

University of Windsor

Scholarship at UWindor

OSSA Conference Archive

OSSA 5

May 14th, 9:00 AM - May 17th, 5:00 PM

The Presumption of Veracity in Testimony and Gossip

Fred J. Kauffeld
Edgewood College

John E. Fields
Edgewood College

Follow this and additional works at: <https://scholar.uwindsor.ca/ossaarchive>



Part of the [Philosophy Commons](#)

Kauffeld, Fred J. and Fields, John E., "The Presumption of Veracity in Testimony and Gossip" (2003).
OSSA Conference Archive. 57.

<https://scholar.uwindsor.ca/ossaarchive/OSSA5/papersandcommentaries/57>

This Paper is brought to you for free and open access by the Conferences and Conference Proceedings at Scholarship at UWindor. It has been accepted for inclusion in OSSA Conference Archive by an authorized conference organizer of Scholarship at UWindor. For more information, please contact scholarship@uwindsor.ca.

Title: The Presumption of Veracity in Testimony and Gossip
Author: Fred J. Kauffeld & John E. Fields
Commentary: J. Adler

© 2003 Fred J. Kauffeld & John E. Fields

I. Introduction

In the contemporary philosophical literature on testimony, two rival theories dominate the field. The first is in many ways a lineal descendent of David Hume's views on this topic. It is the theory advanced by Elizabeth Fricker (1987, 1994, 1995), who proffers an inferentialist account on which those who have been addressed in a testimonial encounter are required to perform some sort of investigation of the testifier's trustworthiness before they can have the epistemic right to accept as probably true that which the individual in question has had to say. The other is in many respects a modern day version of the rival theory offered by Thomas Reid. It is the non-inferentialist, or as some have called it, "presumptive right" approach, most ably argued for by C.A.J. Coady (1973, 1981, 1992). On it, every addressee has the right to believe that which has been told him or her by any testifier, unless or until there is good reason to reject the likely truth of, or the trustworthiness of the individual in question with respect to, that which he or she has had to say.

In this paper, we will be closely examining both of these theories. But we will not be doing so in the way that you might expect. We will not, for example, be looking at them and trying to determine which gives a more satisfying picture of the conditions under which testimony can be a source of justified belief. What we will be doing instead is investigating a curious feature that both of these theories have in common. This is a feature that, in our view, weakens the value of both of these theories equally, not only with respect to their descriptive accuracy, but also in terms of the sorts of epistemic burdens that they impose on those who are attempting to employ them.

Specifically, what we are going to argue for is the following. With respect to a very common form of "saying so" that is transparently not an instance of testimony, an individual is unable, on either of these two accounts, to immediately recognize it as such, when confronted with one of its tokens. The theories of testimony advanced by Fricker and Coady, in other words, insufficiently identify what it is that the principles of testimonial justification that they respectively embody are supposed to apply to. And, thus, on our view, they do not permit an individual who has embraced one or the other of them to preclude these non-testimonial cases by anything other than an appeal to the epistemic failings of the assertion in question or the person making it. The reason for this, we will argue, is that the models of the phenomenology of testimony that each contain are, in their own ways, flawed – an error that we will attempt to rectify by offering what we feel is a much more accurate model of our own.

The form of "saying so" that we will be talking about here is gossip. This is a form of assertion in which, as we will maintain, the speaker withholds or significantly qualifies his or her commitment to the veracity of what she or he has asserted, as well as qualifying his or her willingness to provide corroborating evidence in favor of the assertion, or to allow others to seek

such evidence in her or his despite. As we will see, such limitations are occasioned by the common perception among gossiping parties that gossiping is morally suspect (both in terms of its subject matter and in the willingness of all parties concerned to engage in it). But, no matter what its pragmatic origin, it represents, we believe, a challenge to these theories of testimony in their present form.

II. Two Models of Testimony

Let us begin, therefore, by looking at the two models of testimony as a phenomenon that each of these theories respectively contains. We can start with Fricker's theory, which in its general outlines can be expressed in something like the following form:

If, on an occasion **O**, a hearer **H** has an epistemic right to believe that **P** 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 doing so asserted that **P** to **H**, and
- (2) **H** will have independent evidence sufficient to warrant **H** in taking **S** to be trustworthy with respect to **U**. (See Fricker 1994, 133.)

Notice that from the epistemological point of view, it is the second part of the consequent of this complex conditional that is of interest. Put contrapositively, what it states, when combined with its antecedent, is that a hearer **H** has no right to believe that **P** on the basis of what **S** has asserted if **H** has no independent evidence sufficient to justify **H** in taking **S** to be trustworthy with regard to this assertion.

For our purposes, however, what is more interesting is the first part of this consequent. For what it says, when combined with the antecedent and stated contrapositively, is that a hearer **H** has no right to believe that **P** on the basis of what **S** has asserted if it is not the case that **S** has asserted anything – either because **S** has made no utterance **U**, or because **S** has made an utterance **U**, but **U** is not an assertion. And this raises the question of what will count as **S** having made an assertion – what exactly an assertion consists of.

The model that Fricker adheres to in answering this question is one that she has, in part, borrowed from John McDowell (1981). It includes the idea, as she puts it, that:

...hearers' perceptions of speakers' utterances as speech acts are precisely that – not merely analogous to, but indeed a case of perceptual knowledge (Fricker 1987, 70).

Or, in other words, that what makes an utterance into an assertion for an individual hearer is that she or he "experience[s] it as such" (ibid., 70). But it also, as a consequence, includes a notion of assertion that, as David Cooper points out, is ambiguous because it is essentially undefined (Cooper 1987, 88). For Fricker, apparently, an assertion is just an assertion and that is the end of that. It is true that in her more recent work, she seems to have become aware of the dangers of not indicating more clearly the class of utterances that she wants her theory to apply to. For she has begun talking about what she calls "serious assertions" (Fricker 1994, 139). But this is scarcely an improvement, since, as we will show, there are many assertions that would pass the test of being serious (not flippant, intended just as said) and yet would not be such that we would

have to appeal to the resources of condition (2) in order to treat them as something other than (for example) eyewitness reports.

