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# The Commitments Speakers Undertake in Giving Testimony

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**ABSTRACT:** We sketch and defend a Commitment View of testimony. Unlike alternative approaches, we focus on the ordinary act of testifying, attempting (i) to identify the commitments essential to this speech act and (ii) to explain why those commitments are practically necessary. In view of this account, we argue that given the commitments undertaken in testifying, a speaker's testimony can qualify as evidence.

**KEY WORDS:** testimony, evidence, speech acts, speaker intentions and commitments, veracity, statement, Grice

## INTRODUCTION

In an earlier paper, we criticized the accounts of testimony offered respectively by Elizabeth Fricker and C.A.J. Coady for failing to adequately delineate the range of utterances that properly qualify as testimony (Kauffeld & Fields, 2003). Although rivals, each of these accounts broadly identifies testimony with assertions (Coady, 1992; Fricker, 1987; 1994). Neither account specifies characteristics internal to the act of testifying which might constrain the range of utterances which qualify as testimony. As a result, each of these highly influential accounts admits as testimony utterances – such as gossip – that are by their nature epistemically unreliable and so, from both theoretical and practical points of view, ought not to qualify as testimony. Our previous essay was primarily critical: it did not develop a constructive account of the internal characteristics that ordinarily distinguish genuine testimonial utterances from other acts of saying-so.

The primary thrust of this essay, therefore, will be to delineate those features of the communicative act of testifying which plainly distinguish it from other kinds of utterance. In courts of law, someone offering testimony takes an oath committing him or herself to the veracity of what he or she says and indicating his or her willingness to undergo cross-examination. These and related internal constraints qualify courtroom utterances as testimony. Our question is: what commitments undertaken in connection with seriously saying something serve in ordinary day-to-day communication to license consideration of an utterance as testimony? Our attempts to answer this question will rely upon a broadly Gricean account of communicative acts (Grice, 1969; Kauffeld, 2001a; 2001b; Stampe, 1967; 1970; 1975).

However, powerful objections have been raised against the kind of account we offer. The strongest of these holds that testimony cannot be construed in terms of the freely undertaken commitments of speakers and, at the same time, be held to be a form of evidence which functions as justification for beliefs. Defense of our account requires that we address this objection. That burden is born by the second part of our essay.

## THE COMMUNICATIVE ACT OF TESTIFYING

Our attention now turns to articulating a conception of *testifying* which accords with ordinary usage and plain practice. ‘Testimony’ is used in several senses; our aim here is to analyze a central sense of the term which marks out the essentials of the basic paradigm for *testifying*—a paradigm which yields testimony that can be directly evaluated as evidence. We begin with an analysis of our preferred conception of *testifying* and then turn to the pragmatics which underlie and constitute acts of *testifying*.

*The essential components of testifying*

According to a recent *New York Times* story, on October 30, 2001, as the Enron Corporation was coming apart at its seams, one of the company’s own lawyers, Kristina Mordaunt, approached an outside group brought in to investigate Enron’s affairs and said, ‘I have a duty as an Enron employee to answer your questions, and I’ll fully cooperate, but I don’t want to be part of any political witch hunt’ (Eichenwald, 2005, p. 9). This presequence introduces a statement which clearly qualifies as testimony. From the report of this episode we can discern the essential components of *testifying*: (i) a speaker who serves as the *Testimony Source (S)* and an addressee(s) to whom the testimony is given, the *Testimony Recipient (R)*; (ii) a statement which serves as *S*’s testimony; (iii) an expression of *S*’s consent to critical examination of her statement(s); and (iv) *S*’s pledge to speak truthfully.

Consider first the partners to testimony. In our example Kristina Mordaunt is the source of the testimony. She has, we are told, come to testify as a matter of her duty as an Enron employee. Her ostensible motivation, while relevant to appraising her testimony and also characteristic of one sort of testimony, is not an essential feature of the communicative act she is performing. Testifying, per se, is not identified by the considerations which induce persons to speak up. Some witnesses are hostile and speak only because they are enjoined to testify; others are paid for their testimony; many testify as a matter of cooperating in a joint venture. Ms. Mordaunt testified in an institutional setting. That is often the case with testimony but is not essential. We testify in a variety of institutional and non-institutionalized settings.

