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A Virtue Theory of Testimony

This paper aims to outline, evaluate and ultimately reject a virtue epistemic theory of testimony before proposing an virtue ethical theory. Trust and trustworthiness, it is proposed, are ethical virtues; and from these ethical virtues, epistemic consequences follow.

There are two kinds of virtue theory in epistemology. There are those that trace their lineage to Aristotle's conception of 'intellectual virtues', where virtues are conceived as *excellences*, like the sharpness of a knife.¹ And those that trace their lineage to Aristotle's *Ethics*, where virtues are conceived as character traits, like kindness or generosity, which are manifested in judgement and action.² Guy Axtell refers to these theories respectively as 'virtue reliabilism' and 'virtue responsibilism' (2000, p.xiv). The concern of this paper, is solely with the latter, and all references to virtue epistemology should be understood with this restriction.³ The issue this paper investigates is the prospects of a virtue theory of testimony. What are these prospects? The short, if slightly cryptic answer, is that a virtue epistemology of testimony would be possible if only we could take our virtue for granted. But, given that we cannot, a virtue epistemology of testimony is not possible. However, the prospects of a virtue theory do not end there. Trust and trustworthiness, I will argue, should be regarded as *ethical* virtues. And trust can be the grounds for our uptake of testimony. So it is possible to give a virtue ethics of trust, which then forms a key component of an epistemology of testimony.

This paper is structured as follows. In section one I outline Miranda Fricker's virtue epistemology of testimony.⁴ In section two I consider a problem for virtue ethical theories that, I argue, is equally a problem for a virtue epistemology of testimony. The problem stems from the possibility of disagreement and error, where Fricker is sensitive to these matters with her concern for epistemic injustice. In section three, I consider how a virtue ethical theory might respond to this problem; and in section four consider what must be true for this response to work in the epistemic case. What must

¹ For instance see: (Sosa 1991), (Goldman 1993), (Greco 1993), and (Sosa 2007).

² See: (Zagzebski 1996), and (DePaul and Zagzebski 2003).

³ I consider the prospects of a virtue reliabilist theory of testimony in (Faulkner 2013).

⁴ This is the theory presented in (Fricker 2007). Fricker substantially modifies this in (Fricker 2012).

be true is that it must be possible to *presume* that a speaker is trustworthy. This presumption, I argue in sections five and six, is not epistemically possible but it is ethically available. Section seven concludes with some thoughts on the engagement of ethics and epistemology in this domain.

1. A Virtue Epistemology of Testimony

What justifies our uptake of testimony? That is, when our acceptance of a bit of testimony to p is the acquisition of the belief that p , what justifies this acceptance?⁵ There have been two dominant answers to this question. According to the reductive view, our grounds for acceptance are all the things we believe about the testimonial situation. Uptake is then justified because and insofar as our beliefs about the testimonial situation overall support the conclusion that a piece of testimony is true.⁶ The alternative non-reductive view is that we do not need grounds to be justified in the uptake of a bit of testimony. Rather, we have a general defeasible entitlement to accept what other people tell us.⁷ The problem with these answers, Miranda Fricker observes, is that our uptake of testimony is frequently immediate and non-inferential, and yet informed and supported by our background of belief. The epistemological challenge is thereby to account for these two facts, and, she suggests, virtue ethics shows how this challenge can be met.

What virtue ethics shows is how perception can deliver judgement. Take for example kindness. The kind person does not go through any calculation or appeal to principle, thinking ‘this situation is one whereby I ought to show kindness ...’. Rather, the kind person is one who is reliably sensitive to situational features that she will see as reasons for acting a certain way – a way that a third person would describe as kind. The perception of these situational features as reasons thereby delivers a judgement about what ought to be done in this situation. Thus the epistemological challenge can be met: one need merely suppose that as hearers we have a *testimonial sensibility* whose operation takes in features of the testimonial situation and results in the hearer seeing a piece of testimony as trustworthy or not. There are then five points of parallel, Fricker observes, “between the virtuous agent’s moral perceptual capacity and the virtuous hearer’s testimonial perceptual capacity” (2007, p.72).

First, in the testimonial situation, as in the ethical case, “the model for judgement is perceptual, and so non-inferential” (Fricker 2007, p.72). Where this is to say that judgement “is spontaneous and unreflective; it involves no argumentation or inference” (Fricker 2007, p.72). Of course, this judgement

⁵ For a fuller definition of uptake see (Faulkner 2011, pp.19-20).

⁶ See, for example, (Fricker 1987) and (Lipton 1998).

⁷ See, for example, (Burge 1993) and (Weiner 2003).

will be informed by the subject's background of belief but only because this background is necessary for seeing things a certain way. By analogy: one needs to know about cars and fuel gauges to see that one needs petrol in seeing the needle nudge 'E', but there is no inference or reflection in this perceptual judgement. Second, in both the testimonial and ethical domains "good judgement is uncodifiable" (Fricker 2007, p.72). The virtuous subject's judgment is not a direct inference from a rule or generalization because no rule or generalization, or sets thereof, could adequately describe the virtuous subject's sensitivity.⁸ In short, our testimonial sensibility is a capacity to form *spontaneous judgements* of the trustworthiness of bits of testimony. Its deliverances are *spontaneous* in that the capacity is perceptual in its operation: bits of testimony are seen as trustworthy, or not. And its deliverances are *judgements*, so that the resulting belief in trustworthiness justifies testimonial uptake, and it does so on the basis of the background belief and experience that informs the testimonial sensibility, even though this body of belief and experience could not be captured in anything like an argument.

