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ON THE NATURE OF TESTIMONY

ABSTRACT

This paper examines several recent positions on the nature of testimony and argues that all are unsatisfactory. The first section argues against narrow, broad, and moderate views. The second section argues against Jennifer Lackey's recent analysis of testimony. Her position is supposed to avoid the problems of the prior accounts, but still suffers from two problems. After discussing those problems, this paper offers and defends an alternative analysis of testimony.

In this paper, I will present some recent views on the nature of testimony and argue that they are unsatisfactory. I will then consider Jennifer Lackey's recent analysis of testimony. I think her position is superior to the prior accounts, and she avoids some of their problems. However, it has at least two problems. After discussing those problems, I will offer an alternative view.

1. THE NARROW VIEW, THE BROAD VIEW, AND THE MODERATE VIEW

In this section I will present three views about the nature of testimony and briefly present problems for each. The first view, endorsed by C. A. J. Coady, has been dubbed the *Narrow View* of testimony. Jennifer Lackey reconstructs his view as follows.

(NVT) S testifies by making some statement that P if and only if:

N1. S's stating that P is evidence that P and is offered as evidence that P.
N2. S has the relevant competence, authority, or credentials to state truly that P.
N3. S's statement that P is relevant to some disputed or unresolved question (which may or may not be whether P). (Coady 1992, 42)

Lackey rightly notes that this seems to confuse the metaphysics of testimony with the epistemology of testimony (2006, 43). N1 and N2 are conditions on what it takes for testimony to yield reasonable belief, not conditions on whether or not something is an act of testimony.

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Consider N1. Surely there can be testifiers who make statements that are not evidence that P and are not offered as evidence that P. One can imagine a known liar offering testimony that P that in no way supports P or is evidence for P. One might think that this is not evidence for P. Also, imagine you overhear someone talking to himself or herself, or you come across a private diary. Suppose in both situations the person mentions the current location of the president. It seems that this should count as testimonial evidence. N1 rules these out.

As Lackey notes, N2 is also a bad condition to place on acts of testimony – "a speaker who states that P in the absence of the relevant competence, authority, or credentials to state truly that P may not be a reliable testifier and her testimony may not be an epistemically good source of belief. But surely such a speaker is a testifier nonetheless." (180)

> According to Coady, we must deny that the thoughts expressed in the journal are instances of testimony. However, consider a case in which you learn from Sylvia Plath's posthumously published journal that she was deeply depressed, and then someone asks you what the epistemic source of this knowledge is. Isn't the natural answer to this question testimony? For since you didn't acquire this information from sense perception, memory, reason, introspection, or combinations thereof and, moreover, since you acquired this knowledge from an expression of someone's thoughts, the intuitive conclusion to draw is that the source of your knowledge is testimony. Or consider a case in which you are talking on the phone and I overhear you say that you were in a car accident. Wouldn't we say that the source of my information is your testimony, despite the fact that you did not direct your statement to me (and thus failed the second conjunct of N1)? (180–1)

If Lackey's litmus test for an act of testimony is adequate, then it's also difficult to accept that N3 is an adequate restriction on what sorts of communication count as testimony. Suppose you and I both know that George Bush is in Texas, and I enter the room and repeat this fact that you and I agree on and do not dispute. If someone else were to ask you what your evidence was, it would seem appropriate to list the fact that I asserted that George Bush is in Texas as one of your pieces of evidence. What kind of evidence would that be? It seems like it would have to count as *testimonial evidence*.

A more intuitive view concerning testimony would have fewer restrictions. Lackey discusses a view that she characterizes as the *Broad View*.

> (BVT) S testifies that P if and only if S's statement that P is an expression of S's thought that P.[1]

However, (BVT) has some serious difficulties.

> **Bearing False Witness**
> Julie takes the stand in court to provide her boyfriend with an alibi. She intends to lie about the whereabouts of her boyfriend on the night of the murder. She lies and says that he was with her that night. He wasn't.

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What Julie does on the stand should count as testimony. She is testifying that her boyfriend was with her. However, she is not expressing her thought. She doesn't believe what she asserts.[2]

We need a view that falls somewhere in between the Broad and the Narrow views. Consider the *Moderate View of Testimony*.

