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### Acceptable Addressee Expectations Regarding Testimony

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# Acceptable Addressee Expectations Regarding Testimony

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**ABSTRACT:** In this paper, the author presents a theory of testimony intended to provide normative clarity in nonspecialized communication contexts where participants are searching for common ground. Drawn in part from the work of a number of contemporary philosophers, the theory presented is essentially non-reductionist, but contains qualifications and safeguards sufficient to distinguish it from many so-called default acceptance theories of testimony.

**KEY WORDS:** addressee, competence, default, evidence, generalization, gullibility, interpretation, neutrality, sincerity, testimony

## THE PROBLEM

Any sufficiently nuanced account of justified testimonial practice will permit hearers or addressees in certain circumstances to suspend judgment on the truth of some of a speaker's assertions based solely on membership in a group to which the speaker belongs.

C.A.J. Coady, for example, who over a decade ago inaugurated the contemporary debate on these topics, maintains that it is rational for an addressee to suspend judgment on the truth of the claims of "government spokesmen 'briefing' the press on the details of a war their masters are currently waging" (Coady 1992, p. 196). This is despite the fact that Coady is a proponent of the view that, in general, testimony must be treated as innocent until proven guilty. Jonathan Adler advances a similar position, noting that:

We draw all manner of distinctions between classes of potential informants. Car salespersons are not as trustworthy (in their role) as librarians; professional journalists are more reliable than the popular press; *Consumer Reports* is better than your neighbor for deciding whether a particular car is worth buying (Adler 2002, p. 156).

And even the famous Scots philosopher, Thomas Reid, sometimes referred to as a "fundamentalist" on the testimony issue, realized that "knowledge of human life, and of the manners and characters of men" – what he called "proper culture" – leads one to:

...suspect testimony in some cases, and to disbelieve it in others; [it] sets bounds to that authority to which [reason] was at first entirely subject (Reid 1997, p. 195).

Why do the authors of these accounts allow for this sort of skepticism? Why must they? Clearly, they are picking up on something that people actually do, as their examples illustrate. But it is more than this. They are also picking up on a way of reacting to

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testimony that is, in many cases, overwhelmingly supported by the available evidence in that case.

For example, it is a little-known fact that, when it comes to ground-based witnesses of mid-air airplane collisions and explosions, the United States National Transportation Safety Board only gathers testimony to satisfy public demand and the various statutory requirements. In making its final judgment, the Board all but ignores these carefully accumulated accounts (Wald 2002, p. 3).

Hearing this, one well might wonder what is wrong with the National Transportation Safety Board. But once one knows more about what is going on here, the question is: what other policy could the NTSB have reasonably adopted? For the Board has before it ample evidence that ground-based observers are especially unreliable in cases of this kind. To give one notable example, when American Flight 587 crashed near Kennedy International Airport in November 2001, the NTSB interviewed 394 eyewitnesses, of these:

...52 percent said they saw a fire while the plane was in the air. The largest number (22 percent) said the fire was in the fuselage, but a majority cited other locations, including the left engine, the right engine, the left wing, the right wing, or an unspecified engine or wing. Nearly one of five witnesses said they saw the plane make a right turn; an equal number said it was a left turn. Nearly 60 percent said they saw something fall off the plane; of these, 13 percent said it was a wing. (In fact, it was the vertical portion of the tail.) (Wald 2002, p. 3)

In 2003, another US regulatory agency, the Federal Trade Commission, issued the following advice to potential consumers of so-called “diet pills”. Unless you have good reason to think otherwise, they said, treat as doubtful all claims made by the manufacturers and purveyors of these products as to their safety and efficacy. Again, one might wonder what is going on here. Is this some sort of conspiracy against the diet pill industry? Is it fair to the “honest” diet pill manufacturer, who is being punished for others’ misdeeds?