The remaining points secure the parallel but are of less epistemological importance. Third and fourth, in both spheres "the judgement is intrinsically motivating" and "intrinsically reason giving" (Fricker 2007, p.72). In the ethical case, these claims substantively define the virtue theory as a form of cognitivism. In the testimonial case, the claims are less controversial: all that is said is that a judgement of trustworthiness gives a hearer a defeasible reason for belief and should thereby prompt testimonial uptake. Finally, fifth, the judgement "typically contains an emotional aspect that is a proper part of cognition" (Fricker 2007, p.72). Again this matters to virtue ethics: since conative states are motivating, if judgement has an emotional aspect, there is no puzzle as to how judgement itself could be motivating. Applied to the testimonial domain, the judgement of trustworthiness has an emotional aspect because it implies the speaker should be trusted, and "an attitude of trust contains a *feeling* of trust" (Fricker 2007, p.79). This implication, however, only holds sometimes. It holds if trust is given a more normative interpretation – what Fricker calls "moral trust" – since then trust is tied to certain reactive attitudes. But testimonial uptake is not limited to such occasions of trust – think of reading the papers or listening to a broadcast of train times. And I might judge that you are right in what you say, and so trustworthy in the sense of being right, even though I equally judge you do not know what you are talking about and say what you do merely for effect. There is what Fricker calls "epistemic trust", and there is testimonial uptake, but

⁸ "If one attempted to reduce one's conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong." (McDowell 1998, pp.57-8), quoted (Fricker 2007, p.74).

there is no feeling of trust. But these qualifications can be put aside until later because what matters now is Fricker's characterisation of our testimonial sensibility, and it is the first two points of parallel that are crucial since these define the operation of this sensibility. By contrast, these latter three points turn on the nature of the judgement output.

What justifies our uptake of a bit of testimony? The virtue epistemological answer is: the reason provided by our testimonial sensibility, *viz.* the spontaneous judgement that the bit of testimony is trustworthy. However, things do not always go swimmingly. Our testimonial sensibility is fallible, so the epistemically virtuous audience will recognise that a spontaneous judgement of trustworthiness can be mistaken. The epistemically virtuous audience will then shift from spontaneous to *reflective judgement* on those occasions when it is judged that a mistake is likely or would matter. The grounds of this judgement can be no more codified than the grounds that inform the operation of the testimonial sensibility, and this judgement should equally be thought of in virtue terms. That is, in addition to the operation of their testimonial sensibility there will be a further range of sensitivities that the epistemically virtuous audience must demonstrate when engaging with testimony where, taken together, these sensitivities are to potential error in spontaneous judgement and cost of misjudgement. On occasion, these sensitivities will then force a shift to reflective judgement.

One noteworthy source of error is prejudice, or to give it its full name *identity-prejudicial credibility deficit*, which is a species of *epistemic injustice* (Fricker 2007, p.28). For Aristotle, our ethical sensibility is acquired by habituation into a way of life. And our testimonial sensibility is acquired similarly in that this habituation is our individual starting point. As a consequence of this our testimonial sensibility comes infected with identity prejudice and can deliver perceptual judgements that reflect this in giving certain kinds of speaker a credibility deficit. Fricker illustrates this with a scene from *The Talented Mr. Ripley* where Herbert Greenleaf, the father of the missing Dickie, unjustly ignores Dickie's fiancée Marge Sherwood, rejecting her view of things with the put down "Marge, there's female intuition, and then there are facts" (2007, p.88). In fact, Marge is correct in her suspicions and Greenleaf's testimonial sensibility has epistemically misfired. The ability to weed the testimonial sensibility of such prejudiced inputs is a virtue that Fricker calls the virtue of *testimonial justice* (2007, p.92). Fricker acknowledges that "the virtue of testimonial justice ... is bound to be hard to achieve, owing to the psychologically stealthy and historically dynamic nature of prejudice" (2007, p.98). But this is not a theoretical problem.

Theoretically we have our complete virtue account: a testimonial sensibility operates like an ethical virtue in outputting spontaneous judgements of trustworthiness, which rationally ground our testimonial

uptake. These grounds are then truth conducive, and this is the operation of an *epistemic virtue*, because and insofar as the testimonial sensibility is appropriately corrected. This process of correction involves a complex of epistemic virtues, where a key corrective virtue is that of testimonial justice.

The fully virtuous hearer, then ... is someone whose testimonial sensibility has been suitably reconditioned by sufficient corrective experiences so that it now reliably issues in ready-corrected judgements of credibility. (Fricker 2007, p.97.)

In the fully virtuous hearer this correction would thereby happen seamlessly.

2. The Problem of Disagreement

The fact that prejudice can go undetected – as it does in Herbert Greenleaf’s case – poses a substantial challenge to a virtue epistemology of testimony. This challenge is an instance of a general problem that faces virtue ethics. According to virtue ethics, our ethical thinking is characterised by the use of thick ethical concepts, or concepts that characterize actions and attitudes in ways that are both descriptive and evaluative. What distinguishes the virtuous *ethical sensibility* is then the reliable application of a given set of thick ethical concepts where, as Fricker stressed, this application will result in a virtuous subject seeing situations in a certain light and thereby making a spontaneous judgement about what to do. A problem for a virtue approach to ethics is then posed by the possibility of alternative ethical views – the possibility of working with a different set of thick ethical concepts. Someone working with a different set of thick ethical concepts would see things in a different light, just as a more enlightened audience would regard Marge Sherwood’s testimony differently. Call this the *problem of disagreement*. This problem is ultimately played out in Bernard Williams’s philosophy as the idea that reflection can destroy ethical knowledge.

