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# Situated practices of testimony. A rhetorical approach\*

Paula OLMOS

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**ABSTRACT:** Contrary to most current epistemologists who concentrate on core cases of rather ‘spontaneous’ (deliberately de-contextualized) trust and belief in the face of assertions, Classical rhetoricians addressed the study of ‘testimony’ as an (at least) two-acts phenomenon: that of the ‘disclosure’ of information and that of the ‘appeal’ to its authority in subsequent discursive practices. Moreover, they primarily focused on this second phase as they assumed that it was such argumentative setting that finally gave ‘testimonial’ relevance to the first act. According to this ‘rhetorical’ model, then, it is the dynamics (by means of an *in medias res* approach) and pragmatics (by means of a deliberate attention to specifically ‘situated’ practices) of such complex process that is the core issue regarding ‘testimony’.

**Keywords:** argumentation, argument from authority, epistemology, pragmatics, rhetoric, testimony.

## 1. Introduction

According to Jonathan Adler’s framing of the ‘Epistemological problems of testimony’ in his article for the *Stanford Encyclopedia of Philosophy* (2006):

- a) ‘testimony’ is “the assertion of a declarative sentence by a speaker to a hearer or to an audience”;
- b) ‘the’ epistemological problem of ‘testimony’ “enters because we seem to have no ground for coming to these beliefs [testimony-based beliefs] beyond the speaker’s word” and
- c) “in order to focus on this fundamental problem, a good deal of abstraction is required to isolate” the interesting or *core* cases which are those that would meet the conditions given for ‘the *null setting*’.<sup>1</sup>

Although these three points describe, in a fairly standard way, much of what is being the current discussion about ‘testimony’ in epistemological circles, it is also true that philosophical interest in testimony has now gone beyond this particular way of framing the problems associated with this notion.<sup>2</sup> On the other hand, it seems that, within this characterization, (b) and (c) are not independent points but are connected in a rather entangled way: if we renounce to describe individual instances of testimony as related to the particulars of their own context or ‘situation’, looking for an ideal de-

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<sup>1</sup> “First, speakers’ contributions should be limited to brief assertions [...] Second, corroboration or convergence of a number of testifiers, who are presumed independent, should be set aside [...] Third, testimony is to be the sustaining, not just the originating, source of the corresponding belief [...] Fourth, we set aside cases of a hearer’s attribution of expertise to a speaker on certain topics [...] Fifth, and most obvious, the hearer has no special knowledge about the speaker” (Adler 2006).

<sup>2</sup> Adler himself mentions several ‘omissions’ at the end of the article.

contextualized setting (as (c) prescribes) of course we lose much of the intuitive ‘grounds’ we normally assume as the everyday explanation of our trust —information about the speaker or the speaker’s type and/or characteristics of the specific practice of testimony in which we are involved, with its own, more or less institutionalized, model of authority, etc.— that is, we come across ‘the’ problem to be solved, according to (b).

Thus, those who defend the necessity of a *reductionist*<sup>3</sup> position in relation to testimony, even starting from some version of the *null setting*, finally appeal to such grounds as “the hearer’s background and current evidence” as the only possible way of justifying ‘by reduction’ our ‘testimony-based beliefs’. But then, why accept the *null setting*? In most real life cases we will have much more data than such a setting theoretically allows: even instances of “asking local directions from a stranger” —a very common case study within this topic— could be described in a much more empirically detailed and situated way than is usually assumed. It seems that *reductionism*, as a real world justifying strategy for instances of ‘testimony’, would work more easily by forgetting about the *null setting*. For such a standpoint the *null setting* would be just a good *a fortiori* argument: if even in cases complying with those restrictive conditions we find some additional sources to confront bare testimony with and establish some inferential relations, the *reductionist* strategy seems reinforced.

