

The Pennsylvania State University
The Graduate School
Philosophy and Women's Studies Departments

**MATERIAL WITNESSES:
A FEMINIST DISABILITY THEORY OF TESTIMONIAL VOICES**

A Dissertation in
Philosophy and Women's Studies

by

Alexa Schriempf

© 2010 Alexa Schriempf

Submitted in Partial Fulfillment
of the Requirements
for the Degree of

Doctor of Philosophy

May 2010

The dissertation of Alexa Schriempf was reviewed and approved* by the following:

Shannon Sullivan
Chair, Philosophy Department
Professor of Philosophy, Women's Studies, and African and African
American Studies
Dissertation Advisor
Chair of Committee

John Christman
Associate Professor of Philosophy Department, Political Science

Vincent Colapietro
Professor of Philosophy

Jennifer Mensch
Assistant Professor of Philosophy and Science and Technology Studies

Susan Squier
Brill Professor of English and Women's Studies

*Signatures are on file in the Graduate School

ABSTRACT

Although Western philosophies of communication and testimony claim to focus only on the content and meaning of given communications, I argue that these conceptions are based on an epistemic standard that privileges clear-and-distinct speech over other spoken or communicated expressions. I refer to this standard as “articulateness,” and show that this standard is taken to be the measure of epistemic credibility on the part of speakers. This illusory standard has profound effects on the legitimacy of non-articulate testimonies, leading to their exclusions from the epistemologies of testimony and other social-political spheres such as courtrooms, classrooms, and parliaments. Those who have non-articulate voices include primarily, but is not limited to, those who have communication difficulties, such as stutters, cerebral palsy, deafness, autism, thoracic weakness, cleft palates, paralysis, and cognitive disabilities. The failure to have a more inclusive model of testimony is revealed by reflecting on the phenomenon of bodily self-control that is expected of fully rational knowers. Articulateness is a social and epistemic problem that emerges from carnal presuppositions that privilege and normalize able-bodiedness as a precondition for the credible witness. In examining accounts of non-articulate witnesses, I stress the need for a model of inclusive testimony.

This dissertation is organized as follows: In chapter 2, I provide an overview of two major philosophers whose views on speaking and communicating have had profound effect on Western philosophy (Aristotle and Locke). This investigation seeks to establish (1) that *logos* is rooted in materially clear-and-distinct speech, and (2) that modern theory of communication established in part by Locke is based on a code of intelligibility that has normative carnal presuppositions about credible speech. In chapter 3 and chapter 4, I

demonstrate how current models of testimonial credibility (i.e. contemporary analytic epistemology of testimony and feminist epistemology) are called into question by the existence of materially non-articulate voices. Current theories on testimonial credibility do not have the means to fully include non-articulate voices unless they undertake to revise the normative carnal presuppositions inherent in their ontological approaches to epistemology. In chapter 5, I adopt an alternate ontology of materiality proposed by neo-materialist feminism and suggest a model for communication based on the concept of testimonial voice not as speech but as “communicability.” In my conclusion, I outline some possibilities for assessing testimony through communicability in ways that at once include a wider variety of voices but also avoids a valueless relativism.

TABLE OF CONTENTS

Chapter 1 Introduction	1
Chapter 2 Contesting Articulatness: A Brief Philosophical History of <i>Logos</i> as Speech	15
Chapter 3 Contesting Credibility: Three Analytic Epistemological Accounts of Testimony.....	56
Chapter 4 Contesting Voice: Feminist Epistemological Accounts of Testimony.....	98
Chapter 5 Contesting Materiality: Testimonial Voice as Communicability	129
Chapter 6 Conclusions: Communicability As An Alternate Standard.....	164
References	183

ACKNOWLEDGEMENTS

This dissertation could not have been accomplished without the support and unwavering commitment of my committee: Shannon Sullivan, John Christman, Vincent Colapietro, Jennifer Mensch, and Susan Squier. John Christman's willingness to join my committee late in the process deserves special acknowledgement; without being familiar with my work, he took it on faith that being a committee member would be worth his time, and for that I am deeply indebted to him. Vincent Colapietro, ever a master of productive interrogation, produced the metaphor, "material witnesses," that served not only as the title to this dissertation but also as a lighthouse in the sometimes pleasant but mostly stormy seas of dissertation writing. Jennifer Mensch's endless readings of my interpretations of Locke's epistemology in the early dissertation stages, under the generous support of a Humanities Initiative Dissertation Semester Release sponsored by the Rock Ethics Institute, not only demonstrated extraordinary patience and commitment to detailed scholarship, but also forced me to remain faithful to Locke and yet find the missing pieces to properly situate this dissertation. Susan Squier, with whom I was privileged to work with in Women's Studies and in the Rock Ethics disability studies reading group, always helped me to stay the course with the disability perspective. Shannon Sullivan's eternal calm under fire, thoughtful pragmatism, and feminist philosophical analyses of material emergence made this dissertation's successful completion possible.

Sources of funding and teaching releases from Penn State in addition to Graduate Assistantships from the departments of Philosophy and Women's Studies were

generously provided by the Institute of the Arts and Humanities and an RGSO grant. The opportunity to work as Research Assistant to Shannon Sullivan's and Nancy Tuana's NEH Summer Seminar on Feminist Epistemologies provided me with a unique opportunity to immerse myself fully in the diverse terrain of feminist epistemologies and to do so in the company of the following brilliant scholars, all of whom kindly and sincerely offered me support and encouragement as I initiated research into my dissertation: Rita Alfonso, Lisa Diedrich, Carla Fehr, Mary Margaret Fonow, Heidi Grasswick, Catherine Hundleby, Debra Jackson, Marianne Janack, Nancy McHugh, Patricia Moore, L. Ryan Musgrave, Mariana Ortega, Mary Solberg, Alice Sowaal, and Penny Weiss, and the four visiting scholars: Linda Martín Alcoff, Lorraine Code, Lynn Hankinson Nelson, and Charlene Haddock Seigfried.

I remain indebted to Williams College and their generous support through a Bolin Pre-Doctoral fellowship that enabled me to complete Chapter 3 and significant parts of Chapters 4 and 5. Particularly sustaining and invaluable were the fellowship and scholarship provided through an impromptu writing group formed with Sameena Mulla and Cynthia Howson. Helpful allies from my year at Williams also include Anne Fisher, Pierre Ly, and Anna Fishzon. Members of the Feminist Disability Studies Reading Group at Williams (Jana Sawicki, Catherine McKeen, Katie Kent, and Alison Case) provided a stimulating and delightful regular seminar in which to explore feminist disability studies and my own work. The guidance and mentorship of Jana Sawicki and Katie Kent in particular are deeply appreciated and will not be forgotten. Additional pillars of support from Williams College were found in the library (Rebecca Ohm), the Dean's Office (John Gerry), and in the "office down the hall" (Julia Pedroni). I am grateful to Bojana

Mladenovic for her careful analytic readings of portions of this dissertation, and to Keith McPartland for his endless humor and acute sense of metaphysical—both academic and earthly—issues.

A word of thanks is owed to my colleagues on the ground who supported me in the daily trials and tribulations of graduate student life and endless drafts and revisions: Minae Inahara, for her skillful expositions of continental theory and disability studies; Takashi Iwasaki, for his daily support as a writing task-master; Stephanie Jenkins, for her expertise in bioethics, Foucault, and the art of debate; Lisa Johnston, librarian and radical extraordinaire; Julia Levin, instant colleague since day one, for just being there and sticking it out; Kaye Lott, for her abilities to think outside the box, and her skillful *coupé lance* on the fencing strip; Marie Sumner Lott, for her ageless mien and wisdom; Daniel Mack, for his abilities to find the arcane, the historical, and the legal, in any database in the world, Arvind Menon, little brother, for his *joie-de-vivre* and technology savior-ship; Nivi Menon, fellow writing buddy at Webster's, in Women's Studies, and at the cross-cultural dining-table; Heather Merk and Elizabeth McDonald, writing buddies extraordinaire and fellow composters; India McHale, for her calm, fortitude, and feminism; Cory Rideout, for being my sensei in all matters pertaining to lead, steel, and muscles; Lizzie Seal, for her diligent pursuit of all things criminal, Evan Seehausen, for copyediting, morale, and conviction; Srijana Shrestha, writing buddy and intercultural and trans-world mediator; and Amy Wendling, for being a reliable and trusted senior colleague in graduate school.

No dissertation should be completed without the support of faculty outside of one's committee. In this regard, I am particularly lucky to have benefited from the

generous academic, philosophical, and personal support of: Paula Droege, for her careful and meticulous readings of my analytic chapter and her stalwart feminism; Marylou Munn, for simply being an ally; Carolyn Sachs, for trusting me to teach as I saw fit; Aaronette White, for her writing support group and faith; Melissa Wright, for her counsel in many matters personal and theoretical. To Missy Morton, whose dissertation research provided so much of the inspiration for the alternative testimonial model I outline here, thank you for sharing your work and findings with me.

There is simply no way this dissertation would have been possible otherwise if I had not fortuitously met five specific people as I journeyed down this intellectual and personal path. At the beginning of this journey, at the University of Oregon, Patricia A. Halliday provided unflinching and unfailing support in the heady and overwhelming early days of graduate school, through her love of all that is feline and literary. Patricia stayed up late many nights to read rough drafts, provide critical feedback, and encourage me to soldier on. Without her, I surely would not have stayed in graduate school, as she re-affirmed my convictions that pursuing the lofty realm of ideas is a worthwhile goal.

At Penn State University, fellow philosopher Sara Leland served as a faithful ally as we trudged through courses, comps, proposals, and finally the dissertation. A week-long writing retreat at her home ended up being a pivotal fellowship period for the production of Chapter 1, despite my being hospitalized for the stomach flu. Through thick and thin, through brain-feeding smoothies and soul-enriching garden work, Sara provided in that one week and in the following months, endless readings and editings of multiple chapters, and sage observations about balancing life and the academy.

Kristie Dotson, fellow feminist epistemologist of testimony, could not have arrived in my life in a more timely fashion than when we worked together as co-teaching assistants at the first summer seminar run by PIKSI. During that seminar, we taught a one-day class on the epistemology of testimony, and through that conversation and many more conversations taking place daily for three weeks, Kristie greatly enriched my understanding of testimony, epistemology, and of philosophy as a discipline. Her supreme generosity in sharing her research findings, course syllabi, and grant applications aided me in ways that cannot be adequately expressed here. In short, Kristie's support and advice enabled me to make the transition from graduate student to professional philosopher.

Margrit Shildrick, from across the pond in the UK, has been a steady source of inspiration since she attended a paper I gave at a conference in Amsterdam. I was at that time, and still am, thrilled and honored that she sought me out on the basis of my scholarly work. We bonded later in the day over a cup of tea, and continued email conversations (I have been and remain always delighted that she continues to correspond with me, for her support of a junior scholar is not at all required nor expected) led to her gracious visit to Williams College to give a lecture on disability studies. Our conversations surrounding her visit to Williams, at a time when I was struggling with impending surgery for a cochlear implant, were and continue to this day to be invaluable and treasured. Thank you, Margrit.

Sushmita Chatterjee. There is no testimony that I can give here that would articulately (!) express the importance of this brilliant theorist and friend to my scholarly work, to my personal life, and to my skills as a teacher. True to her namesake, endless

conversations ranging from idle chatter to intense debates on the meaning of materiality and the function of politics in contemporary society, to the importance and possibility of *eros* in the academic life, to how to best cook an egg, have sustained and nourished me through the most difficult of times. Verily, her politics of laughter made each conversation and writing session with her a joy.

To the units of childhood, Noah and Vera, thank you for teaching me the value of patience, and above all else, wonder. There is one more person without whom I could not have finished my degree. Ruth Mendum, I dedicate this dissertation to you

Chapter 1

Introduction

In July 2009, the state legislature of North Carolina ferociously debated a proposed bill that would allow deaf people to serve on juries. The bill did make the ADA-compliant requisitions for accommodating deaf jurors in ways to allow them to participate fully in the juridical process with any necessary interpreters and other assistance, but not until after intense debates which revealed deep prejudices on the part of state legislators towards deaf people. These prejudices are interesting for me because not only do they reflect ignorance about deaf people as fully human subjects, this ignorance has its roots in the Western philosophical tradition's celebration of human speech as the primary indicator of rationality, as the defining characteristic that distinguishes humans from animals.

Comments made by opposing state legislators stress the need for fairness and justice to be enacted in courtrooms and argue that deaf jurors pose risks to that process because they are unable to make informed, competent, and autonomous judgments and statements. For example, Representative N. Leo Daughtry opposed the bill and said:

Ladies and gentleman, the way the law is now, it says that you can serve on the jury if you can hear and understand the English language. Pretty well knocks out the blind and the deaf. And one of the reasons for that is the idea of a juror being able to look at the demeanor of the witness. . . . And I don't see how, practically, our courtrooms are going to be able to handle an additional interpreter and I don't see how we can pay for it. I just think that this is a bill that means well, but I don't see how it can work in a fair way with the way our facilities are now.

Representative Ronnie Sutton, also in opposition to the bill, stated:

Ladies and gentlemen, this is a well-intended, good-sounding bill, but let's put it in real-world terms. A deaf person sitting on a jury is going to miss a vast majority of what takes place in a jury trial. The interpreter cannot interpret quick enough to describe the inflection of a witness's voice and things of that nature. You know it just seems to me that this is really an example of taking political correctness too far. . . . If this is the case, why not blind people serving on juries? Why not quadriplegics serving on juries from their bed. You know, it's just, that just shows you, in my opinion, the absurdity of having a deaf person on a jury. You know we don't have quadriplegics running track. Nor do we need to have deaf persons serving on juries. . . . But if you think about this realistically, folks, as an attorney, I'm never going to let a deaf person serve on a jury. It's not going to happen. And no other responsible attorney, do I think, would allow that. But you only have so many preemptory challenges [to dismiss a potential juror without having to give a reason]. So you may have cases where you're going to be, have a person's life or their safety or something like that depending upon a deaf person sitting there who depends upon on somebody interpreting what's happening in the courtroom. And I just think this is going too far and I think we need to stop this before it gets out of hand.

Echoing Sutton's claims, Bill Faison argued that one because "cannot know whether the communication with them [deaf jurors] and from them is clear and correct, [it] is not a fair thing to do to the litigants of this state, who are having to go into a courtroom to try to have their property rights or their freedom evaluated." Continuing this demand for fairness and justice, Representative Paul Stam complained: "The purpose of a trial is not to satisfy the needs of the jurors. . . . The purpose of a trial is to do justice. . . . Justice is about having 12 people hear and understand what goes on and making a decision." And finally, Representative Nick Mackey underscored the importance of jurors being able to "independently" arrive at their own conclusions through presumably "independent" observation of the proceedings: "The things that go on in a courtroom during the course of a trial would require that the members of the jury be able to make their independent judgment in order to give . . . the full benefit of their deliberations."

It would be tempting to dismiss these opponents to the bill as prejudiced and lacking in sophistication but to do so is to miss point the that their views represent a philosophical tradition in Western culture that argues that a) rational decision-making and competent judgment is enabled only by being truly independent and autonomous and b) that such true independence and autonomy is linked to a physical, carnal, material autonomy in which one must have complete access to all one's senses as a prerequisite for proper and full participation in community life.

By contrast, those who supported the bill argued that deaf people's hearing impairments do not serve as barriers to their participation, and moreover, possibly provide additional factors that could be useful to the juridical process. For example, Representative Ruth Samuelson stated:

. . . I've had a number of hearing-impaired friends and have worked with the sensory impaired. And I'll tell you, they may not hear that inflection, but they'll see it. And they'll see things that all of the rest of us will miss. . . . because we think we hear, we think we see, we think we understand. And as for the interpreters, the interpreters are highly trained and oftentimes their vocabulary is way above the rest of us because they have to learn not only to do it in English but to do it in sign language.

Representative Deborah K. Ross likewise supports deaf people on juries on the grounds that simply having the capacity to hear doesn't mean that one listens, and moreover there are compensatory capacities that are in and of themselves uniquely valuable. She also implies that to the extent that every citizen has a right to a trial by peers, a jury of one's peers can function as a mechanism of fairness only insofar as it reflects the composition of the community.

. . . there may be perceptions that are brought to a trial that haven't been brought to the trial before that actually benefit the finding of truth in the case. And there are plenty of people who can hear but who don't listen. And somebody who can't

hear pays a lot more attention to try to find out what's really going on. It very well may make all the other jurors pay closer attention and not talk over each other in the jury room and go one at a time and have a better deliberative process if there's somebody who is hearing impaired in the jury room. . . . So why would we give up an opportunity to let all of our citizens exercise their rights of citizenship in a way that will do nothing to hurt the system, but might enhance it. I ask people to think beyond their own experiences here for ways that this might be a positive thing, not just for the citizens who might now get to serve, but for the whole process.

This vignette of a recent juridical and political process in the contemporary United States is a concrete example of what is a much more complex philosophical issue, namely, what is the epistemological status of testimony, in any setting, not just juridical settings. This dissertation seeks to redefine “testimony” in epistemological and other social institutional contexts in order to create legitimate spaces and means for nonhegemonic, nontraditional knowledge agents to “speak” and be “heard.” Testimony is important because it is the vehicle by which knowers can become epistemic agents; if their testimony—their claim to knowledge, legal or otherwise—is not received, then what they know simply vanishes because they are not recognized as agents of knowledge nor is their knowledge claim recognized as meaningful or significant. I argue that in addition to the feminist critique of promoting plural forms of legitimate subjectivity, it is also equally necessary to promote and validate multiple forms of testimony. Diversifying testimony is not just about listening better to multiple, different voices coming from differently positioned subjects, it is about deliberately reconstructing our current model of what counts as legitimate testimony.

Our current model of testimony is based on the Enlightenment model of the rational, speaking subject; as such, the only testimonies today that have any legitimacy and credibility are those that mimic the Enlightenment model. Consequently, this means

that nonhegemonic subjects have epistemic agency only insofar as they testify with the “right” kind of voice. I argue that this disenfranchises not just minority populations—particularly people with disabilities who may not be able to speak at all or only through an interpreter—but also overlooks the ways in which materiality has testimonies of its own. That is, material beings and processes, by virtue of their material(ities), are material witnesses.

It may be useful to put my claims into perspective by suggesting that what I want to do with the term “testimony” is to problematize it sufficiently enough to garner recognition that it appropriately belongs in the category of an essentially contested concept (Gallie 1956). One of the goals of this dissertation is to develop an awareness of what is meant by “testimony” and to reveal that our current concepts of testimony are too rigid and too narrow to encompass a diverse and multiple variety of differently embodied and situated epistemic subjects. By examining the philosophical history of credible testimony, I want to broaden the scope of how we can deploy the concept to include knowledge claims that are not traditionally viewed as epistemologically legitimate and yet retain some structural anchors that continue to give it delimited definition. I also want to show that testimony in our society has operated and continues to operate invisibly as normalized concept to obscure the ways in which multiple subjects are always already testifying about the things they know. That is, there are numerous peoples, beings, processes, and objects that are now and have for a long time been communicating knowledges about their worlds, but we have failed to take note of their “output” because of the ways in which what we think is “normal” and “regular” testimony dominates our conceptual and public imaginations. By putting this concept into essential contestation, I

hope to transform testimony into a concept that can help frame public discourse around the normatively significant matter of who—and what—can have legitimate claims to knowledge. To do this, I argue that testimony is as material as it is discursive.

There are, to be sure, multiple registers of testimony. Testimony exists in many different contexts, and as a result, bears different understandings, interpretations, and responses, depending on the purposes that a given testimony (or testimonies) serve. For example, religious testimonies vary in their function and, by extension, in how they are interpreted and by whom: the reporting of miracles, speaking in tongues, and scripture are all forms of religious or spiritual testimony, but each is distinct in their purpose and in the needs they serve. Other registers of testimony include scientific testimony, juridical and courtroom testimony, political testimony, acts of public speaking and communicating in and through the media, whether on TV, radio, or internet, truth and reconciliation testimonies, slave and atrocity narratives, and oral histories. In this dissertation, I am not so much focusing on any single one of these registers. Instead, I am interested in the material form of these testimonial possibilities, particularly when they are given through the medium of spoken voice.

Of course, testimony can be and has been given through many mediums including written words, pictures, icons, images, visual arts, performing and musical arts; there is a way in which, however, spoken words have taken on primacy in Western cultures as the mainstay of credible witnessing. Furthermore, while the discursive dimensions of testimonial utterances have received attention in a variety of fields including rhetoric, communication studies, women's studies, disability studies, and philosophy, I find that the materiality of testimony as an epistemological device remains undertheorized.

What do I mean when I say that testimony is material? An insight (from which I ultimately depart) from Holocaust studies is instructive here. Cathy Caruth, in her *Unclaimed Experience* characterizes trauma, in this case, the trauma of the Holocaust, as a “story of a wound that cries out, that addresses us in the attempt to tell us of a reality or truth that is not otherwise available. This truth, in its delayed appearance and belated address, cannot be linked to only what is known, but also to what remains unknown in our very actions and language” (Caruth 1996, 4). That is, trauma is really a wounding in our bodies that has epistemic overtures. Trauma is essentially a material form of testimony; trauma—the wound—testifies to both what is already known (by our conscious) and what is not yet (or cannot be) known. Trauma is a wound that is trying to tell us (supposedly) rational creatures about another reality that we have no terms with which to understand. Trauma, the wounding of our bodies, is an example of how testimony can be material in the fleshly sense in that the discourse of trauma takes place on a somatic level.

I do not dispute Caruth’s claims nor do I wish to denigrate the work of psychoanalytic theory as I push on and challenge the relationship between discourse and the somatic in this dissertation; the meaning of testimony in this framework, however, seems to remain somewhat esoteric and inaccessible except by specifically trained psychoanalysts. For example, in Caruth’s now-classic formulation, Holocaust testimony is at once accessible and inaccessible: the accessible part can be spoken or written in the usual discursive sense; the inaccessible part remains in its original traumatic, material form and while it bears witnessing, it cannot be witnessed in the usual manner of listening/reading and speaking/writing because it exists at the level of the inchoate

material. Thus trained specialists are required for the witnessing processes that take place in psychoanalysts' office, in truth commissions, and the like. To be clear, I do not take issue with the idea that all or part of testimony can be at times inaccessible; I do, however, find the materialization of testimony in the form of trauma to be limited. Where psychoanalysis understands trauma as a material form of testimony, I want to raise the question of where, when, and how testimony *itself* is material. Understanding testimony itself as a material event, not just as a discursive event in the flesh, opens the way, I believe, for a model of testimony that is politically and epistemically democratic.

With the lessons of deaf history in the implicit background of research for this project, I also develop a position that troubles the relationship between testimony and speech. Deaf people have been commonly labeled as “deaf-and-dumb” since the 17th century because they were perceived to be without language. Enlightenment rationality pairs language both with knowledge and with the model citizen of civility, maturity and rationality. Our inherited concepts of rationality and language continue to deeply equate them in ways that preclude those without language or with the “wrong” language from having epistemic status. The linguistically marginal, deaf included, thus have no rationality and thus no citizenship. And, as the vignette narrated at the outset of this introduction makes clear, things appear to be no different in 2009, in at least some parts of the world. Speech and all the philosophical baggage that goes with it has not only harmed the deaf and others with “communication disorders,” it has also obscured the meaning and the potential use of testimony as a tool for honoring all knowledges.

My argument is that the subjugated positions held by those with “communication disorders” flags an epistemology in which knowledge is tightly bound with the capacity

to express oneself in socially sanctioned linguistic ways, specifically with clear-and-distinct speech. I refer to this epistemic practice of clear-and-distinct speech as “articulateness.” By looking at the communicative practices of those with “communication disorders,” I seek to give an account of a hegemonic epistemology of testimony whose fundamental mechanism is built around a historically and philosophically specific practice of articulateness. I will show that historically and philosophically (in the Western tradition), articulateness is a precondition for one’s communication to obtain the higher epistemic rank of being recognized as credible testimony. Deafness is but one of many “inarticulate” disability identities that experience exclusion from mainstream, normative testimony in ways specific to their perceived physical and cognitive impairments. For the purposes of this dissertation, I use autistic persons’ methods of communication, specifically Facilitated Communication (FC), as both a real and a philosophical phenomenon that presents challenges and alternatives to traditional models of testimony. While I refer primarily to FC, my arguments about testimony should not be taken to be exclusive to FC; indeed, looking at FC as an extreme example of communicative differences is a deliberate effort on my part to stress the ways in which what are taken to be communicative differences unique to disabled speakers are actually reflective of typical and vital communicative practices among the able-bodied that we take for granted and assume to have no epistemic import. For example, we assume testimony to issue forth as an independently produced claim from an autonomously-bounded, self-governing rational agent; we do not realize or image the extent to which testimony may actually be a mutually co-produced claim between two or more persons.

It is important to examine this issue of articulateness from the disability perspective for three reasons. First, it is *ethically* necessary to include disabled voices just as feminists have advocated for the inclusion of women's contributions because, as humans, we are responsible for recognizing the humanity of others. Doing so enriches the democratic enterprise. Second, this perspective has unique insights about the role of the body and testimony in epistemology. Third, the transformation of testimony from articulateness as clear-and-distinct speech to a model that includes non-speech-based communications offers a more diverse and inclusive range of possibilities for new knowledge claims coming from knowers with materially specific and different bodies. Material differences yield unique and vital epistemic insights that can enrich us epistemically, socially, and ethically.

For example, the disability perspective reveals how materiality consists not simply of flesh and objects but is an interactive, material-semiotic complex of mind, body, society, biology, culture, sensation, neurology, language, and knowledge. Knowledge of some sort is communicated through a far wider and diverse range of avenues than our current normative model of articulateness allows or recognizes. Thus, this dissertation is a proposal for a new model of testimony that openly emphasizes its truly material-semiotic nature, and begins to undermine the limitations of narrow models of articulateness that reinforce the voices of a small but powerful dominant group as credible, reliable knowledge. My own experiences of knowing the world through my deaf body, coupled with both the perception of disabled people as cognitively and materially pathological, and the history of deaf people as "language-less" and "unknowing," makes clear the need *and* the means to a deep rethinking of the connections between testimony

and materiality. A useful metaphor within which we can begin re-conceiving the relationship between testimony and materiality is: material witnessing. The material (as in “new materialist feminism” or “material reality”) is material (as in the juridical sense of being materially pertinent). If the material is material, then we can also envision “material witnesses”—epistemic subjects whose testimonies take place in a variety of forms and not just in a specific, socially accepted speaking or writing voice. In short, my dissertation asks: What are the possibilities and the limits of the testifier and her testimony in a world where the standard of articulateness predominates? What testimonial realities become possible when that standard is exposed and lifted?

As I will show in more detail in Chapter 5, my approach to revising the way we think about testimony is rooted in the assumption that ethics and epistemology are inseparable; testimony in particular is simultaneously an ethico-epistemic event. The act of testifying and the act of witnessing and being witnessed both are ethical insofar as testimony and witnessing invoke issues of ethical obligation and reciprocity among social actors. These acts are also at once epistemic because claims are being made about what is known, what is experienced, and what is (or may be) true. While testimony’s mutually co-constitutive ethico-epistemic nature is not divisible or separable, we can nonetheless emphasize one over the other depending on contextual specifics. For example, in any testimonial encounter there is an ethical dimension in which we attend to what another is saying because we respect and include that speaker as a fellow human being (or as a credible social actor, in the case of non-humans). There is also an epistemic dimension, in that we seek to know what they know; we seek to expand the boundaries of our own limited knowing, or correct what we thought to be true. Listening to another simply to be

polite, however, seems to be a hollow ethical overture; similarly, listening to another to simply to know what they know seems to be a ruthless sort of epistemic colonialism. An ethically rich approach to knowing, and an epistemically rich approach to being moral, is warranted, especially in the case for testimonial inclusivity.

In Chapter 2, I use a feminist-disability reading of two major historical figures in the philosophical tradition to provide an historical accounting of how Western epistemologies of testimony, in championing articulateness, have profoundly dematerialized and disembodied the testimonial process of receiving and communicating knowledge. Beginning with Aristotle and finding full expression in Locke, the idea of the human knower as a “properly speaking” animal has led to the historical and philosophical esteem of articulateness as the primary means of assessing epistemic credibility in testimonial processes. Articulateness, as I will show, is obtained when a person has achieved bodily self-control such that he or she can speak with material precision, that is, clearly and distinctly. As a result of this historical and philosophical esteem of articulateness, we are currently producing dominant knowledge through this framework, thus limiting ourselves to a narrow conception of the human knower and testifier—one whose epistemic status relies on having the “right” voice and the “right” body.

In chapter 3 and chapter 4, I demonstrate how current models of testimonial credibility (i.e. contemporary analytic epistemology of testimony and feminist epistemology) are called into question by the existence of materially non-articulate voices. Current philosophical theories on testimonial credibility do not have the means to

fully include non-articulate voices unless they undertake to revise the normative carnal presuppositions inherent in their ontological approaches to epistemology.

Chapter 5 takes up feminist neo-materialist Elizabeth Wilson who seeks to relocate knowledge away from the hegemonic knower; they do so by emphasizing the role of the material in epistemic processes. Neo-materialist feminists argue that knowledge is produced at specific material and discursive sites themselves, not by human knowers per se, but by the variety of agents participating in a particular site. Because knowledge production occurs at the site, rather than a result of a human cognitive agent, all the involved actors at that site—including objects—have epistemic agency. Wilson picks up this framework to argue that by extension, materiality itself is epistemically expressive. Wilson's revolutionary argument is that fleshy materiality possesses an articulate expressiveness that has been overlooked because it has not been viewed as epistemically communicating.

In the concluding chapter, I extend the neo-materialist feminist analyses to suggest that testimony occurs not just in differently positioned persons but also in materiality. That is, testimony is not just an act of language or of speech. It is not a genre or a narrative structure. It is *epistemic communication*. My epistemology of testimony seeks to reflect the status and credibility of the embodied person. That is, I am looking at the way in which the material constitution of disabled bodies fundamentally alters the credibility and effect of anything that individual would say or communicate, regardless of the communicative tools any one person may avail themselves of. The spirit of my work has a very pragmatic aim to shift our model of legitimate testimony to include multiple versions of testimony. Not only do we need to fulfill our ethical commitment to include

marginal others, we also need to expand the franchise for legitimate and credible knowing. As such, we can capture some of the ways in which disability in other contemporary and non-Enlightenment cultures have positive meanings and incorporate that into our tradition of Western philosophy, as well as create anew more inclusive and respectful understandings of disabilities. By re-evaluating testimony, disability, and embodiment in these ways, we expand what it means to be human and how we can live democratically.

Chapter 2

Contesting Articulateness: A Brief Philosophical History of *Logos* as Speech

Introduction

In this dissertation, I posit that articulate speech is considered the only accepted manifestation of spoken epistemic expression. I specifically argue, in this chapter, that the historical and philosophical esteem of articulateness has led to clear-and-distinct speech becoming the primary means of epistemic credibility in testimonial processes. Articulateness, as I will show, is obtained when a person has achieved bodily self-control such that he or she can speak with material precision, that is, clearly and distinctly. Although Western philosophies of communication and testimony claim to focus only on the content and meaning of communications, I will show that articulateness has become an unfairly and inappropriately used standard for assessing epistemic communications or testimonies. This has immediate consequences for those whose voices are inarticulate, particularly the disabled, including those affected by stutters, cerebral palsy accents, deaf accents, autism, thoracic weakness, cleft palates, paralysis, or other disabilities that cause poor or different enunciations.