Coady's view, like Fricker's, contains both an epistemological and a phenomenological element. It goes something like this:

If, on an occasion **O**, a hearer **H** has an epistemic right to believe that **P** 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 doing so "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 untrustworthy with respect to **U**, and
 - (b) A reason **R** to believe that **P** is false or very unlikely. (See Coady 1992, Part III.)

Unlike Fricker, Coady does not embrace McDowell's quasi-perceptual approach to recognizing speech-acts. And he is much clearer in terms of what that he wants his theory of testimony to range over. As he sees it, the sort of assertion that an individual can properly apply this theory to is one on which the speaker in question **S** possesses the following three characteristics:

- (1) **S** states that **P** is evidence that **P** and is offered as evidence that **P**.
- (2) **S** has the relevant competence, authority, or credentials to state truly that **P**.
- (3) **S**'s statement that **P** is relevant to some disputed or unresolved question and is directed to those who are in need of evidence on the matter. (Coady 1992, 42).

This is better. But considerations adduced by Coady are so general as to leave open the strong possibility that kinds of discourse that do not merit the status of testimony would still qualify as such under his account. The point here is that without a clear *internal* constraint on such notions as when something counts as evidence, or when someone is competent or an authority, the addition of the sorts of features that Coady enumerates still seems to leave his conception of testimony open to epistemically defective modes of discourse.

Some idea of what we have in mind by an "internal constraint" can be found by reflecting on those practices that have been established (and that have evolved) to codify and regularize the production and use of "formal" testimony in legal contexts. Clearly, formal testimony – that which is delivered before courts of law and commissions of inquiry – should not be considered the only "real" testimony. It should not be thought of as providing an ideal that ordinary or "natural" testimony somehow falls short of. It is another kind of testimony, formalized in the way that it has been for very specific reasons. Yet, just as clearly, as a form of testimony, and as a form that makes explicit much that is assumed or goes unremarked upon in ordinary conversational settings, it can give us guidance as to where we should be looking in these less formal contexts to find the element that we need.

Formal testimony contains a number of features that parallel natural testimony and a number that do not. Coady in his discussion lists several from both categories:

- (a) It is a form of evidence.
- (b) It is constituted by persons A offering their remarks as evidence so that we are invited to accept P because A says that P.
- (c) The person offering the remarks is in a position to do so, i.e., he has the relevant authority, competence, or credentials.
- (d) The testifier has been given a certain status in the inquiry by being formally acknowledged as a witness and by giving his evidence with due ceremony.
- (e) As a specification of (c) within English law and proceedings influenced by it, the testimony is normally required to be firsthand (i.e., not hearsay).
- (f) As a corollary of (a) the testifier's remarks should be relevant to a disputed or unresolved question and should be directed to those who are in need of evidence on the matter (Coady 1992, 33).

Two crucial features of formal testimony, however, are surprisingly left off this list. The first is that, in a court of law or before a judicial inquiry, a witness is required to make some sort of explicit avowal of the truth of the various claims that she or he is about to make. Traditionally, such avowals have been accompanied by a reference to the Almighty. But they need not be. For what is required in such a context is only that one has publicly affirmed a special commitment to veracity with respect to the matters in question, and this affirmation serves to warrant the supposition on the part of hearers that the speaker **S** is speaking with cognizance of the foreseeable consequences of a failure on **S**'s part to speak truthfully, including the possibility that **S** would be charged with perjury.

The other feature left off the list is that in a context where formal testimony is presented, witnesses are explicitly assigned enormous responsibilities for what they have to say. In stepping up to the witness stand and giving her or his testimony in these circumstances, a speaker **S** is not only adopting a special commitment to truth, **S** is knowingly leaving him or herself open to extensive and sometimes harrowing cross-examination. By his or her actions, **S** has indicated that he or she is both willing and (so **S** believes) able to defend his or her claims and/or to provide a satisfactory account of how he or she comes to know what she claims to know.

A witness's oath and open commitment to respond to cross-examination are internal to the production of (formal) testimony; they constrain **S**'s capacity to speak falsely. It is striking that Coady is minimally concerned with such internal constraints (as is Fricker). The closest that Coady gets is his (d) – that, in formal testimony, a witness gives his evidence “with due ceremony.” Yet the witness's oath and the prospect and conduct of cross-examination have everything to do with the confidence persons reasonably place in a witness's testimony.

Are there analogous constraints in place amidst the practices associated with natural testimony? Our belief is that there are. To support this belief our attention now turns to gossip. For gossip such internal restraints are relaxed in ways which render gossip unreliable, but which also render its notorious fallibility invisible to accounts of testimony which do not give appropriate attention to its production.

III. Gossip

At the outset we should notice that gossip is conducted by a speaker's **S**'s saying things and this in the sense of 'saying' which we use in indirect speech reports of the form 'Speaker **S** says that **P**, where **P** identifies what the speaker means. While gossip is rich in hints, innuendo, allusions and dark suggestions, at the very heart of gossiping is saying things. That is apparent from the expressions characteristically used to initiate and report gossip conversations, e. g., 'You aren't going to believe what I have to say about Smith,' 'Have I got something to tell you,' 'While we were gossiping about Jones, Henry said the most remarkable things.' If one had nothing which one was willing to say about Jones, one could hardly gossip about the chap. In this important respect gossip resembles much other communicative activity, including that which can properly and productively be regarded as testimony.