Williams’s argument starts by asking us to consider a *hypertraditional society* or “a society that is maximally homogeneous and minimally given to general reflection” (Williams 2006, p.142). According to virtue theory, members of this society possess ethical knowledge; they do so “when they employ their concepts carefully, use the appropriate criteria and so on” (Williams 2006, p.142). That is, when they possess a reliable sensitivity to the situational features to which their thick ethical concepts apply. The ethical knowledge possessed is then expressed by the judgements made with these thick concepts. This knowledge is not a reflective judgement about the correctness of these concepts – and there is a lack of reflection in the hypertraditional society generally – it is merely the correct use of these concepts in judgement. Now suppose a member of the hypertraditional society encounters someone from another society with a different set of thick

ethical concepts. Since thick ethical concepts are partly descriptive, what is thereby confronted is disagreement over what to say about various situations. Where the member of the hypertraditional society judges that some situation is to be described in terms of some thick ethical concept x – chastity, say – it is now hard to maintain the claim that agreement in judgement comes down to being sensitive to objective matters. Rather, agreement is now shown to be a cultural artefact, since what is needed for it is living in the social world that has the concept of x . But this explanation of agreement in no way vindicates beliefs about x ; it does not show that beliefs about x are held because of how things are objectively. And once it is realized that ethical disagreements cannot therefore be objectively settled, it becomes hard to persist in thinking that the world is, in fact, as it was previously seen to be. In this way, the ability to think in terms of a thick ethical concept is threatened; and when this is threatened, so too is the ethical knowledge that was once had simply through the exercise of this thinking. Thus Williams concludes “that in ethics, *reflection can destroy knowledge*” (2006, p.148).

An initial worry about a virtue epistemology of testimony is then this: the recognition that our testimonial sensibility can be systematically biased by prejudice should be similarly destabilizing. It should be so because just as alternative ethical sensibilities open up the possibility of an undermining explanation of spontaneous ethical judgement – to wit, that it is a cultural artefact – so too does the possibility of systematic bias open up the possibility of an undermining explanation of spontaneous testimonial judgement: to wit, that it too is a cultural artefact, a product of inherited prejudices. This undermining of spontaneous judgement threatens the availability of spontaneous grounds for testimonial uptake because it implies that uptake should always be grounded on a reflective judgement. This is then a problem for a virtue epistemology of testimony because it denies the availability of the proposed route between reductive and non-reductive accounts of testimonial uptake. The challenge was to deliver an account of how uptake could be based on judgement and yet be immediate and non-reflective. The idea that it could be based on spontaneous judgement, conceived in virtue terms, was a response to this challenge. However, it seems that once prejudice is acknowledged as a source of error, reliance on spontaneous judgement ceases to be a possibility.

3. Ethical Confidence

In this section I outline a relatively straightforward response to the problem of disagreement that can, and has, been made in the ethical case. This response starts from the thought that seeing things the right way *might require* a particular set of thick ethical concepts. It is the response John McDowell makes when he says:

Nothing more would be in question, in any particular appeal to a determinate conception of how relevant matters are rightly considered, than confidence in some part of an ethical outlook. (McDowell 1995, p.109.)

So what Williams's hypertraditionalist needs, when confronting the fact that there are different sets of thick ethical concepts, is "confidence" in his own ethical outlook – except since 'confidence' is also a term of art for Williams with a different meaning, let me speak about *sureness*: what is needed is confidence, in the sense of sureness, that one's ethical sensibility has got things right.

To illustrate this notion of confidence as sureness it would be helpful, I think, to give a concrete illustration. The illustration I give centres on the two conceptions of trust that will be needed for later discussion. Consider then the case of the Lieutenant-Colonel and merchant Trifonov from *The Brother's Karamasov*.⁹ The Lieutenant-Colonel, as commanding officer of an army division, received government money with which he speculated.

During the past four years the money, every time after the authorities had been through the accounts, used to disappear for a time. The Lieutenant-Colonel used to lend it to a merchant of our town, an old widower by the name of Trifonov, a man with a big beard and gold spectacles, whom he trusted implicitly. Trifonov used to go to the fair, do some business there and on his return immediately return the whole sum to the Lieutenant-Colonel, bringing with him a present from the fair and with the present the interest on the loan. (Dostoyevsky 1958, ch.4, pt.1, p.129).

Russell Hardin's description of the Lieutenant-Colonel's trust is that he is willing to depend on Trifonov in this way because he rightly believes that Trifonov has an interest in their scheme continuing. So the Lieutenant-Colonel trusts because his interest lies within Trifonov's interest, and trust, on Hardin's definition is a matter of such *encapsulated interest*: "I trust you because I think it is in your interest to attend to my interests in the relevant matter" (Hardin 2002, p.4). In my view, trust can be a matter of just this: it can be merely an act of depending – in this case the Lieutenant-Colonel's depending on Trifonov to return the monies – coupled with the judgement that the dependence will work out. Hardin gives one ground for this judgement – a calculation of interest – but others are possible. The obvious limitation with Hardin's grounds for trust is the Lieutenant-Colonel should have seen the following coming: when Trifonov learns that the Lieutenant-Colonel's command is to be replaced and the Lieutenant-Colonel is to be recalled to Moscow, he promptly keeps the final loan of four thousand five hundred roubles. In response,

⁹ This example comes from (Hardin 2002, p.2).