In this chapter, I provide an overview of two major philosophers whose views on speaking and communicating have had profound effect on Western philosophy. Although by no means the only ones who address the issue of knowledge and its communication, Aristotle and John Locke offer particularly useful critiques that merit examination. In

Aristotle's case, the longevity of his political theory, as evidenced by his central presence in the works of contemporary deliberative democracy theorists,¹ is sufficient to warrant a place in any philosophical overview of epistemic communication. Specifically, however, it is Aristotle's conception of the successful political animal as a *properly speaking* animal that deserves attention in this chapter. I will show that Aristotle's ideal citizen, the statesman, is a being with *logos* precisely because he speaks articulately.

Centuries later, Locke's theory of communication also merits consideration because his work advances the modern idea of communication as we use it today. Because of Locke's deep commitment to the autonomous individual as the epistemic creator of knowledge, meaning, and understanding, he developed a theory of communication that had to be respectful of two simultaneous facts: the possibility of individual meaning and the necessity for the truthful and clear exchange of ideas and meanings with other individuals. As I will show in the second section, the mechanism that enables this individual mind to connect with another individual mind is articulateness.

With these Aristotelian and Lockean influences in mind, in the third section, I provide a contemporary case study that considers the responses of courtroom judges to the use of facilitated communication (FC) by autistic individuals. The point of looking at trial outcomes that involve FC-based testimony is not to assess the truth value of the autistic litigants' testimonies but rather to evaluate the responses of the judges and

¹ For example, Noelle McAfee (McAfee 2008, esp. 94-95) adopts a Kristevan reading of Arendt's reading of Aristotle, to explore how testimony and witnessing can be re-formulated to center on subjectivity. As I will show in later chapters, while this is important work, it does not address the importance of reconfiguring the concept of testimony in ways that include inarticulate voices.

courtrooms to those testimonies for bias that reflects articulateness as a standard in making epistemic assessments of testimony.

Aristotle: Logos and Articulateness

In the *Politics*, Aristotle asserts that speech, by nature, belongs to man and is what sets man apart from animals. The unequivocal distinction between voice and speech that is so central to all of Aristotle's philosophy is seen in the following passage:

It is also clear why a human being is more of a political animal than a bee or any other gregarious animal. Nature makes nothing pointlessly, as we say, and no animal has speech [*logos*: λόγος] except a human being. A voice [phonos: Φωνή] is a signifier of what is pleasant or painful, which is why it is also possessed by the other animals (for their nature goes this far: they not only perceive what is pleasant or painful but signify it to each other). But speech is for making clear what is beneficial or harmful, and hence also what is just or unjust. For it is peculiar to human beings, in comparison to the other animals, that they alone have perception of what is good or bad, just or unjust, and the rest. And it is community in these that makes a household and a city-state. (*Politics* I.2: 1253a8-18²)

Here, Aristotle claims the following: First, speech is, by nature, endowed exclusively to human beings and for the very specific purpose of enabling the polis. Second, speech is to be distinguished from voice, which all animals have. Voice enables animals to communicate basic sensations, such as pain and pleasure, to each other. Third, speech is different from voice, not simply because it is unique to humans but also because speech is to be used to identify what is good, bad, just, and unjust, as well as other political matters. Finally, and most importantly, the community of speakers, in speaking about political matters, comprises the polis. In sum, speech, by nature, provides the

² Unless otherwise noted, the text used for reading Aristotle's *Politics*, is Benjamin Jowett's 1885 translation, and is listed in the bibliography as (Aristotle 2000).

conditions for the possibility of the polis. It is therefore because of speech, which is by nature, that the polis is also by nature.

Speech or, properly understood, *logos* distinguishes man from animal and is the basis for the polis. As such, speech is not simply human but also political. There is nothing, then, that can be called simply speech. Speech that is speech is political speech. Other forms of speech, which might still be considered communicative (as indeed they are for Aristotle who stated that animals signify pain and pleasure to each other), are not speech in this *logos* sense but rather are “merely” voice or sounds. Aristotle’s distinction between speech and voice occurs again in *De Anima*³ (Book II), *History of Animals*⁴ (Book IV), *Poetics*⁵ (1457a), and *De Interpretatione*.⁶ It is in the *Politics*, however, that Aristotle makes it clear that man is defined through the simultaneous duality of *logos*: man is a speaking animal and man is a political animal. Indeed, the *zoon politikon* is equated with *zoon logon echon*, which means the “living creature who has *logos*.”⁷

Of interest to me is the relationship between *logos* and voice. Aristotle clearly distinguishes between the two and values *logos* more highly than voice, with its organic, animalistic characteristics. *Logos* is the highest form of expression and, as such, bears

³ (Aristotle 1986)

⁴ (Aristotle 1897)

⁵ (Aristotle 1996)

⁶ (Aristotle 1980)

⁷ See Adriana Cavarero. Man’s nature as a political animal (*zoon politikon*) is bound up with man’s nature as an animal that has speech (*zoon logon echon*). Reading Aristotle’s texts together (*Politics, Poetics*), Cavarero states that Aristotle’s notion of *logos* is phone *semantike* or “signifying voice.” (Cavarero 2005). Also see (Elden 2005): “In addition, in reading the term *zoon logon echon* we should bear in the mind that to say that the human is the animal or being that has language is not to say that humans merely possess it, but that they are, at the same time possessed by it. As Aristotle notes in the *Metaphysics*, having means both an activity of the haver and the thing had, and a disposition (1022b4–14, see 1023a8–25)” (Elden 2005, 286). Also, drawing upon Heidegger, Eldon reminds us: “As Heidegger exhorts his students to keep in mind, “the Greeks see existence as existence in the polis” (GA19, 231; see GA18, 46, 56, 67, etc.). “The *zoon politikon* is indeed the *zoon echon logon*” (GA 18, 50, 56, 63–64, 134–35, *passim*) (Elden 2005, 294).

political legitimacy. It is the non-organic, immaterial voice of the polis. Some contemporary authors view the relationship between voice and *logos* as primarily being one of disembodiment, that is, one in which the embodied, material nature of voice is ignored, trivialized, or outright denied, and the transcendental or effluvial nature of *logos* is prioritized and authorized for its putatively purer representation of rationality. *Logos*' (putative) immateriality is preferred to the materiality of voice. For example, Adriana Cavarero's main premise in *For More Than One Voice* is that *logos* has lost its voice: "The history of metaphysics should in fact finally be told as the strange history of the devocalization of *logos*" (Cavarero 2005, 40). But where Cavarero argues that speech or *logos* is prioritized over and against the primacy of voice, and voice done away with through the rigor of *phone semantike* ("signifying voice"), I suggest that voice is still very much present, only this time the voice that is present is the material voice of the statesman, rendered into the putatively neutral, modulated, and even tones of officialdom.⁸

I do not think that the problem is that *logos* has no voice, no materiality. Rather, the problem is that *logos* is, in fact, heavily underscored by materiality. Further, it is underscored by *one kind* of materiality, one that reflects *one kind* of embodiment. This ideal embodiment, I will show, is the kind of body produced by rigorous self-control.

In an idealized world of communication, voice would simply cease to exist, ousted by the veridical clarity of mental-to-mental communication through pure, that is,

⁸ Derrida demonstrates instead the primacy of voice over writing. He argues that the metaphysic of which Cavarero writes is, in fact, not devocalization but vocalization or what he calls the phonocentric bias. I do not find Derrida's position threatening to mine because where he speaks of the primacy of voice, it is that voice that reflects the statesman's voice, not a plurality of voices. See also (Dolar 2006) and (Painter 2008).

voiceless, speech. But until telepathy occurs, voice and its idiosyncrasies must be dealt with, and dealing with voice, according to Aristotle, amounts to a denial of all voices except the articulate one. This is the position of philosophers from Aristotle onward and is neatly summed by David Appelbaum:

Clearer and more distinct in expression, refined voice has proof of existence on the tip of its tongue . . . the organs of speech are, from the philosopher's point of view, vestigial. Voice cured of its susceptibility to organic maladies acquires the superhuman responsibility of speaking meaning and truth. The task allows no lapses nor margins of error for the body's weakness. Listening is drawn into the tight circle of the mind's speech, its experience, and the correspondence between the two. The attention is trained to defer to the symbol by which the two mind-elements communicate. This is difficult work. Small wonder that a cough [or other organic malady] makes the entire edifice shake! (Appelbaum 1990, 5)

This position does not require a great intuitive leap. Simply consider, for example, newscasters' voices, for whom we ill-tolerate an accented voice or one distorted by a bad cold. Or consider, for example, a voice distorted by the weak neck muscles of someone with cerebral palsy, whose "accent" cannot be easily understood except by those long familiar with it. If *logos* had lost its voice, then it would be of no consequence that there are a multitude of voices with a wide variety of pitch, intonation, accent, rhythm, and so on, and we would be far more interested in the content of what people had to say, rather than how it was said. For example, Lucy Blackman, in commenting on how her listeners are endlessly fascinated by and skeptical of how she uses facilitated communication, states: "I fail to understand why people are more interested in how I communicate rather than in the content of what I have to say" (Blackman 2001)

If *logos* had truly lost its voice, then Aristotle would have no problems with attributing *logos* to all humans. What is curious for me is precisely that Aristotle does not attribute *zoon logon echon* universally to all humans. Rather, as I will show, he attributes

it to humans who speak articulately. Again, however, “speaking articulately” is not, for Aristotle, a universal human trait that is available to just anyone. I am not suggesting that *logos* is inherently articulate; rather I am suggesting that, for Aristotle, articulateness comes before *logos*. I will show that, for Aristotle, if a person is “articulate,” then that person is seen to have *logos*. I will further show that “having articulateness” or “being articulate” is a direct function of embodied materiality. Articulateness, the precondition for having the status of *zoon logon echon*, is, in short, not a function of no voice at all but rather of one very specific voice. This voice is one whose deeply organic and material nature is brought under the strictest discipline and regime of bodily control.

Thus far, I have suggested that *logos* is, in fact, not immaterial but rather *is* material. How then is it material? Its materiality is present in all stages of Aristotle’s teleological taxonomy culminating in *logos*. I discuss this next, with a focus on the role played by bodily control in defining not just what *logos* is, but also in defining *who* (or what bodies) has *logos*. Following Aristotle’s classification schematic, I examine sound, voice, and speech, what are and where do *logos* and articulateness fit in that schematic, and how this is all underscored by a specific materiality.

In *The History of Animals*, Aristotle identifies three kinds of noises that animals can make: sound, voice, and speech. Sounds are the noises that animals’ bodies make: flies, bees, and grasshoppers make sounds by moving their body parts, generally wings and legs.⁹ Voices, in contrast, are a kind of sound made through the pushing of air through a “pharynx;” to have a voice, one must have lungs, at the very least, and a

⁹ *History of Animals* IV 9.535a1-11.

larynx.¹⁰ Speech, the last step in the hierarchy of potentially communicative noises (i.e., sound-voice-speech), is defined as the articulation of voice by the tongue: “Speech is the direction of the voice by the tongue; the vowels are uttered by the voice and the larynx, the mutes by the tongue and the lips; speech is made up of these: wherefore, no animals can speak that have not a tongue, nor if their tongue is confined” (*History of Animals*, IV. 9. 1). Speech is specific to only man-the-mammal, even though Aristotle does acknowledge that birds can make articulate utterances as well as teach one another to use their voices (608a17ff): While “viviparous quadrupeds utter different voices; none can speak—for this is the characteristic of man, for all that have language [speech] have a voice, but not all that have a voice have also a language [speech]” (ibid). Thus, speech is (precariously) defined as voice that is funneled through the use of human lips and tongue. That is, for Aristotle, it is clear that speech is a distinctly human product; he, however, makes this assertion arrogantly and somewhat dogmatically. Hence, the restriction of speech to humans is precariously made.

From *De Anima*, we learn further that voice is a specific kind of sound made by beings that have a soul (420b 5). Voice is also sound that is made intentionally with a specific part of the body (i.e., the lungs and mouth), using air as a medium (420b 15). Thus, only animals that use air to breathe and can use that air to “strike” the windpipe have a voice. Voice is the intentional drawing in of breath and using that air to impact the windpipe, and the impact is due to the soul in those parts of the body. The element of bodily control is readily apparent in Aristotle’s taxonomy. The progression from sound to voice is marked by intention and control. That voice is sound that is produced

¹⁰ Ibid., 9.534d, p. 847.

intentionally and is crucial, as exemplified by Aristotle's dismissal of the cough as mere noise: "For voice is certainly a sound which has significance and is not like a cough, the noise of air respired" (420b 40). Aristotle repeats this claim of intentional, controlled voice in the *Politics*, in the same passage in which he states that speech marks the distinction between human and animals. It is worth noting that he allows animals the capacity for communicating with one another: "for their nature goes this far: they not only perceive what is pleasant but signify it to each other" (*Politics* I.2 1253a 12-13).

It is interesting that Aristotle does allow communication to take place through mediums other than *logos*; an inarticulate voice *can* communicate, if only basic pains and pleasures. So, how are humans distinct from animals, if both have voices and can communicate? It is not enough to say that humans can communicate more complexly than animals can. As Adriana Cavarero notes:

At this point *logos* is called on to resolve an embarrassing question. There are certain animals, like bees, whose aggregating drive carries with it organized and complex forms of living together. From a methodological point of view, the problem lies, so to speak, in distinguishing the apiary from the *koinonia politike*. (Cavarero 2005, 184)

With the insertion of *logos* into Aristotle's distinction between humans and animals, he makes clear that the only sort of voice that matters, despite any communicative powers that it may have, is that kind of voice that has transcended itself into *logos*. How then does Aristotle go from noise to voice to speech to *logos*, with *logos* representing not just the human-animal distinction but also representing the (material) voice of the polis? How, precisely, does Aristotle restrict and justify *logos* to humans? He does so, in a word, through articulateness.

In the *Poetics*, Aristotle makes it clear that speech is not merely using words (speaking) but using words in an articulate manner, with proper diction and grammar. This proper diction and grammar is what enables utterances to be complex and thus able to convey the complexities of human thought. “Articulate” sounds are sounds that are structured with indivisible and lettered utterances that can form compound utterances (1456b20ff). So while animals utter indivisible utterances, they cannot be used to form compound utterances. Howling and screeching are not differentiated and cannot be used to express complex thoughts. Further, in *De Interpretatione* (16 a 26), articulate speech is compared against all inarticulate noises, whether those noises be human utterances gone awry (such as through mumbling) or animal noises. Human coughing, for example, is an inarticulate noise, and cannot be voice, even if a particular cough, or the hiccup, for that matter, is articulate in the sense of conveying meaning.¹¹ (For example, consider Aristophanes’ uncontrollable hiccups in Plato’s *Symposium* or a meaningful cough meant to avert a topic in conversation.)

Yet, given that Aristotle allows some animals such as birds to have speech, he must further refine articulate speech in such a way as to delimit it to humans. In the *History of Animals*, Aristotle states that non-human animals have speech only partially and not to the degree that humans do (536a20). What really restricts speech in the full sense to humans is that humans possess rationality, as we see in *De Anima* (428a23f) and the *History of Animals* (536a32ff). Aristotle clarifies the codependence of speech and rationality as being strictly a function of human articulateness: “Spoken words are the

¹¹ “What produces the impact must have soul in it and must be accompanied by an act of imagination, for voice is a sound with a meaning, and is not merely the result of any impact of the breath as in coughing” (*De Anima*, II.8.420b).

symbols of mental experience and written words are the symbols of spoken words” (*De Interpretatione* 1.16a). Articulate speech then is *logos*, which sometimes translates as “word-thought.” Human speech consists of words, which are conventional tokens made up of letters and which carry signifying power. Animal sounds, even when they sound like human speech, cannot do more than “show” things. They cannot signify.

However, *logos* is not just opposed to animal voice, it is opposed to inarticulate human voices as well. Without *logos*, man is simply not man in Aristotle’s sense of the statesman—an educated, adult, wealthy, leisurely male politician. Rather, he is simply a living creature, not merely without *logos* but also without speech, given Aristotle’s insistence on understanding *logos* as speech. For example, women are excluded from the polis in the full sense because, while they possess a deliberative or rational faculty, they lack authority in that rationality (*Politics* II.13: 11-14) and so do not have the *logos* needed to be a full-fledged member of the polis. Yet, this must strike us as odd. Certainly, even for Aristotle, adult women have speech. If they have speech (as they surely must, to order the household) and if they have rationality (as Aristotle stated), then why do they not have *logos*? The terms of this exclusion, explained below, are complex.

How does Aristotle further restrict *logos* from certain groups of humans, such as women, children, slaves, and non-Greeks? It is not enough to say that they are deficient in rationality, according to Aristotle, and thus foreclosed, for he admits that women have rationality, if not the authority necessary to participate in the polis. There are two ways to explain this inconsistency on Aristotle’s part. One way is to say that it is due to Aristotle’s socially inherited biases and prejudices, from which we could resurrect Aristotle’s sense of *logos* and apply it universally, doing away with his notion of “man”

and taking it to mean “human” in the universal sense, as do Hannah Arendt, Jurgen Habermas, and a number of contemporary deliberative democracy theorists. Another way, however, to explain this contradiction is to find that *logos* itself is materially based in a specific kind of voice.

The issue of bodily control resurfaces at this point. Recall, for example, Appelbaum’s statement that the perfectly controlled and denatured voice is historically the only medium through which meaning and truth can be communicated. This logic, I believe, covertly permeates Aristotle’s teleological taxonomy through the issue of bodily control, of which we have seen glimpses in the movement from sound to voice to speech. There is more dramatic evidence in a text that is probably not authored by Aristotle himself but which is traditionally contained within the Aristotelian corpus and, nonetheless, is compelling for the ways in which it emphasizes the importance of physically controlling one’s voice.

This unknown author, probably a student of Aristotle, describes a series of biological conditions in *The Problems* (Aristotle 1936). A chapter devoted to “Problems of Voice” presents a number of passages that describe “problems” with the voice and attributes whatever pathology under observation to a loss of bodily control. For example:

Why are those who hesitate in their speech melancholic? Is it because melancholy is due to their responding too quickly to appearances? Now this is characteristic of those who hesitate in their speech; for the impulse to speak outstrips their power to do so, the mind responding too quickly to that which has appeared to it. The same thing occurs in those who lisp; for in them the organs employed in speech are too slow. This is shown by the fact that men under the influence of wine become lispers, since then they respond most to the appearances and not so much to the mind. (902b 19-26)

Here we see the consequences of a flawed mind-body connection; if the body is too slow, speech cannot be produced articulately. If the mind is too fast, speech cannot be produced. For articulate speech to be produced, the body and mind have to be in perfect harmony with one another; if there is a disconnection between the two, articulateness cannot be obtained and thus having *logos* is foreclosed.

This disconnection between mind and body, or loss of bodily control, can happen to anyone. However, there are varying degrees of susceptibility and vulnerability whose pathologies are sometimes due to the way one treats one's body but also sometimes due to the kind of body that one has, such as being sexed or aged in a specific way. For example, the author observes that the "voice becomes broken very readily after meals" (900a16), signaling the voice's inability remain constantly clear and distinct. More tellingly, this author finds a biological root cause for the difference between shrill and deep voices that, in this particular case, attributes pathology to gender and age differences:

Why is it that persons without generative power, such as boys, women, men grown old, and eunuchs, have shrill voices, while adult men have deep voices? Is it because the thin voice has only one dimension, just as the line and other thin things have one dimension, while thick things have more than one? Now it is easier to create and set in motion one thing than several things. Now the breathing of the persons mentioned above is feeble and sets little air in motion; and the air which has only one dimension is very small in quantity, for it will be thin for the reasons already stated. And the voice produced from it will be of the same quality, and a thin voice is shrill. This then is the reason why persons without generative power have shrill voices; whereas men who are vigorous set a large quantity of air in motion with their breath, and the air, being large in quantity, is likely to move slowly and causes the voice to be deep. For shrillness of voice is, as we have seen, produced by a movement at once swift and thin, neither of which conditions is fulfilled in an adult man. (900b15-28)

A deep voice, which belongs to an adult man, is the result of a stronger breath, which is able to set in motion “more dimensions” that produce deep resonances. It is also, by nature, impossible for a man to speak shrilly unless he distorts his voice, either perhaps through drinking, shouting, or being nervous. When his voice is not under his control, he risks shrillness or trembling due to diminished generative power or to the heart’s being shaken (902b30-903a5). Most curious are the author’s explanations of why specific voices hesitate and what the causes are. In all cases, the stuttering or hesitant voice is due to an individual loss of control over one’s body. Near the end of the chapter (Book XI), the author offers a variation on his explanation of why old men have shrill voices:

Old men’s voices tremble because they cannot control them, just as, when invalids and children take hold of a long stick by one end, the other end shakes, because they have no control over it; this too is the cause of trembling in old men, namely the lack of control. We must suppose also that trembling of voice in those who are nervous or afraid or chilled is due to the same cause. (906a9-15)

Refined voice becomes articulate speech through a body that is under control and in harmony with the rational powers. Speech is not just *logos*; it is that which is voiced through not a universal human voice but through a specific adult, able-bodied, neutrally accented, and (usually) male body. What is at stake here is that *logos* is a function not just of “refined voice” or clear-and-distinct speech (*phone semantike*) but also that this voice delimits the possibility of (human) speech to the male statesman’s voice. In the *Nicomachean Ethics*, Aristotle notes that deep voices belong to great souls, and lesser souls lack these deep voices: “it seems too that the highminded man will be slow in his movements, his voice will be deep and his manner of speaking sedate” (Aristotle 1912, IV, viii). Clear and distinct speech is not simply human-enabled articulation but rather the statesman’s voice: speech does not float free of voice at all. *Logos* has not lost its voice;

on the contrary, a materially specific voice constrains speech itself. Thus, even if not everyone believes as Aristotle did about the *a priori* assumptions of *logos*, the materiality for articulateness remains the same 3000 years later because our ears and mouths still bear the stamp of Aristotle's legacy of *logos*.

Locke: Propriety of Speech, Theory of Sensation, and Articulateness

If it can be said that Aristotle put "politics" into "speech," then it can be said of Locke that he sought the reverse: to take politics out of speech. Locke is the first modern philosopher to raise the question of how to communicate properly with words (Peters 1989). He is not, of course, the first philosopher to examine issues of speech, rationality, and language; rather, he developed the concept of "communication" as the transmission of ideas, using words, from individual to individual. The concept of the transmission of ideas from individual to individual is crucial for Locke due to his liberal commitment to the individual as a private, self-owning, sensing, and thinking being.

The problem for Locke with this commitment to the individual as the source of knowledge is the problem of solipsism: unless words can produce the same ideas in the hearer's mind as those contained in the mind of the speaker, each person is irresolutely trapped in the world of ideas of his or her own making. The role of communication for Locke is to produce something as close as possible to direct mind-to-mind contact without disturbing the sovereignty of the individual as an autonomous knower. The goal of successful communication, for Locke, is to produce an order of pure, unadulterated speech that reproduces ideas in the mind and transmits them with the highest order of

veridicality as well as avoids the corrupting influence of rhetorics, passions, emotions, or other human foibles.¹²

I argue here that, when we situate Locke's *Essays* in the context of 17th century conceptions of speech, rationality, and embodiment, we find that speech and rationality are linked together in ways that, despite Locke's liberalist commitments, do not universally extend themselves to simply any kind of material voice or to all material voices but only to the kind of material voice that issues from a controlled, regulated body.

As Aristotle believes, Locke's ideal speech is framed by a bodily controlled voice. Although Locke does not explicitly distinguish among voice, speech, and writing, preferring instead to delimit himself to the broad realm of the verbal,¹³ I will show that, even for the liberalist Locke, the voice itself, the part that materializes internal ideas by channeling and articulating sounds, is just an instrument, subject to the whims of an imperfect, organic body that is prone to error and falsity. The clarity of ideas is "properly" located within the disembodied realm of the mental, and the body and its

¹² Because words "interpose themselves so much between our Understandings, and the Truth" (Essays III.IX.21). Locke argues that they deserve intense scrutiny. The goal, for Locke, is a way of communicating ideas that is free of politicized rhetorics. Locke's attempt to de-politicize speech is a direct result of his conception of the liberal individual and the construction of society around a private/public split. Speech in this framework does not reflect a polis sharing and developing ideas but rather serves as "the great instrument and common tie of society" (Essays III.I.1) so that individuals can transfer their ideas to one another. Speech is not a source of knowledge but rather a mere conduit between individuals (Locke 1975).

¹³ Locke does not explicitly make distinctions between speech and writing. In his general parlance on the use and abuse of words, he deploys the term "verbal" in ways that invoke speech and speaking as the primary mode of communication. Writing and the spread of the printed word, of course, was very much part of Locke's daily and philosophical life, and so "verbal" necessarily includes written words. In response to the objection that writing and the written word bypass the problems of the materiality of voice and the spoken word, I would assert that, while writing certainly provides a way around the materiality of the voice, it does so only to the extent that the written word does not reflect the very same articulateness that I find problematic in the spoken word. For example, Rousseau writes in his Essay that "Our tongues are better suited to writing than speaking, and there is more pleasure in reading us than in listening to us" (Rousseau 1986, 49). Rousseau's comment reflects how the ideal of speech is the written word—pure, clean, and devoid of organic life.

material expression must be controlled and monitored so that it can convey ideas properly and intelligibly.

Locke conducts a two-step move that parallels Aristotle's distinction between voice and speech. First, the apparatuses of the human voice are so designed, by nature, to produce sounds that we call words: "Man, therefore, had by nature his organs so fashioned as to be fit to frame articulate sounds, which we call words" (*Essays* III.I.1). So, like Aristotle's man, Locke's man has, by nature, the organic structures not only to make sounds but also to make articulate sounds. Of course, there are some birds that can articulate words as well; however, as Locke states, they surely do not have language. So what is it that makes humans' articulations distinctly reflective of the fact they alone possess language? Locke answers:

Besides articulate sounds, therefore, it was further necessary that he should be able to use these sounds as signs of internal conceptions, and to make them stand as marks for the ideas within his own mind, whereby they might be made known to others, and the thoughts of men's minds by conveyed from one to another. (*Essays* III.I.2)

What is at stake here is the communication of internal conceptions to other persons; words are but the vehicle for expressing and communicating one's internal ideas to the world out there. For example, in II.xi.11, he cites, as an example, men who, for want of organs, cannot speak and therefore have no words but who can nonetheless express "universal" ideas using signs, thus proving that what distinguishes men from animals is not speech but being able to abstract. So what really matters is the mind and its ideas.

To be fair, some might point out that Locke attributes communicative power to deaf-and-dumb men or those who lack speech organs. I would hasten to agree; however, the scope of communicative power is at stake. Locke does not clarify to what extent these

men can express themselves. He, in fact, states that they express “universal ideas,” which I take to refer to basic human needs such as hunger, thirst, and warmth. Thus, while it is clear that Locke attributes communicative power to deaf-and-dumb men, it is by no means also necessary that Locke attributes articulate intelligibility to them, as he does to others. As I will show, I do not think that he would, on the grounds that they simply cannot hear and so cannot “properly” sense the world. I return to this point towards the end of this section.

Communication is Locke’s solution to the problem of solipsistic knowers. For Locke, as for Aristotle, communication is necessary if we are to have a public realm. Consistent with Locke’s notion of the proprietary self, knowledge that is produced by bodily sensations (as all knowledge is for Locke) is owned by that individual. These ideas, then, belong to the individual privately. The problem for Locke then becomes how to transfer those ideas into the public realm. This is the job that communication must undertake, and for Locke, this is a dangerous undertaking because the potential for the accidental or intentional abuse of words is great. Seeking to clean up language and depoliticize it, Locke devotes an entire book in his treatise to the subject of words and communication.

Communication, however, is not so simply achieved for Locke. On the one hand, without communication, knowledge becomes solipsistic, and so communication is necessary to ward off solipsism. On the other, communication threatens to take the place of the sovereign individual’s meaning-making activities. As Peters points out:

It is striking how Locke expects communication to work given his commitment to the individual as the source of meaning. Not only do individuals procure the raw stuff of meaning through their senses, but each also legislates the links between

words and ideas. Each individual is a monarch in the kingdom of significance. (Peters 1989, 392)

Faced with this problem, Locke offers what I see as a dual response: one is his programmatic agenda for dealing with the abuse of words, outlined in Book III; the other is his implicit regulation of embodiment for the proper sensation of the world to gain simple ideas. In this twofold approach, Locke sets out a regulatory epistemology.¹⁴

Consider, for example, some famous lines from the Epistle:

It is ambition enough to be employed as an underlaborer in clearing the ground a little, and removing some of the rubbish that lies in the way of knowledge; which certainly had been very much more advanced in the World, if the Endeavours of ingenious and industrious Men had not been much cumbered with the learned but frivolous use of uncouth, affected, or unintelligible Terms, introduced into the Sciences and there made an Art of, to that Degree, that Philosophy, which is nothing but the true Knowledge of Things, was thought unfit, or incapable to be brought into well-bred Company, and polite Conversation. (*Essay*, Epistle xxxv)

The upshot here is that the knowledge project must be cleaned up and made presentable; it needs to be stripped free of its fancy and ambiguous ideas, reduced to and corroborate-able with experiences and experiments, and made logical and orderly. An authoritative, regulative, yet nonetheless democratic, mechanism must undergird the new epistemic enterprise. Taking his cue from the emerging scientific order of the 17th century intellectual life, Locke sought to create a program for politically neutral speaking.¹⁵ I argue, however, that what emerged is actually a new *code of intelligibility* that contained a particular set of (discursive and material) inclusions and exclusions, which bear precedents for contemporary liberal politics. In what follows, I examine two primary

¹⁴ I follow Nicholas Wolterstorff's usage of the term "regulative" here (Wolterstorff 1994); see also especially (Wolterstorff 1996, xvi).

¹⁵ I have in mind here the body of literature that addresses the language of fact, scientific discourse, the social construction of truth and objectivity, and the invention of modern witnessing. See for example: (Daston 1991; Daston 1992; Daston 1995; Dear 1985; Haraway 1989; Haraway 1991; Haraway 1997; Daston and Park 1998; Shapin 1994; Shapin 1996; Shapin and Schaffer 1989)

components of his code of intelligibility: propriety of speech and sensation as the basis for ideas, or knowledge.