(MVT) S testifies by making some statement that P if and only if

- M1. S's stating that P is offered as evidence that P.
- M2. S intends that his audience believe that he has the relevant competence, authority, or credentials to state truly that P.
- M3. S's statement that P is believed by S to be relevant to some question that he believes is disputed or unresolved and is directed at those whom he believes to be in need of evidence on the matter.[3]

Lackey again rightfully notes that the problem with (MVT) is that it introduces many of the same sorts of problems that (NVT) had. First, it still doesn't seem that a statement that P needs to be 'offered as evidence' in order to count as testimony – so M1 seems like a problematic condition. M2 rules out private diaries and overheard monologues as counting as testimony. Furthermore, I can tell you something that I think you already know. I might think that I am just reminding you. This still seems like testimony, but M3 rules that out. We need a different analysis of testimony.

2. LACKEY'S VIEW

Before presenting her analysis of testimony, Lackey notes some general features that she takes to be definitive of testimony that all of the preceding views fail to respect.

(1) Testimony that P need not be in the form of a statement that P.

There are two reasons Lackey would offer for thinking that (1) is true. First, there are cases where we can testify without saying anything.

> . . . consider a case where Randall asks me whether there is any coffee left in the kitchen and I respond with a nod of my head. It is rather counterintuitive to say that a nod qualifies as a statement. In this context, however, it is an expression of a person's thought that is intended to, and successfully does, communicate information. Because of this, my nod does indeed seem to be a case of testimony. Or consider a case where Natasha asks me where the nearest coffee shop is and I, with a mouth filled with biscotti, point to the north. (185–6)

Another reason to accept (1) is that there seem to be cases where one can testify that P by saying something that pragmatically implicates P.

> . . . it is not uncommon for one to state one's belief that P as conveying the information that P and, e.g. that Q and R and so on. For instance, suppose you ask me, "Is it raining outside?" and I say "There is an umbrella in the closet." In this context, my statement that there is an umbrella in the closet is meant to convey the information *both* that there is an umbrella in the closet *and* that it is raining outside. (186; original emphasis)

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The lesson to be learned is that we should not formulate our analyses of *testimony that P* in terms of *statements that P*; we should formulate our analyses of testimony in terms of *acts of communication that convey P*. This allows for acts of communication that do not involve utterances to count as testimony, and it also allows for instances of pragmatic implication to count as testimony.

Lackey also thinks that there is some confusion between what she thinks are two legitimate senses of testimony. There is a sense in which something can be an act of testimony regardless of its being received by anyone, and there is a sense in which something can be testimony regardless of the intentions of the testifier to resolve disputes or be a source of evidence. This seems to be another desideratum that Lackey aims to preserve in her analysis of testimony. Lackey introduces two kinds of testimony: *speaker testimony* and *hearer testimony*.

Speaker Testimony
S testifies_S that P by making an act of communication A if and only if S reasonably intends to convey the information that P (in part) in virtue of A's communicable content.

Hearer Testimony
S testifies_H 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.

Lackey thinks that these two different senses will preserve our last desideratum for an adequate analysis of testimony. With these two distinct notions, Lackey offers us the following analysis of testimony.

(T) S testifies that P by making an act of communication A if and only if (in part) in virtue of A's communicable content, (1) S reasonably intends to convey the information that P, or (2) A is reasonably taken (or should be reasonably taken) as conveying the information that P.

Lackey's view, however, still faces some difficulties. It seems that there are still cases of testimony that don't fit either the speaker or hearer testimony model she offers.

The Hostage Situation
Suppose terrorists come to get my department chair and they ask me where she is. I know she is upstairs, and I have absolutely no intention of telling them that she is upstairs. I intend to lie and say that she is downstairs. They become more aggressive, and as I begin to speak, I start to panic and out slips, "She's upstairs." Much to my dismay, I have just revealed her location, but I had no intention of relaying her location.

This is clearly testimony. I conveyed information that I myself believed to be true by stating that information. However, I did not intend to do it. This cannot be speaker testimony.

It may be argued that this is hearer testimony because the terrorists should believe that I intended to convey that she is upstairs. However, we can alter the

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case in several ways so that the terrorists shouldn't believe that. It seems that the act should still count as testimony. For example, suppose a bomb goes off just as I make the slip, and the terrorists don't hear what I say. In that case, I am fortunate that the information I conveyed was not picked up, but I did convey some information. I was broadcasting a signal that was not received. That should count as testimony, but Lackey's account rules it out.

