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Co-deliberation, Joint Decision, and Testimony about Reasons

Reply to *Tobias Steinig*, Experts, Teachers and Their Epistemic Roles in Normative and Non-normative Domains, in:

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Abstract: We defend the claim that there can be testimonial transfer of reasons against Steinig's recent objections. In addition, we argue that the literature on testimony about moral reasons misunderstands what is at stake in the possibility of second-hand orientation towards moral reasons. A moral community faces two different but related tasks: one theoretical (working out what things are of genuine value and how to rank goods and ends) and one practical (engaging in joint action and social coordination). In between, simultaneously theoretical and practical, lies the activity of co-deliberation. Virtuous participation in co-deliberation can require limited moral deference. Refusal to recognize this, combined with excess self-trust, can derail co-deliberation.

1. Introduction

In Jones and Schroeter 2012, we argued that (1) testimony can transfer knowledge of moral reasons and (2) knowledge of reasons acquired by testimony can allow agents to act not only in accordance with, but for those very reasons. Tobias Steinig (2012) denies claim (1) and hence also rejects claim (2). Alison Hills (2009, 2012) accepts claim (1), but rejects claim (2). She rejects (2) because, though testimony can transfer knowledge, it cannot transfer understanding. Understanding, Hills claims, is not only a precondition for virtue (something we agree with) but also a precondition for agents having the kind of orientation toward the reasons that justify their action to enable them to act *for* those reasons and hence for their actions to have moral worth.

In this paper, we defend testimonial transfer of moral reasons against Steinig's objections and offer an explanation of what hinges on the claim that you can have appropriate orientation towards reasons at second-hand. We believe that the literature to date misconstrues and so underestimates what is at stake in the possibility of second-hand orientation towards moral reasons. The literature does this because it overlooks the importance of co-deliberation and joint decision-making in a moral community.

Hills (2012, 236) and Steinig (2012, 272–73) emphasize the importance of active learning on the part of moral agents who lack knowledge and understanding. Correlatively with this, they also emphasize the importance of teacher-experts engaging students in active learning through the use of analogies (Hills 2012, 235) and through argument and instruction (Steinig 2012, 257–58). We do not want to dismiss either of these roles, but we want to defend the importance of the kind of selective passivity, the passivity of limited deference, that we argued for in Jones and Schroeter 2012. This kind of limited passivity is important within moral communities. However, its importance is easily overlooked if you think of those communities as either communities of theoretical inquiry into the right and the good or as communities who must act together. A moral community is both: at the intersection of theoretical inquiry and joint action and interpersonal coordination lies the activity of co-deliberation and joint decision. This activity is simultaneously practical and epistemic. It is in one's capacity as co-deliberator and joint decision maker that selective passivity is sometimes required. But one cannot count as a responsible participant in joint decisions unless it is possible to be oriented appropriately towards reasons. This is where the possibility of being oriented towards them at second-hand matters. Failure to recognize this can lead to distortions in, or even derailment of, the practice of co-deliberation.

The paper is in two sections: in *section 2*, we reply to Steinig's arguments against testimonial transfer of moral reasons. In *section 3*, we explore the costs of denying that agents can be appropriately oriented towards their reasons through testimony. We offer no further argument that they can be so oriented, as we believe the argument offered in Jones and Schroeter (2012) stands. Instead, we explain how refusing to allow this sort of limited deference combines with excesses in self-trust to risk effective co-deliberation. Our goal is to make visible the very real costs of disallowing that one can be correctly oriented towards reasons at second-hand.

2. Testimonial Knowledge of Reasons

It is a virtue of Hills' recent work on moral testimony that it draws our attention to cases in which the recipient of moral testimony is given, second-hand, the reason why an action is wrong (Hills 2009, 110). It is relatively easy to elicit an asymmetry intuition concerning the possibility of testimonial transfer of moral knowledge regarding thin moral properties such as right and wrong. Whereas testimony looks acceptable in standard theoretical domains, it looks problematic in the moral case: if you need to take it on someone's word that, for example, meat eating is morally wrong, it looks like you have not appropriately discharged your responsibilities as a moral agent. The asymmetry intuition is less robust concerning cases in which there is testimonial transfer of claims using thick moral concepts, such as justice. It is much less clear that there might be something amiss with an agent who accepts, on someone's say-so, that an action is wrong because unjust than it is that there might be something amiss with an agent

who simply accepts, on say-so, that an action is wrong. This is why testimony about moral reasons is so important to debates about the role of testimony and deference in moral epistemology. If you can show that an asymmetry remains even here, then you have gone a long way towards showing that testimony plays a different role in theoretical and moral contexts.