It is true that, in the *Essays*, there is little evidence that suggests that Locke has clear-and-distinct speech in mind when he talks about intelligibility or communication. However, it is by examining his code of intelligibility through culling out the requirements in his propriety of speaking and in his theory of sensation that we see that, in the same way, he demands regulation of speaking (albeit in semiotic, not material, terms¹⁶) as well as a regulation of embodiment that is available only to an elite few, usually those who are members of the male leisure, or gentlemanly, class.¹⁷

First, let's examine Locke's chief complaints about speech and words being used improperly, what he calls the abuse of words, and for which he advocates the propriety of speech in Book III.x. These are, of course, in addition to the inherent and natural imperfections in words, enumerated in the preceding chapter, and about which not much is to be done except to be well aware of them and charitable in understanding their

¹⁶ To be sure, there is very little in the *Essays* that suggests that Locke has any complaints or regulations about the actual material voicing—pronunciation, diction, elocution, and so forth—of words. For the most part, Locke is simply taking issue with rhetorical flair as the principle means for conducting civilian and philosophical affairs. Indeed, as a number of feminist theorists have noted, he concludes his “Of the Abuse of Words” chapter with the following misogynist passage:

It is evident how much men love to deceive and be deceived, since rhetoric, that powerful instrument of error and deceit, has its established professors, is publicly taught, and has always been had in great reputation: and I doubt not but it will be thought great boldness, if not brutality, in me to have said thus much against it. Eloquence, like the fair sex, has too prevailing beauties in it to suffer itself ever to be spoken against. And it is in vain to find fault with those arts of deceiving, wherein men find pleasure to be deceived. (III.x.34)

The misogyny lies in how Locke likens rhetorical styles of communication to unreliable and untrustworthy feminine wiles, of course, but the point is that, for Locke, rhetorics is the bane of communication. His is a theory of meaning, of semantic precision. However, the problem I focus on here is not a problem of rhetorics, or even of semiotics, as Locke is attributed with having introduced to the modern theory of language. See also (Craig and Muller 2007) and (Peters 1999). The problem I want to uncover is whether there is a specific materiality for which (or for whom) his code of intelligibility functions.

¹⁷ For more on the language of fact, scientific discourse, speaking truly, and the gentlemanly class, see (Haraway 1997), (Shapin 1994), (Zack 1996).

meaning (particularly as reflective of ancient writings). There are seven principal ways to corrupt the transfer of ideas from one mind to another: (1) using words with no clear ideas to back them up; (2) using words inconsistently; (3) using jargon or “affected obscurity”; (4) taking words to mean things instead of ideas; (5) making words stand for the real essences of things; (6) using words whose meanings are not clear to others; and (7) figurative speech.

In the chapter following his list of the abuses, he offers five main ways through which to clean up communication, which he lists under the curious but (materially) insignificant heading: “To remedy the defects of speech” (III.xi.8). Most of these corrections suggest *not* committing the sins listed in the previous section. For example: (1) “a man should take to use no word without a signification”; (2) words should be used only for simple and complex ideas that are clear, distinct, and determinant; (3) a man should use words in accordance with conventional meanings or follow propriety of speech; (4) but because conventional meanings or propriety of speech may at times be insufficient, particularly when “men in the improvement of their knowledge come to have ideas different from the vulgar and ordinary received ones,” a man must either make new words (cautiously) or to at least declare the meaning of the conventional ones; and (5) a man must be consistent.

Interesting for my purposes here is the third rule concerning propriety of speech. Propriety of speech is essential for Locke’s three primary goals of communication (to share thoughts with one another, to do so quickly and efficiently, and to show one’s knowledge of things) because it is what “gives our thoughts entrance into other men’s minds with the greatest ease and advantage” (III.xi.11).

Further, we should appeal to the best published and public examples of propriety for our standards: “The proper signification and use of terms is best to be learned from those who in their writings and discourses appear to have had the clearest notions and applied to them their terms with the exactest choice and fitness” (III.xi.11). It should be noted that Locke did not believe in a universally consistent and uniform propriety of speech: “I am not so vain to think that anyone can pretend to attempt the perfect reforming of the languages of the world, no, not so much as of his own country . . .” (III.xi.2).

The exactness in propriety of speech, to which Locke refers, is what he demands for philosophical inquiries and the pursuit of truth. Other areas of social life do not require the same kind of propriety of speech: “vulgar notions suit vulgar discourses; and both, though confused enough, yet serve pretty well the market and the wake. Merchants and lovers, cooks and tailors have words wherewithal to dispatch their ordinary affairs . . .” (III.xi.10). As does Aristotle, Locke supports the division of proper speech according to specialization in different social spheres. Further, as does Aristotle, Locke holds that there is a proper form of speech for knowledge and politics. He continues in the previous quote: “. . . and so, I think, might philosophers and disputants too, if they had a mind to understand and be clearly understood.”

Locke understands propriety of speech to be wholly socially constructed; it matters not what sounds signify; what matters is that everyone agree on it.

It is true, common use, by a tacit consent, appropriates certain sounds to certain ideas in all languages, which so far limits the signification of that sound that, unless a man applies to it the same idea, he does not speak *properly*. (III.ii)

Locke allows that the relationship between words and ideas is the product of human activity and that the meaning of words is by convention. Locke reiterates this repeatedly: “sounds have no natural connexion with our ideas, but have all their signification from the arbitrary imposition of men” (III.ix.4). So Locke requires that speakers and hearers operate within the bounds of a shared propriety of speech. Understanding the relationship between words and ideas as socially constructed is not a problem; indeed, the idea that speech is socially constructed can actually *open up* spaces for non-normative material voices. (Think of the child’s game of pig Latin or of Jean-Dominique Bauby’s eye blink alphabet system of communicating). As I will show, however, Locke does not go down this path. What troubles me is his further amendment on the propriety of speech: “And let me add that, unless a man’s words excite the same ideas in the hearer which he makes them stand for in speaking, he does not speak intelligibly.” If minds are closed off from other minds, and words are the only conduit for sharing ideas, what exactly is the mechanism that allows the ideas in the mind of the speaker to be known as being the same as the ideas so excited in the mind of the hearer?

According to Locke, words are *not* the mechanism; they are but the (socially constructed) conduit. What are the grounds for knowing or believing that the ideas in both the speaker’s and hearer’s minds are identical? What is the standard for communicating “truly”? The only mechanism in place in Locke’s philosophy that allows ideas to be similarly excited in speakers and hearers alike is shared experiences, experiences that are sharable precisely because of a normalized embodiment held in common.

Shared experiences function as the code of intelligibility that allows ideas in the speaker's mind to be similarly excited in the hearer's mind. Locke conveniently locates the transmission of these internal, private ideas in the abilities of words to function as signs of ideas. But the ultimate shareability, or transmission, of ideas rests elsewhere, in the fact that humans have bodies that are more or less similar. In what follows, I argue that "shared experiences" for Locke are a function of a normative material embodiment shaped by physical ability (as well as by gender, race, and class). That is, Locke does not hold all human bodies to more or less work in ways similar enough to share knowledge; only bodies like his can aspire to such an enterprise.

Now we come to the second arm of his code of intelligibility: sensation as the basis for ideas. In his account of how knowledge is produced, knowledge begins with the senses. In Book II.i.2, Locke asserts that "*Experience*: In that, all our Knowledge is founded; and from that it ultimately derives it self." Sensation allows us to have simple ideas about things in the world, and reflection allows us to build complex ideas from our simple ideas as well as to have ideas about our own mental functions. Knowledge follows a two-step logic for Locke: from sensation to reflection, simple ideas to complex ideas, perception to conception.

Sensory knowledge requires, of course, a body. If there is no body, there can be no knowledge. So, *knowledge is embodied*. For example, Locke suggests that spirits and angels, because they have no bodies as we know it, will not be "masters of their own thoughts." As such, while we cannot really understand what it is that angels and spirits can know and how they might share it, there is no obvious way in which angels can have

ideas in the individual mind as a result of individual sense experience. This way of knowing is, for Locke, a distinct feature of the human condition.

But of immediate communication having no experiment in ourselves, and consequently no notion of it at all, we have no idea how spirits, which use not words, can with quickness, or much less how spirits that have no bodies can be masters of their own thoughts, and communicate or conceal them at pleasure, though we cannot but necessarily suppose they have such a power. (II.xxiii.36)

Embodiment is but the place where knowledge begins. It supplies us with simple ideas, which are the natural signs of primary qualities in objects. The next step in knowledge is the formation of complex ideas, which is achieved not by bodily action but by mental action through reflection upon simple ideas. Locke argues that men have an obligation to take up a stance of critical self-reflexiveness that allows for the translation of these simple ideas into complex ideas.

Hence, for Locke, a regulative epistemology¹⁸ is needed to properly sense the world, to order our experiences of the world, and to produce coherent reports of these experiences. This regulative epistemology requires not just mental discipline but physical discipline as well. We have a duty to properly sense the environment (which is something that not all of us can do due to physical impairments). Although our simple ideas are simple sense experiences, we must take care to properly situate ourselves so that we properly receive these sense impressions. For example, Locke states that there is “no perception” if “whatever impressions are made on the outward parts” are “not taken notice of within,” no matter what “alterations are made in the body” (II.ix.3). He then discusses the commonly experienced effect of not hearing a noise when one’s mind is intently focused on something. Locke stresses that sense perception and simple ideas

¹⁸ (Wolterstorff 1994; Wolterstorff 1996)

have to be taken note of by the mind; it does no good if the mind is not there to record it: “wherever there is sense or perception, there some idea is actually produced, and present in the understanding” (II.ix.4).

The mind, however, can also cloud the body’s ability to properly sense something, particularly in adults: “the ideas we receive by sensation are often in grown people altered by the judgement, without our taking notice of it” (II.ix.8). An extreme example of our body’s inability to purely sense an object without judgment affecting it is offered in Locke’s discussion of Molyneaux’s famous case of a congenitally blind person. The question is whether a congenitally blind person, having had sight supplied to him, would be able to have a visual perception of a cube without touching the cube. Locke argues that he would not be able to due to a lack of visual experience and a subsequent lack of practice in visual judgment. (We now know that blind people, upon recovering sight, have neurocognitive difficulty in visual perception even when the eye is healthy. We still do not entirely know why this is the case).

Does the body shape the mind or does the mind shape the body? The best that can be said in terms of Locke is that this question is probably a chicken-or-egg issue and that one must have both physical and mental faculties fully in place to properly know. Locke makes this clear in the following:

But yet I cannot but think there is some small dull perception, whereby they are distinguished from perfect insensibility. And that this may be so, we have plain instances, even in mankind itself. Take one in whom decrepit old age has blotted out the memory of his past knowledge, and clearly wiped out the ideas his mind was formerly stored with, and has, by destroying his sight, hearing, and smell quite, and his taste to a great degree, stopped up almost all the passages for new ones to enter; or if there be some of the inlets yet half open, the impressions made are scarcely perceived, or not at all retained. How far such an one [sic] (notwithstanding all that is boasted of innate principles) is in his knowledge and

intellectual faculties above the condition of a cockle or an oyster, I leave to be considered. And if a man had passed sixty years in such a state, as it is possible he might, as well as three days, I wonder what difference there would be, in any intellectual perfections, between him and the lowest degree of animals. (II.ix.14)

Armed thusly, he concludes his chapter “On Perception” with the following axioms:

Perception is the “inlet of all the materials” of knowledge. As such, the fewer senses a person has, the “fewer and the duller” his impressions and faculties will be (II.ix.15). For Locke, *only specific* types of bodies, that is, nondisabled and properly maintained bodies, will be able to exercise the kind of bodily self-control that he requires for the best kind of human understanding. These bodies cannot be like those of “decrepit old men” with impoverished sensory abilities.

But neither can bodies that are otherwise perfectly healthy aspire to produce successful knowledge. One must have properly maintained bodies, and this is usually a function of class and gender as well as physical ability, as Locke makes clear in the

Reasonableness of Christianity:

The bulk of mankind have not leisure or capacity for demonstration; nor can carry a train of proofs; which in that way they must always depend upon for conviction, and cannot be required to assent to till they see the demonstration. Whenever they stick, the teachers are always put upon proof, and must clear the doubt by a thread of coherent deductions from the first principle, how long, or how intricate soever that be. And you may as soon hope to have all the day-labourers and tradesmen, the spinsters and dairy-maids perfect mathematicians, as to have them perfect in ethics this way, hearing plain commands, is the sure and only course to bring them to obedience and practice. The greatest part cannot know, and therefore they must believe. (Section 243)¹⁹

Locke lived and wrote in an intellectual climate that sought mastery of the undisciplined body and the unruly passions as well as to force them into the intellectual rigor of rationality and reasoning. Unlike Descartes’ mind-body split, which ignored the

¹⁹ (Locke 1696, 282)

body as an epistemological device, Locke and other natural philosophers sought to sharpen and refine the body as a scientific instrument of the mind.²⁰ As Locke makes clear, this kind of regulatory epistemological project is not universally available to all bodies. If one is a member of the working class, female, or simply “old and decrepit,” one can count only on being recognized as a thing that has some kind of perception and, as such, is at least a member of the “animal kingdom” and distinguished from the “inferior parts of nature” (II.ix.10). One cannot, however, aspire to have any understanding of the kinds of complex ideas carried out by philosophers.

This does not mean, however, that philosophers fail to speak intelligibly, for lack of being able to use words that “excite the same ideas in [any] hearer.” On the contrary, the difference between philosophers and the commoners, the disabled, and the mis-gendered is that there is no propriety of speech, no code of intelligibility, common to them precisely because it is assumed that only one kind of materially controlled embodiment can have the ideas, and therefore the words, to communicate at that level of philosophical and civic discourse.

In other words, contrary to Locke’s attempt to disembody communication, words do not float free of the bodies that use them. Because one’s body constrains one’s ideas, through Locke’s theory of sensation and propriety of speech, one’s words can be only as good as one’s body. If one’s body is different, and/or not well-regulated and maintained through bodily control, one cannot be intelligible. That is to say, one cannot be heard unless one is operating within a recognized and socially sanctioned code of intelligibility. Outside this closed circle of intelligibility, one is considered inarticulate.

²⁰ (Dear 1985), (Shapin 1994), (Golinski 2002)

A communicative theory that rests on (putative) disembodiment has far-reaching implications for people who are differently bodied. While Aristotle's overtly embodied communicative theory makes explicit exclusions, Locke's disembodied communicative theory reproduces the same exclusions through a different route. Where Aristotle makes materially articulate speech the beginning and the foundation to *logos*-the-political voice, Locke seeks to depoliticize and disembody speech by resorting to articulateness. For one, articulateness ensures political and epistemic legitimacy, and for the other, political and epistemic legitimacy ensures articulateness. Thus, in the end, Locke's attempts to depoliticize speech by disembodimenting it actually results in a highly politicized and embodied voice.

Both the Aristotelian and Lockean models of speech and/or communication fail to include voices that are different, whether because of simple differences in race and gender or because of material speech differences. In the next section, I show, by example, how neither Aristotle nor Locke offers us a model of communicating and/or speaking that allows us to understand and evaluate not just the content but also the truth of what someone with a speech difference has to say.

Autism and Contemporary US Courts: Speaking Truly?

As discussed above, our current understandings, usages, and practices of testimony rest on articulateness. That is, the traditional link between speech and rationality has produced practices of testimony that are normative and exclusive. The norms that are embedded in this epistemology of articulateness, at this particular juncture

of history and location, are such that they exclude differently embodied and situated subjects not merely as knowers but also as testifiers, as knowers who communicate their knowledge. Moreover, because this epistemology tends to operate invisibly and therefore normatively, we generally do not notice its exclusionary effects. As such, articulateness comes to be equated with rational speaking and is, as a result, rarely challenged. In this section, I present an analysis of facilitated communication in U.S. courtrooms to demonstrate how articulateness has made it difficult to ensure an epistemically just reception of testimonial claims made by those using FC. (I will address the question of how to assess the adequacy of testimonial claims made by those who use FC and by others who have communicative disabilities, in my concluding chapter).

Before continuing, a description of facilitated communication is needed. FC is an example of augmentative and alternative communication (AAC) that can be used by individuals who are autistic or who have other developmental disorders, cerebral palsy, or other disabilities that prevent speech and/or signing. Communication takes place through typing on a keyboard or pointing to words, letters, images, or symbols. This alternative communication is facilitated or augmented through the presence of another person, the facilitator, who provides physical, emotional, and cognitive support. Physical support includes a wide variety of assistive efforts, ranging from simply being in physical contact with the individual, such as a hand on the shoulder, to supporting the individual's hand and pulling it back after each keystroke. Emotional and cognitive support include anything from simply being present in the same room to offering reminders, answering questions, or calming or motivating the individual. FC does not have a uniform aspect to it, that is, how it manifests itself will vary from person to person as each person's needs

are different and the facilitator must support the person according to his or her needs, not according to a prescribed formula of how communication shall take place.

FC's methodological lack of consistency is perhaps its most singular feature but also its most troublesome. The Facilitated Communication Institute at Syracuse University states, on its website, that the "diversity of supports and styles of typing complicates any understanding of facilitated communication as a prescribed method. Instead it is a dynamic and long-term process of identifying, implementing, and evaluating communication supports according to AAC guidelines."²¹ The result is that each individual who uses FC varies in his or her usage, appearance, and ability: one may receive support at the hand, while another may need only a light touch on the shoulder; one types with one hand, while another is developing two-handed typing; still another is slow to type but can work for long periods, while another can work only in short bursts. The goal of FC is to develop independent communication using a combination of speech and typing.²²

Because FC has a wide variety of successful communicative strategies, the uninformed receiver of a facilitated communication will likely be skeptical, having reservations about whether the disabled individual or the facilitator is doing the communicating. Moreover, as those who are familiar with FC know, autistic persons sometimes "speak" something through their keyboards that can mean something entirely different than the words used indicate. For example, one student, communicating with his therapist, said of his teacher, "She hits me hard." On the surface, this sounds like a claim

²¹ http://suedweb.syr.edu/thefci/About_Us.html. Accessed July 3, 2007. See also: <http://home.vicnet.net.au/~dealcc/facil.htm>. Accessed July 3, 2007.

²² Ibid.

of abuse; after further questioning, however, it was revealed that what was meant was: “She hits me hard with homework.” The therapist knew exactly what the student meant because not only did the teacher pile on the homework, she also had a loud and abrasive voice that no doubt overloaded the autistic student’s sensory circuits.²³ At best, then, it is quite likely that communicating with autistic persons must be a thoughtfully and carefully conducted enterprise.

Thus, understanding and evaluating both the claims made by FC users and the effectiveness of FC as a practice is a difficult issue that requires a sophisticated and multidimensional analysis drawn from communication, speech pathology, psychology, neurology, education, and other perspectives. For my purposes here, I look at some US courts’ handling of the issues of evaluating and judging facilitated communications. I suggest that, until articulateness is removed as a framework for testimonial exchanges, all the scientific, clinical, and educational tools in the world will not enable FC users and others with speech differences to be heard.

To be clear, I am by no means advocating a broad acceptance of FC-based communications. An unexamined acceptance of claims of abuse made through the use of FC can lead to horrendous persecutions of families related to autistic users of FC. For example, a family in Oakland County, Michigan (2008) underwent lengthy, tedious, and invasive investigations and trials when local officials persecuted a family whose teenage autistic daughter made claims of sexual abuse, using FC.²⁴ There is public and media outrage about how officials handled the case, which can be likened to a witch hunt of

²³ Personal communication, Anna Stubblefield.

²⁴ <http://www.courthouseforum.com/forums/thread.php?id=1041582>. Accessed March 31, 2009.

innocent family members. In this particular case, the need for a more thorough investigation of the daughter's communication skills was highly warranted, along with basic non-coercive interview techniques. Other cases over the years have likewise suffered from a misunderstanding and misuse of facilitated communication. I do not think, however, that this means that FC should be viewed with the high degree of skepticism that scientific studies have created²⁵ and which constantly cite the importance of science's ability to distinguish truth from falsity and to protect people from harm.²⁶ What I am interested in is analyzing the reasons why, in *some* cases, the judges found the testimony unreliable.

In reviewing a series of major cases involving FC users during the 10-year span of 1992-2002,²⁷ I found a pattern in the courts' responses. This pattern is simple, reflecting an assumption that testimony has to be clear-and-distinct for it to be testimony at all, before its truth value can be assessed and before it can have its day in court, so to speak.

²⁵ The empirical evidence constructed from quantitative studies does appear damning. A review of the studies concludes that: "Accumulated peer-reviewed, empirically-based research studies have not supported the effectiveness of facilitated communication. Equally important, the research has substantiated the potential for great harm (Foxy, 1995; Margolin, 1994, Myers, 1994). Researchers may consider further investigation using research protocols, with particular care to protect subjects and their families against harm. It is not recommended that professionals consider the use of facilitated communication" (MADSEC Autism Taskforce 1999, 38).

²⁶ "More confounding, however, is that, in the absence of scientific evidence of its validity and effectiveness (Federal Trade Commission, 1995a, 1995b), and in the face of objective research findings clearly identifying widespread, systematic facilitator control of typed content, FC has become ubiquitous in special education and adult services for people with developmental disabilities. The general acceptance of FC by the public and segments of the professional community has called into question the rigor with which educational and therapeutic interventions are evaluated in publicly funded programs and the ability of many professionals to critically assess the procedures they use. As such, FC serves as a case study in how the public and, alarmingly, some professionals, fail to recognize the role of science in distinguishing truth from falsity and its applicability to assessing the value of treatment modalities" (Jacobson, Mulick, and Schwartz 1995, 750-51).

²⁷ These six cases are very usefully compiled and analyzed in Missy Morton, 2006. "Silenced in the Courts." (Morton 2006)

Looking over these cases as a whole, one sees a curious weeding-out process.

Encountering these cases for the first time, I observed that something called the Frye Act played a major role in determining whether trials would continue. The Frye standard is a legal precedent in the US (1923) that governs the admissibility of scientific evidence on the basis of whether a particular piece of evidence, such as a polygraph test, is considered by the court to be “generally accepted” by the scientific community.²⁸ It is frequently raised by lawyers in an attempt to get the case dismissed on their client’s behalf. By invoking the Frye Act, FC-based testimony can be thrown out and, with it, any

²⁸ It is, of course, curious why a standard of scientific evidence was used to determine whether a communication is testimonial. To the extent that all testimony is a form of evidence, however, using the Frye standard is fair. The question then becomes whether the scientific consensus on FC as a form of valid communication is properly formed. For more on this, see Douglas Biklen (Biklen 1990; Biklen and Attfield 2005; Biklen and Cardinal 1997). At stake here is how one defines the community that can be said to provide “general acceptance”: who exactly gets to say what the expert and therefore legitimate consensus of knowledge is? In these two cases, both judges made it very clear that expertise did not in any way include: people who used FC, people who facilitated, educators who used FC (unless they were clinically certified), parents of FC users, and so forth. The judge stated:

In determining the admissibility of the alleged statement under Frye (supra) the court must first determine the scientific community to which the technique must gain general acceptance . . . This court finds that the relevant scientific community includes physicians, psychologists, psychiatrists, educators, neurologists, and speech and language pathologists. (Matter of Jenny S., p. 403, emphasis added, quoted in Morton 2006, 175)

The “scientific consensus” drawn upon in the Matter of Jenny S. is quite troubling. The public records containing the court’s decision reveal that Judge Peters found spoken testimony from an unpublished psychiatrist who researched drugs for treating autism (but who had not researched FC in any way) to be more credible than published testimony from Douglas Biklen’s (Biklen 1990) and Rosemary Crossley’s (Intellectual Disability Review Panel 1989) research that shows how careful studies conducted by them have revealed that FC can be a reliable source of communication for certain users, in certain conditions, and using certain facilitators (Morton 2006, 69). In sum, the judge was persuaded by the psychiatrist’s testimony that “facilitated communication was not generally accepted within the scientific communication as a valid communication modality” (quoted in Morton 2006, 74), not because of that claim, per se, but because the psychiatrist reported that no “acceptable” studies (i.e., a double-blind study) had yet been conducted to determine the validity of FC as a communication method. In the end, Judge Peters (and also Judge Buck, in the Matter of M.Z.) made their decision based on the following logic: that the existing qualitative studies did not furnish enough positive proof against the negative proof of nonexistent quantitative studies; thus the complainants’ testimonies were denied and the cases dismissed. However, beneath and beyond this lack of scientifically-authorized credibility or support lies a deeper issue, as is demonstrated when we look at the other cases that did not use the Frye standard. The deeper issue is, of course, that the embedded epistemology of articulateness precludes any successful understanding of FC as a legitimate and credible form of testimony.

allegations or claims because there is no scientific consensus that supports FC as a reliable form of communication. However, many have successfully argued and demonstrated, through personal experience, narrative, and qualitative studies, that FC is, in fact, a useful and reliable means of communication, of which judges and courtrooms are aware. That more cases involving FC have not been thrown out under the Frye Act suggests that courtrooms are sensitive to the possibility that FC can be successful.

There is a tension between accepting and rejecting FC-based testimony, which is evident in the fact that all six court cases except one (*Kansas v. Warden*) deployed pre-trial hearings to determine the reliability of that person's use of FC. Thus, a total of five cases deployed pre-trial hearings; two of these were thrown out under the Frye Act (and will not be discussed here). In the remaining three, the judges took it upon themselves to determine the legitimacy of the FC users' communications, and threw the cases out based on their own assessments. Their decisions to reject these testimonies strike me as curious. It is these responses that I want to examine here, in the context of understanding that autistic individuals cannot consistently demonstrate the kinds of bodily self-control that Aristotle and Locke expect of testifiers.

The three courtrooms that conducted pre-trial hearings to assess the ability of the individual to use FC reliably adopted different approaches. One judge asked the individual a series of questions, with all other parties out of earshot and with the facilitator returning only after the questions were asked.²⁹ Another judge simply asked for

²⁹ NY v. Webb (New York County Court, County of St. Lawrence, #92-193, March 26, 1993, Nicandri, J.).

a demonstration.³⁰ The third judge complied with the opposing council's request to shield the facilitator first with headphones, then with a request to look away from the screen.³¹ In all three cases, the autistic FC user failed to demonstrate communications that the judges deemed reliable, relevant, and meaningful.

Such constraints were no doubt intended to *protect* the autistic individual from facilitator influences, specifically to protect the individual's sphere of bodily integrity and bodily self-control (or, more likely, to rule out a Clever Hans effect). From a disability perspective, however, those constraints produce *isolation rather than independence*. The effect is to decrease his or her dependence, instead of increasing his or her communicative independence. Persons who are severely autistic to the point of needing FC do not negotiate the world in ways that overlap with "neurotypicals'" ways of moving about. For example, some autistic persons lack the cognitive function in eyesight that basically "blocks" the eye/brain from perceiving every detail in the scene. When a neurotypical's eye roves across the scene, this cognitive function kicks in and produces a series of what would look like sequential snapshots on a video. This has the effect of producing a vision of the scene that is coherent and stable. For an autistic person who does not have this function, the scene sensorily overwhelms him or her because he or she sees *everything* and has to intellectually perform sensory decisions to determine what is relevant information. One way of coping with this sensory overload, for example, is *not* to look at a keyboard when typing.

³⁰ Hahn v. Linn County, IA (U.S. Dist. 1419, 11 Am. Disabilities Cas. (BNA) 177, February 2, 2001, Bennett, J.).

³¹ Matter of P. (anonymous), Luz (Supreme Court of New York, Appellate Division, Second Department, #92-07565, March 29, 1993, Sullivan, J. P.).

Another common oversight committed by the courts when evaluating the individual's use of FC is the presumption that the autistic person is an autonomously bounded, self-governing, bodily self-controlled agent who would not be affected by constraints placed on the facilitator or on the environment. Any such constraints, however, can produce an inadvertent effect of altering the logic of perception and decision-making to which the autistic person is accustomed. Typically such persons cannot adapt to changes in the environment or perception without being told literally what it means and how to incorporate it into their perceptual schematic. Thus, for example, in one case, the initial introduction of headphones did not introduce an effect that altered the complainant's perceptual schematic. It was quite likely, however, that asking the facilitator to look away from the keyboard did. Perhaps the facilitator's looking away meant that the complainant had to look somewhere else as well or perhaps the gesture of looking away changed the facilitator's tactile connection with the complainant.

Although these details might seem incongruous and spurious, it cannot be overemphasized that *things have to be just so* for many severely autistic persons because once a logic is secured, that logic is all they have to negotiate the world. That logic is the means by which they secure some kind of bodily organization and control. Once that logic is disrupted, they are thrown into sensory chaos and cannot cope. Almost anything can disrupt that logic—a person's accent, a shrill whistle, stripes facing the wrong way in the road, certain smells, a clock displaying the "wrong" time, too many cars of a certain color passing by.

Much more can be said about how these courts behaved “neurotypically,” as members of the autistic community would jokingly accuse, and thereby abrogated their rights to be heard because of an ableist norm of communication. For my purposes in this chapter, however, the particular ways in which these courts examined and evaluated the processes of FC were framed by articulateness and so foreclosed these speakers from being heard. That is, articulateness, through its demand for bodily control and clear-and-distinct speech, *scripts* speakers’ communications in ways that foreclose their intelligibility.

To return to Aristotle and Locke, neither Aristotle’s model of articulateness nor Locke’s model can help FC users be heard; both impose constraints on speaking that FC users cannot meet. Aristotle’s model of the clear-and-distinct voice fails FC users for obvious reasons. Aristotle would not recognize a communication as *logos* unless it were spoken aloud! However, let us be charitable and bring Aristotle forward into the age of print and computers. Can an electronically produced communication, such as Stephen Hawking’s voice synthesizer, qualify as *logos*, as articulate speech? Let us assume that Aristotle would grant this. FC users would still fail under this model because autistic individuals do not have what Aristotle would consider to be a healthy mind-body connection. As stated earlier, according to Aristotle, only statesmen have bodies that can produce a harmonious mind-body connection.

While the judges in the three cases described above probably do not hold Aristotle’s statesman views, they nonetheless determined the FC users to be unreliable communicators on the basis of how they viewed the autistic persons’ bodily performances in terms of bodily self-control. The judge, for example, who ruled out the

FC user's demonstration of FC on the grounds that he did not look at the keyboard likely presumed that looking at the keyboard is necessary to typing reliably. In any case, the judge's opinions on what constitutes successful typing rests on what the judge perceives to properly reflect a successful (or Aristotelian harmonious) mind-body connection.

Locke fails autistic users of FC even more miserably. For one, FC users cannot be expected to follow the conventions of speech or writing, as exemplified by the student who complained of the teacher's aggressive homework policy. FC users thus do not adhere to the requirements for the propriety of speech that Locke lays out in Book III, "Of Words." In Book IV, Locke further cements the bond between propriety of speech and epistemic credibility when he states unequivocally: "truth properly belongs only to propositions: whereof there are two sorts, viz. mental and verbal; as there are two sorts of signs commonly made use of, viz. mental and verbal" (IV.v.2).

While there is very little evidence detailing exactly what occurred, the judge who held that the complainant could not give "relevant or meaningful answers" to a series of questions posed while the facilitator was out of earshot was most likely operating on the expectation that properly formed propositional statements would be brought forth if the FC user were competent. Here again we see Locke's vision of mind-to-mind contact with words and propositions functioning as mere conduits for ideas that should be readily sharable.

More troubling than the issue of properly formed propositions is Locke's model of articulateness. Given that the judge's and the FC user's bodies are worlds apart, what *can* be the basis for shared communication, for a shared code of intelligibility? Under Locke's regulative epistemology, autistic individuals fail to have proper sensation of their

environments; without the “right” physical sensations for basic ideas, complex ideas and their communication is simply not possible for Locke.

There is one more court case³² worth considering. In this case, the judge did not use a framework of articulateness to make his decision. This case, found in favor of the autistic complainant, was an appeal brought before the state supreme court by the defendant who sought a reversal of the lower court’s decision to indict him of the charges presented by the autistic complainant. The appeal’s core argument was that the testimony provided by the complainant in the first trial was unreliable and should be subject to the Frye hearing. The Supreme Court reviewed the case and determined that Frye did not apply. Further, the court did not take it upon itself to assess the reliability of the autistic person’s use of FC, as did the previous three cases described. Instead, the court considered how the complainant’s use of facilitated communication had been tested and validated at his school. In other words, the court relied on the expertise of the school and the complainant’s every day performance in the school setting.