Second, Ms. Mordaunt approaches the investigators in order to make a statement; she has come to seriously say things to them. Her utterances, what she says as reported in direct or in indirect speech, make up her testimony, and it may also be reported as her ‘statement.’ She tells the committee (according to our reporter) that more than year before she was approached by an Enron executive, was presented and accepted a now suspect investment opportunity. If Ms. Mordaunt did not say that, then it would not be true that she has so testified. It will be true that *S* has testified that *p*, only if it is true *S* said that *p*.

Third, Ms. Mordaunt manifestly consents to critical examination of her statement. She makes her consent apparent by deliberately and openly speaking with the intention of answering the investigators’ questions regarding what she knows about matters relevant to their inquiry. The intention with which she purports to speak belongs to a large family of speaker-intentions, members of which are essential to a variety of communicative acts. Where a speaker makes a proposal, she speaks with the intention of answering such questions, doubts, objections etc. as might be raised in response to some proposition she puts forward for consideration and, possibly, action (Kauffeld, 1995; 1998). In primitive cases of *accusing*, the accuser tries to impose on the accused an obligation to answer the accusation (Kauffeld, 1998). We routinely initiate

discussions by announcing our willingness to answer questions; we are, we say, 'open to questions.' Someone giving testimony deliberately and openly gives it to be known that she is speaking with the intention of answering her addressees' questions. To say that a potential witness refused to answer one's questions is to say that the witness refused to testify. Even in the case where a witness is only willing to speak for the record and refuses to answer questions from her immediate audience, her address for the record clearly anticipates future questions. Of course persons often openly speak with this intention in contexts where no actual dialogue in the form of questions asked and answered occurs. Questions are often anticipated and attributed to addressees on the basis of the speaker's supposition about their interests and need to know.

Commonly, when persons openly speak with the intention of answering questions, they circumscribe the range of inquiries they will entertain. Thus a speaker may specify the focus or topic for questions she is willing to answer by requesting questions regarding, her argument, her lecture, her recent travels, etc. Occasionally a speaker may place certain questions off limits. Ms. Mordaunt circumscribes the intention with which she speaks in two ways: first, she is there to answer questions out of her duty as an Enron employee; that duty is to cooperate in the inquiry. Second, she is unwilling to join in a witch hunt, i.e., she is unwilling to engage in speculation focused on the guilt of specific individuals. Consistent with this later commitment she declines to answer questions which invite her to speculate about the plans of a fellow employee, Andrew Fastow. She is willing to identify assumptions she made relative to actions she took, but she restricts herself to telling the investigators what she knows. Ms. Mordant deliberately and openly speaks with the intention of answering questions regarding what she knows about matters related to the focus of her addressees' investigation. This intention is an essential component of communicative act she is performing.

When testifying, a person openly speaks with the intention of answering questions regarding her *knowledge* of matters of *serious interest* to her addressees. Testimony naturally focuses on what a speaker knows. Related assumptions and qualification may enter into a person's testimony, but what is wanted in testimony is a representation of what the testifier knows and how she comes to know it. It would be odd to say, e. g., \* 'We have asked Martha to testify, although we all (including Martha) know that she knows nothing relevant to our inquiry.' (Though, of course, we might conduct a little charade in which Martha goes through the act of testifying.) And it is also apparent that when testifying a speaker openly intends to respond to questions bearing on the serious inquiry, investigation, deliberation, etc. of her addressees. It would be odd for recipients of testimony to insist that a source should testify about matter which the recipients admitted had no bearing on their investigation.