But again, under the circumstances, how else could the FTC have advised? For, although there is in the United States, no regulation of the manufacture and sale of such products, there are restrictions on how they can be advertised and on the claims that can be made on their packaging. And, in enforcing these restrictions, the FTC, since 1994, has sued more than one hundred diet pill companies for making false or misleading claims. Moreover, despite this record of vigorous (and successful) prosecution, in a study conducted by the Commission in 2003, it was determined that half of all weight-loss ads in the previous calendar year contained such claims (Specter 2004, p. 64).

That some provision must be made in one’s account of justified testimonial practice for cases of this kind, therefore, is clear. There are, in fact, instances where one has reason to believe that the members of a class *C* to which a speaker *S* belongs are, to a significant degree, likely to utter falsehoods with respect to a certain range of subjects due in a crucial respect to their membership in *C*.

What is less clear is exactly what form such provision must take. For, while the NTSB and the FTC cases are illustrative, they are by no means typical of cases of this kind. For one thing, in the NTSB and FTC cases, there was an extensive preliminary accumulation of relevant data using controlled research procedures. This resulted in a wealth of clear-cut, well-founded evidence indicating that a large percentage of the

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respective populations in question were uttering falsehoods. For another, in each of these cases, there was a ready explanation for the utterance of those falsehoods by those populations that is directly connected with their membership in a particular group or class. In the NTSB case, it was membership in the class of ground-based observers of aerial phenomena, where issues of competence arise. In the FTC case, it was membership in what we can call “the class of unregulated hope peddlers”, where traditionally issues of sincerity have been a problem.

In the vast majority of cases of this kind, however, the addressee who is moved to suspend judgment based solely on a speaker’s group membership has nothing like this level of evidence available. More typically, she or he relies on personal experiences and background beliefs. But even in those instances where the evidence that is being utilized comes from an official source, impressions, anecdotes, and various unexamined background beliefs can be a major factor.

A good example of this can be found in one of Joseph Mitchell’s famous *New Yorker* profiles, wherein he recounts the career of a New York City police captain, whose job it was to track down and prosecute so-called “gypsy” fortunetellers in Manhattan in the 1930s and 40s (Mitchell 1992). According to this captain, vast numbers of “gypsy” fortunetellers were involved in various sorts of extortion rackets during this period and various government and law enforcement bodies often called on him to give expert testimony on this topic.

However, as the captain himself admitted, at no time did his evidence rise above the anecdotal. No comprehensive study of the phenomenon of “gypsy” fortunetelling was done by the New York City Police Department during this time. And, as a result, there was no clear indication of what percentage of “gypsy” fortunetellers were involved in extortion rackets.

And yet, while these are obviously flaws in the evidence that the captain provides, are they sufficient to undermine his contention – justified, as he believes, by his extensive experience – that the public should be wary of Manhattan’s “gypsy” fortunetellers? Does it undermine the propriety of individual Manhattanites using his claims as a basis for suspending judgment (in lieu of any other evidence) on an individual fortuneteller’s assertion “I may be a fortuneteller, but I’m no extortionist”? On the one hand, it seems impractical and unhelpful to the cause of truth to require of every claim of this kind extensive research and documentation in line with the highest social science standards. But on the other, without a set of clear justifiable guidelines for cases that fail to meet this standard, we run the risk of being unable to distinguish in a principled way between the kinds of cases that Coady, Adler, and Reid have in mind and instances of prejudice, partisanship, and pathological mistrust.

In what follows, I shall attempt to provide such a set of guidelines. In addition, I shall provide an illustration of how I believe these guidelines work in practice, how they make sense of and provide a model for proper testimonial practice. In doing so, I shall focus on a type of case where the issue of group membership relative to personal credibility is often at stake: those situations where representatives of two or more quite divergent groups of individuals are engaged in a dispute over a fundamental political, religious, moral, cultural, or historical question. For in these cases it often happens that mere membership in one of the other groups involved in the dispute is enough to convince members of a group being addressed that what those others have to say about

their intentions, goals, experiences, and beliefs is not worth being considered. It must instead be treated as doubtful until independent corroboration (preferably by an individual or group of individuals not from the suspect group or groups) is obtained.

