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# Commentary on Paula Olmos: “Making it Public: Testimony and Socially Sanctioned Common Grounds”

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Paula Olmos complains that philosophers dealing with the question of the justificatory power of testimony typically do not say much of anything about what testimony is. This is a complaint with which I have much sympathy. In papers delivered at the 2003 and 2005 OSSA conferences, my colleague, Fred Kauffeld, and I made a similar lament. In our view, those who deal with these sorts of issues tend to write as if “testifying” is an immediately recognizable and primary sort of practice that needs no further analysis. Coady, for example, assumes that it can be captured adequately by talking about those situations where individuals “tell” one another things. He forgets that “telling” can also be used both when giving advice, as in “I’m telling you that’s a bad idea,” and when giving commands, as in “I’m telling you to put that away.” Others note that it involves some sort of assertion, or “saying-so.” But they fail to distinguish between assertions upon which the speaker takes a stand and a myriad of other ways in which one may assert but fail to provide an addressee with grounds for justified belief in a stated proposition. These include making jokes, taking a position in the midst of a so-called bull session, using irony or exaggeration, and gossiping about one’s acquaintances.

What Olmos is primarily interested in, however, is not the distinction between testimony and non-testimony. She is concerned with what she sees as the failure of those who discuss these topics to suggest or explore the diversity that exists with the domain of existing testimonial practices. More fundamentally, she is concerned with what she sees as the failure of those who do this even to focus on such practices in the first place. She notes that, for the purposes of theoretical clarity and in the service of their vision of testimony’s epistemic status, some have constructed theoretical models of how testimony might work in an ideal community and why. Others – which would presumably include Kauffeld and me – have rummaged around in what they take to be the pragmatics of language use to elucidate certain general features of all testimonial transactions. But none, she maintains, have looked at the ways in which testimony truly operates. And even when they believe that they have done so, what they have come up with are at best decontextualized pseudo-examples, such as “asking for directions in a strange city.” (This is an example used by Jonathan Adler, for instance, in his discussion of testimony in *Belief’s Own Ethics*.) Left out of such appeals are references to when practices of these kinds take place and among whom – what one has to know beforehand for them to make sense, what sorts of cultural mind-sets the individuals seeking to engage in them usually

enjoy, and so on – in short, all that is present in the context of actual instances of giving and receiving testimony.

Despite this difference in focus, however, I am sympathetic with this complaint of Olmos as well. Philosophers, as J.L. Austin famously observed, are notoriously prone to cultivate a small number of pet instances to prove their points, instances that seem more often than not to be cultivated primarily (though, heaven forbid, not with a conscious intent) precisely because they appear to provide evidence in favor of the point in question. The more actual work done on the character of embedded testimonial transactions, the better – although it should be noted in passing that, since such transactions are not always clearly labeled as such or understood as such by their participants, a working – at least initial – conception of what testimony involves, based (perhaps) on an understanding of the pragmatics of language use and exchange, might be beneficial in conducting detailed research of this kind.

What I am less sympathetic with is where Olmos goes with these concerns and what she thinks can be gained by paying closer attention to genuine testimonial practices. It's not that I think that what she is saying in this part is wrong exactly – although I do have some questions about some of the specifics. It's just that it seems to be redundant. The best current theories of testimony already provide what she says that we can get through paying attention to the practices attendant on the tradition of classical rhetoric. And they do this by tying such practices to a more general epistemological theory that has application across a range of potential sources of justified belief.

What it seems to me that Olmos is saying is basically this. (1) To find out what testimony is all about, one must pay serious attention to actual practice. Formal practices, for a variety of reasons, are especially revealing. (2) Testimonial statements cannot be evaluated in isolation. Rather, their plausibility must be established relative to a background of previous testimonies and beliefs generally held by the particular society or culture in which those statements are made. (3) This latter point is most clearly modeled in the practices associated with classical rhetoric, which fell out of favor in the early modern period, but which in fact give a much better account of testimony than “many contemporary decontextualized approaches.”

Claim number (2), I take it, is Olmos' most important claim. It is the claim that she thinks puts her most in opposition to those theories of testimony that she criticizes. Claim number (1), while debatable, simply lays out the technique that she will be using for generating evidence and I will not address it here. Similarly, claim number (3) deals with the source of the evidence that she is relying upon and I will not examine it further at this time.

