your responsibility to evaluate my reliability, at least if you are capable of doing so.

What of testimony? Recognizing the difference between implicit and explicit commitments allows us to understand a significant difference between telling in general and testimonial telling, i.e. attesting. When I attest, I do not simply assume that you will trust me, expect you to do so, or implicitly assure you that you can believe what I say. Instead, I give you my word in order to explicitly invite you to trust me and to believe

¹⁵ In cases where coercion operates one cannot be said to have freely taken on a responsibility to speak truly. A responsibility might be there in this case, but not a commitment, and it is via commitment that a speaker offers assurance.

¹⁶ It is intention that matters here because one could mean to tell the truth but accidentally mislead, just as one could intend to lie but tell a truth. Our moral evaluation of these situations rightly differs. It is telling what one believes to be untrue while representing oneself as speaking truly that is lying.

what I say. By doing so I give you a much stronger reason to think that I will speak truly than I could give implicitly. If telling alone offered the strongest possible commitment to speak the truth, the practice of swearing to do or have done so would not exist. Attesters use pledges, promises, avowals, and so on, to state outright that they can be trusted. It is, therefore, much easier to hold attesters to account for being untruthful than it is to hold accountable those who merely tell. With the offer of an explicit commitment any potential “but I never said I would do that/it was true” defense evaporates. With an explicit promise to speak truly, then, it becomes much more reasonable for a listener to trust a speaker whether because social sanctions will generally enforce the keeping of commitments or because promising is a way for speakers to indicate their degree of certainty about their beliefs. Whether one accepts Moran’s argument that the right to form a belief based on the say-so of another depends on receiving a teller’s assurance, or instead treats testimony as a form of evidence, the stronger commitment to speak truly given by attesters makes an epistemic difference. This, I suggest, is a very good reason for epistemologists to recognize a difference between attesting and telling, and between assertions and testimony.

2.6 The Avowal Received Condition

I have now argued for the “reason to believe” and “avowal” conditions given above. But why should we accept the avowal received condition? I suggest that, both because it is a species of telling and because it involves the secondary speech act of promising (making a commitment), recipients must recognize the would-be attester’s avowal. Recall, from chapter one, that in order to tell successfully, rather than attempt to tell, a would-be teller’s intended recipient must recognize the teller’s intention to address her with an assertion. In the same way, a would-be attester’s intended recipient must recognize both that the attester is making an assertion directed to her, *and* that the attester is strongly committing to speak the truth, at least to the best of her ability. If the recipient does not recognize that the speaker is making such a commitment then the speaker attempts to commit but does not succeed in doing so. In this case, though she may succeed in telling, she does not succeed in testifying. (More argument for this claim will follow shortly.)

It is important to note that, just as with telling, the recipient does not need to understand the content of the would-be attester’s assertion. Instead, he needs to recognize

that the attester is making an assertion while committing to tell the truth. The avowal received condition may thus be construed as what François Recanati has called a “‘pre-semantic’ layer of interpretation”; the recipient must interpret certain pragmatic elements of an utterance before understanding it, and in particular she must pragmatically interpret “the speaker’s communicative intention” (2004, 1). If the avowal received condition is fulfilled but the recipient does not understand the content of the assertion, then he does not gain knowledge or doxastic warrant from its content. But that does not mean that attestation did not take place. Whether or not an action takes place and whether or not that action results in an epistemic entitlement for those involved are different questions, one metaphysical and the other epistemic. We know this because a person might lie while testifying and the recipient of the testimony might know this. If so, the recipient derives no entitlement to believe and no knowledge from the testimony, even though testifying occurred and testimony was produced. As with telling then, attestations can occur even though communication of content does not, as when the content of the attestation is misunderstood or not understood. Communication of the intention to attest is required, however (that is, communication of the intent to both assert and avow).¹⁷

The claim that whether or not someone testifies depends on recipient recognition may be politically troubling. It allows that members of oppressed groups may fail to testify simply because of the response, or lack of it, from members of oppressor groups, as when oppressors fail to hear an assertion or to recognize a commitment to speak the truth from those who are oppressed. This is not an idle risk. Members of oppressor groups may have little reason to attend to claims from those who are oppressed, indeed their interests might be served by failing to do so. And in extreme cases oppressors may fail to recognize even the humanity of those whom they oppress, making misrecognition of attempts to testify highly likely. My definition of testimony therefore runs the risk of first, offering an excuse to oppressors who fail to recognize attempted attestations or commitments (“Don’t blame me. I didn’t know what they were trying to do”), and

¹⁷ One might ask whether the reason to believe condition requires recipients to recognize that the attester is giving a reason. I think not. My offering can objectively *be* a reason and I can intend it to be so, without anyone recognizing that fact. *I* (the attester) must offer it as a reason but the recipient need not know this in order for me to do so.

second, problematically denying the real agency of those who are oppressed, especially when they attempt to testify.

In response, I assert that agency is relational; that is, other people, whether individually or collectively, really do limit as well as enhance our ability to act freely. And our ability to testify is one such ability to act. Unfortunately, as a result, one serious harm of oppression is often an unjust limit on the epistemic agency of members of oppressed groups. But that doesn't mean they have *no* agency. In some cases, members of oppressed groups will be able to testify and in others they will not. Even in the latter case they may *attempt* to testify and doing so, especially in adverse and unjust circumstances, is an agentic act that is both morally praiseworthy and a necessary step in overcoming oppression. It is a valuable activity accomplished by an agent whether or not it succeeds. First, it paves the way for later success in testifying, especially when many members of the relevant group begin to tell. Second, by attempting to testify agents express self-trust, worth, and respect where oppression operates by undermining these morally important self-regarding attitudes.¹⁸ Third, the attempt may also connect the teller to others in unforeseen and productive ways, and her testimony may well be recognized and taken up by those who share her social status or identity (where if they are her intended recipients she testifies, and if not she nevertheless may connect with potential allies).

Finally, though oppressors may attempt to say they could not have known that they were unjustly failing to recognize an attestation or commitment, it is often the case either that they were not actually ignorant or that they were *culpably* ignorant. If culpably ignorant, they did not but ought to have, recognized the teller's attempt to tell while making a commitment. In either situation the excuse fails, making oppressors responsible for their failure and for the fact that as a result testimony did not occur.

Further, in oppressive contexts it will more often be the case that testimony does occur but that recipients fail to understand its content because of a lack of shared

¹⁸ See Benson, Paul. 2000. "Feeling Crazy: Self-Worth and the Social Character of Responsibility." In *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*, ed. Catriona Mackenzie and Natalie Stoljar, 72-93. New York and Oxford: Oxford University Press. See also McLeod, Carolyn and Susan Sherwin. 2000. "Relational Autonomy, Self-Trust, and Health Care For Patients Who Are Oppressed," pages 259-279 in the same volume.

interpretative resources or because they unjustly disregarded it as a result of disbelief.¹⁹ But recipients, whether oppressors or not, do not have to agree with, believe, or understand the testimony in order for attestation to occur. None of the situations in this paragraph prevent those who are oppressed from testifying; rather, they affect the perlocutionary result of the testimony. I suggest, then, that despite the potentially worrying political implications of my account, it is nonetheless acceptable in that respect.

But why should we accept that when a putative attester's intended recipients fail to recognize her commitment to speak the truth she does not succeed in testifying? That is, why should we accept the avowal received condition? Because if her attempt to commit isn't recognized, the speaker cannot even *make* the relevant commitment, i.e. the avowal condition itself remains unfulfilled. One can only be said to have made a commitment if one does something that is sufficient to generate an obligation to fulfill that commitment (a promissory obligation, if you will). But if the intended recipient does not realize that the would-be attester has explicitly committed to tell the truth, then he has no reason to expect her to be more truthful than usual. In that case she has done nothing to generate an extra commitment to speak truly, at least in relation to the recipient. And a teller's commitment to herself to speak truly, or one made in the presence of witnesses who are not intended recipients, does not give the intended recipient a greater than usual epistemic license or right to believe her telling.²⁰ Thus, if the avowal received condition is not fulfilled (i.e. if the intended recipient does not recognize the attester's explicit commitment to be truthful) the promissory obligation fails to arise, the attempt to commit remains just that, and as a result testimony is also merely attempted.²¹

¹⁹ For an influential discussion of ways in which one might fail to understand members of oppressed groups see Meyers, Diana Teitjens. 1997. "Emotion and Heterodox Moral Perception: an essay in moral social psychology." In *Feminists Rethink the Self*, ed. Diana T. Meyers, Boulder, CO: Westview Press.

²⁰ We cannot be talking about attesting to oneself, as an attester would necessarily recognize it if she made an explicit commitment to herself. And we cannot be talking about cases wherein one attempts to testify in the presence of others since witnesses are properly understood as people one promises in the presence of, and not people one promises to, so that the right kind of promissory obligation cannot arise in relation to them.

²¹ One might wonder what my position implies about lying or perjury. Suppose you knowingly tell me something false and I do not recognize that falsity. In that case, if I recognize that you have told me something, then you have succeeded in lying (that is, you have succeeded in telling me something false on purpose). Suppose you purposely tell me something false and I recognize both the telling and the falsity of what you said. In that case, you have succeeded in the act of lying (you lied), but you have not achieved

2.7 TAVNT vs. Jennifer Lackey's DVNT

At this point I have argued in favour of all four conditions of TAVNT, though I will say more in support of the tell, avowal, and reason to believe conditions below. The account of testifying I have developed assigns important and interdependent roles to both attesters and recipients in constituting testimony as such. Though I have given reason for epistemologists to accept this definition, it would be wise to consider objections from someone likely to be less friendly to it than Moran. To that end I will situate my proposal in relation to Jennifer Lackey's tripartite taxonomy of definitions found in the epistemic literature on testimony. My definition is not captured by this categorization system, as will soon be evident. Instead, it might be better categorized as "interpersonal" and would fall into the same family as accounts implied by Richard Moran's work. I argue, sometimes in agreement with Lackey and sometimes originally, that Narrow, Broad and Moderate accounts of testimony are inadequate. More centrally, I will argue in favour of my definition by objecting to Lackey's own "disjunctive" definition of testimony, which severs attester and recipient contributions in constituting an utterance as testimony. Doing so will demonstrate both a number of potential objections to my account and my reasons for thinking that they do not succeed. I will also argue that in order to be useful to epistemologists, definitions of testimony ought to treat it as a product of the speech act of testifying, as Lackey's account fails to do.

To facilitate understanding of the rest of the chapter, it may be useful to refer to the chart on the next page. It contains an overview of the different accounts of testimony discussed in this chapter. Each is a "view of natural testimony." The description of the Broad view is a hybrid of my own and Jennifer Lackey's interpretation of it, for reasons that I will explain shortly.

your purpose (I was not fooled). This may sound odd in that I can now say that you succeeded in lying but your lie did not succeed. But the oddity is warranted because my recognition of your lie depends on your successful telling of it. You must manage to lie if I can be said to catch you in that lie. Similarly, perjury remains perjury if one tells an unrecognized falsehood under oath in court. But one cannot commit perjury if one does not succeed in telling anyone anything (and, in Canada and the United States of America, if one is not also under oath or telling their statement before an authorized person). Whether the perjury and attempted or intended perjury are actually differentiated in these legal systems is another question. But they certainly could be on the grounds I have given.)

Table 2. Different Views of Natural Testimony

Telling with Avowal View (TAVNT)	A person testifies when: a) She <i>tells</i> some assertion <i>x</i> to a recipient(s) I.e. the attester directs some assertion <i>x</i> to a listener who receives it by recognizing that the attester made an assertion and intentionally addressed it to her. b) The attester makes a strong and explicit commitment that, to the best of her knowledge, her assertion is/will be true. c) The recipient recognizes the attester's avowal as such. d) The attester presents her act of attestation <i>y</i> , i.e. her told avowal that <i>x</i> is true, as a reason to believe that <i>x</i> is true.
Disjunctive View (DVNT)	"S testifies that <i>p</i> by making an act of communication <i>a</i> if and only if (in part) in virtue of <i>a</i> 's communicative content, (1) S reasonably intends to convey the information that <i>p</i> or (2) <i>a</i> is reasonably taken as conveying the information that <i>p</i> " (Lackey, 2008, 35-36).
Broad View (BVNT)	A speaker <i>S</i> testifies that <i>p</i> if and only if <i>S</i> either tells someone that <i>p</i> , or "if <i>S</i> 's statement that <i>p</i> is an expression of <i>S</i> 's thought that <i>p</i> " (Lackey, 2008, 20).
Narrow View (NVNT)	"A speaker <i>S</i> testifies by making some statement <i>p</i> if and only if: (1) His stating that <i>p</i> is evidence that <i>p</i> and is offered as evidence that <i>p</i> . (2) <i>S</i> has the relevant competence, authority, or credentials to state truly that <i>p</i> . (3) <i>S</i> 's statement that <i>p</i> is relevant to some disputed or unresolved question (which may, or may not be, <i>p</i> ?) and is directed to those in need of evidence on the matter" (Coady, 1992,42).
Moderate View (MVNT)	"A speaker <i>S</i> testifies by making some statement <i>p</i> if and only if G1. <i>S</i> 's stating that <i>p</i> is offered as evidence that <i>p</i> G2. <i>S</i> intends that his audience believe that he has the relevant competence, authority or credentials to state truly that <i>p</i> . G3. <i>S</i> 's statement that <i>p</i> is believed by <i>S</i> to be relevant to some question that he believes is disputed or unresolved (which may or may not be <i>p</i>) and is directed at those whom he believes to be in need of evidence on the matter" (Graham, 1997, 227).

2.7.1 Lackey's Proposal: DVNT

To understand both Jennifer Lackey's taxonomy, and the ways in which she would find my definition of testimony objectionable, we must first understand her own proposal. In *Learning from Words*, Lackey contends that "inadequate accounts of testimony result from a failure to recognize the distinction between *testimony as an intentional act on the part of the speaker* and *testimony as a source of belief for the hearer*" (2008, 27). To remedy this difficulty she distinguishes between speaker and hearer testimony (s-testimony and h-testimony respectively) as follows:

Speaker Testimony: S s-testifies that *p* by making 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. (30)

Hearer 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. (32)

Her Disjunctive View of Natural Testimony (DVNT) asserts that someone testifies when either the conditions for s or h-testimony are met. In other words, the two forms of testimony are individually sufficient to constitute communicable content as testimony, though they are not necessarily disjointed (i.e. s and h-testimony may, but do not have to, co-occur) Her overall definition is therefore:

DVNT: S testifies that *p* by making an act of communication *a* if and only if (in part) in virtue of *a*'s communicative content, (1) S reasonably intends to convey the information that *p* or (2) *a* is reasonably taken as conveying the information that *p*. (35-36)

Lackey characterizes current epistemic definitions of testimony by parsing them into three categories – Narrow, Broad, and Moderate. She argues for DVNT by suggesting that it solves a number of difficulties with all three types of definition. I will review her critiques of the three alternatives while objecting to her own account. In particular, I reject her recommendation that we accept h-testimony as a description of testifying. I will then also reject the claim that the product of h-testimony is testimony. I do so in part on grounds that in order to advise us on the actual everyday activities that epistemologists of testimony purport to study, any adequate account of testimony ought to treat it as the product of the speech act of testifying, which Lackey's account self-

consciously fails to do. I will also object that s-testimony counts too much as testimony since it does not allow a distinction between attempts to testify and successful testifying. In turn, Lackey would object to my account because it does not count all the products of linguistic acts that inform as testimony, and because I do not allow that speaker and listener (attester and recipient) testimony are separable.

2.7.2 Narrow Views of Testimony Do Not Succeed

Narrow accounts, exemplified solely by C.A.J. Coady, require that for some statement x to count as testimony, x must be, and be offered as, evidence relevant to a dispute. X must also be given by someone who “has the relevant competence, authority, or credentials” to make a truthful assertion to people in need of evidence (1992, 15). TAVNT does not qualify as a Narrow view of testimony. It does not require testifiers to have relevant competence or authority, nor does it require them to offer evidence in relation to a dispute.

Lackey objects to Coady’s account, which she names a Narrow View of Natural Testimony (NVNT), on three counts: first, on grounds that he confuses the metaphysics of testimony with its epistemology; second, because “Coady fails to recognize the sense in which *testimony can be a source of belief or knowledge for a hearer, regardless of the speaker’s intention to be an epistemic source*”; and third, because a speaker can testify whether or not anyone is in need of testimonial evidence (2008, 16-18). I will consider the first and third objections before addressing the second, which Lackey would also level against my account.

First, Lackey is right to charge Coady with confusing the metaphysics and epistemology of testimony. By requiring x to *be* evidence and by requiring that the testifier *have* the relevant competence to testify truly, Coady tells us what testimony is (its metaphysics) by reference to its ability to be truth conducive (its epistemic value). In doing so his account, as Lackey puts it, erases the difference between good and bad testimony and precludes the possibility of distinguishing between reliable and unreliable testifiers and testimony. But as I have also argued above, what testimony is, and whether or not and if so how it can be a means to gain knowledge, are separate issues that ought not be conflated. Coady might reply that he does not require x to be *good* evidence, in which case the epistemic question may remain open (depending on one’s definition of

evidence). But this reply leaves untouched the requirement of testifier competence; so Lackey's objection stands.

Her third objection holds that Coady's Narrow account "fails to recognize the sense in which *a speaker can testify, regardless of the epistemic needs of her hearers*" (2008, 18). She supports this point by giving the example of a dinner party composed only of committed atheists (19). The atheists are convinced there is no God and so the matter, according to Lackey, is not in dispute. She suggests that we should agree that if a theist happened to sit down with the atheists he would nonetheless be able to testify to the existence of God. Coady might object that by supposing that a theist could join the party, Lackey builds a dispute into her example. The well-known, widespread, and active disagreement between theists and atheists makes the example possible. That means that the matter is in dispute, whether or not the party-goers admit it or accept that the dispute is legitimate.

Whether or not this reply would succeed, I agree with Lackey that testimony does not necessarily need to be given in response to a disputed matter. I also agree that it can be given to someone who is not in need of evidence for a conclusion. This may seem counter-intuitive because I insist that an assertion must be offered as a reason to believe. But consider a speaker who mistakenly believes that claim x is disputed when it is not. Perhaps he believes that other family members are arguing over who is responsible for destroying a precious heirloom while, unbeknownst to him, cousin George has admitted culpability. The speaker, fearing that he is one of the accused, swears that " x " - i.e. he swears that "I am blameless in all this!" In doing so he offers his assertion that " x " as a reason to believe that x - i.e. that he is blameless. Surely in this case the speaker *testifies that x* even though his status as a non-heirloom-wrecker was not in dispute and no one is in need of his evidence about the matter. This is the case in part because an utterance can be offered to others as a reason to believe even if the people to whom it is offered already do believe. If so, the Narrow view suffers another blow while my reason to believe condition remains intact.

2.7.3 Objecting to H and S-testimony: Speech Acts Matter—

Testimony and the Domain of Testimony are Not Equivalent

While Lackey correctly identifies two major problems with Coady's Narrow definition, I will argue that her second objection, the one most closely associated with her own view, does not succeed. In this final objection Lackey charges that Narrow views fail to allow h-testimony to count as testimony. More precisely, she objects that "Coady fails to recognize the sense in which *testimony can be a source of belief or knowledge for a hearer, regardless of the speaker's intention to be an epistemic source*" (2008, 18). This objection applies as much to my own account as Coady's, since I take speaker intention as partially constitutive of the speech act of testifying which produces testimony. I suggest that although Lackey correctly describes Coady's position, she does not thereby identify a *failing* of his account. As I will argue both here and more fully in the discussion of Broad Views of Natural Testimony (BVNT) that follows, this is because the conditions named in h-testimony are insufficient to identify an act as testifying or a product as testimony.

Lackey's worry is that if we fail to accept h-testimony as such, then we will be unable to count private diaries and journals, posthumous publications, and overheard conversations as testimony. She offers little in the way of argument that we *should* count these materials as testimony, however, saying only that it is "natural" and "intuitive" to treat them testimony *because we gain knowledge from them* that does not come from "sense-perception, memory, reason, introspection or combinations thereof" (2008, 18). Testimony, it seems, is the only remaining *epistemic* category under which to class linguistic products that are expressions of someone's thoughts. Epistemic need, however, does not seem sufficient to a) transform a speech act that is not testifying into testifying, or b) transform an utterance into testimony given that the putative h-attesters in question do not intend, and as Lackey admits, may even intend not, to testify (31).

Lackey takes the metaphysical "question of what precisely testimony is" to be "prior" to epistemological questions about "how we acquire justified belief or knowledge via the testimony of speakers." But she discusses testimony in relation to the epistemic categories above because she wishes to "capture what it is to testify for the purpose of theorizing in the epistemology of testimony" (2008, 14) It is entirely reasonable to allow that epistemologists must identify the metaphysics of testimony in ways that depend on their epistemic concerns. There is no one "true" definition of testimony. Instead,

definitions are like maps, they must fairly represent but may focus on certain features and not others for practical or ameliorative purposes.²² Even so, I suggest that Lackey inappropriately allows epistemic concerns to override descriptive and conceptual considerations in ways that undercut her ameliorative aims. She does so by conflating two important projects. One is to identify testimony, and the other is to identify the entire set of ways in which we might learn from, or come to know or justifiably believe on the basis of, “either the spoken or written word of others” (Ibid.).

Lackey knows that these two projects exist. She is careful to say that she is not interested in “characterizing the *speech act of testifying* but, rather, in carving out *the domain of testimony as a source of belief*” (Ibid.). But she nevertheless conflates the two projects when she assumes that testimony is the only vehicle that enables us to learn from another’s linguistic expression of thought. That testimony is a linguistic epistemic source does not show that all linguistic epistemic sources are testimony. What I am suggesting is that another’s words may be informative for us without thereby becoming testimony, a possibility that Lackey defines out of consideration. We can be informed by assertions, queries, non-testimonial telling, musings, promises, compliments, etc., and we should not lose sight of this possibility simply because we call a domain, as well as the product of an activity, “testimony.”

My point is also that we ought not identify *testimony* by identifying a *domain* that contains it. That there is only one epistemic category, traditionally named “testimony,” that intuitively accommodates attention to expressions of thought as a source of knowledge is not metaphysically informative about the nature of testimony itself, even when epistemic concerns legitimately influence our definitions and descriptions.

My disagreement with Lackey centers on the question of how to individuate what I take to be the product of a certain type of social interaction. We not only disagree about the features that define testimony, we disagree about how to individuate it in the first place. We might choose to individuate testimony based on epistemic concerns, and that would be fine, but in doing so we must take care not to be too revisionary. In other words, we must take care not to stipulate a definition that fails to describe the actual

²² Epistemologists, legal scholars, lay persons, and religious communities, among others, will legitimately use “different maps” by defining testimony differently in order to suit their particular needs and interests.

activity of testifying as people engage in it, at least if we want to learn about the epistemic features of that activity as it actually occurs. And we cannot learn about those features without treating testimony as a product of the speech act of testifying. I suggest that because it ignores speech acts and fails to attend to attester-recipient interaction, and because h-testimony discounts speaker intention, Lackey's definition does not "map" testimony closely enough for epistemic purposes. Instead, it allows too much to count as testimony, ignoring the distinction between different kinds of informative speech acts. This is rather like mapping all of Northern Africa and calling the result "Tanzania."

Consider, again, Lackey's attempt to define the *domain* of testimony without reference to testifying as a *speech act* – this time with respect to s-testimony. Presumably this domain would contain all instances of testimony. But if testimony is not individuated as a product of the *speech act* of testifying, how do we recognize it? Lackey's suggestion is, in part, that we do so by counting *all* "acts of communication" via which a speaker "reasonably *intends* to convey ... information" (s-testimony) as testimony (2008, 30, emphasis mine). As I will argue below, by treating testifying as *any* act that is intended to convey information Lackey allows testimony to be the product of a wide variety of speech acts. Now, I have argued that there is a difference between telling and attempting to tell, and between testifying and attempting to testify. Similarly, attempts to inform differ from successfully informing. If so, by counting s-testimony as testimony we will sometimes err since when a speaker intends or attempts to convey information to a recipient (or to tell), she will sometimes fail and indeed will sometimes fail to communicate entirely. To deny this claim, by counting all acts intended to communicate as testimony, is to erase the distinction between attempting to testify and actually testifying. Therefore, as with h-testimony, s-testimony counts too much as testimony.

To return to Lackey's original concern, notice that on my account, private diaries, posthumous publications, and overheard conversations will qualify as testimony only sometimes. That is, only when an attester intends to and does tell by directing an assertion to someone, as a reason to believe, while avowing that its contents are true. If an eavesdropper overhears a conversation wherein a speaker successfully avows that *x* to an intended recipient, then the attester's statement (the product of her testimonial act) is

testimony even for the eavesdropper though the speaker did not tell or avow to *him*.²³ A linguistic artifact is testimony if it is generated by testifying, no matter who observes it. However, if a statement wasn't intended as testimony in the first place, overhearing it or becoming informed by it does not make it so. In that situation the content may not be told, it isn't avowed, and it probably won't be offered as a reason to believe. It would be better to say, in such cases, that h-testimony is not testimony but linguistic evidence.

Now, many epistemologists of testimony are quite interested in whether or not, and if so how and why, we can gain knowledge from the kinds of linguistic artifacts that Lackey is interested in. But excluding *some* diaries, letters, overheard conversations and so on as testimony does not mean we cannot investigate their epistemic worth or characteristics. Quite the opposite. Instead, if we maintain the distinction between those artifacts that are and are not testimony, then we will be in a better position to evaluate their epistemic worth. Why? Because we will be aware of, or attentive to, features of them that are likely to be epistemically salient. If I want to know whether I should believe what you say, or whether I am likely to gain knowledge from it, I may well want to know how confident you are about your claim, whether you are willing to take responsibility for speaking truthfully, whether you meant to tell me something or were simply thinking out loud, and so on. By counting all such artifacts as testimony, and ignoring these features, Lackey's proposal does not facilitate these kinds of questions.

Let me pause here to review the situation so far: Lackey's overall diagnosis of the problem with Narrow views is that they require "the conjunction of these features (i.e. the speaker's intentions *and* the hearer's needs) rather than their *disjunction*" (2008, 19). She would object to my definition because it focuses only on s-testimony, in a different fashion than on her account in that speaker action as well as intention is central, and it rejects h-testimony altogether (the fact that one may learn from the words of another is not enough to make those words into testimony).²⁴ In other words, I do not disjoin the two features she finds salient but instead disqualify one and redefine the other. I object to her account by saying that: a) she insists that testimony is produced when we should say

²³ Whether the epistemic value of the testimony is the same for those who simply encounter it and those to whom it is directed is a separate question.

²⁴ Though the recipient in a testimonial exchange plays an essential role in enabling testimony to occur.

that no one testifies, b) both h and s-testimony count too much as testimony, and c) she cannot avoid considering speech acts if her definition is to be informative about real world practice.

2.7.4 Learning from Meaning, Not Learning from Words: Pragmatics Matter Epistemically

There is another reason to attend to speech acts when defining testimony. If we do not treat testimony as the product of a particular speech act, then we will not be able to understand the meaning or epistemic value of what an attester or asserter states. This is not simply the claim that Lackey's definition does not accurately enough reflect real world practice, but the claim that it cannot capture it at all. Here is why:

It is common, in philosophy of language, to distinguish between the semantic content of an utterance and the contribution of pragmatics to the meaning of that utterance; that is, to distinguish between the literal or conventional meaning of the words a speaker uses and what the speaker means or intends to, and often does, communicate by saying those words. Following common usage, we may describe this as the difference between what a person says and what she states or asserts (see, for example, Recanati 2004, 87-88). We do not learn only from the literal meaning of the words a person uses. Instead, we learn from what she states or asserts, which partially depends on her intention when communicating.²⁵ In other words, when we learn by accepting testimony we learn by understanding speaker meaning. And what a speaker means is partially indicated, or even constituted, by the kind of speech act she employs.

Attesters often communicate more information to recipients than they literally say. There are many ways to pragmatically convey information, to change the meaning of what is said away from the literal, or to add content to an utterance. One way to do so is to engage in one rather than another sort of speech act by producing an utterance with a particular illocutionary force (in part via tone of voice, facial expression, body language,

²⁵ One might object that Lackey does care about and attend to speaker meaning. After all, her definition of both h and s-testimony require that a speaker engage in an act of communication which she defines "broadly so that it does not require that the speaker intend to communicate to others; instead, it requires merely that the speaker intend to express communicable content" (2008, 28). But, as we will see, too much of a speaker's intention is removed from consideration here, including the intention that relates to the illocutionary force of her utterance.

context, etc.). For example, “Go out and play” might mean “You *may* go out and play” (a permission) or “You *must* go out and play” (an order). Similarly, in saying “I saw him yesterday” a speaker might mean:

- “I saw him yesterday; so he is lying” (an accusation)
- “I saw him yesterday so, no thank you, I don’t want to go with you and see him right now” (a refusal)
- “It is the case that I saw him yesterday” (a simple assertion)
- “I saw him ... roughly yesterday” (a conjecture)
- “I am very certain that I saw him yesterday; I mean that literally, I swear it is true and if I am not telling the truth you may hold me to account” (an attestation).

This example indicates that the semantic content of an utterance can remain the same, even though the pragmatic contribution to the meaning of that utterance differs. That is, pragmatic aspects of an utterance, including illocutionary force, add content to what is literally said and, in part, grant an assertion its meaning. Alternately, one might explain the point by saying that a change in speech act can change the thought that a speaker expresses via her utterance.²⁶ The point is that a difference in the illocutionary force of an utterance makes an informational difference, a difference in what we can know from an utterance and on what grounds we can know it. Clearly this is of epistemic concern. But we may not be able to investigate this possibility if we fail to treat testifying as a speech act, nor will we properly represent what it is to testify.

Lackey insists that “strictly speaking, we do not learn from one another’s *states of believing or knowing*—we learn from one another’s words” (2008, 2). She is very close to correct. Instead, however, when we gain knowledge that is based on testimony, we learn by understanding what other people mean when they say things. Otherwise we could only learn from the semantic content of their statement, which is clearly not what happens in practice. It is not words alone that enlighten us, but words *used* in a particular way to convey speaker meaning. We must therefore attempt to understand what people mean by what they say via an investigation of their speech acts and not their words alone.

²⁶ An accusation expresses the thought that “he did it” and the thought that “it is blameworthy.” A report expresses only the former, and so on.

Since this is how we actually learn from testimony, which is what epistemologists seek to understand, we need an account of testifying that treats it as a speech act.²⁷

What I am trying to say is that when considering testimony, and how we learn from it, we must consider speaker meaning, which requires us to consider pragmatics. If we do not attend to speaker meaning then we might not understand what is meant versus what is said. But we gain knowledge by understanding what is meant. We would significantly limit our ability to learn from one another, via linguistic communication, if we ignored pragmatic aspects of that communication. These pragmatic elements, illocutionary force included, partially constitute the meaning of an utterance. If that is true, and if one of the points of investigating the epistemology of testimony is to understand how we learn from each other's utterances (whether spoken, written or signed), it would be unwise to attempt to delimit the domain of testimony without reference to speech acts.

At this point in the discussion I have agreed with Lackey that the Narrow View of Natural Testimony (NCNT) does not succeed. The Narrow view, recall, requires a putative instance of testimony x to be, and to be offered as, evidence relevant to a dispute. X must also be given by someone who "has the relevant competence, authority, or credentials" to make a truthful assertion to people in need of evidence (Coady 1992, 15). NVNT does not succeed because a speaker can testify whether or not anyone is in need of testimonial evidence, and because by requiring x to be evidence and by requiring that the testifier *have* the relevant competence to testify truly, NVNT confuses the metaphysics and epistemology of testimony. Lackey also claimed that NVNT fails to recognize "the sense in which *testimony can be a source of belief or knowledge for a hearer, regardless of the speaker's intention to be an epistemic source*" (2008, 18) I have argued that she is

²⁷ See also Bach 2008. After describing a number of common observations in speech act theory that he believes are neglected by epistemologists of testimony, he writes: "When you take these observations and distinctions into account, you can easily see that the simplistic encoding-decoding model of communication is hopeless. And, when you combine them with a Gricean picture of communication as involving a certain sort of intention and correlative inference, you can see that the question of whether to believe something you are told is not altogether separate from figuring out what it is, if anything, that you are being told. The speaker may not mean what he says, and he may not believe what he is asserting. However, before you can consider believing what a speaker asserts or, for that matter, implies, you need to figure out what he is asserting and implying. And doing that requires coming up with something that he could plausibly have meant, given that he said what he said" (78). In other words "doing that" requires attention to pragmatics, including to illocutionary force (i.e. speech acts).

incorrect to name this a failure of NVNT. A speaker's intention is a necessary part of her communicative act, and the fact that a speaker can learn from an utterance does not make that utterance into testimony. To say that it does is, like Coady, to confuse the metaphysics and epistemology of testimony. We can learn from many different kinds of speech acts, and the attempt to delimit the domain of testimony without reference to speech acts does not succeed. Further, both s and h-testimony allow too much to count as testimony, as I will argue again below.

2.7.5 Characterizing Broad Accounts of Testimony

To solidify the arguments made above I now turn to Lackey's objections to Broad Views of Natural Testimony (BVNT). To identify Broad accounts of testimony Lackey presents material from three exemplars: Elizabeth Fricker, who treats testimony as "tellings generally" and "with no restriction either on subject matter, or on the speaker's epistemic relation to it" (1995, 396-97), Robert Audi, who treats testimony as "people's telling us things" (1997, 406), and Ernest Sosa, who discounts telling and treats any "statement of someone's thoughts or beliefs" as testimony, "which they might direct to the world at large or to no one in particular" (1991: 219). Lackey then "abstract[s] away ... inessential differences" between these accounts to give a general formulation of BVNT as follows:

BVNT: S testifies that p if and only if S's statement that p is an expression of S's thought that p . (2008, 20)

Lackey's general formulation, I suggest, abstracts away too much and by doing so glosses over a potentially important dispute. Fricker and Audi make explicit mention of telling, while Sosa explicitly says that a statement need *not* be directed to anyone else in order to count as testimony. This is not an inessential difference between their accounts and investigating it would be informative. Lackey sides with Sosa without further discussion, however, likely because she is not interested in treating testimony as a speech act, but also because she finds it "most natural to understand a "telling" as an expression of one's thought" (Ibid.).

But a number of different speech acts allow one to express thoughts. I might do so with a query or an order. And we do more when telling than express. Lackey's translation of "telling" into "an expression of thought" is therefore questionable. This may suggest

that her specification of the details of BVNT is inadequate.²⁸ In any case, because it does not allow all expressions of thought, or even all instances of telling, to count as testimony my account cannot be classified as Broad.

Lackey rejects BVNT because it allows too much to count as testimony, since it “fails to recognize the distinction between entirely *non-informational expressions of thought* and *testimony*” (2008, 21). Statements are non-informational expressions when they are “neither offered nor taken as conveying information,” in other words, when they are neither s nor h-testimony (Ibid.). Non-informational statements include statements that communicate what everyone obviously already knows. They also include encouragement, polite responses, and verbal expressions of how one feels rather than what one thinks. Lackey offers “Ah, what a beautiful day” as a verbal expression of feeling akin to “a sigh of contentedness” and takes “He sure has a great sense of humor,” said around people who heard an obviously funny joke, as an example of an uninformative statement of what everyone already knows (Ibid.). Note that on my account these statements will also fail to count as testimony since they do not meet the avowal or reason to believe conditions.²⁹ For these and other reasons I will argue that BVNT does not succeed. Before doing so, however, I will draw out the implications of Lackey’s objections to BVNT in order to object to her own account.

2.7.6 DVNT Does Not Define Testimony as the Product of a Specific Speech Act

Lackey seems to be objecting to BVNT with reference to the wrong speech act. That is, by defining testimony with reference to information she *seems* to treat testimony as if it is generated solely by the act of informing rather than the act of testifying. However, this appearance is deceiving with respect to both s- and h-testimony. On one hand, on Lackey’s account a speaker s-testifies via “an act of communication” if she intends to

²⁸ Instead, perhaps she should define BVNT by saying that “S testifies that *p* if and only if S tells another person (or persons) A that *p*.” Alternately she might say that “S testifies that *p* if and only if S directs the utterance that *p* to another person or persons who receives it.”

²⁹ While statements about the weather or someone’s sense of humor may sometimes be reasons to believe, in this case the speaker does not present them as such, as the ‘reason to believe’ condition requires. It is also possible that one avow about the weather or a sense of humor, but that did not occur in Lackey’s examples.

pass on information, not when she succeeds in doing so. But, as I argued in chapter one, *informing* and *attempting to inform* differ. Despite his intentions, a speaker's attempt to inform may misfire (fail to be performed). Because s-testimony refers only to the intention to inform, on this account the speech-act of informing is unnecessary in order to constitute an utterance as testimony. On the other hand, h-testimony allows us to ignore the intentions of the speech-actor, and hence to ignore the speech act that this intention is partially constitutive of in favour of attending to a result – whether or not a hearer gains information. Again in chapter one, I argued that *informing* and *being a source of information for* differ. The former requires that a speaker engage in a speech act in part by intending to pass on information, while the latter does not require speaker intention at all. This means that the fact that someone gains information does not show that the speech act of informing has taken place. Therefore, with respect to both s and h-testimony Lackey does not, despite appearances, mistakenly treat testimony solely as the product of the speech act of informing. This would be a benefit of her account except that she does not treat testimony as the product of the speech act of testifying either. Nor does she treat it as the product of any other specified speech act. In addition, she makes all informing into testifying, as if there were no other ways to inform.

2.7.7 DVNT Inadvertently References Speech Acts, But Not Testifying

Lackey does, however, refer to “acts of communication” in her definition of DVNT. Might these be speech acts? If so, does she define testimony with reference to the speech act of informing or testifying after all, or at least with reference to some unspecified set of speech acts? She writes, “I am construing the concept of an act of communication broadly so that it does not require that the speaker *intend to communicate with others*; instead, it requires merely that the speaker *intend to express communicable content*” (2008, 28). One does not intend to communicate, but intends to express communicable content when, I take it, one intentionally produces a linguistically meaningful utterance that is not directed to anyone. First, this sort of utterance is almost always made with

illocutionary force.³⁰ A speaker who does not intend to communicate often still expresses, asserts, engages in conjecture, wishes, and so on. Second, notice that while Lackey's explanation of the concept of an "act of communication" does not require that a speaker intend to communicate, neither does it prohibit that intention. In that case, addressive utterances, which are most often made with illocutionary force, will also count as *possible* ways to generate testimony on Lackey's account. Such addressive utterances will include, but will not be limited to, those via which a person intends to and does testify or inform. It seems, then, that while she may wish to do so, Lackey is unable to define testimony without reference to speech acts—acts of communication are, in effect, speech acts. Nevertheless she does not discuss or distinguish them except perhaps to disqualify speech act tokens that are not informative from counting as producers of testimony. Therefore, she does not, except incidentally, define testimony with reference to the speech act of testifying or informing.

Why does this matter? First, it shows that Lackey may need to explicitly discuss speech acts and not simply "acts of communication," since the latter is, in effect, code for the former. Speech acts are implicit ingredients in her definition of testimony. Second, it shows that it is not only speech acts, but the speech act of testimony, that demands attention. If speech acts are already part of her definition of testimony, Lackey owes an explanation for her decision to treat testimony as the product of several different kinds of speech act.

If, with Lackey, we count all informative linguistic expressions of thought as testimony then we lose focus on what is distinctive about testimony. Put differently, if the only speaker intention that matters is the intention to express communicative content, then learning from someone else's words is no different from examining any other piece of linguistic evidence. When we discount speaker intention to address, an attestation might as well be a cash register receipt, a surreptitiously glimpsed computer or ATM password, a text-message, or an answer in a word association game. But an adequate

³⁰ There are, arguably, linguistically meaningful sentences that express communicable content but do not have an illocutionary force. For example, consider an indicative sentence uttered on stage by an actor which appears to be but is not actually a statement (Green, 2000). If Lackey were to limit "acts of communication" to these kinds of utterances she would not be inadvertently including speech acts in her definition of testimony, but she would also be unable to discuss most of human communication.

account of testimony should be able to identify what makes *testimony* distinct from these other linguistic entities. And what is distinctive is that testifying involves address: testimony is produced only if one person *intentionally offers* it to another – and (if I am right), in a particular way (with avowal and as a reason to believe). After the testimony is produced it remains testimony when non-addressees access it, but in order to be testimony it must be the product of a testimonial act. In other words, the fact that testimony is the product of a *particular* speech act is what makes it distinctive. And attention to testifying as a speech acts requires attention to speaker intentions that go beyond the intention to express communicable content. Both parts of DVNT fail to meet this criterion. H-testimony fails to consider speaker intention at all and s-testimony tries to do so only in an unduly limited way.

2.7.8 DVNT Divorces Testimony from Testifying

It should now be obvious that Lackey's account has the strange effect of divorcing testimony from the speech act of testifying. To elaborate on one of the above examples, if I look over your shoulder and read your pin number as you enter it into an ATM machine, then it would be simply bizarre, and again misleading, to say that you testified. Yet if we accept Lackey's proposal regarding h-testimony, this linguistic expression of someone's thought about the composition of their pin number, which informs me, must count as testimony. Thus, h-testimony allows testimony to be produced by an act that is not an act of testifying.³¹

Further, if I find the content of your assertion, suggestion, query, joke, promise or musing informative, then given that they express your thought, their product must again count as testimony, whether or not testifying has occurred. Consequently, not only is testimony divorced from testifying on Lackey's account, testimony can be produced by speech acts other than testifying and in its absence. I will consider two specific examples below, one an act of promising and the other of joking.

First, however, note that Lackey includes a reasonableness clause in her definition of both s and h-testimony. The reasonableness requirement states that the speaker testifies

³¹ Because Lackey aims to define testimony without reference to the speech act of testifying this should not be surprising, but she has not succeeded in excluding speech acts from her definition. Therefore, it is reasonable to ask why testimony is not taken to be the product of its characteristic speech act.

“if and only if H, S’s hearer, reasonably takes [H’s act of communication] as conveying the information that p ” (2008, 32). She also requires that a hearer be informed not by observing what the speaker does or how she does it but at least in part by the “communicable content” of the speaker’s “act of communication.” Otherwise the hearer would be informed by perception rather than testimony (Ibid.). In addition, Lackey allows that communicable content need not be what is explicitly said; it can also be implied as when “a normal hearer in a similar situation would take a as conveying the information that p (in part) in virtue of a ’s communicable content” (Ibid.).

Now, consider the following promise: Person A, seeking to convince a reluctant person B to lend her some money again, says “I promise that this time I will use the money for groceries.” Hearing this, person B learns that last time groceries were not what person A purchased. Lackey must count this as h-testimony. B learned from the communicable content of A’s promise and, as would any normal hearer, reasonably takes A’s promise as conveying the information learned. But did person A *testify*? She accidentally revealed and thereby became a source of information for B. She may even have accidentally told. But, as I emphasized early on in this chapter, if person B were to explain that she knows that person A did not previously purchase groceries with loan money because person A *testified* to that fact, person B would be saying something misleading. She would be implying that B had purposefully revealed that fact while committing to its truth, neither of which occurred. If so, then h-testimony counts too much as testimony and allows testimony to be the product of the act of promising in absence of the act of testifying.

Better yet, consider the following joke:

Heaven Is Where:

The French are the chefs
 The Italians are the lovers
 The British are the police
 The Germans are the mechanics
 And the Swiss make everything run on time

Hell is Where:

The British are the chefs
 The Swiss are the lovers
 The French are the mechanics
 The Italians make everything run on time
 And the Germans are the police (Kurtzman, n.d.)