#### AN UNACCEPTABLE SOLUTION

Before I lay out what I take to be a set of proper guidelines, however, I would first like to examine a possible alternative solution to this problem and explain why, despite its initial allure, this is not the right way to go.

Notice that in the accounts of testimonial practice referred to so far, there is a single underlying assumption regarding the proper attitude of addressees towards the testimonial assertions of those that address them. Addressees must have a reason for not accepting those assertions. The proper attitude towards diet pill manufacturers, ground-based observers of mid-air airplane accidents, Romany fortunetellers, and all the rest is one of acceptance of their claims unless and until one has good reason to do otherwise.

This assumption is part of an overall view of testimonial practice and its value that, for the purposes of discussion, can be expressed as follows:

If, on an occasion O, H has evidence to believe that P solely on the basis of an assertion by a speaker S to H that P, then, on O

- (1) S will have made an utterance U and in so doing “testified” that P to H, and
- (2) H will be non-culpably unaware of the existence of
  - (a) A reason R to believe that S is insincere or incompetent with respect to U, and
  - (b) A reason R to believe that P is false or very unlikely.

The problem described in the first section of this paper arises from the fact that writers like Coady, Adler, and Reid have typically allowed what is represented here as clause (2) (a) to cover two kinds of cases. First, the kind of case where one has a reason specific to S to believe that S is incompetent or insincere: say, a track record of deception or unreliability on S’s part with regard to a particular topic. Second, the kind of case where the reason is connected with the doings or characteristics of a group or class to which S belongs.

As we have seen, one would not want to forbid reasons of this second kind. Given the overall theory in which it is embedded, having a clause (2) (a) without allowing for the possibility of these sorts of generalizations would be an invitation to gullibility, seriously hindering the slow ascent from intellectual tutelage to rational maturity that Reid, for example, describes in his *Inquiry* (Reid 1997, p. 195).

But rather than trying to set conditions on the sorts of reasons that would get to count here, perhaps the simpler and better motivated response is just to get rid of the theory altogether. After all, the only reason why cases of the second kind need to be included under clause (2) (a) is that otherwise the theory in which the clause is embedded justifies too much. Why not just pull back from this level of justificatory force up front? Rather than saying that addressees have evidence for the assertions of those that address them unless they have some reason to believe otherwise, why not just enjoin them to adopt an attitude of initial neutrality? Addressees could come to testimonial interactions with no preconceptions about the assertions being made or those who were making them.

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And they could change their views one way or the other on the basis of evidence provided through the course of that interaction. Expressed formally, the view might look something like the following:

If, on an occasion O, H has evidence to believe that P solely on the basis of an assertion by a speaker S to H that P, then, on O

- (1) S will have made an utterance U and in so doing “testified” that P to H, and
- (2) H will have become aware at O of the existence of a reason R to believe that S is sincere and competent with respect to U.

Such an approach, if adopted, would certainly help to alleviate some of the problems associated with the type of case referred to above: fundamental values disputes among representatives of highly divergent groups. For example, it would make it difficult for the members of such groups to treat the testimony of those who belong to their own group as worthy of greater credence than the testimony produced by the members of the other groups present.

In addition, it would make it difficult for them to minimize or block whatever evidence might be presented in the course of the testimonial encounter in favor of the sincerity and competence of the members of those other groups.

And, finally, it would do all this, while exempting addressees from the sorts of commitments that they would have under the other theory, where adherence to this sort of case-by-case strategy would inevitably result in a higher level of naïve belief.

It is true that this theory generates these effects only because it requires addressees to come into testimonial interactions believing no one. In this respect, it may sound as if the suggestion is just to extend one’s various prejudices and suspicions to all of humankind.

But there is a big difference between coming into a situation with what one thinks of as evidence in favor of the unreliability or insincerity of a group of individuals and coming into a situation in a position of neutrality. In the latter case, evidence presented in the context of the testimonial encounter can function as evidence in favor of competence and sincerity. In the former case, prior evidence of the group’s untrustworthiness may make it difficult for such a case to be established.