How, then, does gossip differ from other modes of human communication? This question is not easily investigated using the methods for analyzing speech acts developed in the philosophy of language. In J. L. Austin's terms, gossip is not an illocutionary act (1962). The communicative character of gossip is essentially manifest and would in many cases be avowed by persons participating in gossip conversations by such frank confessions as 'We're gossiping about the Dean; want to join us?' Still the activity of gossiping is not avowable in the way characteristic of illocutionary acts. The expressions *'I gossip that **P**,' *'I gossip you to do **X**,'" *'I gossip you of **Ying**,' and so forth are not well-formed specimens of English; whereas their illocutionary parallel are, e.g., 'I promise that **P**,' 'I advise you to do **X**,' 'I accuse you of **Ying**.' While the communicative activity of gossiping is not beyond the reach of analytical techniques, it is not especially well suited to familiar approaches to the analysis of speech acts.

Fortunately, gossip can be and has been productively studied by ethnographers, and much of what they tell us about gossip can be corroborated by making explicit our commonsense understanding to that communicative activity. In particular Jorg Bergmann's Discreet indiscretions: The social organization of gossip provides a well documented, analytically clear, and intuitively satisfying account of gossip as a communicative activity (1993). In the discussion that follows, we rely primarily on Bergmann's account supplemented appeals to commonsense understanding of this communicative activity and corroborating studies.

The communicative activity of gossiping has the following features.

First, gossip typically requires a minimum of three parties. In Bergmann's terms these are the gossip producer, the gossip recipient, and the gossip subject (p. 49). The gossip conversation typically involves an exchange between gossip producers and recipients in the absence of the gossip subject (Bergmann, 1993, p. 49; Bok, 1983, p. 91). It would be a joke to say, 'Joe's here and listening, so now let's gossip about him.' Were this said seriously to a group in Joe's presence, the invitation would quickly take on the character of a challenge or insult to Joe and would invite a conversation likely to cause him immediate and personal harm. Gossip is about a third party, typically one not present.

Second, because of the manifest nature of its content, gossip implicates its participants in a potentially reprehensible intrusion into the affairs of the parties who are the subject of the gossip. The gossip producer and the gossip recipient are usually acquaintances, and they often stand in that relationship to the gossip subject, though here the acquaintanceship may be very remote. The content of gossip characteristically focuses on matters that the gossip subject might

rightly regard as damaging and privileged, i.e., as private matters outside the legitimate scope of the concerns of the gossips. This is the heart and source of gossip's ill repute: the content of gossip involves a "tainted" intrusion into the private affairs of the gossip subject, the illegitimacy of which cannot but be apparent to both gossip producer and gossip recipient (Bergmann, 1993, p. 68; Bok, 1983, p. 93; Rosnow, 2001, p. 211). This fact is reflected in the way gossip conversations may be opened. 'Have you heard the latest about so and so,' 'I hate to pry into other people's business, but can you believe what Smith just did?' At the same time, parties to whom gossip is addressed, by their very participation in the conversation, are implicated in an activity that harms the subject of the gossip. Bergmann succinctly observes.

The relationship between the gossip producer and the gossip recipient that is based on mutual acquaintanceship is specifically characterized by the special kind of information that is transferred in their interaction. Information about another's private affairs is morally contaminated information and thereby places those who exchange it in a relationship of co-informers. The gossip recipient finds himself, as it were, in the situation of one who accepts a gift that he as well as the giver knows is stolen. This co-informership binds the gossipers together in brotherhood and affects the ability of their relation to last (p. 68).

Thirdly, given the illicit character of the exchange something on the order of overt mutual consent is required in order for a gossip conversation to get fully underway. The gossip producer, typically, will want to ensure that his betrayal of the gossip subject's privacy does not redound to his discredit and, so, will need assurance from gossip recipient that the conversation is both acceptable to the recipient and can be conducted in confidence. Likewise, the gossip recipient will need assurance that the gossip producer has something worthwhile to say and, also, assurance regarding the confidentiality of the conversation. Where the would-be-gossip producer and the intended gossip recipient have not previously established a gossip tolerant relationship, the possibility for a gossipy exchange is worked out in what conversational analysts call a "presequence" in which the conversationalist mutually agree to take each other into each's confidence, and so establish conditions under which they can gossip. And, as Bergmann observes, "...gossip initiators have many techniques of inviting . . . their partners into repeating gossip information in an indirect and guarded way" (p. 90). But once a relationship has been established within which gossip has occurred, it may be a relatively simple matter to subsequently renew that relationship using a few stock expressions, e. g., 'Well, have you learned anything more about . . .?' or 'Anything new at your end . . .?'

What induces recipients to enter a gossipy conversation? This question leads to a fourth feature of gossip, what Bergmann terms the "meta-narrative" which gossip producers generally provide to accompany their gossip stories. The components of this meta-narrative reflect the inducements that typically entice participation in a gossip conversation. Gossip producers typically represent what they have to say as:

Communication worthy

The conduct reported in gossip is typically represented as *unexpected, unconventional, juicy, strange, improper, immoral, eccentric* (Bergmann, 1993, p. 97).

Where a person did not have some sort of spicy information, one would be likely decline an invitation to gossip. Suppose a person were asked, 'You've been Smith's gardener for five years, what's life like over there?' This plain invitation to gossip would be declined where the respondent to answer, 'Well there's nothing worth talking about; you never seen such a bunch of ordinary, well-behaved, decent folks as the Smiths.'