In claiming that testimonial transfer of knowledge is possible, we are in agreement with Hills.¹ Tobias Steinig (2012) claims that transfer of reasons takes you out of the domain of testimony and into the domain of argument (when the transfer is bi-directional) or of instruction (when the transfer is wholly or largely uni-directional). According to Steinig, once the boundary between testimonial and other exchanges is correctly established, our defense of deference in morality collapses. In the end, all we have succeeded in showing is the “unremarkable” result that successful teaching can enable the learner to come to be correctly oriented toward reasons (273).

Steinig draws on the work of Alvin Goldman (1999) in excluding transfer of reasons from the domain of testimony. According to Steinig, argumentation involves an utterance or sequence of utterances in which the asserter lays out their evidence or reasons for believing that *p*. Testimony, in contrast, involves the bare assertion that *p*. Goldman himself places restrictions on the content of assertions that are fit objects of testimony. They must be “simple reports of observations” (1999, 130). But Steinig loosens this restriction: non-observational claims can also be transmitted by testimony. However if the testifier adds reasons in support of their claim, they have exited the domain of testimony and are now engaged in the activity of argument (2012, 257). When we claim that knowledge about reasons can be transferred testimonially, Steinig thinks that we ignore an important epistemological distinction that is recognized by folk and theorists alike (270–71).

However, once you loosen Goldman’s content restriction, there is nothing in principle to stop testimonial transmission of non-observational statements about reasons. If knowledge that this is the best treatment for a particular kind of cancer can be transmitted via testimony, then knowledge that *p* is a reason for *q* seems equally eligible for testimonial transmission. After all, the proposition ‘*p* is a reason for *q*’ is just one proposition among others and Steinig has proposed delineating testimony “without any restriction as to the subject matter of *p*” (257, n. 6).

Despite the superficial appearance that Steinig has drawn the testimony/non-testimony boundary in content terms, so that, by definition, transactions involving reason claims are automatically disbarred from counting as testimony, we think that the real intuition guiding his demarcation lies elsewhere. Steinig wants to rule out from the domain of testimony cases in which the hearer comes to grasp the support relation between a reason and the conclusion it supports. When this happens, the hearer’s belief set and inferential and other dispositions mirror those of the informant. The recipient now possesses justification and so

¹ In suggesting that we are in disagreement with Hills on this point, Steinig misrepresents Hills’ position (271). What Hills denies, as we do, is that understanding can be testimonially transferred.

their belief that *p* no longer rests on the authority of their informant (258). They have learned from the informant, rather than received testimony from them. We agree that in such cases no testimony is involved. The cases we highlight in Jones and Schroeter 2012 are importantly different. The recipient of testimony knows that, for example, ‘*p* is right because *q*’ but does not grasp the support relation linking the consideration that is the reason to the action for which it is a reason. Hence their justification for the claim that ‘*p* is right because *q*’ continues to reside in external authority. The recipient knows, for example, that solidarity with fellow union members supports going on strike now, but does not grasp just why that consideration in this context—despite other considerations that are also present—supports that action (Hopkins 2007, 627). For this they must rely on the authority of their informant. It is a sign of this remaining externality in their justification that they will not be able to go on to make right decisions in comparable but somewhat different cases and so must continue to rely on informants.

If testimony is demarcated from argumentation and instruction at least in part by whether the hearer’s justification for believing that *p* continues to reside in the testifier’s authority, then we cannot rule out testimony concerning reasons and so we cannot rule out testimonial transfer of knowledge that *p* because *q* (pace Steinig 2012, 257, n. 6).

Once we focus on whether the justification for someone’s holding that-*p* rests on the authority of someone else, we see we are not forced into an either/or answer. Someone’s full justification can rest on the other person’s say-so. If challenged to defend her belief, she would have to refer the challenger back to her source. Simple observational reports are of this form. Expert testimony is typically slightly less stark. For example, in expert-lay scientific communication or in expert testimony in legal contexts, we are told something of the nature and strength of the relevant evidentiary relations, but we lack the capacity to access, let alone know, the myriad of background theoretical presuppositions against which these reason claims are, or are not, plausible. In these cases the layperson’s justification still rests in significant part on the authority of the testifier. Other exchanges can provide the recipient with a more adequate grasp of just why this counts, in the context, as a reason for believing that, yet a grasp still insufficient for their justification to be able wholly to dispense with appeal to the authority of the informant. The existence of intermediate cases, though interesting and key to understanding changing roles in epistemic communities (such as the transition from learner to fully-fledged inquirer), does not mean that there are not clear cases on either side of the distinction between those who know that *p* based on the authority of someone else’s judgment, and those who know that *p* off their own bat.