In addition, in the former case, lack of belief or suspense of judgment is based on something about the individuals themselves – the groups they belong to – and invidious comparisons are being drawn. In the latter case, the lack of belief or suspense of judgment is a purely formal requirement, based only on a set of very general beliefs about the nature of evidence, belief, and the sorts of scenarios that are likely to play out around them.

But these various practical advantages are not the only points that can be made in this theory’s favor. Important theoretical considerations provide support for it as well.

The first of these has to do with the structure of the account relative to the structure of the account of testimony that serves as its rival. As Jonathan Adler reminds us, the distinctive thing about the rival account is its prescription of a particular kind of default rule with respect to speaker assertions. What it says, in essence, is that the addressee has evidence for some proposition based solely on its being asserted by some speaker, unless the addressee is aware of some reason to believe otherwise. And what this means, says Adler, is something along the following lines:

If the condition is met, then the act is done. Satisfaction of the “unless” clause need not be checked in advance. It is an option to intervene; if it is not exercised, the act or routine goes ahead regardless. (Adler 2002, p. 154)

But is this how individuals actually treat each other’s testimony? Is this the way they must? Elizabeth Fricker, for one, has serious problems with this view and has written extensively on the topic. As she sees it, such a “default view” of testimony neither conforms to our practice, nor is it, as she puts it, “epistemically responsible” (Fricker 1994, p. 148). To the contrary, she sees such a view as a “charter for gullibilism” (Fricker 1994, p. 145) and insists that in every testimonial interaction, “a hearer should always engage in some assessment of the speaker” (Fricker 1994, p.145).

On Fricker’s view, such an assessment need not be terribly grueling. One need not engage in what she calls “an extensive piece of MI5-type ‘vetting’” (Fricker 1994, p. 150). Rather, she says,

...my insistence is much weaker: that the hearer should be discriminating in her attitude to the speaker, in that she should be continually evaluating him for trustworthiness throughout their exchange, in light of the evidence, or cues available to her. This will be partly a matter of her being disposed to deploy background knowledge which is relevant, partly a matter of her monitoring the speaker for any tell-tale signs revealing likely untrustworthiness. This latter consists in it being true throughout of the hearer that if there were signs of untrustworthiness, she would register them, and respond appropriately. (Fricker 1994, p. 150)

But weaker or not, the implication is clear: epistemically responsible addressees constantly monitor those who are addressing them, looking for evidence as to their sincerity and competence relative to what speakers have to say.

Another theoretical consideration in favor of the case-by-case neutrality approach, says Fricker, is that it more closely models what it is that we want when we engage in the practice of producing and receiving testimony. What the default rule gives us is reason to believe that testimonial assertions as a whole can be relied upon. But this is not the proper locus for the evidential or justificatory question. This is because what we want to know when we want to know whether or not to trust testimony, she says, is whether or not to trust this particular instance of testimony, not whether “testimony is generally reliable” or “most assertions are true” (Fricker 1994, p. 134).

Certainly, there are those who think that the goal of a properly constituted epistemology is to determine whether or not these latter claims are justified. But, as Fricker sees it,

The project of trying simultaneously to justify all of our beliefs which rest in any way on testimony (or equally, to justify a single testimony-belief, but without appealing to any beliefs based on testimony) is not one that is properly embarked on, and we certainly do not need to seek to found these beliefs as a totality on something else. (Fricker 1994, p. 136)

Those who do attempt to embark on such a project have, according to Fricker, simply succumbed to a “foundationalist yearning to provide credentials for our system of beliefs from outside that system” (Fricker 1994, p. 136). They do not realize that even if one could provide such credentials, the resulting general justification would not work. For it would be

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...neither sufficient nor necessary evidence to justify belief, on a particular occasion that *this* speaker is trustworthy with respect to *this* utterance of hers, which is what it takes to justify belief in what she has thereby asserted. (Fricker 1994, p. 134)

As Fricker sees it, any default rule theory of testimony, in trying to provide such a general justification, will come up this problem. And thus even if *per impossibile* this were the right account, hearers or addressees in their everyday testimonial encounters would still need to evaluate each instance of testimony independently from the rest.