The fourth essential component of Ms. Mordaunt's communicative act is her pledge to speak truthfully. In order to testify in courts of law, witnesses must take an oath swearing to tell the truth. Our dictionaries recognize that an attestation of veracity, i.e., some explicit affirmation by *S* that what she says is true is an essential part of testifying in the sense of interest here (*OED*, 'testify', first entry). As reported, Christine Mordaunt provides such affirmation by saying that she is there to *cooperate fully with the inquiry*. 'Full cooperation' here means not only that she will answer her addressees' questions but also that she will provide answers on which they can rely. By this commitment she attests to the veracity of her testimony. In many cases similar commitments are elicited in a preliminary solicitation during which *R* explains to *S* the importance of the inquiry and the need to rely on what potentially knowledgeable parties can contribute. Here *S*'s consent to answer *R*'s question would attest to the truthfulness of her statement(s). The minimal explicit commitment to truthfulness required of *S* is a pledge to speak

the truth if only because she supposes that her addressees may ultimately rely on what she says. It is this commitment which differentiates Ms. Mordaunt's testimony from a mere self-report of her actions. That commitment, of course, can be undertaken in many forms, including an oath swearing to tell the truth, the whole truth, and nothing but the truth.

In summary, it will be true that *S* has testified that *p*, only if (i) *S* said that *p*, (ii) deliberately and openly speaking with the intention of answering *R*'s questions regarding what she knows about matters bearing on *R*'s investigation, and (iii) *S* commits herself to speaking truthfully in view of the possibility that *R* may rely upon what she says. These are the essential components of our core conception of the act of *testifying*. Using that concept, we do ourselves sometimes truthfully report that so and so testified that *p*, and in those cases the speaker will have performed an act which has, at a minimum, the components essential to our concept of *testifying*. Working on the substantive assumption that our conception of testimony is based on a stable, often efficacious practice, let us now inquire into how in paradigm cases a communicative act with these components might reasonably be expected to work

### *The pragmatics of testifying*

In what follows we offer and defend the plausibility of a conjecture about the practical constitution of our speech act, the strategic calculation which guides speakers and addressees in paradigm cases of *testifying*.

At its pragmatic base, the act of *testifying* is designed to enable *R* to collect and evaluate statements as evidence bearing on *R*'s inquiry into matters of serious concern to *R*. Persons sometimes have the task of evaluating evidence and reasoning in order to reach a conclusion or decision about matters of considerable importance, decisions and judgments for which *R* must accept primary or full responsibility. A serious inquiry of this sort can rarely be conducted entirely on the basis of inquirer's first hand experience; as a practical matter, others must be consulted. In such cases a prudent investigator seeks persons who have or seem to have knowledge that could serve as evidence filling in the gaps in what the inquiring party already knows. By engaging an apparently knowledgeable source in conversation, an inquirer can (in favorable circumstances) come to know what the former knows about the matter in question. *Testifying* is, per hypothesis, characteristically designed to enable an inquirer to acquire statements from others which can serve as evidence and reliable bases in reaching conclusions.

The central practical difficulty facing persons who seek testimony (and also those who seek to provide it) arises from the fact that persons responsible for a serious inquiry typically cannot just accept what others are willing to tell them on the basis of the other's say so. Where a speaker says that *p*, e. g., that she was given and accepted an opportunity to invest in one of Enron's sham partners, she engages (other things being equal) a presumption that she is speaking truthfully, i.e., that she is expressing beliefs she sincerely holds on the basis of a reasonable effort to ascertain their truth (Stampe, 1967; 1975). In many circumstances, that presumption provides adequate warrant for simply accepting what the speaker says as the truth (Kauffeld, 2001a; Stampe, 1967). But in the circumstances which call for testimony, the inquiring party cannot simply rely on that presumption. Part of the difficulty is that the presumption of veracity is vague as to what the speaker has actually done to ascertain the truth of what she says, and it is notoriously the case that persons believe they know things on the basis of woefully inadequate efforts to determine the truth of the contents of those beliefs. In circumstances where the inquiring party must accept responsibility for a decision or judgment of major concern, the

inquiring party needs to check out and test what he is told by seemingly knowledgeable sources. He wants to know what his sources believe they know about matters bearing on his inquiry and also how they come to know the stuff they purport to know, how their statements compare to the statements of others, etc. In short, he needs to be able to critically and publicly examine potential sources of evidence.