In virtue of what is stated here one might reasonably gather the information, from the communicative content given above, that Italians are not punctual while the French make poor mechanics, at least stereotypically. Someone unfamiliar with these stereotypes might certainly be informed of them by the joke. But surely the authors of this joke do not *testify* to the existence of such stereotypes. One might, following common usage, say that “these jokes testify to the existence of such stereotypes” but in that case “testify” would simply mean “stand as evidence for.” Non-linguistic entities can also “testify” in this sense, as a bridge might “testify” to the ingenuity of its makers. However, this sense of “testify” belongs to the concept of a “testament.” Considering it will not help us to understand testifying as the act of an epistemic agent. If so, this usage cannot lead to a definition that will suffice for our purposes since it does not differentiate testimony from any other sort of evidence, linguistic or not.

Similarly, one might be informed about world economic relations from the following late-night talk show jokes:

New Speaker of the House John Boehner chose not to attend the dinner for Chinese President Hu. In China, they're calling him an orange chicken. (Jimmy Fallon in Kurtzman 2015)

Senate majority leader Harry Reid refused to attend the state dinner for Chinese President because he considers Hu Jintao a dictator. In response Jintao said, “You're coming. You'll have the fish, and you'll like it.” (Conan O'Brien in Kurtzman 2015)

China has told us our days of squandering borrowed money are over. So maybe we shouldn't tell them we just spent \$76 million going to the Smurf movie. (Ibid.)

I imagine that some of you have just learned that a movie about Smurfs made at least seventy-six million dollars, and that John Boehner and Harry Reid at some point refused to attend a diplomatic dinner with President Jintao. Yet intuitively O'Brien and Fallon are not *testifying* to these facts. Rather they jest, and the success of the gag

depends on familiarity with the general political situation here described. The resulting utterances are late night television gags, not testimony.

This is not to say that we cannot engage in one speech act by engaging in another. It is plausible to say that one can testify *by* joking, arguably as does actor/writer Azie Mira Dungey in her comic web series “Ask A Slave” (2013). But that is not the same as saying that you can generate testimony *without* engaging in the speech act of testifying. In one case the joking generates testimony, and in the other joking is a vehicle for testifying which generates testimony. The problem is that h-testimony counts a communicative product as testimony when we should not say that someone generated it by testifying, and when intuitively it is not testimony at all. Problematically, the proposal both imposes a definition of testimony that is overly broad and divorces testimony as a product from the speech act that could produce it.

Lackey might reply that she is also giving a definition of what it is to testify, so that h-testimony is indeed produced by testifying. This reply succeeds only if we agree not to treat testifying as the speech act, of the same name, that people actually engage in. As I argued above, to do so would be unwise and far too revisionary in relation to actual practice to serve epistemic purposes well. To agree to her stipulation would be to give up too much if we want to understand the epistemic status of the actual activities that epistemologists of testimony purport to study.

2.7.9 Testifying and The Domain of Testimony Are Not Identical

Recall that Lackey proposes to delimit the *domain* of testimony without reference to the *speech act* of testifying. A domain is a field of study or, in mathematics, “the set of all possible values of an independent variable of a function” (AHD 2015; see also Timmins, Johnson, and McCook 2012, 142). Just as she objects to Broad views of testimony by saying that the domain of testimony does not include all linguistic expression of thought, I object to Lackey’s proposal in two ways. First, we should not take the domain of testimony to include all *informative* linguistic expressions of thought since we can be informed by communicative acts that are not testimonial, e.g. assertions or queries, and since the products of the speech act of testifying are not necessarily informative. Second, we may allow that the domain of testimony includes all linguistic expressions of thought that are or are meant to be informative, but in that case must recognize that *testimony* and

the domain within which it falls differ in that the latter is (partially) a subset of the former.

If we accept a), then the domain of testimony will include only and all products of the speech act of testifying. If we accept b), then the domain of testimony will include all of the ways in which we may learn from, or be invited to learn from, the linguistic expressions of someone's thought. *One* way will be via the speech act of testifying *and* the domain will exclude some products of that speech act. In both cases, attention to speech acts is needed. If we accept b), which matches her current proposal, then Lackey should not claim that identifying "the nature of testimony" or "what precisely testimony is" will delimit the domain of testimony since products of the speech act are only a subset of the domain and the two are identical in name only. (14) Not only that, but the other constituents of the domain of testimony will also be speech acts. In that case, Lackey cannot afford to ignore speech acts when pursuing her definitional project.

The following figure may help to clarify these two proposals.

Table 3. Contrasting Definitions of the Domain of Testimony

Domain of Testimony = Speech Act of Testifying	Domain of Testimony = All Instances of S or H-testifying
Domain contains:	Domain contains:
Products of the speech act of testifying.	Products of <i>any</i> speech act, or communicative act without illocutionary force, that generates or is meant to generate an informative expression of thought including products of ...
	Testifying, telling, asserting, informing, joking, promising, querying, etc.
Domain excludes:	Domain excludes:
Products of all other acts of communication, including all other speech act types.	Products of <i>any</i> speech act, or communicative act without illocutionary force, that is not informative and is not intended by a speaker to be informative, including products of the speech act of testifying that fit this description.

It would be odd to define the domain of testimony in a way that excludes some of the products of the speech act of testifying, as with b), which is possible since a reason to believe is not necessarily either informative or meant to inform if the attester knowingly reminds someone of what they already know. But it may not matter whether we accept proposal a) or b). Interesting epistemic questions arise in both cases, and someone will

pursue them regardless of how we construe the domain to which their objects belong. We want to be able to ask how we learn or come to know on the basis of what someone else asserts when they are *not* telling, as h-testimony aims to do. We want to understand how we learn or come to know on the basis of what someone else tells us with or without committing to tell the truth. And much more. Does it matter if we decide to categorize assertion and telling, etc. within or outside of the domain of testimony? Probably not, as long as we are clear about our terminology and about the nature of our theoretical projects.

What does matter is whether or not we end up with a viable understanding of our actual epistemic practices in the world, no matter what domain we decide they belong to. And if those practices differ from each other in important ways, as I have suggested they do, then we must take account of those differences; hence my insistence that we attend to testimony as a particular kind of speech act. Since Lackey is prescribing a way to identify the domain of testimony and not describing a pre-given entity (though it certainly sounds like this is her aim when she writes of identifying “the nature of testimony” and “what precisely testimony is” (2008, 14)), she owes her readers a justification for ignoring speech acts. This is especially true when there is reason to think that they matter epistemically, as Moran argues when he focuses attention on the importance of assurance in speaker-hearer relationships. And even if, with Lackey, we choose proposal b), my definition of testimony remains useful for in that case we will need a definition of both the domain and the act itself.

2.7.10 Broad Views of Testimony Do Not Succeed

Before moving on to consider her objection to Moderate accounts of testimony, I will discuss Lackey’s remaining objections to the Broad View of Natural Testimony. Recall that BVNT treats all statements of a person’s thought as testimony. Her most persuasive objection is that BVNT mistakenly allows utterances by an actor to count as testimony. Suppose, with Lackey, that Edgar the thespian recites the line “Life no longer has any meaning for me” onstage. Lackey argues that Edgar’s utterance expresses his thought and therefore that BVNT is forced, in error, to count it as testimony. We must say that it expresses his thought, she insists, in order to allow that people may think things that they do not believe which explains how we are able to lie or perjure ourselves when giving

legal testimony (2008, 22). Though I agree that statements by actors almost always ought not count as testimony, and that BVNT falls to this objection, Lackey's observation leaves my account untouched. Again, attention to speech acts and speaker intention solves the purported problem. Edgar does not engage in the speech act of promising, swearing, avowing or anything of the sort. Nor does he recite his line in order to give the audience a reason to believe that what he says is really true. Utterances by actors will not normally meet the avowal and reason to believe conditions and so, on my account, they do not qualify as testimony.³²

Lackey's final objection to BVNT is that it must count encouragement, of a sort that looks like cheerleading, as testimony. In her example, Mary from *The Secret Garden* says to Colin "You can do it! You can do it! ... I tell you, you can!" Lackey says that Mary has "no intention to convey information" and means only to cheer on her friend (Ibid.). She adds that Colin is unlikely to be informed by Mary's act. I disagree. Mary means to encourage her friend by expressing faith in his ability so that he is motivated to act. Colin may be motivated either because he comes to share Mary's faith so that he believes that it is at least possible that he might succeed, or because he does not wish to disappoint her. But to motivate and encourage him *this way* requires that Mary *inform* Colin that she has faith in his ability to stand up. Other forms of encouragement, perhaps clapping, do not necessarily involve informing, but this sort does. One might object that Mary is encouraging without informing Colin of her faith because, let's say, she doesn't yet know if she believes he can actually "do it." But whether or not Mary actually has faith in Colin's ability is beside the point because she is communicating to him that she does. For his part, Colin is likely to come to know that Mary believes in his ability to stand or at least that she believes that it is possible or likely that he might stand. At the very least he will know that she does not think it impossible.

Now, again because of the Avowal condition, encouragement is unlikely to count as testimony on my view whether it is informative or not. However, an encourager might both tell and avow in order to give someone a reason to believe. If so, and if the encouraged person recognizes the avowal, then encouragement can be accomplished via

³² If an actor's utterance did meet these conditions, and the Tell and Avowal Recognition conditions, then it would count as natural testimony, but I take this as a strength not a weakness of the account.

testimony. And why not? Mary's ultimate aim may be to encourage rather than inform, but she is telling Colin something in order to do so. The intention to encourage *by* informing is there, and she does pass on information to Colin – encouraging information! *If* she is avowing and *if* all the other conditions are fulfilled, which I take no position on here, then it would make sense to say that Mary testifies. In that case Lackey should allow that one may testify by encouraging. Her DVNT does not capture these instances of testifying. For its part, and despite this defense, BVNT is not safe from Lackey's objection since it is unlikely that *all* encouragement will meet my conditions and BVNT must count all encouragement as testimony.

2.7.11 Summarizing Objections to DVNT via Discussion of BVNT

Lackey's overall diagnosis of the difficulty with BVNT is that it counts too much as testimony because it does not distinguish between informational and non-informational expressions of thought. I agree that BVNT counts too much as testimony, but my focus is on BVNT's lack of attention to avowal. BVNT allows linguistic products to count as testimony when the putative attester does not avow and when she does not offer her communicative act as a reason to believe. We ought, therefore, to reject it.

The purpose of this discussion, however, was to examine Lackey's own arguments in favour of her Disjunctive View of Natural Testimony. By considering her objections to BVNT I have argued that her DVNT: 1) sometimes *does not* count as testimony things that *should* count (some forms of encouragement); 2) sometimes *does* count as testimony things that *should not* count (most jokes and promises); and 3) fails to treat testimony as the product of the speech act of testifying, thereby failing to capture what is distinctive about testimony and to adequately represent testifying as it is practiced. These difficulties arise because Lackey tries to define testifying and testimony while ignoring speech acts; because she fails to distinguish telling, informing and testifying; because she cuts the speech actor out of consideration entirely when counting h-testimony as testimony; and because she does not investigate speaker-recipient interactions (for example in relation to avowal).

2.7.12 Moderate Views of Testimony Do Not Succeed

Finally, we reach Lackey's discussion of Peter Graham's Moderate View of Natural Testimony (MVNT). Though very similar to NVNT, in order for person S to testify that *p* MVNT requires only that "S's stating that *p* is offered as evidence that *p*." that a speaker *intends* listeners to believe he has "the relevant competence, authority, or credentials to state truly that *p*" and that the speaker *believes* that his assertion that *p* is "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 to evidence on the matter." (Graham 1997, 227). MVNT differs from NVNT in that the requirements refer to an attester's intentions and beliefs rather than to facts of the situation. Lackey appreciates that, by including the aforementioned clauses, MVNT avoids many of the problems with NVNT and BVNT. She levels the same objection at MVNT, however, as she raises in relation to NVNT and would also raise in relation to my account. All three of our accounts fail to recognize h-testimony as testimony. That is, TAVNT, MVNT, and NVNT all fail "to recognize the sense in which *testimony can be a source of belief or knowledge for a hearer, regardless of the speaker's intention to be an epistemic source*" (2008, 18). While Lackey does not discuss the possibility, some versions of BVNT may also encounter this problem since they use the language of telling, though Lackey's preferred formulation of BVNT does not.

I have argued that this aspect of MVNT is a strength, not a failing. I do not think, however, that MVNT succeeds. First, perhaps we should say that evidence and reasons to believe differ. Intuitively, putative evidence (E) is not actual evidence if it is not properly connected to that which it is supposed to demonstrate (*x*). But, also intuitively, a reason to believe (R) remains a reason, though a bad one, if the person offering it asserts something false (i.e. not "properly connected"). On this view, evidence is that which could demonstrate that an assertion is true, and a reason to believe is that which makes it reasonable for a person to believe a claim, whether or not it is true.³³

³³ Lackey and I respond, here, to Graham's basic formulation of what Lackey has called the Moderate view of Testimony. Graham's fully explained position is more subtle, as he distinguishes between various conceptions of evidence. He might describe my distinction between evidence and reasons to believe as that between "veridical" evidence and "X's evidence"—i.e. between "potential evidence" for h "where h is also true" and "what a subject takes to be evidence that so and so" (228). Potential evidence, for its part,

The above implies that a claim provides *evidence* because of a relation between the claim and the way the world is but provides a *reason to believe* in relation to an individual's epistemic situation. Suppose I see smoke. If the smoke does not in fact come from a fire, then it is not *evidence* that there is a fire. But if I have no defeater for the belief that the smoke is caused by fire, and if I am in an epistemic situation where it is reasonable to believe that it is so caused (e.g. I have strong inductive support for the belief), then it is plausible to claim that the smoke is a *reason to believe* that there is fire (whether or not it is bad reason). So, reasons to believe cannot always provide us with evidence. But if I already know that the smoke is not caused by fire, then seeing the smoke does not give me a reason to believe that there is fire. This indicates that my epistemic situation is part of what enables something to be a reason. By contrast, my epistemic situation does not make the smoke into *evidence* that there is a fire, nor does it prevent the smoke from being evidence. Further, if one has evidence that there is a fire, one also has a reason to believe that there is a fire. It seems, therefore, that evidence can always provide us with a reason to believe (if it is in principle discoverable), though reasons to believe cannot always provide us with evidence. The two concepts must therefore be distinct.

If reasons to believe and evidence differ there must be acceptable reasons, other than those provided by factual connections, to believe x . This must be the case if it can be reasonable to believe things that are false. One need only think of Gettier's barn façade example to make this possibility plausible. Similarly, it is perfectly reasonable for most non-scientists to think that water is H_2O , though water is more accurately described as a macroscopic entity made up of differently ionized molecules including H_2O , OH^- , and

“requires an objective connection, association, or regularity between the putative piece of evidence and what it is evidence for [in this case h]” (Ibid.) but h *does not need to be true*. Thus, the disagreement in our positions depends on what ought to count as a “proper” connection between h and the evidence for h . Graham does not require that h be true in order for something to be evidence, but he does require that X 's evidence also be potential evidence rather than, say, a fantastic notion. I require h to be true in order for something to be evidence for it. I might describe Graham's understanding of evidence as “potential evidence” or as a “*plausible* reason to believe.” If the latter, then we agree in terminology more than it appears in the main argument above. However, even in that case my understanding of a reason to believe is more expansive, and so our definitions would not be identical. Alternately, perhaps Graham has other reasons to retain “evidence” in his definition.

H3O+ (Vandewall, 2007). If so, then we have another reason to distinguish evidence from reasons to believe.³⁴

Epistemologists of testimony will want to be able to ask questions about evidence, reasonable belief, and justification in relation to knowledge or belief based on attestation. Does testimony always give recipients a reason to believe? Can it provide evidence? If so, when and under what conditions? Can testimony justify our beliefs and therefore enable knowledge or does it only make it reasonable to believe? If evidence and reasons to believe differ, and if the notion of a reason to believe is not captured fully with reference to evidence, then because MVNT does not discuss reasons to believe it cannot facilitate these kinds of questions and may obfuscate them. My account fares better in that it will allow discussion of both evidence and reasons to believe. Testifiers will only ever be able to make use of known evidence when attesting and all known evidence also provides a reason to believe. At the same time my account will allow discussions of reasons to believe that are not evidence.

At this point it is plausible to conceptualize evidence and reasons to believe differently. Because MVNT does not require that an instance of testimony *be* evidence, but only that it is *offered as* evidence, the question that arises now is: “How do (or must) attesters represent their testimony? Do (or must) they offer it as evidence or as reason to believe?” Notice that the question is not about what attesters actually offer, but about how they present their offering.

When we attest, we declare or affirm that “*x*.” Whether we may thereby provide evidence or proof that the statement is true, or that the situation it describes obtains, is an unresolved question.³⁵ Attesters might nevertheless offer testimony *as if* it is evidence.

³⁴ “Evidence” can also be understood as that which justifies belief in *x*. It may or may not be the case that evidence is the only way to justify belief. And justification and reasonableness may or may not come apart. That is, one possibility is that a *reason* to believe *x* may not *justify* belief in *x*. *If* evidence is the only way to justify, and *if* justification and reasonableness are identical, then there may not actually be a difference between evidence and reasons to believe. That would be a radical claim, however, as in that case it would never be reasonable to believe something false, which is unlikely.

³⁵ There are some cases where a statement does act as its own evidence. In such situations it will often be the case that recipients gain knowledge or belief *from* testimony but not *based on* it, where epistemologists generally wish to investigate the latter situation. We gain knowledge or belief ‘from’ testimony by observing an attester’s testimonial act rather than by believing its content, which generates knowledge or belief ‘based on’ testimony. “I survived the wreck,” for example, does not require recipients to believe the attester because the fact that she can make the statement is itself proof that what she says is true.

That is, it would not be surprising if attesters sometimes represent their testimony as full or partial proof of the content therein asserted. But they need not necessarily do so. Instead, attesters might consciously, as Moran suggests, ask recipients to “take my word for it” and offer their attestation as a partial basis for reasonable belief. Even when offering testimony as evidence, attesters will likely also offer it as a reason to believe. After all, one of the points of offering evidence, testimonial or otherwise, is to help us to decide what to believe. Indeed it may not always be possible to credibly present a reason to believe as evidence. Attesters may be aware of this situation and present their testimony accordingly.³⁶ Though empirical evidence is needed to establish this claim, it is therefore reasonable to posit that sometimes attesters offer their testimony as evidence, sometimes as a reason to believe, and sometimes as both.

Finally, we should ask if it is possible to offer testimony *without* offering it as a reason to believe. I suggest not. It would be very odd to say that when I tell you that something is true I do not thereby license you to act as if it were true or to use it as a reason, at least in relation to me. And it would be disingenuous for me to say that you have no reason to believe that what I say is true while I swear that it is (at least if I think that you should believe I am a mostly reliable testifier in relation to x). It is likely, that is, that one cannot meet the avowal condition without offering one’s testimony that x as a reason to believe that x . If an attester claims that she does not offer her testimony as a reason to believe x , her recipient could then rightly ask, “Are you telling me that x is the case or not?” And he would be entitled to insist that the attester treat her own testimony as such a reason.

But what of an attester’s potential statement that “I swear that it is true that x , but my avowal is not a reason for you to believe that x ”? This attestation seems to involve a performative contradiction. The attester seems to be saying that x both is and is not a reason to believe. The contradiction dissolves if a) the attester means the testimony is a reason to believe for others who are differently situated epistemically, but not for the

³⁶ I may swear to you that I have a particular memory from when I was 9 months old. But suspecting that my subjective experience cannot ‘prove’ that I remember, that remembering something from that age is unlikely, and that I may have formed the memory as a response to photographs and family stories, I may present the testimony as a reason to believe that I remember rather than as evidence. This suggests that reasons to believe are sometimes claims that something is evidence without proof that it is evidence. Reasons to believe may also be non-evidential as with axioms.

recipient, or if b) she offers her attestation as a reason to believe while simultaneously suggesting that the reason is defeated. In both cases the attester offers her testimony as a reason to believe. But speakers can and do contradict themselves, and perhaps this is a rational reconstruction that hides an attester's ability to present her testimony without offering it as a reason to believe. Here we might say that the attester may *think* that she is not offering it as a reason to believe, but that objectively, simply in attesting, she does so despite her interpretation or intention. The preceding paragraph helps to make this interpretation plausible.

One might object that an attester could offer her testimony as a simple statement of fact, with no thought to what recipients will do with it. Similarly one might object that an attester's reason for testifying might be to have her claims "on the record." But one's reason for offering testimony and the way one presents that testimony may diverge. I may offer testimony to have it on record or simply to state what I know, but if I present my attestation as true then I offer it as a reason to believe.

The above discussion does not prove but does makes it reasonable to accept that: a) evidence and reasons to believe differ, b) testimony will always be offered as a reason to believe but will only sometimes be offered as evidence, and c) when testimony is offered as evidence it will also be offered as a reason to believe. For these reasons, I suggest that epistemologists of testimony discard MVNT's requirement that attesters offer their testimony as evidence in favour of the requirement that they offer testimony as a reason to believe that x is true. This objection also applies to NVNT.

The second reason to object to MVNT is, contra to its requirements, that speakers can testify *without* intending that recipients believe they have the "the relevant competence, authority, or credentials to state truly that p " (Graham 1997: 227). A speaker may testify to put what they know or believe on some official record, or to speak their piece no matter what the response, even when they believe that recipients will not accept their claim to be in a position to testify truly. In situations where one is resisting oppression it may even be in part *because* one will not be treated as a credible, competent authority that one is motivated to testify. If part of the oppression of a group of people is instantiated by an unjust credibility deficit, members of the oppressed group who assert, with avowal, to recipients who recognize their action do not need to intend to be taken as

credible and yet testify anyway. They may, instead, have the intention to pave the way so that in future other members of the group will be credited as knowers, or they may intend to make it harder for oppressors to ignore them whether they are taken as credible or not, or they may testify to assert their self or group worth, to live up to their values or the values of their group, and so on. In order to act to fulfill *these* intentions it is not necessary to intend recipients to believe you are credible, though it is much easier to testify if at least some other people (who need not be the recipient/s) do treat you this way.³⁷ We should, therefore, reject this requirement as proposed by MVNT.³⁸

Third, I suspect that speakers can testify without knowing, or believing, that a dispute is occurring or at least without knowing, or believing anything about, the content of that dispute. This could occur if someone burst in, asked a speaker a question, and asked them to avow in relation to the answer and then ran out again without offering an explanation. Perhaps being asked in this way would engender a belief in the speaker that a dispute existed and that her answer was relevant and directed at a person in need of evidence. Or perhaps not (as perhaps an adult might not think when asked by an enthusiastic child). While testifying in response to an actual or perceived dispute to people actually or apparently in need of evidence in presumably relevant ways, as required by NVNT and MVNT respectively, will certainly be typical in testimonial situations, I am not yet convinced that doing so is a necessary feature of testifying. Therefore I exclude this sort of condition from my account. Nevertheless both a perceived dispute and attester address toward a person perceived to be in need of evidence are *typically* involved when testifying occurs. Participants in testimonial exchanges, I suspect, almost always recognize that the exchange itself, the topic of the exchange, or the outcome of the exchange is significant to at least one party to that exchange. I will discuss the ramifications of these typicalities in chapter three.

³⁷ Speakers may have to speak *as if* they have the “relevant competence, authority, or credentials” to assert a truth but they do not even have to believe that they do so themselves; otherwise perjury would be impossible.

³⁸ One might object that one cannot offer an assertion as a reason to believe without intending recipients to take one as credible. It is, however, possible to do so if one offers the assertion as an objective but not a subjective reason.

I have now reviewed and rejected Narrow, Broad, and Moderate definitions of natural testimony, as Lackey identifies them. I have also rejected her disjunctive definition of testimony and objected to her attempt to define the domain of testimony without reference to speech acts.

2.8 Conclusion

While responding to work by Richard Moran and Jennifer Lackey I have argued that telling, avowal, recognition of that avowal, and the offering of one's assertion as a reason to believe the content of that assertion are conditions via which to define testimony. I have argued, that is, that testimonial telling, i.e. testifying, occurs when:

- a) An attester *tells* some assertion x to a recipient(or recipients). I.e. an attester directs some assertion x to a listener and the listener receives it by recognizing that the attester made an assertion and intentionally addressed it to her.
- b) The attester makes a strong and explicit commitment that, to the best of her knowledge, her assertion is/will be true.
- c) The recipient recognizes the attester's avowal as such. I.e. the recipient recognizes that the attester has made a strong and explicit commitment that, to the best of her knowledge, her assertion is true.
- d) The attester presents her act of attestation y , i.e. her avowal that x is true, as a reason to believe that x is true.

But why should epistemologists of testimony accept this definition? In general because it raises new questions, enables us to ask established questions in the field without presupposing answers, and represents important aspects of testifying as an actual practice so that findings will be informative. More particularly:

First, because it focuses on a relationship between attesters and recipients, the definition allows investigation of some of the social aspects of knowing. It enables questions about trust and about attester and recipient commitments, rights, and perhaps epistemic virtues. It also allows questions about whether epistemic communities or contexts enable or inhibit our ability to know, since these communities and contexts support the making and keeping of epistemic commitments via avowal.

Second, because the definition treats testifying as a speech act, it allows us to distinguish testifying from other speech acts that may have different, epistemically relevant features that may aid knowers or expose them to risk. Testifying involves avowal, for example, which may contribute to warranting belief.

Third, because it is sensitive to relationships, reflects how certain kinds of telling happen in practice and enables investigation of risk, the definition may support normative claims about how to better give and receive testimony. Fourth, the definition is amenable to use in relation to current Anti/Reductionist and Transmission versus Generation debates in the literature. Fifth, the definition allows us to ask whether one's justification for believing an attestation, and therefore her ability to know on that basis, is affected by whether or not the attester addressed the testimony to her or to someone else. As far as I know, this question has not previously arisen. Sixth, the definition does not divorce testimony from testifying. And finally, it allows religious and legal testimony to count as such. The definition thereby meets the ameliorative aims given in the introduction to this project.³⁹

To fully meet those aims, however, we require more than a definition. In addition, we must also characterize testimony by asking not only what it is, but what it is like, how it operates, what it is used for, etc. We need to examine what attesters and recipients do with testimony and by testifying. It is to this topic that I turn in chapter three.

³⁹ A drawback of the definition is that it does not encompass the entire spectrum of ways in which we learn from what others say. I hope to have established, however, that testimony is not the only way in which we learn from each other's utterances. There are good reasons to avoid erasing the speech act of testimony when defining what Lackey has called the domain of testimony. Instead, we need a characterization of the speech act and of the set of all the linguistic ways in which we are epistemically interdependent.

Part Two: Characterizing Testimony

Chapter 3

3 Significance

I have suggested that in order to answer epistemic questions about how we learn from testimony we need to have some understanding of what testimony is or what it is like. Definitions are useful but they do not enable this sort of understanding. More is needed. We also need a characterization, a picture of how testimony works. In response—and in contrast to the transmissive characterizations implied by most epistemologists—I characterize testifying, which produces testimony, as a process through which people negotiate significance. My goal in the next two chapters is not yet to offer that characterization, but to examine the concepts of both “significance” (chapter three) and “negotiation” (chapter four) as I intend to use them. In chapter five, I combine these two concepts to explain Significance Negotiation and to demonstrate that it is a primary function of testimony. Finally, in the Conclusion I argue that this characterization of testimony reveals that it is generative not only of knowledge but also of understanding. While the next two chapters are preparatory, the characterization of testimony that will emerge in chapter five is prefigured and foreshadowed in them.

In the present chapter I will argue for four main claims: 1) Significance can be objective or subjective, and the two forms influence each other. 2) Significance can be created and recreated. 3) Senses of and claims about significance can be evaluated epistemically, morally and pragmatically. 4) Significance is necessarily negotiable. The chapter proceeds as follows: In section 3.1 I discuss various aspects of significance as a cluster concept and argue that significance is dependent on the existence of perceivers. In section 3.2 I discuss the relationship between subjective and objective significance and intersubjectivity. Sections 3.3 and 3.4 address possibilities for creating and evaluating significance, and section 3.5 concludes the chapter.

Before beginning note that, although in chapter two I define testimony as a particular sort of assertion and reject Broad definitions of it, from now on I will speak of testimony broadly. That is, when I now speak of testimony I will follow Elizabeth Fricker and Ernst Sosa and mean “tellings generally” (E. Fricker 1995, 396-97) and/or any “statement of someone’s thoughts or beliefs” (Sosa, 1991, 219). Since Interpersonal,

Narrow, Moderate, and Disjunctive definitions all fall within the scope of this broader definition of testimony, doing so will, for the most part, make my characterization available for use no matter one's preferred definition of the phenomenon.¹ That said, these next two chapters are not focused on testimony itself. It is possible to negotiate significance in many ways, testimonial exchange being only one important way, and my purpose at present is to begin to describe this activity.

3.1 Aspects of Significance and Perceivers:

The term “significance” captures a collection of closely related ideas. Each aspect of this cluster concept is important. For this reason, let me stipulate that when I speak of “significance” I am speaking of some combination of:

- **Importance**—what matters and how much it matters;
- **Relevance**—how things are related, how they affect each other;
- **Meaning**—how things have been/are *interpreted*, the *ways* in which they matter; what they (are used to) symbolize, signify, represent, indicate, purport, or communicate to others; and
- how things are (made) **Meaningful**—meaning, importance, and sometimes relevance, combined.

Under this description importance, relevance, and meaning differ and they may jointly combine to make something meaningful. Importance is a matter of degree, meaning is not. Relevance is also a matter of degree; something may be highly or only marginally relevant to a topic or to something or someone else. Further, something may be highly relevant in relation to a topic that is not, by some other metric, very important. But things cannot be meaningful to someone, or be seen as relevant or important, without being interpreted, without being understood in some way, without carrying meaning.

Interpretation and understanding do not happen without perceivers. Therefore if something matters, carries meaning, or is meaningful then it must do so according to one or more particular perceivers. Relevance and importance, however, are not always dependant on perception. Instead, something can affect you in significant ways even if you are unaware of that thing or of its effects. In that case, something cannot be significant unless it is so either a) from someone's perspective, or b) in relation to her. In

¹ This is not be the case in situations where I refer to statements that Narrow definitions would not count as testimony, but that happens only once in the next two chapters and does not significantly affect my argument. For those interested, I flag that case in a footnote when it occurs.

other words, in order for something to be found significant there must either be: a) someone from whose perspective things can matter, someone who can interpret, relate, signify, or experience things as meaningful, or b) someone who has needs, interests, goals, projects, values, and so on, in relation to which that something can matter. If this is correct, then if something matters it must matter to someone, and it will do so in particular ways and for particular reasons.² Significance may also lie in a particular domain, so that something may be morally significant, politically significant, environmentally significant, and so on.

3.2 Objectivity, Subjectivity, Intersubjectivity:

“Mattering to someone” can be understood in more than one way. First, something matters to a person when she feels that it matters, when she has a sense of its significance, or when she knowingly or unknowingly responds to it in a way that indicates that it has some import for her. This sort of mattering is subjective—it is personally felt and may be, but is not necessarily, shared by others.³ Second, and as I have said, something might matter to someone in relation to her needs, interests, goals,

² I count as a perceiver any being that is capable of registering information via sensation. Not all of these beings will be able to negotiate significance, however. In place of “perceiver” I will often speak of “people.” I am also assuming, perhaps controversially, that things that are not perceivers cannot have interests. If that is not so the discussion should not be overly affected since I am interested in significance negotiation between persons, where persons are perceivers in some capacity.

³ I say “felt,” rather than “believed” or “thought” here for two reasons. First, unlike beliefs, senses of significance cannot be true or false. Second, the experience of sensing and of believing are different. I am likely to be able to give reasons for my beliefs (whether I had those beliefs beforehand or not). Senses on the other hand are feelings that something is the case. Think about senses of commitment, certainty, dread, anticipation, obligation, ... these are not simply beliefs. They are mixtures of affect, emotion and cognition. They may, but do not need to be, accompanied by a specific belief, nor do they need to be “about” something. (I may experience a sense of anticipation without expecting anything in particular to happen, and I may even feel this way while believing that nothing is going to happen so that I feel silly for feeling anticipation.) Similarly, a sense of significance is not a belief. Unlike a belief about significance, senses of significance are motivating. I may believe that it is important not to eat meat but do so anyway, whereas if I have the sense, the feeling, that it is important not to do so, then I will be more likely not to do so. Senses of significance are feelings that colour people’s responses to their situations or environments, that influence their choices, or that alter their perceptions of the way things are. Senses of significance are also “felt” affectively in the body. A bodily feeling of readiness to act, of alertness, of commitment, of willingness may be part of this sense. It is not my intention to give a phenomenological description of what it is like to have a sense of significance, but I do assert, based on what I have said so far, that there is one to be given and that it will differ from what it is like to have a belief about significance. More on this topic will follow in Chapter Four.

projects, values, and so on, regardless of her response to or awareness of it.⁴ This sort of mattering is objective.

The potential divergence between one's perceptions and interests indicates that mattering and being felt to matter differ. An immediate puzzle arises. How do mattering and being felt to matter relate to each other? Are there facts about significance that are not matters of interpretation? Are things significant, or not, in ways that we can be right or wrong about? At issue is how to understand the relation between objective and subjective significance. I will suggest that both exist, that both are important, and that the two forms of significance can reciprocally influence each other allowing people to recreate features of their shared world. This claim depends on another—that subjective significance and awareness of objective significance are possible only as a result of intersubjectivity. They are, that is, possible only because multiple subjects interact within and respond to a mutual environment or shared world (Davidson 2001, 83, 129). I will argue for this claim below. For now consider objective and subjective significance further.

Objective significance arises from the needs, interests, and abilities of perceivers—qualities that are often shared with others. Arguably, humans have interests in surviving and thriving individually and collectively across at least four domains (physical, emotional, spiritual, and mental). Those interests make a number of typically shared features of human life objectively significant (important and relevant), though the particular ways in which these features are significant (made meaningful or into carriers of meaning) are not given. Some of these features are: birth and death; family and friendship; the need for food, drink, and shelter; emotion; the ability, and perhaps need, to make moral and spiritual sense of oneself, others, and existence; the experience of being vulnerable and of being embedded in political and economic structures in both natural and built environments; the ability to both help and harm others; the possibility of creativity, invention, teaching, and learning, the need to labour, and more. All are objectively significant, at least for humans. As I will argue in section 3.4 however, *that* certain features of life are significant (important or relevant to one's interests) does not

⁴ It might, that is, matter objectively in relation to a particular subject.

tell us *how* they are significant or how we should go on to make them significant (carriers of meaning or meaningful) in the future, whether individually or socially.

I have been speaking of general and generally shared elements of human life. But particular features of an environment can be objectively significant as well. By this I mean that they are in fact important/relevant to at least some person or group's needs and interests, whether anyone thinks so or not. Such features may be natural or socio-material (intersubjectively and materially generated, instantiated and maintained).⁵ Naturally significant particulars can include unaltered geographic features such as: mountains; earth's gravitational field; the sun and moon; and weather systems and events that did not result from human activity (some hurricanes, droughts, frosts, volcanic eruptions, etc.). Socio-material examples include: laws; hiring policies; farming methods; social roles; types of employment; widespread moral judgments; sources of pollution; changes in flora, fauna and ecosystems as a result of human activity; infrastructure and built environments; classification systems; educational standards; some soil erosion (Noël et al 2001); some famines and high crop yields; constructed or altered geographic features such as human-made islands or shored up rivers; disease outbreaks; some changes in climate or micro-climate (and thus in particular weather systems or events and geographic features); and so on.⁶ These particular features of a world are objectively significant. In addition they typically influence people's lives in ways that make them difficult to ignore, so that they are very likely to be given meaning and to be made meaningful both individually and socially. Again, that these features *are* significant (important, relevant in particular ways to particular subjects), does not tell us *how* people

⁵ As I understand it, something is socio-material, very roughly, where: a) it is material and is the way it is partly because of the materials and material conditions which enable it to be physically instantiated or embodied, and b) where social practices, beliefs, norms and so on influence the way in which materials and material conditions are physically constituted. In these cases what is social is also material, and what is material is also social. Here things appear, exist and happen as they do only in dynamic social/material contexts. If this is correct then the social and material co-constitute/interpenetrate/are a part of each other, so that it may not be accurate to distinguish the two. A bridge, for example, is a bridge because it is socially constructed and used as such in ways that shape and re-form the material used to build it, while the metal and concrete, or perhaps wood and rope, influence the design, function and possible existence of the bridge. Bridges are socio-material objects.

⁶ War and social injustice often lead to food shortage that can be exacerbated by harsh weather. Human actions such as irrigation and plant variety breeding can increase crop yields, but only given plants to work with in the first place, and the choice of plant may be constrained by environmental conditions. Soil erosion can be caused or slowed by specific farming and land use practices. And climate change is expected to result in instances of extreme weather.

should give meaning to, or make those things meaningful (significant) whether now or in the future. In other words, the fact of something's importance or relevance, does not give content to the *way* in which one should understand it to matter.

Consider now subjective significance. This is the significance something has from someone's perspective and as she experiences it. What is at stake in thinking about significance this way is a person's interpretation, perception and/or felt sense of the ways in which a thing matters. So x is subjectively significant if an individual thinks or feels that it is so or if she behaves as if it were. I use the term "subjective" here in order to indicate that the sense of significance is personally felt, that others may not share this sense of significance, and that it may or may not be appropriately responsive to facts.

It is important to note that people can develop and sustain senses of significance only from within intersubjectively constituted socio-material worlds. As stated above, something is intersubjective when it depends on and arises from interaction between more than one subject, where those subjects act within and respond to a mutual environment (Davidson 2001, 83, 129).⁷ In practice many aspects of these environments are themselves intersubjectively constituted. As Charles Taylor points out, practices are not individual actions, nor, I would add, are the forms of life, possibilities, social identities, and so on associated with them. Instead, they are "modes of social relation, of mutual action" where a set of ideas and norms is constitutive of those practices. Those constitutive norms and ideas

must be the common property of the society before there can be any question of anyone entering into [them]. Hence they are not subjective meanings, the property of one or some individuals, but rather inter-subjective meanings which are constitutive of the social matrix in which individuals find themselves and act (Taylor 1985, 36).

The ability to subjectively experience significance is bound up with the practices one enters into, and with one's identity, form of life, social position, personal and communal projects, and with one's values. In order to find things significant (meaningful) one must have these kinds of anchors because they enable perspective and even identity. They are needed because to be meaningful is to be meaningful to us or to me in relation to

⁷ Shari Stone-Mediatore describes Hannah Arendt's understanding of this point saying "our experience of the world's reality depends on our experience of others who seem to encounter the same world" (2003, 44).

something about which I or we care. So there must be an “I” and perhaps a “we,” things that can matter, and the kinds of reasons to find that they matter, all of which arise from within social worlds and the kinds of values, projects, forms of life and so on that they enable. Without these things there would be no reason to value something, no metric that could be used to judge whether something mattered and no one to whom or in relation to whom something could matter.

In addition, the concepts and languages which either enable us to feel things to be significant, or allow us to identify and make sense of the significance we are sensing both to ourselves and others, are thoroughly social. Though sometimes one may go on to use concepts and language in novel ways, helping them to evolve, they are intersubjective cultural products with a history of use and meaning that we do not create alone. Tools of thought, contexts for action, common meanings, and modes of valuing are not individually generated. They are passed on (bequeathed), taken up and must already be in place if one is to use them to participate in recognizable social action with others.

As feminist relational theorists have argued, intersubjective social worlds are also necessary because people become themselves only because of and with others who teach, care for, interpret, remember with, and otherwise relate to them in particular contexts (Baier, 1985; Code, 1987, 1991; Ruddick, 1989; Collins, 1990; Benson, 1994; Campbell, 1994, 2003; Brison, 1997; Meyers, 1997; Walker, 1998; McKenzie and Stoljar, 2000). As part of this process, people learn and then continue to be able to understand and express themselves, feel, value, and judge, interpret, remember, develop self- and other-regarding attitudes. They also acquire and use many other “essential arts of personhood” (Baier 1985, 84). Many of these arts are necessary if one is to sense and express significance. I suspect that we may even learn from others how to find things significant; that is, that we are often taught how to feel about the importance of things. I learn from those around me, perhaps, to feel ashamed if I am caught in a lie, to feel proud of some things and not others (Gilmore 2014), or when to allow or prevent myself from loving (Scheper-Hughes 1987). If all this is true then the ability to experience subjective significance is possible only within and because of intersubjective worlds wherein we relate to and with others.

3.3 Creating Significance:

Intersubjectivity enables and influences one's subjective senses of significance, but the reverse is also true. People's individual senses of significance influence intersubjectively generated socio-material worlds, worlds which are dynamic and open to change. While our ability to sense significance is relational, and while the ways in which we do so are also relationally influenced, one's sense of significance is not dictated, static or simply determined by those who have gone before.⁸ Otherwise social change, shifts in values, the beginning of new practices, culture jamming and the like would not be possible.⁹ As Hannah Arendt has argued, people have the unique ability to begin something new, to act and interpret in unexpected ways (1958, 9, 177-78). That means that one's senses of significance will not always be a replication of previous senses, so that people have the potential to make novel contributions to collective meanings, ways of living, and so on. For that reason, I submit that when things are felt to matter they do matter. Certainly they matter to the person doing the feeling. But that is not the only sense in which they matter. They matter because of our interconnectedness: one person's sense of significance affects other people's own senses of significance, their (relational) senses of themselves and of what is and is not possible, worthwhile, good, or right. And when things are felt to matter, they can influence states of affairs and the make-up of socio-material worlds.

I have suggested that senses of significance are influential feature of social worlds. In part, here is why: One's sense that something is meaningful is intentional; it is about or directed towards or about the way something is in the world. Not only is it about the world; a sense of meaningfulness changes the world by changing how a person, and others in response to her, behaves within it (see Hacking on looping, 1999, 31-32, and Langton, 2000). The effect is especially pronounced when groups of people share a sense of the significance of something. Senses of significance alter behaviour, and behaviour alters social worlds as people (among other things): fabricate items; invent substances or

⁸ This may be, in part, because people do not share identical perspectives, social locations, or experiences and because we have the opportunity to learn from and with others to expand or fuse our horizons of significance (see Gadamer, 1989).

⁹ Though I may speak of change in a positive light I do not, in any way, mean to imply that all change is positive or good. That is certainly not the case. Change can also be for the worse.

technologies; alter physical landscapes and environments; create and recreate cultural forms, identities, ideas, stereotypes, discourses, and practices; generate policies, laws, and moral norms; organize institutions; provide services and systematically sustain themselves; form social groups and engage with each other politically, and so on (Hacking 1999., 21-22). Obviously these sorts of behaviours have effects on socio-material worlds/contexts. Accordingly, by influencing behaviour people's senses of significance change the world.¹⁰ This point will be very important in chapter five. I shall substantiate it further by reviewing Ian Hacking's work on social construction and Sally Haslanger's work on the potential for socially transformative epistemic critique of ideology.

In *The Social Construction of What?* Hacking proposes that we can construct both objects and ideas. He counts people and social groups as objects; concepts, theories, attitudes, and so on count as ideas (Ibid.). On his account, social construction always takes place within a "matrix"—a particular social setting constituted by institutions, material infrastructure, other representations and ideas, policies and procedure, practices, relationships, norms, types of people, and so on (1999, 10).