Tolerably legitimate

Given the content of gossip and its natural tendency to exaggeration, gossip producers are at pains to represent what they have to say as believable and the product of minimal intrusion into the affairs of the gossip subject. Gossip producers risk the charge that their utterances slander the gossip subject. Where that criticism sustainable, potential gossip recipients would have good reason to avoid engaging in the gossipy conversation (p. 99). Consequently, gossip producers represents their narratives as believable and, as we will shortly notice, employ a variety of what Bergmann calls "authentification strategies" to vindicate the believability of their gossip narratives. Moreover, gossip producers seek to minimize their own and the gossip recipient's culpability for intrusion into the affairs of the gossip subject by representing their role in the acquisition of information about the gossip subject as "passive," the stories they report were "given to them by others, acquired without active effort" (p. 98). Gossip conversations typically begin with expressions 'There I was, minding my own business, when—well you're hardly going to believe this' and 'As you know I share a cubicle with X. Well the other day I could not help overhearing.' Of course these efforts to limit culpability for spreading contaminated information also work to limit the gossip producer's capacity accept responsibility for investigating the accuracy of his or her own statements.

Of general speculative interest regarding the character of the gossip subject

Gossip producers, typically, exhibit less interest in the informative content of their narratives and more in the commentary and evaluation of the gossip subject's circumstances and character which can be speculatively generalized from that information. Gossip is notorious for the pleasure it affords as speculation about the background, motives and character of the gossip subject (Bergmann, 1993, p. 99; Bok, 1983, p. 89; Rosnow, 2001, p. 210).

The nature of the gossip conversation helps bring into focus various features common to such conversations and, especially, the strategies gossip producers use to exhibit the verisimilitude of their gossipy reports. In order to avoid the charge of slander and to certify the believability of his or her story the gossip producer typically finds it necessary to provide information designed to authenticate his or her narrative and show that it is not an outright fabrication. At the same time such corroborating material must not show the gossip producer to be overly intrusive and must support the communicative and speculative interest of the gossip. According to Bergmann, review of recordings of gossip conversations shows:

Gossip producers rely on marginally relevant details to show that the information they present originated in first hand observation but was passively acquired. As Bergmann explains, "The gossip producer, then, can counter the suspicion of having obtained his information through spying in a different way, namely, by keeping a relatively low level of detail in his presentation and only raising the level at specific points. And so this produces that peculiar mixture of precise information and sweeping paraphrase, of detailed proposals and vague indication, that is so characteristic of gossip-communication"(p. 99).

Gossip producers rely heavily on quotation to authenticate their narratives. Quotations, according to Bergmann serve three functions in gossip.

First, quotations serve as means for dramatizing the gossip producer's narrative. They afford opportunity for "expressive intonation that gives gossip its characteristic emotional coloring—and not least of all an essential part of its entertainment value" (p. 111).

Second, quotations may serve as "authentication" for the gossip producer's story, without directly implicating the gossip producer in a first hand invasion of the privacy of the gossip subject (p 112).

Thirdly, quotations enable the gossip producer to attribute to others expressions, which for reasons of etiquette and taste the gossip producer himself or herself would not inject into the conversation, thereby enabling the gossip producer to spice up his or her tale (p 112).

The preceding account of the phenomenology of gossip shows that the nature of gossip is readily apparent to gossipers and that it can be recognized as epistemically unreliable. Gossip openly lays claim to attention as narrative of unexpected, outlandish, immoral, etc. behavior that invites speculation about the circumstances and character of the gossip subject. It purports to be no more than believable, based only on passive exposure to events, and it is typically backed by corroborating detail and quotations that serve more to dramatize and heighten the entertainment value of the narrative than to lend substance to the gossipy report. Small wonder that gossip is commonly regarded as unreliable idle talk.

Certainly, then, gossip ought not qualify as testimony and does not deserve to be evaluated as such. But can it be distinguished from testimony as conceived by leading contemporary theories? Our answer, of course, is no. First, consider Fricker's view. On it, the only way in which we could distinguish between gossip and testimony (in a particular case) would be if we were to run a sort of background check on the individual in question. If **S** were to utter **U** with the intent of gossiping with respect to **V**, **H** could only tell that this was not intended as a "serious" assertion, if **H** could establish that with respect to **U**-like utterances, **S** had a bad track record (that **S** was insincere, incompetent, or both). There would be nothing about the circumstances of the encounter with **S** itself that would tell **H** this, nothing that would enable **H** to categorize this speech-act context beyond an appeal to **S**'s past actions and beliefs. But, surely, **H**'s being able to dismiss such an assertion at the outset as not worth being considered as testimony would not only more closely parallel what individuals actually do in cases of this kind, but would considerably alleviate the epistemic burden of investigation that **H** would have to bear.

With respect to Coady's theory, the situation is a little different, but the outcome is basically the same. On Coady's theory, one is entitled to believe anything that anyone has testified to (as he defines this) unless or until one has a good reason to think that the piece of testimony is false or the testifier untrustworthy. But notice, as we have said, that Coady does not provide any internal constraint upfront on what this latter might consist of. (Is not giving one's word or not signaling one's readiness to answer questions in the case of non-trivial assertions a sign of untrustworthiness or not? He doesn't seem to think so.) And thus, as with Fricker's view, it seems here that what a hearer **H** must do in a case of this kind is to investigate what **S** has done and said in the past with respect to assertions of the kind in question, which is not only cumbersome (especially if one is interacting with an individual with whom one is unfamiliar), but not at all what people actually do.

Somewhat ironically, gossip producers can be relied upon to produce discourse of an acceptable quality. Of course, as everyone knows, what gossip producers say is epistemically unreliable on its face; the fact that it does not immediately show up as such on Fricker and Coady's conception of testimony—that on the contrary Fricker and Coady would both have us, conversation by conversation, scrutinize gossip in the same way we ought to scrutinize discourse which we are treating as testimony—indicates that scope of application neither conception has been adequately specified. And that brings us back to the question of what is missing from these accounts of testimony. To answer this question it will be helpful to a larger account of the commitments speakers undertake in and by saying things.