That need, in turn, creates two difficulties which, we submit, testimony is characteristically designed to resolve. The first is the problem of consent, and the second is the problem of veracity.

We do not, in general, have a right to critically question others about what they say to us. There are, to be sure, a good many institutionalized relationships within which one party is authorized to cross-examine others regarding what they say. But testimony can also be secured in non-institutional settings and by persons who are not specially authorized to demand it of others. In the ordinary course of affairs persons normally do not have a right to critically question what others say to them. Nor is it the case that persons generally can be expected to be enthusiastic about entering a conversation in which what they say is subject to critical examination. For one thing such conversations may well seem pointless to a potential source of information. One's critical questions are apt to meet with a response on this order: 'If you're not going to believe what I say, what's the point to answering your questions?' For another, conspicuous refusal to simply accept what others tell us on the presumption that they are speaking truthfully would in many cases be taken as an insult. Moreover, having one's statements examined critically under the pressure of questioning carries an unsettling risk of exposure. Even where one is certain about what one knows, it still may turn out that one is mistaken, and, sometimes, an impeccably knowledgeable witness gets tripped up by questions. So, commonly persons have a right to abstain from answering questions about what they have said when those questions issue from a skeptical supposition that they might be mistaken or otherwise in error, and they often have motivation to abstain. The upshot of this is that in the circumstances which lead an inquirer to seek testimony, it typically will be necessary to secure the consent of the information source in order to press one's questions.

This necessity explains in practical terms why a manifestation of consent is an essential component of our concept of testimony. A speaker can, by deliberately and openly giving it to be believed that she is willing to answer questions regarding what she knows bearing on another's inquiry, manifest her consent to critical scrutiny of her answers. Per hypothesis, such consent is practically necessary to securing testimony in paradigm cases of this communicative act.

In addition to this expression of consent the inquirer also needs from the potential informant a reassuring commitment to speak truthfully. This need is rooted in the impact which *A*'s manifest skepticism has on the conditions which enable parties in a conversation to trust each other. Other things being equal, where a person seriously says that *p*, she incurs an obligation to speak truthfully. The general conditions under which such obligations are incurred have been illuminated for us by G. J. Warnock. According to that eminent English philosopher, one party (*B*) incurs an obligation to do *x*, where (i) another party (*C*) is counting on *B* to *x*, and (ii) *C* will suffer harm if *B* fails to *x*, and (iii) *B* will have spoken or acted falsely, should *B* fail to have *x*ed (Warnock, 1971). Thus where a speaker says that *p*, deliberately and openly speaking with intention that her addressee believes that *p*, she incurs an obligation to speak truthfully. If she is insincere or careless regarding the truthfulness of what she says, she risks causing her addressee the harm of believing something which is false, under circumstances in which the addressee has reason to rely on her veracity, and in which she will have spoken falsely (Kauffeld, 2001a;

Stampe, 1967). Consider now the impact which a skeptical attitude on the part of a critical questioner has on this rational framework under-girding conversational trust. A manifestly skeptical inquirer is patently unwilling to simply rely on what his information source says as regards the content and formation of what she purports to know. It will at least be apparent that the credence he gives her statements will depend on what the inquirer takes her answers to show about the empirical and rationale adequacy of the beliefs she expresses, the apparent sincerity of her utterances, how her answers square with each other and with other sources of information, etc. Accordingly, the potential information source has good reason to doubt whether the inquirer is relying on or will rely on her truthfulness in forming his own beliefs about the matters in question, and with this doubt, if nothing is done to correct the situation, she will have corresponding reason to doubt whether she is obliged to truthfully answer the skeptical inquirer's questions.

We can now see why a pledge to speak truthfully is a practically necessary component in paradigm cases of testifying. It would not do to have *S* proceed on the supposition that, since *R* is responsible for checking out the truthfulness of her utterances and seems determined to do, she is free to provide false and evasive answers. In order for *S*'s statements to merit critical examination, she must produce them while bearing a mutually recognized obligation to speak truthfully. So something on the order of a reassuring pledge of veracity is practically necessary to enable *R* to collect potentially reliable testimony. An inquirer can secure such reassurance, where a potential source of testimony commits herself to telling the truth if only because she supposes that the inquirer may ultimately rely upon her answers. That commitment we have seen is a minimally essential component of testifying.

