

## RUMOR, REPROACH, AND THE NORMS OF TESTIMONY

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### 1. THE PUZZLE

It is commonplace feature of our interpersonal lives that the beliefs we hold can, by themselves, bring about considerable harm to other persons. As a conspicuous indication of this, kinds of harmful beliefs have found their way into legal systems in the form of *libel* and *slander*. In certain situations, I can be sued, fined, or punished for performing an action of making written (in the case of libel) or oral (in the case of slander) statements with the intention of spreading (or with knowledge that what I am doing is likely to spread) certain information. That is, restitution can be demanded of me for making assertions with the intention or knowledge that people will gain certain kinds of beliefs.

The injury that such beliefs cause may, on the one hand, derive from the fact that they are *false*; a businessman may intentionally or negligently make false claims, claims that are likely to spread beliefs that will be damaging to the reputation of some third party. Alternatively, the information may be true and epistemically justified, yet still harmful to a third party because it is *private*; a newspaper editor or reporter, for example, may be susceptible to legal action for printing statements about someone's private life.<sup>1</sup>

In both cases, what we might call the *primary source of harm* arises from the holding of beliefs. The injury to the third party derives directly from the existence of certain beliefs about him. If Jones is harmed by slander or libel, then it is *other persons' holding beliefs* that constitutes the harm to Jones; it is Jones's knowledge of these beliefs that causes him pain. If the existence of beliefs could not harm, then libel and slander, which are *actions involving the spread of beliefs*, would not be wrongs.

The puzzle with which I am concerned in this paper arises here. It is perhaps most clearly (although as I will argue below, not exclusively) visible in the realm of the law: a person's susceptibility to legal censure—to lawsuit, to fines or punishment, or to a demand for retraction or apology—for libel or slander does not

come in virtue of any beliefs she holds, but rather in virtue of her performing the action of spreading those beliefs. This is true *even though* the primary source of harm here is the fact that people are holding these beliefs. Why is this? Why am I susceptible to restitution for *spreading* beliefs, but *not* for *holding* them, even though it is the *holding* of these offending beliefs that is the primary source of harm to the people they concern? How are we to understand the moral basis of such differential treatment within the law?

Put schematically, the situation is as follows. Speaker tells Hearer something about Victim, or prints some story about Victim in the newspaper that Hearer reads; the story told or printed is private, perhaps, or false. Hearer accepts what Speaker tells him or what Speaker has printed in the newspaper. The primary source of Victim's injury, the harm done to Victim, is that Hearer (among other persons, perhaps), believe this private or false story about Victim. Nonetheless, Victim does not sue or demand restitution from Hearer, who believes the slanderous or libelous statements; rather, Victim sues or demands restitution from Speaker, who has told this story. Even if Speaker and Hearer are the same person, the asymmetry re-emerges. Speaker/Hearer heard or read something, believed it, and Speaker/Hearer then told it to someone else or printed it for public consumption. Why, given that beliefs are the source of injury, is it appropriate for us to bring legal action against Speaker/Hearer, not for his believing, but for his retelling?

There is a negative and a positive aspect to this puzzle, each of which needs to be accounted for: (1) Why is it *not* appropriate to bring legal action against the believers of libel and slander, and (2) why *is* it appropriate to bring legal action against the libelers and slanderers themselves? In the next two sections, I will look at two approaches to this puzzle, and reject them for their inability to answer the first question. In section 4, I will offer my answer to the first question, a positive account of why Hearers—the acceptors of libel and slander—are and should be generally immune from our admonition. Finally, in section 5, I will turn to the somewhat more complicated question of why Speakers—the spreaders of libel and slander—deserve our reproach, and sketch an answer to that question. In both cases, my answer will involve making reference to the *responsibilities* that differently accrue to speakers and hearers in testimony.

## 2. THE PUZZLE, THE LEGAL SYSTEM, AND RUMORS

It may be thought that this puzzle is merely a quirk of the law, that in order to explain this asymmetrical feature of our responses to these harmful beliefs we need look no further than a distinctive feature of legal systems. I will refer to these as the Legal Explanations of our puzzle.

Perhaps, it might be thought, the law must focus on *actions* and not *states of mind*; we cannot punish people for their mental states, but rather for what they do. Such a position may be held for epistemological reasons: the law depends

upon public access to events, and we do not have public access to people's mental states.<sup>2</sup> While it is no doubt true that the due process of law suffers under certain epistemic limitations related to moral psychology, this limitation does not apply comprehensively and to all mental states. The difference between involuntary manslaughter and murder, for example, is at least partly a difference between the perpetrator's mental states. In order to determine whether the defendant committed murder, and not involuntary manslaughter, the judges or jury need to establish that the accused *intended* to kill the victim. As this distinction—dependent as it is upon determining the mental states of the accused—is entrenched within legal systems, it is clear that legal systems do not take mental states in general to be hidden from courtroom procedures. There is clearly a certain confidence that the mental states of those being tried can sometimes be determined within due process.

It may be suggested, alternatively, that what the legal process cannot target is not states of mind in general, but *beliefs* in particular. There is something about beliefs such that the public process of the law cannot take them into consideration. Again, this does not fit with actual legal processes. The difference between a murder, on the one hand, and a killing committed in self-defense, is at least partly one of the perpetrator's beliefs. In order to determine that the defendant killed the victim in self-defense, we need to determine whether the defendant *believed* that he was in life-threatening danger from the victim. If we establish that he did believe this, then we are likely to punish him less severely than we would have otherwise. So, it looks as if the due process of the law does take a defendant's beliefs into account, and judges and juries have at least some confidence that they can do so.