We have argued that one can acquire knowledge of moral reasons via testimony. This is not yet to argue that one can be appropriately oriented towards reasons knowledge of which is acquired in this way. One might wonder what is really at stake in insisting that we can transfer knowledge of reasons, and that agents who acquire knowledge of reasons via testimonial transfer can gen-

uinely act for those reasons. We now turn to explaining just what hinges on this possibility and why we have been so adamant that it should remain open.

3. Virtuous Co-deliberation and Joint Decision-making

Unlike communities of pure inquiry, a moral community faces two somewhat different though related tasks. The first task is purely epistemic: they must work out what ends matter, what things are of genuine value, what considerations are reasons, and how to rank these in particular cases. The second task is purely practical: they must engage in joint action and social coordination. In between—simultaneously theoretical and practical—lies the activity of co-deliberation and joint decision-making. Moral communities must reach joint decisions about what to do and about the norms that will regulate their behavior with respect to one another. This latter task includes devising norms to resolve coordination problems and negotiating ways of interacting respectfully in contexts where there is disagreement about the norms that should regulate an ideal society.² The difference between those who accept that there can be testimonial transfer of moral reasons that allows for *action for* and not merely *knowledge of* those reasons and those who don't reveals itself when we consider the moral community under its guise as a community of co-deliberators and joint decision-makers, rather than as a community of co-inquirers.

Before asking what difference it makes that the moral community is a community of co-deliberation as well as a community of inquiry, let's first get clear about the structure of communities of pure inquiry. A community of inquiry is regulated by theoretical goals. We can be ecumenical about them. Clearly truth holds central place, but the interest and importance of those truths also has a place, as does understanding. Membership in that community is determined by one's ability to contribute to these goals. Members can have differential standing recognized in differential credibility assignments. Even learners can be recognized as members of the community of inquiry, though they will be accorded a lesser standing than fully fledged co-inquirers. Membership in a community of inquiry requires active engagement in the knowledge generating activities of the community, including raising and assessing arguments in favor of positions, conducting experiments, collecting evidence, and the like. Standing outside the community of inquiry are consumers of the epistemic efforts of community members. They are not, and are not required to be, active co-participants and may defer to community members. In this respect they are passive (however this is not to say that they are not active in determining who to defer to about what; typically they can and should be active about this).

Considered merely under its guise as a community of inquiry, the moral community is structurally analogous to communities of inquiry generally. However, the moral community is no mere community of inquiry, and if you regard it

² Calhoun 2000 argues that the social virtue of civility is required to negotiate the tension between our commitment to doing morality together and our commitment to getting morality right.

simply as this, you miss what is distinctive about it. It is also a community of co-deliberators and joint decision-makers. This presents a problem that has no analog in the purely theoretical case. Who is to have a seat at the table for co-deliberation and joint decision? In institutional contexts it will often be necessary for someone to have a role in deliberation and decision-making even in areas where they lack the expertise to contribute to theoretical inquiry concerning the value in question. For example, an administrator not especially familiar with disability issues might need to be involved in committees working on university disability policy. Nor is this limited to institutional contexts. We are often required to decide what we, collectively, will do and so to engage in co-deliberation. Not all of these contexts will centrally involve distinctively moral considerations, though many of them do, and moral considerations always constrain the reasons that may be taken into account in reaching a decision about what to do. Some co-deliberative contexts will call for complex combinations of moral capacities and experience, combinations that, realistically, are unlikely to be found in any single agent. In these and like cases, we do not have the option of saying that if you are not a learner or a full participant of the moral community, considered as a community of moral inquiry, then you do not get to participate in this activity of co-deliberation. In the moral case, there is pressure to keep people at the deliberative and decision-making table, for fear that otherwise the excluded will not be able to get behind the decision reached.

If we recognize the possibility of acting for (and not merely in accordance with) reasons acquired by testimony, we can understand how it is possible for someone to be a responsible co-deliberator, signing on to the reasons in favor of the action jointly chosen, and affirming the deliberative path to that decision, while yet deferring to other community members. They are active as co-deliberators, but remain passive as co-inquirers in that domain (which, again, is not to say that they are not active in selecting who to defer to regarding what).