There is much more to say about this rather preliminary account. Arguably, it squares with the ways in which a speaker's performance in the act of testifying and her immediate product are criticized. It remains to be seen whether the conditions offered by way of analysis are sufficient, whether our paradigm of testimony exhibits a practical calculation variants of which can be seen to be at work in related kinds of testimony. But we at least have an initial view of the conditions which are essential to an important ordinary conception of testimony and, correspondingly, are practically necessary to successful performances of acts of that kind, and we have a plausible conjecture as to why those conditions are both practically and conceptually necessary to testifying.

## THE EVIDENTIAL OBJECTION

As we stated in the introduction, there is an argument against this way of viewing testimony that must be dealt with if the approach is to have any chance of being correct. This argument has to do with the sort of justification that instances of testimony, construed in the way that we do, would provide for the beliefs that their addressees might base upon them. The argument goes like this. Assume that, in general, testimony does provide justification for those who receive it to entertain certain relevant beliefs. (There may also be reasons, along the lines of what Coady (1992) and Price (1969) have proposed, to believe that testimony, in general, does this. But, for the purposes of our discussion here, it does no harm to treat this as a basic rational assumption.) It then follows that the view of testimony being proposed is false, for: this view of testimony entails that the sort of justification that a piece of testimony *t* provides an addressee *A* for believing *that p* is non-evidential.

1. But the justification that *t* provides *A* for believing *that p* must be evidential.

2. Therefore, testimony does not provide justification for those who receive it to entertain certain relevant beliefs.
3. But (by assumption) testimony does provide such justification.
4. Therefore, this view of testimony is false.

Our goal in this section of our paper is to show how and why this argument doesn't work. First, we examine the evidence in favor of the second premise, attempting to determine if, in fact, there is reason to believe that this premise is true. Second, we examine the evidence in favor of the first premise, attempting, with respect to it, to do the same. Our claim will be that, while there is good reason to believe that the second premise is true and that testimonial justification does need to be evidential, there is no good reason to believe that premise one is true – that the sort of view we are proposing would permit only a non-evidential form of testimonial justification. Indeed, we argue to the contrary, a commitment theory of testimony is essentially an evidentialist theory, because, on it, speaker-commitments (when genuine) reveal something about the character of the speaker. They are a manifestation of those stable dispositions in a person that can be reliably linked – that is, evidentially linked – to certain sorts of action and activities.

#### *Why testimonial justification must be evidential*

Must testimonial justification be evidential? There are at least three basic reasons to argue that it is. First, testimony is used as evidence in a variety of formal settings. When, for example, two people are engaged in an adversarial dispute in a court of law, or when a single individual or a group of individuals is being prosecuted by the state, eyewitness or expert testimony is invariably relied upon by the judge or jury as evidence. It is used both to establish certain factual particulars of the case at hand, and as a basis upon which the persons empowered to render decisions in such cases make their final judgments, as well as numerous subsidiary inferences.

Second, testimony is used as evidence in a number of important non-formal settings. Say that a scientist is trying to determine whether or not the results that she obtained in a particular experiment ought to be relied upon. If others have been doing work in the same area of study, she will want to compare her results with theirs. In doing so, she will make no distinctions between what she has done and what has been done by others, in terms of the potential evidential value of each. The accounts that have been produced by others with respect to their work she will treat as evidence in favor of one set of scientific claims, while the results that she has obtained through her own work she will treat as evidence in favor of the same set of claims, or another set, as the case may be. In comparing her own work with others, she balances what she takes to be evidence against evidence, without seeing any essential difference in the way that her own observations support her claims and the reports that she has received of the observations of others.