IV. A Broadly Gricean View of Gossip and Testimony

What is missing from Fricker and Coady's account of testimony is a conception of the commitments speakers make in connections with saying things (and, more specifically, when those commitments constrain a speaker to produce utterances which deserve to be evaluated as testimony). Gossip producers openly accept responsibility for the truthfulness (or something very like the truthfulness) and relevance of what they say, but they set such low standards for discharging those responsibilities as to tolerate (almost invite) epistemically unreliable discourse. Talk which merits evaluation as testimony should be constrained by higher standards. To clarify this picture and its possibilities, we now turn to a general view of communicative acts and activities and of the commitments which serve as internal constraints on what a speaker **S** says and does: a view of the pragmatics of human communication developed by Dennis Stampe as an elaboration of Grice's analysis of utterance-meaning (1967; 1975).

Some years ago, it will be recalled, Grice offered an analysis of what must be the case for it be true that **S** produced an utterance on a particular occasion, meaning something by that utterance in the sense of 'meaning' associated with human communication (1957; 1969). Grice's analysis has occasioned considerable discussion and revision in a large and continuing literature. Among its substantial merits is that it affords a view of the rudiments of primary communicative act of saying (and meaning) that **P**.

In its most defensible form Grice's analysis holds that **S** will have said that **P**, only if,

S produced an utterance **U** primarily intending₁ that an addressee **A** respond **R** that **P** (or at least acts as if **S** intends₁ that **A** **R** that **P**);¹

S deliberately and openly gives **A** to believe that **S** is speaking with that primary intention.

S further intends that **A**'s complex recognition of the intentions with which **S** speaking is to provide **A** with at least part of **A**'s reason for **R**ing that **P** (or at least acts as if this were **S**'s intention) (Stampe, 1967; Strawson, 1964).

On this analysis it will be true that Mary has said that Uncle Bill is ill only if she has produced an utterance intending₁ (or acting as if she intends) that her addressee, e.g., believe that Uncle Bill is ill, while deliberating and openly giving **A** to believe that she is trying to induce **A** to believe that Uncle Bill is ailing and still further at least purports to intend that what she has given **A** to believe about her intentions is to provide **A** with at least part of **A**'s reason for believing that Uncle Bill is ill.

This version of Grice's analysis has occasioned considerable perplexity regarding its pragmatics. On the terms of the analysis, speakers at least act as if they rely on (and one supposes characteristically do rely on) a practical calculation according to which they can, by openly securing recognition of the primary intention with which they are speaking, somehow manage to provide their addressees with (partial) reason to respond as they primarily intend. But one wonders how, even in favorable circumstances, **S** possibly could provide **A** with reason to believe that **P** by deliberately and **openly** getting **A** to recognize that **S** is trying to induce that response (Kemmerling, 1986, p. 148; MacKay, 1972, p. 60).

Dennis Stampe provides an account of the pragmatics of saying and meaning things that supports a satisfying answer to this concern about Grice's analysis. Stampe's account turns on the truism that where a person recognizes another's intentional act, the first at the same time (other things being equal) recognizes what the second is responsible for. Thus, when **S** deliberately and openly manifests her primary speaker intention, she openly takes responsibility for her communicative effort and its foreseeable consequence(s), e.g., the possibility that **A** might believe what **S** says. **S** thereby generates a presumption of veracity on behalf of what she says. For given what **S** has made known to **A** about her intentions, **A** can reason (and be expected) to reason as follows: **S** has placed herself in a position where **S** cannot very well deny responsibility for trying to get me to, e. g., believe that **P**; **S** is no fool; **S** would not be willing to brook criticism and resentment for trying to get me to believe something which **S** does not herself believe on the basis of some good effort to ascertain its truth. So I may fairly presume that **P**. In some circumstances this may provide **A** with adequate reason to respond as primarily intended by **S** (Stampe, 1967; Kauffeld, 2001a; 2001b).

Within this view of the pragmatics of saying something, we can readily understand what ethnography tells us about gossip. The case of gossiping is somewhat complicated by the fact that usually one can only gossip openly within the confines of established gossip accepting relationship. When one looks at the "presequences" within which the terms for confidentiality are negotiated by would-be gossipers, one finds an initial state of indirection and covertness regarding the participants' intention, but the tendency of that state is to move toward openness regarding the gossip producer's intentions and a corresponding set of presumptions on the part of the gossip recipient which, in turn, warrant the latter's participation within a confidential gossip relationship. So, recognizing that gossip is not avowable in the ways that *proposing*, *accusing*, *promising* and other illocutionary acts are, still gossip does require that gossip producer enter a relationship within which **S**'s communicative intentions are openly manifest.²

We offer the following broadly Gricean interpretation of what ethnography tells us about the **phenomenology of gossip**.

Background: **V** (the party or party who is the subject of the gossip) is broadly speaking an acquaintance of **S** (The gossip producer) and **A** (the gossip recipient).

S's Initial Practical Problem: to induce **A** to participate in a confidential conversation about **V**'s conduct, character and affairs.

S produces an utterance **U**, deliberately and eventually openly contriving to make know to **A** that **S** is speaking with the intention of making **A** aware that **P** as a significant and privileged disclosure about **V**'s conduct.

(Privileged information is information to which **S** (purports to) has unique access and which **S** and **A** suppose **V** would prefer kept private and has a right to control. (Implicit in this is that the conversation is harmful to **V**). Significant information is information (a) about usual, unexpected, unconventional, juicy, strange, improper, immoral, eccentric behavior, (b) which invites speculation about **V**'s circumstances and character.