But the *null setting* plays a completely different role in an *anti-reductionist* picture. It is essential for such a picture to describe the interesting (*core*) cases with recourse to the *null setting*, precisely because such standpoint maintains that there must be something fundamental and constitutive in it that will provide us with an essential definition of ‘testimony’. For the *anti-reductionist*, the testimonial ‘mechanism’ (be it an epistemic rule, a cognitive procedure etc.) is, precisely and primarily, what works in the *null setting* and could subsequently be operative in other more complicated cases as an elementary (and ideally uncontaminated) trait of our epistemological possibilities. The *null setting* seems to be, in this sense, the radical and explicit expression of a prerequisite for an exploration driven by an *anti-reductionist* conviction, the analytically precise and refined counterpart of C.A.J. Coady’s (1992, p. 38) first decision to distinguish between *formal* and *natural* testimony and focus on the latter.<sup>4</sup> Accepting that there should be something specially relevant in the *null setting* is accepting already the *anti-reductionist* hypothesis and, along that line, it is possible, then, to proceed by studying further intriguing topics, for instance why humans have developed such a particular mechanism, the answers ranging from cognitive advantages (Kusch, forthcoming) to ethical principles (Moran 2006).

From our way of introducing the issue it should be clear by now that here we would like to explore an hypothesis that opposes the special relevance of the *null setting*. The idea has already been suggested by Kauffeld and Fields (2003):

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<sup>3</sup> For an exposition of the contrast between *reductionist* and *anti-reductionist* accounts of testimony, see Kusch and Lipton 2002.

<sup>4</sup> *Natural* testimony would be represented by “such everyday circumstances as exhibit the ‘social operations of the mind’” (Coady 1992, p. 38).

formal testimony [...] as a form that makes explicit much that is assumed or goes unremarked upon in ordinary conversational settings, can give us guidance as to where we should be looking in these less formal context to find the element that we need.

Our way of putting it is that, instead of *a priori* considering *formal* (institutional, paradigmatically public) practices of testimony as extremely ritualized, sophisticated and highly regulated ways to deal with what we expediently solve, in a more essential format, in everyday, *natural*, life, we could as well contemplate the so-called *natural*, allegedly basic, practices (and settings) as not so basic ones. In fact, it is just as plausible to consider such everyday encounters as cases in which, under certain social conditions (sometimes just tentatively), it is possible to engage in a relaxed exchange in which some of the typically applied formal conditions can be (really or just apparently) *dropped* or *disregarded*. It is the social setting that tells us, acculturated individuals, whether and when that is possible and we all have experiences of being rebuked (or not even understood) when our assumptions about the possibilities of a relaxed approach fail.

Accordingly, instead of building a basic account of testimony centered on allegedly universal *core* cases, to which ‘further conditions’ should be added in order to subsume the more *formal* ones (that is Lackey’s suggestion: 2006, note 2), our proposal would be to focus on paradigmatically procedural instances, on such classical references as courtroom witnessing, religious rituals, speeches in the public assembly, public or scientific controversies etc., in which the rich variety of social conditions, normative constraints (‘internal constraints’, in Kauffeld and Fields terminology) and concrete configurations of authority, explain many features that tend to become ‘transparent’ (and problematic) in apparently less rule-governed instances. In terms of a heuristic hypothesis we could assume that what we expect from the *null setting* wouldn’t be anything elementary or constitutive, but something fragmentary.

This suggestion—which is, as a matter of fact, assumed by most researchers working on historical or social studies about specifically ‘situated’ practices of testimony (Shapin 1994, Shapiro 2002)—would negate the necessity of c) while offering a range of historically and socially contextualized, field-dependent, role-dependent answers to b). But, so far, the definition expressed by a) (‘testimony’ is “the assertion of a declarative sentence by a speaker to a hearer or to an audience”) has remained unchallenged. This implies that philosophical accounts of testimony (be them more or less situated or decontextualized) tend to concentrate on what could be called “the pragmatics of saying and meaning things” (Kauffeld and Fields 2003), that is, the practices of asserting and of listening to, understanding and reacting to assertions. Here, though—following the Classical mould of rhetorical theory—it will be suggested that it would be more convenient to explore the possibilities of framing the issue of testimony within the pragmatic dynamics of “the game of giving and asking for reasons” (Brandom 1994, p. 158), that is, to examine the role of testimony as part of an argumentative practice.

According to this ‘rhetorical’ view, the basic question represented by the notion of testimony would not be, then, under which conditions we should individually believe (consider as true knowledge) what is said by others, but rather under which conditions

it is acceptable to use the fact that something has been said (in a situated setting) as a reason to support (in a theoretically second situated setting) the admission of its content. Hence, we will propose the study of ‘testimony’ as an (at least) two-acts phenomenon: that of the ‘disclosure’ of information and that of the ‘appeal’ to its ‘authority’<sup>5</sup> in subsequent discursive practices. As it has been indicated, this is everything but new, the term ‘testimony’ having been present in rhetorical texts since the translation into Latin of the Greek theoretical tradition and always referring to a type of argument or proof to support a certain claim: the type of argument that the orator has not found out by merely examining the case but has taken as already construed by others (witnesses, legislators, gods, sages). So in order to understand the idea, let us first take a look at this rhetorical tradition.