While the court did not actively or knowingly refuse to use the usual standard of articulateness to determine the validity, reliability, and credibility of the individual’s communicative abilities, it nonetheless unwittingly avoided that issue altogether by invoking another set of standards on which to base its evaluations: the material needs of the autistic individual, including a consistent environment and a closely developed working relationship with the same facilitators. In short, the court recognized that the individual was a differently embodied and situated person and that placing him on trial

³² Kansas v. Warden (Supreme Court of Kansas, 18th Judicial District, Sedgwick County, Kansas. March 10, 1995, Abbott, J.).

according to the usual format of articulate speech would be an ethical and epistemic injustice because it would have placed material (in both senses of the word) demands on him that did not go to the heart of his testimony.

In this chapter, I have shown that the Western conception of the credibly communicating subject adheres to a standard of articulateness that measures “speaking truly” in terms of clearness and distinctness of speech. This demand for clearness and distinctness of speech, furthermore, demands a materially autonomous, regulated, and self-contained body. If we are interested in adopting or exploring a different set of standards for evaluating testimonies, what do we do? In the next four chapters, I examine currently existing approaches that may offer alternatives to deploying inclusive but nonetheless objective—or at least—reliable, methods for evaluating testimony. In the next chapter, I examine three avant-garde theorists in the philosophical sub-field of epistemology of testimony.

Chapter 3

Contesting Credibility: Three Analytic Epistemological Accounts of Testimony

Introduction

As epistemologists of testimony who seek to provide theories of justification for testimony, broadly construed, Peter Graham's, Jennifer Lackey's, and Miranda Fricker's accounts seek to expand the range of credible sources of testimony while yet retaining some mechanisms for distinguishing between incredible and credible testimonies.

Graham's and Lackey's positions on credibility are teased out through an analysis of their theories of justification of when knowledge from testimony is possible and reliable.

Fricker offers a more direct analysis of how to handle the problem of credibility when assessing and justifying testimony; instead of offering a theory of justification, she outlines and prescribes the use of a morally-driven epistemic mechanism (testimonial sensibility) that assesses both a given testimony and the means for justifying it.

These theorists not only represent the three distinct positions in the field of epistemology of testimony (respectively, anti-reductivism, reductivism, and virtue epistemology), but also push the boundaries of traditional analytic thinking by means of their concerns to produce inclusive epistemologies. My argument is that while these epistemologists have refined the concept of testimony and expanded the field of legitimate testifiers, an alternative account of articulateness is still needed to more fully overcome models of testimony and tests of legitimacy formed in the 18th century, with

David Hume's and Thomas Reid's seminal writings on testimony. In other words, Graham's, Lackey's and Fricker's accounts are more inclusive than not of diverse testifiers, but nevertheless could be enhanced by understanding how articulateness, functioning in particular through credibility assessments, works against the possibility of disabled (and othered) persons as legitimate testifiers.

Peter Graham and the Anti-Reductivist Position

Reductivism, broadly construed, argues that testimony is not a source but merely a vehicle or device for transferring knowledge. In this view, testimony is passed from speaker to hearer to another hearer and so on through a chain of transmission resembling a bucket brigade. Most reductivists, like Elizabeth Fricker (Elizabeth Fricker 1994; Elizabeth Fricker, Matilal, and Chakrabarti 1994; Elizabeth Fricker 2003; Elizabeth Fricker 2004) justify testimony received by an individual hearer in this bucket brigade by requiring the hearer to evaluate for him or herself the reliability of a given testimony by drawing upon his or her background beliefs and empirical knowledge of the world as a measure of what can or cannot be plausible. Without this inferential backing, there is no justification. Justification thus is said to be "reduced" to (a hearer's) inference or induction, and is the hearer's burden alone to bear. So, a good reductivist hearer employs skepticism in evaluating testimonies. The hearer must find good reasons for believing a testimony; these reasons are called "positive reasons" for justification. Reductivists hold that humans possess a remarkably large and diverse set of background knowledges which

provide ample material—positive reasons—by which to evaluate testimony.³³ In general, all sorts of positive reasons exist that carry epistemic weight, such as a hearer’s beliefs about speakers and their sincerity and competency, types of reports, and contextual features. As such, the speaker can have very little control over what reasons come to the fore in helping a hearer to justify that speaker’s testimony. In the reductivist model of justification, the speaker enters the equation only in terms of the *hearer’s beliefs about the speaker’s credibility*.

Peter Graham falls into the anti-reductivist camp of testimonial justification theories. Anti-reductionism holds that when a hearer receives testimony, that testimony is justified pretty much all the time, as long as the hearer is not presented with any reasons to believe or doubt otherwise. In short, an anti-reductivist hearer is someone who avoids being skeptical in the face of others’ testimony and who generally assumes that testimony is reliable and true. Proponents of this camp generally liken testimony to perception because they take testimony to be a *source* rather than a vehicle of knowledge. Anti-reductivist hearers take their interlocutors to be *a priori* trustworthy, competent, reliable, and sincere, barring “obvious” signs otherwise. Such “obvious” signs include things about the speaker’s appearance that would suggest unreliability or incompetence, such as drunkenness, or things about the speaker’s reports that are outlandish, improbable, or even deemed impossible. (Of course, one wonders: “‘Obvious’ to whom?” This potential weakness is criticized by anti-reductivist and virtue accounts).

³³ Reductivists presuppose that a kind of “reasonable” hearer is at work here, one who has all the trappings of a common-sensical-thinking adult and one who has a more or less reasonable and usable set of background beliefs. Reductivists typically have in mind a very common, everyday, average adult for whom one’s background knowledge is fashioned from the rudiments of everyday life. Whether this model, or Lackey’s revised model, of the hearer is a successful one, however, is under contestation in this section.

The practice of taking one's informers to be a priori trustworthy is drawn from Tyler Burge's influential Acceptance Principle, in which 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" (Burge 1993, 467). Adopting and refining Burge's principle, Graham asserts that "If a subject S comprehends both the force and content of a telling by another that P and if that causes or sustains in the normal way S's belief that P, then that confers *prima facie pro tanto* justification on S's belief that P" (Graham 2006, 1). He continues: "*prima facie* justification from comprehension as such is [not] conditional on the presence or the lack of background supporting reasons. It is categorical. Comprehending a speaker's presentation-as-true, no matter what else the hearer happens to believe, confers *prima facie pro tanto* justification on belief in the proposition comprehended. . . . Comprehension as such is a fundamental source of justification, along with introspection, memory, perception, and reason" (ibid, 11). This method of justification, which is more or less the straightforward acceptance of someone else's telling, in much the same way we more or less straightforwardly accept what we see, hear, taste, smell, and feel, is broadly generous. It is, on the face of it, liberatory and inclusive.

In addition to the Acceptance Principle, Graham urges an "information-theoretic alternative" (Graham 2000a) to testimony. In basic terms, this alternate view holds that something qualifies as testimony if it carries-the-information-that-P. This is an extremely inclusive model, as it refers quite literally to anything that signals meaning and can carry the information-that-P: tracks in the snow, tree rings, dogs barking, thermostat readings, and the like, all convey information and therefore can be accepted as testimony.

Information carrying is due to a law-like correlation or counterfactual dependence between a signal – an event, condition, or state of affairs – and another event, condition, or state of affairs. The rings of a tree, for example, carry the Information or *indicate* the age of the tree. Footprints of a certain sort in the snow carry Information about wildlife in the vicinity. All of this, however, is *relative* to circumstances, to the local conditions that obtain. When a signal carries the Information that P it is a guarantee *in the circumstances* that P. (Graham 2000a, 366; Graham 2000b, 132)

Here we see that Graham is less concerned with testimonial form and more concerned about content; at stake for him is whether or not the content bears information that is epistemically meritorious. Graham's distinction between *knowledge-that-P* and *information-that-P* reinforces Graham's overall efforts to relax the category of testimony and make it more about the sharing and exchanging of meaningful information.

Graham of course does not advocate that we all blindly and naively trust all informants (I use the term “informant” broadly here to include human communicators as well as all things that can be said to carry information, like dogs barking and tracks in the snow). He does stipulate some minimum conditions must be met in order for one to be able to (relatively) safely say that one has received acceptably justified testimony. The minimal conditions are simple: that there be no reasons to believe differently of the information conveyed.

Graham, like all anti-reductivists, does not believe that positive reasons are needed to justify testimony. Positive reasons are reasons supplied by things outside of the testimony given that actively confer justification upon testimony because they are drawn from non-testimonial sources such as perception, memory, or inductive inference. As the reductivist Jennifer Lackey states: “[positive reasons] are typically the results of induction: for instance, we observe a general conformity between facts and reports, and,

with the aid of memory and reason, we inductively infer that certain speakers are reliable sources of knowledge” (Lackey 2003, 721, fn 26). By contrast, anti-reductivists, Graham included, argue that humans have a strong reliance on testimony-based knowledge and that it behooves us to have a generous trustworthiness principle when conferring justification upon testimony, else how would we gain and develop so much of the knowledge that makes the world livable? Anti-reductivists find the positive reasons requirement unacceptable because it is unreasonable to restrict knowledge to that which an individual can rigorously justify on his or her own as a hearer. Relying on one’s limited individual experience to evaluate the testimonies of others runs a great risk of foreclosing new knowledges that lie outside the realm of one’s experiences and understanding of the world.

So when Graham asserts that a testimony is justifiably accepted by a hearer as long as there are no reasons to believe otherwise, he is not asserting a bald-face, naïve sort of broad acceptance of all testimonial claims. He is not simply dropping the positive reasons requirement in favor of no guidelines at all; he simply requires the *absence* of negative reasons. Negative reasons are reasons that contravene or even simply cast doubts on the testimony given. For Graham, as long as there are no (negative) reasons to believe differently of a testimony given, then a hearer is justified in accepting that testimony. It is the force and content of the speaker’s specific piece of knowledge and the speaker’s belief in that knowledge that drives testimonial justification. He states:

- I argue that a speaker *S* testifies by making some statement *p* if and only if:
- G1. *S*’s stating that *p* is offered as evidence that *p*
 - G2. *S* intends that his audience believe that he has the relevant competence, authority or credentials to state truly that *p*

G3. *S*'s statement that *p* is believe by *S* to be relevant to some question that he believes is disputed or unresolved (which may or may not be *p*) and is directed at those whom he believes to be in need of evidence on the matter. (Graham 1997, 227)

Recall that for Graham, a testimony need not be a specifically human speech act; it need only to be said to carry information.

In Graham's system of regulating and accepting testimony, one basically trips along, accepting the beliefs brought on by testimony, similarly to how one accepts everyday objects observed through perception, until one hits a negative reason, such as a report of something incredible (a report of an alien visitor in one's classroom, or, still in many contexts today, a report of rape), or a suspicion that the speaker may not be a competent believer (a faulty knower—someone who is blind, perhaps, or simply misinformed), or is an insincere testifier (a liar). What this looks like in practice resembles an alarm-bell system in which all testimonies, like all visitors to one's home, are accepted until one of them trips up the alarm, thus signaling incredibility though the presence of deceit, improbability, or incompetence. As long as no alarms are tripped, a hearer is justified in accepting a sender's testimony and producing knowledge from it. The word "incredibility" is key here because Graham's use of the acceptance principle actively confers credibility on most speakers, unless otherwise signaled. That is, the alarm system is tripped up when it detects something that indicates incredibility. Graham does not discuss what passes for credibility, but rather falls back on a Reidian-style common-sense approach to testimony that recognizes and requires that there be suitable grounds that are consistent with, and even function as the very conditions for the possibility of knowing something. Recall his explanation earlier that something can be

said to carry information only insofar as that information can be said to be consistent with local conditions and circumstances.

This approach is wonderfully pragmatic and I wholeheartedly applaud it as a general rule for the governing of our institutions of testimony. However, this approach does admit of a weakness. This weakness that I am concerned with is not, as reductivists would argue, that it has too weak of a justificatory program owing to its lack of positive reasons; rather, this weakness is that it does not have enough requirements that regulate the hearer's alarm bell system. Graham's theory is thus quite inclusive; for example, having an alarm bell system that passively detects unjustified testimony *could* mean that more testimonies will be accepted at face-value. However, the burden of justification rests with the speakers: it is the speaker's job to provide credible and reliable testimony—that is, testimony that does not trigger a hearer's alarm bell system. It is up to the speaker to ensure that she or he present information in a way that is consistent with local conditions and circumstances, to use Graham's phrasing. For example, if Jones, having dined and paid his bill, in a fancy restaurant where waiters do not make mistakes, claims that his waiter failed to bring him the correct change, he is likely to be believed, at least enough to seek to corroborate his testimony with the evidence of the bill and present change. Suppose that Jones' change is correct, but that Jones insists that he paid with a 100 dollar bill and not a 50 dollar bill, as the receipt indicates. Again, Graham would find Jones to be believable provided that Jones could demonstrate that he is the sort of organized person who can keep track of the contents of his wallet and the like. Graham would at least find Jones' claim to knowledge to be equivalent to the waiter's, only the absence of negative reasons is required to have justified testimony. Suppose, however,

that Jones were clearly intoxicated. Jones' intoxication would be a clear negative reason that triggers Graham's alarm-bell system, and would require that Graham *not* accept Jones' testimony (unless of course there were other features of the local conditions known to Graham or some involved hearer that obtained in ways that went to Jones' case, such as the possibility that Jones' memory sharpens under the influence, or that this particular waiter or restaurant is known for stiffing its patrons). For these reasons, reductivists require the addition of positive reasons for justification, in addition to the absence of negative reasons. By contrast, I'm concerned about the absence of negative reasons: in the case of disabled testifiers, most hearers who listen with Graham's broad acceptance principle will nonetheless have their alarm-bells ringing in the face of what they perceive to be negative reasons: lack of clear, coherent speech, lack of bodily control, lack of normative *logos*.

Recall that the anti-reductivist position confers justification upon testimony once that testimony is accepted, and that, typically, one's acceptance of a speaker's telling is sustained in a "normal" way: "If a subject S comprehends both the force and content of a telling by another that P, and if that causes or sustains in the normal way S's belief that P, then that confers *prima facie pro tanto* justification on S's belief that P" (Graham 2000a, 1). Graham *does* strengthen the role of the hearer's comprehension by a) arguing that knowledge is not passed from person to person like a fungible bucket of water but rather is a process of sharing information that leads to adjusted cognitive states by hearers as they absorb the information and turn information into knowledge for themselves; and b) by extension, he holds the receiver responsible for bringing the proper cognitive states to the table. But Graham does not offer enough, I argue, to determine what the proper

cognitive states shall be, especially in what have been unusual conditions but are fast-becoming normal conditions as more and more disabled people are included in the everyday world. That is, despite the broadness of the acceptance principle, a receiver (equipped even with Graham's "proper cognitive states") may have bad reasons to reject a sender's testimony. I call this the "false alarm" problem.

I question whether Graham's understanding and use of "comprehension" is wide enough but strong enough to demand acceptance in the face of contravening beliefs, particularly beliefs about clear-and-distinct speech. It is not clear, for example, whether Graham's comprehension and acceptance includes a principle or mechanism that corrects for the kinds of inarticulate and invisible background assumptions that may regulate one's acceptance. Further, the acceptance principle does not overtly mitigate against the presence of negative reasons brought about by racism, sexism, classism, ethnocentrism, ageism, heterosexism, ableism, etc. Graham's account does not (explicitly) give us the savvy to detect and evaluate "articulate" testimonies that are undeservedly perceived as testimonial, nor does it show us how to expand the credence that we give (or don't give) specifically toward a-typical testifiers. Graham's account, in short, misses an accounting of the roles played by the politics of credibility in shaping "one's acceptance of a speaker's telling as being sustained in a 'normal' way" (Graham, *Forthcoming, Conveying Information*, pg. 1): how does Graham balance the false alarm problem with the politics of credibility?

To be clear, I do not think that Graham's acceptance principle poses risks in a one-sided manner against the possibility of inarticulate speakers being heard; there is great potential for Grahamian-style hearers to be completely mistaken in awarding

testimonial credibility to inarticulate speakers on the basis of the acceptance principle. Graham's principle is hard-pressed, I think, in cases where complex communication is involved. Let's take a paradigmatic example of complex communication: facilitated communication. It is a mistake, I think, to rely on Graham's principle in these cases because, quite frankly, there is no "normal way of telling," not even within the subset of facilitated communication. Each user is unique in their choice of words to express themselves, in their approaches to a keyboard, and in their abilities to communicate across time. Recall an example from Chapter 2: the autistic child who proclaimed that his teacher "hit [him] hard." In this case, it would *not* be a good idea to use Graham's broad acceptance principle. Doing so would lead to false allegations of abuse. If the child were understood with the "normal" force of telling and comprehension, the hearer would think this meant that the child was literally being hit. Indeed, an over-acceptance of facilitated communications has led undoubtedly to a number of difficult cases involving allegations of abuse, such as the Oakland, Michigan case in the spring of 2008, wherein a teenage girl supposedly typed "My dad gets me up, bangs me and then we eat breakfast." Possibly over-eager social workers and law enforcement officers took her claim at face value, much in the spirit of Graham's broad acceptance principle.

Graham's principle neither includes or excludes instances of complex communication, but neither does it guide us through its difficulties. I do think that in general, comprehending and accepting the force of another's telling is intended by Graham to get past communication differences (such as those exhibited by FC users) that might negatively impact a testimonial exchange. Communication, however, regardless of whether it takes place in everyday or institutional contexts, occurs through testimonial

practices that have specific epistemic and cultural nuances such that communication cannot take place outside of but only within that testimonial practice. So whatever the existing testimonial constraints are, they will impact a hearer's ability to comprehend and accept the force of another's telling—regardless of in what testimonial context a hearer is located. The problem with the acceptance principle, I think, is not degree of broadness but a kind of broadness: *how* ought a hearer go about “comprehending and accepting the force and content of another's telling?”

In the end, while little in Graham's account thus offers guidance when it comes to having to evaluate testimony in encounters involving complex communication, we nonetheless have some suggestions for bringing a more inclusive approach to those who would be testifiers. His information-theoretic alternative democratically opens space for inclusivity in the sense that testimony can, in his model, take shape in any form as long as it can be said to carry information. In this way, testimony is, crucially, not linked to human languages, specifically, to spoken or written words. By undermining the assumption that testimony must be formulated in terms of propositions, Graham diversifies and broadens the range of qualified testifiers beyond the usual norms of a fully adult, human knower whose body is under rational control, described in Chapter 2.

However, although Graham's account takes us beyond the exclusive norms of articulateness (as presented in Chapter 2), it nevertheless carries too few injunctions to retroactively mitigate *against* those restrictions. While in theory it widely trusts testifiers, with no required, proactive background discourse of social justice, we can predict that most hearers' alarm systems will be triggered falsely by a-typical testifiers and will rest quiet with the testimony of a traditionally articulate knower. In other words, while his

account encourages us to trust most informational resources around us, it is not overtly aimed at dismantling the articulately clear-and-distinct as normal and the “other” as alarming. So although a receiver may not expect or even require articulate speech, these same requirements might still enter in through the back door, operating by default because they have not been dis-assembled, de-constructed, or challenged enough. Nor are we offered an alarm device specifically for screening out traditionally “articulate” testimonies that might be unreliable or untrue.

Jennifer Lackey and the (Modified) Reductivist Position

In the previous section I stated that one of the problems with Graham’s account was that it does not offer an overt program that monitors the hearer; for example, what mechanism is there for evaluating a hearer’s (perhaps mistakenly) skeptical treatment of a testimony—mistaken because her alarm bell system was falsely triggered? Furthermore, in cases of complex communication like FC, what mechanisms can ensure that undue credibility is not mistakenly awarded? It is precisely because of FC cases like the ones involving falsely interpreted allegations of abuse that Jennifer Lackey prefers the reductivist position to regulate acceptance of testimony.

Lackey places her faith in a revised account of reductivism to be more inclusive, through enhanced objectivity, of testimony. Like most reductivists, she believes that hearers would be epistemically lax if they were to broadly accept testimony as given except where negative reasons presented themselves (i.e., reasons that cause suspicion, distrust, or other “alarms”). Where the anti-reductivists believe that testimonial

justification is supplied by the speaker through ensuring the absence of negative reasons, for Lackey and other reductivists, it is hearers who are responsible for justifying testimony. Hearers do a lot of work in this account to regulate the acceptance of testimony, and Lackey directly tackles the issue of credibility assessments made by hearers. Her theory of testimonial justification, I think, is targeted at producing more objective justifications of testimony by reducing the ways in which the politics of credibility can skew the reception of testimony.

For Lackey, traditional reductionism gives the hearer too much power with too little accountability in assessing testimony. That is, a good thing about reductionism is that it expects the hearer to selectively provide justification, but the bad thing is that it does not monitor the hearer in the same ways the hearer monitors the speaker. To repeat, the positive reasons component represents a major difference in the positions of the reductivists and anti-reductivists particularly with respect to the issue of epistemic responsibility. Who shall bear the burden of justifying a given testimony? Traditional reductivists argue that there must be positive reasons and that these reasons must a) be furnished by the hearer, and b) be based on non-testimonial sources such as memory, perception, and inductive inference. Antireductivists don't require positive reasons at all, and further, argue that the mere absence of negative reasons discrediting testimony is sufficient for justification. In the antireductivist position, it is the speaker's burden to ensure that no negative reasons present themselves, reasons that would "trip" a hearer's alarm-bell system. For reductivists, positive reasons are necessary and beneficial to successful testimonial exchanges; for anti-reductivists, positive reasons are unnecessary, and further, are likely to impede successful testimony.

Although Lackey follows the reductivists in placing the justificatory task with the hearer, she is critical of the problems posed by the positive reasons component. While, on the one hand, the required presence of positive reasons for justification is a good thing in the sense that it demands that the hearer selectively provide corroboration to a given testimony, on the other hand, it does not provide instructions on how to do this “selective” evaluation in ways that are epistemically (and ethically) appropriate. For example, to borrow from Lackey’s own example of the “subway man:” according to Lackey, one typically trusts the testimony offered by a stranger on the subway about which trains to take on the basis of positive reasons drawn from an assessment of his behavior, assessments which often draw upon a hearer’s evaluation of a speaker’s sincerity and competency: clean-cut, professionally dressed, steady and unhesitant voice, and appropriate eye contact (Lackey 2006a, 172). There is, of course, nothing in the man’s behavior that is causally linked to the reliability of his testimony; drawing upon our background beliefs about the reliability, sincerity and competency of typical testifiers, we nonetheless tend to use his behavior as a supporting positive reason to justify his testimony. Regardless of whether we end up being right or wrong, trusting and justifying testimony in this manner falls prey to stereotyping, and thus is epistemically compromised. That is, Lackey implies, using a testifier’s appearance and behavior as positive reasons for supporting the justification of testimony is epistemically weak. Using an assessment of a speaker’s sincerity and competency to help produce positive reasons is epistemically faulty because it runs the risk of admitting cultural and other prejudicial biases.

So, for Lackey, the positive reasons component held by reductivism is unduly vulnerable, with respect to credibility assessments, to culturally and socially constructed norms, and as such may preclude the “appropriate” production of positive reasons that would justify atypical testimonies. This is, for Lackey, the (correctable) flaw with the reductivist account. The problem with positive reasons is that, unless appropriately fettered, or appropriately encouraged, they run the risk of causing epistemic incompleteness—that is, of failing to justify testimony that fails the normative part of the positive reasons component.

A reader with feminist epistemological sympathies might ask why Lackey doesn't just make an argument for requiring that one's background beliefs need to be regulated and corrected for biases and prejudices. Lackey (and other analytic epistemologists) would not hesitate to say that background beliefs do in fact need to be corrected but that such corrections are not the job of the epistemologists, nor are central to the success of a theory of justification. However, Lackey departs slightly from this tradition of bracketing background beliefs off from the epistemology of testimony; she does so by proposing a theory of justification that mainly focuses on the role of the hearer in testimony.

Noting that the positive reasons component is a sticking point upon which the reductivist-anti-reductivist debate turns, Lackey proposes a two-pronged revision to the reductivist theory of justification: one, imposing “necessary conditions” upon the hearer, the environment in which testimony takes place, and on testimony itself; two, a turn to a dualist model of justification. These necessary conditions require “suitability” and “appropriateness.” The necessary condition on the testimony is that “A's testimony be

appropriately connected to the fact that p.” The condition on the hearer is that she be “a properly functioning or reliable recipient of testimony.” And the condition on the environment is that it must be “suitable for the reception of reliable testimony” (Lackey 2003). I read these revisions as ultimately reflecting back upon the role of the hearer and her deployment of positive reasons in a given testimonial exchange because, unlike the traditional reductionist, Lackey states that: “a hearer’s beliefs about a speaker’s sincerity and competence can have epistemic significance” (Lackey 2006b, fn 43) in the sense that a hearer can fail to supply positive reasons for justifying and accepting a testimony if she is unfairly predisposed towards rejecting a testimony because of her biases regarding a speaker’s sincerity and competency. Much could be missed epistemically if a hearer fails to be a “properly functioning recipient of testimony” (Lackey 2003).

To minimize the ways in which a hearer’s beliefs about a speaker’s sincerity and competency can negatively affect a hearer’s “appropriate” evaluation of a given testimony, Lackey stipulates that when a hearer evaluates testimony, the hearer must separate the testimony from the speakers and evaluate *only the content* of the testimony and not its form. For example, she states: “one requirement for testimonial knowledge is that it must be based on the *content* of the proposition to which a speaker testifies rather than entirely on features *about* the speaker’s testimony, e.g., how it was testified to, where it was testified to, and so on” (Lackey 1999, 476). So, ideally, to the extent possible, a hearer’s beliefs about a speaker’s sincerity and competency should not enter the justification equation at all. This means that a hearer should not make epistemic decisions about a given testimony by referring to the mode in which it was presented. She uses the soprano voice example. If a soprano states, using her soprano voice, that she has

a soprano voice, then the hearer is justified in accepting the content of the claim as testimonial knowledge. The hearer cannot claim testimonial knowledge from the perceptual observation of the soprano voice (the form) itself. That would be *perceptual* and not testimonial knowledge. This might lead one to think that she requires testimonial content to be the “testimony-that-p.” For example, in contrast to Graham, one might imagine that where anti-reductivists award testimonial knowledge in cases of testimony that are perceptually received (such as in the cases of tree rings or dogs barking), Lackey would not. This is not, however, the case, given Lackey’s focus on *communicative content* and whether or not that communicative content is appropriately connected to the fact-that-p also means that testimony can just as easily issue from non-verbal communications, including human gestures, sounds, signals, and non-human animal communications. Similar to Graham, what matters for Lackey is whether or not something was intended to “express communicative content” (Lackey 2006a, 187). Unlike Graham, however, who makes little distinction between perceptual and testimonial knowledge, to successfully evaluate whether a communicative content has been expressed, Lackey advises a model of testimony that separates the speaker (or the communicating agent, since Lackey includes non-humans in her account) from the testimony itself.

Lackey realizes that placing restrictions on the hearer’s process of evaluating testimony is not enough to ensure appropriate justification: it is epistemologically insufficient to expect hearers to supply appropriate positive reasons all on their own especially since hearers are not the only epistemic agents in the process. Speakers have a vital role in the epistemic process as well. Thus, Lackey proposes dualism: “it is not

enough for testimonial justification that a hearer have even epistemically positive reasons for accepting a speaker's testimony—the speaker must also do her part in the testimonial exchange by offering testimony that is reliable or otherwise truth-conducive” (Lackey 2006a, 166). That is, both the hearer and the speaker must (in the epistemological sense) both contribute to testimonial justification. Because she draws upon the counterbalancing provided by the speaker's role in testimony, Lackey argues that she retains the critical power of positive reasons to provide epistemic rigor in justifying testimony, while undermining the potential for hearers to overdetermine their roles in justification. Because Lackey's dualist account seeks to place the burden of justification on both parties, rather than on one or the other, the epistemic responsibilities associated with the processes of justification are (supposedly) more reasonably shared between the two parties.

Lackey, as I read her, wants to avoid the normative presence and practice of background beliefs in justifying testimony that arise through a traditionally reductionist use of the positive reasons component. Her dualist model seeks to retain the adjudicating power of positive reasons but un-do the ways in which hearers risk usurping that role. The major consequence of her revised, dualist positive reasons account for the epistemology of testimony is that the positive reasons component, according to her, is now substantially weaker than that required by the traditional reductionist.

What “weakens” the positive reasons component, and makes a hearer's use of them more “appropriate,” that is, more “objective?” Namely, the injunction that hearers focus on the *content* of testimony rather than its form. Testimonial content supposedly is assured by the speaker in her commitment to producing testimony that is appropriately

“connected to the fact that p” (Lackey 2006a). And the production of positive reasons, now liberated from the task of having to be produced with respect to the testifier and only with respect to the testimony, is now supposedly more inclined to be “appropriate.” This—justification at the site of testimonial *content*—is shared by both the speaker and the hearer.

What is not shared is the production of positive reasons or the production of testimony that is “appropriately connected to the fact that p.” That is, the hearer alone is responsible for the production of (appropriate) positive reasons, and the speaker alone is responsible for the production of testimony that is (appropriately) connected to the fact that p. Because the positive reasons component is weakened by a dualist approach, it is therefore better because a broader spectrum of positive reasons can be brought to bear upon the justification of testimony. This can, reading Lackey charitably, have the liberatory effect of increasing inclusivity since this means that dualism carries with it an injunction requiring hearers to look for positive reasons in the context of testimony prior to or aside from the features of the speaker or the features of her testimony. For example, to alter Lackey’s subway man example slightly: if one asks directions of a man who appears disoriented, one would have to evaluate that man’s testimony on the basis of his testimony alone and not allow the disconcerting features of his behavior to negatively impact his testimony. After all, the reasons for his disorientation might have nothing to do with his ability to reliably produce directions.

Let me back up a bit. Positive reasons, rightly so in Lackey’s interpretation, stem not always from objectivity but from the very institutions in which we produce testimony and evaluate it. Lackey retains the positive reasons component but finds their origins to

be suspect. She argues that positive reasons alone are not enough to assure justification upon testimony, for when taken by themselves, can function too strongly to the point of overdetermination. This risk of overdetermination is precisely where Lackey quarrels with the traditionally reductivist account. For example, a traditional reductivist, such as Elizabeth Fricker, holds that positive reasons go to the trustworthiness of the speaker. E. Fricker states: “any background beliefs of the hearer which are evidence, whether circumstantial or direct, against the speaker’s trustworthiness on her topic must be put onto the scales for the epistemic weighing of the reliability of the potential source of new belief, the current telling. Equally, any background beliefs which are evidence in favor of the trustworthiness of the speaker must be added on the pro-reliability side of the scales. In short, any relevant information in the possession of the hearer must properly count, and be counted, in her evaluation of the trustworthiness of the speaker” (Elizabeth Fricker 2002, 381). Positive reasons do not refer only or even mostly to objective data that can corroborate a speaker’s testimony; positive reasons really go to the issue of whether or not a speaker’s *trustworthiness* can be ensured. Several general and normative things influence a hearer’s developing of positive reasons: personal knowledge, general common sense knowledge about competences and weaknesses among human bodies and the tasks before them, presumed areas of expertise and abilities, different speakers’ circumstances, etc.. These, for E. Fricker, provide empirical warrant as to whether or not to trust a speaker, empirical because these are inferences that can be made by observing and interacting with the speaker (ibid, 382). This is not necessarily bad; we do it all the time and quite reliably so. But it is also the case that at this particular site of evaluating trustworthiness, a hearer can overdetermine their role by not allowing the speaker any

epistemic contributions as to what goes to trustworthiness. Consider, for example, the patriarch who dismisses (“you can’t possibly know what you’re talking about”) a woman’s claim about knowing how to fix cars because she’s taken a mechanic’s course, or more starkly, someone who claims, with speech, to be deaf but doesn’t sound at all deaf.