And, finally, the alternative to treating testimony as evidence is just not all that palatable. We understand (or at least we think that we understand) what we mean when we say that a tree's rings are evidence for some claim about that tree's age. We mean that there is some sort of reliable connection between the first of these states of affairs and the second, such that we can use a statement referring to the first in order to generate likely conclusions about the second. But what could it possibly mean to say that a piece of testimony gives us a non-evidential justification for some belief or claim about the world? Does it give us permission to believe that such-and-such is the case *simpliciter*, without the underlying belief that there is some sort of

reliable connection between the speaker's utterances and the way the world seems to be? That interpretation founders on the fact that one of the quickest ways to undermine the justificatory power of a testimonial statement is to demonstrate that there are inadequacies in the perceptual or cognitive abilities of the individual producing it. Or does it merely provide the ground for our responding in the ways that we do? Is testimony no more than a trigger for a set of responses and behaviors that are rationally justified only insofar as they are part of all human beings' natural inheritance? This way of looking at *it* is problematic, as well. For while people do sometimes respond to what others have said by automatically forming certain beliefs and leaving it at that (this is typical of small children and perhaps also of those who are extremely gullible), they also respond by using testimonial statements in inferences that they make – by treating them as evidence.

It will not do, then, to treat testimonial justification as something other than evidential. It would conflict with how people use testimony in formal settings. It would conflict with how people use testimony in important informal settings. And it would require a notion of justificatory power that would do violence to the ways in which testimony is actually employed by all but the most naïve of human believers.

*An argument in favor of the non-evidentiality of testimonial justification*

Clearly, then, testimonial justification is necessarily evidential. Less clear, however, is whether it can be conceived in this manner on a Commitment View of Testimony. For on that view, as we have been expounding it, an addressee *R* is justified in believing *that p* on the basis of a speaker *S*'s testimony *t*, given that *S* has freely undertaken to commit herself to the veracity of *t* and is willing to be questioned regarding *t* and/or its subject matter. *R* is justified in his beliefs, in other words, on this view, because *S* followed through on a set of choices that *S* freely made – choices that, as the word 'freely' indicates, originated with *S* and that *S* could have genuinely decided not to make (that is, assuming that hard determinism is not true).

The problem, as several writers have noted, is that this view of testimony seems to be at odds with our notions of evidence and evidential justification (Moran, 1999; Ross, 1986; Weiner, 2003). Recall the example of the tree rings and the age of a tree. The reason why we are willing to allow the former to count as evidence in favor of claims about the latter is because we know that there is a direct and reliable connection between the two states of affairs, one that has been confirmed by numerous past correlations and is explained in terms of the processes and causal powers engaged in and possessed by (certain sorts of) trees. If this relation did not exist, or existed only haphazardly – varying from tree to tree for no discernable reason – we would not be able to employ statements referring to a tree's rings as evidence in an argument about that tree's age. Instead, we would conclude, from looking at any given tree's rings, that we had no idea how old that tree was on the basis of its rings alone.

But notice that this sort of direct and reliable connection is exactly what seems to be missing from the Commitment View of Testimony. On that view, it is not the case that the addressee is justified in basing her beliefs on what another has testimonially stated because that individual has been affected by reality in some direct and reliable way (a way that terminates with that individual stating what she says to *A*). Indeed, if the basis for a speaker *S* testifying to something in such a case were of this nature, it would be a reason, on the Commitment View of Testimony, for thinking that what *S* had said was not testimony. It would not even count as a speech-act, but rather as some sort of speech-compulsion.

Instead, what is going on here is that *S*, in speaking, has simply *created* a representation of reality, much as one might create an oil portrait or a watercolor landscape. Representational elements are certainly at play, but they are present, not due to some direct (reliable, explicable) causal activity on the part of that which they represent, but rather because of the free choice of the individual who employs them. As a result, the picture of reality proffered by the speaker in such a situation, while it may be accurate or inaccurate, is not evidence for anything beyond the speaker's wishes and intentions. It is not evidence for the state of affairs that *S* is trying to get *A* to believe, anymore than a portrait by Gilbert Stuart of George Washington kissing Abigail Adams is, in and of itself, evidence that she was stepping out on John. And so, it does not provide evidential justification for the truth of any belief that *A* might have formed about that state of affairs as a result of receiving *S*'s testimony.