The Lieutenant-Colonel rushed to his house, but all the reply he got from him was: "I've never received any money from you, and couldn't possibly have received any." (Dostoyevsky 1958, ch.4, pt.1, p.129).

This reply makes sense if Trifonov's reason for returning the monies is, as Hardin proposes, his interest in the ongoing scheme since this scheme finishes with the Lieutenant-Colonel's departure. But then if the Lieutenant-Colonel's grounds for trust were purely his judgement that this is Trifonov's reason, he should never have made the final loan.¹⁰ He should not be surprised by Trifonov's actions, and should only blame his own naivety.

The story continues with the Lieutenant-Colonel being hauled over the coals by the authorities, attempting suicide and losing his status in the town. However, I would like to imagine the following continuation, which is based on giving a different interpretation to the Lieutenant-Colonel's "implicit trust". Suppose the Lieutenant-Colonel trusted Trifonov *as one would trust a friend*. In this case, it would be quite appropriate for the Lieutenant-Colonel to blame Trifonov for his theft, and to feel thoroughly betrayed by this action. In this case, I suggest, the Lieutenant-Colonel's trust consists of the act of depending on Trifonov, as before, but is marked by a quite different attitude towards this dependence. Rather than merely be an expectation that some outcome would occur, the Lieutenant-Colonel's expectation would be a normative expectation; it would be the expectation of Trifonov that he regard the Lieutenant-Colonel's loaning him the monies *as a reason to return the monies*. On this continuation of the story, the Lieutenant-Colonel and Trifonov have quite different views of their exchange. Trifonov regards their scheme in a business-like fashion as nothing more than an engagement of their mutual interests. And were the Lieutenant-Colonel to regard it similarly, he would trust merely in the sense that he depends because of a judgement about outcome. But by hypothesis the Lieutenant-Colonel does not regard their scheme in this way because he regards Trifonov as a friend. His trusting Trifonov thereby has a normative dimension: he depends, but does so because he presumes that Trifonov has certain motivations, and expects it of Trifonov that he have these motivations. This difference in attitude is shown by the Lieutenant-Colonel's feeling of being betrayed, and it is a difference in ethical outlook, which can then illustrate and explain McDowell's notion of confidence as sureness.

For the sake of argument, take the perspective of the Lieutenant-Colonel. What Trifonov's action shows is that he does not think about your relationship in the same way as you do; he does not think about it in trusting terms, or in terms of friendship. What his action and statement make manifest is that your relationship history has been merely a series of

¹⁰ Of course, one must assume the recall came out of the blue, or a *backwards induction* would threaten.

economic transactions. What you took to be indications of friendship are now revealed to be no more than a social smoothing of a fundamentally economic exchange. Trifonov, it is now clear, has formed the relationship he has with you solely with his eye on the profits to be made from it. This, you think, is the *wrong way to look at things*. It is hurtful, given that you have not been looking at things this way. But more importantly, it misconceives various facts about your relations. Crucially, it misconceives your loaning him the money. In your view, your doing this gives Trifonov a reason to return the monies loaned him. That he be motivationally sensitive to this reason is what you expected of him in loaning him the monies. Of course, what Trifonov's actions and statement now show is that he is not sensitive to this reason or that he does not give it the appropriate practical deliberative priority. And this, you might think, demonstrates a failure to look at your relations in a way that they should be looked at. So, you might think, following McDowell, that "the shape of his [Trifonov's] motivations reveal that he has not been properly brought up" (1995, p.103).

What, then, would be needed to get Trifonov to grasp that he does have this reason for returning the monies? What would be needed to get him to see things the way you saw them in trusting him with the loan? McDowell's answer is that what Trifonov needs in order to see things properly is a *conversion* (1995, p.102). A conversion would be needed for him to recognise both that your past engagements were conducted under the auspice of friendship not interest, and that this is the right way to think about them. This, then, is what confidence as sureness amounts to: the view that it is Trifonov with his alternative ethical outlook that needs a conversion in order to consider matters rightly.

This characterisation of confidence as sureness may now be put more abstractly. Suppose that there are two sets of thick ethical concepts – call them Trust and Interest. From the perspective of the possessor of set Interest, descriptions of what one has a reason to do that are expressed in terms of concept set Trust do not speak to one's subjective motivational set: they do not articulate practical reasons. Confidence as sureness for the possessor of concept set Trust then amounts to the belief that the reasons articulated in terms of Trust nevertheless specify reasons for anyone, including the possessor of concept set Interest; and this is not mere "bluff" (Williams 1980, p.111): anyone who thinks otherwise simply needs a conversion to think about things rightly. Thus confidence as sureness in one's own ethical outlook is the belief that despite the fact that there are different sets of thick ethical concepts, there is really only one ethical world, which is the one that one inhabits.

Is it possible or reasonable to have this kind of confidence in one's ethical outlook? Yes – if one is persuaded by the virtue ethical thought that to

say ‘X ought to ϕ ’ is just to say that the virtuous person would judge that she ought ϕ were she in X’s position. However, I leave this question open.¹¹ I leave it open because my interest lies in the epistemological version of the problem of disagreement and the epistemological analogue of this response to it.