It may be argued that the above case is not a successful counterexample. In the hostage situation the person does not *want* to say where the department chair is, but the circumstances may still give rise to the *intention* just before the moment of the utterance. After all, the mere fact that one does not desire some outcome does not entail that they lack the intention to realize that outcome.[4] There are many well-known problems with views that attempt to reduce intentions to desires. Michael Ridge has a nice summary of some of these problems.

> A recovering alcoholic feels a strong desire to have some scotch, but has no intention of acting upon that desire. A soldier desires to sneak away before the coming battle, but intends to stay. A rough characterization of this distinction is that intentions involve an element of commitment that desires lack. This familiar distinction is an important one. Intentions provide provisionally fixed points in our deliberation; if I intend to have pasta for dinner then I can quit worrying about whether to have Chinese and begin thinking about what kind of pasta to fix. Merely desiring to have pasta would not provide such a fixed point, since I might desire to have pasta but not be committed to doing so, and instead intend to have Chinese. More generally, the mere fact that I desire to do something does not entail that I am committed to doing it in the way that the fact that I intend to do something does.

Ridge also notes that intentions and desires are subject to different normative constraints.

> For example, if I intend to have pasta but do not purchase any while realizing that doing so is the only way I could have some, then I am to some degree irrational, while simply wanting pasta does not commit me to taking the necessary means to having some. (1998, 157)

The above considerations have led many philosophers to reject the idea that intentions are reducible to desires.[5] If we abandon the desire account, one could argue that despite the fact that the person in the hostage scenario does not *want* to convey the location of the chair, they intend to.

However, there are two ways to resist this strategy. The first is to spell out the thought experiment more carefully so that it closely resembles other cases where it is very clear there is no intention to perform the action. The second is to test the hostage scenario against the main candidate analyses of intention that are rivals to the desire account and show that they all entail that the hostage does not intend to convey the location of the speaker.

Let's begin with the first strategy. One way to think about what's going on in the hostage situation is to imagine that a signal gets crossed in the brain such that

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the resulting action deviates from the actual intention. For example, consider the following case:

> **The Neuroscientist and George's Two Hands**
> Imagine George intends to raise his left hand, but a neuroscientist quickly flips a switch so that signals to the right hand and left hand are reversed. George does what he normally does to raise his left hand, *intending* to raise his left hand, but, much to his surprise, his right hand moves up instead.

In this case, despite the fact that George raised his right hand, it seems pretty clear that he did not have the intention to do so.

If we set up the hostage scenario so that it is akin to the Neuroscientist Case, it seems like we have a successful counterexample to Lackey's analysis. It seems that it is, at least in principle, possible to have a person with a brain that is wired in such a way so that fear, anxiety, and confusion (rather than a neurosurgeon) cause some kind of signal switch. The signal switch would involve a speech act other than the intended speech act. It seems, therefore, possible to testify that P without having the intention to convey the information that P.

Clarifying the case in this way, however, introduces a worry. Some might think that the more closely the Hostage Case resembles the Neuroscientist Case, the less clear it is that this act qualifies as testimony because it doesn't look like an action at all. It may seem to some that this is more of a reflex, or a tic, that just happens to have some semantic content.[6]

However, I think we can differentiate the speech act in the hostage scenario from a tic or reflex. It is important to note that even in the Neuroscientist Case, we have something that is different from a tic. Recall that the neuroscientist does not make George's arm go up. The neuroscientist does not make George do anything. In a very important sense, George is the only one who makes anything happen, and he does so by forming the intention to move his left arm. What the neuroscientist has done is cross the wires so that when George intends to raise his left arm and carries out his plan, the result is that his right arm rises. This is clearly actional. George's right arm goes up as a result of George's beliefs and desires. It just ended up being a result that George hadn't planned on. But it's something George did nonetheless.

Another way to see that George's case isn't quite a tic in the ordinary sense is to appreciate how different it is from a case where George's arm going up clearly would be a mere tic or reflex. Suppose George suffered a bump on the head that wired his circuits in such a way that his arm rises whenever a bell chimed, or whenever he saw the color red. In that case it might be appropriate to call George's arm rising a tic or reflex; however, that seems to be because the arm rising was not connected in any way whatsoever to George's beliefs and desires.