Let us set aside for now the deeper theoretical issues brought up by this latter point and focus instead on the question with which I began this section. Does the case-by-case approach give us a principled way of avoiding the problem of group stigmatization that sometimes occurs in testimonial interactions?

Such an approach certainly captures a very common sentiment in contemporary Western culture: that a truly open-minded individual is one that treats each person and each situation as unique. Moreover, in its insistence that our normal testimonial encounter involves not a default acceptance of a speaker's assertions, but continual monitoring, it parallels the work of certain contemporary evolutionary psychologists, who speak of the "mind reading" that goes on in everyday social interactions. By this they mean the supposed unconscious decoding of those behaviors in others that betray their underlying attitudes and intentions (e.g., Livingstone Smith 2004, p. 108).

But the problem is in trying to come up with a concrete version of this approach that both makes sense and does not lead us into the same set of unfortunate issues as its rival. The best version presented so far is Fricker's. But even this very well-realized account suffers from all sorts of difficulties that undermine its usefulness for the task at hand.

First of all, there is the problem with the level of assessment that Fricker allows in any particular situation. As she rightly acknowledges, in the course of everyday life, it would be physically impossible for an individual to make a detailed assessment of every speaker and her or his assertions. This is why she notes that MI5-style vettings are not in order.

But what she replaces this with is something that hardly seems to be a form of assessment at all. It is, rather, what she calls "interpretation":

In recognizing an utterance by a speaker as a speech act of serious assertion, with a certain content, a hearer is ipso facto engaging in a minimal piece of *interpretation* of the speaker – ascribing to her an intentional action of a certain kind, and hence at the very least supposing the existence of some configurations of beliefs and desires which explain that action. The theme of my account is: the epistemically responsible hearer will do a bit more of the same. She will assess the speaker for sincerity and competence, by engaging in at least a little more interpretation of her. (Fricker 1994, p. 148)

Assessment, on such a view, thus turns out to be considerably less rigorous than one might have expected. It is in fact an analogue of, or perhaps akin to, the fairly minimal linguistic feat of understanding.

But Fricker takes her view even farther than this. For, she insists that this interpretative level of assessment need not even be a conscious phenomenon. Instead, she says, it is perfectly permissible for such assessments to rely on a variety of "cues" in a speaker's behavior that the addressee would be hard-pressed to formulate in any but the



roughest manner. Even vague remarks like “I don’t like the look of him” or “Well, she seemed perfectly normal” are allowable on Fricker’s account (Fricker 1994, p. 150). To justify these sorts of judgments, all that is necessary is that the addressee be

...able to defend the judgement which is the upshot of this capacity [for unconsciously detecting insincerity and incompetence], with the knowledge precisely that she indeed has such a capacity – that ‘she can tell’ about that kind of thing; though she does not know how she does it. (Fricker 1994, p. 150)

Fricker is quick to point out that this view is not meant to be an invitation to prejudice. It is not enough, she says, for a hearer to simply “feel funny” about a speaker. Instead, that feeling must be grounded in the operation of a genuine “quasi-perceptual capacity” (Fricker 1994, p. 150).

But it is difficult to see how such a capacity, even if it existed, could eliminate the influence of potentially unjustified past generalizations regarding groups of persons. For, presumably, in utilizing it, one would unconsciously rely on data generated from previous encounters regarding tell-tale signs of insincerity and incompetence. And these could well carry through to other encounters in ways that the addressee might not even acknowledge or understand.

For example, a person of European descent could well through her or his experience come over time to (unconsciously) use the habit of looking away from an addressee when speaking as a cue for speaker insincerity. But, then, that same individual could also have had experiences of Japanese students typically looking away from her or him while speaking, with no apparent explanation for why this might be so. Over time, unconsciously, the person of European descent then begins to associate Japanese speakers with insincerity and so brings to testimonial encounters with them a completely innocent, but flawed form of speaker assessment that is entirely based on a cultural misunderstanding.