S manifestly risks criticism for slandering **V** and violating **V**'s privacy (confidence) and for implicating **A** in a slander and violation of **V**'s privacy; **A** can presume that **S** would not run that risk if what **S** has to say were not at least believable and based on a tolerable knowledge of **V**'s affairs. Accordingly **A** may have reason to enter a mutually confidential relationship with **S** the purpose of conversing about **V**.

When one looks at the configuration of commitments openly undertaken by the gossip producer, one sees a set of tensions which betray what he or she has to say as epistemically unreliable. The gossip producer **S** is committed (a) to saying something about the conduct of the gossip subject **V** which is unusual, unconventional, etc. and which invites speculation about **V**'s character and affairs, (b) to saying things about **V**'s conduct and affairs which are believable, and (c) which are based on a tolerable intrusion into **V**'s affairs. The tensions between these commitments restrict what **S** can (purport to) show to vindicate the believability of **S**'s story about **V**'s conduct. "Believability" is a rather elastic concept. A narrative may be believable because it is well supported by careful investigation of the facts of the case, but, at the other end of the spectrum, a narrative may be described as believable merely because it is dramatically cohesive. The first of these possibilities is hardly compatible with the gossip producer's third commitment, *viz.*, his or her commitment to say things that are based on a tolerable intrusion into **V**'s affairs. As Bergmann reminds us, it can hardly be the case that **S** has carefully investigated the factual basis for what **S** has to say about **V**'s privileged affairs and still have exercised acceptable respect for **V**'s privacy (1993, p. 99). **S**'s commitment to the believability of what **S** has to say must appear to all involved to be little more than a commitment to dramatic verisimilitude. That obligation fits nicely with **S** further commitment to say things which invite speculation about **V**'s character and affairs, but that is also to say that it patently fits the notorious unreliable character of gossip. In effect gossip producers accept responsibility for the

truthfulness of what they say, but they manifestly set such a low standard for veracity that what they say could not by reason of their saying it warrant consideration as a basis for knowledge.

In a curious and important way this point about veracity and gossip squares with the variations we find when we look at the obligations and responsibilities speaker's incur across the range of things speaker do in and by performing that primary communicative act. As noticed above, where **S** says that **P**, we expect **S** to accept responsibility for the veracity of **S**'s utterance. The fact that this expectation holds for many situations has suggested to some that truthfulness is a background condition supporting the possibility of human condition. But when one looks more closely at the variety of speech acts persons perform, it becomes apparent that our expectations about **S**'s responsibilities and obligations relating to veracity vary depending on the nature of the intention with which **S** is speaking and (correspondingly) with the kind of speech act she is performing. If **S** makes a promise (not just a prediction about **S**'s future action), **S** is expected not just to have good reason for believing that **S** will do what **S** promises to do; we expect the promisor to make good on **S**'s promise, if only because **S** said **S** would (Stampe, 1970; Warnock, 1971, pp. 96-113). Or take the case of a speaker making a proposal. Here we expect that **S** not only will have good reasons supporting what **S** says, we also expect that **S** is to share them with skeptical addressees, answering such doubts and objections as they may have regarding **S**'s proposal. Or in the case of a speaker who accuses the addressee **A** of wrongdoing. Here the speaker impugns **A**'s conduct and, as a consequence, may incur an obligation to provide compelling reason for believing that the accused did what the speaker is certain that the accused did (Kauffeld, 1987; 1998). Variation of this kind can be played out at much greater length. This variability shows that our expectation as they relate to a speaker's veracity are conditioned by the responsibilities and obligations the speaker openly incurs in view of what **S** is openly trying to do and its foreseeable consequences that effort. In the case of gossip, **S**'s commitments relax the requirements of veracity to the point that **S**'s can purport to be truthful while saying unreliable things; in other modes of communication, **S** openly undertakes commitments which strengthen and/or tighten what can be required of **S** as a matter of **S**'s obligation to speak truthfully, saying relevant things, etc.

At this point, let us summarize what we have said so far. We have found that there are elements of the phenomenology of gossip that enable hearers, without addressing broader epistemological issues, to determine when gossip is occurring and, also, to recognize that what is said by way of gossip does not merit the sort of evaluation which would be appropriate where an individual was testifying. We have argued that the nature of gossip and its unreliability are apparent on the face the commitments manifestly undertaken by gossip producers in connection with their saying those things which can be reported as gossip. Our basic claim in this connection is that theories of testimony, in order to properly delineate the scope of their application and exclude gossip from consideration as testimony, should take into account the commitments undertaken by speakers in and by saying those things that might be evaluated as testimony.

In conclusion we want to take a more positive approach to our thesis and suggest that appropriate attention to the commitments undertaken by speakers in connection saying (and meaning) things will not only help to exclude kinds of discourse which do not merit evaluation as testimony,³ such attention will also enable us to better discern and appreciate utterances which by their nature merit consideration as testimony. Our suggestion is that we should approach naturally occurring testimony in a fashion analogous to the ways in which we treat formal testimony. As noted earlier we construct the situation for formal testimony so that the speaker

giving testimony is openly cognizant of his or her responsibility for the truthfulness of what he or she says and for the possibility that persons may rely on it in decisions and judgment and is, further, accountable for how he or she came to know what he or she purports to tell us. Analogous attention to the commitments speakers undertake outside institutional contexts will, we suggest, enable us to better recognize and appraise natural testimony.

The idea that we (should) recognize some talk as "natural testimony" may meet with skepticism. Like gossip, testimony is not ordinarily the product of a distinct kind of communicative performance on the order of *promising, proposing, advising*, etc. While gossip is ordinarily and readily recognized as a distinct kind of talk, it is not entirely clear that persons ordinarily and naturally engage in a communicative activity that we designate as testimony.⁴ Nevertheless, we maintain that there are ordinary utterances which by their nature qualify for evaluation as testimony, and we suggest that the commitments speaker manifestly undertake in connection with the production of those utterances is a good guide to their testimonial quality.