So, there are three possible ways a right-arm rising can happen that are important to consider.

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Case One: Normal Case
A right arm can rise because the agent wants the right arm to rise and performs the requisite basic mental actions (e.g. a normal case of right-arm raising).

Case Two: Signal Crossing Case
A right arm can rise because the agent wants the *left* arm to rise, performs the requisite basic mental action for left-arm raising, but the neural circuits have been switched so that the basic mental action for left-arm raising results in *right*-arm raising.

Case Three: Tic/Reflex
A right arm can rise because it is caused to rise by something *other than* a basic mental action or the beliefs and desires of an agent (e.g. due to color stimuli or *direct* manipulation).

The Neuroscientist Case is an instance of Case Two, and resembles Case One enough that it seems it should qualify as actional.

The hostage scenario is similar to the Neuroscientist Case in the sense that they are both something like Case Two, not Case Three. Insofar as instances of Case Two *do* result from basic mental actions that are caused by the agent's intentions, it seems that instances of Case Two should qualify as a kind of action. So it does seem fair to call the slip in the hostage scenario a speech act. There are intentions to communicate that are involved, but what's important is that the intentions *are not* intentions to communicate the content that is in fact communicated.

Perhaps it should be emphasized that I am not denying that testimony has *any intentional* component whatsoever. Acts of communication probably have *some* intention to communicate. I am merely denying that speech acts and acts of testimony require the more fine-grained intention that Lackey requires. Lackey requires that speaker acts of testimony that P require that the person have the intention to convey P. I deny that they require this fine-grained intention. I do think that acts of testimony must be actions of some kind, and insofar as they are actions, they may well have *some* intention involved. However, I deny that a communicative act that P *requires* having the intention to communicate that P. If there is any intentional component to a speech act, it would be some more general intention to communicate.

So it's important to note that in hostage scenario, when we liken it to the Neuroscientist Case, the hostage does perform a speech act. The speaker does have the intention to communicate. The speaker merely lacks the intention to communicate the proposition that ends up being the content of his testimony. Furthermore, the content of this speech act is far from being some random semantic content that just happens to spew forth. The semantic content of the speech act is precisely what the person believes. So there are elements of the case present that give us some good reasons to think that the hostage scenario involves something more akin to testimony than mere random tics with random semantic content. The case involves a speech act, and the content of the speech act is what the speaker believes.

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The foregoing discussion of the Neuroscientist Case is but one way to resist the suggestion that Lackey could argue that there really is an intention present in the Hostage Scenario, despite the fact that the person in the Hostage Scenario does not desire to convey the location. On this strategy we resist the line of reasoning by fleshing out the Hostage Scenario so that it resembles more closely The Neuroscientist Case, but as we have seen, that may introduce more problems than it solves.

Fortunately, there is another way to resist the claim that the person in the hostage scenario might intend to communicate the location of the chair. This way may avoid the dilemma that the Neuroscientist Case introduced. It has been noted that Lackey might argue that the person in the original hostage scenario intended to convey the location of the chair despite the fact that they did not desire to, but a close look at the literature on intentions makes it difficult to see how one could make such an argument.

Recall that in introducing problems for the desire based accounts of intention, Ridge also suggests a positive claim about the nature of intentions. He notes that intentions have a kind of *commitment* requirement that desires do not. Similarly, some have argued that intentions have a kind of plan requirement, and others have argued that intentions have a kind of belief requirement. Consider the following from Alfred Mele:

> Ordinary usage supports . . . a relatively strong belief requirement on intention . . . . More specifically, it speaks in favor . . . of the view that 'S intends to A' entails 'S believes that he (probably) will A' (1992, 128)

While Mele rejects this strong belief requirement, he ultimately defends an alternative belief account of intention that involves what he calls a *modest belief requirement*. According to Mele's moderate belief requirement, S intends to A only if S lacks the beliefs that he will not A and that he probably will not A (146–51).

So here are some necessary conditions on intention that one might incorporate into a full account of intention that rivals the desire based account.

Belief Condition
S intends to A only if S believes that S will (or probably will) A.

Modest Belief Condition
S intends to A only if S lacks the belief that he will not A and S lacks the belief that he probably will not A.