## 2. *A bit of theoretical history*

Classical rhetorical theory, from Aristotle on, regarded the possibilities of using arguments based on other’s declarations in a way that can be revealing for contemporary studies of testimony and which presents interesting points of contact with certain modern pragmatological approaches. Thus, Brandom (1994, p. 175) talks about two ways of supporting the legitimacy of an assertion: a “*content-based* authority (invoked by *justifying* the claim through assertion of other sentences from which the claim to be vindicated can appropriately be inferred)” and a “*person-based* authority (invoked by *deferring* to the claim of another)”, declaring, moreover, that this combination “is characteristic of asserting as a doing”. This dichotomy coincides, to a certain extent, with the traditional division contained in Aristotle’s *Rhetoric* (1355b35 ff.) (and repeated for ages) between artificial (*entechnoi*, belonging to the art or technique) and non-artificial (*atechnoi*) proofs or means of supporting a cause. If the former were based on *topics*, that is, either widely accepted universal conditionals (*maximae*) or inferential schemes exploiting more or less formal or material links (*differentiae*) (on “*intrapersonal*, *intercontent* inheritance”, in Brandom’s terminology), the latter made use of socially inherited, public material, that is, “*interpersonal*, *intracontent* inheritance”. These kind of non-artificial (*atechnoi*) proofs, subsequently denominated *testimonia* altogether (within Latin tradition), comprised, according to Aristotle, five sorts of things: laws, witnesses, contracts, torture (that is, confessions or claims made under torture) and oaths (*Rhetoric*, I 15, 1375a23-1377b15).

Aristotle and other rhetorical theoreticians after him offer particular suggestions and rules for the oratorical treatment of such *extrinsic* material (in Cicero’s terminology)<sup>6</sup> whose legitimacy (or relevance) is not provided by the orator but by a previous

<sup>5</sup> This ‘appeal to its authority’ refers to a general discursive procedure in which the fact that a content has an ‘author’ (has been uttered by someone) is presented as a possible ‘reason’ to accept it. It would cover cases of ordinary conversation and ordinary testimony as well as much more institutionalized ones. We are not here presupposing any particular social configuration of such ‘authority’. The typical case of the ‘expert’s authority’ would be here just a well known *paradigmatic* instance, whose special characteristics could be more or less shared by other, ordinary or not, instances.

<sup>6</sup> Cicero uses first the terms *extrinsecus* (*Topica ad Trebantium*, §24) and *remotus* (*Partitiones oratoriae*, §6) to translate Aristotle’s *atechnous*, but *testimonia* (as a paradigm) is also understood to cover the whole cate-

public sanction of which the orator himself takes advantage. This kind of *interpersonal* socialized material is, in principle, more varied and directly subject to contextual and particularized conditions than the more abstract ‘proofs’ or argumentation devices based on logical, formal or conceptual links, which comprise the ‘artificial’ means of support, and therefore presents a less classifiable casuistry that leaves it out-of-reach of a technique. From another more structural and internal point of view, these oratorical devices are also considered *atechnoi* (non-technical or artificial) because, as Cicero remarks, they must be handled directly, not being the result of rhetorical *invention*:

For purposes of proof, however, the material at the orator’s disposal is twofold, one kind made up of the things which are not thought out by himself, but depend upon the circumstances and are dealt with by rule, for example documents, oral evidence, informal agreements, examinations, statutes, decrees of the Senate, judicial precedents, magisterial orders, opinions of counsel, and whatever else is not produced by the orator, but is supplied to him by the case itself or by the parties: the other kind is founded entirely on the orator’s reasoned argument. And so, with the former sort, he need only consider the handling of his proofs, but with the latter, the discovery of them as well. (Cicero, *De Oratore*, II, §116-117)

In any case, the category of *testimony* as inherited by rhetoricians up to early modern times was never a completely fixed one. On the one hand, if it began as a category closely related to forensic practice (judicial genre being the central and paradigmatic case-study for rhetoric), as the classificatory lists of Aristotle or Cicero suggest, it was soon increasingly related to a generally understood appeal to ‘reputed authorities’ more than to circumstantial witnessing, and thus confounded and identified, from an analytical and logical more than a rhetorical perspective, with a ‘*topic from authority*’.<sup>7</sup> On the other hand, by means of this kind of theoretical treatment, the category was expanded, as an established model, to a widely generalized field of argumentation, and thus classified among other rational and equally abstract schemes.