If anything, this situation is even worse than the one that can arise when something like the default view of testimony is in place. For under that theory, one is at least required to provide an overt reason for why one is suspending judgment on a speaker’s assertions. But here the reason can be submerged in the very processes by which one determines speaker status. In fact, there need not even be a reason involved. In the example, it is the effect of the concatenation of two series of experiences on the unconscious process of speaker interpretation that produces the undesirable outcome; not anything that the addressee has to actually do or be responsible for.

The other problem with this account, at least as Fricker reconstructs it, is that it does not genuinely separate out individual testimonial interactions in the way that it would need to in order to get around the problem of potential addressee partisanship and bigotry. Indeed, it cannot. As Fricker rightly remarks, any assessment that is done of others’ sincerity and competence must rely on various bits of “background knowledge” that the hearer or addressee has available (Fricker 1994, p. 148). And thus the question of what it is acceptable to rely on here re-enters through the back door.

But to set things up otherwise would be to re-introduce the very problem that this view was meant to avoid. It re-introduces the problem of gullibility. For, without access to certain background beliefs about the speaker and about human psychology (broadly conceived), along with a host of other topics and disciplines, the addressee is compelled

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to assess competence and sincerity in an evidential vacuum.

For many, assessing a speaker in this way may seem like an attractive option. Even individuals of great power and responsibility have occasionally been taken with the notion that all one needs to do in order to determine trustworthiness is to look deeply into the soul of another. But it is hardly plausible. Background beliefs as a matter of fact will and must penetrate any testimonial encounter and thus we are back to the issue with which we began this paper.

### PROPER EXPECTATIONS

In debates over the legal status of lesbian and gay relationships in the United States, a common response among those who have organized politically against the legalization of gay marriage is to deny that the testimony of gays and lesbians regarding their experiences, actions, intentions, and goals is credible.

For example, according to the conservative Christian organization Focus on the Family, the claim by many gays and lesbians that they have found romantic happiness with someone of the same sex ought not to be taken at face value. Why? Because

...while homosexuals may be trying to convince themselves that what they are doing is acceptable they have serious doubts in their hearts. (Myths and Facts About Homosexuality, n.d.)

Their claims, in other words, are not to be taken seriously because they are a consequence of self-deception.

By the same token, there are many lesbians and gays who claim that their sexual desires are not a choice, but that they seem to be a given, a part of who they are. This claim too, says the organization, ought not to be accepted. Why? Because it is not made in good faith; it is made in order to advance a particular political agenda.

The more the homosexual community can convince the general public that their homosexuality is beyond their control, the more tolerance or even preferential treatment they can gain in public policy. (Myths and Facts About Homosexuality, n.d.)

And, finally, there are many gays and lesbians who claim about themselves that they are normal, psychologically healthy people with feelings and experiences just like anybody else. But this claim is dubious as well. For in one way gays and lesbians are just like anybody else. They “want to be accepted and appreciated”. As a result

They have been wounded by rejection and, in general, seem to say whatever it takes to be considered “normal”. (Myths and Facts About Homosexuality, n.d.)

They are, in other words, just saying what they know everybody else wants to hear.

Part of the mission of organizations like Focus on the Family is to educate and advise the public on a variety of contemporary political, religious, and moral issues. Through their pamphlets, newsletters, advertisements, and websites, they hope to provide models for public and private discourse on topics such as abortion, homosexuality, immigration, the status of women, and the place of organized religion in American political life. In addition, such organizations are involved in lobbying and grassroots activism. And so they are also involved in providing through these various media a

credible public case for their policy positions.

Needless to say, what is interesting about these responses, taken from the Focus on the Family website, is the way in which they embody the sort of testimonial interaction that I have in mind. They do so both within the context of providing a public case for the organization's positions and within the context of providing advice to those ministers, counselors, parents, activists, and others who must respond to such claims as they arise in the course of counseling sessions, private conversations, public policy debates, and the like.