First of all, the testimonial nature of many utterances is explicitly identified by what the speaker says. A speaker **S** intending (among other things) to create in an addressee **H** a belief that **P** will often use explicit signifiers of **S**'s commitment to the truthfulness of what **S** says. Phrases like 'honest to God,' 'I'd swear on a stack of Bibles,' and 'may lightening strike me dead' function much like those theologically backed oaths that one finds in the courtroom (and are probably either derived from them or the other way around). Secular formulations also exist, apparently deriving their strength from the more general idea of an individual's giving his or her word of honor – 'honest,' 'no, really,' 'I guarantee it,' 'you can bet on it,' and so on. Others focus on the speaker's attitude in producing the utterance – 'I'm serious,' 'I'm not kidding.' And all can be combined with a locution that explicitly reveals the purpose of the illocutionary act: for example, 'I tell you, there's a storm coming. Honest. I'm not kidding.' Other locutions indicate that **S** specifically acknowledges that his or her responsibility extends to **A**'s reliance on what **S** says in **A**'s subsequent planning, inferring, etc. Thus, speakers preface what they say with such expressions as 'Now, when you get to that meeting you're going to need to know that **P**.' 'Listen carefully, you won't be able to find your way back, if you don't recognize that **P**,' and persons commonly speak with explicit recognition of the inferential use that is to be made of what they say, e. g., 'I don't know whether Smith did what you suspect, but I can tell you that he wasn't here.'

It is also quite common for speakers in such contexts to explicitly announce their willingness to be examined further with regard to their credentials and/or how they have come to know what in saying that **P** they purport to know. Sometimes they do this by inviting argument, objection, or further rumination – 'You're not going to believe this, but they're raising the bus fares again.' (Notice that this will probably be followed by an expression of disbelief, or at least amazement, in the addressee – 'No, are they really?' – which can then be answered by an appeal, for example, to some reliable source – 'Yes, I read it in the newspaper {heard it on the radio}'.) On other occasions, they do it by giving the addressee an explicit evidence trail – 'I read it in *The New York Times*,' 'Well, you can ask Charley or Jill' – allowing for effective double-checking or corroboration. And in still others they cite specific instances in which particular sensory or other belief-generating modalities are the basis for the information at hand – 'But I saw it with my own eyes,' 'But I clearly heard her say it,' 'Ah, distinctly I remember it was in the bleak December.' (The difference, by the way, between this and what the gossip might say, 'Well, that's what I've heard' may seem minor, but notice the emphasis. In the latter case, the speaker emphasizes his or her relative passivity with respect to a report that he or she is merely passing on by putting

stress on the word 'heard.' In the former, what the speaker emphasizes is the relative transparency of the perceptual moment. This is indicated by the speaker's stress on the word 'clearly'.) Elsewhere speakers express their willingness to review for their addressees the basis for what they have to say, e.g., 'Look I know what I am talking about here; we've been over that property several times, and it certainly does not have a barn on it' or 'I can recall exactly how I came to that conclusion; I have been over it many times in my mind. Do you have any questions about?' In still other cases persons seeking information frame their questions so as to make explicit the responsibility a speaker **S** will incur when answering it, e. g., 'I don't have time to investigate this. Would look into it for me and determine whether suitable housing is available, and if you don't mind, keep a list of the realtors you contact, so we don't duplicate efforts later.'

Of course, speakers may also openly take responsibility for the veracity of what they say, patently incur responsibility for their addressees' relying on what they say in subsequent actions and inferences, and conspicuously commit themselves to conversational review of how they acquired the knowledge they purport to express—all this can be done without the speaker explicitly *saying* things which represent the speaker's commitments. As we learn from Stampe's interpretation of pragmatic base for Grice's analysis of utterance meaning, speakers commonly undertake responsibilities related to the truthfulness of what they say by the expedient of deliberately and openly manifesting the intentions with which they are speaking. But whether effected verbally or simply by the gestures, patterns of intonation, and other overt ways speakers use to convey the intentions with which they are speaking, it is apparent that in ordinary day-to-day affairs, speakers (and addressees) often explicitly construct contexts in which what they say plainly merits evaluation as testimony. In these cases speakers explicitly take on responsibilities related to their veracity that work in just the opposite direction of the gossip producer's overt commitments. Where the gossip producer lowers the standards of veracity to mere verisimilitude, speakers elsewhere explicitly accept responsibilities that set higher standards for truthfulness and, so, qualify their utterances as in the nature of testimony.

Indeed it would be odd from a more theoretical point of view, if speakers and addressees did not ordinarily construct contexts in which **S**'s commitment make it apparent that what **S** says merits evaluation as testimony. In general speakers openly undertake responsibilities and obligations in order to provide their addressees with reason to presume that what the speaker has to say fits the addressees' needs, circumstances, difficulties, etc., thereby providing addressees with practical reason to respond as speakers intend. In the world of ordinary day-to-day communication, for example, would-be-advisors openly commit themselves to speaking out of regard for their advisees' concerns; advisors thereby warrant the presumption that what they have to say is not mere meddling in their advisees' business. Just as advisees have an interest in getting guidance which fits their concerns, so addressees recurrently need information which they can rely on as evidence related to their reasoning, planning, etc., and speakers correspondingly often want to provide addressees with information which the latter can see at least merits consideration as reliable knowledge. So it would be odd were our communication practices such that we did not ordinarily have means for saying things, which given the nature of the commitment thereby undertaken, merit consideration as testimony.