This type of approach is already present in Boethius’s *De differentiis topicis* (whose list of topics is allegedly taken from Themistius), where the main division between artificial and non-artificial proofs is dropped and where a new standard topic ‘*a rei iudicio*’ appears. This topic will be named ‘*ab auctoritate*’ in the Petrus Hispanus’s 13<sup>th</sup> century version of the topical system presented in his *Summulae Logicales*, a most standard source and textbook for at least three centuries (Green-Pedersen 1984, p. 50). However, Boethius’s definition of the topic ‘*a rei iudicio*’ is not related to the Aristotelian *Rhetoric*, where the *atechnoi* proofs were considered, but to his dialectic as exposed in the *Topics* with the following wording: “*quod omnibus vel pluribus vel sapientibus hominibus videtur*” (what seems true to everyone, or the many, or the wise). This is a paraphrase

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gory: “Testimonium autem nunc dicimus omne quod ab aliqua re externa sumitur ad faciendam fidem”, “We will here also call testimony everything that [taken] from an external element [source] is assumed in order to convince” (*Topica ad Trebantium*, §73).

<sup>7</sup> The relation between testimony and authority was, nevertheless, already present in Cicero’s analysis who talked about two possible sources for the testifier’s authority, nature and circumstance: “sed auctoritatem aut natura aut tempus adfert” “authority is deduced either from nature or from temporary [circumstances]” (*Topica*, §73).

of Aristotle's notion of *ta endoxa* (what is plausible because reputed),<sup>8</sup> but in this case not as a general basis for the practice of public discussion (as it was in the *Topics*, 100b 21-23) but as just one of the possible means, among other rational, conceptual and logical devices (the rest of the topics) to be used in argumentation.

Although we cannot develop here this long account, it seems clear that this Medieval move towards the restriction of this category of proofs to just an *ab auctoritate* scheme —“*unicuique experto in sua scientia credendum est*” (“any expert ought to be believed within his science”), in Petrus Hispanus wording— talks about the reality of the social restriction of instances of sanction and the complete transformation and limitation of the available social spaces and practices of “giving and asking for reasons”. However, we should not forget that the possible expansion of the forensic model of the use of (appeal to) testimony in any kind of argumentation was always present in the suggestion traditionally made to orators (and, later on, writers and preachers) to keep a collection of sayings, sentences of sages, and commonplaces to be used in public speeches, as propositions or claims of which one can take advantage. These would function as what Brandom calls “free moves” within a language:

There are sentence types that would require a great deal of work for one to get into a position to challenge, such as ‘Red is a color’, ‘There have been black dogs’, ‘Lightning frequently precedes thunder’, and similar commonplaces. These are treated as ‘free moves’ by the members of our speech community—they are available to just about anyone any time to use as premises, to assert unchallenged. (Brandom 1994, p. 222)

From this brief historical review we might conclude that from the standpoint of the rhetorical, public and interpersonal space of giving and asking for reasons, the category of testimony was always understood as that of *usable* testimony based on different ways of institutionalized sanction whose legitimacy had to be acknowledged by the members of the community in question. The classification of such a category, difficult and ever-changing as it was, tended to be based on a typification of sources that was also a typification of sanctions. Thus, the main distinction was traditionally that between *divine* and *human* testimony,<sup>9</sup> while the latter was usually divided into *public* (or *common*) and *private* (or *proper*). This last division should not, however, be identified with Coady's (1992) mentioned one of *formal* vs. *natural* testimony. In the rhetorical framing of the question, the setting was, actually, always a public normative one, in which such distinction opposed highly institutionalized and general sanctions, valid at any time, to the authority granted, at a particular moment, to particular pieces of information related to the case in question. If the first could comprise things such as “written and unwritten laws, plebiscites, deliberations of the senate, verdicts of the

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<sup>8</sup> Aristotle's *Topics* place the notion of *ta endoxa* (Vega 1998) as the base of their general approach to dialectic or public discussion. This term refers to those claims that are *plausible* because *socially reputed*, that is, to those propositions “which seem so to everyone, or to the majority, or to the wise—and either to all of them, or to the majority, or to the most notable and reputable [*endoxois*] among them” (*Topics*: 100b21-23), that is, express the point of view of everyone, of most people or of a few but accredited experts in a certain field.