In any event, the phenomenon with which I am interested is far more pervasive than the processes involved in legal judgement; any version of a Legal Explanation of our puzzle is going to be hopelessly narrow. We are generally, and more commonly in day-to-day situations, susceptible to *rebuke* and *reproach*, as well as to directed moral emotions like *anger* or *indignation* for spreading certain harmful information but not for believing it. This is readily illustrated by the example of *rumors*, which need not come under the umbrella of the law. When I discover that some belief about my private life (whether true or false) has become widespread among colleagues at my university, then I may become quite distressed. However, my finger-pointing, my admonition, will not emerge until I discover that someone in another department sent out the false information via electronic mail. So, our puzzling treatment of Speakers and Hearers exists outside the law: my anger, reproach, and perhaps my demand for a public apology, will be targeted at the *rumor-spreader*, and not at the *rumor-believer* (or *believers*)<sup>3</sup> who ended up accepting the proposition that the spreader endorsed.

Our responses to the informal, local spread of rumor are complicated by the strong emotions that we may feel towards those close to us—friends, lovers, or relations—whom we discover believing a false rumor. I have certain expecta-

tions regarding what my friends and relatives believe about me, and I respond with anger, disappointment, or reproach when they violate these expectations.<sup>4</sup> In short, I may feel the *same* amount of anger or express the same amount of reproach towards a *friend* who *accepts* a rumor about me as I do towards the *stranger* who was responsible for *spreading* it. In this case, there is no apparent difference in my feelings toward the person who spread the belief and the person (or persons) who accept it.

Nevertheless, our asymmetrical treatment of rumor-spreaders and rumor-acceptors re-emerges when we ignore this complication, or simply imagine that all of our friends have properly brushed this rumor aside. Setting aside any reactions that I have to my friends and relatives, it is still possible that the widespread existence of this false belief about me *among strangers* will hurt and upset me. However, my reproach is not directed at those who hold this belief. Rather, it is saved for the person or persons who acted to spread the belief. I will justifiably express anger towards such persons, and perhaps demand restitution or an apology from them, and this is true even though it is the libel or rumor's *being believed* that is the problem.

Introducing non-legal examples, like rumor-spreading, makes explicit that such moral responses come in a variety of flavors. On the one hand, when we feel wronged by the spread of beliefs, we may feel differing *emotional responses* towards people in virtue of whether they hold beliefs or whether they acted to spread them; emotions like indignation or anger, and associated responses like reproach and rebuke, are (ignoring friends and relatives) reserved for those who distribute harmful beliefs. In addition, we may make differing *restitutional demands* of those involved in virtue of their actions and beliefs; again, the demands of recompense or apology—perhaps via legal routes—will be reserved for those who acted to spread the offending beliefs. Focusing on rumor, libel, and slander is intended to highlight the fact that both of these responses are not targeted at believers, even though it is the holding of *beliefs* that is hurting me. Spreading a rumor incurs kinds of rebuke in a way in which believing one does not, even though it is the believing that is the source of harm.

It is, of course, not inevitable that we would *actually* become indignant at or reproach the rumor-spreader, nor is it inevitable that I will demand an apology from him. Whether we do or not, however, we consider anger or reproach directed at the rumor-spreader *appropriate* in a way in which reproach directed at the rumor-believer is not; and we consider a demand for an apology or restitution from a rumor-spreader appropriate in a way in which such a demand directed at a rumor-believer is not. It is this I wish to explain. Making explicit that it is appropriateness that is at issue here reveals that this asymmetry lies in the *norms* governing our responses to the spread of harmful beliefs by rumor and slander. I will suggest that this asymmetry reflects a deeper asymmetry in the norms governing asserting and believing, that is, in the norms governing testimony.

## 3. THE PUZZLE, DOINGS, AND WRONGFUL BELIEVING

A simple and attractive explanation of our differing treatment of those who accept and spread beliefs would appeal to one or more of the related notions of *control*, *choice*, or *voluntariness*, each of which centrally characterizes our actions but does not, except in an attenuated sense, characterize our believings. Such an explanation would go something like the following:

(i) It is inappropriate to morally respond to someone—e.g., blame, get angry at, seek to punish, or seek restitution from her—in virtue of that which she cannot control (or which she did not choose to do, or which is not voluntary), and

(ii) we can control our actions but not our beliefs (or, believing is not chosen, it is not voluntary);

therefore, (iii) while it may be appropriate for us to morally respond to someone for rumor-spreading, it will not be appropriate to morally respond to her in virtue of her rumor-believing.

Roughly, we morally respond to people for their *doings*; rumor-spreading is a doing but rumor-believing is not a doing; therefore, it is appropriate to morally respond to rumor-spreaders but not rumor-believers.

I will call this sort of explanation of our puzzle the “Ought-Implies-Can Explanation,” for the first claim in the explanation will inevitably be a version of the philosophical slogan “ought implies can.” It is appropriate to make the *prescriptive* claim that S ought or ought not to  $\phi$  only if  $\phi$ -ing is voluntary for S, or under S’s control or choice. A version of this claim, appealing to the notion of control, has been defended recently by R. Jay Wallace:

[I]t would be unfair to hold someone to moral obligations one accepts, in the absence of the powers of reflective self-control, in the sense that it would be *unreasonable* to hold the person to moral obligations under these conditions.<sup>5</sup>

S’s having some sort of control/choice over his  $\phi$ -ing, or S’s  $\phi$ -ing being voluntary, is required for our responding to S’s  $\phi$ -ing with some sort of normative judgement.