### *Objections to this argument*

However, there is no good reason to think that a Commitment View of Testimony has this sort of implication and a set of very good reasons to think that it does not. Consider again the example of Gilbert Stuart painting a portrait of General Washington caught in *flagrante delicto* with the delightful Mrs. Adams. It is true that, considered as an artifact, without any knowledge of the painter's experiences, intentions, or general state of mind, this picture gives us no evidence regarding the actual relations between these two individuals. (Blackmailers in the eighteenth century had to use letters to ply their trade, and even then the victim could always claim that the letters were forgeries.) But what about those cases where we do have such knowledge? What if we knew that Gilbert Stuart was an honorable and reliable man, that he had a code of ethics and a professional standard that did not permit him to pass off made-up images of reality as genuine? Wouldn't this make a difference as to how we would treat the painting? After all, if we knew these things about Stuart, we would also have strong reason to believe that there was a direct, consistent connection between those events that he had himself experienced and what he freely chose to represent as that experience. They would be connected by his tendency to accurately represent those elements of reality that he has freely chosen to portray.

The preceding argument presupposes a highly malnourished notion of effective causation. In fact, it seems to involve a simplistic bifurcation. The implication is that the only acceptable ways of viewing causation are: (1) causation is impersonal, deterministic and, thereby, gives you evidence and (2) causation is personal, unreliable, and, thereby, gives you no evidence. But, as can be seen from the Stuart example, there are other ways of viewing causation than just these two. There is also the possibility that personal causation can include both free and stable elements. This idea, which is very much part of our common 'folk psychology,' has been seriously discussed by philosophers at least as far back as Aristotle, who famously referred to the stable elements in the human psyche as propensities or dispositions to act. On Aristotle's view, as in 'folk psychology,' such propensities or dispositions are not unchangeable. They can be modified through training and moral instruction. But they are reliable enough to warrant our saying under certain circumstances, 'What she did surprises me' and 'That doesn't seem like the kind of thing that she would do at all.' In other words, they provide us with evidence one way or the other about what people are likely to do.

Of course, when Aristotle was talking about these propensities or dispositions, he was primarily thinking about traits like 'courage,' 'self-control,' and 'magnificence' and about how these contributed to each individual's personal excellence. He was not thinking about the

epistemological or evidential consequences for others of individuals possessing certain traits. But, nonetheless, using this model of the psyche, and the picture of personal causation that it entails, we can easily see how we would generate such consequences and what these consequences would be. Take, for example, the critical notion of ‘trustworthiness.’ While, on the one hand, this concept can certainly be used only to evaluate an individual’s personal moral excellence (with no consideration of what its presence or absence might mean for others), on the other, having evidence in favor of its presence or absence in someone would have significant epistemic implications for those who had the occasion to rely upon this individual for the content of their beliefs. This is because, in such a case, evidence that the individual was trustworthy would be evidence for something along the following lines: that there was a propensity or disposition in the individual to produce sincere, competently arrived-at statements of purported fact. That is what trustworthiness with respect to ‘tellings’ is all about. And, thus, in such a case, there would be evidence of a reliable connection between what has been told and the ways things really are. And, thus, on the notion of evidence that we have been using so far, there would be evidence in favor of the likely truth of what has been told.

What our view contributes to this picture of justification is a set of conditions under which an addressee *A* can be justified in the belief that a speaker *S* is likely to be trustworthy (with respect to a range of testimonial statements), and thus justified – evidentially – in accepting as factual the content of one of *S*’s pieces of testimony. On our view, what justifies *A* in believing that *S* is trustworthy with respect to a particular piece of testimony, *t*, is the fact that, in connection with stating *t*, *S* openly commits herself to truthfully answering skeptical questions about what she knows. Given that criticism and the potential loss of reputation that successful criticism produces are genuine harms for *S*, it is unlikely that she would openly risk, indeed invite, such criticism were she telling falsehoods or speaking without requisite authority.

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