<sup>9</sup> I just know the case of Ralph Lever's *The Art of Reason, rightly termed Witcraft* (1573) that added a category of *Infernal* testimony.

sovereigns, edicts of the magistrates, replies of the prudent, the common opinion of doctors, proverbs and adages,”<sup>10</sup> one of the possible divisions of the latter category would include “spoken testimonies, either made of free will or forced *by religion* or *by rigor*, and written documents.”<sup>11</sup>

Taking in account the very long run of the tradition of Classical rhetoric and dialectic and depending on things like the author’s period or the particular field for which a certain text on rhetoric or argumentation was written, the appreciation of testimony as a whole and of its different classes changed. Thus, near the end of the 16<sup>th</sup> century, a Spanish author could make an admonitory remark presenting a field-related restriction of the use of testimony. This would be tolerable in private affairs and judicial causes, and, within the sciences, in theology (based on revelation, or *divine* testimony), law studies (based on prevailing laws) and grammar (based on the writers’ authority):

but in all other sciences, although it is valuable that our opinions and standpoints should coincide with those of the leading writers, still, because the force of reason has more weight than the dignity of its source, a proof by testimony is not much worth.<sup>12</sup>

This kind of attitude is an indication of the subsequent historical loss of place of *authority* as a valuable scientific source and sanctioned scheme of argumentation, up to the point where, from a logical point of view, *any* appeal to authority or testimony began to be seen as an *ad verecundiam* fallacy (Woods-Walton 1982).<sup>13</sup> Blaise Pascal, for example, in his *Fragments d’un traité du vide* —a methodological introduction to a physical treatise on vacuum that was never written— attacks, in a very resolute way, science based on the word and authority of the Ancients while denouncing, at the same time, the blindness of those who make use of reason and experience in theological matters, as these should be exclusively based on Scriptures and the texts of the Fathers. The context of Hume’s *reductive* account of testimony in the case of miracles becomes, thus, paradigmatic, as he was attacking a kind of last haven so far kept untouched by empiricism.

It is just recently that argumentation studies have begun to contextualize and correct the radical claim that makes of the argument from authority a fallacious device, and take care of its particular conditions. On the other hand, it is not surprising that traditional foundationalist epistemology, whose roots go back to the times where authority-based science was at its lowest point, should have been at such pains to integrate testimony and testimonial practices, including justifying practices and norms peculiar to testimony. As Brandom puts it:

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<sup>10</sup> According to the list presented by Cypriano Regneri in his *Demonstratio logicae verae iuridica* (1638): “leges scriptae et non scriptae, plebiscita, senatus consulta, principum placita, magistrarum edicta, responsa prudentium, communis doctorum opinio, proverbia et adagia”.

<sup>11</sup> According to Pedro Simón Abril, *Primera parte de la filosofía llamada la Lógica*, 1587 (2nd ed., 1886, p. 177).

<sup>12</sup> Simón Abril (1886 [1587], p. 178).

<sup>13</sup> Woods and Walton also point out: “Perhaps there is some truth in the observation that, ever since the erosion of Aristotle’s authority, Western society has tended to be highly suspicious of authorities” (1982, p. 87).



Classical foundationalism considers only justifying in the narrow sense of an inferential activity, not in the broader sense of vindication that includes the communicational dimension appealed to by deferential entitling (the authority of testimony). (1994, pp. 204-205)

### 3. *Dynamical aspects: the in medias res approach*

Now, assuming that an account of testimony should have to do with the two phases we have described, it has been suggested<sup>14</sup> that the possibilities regarding the second phase would be determined by the conditions under which the first occurs. That is, testimony would become more or less ‘usable’, liable to be appealed to, if it was ensured that it had been disclosed within a setting to which we could assign some principle of veracity, sincerity, accuracy and, of course, credulity on the part of the receiver<sup>15</sup>. This would take us back again to the analysis of a single act of communication and to the “the pragmatics of saying and meaning things”. The second act (paradigmatically an argumentation based on some kind of testimony) would become an independent practice selecting from the vast collection of what has been said the most suitable specimens for its own context.