Combining this with the not-implausible (although not uncontroversial) claim that believings are not doings, then we appear to have a plausible explanation of our asymmetry. We bring lawsuits against newspaper editors for printing certain stories, and we get upset at people for spreading rumors, because *printing* and *spreading* are actions, which essentially are voluntary, chosen, or under our control. We do not, on the other hand, sue, blame, or get angry with people for believing printed stories or spreading rumors, because people’s believings are not doings. Our differing moral responses to the spreading of beliefs and the beliefs themselves fall nicely in line with a significant difference between the two, namely that one is a doing and the other is not.

However, the Ought-Implies-Can Explanation entails too much. If we cannot hold someone to moral norms for what they do not do, and if believings are not doings, then it follows that there can be no moral norms for believing. This, however, looks wrong. Jones's beliefs can elicit my moral emotions—my indignation and anger, for example—and their doing so suggests that I was holding Jones to doxastic moral norms.<sup>6</sup>

Indignation, like guilt, blame, or remorse, is one of the so-called “reactive attitudes” or “moral sentiments.” It is an emotional response expressing moral disapproval of someone's behavior. One's indignation at Jones in virtue of her  $\phi$ -ing is an indignation at the moral status of her  $\phi$ -ing; it involves, or expresses, the commitment that Jones's  $\phi$ -ing is wrong. Indignation is a species of blame, both an identification of Jones as a perpetrator and an expression of disapproval, in the form of anger or disgust, towards Jones for his wrongdoing. In a discussion of indignation, William Neblett writes,

Feeling (other-regarding) feelings of indignation over injustices suffered by others is a symptom of sympathetic concern for others, and in general, of a special sensitivity to matters of morals. Feeling (self-regarding) feelings of indignation over wrongs we ourselves suffer is central to a proper sense of dignity and self-respect.<sup>7</sup>

That indignation has moral content is partly reflected in the *objects* of indignation, as Wallace himself reminds us.

I may dislike my television set or be frustrated and annoyed when it fails to turn on; but . . . I cannot, properly speaking, be said to resent it or to be indignant at it. Resentment, indignation, and guilt are essentially tied to expectations that we hold ourselves and others to.<sup>8</sup>

A tendency to feel indignation at some phenomenon  $\phi$  reveals that  $\phi$  has a moral status, that it can be right or wrong.

Many beliefs rightly trigger indignation; when I discover that you believe that that African or Arab peoples are less capable than other peoples at running a democracy, that the Holocaust has been greatly exaggerated, or that you are a better person than I am, I may respond with disgust and moral anger. This response, most of us would think, is neither unjustified nor unfair. It follows that, whether we can control them or not, there are such things as *immorally-held beliefs*, that is, that beliefs are susceptible to moral norms. Our tendency to feel indignation—a moral sentiment—in the face of certain beliefs reveals that some cases of believing have a moral status, that one can be judged to be moral or immoral in believing something or other. As a consequence, it looks as if the Ought-Implies-Can Explanation cannot account for the negative half of the puzzle at hand, namely why we do not reproach those who believe harmful libel, slander, and rumor.

In response, a proponent of the Ought-Implies-Can Explanation may suggest that our indignation at an agent in virtue of her beliefs is directed not in virtue of

her beliefs per se, but rather for the actions she performed that led to her beliefs.<sup>9</sup> I find this implausible. My indignation at you for your belief that African people cannot run a democracy may not in any way depend upon what you happened to do in order to arrive at your belief. In the first place, I may think that you *did* nothing at all in order to arrive at it; I may realize that you simply picked this offensive belief up from your family, your government, or by reading the newspaper. Secondly, the upshot of this position would be that my indignation is targeted at you in virtue of actions you did or did not perform in relation to your belief. But this seems wrong; my indignation is aimed at you *in virtue of your belief*, and not because of what you did to get it or what you did not do to get rid of it.

It looks, then, as if the Ought-Implies-Can Explanation of our asymmetrical emotional responses to rumors, libel, and slander, is based on a false claim. The tendency to respond to people's beliefs with indignation suggests that we can and do hold people to moral obligations for their beliefs. Actions and beliefs have a wide range of differences, but their susceptibility to moral judgement does not seem to be one of them. This means that we cannot account for our differing responses to the spreading and holding of rumors by appealing to our differing moral-emotional responses to acting and believing. The puzzle remains.

#### 4. TESTIMONY AND THE IMMUNITY OF THE HEARER

While it is important to recognize that beliefs are susceptible to moral discourse, it is equally important to recognize that there are conditions under which my belief is not going to raise any moral concern. Seeing why and when this is so will allow us to explain why (neglecting friends and relatives) it is inappropriate to direct our moral sentiments at the believer of rumor, libel, or slander.

A belief may not trigger a moral sentiment for various reasons. A first involves the *content* of the belief. Some beliefs, those concerning persons and types of persons, are more likely to be of moral concern. To repeat an example from above, your belief that African or Arab peoples are less capable than other peoples at running a democracy may rightly trigger my indignation. As a claim about the capabilities of human beings, it is not surprising that in many contexts it will generate a moral response. On the contrary, my beliefs about the defining characteristics of gum trees, for example, is not likely to raise any moral response. This is not to say, however, that the latter belief will never raise a moral response. If, for example, my sister is a world expert on gum trees, she might take my continuing ignorance about gum trees to be an indication of my lack of concern or respect for her and what she does. This is related to the complication I discussed in section 2: we have doxastic expectations of those close to us—our friends, lovers, and relatives. There seem to be norms for personal relationships that include the possession of certain kinds of beliefs.