4. Epistemic Confidence

We can trust a bit of testimony, and in the epistemic sense of ‘trust’ this amounts to little more than believing that this bit of testimony is true (where the little more is then the willingness to depend on that bit of testimony). The parallel epistemic sense of trustworthy is simply reliability: a trustworthy speaker is one who, for whatever reason, is likely to speak truly. It is a judgement of trustworthiness in this thin sense that the testimonial sensibility delivers. An epistemically confident response to the problem of disagreement then seems possible because, and insofar as, epistemic trustworthiness is an objective property. That is, there is a fact of the matter as to whether a speaker is reliable or not – to whatever degree, with respect to whatever domain, and for what ever reason. So how things are objectively can determine the correctness of judgement; disagreement cannot flag different ‘epistemic worlds’.¹² Given this possibility, that we are warranted in being confident can be argued: if we could not detect when speakers were trustworthy and when not, we would be unreliable in our testimonial uptake. It would then be a matter of chance if our testimonial beliefs turned out to be largely true; the chance of operating in an environment largely composed of truth-tellers. So we would fail to satisfy a reliability – or even a non-accidentality – condition on the acquisition of knowledge. Thus, short of scepticism of testimonial knowledge, we must possess the discriminatory capacity that is postulated by the hypothesis of a testimonial sensibility. Given the further theoretical desiderata that Fricker lays down – that this capacity issue in reasons and be spontaneous in its operation – the hypothesis of a testimonial sensibility is reached.

This argument, I think, makes the case that we can be confident in our judgements of trustworthiness. But confidence in judgement is not confidence in spontaneous judgement, or the operation of our testimonial sensibility.

¹¹ Williams – who similarly draws the conclusion that it is ‘confidence’, differently understood, that is needed in the face of the destabilizing effects of reflection – would argue not: the plurality of ethical views must be taken more seriously. “We can go on, no doubt, simply saying that we are right and everyone else is wrong ... but if we have arrived at this stage of reflection, it seems a remarkably inadequate response.” (Williams 2006, p.160), and for his discussion of ‘confidence’ see p.170ff.

¹² This is not to say that there is no parallel to the claim that a conversion might be needed to see things correctly. Thus, to recognize the phenomenon of epistemic injustice requires, Fricker observes, “specific, critical reflective tools”, (2007, p.99). And these tools were not historically available to Greenleaf.

Whereas in the ethical case, one has to rely on one's ethical sensibility in deciding what to do – there is no better way of forming judgement – in the testimonial case spontaneous judgement can be replaced by careful and critical reflection, and this can make an epistemic improvement. For the aspirational hearer, virtue never consists merely in making spontaneous judgements. It consists in making spontaneous judgements on some occasions, and reflective judgements on others. What the argument vindicates is confidence in judgement *tout court*, which must be largely right short of scepticism. However, this supports confidence in spontaneous judgement if and only if judgement taken as a whole is generally spontaneous. Or at least that is if we can take our virtue for granted. For suppose that our spontaneous judgements were as riddled with prejudice as Herbert Greenleaf's response to Marge Sherwood. In this case even if our judgement taken as a whole were generally spontaneous, we would be wrong to be confident in it. Rather, given this supposition, scepticism would be a truer description of our position than we credit. Thus what has been established is this: confidence in judgement *tout court* carries over to confidence in spontaneous judgement if and only if judgement is generally spontaneous *and* is justified.

At this juncture a thoroughgoing epistemic externalism could close the issue. For recall, a virtuous person is justified in judgement just because she perceives things aright (and is sensitive to when she does not). As such, were we virtuous in our judgement, this condition would be satisfied: it is not merely that our spontaneous judgements are largely right, we could also be confident in them. That is, *if we are virtuous*, the confidence that we seem entitled to, carries over. And it is possible to leave things just there.¹³ However, the externalism expressed in doing so is quite unsatisfactory because it fails to register the force of the problem of disagreement, which starts from recognized ways in we can fail to be virtuous.¹⁴ And if this problem is felt, the question becomes: is this condition satisfied? That is, are our judgements generally spontaneous and justified in being so? This condition, I propose, would be satisfied *if and only if there could be a presumption that speakers are trustworthy*. Were there such a presumption, any judgement of trustworthiness need amount to no more than 'nothing is amiss here'. It is plausible that such judgements would generally be spontaneous. And given the background presumption such judgements would be justified: they would be grounded in part by whatever facts support the presumption and in part by the sensitivity manifest in the judgement, where this is a sensitivity that even an aspirational audience could be taken to possess. Conversely, in the absence of this presumption, there is no reason to think that confidence in judgement carries over to confidence in spontaneous judgement and every reason, given

¹³ This point was pressed by David Wiggins in questions.

¹⁴ It is comparable to the response made by Stroud's 'externalist Descartes', (Stroud 2000, p.115).

the epistemic failings that inform the problem of disagreement, to think that it doesn't.¹⁵ What I want argue in the next section is that there can be no such *epistemic presumption* of trustworthiness. However, I argue in the section after, a presumption of trustworthiness is *ethically available*.