For Lackey, this is overweening power on the part of the hearer is simply unacceptable; such a heavy reliance on the positive reasons component risks falling prey to biases that may be inherent in our institutions of testimony. That our institutions have such biases embedded in them is a rather inevitable fault of our institutions of testimony. She states that normatively and psychologically, we hold all “sorts of epistemically relevant beliefs about our institution of testimony, and fail to have them in the case of the alien [or other culturally or socially different entity]” (Lackey 2006a, 169). As she continues: “the very criterion for saying who is or is not a member of our institution of testimony is simply whether we have positive reasons for their testimony—which begs the question” (ibid). For example, the subway man’s nicely dressed appearance and appropriate behavior function as positive reasons for hearers who share the same testimonial institution with him. This is not a good thing, in Lackey’s view, primarily because such justification is not epistemically sound. Positive reasons in the traditional reductivist account, in other words, are a kind of self-fulfilling prophecy in the sense that a hearer cannot get “out of the system” to draw upon a set of beliefs that are objectively able to provide justification. Nonetheless, Lackey still thinks it possible (as well as necessary) to have a more, rather than less, objective and impartial hearer. The injunction that compels hearers to “more objectively” look for positive reasons despite the

normative influences of one's institutions of testimony stems from her necessary conditions on testimony, namely that we focus on its communicative content, independently of its form. In this way, we neatly (and necessarily, in Lackey's view) sidestep the ontological or metaphysical dilemmas raised by the question of whether this or that communication qualifies as testimony *qua* testimony, dilemmas which can, in Lackey's implied view, unfairly foreclose unusual communicative forms, such as inarticulate speech or dogs barking, as testimonial. Thus, the socially constructed institution of testimony must be eliminated from a hearer's assessment of a given testimony, not by pretending it doesn't influence one's perception, but by insisting on an objective evaluation of content. To sum Lackey: credibility assessments are a tricky thing, and Lackey advises us to avoid them entirely in order to produce epistemic justice.

Given the centrality of speaker sincerity and speaker competency to traditional reductivism, the use of the positive reasons component is unlikely to find suitable reasons to justify testimony by inarticulate speakers unless such communications somehow becomes unquestionably "normal." From a traditional reductivist perspective, an inarticulately uttered communication simply throws too much into question with respect to reliability and credibility. Such communicators will at least be seen as unreliable and requiring corroboration from external, non-testimonial sources. As long as the production and deployment of positive reasons remains the sole provenance of the hearer, speakers who fall outside of the normative model of the testifier will not find themselves heard because they are not granted any epistemic role in determining what positive reasons shall come to matter. (So, in cases of complex communications, the speaker's role in providing justification is in fact needed, as Graham suggests). For example, testimony

from FC users about their communication abilities are often received skeptically. Simply recall the case of *Harlan vs. Linn County*, in which the judge dismissed Harlan's abilities to use FC on the grounds that he looked at the ceiling while typing. (As I explained in Chapter 2, *very few* users of FC look at the screen or the keyboard).

Hearers that fail as "properly functioning recipients" of FC-based testimony do so because they reduce the reliability and credibility of the *testimonies* to the reliability and credibility of the *speakers*. Finding no credibility in the speakers, they assume that their testimonies are similarly in-credible. This would represent an epistemic failure for Lackey because she argues that hearers must assess testimonies strictly on the basis of their content if they are to fulfill their roles as "suitable" hearers. Lackey's focus on the role of the hearer and his or her duties in separating testimonial content out from their sources (a sort of "don't judge books by their covers" approach) does seem to get at a more inclusive epistemology of testimony by seeking to correct the way a hearer listens to testimony. Using FC as a paradigmatic example of complex communication that has no consistent, uniform, everyday environmental, speaker, and hearer features, we can ask: does Lackey's account, with its injunctions to eliminate the politics of credibility and focus objectively on content, offer an inclusive but rigorous enough model for evaluating inarticulate testimonies?

I claim that, particularly in situations of complex communication, hearers are highly unlikely to succeed in properly evaluating testimonial content (provided by FC-users, for example) if the content is divorced from the speaker and her context. Although it seems that Lackey's refusal to place a necessary condition on the speaker, namely that they be sincere and competent, would benefit FC-users and other complex

communicators because we are supposed to ignore the means by which they communicate and focus instead solely on the content of their testimony, it may not be ontologically realistic or even possible. That is, it may well be inevitable that an assessment of the speaker's abilities cannot be excised from the processes of justification, in either everyday settings or institutional settings. Consider, for example, the scientific controversy surrounding the validity of FC (setting aside for now the outcomes of legal trials involving FC). The controversy is of course whether or not FC is a reliable means of communication. The controversy exists in part because FC is in fact not a perfect communication device. It does not work for everyone, plain and simple. However, it *does* work for some users. How then, are we to evaluate, judge, and justify FC-based testimony (or any other instance of complex communication)?

Lackey would argue here that testimonial evaluation and justification can happen only when the three conditions she stipulates (on the hearer, the testimony, and the environment) are met. However, the problem here is that producing the right kind of environment for FC-users means paying attention to the FC-users's features, which is contrary to Lackey's injunction to ignore speaker features in favor of paying attention to testimonial content. Hearers, in their roles as "suitable" hearers who attend to the environmental features of testimony, must close the gap that separates the hearer and the speaker in terms of what environmental conditions are best for testimonial reception precisely by attending to specific features of the speaker. That is, in the case of successful FC-based communications, the necessary condition imposed upon the environment seems to entail attention to and evaluation of speakers' sincerity and competency, which in turn flies in the face of Lackey's demand that only the content of a speaker's testimony be

evaluated. For example, if an FC-based communication is successful, it is most likely as a result of efforts made by all parties to create uniquely suitable but also perhaps highly idiosyncratic environments based on what that specific FC-user needs. Knowing if an FC-user's communication is reliable and credible requires attention to the ways in which the speaker and the environment in this specific situation are very much co-constituted. That is, knowing that the environment is suitable means knowing the speaker, and vice versa. Speaker features, therefore, do matter greatly.

There is no doubt from the forgoing that Lackey seeks to revise the role of the hearer in testimonial processes. Broadly interpreting her necessary condition on the hearer as an injunction to evaluate only the content and not the form of testimony, we do seem to get at a more inclusive picture for evaluating testimony in the sense that the role played by *how* a message is conveyed is not epistemically salient, much like it is for Graham. There are some shortcomings, however, with eliminating the role played by the speaker *qua* speaker and instead focusing on the information conveyed. One, as already stated, it makes little sense to require a necessary condition of environmental suitability without also incorporating an account of the relationship between the speaker and the environment (and to the hearer, too!). Two, it is not clear that Lackey's dualism is really dualism: it emphasizes that both hearers and speakers have responsibilities to complete appropriate justificatory work, but it does not have them both working on the same thing, namely on the production of positive reasons. Let me explain: the speaker's only task, with respect to justification, is to produce testimony that is appropriately truth-conducive (Lackey 2003); it is not evident that the speaker has any roles in the production of positive reasons. This aspect of Lackey's dualism remains puzzling; it is not clear what is

“dualist” about Lackey’s dualist account given that the speaker is apparently invisible and is without any overt epistemic agency *with respect to the production of positive reasons*. In other words, it does not appear that the speaker has any say in how the hearer will evaluate her testimony and her abilities as a testifier. It seems to me that a truly dualist account would suggest ways in which both the hearer and the testifier together can produce appropriate positive reasons for justification.

In summary, I do not think it is not enough to monitor the hearer’s production of positive reasons by omitting the ontologically and epistemically problematic habit of assessing speaker sincerity and competency. Nor is it enough to evaluate only the content of a speaker’s testimony. As I have demonstrated with the issue of complex communication that challenge “everyday” and “reasonable” speakers, hearers, and environments, it is not epistemically realistic (nor is it ontologically realistic, as I will show in Chapter 5) to evaluate testimonial content apart from its speaker and/or its form. Bringing the speaker as a testimonial agent with justificatory powers back into a justificational account does not mean that we need to suspend epistemological rigor; it does mean, however, that a more complex analysis is at stake, one that requires an understanding of the epistemic roles played by both our speakers and hearers. I turn to Miranda Fricker next, who addresses precisely this issue.

Miranda Fricker and Epistemic Injustice/Oppression

Miranda Fricker, unlike Graham and Lackey, does not offer a theory of justification. Adopting a virtue epistemology approach, in which conceptual tools from

ethics and epistemology are combined to solve traditional epistemological problems, Fricker instead outlines an epistemology of testimony that seeks to incorporate the best of both the reductivist and the anti-reductivist positions. She offers two concepts that go to the core of the politics of credibility: the figure of the good informant and the importance of developing testimonial sensibility. With these two concepts, she suggests we adopt an approach that monitors both the hearer and the speaker in a given testimonial exchange.

For Fricker, the figure of the testimonial agent (the speaker) is not only epistemically relevant to any epistemology of testimony but is also fundamentally of a piece with the natures of our testimonial institutions. As Fricker argues, were one to imagine a state of nature in which we are confronted with minimally epistemic situations in equally minimal social situations, we cannot but help to see that even in this minimal state of nature, where all things being equal, people must cooperate together to build a knowledge system.³⁴ In her words, “that the minimal epistemic practice in this state of nature is co-operative gives it an ethical dimension” (Miranda Fricker 1998, 162). Thus, at its core, knowledge relies on speakers and hearers working together. Even within this minimal, state of nature picture of testimonial institutions, it works only if agents can distinguish between good and bad testimony (regardless of what causes good and bad testimonies). Thus, for Fricker, a model of the good informant is necessarily integral to our institution of testimony, even in the relatively problem-free state of nature

³⁴ In “Rational Authority and Social Power” (Miranda Fricker 1998), she presents arguments for using the state-of-nature conceptualization as a methodology, as a useful heuristic device, for understanding how the good informant is fundamentally basic to any epistemological project. The point of the state-of-nature device is to show that knowledge is irreducibly social; the use of the device also shows that though knowledge be social, “hard-core facts” are still present and play vital epistemic (and social) roles. Fricker does not intend her device to be read as a description of the basic knowledge project, nor should it be so received. Instead, we are to glean two useful, functional premises: 1) knowledge is inherently social and therefore testimonial; 2) knowledge is social but still bears information that exists independently of human sociality.

conception. As she states, “knowledge is enshrined in the figure of the good informant” (ibid.,163).

The good informant is distinguished by three characteristics, according to Fricker. One, competence; two, trustworthiness; three, indicator properties. Competence is simply that an informant or testifier will be consistent in her knowledge; she will not commit the logical impossibility of believing both that p and not-p. This is a fairly broad notion of competence. Trustworthiness is predicated on the possibility of shared languages, open communications, a willingness to share, and a good track record of non-deception. This notion of trustworthiness is drawn from what Fricker believes to be a reasonable and empirically pragmatic assessment of the general but fundamental earmarks of a successful dialogue. Indicator properties are those that signal the presence of the previous two characteristics—competence and trustworthiness.

The characteristics of competence and trustworthiness belong to the phenomenon of rational authority, which for Fricker is an empirical attribute that can be measured. Indicator properties, by contrast, are not “empirically pure” but reflect the way social practice of power produce a given testifier’s credibility status (1998, 162). For instance, to use her example drawn from Shapin’s study of the Royal Society, being a gentleman in 17th century England was a key indicator property of rational authority. This is of course an epistemically unsound practice, as a gentleman’s rational authority (in Fricker’s sense of the term) derives not from his status as a gentleman but from his actual, daily epistemic practices, such as working in the laboratory and studying nature. Given that indicator properties are typically a function of social norms, it behooves us to develop a

practice of being able to separate out rational authority from credibility, according to Fricker.

For Fricker, a good informant is someone who possesses both credibility and rational authority. To have credibility is to have a set of “indicator properties” that are suggestive of, well, credibility. These indicator properties are of course, as Fricker points out, context-dependent and are governed by prevailing norms of credibility (1998, 168). I agree with Fricker that the issue of credibility is unavoidable, and must be met head-on if we are to develop any kind of epistemology of testimony that is robust and rigorous enough to meet the demands of both epistemic traditions and everyday practice. In her words, “the norm of credibility is a fundamental norm of any epistemic practice” because “credibility is at the core of what it is to know” (ibid., 172; 174).

Rational authority, by contrast, is had by someone who is competent and trustworthy (competence and trustworthiness being, in Fricker’s account, *empirical* attributes, not *social* attributes). Further, rational authority, unlike credibility, functions in Fricker’s account as a more “pure” epistemic tool—one which is not subject to the same kinds of normative distortions brought about by unjust and unfair social systems. That is, Fricker does not believe that knowledge is completely or even mostly determined by relations of power. For her, power and the like inevitably come into play where issues of credibility are concerned; there are nonetheless places where we can identify knowledge *qua* knowledge that is not built by power. There is, in other words, such a thing as matter of facts, and these can be known by people in a (empirically measurable) competent and (empirically measurable) trustworthy way. So, for Fricker, when a person has knowledge of this sort, this person has rational authority about those matters. If that person too has

credibility—the right set of indicator properties—then that person can be said to be a good informant.

One might object here that if Fricker is right about rational authority, it makes little sense to require credibility to complete the picture of the good informant. In other words, why do people need credibility indicator properties in addition to rational authority to qualify as good informants? Why isn't rational authority enough? And why not go about developing an epistemology of testimony that zeroes in on a person's rational authority? The answer is simple but hard to perceive: in everyday testimonial practice, credibility reduces to rational authority. The separation of credibility and rational authority in Fricker's work is a useful heuristic to tease out the ways in which credibility is sometimes rightly and justly awarded, and other times not. Getting rid of the norm of credibility would mean eliminating those indicator properties that signal the very presence of rational authority. So we are stuck, it would seem, with the politics of credibility.³⁵ The heuristic is intended to show that there is at core some nugget of information that is not socially constructed all the way down; that there is, in other words, some kind of empirical truth value to testimony.

The good informant is crucial to our epistemologies and institutions of testimony. Because the figure of the testimonial agent is central to our testimonial institutions, our epistemology of testimony must, according to Fricker, have an accounting of how to evaluate rational authority on the one hand, and credibility on the other. Successful testimony is produced and received in epistemically just situations where rational authority and credibility occur together perfectly, that is, where rational authority is

³⁵ See for example Karen Jones, "The Politics of Credibility" (Jones 2002).

actually had independently of one's credibility characteristics (173). Mismatches between the two occur all the time, for a variety of bad epistemic and bad social reasons: "credibility is only defeasibly correlated with rational authority: its presence does not guarantee rational authority; its absence does not guarantee lack of it" (167). Where a mismatch between the two occurs, it can be said that epistemic injustice has occurred (170). That is, sometimes undue credibility is awarded to the speaker, and sometimes credibility has been unfairly and unjustly withheld.

If the model of the good informant regulates the speaker, what regulates the hearer (who, in a sense, regulates the speaker)? Fricker suggests that "testimonial sensibility" is a kind of faculty or ability that, when properly trained and deployed, enables a hearer to gain knowledge from testimony: it is "something that governs our responsiveness to the word of others so that, given the sensibility is properly educated, we may gain knowledge that *p* simply by being told that *p*" (Miranda Fricker 2003, 139). Her concept of testimonial sensibility responds to the need, as she believes and I concur, for an epistemology of testimony that addresses the fact that there are significant rational and cognitive factors working in the realm of background beliefs that go to a hearer's evaluation and acceptance of a testimony. As she explains:

The deliverances of an individual's sensibility . . . are shaped by a set of background interpretative and motivational attitudes, which are in the first instance passively inherited from the ethical community but thereafter actively reflected upon and lived in one way or another by the reflective individual. Ethical responsibility demands that there be an appropriate critical link between the traditional moment in which the individual gains her ethical socialization and the experiences life offers her—experiences that may sometimes be in tension with her ethical socialization so as to prompt critical reflection on the sensibility which she has otherwise simply inherited. (ibid., 145)

For Fricker, ethical overhead, not just epistemic overhead, is necessary to help regulate a properly functioning testimonial sensibility. Hence she proposes a virtue—reflexive critical openness—to regulate our testimonial sensibility. Reflexive critical openness demands quite simply that we be sensitive to how credibility can be unfairly under- or over-awarded to testifiers; such sensitivity requires that we pay attention to when, where, and how balances of power affect credibility standing.

Reflexive critical openness is Fricker's intervention into the problem of prejudicial stereotyping that surrounds testifiers and hearers. The ability to be reflexively, critically open, however, rests on the hearer's ability to grasp, in a historicist sense, his or her social and epistemic environments and those of the interlocutor. By attending to relations of social power, one can presumably peel away the socially-encrusted indicator properties to get at the more empirically pure and rigorous rational authority—what one “really” knows—of a good informant. A critical awareness of gender, race, ability and other diversity issues is necessary to pull off a successful testimonial sensibility and reflexive critical awareness. Fricker has no suggestions for how to approach the historicist demand of reflexive critical openness that may not be readily available to many interlocutors who may have not had the requisite exposure to and education in diversity issues. Her argument is that one can only be as virtuous as one's cultural contexts allow. More accurately, we can only judge hearers as culpably or non-culpably at fault of failing to be virtuous (ie, reflexively, critically open); culpability, for Fricker, can only be determined by historicism. In her words: “the power to possess the virtue of reflexive critical openness depends upon the social-historical context. The case of Herbert Greenleaf . . . exemplifies the idea that one cannot be blamed for failing to do something

one wasn't in a position to have reason to do" (155-56). Herbert Greenleaf is father of the murdered Dickie in the movie, *The Talented Mr. Ripley*. Briefly, Herbert Greenleaf does not believe and dismisses the testimony of Dickie's girlfriend as neither credible nor rational because he pathologizes her as a helpless, sentimental female. Fricker suggests that we cannot hold Greenleaf culpably at fault here because he simply upheld a set of beliefs concerning women's abilities to be good informants that were ubiquitous at the time. She goes on to state:

Evidently, testimonial injustice will tend to imitate the broader structures of power in society, and where it is systematic we should recognise it as a face of oppression . . . the virtue of Reflexive Critical Openness (and doubtless many other virtues besides) has an important role of combating this sort of oppression. But as something possessed of mere individuals whose social historical situation can deprive them of the very resources they needs in order to attain virtue, its anti-oppressive power remains hostage to the broader social institutions in which our testimonial practices must take place (157).

In the end, Fricker argues that testimony is something that happens within a historical practice, such that testimony itself is just an object—an epistemic problem—occurring within historical practices. In this view, the job of the testimonial epistemologist is to separate out the social from the epistemic by developing models that can hone in on some epistemic “core” that will yield empirical (and therefore comfortable because perceived to be reliable) guidance. Recall her figure of the good informant in which the combination of rational authority (competence and trustworthiness) with credibility enables the good testifier (Miranda Fricker 1998, 166-67). As she points out, we can have rational authority without credibility and vice versa; as such, we need a methodology for assessing when both occur together and thus can reliably inform our judgments. Such a methodology, to be clear, must work through credibility practices. The

current social norms, she points out, operate in ways to attribute rational authority, whether deserved or not, to those who are seen to have credibility, that is, the “right” indicator properties. So, for Fricker, all three elements of the good testifier are problematic with respect to their socio-political dimension and therefore with respect to epistemology. Inattention to these issues represents a case of epistemic injustice. She states:

... social identity and relations of power are likely to be highly relevant to how ‘verific’ a given practice is. For every potential informant from whom a discriminatory set of indicator properties (wrongly and wrongfully) withholds credibility, there are truths which could have and should have [ie, truths that are known through one’s rational authority] been transmitted, but were not. In such a case, an informant is epistemically discriminated against, and the injustice involves a veritistic failure. (173)

The norms of competence, trustworthiness, and credibility are actually *virtuous* norms, rather than merely value-free epistemic norms. An ethical dimension is being added here to the epistemological speaker. This is not inherently a bad thing to do; indeed, one of the goals in Fricker’s project is to suggest that we understand testifiers as ethico-epistemic agents, a move that I also endorse in Chapters 4 and 5. However, as Fricker herself points out, what is virtuous or not is culturally variable and not always a good (or for that matter, objective) way to establish either the ethical or epistemic status of the speaker. Further, this particular ethical dimension enables the deployment of power by an elite class whose interests are best served by these virtues.

Fricker’s solution to this problem is to get at the rational authority of speakers by splitting it off from the influences of social norms that may falsely project undue credibility; part of this project entails attention to power’s ability to create false truths, and the use of a politically and socially aware standard of epistemic virtue (such as her

proposal of testimonial sensibility) (174). These exercises will enable us, she argues, to identify rational authority as a power-free epistemic event separate from power-controlled credibility and will, in turn, help us as hearers when we evaluate testifiers. She is nonetheless very firm about the importance of not underestimating the influence of social power on epistemic concerns: “the ever-present risk that the norm of credibility will be socially manifested in a discriminatory manner is not a political accident that is to be noted somewhere on the periphery of the epistemology of testimony” (176-77).

Ignoring the function and the place of the good informant from a reflexively, critical open point of view runs serious epistemic risks quite simply by failing to be objective, literally, about one’s own position as a hearer and about the position of the testifier. Where listeners fail to be appropriately receptive, they have failed “to distrust their own distrust of the speakers. They fail to adjust for the way in which their testimonial sensibility is badly trained . . . but it is not simply a matter of failure properly to accommodate the speaker’s social identity . . . the hearers fail to adjust for the way in which their *own* social identity affects the testimonial exchange” (Miranda Fricker 2003, 153-54).

To borrow from Lorraine Code, on whom I will focus on in the next chapter, I think Fricker’s point here is that epistemic objectivity is increased by taking subjectivity into account. The specific ways in which testifiers are located and produced through their social identities, epistemic abilities, cultural locations, and more, matter deeply and cannot be overlooked without running the risk of epistemic distortion.³⁶

³⁶ Again, see Karen Jones (Jones 2002)

On the other hand, Fricker's position on the Herbert Greens of the world might be too forgiving in blaming wider social structures and not holding individuals culpably at fault. As we already know, for Fricker, a good epistemology of testimony will not sideline the role of background beliefs; the kinds of background beliefs that help form a properly trained testimonial sensibility matter deeply, and a good testimonial sensibility will be sensitive to the formation and deployment of those beliefs. However, here Fricker seems to be leaving the project of epistemology behind too quickly in favor of shoring up the importance of bringing social analyses of epistemic practices to bear upon the function of background beliefs. That is, the problem of background beliefs, even for Fricker's progressive epistemology of testimony, remains not an epistemological problem but a problem for others, say, sociologists, who are presumably better equipped and positioned to deal with questions of how stereotypes and prejudices function in knowledge production processes. Her belief that Herbert Greenleaf is simply at fault and not *culpably at fault* implies a kind of logic that belies her Critical Reflexive Openness model.

Regarding Greenleaf and others who fail to properly evaluate testimony, Fricker states (as I quoted earlier) that we should be forgiving of individual hearers whose social historical situations prevent them from having the right kinds of "sound deliberative routes" (2003, 156) that would enable them to correct their testimonial sensibilities. This "not culpably at fault" logic goes something like this: given that socialized beliefs and prejudices affect our judgements about testifiers, we should try to fight our biases. We can do so, however, only to the extent that we have the resources to do so. If our testimonial, epistemic, political, and social cultures do not give us the resources to do so

because the larger social structures (what Code would call “instituted imaginaries”) do not have embedded in them those important resources, then we are wrong in our judgements but not at fault. It is as if Fricker believes, on the one hand, that socialized beliefs and/or prejudices affect our judgements about testifiers and that we should work to overcome these beliefs, but on the other hand, that we as individuals can only do so if our cultures give us easy access to the resources that would help us examine and question those beliefs.

Fricker’s position on non-culpability is puzzling. At best, Fricker seems to want to make room for the legitimate possibility that sometimes hearers simply will not be in a position to properly evaluate testimony; it behooves us, however, to limit these sorts of situations to those that fail because of communication barriers, not testimonial barriers. For example, a hearer cannot properly evaluate testimony from a person speaking a different language without a translator. All the Critical Reflexive Openness in the world will not help the hearer in this case. At worst, Fricker is suggesting that we should not expect hearers to always succeed in properly evaluating testimony even when they *do* deploy a Critical Reflexive Openness. For example, Herbert Greenleaf did not take a critically reflexively open stance towards his future daughter-in-law; for that reason we can say that Greenleaf failed to be a proper hearer. Repair work could be completed simply by having Greenleaf adopt such a stance and revise his position on the speaker’s testimony accordingly. This much is consistent. Fricker’s additional claim, however, implies that there are cases where we should be forgiving of individuals who *fail* to deploy Critical Reflexive Openness because of their historical-social locations. This

seems blatantly wrong to me; what's wrong with demanding that Critical Reflexive Openness be deployed at every single testimonial encounter?

I find Fricker's position to be dangerously close to repeating an epistemology of ignorance. Epistemology of ignorance studies show us is that socially constructed background beliefs are a function of epistemic norms, not just of social processes, functions, or descriptions.³⁷ Fricker clearly believes that talking about background beliefs as lying outside the provenance of epistemology amounts to talking nonsense. There is a way, however, in which her qualifications on a hearer's testimonial sensibility as being subject to historical limits separate epistemology out from background (i.e., socially constructed) beliefs. The point I am trying to make here with Fricker is that testimony itself—what gets recognized as being in fact testimonial—is governed by epistemic-cultural norms. We need, in a word, to turn the considerations of Fricker's Critical Reflexive Openness upon testimony itself, not just speakers. I examine this point—of evaluating the structures of testimony itself—further in Chapter 5.

This inconsistency in Fricker's account is easily amended by building upon her position: her account of the good informant and testimonial sensibility as a reflexive critical openness towards the words of others not only accommodates but demands an alternative account of articulateness. Given that assessments of competence and trustworthiness are quite likely inevitable markers of rational authority in most, if not all, testimonial occurrences, how do we train our sensibilities to know when those indicators

³⁷ See, for example, *Race and the Epistemologies of Ignorance* (Sullivan and Tuana 2007), and *Feminist Epistemologies of Ignorance* (Nancy, Tuana and Sullivan 2006).

are, in fact, (i.e., objectively) present, especially when we are faced with vastly different testimonial forms, such as those presented by complex communications?

Fricker's general suggestions for developing this sensibility center around the cultivation of a historicist understanding of how social identities and social structures function to create credibility deficits or excesses (2003, 164). The account of articulateness I develop adds to this important critique the need also for understanding how the institution of testimony itself bears a programmatic ethos that governs the epistemic values—the appearance of *logos*—that we have come to associate with what we identify as testimony.

There is not a strong enough injunction in Fricker's model of testimonial sensibility that demands recognition of communicative attempts as testimonial unless those communications resemble “normal” and “usual” testimonial (i.e. articulate) forms. This is not to say that Fricker's testimonial sensibility does not help address the concerns raised by an understanding of articulateness; it does. Bringing the criticism of articulateness to bear upon testimonial sensibility, however, further reinforces Fricker's goal of increasing epistemic justice by cultivating a sensibility towards the ways in which some communications are not even recognized as communications because of our (articulate) institution of testimony. Where Fricker explains that epistemic injustice occurs when hearers fail to “properly accommodate the speaker's social identity” and/or when hearers “fail to adjust for the way in which their *own* social identity affects the testimony exchange,” I likewise suggest that epistemic failures occur when hearers fail a) to accommodate a speaker's *testimonial capacities* and b) to adjust for the ways in which their own perceptions of what qualifies as testimony affects the testimonial exchange.

Conclusion

By way of conclusion, I want to return to another point that Jennifer Lackey makes about testimony, one that is distinct from her work on theories of testimonial justification. There is another way in which Lackey attempts to make an epistemology of testimony that is at once epistemically robust and more inclusive: she advises us to dispense with the problematic history of *defining* testimony and instead to focus on our methods of justification. This position is not without merit since a refusal to establish a clear-cut definition of testimony has the inclusive virtue of leaving the category of what counts as testimony wide open to revisions, refinements, improvements, and the occasional surprise. Lackey, however, rejects definitional closure not for its potential inclusiveness but rather because it is an ontological enterprise that should be kept separate from the business of epistemology (which should remain focused on the task of identifying the best method of justification). Lackey is not interested in defining testimony, because according to her, doing so does not help explain when *knowledge from testimony* is possible and justified. She argues that this epistemic concern, rather than the ontological concern, should be the focus of analytic epistemologies of testimony. As she explains, if analytic epistemologists of testimony are not in the business of justifying testimony, then they are dealing with the question of whether or not there exists an institution of testimony at all. “Surely the interesting epistemological question is how we are justified in accepting the testimony of others, rather than whether we really have an institution of testimony” (Lackey 1999, 482; Lackey 2006c, 180).

While I agree with Lackey that we clearly have one (or more) institutions of testimony in place—namely, the standard of articulateness—I do not think that this institutional framework is any less epistemologically interesting than our methods of justification.³⁸ Ignoring the role of articulateness in favor of focusing on justification inscribes epistemic status too narrowly. The question, What is testimony? is just as epistemically significant, in my view, as how to justify it. As I will show in Chapters 4 and 5, it is critical to avoid precisely what Lackey advises: separating epistemology and ontology off from one another. In the next chapter, I turn to another promising attempt to expand testimonial inclusivity by focusing on Lorraine Code’s arguments for “taking subjectivity into account.”

³⁸ To be fair, Lackey’s point is drawn in response to a confusion that is emblematic of the justification debate in the field.(Lackey 2006c, 178-80).

Chapter 4

Contesting Voice: Feminist Epistemological Accounts of Testimony

Introduction

I concluded the previous chapter with a comment about the importance of understanding what testimony *is* (or can be), in contrast to Jennifer Lackey's suggestion that we bracket off the ontology of testimony from its epistemology. In this regard, I follow Lorraine Code's demand to always understand epistemology as inherently inseparable from ontology. Further, Code's examination of subjectivity and voice in all of her work but especially in *Rhetorical Spaces* (1995), offers a model of how to read epistemology and ontology together. However, while Code's notion of subjectivity as simultaneously ontological and epistemological does address issues of voice and being heard, it does not take us far enough. As I will show in this chapter, this is because we need to ensure that as we "take subjectivity into account," that this subjectivity also takes into account literal voices, not just metaphorical and/or rhetorical voices. That is, any account of testimony that desires to be inclusive must examine its ontological as well as its epistemological commitments.