It is claim number (2) where the problem lies. Who exactly is it that denies this claim? Take Richard Swinburne (1979) or Tyler Burge (1993) or Tony Coady (1992) or Robert Audi (1998) or Jonathan Adler (2002) or Michael Welbourne (1986) or Trudy Govier (1997) – all of whom have written on the topic of testimony in ways that Olmos would no doubt find objectionable. No matter what differences they may have in their views about the justification of the human practice of giving and receiving testimony, they all agree on one thing: that insofar as a speaker S, in whatever context, has testified that p to an addressee A (whatever the exact analysis of “testifying” may be), A is justified in believing that p (has evidence that p is true, has not failed in A's epistemic duties by believing that p – depending on the account). But this is only the case, these

writers agree, given that A has no reason R that would serve to either undermine or overturn the justificatory power of S's act of testifying. That is, among other things, A is only justified if A has no reason to believe that S is untrustworthy with respect to p or no good independent reason to believe that p is false.

It is this latter clause that is crucial. For what it says is that within the framework of views of this kind what Olmos calls the "cognitive environment" of the act of testifying is not disregarded, it is not irrelevant. To the contrary, this environment is crucial to determining the act's justificatory power for the addressee or addressees in the situation in which the act of testifying occurs. For example, if in one cognitive environment A is told by S that S saw such-and-such a plane catch on fire in mid-air, contrary to what news reports say (and A correctly understands that in this instance S intends A to understand that S takes responsibility for A using this telling to support the claim in question – the analysis of testifying provided by Kauffeld and Fields), then A has evidence that this event has occurred (this being one standard interpretation of "justificatory power"). But in another cognitive environment – one in which it is common knowledge that people are very often mistaken about what they see during mid-air plane accidents – S's claim will not provide evidence for A in this regard. It may not provide evidence for the negation of this claim either. (In this situation, the proper approach may be to suspend judgment). But it is a direct consequence of the sort of theory of testimony laid out by the various writers mentioned above.

What may be misleading about this aspect of these theories of testimony, is that this reference to the cognitive environment of various testimonial transactions only overtly enters into the discussion in those cases where the testimony in question is in sharp negative contrast to a particular such background. There is no attempt among these theorists to discuss what is going on when a piece of testimony comports well with the beliefs that have gone before it. Indeed, this sort of situation seems to be of little interest to such theorists, as is aptly illustrated by Olmos' quote from Fumerton.

However, Fumerton's quote can be misunderstood. It is not as if these theorists are saying that the causal and doxastic antecedents of an individual's accepting a particular piece of testimony are of no importance *tout court*. Rather, what they are saying is that this is not where we should be looking in order to find a justification for using testimony as evidence consistent with the power, flexibility, ubiquity, and open-endedness of this practice as it appears in a wide variety of cases. Certainly, in many cases, individuals will have built up with respect to one another track-records regarding one another's reliability, sufficient to justify their using each other's testimony as evidence in favor of the beliefs testified to. So, too, a society may have – or presume to have – sufficient evidence in favor of the reliability of certain authorities in that society sufficient to justify using those authorities' testimony as evidence in favor of the claims that they have avowed. But how do these facts help to provide one with a justification for belief in the myriad cases where no track-record is available, where no authority can be appropriately cited, where indeed belief is unconscious, unmediated, or automatic? How do they help provide one with a justification for belief in those cases where one is wondering whether to believe those who tell one that so-and-so constitutes an authority in one's society or that such-and-such is the proper way in which to respond to what other people have said?

It is because these sorts of questions are considered basic by those theorists whom Olmos criticizes that they focus so often on examples like the one of asking for directions in a strange city. It is true, as Olmos points out, that this practice is dependent upon a variety of contextual factors that are usually ignored by those who use it as an example: beliefs about politeness, levels of prior knowledge, and so on. But, for these thinkers, the wonder is not that people might have various attitudes and beliefs that would make them hesitant to engage in such a practice or that would give them the confidence (if indeed that is the right word) to do otherwise. The wonder is that anybody – even those who would have the confidence and knowledge to put themselves forward in this manner – would ever treat the responses that were generated in this way as evidence sufficient to guide them. The point here is not that this is a typical case. It is rather that this is a test case. The idea is that unless one's theory is powerful enough to encompass and make sense of an example of this kind, it will not be very useful as an account of how and why testimony is actually produced and employed.

So, it is not as if these thinkers ignore context. They just don't bring it in, as we might put it, at the front end – for which they think they have good reasons. For them as much as for Olmos, a testimonially-based belief in any particular case occurs within the context of a vast network of past testimonies and beliefs. It occurs *in media res*. But it is not necessarily made “usable” by such a network, though it can, of course, readily be made “unusable” in this way – a feature not of testimony *per se*, but of any potential evidential source.

[link to paper](#)

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