So two of the features of belief that may (singly or together) bring a belief into the moral sphere are, first, the content of the belief—some beliefs are such



that *what they are about* brings them into the moral sphere—and, secondly, the identity of the believer—our relationships with certain persons involve our having certain expectations about what they will believe. A third component is more important than the other two, as it looks to be a necessary condition on a belief's being immoral. I will deem Jones's belief immoral—it will appropriately trigger my moral sentiments—only if I consider Jones to be epistemically unjustified in holding it. If I think that Jones's believing that *p* is justified, then it would make little sense for me to become indignant at Jones for believing it. It will only be if I think that there is a significant epistemic failure in Jones's believing what he does that I will also believe that there is a moral failure in his holding it.

I do not have an a priori argument for the claim that epistemic failure is a condition on the moral failure of a belief, but imagining ourselves in the situation of being indignant with someone's belief will help illustrate its plausibility. Imagine, in speaking to a friend, you discover that she believes that *p*; perhaps this belief is about the capabilities of the members of some race, ethnic group, or gender. You think that the belief is offensive, and you become upset at her for it, disappointed and angry that she could hold such a belief. However, in further speaking to her about the matter, you come to see that her belief is based on *what she takes to be* evidence. It is not a belief held out of dislike or disregard for these people; it is, quite simply, her sincere attempt to get at the truth. In such a case, I take it, your anger will dissolve. You will engage with your friend, address this supposed evidence, and try to convince her that it is really not good after all.

Your response, in such a case, illustrates the dependency of your moral response to her belief upon your belief that it is epistemically unjustified. Once you come to see that it is an epistemically-held and epistemically-supported belief, you no longer see your friend's belief as a moral failure. You then begin to engage with your friend, and to address the epistemic basis for her belief. Epistemic failure is not *all* that is wrong with an immoral belief; what arouses our indignation at certain beliefs includes some feature *beyond* the fact that they do not meet epistemic standards. Nevertheless, the fact remains that a belief that raises moral gall will nonetheless be deemed, by the person whose indignation is aroused, to be epistemically unsuccessful as well.

The above considerations suggest that a belief that is missing these components is unlikely to raise moral concern. If (i) it does not have a content the holding of which is itself offensive, (ii) it is held by a stranger, and, especially, (iii) the belief is epistemically justified, then it is doubtful that the belief itself will trigger a moral response.

At least two, and probably all three of these conditions will be missing from most cases of rumor, slander, and libel, and their absence helps us explain why it is that we do not reproach people for accepting beliefs spread by libel, slander, and rumors.



The first characteristic of immoral beliefs, the possession of a potentially offensive content, is likely to be missing from beliefs spread by rumor, libel, or slander. Beliefs spread by such means are likely to be about the particular behavior of individuals, beliefs of the form “Jones did such-and-such.” And these are not the sorts of belief that we think of as having offensive content. Unless one is Jones’s friend or relative, it is difficult to see that there could be anything morally wrong in believing that Jones did something or other.

The second characteristic of someone’s beliefs that may bring them into my moral concern is my relationship to the believer. If the believer is a friend, I may be more likely to be upset by her beliefs should they regard me or my values. In some cases of rumor, slander, or libel, it will obviously be true that I become concerned by the fact that my friends or close relatives have accepted such beliefs, and it may be that I become upset or reproachful at them for such acceptance. But, as we saw above, the asymmetry arises even in situations in which our friends and relations do not hold any of the offensive beliefs.

It is the absence of the third characteristic of immoral beliefs—their epistemic failure—that does the most work in explaining why we do not reproach strangers for accepting libel, slander, and rumors: they utilize familiar sources of testimony. I take it to be obvious that slander, libel, and the spread of rumor are each cases of attempted testimony. Cases of slander, libel, and rumor involve an agent’s oral or written assertion that something is true; they involve the agent’s *vouching* that some information is true, with the intention that the hearer will gain the belief that it is true.

A belief that a hearer gains by testimony will have *some* epistemic justification granted to it in virtue of her gaining it in that way. That this is so is reflected in the fact that our default attitude towards informants is characterized, as Jonathan Adler puts it, by a “positive bias.”<sup>10</sup> Tyler Burge earlier recorded the same phenomenon: “A person is entitled to accept as true something that is presented as true and that is intelligible to him, unless there are stronger reasons not to do so.”<sup>11</sup> As both writers note, our positive bias as hearers is modified by a range of *ceteris paribus* clauses: I must not have good reason to think, for example, that my informant is lying or generally unreliable with respect to the subject matter at hand. There are large questions surrounding the source and extent of this *prima facie* epistemic justification: is testimony a non-reductive source of justification, or does it grant justification in virtue of other sources, like perception, memory, and inference?<sup>12</sup> In spite of this controversy, however, there can be no question that testimony is, in general, a source of justified beliefs.<sup>13</sup>

However, the fact that oral and written assertions are justifying sources of beliefs entails that those who are on the *receiving* end of rumor, slander, and libel are *prima facie* epistemically justified in believing what they do. In the absence of reasons not to trust Jones, I am *prima facie* epistemically justified in believing what he says in his speech about a politician, *even if* Jones’s claim is slanderous.