We think that failure to recognize that correct orientation towards reasons can be gained at second-hand has important practical implications. It can sometimes lead to irresponsible behavior in co-deliberation and even to the breakdown of deliberation. Sometimes being a responsible co-deliberator requires that one trust others on some moral matters. In practice, there are a number of impediments that motivate resistance to the idea that, in some contexts, being a responsible co-deliberator requires being a truster. These impediments include assumptions about the power of general skills and experience in one moral domain to transfer to all moral domains and distortions in self-trust.

If you begin from Kantian assumptions, according to which moral competence is constituted by core rational capacities which enable you to discover the realm of moral truth a priori, it will follow that competence in one area of morality cannot fail to generalize to competence in all. Even if you moderate this position by allowing that experience plays a central role in the development of moral competence, it can still be tempting to think that the combination of general rational skills and experience acquired in one or more particular domains will generalize to competence in all. For example if you are experienced in applying the concept justice and in understanding the ways in which justice interacts

with other considerations in public domains, you might assume that this understanding straightforwardly transfers to understanding the role of justice in the family. However, we argued in Jones and Schroeter 2012 that there is reason to doubt this assumption. A more realistic picture of human moral capacity needs to recognize the possibility that it is patchwork and domain-specific.

An all or nothing picture of moral competence combines with excess self-trust to support inflated understandings of one's moral capacity. Confident of your ability in one area, you assume that ability is to be found in the same measure in all areas. As a result, you feel no pressure to seek out evidence of possible areas of moral blindness or to form a reflective map of your own comparative moral competences, since you assume that there will be no borders worth marking. This excess self-trust makes you overconfident in your own moral judgment, which can lead to belligerence in co-deliberative contexts. Even when not at this extreme, self-trust combined with a no-domains view of moral capacity, supports the view that if a reason really obtains in a situation and really counts in the way someone claims, then you will be able to grasp that fact, at least when presented with an appropriate argument. If, after hearing arguments, you still do not see the justificatory force of the consideration appealed to, then the claim cannot be true. In a slogan: convince me, or you must be wrong.

In societies characterized by systematic inequality there will be predictable distortions in self-trust, with those in positions of relative dominance tending to be overly self-trusting, while those in position of relative subordination suffer self-trust deficits (Fricker 2007; Jones 2002; 2012). Because of excess self-trust, the dominant may rule out perfectly legitimate reasons in the name of proper epistemic standards, assuming all the while that, in doing so, they are being responsible participants in co-deliberation.

Consider an example of co-deliberation and joint decision that involves normative assessment of reasons but not yet assessment of moral reasons. As a further simplification, assume that there has been antecedent agreement as to what type of considerations will count, in the circumstances, as reasons. Job search committees have this structure: the job description specifies the criteria that are to be taken into account in determining who, all things considered, is to be appointed. Suppose that the appointment is in philosophy and that there are both philosophers and non-philosophers on the committee. It has been agreed that 'philosophical excellence' is a central criterion for appointment. The philosophers are having trouble convincing the Dean, who also sits on the committee, that the candidate of their choice meets this criterion better than any others on the short list. Their arguments fail to persuade the Dean, who persists in determining research excellence in ways familiar from his experience in his own field, combined with his general understanding of how reputational indices work in the academy. In what seems to the philosophers to be an excess of self-trust, the Dean, not having himself been able to feel the justificatory force of the argument that the work is in fact excellent, threatens to block the appointment. He says that he cannot, in good conscience, sign off on an appointment when he cannot assent to the evaluation that lead to the appointment decision. What appears to the philosophers to be obstruction of the co-deliberative process and

refusal to defer to expertise, seems from the Dean's own perspective to be the virtuous discharge of both his intellectual and institutional responsibilities. If the Dean had trusted the philosophers and if by trusting he had been able to gain access to the knowledge that the philosophers' candidate was in fact superior in this dimension, he could have endorsed the appointment for that very reason, access to which was second-hand. Or at least he could have, on the supposition that you can decide for and hence act for reasons known through testimony.³

We have offered this example because we think it will resonate with many in the academy. We believe the example generalizes to other normative domains including morality, or at least it does provided that you think that we can have testimonial transfer of access to moral reasons, just as we supposed the Dean could have testimonial access to the evaluative fact that the candidate is indeed philosophically excellent. What is at stake in the debate between those, such as Hills, who deny that testimony can orient you properly towards reasons, and those who accept that it can is how to think about the responsibilities of those who participate in the shared activity of co-deliberation. We believe our picture is more attractive than the alternative.

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³ The example of Peter in Jones 1999 has a similar structure, except that, unlike the Dean, who threatens to derail deliberation, Peter withdraws from it. Jones 1999 does not draw out the significance of the fact that the example involved co-deliberation and joint decision, focusing instead on purely epistemic issues.