But that independence is not, to our view, a very realistic hypothesis. Our discursive practices are but too conscious of the possible subsequent uses of our claims. The legal warning “anything you say may be used against you” just makes explicit, in a rather tight situation, something that governs our interchanges, for good just as well as for worse. There are, in this sense, risks to be taken when we talk and make claims but also the opportunity to influence reality. We “have the right to remain silent” but then we would take little part in social life and communication. The interrelation between both sides of the testimonial issue can be more or less explicit. For example, when a public figure tells the press after some assertion “and you can quote me on that”, she is trying to control what we have called the ‘second phase’ in the course of the first one. A less distressing example of such a purpose could be the hundreds of different situations in which we may ask “why do you want to know?” or “why do you ask?” before answering some question.

In general, we can say that our practices of asserting and telling things are also shaped by expectations about possible subsequent uses of our testimony... and *vice versa*. That is why we find a certain advantage in the complications of a dynamical and *in medias res* approach—as opposed to a genealogical one—that would elude giving a definite and global priority to any of the two settings. Both our utterances and the instances of their subsequent use take place in an already working discursive society in which previous testimonies have already become, to a greater or lesser degree, part of what is shared and has been sanctioned for certain uses by the community, in such a

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<sup>14</sup> It was Prof. F.J. Kauffeld who made that remark when I presented a version of this paper (Olmos 2007) during the last OSSA (*Ontario Society for the Study of Argumentation*) Conference (Windsor, Canada, June 2007).

<sup>15</sup> Kauffeld and Fields (2003) try to establish a contrast between practices of gossip and practices of responsible testimony, the latter including in their definition a condition of sincerity.

way that new claims enter the field of communication with certain aspirations—to attain particular positions—and, so to say, against an immense contrast background.

The tradition of Classical rhetoric was particularly interested in what a trained *orator* would subsequently do with received (testimonial) material and that is why, within it, the dominion of spoken testimony was placed as contiguous to that of agreed principles, written laws and common notions (adages, proverbs, *sententiae*), considering that the discursive ability to use these different sources in justifying a standpoint was somehow that wide-ranging. Although a certain attention was paid to the conditions in which testimony was first given and received, the main concept explored was that of the conventional ‘authority’ of the testifier, either natural or circumstantial (Cicero, *Topica*, §73), without really taking into account the link between the different settings involved. In very broad terms, we can say that, in its approach to testimony, Classical rhetoric focused on the ‘appeal’ phase and neglected, up to a certain point, the ‘disclosure’ one just as contemporary epistemology has done the opposite.

We can correct those biases by trying to be aware of the dynamic aspects of an ongoing social interaction in which particular pieces of information, from different sources, are listened to, accepted, put into use, brought out or remembered, all these acts or practices pointing to different perspectives on testimony.

#### 4. *Pragmatical accounts and situated practices*

This dynamic approach implies, though, a real trouble for pragmatical accounts of testimony as we realize that we have to take care of various settings whose interrelations might be more or less intricate. The explicitness of the examples offered in the last section just show us a rather straightforward way in which an instance of testimony and its subsequent use could be coupled. But other cases might be much more complex.

In his vindication of *contextualism* as a means to overcome the opposition between *reductionist* and *anti-reductionist* accounts of testimony as best serving epistemic requirements, N. Vassallo (2006) has suggested that it will be mainly the contextual ‘import’ and ‘consequence’ of the content of the claim that will make us decide whether we should apply to it a strict checking procedure (identified as a kind of *reductionist* strategy) or be satisfied with a simple (*anti-reductionist*) acceptance. This is, of course, rather schematic and we could easily build intuitive cases in which precisely the import, consequence—and urgency—of a matter would lead us to ‘blind’ acceptance, but, at least, it gives us a kind of starting point to avoid the, to our view, exaggerated aspirations of any *globalist* standpoint.

It seems that what could help us here would be an approach in terms of different social interrelated practices both of claiming (testifying) and using testimony as a justifying means, tacitly acknowledged as such, in principle, by those who take part in them. Joseph Rouse (2007) has defended the relevance of a normative—as opposed to a rule-governed or regularity-exhibiting—conception of practices in terms of “accountability to what is at issue and at stake in a practice”. His main argument being that such a conception would allow us to understand practices and their normativity “without having to posit stable meanings, rules, norms, or presuppositions underlying

the manifest diversity of social life”. This is, in fact, very useful when we are dealing with such manifestly ubiquitous and varied performances as those we analyze under the heading of testimony.