As suggested above, the basic idea is that how we think of things changes how we act in the world, which changes what the world is like, which changes how we think, and so on. When an idea is constructed, writes Hacking, a person or group of people may be constructed as well. This is because using an idea has practical affects. It is also because people, and groups of people, are "interactive kinds"—they are aware of the descriptions, ideas, and standards applied to them and they adjust accordingly, whether to subvert or live up to such descriptions for their own purposes (Hacking 1999, 31-32; see also Langton 2000, 140).

Another way to say this is that people are often required to "perform" in particular ways in order to be counted as a certain "kind" of person (see also Butler 1988). Ideas of what "those people" are like become norms rather than mere descriptions. The in/ability to live up to norms has material consequences. One might be denied disability benefits

¹⁰ While discussing the role of ideology in the construction of social worlds, Haslanger quotes Purvis and Hunt (1993): "the way in which people comprehend and make sense of the social world has consequences for the direction and character of their action and inaction. Both 'discourse' and 'ideology' refer to these aspects of social life" (Purvis and Hunt 1993, as quoted in Haslanger 2007, 474).

for being able to do too many things on one's own, for example. So people learn how to behave as required. And by behaving that way, they change.

It is not only ideas, people, and experiences that are constructed. Policies and procedures, institutions, relationships, infrastructure and its use and accessibility, social roles, and other aspects of "the matrix" also change as a result of our actions and ideas. If we newly conceive of "sexual harassment," for example, then it becomes possible to create policies to deal with and prevent it. Hacking therefore suggests that our social contexts are themselves constructed (1999, 34).

During significance negotiation we generate, contest, bolster, and reinterpret ideas about kinds of people and about other elements of our social contexts. Doing so changes how those ideas are used or adds new ideas for use, and the matrix is altered. Negotiating significance is, therefore, one way to participate in the construction of the ideas, norms, and other aspects of our social contexts that will go on to construct us. For now, however, simply note that in virtue of their cognitive and/or evaluative content individual senses of significance can be called ideas in Hacking's sense. Given that people, along with their beliefs and senses of self and significance are relationally and intersubjectively constituted, it is reasonable to conclude that these individual senses of significance are *constructive* as well as constructed. That in turn leads to the conclusion that individual senses of significance matter objectively as well as subjectively.¹¹

What I have shown so far is that individual senses of significance are important and that they can influence socio-material worlds. I have not yet shown that that they can do so by making themselves correct. That is, I have not shown that senses of significance can be (indirectly) self-fulfilling or that when something is felt to be significant it thereby may become significant *in the way one feels it to be*. Drawing on Sally Haslanger's work in "But Mom, Crop Tops Are Cute! Social Knowledge, Social Structure and Ideology Critique" I will suggest that this is sometimes the case.

¹¹ One might ask whether it is senses of significance themselves that matter, or whether it is their content that matters. It may not be possible to separate the two, but if it is, then I suspect that both are important. For this purpose the content is most important, however, because the content of a particular sense of significance affects (not determines) both the way in which other people's senses of significance will be affected, and the sort of influence on a social matrix that the sense may have.

Haslanger begins by pointing out, following Rae Langton (2007), that “In the social realm, knowledge, or what purports to be knowledge, is entangled with the reality it represents. Social institutions are constituted, at least in part, by sets of shared beliefs and conventions” (2007, 70). Importantly, she adds that “even false beliefs about social phenomena can cause changes in the social world that result in the belief’s becoming true” (Ibid.). Her concern is that some beliefs that become true in this way can be bad ones, especially when they reinforce oppression. In response, Haslanger is interested in establishing that *epistemic* critique is possible even when the bad belief has become a socially constituted truth (71-73). This prompts her to raise a puzzle. There are, she suggests, some situations wherein “it is true that p so you should believe p; but believing p makes it true, and it would be better if p weren’t true; so you shouldn’t believe p.” (73).

Haslanger discusses the putative cuteness of crop tops to seventh graders in a hypothetical North American public school in order to illustrate both the puzzle just mentioned and the way in which, when acted upon, collective belief can make something true. I will focus on the latter point, taking up the possibility of critique in a different way in the next section of this chapter.¹² In Haslanger’s example, popular girls believe that crop tops are cute, wear them, and cause other girls to believe and do the same. This pattern of belief and behaviour makes it common knowledge in this seventh grade social milieu that “(1) Seventh grade girls who wear crop-tops to school are cute. (2) Seventh grade girls who wear track suits to school are dorks” (2007, 72). Haslanger emphasizes that parents, from within their social milieus, may be right to disagree and to insist that crop tops are not cute, and that girls who do not wear them are not dorks. But she also

¹² Haslanger’s work on the possibility for critique is excellent and well worth reading. However, I have chosen not to work with it both since doing so would expand the chapter unreasonably, and since her work, and the work of Charles Taylor on whom she draws, struggle with the project of trying to offer an objective method for offering critiques of milieus which they consider to be “illusions.” Despite their insistence on the importance of intersubjectivity, their work appears to give what I am calling meaningfulness a non-intersubjective status that I do not think it can possess. This is nevertheless excellent work which provides insight into the potential and conditions for communication and critique across disparate social milieus. Haslanger is undoubtedly correct to say, for example, that ideology critique requires not “merely changing beliefs, but ... creating social spaces that disrupt dominant schemas” (2007, 89). She also offers useful discussions of the nature of ideology, of the way in which milieus may overlap or not, and of the conditions under which “genuine” critique is possible. She suggests either that in order for critique to be possible interlocutors must share some form of legitimate common ground so that they are pressed to respond to each other, or that we can accept relativism about social truth but objectivism about moral and epistemic value (86-88). Both suggestions are worth considering, though questions about each will certainly arise.

insists that the girls are not wrong; “patterns of social interaction at the school are what determines the extensions of ‘cute’ and ‘dork’: if a girl walks like a dork, sounds like a dork, dresses like a dork, she is a dork” (Ibid.). On her account, there are important social truths here of which the girls have knowledge. This is so even though those truths could have been otherwise and even though they resulted, in part, from the girls’ own beliefs and behaviour.

First, notice that Haslanger’s example is one in which the significance of a type of clothing (crop tops), a way of dressing (in a sexualized manner), a set of identities (cute girls and dorks), and a way of marking social hierarchy (popular girls and “losers”) are under negotiation. Second, notice that the girls’ individual senses of significance have, when combined and enacted, become self-fulfilling. Crop tops are cute because they are thought to be cute.¹³ Those who wear what is thought to be cute are the cute girls, and those who do not are the dorks.¹⁴ Haslanger’s point is that dressing this way is part of what being cute *is* in this setting. “Cute” and its extensions are, on her account, intersubjectively constructed. This demonstrates that in some circumstances sensing something to be significant can contribute to in fact making it significant in the way one feels it to be significant.¹⁵

¹³ I would prefer to say “what is *felt* to be cute” in the passage above. I do not, since it is more accurate, when speaking of Haslanger’s own position, to say “thought” or “believed.” However, “felt” captures the affective aspect of experiencing oneself or another to be cute or dorky. Some degree of pleasure, confidence, discomfort, unease, and other similar feelings, experienced bodily, go along with the belief that one is or is not cute. Similarly, we not only have beliefs about others, we have affective responses to them “as” particular kinds of people. This makes it more likely that we will be motivated to act on such beliefs.

¹⁴ If one is inclined to reject this claim on objectivist grounds, then perhaps the claim that crop tops are “in” (in style) will do instead. It would be difficult to argue that there is a way to be in style that is uninfluenced by intersubjectively constructed current standards. If so, then girls who wear crop tops are “stylish,” or again “cute” since in this setting part of being cute is being stylish. Alternately, the girls might be both “stylish” and “little miss perfect” types to those who know of, are governed by, but do not accept the prevailing fashion/social standards at school. Thanks to Grade 12 student Mikaela, who offered these categories in conversation, Sept 23, 2015.

¹⁵ For those interested in the larger picture here, yes, the world of fashion is a world of continual significance negotiation, as things go in and out of style, and as what is thought to be (or felt to be) cute changes. This may appear to be something that happens apolitically, or according to the whims of famous designers. However, fashion trends and interventions tend, instead, to be aspects of larger negotiations, often about gender roles, but also in relation to class, political questions, and so on. School dress codes, the choice to wear attire with religious significance, the popularity of trousers for women at certain points in time, experimentation with androgyny in the fashion world, fashion and connections to national identity or revolution, and many more, all indicate the political nature of dress. See Root, Regina A. 2010. *Couture*

Let me emphasize that a) individual senses of significance do not fulfill themselves by themselves so that simply feeling something to be so does not make it so, and b) collective practical instantiation of a sense of significance cannot occur if people do not sense and act upon significance individually. Both collective and individual levels of action are necessary if a sense of significance is to be self-fulfilling. To see this, notice that Haslanger's example can be read as an instance of Hacking-style social construction. In this case two types of people, cute girls and dorky girls, are constructed in relation to an idea that is collectively put into practice. As with Hacking's account, the people categorized by the idea are aware that this is happening and they respond in ways that, in this case, entrench the idea and particular ways of enacting it.¹⁶ Following Hacking one might expect that the idea will also evolve as it is taken up in different ways, so that ideas of cuteness and dorkiness will continue to be reconstructed as will those to whom the ideas are applied. Social construction, under this or any reasonable description, is a collective process taking place in an already existing intersubjective socio-material world that opens some constructive possibilities and forecloses others. It is not a matter solely of individual thought or action. Even so, individual thought and actions matter and cannot be ignored. Intersubjectivity requires the interaction of subjects. And again, novel construction is possible, both of ideas and of particular instantiations of them.

Like Hacking, Haslanger is careful to point out that intersubjectively constituted social truths are not merely subjective. In the social setting she discusses, cuteness is not simply a matter of individual taste, making everyone right and giving no one grounds for critique. Instead, there is an evaluative standard in place that is applied to all the girls in that milieu, even if some of the people in it disagree. This does not mean, however, that individual senses of significance are irrelevant here. Instead, they remain the building blocks of the constructed category of cuteness. If the popular girls had not felt crop tops to be cute, and if others following those girls had not come to feel the same way, crop tops would not have had the same significance as aesthetic and social markers. This is

and Consensus: Fashion and Politics in Postcolonial Argentina Minneapolis, University of Minnesota Press, for one among many scholarly examples of this sort of claim.

¹⁶ Haslanger's account is much more detailed than this. As mentioned above, it is productive and worth reading, especially for an excellent discussion of ideology and the existence of different but potentially overlapping social milieus.

true even though individual senses of significance are themselves possible because of, and thoroughly influenced by, pre-existing practices, judgments, concepts, and so on.

I hope now to have established that when things are felt to matter, they do matter. When someone experiences x as significant, then it is objectively the case that it is significant *to that first person perceiver*, experiencer or group.¹⁷ I reiterate this point because it may seem like a trivial claim—a tautology—since it amounts to saying “things that I feel to be significant are significant in the sense that they matter to me.” However, this simple fact about felt significance is important to attend to because felt senses of significance help to create significance for other people as well. They do this both by influencing other people’s own felt senses of significance and by changing socio-material environments. In other words, they help to generate features of the world that are objectively significant. This does not mean that individual or collective senses of significance are always right, though as Haslanger has shown, it sometimes has that consequence. But it does mean that they can be important, relevant, and that they can help to generate meaning and meaningfulness for individuals and groups. This point is an important one. For that reason, let me emphasize that one of the implications of the preceding discussion is that significance can be created and re-created (intersubjectively constructed). In particular, people can help to make things meaningful, both at the individual and social level, in ways that were not previously the case.

In the last two sections I have argued that something may be objectively significant, subjectively significant, or both, and that the two forms of significance influence each other. On my account, objective significance arises from the needs and interests of perceiver(s) and can make it highly likely that certain things or experiences will be subjectively significant, perhaps even in patterned ways. Importantly however, and as I will argue below, because subjective significance is interpretive, forward-looking, context sensitive, and a function of present needs and interests, a thing’s objective significance does not dictate its subjective significance.

¹⁷ Senses of significance are themselves objectively existing features of socio-material worlds; they are parts of states of affairs and there are facts about whether or not and how x matters to someone. This is the case even though how something matters to someone can and often should change over time (Campbell 2014, 35). It is also the case even though people can negotiate about how to interpret facts, about what the facts are, and about whether or not a person should experience things to be significant in the ways that they do.

Regarding subjective significance, I have argued that there are three ways to make something significant by feeling it to be so. First, something may become significant (meaningful) to someone simply by being experienced or felt in a particular way. In other words, it is objectively the case that when someone feels that something is significant it is in fact significant in that way *to that person*. That does not, however, mean it is thereby significant in that way to anyone else, or that their sense tracks an already existing or objective significance. Second, senses of significance are features of, and can be substantial influences on, states of affairs and socio-material worlds. Therefore they may be objectively significant when they become important and relevant to other perceivers, especially in relation to their needs and interests. Third, by influencing other people's senses of significance and their resulting actions, individual senses of significance may contribute to the creation of social facts. They may, that is, help to change states of affairs or social milieus. Depending on the change in question this sometimes allows senses of significance to make themselves correct (i.e. they may be intersubjectively self-fulfilling though they are not automatically justified simply by being felt). If so, then feeling something to be significant can help to make that thing significant in the way that a person felt it to be, both objectively and subjectively.

I conclude that subjective and objective significance influence each other and that they can both be created or recreated. These were the first two theses of the chapter. Arguments for the next two—that senses of and claims about significance are proper objects of epistemic, moral, and pragmatic evaluation, and that significance is necessarily negotiable—are to follow.

3.4 Evaluating Significance:

3.4.1 Facts, Meaning-making and Epistemic Evaluations

If significance can be created and if senses of significance can, in some sense, be self-fulfilling, one might well ask with Haslanger and as I have above, about the possibility for critique. Can one reasonably criticize another person's senses of significance or significance claims? Can we be wrong? If so, in what ways and on what grounds? In response, in this section I will argue for two further claims: both that senses of

significance and claims about significance are appropriate objects of epistemic, moral, and pragmatic assessment, and that significance is necessarily negotiable.

To begin, notice that I have touched on at least three different ways in which to talk about or experience significance: one might have a *felt sense* of it, one might make *claims or statements* about it, or there may be *facts* about it. Facts about significance are of two kinds. There are: a) facts about a thing's importance and relevance in relation to a set of needs, interests or projects, and b) facts about how something has been personally or collectively made meaningful or given meaning whether now or in the past. Senses of significance, facts about significance and ways of making things meaningful are neither truth-apt nor truth-evaluable; they are not claims or statements and therefore are not capable of being true or false. Even so, senses of significance and ways of making things meaningful are open to epistemic evaluation in other ways. For example, one might ask whether a given sense of significance enables or prevents understanding, whether it is responsive to evidence, whether it encourages or forecloses further inquiry, whether one has it for good reasons, and so on. Statements or claims about significance, by contrast, can be truth evaluable when they are about needs, interests and historical or present meaning. This is so even though they are probably not always truth evaluable (as when they are related to present meaning-making), and even though there is often neither only one right way to make a claim about or to interpret a thing's significance, nor one right way to find or to make something meaningful.

Consider senses of significance. Among other things, one might have an experience or sense of: how something has historically been understood to be and treated as significant in a particular context; the way other people interpret or experience something's significance, whether individually or as a group; or how something feels or is significant to oneself. That means that a sense of significance can, but does not have to, be about the way something is objectively significant (the way it relates to someone's needs and interests) or the way it has been made socially significant. If so, how something feels significant to me and how it is significant in other ways may align, conflict or have little to do with each other. First, it is very likely that some things that objectively affect people's needs and interests, or that could do so, have not yet been noticed by perceivers so that they are not yet interpreted or felt to be significant. Second,

one may notice a thing's significance, here understood as its relevance or meaning, without experiencing it as meaningful or important. That is, something that is significant in one way may be insignificant in another way. Third, one may feel or have the sense that something is objectively significant in relation to someone's needs and interests (and perhaps morally if there are moral truths) even if that thing is in fact: a) irrelevant, contrary to what one believes, or b) relevant or important but in a different way than one experiences. I am claiming, here, that if significance is intentional (world-directed) then one's subjective sense of significance can be mistaken. We sometimes get it wrong, just as we sometimes get it right. We are not wrong that a thing feels and therefore is significant to us in a particular way, but we can be wrong in therefore thinking that this is the way a thing is significant independently of us. One's sense of significance can inform when it correctly indicates importance, relevance, and/or meaning, but it can also mislead; it may seem to track these things without doing so.

In such cases one may (given sufficient evidence for thinking another has got it wrong) have good epistemic reason to tell a misled person that he ought not experience something as meaningful, important, relevant or imbued with meaning in a particular way, and that she ought to feel differently about that thing's significance. One may, for example, have the very strong sense that vaccination causes autism even if there is no factual relation between the two. Or one may have the sense that, because of the non-existent but supposed link to autism, requiring children to be vaccinated is morally wrong. If acted upon, that sense of significance poses an unnecessary risk of serious harm to others. In that case, and depending on other features of the situation, there may be not only epistemic but also moral grounds on which to claim that a person's sense of significance is problematic and ought to be different.

Now, should senses of or claims about significance always be dictated by already existing facts about a thing's importance, relevance in relation to existing needs and interests, or existing or past ways of making something meaningful? I suspect not. Instead, there are likely unproblematic ways to experience something as meaningful that cannot be generated by accurately tracking an already existing fact. If meaning is something we can and even should *make* out of what we are given, if it is not always something to be found by ascertaining facts, then significance (meaning and

meaningfulness) will not be predetermined. This is the case even if there are limits, or influences, on the ways in which things can matter to people, and even if those limits and influences result from facts about the world and the things in it or from facts about how things have been made meaningful in the past.

The claim that people can make meaning, for themselves or together, should not be controversial. A scar may symbolize strength, resilience, and recovery to one person or vulnerability and the fearfully temporary nature of existence to another. Someone else may not attach any particular significance to her scars. These experiences of significance are not right or wrong, correct or incorrect. That sort of evaluative language is not appropriate as there is no fact of the matter as to what scars, in general or in particular, must symbolize. At the same time, each person in the example responds in a reasonable and perhaps valuable way by attaching, or declining to attach, personal meaning to this artifact of their body's healing process.

The same may occur at a social level. Scars, and other things, may become socially meaningful in ways that are not and need not be determined beforehand. Frances Clarke, for example, has chronicled the political meanings given to "honorable scars" incurred by Northern Soldiers in the American Civil War. Clarke argues that, in that context, battle scars and amputations came to be interpreted as signs of virtuous masculinity as well as signs of the moral worth and value of both personal and political self-government (2002, 361-63). War injuries and amputations have been given other social meanings however. Clarke supplies one of these when discussing work by other civil war scholars who argue that, socially, "the loss of a limb was a mark of feminization or humiliation," given that it engendered "feminine dependency" (363-64). These two meanings may even have co-existed, in tension with each other, in the same context. I suggest that there is no naturally existing, objective fact that dictates what these scars should, then or now, be made to symbolize. The way in which they were made meaningful did not reside in the scars themselves, nor was there a pre-existing truth about their meaning. Instead, the significance of these scars was a product of interpretation, intersubjectively enabled and taken up, where the relevant interpretation was not determined beforehand. True, the ground for offering this interpretation was prepared, one might say, by the social roles, concepts, political interests, and occurrences found in

the particular milieu in which the interpretation arose. But that does not show that this interpretation was inevitable, correct, or that it should have been adopted. Other interpretations were live possibilities, as Clarke's interlocutors demonstrate. Interpretation involves choice, decision, and adjudication, and interpretations can be evaluated.¹⁸

The implication here is that significance cannot be identified simply by listing facts. To see why, consider Sue Campbell's account of good remembering. For Campbell, to remember well is to be faithful to the past. Faithfulness, in turn, must be guided by the norms of both accuracy and integrity (2014, 30-49). I will focus on the former. Campbell demonstrates that in order to remember accurately one cannot simply replay a mental movie or rummage through an internal archive to pull forth an unchanged and complete record of fact. Instead, in addition to recalling facts, one must, among other things, bring to mind not all the facts but instead those that are relevant given both one's larger context and one's present purpose in remembering. Doing so requires interpretation as one sifts out "salient facts or themes from a morass of detail"(38). One ought also to experience an appropriate range of emotions in response to what one recalls, in part since emotional valence is part of the information found in remembering (36-49). Simple recall of facts is not sufficient to reveal truth or significance because irrelevant facts may distract from the truth, because the wrong collection of facts can be misleading, and because the significance of those facts can be misinterpreted (37-41). As Rockney Jacobsen has pointed out, this makes accuracy a more demanding requirement than truth (2015 7). Stringency is appropriate, however, because a remembered set of entirely true facts may nonetheless generate a distorted picture of the past via omission or because of the emotional response of the rememberer (26). Campbell demonstrates that truths can be misleading in these ways by discussing nostalgia. Nostalgic rememberers recall pleasant truths about the past but refuse to recall painful or negative facts. In so doing, they paint an overly rosy picture and their memory of the past becomes distorted

¹⁸ Facts, by contrast cannot be evaluated as good or bad, *qua* fact. We might say that it is bad that something is a fact. Or we might ask whether something is a fact. Interpretations, however, may be good or bad, apt or misleading, correct or incorrect.

(Ibid.).¹⁹ The nostalgically remembered facts may be true, but they are not accurate and for Campbell “accuracy is what makes some truths worth having” (Campbell 2014, 36). Now, facts do not interpret themselves and they do not contain emotions. Therefore, if Campbell is correct, facts do not determine or reveal significance.

Campbell discusses memory rather than testimony, but her work is relevant to this discussion because people very often remember together by testifying and because she insists that remembering accurately involves getting right the significance of the past to the present. People get significance right in part when their senses of significance correctly depict “the possibilities of a context as a whole” (39). In other words, there is a “type of significance . . . that maps out possibility and directions for future response” (40). This mapping is possible because significance is identified when emotions limit and direct our attention, causing us to notice, attend to, and care about some possibilities rather than others; this is another reason for concern with emotion when judging accuracy.

Though Campbell is concerned with oppressive challenges to women’s memory, she holds that emotions, memories, and the significances they encode, can and should be contested and evaluated. Evaluation is appropriate because, when feeling significance, people run the risk of “misrepresenting the possibilities of a situation through patterns of attending that lead to inappropriate or futile action” (Ibid.). It is also appropriate because when people challenge each other’s claims to remember accurately, they are not simply arguing about the way things are now. Instead, “such challenges often attempt to redirect attention in ways that reshape significance and reconfigure possibilities” (Ibid.).

Campbell’s position is remarkable because it is resolutely forward-looking. What she has shown is that remembering is not simply a memorial activity. Instead, it is intimately related to present action. Campbell arrives at this forward-looking perspective on memory because she refuses to lose sight of the reasons why people remember. They do so in order to choose which possibilities to take up and which to leave behind. They do so in order to learn from the past, in order to undertake effective action, to form individual and communal identities, and to decide whether or not, and if so how, to go on together in the present and future. Our senses of significance, ways of making things

¹⁹ Campbell would add, here, that “accuracy is what makes some truths worth having” (2014, 36).

meaningful, and our claims about significance are similarly forward-looking and productive. Sensing and making claims about significance do not function only to identify what already exists. These are constructive, normative activities rather than purely descriptive ones, even when description occurs.

The forward-looking nature of significance means, once again, that significance cannot be predetermined by a set of facts. The fact that something is significant in general does not tell us how it is or should be seen as significant in this particular context, for these particular people, responding to these particular problems and possibilities. Instead, meaning-making involves decision making and our decisions are underdetermined. Moreover, we make things meaningful in part by living and acting with each other in particular ways. So making meaningful, giving meaning to, and finding relevant and important, are things that we *do*; these are ongoing, creative activities just as remembering is for Campbell (2008, 24-29). If so, then understanding a thing's significance does not happen when we uncover a list of facts, when we learn about how those who have gone before us have made things meaningful, or when we unearth the meanings given to things in our culture(s) or histories. Instead, as Campbell insists, we must work out the significance of the past to the present, of anything really, with each other and given our present needs and interests. In doing so, we take up some possibilities leaving others behind. I conclude, then, that significance, here, now, within our horizon and with a view to living in relation to each other and into the future, is not found or forced, it is made though not from scratch. It is given in possibility, interpreted and then remade. This is part of what enables personal, epistemic, moral and political agency.

But there is one more thing. If significance is forward-looking then possibilities and decisions matter in relation to significance more than one might think. Present and future contexts are in part characterized by the possibilities they contain, some of which will and some of which will not be made actual. In that case, what is and will be significant depends, to some extent, on what has not yet happened (see also Arendt on storytelling, 1958). Facts about what will happen are not yet available to interpreters, testifiers, and rememberers. Therefore they cannot play a normative role in determining how someone ought to sense or make claims about significance. This, combined with the argument given above, means that descriptive facts about relevance and importance, and

facts about historical and current meaning, are not normative facts about how people must go on to find things meaningful, whether alone or together.

My goals for this section are to show that senses of and claims about significance are appropriate objects of epistemic, moral, and pragmatic evaluation, and to show that significance is necessarily negotiable. So far, I have argued that objective and subjective significance come apart, so that senses and claims can inform or mislead us when they are about facts or objective significance. In such cases epistemic criticism is appropriate, as are moral and pragmatic criticism depending on the implications of the error. I have also argued that facts do not determine how we ought to make things meaningful, with the implication that we cannot critique significance claims simply by listing facts. When claims about significance are not about objective significance they will not be right or wrong, true or false. But they can be good or bad, useful or not, and so can be evaluated morally, pragmatically, and in relation to other epistemic criteria. The same is true of senses of significance, though they are not truth evaluable and so are never true or false. Instead, their epistemic status will relate to whether or not they correctly identify objective significance if that was their target, whether they are based on accurate or inaccurate interpretations. They too can be evaluated using other moral, pragmatic, and epistemic criteria.

But what other epistemic criteria are available? One might ask, for example: Does a significance claim or sense of significance enable or interfere with understanding and further inquiry? Does it result from problematic bias? Is it epistemically fruitful, responsive to evidence, reasonable, warranted or justified? Whom does the sense or claim allow people (whether those people make the claim, have the sense, or are affected by the claim or sense) to know with and learn from, or not? What creative epistemic possibilities does it allow people to take up? Does it lead to different or better approaches to knowing? Does it make people prone to error in patterned ways or help to prevent certain kinds of errors? Is the sense or claim epistemically responsible (see Code, 1987)? The answers to these questions, and the way people ought to go about answering them will themselves be negotiable. But they are questions about epistemic criteria nonetheless and there are likely others.

3.4.2 Entangled Evaluations

Campbell's work, and the questions I have just given, imply that epistemic, moral, and pragmatic evaluations are likely to be entangled. The questions above raise the possibility that people making significance claims may be biased, which may be simultaneously morally, politically, and epistemically problematic. A homophobic prejudice, for example, may not only harm those against whom it is directed, it may also lead the prejudiced person to believe something false or to fail to know about people who are sexual minorities. Diminished levels of prejudices like these are correlated with knowing someone who is gay (Morales 2009). This may not apply in all cases of prejudice or bias, but the example suggests that whom one should know, and therefore know with, is both a moral and epistemic question (see also Lugones and Spelman 1983; Jaggar 1998). The example further suggests that better approaches to knowing may be morally and pragmatically, as well as epistemically, better. Next, what counts as fruitfulness in relation to knowledge will depend on what it is important to know, but that is not simply an epistemic question. It is also entirely possible, though I will not argue for this claim, that a morally good belief cannot be based in error. I suspect that in practice none of the questions in the previous paragraph should be answered without taking into consideration both moral and epistemic concerns, both because to do otherwise would be harmful and because it might result in error.

One might still insist that it is possible, whether in theory or in practice, to separate out moral, political, and epistemic concerns. This is harder to do given Campbell's account of good remembering (a form of knowing well). She suggests that one can evaluate senses of significance and significance claims by asking: whether or not they enable effective or futile action; whether or not they aid people in living and knowing together well; about their accuracy; and about the possibilities they enable or prohibit, including the transformative reconfigurations of existing possibility that they may allow.²⁰ The hope is that these transformative possibilities will be morally and politically better, which is partly the result of knowing well with others. Further, the

²⁰ Campbell writes of significance and types of significance but she does not use the language of "senses of or claims about significance." Her ways of writing suggest, however, that this terminology fits well with her project. Given her attention to emotion, she may have preferred to speak of feelings of significance, but that is speculation only.

accuracy of one's evaluations will depend not only on whether one gets the facts right but on whether one's emotions prompt one to attend to the right things in order to sort out which facts are salient and which are irrelevant or distorting given the present situation. But both appropriate emotional responses and salience will sometimes depend on moral and political features of the context or topic of inquiry. That is, salience claims and claims about emotions can also be moral claims where the moral aspects of those claims are essential to getting right its epistemic aspects.²¹ Evidently pragmatic, moral, and epistemic evaluations are interwoven here.

Campbell also insists that there are epistemic reasons to demand integrity, a moral norm, from rememberers who are also interpreters of significance. Integrity requires a person to know what she values and to live accordingly. As Campbell puts it, it requires her to form and stand by "her own point of view," including presumably her own senses of significance (2014, 45). But, says Campbell, integrity also requires that a person be willing to remember her past differently or, I would add, to try to shift her perceptions of significance (44). A person of integrity balances these two demands. I suspect that Campbell requires the willingness to remember differently because without it one might fail to interpret the past, and significance, accurately. This means that integrity is both a moral and epistemic virtue (see 46). Integrity is also an epistemic norm, and not only a moral norm, because one's integrity as a rememberer influences "whether others can rely on our memories not only for what they do not know but also as a contribution to a social grasp of the significance of a shared past" (45). The same can be said where we rely on others as interpreters and testifiers, that is, where we rely on their senses of and claims about significance.²² Integrity is thus a "personal/social virtue" which Campbell uses as a norm to guide remembering, that enables people to know well and to do so together.

²¹ Imagine, for example, someone working in exploitative conditions becoming angry when others dismiss their complaint about being asked, constantly and among other things, to work fifteen minutes overtime for no pay. That fifteen minutes might not seem to matter to someone who is very well paid, on salary rather than hourly, in a rewarding job that they can choose to leave. But the difference in position that leads to different salience evaluations, as well as different emotional responses, is part of what makes this a moral issue. The overtime is salient to the first person because she has made a moral evaluation, or the evaluation results from this sense of salience, or the two are wrapped up in each other. In any case salience and emotional response here are not purely epistemic, though they are that also.

²² Drawing on Cheshire Calhoun, Campbell has much more to say about the ways in which people depend on each other in order to understand "what is worth doing." Her discussion reveals that people are "co-deliberators" who "remember" a shared past "in highly individual ways while having together to determine

But integrity does not only enable knowledge and epistemic reliance on others. In addition it enables one to act morally by taking responsibility for the ways in which her memories shape other people's memories and overall societal understandings of significance, some of which might be inappropriately "foreclosed" (46). If Campbell is correct, then to ask whether one remembers accurately, or with integrity, is to ask what is simultaneously a moral and epistemic question. It is also a pragmatic question since the answer will depend, partly, on one's present purpose for remembering or asserting significance. I suggest, therefore, that it is appropriate to evaluate senses of and claims about significance along epistemic, moral, and pragmatic lines since these domains of evaluation cannot but influence each other. One can be morally judged as an epistemic agent, and epistemically judged as a moral agent. I may fail to know what I had a responsibility to know. I may harm someone by failing to take them seriously (M. Fricker 2007). These domains of evaluation are entangled.

3.4.3 Moral and Pragmatic Evaluation:

More remains to be said in order to establish the sort of entanglement I have described. I will leave aside that topic for a separate project, however, since more also remains to be said to establish the possibility of pragmatically and morally evaluating senses of, and claims about, significance. I have shown that facts do not determine significance and that significance can be created. I have also suggested that this does not mean that senses of and claims about significance are above evaluation. But it does mean that evaluations of those senses and claims often cannot be based *solely* on whether one "gets it right" factually. In addition the ways in which a sense of significance is, among other things, accurate, useful, harmful, beneficial, respectful, demeaning, and supportive (or not) of the rights, well-being, virtue, authenticity, autonomy, moral agency, and flourishing of others

its significance" (45). I see significance negotiation as one way in which people undertake this task, though I do not expect the task to be complete, or that everyone should remember, interpret or agree on significance in the same way. Determining something's significance together does not mean that we will arrive at the same determinations. Instead, it means that interpreting significance is interpreting-with. More on this topic is found in Chapter Five.

and of oneself will be at issue. One may also evaluate a sense of significance in relation to whether or not one would endorse it in morally better circumstances.²³

My claim is that one's sense of significance can guide well, or misguide, morally and pragmatically and not only epistemically. Pragmatically, a sense of significance may support or hinder a person or group's attempts to reach their short- or long-term goals. If so, then the ways in which things matter to us can have practical (dis)value and can be evaluated using that value as a metric. Consider, again, the vaccine resister described above. If he aims to support his children's health, then his sense that vaccination is dangerous will limit his ability to act fully in support of his goal and may directly interfere with attaining it.

The same sort of thing is possible in regard to group aims. For example, former Prime Minister Stephen Harper, then representing the Government of Canada, claimed that the disproportionate number of disappearances and murders of First Nations women were not significant as signs of discrimination and racism but as "criminal justice" issues related to "violence against people generally, violence against women in particular" (Csanaady 2015). If the Government wished to reconcile with First Nations peoples, as stated in its "Statement of Reconciliation," then this understanding of significance would pragmatically interfere with attempts to achieve that goal (AANDC 1998; Galloway 2015). Entering into the Indian Residential Schools Settlement Agreement, on the other hand, was a move toward reconciliation. This is so in part because those who were party to the agreement, including the Federal Government, agreed that the Indian Residential School System was significant as an instrument of a harmful and assimilationist federal

²³ One might object that morality is not the standard that can reveal or properly evaluate the "I," or the self. This is because morality applies to everyone and not only to me (a singular I), but the relevant question is "have I done well at being not just a human but also myself?" But if morality directs people in general then during moral evaluation, individuality cannot appear (see Crowell, 2015, sections 1.1 and 2.3). In reply I suggest that taking up moral (and political) claims is one of the most important ways to commit oneself. That locates the ground of authenticity in the moral and political realm, in one's responses to how one is claimed. Further, moral evaluations are negotiated, interpreted, re-created by us but also by me. Morality is, therefore, simultaneously a site of individual and collective negotiation and self and meaning-making. Morality is not static, or at least the interpretation of moral claims certainly is not. It is not only an external standard applied to everyone; it is also taken up by the I. Indeed the question "have I done well at being myself?" cannot be answered either by oneself or without one's own participation in evaluation. It cannot be answered from the outside, but it cannot be answered without the outside either (without resources found in standards that are not individual).

approach to relating with First Nations groups that was based in “attitudes of racial and cultural superiority” (AANDC 2010).

Despite the obvious entanglement with moral and political issues, my focus in the example above was on pragmatic evaluation. Evidently, however, senses of significance can guide well or misguide morally as well as pragmatically. The phenomenon of internalized oppression illustrates this point (Du Bois 1903; Bartky, 1990; Benson 1991; Cudd 2006; David 2013). In such cases people adopt, as their own, demeaning and oppressive representations of their natures, worth, and proper social roles—feeling their own identities or behaviours to be significant in problematic ways. Or they fail to identify the sources of their situation accurately, or to identify injustice—blaming themselves rather than oppressive features of their societies for their perceived failures, shortcomings, and hardships. This phenomenon can unjustly limit or misdirect one’s autonomy, cause psychological suffering, and interfere with attempts to eliminate oppression. Senses of significance that have these results are morally, not simply pragmatically, bad.²⁴ By contrast, senses of significance that appropriately support psychological and affective well-being, and the ability to act well as a moral agent, are morally good. Claims about significance arising from these senses of significance can also be evaluated in similar ways. Epistemically, such claims will also be incorrect, or wrong, if they rely on factual errors.²⁵

Internalization and false consciousness aside, it is possible to experience things as significant, or as a result to claim that things are significant, in ways that affect people in morally relevant ways. In that case, both senses of and claims about significance are proper objects of moral as well as epistemic evaluation. Consider two further examples:

First, consider traveling “freak shows” in North America and Britain in the 19th Century. Their prevalence and success depended on the audience’s felt sense that racialized, disabled, and gender non-conforming bodies and behaviours were significant

²⁴ This is reflected in the possibility that one might well re-evaluate and reject their current sense of significance if they had a morally better frame of reference from which to experience (a better horizon, or set of discourses, critical concepts, social norms, and the like). If, in an ideal world, one would continue to experience something as significant in the same way, then that sense is good.

²⁵ Alternately they may be correct but unjustified if the sense of significance that one ought to have would be the same if not based on factual errors. I am unsure whether or not it would be possible to have an identical sense of significance in the two cases however.

as signs of monstrous yet fascinating “abnormality,” and often of diminished or absent personhood, lesser moral worth, and sin. Eli Clare and Coco Fusco both note that this sense of significance arose from and reinforced colonial, racist, ableist, and sexist social structures, self-conceptions, norms, discourses, and identity-based moral claims. It also maintained unjust privilege and superior social status for those who were able to experience themselves as “normal” by contrast. Further it legitimated colonialism, and the exploitation, marginalization, and enslavement both of people presented as freaks and of other members of the social groups to which they belonged (Clare 2015, 74, 84; Fusco, 1994; See also Gerber, 1996). The sense of significance described above is, therefore, worthy of moral criticism. Despite the fact that freak shows were also beneficial sources of income, community, autonomy, and creative expression for some of the people who were exhibited (Clare 2015, 74-77), this is—on the whole—not a good way to make people meaningful.

Those experiencing “freaks” as significant in the ways I have just described risked making an epistemic, and not only a moral, error. If freak show viewers believed that they *detected* a naturally existing significance that *necessarily* attached to bodies and behaviours designated as freakish, then they erred. Instead, these significances were *produced and reproduced* socially, in part by the viewers themselves though also by those managing and performing in the shows. These meanings were made not found, though their conceptual building materials were given by those who went before. People experiencing other senses of significance may sometimes make this same sort of mistake.

Second, senses or feelings of significance can be morally good and not only problematic. This is so when, among other things, the meaning that a person or group attaches to something produces good consequences; enables caring relationships and the proper taking of responsibility; aids someone in relating to herself and her life and choices authentically; supports virtue or is part of being virtuous; or instantiates respect for the dignity, rights or intrinsic value of others—among other things. Consider a context in which the animal husbandry, transport, and slaughter practices of a society avoidably cause immense and undue suffering to animals who are denied moral status, rights, dignity, freedom from suffering, proper care, and empathy. Add that in such contexts, people who consume, raise, transport, and butcher animals must to varying

degrees deaden their own sense of empathy and compassion. In this situation, when a cut of steak in the grocery store appears not as dinner, as delicious, or as a status symbol, but as a sign of suffering, exploitation, and disregard for the value of other sentient beings, that sense of significance is morally praiseworthy. It will guide well.

It is very likely that some people will disagree with what I have just said (which is part of my point, since disagreement over significance motivates negotiation). Some may not find an omnivorous sense of the significance of meat to be morally problematic, or a vegetarian sense to be praiseworthy. Similarly, disagreement could arise over my evaluation of the significance given to people who were considered freaks. Clare, for example, rejects ideal theorizing, attends to the other live options at the time and finds that, for some people, working in the freak show was better than living and dying on the streets or suffering severe abuse in alms houses and institutions (77). He prefers understandings of disability as freakish to those that position it as a piteous tragedy to be medically managed and cured. The latter significance justifies overwhelming medical management and control of people now understood as patients rather than performers. Performers were paid and had some control over the way they were displayed. Patients lose this source of employment; they are (still) subject to public display in medical treatment, teaching, and research; and they may be warehoused in nursing homes against their will (88-89). “We don’t control today’s freakdom” writes Clare, “unlike the earlier freak show freakdom, which sometimes we did” (88). On this reading, although it is not morally good, feeling people to be significant as signs of freakish abnormality is morally preferable. These two evaluations may be compatible, unlike other possible sets of evaluations, but they are not identical.

Clare’s analysis shows that it is a complex task to morally evaluate senses of significance and the claims about significance that arise from them. His discussion also reveals that claims about significance are likely to be controversial, contested, debated, and negotiable. Clare is, in effect, negotiating significance.

3.4.4 Significance is Necessarily Negotiable

One might enquire about the moral or pragmatic status of *any* experience of or claim about significance. First, in order to sense or make claims about significance, a perceiver must engage in interpretation. As I have argued, facts and states of affairs do not interpret

themselves. Next, as feminist theorists and theorists working on intersubjectivity have shown, perceivers interpret with each other. If there were only one possible interpretation, not one reasonable interpretation but only one way that perceivers could understand something, then interpretation would not occur. The act of interpretation requires that there be various possible ways to understand. This is unproblematic since differently situated perceivers very often experience things differently. Further, perceivers are often well motivated to give their own interpretations since significance claims and experiences intimately affect people's lives. Where there are different interpretations there is room for negotiation. My point is that if both meaning-making and evaluations of significance are necessarily intersubjective, that is if they are necessarily done with others who have their own perspectives and stakes in the way things are perceived and interpreted within a shared environment, then significance will always be subject to negotiation. Second, since possibilities, contexts, relationships, and the needs and interests of the people within them change, one cannot say beforehand how particular experiences of significance might matter or what their moral status might be (see Campbell 2014, 26, 41). But if so, then old interpretations will be open to challenge by new ones that better fit with present needs and interests. For both these reasons significance is *necessarily* negotiable.²⁶

3.5 Conclusion

Notice that by saying that significance is always open to evaluation and negotiation, I have said nothing about the following questions: whether senses of or claims about significance are always important; whether it is always possible to “get it right or wrong” or to sense significance well or badly; or whether there is always only *one* way to “get it right” or to “do it well” (to experience or make claims about significance accurately, reasonably or in a morally good or unproblematic way). How one experiences or represents something's importance may be innocuous or inconsequential. There may sometimes be no good epistemic, moral, or pragmatic grounds on which to make claims

²⁶ There are, in the end, either actually better and worse senses of and claims about significance or, at the very least, people not-unreasonably believe this to be the case.

about how one ought (not) sense or represent something's significance. And there may be good reason to think that more than one way to do so is justified.

What I have said is that:

- Significance depends on perceivers, intersubjectivity, and the term refers to importance, relevance, meaning, and meaningfulness.
- Significance can be objective or subjective, and the two influence each other.
- Senses of significance can inform or mislead when they are about facts.
- Significance can be created and recreated (intersubjectively constructed) though the possibilities for doing so are not unlimited.
- Senses of significance can sometimes, given intersubjective uptake, be self-fulfilling.
- Sensing and making claims about significance involve interpretation and attention to present needs and interests.
- Facts do not reveal/dictate how one does/should give things meaning or make them meaningful.
- There are pragmatic, moral, and epistemic grounds for evaluating and contesting senses of/claims about significance.
- These modes of evaluation are entangled.
- Significance is necessarily negotiable.

Let me emphasize that “getting it right” by correctly identifying objective significance is not the only epistemically valuable way to experience significance. One gets it right when her experience of significance aligns with objective facts about significance. But one's sense of a thing's significance can be valuable—and not simply as a source of correct descriptions of facts about importance, relevance, or past and current meanings and ways of making things meaningful. Instead, senses of and claims about significance have value when they lead to better *understandings* of how things do or should matter to oneself, someone else, or “us,” or when they lead to better understandings of what people and things are like, including from more than one perspective. They are also valuable: when they encourage and open up avenues for inquiry; when they enable people to know with and learn from others (at least when it is good, useful or epistemically fruitful to do so);

when they lead to different and better approaches to knowing; when they help people to avoid error or inaccuracy in their beliefs or futility and harm in our actions and practices, and when they improve people's ability to live together well. In other words, they are valuable when they enable people to know well and not simply truly.