In so far as a newspaper is testimonial source, I am *prima facie* epistemically justified in believing something printed in it, *even if* it is libel. If you tell me that a member of another university department has had liaisons with a student, then in the absence of reasons to not trust you, I am justified in believing that this staff member has indeed had such a liaison. When we accept rumor, slander, and libel, we do so because the information to which we are exposed comes to us through what are normally good sources. We are thus (*ceteris paribus* conditions absented) epistemically justified in accepting a rumor, libel, or slander, even if our source was not himself justified in believing it, and even if the proposition believed is false.

As we have seen, though, a belief that is epistemically justified is unlikely to generate moral sentiments like anger or indignation. I may be hurt by a stranger accepting rumors about me, but I will not feel reproach towards her, because the method by which she has gained her beliefs about me—namely, testimony—is one I take to be a good one. *Prima facie*, she is not to be faulted for accepting beliefs upon testimony, and so without further cause I do not reproach her for the beliefs she possesses. It is worth repeating, once again, that this is true even though it is these very same beliefs that are causing me hurt. Rumor, libel and slander, describe situations in which harmful beliefs do or can come about, but those who come to form beliefs are not at fault. Great harms come about as the result of testimony, but it is not testimony's fault; testimony, the process of sharing beliefs via written or oral assertion, is essential to our doxastic health. Nor is it the fault of those on the receiving end of testimony; they are simply partaking of an interchange of information of which they should not, without contrary epistemic reason, ignore.

##### 5. THE ADDITIONAL RESPONSIBILITIES OF SPEAKERS

I am, in this paper, concerned with explaining an asymmetry in our responses to rumor, libel, and slander. In previous sections, I have been focusing on the negative side of the asymmetry—namely, that we *do not* take a reproachful attitude towards the believer of rumor, libel, and slander. I have rejected two explanations of this immunity—the Legal and the Ought-Implies-Can Explanations—and offered an alternative; as a receiver of information via justifying sources of belief, the believer of rumors, libel, and slander is, *prima facie*, not to be faulted. However, I have so far ignored the positive side of the asymmetry—the fact that we *do* reproach the rumor-spreader and the maker of libelous and slanderous statements. It is time to address this part of our puzzle.

The wrong of spreading libel, slander, and rumor will vary from case to case, and will be dependent both upon features of the *information being spread*—its truth-value and content—and upon features of the *person spreading it*—his intentions and conscientiousness. On the one hand, the wrongdoing committed by

the speaker will depend upon whether the beliefs spread are either (a) *false* or (b) concern *private matters*. The harm of having people believe false things about us is familiar; for many reasons, it can be harmful to be misrepresented. The wrong of beliefs concerning our private matters derives not from their falsehood but from their truth: it can be harmful to Jones for some information about him to become known by certain people. Jones feels that some truths about him should *remain unknown* by certain people, and the slanderer or libeler was wrong not to allow it to remain private.

On the other hand, the kind of wrong committed by a libelous or slanderous speaker will depend upon whether (a) the speaker said or wrote what he did with the *intention* to spread harmful beliefs, or (b) he *neglected* to notice that what he was doing could spread harmful beliefs. In the first sort of case, the speaker knows that what he is saying or writing may cause harm—because it is false or private. In the second sort of case, the speaker is guilty of negligence; he *should* know that what he is saying or writing is false or private.

Consequently, we can divide the wrongdoings committed by slanderers, libelers, and rumor-spreaders into four categories.

- (1) The speaker *intentionally* spreads information that *he knows* is false (and could therefore be harmful).
- (2) The speaker *intentionally* spreads information that *he knows* is private (and could therefore be harmful).
- (3) The speaker negligently spreads information that is false; he should have known that the information was false, or he should have done more checking before he avowed it to someone else.<sup>14</sup>
- (4) The speaker negligently spreads information that is private; he should have known that the information he was avowing could have been harmful.

In contrast to the comparatively homogenous treatment that hearers received in the previous section, this list is striking. Why are there so many ways, additional to those of hearers, in which speakers can commit wrongdoings? The answer, I suggest, is that when one becomes an informant, one takes up extra *responsibilities* that such a role accrues.

Of these four categories of speakers' wrongdoings, the first two, (1) and (2), are the most familiar and straightforward in terms of their ethical nature. In both cases, the speaker performs an intentional action in full awareness that it could harm someone else. The speaker declares information in such a way that he knows may bring about harmful beliefs, information that is either false or true but private. The mechanism of the wrongdoing (i.e., testimony) may be distinctive, but it instantiates a very familiar ethical phenomenon: an agent intentionally causes injury to someone, just as one would by striking her or stealing from her.