What these responses do within the context of the first is to undermine those claims, made by some of the organization's critics, that Focus on the Family irrationally ignores both the essential nature of gays and lesbians and their underlying similarity to the rest of the population. They do this by undermining the evidence that the critics provide in those claims' favor. For, as the organization sees it, such evidence is largely derived from the testimony of gays and lesbians themselves. And it is for this reason suspect, given, among other things, that it is produced by individuals that want to be thought well of and that would be most affected by changes of policy in this area.

Within the context of providing advice, what these responses do is to empower a host of individuals to replicate this sort of interaction at the personal and community level. Individuals that find themselves in the role of addressee *vis-à-vis* a speaker making claims of this kind will now be able to properly respond to such accounts – treating them with the level of skepticism that they deserve and rightly expecting of certain speakers that, due to their status, they will, when the subject comes up, most likely make first-person reports of this kind.

The question, of course, is: is Focus on the Family on to something here? The easy answer, the *bien pensant* answer, is to just say no. Such claims are based on pure bigotry. And bigotry cannot be used to support such claims.

But the problem is that the situation is more complicated than that. For, in presenting their public case, Focus on the Family does more than simply lay out a series of assertions. They provide evidence in favor of them as well. For example, in favor of the claim that lesbians and gays are unreliable testifiers when it comes to their romantic happiness, they cite (among other things) a Columbia University study indicating a significant amount of hostility among gays and lesbians towards other gays and lesbians. In favor of the claim that they are unreliable when it comes to the exact status of their sexual desires, the organization cites the testimony of professionals in the mental health field and the first-person reports of so-called “ex-gays”. And finally, in favor of the claim that they are unreliable when it comes to reporting their basic states of mind, the organization cites the high rates of suicide, depression, anxiety, and addiction among gays and lesbians that are widely acknowledged among researchers (Myths and Facts About Homosexuality, n.d.).

Notice that in providing this evidence, there are several things that Focus on the Family does right. First of all, in two of the cases, they rely upon properly conducted surveys or polls of the populations in question. (The Columbia study was published as a monograph in the volume *Lesbian and Gay Psychology*; the statistics on suicide, etc., come from the *Archives of General Psychiatry*.)

Secondly, the evidence that they provide is directly relevant to the question of credibility in the target population. For, if it can be shown that a significant percentage of

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gays and lesbians are unhappy or unbalanced when they are claiming to be otherwise, then there is a problem with the reliability of that kind of testimony. In such a situation, what an addressee would want and expect would be corroboration up front, in terms of specific information about the life and experiences of the testifier in question.

And finally, in terms of the motivations that the organization attributes to those who are purportedly misrepresenting their experiences: while there is no direct evidence in favor of their presence in these cases, the claim that they are there is a plausible hypothesis, given the assumption that misrepresentation is going on. Through our experience of ourselves and others, most of us tend to build up over the course of a lifetime a fairly rudimentary person-theory. This is a basic set of propositions, mostly unstated, about how a person operates. It includes our beliefs about such matters as how far back a person can remember, how far away a person can see, and so on.

It also includes our beliefs about some of the standard strategies and responses that persons are likely to engage in in certain standard situations. (It is on the basis of this person-theory, for example, that we judge the verisimilitude of character-driven novels and films.) And in cases of the kind that Focus on the Family is focusing on, self-deception, partisanship, and a desire for acceptance seem likely in the situation in which lesbians and gays find themselves – again, given the assumption that misrepresentation is going on.

What the organization has, in other words, is the following:

- (1) A reason R to believe that the members of a target class C have to a significant degree likely uttered falsehoods with respect to a range of topics T based on the results of a properly conducted survey or poll of the members of C, and
- (2) A reason R1 to believe that the members of a target class C will to a significant degree likely continue to utter falsehoods with respect to a range of topics T based on extensive personal observation and shared experience.

They have a reason to believe that the testimony of the members of C has in the past been untrustworthy, based on the gap between that testimony and what the social science evidence tells us about their actual experience. And they have a reason to believe that it will likely continue to be untrustworthy, based on the likely explanation for that gap in terms of common human frailties, brought out by gays and lesbians' unique situation.

Having said all that, however, let me now point out what is wrong with the evidence that Focus on the Family provides. And, in so doing, hopefully I will be able to provide the outline of an answer to the problem with which I began this paper.