In part because analytic epistemologists of testimony have not answered questions of literal voice, as I showed in Chapter 3, and in part because feminist theorists, even those who work on the issues of "voice" and "getting heard," have, as I will show in this chapter, have tended to focus on issues of subjectivity rather than issues of literal voice,

what is still at stake is the ways in which *how* one speaks—one’s literal voice—impacts how one’s (metaphorical) voice is heard. A (literal) voice that is too loud, or too high pitched, or grammatically imperfect, or too soft can be heard, more often than not, in ways that detract from the epistemic worth of what it seeks to convey. With respect to people with disabilities in particular, I believe that “we” find ourselves at a loss as to how to extend recognition to the subjectivities of disabled people as epistemic agents when their voices are not articulate—in the material sense of clear and distinct—precisely because we habitually associate the expression of epistemic subjectivity with the articulate voice. As such, “we” fail to award even the possibility of testimonial credibility to those who cannot speak “clearly and distinctly” because of disabilities; the very conditions for the possibility of testimonial credibility in the case of disabled people are always already in jeopardy with the privileging of articulateness as the prototype of credible testimony.

Code on Testimony, Voice, and “Voice”

Code’s work as a feminist successor epistemologist guides us in being more inclusive of different voices and different knowledge claims by asking that we consider and re-evaluate epistemic practices through an assessment of what she calls “rhetorical spaces.” In what follows, I recapitulate Code’s arguments for breaking open rhetorical spaces to be more inclusive of those who are not traditionally heard as having something epistemically valuable to say. I then assess how, if at all, Code’s approach helps us understand the operation of voice—how voices get heard, produced, limited, discouraged,

promoted—with respect to disabled people’s voices. Code’s work opens up the field for re-evaluating the role of testimony in epistemic subjectivity; however, her focus on subjectivity does supersede her attention to testimony and communication in the sense that her arguments for subjectivity implicitly suggest that fixing the subjectivity problem will allow any and all voices to emerge. As such, her account risks excluding “subjects” whose embodiments provide them with materially different forms of communication.

The problem, according to Code, is that rhetorical spaces—spaces in which people hear or don’t hear, and are or aren’t heard—in western societies are discriminatory towards many, and favor an elite few, as a result of epistemic bias and prejudice towards differences in subjectivity. In her words, the very first lines of her book *Rhetorical Spaces*: “This book is about knowledge and subjectivity: about their multiple enactments—their mutually enabling and constraining effects—in legitimating and discrediting structures of late-twentieth-century western societies. And it is about some of the particularities, in those societies, of the spaces where knowledge and subjectivity are reciprocally constitutive, yet where cognitive resources and positions of authority and expertise are unevenly distributed” (Code 1995, ix). She argues repeatedly that at the core of the rhetorical spaces problem is the issue of subjectivity. No matter whether she is discussing credibility, responsibility, testimony, or her disapproval of what she famously calls “S-knows-that-p” epistemologies, the source of the problem can be traced back to what role subjectivity plays (or doesn’t play) in epistemology. “Subjectivity” as she states early on in *Rhetorical Spaces* needs to be at the center of epistemology: “urgent questions for epistemologists” are *not* “criteria of evidence, justification, and warrantability,” but instead must deal with “*the ‘nature’ of inquirers*: upon their interests in the inquiry, their

emotional involvement and background assumptions, their character; upon their material, historical, cultural circumstance” (1995, 37, italics mine).

With respect to credibility, for example, she locates the issue of credibility squarely within the realm of epistemology and not “merely” political philosophy. She states: “*Epistemologically, these issues [of credibility] are as much about subjectivity as they are about knowledge, and questions about who is speaking figure centrally in their analysis.*” (1995, 69, italics mine). At stake here is how “who is speaking” functions as a central epistemological question that is as relevant as the putative knowledge being conveyed. Attention to subjectivity matters a great deal because, put simply, subjectivity has *always* played a role in knowledge processes, contrary to popular and philosophical assumptions that knowers are invisible through their objectivity. Code refers to this epistemological myth as “S-knows-that-p” epistemology; it is one in which knowledge and knowledge claims are taken to be relatively unproblematic, straightforward observations made by passively and neutrally receiving subjects. Code argues that the subject in this myth of S-knows-that-p is not a universal subject but is instead limited to the dominant social group, namely, privileged white men. There are, of course, two main ways to overcome this myth of the invisible, universal subject; either un-do the hegemony of the white male subject and replace it with a truly universal, disembodied, interchangeable subject, or, replace the unitary subject with multiple subjects. Either way, taking subjectivity into account is the only route, methodologically, to either or both goals. (Code does not, and I concur, believe that the former model of the universal, interchangeable knower is possible). The crux of the problem, for Code, rests in the fact that the “S” position of S-knows-that-p epistemologies will always entail some kind of

subjectivity; the trick is to un-do its hegemony, where such hegemony exists: “*a very specific conception of subjectivity [is] in the S place [of S-knows-that-p epistemologies]: a conception that demands analysis if the full significance of the inclusions and exclusions it produces are to be understood.* These ‘subjects’ are interchangeable only across a narrow range of implicit group membership. And the group in question is the dominant social group in western capitalist societies: propertied, educated, white men. Its presumed political innocence needs to be challenged” (1995, 33, italics mine).

Subjectivity is so much at stake for Code because “questions about how people can devise strategies for survival when they occupy marginalized and disempowered positions where they are muted by incredulity to the point that silence becomes their only viable option” (82) revolve around getting and awarding recognition and acknowledgement. Without recognition and acknowledgement, one is not believable, and believability is central to being human. “Being believable is about how one *is*, how one puts together one’s sense of self . . .” (82).

The concern with subjectivity, however, should not be mistaken as merely a moral-political argument for doing epistemology differently. Following Wittgenstein’s credo, “knowledge is, in the end, based on acknowledgement,” Code argues that attention to subjectivity is absolutely central to epistemology because it does in fact pose consequences and implications for knowledge itself. Contrary to the ingrained belief that objectivity—disembodied, voiceless knowing—makes for the best knowledge possible, subjectivity actually makes more objective knowledge possible: “. . . simple propositional knowledge claims that represent inquirers as purely neutral observers of unignorable data cannot be permitted to count as paradigms of knowledge. Objectivity *requires* taking

subjectivity into account” (44). Additionally, mainstream epistemology’s common dismissal of subjectivity as a relevant epistemic concern is mistakenly couched in a false bracketing off of epistemic issues from moral issues: “The questions generated by discriminatory incredulity, then, are located at the intersection of mainstream epistemology’s analysis of testimony as a source of knowledge, philosophical prohibitions on *ad hominem* argumentation, and taken-for-granted assumptions about the ‘nature’ of knowers and of cognitive agency. They are neither strictly epistemological nor strictly moral-political questions: indeed, they point to the artificiality of drawing boundaries between these areas of inquiry . . . ” (63).³⁹

We see here that subjectivity *and* testimony (in the form of “simple propositional knowledge claims” and “testimony as a source of knowledge”) come into play with each other as Code resists the traditional model of epistemology. I read this interaction between subjectivity and testimony as being at the core of Code’s work in *Rhetorical Spaces* even though she prioritizes and situates subjectivity as both the goal and method of creating more even and more just rhetorical spaces. However, although Code does analyze testimony (and, indeed, is among the first feminist epistemologists to tackle the issue in any great depth), there is a way in which her analysis of testimony understands testimony and the awarding of testimonial credibility to be more about how we treat the issue of subjectivity. Put simply, Code argues that testimonial credibility will follow once we grant recognition to others’ subjectivity. That is, recognition of epistemic subjectivity should entail testimonial credibility. Code of course does not make the issue as simple as

³⁹ This quote amply and accurately demonstrates that there is not a bias vs. universalism problem at stake in considering questions of discriminatory responses to testimony: the so-called bias problem is actually an epistemic problem. Linda Alcoff supports this claim as well in her work on the politics of epistemic credibility (Alcoff 2001).

that, arguing that both subjectivities and their usual “scripts” need to be re-worked and opened up so that different voices can be heard and exclusion omitted. Yet, I want to suggest that in at least some instances testimonial credibility does not always follow from acknowledgement of subjectivity. I will return to this point after presenting Code’s arguments for taking subjectivity into account.

Code’s basic claim is that mainstream epistemologies and the sciences that are supported by such epistemologies have never truly been objective; instead, a monological and often hegemonic notion of subjectivity, cloaked by invisibility and voicelessness, has always driven its logic. So, for Code, paradoxically, if objectivity is really our goal, we need to take subjectivity into account. In the very least, to dismantle the operative and putatively “objective” subject at mainstream epistemologies’ core; at best, to bring other subjectivities to bear upon how knowledge is made. Code captures this problem with the trope of “S knows that p” to reference mainstream epistemologies that produce the practices of discriminatory incredulity mentioned above; with this trope she intends to capture and analyze the general tendencies in mainstream Anglo-American epistemologies to erect a protective screen around the subjectivities and voices that dominate epistemic discourse. S-knows-that-p epistemologies are epistemologies that posit a subject knower, S, who is putatively neutral, dispassionate, objective, and interchangeable, and who can issue knowledge claims (p) which are propositional statements that have universal value. P statements are “claims [that] are distilled, simplified, observational knowledge claims, objectively derived, propositionally formulable, and empirically testable” (27-28). The problem for Code, with S-knows-that-p epistemologies is that, contrary to their overt claims otherwise, there is in fact a

subjectivity in operation at the core of these epistemologies, and further, this subjectivity is *not* universal: “within this model the issue of taking subjectivity into account simply does not arise. . . . Yet, despite [their] disclaimers, hidden subjectivities produce these epistemologies, and sustain their hegemony in a curiously circular process” (italics mine, 27-28).

She calls this hidden subjectivity the master of autonomy and the master of truth, variously. The master of autonomy is the main character in the “favored story [of feminist and other critiques of post-Enlightenment epistemology],” which tells of “solitary individuals striding knowledgeably and morally through an indifferent world, accountable only to themselves, and emerging as mature individuals in consequence of their own self-reliant efforts” (72). Further, this character “is the abstract individual of post-Enlightenment epistemology and moral theory” (166), but whose social locations and materialities reflect the characteristics of an elite group: “Feminist critiques of epistemology, of the philosophy of science, and of social science have demonstrated that the ideals of the autonomous reasoner—the dislocated, disinterested observer—and the epistemologies they inform are the artifacts of a small, privileged group of educated, usually prosperous, white men” (1995, 31).⁴⁰

This master of autonomy is of course none other than the Man of Reason that Genevieve Lloyd (Lloyd 1993) identifies as an epistemic ideal coursing throughout at least the last two hundred years of modernity. Following Lloyd, Code asserts that “these

⁴⁰ This master of autonomy also figures prominently in Donna Haraway’s *Modest_Witness*, where, drawing upon Steve Shapin and others’ work, she refers to this “God-trick” observer as a “modest witness” whose modesty as self-professed bachelors of science provided the justification for their abilities to be objective observers. (Haraway 1997). In addition, Naomi Zack created the term “bachelors of science” to refer to this elite group of white, anglo-saxon, mostly Protestant, unmarried but propertied males who constituted the vast majority of the influential Royal Society of England (Zack 1996).

ideals [of the Man of Reason] have had a constitutive effect in western metaphysics, epistemology, and ethics: an effect that has shaped popular conceptions of knowledge and of whose knowledge can claim epistemic authority . . . [there is] little doubt that the invisible, voiceless, knowing subject in mainstream epistemology and philosophy of science has a voice after all: it is presumptively male. It is no wonder that the knowledge he produces is androcentric, for it derives from typically male experiences” (Code 1995, 73).

To sum up, S-knows-that-p epistemologies contain core concepts which block the route to more inclusive and better epistemologies: at its center is the model of the individual master of autonomy who, following proper procedures, is able to independently undertake the journey to knowledge: “the assumption is that the route to certain knowledge is a solitary one; yet that every ‘individual’ can go that journey on his own and, by following proper procedures, can achieve valid, reliable knowledge” (166). Two, this individual master of autonomy is no man and everyman—the universal subject that is critiqued in so much feminist discourse. Three, as discussed in Chapter 2, this individual model is connected to a conceptualization of testimony as an inferior mode of knowledge (instituted, in part, perhaps by the Royal Society’s motto: *nullius in verba*): “the individualist presumption is reinforced by the low esteem in which ‘testimony’ is held in many of these theories of knowledge: by the tendency to align testimony with opinion or hearsay (and to denigrate it accordingly)” (166). Four, knowledge claims that don’t adhere to the form that “facts” take—for example, those knowledge claims that take the form of stories, gossip, etc—are regarded as “merely” anecdotal evidence, and more likely to be met with incredulity: “assumptions such as these condone relegating stories

to the category of ‘anecdotal evidence,’ contrasting them sharply and unfavorably with ‘empirical facts’” (166). Five, and most crucially for my purposes, Code describes “knowledge claims” as being “stylized responses” to passively received stimuli—that is, experiences that are taken in and observed and analyzed without prejudice or other interest: “*knowledge claims become stylized responses to passively received stimuli*, and particular circumstances or experiences reduce to variables” (166). I believe that with this phrasing, “stylized responses,” Code is indirectly pointing to articulateness, in that a specific (hegemonic) subject is linked to a specific (hegemonic) way of speaking; this way of speaking—these “stylized responses”—is also paradigmatic of Iris Marion Young’s “speech culture” (Young 2002) of white privileged men, which she terms articulateness as well. I come back to Young’s analysis in a moment.

The questions at stake are: how do we un-do the master of autonomy and truth? And how is credibility an epistemological issue? And what does it mean to change rhetorical spaces to be more inclusive? For Code, all of these questions point to the need to focus on subjectivity as both the goal and method of revising epistemological projects. For example, the problem with voicelessness is not that there is no voice or voices but that the subjectivities from which those voices emit are simply not seen. Voicelessness is thus a term that for her refers to the lack of metaphorical voice, or, subjectivity, rather than a lack of literal voice, such as an inability to speak/vocalize or write. Code’s proposed solution to this, at least in *Rhetorical Spaces*, is a turn to storied epistemologies. (In her later work, *Ecological Knowings* (Code 2006), she continues the theme of storied epistemologies in larger contexts through what she calls “ecological epistemology”). A storied epistemology is candid about epistemic complexity and acknowledges the

(metaphorically) *voiced* nature of knowledge, rather than subsuming and erasing subjectivities under the banner of a voiceless/disembodied/objective knower; and, yet, it is wary of “doing philosophy ‘in a different voice’” (Code 1995, 154). It is more concerned with finding out who has and who has not been heard, and with why and how that has happened: “These issues are more basic than that of developing *a* different voice: they require finding the voices of the epistemology makers, uncovering the processes of theory- and knowledge-production, relocating epistemic activity from the “no one’s land” that it has seemed to occupy, into human speaking and listening spaces where dominant conceptions of experience, knowledge, and subjectivity have systematically suppressed other contenders” (155).

Storied epistemologies will make a vast difference, in her view. (Indeed, the work she began with storied epistemologies serves as the foundation for her later work in *Ecological Knowings* where she proposes an epistemological vision that produces a philosophical revolution equivalent in scale to Kant’s Copernican revolution (Code 2006, 3)). She argues that taking stories seriously creates spaces for feminist voices primarily because taking stories seriously dismantles the universal subject master of autonomy and truth; they do so because stories “challenge the anonymous and universalist pretensions” (Code 1995, 167) of the master of autonomy and truth. The challenge gets its power from the fact that “stories presuppose tellers and listeners” and as such, “engages its listeners not so much by rhetorical spellbinding as responsively, interrogatively, interpretively, confrontationally” (167). Over and against the flat and univocal terrain of epistemological multiculturalism, a storied epistemology “presents *loci* for identification and differentiation, agreement and dispute, and presents them over a textured range of

possibilities which are linked, yet contingent and available for assent or refusal” (167-68).

And yet even as she shifts focus on to voices and the need to listen to voices in order to get to subjectivity, it presumes that voices will *be* voiced. What about those voices that cannot be voiced because of the presumption towards articulateness, in its material sense of literal voice?

I read Code as arguing that subjectivity and testimony go together and are co-constitutive. What is missing for me is the material dimension of voice, which I will address in more detail later, but will limit myself here to say the following. Why isn't taking subjectivity into account enough to “hear” disabled people's voices? I reply: it *ought* to be enough to do so, but at the moment we live in a testimonial framework (articulateness) that *even if taking subjectivity into account displaces the subject of S-knows-that-P, this revised epistemology of story-telling or ecological knowing has nonetheless not overtly dismantled the ways in which the (literal) voice of the master of truth/autonomy has come to serve as the primary formulator of credibility*. I claim that we've got a clear-and-distinct voice prejudice, a prejudice of articulateness. This prejudice is both political and epistemological. As I will show, this articulateness is of a piece with the master of autonomy figure in S-knows-that-p epistemologies. If we undo that subjectivity, we need to undo that voice too, if for no other reason than consistency. But also because voice/literal voice and subjectivity are co-constitutive, I do not think we can get rid of one and expect the other to disappear of its own accord.

For example, to use one of Code's case studies, Anita Hill's inability to be heard at the Thomas-Hill hearings was the result of the scripts available to her and her

interlocutors. These scripts were not ones in which black women have any credibility: mammy, welfare cheat, Jezebel. Not only are these scripts not ones in which black women can be credible, Hill did not fit these scripts, and, lacking a scripted subjectivity, was rendered incredible through that lack as well. As Code states: “She has no believability because she does not fit the scripts, even as she has no believability when she does” (76). The point for Code is that these scripts create the rhetorical spaces in which some people are heard and others are not, and so we must take these scripts and their entailed subjectivities into serious account if we are ever to listen better. “Listeners . . . listen through available narratives, stories, character possibilities, stereotypes. Sometimes such narratives perform the preliminary work that ensures that they are open, prepared and able to hear . . . But in the tangled situations where incredulity prevails, they work rather to ensure that the listeners do not hear” (78). Thus she advises that we cannot simply listen harder or more closely but must also work out new scripts—which she admits “has to occur in largely uncharted territory” where the rules for listening, acting, and hearing are not yet determined (78).

With respect to the problem of articulateness and testimonial communication that I raise, the Hill case presents an interesting point. Hill is someone with paradigmatic articulate speech: she is an Ivy-league educated lawyer and professor of law, and as such, speaks with the speech associated with the “speech-culture” of privileged white men that Iris Marion Young describes: “the privileging of allegedly dispassionate speech styles . . . often correlates with other differences of social privilege. The speech culture of white, middle-class men tends to be more controlled, without significant gesture and expression or emotion. The speech culture of women, racialized or ethnicized minorities, and

working-class people . . . often is, or is perceived to be, more excited and embodied, values more the expression of emotion, uses figurative language, modulates tone of voice, and gestures widely” (2000, 40). Had the requisite scripts been in circulation, such as one based on black women’s rights to their own bodies, Hill probably *would* have been heard; I also think, however, that had she lacked articulateness, that she would have *not* been heard even if the right scripts had been in place. What I am suggesting is that although Code is right about the need to circulate new scripts, we also need to bear in mind that new scripts need to be generated not just for subjectivity but also for different communicabilities.

Hill's actually articulate speech and presentation—in those particular, historical moments—was not sufficient enough to supersede the subjectivity problem. What we learn with the Hill example is that being articulate isn’t a sufficient condition for being heard; scripts matter too, as Code argues. I claim, however, that changing her script probably would not have been sufficient for getting heard if she hadn’t already/also been articulate. In other words, if she couldn’t use her literal voice to give her testimony, even if we removed the oversexed black female script she still probably wouldn’t have been heard because articulateness is still very much materialized through embodiment. In part because as Code says, her subjectivity was scripted in ways that foreclosed listeners’ ability to take her seriously; but also in part, I argue, because articulateness and its power is very much materially based in one specific kind of body (white, male, etc).

Articulateness as the primary formulator of credibility reinforces a script whose literal voice is based in carnally ableist presuppositions and has been historically associated with privileged white male embodiment. This is not to say that articulateness is the

domain of privileged white men; more specifically, the problem with articulateness is that it bears an able-ist bias towards clear-and-distinct speech. Articulatness historically has been the province of privileged white men, as I showed in Chapter 2, but it is not impossible for others to possess clear-and-distinct speech, or to imitate the “speech culture” of privileged white men. There are two basic groups at stake here: one is the group of non-disabled, but also non-privileged-white-males who can speak clearly-and-distinctly but are not heard that way, like Anita Hill; the second group is the disabled who cannot speak clearly-and-distinctly. Both suffer from the hegemony of articulateness: with respect to the first group, the historical associations of articulateness with the privileged white male class makes it difficult for Others to be heard along those script lines; in the case of the latter, it is articulateness’ material and carnal presuppositions towards ableism that make it difficult to be heard within the parameters of articulateness. I believe that undoing articulateness as the primary formulator of credibility benefits both groups because both groups are in need of recognized and accepted testimonial forms that differ from the historic model of articulateness.

For example, Judith Bradford and Crispin Sartwell (Bradford and Sartwell 1997) argue that all voices are bodied and all bodies are voiced. As such, they argue that listeners “hear” these voices through scripts not just of subjectivity but also of embodiment. Bradford and Sartwell show how different degrees of credibility are awarded to different persons on the basis of how well their testimonies “match up” with predetermined and fixed patterns—patterns that are determined in part by scripts pertaining to subjectivity, but also by our expectations about literal voices and embodiments. Our expectations are shaped by socially constructed and “socially

authorized taxonomies of bodies” (Bradford and Sartwell 1997, 192), which in their article refers principally although not exclusively to race and gender. And further, some stereotyped subjectivities have testimonial credibility with respect to particular topics, and are incredible on other topics. For instance, the voices of the “African-American male preacher” and the “White female moral spokeswoman: the abolitionists, the suffragette, the social purity reformer, the temperance unionist” have great credibility with respect to a very circumscribed purview: matters that pertain to the conditions of African-Americans and women’s domestic issues, respectively, but not with respect to other issues, such as Boyle’s law of gases, or whether filibustering is a power-controlling move by the Republican Party.⁴¹ They write:

The taxonomy that consigns bodies to categories and attaches normed voices to the bodies so consigned does issue in the *specific* empowerment of voices. Not only is it not the case that the oppressed cannot speak, it is not the case that the voices they are expected and permitted to have are *simply* the “language of the oppressors.” There exist specific white female voices, black male voices, black female voices, that are recognizable in our culture. These voices are taken to be authoritative about *specific* matters when they speak in specific ways; they are historical formations that result from the specific oppressions of person and the way those persons have taken up their locations. These norms of voice are one face of oppression, but also artifacts are complex struggles of oppressed persons with their specific problems of location, access, translation and credibility (199).

Bradford and Sartwell are writing against the presupposition in the literatures on voices and oppression that oppressed voices are not heard because they cannot speak in either their own language; this position is similar to Gayatri Spivak’s where she argues that the subaltern cannot speak precisely because the subaltern is defined through what is

⁴¹ On whether disabled people have any scripts available to them in which they are heard: when they speak on issues that conform to ablebodied expectations about the experience of disability, such as lives not worth living, they are held up not so much as credible speakers in their own right but as exemplars (read: poster child) of ablebodied claims about disability.

not, and so cannot speak through or with its true voice (Spivak 1994).⁴² Bradford and Sartwell, and I concur, show that such thinking does not realistically reflect the reality of voices and how scripts permit listening in some cases and foreclose listening in others. Furthermore, they show that the politics of listening and credibility are in part rooted not just in what kinds of scripts are being circulated but also in the materialities of the bodies that are being scripted.

Sartwell, the white male voice in the article, describes how because of who he is and what kind of body he has, his voice is the universal voice, belonging not just to him per se but also to his embodiment: “What voice I am able to produce is not determined solely by what I try to do with it, but also by what others are able to hear me saying When I try to contravene the arrogance of the ‘neutral’ academic voice, and speak informally and personally, I am sometimes read as *more* arrogant than your typical white male academic, as lacking the humility that the neutral voice is supposed to encode by erasing the flagrant signs of individuality” (Bradford and Sartwell 1997, 193). His is the universal voice in the sense that he can and is expected to talk about any topic, but only in a certain way—that is, articulately: neutrally, without informality and without reference to himself. “I was taught how to write philosophy in measured authoritative tones that sought to arrogate to myself certain forms of comprehension and, hence, of my power” (193). Thus, while he has the authority, because of his embodiment, to talk about any topic, he cannot do it in a way that reflects who he is or wants to be; he must do it in

⁴² They do not cite Spivak although her classic essay “Can the Subaltern Speak,” with the unequivocal conclusion that “The subaltern cannot speak (Spivak 1994, 104) is certainly an example of the kind of thinking they describe as becoming curiously “prevalent just as the actual voices of previously discredited bodies have more power to enter claims and insist that they be considered” (Bradford and Sartwell 1997, 196). They cite Derrida, Irigaray, and Catherine McKinnon and focus on Rorty, as exemplars of the claim that the oppressed cannot speak.

a way that is consistent with what the expectations are for white men's voices (literal and metaphorical), which is to say, he must be articulate. Thus his embodiment both enables and circumscribes his (literal and metaphorical) voice, just as the embodiments of Others circumscribe, but also enable, their voices (literal and metaphorical), although to a much greater extent. Other voices and bodies—such as those of the black male preacher and the white abolitionist mother (think MADD) cannot talk about other topics outside of their perceived purview like the universal voice can.

Testimonial credibility circulates not just around scripts of subjectivity but also around scripts of embodiment, which raises questions of literal voices in addition to the Codean question of metaphorical voices and rhetorical spaces. In addition to the types of scripts that shape how listeners listen, testimonial credibility is impacted too by the ways in which listeners pay attention—or claim not to—to embodiment. I do not think there is a choice here: embodiment is always noticed. Bradford and Sartwell write: “We attach voices to bodies; we deploy expectations about the ways female, dark-skinned body can speak or about the ways a male, light-skinned body can speak, for example. And that deployment conditions the way we can receive voices that proceed from those bodies. When a voice floats free of its body in certain respects, over the phone or on the radio, we imagine the body from which the voice emerges. When I read a text you have produced, I may search for signs of your embodiment and hence your social location in order to assess the authority of the voice to make the claims it is making” (192). As Sartwell describes his own voice, above, for white (able-bodied, male, etc) heads, embodiment does not exist, or more precisely, does not distract from the illusion of disembodiment, because white men (Mills' “white heads”) are putatively disembodied—they are

detached, disembodied, and “purely” rational. “Other” heads, by contrast, have “excessive” bodies which impact how their testimony is received. For example, Bradford describes how her adeptness as an articulate speaker (being an “argumentative shark” and taking “on a white male voice”) resulted in not being heard as a philosopher but rather “as a destructively vicious arguer: someone who could, and would, destroy others” (194).

Young captures—in part—the phenomenon of articulateness in white male voices that Sartwell describes about his own voice. She argues, and I concur, that there are “norms of articulateness” which are “culturally specific” and privilege the following: 1) the modes of expression of highly educated people; 2) the style of expression used, for example, tone, grammar, word choice, diction; and 3) dispassion and disembodiedness. This is the voice that Sartwell speaks with and *is seen* as speaking with; it is also the voice that is *not* awarded to other bodies even if they do in fact speak with that voice, as Anita Hill and Judith Bradford did. Young zeroes in on the different voices that different people use to testify in political-democratic discourse, and how only one voice—the articulate one—is really heard at all. Other forms are too emotional, too loud, too gestural, too embodied. “A norm of articulateness’ devalues the speech of those who make claims and give reasons, but not in a linear fashion that makes logical connections explicit. A norm of dispassionateness dismisses and devalues embodied forms of expression, emotion, and figurative expressions. People’s contributions to a discussion tend to be excluded from serious consideration not because of what is said, but how it is said” (Young 2002, 56).

Although Young mentions embodiment and disembodiment, she does so in terms that refer back to how one speaks, that is, how one uses one’s body when speaking,

exhibiting mannerisms and gestures that can be but are not necessarily culturally specific. Her observation of course is correct; Young, however, treats these specifically western cultural norms of articulateness as being characteristics of speech that *can* be learned and transferred from one body to another, although by no means does she advocate this. The speech culture of white, middle-class men can certainly be imitated; the question of whether non-whites or non-males are as successful as white men in using that particular speech style or voice, however, is still on the table. Anita Hill's speech was certainly articulate in this white male speech culture sense, and yet she was not heard, in part because her articulateness could not supersede the power of circulating scripts that denied her subjectivity. She was not heard, however, in part too because there is a way in which it was not expected that a non-white-male body could even speak articulately. It is as if articulateness can only be materialized/spoken by white men.⁴³

I have in mind Senator Biden's odd remark concerning Barack Obama: "I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy," Biden said. "I mean, that's storybook, man." Biden's own rather clumsy and inarticulate rendition of his assessment of Obama ("I mean," and "man") is nonetheless an eloquent example of how at least some, if not most, in the political realm does not expect black men to be articulate, and when it does "hear" black men, finds them "surprisingly" articulate. The surprise being, I think, rooted in the deep-seated belief, arising from the historical association between articulateness and privileged white

⁴³ To the objection that Clarence Thomas, a black man, is an example of someone who is not a white man but is articulate and whose articulateness was recognized: in all likelihood, Thomas' presence and voice had very little to do with the trial. Realistically, the hearing took place between Anita Hill and her white male interlocutors, not between Hill and Thomas, in the sense that Hill challenged the white men's decision to confirm Thomas.

male class speech culture, that articulateness—clear and distinct speech—is somehow embodied in white male flesh and not transferrable from body to body: “When ‘inappropriate’ bodies learn to speak in this [‘blank’ or ‘neutral’ academic] voice, the *unexpectedness* of it does bring comment. The ‘neutral’ voice can never operate in precisely the same way for those whose bodies are not unremarkably attached to it. Such a voice is an achievement, or a sign of (sometimes admired, sometimes denigrated) irregularity” (Bradford and Sartwell 1997, 194).

In describing how we search for the body behind disembodied voices coming in over the phone or through a written text, Bradford and Sartwell identify the functions of the taxonomy of voices, which “consigns bodies to categories and attaches normed voices to those bodies” (199). This taxonomy results in “categories of appropriate voices that are heard as emerging from the bodies regimented by our systematics of body categorizations” (192). They are clearly studying the ways voices are embodied and how we as listeners read those voices through embodiments, both our own and those of the speakers. What I am claiming is that this taxonomy has profoundly material and carnal presuppositions, even more so than Bradford and Sartwell realize. Articulatness doesn’t just reflect a speech culture, as Young points out, but also reflects an embodied voice/voiced body norm, as Bradford and Sartwell point out. Furthermore, as I point out, articulateness is underwritten by a cultural and philosophical framework of communication that has profoundly material/carnal presuppositions, presuppositions which are experienced by disabled people (and others) as exclusive. That is, the governing norms of articulateness are “materially specific” as well as “culturally

specific.” I ask: what about voice itself, in its material manifestations as “clear and distinct” speech (or not)?