5. Cooperation in Communication¹⁶

A testimonial exchange – understood as a conversation that purports to be fact stating – is situated in the practical domain; that is, each interlocutor has some interest, even if minimal, in the conversational outcome. The exact nature of these interests will be as various as conversations are various. And the precise shape of these interests will largely determine the shape of the conversation. Thus, considering speakers' contributions, there are a multitude of potential explanations of any given bit of testimony, where each explanation starts from the interest the speaker has in the conversation. Is it possible, then, to identify some default set of interests, and so default explanations? This being what a presumption of trustworthiness amounts to. Suppose this conception of practical reason: servicing an individual's interest.¹⁷ On this conception, a speaker's basic conversational interest is being believed. And this is a basic interest only because it is a way of exerting an influence: through an audience's testimonial uptake, a speaker can get the audience to think, act and feel in specific ways. We have a more basic interest in being able to exert such an influence.¹⁸ This remains true even if accomplishing this interest requires being informative. Thus, and for instance, Marge Sherwood's interest lies not so much in Herbert Greenleaf knowing something as doing something, namely investigating Dickie. This is her reason for telling him what she knows: her desire to see Dickie investigated. However, this implies that from the multitude of potential explanations of any given bit of testimony, there is no reason to single out 'satisfying the audience's epistemic interest' as the default explanation. And this is to say that a presumption of trustworthiness cannot be established as the epistemic default because testimony does not have the proper function of servicing an audience's epistemic interests. However, an audience's basic

¹⁵ Moreover, there is empirical reason for thinking that if our spontaneous judgement needs to be more substantial than 'nothing is amiss', then it will prove unreliable. For suppose that the judgement it issues could not make any presumption of trustworthiness. In this case, it would need to include the judgement that the speaker was sincere rather than insincere. And the empirical evidence suggests that we are poor at distinguishing the sincere from the insincere, see (Bond and DePaulo 2006), cited by (O'Sullivan 2009, p.74).

¹⁶ This section revisits an argument, which I called the *argument from cooperation* (Faulkner 2011, pp.4-7).

¹⁷ See (Longworth 2012, pp.28-30) and (Faulkner 2012, pp.121-2).

¹⁸ Sperber argues that communication has evolved and stabilized only because it can serve both these purposes. See (Sperber 2001).

reason for entering into a testimonial exchange is to find things out. That is, audiences' basic interest in a conversation as to the facts is epistemic. Thus, what an audience needs, in every case, in order to epistemically rationalize testimonial uptake is some judgement that this explanation applies; that the speaker's purpose in communicating is indeed informative, and that the speaker is thereby trustworthy. More generally, what is thereby needed is some particular reason for thinking that a given bit of testimony is true.

The recognition that our testimonial sensibility can be swayed by prejudice leads, I think, to this argument and conclusion. This is because such recognition is more than the recognition of a way that judgement can fail. It is also the recognition that our practical interests influence our testimonial uptake. Prejudice is not a mere a bias in belief it is a bias that serves a practical rather than epistemic end. However, once it is recognized that practical interests can influence the uptake of testimony, it should also be recognized that the testimonial exchange itself exists in a practical domain where the production of testimony equally serves practical interests. From here one is lead to the realization that while audiences' basic interest in a testimonial exchange is epistemic – it is the acquisition of a piece of information – this is not true of speakers. Prejudice is an epistemic malfunction: Greenleaf's interest in the testimonial exchange – finding out what happened to his son – would be better served were he not prejudiced. However, the existence of prejudice also reveals something about testimony: that while it can and does service audiences' epistemic interests, this is not its proper function. Thus just as some monitoring is needed to check that one's receipt of testimony is not epistemically deformed by prejudice, so too some judgement is needed to check that the proffer of testimony serves an epistemic function. What is needed here is the judgement that a speaker's communicative purpose is informative, (or, more generally, some judgement that the proffered bit of testimony is true).

Epistemically there can be no presumption of trustworthiness. However, trustworthiness is what is presumed in adopting an attitude of trust. And trust is an attitude, which though practical in its motivations, can epistemically support testimonial uptake. I present these claims in the next two sections.

6. A Virtue Ethics of Trust

There can be no epistemic presumption of trustworthiness (where 'trustworthiness' is given an epistemic interpretation). However, we can trust speakers for the truth. And in so trusting a speaker we presume that the speaker is trustworthy (where 'trustworthy' is hereby given a moral interpretation). Thus, trust, morally understood, is central to the

epistemology of testimony in that it can be our ‘reason’ for testimonial uptake. And trust, or what is properly described as ‘trust’, should be thought of as an ethical virtue. So it is possible, indirectly and to this extent, to give a virtue theory of testimony. There are three steps in arguing this. First, it is important to distinguish between two senses of trust – what Fricker calls *epistemic trust* and *moral trust* (2007, p.80).¹⁹ Second, it needs to be argued that trusting and being trustworthy in the ethical sense are virtues. Third, a bridge needs to be built from this virtue ethics of trust to the epistemology of testimony: it needs to be argued that moral trust can give epistemic reasons that support testimonial uptake. This last step I make in the next section. Let me take steps one and two here.