According to such a characterization, practices of testimony would be, thus, those that can be suitably accounted for as being an integral part of a socially comprehensive *ongoing* operation of using others’ words in order to support our discursive argumentations and supplying others with words for the same purpose (if we agree that this is what is ‘at stake’ in testimony). Brandom typifies, thus, a paradigmatic notion of that kind of discursive *heritage*:

Putting a sentence forward in the public arena *as* true is something *one* interlocutor can do to make that sentence available for *others* to use in making further assertions. (1994, p. 170)

But in order to be more specific about what (in our opinion) is ‘at stake’ in testimonial practices we suggest that we substitute this ‘as true’ for something like ‘as quotable’ or ‘as further usable’, a characteristic that may depend or not (or, at least, not essentially) on its truthfulness. For example, regardless of its plausibility or truthfulness, testimony obtained under pressure or torture, for example, is not (nowadays) admissible in court and will not be part of what is mentioned in the verdict’s justificatory paragraphs. In such a case, a certain legal norm deactivates the testimonial character of an utterance. Of course, it will be different in other settings (scientific or others) and truthfulness might be in many of them considered a necessary part of the notion of ‘quotability’. It can be claimed that ‘truthfulness’ will normally be considered as one of ‘quotability’s’ paradigmatic notes, but they represent different concepts and our position here is that something as ‘quotability’ or better ‘usability’ “in the game of giving and asking for reasons” is what is characteristic of testimonial practices. We see, then, the relevance of the specific normativity involved in different ‘situated’ practices of testimony. Practices that change over time (and social configurations) in terms of the requirements they put on people’s utterances in order to classify them under the notion of ‘quotable’ or ‘usable’ —of course not in general but in relation to that practice—, that is, under the notion of testimony.

In this sense some empirical studies as, for example, those performed within the area of argumentation theory in relation to the relative acceptability of certain types of ‘authority based arguments’ in different settings become specially relevant for the issue of testimony. Although, in these cases, the tests might be conceived as measuring degrees of persuasiveness, in the limit, the loss of persuasive capacity for a certain kind of argumentation based on the word of others will be equivalent to the loss of their testimonial role (and the contrary move is of course equally possible). Just to illustrate this type of research, we can mention a recent study (Hornikx 2007) that reveals even national differences within contemporary Europe in the evaluation of the authority of testimony that supports applications for research project funding. While in some countries (France, in this case) the authority of academic titles is still decisive, in others (the Netherlands) it is personal experience that makes an ‘expert’ and, therefore, it is that trait what becomes the required condition for an admissible and ‘quotable’ testifier in such a setting.

### 5. Conclusion. A rhetorical approach

What we have tried to defend here is that in order to understand the issues really posed by testimony to our conceptions of knowledge, justification and other related topics, we should start by looking at the dynamics of the social discursive practices of testimony use, appeal and sanction within the game of giving and asking for reasons. Once we assume that what is 'at stake' in the phenomenon of testimony is social (subsequent and also previous) sharing, heritage, use and quotability in different settings, the picture of the instant belief or non-belief in the face of an (almost seen as) unconstrained and uncaused assertion loses its centrality here;<sup>16</sup> it does as soon as we start shifting our attention:

- 1) from ideal and theoretically unattainable conditions of inner, individual acceptance to externalized and communicable conditions of discursive support in socialized settings,
- 2) from internally assumed all-embracing principles of veracity or credulity to conscious participation in dynamic and interrelated practices of mutual appeal and support,
- 3) from static evaluation of *mere* accuracy or truthfulness to dynamic estimation of context-related quotability and usefulness.

These could be, among others, some of the perspectives opened by a rhetorical approach to testimony.

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<sup>16</sup> That kind of "instant" or default "belief" in the face of assertions could be considered just in terms of the pragmatics of conversation (a conversational commitment, the appropriate way to understand an assertion) or as loaded with epistemological resonance (as in the case of the 'principle of credulity'). To our view, the first possibility is more fruitful and feasible than the second one, but, in any case, we think that the specific issue of testimony involves a more complex and dynamical approach illustrated by the shift from the "the pragmatics of saying and meaning things" to "the pragmatics of giving and asking for reasons" in which the mechanisms of *interpersonal* quotation and appeal start making sense.

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