Sartwell comes close to answering this question when he describes how the white male voice has regulatory power: the regulation of this taxonomy of voices is not just in the hands of those in power (that is, in their subject position), but in the *voice* of those in power. Sartwell acknowledges how the naturalization of his and other white male academic’s voices results in the power to be heard with respect to themselves *and* others:

The voice of the white male author is supposed to issue from no position. It is the one ‘blank’ in the race and gender taxonomy, the one location that takes itself to have no content, to speak for the neutrally human. That means . . . that it takes itself to be *voice simpliciter*; the white man takes himself to be that-which-speaks, that-which-writes, and we take others to be speakers or writes insofar as they speak or write like we do. We seek a certain form of erasure of our others from language. Thus, in an act of intense arrogance, we assign to ourselves the burden and the power and the right and the ability to speak *for everyone*. And we also assign to ourselves the task of *sorting* voices, of policing recognizability and comprehensibility. . . That is, obviously, a position of power, and it is also a position that erases its location in power locations, that ‘naturalizes’ that location (Bradford and Sartwell 1997, 193).⁴⁴

Sartwell and Bradford explain elsewhere that “having a voice” does not so much refer to physical voice but rather “having the power to make oneself heard” (195).

However, in this long passage, Sartwell perhaps unknowingly touches upon the ways in which the white male academic voice embodies articulateness: the “clear and distinct” voice grounds his subjectivity (that-which-writes, that-which-speaks); it grounds how others are heard (we take others to be speakers or writers insofar as they are like us); it grounds who shall speak and who cannot (policing recognizability and comprehensibility;

⁴⁴ Alfred Prettyman (Prettyman 2004) describes the regulation of speech through a “vener of politeness” through the same policing of recognizability and comprehensibility that Sartwell notes.

the “clear and distinct” *naturalizes* voices. This is the piece that I have stakes in: how does articulateness function, at the level of literal voice?

My conception of articulateness follows Young’s insofar as it refers to socially constructed aspects of testifying, such as one’s speech culture; I want, however, also to examine further the way we “attach bodies to voices” that Bradford and Young describe, in a way that zeroes in on not just how we expect and look for certain kinds of bodies behind certain kinds of voices, but also how the materiality of voices impacts testimonial credibility. Where Bradford and Sartwell emphasize the ways in which embodiment (male, female, black, white, etc) underwrites how subjectivity is perceived and therefore what kinds of rhetorical spaces are being granted to Other voices, I want to examine more closely the literal voices themselves.

That is, how does the materiality of (putative) disembodiedness underscore credibility? How do *materially specific* mannerisms and gestures of communication in some important cases impact the way one’s testimony is issued and received? While drawing a hard and fast distinction between the material and the cultural is somewhat problematic, I think that a functional distinction can still be made so that we might better differentiate between *those cases where articulateness is a function of cultural norms, (as Young calls it and as Bradford and Sartwell discuss), and those cases where articulateness is also in part a function of embodied materialities that create or impose physical conditions on how one testifies.*

For example, the way someone who stutters communicates is a direct consequence of the physical conditions of his or her disability. S/he cannot “style” herself after the disembodied, dispassionate speaker quite simply because of her physical

limitations. While Young provides a very useful and a much-needed critique of articulateness, it describes only one of its features, namely, the discursive features of voice. Although she does talk about the role embodiment plays in voice, she refers to the kinds of embodiments that arise from social and cultural habits, whose connections to physical realities—like race and gender—may have more to do with behaviors stemming from membership in a group identity, and less to do with biological limits, such as those incurred often but not always by disability. Thus, I ask: What about those disabled bodies for which it is *de facto* impossible to testify like the “articulate” witness even if they wanted to?

For me, again, the issue is not that subjectivity is unimportant; on the contrary, it is vital, and I want to suggest that it still remain the goal. What I have concerns about is that in *some* cases, particularly those involving disabled people who cannot speak “clearly and distinctly,” focusing on subjectivity may be insufficient as a methodology for promoting inclusion of that subjectivity. That is, if most if not all subjectivities are “arrived at” or “acknowledged” through communication and testimony, then in those cases where communication cannot be had, then breaking open spaces for new subjectivities will be hindered by the lack of communication. Code speaks of how for some “silence becomes the only viable option” in the face of incredulity—the stance that listeners take when they do not acknowledge the subjectivity of the other. I concur with this, but I also ask: so what happens when a listener acknowledges the subjectivity of the other but cannot hear the other because he or she is unable to communicate “clearly and distinctly”? Inclusivity of subjectivity is still the goal; however, it cannot be the sole method. To be clear, I am making a weak, not a strong, claim about Code’s position, yet

it is one that I think cannot be overlooked: modes of communication impact how subjectivity is established and acknowledged. The materiality of one's testimony matters. I do not think Code would disagree nor do I think she is unaware of this point; where she demands a move away from the hegemonic, universal subject-master of autonomy and truth, I demand a concomitant move away from his (literal) voice as well.

There is no doubt that the concern with subjectivity is a crucial question; I do not intend, with my analysis, to displace it or go beyond it. This particular focus on subjectivity, however, presumes that epistemic agents are agents insofar as they express themselves and that the lack of testimonial exchange is due to the inability of would-be listeners to listen when such agents speak, or worse yet, is due to the fault of would-be listeners to not even allow such expressions.

The concern about enforced silence suggests that were feminist epistemological visions achieved, there would be plenty of speaking voices to listen to, and that "our" projects would then be to negotiate those voices and their testimonials. Creating the spaces for oppressed testifiers to speak is a necessary, but not always sufficient, condition for enabling "voices." Recognition of spaces and subjectivities alone is an important first step, but in some cases, literal voice in the sense of voice and not subjectivity, is at stake: creating "rhetorical spaces" in which marginalized others can testify requires not just the creation of the places and opportunities to be heard but also of alternate methods of testimonial communication that profoundly realize and respect their material elements. I think Code would agree, by dint of her own arguments, as I have tried faithfully to present above.

To be fair, Code does in fact suggest ways in which an alternative form of communication can be and is epistemologically valuable. Gossip is an excellent example of how testimony can be done differently, and demonstrates well how an epistemology of testimony must in fact pay attention to different ways of speaking/testifying/communicating. For her, gossip is epistemologically valuable rather than being dismissed as unruly, malicious, and meaningless chatter about unimportant things. Gossip demonstrates how knowledge can and often is produced in ways that are ontologically, phenomenologically, and epistemologically different from the profoundly individualistic and monological underpinnings of traditional epistemologies (1995, 147). Code's study of gossip does the following things: a) shows that testimony is a source of knowledge, not merely a conveyer/transmitter of knowledge; b) as such, reveals that stories and other forms of gossip are important epistemic events, so we must find and validate alternate forms of communication; c) and, further, shows that testimony is inherently intersubjective—that is, the model of testimony that is typical of S-knows-that-p epistemologies that envisions a speaker and a listener is too simplistic. Instead, the speaker and listener together produce testimony. Gossip, that is, instructs us on how “intersubjectivity and community count among the conditions that make knowledge possible” (147). Through gossip and the intersubjective dimension of acknowledgment that it entails, knowledge is produced: “There is no doubt that it is *knowledge* that [gossipers] construct out of their activities—knowledge that neither one of them could have produced alone” (1995, 146).

However, Code's focus on gossip is aimed in a different direction than mine. The power of gossip for Code is that because of its randomness, disorderliness, interestedness,

and engaged-ness (146), it “produces knowledge so valuable that it can contest the paradigm status of scientific method as the only reliable means of establishing truth” (150). The example of gossip demonstrates how heretofore unvalidated and unrecognized forms of testimony and communication have epistemic values that can supersede the monoculturalism of S-knows-that-p frameworks, such as those used in science. The point, ultimately, of her gossip analysis is to demonstrate how subjectivity is at the basis of knowledge exchange and production, and that gossip is a good portrait of knowledge and acknowledgement at work. So while she does show how alternate forms of communication that deviate radically from the “stylized responses to passively received stimuli” model have profound epistemological and testimonial value, this particular example does not touch upon literal voices.

The upshot of her work is to continually point to the problem of different subjectivities and to propose frameworks that create spaces for these different subjectivities to be recognized. This is critical work; however, more needs to be said about the conditions for the possibility of communicating by those different subjects. As I demonstrated in my discussion of Code’s valorization of gossip, Code does address the issue of communication through analyses of testimony and credibility; these critiques point back, however, to the issue of subjectivity, considered apart from questions of literal voice. We need a focus on communication too, simply because modes of communication are a part of how subjectivity is established. Code is right to argue that “getting heard” amounts to having one’s subjectivity acknowledged and recognized. But recognizing another’s subjectivity does not entail that you hear that person automatically; that person has, of course, to communicate in some way. Subjectivity and testimony are

co-constitutive, as Code implicitly acknowledges with her move to storied epistemologies. If we are correct in asserting this, then the question has to be asked: in addition to recognizing subjectivity, how do we recognize communication?

Code's vision of building livable world requires collective, negotiated, reciprocal, trustworthy, respectful collaboration among individuals with a wide variety of differences, some of whom are privileged, and many of whom are marginalized. Testimonial exchanges, in this vision, even as in the postpositivist vision of (perverted) autonomous knowers, "are often tangled negotiations where it matters who the participants are, and where issues of differential credulity and credibility cannot be ignored. Such exchanges require assessment not just of the warrant of knowledge claims that circulate within them, but of the credibility of the 'master of truth,' and of the power-saturated processes that enable or obstruct its production (67). But, as Code recognizes, sorting out the tangles in the process is not simply a matter of improving oneself as a listener or as a speaker, or as both. Instead, negotiating testimony—whether listening or speaking or both—is, instead, a matter of "working out, collectively, how to produce and circulate new scripts, how to devise improvisational possibilities that can unsettle and disrupt [postpositivist] story lines that are apparently seamless, unable to admit of unexpected or novel twists in the plot. And the working out . . . has to occur in largely uncharted territory, where the rules for how to listen, how to hear, how to act are not properly in place" (78).

As I mention in the introduction, I do not seek to displace Code's or other feminists' analysis of voice and subjectivity, but rather amplify it with respect to materially different voices. Code's statement above that we need new rules for how to

listen and how to hear is my point of departure: creating “rhetorical spaces” in which “non-masters” can testify requires not just the creation of the places and opportunities to be heard but also of alternate methods of testimonial communication that profoundly realize and respect their material elements. Concerning those who have been excluded from certain epistemic and rhetorical spaces because of their disabilities, the question is not just how do we recognize their subjectivities, but how do we communicate with them so that we might acknowledge their subjectivities even better? It is not the case that non-disabled people need to listen better: more listening does not eliminate inarticulateness. We need instead to really deal with the material differences that disabled people have and which interfere with “articulate communication.” What are the details and the challenges that the material differences of disabled people make to the process of testimony?

Conclusion

In this chapter, I have demonstrated that the problem of having marginalized voices heard is not simply a problem of subjectivity, considered apart from literal voice. Where articulateness (unfairly) governs communication, only those communicators who are perceived as being articulate actually (whether deservedly or undeservedly) merit the (normative) rank of “testifier.” The practice of articulateness is not, in and of itself, a problem, nor is articulateness per se an issue. However, when articulateness becomes *the* sole—or even the *major*—governing standard for evaluating an epistemic communication for its credibility, that is, when it is the primary formulator for credible testimonial forms, then we are almost always sure to create instances of epistemic oppression and

injustice.⁴⁵ The problem, I claim, is that Western habits and practices of articulateness has produced an epistemology of testimony whose credibility and legitimacy unjustly hinges on its form, that is, on its being issued *articulately* through spoken language and from a human body that, like Genevieve Lloyd's man of reason, carries visible markers of affluence, masculinity, whiteness, education, ability, and age. Furthermore, and more at stake in my analysis, is how articulateness, even considered apart from the man of reason, has carnal and material presuppositions that are ableist because of articulateness's demand for clear-and-distinct speech.

Perhaps overgeneralized, but illustrative nonetheless, a claim made by Charles Mills in reference to black people's abilities to speak and be heard, underscores my claims about the roles played by embodiment and materiality in producing and regulating "legitimate" communication. Mills states in *The Racial Contract*: "Whites may get to be 'talking heads,' but even when blacks' heads are talking, one is always uncomfortably aware of the bodies to which these heads are attached. (So blacks are at best 'talking bodies.')" (Mills 1997, 51). For Mills, black talking heads, because they are black, can only be "talking bodies." Where black people fail to be heard, at least part of the problem is that they are not seen as producing appropriate "claims to knowledge" but instead doing something irrelevant with their bodies. For my purposes, Mills' point is helpful to understanding what happens when disabled people communicate. Given that disabled bodies, particularly those that have speech disorders, are similarly—albeit along different lines of normativity—regarded as incoherent, excessive, or as "spectacular" in the sense

⁴⁵ I use Miranda Fricker's understanding of epistemic oppression and injustice here, as outlined in the previous chapter. See (Miranda Fricker 1998; Miranda Fricker 1999; Miranda Fricker 2003)

of staging a spectacle, it shouldn't be surprising that disabled people face difficulties in being heard and received as legitimate knowers when they communicate. In the next chapter, I suggest a testimonial alternative that reflects a variety of communicative styles.

Chapter 5

Contesting Materiality: Testimonial Voice as Communicability

“Communication, even with ourselves, *is* xenobiology: otherworldly conversations, terran topics, situated knowledges” (Haraway 2008, 181).

“Our attempt to rethink corporeality in a way that wrests it from the role of dumb and passive container will need to grant that the body is already a field of information, a tissue of scriptural and representational complexity where deceptions, misrecognitions, and ambiguities constitute the virtual logic and language of bio-logy” (Kirby 1997, 148).

Introduction

In previous chapters, I have argued that articulateness’s hegemony is rooted in a normative materiality that presumes that bodily self-control is integral, indeed, foundational, to credible epistemic expression. With a body properly regulated and under control, the articulate voice is the voice of *logos*. This model of epistemic expression, as I have also argued, does not extend epistemic credibility to individuals who do not or cannot voice themselves with clear and distinct speech. In building a more inclusive model of testimony, we (as theorists and as listeners) need not so much admonish ourselves to listen more carefully to the message, or the content of testimony involved, like one might say that “judging books by their covers” is a bad epistemic—much like a bad shopping or browsing—practice. Instead, we need to pay more attention to how testimony is *produced*: how is it spoken, written, or otherwise delivered? How does a testimony’s form impact its content? Can the content of a claim affect its delivery? How

is testimony produced when writing and speech are not possible, as is the case for some disabled individuals? And how do we “listen?”

In this chapter, I take my cue from Elizabeth Wilson’s “materialist turn” to argue that by looking at materiality in a “biologically reductionist” way, we open up the possibilities for witnessing epistemic communications coming from non-articulate knowers. My claim here is that testimony must be recognized as being as profoundly material as it is semiotic. Careful attention to testimony itself reveals, as I argued in Chapter 2, that testimony as a social and epistemic practice has always been—at least in part—constituted materially, whether we have recognized it as such or not. It is my contention that attention to and analysis of our ontological commitments to materiality will help us sketch out a preliminary response to reforming our testimonial practices. How testimony articulates itself will depend greatly on our abilities and our willingness to witness materiality. Hence, the doubled meaning in the title of this dissertation and this chapter, “Material Witness.” In the same way Karen Barad puns on “how matter comes to matter,” a good witness is one who, in recognizing their own material-semiotic situatedness, extends recognition to the material (in the sense of “matter”) as being material (in the sense of “relevance”).

The question that drives both this and the concluding chapter is: how do we award the status of testimony to epistemic communications in more inclusive ways than the standard of articulateness has traditionally allowed? First and foremost, an ontological shift is required. In this chapter, I examine Wilson’s feminist materialist theory, what she calls “gut feminism,” for the benefits of a different ontological approach to embodiment. Second, as I elaborate in the concluding chapter, this materialist ontology offers ways we,

as theorists and as listeners (and as seers, watchers, feelers, and observers) can recognize, acknowledge, evaluate, and respond to knowledge claims that are not delivered in the articulate, clear-and-distinct speech that we typically expect of credible human knowers. I will suggest there what, if not the standard of articulateness, we can use to guide us in our assessments of epistemic competency and speaker sincerity.

Section I: Telling Flesh, Otherworldly Conversations, and Biological Reductionism

Wilson, like many materialist feminists, is committed to a specific kind of materialist ontology that has specific repercussions for ethics and epistemology. The kind of materialism that informs these feminist approaches is a materiality that is taken to be agential, emergent, and networked. This view is in stark contrast to an understanding of materiality as a blank, inert, passive slate awaiting textual (i.e., human) inscription. Instead, materiality properly conceived requires a shift away from the nature/culture, real/cultural, material/discursive dichotomy that marks modern thinking and towards new paradigms that actively acknowledge not only the lack of these dichotomies in reality but the active presence of multiple, networked, messy, and agential realities. The “material turn” includes Andrew Pickering’s “mangle” and “dance of agency” (Pickering 1995), Deleuze’s and Guattari’s “assemblage” (Deleuze and Guattari 2004), Karen Barad’s “agential realism and intra-action” (Barad 1999; Barad 2007), Nancy Tuana’s “emergent interplay” (Nancy Tuana 2004; Nancy Tuana 2001; Nancy Tuana 1983), Vicki Kirby’s “telling flesh” (Kirby 1997), and Donna Haraway’s “material-semiotic” (Haraway 1997;

Haraway 1991; Haraway 1989), to name just a handful. What these approaches hold in common is succinctly captured by Susan Hekman:

We have learned much from the linguistic turn. Language *does* construct our reality. What we are discovering now, however, is that this is not the end of the story. Language interacts with other elements in this construction; there is more to the process than we originally thought. What we need is not a theory that ignores language as modernism did, but rather a *more complex theory that incorporates language, materiality and technology into the equation*. (Alaimo and Hekman 2008, 92, italics mine).

What is needed is a better understanding of how language, materiality, and technology mutually co-constitute one another, and, for my purposes here, how they intersect in embodiment. In this section, I attempt to unpack these ontological connections a bit for their implications for a better, more inclusive model of testimony, which will be further elaborated in the conclusion.

Some materialist feminists, like Donna Haraway in the epigraph, have gestured at the ways in which communication is a form of material flesh (like biology) and is always already invoking difference and the inescapable importance of the Other. This is a conceptual sentiment that Haraway, for example, seeks to capture by invoking not just biology but “xenobiology” which is the study—and communication with—of alien, extraterrestrial, or perhaps extra-human, life forms. “Otherworldly conversations, terran topics, situated knowledges:” what do these mean? They tantalizingly connect up to doing testimony differently, but how?

I take Haraway to be referring to the ways in which, once we re-conceive our real-world ontologies to reflect emergent, intra-active, material-semiotic realities, all testimonial encounters invoke not just communication with alien Others (including our own selves for we are not ever transparent to ourselves) but specifically communication

with alien Others whose bodies are flesh-ily embodied in the same networks of materiality as we are, and, as a result, are mutually co-constitutive with “us.” Materially different and yet co-constitutive and continually emergent, “we” produce knowledges in the “situated-ness” or “networked-ness,” in, of, and amongst material-semiotic entities. These knowledges can and do express themselves, but “we” can listen, watch, observe—indeed, *witness these Other witnesses*—only in so far as we are willing to move away from articulateness as the primary formulator of credible epistemic expression.

Kirby’s notion of “telling flesh” is also helpful here.⁴⁶ With this idea of flesh that speaks or inscribes, Kirby challenges the overweening inscription of text over biology by gesturing to the possibility that there is fleshly materiality that writes, reads, communicates, indeed, *testifies*, and which is not silently, passively receiving inscription from cultural and linguistic constructs. She suggests that:

We might think the body as myriad interfacing, infinite partitionings—as a field of transformational, regenerative splittings, and differings that are never not pensive. Flesh, blood, and bone—literate matter—never ceases to reread and rewrite itself through endless incarnations. (Kirby 1997, 148)

If “nature scribbles or . . . flesh reads (127), then the location of “speaking” or “testifying” shifts radically from the provenance of *logos* over a well-controlled and well-heeled body to more diffuse, ambiguous, emergent, and “telling” networks of fleshly materialities. It is Kirby who makes possible the question: What are the implications for testimony if *logos* is not, in fact, the command-control-communications-intelligence center of human rationality that we have long taken it to be?

⁴⁶ While it is Wilson’s work that maps out a process for revisioning *logos* in ways that are promising, it is with Vicki Kirby’s challenge of the early postmodern notion that “it’s socially constructed text all the way down” that the possibility for revisioning testimony becomes possible in the first place. By reading Kirby’s notion of “telling flesh” through Wilson’s cognitive materiality, we get a glimpse of what testimony might look like under a different ontology.

By taking this view, we adopt an ontology in which *logos* shifts: “For if nature is literate, then the question ‘What is language’—or more scandalously, ‘Who reads?’—fractures the Cartesian subject to its very foundation” (127). She pushes this view even further when she challenges, continuing the rich feminist materialist tradition of (re)fusing nature and culture, the idea that *logos* is mostly or strictly in the “mind” part of the mind/body, culture/nature split. “If it is the nature of biology to be cultural—and clearly, what we mean by ‘cultural’ is intelligent, capable of interpreting, analyzing, reflecting, and creatively reinventing—then what is this need to exclude such processes of interrogation from the ontology of life?” (Kirby 2008, 221). When Kirby urges us to recognize the body as a scene of writing, or of telling, she demands that we acknowledge that the “meat of the body *is* thinking material” (ibid).

“Telling flesh” and “communication as xenobiology”—understanding the meat of the body as thinking material and communication as the study of alien life forms is precisely the focus of Wilson’s work. Wilson’s arguments for relocating cognition are particularly useful here because they provide an in-depth study of neuroscientific literatures that show quite clearly that one’s *logos* exists in parts of the body that we do not ordinarily associate with *logos* or even imagine to possibly bear any relation to *logos*. Envision, for a moment, a scenario in which a doctor treats a patient’s non-etiological leg pain not by prescribing a general pain reliever but by having a conversation with the leg. This strikes us as laughable; however, it is precisely how Freud successfully treated Fraulein Elisabeth’s clearly psychosomatic leg pains, which developed in response to her father’s death.

To elaborate, Wilson interprets his clinical notes⁴⁷ as evidence that the “real force of Fraulein Elisabeth’s condition is that the physiology of her thigh muscles (their capacity to stretch and contract; their intimacy with their peripheral nervous system) cannot be separated from the illness and death of her father or from the words of her analyst. The intersubjectivity of her analysis is facilitated not just by words, ideation, and affect, but also by nerves, blood vessels, and skin” (Wilson 2004a, 10). For Wilson and for Freud, Fraulein Elisabeth’s leg muscles are not simply the site at which convers(at)ion occurs but are themselves testifying their psychoanalytic issues through “dialogue with others: her father, her sister, her brother-in-law, and not least of all, Freud” (ibid). Telling flesh and communication as xenobiology, indeed.

Wilson’s “material turn” is profoundly useful for the ways in which materiality, embodiment, and *logos* are understood to be neurologically, bodily, linguistically, materially, psychologically, socially, culturally, politically, and technologically much more complex than modernist accounts of knowers and testimony have heretofore acknowledged. What is most significant about Wilson’s work is the fact that her studies of neurology, psychology, and cognition reveal that *logos* is not at all properly located in the mind or even the brain (“mind” and “brain” can be the same or different, depending on which tradition one follows), but rather is geographically distributed and networked,

⁴⁷ The specific passage from Freud that Wilson interprets is: “Her painful legs began to “join in the conversation” during our analyses. What I have in mind is the following remarkable fact. As a rule the patient was free from pain when we started work. If, then, by a question or by pressure upon her head I called up a memory, a sensation of pain would make its first appearance, and this was usually so sharp that the patient would give a start and put her hand to the painful spot. The pain that was thus aroused would persist so long as she was under the influence of the memory; it would reach its climax when she was in the act of telling me the essential and decisive part of what she had to communicate, and with the last word of this it would disappear. I came in time to use such pains as a compass to guide me; if she stopped talking but admitted that she still had a pain, I knew that she had not told me everything, and insisted on her continuing her story till the pain had been talked away [Breuer and Freud 1895, 148 in (Wilson 2004a, 10)].

like topographical lines on a map, throughout not just the solitary human body but also throughout and between communities of multiple human bodies and physical, social, cultural, linguistic, and technological entities.⁴⁸ While Wilson never uses the term *logos* in her texts, focusing instead on the material and discursive location of cognition, I nonetheless interpret Wilson as arguing for the re-location of *logos* from the brain, from the center of the body, from its position of control and command center, and to its proper location as a connectionist entity, dispersed throughout material-semiotic systems and units. By undertaking a careful and nuanced study of biology, cognitive sciences, psychology, and psychoanalyses, she argues that cognitive activity is located in a kind of morphological connectionism that stresses the relationships between entities rather than the entities themselves.

What constitutes “cognitive activity” is broadly understood by Wilson to include ratiocination, reflection, emotion, affect, behavioral, and intellectual activity, but also “bodily” things like eating and touching. This broad understanding, however, is not simply a stretching-out of the term “cognition” to refer to a wide variety of neurological behaviors that are connected in varying degrees to the main command center, the brain. “Cognitive activity,” for Wilson, is broad not because every behavior is reducible to some neurological activity in the brain but rather because the capacity to think is in the

⁴⁸ While relocating *logos* in the gut, as Wilson suggests with her “gut feminism” ontology, helps us understand “otherworldly conversations” and “telling flesh,” we should not confuse or equate the two kinds of leaky *logos* that Wilson emphasizes: *logos* as dispersed throughout one human body, on the one hand, and *logos* dispersed through networked communities of multiple bodies. One does not necessarily lead to or cause the other, even though they often occur simultaneously. Rather, both are simply instances of the same ontology: namely, that *logos* leaks. They are both dispersals of *logos*. With *logos* re-situated thusly as a series of leaky dispersals, what are the implications for a new model of testimony? This question is the focus of this chapter.

body, and the body itself is in the capacity to think. For example, in her second book, *Psychosomatic* (Wilson 2004a), she shows that it makes little sense to conceive of either embodiment or cognition as distinct entities. They are mutually implicated not in an atomistic-but-connected sort of way but in a way that can only be described as psychosomatic. To be clear, this connectionism that Wilson proposes is a ruthless kind of psychosomatics: if one were literally to cut off the part of the body that one usually takes to be “psyche” (the head, or part of the brain), one would *not* also be cutting off the word “psyche” from that organism’s psychosomatic. Even when decapitated, psychosomatics continue on. Indeed, ill health is a reflection of the breakdown in the connectionism that sustains psychosomatic existence.

Depression, for example, is understood by Wilson as being a breakdown in the relationships between bodily organs, rather than being a mental health problem that is iso-located in the brain’s neurology. A simple illustration of this is her use of the phrase, “the brain in the gut,” which refers to the (biological) fact that the cells that manufacture serotonin (which regulate mood, attention, and perception) live in the gut. So, part of treating depression will include treating the gut, but as important as pills are the roles played by the words in psychotherapy. Her study of depression and its treatment stresses the importance of networked, connectionist ontologies that involve cells, organs, bodies, and biological and cultural systems: “The biological disintegration of mood is a breakdown, not of the brain per se, or of the liver or gut, but of the relations amongst organs . . . and between biological and cultural systems” (Wilson 2008, 385).

This makes more sense when we follow her closely in her examination of the blood-brain barrier (BBB). Distinctly psychosomatic in nature, the BBB is a part of

human cognitive biopsychology that controls and protects in the inner workings of the brain. The brain contains precious neurological fluids (the brain interstitial fluid and the cerebrospinal fluid) that have to be carefully balanced and stabilized, far more so than somatic extracellular fluids such as blood, because many molecules and chemicals in the body are powerful neurotransmitters and if the brain were constantly deluged with different neurotransmitters it would have difficulties in performing key neural synaptic functions (383). As Wilson points out, this neurological/pharmacological understanding of the BBB as a controller and protector does seem to suggest that the brain is an “autonomous, self-contained organ” (384); however, there is another way of viewing the BBB. Wilson argues that the pharmacological literature demonstrates evidence of the fact that the BBB is also a “system of communication with the outside . . . [in which] the brain is always necessarily implicated in relations with other organs and extra-bodily system. The blood-brain barrier is one particularly intensive site for these *xenobiotic transmissions*” (384, italics mine). Otherworldly conversations, to echo Haraway.

What counts as a “xenobiotic transmission” is also broad. It is, quite simply, anything the brain doesn’t produce itself. Indeed, the brain doesn’t produce much in the way of neurochemicals. Serotonin, a key neurochemicals that influences mood, is not manufactured by the brain but by the body in concert with the external socio-physical environment. Serotonin is synthesized from the amino acid tryptophan, found in certain foods, and carried across the BBB through a specific carrier molecule, in competition with other amino acids being delivered across the BBB. Limited amounts of each amino acid can get across the barrier at a given time, which means that there is a delicate balance in the amount of each amino acid available to the brain. So, for example, if the

person's diet is also rich in fatty carbs like bread, cake, ice cream, the insulin produced by the body will remove other important amino acids from the blood, thereby "reducing competition at the blood-brain barrier, and allowing a disproportionate amount of tryptophan to pass from the blood to the brain" (384).

What this little psycho-biological-cognitive (or, psychosomatic) vignette means is that serotonin levels in the brain, which ultimately contribute to cognitive function, rely on and work in concert with extra-neurological systems, including bodily organs external influences such as physical environments and diets. "No one of these systems entirely governs serotonin traffic. Rather, serotogenic activity is a network of relations amongst organs and between biological and cultural systems" (385). This example of serotogenic activity shows how the brain is not simply a discrete unit existing in relationships with other discrete entities but is a connectionist entity itself, reaching its balanced and harmonized state only when the relationships that constitute the bio-psycho-neuro-cognitive entity are also systematically functioning and communicating together. In other words, the brain is one of many psychosomatic connectionist entities in relations with other psychosomatic connectionist entities like bodies, organs, bloods, and (physical and cultural) environments (385).

Wilson's rendition of what goes on in the brain, body, and environment as an emergently connectionist phenomenon suggests the very real possibility that *logos* is also a psychosomatic connectionist entity, borne up not by the materialities of a bounded control center locked up like an air traffic controller but by an interactive, emergent "mangle" of mind, brain, body, and social and physical environments. What goes on in the brain, that which we have taken to be the center of rationality for so long, then, is not

a bounded, autonomous affair, but rather a geographically disperse entity that bears tracing throughout several terrains of networked communities—“*intrasystematically* within” one person’s body and “*intersystematically*” with and between other persons’ bodies and other environments—in order to be properly understood as a material entity that constitutes the body and the environment as much as these materialities, in turn, constitute *logos*. *Logos*, for Wilson, in other words, is not a bounded, autonomous entity but a leaky, psychosomatic, connectionist entity. I take my cue from Margrit Shildrick in interpreting Wilson this way:

What is at stake is . . . the hitherto taken for granted stability and autonomy of the singular human subject as the centre of *logos*, of a self that is foundational without being embodied, and a body whose integrity is so unquestioned that it may be forgotten, transcended . . . the issue “is one of leaky boundaries, wherein the leakiness of *logos* . . . is mirrored by the collapse of the human itself as a bounded entity.” [(Shildrick and Price 1996, 1) quoted in (Shildrick 2002, 48)]

Leaky *logos*. *Logos* shifted to the flesh. Even decapitated flesh. Bio-psycho-neuro-cognitive networks are not housed materially in the brain or even in the head; neural networks are *networks*, fields of interactive, mutually reciprocating and constitutive relationships. Nor are networks to be hierarchized and separated out from one another, as is so often the case with the central and enteric nervous systems.