Categories (3) and (4) are more complex. While they are clearly ethical wrongdoings, they are also, at bottom, *epistemic* shortcomings; they describe situations where epistemic and ethical transgressions come together. The difference between these two categories is the belief or knowledge that the speaker is neglecting. In Category (3), the speaker is unjustified in believing the information that is being conveyed to the hearer; given the harm that false information could cause to a third person, the speaker should have checked his information more extensively before passing it on to his hearer. In Category (4), the speaker has neglected to recognize that the information he is avowing is, because private, likely to harm a third person; he should have known that the belief he passed on to his hearer could cause harm to a third person. Both are distinct instances of what is sometimes called “culpable ignorance,” an epistemic shortcoming that *in and of itself* amounts to an ethical failing.<sup>15</sup>

Wrongs in Category (3)—in which the speaker sincerely asserts something that he does not have sufficient reason to believe—raises a *prima facie* worry for the explanation I have proffered of our not reproaching the believer of rumor, libel, and slander. If, as I have argued, we do not reproach Hearer—who *believes* a rumor—because she is *prima facie* epistemically justified in receiving testimony, then why do we reproach Speaker—who hears, believes, and then simply *spreads* the very same rumor? We can easily imagine that Hearer and Speaker both gained their belief in the same way, namely by hearing it from a reasonably reliable acquaintance. Why would we get upset at Speaker for her telling, but not Hearer for his believing *given that Hearer and Speaker are in exactly the same epistemic situation*? Indeed, as we saw at the beginning of this paper, the same question can be posed even if Hearer and Speaker is *the same person*: Speaker/Hearer hears a rumor, believes it, and Speaker/Hearer then tells it to someone else. Why would we get upset at Speaker/Hearer, not for the believing, but for the retelling, given that (as I am imagining) his epistemic situation does not change between hearing and telling?

Let me restate the apparent problem here. In the previous section, I argued that we would not find it appropriate to reproach someone for holding a belief that we find justified, and that the routes via which we gain beliefs in rumors or in slanderous or libelous statements will, by and large, be justifying routes. This explains, I have suggested, why we do not reproach those who believe rumors or slanderous or libelous statements: their beliefs are *prima facie* justified. However, why would it be appropriate for me to reproach someone who spreads slanderous or libelous statements *on the very same evidence* for which I excused her from reproach for accepting it? A worry arises here if we expect there to be a perfect symmetry between the epistemic norms for being an informant and the epistemic norms for being a recipient of information. That is, there is a worry about our differential treatment of Hearer and Speaker in cases in Category (3) only if we think that the two processes, *checking our information before we believe* and

*checking our information before we inform*, are governed by the same epistemic norms. If they are governed by the same norms, then I cannot pretend to have explained why we would reproach Speaker for his spreading of a rumor but not Hearer for her acceptance of one.

The correct response to this worry is simply to deny that speakers and hearers are or should be governed by the same epistemic norms. In so far as speakers and hearers are both in the game of believing, both have whatever responsibilities may fall upon them in virtue of being believers per se; they both, that is, share the same *doxastic* responsibilities. However, the various extra wrongdoings that a speaker can commit—as are illustrated by Categories (1) through (4)—derive from the fact that a speaker takes on *further* responsibilities in his choosing to be the basis of a hearer's belief. The hearer's responsibilities *just are* his doxastic responsibilities, and those are (roughly speaking) fulfilled within the context of testimony.<sup>16</sup> The speaker's responsibilities go beyond those of the hearer, and thus it is upon him that the wrath of the harmed third party falls. In certain contexts, the speaker has more stringent epistemic responsibilities than the hearer. In such contexts, she may be epistemically justified in *believing* what she heard, even though she was not epistemically justified in *telling* it.

So, my explanation of the positive side of our problem is that the reproach that we save for speakers derives from the fact that when one occupies a speaker's role, one takes on responsibilities beyond those of a hearer. This is not to deny that hearers have responsibilities as well. They do, but a hearer does not in her role have responsibilities beyond those of a believer. A hearer's responsibilities are *identical* to his responsibilities as a believer. The speaker's responsibilities go beyond these; she has responsibilities to avoid the wrongdoings illustrated by Categories (1) through (4). Categories (3) and (4) illustrate that a speaker has epistemic responsibilities to make sure that the information he spreads is accurate, and to make sure that the information he spreads will not bring undeserved harm to a third party; the speaker should have been more diligent in justifying the information for which she vouched. Categories (1) and (2) illustrate a speaker's more straightforward ethical responsibilities; she should not intentionally misuse testimonial trust in such a way that will bring about harm to a third party. In all cases, these are responsibilities that differ from those of hearers. When a speaker violates or neglects these responsibilities, then a third party's reproach will be appropriate in a way it would not be for the hearer. The third party's anger with the speaker but not with the hearers is a reflection of her recognition that in becoming a speaker, an informant takes on more responsibilities than she previously had as a mere believer of this information.

This claim should be kept distinct from another responsibility-centered position found in discussions of testimony. In his influential paper, "Why Do We Believe What We Are Told?" Angus Ross seeks to understand the epistemology of testimony in terms of a speaker's responsibilities:

It is a quite general feature of rule-governed life that the responsibility for ensuring that one's actions conform to the rules lies primarily with oneself and that others are in consequence entitled to assume, in the absence of definite reasons for supposing otherwise, that one's actions do so conform. . . . The use of signs to which truth-conditions are attached is clearly a case in point. Given the requirement that one speak truly, to utter "P" is to entitle hearers with no reason for supposing otherwise to assume that P, *not in the sense of having provided them with evidence which justified that conclusion but in a sense more akin to moral entitlement*. The hearer possesses a justification for believing what is said which stems directly from the speaker's responsibility for truth.<sup>17</sup>

Ross's concern in his paper is not identical to mine here. Ross seeks to explain the *epistemological* relationship between *speaker* and *hearer*; he conceives of this epistemological relationship as having an ethical dimension. In contrast, I am at present concerned with understanding the *ethical* relationship between *speakers* and *third parties*; this ethical relationship, I am suggesting, has an epistemological dimension. So, while both Ross and I both propose that speakers have special responsibilities, the responsibilities which we propose differ.