But this is not to say that we have presented anything like an adequate account of natural testimony. Our aim in this essay has been to call attention to some of the ways in which commitments undertaken in and by saying things show that a speakers utterances merit consideration as testimony or show, as in the case of gossip, that what **S** says does not qualify for such consideration. A good deal of work remains to be done before we have a satisfactory

account natural testimony, and even then it may turn out that our ordinary practices in this connection are in need of reform, and it certainly is the case that appraisal of speaker's commitments is not the whole story in evaluation of testimony. Standard questions about the speaker's competence, expertise, biases, etc. remain in order when testimony is evaluated. Our point has to do with when such evaluation is in order.

Notes

¹ It is necessary to add the "acts as if" condition to handle cases in which **S** goes through the motions of saying things but no audience is even conceivable. Also it will be true that **S** said that **P** even if **S** does really have the intention of getting **A** to believe that **P**. Acting as if will do from a practical standpoint because it still commitments one to responsibility for **P**.

² For convenience we focus on the case in which the gossip producer initiates the conversation. Of course, gossip can be initiated by a gossip recipient, who then induces the gossip producer to openly speak with the intentions characteristic of gossip producers.

³ Non-testimonial discourse includes much more than gossip; that category embraces the various mode of talk appropriate to the purposes of entertaining others, venting spleen, or building social bonds but ill suited to the accurate transmission of likely truths.

⁴ The American Heritage Dictionary tells us that first person reports of experiences may ordinarily be referred to as testimony, e. g., "The astronaut testifies that the surface of the moon is strewn with rocks." Supposing this is accurate, it assigns a narrower sense to 'testimony' than we would include within the scope of natural testimony. The OED's first sense for 'testify,' to bear witness to or give proof of; to assert or affirm the truth of (a statement), seems to imply an activity primarily conducted in institutional and quasi-institutional settings. The idea that testimony involves explicitly affirming the truth of a statement seems to fit our conception of natural testimony.

References

- Austin, J. L. (1962). *How to do things with words*. Cambridge: Harvard University.
- Bergmann, J. R. (1993). *Discreet indiscretions: The social organization of gossip* (J. Bednarz, Jr., Trans.). New York: Aldine de Gruyter.
- Bok, S. (1983). *Secrets: On the ethics of concealment and revelation*. New York: Random House.
- Coady, C.A.J. (1973) Testimony and Observation, *American Philosophical Quarterly*, 10, 149-55
- Coady, C.A.J. (1981) Mathematical Knowledge and Reliable Testimony, *Mind* 90, 542-56
- Coady, C.A.J. (1992) *Testimony: A Philosophical Study*. Oxford: Clarendon Press.
- Cooper, David (1987) Assertion, Phenomenology, and Essence *Proceedings of the Aristotelian Society, Supp.* Volume 61, 85-106
- Davis, W. A. (1992). Speaker meaning. *Linguistics and Philosophy*, 15, 223-253
- Fricker, Elizabeth (1987) The Epistemology of Testimony, *Proceedings of the Aristotelian Society, Supp.* Volume 61, 57-83
- Fricker, Elizabeth (1994) Against Gullibility, in B.K. Matilal and A. Chakrabarti (eds.), *Knowing from Words* (pp. 125-161). Kluwer Academic Publishers: The Netherlands
- Fricker, Elizabeth (1995) Telling and trusting: reductionism and anti-reductionism in the epistemology of testimony, *Mind* 104, 393-411
- McDowell, John (1981) Anti-realism and the epistemology of understanding, in H. Parret and J. Bouveresse (eds.), *Meaning and Understanding*. Berlin: Gruyter.
- Grice, H. P. (1957). Meaning. *Philosophical Review*, 62, 397-388.
- Grice, H. P. (1969). Utterer's meaning and intention. *Philosophical Review*, 78, 147-177.
- Kauffeld, F. J. (1987). Rhetoric and practical necessity: A view for the study of speech acts. In J. W. Wenzel (Ed.), *Proceedings of the fifth SCA/AFA conference on argumentation: Argument and critical practices* (pp. 83-95). Annandale: Speech Communication Association.
- Kauffeld, F. J. (1998). Presumption and the distribution of argumentative burdens in acts of proposing and accusing. *Argumentation*, 12(2), 245-266.

Kauffeld, F. J. (2001a). Argumentation, discourse, and the rationality underlying Grice's analysis of utterance-meaning. In E. Nemeth T. (Ed.), *Cognition in language use: Selected papers from the 7th international pragmatics conference* (Vol. 1, pp. 149-163). Antwerp: International Pragmatics Association.

Kauffeld, F. J. (2001b). *Grice without the cooperative principle*. Paper presented at the OSSA Conference on Argumentation and its applications, Windsor, Ontario.

Kemmerling, A. (1986). Utterer's meaning revisited. In R. E. Grandy & R. Warner (Eds.), *Philosophical grounds of rationality: Intentions, categories, ends* (pp. 131-157). Oxford: Clarendon Press.

MacKay, A. F. (1972). Professor Grice's theory of meaning. *Mind*, 81(1), 57-66.

Rosnow, R. L. (2001). Rumor and gossip in interpersonal interaction and beyond: A social change perspective. In R. M. Kowalski (Ed.), *Behaving badly: Aversive behaviors in interpersonal relationships* (pp. 203-232). Washington: American Psychological Association.

Stampe, D. (1967). *On the acoustic behavior of rational animals*. University of Wisconsin, Madison, Wisconsin.

Stampe, D. (1970). *Making promises*. University of Wisconsin, Madison, Wisconsin.

Stampe, D. (1975). Meaning and truth in the theory of speech acts. In P. Cole & J. Morgan (Eds.), *Speech Acts* (pp. 25-38). New York: Academic Press.

Strawson, P. F. (1964). Intention and convention in speech acts. *Philosophical Review*, 73(3), 439-460.

Warnock, G. J. (1971). *The object of morality*. London: Methuen and Co.