As I have said earlier, that a thing is subjectively felt to matter makes it objectively the case that it does matter; it *is* significant to someone or some group. It may also become objectively significant, as a feature of a socio-material world, if it becomes important or relevant to other perceivers, or again if it contributes to the creation of a social fact, especially in ways that are self-fulfilling. So *x* may come to matter by being felt or believed to matter. Let me reiterate that this does not, however, preclude the possibility of critique. It may sometimes be reasonable, perhaps even required, to say that *x should* or *should not* matter to someone in a particular way, even if it would be both inaccurate and morally problematic to say that it *does* not matter that way. *X* has significance because it is significant to someone. *X* does not, thereby, have universal significance to everyone in the same way however, nor necessarily should it. That a thing can matter in more than one way to a person, or in quite different and potentially incompatible ways to different people, makes negotiating significance both fraught and productive. With that thought, I turn now to the subject of negotiation.

Chapter 4

4 Negotiation

In this chapter I introduce the concept of negotiation, beginning with a definition and overview in section 4.1. Then, in section 4.2, I differentiate negotiation from other discursive activities including argumentation, deliberation, and persuasion. This discussion enables me to argue that one can negotiate about what to believe and about other features of our epistemic lives. In section 4.3 I go on to demonstrate that we may negotiate not only about what to believe or what to do, but about what perspective to take on an issue and, perhaps surprisingly, about how to feel. Finally, in section 4.4, I expand on Elizabeth Potter's distinction between micro- and macro-level negotiation in order to argue that people may take part in negotiations unintentionally. This discussion allows me to establish that negotiation can have large-scale collective results, a conclusion which fits well with the discussion of social construction in chapter three. These large-scale results may pertain to epistemic matters, which points to the possibility of a broader, social level epistemic function of testimony when it is used to negotiate. At the conclusion of this chapter all the necessary pieces will be in place to describe Significance Negotiation in chapter five.

4.1 Defining Negotiation

For the purposes of this discussion I will define negotiation as follows:

Negotiation occurs when, during dialogue between more than one party, interlocutors: 1) use speech acts to try to reach agreement or to resolve, address, or contend with a conflict or dispute, and 2) while doing so they adjust their positions, giving and gaining concessions to arrive at an outcome that is not predetermined.

Parties to negotiation typically expect to make concessions in order to gain concessions. One may negotiate though they are hesitant to concede, or while trying very hard not to concede. But if someone is absolutely unwilling to concede, even in principle, then they are not negotiating. Instead, by participating in what looks like a negotiation they may be trying to force someone else to change by pretending to negotiate, or another party may be trying, unsuccessfully, to negotiate with them. There are often power imbalances

between negotiators and negotiation can involve “the tactical use of power” (Provis 2004, 98). But negotiation is highly unlikely when a participant is utterly powerless. In such cases, those who are able to exercise power will have very little incentive even to consider offering a concession. Negotiation is only likely to occur when each party has some influence over whether or not the other parties achieve their aims, since this will motivate some degree of willingness to concede. This does not mean that all parties to a negotiation actually will concede something, just that they must be willing to consider doing so.¹ Even so, some degree of concession trading will typically be involved.

Because the process involves a willingness to offer concessions, the outcomes of negotiation are not predetermined. In the beginning, parties to negotiation may not be able to imagine the eventual outcome of their interaction, partly because along the way they will examine and propose possible agreements and concessions as they learn more about each other’s needs and interests. As a result negotiations have the potential to resolve conflict in novel ways.

While negotiating, interlocutors may aim to achieve mutual gain or win-win outcomes, or they may be adversarial and presume that a win for one party is a loss for the other (as with a zero-sum situation in game theory). In either case negotiation succeeds when the parties reach agreement and fails when they do not.² But even failed negotiations can have productive results. By negotiating one may, among other possible benefits, gain valuable information or understanding, enhance one’s reputation and credibility with people who were or were not party to the discussion.

¹ My thanks for Charles Weijer, who points out that: “Giving one party everything she asks for is not necessarily a sign of powerlessness. It may for instance be strategic. Consider someone negotiating a business deal who says, ‘I will give you the asking price because I want to signal the importance of our future partnership.’”

² I do not, in any way, mean to treat success as a moral concept here since a resolution might well be morally problematic. As I use the phrase, “successful negotiations” are not necessarily those with morally good outcomes; rather they are those that have concluded when the parties involved reach an agreement or resolution to the dispute.

4.2 Negotiation versus Argument, Deliberation, and Persuasion

Negotiation differs from persuasion, argument, and deliberation. I will briefly motivate a distinction between negotiation and these latter two activities before considering its difference from persuasion in more detail.

If an argument is the giving of reasons for and against a proposal or claim in order to persuade others to accept it, then it differs from negotiation. While negotiation often involves argument, one may negotiate simply by making, rejecting, and accepting offers without reason giving. Consider the following conversation:

Customer: “Would you take two dollars each for those?”

Shopkeeper: “No, but if you buy enough I can lower the price per unit by a dollar.”

Customer: “How many is enough?”

Shopkeeper: “Fifteen or so.”

Customer: “It’s a deal.”

This is clearly a negotiation but neither party has given reasons of any kind, though of course they might have done so. The shopkeeper did, however, offer a concession, and doing so is a constitutive aspect of negotiation. But a person can make an argument, that is she can give reasons, without being willing to change her own position or give concessions of any kind. Conceding something to one’s opponent may make for a more convincing argument on occasion, but doing so is not required. Thus, negotiation may involve argument, but it need not do so, just as argument need not involve negotiation.

Deliberation depends on argument, and it therefore also differs from negotiation. One deliberates by carefully considering various reasons (or separate sets of reasons, i.e., arguments) for or against a proposal. Similarly, during deliberation one weighs alternatives in light of reasons, objections or justifications. In that case deliberation necessarily involves reason giving. But I have just shown that negotiation need not involve reason giving, so negotiation and deliberation are not identical. These activities differ, once again, since one may deliberate by herself, but she cannot negotiate by

herself.³ Further, deliberations need not involve concession trading.⁴ Everyone deliberating may prefer the same outcome but feel the need to investigate carefully before coming to a final decision. In those situations concessions are not required, as they are during the process of negotiation. This possibility demonstrates that, in contrast to negotiation, deliberation is not necessarily a response to a conflict or dispute.

Now, consider persuasion. While people may attempt to persuade by negotiating, they may also attempt to persuade without doing so (without, that is, being open to adjusting their position by offering concessions). One might, for example, attempt to get someone else to do something by providing further information while refusing to be influenced by one's interlocutors. Negotiation is one way to attempt to persuade someone, but it is not the only way.

Persuasion is, however, always an aim of negotiation. If we negotiate, we necessarily try to convince others to do what we would like them to do: accept a favourable offer; make an agreement we like; resolve the conflict in the way we think it should be resolved; accept a belief that is important to us, and so on. Further, negotiation not only aims at persuasion but as part of a negotiation one might actively attempt to persuade. According to Melinda Muth, "persuasion is about telling" while "negotiating is about trading" even when it involves telling or attempts to persuade (2010).⁵ She writes,

In order to be in a position to offer and accept favourable trades, negotiators must gather information. So, negotiating dialogue involves lots of questions, exploring needs, constraints, motives and priorities, discovering the other party's interests and inhibitions, their fears and aspirations. The purpose is to create better understanding on both sides, so that appropriate trading opportunities become more obvious. (Ibid.)

³ This is not to say that deliberation is usually a solo pursuit. Very often people deliberate with each other. Further, the ability to deliberate and the contents of one's deliberation are intersubjectively enabled and influenced by others. But, again, that does not mean that the deliberative process *must* (though it often will) involve direct interaction with others.

⁴ The following example shows a deliberation that does not involve concession trading: A: "The benefits of going there are x and y ." B: "But then we can't do z , which we really wanted." A: "True." B: "What do you think we should do?" A: "Go anyway." B: "Me too, let's do it!"

⁵ Because my aim is to show that testimony, here understood as telling, is also "about" negotiation this statement may seem odd. My claim is not that telling and negotiating are the same thing, but that we can negotiate by telling and that when telling we are often also negotiating.

This focus on understanding and information gathering again differentiates negotiation from persuasion.

Douglas Walton also distinguishes negotiation from persuasion. On his view persuasion involves attempts either to convince others “that one opinion is more plausible than another on a subject of controversy or conflict of opinions” or that “a proposition is true or right, based on evidence” (1990, 413).⁶ By contrast he states that “negotiation is a form of interest-based bargaining where the goal is to “get the best deal” (412). He also discusses Christopher Moore approvingly, saying that Moore describes negotiation as “competitive argumentation where the arguers make concessions in order to try to maximize their own share of a set of goods that is not sufficient for all” (Walton 1990, 412).

I am not convinced that Walton’s version of the distinction between persuasion (an attempt to convince others that x is plausible, true or right) and negotiation (an attempt to get the best deal) holds. Walton seems to presume that one can only persuade people *that* something is the case and not to *do* something. But if a) people can persuade each other *to do* as well as *that*, and b) if there can be epistemic actions or doings, for example accepting as true, then his distinction is not as stable as it appears to be. Indeed, a negotiator’s best deal might consist in persuading someone *to* believe or accept *that* something is the case. If, as feminists and other anti-oppression theorists have argued, knowledge is political and can serve the interests of some people at the expense of others (Spelman and Lugones 1983; Hill Collins 1990; Alcoff 1991-92; Jaggar 1998; Langton 2000; Tuana 2004; Ghodsee 2011; Dotson 2015; see also Bailey 2007), then one might certainly try to “get the best deal” in terms of what will be publicly accepted as common knowledge (treated as true, espoused, and acted upon). My point is that we can negotiate

⁶ Walton’s taxonomy is more complicated than this, as he identifies two types of persuasion dialogue which he then differentiates from inquiry. The two types of persuasion dialogue are critical discussion and debate. Discussants aim to persuade each other and debaters aim to persuade a third party. These dialogues differ from inquiry, according to Walton, in that persuasion modestly aims “to show that one opinion is more plausible than another on a subject of controversy or conflict of opinions” while inquiry aims to establish “whether the proposition in question should be considered part of established knowledge or not” (1990, 414). Given those definitions, and the presumably close relationship between truth and knowledge, Walton might object that I conflate his view of persuasion and inquiry. However, I believe I have represented him fairly because he also writes that critical discussion (a type of persuasion dialogue) aims to “show that a proposition is true or right, based on evidence” (413).

about what it is reasonable to believe, especially when there are conflicts of interest related to what will be accepted as true, and when we can offer concessions in what we will accept, treat as reasonable, and not dismiss in order to gain concessions of the same kind.

Let me try again to motivate the claim that one can negotiate about epistemic matters. Since claims about truth have an absolute character, one may not be able to negotiate over whether or not something *is* true when both parties believe they know the truth. Nevertheless, even in these circumstances one can negotiate over what claims a group should accept or believe whether for personal, interpersonal or public purposes or in cases of uncertainty where one must nevertheless take a position. First, someone who accepts a claim may or may not believe the claim. Rather, to accept *x* is to act as if *x* were true or to acquiesce to it in some way. Second, because belief comes in degrees one may negotiate about those beliefs that she does not hold with complete certainty. Third, it is possible, consciously, to hold conflicting beliefs, especially when holding both with lower degrees of certainty. If you doubt that this is possible, consider that people often believe things without proof, that they are often aware of doing so, and that most people recognize that they might be wrong about some of the things they believe or think they know. This creates room for negotiation even about the things we believe to be true, especially if one is not fully certain of her beliefs. Fourth, as discussed in chapter three, there are many possible interpretations of the importance, meaning, and proper epistemic, practical and moral response to the same data or truth claim. If so, then one may negotiate about how to understand what she believes to be true, and that may well involve concession.⁷

The result of this discussion is that persuasion and negotiation do indeed differ, since they can occur separately. The difference is not, however, founded on a supposed inability to negotiate a good deal when it comes to belief or understanding. Contrary to what Walton may have implied, one can negotiate about how to evaluate the plausibility of knowledge claims in conflict situations or even about what to accept or believe.

⁷ One might say, for example: Okay, I guess I see what you are saying and why you think that. And it's not so unreasonable. I could believe that. But if I can get that part can't you also see it this way? I tried to understand. Now it's your turn, and if you try then you'll see that ...

4.3 Agreement To, That, and With

In this section I examine three types of agreement that one might try to reach through negotiation. In abbreviated form they are agreements to, that, and with. Agreement with involves emotions, which some might believe to be both private and non-negotiable. I dispute this claim and show that according to many theories of emotion, they are evaluative, interpretive, capable of being explained and justified, and perhaps even social, all of which suggest that they are subject to negotiation. My intention is to show that people may negotiate about what to do, about what to believe, and about how to feel.

Recall two things from previous discussion: 1) negotiators aim to reach agreements, resolve disputes and address conflicts, and 2) one can persuade someone *that* x is the case or *to do* x . In other words, an agreement may be about what to accept or how to proceed. “Agreements to” are, rather obviously, of the what-to-do or how-to-proceed variety. Likewise, it is clear that “agreements that” are about what to believe or accept—they are agreements that something is true, or agreements to treat that thing as true. The two are not completely distinct however, as one may agree to the action of accepting someone else’s claim, which entails treating it as true (agreement that). Or one could agree to the action of considering, respecting or adopting someone’s perspective, which may entail using a particular framework for knowing and understanding (a kind of agreement with, as I will establish below). It is worth emphasizing that an agreement-to may be about how to frame an issue, about what perspective to take on it, or about how to approach discussing or resolving a conflict. It is also important to recognize that agreement-with occurs not only when people believe or know the same thing (when they agree that), but when they come to feel the same way. For this reason agreement-with includes but is not exhausted by agreement-that.

When I agree with you, we agree that something is the case. We may also have come to the same conclusion about something. But, as I use it, “agreement with” also implies that people share more than a belief or finding. To identify what else we might share, consider the phrase “I feel the same way.” If I feel the same way as you do, we not only believe the same thing but the object of our belief matters to us in the same way, so

much so that we share an experience of that mattering. One might have said instead, “It is like that for me too.”⁸ This is the sort of agreement with that I have in mind.

I have suggested that people who feel the same way share a set of emotions, beliefs, interpretations, and evaluations (of some thing’s worth or value, importance, relevance, meaning, or meaningfulness). If feeling the same way involves agreeing that something is the case, as well as a judgment that someone has “got it right,” then we should be able to negotiate over these sorts of epistemic claims. Further, this description of feeling the same way fits well with a variety of cognitivist, appraisal, and perception theories of emotion, described below, that support my claim that emotion responses can be evaluated, contested, and therefore negotiated.

First, theorists generally agree that emotions, unlike moods, are very often intentional; they are directed toward or about something (Jaggar 1989). Discussing this point Ronald de Sousa writes, “if someone is indignant, then there is some object *o* or proposition *p* such that the person is indignant at or with *o*, about *p* or that *p*, because of *p*, or in virtue of *p*” (2014, section 3). Emotions that are directed toward something take that thing as their object; they are particular kinds of responses to these objects. Further, most theorists hold that emotions have formal objects. De Sousa is again useful here, explaining that “a formal object is a property implicitly ascribed by the emotion to its target, focus or propositional object, in virtue of which the emotion can be seen as intelligible” (Ibid.). For example, those experiencing delight ascribe the property of being delightful to the object they are responding to (perhaps a funny, intelligent, warm, respectful, generous, and entertaining person). Being delighted with something makes sense if that thing is delightful. This means that feeling an emotion involves interpreting a thing’s qualities, which in turn raises the possibility of misinterpretation. “That person is not at all delightful” one might object, “he is an annoying attention hog who simply wants to be seen as charming to get what he wants.”

⁸ A person may not only feel the same way as you do, she may endorse that shared feeling. In that case, that person is effectively saying that you are right to feel as you do, that you have interpreted and/or evaluated something correctly, and that not only is your emotional response apt, she shares it with you. This is an even stronger form of agreement-with. But a person may not endorse her own sense of significance. Rather she may experience her own feelings as indefensible but at present intractable (or something similar). Thanks to Kathleen Okruhlik for pointing out this possibility.

Where there are interpretations and potential misinterpretations, disagreements may arise, setting the stage for potential negotiation. Further, it may be possible to misdirect an emotion where misdirection is not necessarily the result of misinterpretation. One may respond explosively upon slight provocation when ‘pent up’ anger over another incident erupts inappropriately in a present context that did not warrant it. Yet it might seem to the angry person that the present circumstance supplied the real target of their anger. In that case, negotiation about the anger’s appropriate object may be both possible and necessary. Not only that, but since emotions are responses as well as interpretations, one might call upon someone to respond differently and in doing so to feel differently, again opening the way for negotiation.

In his review of the current theories-of-emotion landscape, de Sousa describes a set of theories that again offer resources that suggest the possibility of negotiating over how to feel (2014). These theories ascribe cognitive or propositional content to emotions, whether conscious or not, and de Sousa identifies the cognitivist approach as mainstream. He also notes that a number of theorists go on to describe emotions as appraisals or judgments, as perceptions, or as frameworks for perception. Many, though not all, of the following citations come from this source.⁹ Cognitivists reject the idea that emotions are simply bodily sensations or subjective inner feelings. Instead, they may treat emotions as: perceptions that enable people to correctly or incorrectly view the world (Nussbaum, 1990; Gordon 1987); as judgments or affect-laden judgments, as when anger identifies a wrong (Robert Solomon 1980; Alison Jaggar 1989; Jerome Neu 2000; Martha Nussbaum, 2001; Broad 1971; Lyons 1980), as observational guides that “focus our attention selectively” (Jaggar 1989; see also Little 1995), or as “ways of seeing,” “patterns of salience,” or “framework[s] for cognitions” that direct attention, inquiry and perhaps inference (Rorty 1980; de Sousa 1987).

Each of these positions allows room for disagreement and negotiation. One might draw another person’s attention to a set of things that person had failed to notice thereby attempting to make other things salient; she could propose that her interlocutor ought to

⁹ My goal here is not to argue in favour of one particular theory, nor is it to offer a deep description of the range of possible options in the field. Instead, it will be enough to point to features in many different possible theories that support my claim about negotiation.

feel something else instead, or display her own differing emotional response, in both cases thereby proposing a differing framework for interpretation (as anger may suggest framing a situation as unjust); or she might suggest that the way someone else is feeling relies on an inaccurate, ineffective, or harmful belief, judgment, appraisal, or way of seeing. In response, the person doing the feeling may explain and justify her emotional responses or lack thereof. Consider the following examples, each of which contains reasons for feeling a particular way:

Considering the structural and everyday realities of racism, anger is an appropriate, even expected, reaction. But, it appears that these emotions scare white people at all points on the political spectrum. Why? As Lorde suggests, that anger evokes guilt, particularly in white liberals. To demonstrate one's raw emotions regarding the oppressive reality of racism is to convey just how real, just how ugly, and just how damaging and constraining it is. (Grollman 2013)

or,

I'm not angry enough. I get it though, I really do. Racism still exists. ... The problem is it happens too often and too subtly for a stray eye or comment to faze me anymore. Numbed by the avalanche of little, ignorant comments that threaten to bury me, I have begun to adopt a stoic stance towards cultural assumptions or ethnic biases expressed through looks, words and actions (Wang 2012, 40).

But of course, explanations and justifications can be contested. Perhaps he ought to be angry at that racism so as to convey its reality to others and resist it. Or perhaps she should stop feeling guilty so that her white liberal guilt does not press people affected by racism to be silent. Then again perhaps his stoicism will protect, or her guilt motivate change. The point is that as long as emotions have cognitive content, as long as they are intentional, evaluative, and amenable to justification, they are appropriately subject to any of these modes of contestation, familiar from chapter three. It is worth pointing out, as well, that these forms of contestation deal not only with how to feel but with a thing's significance.

My claim that it is possible to negotiate about how to feel is even more plausible through the lens of the social theories of emotion given by Alison Jaggar, (1989), Naomi Scheman (1983), and Sue Campbell (1994). Jaggar adopts a cognitivist position and argues that emotions involve interpretation and judgment (1989, 157). She also holds that emotions are not solely passive responses, but instead active ways of engaging with the

world, for which we can take responsibility. She does not claim that they are entirely voluntary, but treats emotions as habitual responses that may be altered, though perhaps not easily. If she is correct, then one could hold an emoter to account for his patterns of emoting and call upon him to try to change those patterns. This could be done as part of a negotiation. Further, Jaggar claims that emotional responses and expressions are socially constructed. To support these claims she discusses the ways in which children are taught to fear strangers, or to enjoy foods or activities (157). She then references cross-cultural studies of emotion that show that emotions are felt and expressed differently by different groups of people, and even that some emotions are unique to specific social groups and time periods and are not felt elsewhere (Ibid.). Next, she adds that if emotions involve judgment, then they must involve concepts “which may be seen as socially constructed ways of organizing and making sense of the world.” To feel betrayed for example, perhaps in a romantic relationship, is impossible without the concept and norm of fidelity (158). Emotions, on her view, are both individually experienced and essentially social. We can feel them only in community with others. Finally, Jaggar suggests that emotions are amenable not only to construction but to reconstruction. If she is correct, then one might call on another not only to take responsibility for his emotions, but to teach children to feel differently (think here of the “black is beautiful” campaign for instance),¹⁰ to construct emotional categories or possibilities differently, or to reconfigure our habitual ways of conceiving or judging in order to feel differently (or vice versa). Again, these may all be subjects of negotiation.

What is socially constructed may nonetheless be internal. Scheman moves away from this position by denying that emotions are internal “objects of introspection or ... non-introspectable bodily states” (1983, 229). Instead, she notes that identifying emotions is a complex activity that requires us to group together, and interpret as meaningful, various introspectable states and behaviours—an activity that is necessarily social (Ibid.). For Scheman it is not that there is some emotion inside us that we find and then interpret. Instead, when interpreting we draw together various aspects of our experience and behaviour into something that can have meaning. Scheman does not use these words, but

¹⁰ See Riggs, Marlon. 1994. *Black is ... Black Ain't*. Independent Television Service.

her view suggests that in doing so we must decide which aspects of our experience to treat as important or relevant, and then we must give them meaning. She adds that “questions of meaning and interpretation cannot be answered in abstraction from a social setting” (Ibid.).

Campbell goes further by arguing that the expression of a feeling or emotion is part of that feeling or emotion, as is uptake by another person.¹¹ Here uptake does not equate with simple agreement, but refers to the ways in which others take seriously and respond to what one expresses. That response can involve contestation. I will consider her position in greater detail since it suggests that interpretation, dialogue, and even dispute are part of what create our emotions. If she is correct, emotions are constituted in part via the sorts of activities involved in negotiation. If so, not only is it possible to negotiate over how to feel, but doing so will be typical.

In “Being Dismissed: the Politics of Emotional Expression” Campbell argues that emotional expression “helps form or individuate our psychological states and does not just reveal or disclose them to others” (1994, 49). According to Campbell when other people respond to, ignore, and interpret our expressions of emotion, their responses help to determine the nature of the emotions that we manage to express. Therefore, feelings themselves are in some sense social.

Campbell makes this argument by examining anger in contrast to bitterness. Bitterness is, on her account, “the collaboration of a certain mode of expression (recounting of injury) and a certain mode of response (failure to listen)” (50). A person is bitter when she expresses a complaint, justified or not, to people who “no longer care to listen” (50). If, instead, a hearer gives uptake to a person’s expression of injury then the emoter succeeds in being angry. Campbell suggests that her analysis generalizes to other emotions. If so, then listener response in part determines the emotions that one can express. In this way expressing emotion is akin to performing a speech act. Hearer reception matters and can determine whether a given act actually occurs. With emotional

¹¹ Campbell distinguishes feeling and emotion by saying that the latter come in recognizable types (for example anger and love) while the former do not conform to pre-existing labels, categories, or descriptions but are, rather, free form feelings that may nonetheless have narrative form (1997). For the purposes of this Chapter, I do not distinguish between the two since interpretations of both can be contested and therefore negotiated.

expression, however, hearer reaction does not simply allow an act to occur or fail to occur. Instead, it influences the nature of what one expresses. It is worth emphasizing that the person described above was not angry and merely misinterpreted as bitter. Instead, she managed to express bitterness and therefore was bitter.

By revealing that the expression of the emotion is part of that emotion, Campbell demonstrates that people do not indelibly affix significances to their emotions before expressing them. Instead, expressing emotions is a way of giving significance because significance is something that we produce or recognize with other people. Those people may sometimes contest our own interpretations of what we are feeling.

While I accept Campbell's argument, for those who do not, a weaker version of the point also holds. Campbell shows that an accusation of bitterness is not only a dismissal but a way of blaming the emoter for not expressing herself in a way that would gain uptake. The emoter is, supposedly, at fault. On receiving this lack of uptake, along with dismissal and blame, a person may question her own interpretation of both her mental and emotional health and of the significance of her experiences and affects. The general point is that other people's ways of taking up our emotions, and their interpretations of our emotional expressions, can cause us to feel differently by causing us to reinterpret our experiences and remake our feelings. If Jaggar, Scheman, and Campbell are correct, then not only can emotions and feelings be negotiated, they may even be created or altered through the kinds of contestation involved in negotiation.

What I have shown so far is that people may disagree about how to feel, that they may contest other's emotional responses on a number of grounds, and that contestation may even be the norm. But where is negotiation in all this? Yes, these features make negotiation possible, but it seems odd to say that people could trade concessions in order to try to get others to feel the same way. Doing so seems even more odd if you consider that emotions are notoriously resistant to attempts to reason them away (Brady 2009). You may very well believe that you should no longer resent someone yet be unable to stop, for example, or you may try to convince yourself not to feel afraid but to no avail. In that case, why think that we can negotiate over how to feel and not only about how to think we should feel? Or even worse, why think negotiation has a place here at all?

First, in section 4.2 I argued that we can negotiate over what to believe. Believing differently can lead us to feel differently. If I believe that I have done wrong I may very well feel remorse, but I am unlikely to feel that way if I believe I was in the right. If so, then negotiating over belief can be a way to negotiate over feeling. Second, doing things can cause us to feel differently and not simply to judge that we should feel differently. So it is possible to engage in negotiations over what to do that are meant, quite purposefully, to bring about a change in feeling. This is a sort of second-order negotiation that one might undertake in order to bring about agreement with.

In other words, concession trading is indeed possible in negotiations over how to feel, and people attempt to secure these feeling-directed concessions all the time. You may ask or demand, and I may agree, to: listen to someone else's experience so as to feel compassion; to consider a mitigating circumstance so as not to be angry about something; to try to see it from this or that perspective in order, for example, to feel hopeful; to imagine what I would feel like if "it" had happened to me instead; to call to mind a story or image, or to listen to music, in order to feel energized or inspired; to practice breathing or counting to ten in order to calm down; to undergo therapy, join a twelve-step program, or to participate in anger management sessions, assertiveness training, or grief counselling; to take up a meditation practice or begin exercising; to take anti-depressants; to watch a documentary on, for example, animal suffering; or even to believe something that will likely affect how I feel. All of these actions, among many others, can affect how someone feels. People know this, and therefore they may ask others to undertake these actions with the explicit goal of leading them to feel differently. For their part, people who are asked may agree to these requests in order to resolve a dispute (whether in court, in relationships that are at risk of dissolving, in order to keep a job, or for other reasons). Anything we can do to help ourselves to feel differently, other people can ask us to do. Nothing prevents these requests from being made during negotiation.

Here I will point out that only some of these actions are designed to make things *matter* to people in a different way. Taking anti-depressants and exercising are likely to lead someone to feel differently, but they are not as likely to lead people to feel differently *about* a particular thing, at least not directly. This indicates that the actions listed above only sometimes have to do with evaluation, interpretation, and belief. These

sorts of feelings are cognitive and bodily experiences of significance. They are felt or experienced, expressive, interpretive, and social. Significance may be felt, among other things, as a kind of conviction or unease, as a sense that something matters in a particular way, or as a recognizable emotion, for example joy, sadness, or delight since these sorts of feelings reflect and respond to the meaning of an event, time or experience in a person's life.¹² Even though I have suggested that it is possible to negotiate over other sorts of feelings, I am most interested in negotiations over feelings that are *about* things. This is because I intend agreement with, and feeling the same way, to relate to feelings about the significance of something.

Now, you may be thinking “wait a minute, don't we usually make these kinds of requests simply to help people we care about? And don't people agree not because they want something from the person asking but in order to get help for themselves? That isn't negotiation.” First, even if these requests are not always part of negotiations they may sometimes be so, as the motivations I have just given suggest. I seek only to show that it is possible to negotiate over how to feel, not that this is all we do. Second, requests like these may be part of macro-negotiations wherein one may not intend to or know that they

¹² To make a slightly different point, feeling may function as a kind of experiential lens or felt-perspective that shapes the character of a person's experience. “Felt-perspective” is well understood as a Heideggerian mood or mode of attunement, a *Stimmung*. One might, for example, experience in the mood of fear or excitement, so that the same event is felt as threatening or exhilarating (Dreyfus 1991, 169). Explaining the concept Hubert Dreyfus writes,

Stimmung seems to name any of the ways *Dasein* can be affected. Heidegger suggests that moods or attunements manifest the tone of being-there. As Heidegger uses the term, mood can refer to the sensibility of an age (such as romantic), the culture of a company (such as aggressive), the temper of the times (such as revolutionary), as well as the mood of a current situation (such as the eager mood in the classroom) and, of course, the mood of an individual. These are all ways of finding that things matter (Ibid.).

Dasein is a being that asks what it means to be, a being that problematizes its own existence (Wheeler 2014). It is self-conscious. The term, which expresses the nature of human existence, translates as “being there.” Since *Stimmung* is “the tone of being there,” the translation of *Dasein* as “being there” hints that a mood is a way of being and not simply what happens to someone after they are. A mood is a way in which one is there, a way in which someone is attuned or receptive to what is. That way of being influences the quality or character of a person's experience by making things meaningful in particular ways. Because *Dasein* is always “being with” (*Mitsein*), that is with other conscious beings who can share moods or between whom moods can differ and whose moods influence each other, *Dasein*'s way of being, or way of making things meaningful, is negotiable. In other words, it is not only the meaning of being but the significance given to things by one's way of being that is at issue, and perhaps differently for different people, so that it may therefore be negotiated. There are, however, differences between moods and feelings that I cannot explore here.

are negotiating. In other words, people may seek to get others to do things without intending to negotiate or gain a concession, or agree to do something without negotiating or conceding, even if this is what is happening at a macro-level. This point will make more sense at the end of the next section.

The actions that I have just described—considering another person’s perspective, imagining what someone else must feel like, undergoing therapy, watching a documentary that may lead one to be horrified at animal suffering—these can lead people to change how they feel so that either they feel differently than they did before, or in addition, so that by feeling differently they come to feel the same way as someone else.¹³ Exchanging justifications and explanations for feeling a particular way may have a similar effect. (I learn to feel angry about racism not only because you share your experience with me but because you explain it.) This suggests that people may seek to agree not only *about* how to feel, but *in feeling*. They may seek through negotiation to get others to feel the same way. Or again, to have things matter to you as they matter to me. Having established that people can negotiate over how to feel, I can now conclude that agreement to, that, and with are possible, where these forms of agreement deal with actions, beliefs, and feelings, all of which are subject to negotiation.

4.4 Micro- and Macro-Level Negotiation

On my view, negotiation need not be intentional. A person, or group of people, may be unaware that they are negotiating while nonetheless doing so. They may even aim to

¹³ If you doubt that this is possible through therapy, think of a woman who uses therapy to allow her to feel safe in her home or on the street, just as those around her are able to feel. Therapy and self-help programs are predicated on the idea that it is possible to change how one feels. They may also be seen as forms of negotiation, where the person seeking help concedes by becoming willing to consider that there are other interpretations of what happened, or by agreeing to engage in practices that may help to shift the ways that they are feeling. For example, people who have been abused, who have lost loved ones to suicide, or who care about people suffering from addiction, often experience pervasive feelings of guilt and responsibility—as if to say, “If I had been or done something different they would not have abused me, they would be alive, they would quit.” People offering help in this situation may do so by reframing the situation to bring about different beliefs, judgments or interpretations (“he is responsible, not you”), or to encourage the other person to act differently in order to shift their affective, felt or emotional response to the situation. The person seeking help may concede that perhaps another interpretation is possible, or they may agree to try to practice noticing when they are having certain thoughts and eventually, to practice shifting their attention, replacing those thoughts with something else, or to engage in a number of other possible actions meant to interrupt and replace the problematic response. In turn, the helpers may concede, perhaps by agreeing to listen rather than to try to ‘fix’ the person to whom they are listening, or by not trying to force their interpretation during times when a client or loved one chooses or is not able to respond positively.

avoid negotiation by explicitly speaking from one perspective, while listening to many other perspectives, without intending to generate agreement and without individually making or trading concessions. Even in these cases negotiation may be taking place. Elizabeth Potter makes a distinction between micro- and macro-level negotiation that explains how this is possible (1993).¹⁴

Potter uses but does not define these terms. In her examples, micro-negotiations take place through single in-person conversations between two people who either actively disagree or who need to reach some kind of agreement. Their exchange may be heated, long, and controversial, or friendly, brief, and run of the mill. Either way they “show us that agreement is not automatic” as participants typically ask questions and may offer suggestions, propose, object, concede, compromise or simply pause to consider before coming to an agreement (if they are able to reach one) (169). Micro-negotiations, then, are relatively self-contained and they occur between negotiators who know each other and communicate directly, typically about an easily identifiable issue.

Potter’s usage suggests that micro-negotiations may, but do not need to, involve deliberation, persuasion, argument, and negotiation. On my view, however, in order to count as a negotiation, an exchange must involve an initial conflict and the possibility of concession-trading aimed at facilitating agreement. As part of the process, negotiators usually gather information and make offers and proposals. I prefer to call other sorts of conversation micro-discussions. It is likely possible for people to make and accept concessions in a way that resolves conflict without either being aware of or intending to do so. If so, then it may be possible for micro-negotiation to be unintentional. But, and this is my main concern, even if micro-level discussions do not involve concession-trading or attempts at conflict resolution, they may be part of a macro-negotiation, and macro-level negotiations can undoubtedly be unintentional. To see this it will be helpful to explain how macro-negotiations operate.

As I understand them, macro-negotiations are most easily noticeable when one takes account of the relationships between many different micro-negotiations. Micro-negotiations may be connected not because negotiators know or speak with one another,

¹⁴ Another, perhaps helpful way to describe these types of negotiation would be to call them “direct” or “diffused.”

but because they address the same topics within a responsive, communicative environment. First of all, past and current negotiations influence future ones by setting up conflicts of interest, possibilities for actions and interaction between people, and possibilities for assertion, interpretation, understanding, and uptake. Second, when many smaller groups negotiate separately, their negotiations may have larger, sometimes unintended, collective or macro-level results.¹⁵ In effect, macro-negotiation is an uncoordinated collective action. Thus, micro-negotiations form macro-negotiations, and macro-level results may be unintended or even unknown by individual level negotiators. That, in turn, means that macro-level negotiation need not be intentional.

Potter's description of macro-negotiation makes further sense of its potentially unintentional nature. As she describes them, macro-negotiations are composed of many different exchanges, over long periods of time, between many different people. She notes that "in many arenas, negotiators do not explicitly recognize one another or even know one another; indeed, they may not acknowledge that there is an interchange at all (170)." Participants may not acknowledge each other or the exchange because: 1) they are located in diffuse social networks and do not know of each other; 2) they cannot observe the larger influence of their individual level negotiations; or 3) because of the internal dynamics of the negotiation itself. This third reason for lack of acknowledgment tends to occur when a person or group would concede something they do not wish to concede if they acknowledged either the negotiation itself or another party to it.¹⁶

¹⁵ Why this larger effect? The things that it is possible to say and do, to assert and testify to, to negotiate about, to understand and interpret, and in what ways, are influenced though not determined by what has already been said. These possibilities are so in part because of already existing patterns of speaking, listening, interpreting, questioning, understanding, taking for granted, and so on. In addition, each micro-negotiation alters the context in which it takes place to some degree. This is especially the case when a negotiation takes place in a public or shared forum, such as on a blog or social media website, in an academic journal, a newsletter, or at a protest or public debate. The changed context then influences how, when, whether, about what, with what uptake and to what end further negotiations can proceed. The use of "war on drugs" language has, for example, enabled other people to begin talking about a "war on terror" or a "war on women." Because micro-negotiations change their communicative contexts, collectively negotiations about the same or similar topics can have significant overall effects.

¹⁶ Gaining recognition as a negotiating party is often itself a topic of negotiation and doing so may be a strategic goal within a larger negotiation. For example, when people formed intersex advocacy groups to intervene in medical discourses that positioned them as in need of 'fixing' via surgery on their genitalia they had to protest for decades to be acknowledged as knowers and moral agents by medical practitioners. Acknowledgement enables people to press for their practical concerns, interpretations and understandings to be taken seriously.

This last statement indicates that while negotiation involves openness to concession, there is no requirement that anything or everything must be conceded, even potentially. This is especially so since Potter notes that macro-negotiations typically occur when there are “social stakes” attached to what a group believes (170). Such stakes are present when groups of people stand to gain or lose some good (perhaps status, resources, privileges or freedoms) or to incur some penalty, disadvantage or injustice.

Potter interprets macro-negotiations as struggles “over what will be accepted as authoritative knowledge” (170). Following Robert Stalnaker and C. L. Hamblin, Chris Provis agrees. He describes negotiation as an attempt to decide upon what will be accepted and espoused publicly, including as the basis for collective or morally and politically relevant action (2004, 103). Provis and Potter both write of negotiation aimed at generating agreement-that, expressed as agreement in belief. I suggest that both agreement-to and agreement-with, expressed as agreements to act or agreements in feeling, are likewise subject to micro- and to macro-negotiation. It is more important, however, to notice that the “social stakes” that Potter and Provis refer to almost always have to do with significance. What is at stake in such exchanges is very often how to give something meaning or how to interpret how something does or should matter.

So far I have suggested that both micro- and macro-negotiations can be unintentional and that macro-negotiations and their results may be undetected by participants. I have also described macro-negotiations as collections of micro-negotiations. However, speech acts that are not obviously part of a micro-negotiation can nonetheless be part of a macro-negotiation. That is, even if a person does not intend to resolve a conflict or to concede anything she may be involved in a negotiation.

How so? A person may direct her assertions, stories, appeals, demands for action (potentially meant to alter feeling), and so on, toward a sympathetic audience that agrees with her and does not dispute her claims or descriptions. In that immediate context participants are not so much negotiating as bolstering their own position. Yet this bolstering may take place in a wider communicative context that includes vigorous disagreement, conflict of interest and debate about the matter in question alongside negotiation-based attempts at resolution. Alternately, a person may simply mean to express his own position without imposing it on others or asking for change, or he may

speak on a matter while being unaware that it is in dispute. If the relevant speech acts in any of these cases affect the broader conflict, as is often the case, then they function as parts of a macro-negotiation.¹⁷

I say “negotiation” here, rather than simply “debate,” for three reasons. The first two have to do with listener uptake. First, because listeners interpret and respond to what they hear, and because speakers may say things that present a disputed issue in a new or previously unconsidered way, individual speakers may inadvertently provide what are, in effect, proposals for understanding or resolving a dispute. Those proposals may also suggest possibilities for concession that were not previously considered. This is so whether or not a speaker actually engages in the speech act of proposing.¹⁸ Further, contributions by different speakers may combine to reveal possibilities for action and belief—for resolution and concession—that were not previously evident.

Second, a speaker’s utterances may supply some of the motivation for others to concede a previous interpretation, belief, feeling, etc. during a collective attempt to resolve a socially relevant dispute. Listeners might, for example, hear a number of different speakers, unintentionally saying similar things, and then collectively take up some shared interpretation of those people’s utterances (written or spoken) so that from them common knowledge or a common sense of meaningfulness develops. Hence, speakers who do not themselves engage in micro-negotiation can inadvertently participate in macro-negotiations by making de facto proposals for both potential concessions and resolutions. They may also inadvertently participate by providing some of the motivation for others to offer concessions, even if they do not themselves propose or concede.

Third, a speaker may express, in her utterance, a change in her own previous beliefs, commitments, interpretations, feelings, etc. If she is not speaking on behalf of a

¹⁷ It may be important to note here that many different speech act types can be part of the overall set of speech acts that make up a particular negotiation (where that set will involve proposal and concession).

¹⁸ A story, conjecture, prediction, description or even a giving of thanks might function as a suggestion even if it was not given as one. “I really appreciate that you acknowledged our participation in this workshop,” “Thank you very much for telling us what to expect so early on,” and descriptions such as “When I review manuscripts I sign my name first. Even if it is taken out later on, it helps me to give respectful, constructive feedback” are all potential proposals if listeners take them up that way, even though technically the speakers acted by thanking and describing.

group, then her individual act is not a concession in a macro-negotiation, and it may not be a concession at all. To concede is to admit, typically after first resisting, that something is the case. It is to give something up, to admit defeat or to stop trying to win. A speaker who changes her mind or forms a new opinion may not have been trying to win in the first place. She may not have initially resisted the interpretation or belief she comes to accept, and she may not now admit that someone or something else is right. Instead, she may simply have changed her beliefs in response to what she has heard from a number of different sources. Nonetheless if, within the context of a larger social dispute, many people change a contested belief in similar ways then their individual actions collectively generate a de facto macro-level concession. The same will be true in relation to patterns of action or feeling. The collective effect will be bolstered if, as is likely, there are also people who do individually concede something when they change their minds, or act or feel in a particular way. Their individual concessions cannot by themselves serve as a macro-level concession, but as individual concessions combined with individual changes in belief accumulate in patterned ways, a macro-level concession can result.

If inadvertent proposal and concession are possible in the three ways I have just outlined, then it is appropriate to use the term “negotiation” when describing this kind of macro-level social phenomena. This is especially the case when changes in belief, action or feeling function not so much as concessions but as resolutions of the matter being negotiated. Consider a context where the permissibility of gay marriage is disputed. When most people come to believe or feel that marriage should be treated as a union between two consenting people, whoever they are, that functions as a resolution rather than simply a concession. Those involved have, once again, collectively made a move in a macro-negotiation by generating de facto acceptance of a particular resolution to the conflict—that gay marriage be permitted.

In practice resolutions to disputed social issues rarely occur because of complete agreement by everyone involved. Disputes may be ongoing (or emerging), but in ways that do not any longer (or yet) embroil a large part of a society, group or community. I count arriving at the point where most people now agree, where they have compromised, or where the issue is no longer widely attended to, as resolution or successful negotiation.

While resolution is possible, disputes do not always resolve or die down. There is no guarantee that negotiations will be successful. That disputes do not always resolve conflict or create unanimity does not, however, indicate that negotiation did not occur.

I have just suggested that it is appropriate to refer to uncoordinated efforts to resolve social disputes as “negotiations.”¹⁹ The overall point of the above discussion, however, is that macro-negotiation, and collective resolution of the matters at issue within them, need not be purposeful. Instead, the discursive and epistemic actions of individuals within a given community, society, culture etc. may combine to generate both a negotiation and, sometimes, a resolution to the dispute that was its subject, or at least to potentially productive developments in the discursive terrain. Macro-negotiation thus appears as a collective and distributed process that people can unintentionally participate in as speakers, whether or not they directly propose, concede or accept anything.²⁰

There are at least two useful objections to the account I have so far given. First, one might object that all communicative acts can be treated as parts of a macro-negotiation so that my account, and Potter’s, expands the notion of negotiation unduly. Second, one might think that what I have described is not negotiation but conflict of another sort, perhaps even all-out discursive war.