Nonetheless, I think that the close similarities between my claims and his are significant. Ross's position is that the speaker has a responsibility to the hearer to tell the hearer the truth; this explains the epistemic trust to which a hearer is entitled, and it explains the criticism or sanction that the hearer can target at the speaker once the hearer discovers that the information she was given is wrong. I, on the other hand, am claiming that Category (3) reveals that in certain situations a speaker has similar responsibilities to *third parties* to assure that he is epistemically justified in believing what he tells his hearer; this, I suggest, explains the general epistemic trust, to which we are *all* entitled, that other persons do not spread false information about us, and it explains the criticism and sanction that third parties can target at speakers in the face of beliefs that result from testimonial interchange. Ross's and my stories about a speaker's various responsibilities may not necessarily rise and fall together, but it would be surprising if one story were correct and the other not.

The claim that speakers and believers have different epistemic responsibilities may put some pressure on Edward Craig's attempt to understand a knower—someone who meets her epistemic responsibilities as a believer—as a good informant.<sup>18</sup> If I am right, then there are situations in which a good informant needs to have more epistemic justification for his belief than he does in order to be a good believer. While I grant that it must be right that *one* of the things we want from a good informant is that she know what she claims to, this is only part of the story. Given that false beliefs can cause harm, speakers have epistemic responsibilities that go beyond the epistemic responsibilities that they have as believers. Craig may respond by pointing out that I have only been focusing on a speaker's responsibilities to *third parties*, while his explication of knowledge focuses solely on *hearers*; accordingly, he may suggest that while I have shown that third parties

want more from a speaker than that she be a knower, all that a hearer wants from an informant is that she be a knower. However, this move will not be sufficient. Absent some malicious streak in me towards a third party, as a hearer I want more than just a true belief from you; I want you not to give me a belief that will harm that third party. If I do gain a harmful belief from you, I will be neither the target of nor responsible for the resulting harm. However, this harm is still something I would want not to happen; I want you not to give me a belief that will harm another person. There no doubt will be more moves that Craig can adopt here, but it is clear that he cannot identify knowers either with good informants or with informants that meet all the needs of their hearers. Informants have responsibilities that go beyond their responsibilities qua knowers, responsibilities that are reflected in the desires of both hearers and third parties.

Why do speakers have extra responsibilities, beyond those of hearers? The answer may lie in a feature of being a speaker that I discussed in section 3, namely that to be a speaker is to be a *doer*. An agent's being a *voluntary*  $\phi$ -er necessarily places him under responsibilities that he does not have as an *involuntary*  $\psi$ -er. To become an informant is to choose to act within the context of the institution of testimony; it is to *voluntarily* utilize that institution. As a choosing, as a voluntary action, this event becomes susceptible to responsibilities that do not fall upon believers. Again, this is not to deny that a hearer has responsibilities. She does, but because her role as hearer remains by and large involuntary, she is thus not liable in the same way.

If this is right, then we can understand our patterns of responses to rumor-spreaders, slanderers, and libelers analogously to the responses that we have to any voluntary harm. A third party's anger or indignation amounts to an accusation of either *intentional* (Categories 1 and 2) or *negligent* (Categories 3 and 4) harm on the speaker's part in purveying beliefs about her. In the former cases, the third party sees that the speaker *intentionally chose* to spread harmful (e.g., private) beliefs about her, taking responsibility for their truth in a deceitful testimonial interaction with hearers; he spreads unjustified or private beliefs about the third party because he knew that doing so would harm her. Alternatively, the third party may see the speaker as a negligent informant, intentionally asserting claims about the third party before he properly checked their truth. In all cases, a speaker's *choosing* to be a source of beliefs entails her taking on a responsibility to avoid causing undeserved harm to additional persons. Categories (3) and (4) reveal that this responsibility is, at least in part, an epistemic one.

It may seem at this point that the Ought-Implies-Can Explanation—rejected in section 3 above—is vindicated after all, for at the bottom of my explanation of our responses to the rumor-spreader may lie the fact that informing, unlike believing, is a kind of doing. This is not quite right. While I have admitted that doing may play a part in the correct explanation of our responses to rumor-spreaders, it is not true that I have vindicated the Ought-Implies-Can Explanation of our puzzle.



The Ought-Implies-Can Explanation depends upon a claim like the following: we can explain our differential responses to rumor-spreaders and rumor-believers by appealing to the fact that it is inappropriate to reproach someone for that which is not her doing. This I deny. Our emotional responses to beliefs show that it *is* appropriate to reproach believers for their beliefs. While I do not deny that rumor-spreading is voluntary in a way in which rumor-believing cannot be, it is wrong to think that this entails that it is inappropriate to reproach a believer for her beliefs. We do, and so the explanation for the asymmetrical treatment of rumor-spreaders and rumor-acceptors must lie elsewhere.

My explanation makes no reference to the claim that ought implies can, under any interpretation of that claim of which I am aware. Instead, my explanation focuses on the different epistemic and ethical responsibilities undertaken by those on the informing and receiving roles in testimonial interactions. A change of focus towards testimonial norms should not come as a surprise. Rumors are spread by testimonial routes, and slander and libel are simply *misuses* of such routes. If slander, libel, and rumor did not exploit familiar and important testimonial strategies, they would not be the wrongs that they are taken to be. Slander, libel, and rumor-spreading are wrongs *precisely because* oral and written assertions are good sources of beliefs, and, as such, making slanderous and libelous statements is likely to spread beliefs. Slander, libel, and rumor-spreading are, in short, the misuse of good methods to spread bad beliefs. If they were not such good methods, then we would not worry as much about slanderous and libelous statements as we do. So, from one point of view it makes good sense to focus on the norms of testimony in order to explain the various ethical wrongs that occur within it.