Commitment/Plan Condition
S intends to A only if S is committed to realizing A.

If the desire account of intention discussed earlier is correct, then the hostage doesn't intend to convey the location of the chair. It was suggested that if we reject the desire account, then it is open to argue that the hostage still does intend to convey the location of the chair. However, the hostage doesn't satisfy any of the

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above candidate necessary conditions on intention either. At no time did the person have a commitment or plan to say that she's upstairs. At no time did the person believe he would say that she's upstairs. Finally, throughout the scenario the person believed that they would not say that she's upstairs.[7] So it seems that the person doesn't intend to say she's upstairs on *any* of these competing accounts of intention.

This strategy is a bit different than the strategy that introduces the Neuroscientist Case. Rather than specify the cognitive mechanisms at play by comparison to the Neuroscientist Case, we simply gather some of the main candidate necessary conditions on intentions and specify the hostage case so that those necessary conditions are not met. On the plausible assumption that one of these conditions is on the right track, we can motivate the claim that the hostage lacked the intention to communicate the location of the chair, and we can do this without specifying the cognitive mechanisms at play in a way that might lead some to believe that the hostage's action was a tic or a reflex.

Some might still maintain that the primary dilemma remains. The dilemma is this. No matter what we do to make it more clear that the person in the hostage scenario lacks the intention to convey the location of the chair, the less clear it is that the communication is not some sort of tic or reflex, and the less clear it is that it should count as testimony. While I think I have gone to some lengths to address this concern, it need not stop us here. Even if we concede that a speech act won't qualify as testimony that P if the intention to communicate that P is absent, we are still going to have good reasons to reject the bifurcated view of testimony that is offered by Lackey. As we will see in the next section, the hearer clause that Lackey adds is not sufficient for something to qualify as an act of testimony, and we will still be forced to return to something that is more in the spirit of the Broad View of testimony. At the end of the next section, we will be left with two options that both return to something like the Broad View. For those who are persuaded by the hostage scenario, you'll have reason to adopt the view that I offer. For those who are unconvinced, you'll have reason to adopt a view very much like the one I offer. The only difference is that it will retain the intention clause for speaker testimony. However, since both options jettison the hearer testimony clause, we will be left with a view of testimony that is different from the one that Lackey defends.

3. ANOTHER THEORY OF TESTIMONY

It seems we should replace Lackey's speaker testimony clause with a broader clause. Consider what I will call *neutral testimony*.

> **Neutral Testimony**
> S testifies$_N$ that P by making an act of communication A if and only if S conveys information with content P (in part) in virtue of A's communicable content.

I assume we have some intuitive idea of what it is to convey information even if there is no receiver, but I will discuss that more below. I also assume that it is

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possible to convey information without intending to convey the information.[8] If we replace the speaker condition with this condition, then we get the following analysis of testimony.

> (T2) S testifies that P by making an act of communication A if and only if (in part) in virtue of A's communicable content, (1) S conveys the information that P, or (2) A is reasonably taken (or should be reasonably taken) as conveying the information that P.

I'm inclined to think that (T2) is closer to an acceptable analysis of testimony, but I have some worries about the hearer testimony clause. (T2) and Lackey's original (T) both entail that an act that satisfies the hearer testimony condition qualifies as testimony. I have worries about whether or not that is true. In the remainder of this paper, I will offer some reasons to think that an act of hearer testimony is not sufficient for something to be an act of testimony. If I am right, then the best account of testimony will most likely be *neutral testimony*.

The Cliff Scenario
Suppose Bob reasonably believes that Jim is testifying through some bizarre practice. Imagine Jim throws rocks off of a cliff and they happen to hit the sand in a declarative sentence of English. It is luck that they landed this way, but Bob rightly thinks that the probability of this happening randomly is so incredibly minuscule that Jim must have prearranged things so that the rocks fell this way. Bob thinks that the rocks must be magnetic and that Jim placed magnets spelling out what he wanted to say.

I think it is very hard to accept that this is *in any sense* an act of testimony. Bob might reasonably *think that it is testimony,* but it is not actually an act of testimony. To further pump the intuition, suppose that Bob later comes to believe that the act really did happen randomly. Suppose Bob says, "Gee, I thought that he was testifying, but I guess there really was no testimony there at all. I mistakenly thought that this was testimony." What Bob says seems true.