Consider the first objection first. Does my account make all speech acts into moves in a negotiation? The short answer is yes, at least potentially. On my view, any speech act that relates to a social conflict, anything that generates negotiation, and anything that helps to make something meaningful to someone where there is a question of meaning or mattering, will count as a part of negotiation. This sort of expansion is, however, unproblematic. In practice not everything is contested or at issue in a given context; so in practice many acts of communication are not aspects of negotiation even though they could be in other contexts. In other words, some speech acts are not related to conflicts of meaning or belief. Sometimes a joke is simply amusing, a poem aesthetically pleasing, and a piece of testimony simply informative. This is not to say that

¹⁹ Coordinated efforts to do so may also count as negotiations.

²⁰ A process is distributed when a number of individuals must act to enable it to occur, so that no one is individually responsible for causing or enabling that process or its outcomes.

jokes and the like cannot be used to negotiate. Rather it is to say that they are not always used this way.

There is another reason to hold that speech acts will not always be parts of negotiation. Sometimes people can refuse to interact with particular interlocutors. Sometimes they may simply “surrender” and accept another’s position without negotiating. Or they may battle over meaning and belief. Speech acts that are part of those activities will not always be elements of negotiation.

That said, social groups are almost always negotiating something, many things in fact. And people regularly have both positions on an issue and something at stake in what is believed or in how something is made meaningful; for these reasons, many though not all, speech acts will be aspects of macro-negotiations. This is so whether contributions to negotiation are intentional and widely acknowledged or unintentional and unnoticed. Further, macro-negotiation happens on different scales. Even when a large-scale social conflict is not occurring there may be smaller pockets of negotiation that are not micro-negotiations. As a result of all this, negotiation happens quite a lot though not all speech acts are part of a negotiation. I do not, however, think it unreasonable to recognize the ubiquity of this sort of communicative exchange.

But what about speech act types? Does my account incorrectly treat some types of speech act as acts of negotiation? I suggest not. Negotiation is not itself a speech act or an activity that can be accomplished in only one way. One might negotiate in part by describing, promising, threatening, lying, offering, suggesting, demanding, conceding, expressing emotion, and so on. I cannot say in advance that a type of speech act is immune from being used to negotiate. Therefore, whether or not to count something as an act in a negotiation should be evaluated on a case by case basis. Because any communicative act can potentially be used to “attempt to resolve or contend with a conflict or difference” it is reasonable to conceive of negotiation in a way that reflects that possibility.

Consider now the second objection. Have I described something that is not negotiation but conflict of a more serious sort, perhaps even all out discursive or epistemic war? This time the short answer is yes and no: Yes, epistemic “wars” do occur.

But no, refusal by some people to negotiate does not always mean that at a macro-level negotiation is not occurring.

During conflicts over meaning, social policy, knowledge, moral claims, and the like, there are very often parties who are unwilling to concede anything. They have their position, stick to it, and may prefer to force others to accept it as well. Those who attempt to resolve social disputes this way are not negotiating. They are trying to impose their position on others in ways that do not involve compromise, concession, attempts to reach agreement, or even consideration of alternates. When most or all parties approach epistemic conflict this way, or are involved solely in attempts to impose beliefs, values, significances, and meanings then, indeed, a macro-negotiation is not yet taking place.

However, it is frequently the case that only a subset of people in a larger community, society or collective refuse to negotiate. There are often others, sometimes in the majority, who are not irrevocably committed to a position on the issue in question. They may be willing to propose, consider, concede, persuade or be persuaded even if other people are not. When many people in a group are epistemically flexible in this way then, even if other people are pointedly not negotiating, the speech acts of non-negotiators may become part of the macro-negotiation that is nevertheless occurring.²¹

This is the case for a number of reasons. For instance, a non-negotiator's position can function as a proposal for those who are negotiating or motivate those who are epistemically flexible to alter their positions (in other words to concede in order to move toward the resolution of a conflict). Not only that, but even when non-negotiators largely agree with each other, they may negotiate internally to make sense of their shared positions. Speech acts that are parts of internal negotiations can, in broader contexts, also function as proposals, reveal alternate possibilities, create room for concession, and influence epistemically flexible others. Most importantly, non-negotiators regularly *intend* to influence others. Attempts to influence, though not meant as moves in negotiation, can nonetheless function that way.

Consider again what an epistemic battle might be like. It would not be cooperative. Participants would have no intention of considering alternatives or reaching

²¹ Please note that I do not intend to moralize or pass normative judgment here on the un/willingness to negotiate. It is perfectly possible that some things ought and some other things ought not to be negotiated.

any sort of agreement with disagreeing interlocutors. Instead, they would try to impose their meanings and beliefs on others. This happens all the time. Think, for example, of the “debate” over the permissibility of abortion or gay marriage. Neither side is solely (if at all) attempting to convince the other. Rather, they are trying to make sure that their opinion is legally upheld and taken up by those who are on the fence—people who are conflicted, undecided, or uninterested. By addressing epistemically flexible others who are negotiating, non-negotiators inadvertently participate in the larger negotiation. Thus, whether intentionally or not, non-negotiators often participate in macro-negotiations. I conclude, therefore, that the existence of epistemic or discursive conflict does not preclude the occurrence of macro-negotiation. Neither, however, does it guarantee that negotiation will occur.

At this point, I have justified my use of the term “negotiation” and defended against the claim that my account is overly expansive. I have also established that micro- and macro-level negotiation are possible, that macro-negotiation is a kind of collective action with the potential to effect social change, and that one may participate in negotiation unintentionally, especially at the macro-level.

4.5 Conclusion

My goal, in this chapter, was to explain the concept of negotiation in order to prepare to use it to characterize testimony as a communicative practice. This preparation has established an understanding of negotiation as an attempt to resolve conflict discursively while being open to offering and accepting concessions. The process has the potential to transform a social situation by changing not only what people do, but how they think and feel. Importantly, negotiation need not be intentional. It can take place at the micro-level in individual in-person conversations. Or it may occur at the macro-level when many micro-level conversations or negotiations combine to create collective results as a society, community or larger group works out what “we” know, believe, value, will act upon, find meaningful, and so on.

It will be particularly important that negotiation can be about what to believe and how to feel, as well as about what to do. And it will be even more important that through negotiation about significance people can transform societies, identities, and possibilities for acting, knowing, feeling, and being. With this background in place I will move on to

describe significance and negotiation as they work in concert, and to connect these concepts back to testifying as an epistemic activity.

Chapter 5

5 Significance Negotiation

At the end of chapter two, I insisted that in order to answer epistemic questions about the activity of testifying we need not only a definition of testimony but also a characterization of it. Having examined both significance and negotiation in chapters three and four, I am now in a position to characterize the activity of testifying, not as a one-way transmission of information, but as an interactive social practice that enables people to learn from and with each other. In particular, I will characterize it as a process of negotiating significance. I invite readers to notice that this characterization will allow me to: 1) treat learning from testimony as a collaborative activity; 2) attend to the knowledge that people derive *from* testimony rather than merely *based* on it; 3) investigate social rather than solely individual level epistemic effects of testifying as an activity; and 4) recognize understanding and not simply knowledge as a legitimate topic of epistemic investigation.

The chapter proceeds as follows: In section 5.1, I motivate my proposed characterization of testimony by discussing an alternative characterization, wherein testimony is “monoactive” and decontextualized, that is in current and widespread use. After that I propose an interactive and contextual characterization in section 5.2. That section divides into seven subsections in which I do the following: i) characterize testimony as a necessarily situated activity (5.2.1); ii) unite the concepts of significance and negotiation (5.2.2); iii) offer an extended example (5.2.3); iv) demonstrate the possibility of making concessions about significance (5.2.4); v) argue that people negotiate significance with and in relation to each other (5.2.5); vi) show that significance negotiation is interpretive (5.2.6); and vii) demonstrate that the process generates understanding (5.2.7). These arguments enable me, in chapter six, to offer a fuller picture of epistemic agency for everyone involved in a testimonial exchange. In that chapter I also further elaborate on the argument that significance negotiation generates understanding. I do so by comparing significance negotiation with Gadamerian hermeneutics. This will allow me to conclude the dissertation by arguing that my

characterization of testimony offers a productive answer to a major debate in the epistemology of testimony between “transmissionists” and “generationists.”

5.1 Monoactive, Decontextualized Characterizations of Testimony

In this section I present two very common ways of characterizing testimony in analytic epistemology—as monoactive (a term I will explain shortly) and as acontextual. I argue that both are problematic and then respond to the potential objection that there are already interactive models of testimony available within the literature. The discussion will both motivate and help to clarify my own interactive characterization of testimony. It is important to keep in mind that at the moment I am not discussing testimony as it occurs in practice, but rather I am presenting common characterizations of it that appear widely in the literature on the epistemology of testimony.

First, it is very common in the epistemology of testimony literature to rely on what I will call a “monoactive characterization” of this activity. Let me explain that term. People interact when they “act together” or with each other (Merriam n.d.), or when they “act in such a way as to have an effect on each other” (Oxford 2015). The word “interact” lacks an obvious antonym. I use the term “monoact” for that purpose.¹ An action is monoactive when it is completed by: a) one person, or b) people who do not act in concert, together or with each other, or c) people who do not have a direct effect on *each other* when undertaking it. I emphasize “each other” here in order to indicate the monoactive status of actions wherein person A directly affects person B but person B does not similarly affect person A.

In practice, testimonial exchanges are interactive and single sentence testimony is almost always part of an interaction. But representations of testifying in analytic

¹ I prefer the term “monoactive” to “non-interactive” because the latter is a term that both stands on its own and conveys much of the information I wish to communicate. As a prefix, “mono” indicates that something is “one,” “single,” or “alone.” The prefix “non” does not carry that meaning within itself; instead it defines by negation, translating simply as “not”. When I say that epistemologists often give monoactive characterizations of testimony, I intend to emphasize that they are actively characterizing testimony in a particular way, rather than simply failing to characterize it in some other way (as interactive). Because it already conveys part of this meaning, and because it is unfamiliar, the term “monoactive” may better serve to return one’s attention to these features of the situation that I describe.

epistemology are typically monoactive. The paradigm case is taken to be something like: Person A tells person B that x and person B believes what she is told because person A said it. Person B's response or uptake is not depicted, and any other conversational context is omitted. This picture of testimony involves more than one person, but these people barely interact, if at all. One person speaks while the other listens and believes, where both listening and believing tend to be treated as passive and are not usually pointed out or discussed. Any other interaction is treated as irrelevant or is purposely excluded from consideration. Particular examples are usually about something mundane and they involve single statements, such as "there is milk in the fridge," "it is nine o'clock," "there is a dog outside," "it is cold out," and so on (Lackey 2008, 80; Audi 2006, 26; Fumerton 2006, 88-89; Moran 2006, 278). On this model of testifying, person A affects person B, but person B is not depicted as affecting person A or as further engaging with her. The two do not act together in any robust sense. Rather one person acts on the second person, and the second person responds internally.

One might want object that the two parties are shown, in this description, to act with each other in order to enable person B to learn something. In actual testimonial situations this is usually the case. But to make this claim about the way testimony is being depicted here convincing, it would help if person B was at least shown to have initially asked a question or to give uptake to the attester's statement in some way. Listening and belief are not, however, given verbal or visible expression in these kinds of examples. Yes, person B responds by believing person A, but belief need not be evident to the hearer and there is no mention in the examples of any uptake from person B. As represented, her part in the exchange is entirely internal. *I stand there. You say something. I believe you. The end.* With no description of any prior or subsequent uptake or communication between the listener and attester, the claim that the two are represented as interacting is too generous. First, in this description there no evidence of a "we-intention," a "joint commitment," or a shared intention of any kind between the attester and listener (Searle 1990; Bratman 1993; Gilbert 2006; Toumela 2005). In other words, in the model of testimony I have just described there is no evidence of the kind of intention or commitment to act in concert that theorists of collective action usually deem necessary if people are to act with each other. Second, person B does not appear to affect

person A in any way. So, the objection that the two interact (act together or affect each other) in order to enable person B to learn is unsuccessful.

For the sake of argument let us say that on the picture given above the attester and hearer do interact. If so, the interaction is minimal and inadequately represented. But the situation is actually worse than this. Recall, from chapter two, that Broad and Disjunctive definitions of testimony allow that attesters need not intend to testify. Instead, they allow that a person testifies either: a) disjunctively as long as a hearer learns from a statement, or b) broadly as long as someone makes a statement. Diaries and overheard conversations then count as testimony even when the author or speaker did not address the hearer. But in that case an attester may never meet her hearer, she may not be in any way aware of him, and the two may not even be alive at the same time. It is implausible to describe testifying this way as an interaction. Instead, the listener responds to what a putative attester has done (that is, to their act of stating). These depictions of testifying can be rightly called monoactive. The point is that the people represented here do not act together, engage with each other, or mutually affect one another.²

Monoactive characterizations are seldom, if ever, questioned in the literature, perhaps because epistemologists are usually trying to determine how people know *on the basis* of testimony rather than *from* testimony. Knowledge is based on testimony when it results *solely* from hearing and believing what someone else says. Knowledge is from testimony when it *does not* result solely from hearing and believing what someone else says, but also from other factors. What else might be involved? Listeners may believe, and therefore know, not only because they heard someone speak but also because they interpreted and evaluated the testimony. Alternately, as Robert Audi explains, they may believe because: they trust the speaker; they perceive something about the speaker while she testifies (perhaps that she has a cold); or they may have formed a belief based on a testimonial act but not on the content of the testimony itself, which they may have misheard or misunderstood (2006, 26). If the focus is only on what the speaker says, with

² I do not claim that this is the only good definition of “interact” or the one that must always be used. I am a Wittgensteinian about language use. But I do claim that this use of the term is a poor one in this case. If by “interact” one chooses to mean “one person influences another” then interaction is present here, but this use of the term/concept cannot allow a deeper understanding of the ways people engage with each other in order to learn via testimony.

the listeners non-belief actions purposefully ignored, then a monoactive characterization will result.

I find the focus on this distinction between belief or knowledge *from* and *based on* testimony odd. In practice, when we believe, we almost always have reason to believe. And when we hear, we always interpret, though the interpretation may not be conscious and it may happen very quickly. There are reasons to maintain the distinction, however. To use Audi's examples, yes, when I learn that you have a cold because when you speak I can hear your congestion, that is not knowledge based on what you say (your testimony) (Ibid.). And yes, if I misunderstand you and believe what I wrongly suppose you to have said because I mistakenly believe that you said it, then your speech act is causally related to my belief, though the content of your testimony is not (Ibid.). So, the distinction between testimonially-based belief/knowledge and belief/knowledge from testimony holds. But I am suspicious of attempts to stretch the distinction much further than that, or to inflate either the importance of the category of testimonially-based belief/knowledge or our estimates of how often this sort of belief or knowledge occurs. That is not to say that we should not investigate the epistemology of testimonially-based knowledge or belief. It remains important. But I do not agree with Audi, and likely others, that it is the "philosophically most important notion" of knowledge or belief gained via testimony (Ibid., see also Adler, 2015, section 1, as explained in footnote 133). There is, indeed, an interesting puzzle here about how one could possibly know simply by believing testimony. But the even more interesting puzzle seems to me to be how it is that we actually manage, in practice and most often, to learn from what others tell us.

This is why monoactive characterizations of testimony are problematic: they fail to attend to many of the unavoidably interactive, interpersonal features of testifying. In particular, conversation between testifiers and listeners, and any effect that the listener has on the testimony that is offered, is obfuscated. For this reason I prefer to name situations that involve testifying "testimonial exchanges." Doing so draws attention to the fact that testifying is not a solo activity. The description interrupts the monoactive image of testifying and allows for the possibility of recognizing richer interaction between attesters and recipients. In addition, it reflects the fact that attesters are not the only ones who influence or direct the content of their attestations—so do listeners and

communicative contexts; but more on this topic in chapter six. For now, notice a second problematic feature of typical characterizations of testimony.

Though this is not universal, epistemologists tend to strip most of the context of testimonial exchanges away when depicting testimony. Jonathan Adler, for example, suggests that it is best to theorize about testimony by attending to “core cases” that “approximately” display the following features (not all of which are stated here):

- The speaker's testimony is a single, sentence. ...
- There is a single speaker. ...
- The context is one where the norm of truthfulness holds and the purpose is primarily to inform.
- The testimony sustains the corresponding belief in the hearer. ...³
- The speaker is assumed not to have any special “expert knowledge” on the topic of their assertion. ...
- The speaker is not acting under professional or institutional demands for accurate testimony. ...
- Finally, the hearer has no special knowledge about the speaker. For the purposes of the present discussion the ideal speaker should be a *stranger* to the hearer ... (2015, section 1)

In a previous version of the same article, Adler wrote that core cases that fulfill these conditions supply a “Null Setting” from within which to theorize (2010, section 1). This indicates an attempt to expunge most contextual features of testimonial situations as confounding variables. In the current version of the article he goes on to suggest that “asking local directions from a stranger” is “a typical core case” even though “the hearer is likely to quickly recognize whether the speaker is native to the area, among other easily or effortlessly known matters” (2015, section 1). Other core cases include statements about “the time, the weather, driving directions, the location of notable places, prominent historical facts, sports scores, the whereabouts of acquaintances, explaining why you are going to the shopping mall” (Ibid.). He describes these instances of testimony as ordinary, saying that recipients have little reason for doubt since the statements are not self-serving or controversial. Notice, that if we take up Adler’s suggestion it will be

³ In full, Adler writes: “The testimony sustains the corresponding belief in the hearer. This rules out cases such as acquiring the belief that Joan is in Arkansas because Mary says so. But then you subsequently receive a card from Joan postmarked in Arkansas. The card enormously diminishes your epistemic dependence on Mary's testimony” (2015, section 1). This indicates that Adler treats knowledge that is *based on* rather than *from* testimony as central, just as Audi treats it as the “most important” sort of knowledge or belief gained via testimony (2006, 26).

impossible even to ask about how we learn from each other when power, politics or controversies are involved. In addition, if he wishes to avoid controversy, he will need to remove “prominent historical facts” from his list of core cases, just as he changed “explaining your action” (2010) to “explaining why you are going to the shopping mall” (2015) in the revised version of the article. As feminist and critical race theorists have pointed out, in oppressive contexts historical facts, whether prominent or not, are far from apolitical (Matthews 1986; Burton 1992; Kempf 2006).

I suggest that it is a mistake to rely solely on decontextualized, monoactive models of testimony like Adler’s. These ways of representing testifying prevent us from considering richer interactions between testifiers and listeners that are epistemically relevant. Further, such models represent only a fraction of the testimonial exchanges that we actually engage in. We do ask for directions from strangers, but this is not what we do, a large part of the time, when we learn from what other people tell us.

Single sentence testimony, given by a stranger in a one-off situation is not the norm and those involved in testimonial interactions do not only transmit information, “giving” parcels of knowledge to each other in a simple “offer and accept” manner. Speakers and listeners exchange roles. Testimony happens in conversation. Topics of attestation are often controversial and listeners may not simply accept a claim. Instead, they ask questions, offer alternate interpretations and contest attestations, even when they eventually come to accept a speaker’s testimony. Further, the same people often testify to each other on different occasions. Listeners and speakers regularly know, or know about, each other and they form impressions about their interlocutor’s credibility, often based on social roles or stereotypes (Code 1991; Alcoff and Gray 1993; Jones 2002; M. Fricker 2007; Brownstein 2015). Finally, speakers and listeners are frequently part of broader attempts within a society to work out what “we” know (Spelman and Lugones 1983; Code 1991; Haslanger 2007; Campbell 2014). They do so in contexts where social scripts or discourses guide people to understand the topics of the attestation, and the attestation itself, in particular and politicized ways. We need models of testimony that accommodate these facets of attesting to and learning from each other, models that will allow us to investigate how we learn from the practice of testifying in a broader range of situations.

Do we, perhaps, already have such a model?⁴ One might wonder whether my worry would disappear were I to shift the focus away from Adler and similar work toward explicitly interpersonal, non-individualist discussions of testimony. Indeed, there has been a great deal of interest, lately, in the importance of trust relationships in enabling testimonial knowledge (Moran 2006; Faulkner 2011; McMyler 2011). I will, therefore, once again consider Richard Moran's explicitly interpersonal and non-individualist "assurance" view of testimony in order to demonstrate that even accounts of this sort fall prey to some of the weaknesses I identify above.⁵

Moran does not merely examine the separate actions of attesters and listeners, or "the conditions for [gaining] knowledge" from testimony. Rather he investigates "the nature of the two sides of the relationship" between an attester who tells and a recipient who, he argues, believes the attester and not simply her attestation (2006, 273). His account is thoroughly interpersonal in that he posits an intentional relationship of trust and dependence between attester and recipient. According to Moran, by asserting the attester gives her assurance to the recipient—via the act of attesting she actively, though implicitly, offers her guarantee of the truth of her statement to the recipient who, if he is to learn from testimony, accepts that guarantee or assurance. The attester thereby takes on a duty in relation to the recipient who is now entitled to rely on the attester's word. A genuine, trust-based relationship is depicted here.

Moran's account is also non-individualist in that the speaker herself cannot ensure that her testimony gives a recipient a *good* reason to believe what she says. Only "background conditions" that are not within her control can do so (2006, 289). Moran says little about what these background conditions are, but we are to understand them as the conditions that allow a speaker to take responsibility for the truth of her statements and that allow a listener to "count on" the speaker's assumption of responsibility (Ibid.).

⁴ I ask this question of analytic literature on the epistemology of testimony. Lorraine Code's work in *Ecological Thinking* (2006) very likely provides such a model from within Feminist Epistemology. See also, Code 2010.

⁵ This does not show that there are no characterizations of the sort I seek, but it does suggest that the problems I identify are widespread and found even in accounts that more obviously treat testimony as interpersonal.

Moran's Assurance View is much improved over accounts that ignore attester/recipient relationships. First, with it one can better investigate the conditions under which attesters and listeners might be able to choose, reasonably and responsibly either to attest or to accept an attestation. Using Moran's position, it would be reasonable to suggest that attesters ought to attest only when they reasonably expect that they can successfully stand as guarantors for the truth of their statements. If so, attesters would take on a duty to respond to challenges to their say-so. Further, according to Moran, and here I agree, a) attestations ought to be freely given and b) they generate vulnerability for recipients who depend not only on an attester's reliability but on her good will and sincerity. Therefore, I can add that attesters ought to be sincere, responsible, and not merely reliable. For their part, recipients ought to reject attestations from those whom they reasonably deem untrustworthy or unreliable. But recipients should also be aware that in rejecting an attester's assertion they do not merely reject evidence for a proposition. Instead, they reject an attester's word—her bond or commitment to tell the truth. In so doing they may malign her as both a moral and epistemic agent. Given this framework, epistemic agency and responsibility begin to come to light for both attesters and listeners and norms of assertion become meaningful. This is a definite benefit since, outside of feminist and anti-oppression based epistemology, most characterizations of testimony do not call attention to the ethical elements of attestation and belief or disbelief.

Second, given Moran's claim that background conditions are what allow attestations to become good reasons to believe, questions about social influences on the allocation of trustworthiness, sincerity, reliability, knowledge, and credibility become possible. That, in turn, allows for investigation of testimonial injustice (though perhaps not of hermeneutical injustice) (Code 1991; Alcoff and Grey 1993; M. Fricker 2007; Medina 2013; Polhaus 2014). In addition to these benefits, the account allows inquiry into more traditional epistemic questions—into the source of one's justification for forming testimonially-based beliefs for example.

All these benefits and yet I am not satisfied. What could be missing? What more could one want? In brief, I desire a characterization of testimony that will enable a fuller account of epistemic agency for everyone involved, at both an individual and group or

societal-level. Understanding epistemic agency in relation to testimony is a worthwhile project in its own right, and I will further describe this concept in chapter six. But attending to it will also: a) allow epistemologists to offer better prescriptions to attesters and recipients, b) illuminate debates about whether or not testimony is a generative epistemic source and about whether or not testimonial knowledge can be “reduced” to some other form of knowledge (Greco 2012, 16), c) reveal that understanding is an important epistemic product of testifying, and d) allow us to understand important connections between epistemology and ethics, because knowing, understanding, and interpreting are part of how we influence and construct our social worlds.

Notice that, on Moran’s view, the attester and recipient do not appear to converse, dialogue, question, or exchange roles. An attestation may happen in conversation but if so, on his view, that would tell us nothing epistemic about the testimony itself. The monoactive characterization of testimony is still in play—the attester tells the recipient something and the recipient accepts what she says by trusting and therefore believing her. Most other features of the testimonial context appear to be inconsequential. Indeed, it is quite possible for Moran’s account to operate by saying that person A tells person B that x and B believes A, without noting anything else, save that the situation must allow for the giving of a guarantee and for trust. The topic of conversation, the reason for and context of the exchange, the motivations and intentions of the participants (aside from lack of intent to deceive), the other acts people accomplish by testifying and during the exchange, all matter very little, even for Moran. To the extent that they matter their import is subsumed by the notion of trust. Thus, Moran’s overtly interpersonal characterization of testimony still follows the monoactive formula found in nearly every discussion of testimony in the epistemology of testimony literature, at least outside of feminist circles.

Monoactive characterizations of testimony are insufficient for at least three reasons. First, as mentioned above, context affects the content, mode of presentation, uptake and effect of testimony (Alcoff and Gray 1993; Ehrlich 1998; Sue Campbell 1997; Schutte 1998; Hill Collins 2000; Dotson 2011). But the importance of context is very difficult to capture given the transmissive characterization so far considered. Second, monoactive characterizations of testimony do not position us well to ask how recipients

influence the content, mode of presentation, or uptake and epistemic influence of attestations. In other words, when using this sort of characterization one cannot treat recipients as people who influence what can be learned from a testimonial exchange by actively shape and direct that exchange. Yet, as I will argue in chapter six, recipients are influential in these ways (Lugones and Spelman 1983; Campbell 1994; Ehrlich 1998; Schutte 1998). If so, attention to implicit guarantees and trust will not suffice to properly characterize testimony. In addition we will need to depict what, in chapter six, I will call *epistemic leadership*, *interpretive agency*, and *recipient framing*.

Third, monoactive and decontextualized characterizations of testimony ignore uses of attestation that are primarily neither informative nor persuasive but that nonetheless contribute to a person's or community's ways of knowing and understanding, as well as to what they know and understand. Community matters. When epistemologists focus only on person A telling x to person B, the community-level epistemic effects of attestation as an activity are buried by attention to a subset of individual level details about the testimonial exchange. Moran's account positions us to notice how background conditions influence an attester's ability to offer good reasons, and we may ask about conditions that generate or interfere with trust, but we are not in a good position to think about her or her recipient's influence, via testimony, on background conditions themselves, on collective knowledge, or on larger societal-level attempts to understand a topic. Another characterization is needed.

In response, I suggest that epistemologists ought to model testimony interactively, by treating it as a product of testimonial exchanges during which people negotiate about significance. Seen through this lens, testifying is not a one-way transmission of information or the upwelling of knowledge resulting from hearing and belief. Instead, it is a collectively undertaken social practice that enables people to learn from and with one another in the contexts of their daily lives. Characterizing testimony in this way enables a fuller picture of epistemic agency to emerge for both attesters and recipients.

5.2 A Contextual, Interactive Characterization of Testifying

5.2.1 Testimony Situated

First, I propose to characterize testimony as a situated activity. Attestations are almost always given as part of a larger communicative activity and they are not isolated from other kinds of speech acts. Rather they work in concert with other speech acts, sometimes indirectly accomplishing them. These interwoven communicative acts are also situated. Attestations are embedded. They occur in particular social and communicative contexts, themselves positioned in relation to other contexts. Put differently, testifying, as a speech act, occurs within various social and communicative milieus.⁶ Those milieus influences what kind of testimony can be given, how it can be given, whether or not and how it will be taken up, and what kinds of effects it will engender.

Situating testimony is a slippery activity. Acts slide into contexts, which slide into milieus. Attestations are woven into conversation, of whatever sort, with musings, questions, clarifications, requests, promises, expressions of doubt, encouragement, other attestations, attempts by others to censure or direct one's assertions, and so on. Bodies and body language, patterned and spontaneous physical interaction between participants, the personal and political relationships between interlocutors, the physical setting in which, and the technology via which their communication takes place are non-trivial aspects of a communicative context. Attestations are also embedded in milieus where: some language games are practiced while others are not; some things and not others are taken as common knowledge; there are established and contested ways of classifying things and allocating social status; moral and political disputes are ongoing or emerging; some people are listened to and believed more than others; there is oppression, justice and injustice; some questions are pressing for a community and others are un-thought; possibilities are being realized, conceived, and neglected; and social structures are forming, reforming or becoming entrenched, possibly all at the same time (see Jaggar,

⁶ Inspired by Lorraine Code, I am convinced that communicative "ecosystem" is a far richer and more apt term. However, I am not yet familiar enough with the associations and implications of Code's work on this topic to adopt her language.

11). Not only are these things occurring, but our attestations help them to occur; attestation is creative and re-creative.

Without attention to these features of communicative exchanges—especially those that relate to differences in social position, perspective, and power—the idea that people may need to negotiate significance makes little sense.⁷ Above I suggested that acts and context slide into each other. I meant to gesture toward the idea that contexts and speech acts enable each other, perhaps even constitute each other as possibilities. The ability to assign homework, for example, depends on one’s role in a particular setting—this is an activity that teachers, of some kinds, may engage in. It is not an act that is available to just anyone, or even to the right people in the wrong setting. And speech acts can help to create contexts. Protests and rallies, for example, rarely occur without certain kinds of chants, songs, placards or speeches, which help in making the protest a protest. Speech acts and contexts are slippery. Therefore, context must be accounted for when thinking about how we learn from testimony.

Linda Alcoff argues, forcefully, that “context bears on meaning” where “meaning is in some sense the object of truth” so that “we cannot make an epistemic evaluation of [a] claim without simultaneously assessing the politics of the situation” (1991-92, 15). I do not wholly control the meaning of my speech, she insists. Here she seems to be taking meaning as “what is communicated” or as the effects of one’s speech. In an airport my joke about a bomb does not have the same meaning as it does in a comedy club, whatever my intention as a speaker. I cannot reproduce Alcoff’s argument here, nor can I offer a theory of the pragmatic effects on meaning to which she alludes. But the fact remains that there are pragmatic effects on meaning—the literal meaning of a speaker’s words, her communicative intention, the context of her utterance (always politically laden), the action she undertakes in speaking, what she is able to communicate, and the identity and social location of her listeners, all bear on what a speaker is able to mean. Consequently,

⁷ If one wants to understand how we learn from what other people tell us, one might also want to ask about what happens when people do not learn that way. The answer will not only be that the speaker did not speak truthfully or that the listener does not believe the speaker. The answer will often need to be about *why* the listener did not believe. Context and the social location of speakers and listeners will be part of the answer. Theorists working on epistemologies of ignorance and on epistemic injustice will certainly have something to contribute here (Tuana 2004; Sullivan and Tuana, 2007).

the pragmatic aspects of meaning are not entirely under a speaker's control. The same phrase in a different context may have different meanings, both in relation to and despite speaker meaning. And the same phrase when spoken by different speakers may also have different meaning, as I will discuss again in chapter six. If so, then what people can learn from testimony will be affected by the context, and larger milieu, in which that testimony is situated. It will be especially important to treat attestations as situated if these effects occur in patterned ways, as those writing on epistemic injustice have revealed (Fricker, 2007). It is therefore important to characterize testifying as a situated activity. I move now from attending to context to considering interaction, with the caveat that the two influence each other in practice—people cannot interact if they are not situated and interactions can change situations.

5.2.2 Testimonial Interactions. Uniting Significance and Negotiation

Our attestations change how we know and live. Therefore, quite a lot rides on how they are taken up, both epistemically and politically. What, then, are people doing when they testify, and why do they do it? Jennifer Lackey suggests that testimony's function is to inform (2008, 21), while Richard Moran suggests that it is common to treat testimony as evidence and that it is used to get other people to believe something (or as he argues, someone) (2006, 299). These are standard interpretations. Both are indeed important activities that testimony allows us to engage in. But they are not all we do when we participate in a testimonial exchange. In addition, when they participate in testimonial exchanges, attestors and recipients negotiate significance. But what is it to do so?

Recall from chapter three that: significance is always significance for someone in some context; things are significant when they are important, relevant, and when they carry meaning and are meaningful, both in relation to and according to "me" and to "us"; senses of and claims about significance can be evaluated epistemically, pragmatically, and morally; significance can be constructed and reconstructed; and significance is always in principle negotiable. Next recall from chapter four:

Negotiation occurs when, during dialogue between more than one party, interlocutors: 1) use speech acts to try to reach agreement or to resolve, address, or contend with a conflict or dispute, and 2) while doing so they adjust their

positions, giving and gaining concessions to arrive at an outcome that is not predetermined.

Chapter four demonstrated that people often negotiate over what to believe, accept, or endorse as common knowledge, as well as about what to do and how to feel, where feeling can be a way of finding that things matter in particular ways. The chapter also established that as part of negotiation people may use persuasion, gather information and learn about each other in order to be better able to trade concessions, and that negotiation may take place directly at the micro-level, or indirectly at the macro-level, so that when many smaller groups negotiate separately, their negotiations may have a larger, sometimes unintended, cumulative impact. For this reason, people may negotiate unintentionally or even when they intend not to do so.

Combining these sets of features results in the following understanding of what it is to negotiate about significance:

Significance Negotiation (SN) is an interpersonal activity, whether at the micro- or macro-level, wherein participants use speech acts to attempt to reach agreement or resolve a dispute about the importance, relevance, meaning, and/or meaningfulness of some x . It is an interactive process of communal making-sense-of that involves interpretation, dialogue, and the potential for concession trading.

I use the term “interactive” to indicate that more than one subject participates in negotiation, that they do so with each other, and that participants influence each other. As I will demonstrate, a person who is negotiating significance may be trying to understand for herself, but she never does so by herself.

In practice, significance negotiation occurs whenever interlocutors offer, contest, defend, and revise interpretations of the importance, relevance, meaning, proper understanding of or response to, or (non)existence of some x (where x may be a fact, situation, memory, proposal, emotion, belief, decision, identity, etc.). It occurs, for example, during disagreements about whether a purported fact actually is a fact, as when people put forth conflicting interpretations of the same data set. It also occurs whenever people make assertions about what is important and why, about what one should care about, why and how, about “the way things are,” about what it means to be “who we are,” or about what one is or is not justified in thinking, feeling, and doing. This is not an exhaustive list.

So the process is really quite simple, and we do it all the time. People talk to each other, back and forth. They express beliefs and commitments. They make moral and political claims. They describe the world. They invite other people to care about, think of, or experience the world as they do. They respond when other people do the same things. Disagreements arise and, because disagreement can matter in concrete ways, people try to work out their differences. Their statements are folded into macro-negotiations. Much of this process involves attestation. Interesting things happen along the way.

In particular, by engaging in significance negotiation people contribute to a community's store of collective hermeneutic resources—shared interpretive tools that belong to a community's conceptual repertoire. These tools can be concepts, questions, moral claims, representations, narrative structures and tropes, ways of imagining, stereotypes, definitions, categorization systems, commonly known or accepted facts, and more. All of these resources can be used to understand as well as to learn and teach. One may “contribute” to a community's conceptual repertoire by proposing a new addition to it, by critiquing or defending an existing element of that repertoire, by relating or revising its contents, or even by using a conceptual tool in a context in which its legitimacy is in question. The hermeneutic function of significance negotiation will be very important when thinking about how it is that we learn from what others tell us and I will explain it further when discussing understanding toward the end of this chapter, when thinking about why people negotiate significance in chapter six, and shortly, while offering an extended example of significance negotiation.

I will now offer an example of significance negotiation and then elaborate on four main points: first, it is possible to offer and accept concessions during significance negotiation; second, people negotiate significance both with and in relation to others; third, significance negotiation always involves interpretation; and fourth, significance negotiation can generate understanding. Discussing these topics will allow me to further explain what significance negotiation is and how it operates.

Before continuing, notice that people may negotiate significance by using a broad range of speech acts, many of which are non-testimonial. Nonetheless, much of the process I have described occurs via attestation. The interlocutors above state things, they make claims, they assert, and so on the broad view of testimony in play right now, they

testify. In the conclusion to this chapter I will argue that not only can testimony be used to negotiate significance, doing so is a primary function of testifying. For now, simply notice that testimony appears to be an integral part of such negotiations.

5.2.3 Significance Negotiation in Practice

The following example of significance negotiation refers to a well-known 2012 case of rape in Steubenville, Ohio. The following description of the case provides context for my subsequent discussion of significance negotiation: Over the course of approximately six hours, Trent Mays and Ma'lik Richmond, accompanied by friends, brought a 16-year-old young woman, drunk to the point of vomiting and passing out, from party to party. At one point they carried her by her wrists and ankles “like a dead body” to use Mays’ own words (Oppel Jr. 2013). Mays and Richmond both digitally raped the victim and Mays attempted oral rape. Pictures and videos of these events, and of the victim naked and passed out, were widely shared on social media (Ibid.). Media coverage of the resulting trial was often sympathetic to the rapists, lamenting the loss of their bright futures (Strasser and Culp-Ressler 2013; Sciuillo 2013). Consider, now, a set of negotiations about the significance of this event.

Abby Norman, a high school teacher from Atlanta, Georgia, relates the following experience in a post titled “The Day I Taught How Not To Rape” on her blog.⁸ While teaching a ninth grade class, one of Norman’s students asked, referring to the Steubenville case,

“Have you heard about that rape case in Ohio? Those guys got convicted. They have to go to jail. They are going to lose their scholarships. They were going to D-1 schools!” “Well...” [she] responded, ... “maybe they are going to jail for rape because THEY ARE RAPISTS!” ... some of my kids were genuinely confused. “How can she be raped?” they asked, “She wasn’t awake to say no.” ... (Norman, 2013)

Norman begins a discussion about what rape is and about consent. She argues that women’s clothing choices do not reveal consent and again finds that her students are genuinely confused.

⁸ Norman, Abby. March 19, 2013. “The Day I Taught How Not To Rape,” *Accidental Devotional*. Last accessed April 13, 2015. <https://accidentaldevotional.com/2013/03/19/the-day-i-taught-how-not-to-rape/>

“Ms. Norman, you mean a woman walking down the street naked is not her inviting sex? How will I know she wants to have sex?” A surprisingly bold voice came out of a girl in the back “You’ll know when she says, you want to have sex?!” (Ibid.)

Norman then argues, to her blog readers, that it is not enough to teach kids about rape.

Instead, she insists, we need to teach them “how not to rape” by teaching them

clearly and boldly that consent is ... an enthusiastic, unequivocal YES! ... When we reversed the conversation from, “well she didn’t say no,” to “she has to say YES!” many of them lit up. ... “Ms. Norman,” they exclaimed, “that way leaves a lot less confusion.” (Ibid.)

As I read the situation, if people who were under the impression that revealing clothing and intoxication count as consent now instead accept that “she has to say yes,” then they made a concession. Norman’s stance toward her students may also be interpreted as a concession in that she treats her students as confused, rather than as sexist or as morally bad. This may only appear to be a concession, however, when one notices that the classroom conversation is situated within a larger communicative context, of which Norman is aware. In that wider context people asking these questions are often, though not always, men’s rights advocates, rape apologists, people who hold religious beliefs that can reasonably be identified as sexist, or people who are asking rhetorically, rather than genuinely, in order to make a point. Macro-level concessions are also occurring as, for example, governments and school systems add discussions of consent to sexual education curriculums (Ontario Ministry of Education 2015, 66).

Norman makes obvious hermeneutic contributions here. She reveals the possibility of “teaching how not to rape,” rather than of simply teaching about rape. She contests prevailing claims about how to interpret certain kinds of sex, viz. as rape or not rape, and she offers, and/or uses, the still controversial concept of enthusiastic consent. Norman adds that this approach to preventing rape protects boys as well as girls. She goes on to write that teens “need to unlearn some lessons that no one will admit to teaching them” (2013). In doing so, she challenges the idea that rape is natural and refuses to let readers and other adults off the hook, holding them to account for their part in perpetuating what others have called “rape culture.” So Norman’s hermeneutic contribution is not only to use, bolster, and disseminate a concept that is gaining a

foothold in public discourse (enthusiastic consent). She also makes a hermeneutic contribution by undermining the sorts of concepts that make up prevalent rape myths (where victims “ask for it” or as responsible for their rapes because of clothing choice or incapacitation).

These negotiations have the potential to have an effect on the participant’s social contexts. Because an authority figure validated their right to do so, female students may find it easier to consent to or refuse sex. Students may now seek enthusiastic consent from each other instead of making assumptions about consent, especially since they now know how their peers feel about the possibility. And, again given adult validation, they are more likely to recognize and report rape or harassing behavior. Compare that to the environments at schools where girls are encouraged to “work it out” with the person who raped them, sent to disciplinary school with the rapist or suspended after reporting rape, harassed out of school while administrators respond poorly, blamed for the occurrence by school counselors, denied permission to return to school after taking a leave of absence to recover from rape, or used as “bait” to catch a known assailant (Epifano 2012; Beusman 2013; Blackwell 2014; Field 2014; Merlan 2014). One of these environments is far safer and more supportive of female worth and bodily integrity than the others.

Norman’s engagement with her blog readers may also have practical effects. Her post generated quite a bit of negotiation, which she did not appear to censor. Among many other topics, her readers discussed the nature of rape, including whether or not digital penetration or penetration with an object should count, and whether FBI, state and federal definitions were adequate.⁹ They disagreed about whether the term “rape” or “sexual assault” should, in general, be used when dealing with sexual violence.¹⁰ They talked about whether people should teach daughters how not to be raped, about what girls

⁹ JK, March 19, 2013 (10:48 p.m.), pastordt March 19, 2013 (11:08 p.m.); Nicole Romero, March 19, 2013 (11:30); Leigh, March 20, 2013 (11:16 a.m.); Jane Patterson, March 20, 2013 (9:58 p.m.); Samantha, March 25, 2013 (3:46 p.m.); Melina, March 21, 2013 (6:41 p.m.); Susan, March 22, 2013 (1:15 a.m.); Hershele Ostropoler, March 22, 2013 (12:03 p.m.); DO, March 22, 2013 (4:21 p.m.); Mackenzie, March 22, 2013 (4:40 p.m.); Marina, March 23, 2013 (8:01 p.m.); Tedd Cadd, March 27, 2013 (12:20); and Mackenzie, March 22, 2013 (4:40 p.m.) in separate comments on Abby Norman, “The Day I Taught How Not To Rape,” *Accidental Devotional*, March 19, 2013, last accessed on April 13, 2016, <https://accidentaldevotional.com/2013/03/19/the-day-i-taught-how-not-to-rape/>

¹⁰ Emily, March 26, 2013 (11:22 p.m.), the wanderrrr, March 27, 2013 (12:11 p.m.), Dr. Morris Desoto, March 22, 2013 (1:38 p.m. and 1:41 p.m.), suzannah (9:45 a.m.), (ibid.).

are or are not being taught, about whether discussing intoxication is a form of victim blaming, about a supposed implication that Norman's position treats boys as default rapists, and about whether education could help to prevent rape.¹¹ There was strong disagreement over whether to partially blame victims for rape if they had been drinking.¹² Someone conceded that yes, while she previously thought the suggestion had been a joke, boys should be taught how not to rape.¹³ One woman cautioned others about asking rape apologists whether they would feel the same way "if it were your daughter."¹⁴ Another person challenged Norman about whether she should describe the Steubenville rapists as "confused."¹⁵ Others argued about whether or not all rapes are violent.¹⁶ Some readers claimed the need to teach women to wait, possibly until marriage, to have sex, while others asserted the importance of making it acceptable "for girls to confidently and straightforwardly say 'yes.'"¹⁷ Others disagreed about whether or not there is such a thing as "rape culture."¹⁸ And there was a subtle discussion about

¹¹ Vivian, April 8, 2013 (12:04 p.m. and 1:17 p.m.), Cassandra, April 8, 2013 (12:48 and 1:41 p.m.), S. Mason, April 8, 2013 (3:40 p.m.), M. Keyser March 22, 2013 (12:30 p.m.), hcmediate, March 17, 2013 (9:40 p.m.), Jon Novak, April 13 (2:06 a.m.), Isaac Kennen April 13 and 15, 2013 (4:12 a.m. and 2:00 p.m.), S. Mason, April 14, 2013 (4:52 and 4:57), Tedd Cadd, April 13 (9:46 a.m.), tapati, April 20, (7:59 p.m.) (Ibid.).