The rumor-believer is, as a receiver of testimony, *prima facie* justified in believing what she does. This, I have suggested, explains why (unless she is a friend or relation) she is immune to our reproach. She has met the norms governing her in that role. Her lack of control or choice in what she believes is relevant to understanding her immunity from reproach, not because that lack entails that she has no responsibilities, but because that lack partly dictates *which* responsibilities she has. By contrast, the rumor-spreader occupies a speaker's role, and takes on the speaker's responsibilities that go along with that role. These responsibilities are not just for the truth of the propositions she endorses, but also for the harm that the resulting beliefs can cause. If she is malicious or negligent in her role as speaker, as the spreader of rumor, libel, or slander is likely to be, then we have every right to become angry with her or to demand restitution from her. This asymmetry in liability between the speaker and hearer for their beliefs explains our asymmetrical feelings towards the rumor-spreader and the rumor-believer.

The salient difference between being a speaker and being a hearer is, as the Ought-Implies-Can Explanation tells us, that informing is a doing. But "ought implies can" bears no relation to this difference; even if they cannot help believing what they do, believers are still susceptible to reproach. The difference is that

when one fulfils the role of speaker, one takes on new responsibilities that one did not have as a believer. Included here are responsibilities, both epistemic and ethical, to third parties. And if these responsibilities are violated or neglected, then speakers can expect that third parties injured by the resulting beliefs will treat them with the reproach they deserve.<sup>19</sup>

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## NOTES

1. I will return to discuss the various kinds of wrongdoing committed in libel, slander, and rumor in the final section of this paper.

2. John Locke expresses a thought related to this in his defense of his memory-based theory of personal identity: “Humane Laws punish . . . with a Justice suitable to their way of Knowledge. . . . [T]he [forgetful] Drunkard perhaps be not conscious of what he did; yet Humane Judicatures justly punish him; because the Fact is proved against him, but want of consciousness cannot be proved for him.” *An Essay Concerning Human Understanding*, II xxvii 22.

3. I take it that the *number* of people who believe the rumor is not at issue here; even if there were one spreader and one believer, it would still be appropriate for me to be upset at the former and not the latter.

4. For a discussion of this phenomenon, and its implications for the moral judgement of belief, see Simon Keller, “Friendship and Belief,” *Philosophical Papers*, volume 33, no. 3 (2004).

5. R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge, Mass.: Harvard University Press, 1996), p. 161.

6. The Ought-Implies-Can Explanation may have the potential to explain why it is appropriate to seek *restitution* from the rumor-spreader but not from the rumor-believer. It does not seem appropriate to seek restitution from someone in virtue of her belief, as it does from someone in virtue of her act, and the right explanation for why this is may indeed, as this position would have it, derive from the fact that actions—but not beliefs—are voluntary, controlled, or chosen.

7. William Neblett, “Indignation: A Case Study in the Role of Feelings in Morals,” *Metaphilosophy*, vol. 10 (April 1979), p. 139.

8. Wallace, *Responsibility and the Moral Sentiments*, p. 21.

9. See, e.g., Wallace, *Responsibility and the Moral Sentiments*, chap. 5.

10. Jonathan Adler, *Belief’s Own Ethics* (Cambridge, Mass.: MIT Press, 2002), p. 142.

11. “Content Preservation,” *Philosophical Review*, vol. 102, no. 4 (October 1993), p. 467.

12. For a defense of the non-reductive position, see C. A. J. Coady, *Testimony* (Oxford: Oxford University Press, 1992), especially chaps. 8 and 9. For a reductionist defense, see Adler, *Belief's Own Ethics*, chap. 5.

13. Indeed, more than simply being epistemically entitled to believe the speaker, a hearer is under a measure of moral *pressure* to believe the speaker. As Adler notes, "Hearers do not regularly request speakers' credentials. To do otherwise would be *rude*. . . . [S]peakers expect hearers to take their word. If I am offered directions and do not challenge them, then if the speaker observes me not following his directions, he will be *offended*." Adler, *Belief's Own Ethics*, p. 144, emphasis added.]

14. I am assuming that if someone is accused of being a libeler or slanderer for spreading a false belief, then it will be generally thought that he did not have strong enough grounding for the belief before spreading it.

15. For discussions of culpable ignorance, see Holly Smith, "Culpable Ignorance," *The Philosophical Review*, vol. 92 (October 1983), pp. 543–571; and Gideon Rosen, "Culpability and Ignorance," *Proceedings of the Aristotelian Society*, vol. 103, no. 1 (2002), pp. 61–84 (24).

16. This sentence may be too strong (see note 13), but any of the hearer's non-doxastic responsibilities will be irrelevant to the issue at hand.

17. Angus Ross, "Why Do We Believe What We Are Told?" *Ratio*, vol. 28, no. 1 (1986), pp. 77–78, emphasis added.

18. Edward Craig, *Knowledge and the State of Nature* (Oxford: Oxford University Press, 1990).

19. Thanks to Richard Flockemann, Patrick Lenta, Aimee Mann, Veli Mitova, David Owens, Darrell Rowbottom, Sam Vice, Jeremy Wanderer, and, especially, Nikolai Viedge.