One might think that the way out for Lackey is to say that the act of throwing rocks *is not* an act of communication. If it is not an act of communication, then it is not a counterexample since a requirement on being an instance of hearer testimony is that the act be an act of communication.

We can, however, change the example.

The Severe Car Injury
Suppose Bob is severely injured in a car crash. Bob has lost all linguistic ability, but he learns to communicate some primitive desires. He uses a typewriter, but so far the only thing we've been able to discern is that when Bob pushes the typewriter keys, he wants water or food. Suppose Bob wants to communicate that he wants food on some particular occasion, but just so happens to randomly type the word 'tired.' It's not far fetched to imagine that people might be reasonable in believing that Bob intends to convey that he is tired. However, that was just luck. Bob was doing no such thing. He was simply trying to communicate hunger.

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The above case now clearly involves a communicative act, but according to (T2)'s analysis of testimony, this counts as an act of Bob testifying *that he is tired*. This seems analogous to the cliff case. It was completely random that the sequence of letters spelling out 'tired' were pressed. It seems clear that this is not a case where Bob is testifying that he is tired, even though a person in the above case might be justified in believing that Bob intended to testify that he is tired.[9]

These modifications might lead one to think that the cases no longer provide us with a successful counterexample. Once we spell out the details so that it is clear that there are acts of communication in both cases, it will seem pretty clear to some that there *is* an act of testimony present.

However, while it may be true that there is an act of testimony present, it will not be an instance of the sort of testimony that the hearer testimony condition is committed to saying is present. (T2) entails that these are instances of testimony for a proposition that is clearly not being testified to.

For example, suppose the mere act of throwing rocks off of the cliff means "It's going to rain" in the thrower's language, and that this meaning has nothing to do with the final arrangement of the rocks below. Now suppose the rocks randomly arrange on the beach below the cliff and form the sentence "There is a tiger on the beach." The thrower may have engaged in an act of testimony, but (T2) is committed to saying that the thrower testified that "There is a tiger on the beach." If the speaker testified to anything in this case, it was that "It's going to rain." The examples above still offer us a successful counterexample to (T2) even if we're careful to spell out the details of the thought experiment so that the action is clearly an act of communication, and even if it turns out that there is an act of testimony in those cases.

If this is right, then it seems our general analysis of testimony should not permit *hearer testimony* to count as an act of testimony. It also seems that what Lackey calls *speaker testimony* is a special instance of *neutral testimony*.[10] For these reasons, I think that the following may be an adequate analysis of testimony.

> (N) S testifies that P by making an act of communication A if and only if S conveys information with content P (in part) in virtue of A's communicable content.

I think this account of testimony is in the spirit of the account of testimony above that was called the Broad View of Testimony.[11]

There are, however, some residual worries that should be addressed. Lackey's original view and the view currently under consideration both make use of the locution *conveys information with content P*. Some candidate theories about information hold that information is *factive*.[12] If we had that understanding of *information,* then we'd have an account of testimony that was much too stringent, because it would entail that all testimony was *true*. Surely, a lie is an instance of testimony.

So, it's important to note that the notion *information* here is not factive. I think Lackey would agree. To convey the information that P is simply to engage in a

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communicative act such that P is the semantic content of some constituent of that act. For example, if the communicative act involves an utterance of a sentence, the utterance is a constituent and it will have semantic content, call it P. In this case, that act of communication would convey the information that P. This idea can be captured more precisely as follows:

(CI) S's communicative act A conveys information with content P $=_{df.}$ A has a constituent part R and P is the semantic content of R.

A couple of points about (CI) are worth noting. First, it employs the notion of a communicative act having a part. Some might be worried about mereological terms being used with respect to things like acts. Some might want to reserve part talk for material objects.[13] However, I don't think we need to be too concerned about the mereological talk here. For one, talk about parts of things that are not objects seems perfectly appropriate. Events seem to have parts. Consider the event of a building burning down. We can talk about the part of the burning when the building first caught fire and the part of the burning when the building collapsed. We can talk about parts of lectures. It makes sense to say that the first part of the lecture was boring, but that there was a part in the middle that was kind of interesting.