¹² Dr. Morris Desoto, March 22, 2013 (1:38 p.m.), suzannah, March 23, 2013 (9:45 a.m.), quincyquick, March 22, 2013 (4:35 p.m. and 4:37 p.m.); macoafi, March 22, 2013 (5:12 p.m.); Pam, March 26, 2013 (8:21 p.m.), Isaac Kennen, April 12, 2013 (12:46 p.m. and 5:53 p.m.) (Ibid.).

¹³ snhamlett, March 21 (8:47 a.m.) (Ibid.).

¹⁴ Leigh, March 20 (11:16 a.m.); natasharenee07, March 24, 2013 (3:09 p.m.), lodda :, March 27, 2013 (7:23 a.m.) in separate comments on Abby Norman, "The Day I Taught How Not To Rape," *Accidental Devotional*, March 19, 2013, last accessed on April 13, 2016, <https://accidentaldevotional.com/2013/03/19/the-day-i-taught-how-not-to-rape/> natasharenee07 suggests visiting <http://bellejarblog.wordpress.com/2013/03/18/i-am-not-your-wife-sister-or-daughter/> for reasons to worry about this strategy. It is a useful suggestion. Posted on March 18, 2013. Last accessed on April 13, 2016.

¹⁵ Maribelle 1963, March 23, 2013 (1:21 p.m.) (Ibid.).

¹⁶ Tyciol, April 2, 2013 (1:50 a.m.), Tedd Cadd, April 2, 2013 (9:55 a.m.) (Ibid.).

¹⁷ JR, March 24, 2013 (3:36 p.m.), Tanya Marlow, March 21 and 22 (6:26 a.m. and 12:55 p.m.), Jenni Camacho, March 22, 2013 (10:40 p.m.), snhamlett, March 25, 2013 (9:52 a.m.), Tamara Stevens, March 23, 2013 (9:31 a.m.); onemcpeck, March 23, 2013 (1:39 p.m.) (Ibid.).

¹⁸ fidelbogen, March 29, 2013 (7:08 p.m.), Tedd Cadd, March 29, 2013 (9:09 p.m.) (Ibid.).

connections between women's safety, men's well-being, masculinity, and expectations about male sexual conquest and desire. For example, Spencer wrote:

Growing up, I was raised to fully understand that “without a clear yes, it was no.” There was so much emphasis on that, actually, that I was never really brought up to understand that I could or should say no myself. . . . I was taught under the presumption that I should want to go as far as she'll let me, which . . . isn't necessarily true. I thought setting boundaries was her job and respecting them was my job, and that mentality unfortunately led to a lot of regrets. . . . it is vital to not only challenge the false presumption that silence is consent, but also to challenge the presumption that just because she says you can, means you should. . . .¹⁹

While snhamlett added,

Part of the reason (again, in my opinion), that boys/men (and women!) have a hard time completely understanding what actions are defined as rape is because we have this general cultural idea that good girls don't actively pursue a sexual encounter and, therefore, it's the guy's job to elicit sexual desire from her. Which is why to many guys, “no doesn't necessarily mean no.”²⁰

Feminist movements are built out of these kinds of conversations. Similar discussions are occurring in other classrooms and on-line venues, through protests like Slut Walk, in personal conversations, in mainstream media, during policy meetings, and in many other places.²¹ Norman's smaller discussion is therefore part of a larger social negotiation of the meaning of and proper response to sexual violence, women's sexuality, men's sexuality, gender roles, and public education. Norman herself was teaching a poem written by Martha Collins, ambiguously about rape, that was a move in this macro negotiation. Andrea Smith is another macro participant who elsewhere argues that settler-colonial cultures have been founded on sexual violence, and that ending rape culture will

¹⁹ Spencer, March 21, 2013 (4:22 p.m.) comment on Abby Norman, “The Day I Taught How Not To Rape,” *Accidental Devotional*, March 19, 2013, last accessed on April 13, 2016, <https://accidentaldevotional.com/2013/03/19/the-day-i-taught-how-not-to-rape/>

²⁰ snhamlett, March 25 (9:52 a.m.) comment on Abby Norman, “The Day I Taught How Not To Rape,” *Accidental Devotional*, March 19, 2013, last accessed on April 13, 2016, <https://accidentaldevotional.com/2013/03/19/the-day-i-taught-how-not-to-rape/>

²¹ “SlutWalk is a worldwide movement against victim-blaming, survivor-shaming, and rape culture. Originated in Toronto in 2011, it started as a direct response to a Toronto Police Services officer perpetuating rape myths by stating “women should avoid dressing like sluts in order not to be victimized.” (SlutWalk Toronto. “FAQS.” Last accessed November 1, 2015. <http://www.slutwalktoronto.com/about/faqs>).

require working to end racism and other structural forms of oppression (2009; 2015). In another macro move, WAVAW, an activist organization aimed at ending violence against women, argues that that responses to rape modelled on consent are inadequate. They write,

How relevant are conversations about consent when a perpetrator has already decided consent isn't necessary? The stranger assaults at UBC occurred because a man who has lived his life in a rape culture felt entitled to women's bodies, not because of any blurred lines between the consensual and nonconsensual. When we only talk about sexual violence in terms of consent, we lose a lot of what makes up the real context of rape and, sometimes, we lose rape entirely. ... (2014)

WAVAW continues by giving examples where the language of consent is used to obscure the occurrence of rape. They then argue that,

If we continue to frame consent as a simple negotiation between two individuals, and if we continue to use discussions of consent as our only way of addressing sexual violence, then we fall into the trap of imagining rape only in an individual context. Suddenly rape is whittled down to a set of individual choices ... We can't forget to employ a feminist analysis of the ways that patriarchy, white supremacy, capitalism, colonialism, and other systems of power directly affect lived and daily experiences of hypersexualization, consent, and rape. We can lose that bigger picture of power, privilege, and oppression if we only talk about consent. (Ibid.)

Considering Norman's micro negotiation, and doing so with the larger macro negotiation in mind, demonstrates not only that we negotiate with others but that when people do so they may enable greater or different understandings to emerge. Students came to understand the meaning of "rape," "rapist," and "consent" differently. They began to appreciate their responsibilities and rights in sexual situations. In addition, they made sense of the reasons for the punishments in the Steubenville case. Placing Norman and Smith within the same frame of reference makes further understanding possible: Rape culture is not simply about cultural acceptance, tolerance, and normalization of rape combined with victim blaming. In *Conquest: Sexual Violence and American Indian Genocide*, Smith describes demonstrates that sexual violence was and is used as a tool with which to colonize indigenous peoples in the Americas. She argues that this colonial tool operates by positioning indigenous bodies as inherently violable (Smith, 2015). Her work makes it possible for me to suggest that "rape culture" can also be understood as a culture that is founded on and upheld by sexual violence. WAVAW makes a similar

contribution by allowing us to understand rape culture as a cultural problem linked to multiple forms of oppression. They also allow a greater understanding of the role that education about rape culture, and about consent in particular, can and cannot play in overall responses to sexual violence as a societal-level, structural problem. And this is to say nothing of the understandings and knowledge that might have been generated for those participating in and reading the comment section of Norman's blog. The point is that significance negotiation can enable understanding, as I will argue further in subsection 5.2.7 below and again in chapter six.

In sum, Norman's classroom discussion, her blog post, the conversation that followed in the comment section, and Norman's arguments considered in relation to broader discussions of the same topics, supply an example of significance negotiation at both the micro- and macro-level. The example demonstrates that significance negotiation is a dialogic activity, undertaken with others and in relation to others, during which people offer interpretations and try to work out the meaning, significance, importance or relevance of something, where doing so can involve making concessions, and can generate understanding (in part by generating new hermeneutic resources or by undermining old ones).

5.2.4 Concession during Significance Negotiation

In the previous section, I suggested that Norman, her students, and one of the commenters on her blog, made concessions while negotiating significance. Having focused so much on the role of concession in negotiation more generally, let me clarify what kinds of concessions might be involved during significance negotiation. I do not intend to give an exhaustive taxonomy of concession types but will describe three sorts of concessions for the purposes of this discussion. They are what I will call "standard," "dialogic," and "epistemic" concession. I discuss each in turn.

In using the term "standard" to name a concession type I intend to point to the motley group of things that one might typically or even possibly concede. There is no natural or conceptual kind here. Instead, this is a convenient term for a group of things I wish to refer to for pragmatic reasons. With that in mind, people may standardly concede many sorts of things including: contests (as with games and elections); points of contention; rights; opportunities; particular actions or restraints from action; and items of

material, financial or sentimental value, to name a few. A standard concession can be used in negotiating significance if it functions symbolically, communicates a significance claim, or facilitates ongoing discussion.

The following are examples of failed attempts to gain standard concessions because of their perceived significances. The examples come from Menahem Klein's discussion, in *Jerusalem: The Contested City*, of negotiations between Egypt's former President Anwar Sadat and Israel's former Prime Minister Menachem Begin. The first instance occurs during a negotiation between the two that took place in July 1978, prior to their meeting with former U.S. President Jimmy Carter at Camp David in September of that year. One issue under negotiation was the possibility and potential extent of Palestinian autonomy.

Begin understood Sadat to be proposing an exchange: an Israeli concession [regarding Palestinian autonomy] in Jerusalem in exchange for piping water from the Nile into Negev ... But Begin considered Jerusalem to have spiritual and symbolic value that could not be exchanged for something material, and was unable to appreciate the national and symbolic value of the Nile's waters in Egyptian consciousness. (2001, 95)

After the Camp David Accord in March of 1980, Egypt's then vice-president Hosni Mubarak tried, as he had previously, "to persuade the Israelis to make a symbolic concession—to allow the flying of some sort of non-Israeli [Arab] flag in Jerusalem" (96). According to Klein, Egypt sought this concession in an attempt to end their isolation from other Arab states, which had resulted from their accord with Israel. However, the attempt, directed by Mubarak toward Israel's ambassador to Egypt, Eliyahu Ben-Elissar, was again unsuccessful.

What Egypt portrayed as a scrap of cloth covering the nakedness of the separate [Egyptian] peace with Israel was seen by the Israeli regime as a symbol of foreign sovereignty in the entire city, not just at the Islamic holy sites in Jerusalem. (97)

These examples demonstrate the possibility and potential importance of using standard concessions symbolically, as carriers of meaning, during significance negotiation. A practical, political negotiation is occurring here, but it occurs simultaneously with and in response to negotiations about meaning. Further, requesting and refusing the flag concession was a move both in a particular micro-negotiation between Mubarak and Ben-Elissar, and in an international macro-negotiation about Israeli sovereignty, the status of

Palestine, and about relations between Arab nations as well as between the Arab world and Israel. Further, the example describes a negotiation that is clearly interactive rather than monoactive.

In addition to Standard concession, what I am calling Dialogic concession and Epistemic concession are frequently employed when negotiating significance. Dialogic concessions center on the communicative process and on participation in it. These concessions relate to the ways in which negotiators will communicate when they attempt to reach agreement. Alternately they may have to do with who can participate in the negotiation and in what capacity. Among many other possibilities participants may offer dialogic concessions by agreeing to: publicly commit to act respectfully or to uphold a prior agreement; listen to someone who was previously dismissed; reconsider or more carefully examine a belief, value, interpretive framework, opinion, etc.; become familiar with a body of information, or with another group's social or epistemic practices and interpretive resources; use the language of one's interlocutors; accept mediation or participation by another group in the dialogue; entertain a proposition or possibility for the sake of argument; speak and listen with civility; listen and not only to speak; share information generally or in particular; and so on. During the Camp David negotiations, a dialogic concession occurred when President Carter got President Sadat and Prime Minister Begin to agree, for one day, "not to talk about the Middle East or about anything that happened since 1865" and when the two agreed to meet separately with Carter for ten days, rather than to negotiate directly with each other (Carter 1998). These were both concessions in a negotiation that was in large part about significance.

Epistemic concession, by contrast, relates to the process of evaluating knowledge claims or information, to the epistemic standards that negotiators will accept and use, and to what will be believed or considered known. One may offer an epistemic concession by: adopting a belief or interpretive framework, treating a research paradigm or a discipline as credible, taking a claim to be common knowledge, giving more or less weight to a piece of testimony or evidence than previously given, treating particular (groups of) speakers as credible or by disbelieving them, or coming to an agreement about what to count as reasonable, true, known, justified, warranted, reliable, credible, probable, worthy of belief or assertion, and so on. More simply, epistemic concession

deals with what kinds of beliefs or claims will be accepted and how that will be decided. To offer further examples, one may agree to accept claims that rely in particular ways on data vetted by a given set of experts or gathered using certain research protocols. We may stipulate that claims based on particular religious doctrines are or are not warranted. I may concede that x is reasonable after all. You may agree to allow anecdote to be used to justify a claim. There are many other such possibilities. The point is that just as one might negotiate over epistemic and doxastic matters, one may also make concessions about them.

Consider an example of potential epistemic concession, again in the context of the Camp David talks. President Carter writes of two different sets of beliefs. First, those of Jewish settlers who “believe in the depth of their hearts and souls” that the land they settle “is ordained to them by God almighty.” Second, those of some “Palestinians, members of the PLO, Hamas, who are deeply convinced that Sadat and Arafat have betrayed the cause of the Palestinians and that any peace agreement with the Israelis is counterproductive” (1998). No concession can be found in this description, but if people with these beliefs came instead to believe that a peace agreement could be valuable, or that perhaps God did not grant them this land, that would be an epistemic concession about significance. And these kinds of concessions have occurred, as testimony from both Arab and Israeli members of Combatants for Peace demonstrates (Combatants for Peace, 2015).

I should add, here, that epistemic and dialogic concessions are likely not entirely distinct. By conceding to listen to someone I may be conceding that what they have to say may not be entirely epistemically worthless. And by sharing information I am agreeing that it can be treated as credible during negotiation. These categories are meant to be descriptive and informative, rather than conceptually necessary. What matters is that one may offer concessions about epistemic and doxastic matters as well as about how to engage, practically, in the process of negotiation.

While the possibility of Standard, Epistemic or Dialogic concession during micro-negotiation may seem plausible, it may be hard to understand how concessions of any sort are possible during macro negotiation. On this point I would encourage the reader to return to the discussion of macro-level negotiation in chapter four. There I argued that “if,

within the context of a larger social dispute, many people change a contested belief in similar ways then their individual actions collectively generate a de facto macro-level concession.” The concession type I describe in that statement is belief-related and, therefore, epistemic, but other sorts of macro-concessions are possible. Consider an example: In chapter four I discussed the growth in acceptance of same-sex marriage by un-coordinated individuals. In Canada that particular set of micro—epistemic concessions allowed Canada to concede, at the macro-level, via a Bill passed by the legislature, that this activity was acceptable legally and in practice (Civil Marriage Act). Here micro-level epistemic concessions enabled a macro-level standard concession. The reverse may also have been the case—once a macro-level standard concession had been made, so that same-sex marriage was legally possible and actively practiced, micro-level epistemic concessions may have resulted as people who had previously been opposed to the idea encountered and came to accept same-sex marriage. Most likely, both directions of influence operated simultaneously. In either case, a macro-level concession about significance occurred and is therefore possible.

5.2.5 Negotiating Significance with and in-Relation-to Others

Notice that in every description and example above, negotiating significance is an activity. That activity may be cooperative or antagonistic. It occurs when people willingly seek shared understanding, when they try to impose their views on others, and when those others resist. Participants may address others who agree, disagree, are undecided, who have not yet tried to understand, or who are engaged in an entirely different interpretive project. Those others may or may not return one’s address and enter into conversation, but even in those cases they may be negotiating at the macro-level. Negotiation is co-operative when people agree to take part in it (whether explicitly or implicitly), when they adopt a charitable interpretive stance toward each other, and when they intend to work together in order to reach agreement, whether or not they actually manage to do so. Negotiation is antagonistic when people refuse to interact directly, when they refuse to interpret their interlocutors charitably, when they attempt to discredit their interlocutors to others, when they behave without civility, and in other similar ways. Above all, it is an activity wherein people engage with each other and with the contents

of each other's utterances, be they attestations, knowledge claims, descriptions, imaginings, suggestions, demands, expressions of emotion, or anything similar.

Everything I have said so far depicts significance negotiation as an interactive activity during which people negotiate both with and in relation to other people. I have established that negotiation involves the use of speech acts to try to resolve disputes or reach agreements, in part by using concession. When we agree, disagree, or attempt to resolve disputes we do so with others. If we decide to say that people can (dis)agree or negotiate with themselves, then this possibility depends, conceptually and in practice, on the existence of agreement, disagreement, and negotiation as interpersonal, interactive practices. The same holds regarding concession making. Therefore, in order to negotiate, there must be someone with whom to do so.

One's negotiation partner may be an individual, a group, or a representative of a group. The negotiation may or may not take place in person and it may happen through an intermediary whom all parties to the negotiation recognize. Similarly, people may engage in discussion electronically or via some other means, rather than in person. In other words, participants may be physically distant from each other.

What of people who are temporally distant, so much so that they do not know of the present debate? Should they be counted as people with whom one negotiates? I suggest not. This is because temporally distant people cannot respond to the speech acts of present negotiators. For that reason it is both inaccurate and potentially problematic to say that we are acting with people from the distant past. We do, however, act in relation to them. Consider the point further.

During negotiation, present negotiators may respond to, and make use of, the utterances, writings, actions, or conceptual and practical legacies of people who have, in the past, unknowingly said things that are relevant to the present debate. When one takes up a historical testifier's attestation it may seem that this person is a dialogue partner. However, because this past person cannot know about the present dispute or respond to it, I prefer to say that she is not actually someone with whom one negotiates. Historical agents influence present negotiations by providing conceptual or material resources that initiate, enable moves within, and/or help to resolve the debate. Their utterances can be

profoundly influential.²² But in the situation I have described, present negotiators use what past speakers have done for their own ends. The past speaker certainly acted as an agent, but she did not act with me. I am not negotiating *with* someone who cannot respond to what I am now saying. Instead, I am negotiating in relation to her.

The “with” versus “in relation to” distinction is morally important. First, it can sometimes be appropriate to call people to account for actions that they did not know they were undertaking, as long as they should have known either what they were doing or about some of the potential consequences of their action. In other words, it is very likely possible to be culpably ignorant (H. Smith 1983; Montmarquet 1999; Code 2014). Even so, it is likely inappropriate to call people to account, blame, or praise them in the same way when they do, and when they do not, know about or intend an action (Calhoun 1989). (Such considerations make for the difference between manslaughter and murder, and they very likely track a difference that matters morally.) But, barring a highly unusual prescience, past attestors cannot reasonably predict or know about the present negotiations that they influence, nor can they intend to participate in them. Saying that one negotiates with someone implies intentional, knowing agency on that person’s part and so may invite inappropriate assignments of responsibility, blame or praise when said about past attestors.

Second, choosing to say that one can negotiate with past others who cannot respond may allow people to say, in other cases and incorrectly, that they are engaging with people who are in fact being actively excluded from negotiations. This is a morally and epistemically problematic consequence. In *Black Like Me*, John Howard Griffin describes situations very much like this. In November and early December of 1959 Griffin, a white man, altered his skin colour and passed as a black man in the Southern United States. Publishing and lecturing about the racism he experienced, Griffin became an advocate for civil rights. He was often “called in by perfectly sincere community leaders, usually mayors or college presidents” to advise them about racial tensions in

²² Perhaps to call a past attester a participant in a present debate is to extend to them an honorary status in recognition of their important influence?

their communities (1960, 179). White leaders would speak to Griffin but not to the black leaders in their own city. Griffin writes,

They wanted me to study their situation and report to them. First I would have meetings and be briefed by white men. Then I would be taken in to the black community, where again I would be briefed by black leaders ... In no city did the two briefings coincide. ... Why not ask local black leaders directly the kinds of questions the cities were asking me? ... [In one case a white leader responded] “It never occurred to me to ask any of them” ... “So you see what’s happening,” I said “Black men are going to know about this meeting. ... See how it looks from their point of view.” ... Always this was an affront to black men, one of the many affronts that white men apparently could not perceive. What it really told black men was that we had better buckle down and garner the superior problem-solving abilities of white men to get this thing settled. This ... led black men to believe that racism was so deeply ingrained in the white man there was really no hope of his ever understanding. (1960, 179-180)

We should not say that white leaders negotiated *with* black leaders in this case, though they certainly negotiated in relation to them (and of course in relation to black women and white women as well). Here Griffin was not treated as a go-between meant to speak *for* Black leaders. Instead, the White officials who hired him expected him to consult with Black leaders but they wanted to know what *he* thought. Black people appear as sources of data here, not as knowledgeable conversation partners.²³ The point generalizes, at least in oppressive situations: it would be horribly insulting, inaccurate, dishonest, exclusionary, oppressive, and silencing to claim, in cases like these, that present people—those one could but does not speak to or interact with—are nonetheless people with whom one negotiates, simply because one hears about what they have said. This claim is problematic in part because these excluded “negotiation partners” were not given the chance to respond or participate actively in something that mattered to them. But historical attestors also do not have this opportunity.²⁴ And if we can negotiate with them, why not say that we can negotiate with present non-responders? Similarly, why not

²³ For an excellent and closely related discussion of the operation of power in discursive contexts see Jaggar, 1998.

²⁴ Someone is not my present interlocutor if they cannot speak back to me. But a person speaking in the past can be a party to a debate that I am also a party to, if the debate is ongoing and temporally encompasses both of us. Should we say that people in the past were participants in ongoing debates? Certainly so, otherwise the notion of a past participant does not make sense. However, even if they participated they are not someone *with* whom I negotiated.

say that we negotiate with people who have declined to communicate with us on a certain topic if we hear what they say to someone else? Each case presents a morally problematic misrecognition of the communicative situation. Speaking about and not to someone is not negotiation-with. Hearing people without responding to them is not negotiation with. Speaking without allowing someone to respond is not negotiation with. All are negotiation-in-relation-to. The broader implication is that people involved in the same macro-negotiation very often also negotiate in relation to but not with other contributors.

At this point I have suggested that we not only negotiate by interacting *with* others, we negotiate *in relation to* them. People negotiate in relation to other people in at least three ways. First, as I have just described, they do so when they make use of or respond to what other people have said or done. Other people's actions, ways of conceiving, questions, material and conceptual legacies, cultural products, built environments, inter-group histories and relationships, misdeeds, harms and triumphs, and so on, and so on, set the stage for present negotiation. As a number of theorists have argued, people are never without a horizon or background of significance, and they live in physical environments taken up, altered, and lived in, in particular ways, by those who came before (Heidegger 1962; Wittgenstein 1958; Gadamer 1989; Sartre 1976; Taylor 1985, 1992). These conceptual and material environments are preconditions for present negotiations, not determining them but providing resources for undertaking them, and prompting or enabling them. If so, then any negotiation occurs in relation to others. I made a very similar point in chapter three when discussing intersubjectivity, and where I noted that past negotiations influence present and future negotiations by setting up both conflicts of interest, possibilities for actions and interaction between people, and possibilities for assertion, interpretation, understanding, and uptake.

Second, people negotiate in relation to others whenever they treat other people as objects of negotiation (rather than, or in addition to, treating them as fellow subjects). People take other people as objects when they ask questions or make statements about those people—about what they are like, or how to understand or respond to them, whether as bearers of particular socially relevant identities or not (Lugones and Spelman 1983; Jaggar 1998, 11; Alcoff 1991-92). This was the case in the meetings Griffin described, where white community leaders treated black people and black communities

as objects to learn about. It is also the case when doctors, including those who treat their patients as fellow subjects when conversing with them, talk about those patients with other doctors in order to decide upon how to treat an illness. (In other words, taking people as objects may or may not be problematic). Further, people may inadvertently take others as objects by making statements even when they intend to speak only of themselves. As Linda Alcoff has argued, “When I speak for myself, I am constructing a possible self, a way to be in the world, and am offering that, whether I intend to or not, to others, as one possible way to be” (1991-92, 21). In the same way, if I theorize, describe or make assertions about myself (among other possibilities) I do so about others who are like me in relevant ways (see Lugones and Spelman 1983, 576). And if I theorize about someone who is not like me, I theorize about others who are like that person. Therefore, during significance negotiation, whenever one talks about and not only to other people, she negotiates in relation to them.

Third, whether or not we treat people as conversation partners, those who hear our attestations, theories, descriptions, etc. are likely to challenge, accept, build on, alter and use them, sometimes differently than we had intended and for their own purposes. On this point, recall, from chapter three, Ian Hacking’s discussion of the co-constituting relation between ideas and social matrices, and his description of people as “interactive kinds.” Further, attestations, theories, and descriptions affect other people’s lives. They do so by changing people’s experiences of themselves and the world, by structuring possibilities in particular social contexts, and by affecting how other people perceive and, as a result, treat the people who are attested about, described, represented, explained, or theorized (Lugones and Spelman 1983; Jaggar 1998; Hacking 1999).²⁵ As Maria Lugones and Elizabeth Spelman put the point,

²⁵ On this point Maria Lugones and Elizabeth Spelman write “Obviously the most dangerous of the understandings of what I—an outsider—am doing in giving an account of your experience is the one that describes what I’m doing as giving an account of who and how you are whether it be given to you or to other outsiders. ... That many women are put in the position of not knowing whether or not to believe outsiders’ accounts of their experiences is clear. The pressures to believe these accounts are enormous even when the woman in question does not see herself in the account. She is thus led to doubt her own judgment and to doubt all interpretation of her experience. This leads her to experience her life differently. Since the consequences of outsiders’ accounts can be so significant, it is crucial that we reflect on whether or not this type of account can ever be right and if so, under what conditions” (577).

as humans our experiences are deeply influenced by what is said about them, by ourselves or powerful (as opposed to significant) others. Indeed, the phenomenon of internalized oppression is only possible because this is so: one experiences her life in terms of the impoverished and degrading concepts others have found it convenient to use to describe her. We can't separate lives from the accounts given of them; the articulation of our experience is part of our experience. (573-74)

In that case, we not only negotiate with others, we negotiate in relation to them.²⁶

An important worry may arise from this discussion of negotiation in relation to others. People who negotiate in relation to each other do not necessarily negotiate with each other. But acting together is part of what makes an action interactive rather than monoactive. As a result, it may seem that my characterization of testimony is not actually interactive. And in that case it is no better than the characterizations that I criticize.

To motivate this worry, note that macro negotiation is an important aspect of my characterization of significance negotiation. Without it there is less reason to claim that significance negotiation changes social worlds and has societal or group-level epistemic effects. But recall, from chapter four, Potter's description of macro negotiation as follows: "in many arenas, negotiators do not explicitly recognize one another or even know one another; indeed, they may not acknowledge that there is an interchange at all (1993, 170)." People who do not know each other or know that they are negotiating cannot easily be said to interact. Further, Potter's description, which I accepted, sounds very much like the characterizations of testimony that I object to, as monoactive, in section 5.1 of this chapter. There I claimed that it is implausible to say that a testifier and listener interact when one person overhears the other's conversation or reads her diary unbeknownst to its author, because "in that case an attester may never meet her hearer, she may not be in any way aware of him, and the two may not even be alive at the same time." But this is also true of macro negotiation. Therefore, since macro negotiation is an important aspect of significance negotiation, it may seem implausible to say that significance negotiation is interactive.

²⁶ Tracy Isaacs rightly remarks that the lines between negotiating with and negotiating in relation to can blur in situations where a representative speaks for a group. This is especially so when there is disagreement over who can legitimately represent the group, or over the boundaries of the group. For a discussion of some of the complexities of speaking for as an advocate see Epp, 2001, and Alcoff 1991-92.

This objection does not worry me for two reasons. First, macro negotiations are formed from micro negotiations and micro discussions. They are formed out of, and cannot exist without, direct interactions at the micro-level.²⁷ At that level people do act together and with each other, and so the constituent parts of macro negotiation are interactions. Second, recall, again from section 5.1 above, that interaction occurs not only when people act with each other, but when they have a mutual effect on each other. In the overheard conversation and diary examples participants do not mutually affect each other (barring some descriptive maneuvers that would change the examples). But participants in macro negotiations do mutually affect each other. Everyone involved undertakes a communicative action that contributes to generating a collective, macro-level result, they negotiate because they have a stake in the outcome of negotiation, and everyone is affected by both the process and the result of the negotiation, though different people will be affected in different ways. In other words, by negotiating significance with each other at the micro-level, individual negotiators participate in creating, recreating, and altering

²⁷ Kathleen Okruhlik has asked whether my claim that macro-negotiations are necessarily formed out of micro-negotiations, during which people act together and with each other, requires an “ideal socio-political set-up.” The worry may be that “acting together” and “with each other,” especially by negotiating, could require positive regard for one another, cooperation, respect, or something similar. Alternately, the worry might be that micro-negotiation is not possible in oppressive circumstances. Another possibility is that macro-negotiations may be able to occur without micro-negotiation.

First, acting “together and with each other” does not require positive regard, cooperation, or respect. People who hate each other can act together by fighting with each other and they need not aim at a shared end. Negotiating at the micro-level is not a different type of action in this respect. Second, in some places, repression may be so brutal that it makes participation in micro-negotiation extremely risky. Non-ideal socio-political situations can severely hinder possibilities for micro-discussion and –negotiation. But they do not usually eradicate them. Slaves in the Southern United States sang spirituals that communicated about the need, hope, and desire for freedom. People in Communist Russia smuggled books out of the country that were critical of the regime (Tertz, 1973; Daniel, 1969). Others, like my great-grandmother’s sisters, wrote letters in code to people outside the country to reveal what they really thought. People such as Raif Badawi in Iran risk jail, torture, and execution to post comments critical of the government on social media (raifbadawi.org, 2015). Violent attempts to eradicate micro-negotiation in all these situations failed. This suggests that micro-negotiation is possible, despite being severely limited, in socio-political contexts that are far from ideal.

Now, can a macro-negotiation exist without micro-negotiations or discussions? This would be the case if *every* time individuals performed communicative actions related to the topic under negotiation they directed their communicative actions toward large social groups, society as a whole, or no one in particular. *And* they would need to do so in ways that did not require them to interact directly with any other person. This may be theoretically possible, but it is well-nigh impossible in practice. For these reasons, I suggest that micro-negotiation does not require an ideal socio-political set-up in order to occur.

the communicative ecosystems and social worlds in which they each know, live, act, and speak.

In this section I have argued that significance negotiation always involves interaction between people, whether it occurs cooperatively or not. When people negotiate at the micro-level they do so with each other. At the macro-level they negotiate in relation to a set of people via micro-level interactions either with a subset of those people or with some other group. These interactions may involve discussions, negotiations, or similar communicative activities. While insisting on the moral importance of distinguishing between the two, I established that people may negotiate-with and in-relation-to other people, where negotiation in-relation-to may occur when people: 1) make use of or respond to what others have said and done, 2) take others as objects of negotiation and speak about rather than to them, and 3) affect other people's lives by performing speech acts. The overall point is that both of these activities are possible and that negotiation in-relation-to depends on interaction with others. This conclusion presents significance negotiation as an interactive, social practice and it clarifies the nature of that interactivity.

5.2.6 Significance Negotiation as Interpretive

We do not discover significance simply by observing situations and listing facts. Instead, as established in chapter three, things cannot be meaningful to someone, or be seen as relevant or important, without being interpreted. In order to sense or make claims about significance, people make decisions about salience. They draw attention to some facts not others. They experience through the lens of present needs and interests. They focus on some possibilities while others fall away. Different interpretations arise, and the work of negotiation begins. The point is worth emphasizing: significance negotiation is interpretive work. It is so, in part, because significance is always significance for or in relation to someone.

That significance is significance for or to someone, where there are many different "someones," means that there is almost always more than one legitimate way to identify the significance of some *x*. Why? First, people's aims and interests legitimately differ and, quite properly, they guide our claims about significance. Second, distinct subjects, each with their own histories, social positions, and perspectives will experience

the same phenomena differently. (Glaspell 2010; Lugones and Spelman 1983; hooks 1984; Anzaldúa 1987; Lugones 1987; Collins 1990; Haraway 1991; Harding 1993; Crenshaw 1999; Schutte 1998; Stone-Mediatore 2003). Difference in experience will result in different ways of sensing, interpreting, and representing significance, just as different ways of doing these things in turn affect ways of experiencing. Third, even given shared interests, aims, and experiences, people may reasonably disagree over what features of a given situation are or are not relevant, and they will attest accordingly. Fourth, relationships between interlocutors are not identical. The type of relationship we have with someone will, and even ought to, change the way we communicate with them. In other words, our interests, experiences, evaluations, and relationships legitimately differ, which leads us to offer different interpretations of significance as we assert, attest, claim, describe, theorize, represent, and so on.

Even given only one's own interests, experiences, and evaluations, one's ways of asserting, describing, narrating, theorizing, and so on are underdetermined. No matter the speech act, negotiators must make choices, conscious or not, about what to emphasize and how to do so, about what language to use, and about what to evoke and imply. In doing so, they interpret. This again makes interpretation a necessary part of negotiating significance.

Finally, in chapter three, I wrote of meaningfulness, and therefore significance, as something that people can make. There I described meaning-making as an interpretive, affective, agentic response to what one finds or is given in the world. These points about interpretation are worth emphasizing because they help, in the next section, to explain how negotiating significance can enable knowledge and understanding.

5.2.7 Significance Negotiation and Understanding

It should be clear by now that significance negotiation involves interpretation.

Interpretations can facilitate understanding in at least four ways. First, as the discussion of emotion in chapter four indicates, they draw attention to some characteristics, aspects of, or facts about, *x* rather than others. Second, they relate facts and characteristics to each other in order to say something useful or meaningful. Writing about Hannah Arendt's work on story-telling, Shari Stone-Mediatore describes this function as follows:

narration performs the work of relating together within an integrated whole an ensemble of disparate elements ...[so that] a narrative ... may add meaning that exceeds isolated facts ... it also provides the kind of framework that is necessary in order to identify and evaluate relevant information. (2003, 34)

Though Stone-Mediatore writes about narrative, the same point holds true of interpretations, which relate things to other things, to contexts, or to people. Third, she goes on to explain that, via their relating and characterizing functions, narratives act as invitations to “look at it this way”—that is, to “consider the meanings that we find to be pressing when we view the phenomena in light of the conceptual resources the story offers” (37). As I have shown, interpretations also function as prompts to conceive of something in a particular way, or as frameworks from within which to make sense of something. I take it, then, that they too add meaning that is not found in the uninterpreted facts.²⁸ This relates closely to Campbell’s conclusions about the interpretive role of emotions presented in chapter four. There it was suggested that emotional interpretations depend on, and promote decisions about, what is and is not important, what we should or should not attend to, and about how and why we should do so. The description again parallels work by other theorists of emotion, discussed in chapter four, who argued that emotions can “focus our attention selectively” (Jaggar, 1989; see also Little 1995), or act as “ways of seeing” or “framework[s] for cognitions” that direct attention, inquiry, and perhaps inference (Rorty 1980; de Sousa 1987). They are, in other words, interpretive invitations to “see as,” which are, in turn, invitations to accord significance.

Following Arendt, Stone-Mediatore then adds that “[t]he storyteller performs another kind of “work” when she uses poetic language to convey the moral, emotional, and aesthetic qualities of a past phenomenon” which can be “achieved even when the language is not explicitly poetic” (2003, 34). I take the important point here to be that interpretations not only direct attention, relate, and characterize, but fourth, they are also evocative. They may generate what Stone-Mediatore calls “story images”—not literal images, but modes of representation that call up particular associations in readers,

²⁸ To make this plausible, consider that there is likely a similar difference between data to information. It is not unreasonable to say that data must be ‘processed’ in order to be useful, and some information theorists treat information as data + meaning, though there are other interpretations (Floridi 2015).

“qualities that a story helps readers to image in connection with a particular phenomenon” (34-35). It is the particular language involved that enables this interpretive function. Evocative, metaphoric, and suggestive language is found not only in poetry or story, but in other uses of language as well, including in the assertions, claims, and attestations used to negotiate significance. Think, for example, of the associations and images that come to mind when describing someone as “financially responsible,” “frugal,” “thrifty,” “cheap,” or “miserly.” All are interpretations, and all contain more than simply a claim about someone’s spending patterns. This discussion shows that interpretations convey and add meaning, and they do so by pointing out, relating, characterizing, and evoking.

When we interpret or accord significance, we aim to understand. The aim is not simply to discover a list of facts about a thing. We want to know not only what something is like but how it relates to others things. We want to know what makes it important and in what ways, for whom. Further, we very often aim to understand not only how something is significant, but how it is significant for “us”—for a group that includes me and not only me. As discussed in the last section, distinct subjects, with their own histories, social positions, and perspectives will experience the same phenomena differently, though there may be patterns of perception among similarly situated subjects. Arendt describes this and two other features of the “human condition,” which combined explain the search to understand. Stone-Mediatore distills these features, and this need, as follows:

natality, which is the condition of being born as unique beings able to initiate new beginnings; *plurality*, which is the condition of living as distinct beings among others; and *publicity* ... which is the condition of sharing with others a common world that ... consists of all the objects, words, and institutions that relate and separate us within a “web of human relationships” (HC 184). As a result of natality, plurality, and publicness, phenomena appear in the common world that cannot be reduced to predetermined categories but demand collective inquiry into their unique and multifaceted meaning. (2003, 27)

The inter-related, unpredictable multiplicity that Arendt identifies is what generates the need to negotiate in the first place, but it is also an epistemic resource. Differences in perspective enable people to gain understanding by trying out previously unthought possibilities, constructing new images, “thinking of it this way” or “that way,” making

connections between claims and ideas, and by testing their own presuppositions and commitments. People may or may not come to agree. But, as my initial example shows, they are likely to find common meaning with some people, and negotiation can generate conceptual or hermeneutic resources that may further their understanding, whether those resources or understandings are widely accepted and used or not.

5.3 Conclusion

I have now fully introduced the concept of significance negotiation—an interpersonal, interpretive, dialogic activity, whether at the micro or macro-level, during which people use speech acts to attempt to reach agreement or resolve a dispute about the importance, relevance, meaning, and/or meaningfulness of some x . This activity is resolutely interactive, obviously social, and it generates understanding. It is a practice of communal making-sense-of where people engage with each other, back and forth, responding directly to each other in a variety of ways and affecting each other. This is the case even when the negotiation occurs at the macro-level since macro negotiations depend on micro interactions, and because collections of micro negotiations can have unintended macro-level results that bring about social change. Further, significance negotiation is a practice that is contextual, situated, and undertaken by particular people with particular identities and social locations. Attending to situatedness is not superfluous, since what can be known and understood, the sorts of negotiations that are possible, the outcomes that result from them, and whether these understandings and results ought to be judged epistemically, morally or politically adequate, all depend on these particulars. This is a thoroughly different characterization of testimony than one in which a single, apparently un-situated speaker tells something uncontroversial to a listener who responds without speaking and with simple belief. Characterizing testimony as significance negotiation matches, much more closely, most instances of actual testimony. I will draw out the epistemic ramifications of this difference when concluding the dissertation.

But why say that this is a characterization of *testimony*? One may negotiate significance by using all manner of speech acts. Questions, demands, promises, and suggestions are all common to the practice. One may negotiate by using stories, by expressing emotion, by engaging in conjecture; the list goes on. Yes, significance

negotiation will almost always involve testimony, but attestation is part of a wider set of practices that enable it. Have I not, therefore, characterized a main function of communication in general, rather than testimony in particular?

Indeed, I have described a main function of communication. But that does not mean that significance negotiation is not also a main function of testimony. Without the ability to attest (state, assert, tell, claim) one's ability to negotiate significance would be radically impoverished. To see this simply try to imagine such an exchange. Then notice that, as part of negotiation, one could not describe her own experience. She might be able to tell a story but could not say that it contained a truth. He could express an emotion but could not say why he thought it was important to do so. You could not tell me that I do indeed understand what you mean or that I have misinterpreted your intention. Without the ability to attest as part of negotiation, questions would be left to float unanswered in our conversational space. Negotiations about significance are central aspects of our moral, political, and epistemic lives. If testimony is such an important part of negotiating significance, and if significance negotiation is itself a necessary part of our collective lives, then it is reasonable to treat significance negotiation as a main function of testimony. It is unreasonable to treat the practice of negotiating significance as a peripheral function of testimony if people would be far less able to engage in this important activity (of negotiation) if they could not testify. Testimony is not a hammer that is sometimes used to prop open a door; it is a multi-purpose epistemic, moral, and political tool.²⁹

I have now given my answer to one of the questions that motivates this dissertation: What do people do when they testify? They negotiate significance. By connecting this activity to understanding and world-building I have begun to answer the next question: Why does "what they do" matter in epistemology? To fully answer that question I will now continue my examination of connections between significance negotiation and understanding in the next chapter.

²⁹ The argument is: P1) Significance negotiation is a very important activity. P2) Testifying is an important part of negotiating significance. P3) People regularly use testimony to negotiate significance. P4) People would be problematically less able to negotiate significance if they could not testify. C1) Therefore, significance negotiation is not a peripheral function of testimony. Rather it is a central function. C2) That function is epistemic.

Chapter 6

6 Significance Negotiation and Hermeneutic Understanding

Persons are essentially successors, heirs to other persons who formed and cared for them. ... My first concept of myself is as the referent of “you,” spoken by someone whom I will address as “you.” ... The second person, the pronoun of mutual address and recognition, introduces us to the first and third (1985, 85-90).

~ Annette Baier

In the last chapter I suggested that people negotiate significance in order to gain understanding, or as Stone-Mediatore and Arendt might say, to find meaning in a changing world that we share with others. But why try to make sense? We do so in order to form and achieve our aims and to live, well or at all, in an intersubjective world. We are by nature communal beings, “second persons” taught, equipped, and cared for into self-consciousness and agency, as Annette Bier reminds us (2003, 77, 84). We encounter ourselves and become who we are by engaging with others and with our cultural environments. With others who are both strange and familiar one meets her limits, unimagined possibilities, and unknowns. As established in chapter three, we both find ourselves in and create social worlds in which to identify, build and pursue our ends, often collectively. And we make our lives, selves and actions meaningful and valuable only with others. We do not always agree, and these meanings, aims and selves are not pre-given. Neither are they formed from scratch or without constraint. Instead we negotiate. We seek knowledge and we aim to understand. Understanding, living together, and self/world-building are inextricable. Significance negotiation enables people to engage in all three.