Step one. Take the case of the Lieutenant-Colonel and Trifonov described above but suppose that the Lieutenant-Colonel is fully aware of Trifonov’s attitudes; that is, he knows Trifonov cooperates only because of his interest in their scheme continuing. In this case, there is cooperation and, after a fashion, there is trust. There is something that might be called ‘epistemic trust’: the Lieutenant-Colonel’s belief that Trifonov has an interest in their scheme continuing gives him a reason for thinking that Trifonov’s testimony *is true* when he assures the Lieutenant-Colonel that he will return from the market with the loan shortly (there being no prospect of a recall to Moscow at this point). And epistemically Trifonov is trustworthy: he is a reliable source of truth (for the moment). According to Fricker, “epistemic trustworthiness incorporates one kind of moral trustworthiness: namely, sincerity” (2007, p.76). But if trustworthiness is such a thin a notion that Trifonov is trustworthy – *and nothing stronger is necessary for a belief in trustworthiness to justify testimonial uptake* – then this is wrong on two accounts. One might believe what someone says, judging that their testimony to *p* is evidence that *p*, even if one believes them to be insincere.²⁰ So sincerity is not necessary for trustworthiness in the epistemic sense. And the epistemic interest in sincerity is merely an interest in truth, so it is not an interest in sincerity, construed morally, which requires more than speaking truly; thus someone might be truthful in giving testimony to *p* but would lack sincerity if the implication were to not *p*.²¹ So the epistemic concern for true utterance is not the moral concern for sincerity. And talk of trustworthiness in the epistemic sense is merely talk of truth telling or probable truth telling and implies no moral judgement; and likewise talk of trust in the epistemic sense is merely talk of a belief about truth or probable truth.

To then elucidate the moral sense of ‘trustworthiness’, consider why it is that Trifonov is untrustworthy. The answer, I think, is that Trifonov is untrustworthy because the Lieutenant-Colonel’s need to have his loan repaid

¹⁹ These two senses I call respectively ‘predictive’ and ‘affective’ see (Faulkner 2011, pp.145-6).

²⁰ For instance, Coady’s master criminal case (1992, p.45).

²¹ For instance, Williams’s mail opener case (2002, p.96).

is not Trifonov's reason for repaying it. To return to the example as described in section three where the Lieutenant-Colonel trusts Trifonov as a friend and is ignorant of his motivations. In this case, the expectation the Lieutenant-Colonel has of Trifonov is precisely that his need to have the loan repaid will be Trifonov's reason for repaying it. And this is where the presumption of trustworthiness enters too. In trusting Trifonov the Lieutenant-Colonel thinks well of him. So he presumes that he will be moved by this reason. But to be moved by this reason is just to be trustworthy (in a moral sense). Thus in trusting Trifonov, the Lieutenant-Colonel presumes that Trifonov is trustworthy. Our capacity to trust, and so to think well of others, is then just our capacity to presume that others are trustworthy, or will be motivated in certain ways. In my imagining of the story, the Lieutenant-Colonel thereby makes a presumption that proves fateful.

Step two. Are trust and trustworthiness thus defined, then, ethical virtues? Here is MacIntyre.

From an Aristotelian standpoint to identify certain actions as manifesting or failing to manifest a virtue or virtues is never only to evaluate; it is also to take the first step towards explaining why those actions rather than some others were performed. (MacIntyre 1997, p.136.)

To say an action is trustworthy is then both to explain it and evaluate it because a trustworthy act is an act done for certain reasons, in a context – that of trust – where there is the expectation that the act should be done for those reasons. That this expectation is normative is shown by the reactive attitudes the trusting party is susceptible to were the expectation not met. Thus the Lieutenant-Colonel will feel betrayed when Trifonov fails to repay his final loan, and would be susceptible to similar feelings were he to learn at an earlier date that Trifonov has throughout only been guided by interest. The content of this feeling of betrayal is then that Trifonov should have acted on certain reasons, namely the reason supplied by the fact that he, the Lieutenant-Colonel, depended on Trifonov. The claim that Trifonov had this reason, even if deliberation would not lead him to it, is then the claim that there is a *social norm* dictating that we ought to be trustworthy.²² It is this norm that gives content to the Lieutenant-Colonel's reactive attitude, and structures the evaluative practices that the Lieutenant-Colonel engages in when blaming Trifonov.

A consideration of these evaluative practices shows the divorce between third personal ascription and first personal deliberation characteristic of thick ethical concepts. In trusting Trifonov as a friend, the Lieutenant-Colonel would have made the final and fateful loan simply because

²² See (Faulkner 2011, pp.179-88) and (Faulkner 2010).

Trifonov's business ventures required it. And in trusting Trifonov to return the loan he expects Trifonov to similarly be moved by his need. So deliberating in trusting and trustworthy ways need not involve these concepts, which only enter with third personal ascriptions. From the first person deliberative point of view the focus lies on the other party's need. When the Lieutenant-Colonel blames Trifonov and judges him untrustworthy what is thereby judged is that he is not appropriately moved by the Lieutenant-Colonel's need. In Fricker's terms he fails to *see* this dependence as a reason. Insofar as we think in these terms, 'trust' and 'trustworthiness' are then virtues because they are "*goods which are internal to practices*" (MacIntyre 1997, p.128); that is, our cooperative practices and practices of describing and evaluating cooperation. And this was the point made with the case of the Lieutenant-Colonel and Trifonov in section three: insofar as Trifonov operates only with the set of concepts designated by Interest, he cannot possess the virtue of being trustworthy because he moves in a different ethical universe.²³

7. Ethics and Epistemology

In trusting others we presume something – trustworthiness – that we do not have epistemic grounds for presuming. Moreover, when testimonial uptake is based on trust it isn't based on an attitude whose adoption is epistemically determined. Indeed, it is a hallmark of trust that the considerations that motivate it pull in a different direction to, and can run counter to, epistemological considerations. One can, for instance, trust a speaker who has a poor track record, or even when one's better judgement suggests that one ought not to. So how is it that trust can epistemically ground – justify – testimonial uptake?