Second, even if this is not part talk in the strict mereological sense of part, communicative acts involve *something* part-like that has propositional content. If that content bearer is not strictly speaking a part, it must be acknowledged that this thing is there. Once we acknowledge the presence of a content bearer in a communicative act, it seems reasonably clear that there will be some paraphrase of (CI) that should be satisfactory.[14] What that paraphrase would be will depend on how you propose to eliminate part talk with respect to things like events and lectures.

The second point that is worth noting about (CI) is that it is intended to be broad enough so that pragmatic implicatures can be parts of acts of communication. For example, if you ask if it's raining, and I say "There's an umbrella in the corner," I have conveyed the information that there's an umbrella in the corner, but I also may have succeeded in communicating to you, given the context, that it is raining. So, communicative acts can have semantic content bearing parts other than literal assertions, and they can have those parts in addition to literal assertions.

I don't think this should be particularly controversial. In the case just described above, it seems perfectly natural for someone to say, "The proposition that it was raining was not any part of what was literally said, but it was part of what was communicated to me." Even though it may not be controversial to hold that pragmatic implicatures are sometimes parts of communicative acts, it's worth pointing this out so that it is clear that the analysis of testimony offered here captures the desideratum listed above that people can testify that P without literally stating that P.

We now have a clearer picture as to what (N) says. It avoids the problems (BVT) faces because it does not make testimony a matter of explicitly stating P, and it

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preserves the intuitively plausible theses about testimony that Lackey argues an analysis of testimony should preserve. It's also simpler than the bifurcated view proposed by Lackey. Overall, it seems that (N) should be preferred.[15]

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NOTES

1 This view has some basis in the literature and is designed to capture views endorsed by Fricker (1995, 396–7), Audi (1997, 406), and Sosa (1991, 219).

2 Lackey discusses a similar sort of thought experiment on pp. 183–4.

3 This is Lackey's characterization of Peter Graham's view of testimony. See Lackey (2006, 195) and Graham (1997, 227).

4 Thanks to an anonymous referee for this suggestion.

5 Although it's worth noting that Ridge (1998) ultimately ends up defending a Humean (desire) account of intentions.

6 Thanks to an anonymous referee for raising this concern.

7 This can all be made explicit in the case if necessary.

8 Conveying information may require an intention of some kind in order to be a speech act, but what's important is that it seems possible to convey the information that P *without* the intention to convey that very same information that P.

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9 We can modify the original rock throwing case as well, so that it is clear that the rock thrower is engaging in an act of communication by throwing the rocks.

10 I find it hard to believe that one could intend to convey information P with communicative act A, succeed in making communicative act A, and fail to convey P. Perhaps there are some possible counterexamples here. If there are, then I think we'll need to keep speaker testimony and combine it with neutral testimony as a disjunctive condition.

11 It should be noted here that for those who remain unconvinced by my counterexamples to the speaker-testimony clause in the previous section, we should add the intention clause back so that testifying that P, in addition to conveying the information that P, also requires the intention to convey the information that P. As I noted in the previous section, even if we bring back the intention requirement, we still have a view that is different from the full picture Lackey offers, and it is more in the spirit of the Broad View.

12 For an example of an account of information that holds that it is factive, see Dretske (1981). Dretske offers an information-theoretic account of knowledge whereby S knows that P just in case S's belief is caused by the information that P. For a critical discussion of Dretske's account, see Foley (1987). I think I need not get into a debate about Dretske's account of information. It's reasonably clear that there are two different senses of information, one that is synonymous with something like a fact and another that is synonymous with something like a proposition or whatever plays the role of semantic content. Thanks to Alvin Goldman for bringing this distinction to my attention.

13 In fact some philosophers (e.g. nihilists) would say that, given puzzles about material constitution, the only things that even material objects have as parts are themselves and that nothing has proper parts.

14 For example, we could replace 'part' with 'semantic content bearer' in (CI) and generate a principle that does not invoke mereological vocabulary.

15 I am grateful to many persons for helpful discussions and feedback on the ideas from this paper. In particular, I would like to thank Sarah Gerkensmeyer, Sharon Ryan, Neil Feit, Dale Tuggy, and Steve Kershnar. I am grateful to Alvin Goldman for some helpful comments on a draft of this paper. I would also like to thank an incredible anonymous referee. This paper is substantially improved thanks to him or her.

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