Conceptual resources from Hans Georg Gadamer’s Hermenutics make clear the intertwined nature of these activities. In particular, I discuss the concept of “horizon,” and I contrast Gadamerian conversation with significance negotiation. Discussing this material reveals that people gain understanding by negotiating significance because doing so allows them to alter their “horizons.” It further reveals that during testimonial exchanges, participants may come to know something that no one involved knew before. This claim runs contrary to typical characterizations of testimony, wherein one person

knows something and passes that knowledge on to someone else, or where a listener gains knowledge from a speaker (perhaps even if the speaker did not herself know). Let me emphasize, therefore, that on my view it is even possible for *attesters* to learn and to gain understanding.

The basic picture that I will take from the discussion is this: negotiating significance with others can reveal one's presuppositions, assumptions, conceptual frameworks, and the like. Once these are revealed they can be examined for adequacy with other people who do not necessarily share them. From trying to understand another person's claims new understandings, frameworks, concepts, guiding assumptions, values, etc. can arise for everyone involved. The process puts people in touch with each other as together they work out meaning, perhaps arriving at a position that no one had held before. Alternately, those involved may arrive at various positions that they do not share with each other, but that result from their interaction. The result may be a new position on an issue, but it may also be a new way of understanding something, a changed world-view, or a new hermeneutic resource (conceptual or interpretive tool). Further, negotiations about significance can bring about social change as people begin to think and therefore act differently. As a result, significance negotiation can help to generate not only new understandings but new objects of knowledge.

To establish this basic picture I offer an interpretive overview of Gadamer's thinking in section 6.1. The section begins, in subsection 6.1.1, by introducing his discussion of horizon, historically effected consciousness, and the question-answer logic of interpretation that places a text and an interpreter into conversation. In subsection 6.1.2 I draw out similarities and differences between Gadamerian conversation and significance negotiation, primarily by arguing that conversation is intersubjective but not interactive. Subsection 6.1.3 continues to focus on intersubjectivity in Gadamer's position in order to demonstrate how conversation, as well as significance negotiation, can give rise to understanding through what Gadamer calls a "fusion of horizons." However, I go on to argue, in subsection 6.1.4, that horizons need not fuse, as Gadamer insists, in order to enable the understanding that can result from negotiation. Finally, in section 6.2, I detail an example which demonstrates that significance negotiation can allow new understandings and concepts to arise for everyone involved in the testimonial

exchange, so that even attesters can learn from testimony. I end the section by arguing that listeners, as well as speakers, have a direct influence on what can be learned and understood from testimonial significance negotiations. Thinking of significance negotiation as a primary function of testimony thus allows for a better understanding of the epistemic agency of both attesters and their addressees.

6.1 Gadamer's Hermeneutics

6.1.1 Horizons, Historically Effected Consciousness, and Conversation

In *Truth and Method* Gadamer re-oriens hermeneutics in order to answer the question “How is understanding possible?” (1989, xxvii).¹ Rather than try to give a set of rules for engaging properly in interpretation or scientific practice he asks what science is and relates it to the nature of understanding in toto. To do this he investigates “the hermeneutic phenomenon”—understanding, understood as an *activity* that is essentially dialogic, practical, situated and interpretive (xx-xxiv). On his view, people gain understanding of a “text” (and by this I will mean any object of inquiry with semiotic properties) only by engaging with each other, in relation to a text and the questions it asks out of its own historical situation.

People enter into this conversation, with the text and with each other, from their situated perspectives or horizons. The horizon metaphor gestures toward the idea that individuals occupy particular positions within a socio-cultural landscape structured in part by a history that is alive in one's linguistic tradition. Horizons are the contexts, the background conditions, or even better the habitats and life-worlds, that make particular experiences, understandings and interpretations possible. They are both material and conceptual, unnoticed and lived in. They are conditions of possibility that people actively inhabit. Less dramatically “‘horizon’ is, in general terms, that larger context of meaning in which any particular meaningful presentation is situated” (Malpas 2014, section 3.2).

Above I refer to “horizons” plural, in keeping with Gadamer's own usage and because milieus, contexts and histories are plural. But it is instructive to note that

¹ All references to Gadamer's work are to this edition of *Truth and Method*.

Gadamer uses Husserl's concept of a "life-world," which he calls a "world horizon," in an over-arching way. He explains the concept by saying that it describes "The world in which we are immersed in the natural attitude that never becomes an object as such for us, but that represents the pregiven basis of all experience" (239). Here one's horizon forms the unnoticed backdrop of assumptions, concepts, experiences, prejudices, intuitions, and so on that enable and inform our conscious experiences and interpretations. Explaining the term again, Gadamer notes that he is not pointing to a scientific ontology. Instead, "the life-world means something else, namely the whole in which we live as historical creatures" (Ibid.).

Gadamer's discussion of horizon ties perception to one's potential for understanding. In a passage dominated by the visual, he writes:

The horizon is the range of vision that includes everything that can be seen from a particular vantage point. Applying this to the thinking mind, we speak of narrowness of horizon, of the possible expansion of horizon, of the opening up of new horizons, and so forth. (301)

He goes on to connect the idea of horizon to the interpretation of significance. Horizon is thus figured as a precondition for the activity of understanding.

A person who has no Horizon does not see far enough and hence over-values what is nearest to him. On the other hand, "to have a horizon" means not being limited to what is nearby but being able to see beyond it. A person who has an horizon knows the relative significance of everything within this horizon, whether it is near or far, great or small. Similarly, working out the Hermeneutical situation means acquiring the right horizon of inquiry for the questions evoked by the encounter with tradition. (302)

Here, the encounter with tradition is an encounter with the answer to a question (578). The text or object of interpretation existed within its own time and/or cultural context as a response to something that needed to be worked out. History is also connected to one's present. For that reason it both contains a question and, especially when one engages with it, sets the stage for one's present investigation. "The right horizon of inquiry" is, therefore, one that allows a question and answer to emerge as they relate to a present circumstance and a present interpreter. In other words, when aiming to understand, "the right horizon of inquiry" is one from which the interpreter can see or

articulate the significance for the present of what has been carried forward from the past (see also Campbell 2014). Whether Gadamer intended it that way or not, I take it that the relevant pasts are both distant and recent and that they may be more or very much less directly one's own. From one's own horizon, for example, one might interpret that which arises from within another present, yet different, cultural context for example.

Importantly, the needs of the present, interpretive moment do not determine the nature or value of what has been carried forward from the past. In that case, in order to think from within the right horizon, interpreters must take up "historically effected consciousness" (Wirkungsgesichtliches Bewusstsein). Following Joel Weinsheimer and Donald Marshall, I understand this to mean that one remains aware that her ways of experiencing and thinking are "brought into being—effected by—history" and she "open[s] to the effects of history" (Gadamer 1989, xv, translator's introduction). The latter phrase describes a state of being open to surprise, to the unexpected, to that which could change one's mind or self, as found in perspectives that are not one's own. To be historically conscious is thus to put one's self or present perspective at risk by remaining open to past (or alternate) ways of being, understanding, questioning and answering that are unexpected, presently active and useful.

Despite the risk to self and perspective it poses, and even though it is neither fully self-directing nor self-originating, historically effected consciousness does not abandon itself. Instead, of being overtaken by history, tradition, or difference, a person who is historically conscious is guided both by what is given and by her own needs and interpretive ability. She makes what she encounters her own, meaningful to her presently in a way that informs her ways of thinking and being, without subsuming that which she interprets or being subsumed by it. In other words, an interpreter gives *her own* interpretation of *the text*. During this process neither the interpreter nor the text disappears. A present, situated perceiver cannot help but interpret from her own location, so that she brings meaning to the text. But it is still the text itself that she interprets; so the text constrains interpretation and contributes to present meaning, in part by tracing a path from itself to the present in ways that reveal the present influence of that past.

Gadamer tells us that all interpretation begins from a position of prejudice, or prejudgment. In order to interpret, and thereby understand, a person must have some idea

of what it is that she is interpreting. Were that not so, she would not recognize the text as a meaningful entity amenable to interpretation.² She would also be stalled for lack of an interpretive starting point—in this case not a horizon, but a hypothesis of the text’s meaning that she will refine or radically alter as the interpretive project proceeds. In addition, she is only able to begin interpreting by using her present knowledge and conceptual repertoire. She then gains understanding only by being open, through conversation with others or with a text, to what she does not yet know. If so, then understanding is not only historically informed but active and intersubjective.

On my interpretation, Gadamerian understanding is intersubjective for two reasons. First, to understand is to engage in an activity in relation to others. Second, we understand only from within a shared world. In the next two subsections I will discuss each of these points in turn—the first in order to compare and contrast conversation and significance negotiation, and the second in order to show how significance negotiation can generate understanding in the same way as, and differently from, conversation. I will suggest some cautions about misunderstanding along the way.

6.1.2 Intersubjectivity, Lack of Interaction, and Speaking For

For Gadamer a static perspective cannot enable understanding. “*Understanding occurs in interpreting*” (1989, 390, emphasis in the original). It is active. It is interpretation via an ongoing conversation that changes how we conceive of something, how we “see as.” The goal of this conversation is to understand what something means, now, in a historically informed but changed and changing present context. This focus on present truth and meaning is instructive. In conversation one aims not to historicize the other or the text—that is to exhume the original meaning that it may have had that has nothing to do with us—but to learn from the text. Put differently one ought not, indeed cannot, rid oneself of one’s subjective interpretations and frames of reference in order to understand what is objectively present in a text. To partake of that sort of pretense is to fail to be historically

² There is a parallel here with Donald Davidson’s work on radical interpretation. In order to understand what another person means when speaking in an entirely unfamiliar language, radical interpreters assume that the speaker’s beliefs are mostly in agreement with one’s own beliefs so that what she says can be taken as true (1973). Without assuming truth, the other person’s utterances could be about anything at all. There would be no constraint on interpretation and hence no starting place from which to identify meaning, let alone disagreement or error.

conscious; to treat the past as a dead archive that does not affect us, rather than as an origin and a resource with which to arrive at presently valuable knowledge (effective history) (297). In that case, subjectivity does not prevent understanding, rather it is an essential part of the process.

According to Gadamer, to aim for complete objectivity when interpreting is to misunderstand “the ontological structure of understanding” revealed via attention to Heidegger’s depiction of the hermeneutic circle (294-95). A text, or that which is already given or handed down from the past, and interpretation as the act of discerning present meaning, co-constitute each other. In order to interpret one must start by using at least some of the conceptual resources available from her present horizon. That horizon has been shaped partly by the past and must share something in common with it. It must share some kind of common ground or background that enables interpretation by supplying a conceptual repertoire, a text, and the basis for our prejudgments or “forestandings” (270). At the same time by interpreting, present interpreters alter, develop and recreate that shared background. What is handed down to us becomes something that we in turn hand down, sometimes to ourselves. Both tradition and our understanding of it evolve as we interpret and as our interpretations respond to the interpretations of others (293). On this view interpretation is a child of dialogue. Attestations, assertions, claims, and statements will be parts of that dialogue.

For Gadamer interpretation, properly done, requires one to adopt a generous posture toward perspectives, meanings, possibilities, questions, and knowledge that lie beyond one’s current prejudgment and understanding—what lies, that is, beyond one’s current horizon.³ Encounters with alternative perspectives, questions, and interpretations thus have the potential to expand one’s horizon and reveal or generate new meaning. But horizons tend to go unnoticed (239). Projects of interpretation, however, especially with others who have different perspectives, invite and require interpreters (negotiators) to examine unnoticed features of their horizons as their perspectives are called into question. Interpreters encounter something strange, not alien, but something that generates tension and resists being understood with one’s current conceptual resources.

³ Helen Fielding quite correctly pointed out, in notes on a draft of this work, that “because in order to really understand another’s position we have to understand how they came to it, think along with them....”

To understand, Gadamer instructs interpreters not to cover over but to bring out that tension in order to find out how it relates to their present situation (301-307). Again, one's horizon may change and broaden as a result. In that case, understanding is intersubjective because it results from an intersubjective activity, an interpretive dialogue or conversation.

So far, significance negotiation bears a striking resemblance to Gadamerian conversation. Both are interpretive, dialogic activities that generate understanding in part by inviting people to see things differently. And, as with hermeneutic conversation, negotiators often aim to draw out the significance of the past to the present. Further, in many cases negotiators will, like those in conversation, attend to rather than cover over areas of strangeness, disagreement or tension and attempt to see the truth or value in a one another's positions. Here, however, Gadamer and I part ways. To seek the truth of another's position and to focus on what is strange are not simply aspects of conversation; they are requirements of it. But, since significance negotiations can be cooperative or antagonistic, negotiators may try to force their understandings or interpretations on fellow interlocutors without seeking the truth of the other's position. Negotiators may just as well seek to gain concessions as to look for places to concede; after all, to be potentially willing to concede is not to seek to do so. Negotiation goes best when interlocutors seek out points of agreement, here truths, in each other's positions, but this is not *required*, especially during macro-negotiation when some parties are likely to be adamant about their positions. Similarly, negotiation goes best when people do not cover over areas of disagreement or strangeness, although people will sometimes negotiate by attending to similarity and downplaying difference in order to generate agreement. So conversation and negotiation share much in common, but they are not identical.

Here is a more important difference: Gadamer focuses on the relation between an interpreter and a text, while I focus on interactions between negotiation partners. I have been stressing that Gadamer's position is intersubjective. But one might object that if a text is one's interlocutor, no truly interpersonal interaction occurs. In reply, one could rightly insist that a text is not formed without the intentional action of a speaker or community of speakers. Whether or not one must understand a speaker's intention in order to interpret a text well, the speaker is still involved in the conversation by

generating its pre-condition. And a speaker is never alone. Speakers would be unable to speak without the support of others and of the social contexts they create, as well as of the world from which they emerge. If so, then any text necessarily carries a multitude of voices along with it. There can be no univocal listening or speaking, even when it is an individual who speaks, even when what we encounter is a text rather than its creator. That does not mean that an individual cannot add something novel, or add something of herself to her speech or to the texts she helps to create or interpret. This is precisely what enables history rather than endless repetition, making interpretation a co-creative, intersubjective act.

I have just shown that Gadamer's account requires intersubjectivity. But I have not shown that it requires interaction. Indeed, where are the others with whom one might actively dialogue? Are texts the only conversation partners that Gadamer allows? Do others appear, for Gadamer, only as features of an individual's life-world? Since a life-world is a shared world, and since Gadamer insists that the basic dialogic form of hermeneutics is the conversation, this seems unlikely. He writes, for example of "the subject matter to which the partners in the dialogue are oriented" and insists that conversation requires that people seek agreement by trying to understand the value in what the other person says (361). "It requires" he says, "that one does not try to argue the other person down but that one really considers the weight of the other's opinion" (Ibid.). This requirement is in place because Gadamerian conversation takes the Socratic form of question and answer with the aim of arriving at the truth (Ibid). Further, Gadamer refers, to "interlocutors" plural, who are "talking at cross purposes and seeing each other's point" (362). This sounds very much as though interaction is involved.

On the other hand, this discussion of conversation as the primary hermeneutic form is designed to return us to the question of how one interpreter is to gain understanding of a text (363, 387).⁴ Talk of interaction thus appears to be secondary to an intersubjective yet solo pursuit. This explains Gadamer's more frequent reference to an "interpreter" singular. Conversation is a logical form here, rather than something that

⁴ Gadamer writes, for example, "Everything we have said characterizing the situation of two people coming to an understanding in conversation has a genuine application to hermeneutics, which is concerned with understanding texts" (387).

happens between people who actually interact. The interpreter's task is to try to understand a text by seeking out the strongest possible reason for holding the positions presented therein (292). The interpreter thus looks for the logic or argument behind a claim, and does not simply respond to another's opinion or try to understand what that person actually means (361, xxxii). This seems to be a kind of speaking for, rather as if to say "*this is what you actually mean to (should) say.*" Gadamer confirms my interpretation, saying "It is true that a text does not speak to us in the same way as does a Thou. We who are attempting to understand must ourselves make it speak" (370). But speaking for is not speaking with, even if this sort of speaking for "is not an arbitrary procedure" and even if the interpreter "*regards himself as addressed by*" the text (Ibid., emphasis mine). It appears, then, that intersubjectivity is, and that interaction is not, a necessary feature of conversation.

Have I been fair here? Gadamer insists that the text itself asks a question that cannot simply be assimilated into what one already knows and that constrains the kinds of interpretations that can be given. The alterity of the text is essential as is the search, not for any interpretation, but for the one that gets at the present (not ahistorical or unchanging) truth of the text's meaning. Further, Gadamer refers to understanding as the result of an encounter, or perhaps relationship, between an "I" and a "Thou" (xxxii, 226). He writes of a "truth that becomes visible to me only through the Thou, and only by me letting myself be told something by it" (xxxii). Perhaps, then, my description of an interpreter "speaking for" a text is ungenerous. Perhaps Gadamerian conversation really does allow a text to speak.

Yet the evidence for lack of interaction remains. For instance, Gadamer writes of conversation as "argument, question and answer, objection and refutation, which are undertaken in regard to a text as *an inner dialogue of the soul seeking understanding*" (181, emphasis mine). It therefore appears that Gadamer's position is intersubjective without being interactive. His position focuses on what I have called negotiation "in relation to" as opposed to negotiation "with." My account of significance negotiation, however, *requires* direct interaction between conversation partners who act with and respond to each other. This requirement holds, even though macro-negotiation and

negotiation “in relation to” are possible, because micro interactions are necessary if either activity is to occur.

So, conversation and significance negotiation both involve interpretation, an intersubjective search for present meaning, the invitation to see things from another perspective or in a different way, an encounter with difference and disagreement, and potential challenges to one’s prejudices and assumptions. However, conversation requires that one attempt to seek the truth in another’s position, while significance negotiation encourages or allows for this possibility. Similarly, negotiation requires direct interaction between more than one interlocutor while, strangely, conversation may not involve interaction at all.

Because of these similarities, significance negotiation is able to generate understanding in much the same way as conversation: by enabling people to become aware of and to test their current beliefs and ways of thinking, by encouraging them to consider alternative possibilities, and through a fusion of horizons, as I will demonstrate in the next subsection. But, as I will demonstrate, significance negotiation goes beyond conversation by enabling understanding when negotiations fail, that is, when agreement does not result and horizons do not fuse.

6.1.3 Understanding Through Fusion

To see how understanding through fusion is possible, consider the second reason that Gadamer’s position treats understanding as intersubjective: his claim that we understand only from within a world. Gadamer writes of many different kinds of horizon, for example: of time; of self-understanding; of what is desired and feared; of problems implicit in German idealism; of both art and history; and of before and after (86, 112, 214, 132, 237). In addition he describes horizons as fusions of past and present, where the present is continuously evolving so that what fuses remains fluid. In concert with the above discussion it therefore appears that horizons are multiple and changeable. They are not static or fixed; “A horizon is not a rigid boundary but something that moves with one and invites one to advance further,” he writes (238). It also appears as if there are many horizons either a) because there are many topics one might consider, each with its own history or relevant conceptual setting, or b) because different subjects will each have their

own perspective(s), their own standpoints that arise from their individual experience, cultural position and history.

Gadamer warns us, however, that it would be misleading to say that individually bounded and separate horizons could be used to interpret, or that a bounded horizon could be “the right horizon of inquiry” (302). To understand the error, explore Gadamer’s metaphor further. One who has a horizon stands on a landscape of some kind. To live on it she will need to move and she will have arrived at her current stand-point from some previous position while being able to look forward to other possible positions. If so, her present horizon cannot be perfectly distinct from her previous and future horizons. Instead it will change, and will have changed, gradually fading away in relation to another position on a continuous landscape.

Further, the interpreter does not inhabit this landscape alone as a fictive Robinson Crusoe (302). Others share our histories, life worlds and therefore significant aspects of our horizons. Others may be “standing” very near us on this landscape. And should another person stand where you are, they would share your perspective, though they may not interpret what they saw there as you would.⁵ Should you take up the invitation to occupy another person’s position you would “transpose” yourself into it (292). You would neither become the other person or perfectly understand them, nor abandon your own interpretive, experiential capacity. But in attempting to similarly locate yourself you might be in a position to make sense of another’s point of view and to understand how they approach and conceive of something, especially if you are culturally and historically “close” to that person. In other words, you might be able to “see it from their perspective.” People who do this have the potential to build or unearth the common ground necessary to enable understanding.

For Gadamer, the understanding that happens in conversation results from what he calls a “fusion of horizons” (306). Despite the importance of perspective taking in his work, fusion is neither empathy, nor adoption of another’s perspective. Instead, fusion

⁵ Helen Fielding adds, in notes on an earlier draft of this chapter: “Though in fact two people can never stand in precisely the same place... to extend the metaphor.” She might mean that it is impossible for two people to stand in the same place at once, as it were, or that even if two people occupied the same spot (at different times) they would not be in the same place because places is a relational concept and that spot would be related to different past and future paths depending on who stood in it. These are interesting possibilities that I am still thinking through.

“overcomes not only our own particularity but also that of the other” (304). If one’s horizon is “that beyond which it is impossible to see” then in fusing horizons people become able to see the same things, which neither of them will have seen before. When this relates not to people but to a text and an interpreter, the text is able to mean something it has never meant before because it is now related to a different present and the interpreter gains a perspective she did not previously have. She can now ask new questions, use new concepts, look at things in a new way, etc. For Gadamer, this is possible only through conversation, during which one seeks and achieves *agreement* with the other or the text (302). In seeking agreement, one genuinely tries to find the truth of a position, or to see why someone might hold a particular view, or put forth a particular concern (302-303), and therefore those in conversation must be “continuously having to test all our prejudices” (304, see also 298). In reaching agreement people come to share a broader horizon so that some of what it was impossible to see becomes visible.

It is important to note that our uses of “agreement” differ. I use the term to indicate that people: contract to do something; come to believe the same thing or use the same framework for evaluating or understanding; or come to feel the same way, especially about something’s significance. In other words, I focus on agreement to, that, and with. Sometimes, but not always, this will involve a fusion of horizons or an alteration in a negotiator’s horizon.

On my reading, by contrast, Gadamer treats agreement as agreement in world. To demonstrate this, first consider the following very informal explanation of the process that enables a fusion of horizons, written in the first person:

Hey that person makes no sense. What are they on about (270)? (I mean, I guess they make enough sense that it’s not gibberish (387) but ... I can’t pretend to understand them (305). I think there might be something of value here for me though (361). Let’s find out. Well, I expect they could mean this (271). No, I guess not if they said those other things (269-272). *Here follows a process of “argument, question and answer, objection” and so on (181).* Aha! If they mean this, then they are saying something that helps me to make sense of my present situation (361, 390). Now I understand. They are able to mean something they weren’t able to mean before and my present conceptual resources are expanded.⁶

⁶ In this line I have not quite captured what Gadamer means. He says it far better like this: “This was precisely the point of historically effected consciousness: to think the work and its effect as a unity of meaning. What I described as the fusion of horizons was the form in which this unity actualizes itself,

We shared a horizon before but I couldn't see how, and now that I do our horizon has expanded (305). I suspect we'll need to do this again (238).

Or, in keeping with the metaphor:

I've been walking through this landscape for a while, and my journey isn't over yet. Hey, what's that person over there talking about? I can't see what they are saying (301), but maybe they're on to something (270, 361). Let's find out. I'll go over and try to see what they see from that "vantage point" (301). Oh! I see. That landscape behind me is part of the path to get to where I am (303). Now I understand my own position better. My understanding of this landscape is broader, and their position makes sense as a part of this path toward my present and future locations. So we share this landscape! Together we generated a broader perspective on our collective location (301-306, 578). I bet we'll need to do this again (238).

My language is casual, but it results from a careful reading of the text which shows that, according to Gadamer, the horizons that fuse to generate understanding are distinct parts of the same whole, a whole which one thereby gains perspective on. Here the hermeneutic circle appears—one attends to a part in order to understand the whole, and one's understanding of the whole informs one's understanding of its parts, understandings change, and spiraling on we go. In a sense, there are no actually separate positions. Gadamer writes,

Every encounter with tradition that takes place within historical consciousness involves the experience of a tension between the text and the present. The hermeneutic task consists in not covering up this tension by attempting a naïve assimilation of the two but in consciously bringing it out. This is why it is part of the hermeneutic approach to project a historical horizon that is different from the horizon of the present. Historical consciousness is aware of its own otherness and hence foregrounds the horizon of the past from its own. On the other hand, it is itself ... only something superimposed upon continuing tradition, and hence it immediately recombines with what it has foregrounded itself from in order to become one with itself again in the unity of the historical horizon that it thus acquires (305).⁷

which does not allow the interpreter to speak of an original meaning of the work without acknowledging that, in understanding it, the interpreter's own meaning enters in as well (578).

⁷ Put differently, I understand the fusion of horizons as follows: Someone who is historically conscious recognizes that she is affected by and is an effect of history. Therefore, in trying to understand the past she cannot step outside of its influence, but she can try to understand the past on its own terms. To do this she foregrounds one part of her present situation from the rest, in this case bringing out the historical horizon of the text from their shared present horizon. But that foregrounding is not an actual separation or a

What does this mean about how we are to understand Gadamer's use of "agreement"? Agreement occurs when the interpreter discovers what is of value for her in the text, where that cannot be something pretended of the text, but something that it really says, understood in relation with the interpreter's present circumstance. The text, a part of the interpreter's own historical horizon, has helped to create the world that the interpreter understands. They come to agree by sharing a new meaning and by creating a new context of meaning (horizon) that makes sense of the present in light of its own history and of the past in light of its own present. The result is not just a new bit of meaning placed into a context but a shift in perspective—a shift in one's way of conceiving of the past-present which is, effectively, a shift in present context. This happens in part when the strangeness of the text prompts the interpreter to test her prejudices, which were themselves handed down to her by the past in which the text arose (298). (The past tests itself in the present, so to speak.) The attempt to reach agreement through conversation, which can result in a fusion of horizons, is therefore well understood as an activity that, when successful, results in coming to share a world. Since for Gadamer agreement is "presented in language and vocabulary," and "fusion happens in language" (390) while "*a language-view is a world-view*" (440), to agree is to share a world.⁸

It appears, then, that via a hermeneutic conversation people:

- encounter difference,
- allow that difference to speak to them rather than be assimilated,
- attempt to find value for themselves in what is strange,
- become aware of assumptions within their own previously unnoticed horizons,

recognition of two separate horizons. Instead, it is an interpretive move prompted by a tension between the text and the interpreter's ability to understand it. The interpreter's response should be to amplify the strangeness of the text in relation to her own perspective. Doing so allows her to understand her own history and therefore present, which expands her horizon, but also the horizon of the text since the resulting horizon gives a different meaning to the past. The expansion of horizon results from the recombination of a horizon that had been artificially separated from itself.

⁸ Gadamer writes "Language is not just one of man's possessions in the world; rather, on it depends the fact that man has a world at all" (1987, 440). As Wittgenstein puts the point, a few years prior to the publication of Gadamer's *Truth and Method*, "So are you saying that human agreement decides what is true and what is false?"—It is what human beings *say* that is true and false; and they agree in the *language* they use. That is not agreement in opinions but in form of life" (1958, § 241, 88e).

- test those assumptions,
- come to see differently, and therefore to change their previous horizon through a fusion of horizons wherein conversation partners co-create a new shared context of meaning (a new life-world, or conceptual background against which to understand).

6.1.4 Misunderstanding, and Understanding without Fusion

I find much of value in Gadamer's work, and as I have suggested, the process he describes resembles my description of significance negotiation. Like those in Gadamerian conversation, people who negotiate significance may test their own views in relation to the views of others. Negotiators may draw attention to assumptions, alternatives, possibilities for acting and feeling, and different ways to conceiving of something. And both practices give a genuine epistemic and world-building role to everyone involved in the exchange. It is also entirely possible that negotiators reach agreements and come to share understandings by coming to think, perceive, assume and so on, in the same way as their interlocutors, so that they feel the same way and share a world-view (and in fact, a new and different world as ideas effect changes). In other words, understanding via a fusion of horizons is possible during significance negotiation. Further, both negotiation and conversation aim at understanding, where understanding is not transmissive. As Weinsheimer and Marshall, explain, "Gadamer does not conceive communication as the passing of information from one person to another" (Gadamer 1989, xiv, translators preface). All this is exactly right.

Once again, our positions also differ; this time because I do not require that negotiators fuse their horizons if they are to gain understanding. Or, put another way, I do not require that negotiators come to realize that they share the same horizon because they come to understand their positions differently. First, the agreements "to," "that," and "with" that result from negotiating significance may be more limited and particular. Second, understanding can arise without any sort of agreement. By negotiating with someone else a testifier may learn what she actually thinks or how she feels, something that she may not have worked out before or of which she may not have been conscious. This learning may occur even if, at the conclusion of a negotiation, no one comes to agree. Further, one may come to understand another person or position better even

without sharing their position,⁹ or people may improve their understandings of possibilities or particular subjects even if fusion does not occur. Similarly, all parties to a negotiation may find that their horizons have shifted, so that they can see what could not have been seen before, without coming to share each other's horizons. We may change together by negotiating about what matters, even if we do not change in the same ways or uncover previously unknown inter-relations in our positions. Failed negotiations, those where we do not reach agreement, do not necessarily leave us in the same conceptual or lived space as when we started. If so, then fusion is not the only way to gain understanding.

I agree with Gadamer that a fusion of horizons enables understanding. However, fusion can also prevent some kinds of understanding. Hence, when Gadamer defines understanding as a process of fusion, making it a necessary condition for understanding, he a) misses an epistemic opportunity, and b) does not identify the ways in which conversation can lead to error, misunderstanding and lack of understanding. I will consider the latter point first.

Recall, once again, that significance negotiation always involves, at the micro-level, direct interaction between conversation partners. Acknowledging this allows me to be wary of reducing dialogue to "speaking for" or to communication "in relation to." That wariness arises, in part, because of feminist attention to the operation of power in the kinds of conversations to which Gadamer refers.

For those who are suspicious of speaking for (even when it is necessary and potentially beneficial), the claim that an interpreter can get at the truth of the text by having a conversation only in relation to others leads to three obvious objections. First, Gadamer's focus on perspective-taking fails. We cannot alter our histories or subject positions to take up another's voice or to stand in her location on a horizon in order to represent her perspective or her experience in the same way that she would. To claim that we can imaginatively occupy another's voice and perspective that way is not only inaccurate, but also arrogant, condescending, colonizing and silencing. This activity is especially dangerous if we assume that our imaginings are correct, which to some degree

⁹ Gadamer acknowledges this possibility but does not count it as understanding, since there is no agreement. If agreement is only agreement in world he is correct. But I do not accept that "if."

we necessarily will do since Gadamer reminds us that we cannot rid ourselves of forestandings, prejudgments or prejudices.

Second, when one claims to share another's perspective one risks denying and erasing areas of unknowing, imaginative lacunas, that which is in practice or principle incommensurable. This unknowing is made worse since the other whom I try to understand may be excluded as an agent in my interpretive and epistemic project if I try to take up her position as well as my own. These epistemic and ethical worries comprise aspects of what Linda Alcoff calls "The Problem of Speaking For Others" (1991-92).

Third, speaking situations are not perfectly just or devoid of power imbalances. Agreement may be coerced, even when that agreement relates to meaning rather than action, so that the resulting new horizon may unjustly benefit some and harm others. This could be so if powerful interpreters had greater influence on the outcome of a conversation than those with lesser status. Despite his discussion of authority, Gadamer offers little awareness of this difficulty.¹⁰ These worries are not idle. Direct and tangible harm has resulted from the assumption that "I" or "we," especially if we position ourselves as experts, "know what it's like" perhaps even better than the person experiencing whatever "it" is (see Jaggar 1998, 10-11, 21). Oppression of all sorts operates behind the veil of just this sort of justification.¹¹ Overall, then, speaking for may generate error, exclude people from participation in meaning-making, obfuscate lack of understanding or misunderstanding, and it may involve power imbalances that skew the outcomes of agreement or the manner in which horizons fuse.

Gadamer would, very likely, strenuously object to the above characterization of his position. He knows full well that we cannot leave ourselves behind when we transpose ourselves in order to take up someone else's perspective (292). That is why he insists that the interpreter's meaning enters into the interpretation so that fusion is the result of meanings in *both* the text and its present interpretation. Further, he insists that,

¹⁰ One might say that he is describing an ideal speech situation or offering normative guidance rather than description. But in that case the problems remain since the position cannot give guidance on how to interpret well in a world where power imbalances and oppression are real and pressing.

¹¹ But it will not do to expect that we can leave ourselves behind when we try to understand others. Nor can we give up trying to understand. So how is one to do so respectfully? And who are we required to enter into conversation with? These questions are pressing, but must remain to be taken up elsewhere.

even if it involves speaking for, conversational interpretation displays a deep respect. Only in attempting to fuse horizons, he explains, does one approach a text or another as a teacher rather than as an object, or a source of information to collect and assimilate (302-303). Instead, we are to remain open to having our prejudices disrupted, our attention reoriented, our horizons broadened and changed; we are required not simply to learn about another or the past but to find the useful past, to be affected by the other, to be taught by a text that speaks (even if we must make it speak). In this way the text is allowed to make a claim to truth. He insists that when we do not open ourselves up to being changed by the text, but seek only to fold “the other person’s standpoint” into our own, we make “our own standpoint safely unattainable” (302). If we do that we,

give up the claim to find in the past any truth that is valid and intelligible for ourselves. Acknowledging the otherness of the other in this way, making him the object of objective knowledge, involves the fundamental suspension of his claim to truth. (Ibid.)

So Gadamer finds respect rather than danger in the sort of speaking for and perspective taking that seeks the other’s truth in a way that could transform the interpreter’s horizon.

Gadamer’s potential reply contains insights that I whole-heartedly endorse. Indeed, I agree with everything that was raised in the last paragraph. Unfortunately, however, his position ignores a number of problems that demonstrate the potential for conversation to result in error, misunderstanding, lack of understanding, and missed epistemic opportunities in the following ways: 1) speaking for without interaction can lead to error (sometimes oppressive or culpable error), especially since interpreters are likely to be less able to properly test their own prejudices without entering into actual interactions with others to whom they are accountable; 2) speaking for can silence others by enabling people to ignore or dismiss them in favour of listening to the person doing the speaking for, so that one does not learn from those she represents; 3) speaking for and imaginative perspective taking can obfuscate areas of unknowing and therefore prevent understanding; and 4) Gadamer’s requirement that conversation partners share a common language, which I will explain shortly, can silence others and prevent them from saying what they would have said, or from being who they elsewhere are, causing interlocutors to miss an opportunity to learn and understand. Consider each point in turn.

First, in speaking for, one may simply imagine that she knows what the other would say. Imagination without interaction can lead to error. The internal conversation of the soul that Gadamer describes brings to mind Wittgenstein's worry about trying to justify one imagining with another. He insists that "justification consists in appealing to something independent" (1958, §265). However, in Gadamer's conversation it appears that one checks what one imagines the other would say against that same sort of imagining, "As if someone were to buy several copies of the morning paper to assure himself that what it said was true" (Ibid.). I do not mean to reduce interpretation to imagination. Interpretations can be supported by evidence provided in the text. But surely checking one's own interpretations against themselves will not suffice. If Gadamer requires that interpreters of the same text engage with each other that would be an improvement, but I find no evidence of such a requirement. This leaves his position vulnerable to objections from theorists who find that speakers risk misrepresenting the people they speak about or for, especially given differences in power between the two groups and given people's various and conflicting interests in the ways in which things are interpreted (Lugones and Spelman 1983; Alcoff 1991-92). Actual interaction between people who are accountable to each other lessens this worry. Accountability is not always present during significance negotiation, but at least its interactive structure allows for that possibility. Further, accountability is itself often a point of negotiation. When negotiators have reason to seek agreement from others they may be motivated to account for their own actions and beliefs, or to take another's concerns into account.

So, I have identified the risk of error and a lack of accountability that results from the speaking for in Gadamer's position. Second, consider that speaking for can silence others by encouraging or enabling listeners not to listen to those who are spoken about (Jaggar 1998; Code 2000; Epp, 2001). This was the worry raised in chapter five while discussing Griffin's *Black Like Me*. There, Griffin described a situation in which some people were ignored since other speakers, in dominant social positions, were invited to speak in their stead.¹² I raise this point again in order to show that Gadamer's position

¹² This sort of objection, and far subtler aspects of speaking for, have been thoroughly examined by theorists such as Maria Lugones and Elizabeth Spelman, in "Have We Got A Theory For You!" (1983) and Linda Alcoff in "The Problem of Speaking For Others" (1991-92). I invite the readers to engage with these works since I cannot represent them in any depth here.

does not necessarily enable respect or understanding, since even well intentioned interpretation can be silencing if it means that other interpreters are discredited or ignored. In addition, given the interpreter-plus-text process Gadamer describes, conversation may just as well silence a text as enable it to speak. The text may be able to disrupt some of an interpreter's prejudices, but certainly not all of them if prejudices are necessary to enable interpretation. Yet in that case, it is likely that some problematic and potentially silencing prejudices will remain in play. If so, the text may not be able to speak after all or, if it is able, its voice may be problematically limited. In that case, one's ability to learn from the text, and to gain understanding, is limited.

It is important to describe this risk because significance negotiation faces the same problem. Though speaking with is the basic structure of this practice, speaking for and about are very likely to be involved in most negotiations about significance. This is especially so if, as Alcoff has argued, speaking for and speaking about are not entirely distinct and if when speaking for ourselves we also speak for others (1991-92, 9-10). Part of the point is to say that both conversation and significance negotiation have the potential to lead not only to understanding but to misunderstanding and lack of understanding, depending on how, in what context, with whom, and about what or whom these activities are undertaken. To adequately negotiate it may be both morally and epistemically better to take "nothing about us without us" seriously, by attempting to listen to and take seriously contributions by everyone who has a stake in the debate (Charlton 2000). In addition, it will be important to test one's prejudices when identifying stakeholders. In any case, since negotiators are not epistemically or ethically perfect, lack of understanding and misunderstanding as a result of silencing is a live risk in a process that can nevertheless be epistemically fruitful.

Third, and this point is related to the last, by insisting that a fusion of horizons necessarily results from or enables understanding, Gadamer risks covering over or entirely missing the sort of understanding that may arise when we recognize that we do not know. Ophelia Schutte writes of this possibility while discussing cross cultural communication. Schutte takes up a position very similar to Gadamer's when she recommends that interlocutors in dominant social positions "decenter" themselves in

order to understand others (1998, 48). Decentering is much like Gadamerian conversation. It begins upon encountering

nodes in a linguistic interchange or a conversation in which the other's speech ... resonates in me as a kind of strangeness, as a kind of displacement of the usual expectation ... [where] one [does] not bypass these experiences or subsume them under an already familiar category (Schutte 1998, 50).

Schutte urges interlocutors to respond to speakers who are culturally "other" as fellow humans, people to respect and from whom to learn. To do so, we neither reject the other as different, nor subject her "to the demand that she be the double, or reflected mirror image, of ourselves" (52). More importantly, decentering occurs when one stops taking herself to be "the epistemic and moral center of the universe" (55). As part of decentering one ought not end a conversation when it seems to her to have concluded. Instead, one follows the other person's lead in order to avoid missing something that remains to be said (56).

This last point indicates a difference between the two theorists. Gadamer's interpreter cannot help but be the one to end a conversation. A text cannot walk away. The interpreter must decide when he is happy with his interpretation, whether there was more in the text or not. Schutte's conversations, like my negotiations, are directly interactive and interpersonal. As a result, following another's lead remains possible for her. Most importantly, as I do, Schutte would very likely reject any call for a fusion of horizons. Instead, she finds epistemic and ethical value in recognizing ongoing incommensurability.

Schutte argues that there will always be an untranslatable "residue of meaning" when communicating across different cultural horizons (50).¹³ Drawing on work by Homi Bhabha and Néstor García Canclini, she argues that inhabitants of different cultures live within different "temporalities" or rhythms of life. As a result, the cultural associations attached to various statements will be opaque to people who do not share the

¹³ I am unclear about the extent of Schutte's claim regarding incommensurability. She may hold that particular aspects of, or 'pieces' of knowledge within, a language and culture are incommensurable or she may think it is impossible for an outsider to be able to understand everything about a culture as an outsider but that any particular information could be learned or communicated (just not all at once, right now, or perhaps ever given human limitations). That is, I am unsure whether Schutte is making an in-practice or an in-principle claim about incommensurability. Likely the latter, however, as she writes as if cross cultural information may be "readily understandable, difficult to understand, and truly incommensurable" (56).

same culture (51). Consider, for instance, what I might mean by exclaiming, “My cousin planned a wedding in August!” On hearing the above statement, if you are from a different cultural background, you may surmise that it is surprising or problematic to have a wedding at that time. But without explanation you would not know why. In the Mennonite fruit farming community where I grew up, everyone knows that harvest is in full swing during August, sometimes requiring 12-16 hour work days. (How the hours are spent and spread out, depending on what kind of worker you are, will remain “residue” here, among other things.) As a result, it is near impossible to manage an August wedding. The fruit will not wait. Even after this explanation, some degree of incommensurability remains. Culturally different hearers lack knowledge of what it feels like to do that kind of work and they do not have access to the web of meanings and significances associated with farming, work, marriage, and this particular Mennonite cultural identity. Many things can be translated, but you cannot translate a whole culture. Instead, one must come to share it in order to understand.

Schutte sees epistemic potential in this situation. She advises feminists, interested in dealing with ethical questions across cultures, to value incommensurability and seek it out *in order to understand* their interlocutors. Speakers are not to aim for fusion. Instead, incommensurable content may be what is most important, and attention to it may help people to understand cultural difference and even strengthen “the possibility of cross-cultural dialogue” (55). How could that possibly be? First note, from the discussion of residues of meaning, that Schutte differentiates between what is said and a “complex set of signifiers, denoting or somehow pointing to what remains unsaid” that one’s speech somehow indicates (55-56). Both are involved in understanding. I take it, then, that she is drawing attention to the possibility of gathering, from what is said, that there are still things that one does not understand, including unfamiliar layers of cultural meanings, implications, and associations. For Schutte, an attempt at fusion would erase these incommensurable knowings. But by seeking out areas of incommensurability, one might become aware that there are things she does not know. She may even be able to identify, more generally, the subject matter of those areas of unknowing (just as many of you may now know that you do not understand the meanings of summer for Mennonite farmers, platz and all). Further, greater understanding may now be possible because a dominant

speaker avoids ending a conversation on the assumption that she understands, which would have silenced her conversation partner. In ongoing conversation, further understanding becomes a possibility.

This last point is particularly important. Schutte explains that unnoticed incommensurability may make it seem as if a non-dominant speaker is incompetent, or it may make her speech sound “fragmented” and “incoherent” (56). In this circumstance, dominant speakers may assume that they understand everything that the other person is trying to explain. Or they may notice areas of difference, or places where something does not make sense but dismiss them if they seem too minor to be important. In both cases, the message is that the listener will only attend to what they can easily understand.

Schutte writes,

The dominant speaker, lacking the sense that some element in the communication was still missing and believing that s/he has already heard the whole statement, does not perceive that the interlocutor should have the space to complete what was left unsaid. The subaltern speaker, in turn, is at a loss to explain that she had saved the most important part of the message for the end. ... The speaker from the dominant culture is basically saying: communicate with me entirely on the terms I expect; beyond that I am not interested. ... Yet by the conversational norms of his own culture, the dominant speaker may never understand that he is silencing the culturally differentiated other because it never occurred to him to think that cross-cultural communication contains important, yet incommensurable, elements. (56)

Seeking out potential incommensurability therefore becomes a way to enable greater understanding and communication. Gadamer would agree that interpreters should seek out and attend to, rather than skip over or explain away, what is strange. But they are to do so in order to enable a fusion of horizons. I can find no room in his account for understanding that comes either from recognizing incommensurability or from communicative activities that do not result in fusion.