A sketchy answer, and an unsatisfactory one because of this, runs as follows.²⁴ Trust provides a reason for testimonial uptake because it is constitutive of trust that one takes a positive view of things. In trusting a speaker for the truth one expects them to tell the truth because this is what one needs, and the positive view one adopts is the presumption that they will be moved by the reason to tell the truth one thereby takes them to have. This presumption is that they are trustworthy and in presuming this one thereby has a reason to believe what they tell one. This reason is an epistemic reason, and not merely a practical reason, because the presumption of trustworthiness in effect articulates a truth-based explanation of utterance:

²³ Trust and trustworthiness are ethical virtues: this is not to form a moral judgement of trusting and trustworthy acts. One can trust others to do bad things, and show one's trustworthiness by one's willingness to do bad things.

²⁴ I attempt a fuller answer in (Faulkner 2011, §6.3).

the speaker tells one that p because one visibly needs to know whether p .²⁵ Moreover, it can be a good epistemic reason because this explanation of utterance can in fact hold and it be no accident, relative to one's presuming that it holds, that it in fact holds. It can be no accident because the availability of trust as an attitude – our ability to think in terms of this thick concept – requires the existence of a community that possesses this thick ethical concept. The possession of this concept is marked by the existence of norms of trust that structure the evaluative practices that embody trust-based deliberation. These same norms then prescribe and can capture the motivations that speakers have in utterance. As such, in the good case, there is an explanatory connection between one's trusting and a speaker's being trustworthy that runs via the existence of these social norms of trust. This connection ensures that it is no accident that the truth based explanation of utterance holds, given one's presumption that it does.

These rather abstract claims might be illustrated through further consideration of the case of the Lieutenant-Colonel and Trifonov, and the problem of disagreement. In trusting another, we presume that they will see things as we see them. So the Lieutenant-Colonel presumed, as I imagine it, that Trifonov would see his need for the return of the monies as a reason to return them. As it turned out, Trifonov moved in a different ethical universe, where the guiding concept was Interest. The presumption that the Lieutenant-Colonel then made in trust thereby turned out to be false and so the Lieutenant-Colonel's reason for believing that he would get the monies back turned out to be hollow; that is, it failed to render the proposition that he would get the monies back objectively probable. But if things were different, *if* Trifonov were the friend that the Lieutenant-Colonel took him to be, then the presumption about his motivations that the Lieutenant-Colonel made in trusting him would truly describe these motivations. In this case, the Lieutenant-Colonel's reason for believing he would get the monies back would correctly describe the facts that explain the truth of his belief. And it would be no accident that this is so but would rather be a consequence of their sharing the same set of thick ethical concepts, or moving in the same ethical universe. Moreover, to the extent that the Lieutenant-Colonel can be confident, in the sense of sure, that he is right to look at his engagement with Trifonov through the lens of Trust, he need not move from trust based testimonial uptake to a more careful reflective judgement.²⁶ Thus conceiving of trust as an ethical virtue allows it to play the theoretical role that spontaneous judgement plays in Fricker's virtue epistemology. Testimonial uptake that is based on trust is immediate and non-reflective. And, given the availability of Trust as a thick

²⁵ Compare (Lipton 1998).

²⁶ In suggesting that confidence is possible here, I do not want to overstate things. Thus, I have argued, again following Williams, that our concept of trust determines but one solution to a general problem of cooperation. And any confidence must be consistent with a certain relativity of value: other solutions are possible. See (Faulkner 2011, §7.4) and (Williams 2002).

ethical concept, we take the positive view of our interlocutors that is presumed in trust all the while we judge that 'nothing is amiss'.

To conclude, a theoretical attraction of Fricker's account is that it makes plain how epistemic injustice operates: when the testimonial sensibility has biased input beliefs the result is incorrect judgements of credibility and some people who ought to be believed are not. This is illustrated by Herbert Greenleaf and Marge Sherwood: he has his reasons for rejecting what she tells him but their prejudiced grounds result in his rejecting a piece of credible testimony. How is this disbelief, which is clearly an epistemic failing, also an injustice or ethical wrong? The idea that trust is an ethical virtue offers a straightforward explanation. If trust is an ethical virtue, its being so requires that we think about trusting and being trustworthy in certain ways. These ways of thinking are encoded in norms of trust. These norms state that one *ought* to trust and be trustworthy: that we ought to see another's need for information as a reason to tell them what we know; and that we ought to see another's telling us something as a reason to believe them (since we ought to presume it comes from a desire to inform us). But if there are such norms, then belief is owed to speakers, and to this extent disbelief wrongs them. Thus, an epistemic failing can also be a wronging. So there can be a distinctive wrong that is part epistemic (a prejudice based failure of reasons to get to truth) and part ethical (a failure to give the trust that is owed). As Fricker observes, there is thereby a domain where ethics and epistemology intersect. This is the domain of epistemic injustice, and, so I propose, it can also be the domain of trust.²⁷

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²⁷ Thanks to audiences at the APA Pacific Division, Aristotelian Society, Cambridge, Cardiff, Edinburgh, KCL, and Vienna. And to: Adam Carter, Miranda Fricker, Richard Holton, Martin Kusch, Guy Longworth, Alex Oliver, Nicholas Shackel, Tom Simpson, Matt Soteriou, Bob Stern and Jon Webber.

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