First off, there is nothing wrong, in my view, with Focus on the Family relying on personal observation and shared knowledge to construct an account of the motivations that lesbians and gays might have were they relaying false reports of their emotions and experiences in the contested areas. Were we not able to rely on such informally gathered information about persons and their behavior, we would have a very hard time navigating through the world.

Indeed, there seems to be nothing wrong with relying on personal observation and shared experience to construct “theories” that are much less general than an overall theory of persons – the Manhattan police captain’s “theory” about the trustworthiness of Romany fortunetellers, for example, or the “theory” of the mental health professionals referred to by Focus on the Family who believe that not all gays and lesbians are telling

the truth about the nature of their desires.

But there must be constraints on this method of gathering evidence. And these constraints must be in the form of positive obligations placed upon the individual or individuals doing the gathering. What are these obligations? There are at least two:

- (1) The individual I must non-culpably investigate the likelihood that her or his generalization is a product of fallacious reasoning, and
- (2) The individual I must non-culpably investigate the likelihood that her or his generalization is overturned or undermined by:
  - a. Evidence derived from properly conducted scientific research, or
  - b. Evidence derived from other persons' personal observations and shared experiences (also so constrained).

And the same applies to anyone using scientifically gathered evidence to make similar claims.

Putting this together with the account of testimonial practice laid out above, what we get is the following:

If, on an occasion O, H has evidence to believe that P solely on the basis of an assertion by a speaker S to H that P, then, on O

- (1) S will have made an utterance U and in so doing "testified" that P to H, and
- (2) H will be non-culpably unaware of the existence of
  - (a) A reason R to believe that P is false or very unlikely,
  - (b) A reason R, specific to S, to believe that S is insincere or incompetent with respect to U,
  - (c) A reason R to believe that the members of a class C to which S belongs are to a significant degree insincere or incompetent with respect to U:
    - a. Due in a pertinent way to their membership in C when it comes to utterances of the same or a very similar type as U on occasions of the same or very similar type as O, and
    - b. Where R is based either on the results of a properly conducted survey or polling of the members of C with respect to their being insincere or incompetent with respect to U or on H's extensive personal observation and shared experience, provided that
      - i. H has non-culpably investigated the likelihood that R is the product of fallacious reasoning and found no reason to think so, and
      - ii. H has non-culpably investigated the likelihood that R is overturned or undermined by other scientific research and/or personal observation and shared experience and found no reason to think so.

## ACCEPTABLE ADDRESSEE EXPECTATIONS REGARDING TESTIMONY

How does Focus on the Family's position stand up on this standard? It does not stand up very well. In the wealth of information that the organization presents on its website, for example, there is no attempt to investigate or respond to other, more positive, scientific research that has done on this topic. Nor is there any attempt to account for the phenomena recorded there in ways other than those most congenial to the favored hypothesis. (The Columbia study, for example, (Shidlo 1994) is actually about the topic of internalized homophobia. This way of looking at the evidence provided by the study raises the possibility of an accurate first-person account of day-to-day happiness which co-exists with a socially imposed darker side over which one is also trying to gain control.)

I have no doubt that, in using this standard, addressees will sometimes be able to come to the conclusion that, with respect to this group of people, in this situation, on these topics, they should expect a significant degree of falsehood and must demand further evidence for any claims that are being made. In fact, I hope they will, since, intuitively there are cases where this is right. Trudy Govier, in Chapter Nine of her book *Social Trust and Human Communities* (Govier 1997), gives some searing examples that would probably pass muster. Personally, I believe that we are at a point in the United States where the proper attitude towards our government must be one of initial disbelief, along the lines of Coady's quote at the beginning of this paper.

But even so, the responsibility must always be to seriously canvas other evidence, other explanations, and to hold our own reasoning processes to the highest standards of evaluation. It must be to make "explicit", as Jonathan Adler counsels, those processes and mechanisms that "interfere with well-formed beliefs" (Adler 2002, p. 86).

[link to commentary](#)

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