I have so far entertained three reasons to think that Gadamerian conversation, can result in error, misunderstanding, lack of understanding, and missed epistemic opportunities. Consider a fourth. Gadamer not only describes understanding as a fusion of horizons, he requires that interlocutors develop a common language if they are to understand one another. He writes,

Every conversation presupposes a common language, or better, creates a common language. ... reaching an understanding on the subject matter of a conversation

necessarily means that a common language must first be worked out in conversation. (1987, 371)

It is not clear what Gadamer means here. He could mean that people must be able to understand each other's words, their semantic content or perhaps even speaker meaning, if they are to converse. However, recall that for Gadamer, speaking together is not necessarily conversation. Instead, conversation is a practice in which a person remains open to the meaning of the text, or perhaps to another person's meaning, without reducing what one hears to what one already knows. If so, then people can speak to each other without conversing. That, combined with the fact that Gadamer sees language-views as world-views, makes it more likely that he means that people must build common ways of seeing the world with each other, through language, so that they come to agree. If this interpretation is correct, then Gadamer is recommending something that Schutte claims would prevent rather than enable understanding.

Schutte insists that pushing people to use a language that is not originally their own can silence non-dominant speakers. Lugones and Spelman agree. According to each of them, being forced into a common language, in this case the language of one's interlocutor, means that people cannot say what they would like to say, or be even be who they are when they feel most "at home," erasing difference. Schutte describes being pressed to translate herself into the language of a dominant culture as "being required to perform a public erasure of my Latina voice" (1998, 53). The result?

What my interlocutor fails to recognize is that delimiting my capacity to speak in my culturally differentiated voice will have an effect on what I say in response. ... What my interlocutor recognizes is not what I would have liked—an encouragement to communicate insights I offer from a standpoint of cultural difference—but only my ability to enter a standard Anglo-American speaking position, a position that exists in negotiated tension with my culturally differentiated, reflexive sense of self. ... This is why sometimes ... I get the sense that [my interlocutor] is not speaking to me at all. (54)

Writing to white feminist theorists, Maria Lugones and Elizabeth Spelman concur.

We can't separate lives from the accounts given of them; the articulation of our experience is part of our experience ... We and you do not talk the same language. When we talk we use your language: the language of your experience and your theories. ... Since your language and your theories are inadequate in expressing our experiences, we only succeed in communicating our experience of

exclusion. We cannot talk to you in our language because you do not understand it. ... we either use your language and distort our experience not just in the speaking about it, but in the living of it, or ... we remain silent. (1983, 573-575)

If they are right, requiring people to find a common language can mean requiring them not to say what they know or requiring them not to be themselves, undermining understanding.

Gadamer might reply that he does not require interlocutors to take up someone else's language. Instead, people are to learn to speak together in a shared language so that one speaker's language will not dominate. That may sometimes be appropriate and productive, but in oppressive contexts this potential response ignores the operation of power and is therefore inadequate in real communicative situations. Moreover, even in situations where speakers share equal standing, requiring use of a new shared language does not solve the problem of silencing that Schutte, Lugones and Spelman identify.¹⁴ These authors want people to be able to communicate what they know and who they are in their own languages, not who they would be or what they would know in a new one. I see no reason to think that a new shared language would not also mute some of what would have been audible in an interlocutor's own first language.

Next, add that cultural genocide has taken place here, on Turtle Island, in part by forbidding First Nations children to speak their own languages so that they would lose connection with their own cultures. Instead, they were forced to speak English or French so that they would be enculturated, assimilated into colonial society. This tactic was not bumbling or accidental. Those who employed it understood the link between language and culture and attempted to break it through forced linguistic assimilation. Many of those children and their families are now relearning their languages in order to reconnect with their culture. From all this, I conclude that understanding may require learning someone else's language, or re-learning one's own. This is not fusion, which occurs when everyone involved shifts their horizons of understanding. Instead, it is akin to what Lugones has called "world-travelling" (1987). If all this is correct, then neither a fusion

¹⁴ Gloria Anzaldúa goes a step further and writes in more than one language, refusing to be silenced or to speak only to Anglo readers (1987).

of horizons nor linguistic fusion is required in order to understand.¹⁵ That is not to say, of course, that fusion cannot facilitate or result from understanding—just that it is not necessary.

6.2 Understanding Together

I have been arguing that by negotiating about significance those involved in testimonial exchanges can generate understanding by: confronting difference or disagreement; identifying and testing their prejudices; finding out from their own testimony what they themselves think, feel, believe or value; trying out alternate possibilities and perspectives; developing new conceptual resources; fusing horizons; and creating new objects of knowledge as they change their social worlds. This is a collective, not individual, process and achievement. To demonstrate that significance negotiation can generate understanding and objects of knowledge, that even attesters can learn from this process, and that everyone involved acts as an epistemic agent, consider this example of an actual negotiation at a church.

I know of this situation from the testimony of two church members and from two statements on the church's website. This is part of the context, given on the website, for those statements:

... In 2011, Valleyview engaged a process around the possibility of intentionally and publicly welcoming members of the Gay, Lesbian, Bisexual, and Transsexual community. The [church] community expressed diverse convictions. Towards the end of 2011, outside of the official process, a conversation was begun by two Valleyview individuals with opposing views seeking a peaceful resolution. Their discussion revolved around both the differences and the commonalities in their beliefs. When a statement of welcome was worked out and agreed upon, each invited two more individuals to the discussion, until there were six. Many hours were spent in listening to one another and learning to understand and respect the deep-seated convictions of each one. Because there was no intent to change anyone's viewpoint, rather a wish to have a statement of welcome that all six could embrace, the group crafted a *hospitality statement* and a *covenant*

¹⁵ It is very likely also possible to have a conversation in which one seeks shared meanings between two speakers of different languages with barely any cross-fluency. I once managed to have a conversation about inflation in Mexico with a migrant worker on the farm when she spoke barely any English and I barely any Spanish. That may not have been a conversation about significance, but our brief discussion, facilitated by a picture, about the children she had left behind with her mother was full of shared meaning. If that meant we shared a common language then Gadamer's point isn't very useful, since I take it, with Schutte, that there was a great deal that I also failed to understand. We did converse and we did gain understanding, but we shared fragments of language, and certainly not a language in common.

statement. ... Acknowledging that God is our ultimate Host, and claiming the Spirit's presence in the process, council affirmed these statements and they were endorsed by the congregation in May, 2013. (Valleyview)

The first document this group produced expresses the values and goals of the church and invites anyone who shares those values to “join us” on their journey of faith. It states an intention to be hospitable, caring and welcoming. The second expresses a desire to support and affirm all members of the church, declares respect for everyone’s right to hold their own position, encourages dialogue on the issue, and hopes for continued attempts at resolution.

From conversation, I gather that a new hermeneutic resource, created by the initial six negotiators, enabled the congregation to collectively endorse both statements. Rather than “welcoming” LGBT people into the church, the statements express “hospitality.” The idea is that existing members of the church are not welcoming others into *their* church; instead, everyone is equally a guest and God, not the congregation, is host in the church that is his home. God is the sole judge, all are made in his image, and no one has the standing or the right to turn another person away at God’s door. This way of conceiving of the situation allowed members to retain their own judgments and their disagreements, while they were nonetheless able to agree about how to respond to LGBT inclusion in the church.

In this situation people disagreed strongly and they listened and responded to others who expressed convictions that directly challenged their own beliefs and values. It is very likely that as part of this process people became aware of some of their assumptions, judgments and prejudices. In addition, even though those in the initial conversation aimed to understand rather than confront each other, the process of carefully listening to others who disagreed may well have prompted them to re-evaluate their own beliefs.¹⁶ Indeed, one person I spoke with expressed that he had to rethink his

¹⁶ This is very much Gadamerian conversation as well as significance negotiation. But the negotiations could have been hostile. A schism could have resulted, and interlocutors might not have tried to understand but instead to force others to take up and apply their existing convictions. In that case, new hermeneutic resources may still have developed, this time as people tried to convince each other. For example, during the initial negotiation one or two of the six participants might have offered the concept of hospitality while the others rejected it. Generation can happen in crucibles as well as wombs.

assumptions about whether or not sexual orientation is a choice.¹⁷ In any case, in hearing others with different viewpoints these interlocutors were invited to see things differently and to consider alternative perspectives, interpretations, and possibilities.

In this situation the church learned about its own position, and the justifications for it, as it was being created. People learned to understand each other. In doing so they learned both a set of skills (perhaps related to listening, tolerance, charitable interpretation, suspension of judgment, management of emotions, etc.), and they gained understanding of others, themselves and of the issues in question. Very probably, negotiators learned about their own beliefs, values, and commitments as they were pressed to become aware of and articulate them, and perhaps to develop them further. (Have you had this experience? Blurting something out and realizing, with surprise, that yes, that is what you think, that is what matters to you, that is what you will do. If so, then you have learned from your own attestation, as I have. If not I invite you to consider the possibility.)

As a result of this process, the church community created new objects of knowledge: the hospitality statement; the covenant statement; this particular dialogic process and an instance of its use; a different and strengthened set of relationships; a policy that was then enacted; a new way of thinking about the church and the place of the members within it; an intention and commitment to remain in respectful dialogue; and much more. Significance negotiation, in large part via testimony, was an instrumental part of this process. It was not incidental. Each item on this list is something that people may now know about, and the items on this list did not previously exist, whether at all or in the same way. More importantly, as a result of this process congregants gained, not only knowledge, but also understanding. They found another way to make sense of, to make meaningful, and to interpret a number of different identities and relationships, and of the church itself. They collectively shifted their horizons of significance.

Everyone involved in this process acted as an epistemic agent. Those negotiating in the initial discussions, at Church council, and in the congregational meeting, asked

¹⁷ I cannot help but enter negotiations here by stating that I agree with those who find this consideration to be irrelevant. Problematically, it positions LGBT orientations and identities as bad things that some people just cannot help. Instead, they are just as legitimate and valuable as heterosexuality.

questions, expressed emotions and convictions, made moral claims, they gave interpretations of biblical scriptures, they attested, proposed, and conceded, they judged, put aside their judgments, doubted, understood, accepted, and believed. Here is Kristie Dotson's definition of epistemic agency: "the ability to utilize persuasively shared epistemic resources within a given community of knowers in order to participate in knowledge production and, if required, the revision of those same resources" (115). I would add that people act as epistemic agents when they use, revise, and create shared hermeneutic resources, not only to produce knowledge but also to produce understanding. During the church's negotiation some people developed a new hermeneutic resource, everyone helped to make this a shared resource, and through an ongoing processes of negotiation and uptake, together everyone helped to produce a community-wide understanding and agreement. Similarly, by using this still tenuous resource (the idea of hospitality and shared guest status), everyone helped to make the resource available to others, to secure it as a resource in a particular social/epistemic setting in part by legitimizing it, and to further develop its content and discover its implications as they applied it in practice.

But what about people who were present during group discussions at the church, but who did not participate verbally? Are they epistemic agents too? Even those who did not speak up during these meetings played an essential role as listeners. In that role they: a) influenced what was said, how it was said, and the kind of agreement that could be reached, and b) they gave uptake to various contributions during the discussion and to the resulting hospitality and covenant statements. Their role is not captured by typical characterizations of testimony that position listeners as passive recipients, people who simply believe, or not. Instead, listeners have a direct influence on negotiations and on what can be known and understood.

To see this, switch listeners. Imagine what might have happened if church members had addressed their statements, both spoken and written, not only to believers but to atheists. Not just any old atheists. Imagine that these atheists are married to believers who take their children to the church. (This is, in fact, the situation for some people at Valleyview, though to my knowledge this was not relevant in the actual negotiations described above). What could someone say to these atheist, and let's say

liberal, parents in order to get them to accept an attempt to resolve the dispute about LGBT inclusion? People who do not believe in God are unlikely to find the concept of hospitality, of God as host, to be compelling. “Honey,” one might imagine them to say, “you may believe that God is the host, but members of the existing congregation are the ones who will welcome or reject people. What I really care about is discrimination. What are you going to do about that?” Congregants might reasonably foresee this lack of agreement, and so during negotiation they might focus on the meaning of equality, or of justice and injustice instead. If speakers really were addressing atheist listeners, if they were actually seeking agreement with them too, they would make different proposals, consider different issues, and perhaps sometimes speak in non-biblical language, language that did not belong only to church insiders.¹⁸ The dialogue would change.

This is not unusual. One’s audience regularly affects the content and mode of presentation of one’s speech. Slang is used here but not there. Technical terms and jargon are bandied about, omitted, or meticulously explained. Where discrimination exists one avoids speaking about experiences that would reveal one’s parental status. You justify your position to those who disagree but need not discuss justifications with those who share your conviction. I try to convince you to respond to climate change using biblical stewardship language, but with him I reference obligations to future generations and with her, self-interest. He is deferential with some listeners but not others and that affects what he says. Wanting or needing your approval, they say what you want to hear and not what they believe. She tries to explain it again in a different way, because your lack of a shared background means that you do not understand. The combination of listener/speaker identities in a negotiation affects the content, process, and outcome of the negotiation (and/or dialogue). If so, then listeners do not simply receive information, they influence negotiations and attestation.

Listen to Griffin, from a passage of *Black Like Me*, one more time: Even well disposed white men tended to be turned off and affronted if black men told them truths that offended their prejudices. For years it was my embarrassing task to sit in on meetings of whites and blacks to serve one ridiculous but necessary

¹⁸ Listener identity is just as relevant in the actual negotiation at Valleyview. The same things would not have been said if listeners had not had *these particular* commitments, perspectives, goals, beliefs, values, identities, and understandings of possibility. These features, among others, set the parameters for what could count as a resolution of this disagreement.

function: I knew, and every black man there knew, that I, as a man now white once again, could say things that needed saying but would be rejected if black men said them. ... Dick Gregory and I once made an experiment with this. We agreed to say essentially the same things to a lecture audience at the same school. I got an ovation for “talking straight.” He got uncomfortable silence for saying the same things. (1960, 176-77)

Another incident ended with Griffin chastising a group of influential white men, angry with a local black man from whom they expected gratitude.

“Isn’t this remarkable?” I said. “Here you gave me a standing ovation for telling you this same kind of truth. Now you have a black man far more knowledgeable than I could be, who is honoring you with a truth, and you are furious at him. You will hear it from me and applaud me for saying it, but you can’t stand it from him.” (178)

Here, listener response affected the outcome of negotiations (whether and how knowledge would result and how it would be put into practice), it affected the way that negotiations proceeded by influencing who would speak (Griffin since he was white), and it influenced the content of the discussion that occurred afterwards. Similarly, the identity and anticipated reactions of one’s listeners can affect the content of what speakers say. Speakers know, in general and sometimes in particular, that different people will hear them differently, or not at all, depending on what they say and how they say it. They sometimes adjust their utterances, and attestations, accordingly. Again this is not surprising; this kind of sensitivity to one’s audience is a basic communicative skill.¹⁹

Listeners may also be non-testimonial speakers. That is, during negotiations they may perform speech acts that are not attestations. In so doing they may greatly influence the resulting discussion. Via questioning, for example, listeners can frame a discussion even if they do not attest. Imagine an information session, perhaps at Valleyview for atheist parents, the media, and concerned LGBT groups in the area, but any session will do. Or consider testimony given in court. In both cases, dialogue may be directed by questioners as their queries guide attestors to speak on particular topics and perhaps to answer in more detail and with more information than they might otherwise have given. Listener influence might also occur when listeners act as hosts, inviting someone to speak

¹⁹ Here I imagine a child who knows just what to say, and differently, to each of her parents in order to be allowed to stay up after bedtime. Similarly, one generally does not submit an unrelated movie review to a journal in epidemiology.

or write on a particular topic or from a particular point of view. Or it may happen in friendly conversation, as when listeners encourage speakers to say more, when they expresses surprise or amazement, or employ non-verbal expressions of emotion such as laughter or tears. These too can lead the conversation in a different direction. For example, women of colour have found that white women often cry when they calmly identify instances of racism, whether directly related to the white woman's behavior or not. Problematically, those tears derail the conversation as participants move to console and reassure the crying woman sometimes chastising the woman of colour for being too aggressive or angry. Here, a listener's reaction makes certain topics taboo and redirects the discussion (Accapadi 2007). In general then, there are various dialogic spaces and the listeners participating in them affect the dialogue there; they do not simply receive what is said, nor do they control it, but they do influence it. I call this "recipient framing," the ability of listeners to influence, or even to set the agenda for what will be said.

Recipient framing is possible because listeners, like speakers, are also interpreters and respondents. They interpret what they hear, and take it up or not in particular ways, based on their interpretation of the utterance and the information that it contains. If so, then during significance negotiation, both speakers and listeners demonstrate interpretive agency and epistemic leadership; they actively shape what can be known and understood, and how things are understood. This makes knowing and understanding from testimonial significance negotiation a thoroughly collaborative activity.

6.3 Conclusion

I set out, in this chapter, to elaborate on the ways in which significance negotiation can generate understanding and to show that this characterization of testimony reveals epistemic agency for both attesters and their addressees. I began this discussion with the idea that understanding, living together, and self/world-building are inextricable and that significance negotiation enables people to engage in all three activities. Work throughout this chapter demonstrates this intertwining. Gadamer's hermeneutics of understanding connects horizons, worlds, conversations and the idea of understanding as an activity to show that in speaking together people can test their prejudices, alter their perspectives, and fuse their horizons, in ways that enact understanding, create possibilities, and change life-worlds. My descriptions of various negotiations about significance show this process

happening in practice. I also differentiated significance negotiation from Gadamerian conversation in order to reveal the risk of misunderstanding during the process he describes, as well as to take a more expansive view of the ways in which understanding is possible. By focusing on interaction, and not only on intersubjectivity, I was able to show that as a result of significance negotiation different agents may understand things differently than they had before but also differently from each other. I was also able to point to ways in which lack of understanding can be epistemically illuminating. Finally, this same focus on interaction, on exchanges between people who address and respond to each other in the second person, led to a better understanding of epistemic agency for everyone involved in a testimonial exchange. This discussion has taken us far beyond the usual picture, in analytic epistemology, of how people are able to learn from testimony. It is to that subject that I turn next in the conclusion to this work.

Chapter 7

7 Conclusion: Significance Negotiation and Epistemic Puzzles about Testimony

I have now completed an explanation of, and argument for, my characterization of testimony as significance negotiation. As a reminder, I define this activity, in chapter five, as follows:

Significance Negotiation (SN) is an interpersonal activity, whether at the micro- or macro-level, wherein participants use speech acts to attempt to reach agreement or resolve a dispute about the importance, relevance, meaning, and/or meaningfulness of some x . It is an interactive process of communal making-sense-of that involves interpretation, dialogue, and the potential for concession trading.

After explaining the concept further, I argued that by engaging in significance negotiation interlocutors may, together, generate understanding and (re)construct social worlds. As part of the process, all participants act as epistemic agents and they may develop, not only understanding and knowledge, but conceptual tools with which to interpret, know and understand (i.e. hermeneutic resources).

How might this characterization be of use in answering questions within the epistemology of testimony? I will suggest applications with respect to two major debates in the field. One splits theorists along Reductionist and Anti-Reductionist lines, the other occurs between those who support a Transmission or a Generation thesis about knowledge. My discussion of the former debate is suggestive rather than conclusive. My aim there is not to give a fully worked out answer but to suggest avenues for future investigation and to make it plausible that my account is useful when addressing prominent questions in the epistemology of testimony. I take a firmer position when discussing transmission and generation.

7.1.1 Transmission versus Generation

Transmissionists argue that, via testimony, speakers pass on or transmit what they know or believe to their hearers. Importantly, they hold that the belief a speaker expresses by attesting and the belief a hearer forms when she accepts that attestation share the same epistemic status. The idea is that when a listener believes a speaker's testimony, she

acquires the speaker's own justification, warrant, or knowledge. If the speaker's belief was justified or warranted then so is the hearer's belief, and if the speaker has knowledge, then barring defeaters, so does the hearer. Similarly, if a speaker did not have knowledge, then a hearer could not know as a result of believing her attestation. There are stronger and weaker versions of this claim. On the strong version a speaker must know x if her hearer is to know x on the basis of her testimony. On the weak version someone in the testimonial chain leading to a hearer's belief that x must know x , though there can be gaps in knowledge or justification along the way (Gelfert 2014, 147-48). This image of a testimonial chain will be useful latter on. Therefore, consider that Lackey describes the transmission thesis, though she does not herself endorse it, by using an analogy to fire-fighting bucket brigades. Each person in the brigade receives, and can pass on, only as much water/knowledge as was handed to them by the previous firefighter/attester (2008, 1). Alternately, Lackey views transmission as rather like gift-giving; a speaker sends a gift-wrapped box (a belief) to a hearer who acquires the epistemic status of that belief as the gift contained therein (67). The overall picture, then, is of testimony as a way to communicate existing knowledge to others—to share, give, pass on, or transmit it—rather than to produce or preserve it, as with perception or memory (Greco 2012, 20).

Generationists, by contrast, hold that testimony is a generative epistemic source. They argue, in various ways, that testimony can *produce* knowledge. For example, in *Learning from Words*, Lackey reviews a number of cases that demonstrate that the epistemic status of a speaker's belief that x and her attestation that x can vary—unreliable believers can be reliable testifiers, reliable believers can be unreliable testifiers. In addition, some hearers cannot receive existing justification, warrant, or knowledge from attesters whom they nonetheless believe. So, the epistemic status of an attester's belief and her hearer's resulting belief can differ (39-53). Even better, Lackey offers an example titled "Consistent Liar" to show that by believing a reliable *testifier*, a hearer can end up with a justified belief, or with knowledge, even though the testifier is an unreliable *believer* who, therefore, does not know what she claims to know (53). If Lackey is correct, then testimony can generate knowledge since the hearer can gain testimonial knowledge that the attester did not have.

Martin Kusch's communitarian epistemology provides another sort of argument for generation. Kusch argues that "*communities* rather than *individuals* are the primary bearers of knowledge" (2002, 335). Communities generate social institutions via "communal performatives" (348). As far as I can tell, a communal performative is the set of all speech acts that generate and are about a given social institution (349). The acts are performative because they are implicitly self-referential and self-fulfilling (stating makes it so). When sets of people state that, for example, they know x , that x has been proven, that it is true that x , and so on, they collectively grant the status of knowledge to the statement that x . Further, for Kusch, by making knowledge claims, calling things "known" and "knowledge," and engaging in other similar speech acts, people bring this category to life as a social institution. Knowledge is thus generated at what I have called the macro-social-level by a communal performative that is "fragmented and widely distributed" (348). Kusch adds that these fragmented, distributed, uncoordinated communal performatives are at base testimonial; they are the equivalent of an implicit group statement to the effect that we declare it the case that x (348-49). Kusch then asserts that knowledge is a social status; both the category "knowledge" and particular instances of knowledge are social institutions generated by agreement via a communal performative. Kusch insists, therefore, that "In good part, testimony is generative of its referents and generative of knowledge about these referents" (350). On his view, all testimony is generative because every attestation contributes to the creation of social institutions, which can then be known. To make this argument, Kusch draws upon Michael Welbourne's concept of a "community of knowledge." He describes this concept by saying that, according to Welbourne,

'A primitive community [of knowledge] consists of two people knowing the same thing and recognizing each other as sharers in that knowledge; so each can act on the assumption of knowledge in the other and they will be able to act co-operatively'. If two people, say a and b, form such a community with respect to an item of knowledge, say p, then each will know that p; each will know that the other knows that p; and each will know that the other knows that the other knows that p ... Furthermore, a and b will regard themselves as 'sharing' in this knowledge, and as committed to teaching p as a fact, and as a truth. And finally, a and b will accept that they can be criticized if they later on fail to reckon with p. p will acquire the status of what is known in their community. (Kusch 2002, 345-46)

Where does significance negotiation fit in all this? The image of the transmission of knowledge along a testimonial chain is very different from the non-linear image of clusters of people negotiating back and forth in relation to each other and to a subject. If testimonial negotiators were to fight fires, some of them would argue about how to use the fire extinguisher, one would look for a phone to call the fire department, others would try to find out what type of fire it was in order to put it out, some people would help each other to haul larger containers of water, quite a few might think it more important to help people escape the building, while another might search for a suspected arsonist. But what does this difference in analogy say about whether testimony is transmissive or generative? Evidently, linear transmission is not the picture on offer. Instead, my position suggests that testimony is a generative epistemic source.

First, I have argued both that significance negotiation is a primary function of testimony, and that significance negotiation is generative, not only of knowledge but also of understanding. This suggests that testimony is very important in the generation of understanding, a topic that has been ignored in most discussions of testimony thus far. Yet surely people learn when they gain understanding or when they come to understand something differently. If so, then in order to investigate how people learn from testimony, understanding should not be neglected as an epistemic good. Second, if it is true that by giving testimony an attester may come to know what she herself thinks, then testimony is again generative in a way that has not been identified in the literature. Since the transmissionist position is not simply that testimony enables transmission, but that transmission is necessary and that generation cannot occur, my characterization tells against the transmissionist thesis.¹

Next, it will help to ask about what might happen in this debate if one were to take interaction seriously as a central part of testimonial exchanges. Thinking of testimony in this way reveals that learning from testimony does not equate with learning from a single statement, or set of statements, given by an attester. As a result, my

¹ There may be modes of transmission that are collaborative, but if so I cannot yet see how this would work. This is a potential area for future investigation. It would only support the transmissionist thesis, however, if that thesis was altered to accept both transmission and generation. (Generationists, it seems, do not tend to argue that transmission is impossible.)

characterization again widens the scope of most present discussion on this topic (similarly, see Kusch, 2002).

Attending to interaction then reveals that my characterization supports the generationist thesis differently than other arguments presently given by generationists. Recall Lackey's argument in favour of generation. In contrast with her position, my own does not explicitly deal with justification, and it does not hinge on whether or not the epistemic properties of the beliefs of attesters and listeners co-vary; rather it focuses on attestation as part of a process aimed at generating agreement. Parts of Lackey's argument make it seem as if a hearer gains knowledge in spite of, rather than with, an attester. In her Consistent Liar example, the hearer manages to know even though the attester does not know and in fact lies. The hearer's knowledge certainly does not result from any kind of robust exchange. My argument, takes a different approach by focusing on understanding and knowledge that is collectively generated.² In addition, my focus is not only on knowledge or understanding as the possession of an individual, but on the possible generation of collectively available hermeneutic resources or shared horizons. My argument thus tells in favour of generation by revealing that some instances of knowledge and understanding are truly social, collaborative or, at the very least, collective achievements. In addition, my characterization widens the scope of discussion to include not only instances of understanding, knowledge, and warranted belief, but also the conceptual tools used to generate them.

This is social epistemology not simply because more than one person is involved, but because it focuses on something that people can accomplish only by acting together. As Kusch has said about the ways in which testimony is typically portrayed, "the link [between speaker a and hearer b] is only external or accidental. b could have found out that p some other way" (2002, 347). Lackey's position replicates this portrayal. However, during significance negotiation, people are involved with each other and they do something together that cannot be done alone. The link between negotiators and what they know and understand as a result of negotiation is in no way accidental.

² I focus primarily on the generation of understanding in earlier chapters. Significance negotiation, however, can also produce knowledge as people raise and test possibilities in ways that they would not have done otherwise, when they consider information that would not have been considered if everyone involved did not participate, and so on.

My argument in favour of generation is quite similar to the one that Kusch has given. In differing language we have both argued that by changing social worlds, testimony can generate objects of knowledge, which he calls referents. We agree that, in part via testimony, people can alter and create social institutions. And while developing our positions, we both attend, in different ways, to the performative nature of testimony as a speech act. Our positions also differ in important ways, the details of which I can only sketch here. First, I am not committed to the claim that knowledge is a social status. Surprisingly, the same holds for understanding. Things that are intersubjective and socially or performatively constructed are not necessarily statuses. Kusch may not be bothered by this point, as he distinguishes between referents and the ways in which people label and categorize them, as well as how people deploy those labels and categories. I stop short of identifying knowledge or understanding as a social status, and I am inclined to disagree. This, however, is not a considered position and the implications of my view on this point require unearthing. Second, Kusch argues that testimony is generative of knowledge while I also make that point about understanding and significance. In this respect, and likely others, our views complement each other.

Third, and most importantly, Kusch attends only to what I have called “macro-level” epistemic effects and he does not, to my knowledge, examine disagreement or negotiation—even macro-level disagreement. If this is correct, then if Kusch recruited epistemic firefighters, they would not operate by transmitting water via a linear chain. Instead, they would all be engaged in the same activity, in relation to each other and in a “fragmented and diffuse” manner that may not involve direct interaction (348). There would be, apparently, no working groups or arsonists in his fire department.

I say this in part because of Kusch’s reliance on Welbourne’s concept of a community of knowledge where agreement is already in place. But during negotiation people cannot assume that others share their knowledge, interpretation, or understanding. They cannot assume that everyone will act co-operatively. They are not yet entitled to hold each other to account based on an as-yet-unarrived-at agreement. Yes, the process of negotiation presupposes the existence of an intersubjective social world that negotiators share; in order to negotiate, people must understand each other and share a horizon to some extent. But worlds and horizons also differ, and they can be partially shared and

contested.³ So I do not assume that agreement is always present. Instead, I examine the micro-level process by which particular micro- and macro-level understandings and agreements may come about. Further, I argue that agreement is not the only way to gain understanding. These points may or may not be compatible with, and may even enhance, Kusch's position; the question warrants further investigation.

Notice, now, that Kusch states that a communal performative is "carried out in and through the entire gamut of references to the social institution" that the performative creates (349). This is odd. The "gamut" of references (speech acts) about a given institution do not construct that institution in the same way. The gamut contains disagreement that can result in multiple, even incompatible, constructions. For that reason, referring to "the" performative here is strange. It is unclear how Kusch intends to identify a communal performative. Is it a set of compatible speech acts used by people who mostly agree about an institution already? Is it the entire gamut of speech acts, some sets of which fundamentally conflict with each other? Perhaps he might say that even conflicting statements refer to the same thing, acknowledge it, and thus construct it. It would be useful if Kusch were to discuss disagreement and micro-level processes in order to answer this question.

Consider the importance of interactive micro negotiation further. Direct negotiation forms communities, at least in part. Communities are not formed or maintained without interaction at the micro-level. Nor are they formed solely from macro-level relations between sets of people who already agree, as if everyone were to go about attesting only in relation to rather than with each other. Thus, our explanations of the process of generation differ, even though we agree on the fact of generation both of knowledge and social structures, and on some of the macro-level aspects of the process. For Kusch, knowers act in relation to each other to undertake a communal performative; they affect each other, and they are interdependent. I add that they act with each other directly. Knowers, interpreters, and people who understand do so together via robust

³ Some degree of agreement exists, shared social practices will almost always be in place, and people will almost always know and understand some things in the same way. But Kusch appears to have focused on these background conditions of agreement—on shared horizons—too much. This over-focus crowds out room for consideration of disagreement, conflict, and hermeneutic and interpretive struggles that can amount to conflict over how to construct social worlds, or even fractures within them. This is likely unintentional, and our positions may or may not be compatible. But they are not identical.

interaction that can divide as well as unite. It is likely that Kusch would agree. In that case, perhaps my characterization can be thought to fill in some of these gaps and to press for clarification on the nature of community and communal action in communitarian epistemology. All this aside, my characterization of testimony as significance negotiation supports the claim that testimony is a generative epistemic source.

7.1.2 Reductionism versus Anti-Reductionism

Now, what of the debate between Reductionists and Anti-Reductionists? Here I will be brief, as I intend only to make it plausible that my account of testimony will be useful to epistemologists in relation to traditional debates. The question at hand, in broad strokes, is whether or not testimonial knowledge reduces to some other sort of knowledge, for example knowledge via induction or perception. Unsurprisingly, Reductionists argue that testimonial knowledge is reducible while Anti-Reductionists argue that it is not. In “Recent Work on Testimonial Knowledge” John Greco notes that one can consider the question by asking either whether or not different types of knowledge are at stake, or whether or not distinctive epistemic norms are required to govern testimonial practices (16). He then provides a very useful disambiguation of three separate aspects of this debate. They are, in my words:

- 1) Whether testimony is a unique source of knowledge, or whether it is “a species of” another source of knowledge, such as induction or perception, so that distinctive epistemic norms may or may not be needed to govern it;
- 2) Whether or not testimonial knowledge is inferential, where if so, recipients must make non-testimonial inferences in relation to what is attested in order to know the content of the attestation;
- 3) Whether or not listeners enjoy a default right to believe what they are told by attesters, without further reasons or enquiry and barring obvious defeaters (2012, 17)

Reductionists generally hold that testimony is not distinctive, that it is reason-dependent, and that it does not enjoy default justification. Anti-Reductionists generally give the opposite answer on each point. Greco rightly points out that different configurations of answers are possible, however.

So, what might my characterization of testimony as significance negotiation have to say in response to these questions? Leaving aside reason-dependence for another time, very briefly, this is what follows from my characterization: First, it is likely that

testimony will be a distinctive sort of knowledge, one that requires unique norms to govern successful *negotiation*. This is because other sources of knowledge typically investigated in epistemology (perception, introspection, reason, and so on) are not obviously interactive and collaborative, whether at all or in the same ways (even though they are possible only in intersubjective social worlds). This answer aligns well with the support that my characterization provides for the claim that testimony is a generative, rather than a solely transmissive, activity. If testimony does not merely pass on knowledge that is generated in some other way, but instead generates knowledge or understanding in a uniquely interactive and negotiative manner, then testimony is a distinctive epistemic source, as Anti-Reductionists insist.

Taking account of epistemic injustice provides further support for the Anti-Reductionist position. Miranda Fricker describes epistemic injustice as an “identity-prejudicial credibility deficit” (2007, 28) affecting some speakers and a similar and likewise unjust “credibility excess” benefiting others (17). This form of injustice skews negotiation, allowing some people the upper hand during negotiations while others are less able to successfully negotiate—a situation with epistemic, moral, and political implications. My position thus suggests that testimony will need to be guided by distinct epistemic norms having to do with credibility assignments and access to speaking, listening, bargaining, and adjudicating positions, no doubt along with other relevant norms. In that case, my characterization would support an Anti-Reductionist answer to the first question—testimony is a unique source of knowledge, requiring its own norms.

It is possible, however, that testimonial knowing might be governed by norms similar to those that govern remembering—if, that is, memory is relational and interpretive in the ways that Campbell and Scheman have suggested, as described in chapter three. In that case, my characterization would support Reductionism but in a surprising way, since Reductionists usually favour induction or perception as the more basic source of testimonial knowledge instead. Alternatively, it may be that memory reduces to testimony as a source of knowledge—an equally surprising result. I do not make these claims here. Instead, my goal is to suggest that my characterization of testimony can provide unique insight into this debate, along with avenues for further investigation.

Second, consider the question of whether or not, in the absence of obvious defeaters, listeners enjoy a default entitlement to believe attesters. Thinking about testimonial exchanges as negotiations draws attention to the fact that parties to negotiation often have conflicting interests. Negotiation can be a high stakes activity that results in changes to social worlds. Therefore, it is highly likely that in many cases people will not enjoy a default entitlement simply to believe what they are told. The issue is not so much that to automatically believe would be gullible, as Reductionists like Elizabeth Fricker charge (1994); rather it may be epistemically and socially irresponsible (see Code 1987). Indeed, since listeners may not be aware of the stakes of believing or not, they might have a responsibility to believe cautiously. This supports a Reductionist answer to the third question.

However, thinking of testimony as significance negotiation also suggests support for an Anti-Reductionist answer to questions about whether or not listeners enjoy a default entitlement to believe what they are told. Some attestations may not be part of negotiation, and sometimes the outcome of a negotiation may not matter very much. In addition, it may be very important, as part of negotiation, for certain groups of people to be granted default belief, barring obvious defeaters. Default belief may be a dialogic concession during negotiation; it may be an enabling condition for negotiation; and there may be reasons to think that default belief ought to be in place in order to enable epistemic and negotiative agency for groups who are targets of epistemic injustice via unjust credibility deflation. Alternatively, a default need for external reasons to believe may be a dialogic concession or a response to unjust credibility inflation, which would support Reductionism. At the very least, it will be important to investigate the effects of being believed or not on one's ability to act as an epistemic agent, including during significance negotiation.

Given these considerations, my characterization suggests that the Reductionism versus Anti-Reductionism debate should be reframed so that these two positions are not thought to be exclusive. Instead, answers to these sorts of question should be given in relation to specific features of different testimonial situations. In some cases, Reductionist answers are appropriate, and in some cases Anti-Reductionist answers are appropriate. This is not to vacillate or sit on the fence; it is a particular finding that

could refocus the debate so that it attends to context, particularity, and to the intertwining of epistemic, moral, and political elements in testimonial situations (see Code 2006).

7.1.3 Summary and Overall Contribution

I began this dissertation with a methodological claim: in order to answer epistemic questions about testimony, epistemologists ought to ask, “What do people do when they testify?” Answering this question would, I suggested, help to answer two further questions: “How should epistemologists conceptualize testimony?” and “Why does ‘what people do’ with testimony matter epistemically?” Thinking about how best to conceptualize testimony is important because without some idea of what testimony is or how it operates, epistemologists would be unable to understand how people learn from and with each other in this manner.

In response, I both defined and characterized testimony. Along the way I insisted that any definition of testimony must treat it as a product of the speech act of testifying, which I consider to be a particular kind of telling. Therefore, in chapter one I analyzed the speech act of telling, contrasting it with informing, telling, showing, and revealing. I then proposed and defended the Telling with Avowal Definition of Natural Testimony (TAVNT):

Testimonial telling, i.e. testifying, occurs when...

- a) An attester *tells* some assertion x to a recipient (or recipients). I.e. an attester directs some assertion x to a listener and the listener receives it by recognizing that the attester made an assertion and intentionally addressed it to her.
- b) The attester makes a strong and explicit commitment that, to the best of her knowledge, her assertion is/will be true.
- c) The recipient recognizes the attester’s avowal as such. I.e. the recipient recognizes that the attester has made a strong and explicit commitment that, to the best of her knowledge, her assertion is true.
- d) The attester presents her act of attestation y , i.e. her told avowal that x is true, as a reason to believe that x is true.

This definition is beneficial because it draws attention to distinctions between various forms of telling and stating, where differences between them may affect how and whether people learn. For instance, I can now ask whether avowal lends warrant to a telling, and whether one’s justification for believing an attestation, and therefore her ability to know

on that basis, is affected by whether or not the attester addresses her (or, indeed, anyone). In addition, the definition recognizes a rudimentary relationship between attesters and recipients, and makes possible various normative questions about how attesters and recipients should interact and about how social settings and institutions can enable or interrupt knowing from testimony. These benefits accrue, for the most part, because I refuse to detach testimony from the speech act of testifying. That, in turn, allows me to resist inflating the domain of testimony to include all of the linguistic ways in which we learn from others, and indeed, all of the ways in which we are dependent on one another in order to know.

From here I undertook not to define, but to characterize testimony. In doing so I made use of a broad definition of testimony, one which includes all telling or stating, instead of my own definition. I intended this change to allow the discussion to be as widely applicable as possible. Even so, the choice may seem puzzling. I will dispel this puzzle in a moment, connecting each section of the overall project below.

But first, the characterization. To arrive at it, in chapters three and four I analyzed significance and negotiation respectively, combining them in chapter five in order to answer my opening question. What do people do when they testify? They not only tell and avow, or even state things; nor do they only inform each other. Instead, they interact with each other in order to negotiate about significance. More specifically, as mentioned above, I give the following definition⁴:

Significance Negotiation (SN) is an interpersonal activity, whether at the micro- or macro-level, wherein participants use speech acts to attempt to reach agreement or resolve a dispute about the importance, relevance, meaning, and/or meaningfulness of some *x*. It is an interactive process of communal making-sense-of that involves interpretation, dialogue, and the potential for concession trading.

Engaging in this process enables people to generate understanding, knowledge, and conceptual resources that did not exist prior to negotiation. Because of this, the practice allows people to act, not only as epistemic agents, but also as moral and political agents involved in the construction and reconstruction of social worlds. I conclude, then, that

⁴ For clarity, note that this is not my definition of testimony. Rather, it is my definition of significance negotiation, an activity that I identify here and elsewhere describe in order to characterize testifying.

epistemologists of testimony ought to conceive of testimony as a speech act (or set of speech acts) that is part on an interactive process of significance negotiation.

This characterization, and what it reveals about how people understand and learn with each other, is the most important contribution of the dissertation. My characterization of “what people do when they testify,” and of the manner in which they do so, matters in epistemology because it:

- Challenges transmissive and monoactive characterizations of testimony, dominant in the field and thereby...
- Explains some of the distinctive ways in which testimonial knowledge and understanding are social phenomena;
- Reveals that testimony is a generative epistemic source;
- Suggests that *both* Reductionist and Anti-Reductionist theories about testimonial justification may be correct, implying novel potential answers to specific aspects of this debate;
- Draws attention to under-explored topics in the field, including understanding, significance, relevance, meaningfulness, horizon, modes of testimonial interaction, address (as when a speaker addresses her testimony to others), and to the active role of listeners during testimonial exchanges;
- Indicates the value of investigating how people learn *from*, rather than only on the *basis of*, testimony;
- Points out that *learning* from testimony is not the same as *knowing* from testimony;
- Provides groundwork for an ethics of testimony that treats epistemic agents as moral and political agents and vice versa;
- Demonstrates the importance of attending to actual cases of testimonial interaction, and of taking social location, interlocutor identity, and context into account when doing so.

Before concluding, a word about how the two parts of this dissertation are connected. Both a definition and a characterization of testimony are required in order to conceptualize the phenomenon in a way that will be useful in epistemology. Part one and two together complete this task; each provides one piece of the conceptualization puzzle. In addition, part one sets the stage for and motivates the characterization of testimony found in part two. It does so by revealing that the question of how to characterize testimony has been ignored in the epistemic literature. Further, part one provides support for my argument that a decontextualized, monoactive characterization of testimony is already assumed in that literature. This is so in part because, against a historical

background that treats knowers as interchangeable, epistemically self-sufficient individuals, most definitions of testimony currently in use *imply* such a characterization.

As I mention above, I began by offering a “telling with avowal” definition of testimony that I did not use in the second part of this work. That does not mean that I have abandoned that initial definition. I switched to speaking of testimony broadly in order to allow the widest possible application for the concept of significance negotiation, within the epistemology of testimony. Many different types of speech acts occur as part of significance negotiation, including the sort of testifying that produces testimony as I have defined it. Indeed, it may be particularly important to account for this sort of testifying during negotiation. By using avowal people may press others to take their attestations more seriously. By telling with avowal they may insist that others respond to and account for their contributions to negotiation, as if to say “This is a very important part of the negotiation, which you must now reckon with, since I am so sure that x is the case that I am willing to defend this claim and to make x a potential point of contention.” The same cannot be said of more casual say-so, even though it, too, has an important place as part of negotiation. My earlier definition is, therefore, encompassed within my characterization of testimony as significance negotiation. Whether defined broadly, moderately, narrowly, or with reference to avowal, significance negotiation is a primary function of testimony.

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