For example, Wilson uses Charles Darwin’s observations of a decapitated frog as an example of how it is possible that at least some kind of intelligent behavior—if not outright cognition—is located systematically throughout flesh, rather than clumped together in a bounded entity like the “brain.” A frog was decapitated. A drop of acid was placed on the thigh of one leg, whereupon the frog used its foot to wipe off the acid. Then, scientists being scientists, they cut off the foot that was used to wipe the acid, and

dropped acid again in the same spot. The frog first used its cut-off leg to rub the acidic spot, and after finding itself unsuccessful, ceased its struggles for a moment and then used its other foot to complete the job. I saw similar “reflexive” behavior myself, when I witnessed the execution of a groundhog caught in a trap that failed to kill immediately. The groundhog of course struggled to escape the trap it was carried to the execution grounds, by inserting its hind legs between the jaws of the trap to prise the bars apart, chewing on the trap, chewing on its belly to free itself. My friend swiftly shot the groundhog at the base of its skull while it was still caught between the bars of the trap (we could not release the trap without the groundhog biting us). When the bullet entered its skull, the groundhog jerked but did not go still. Nor did it jerk spasmodically. Its legs continued to maneuver the trap, working the hinges and applying pressure in different places in the attempt to open the trap jaws. What struck me was the *specificity* and *deliberate intentions* of the legs’ activity. Wilson similarly finds the decapitated frog’s actions to be richly cognitive, perhaps not quite in the same way as would be displayed by an intact organism, but sufficiently enough to suggest that perhaps cognition does not have quite the cerebral seat we usually assume it to:

The truncation of the frog to its reflexive and peripheral substrate reveals anything but rudimentary or mindless action. The frog’s peripheral nervous system demonstrates an unexpected intricacy; most pointedly, it seems to have the capacity to respond inventively. Even in this reduced, decerebrated state, the frog’s nervous system is thoughtful. Its reflexivity is not circumscribed by physiological automaticity; it also embraced the antiquated denotations of reflection, consideration, return, rebound, indirect action, indirect reference, a glance or side look.” (Wilson 2004a, 60)

What is striking here is the fact that the frog is quite headless, and therefore brainless, and yet still demonstrates some kind of cognitive activity. That is to say, cognition is clearly present even when the “seat of cognition” has been physically removed.

Logos, shifted thusly to the flesh. But this is not a fixed, isomorphic flesh separable from other bodies. The frog example demonstrates the possibility that *logos* may not be entirely fixed in the brain; the next examples, also drawn from Wilson’s studies of Freud and Darwin, suggest that not only is *logos* perhaps shifted from its proprietary seat in the brain/mind to a series of networks throughout the body, but also to a series of communal networks *between* many bodies, not just within one body alone. Networked communities of leaky *logos* include not just the “intrasystematic” affair within a human psychosomatic corpus and its material environment but also the mutually engaging and often surprising conversations between, in, across, and through multiple human bodies. To be clear, I am not suggesting that one (an individual, psychosomatic *logos*) causes the other (a multiply-bodied, communally leaky *logos*), but rather than both types of messy *logos* can, and indeed often do, occur together. I do not wish to delve here into a discussion of categorical metaphysics, in which “communally leaky *logos*” is distinguished from “individual psychosomatically leaky *logos*,” indeed, doing so brings us dangerously close to fixing *logos* firmly in place, when nothing could be further from the realities of its unfixed messiness. On the other hand, we should not commit another category mistake by carelessly conflating and equating the two. We can and must continue to make functional distinctions between the two (and any other kinds of leaky *logos* that may emerge!).

For example, Wilson's emphasis on an ontology of leaky *logos* that stresses the active, emergent, agential, mutually co-constituting, and psychosomatic networks between bodies (and yet also intrasystematically within one psychosomatic body) comes to the fore in her examination of Darwin's research on human blushing. Blushing is commonly understood to be an uncontrollable, rudimentary reflex that exists strictly at the level of the pure somatic. Basic reflex actions, such as a knee jerk response to the physician's hammer, are typically assumed to be purely somatic. Blushing is generally categorized by the scientific literature on human anatomy as being one such "reflexive" action. Even if it is not a basic reflex action, blushing at least signals a loss of rational control over one's emotions. One does not think of knee-jerk reactions or the irrational lost of bodily control as being anything other than a purely somatic behavior—it is something that the body does of its own accord.

Reading Darwin, Wilson suggests, however, that even the most basic of human somatic reactions are, in fact, endowed with properties that we ordinarily associate with higher human functioning, like language, politics, and *logos*. Blushing, along with other "reflexive" or "automatic" actions, is simultaneously neurophysiological and psychocultural. That is, neither the psychological or the emotional are "secondary accidents to which biological matter may or may not fall victim" (77). Blushing is not "merely" a loss of bodily control in compromising situations; rather, blushing is the outward sign of organic intersubjectivity expressing itself.

Blushing in this vein is thus an example of both kinds of leaky *logos* at work—communal and individually psychosomatic. The point stressed here is that both kinds of leaky *logos* are probably always at work together, and that sorting them out in any kind

of distinct way should be considered useful only in terms of the aims of a specific research or investigative project, such as empirical studies of the BBB or perhaps even an examination of the validity and credibility of “inarticulately” expressed testimony, like FC-based communications.

One can hear, however, echoes of a masculinist Cartesianism objecting: but “real men” don’t blush! Only (hysterical) females, like Fraulein Elisabeth in Freud’s case studies, who experiences the trauma of her father’s death in her right thigh and unrequited love for her husband’s brother in her left thigh, have the preponderancy for loss of bodily control like blushing and fainting. Leaky *logos*, whether it be “intrasystematically/individually psychosomatic” and/or “communally intersystematic between multiple bodies” is, in this mold, a sign of a breakdown, of dissociation, of disrepairs, of boundaries broken and trespassed. This narrow reading of neurocognitive-psychocultural behavior would argue that Fraulein Elisabeth is all scrambled up and, as a result, her body is somewhat hysterically demonstrating the dissolution of *logos* throughout her system. This reading concludes that if her *logos* were properly contained and in control, as it is for healthy individuals, then the Fraulein would not be experiencing these irregular symptoms. A successful outcome of Fraulein Elisabeth’s seeking treatment with Freud is of course to have the symptoms resolved. Does their resolution not entail that *logos* is restored, placed into balance again, thereby demonstrating that *logos* leaks only when things are abnormal, and when things are normal, *logos* is properly situated, properly contained? So goes one plausible objection.

Even if we take away the masculinist Cartesianism, one could still argue that when a mind is properly stabilized and healthy, *logos* does not “leak.” The very fact and

evidence of “leaky *logos*” suggests, in other words, that something is wrong, out of balance, and needing attention. How can leaky *logos* be normal, as Wilson implies? The answer, and one worth gambling on, is that leaky *logos* is probably in fact a biological norm. Objections that this move is biologically reductionist and/or essentialist miss the point that “biology,” both as a linguistic term and as a material reality, leaks. Let me explain.

A decent examination of the vicissitudes of biology will reveal quickly that it is simply nonsensical to separate out mind from body. Consider, for example, the importance of a healthy diet to maintain good intellectual performance. Or how sleep deficits cause memory and other ratiocinative failures. Why does something as bodily as eating and sleeping affect mental function? We take it to be common sense that good health matters—but we have not fully considered the implications of this truth, namely, that we are thoroughly psychosomatic creatures.

Wilson’s studies show that leaky *logos* is wildly normal, and require us to deeply rethink the “neurocognitive locale” (Wilson 1998). Her studies of depression, eating disorders, and pharmacological evidence in particular suggest a brain-gut connection that was noticed by Freud and Darwin but fell by the wayside as less connectionist and more rigid mind-body dualism pervaded neurological and biological studies. When Wilson says the brain is in the gut, she means it quite literally, but without dismissing their functional distinctiveness.

I am not arguing that organs are indistinguishable from one another, or that psyche and soma are the same thing. Rather, I am claiming that there is no a priori, fundamental demarcation between these entities . . . there is no radical (originary) distinction between biology and mood. Mood is not added onto the gut, secondarily, disrupting its proper function; rather, temper, like digestion, is

one of the events to which enteric substrata are naturally (originally) inclined. Manfred Fichter and Karl Pirke allude to such a radically psychosomatic structure when they conclude a discussion of endocrine dysfunction in bulimia nervosa by suggesting that, in addition to thinking of disruptions to eating as symptoms of depression, it may also be useful to think of depression as a kind of nutritional disorder. (Wilson 2004b, 84-85)

Conceptualizing depression—something that is traditionally considered to be a mental illness (or even a failure of rationality, in the dark ages of psychiatric science)—as a kind of nutrition problem is not as far-fetched as it seems. Clinical data⁴⁹ on how anti-depressants work show that their serotonergic effects occur not just in the brain but also in the gut (hence Wilson’s coined term “gut feminism” to capture the kind of materialist ontology of leaky *logos* to which we must commit).

It is actually quite fortunate that leaky *logos* is “biologically normal:” both depression, and its successful treatment with therapeutic words, diet, and pharmaceuticals, would not exist if *logos* were not leaky. If a person’s *logos* is not intersubjective and mutually co-constitutive with mind, body, environment, and other bodies, that person would not be able to receive and interact with “external” influences such as medical treatment. It is precisely because *logos* is leaky that we are able to be treated. To return to Fraulein Elisabeth’s leaky psychosomatics:

What strikes me as more pertinent in this case history [of Fraulein Elisabeth], and less familiar to a contemporary feminist audience, is the biology of Fraulein Elisabeth’s conversion. What are the physiological mechanisms that allow the

⁴⁹ Most of the body’s serotonin (about ninety-five percent) is to be found in the complex neural networks that innervate the gut. While it is not usually discussed in the psychiatric literature, the gut itself (the stomach and attendant viscera, and their specific modes of organic deliberation) is being soothed (or in some cases agitated) by serotonergic treatments. That is, antidepressants do not have effects on mood simply by influencing the brain; they also directly enliven the viscera—in the case of bulimia, calming distress that is more enteric than cerebral in character. The responsiveness of bulimia to antidepressants is one key piece of data that illuminates psychic action in the gut—its fantastic capacity to digest and ruminate (Wilson 2004b, 84-85).

thigh muscles to function differently: the right thigh muscle in response to her father, and the left thigh muscle in response to her brother-in-law? What is in the nature of the muscles that makes them so physiologically attuned? . . . The familiar retort that such pains are all in her head seems to explain nothing: it restates rather than dissects the puzzle. Yet, taken literally (reductively), it perhaps gets us closer to the heart of the matter. *If the pains are indeed all in her head, then this entails a number of reciprocal, ontological contortions: that her thigh is her head, that her mind is muscular, and that Freud's words are in the nature of her nervous system.* (Wilson 2004a, 9-11 italics mine)

Indeed, claiming that blushing is a “woman’s problem” is simply to restate the puzzle of interaction between “mind” and “body,” which is that both are mutually co-constitutive. The meat of the body, as Kirby intones, is clearly thinking material. Thinking meat and organic thinking; telling flesh and otherworldly conversations, indeed. *Logos* leaks.

If this is our ontology, what are the implications for testimony, particularly for the testimonies of inarticulate witness? In short, I think what we get from this kind of ontology is a material witness whose communicability, his or her articulate speech (or lack thereof) becomes the focus of epistemic assessment. I explain what is meant by “communicability” in the next section, and then offer some suggestions for how to epistemically assess such communicabilities in the concluding chapter.

Section II: Communicability

If articulateness’s hegemony is rooted, in part, in a normative materiality that reflects an assumption of a bounded, autonomous *logos* in control of the body as the foundation for credible communicative, epistemic expression, then the fact that *logos* is actually a leaky connectionist entity poses serious challenges to this model of testimony. In posing this challenge, however, a solution is also implicit. The solution is that

testimony can no longer be understood as a straightforward exchange between a speaker and a hearer but rather must be viewed as an emergent, dynamic interchange between multiple speaking and non-speaking agents. Testimony is, in this model, properly located throughout a connected system of many different things interacting emergently: speakers, hearers, environments, and embodiments. I think this model of testimony, what I call communicability, is true for everyone, but it is by looking at the disability experience that we can see more clearly the interconnectionist natures of testimony.

Enter disability. Let us consider two instances of disablement that appear to be objections to my position in that they support the argument that the standards for credibility imposed by articulateness are necessary, and even beneficial, for disabled people's testimonies. (Let me stress that these examples *appear* to be contrary to my points; as I shall show, they are not). The first objection is from Shakespeare's *Titus Andronicus*. Lavinia, the daughter of the emperor Titus, is brutally raped, and her tongue cut out and her hands cut off, in order to prevent her from identifying the perpetrators. Nonetheless, she is able to testify to her rape by leading her witnesses to a book describing rape, which clues her witnesses into the possibility that she was raped. They then prompt her to write in sand, with her two stumps holding a stick, the names of her attackers. In this situation, Lavinia can use written words in the place of clear-and-distinct speech to make epistemic claims—that she was raped and that she can identify the perpetrators—that are credible.

The second objection: Jean-Dominique Bauby, in his *The Diving Bell and the Butterfly* (Bauby 1998). Like Lavinia's case, this is also a successful deployment of testimony from a disabled body that is quite unable to speak clearly-and-distinctly. In this

case, Bauby communicates only with one blinking eye, and his “hearers” assist him in spelling out words one letter at a time by reciting the letters of the alphabet and watching his eye for affirmative or negative blinks. Letter by letter, he thus has his testimony witnessed and publishes his book.

These two examples can seem to confirm articulateness’s idea of *logos* as a purely rational entity that controls material flesh, in the sense that the goal of witnessing might center on *liberating* testimony from bodies muted by disability. The focus of epistemic evaluation, continues this objection, is on the messages conveyed and their content, independent of their messengers’ materialities and the form of testimony used. The medium of the message, in other words, matters not. For Lavinia, according to this objection, the epistemology of the testimonial encounter would be located in the names written in sand, and for Bauby, in between the covers of his book, not in the interpersonal interactions that helped produce a coherent testimony.

Lavinia and Bauby are not so much objections to my argument as they are regular examples of the classic “get past the messenger to the message” model that dominates so much of traditional epistemological accounts of testimony. For example, traditionalists might use these examples by stressing that the *way* Lavinia and Jean-Dominique Bauby testify to their experiences is not epistemologically significant and that what is crucial is the *content* of their claims. Further, they would stress that *how* they testify is a phenomenon that has significance for perhaps psychology or communication studies, but not for philosophy or epistemology.

Thus, traditional accounts of testimony would claim that the way a person testifies is not, in itself, epistemologically salient; the goal of testimony is to produce a “message”

that can stand separately from the “messenger.” In this logic, *how* testimony is communicated or produced does not matter epistemologically. What matters is that something is communicated at all; what matters is that there is a message contained within the mind of the messenger, and we must “get at” it in whatever way possible. The content alone is epistemologically vital; the manner of testifying is dealt with in order to “get at” the content, but is always only secondary to content. Like Bauby’s book title, we must see each message as a butterfly trapped under a diving bell, and work to lift the bell up to free the butterfly.

This traditional response to the two examples of disability would seem to be a very inclusive model of testimony since it disregards embodiment completely. On this model, then, having a stutter or an accent, or having to write rather than speak, or blinking instead of speaking, does not have any bearing upon what is communicated. That is, bias putatively has no place in this logic. And yet, however enabling of disabled people’s voices this model might be, I am still suspicious. Just consider: the only way Lavinia and Bauby were able to testify at all is because their interlocutors perceived that they had messages to convey in the first place. I am not suggesting here that by “listening better” in the vague sense of paying more attention or trying harder to anticipate and read their intentions. Lavinia’s and Bauby’s interlocutors succeeded as hearers. If they do listen “better,” it is because they listened *differently*. That is, for both Lavinia and Bauby, there can be no testimony until their witnesses perceive that they have messages to convey. Such perceptions, furthermore, are predicated on the very necessity of recognizing and attentively engaging with the body of the “messenger” itself. In Bauby’s case, a talented speech therapist, of all things, develops a system of communication that

is not predicated on Bauby's speaking at all but rather on what his body can do—blink. And Lavinia makes clear to her witnesses, with her body, that she has something to communicate. It is thus questionable whether the logic of “getting past the messenger to the message” ever actually can take place, since at least some engagement and interaction with the messenger—and especially the messenger's body—is always already implied and necessary.

I believe a messenger-message model does little justice to the complexities of testimony. This logic wants to simplify the messiness of the testimonial encounter; its dream is to mimic a utopian model of testimonial exchange as a purely epistemic encounter between two rational minds unencumbered by layers of interpretative clothing and fleshly materiality. With this as an ideal, the message-messenger model seeks its opiate through the process of bracketing off all the features relevant to testimony except the content itself. Not only does it lack rich analyses of how contexts affect testimonial practices, it quite deliberately minimizes an accounting of material embodiments and their epistemic impacts on the practices of testimony and on specific testimonial claims. Lavinia's and Bauby's cases, while they function well as potential counterexamples, are less obvious in revealing the ways in which the form of testimony is as epistemically crucial as in the content of the message. Another example, not rooted in disability per se, but taken from the larger issue of human lifespan development, is helpful in illuminating what other factors besides content are at stake in testimonial encounters.

Imagine a small child with barely emergent language skills who walks up to you, holds her thumb out, and says “I have an owie.” You look at her thumb, you see nothing wrong with it, and you brush her concerns aside lightly. In fact, however, she *does* have

an owie, it's just not on her thumb; the only way you know this is if you also know a crucial piece of her, which is that the previous week she was stung by a bee on her thumb, and that was her first real experience of processing pain and fear. Armed with this piece of information about the *messenger* (and her situation and context), you can figure out what her *message* is about: "I am scared and hurt right now about something. So fix it, please." Or, if Wilson is at all right about *logos* as a dispersed, leaky entity, maybe there *is* actually a pain in her thumb caused by some non-physical trauma. The problem with the logic of "getting past the messenger to the message" is that it is not the case that there is anything necessary in this logic that entails that a) potential messengers will be recognized as having messages in the first place, and b) that their messages can somehow be extracted from the imprisonment of the flesh. As James Overboe writes, concerning Bauby's diving bell:

The diving bell, for me, does not represent Bauby's imprisonment by LIS [Locked-In-Syndrome] but rather than oppressive practices of those who usually privilege an able-bodied perspective. They see the problems of lack of communication, of lesser embodiment, and absence of selfhood, as residing with Bauby as a result of LIS. In contrast, I see the problem as lying in such readers' inability to understand his attempts at communication, their failure to appreciate his embodiment, and finally their refusal to recognize his selfhood. (Raoul et al. 2001, 193)

The real diving bell is located in how Bauby's witnesses fail to approach him, not in the fact that he is paralyzed. Again, however, I am not suggesting that this is simply a failure to "listen better" but a failure to listen "differently." Bauby's doctors, for example, even when informed and aware of the blinking alphabet system, failed to communicate in any meaningful way directly with Bauby; they simply spoke a few words to him of his condition and left the room, not expecting, or not behaving like they expected him to

reply. Bauby describes one such encounter this way: “. . . in the tones of a prosecutor demanding a maximum sentence for a repeat offender, he barked out: ‘Six months!’ I fired off a series of questioning signals with my working eye, but this man—who spent his days peering into people’s pupils—was apparently unable to interpret a simple look” (Bauby 1998, 54-55). My argument is that Bauby has no testimonial powers even in the “getting past the messenger to the message” logic because he is not even seen as a messenger in the first place, by all but two hospital staff members, who are prepared to listen differently.

Another way to press the point of testimony’s fleshy materiality, or what I call communicability, is by way of considering an objection, one that is of a piece with the Bauby and Lavinia examples but rooted in a different kind of epistemological concern. One could object that the problem here is not testimony as an epistemological issue per se but social bias. It is, as Overboe points out, in Bauby’s case, a matter of ableism that prevents people around him from treating him as a fully-fledged individual. In Lavinia’s case, the objection would hold that the problem is not testimony but that a different way of communicating needs to be invented. In either case, once the content has been issued, *how* it was issued has no impact on the content itself. The problem, for the objector, then, is really about removing ableism and deploying creative methods for breaking communication barriers, not about reformulating our models for assessing testimony.

I do not agree. If one accepts that testimony does not happen in a vacuum but rather in an interactive setting, and that it exists in so far as both “hearer” and “speaker” engage with one another, then it behooves one to ask at what point do the “hearer” and “speaker” drop out of the testimonial process such that all that is left is content? For

example, in order to “get to” Bauby’s message, we have to “get” Bauby himself by understanding what his capacities for communication are. This is what the speech pathologist did so well, in bringing to him a code for his blinking eye and enabling him to testify by placing herself in the position of co-producing speech with him. Merely removing ableism and inventing a code for translation or some such mechanism, does not enable Bauby to testify; something more is required. This something more I think resides in understanding the epistemic roles that fleshly materiality play in the development, production, and maintenance of testimonial content. My point is that *successful* testimony is not just a message with an accurate and valuable content (i.e., Bauby’s story in print) but is also something that resides in the interaction between speaker and hearer wherein the hearer “taps” into the speaker’s embodiment and situation (and vice versa, as in the case of FC) and searches for other indicators of credible communication rather than insisting on bodily control, contained *logos*, and articulate speech as markers of credible and reliable testimony.⁵⁰ This is difficult to see in Bauby’s example. Thus, I return to an example of disability that lends itself less readily to the idea that one “just needs to break through the communication barrier,” to get past the messenger to the message. Because we typically demand getting “getting past the messenger to the message,” particularly in cases where communication does not readily appear to be autonomous and independent, a

⁵⁰ What I am suggesting here bears similarities to Douglas Biklen’s notion of “presumed competence” (Biklen and Attfield 2005, 72-73) in which the listener presumes quite simply that the autistic person be a fully-fledged person who thinks and feels. Further, the presumed competence framework demands that if and when the listener or teacher does not get the responses expected from a competent person, that the teacher or listener reflect back on themselves and ask what they as listeners are doing incorrectly to facilitate responses. To be clear, what I am suggesting is not at odds or necessarily all that distinct from Biklen’s presumed competence framework; indeed, my account should be considered to be an elaboration of Biklen’s approach in the sense that I produce here a philosophical accounting of how *logos* can be understood in its carnal presuppositions.

further examination of FC is particularly useful as an example of how message and messenger are not really separable, in any testimonial encounter.

Rather than drawing upon the second-hand reports and legal responses to FC as I did in Chapter 2, here I turn to a first-person narrative that describes a life with autism and learning to type independently through FC. Autistic author Lucy Blackman describes her experience of learning how to communicate through extensive training in the use of Facilitated Communication. It must be noted that, after many years of training and learning to type independently, she does not now speak or use speech in any way that has any semblance to how non-autistic or neurotypical persons experience speech and communication. Indeed, her description of how she experiences speech might have been taken straight from Wilson's texts: "Speech remains a collection of responsive memories, not communication" (Blackman 2001, 142). While speech is not impossible for Blackman, it does not have any remote semblance to what speech is and how it is used by non-autistic persons.

When Blackman uses spoken words, a different kind of *logos* is at play in deploying those words. When she uses spoken words, it is not the result of what would be considered a typical "speech-thought-act" as is connoted by the term *logos* but rather is the result of flesh-ily memories embedded and networked in her body. As she explains: "I [often] explained [something] so vaguely that most people sooner or later teasingly threaten to throttle me. As a result, nowadays whenever I want to say that I am not being deliberately obstructive, my response is automatic: 'No w'ing neck!' I squeak. This is an apology for being so inconvenient, not a fear of an irate companion going suddenly berserk" (Blackman 2001, 142). Blackman's exclamation of "No w'ing neck" is not the

clear-and-distinct speech-thought of a centralized *logos* but is the verbalization of a neurocognitive experience from the past. “No w’ing neck” is the expression of a leaky *logos* re-located in the connections between herself, her body, and her interlocutors, past, present, and future. In this exclamation of “No w’ing neck,” the content of a claim is dramatically altered through Blackman’s abilities to formulate her testimony. In this expression, the content is altered by how time is experienced by Blackman, by how memories of past experiences shape her vocal cords abilities to produce speech. Testimonial content and testimonial form merge in ways that depart from norms of articulateness, but are no less eloquent for their differences.

While Blackman cannot speak clearly and distinctly, she does use language—quite brilliantly so. Coming to language was a task undertaken not through the exercise of speech and hearing but through the exercise of her body in concert with another human body and a special keyboard. Coming to language was not a matter of mind over matter, nor was it a matter of exercising *logos* more diligently, to free the message from the messenger. It was not a matter of creating an appropriate translation mechanism, such as Bauby’s blinking alphabet. Instead, it was a matter of embracing the fact that her *logos* leaks. It exists not confined up in the dark recesses of her mind but in her fingertips, hands, vision, hearing, balance—indeed, in the very blurred and unbounded interaction between herself and her environment. I say “blurred” and “unbounded” specifically for good reasons. Autistic persons, as Blackman describes and as is confirmed by others who speak of their experiences, have proprioceptive experiences of the world that are radically different from neurotypicals’ experiences. An autistic person, for example, may experience difficulty in sensing the ground supporting the soles of their feet because their

eyes are taking in information about the shadows in the path ahead of them that disrupts the stabilization provided by their bodies' midlines—the part of the psychosomatic body that allows humans to distinguish left from right. Part of what happens when the midline doesn't function like it's supposed to is that the autistic person cannot determine at what point her hand goes from point A to point B because her brain cannot divide the spatial environment in a way that makes sense for her hand. The functional distinction between the self and the environment that we find so handy for daily living is far more blurry and unbounded for autistic persons. Blackman attributes her difficulty in learning to type independently to misperceptions of her midline, a misperception which could be managed only through physical contact by another person: “As that end of the keyboard came close towards my hand, I could recognise ‘S’ and ‘W’ and the rest of that little cluster for what they were. In the original position [directly in front of her], they were clear in my vision, but not part of my spelt language. Touch somehow made this divide close over. I cannot say why, but I suppose it was something to do with my body-image. It was only a long time later that I first heard the term ‘mid-line’ in relation to visual processing. I now conceptualise it as a kind of science-fiction barrier between two kinds of understanding. Whatever it was, I could not cross it unless a hand resting somewhere on my person told me I was real” (206).

We can best understand (and evaluate) Blackman in terms of communicability, not in terms of testimony as articulateness. Blackman's abilities to communicate with the world and the world's abilities to communicate with her are only possible to the extent that both parties are willing to forgo the model of testimony that believes that communication is a sort of content-in/content-out process in which a speaker gets sense

impressions (content in) and then expresses those experiences (content out). Blackman's communicative success, that is, depends on refusing the model of testimony that seeks to liberate fully-formed *logos*-thoughts from an entrapped messenger. There is no content-message inside Blackman's head awaiting liberation. Instead, her *logos* exists in her flesh, in the spaces in between her fingertips, the keyboard, and her human facilitator.

Despite, or indeed because of, her misperceptions, the ability to communicate is accomplished through her recognition and understandings of how *logos* is, in fact, a material-semiotic leaky process. After replacing futile attempts at correcting her speech with training in facilitated communication and the use of daily writing through FC about her sensory experiences, she *physically finds* language. She describes her discovery thusly: "I knew then that language was a limb and a sensation and a kind of osmotic process which I had lost at some unknown point, and only now was learning what it was" (279). Her abilities to communicate reside in her abilities to find language in her emergently psychosomatic body, not in her speech. Her speech, as it were, has no *logos*, and cannot be understood by listeners who are not familiar with how her psychosomatic and neurocognitive expressions display themselves. Her *logos*, existing as it does for so many of us, as Wilson argues, in the emergent interstices of bodies, environments, neurologies, biologies, and words, articulates itself not in clear-and-distinct speech but in fleshly materiality. Thinking meat and organic meat; language as a limb, sensation, and osmotic process. Or, as Karen Barad states: "Intelligibility is not a human-based affair. It is a matter of differential articulations and differential responses/engagement" (Barad 2007, 151, fn 30).

To be clear, Blackman *does* come to language, through the use of FC. However, to be equally clear, Blackman's use of FC—even as a graduated, independent typist—does not amount to the use of a code, like Morse codes or semaphores, to communicate speech-thoughts. Her use of FC is really a process in tracing out the ways in which her *logos* leaks and figuring out how to untangle those leaks to produce meaningful communication. This process is not achieved independently nor is it achieved through translation. It is a process steeped in becoming enmeshed with other bodies and other technologies in order to communicate. Blackman states:

What I did not realise then was that when I tried to plan its movement, I was unaware of the exact position of my fingertip in time and space, much as I was uncomfortable walking on slopes because my foot and my sight were sufficiently out of sync to make me uncertain as to the exact moment my sole could start to bear my weight. Rosie was experienced in working with people with similar difficulties and my family were learning to anticipate my less obvious mini-impulses and stabilise my hand. I was not learning to type. *I was learning to help other people to enable me to stumble around the keyboard* so that I could use my underdeveloped internal language in the way I thought speech and writing were used by everyone else. (Blackman 2001, 94, italics mine)

Even as an independent communicator who does not need to be in constant contact with a facilitator in order to type reliably on a keyboard, Blackman still communicates differently.

FC does not function like a translation device or like an input/output box that allows for a seamless process of telephony wherein a speaker speaks, an autistic person listens, and then types an answer, which is then read by the first speaker. This is the sort of process we might expect when communicating with someone who has had a stroke, and can no longer speak, and types one-handed on a computer, using the screen as the medium for his or her thoughts. Able-bodied hearers and listeners can enter a room with

such a person and sit next to him or her and read the person's thoughts on the screen, while using speech to communicate their own ideas. In this scenario, much like with Bauby's use of the blinking alphabet, the presumption is that testimony is possible because some kind of translation mechanism has been established that allows for the one-to-one correspondence between thought, speech, and hearing that we take to be for granted in articulate testimonial processes.

But this attitude can get us into a lot of hot water fast, especially with careless and thoughtless trust in facilitated communication. Consider, for example, one case of alleged sexual abuse involving an autistic teenager. When she announced, using her keyboard, to a social worker that her father "banged" her in the mornings, all hell broke loose in social services: her parents were arrested and prohibited from seeing their daughter, her brother was detained and interrogated at great length by the police department. In this particular case, although I am not privy to the details of the case beyond what is reported in the news, I surmise that when the adolescent claimed she was "banged," she was referring to experience of being woken up in the morning by her father to get ready for school. Who among us hasn't experienced waking up in the morning as a kind of banging, especially when startled from a deep sleep? I don't want to address here the details and the difficulties of the case; instead, I want to emphasize here that what got the police department and social services into trouble was the fact that they operated on a content in/content out model of testimony in which they trusted the communication device to be innocent. Those who think FC is a hoax will point to this case and to others to show that FC is unreliable and does not enable autistic persons to communicate, that instead the facilitator is communicating his or her own agenda by using the process as a kind of

Clever Hans device to mask the fact that no content is going in and no significant content is going out. As I hope is clear, neither approach does justice to either FC or autistic persons. On the one hand, the police department and social services failed to bring to the testimonial encounter an understanding of communicability, and imposed their own standard of articulateness by treating FC as a gimmicky translation device. (While they do not dismissively think FC is a hoax, they do mistake FC as a simple mechanism.) On the other hand, those who argue that FC is a hoax fail to understand similarly that testimony is rarely, if ever, a seamless, input/output process with content that can be cleanly and purely separated from testimonial form.

To reiterate, I do not think there is a translation device that allows for seamless independence in communicating. Leaky *logos* entails interdependence with technologies, other bodies, and environments in ways that implicate us all, whether disabled or not. Whether we are two able-bodied persons communicating face to face, or Bauby with a Morse-code like blinking system, or typing on one end of a Skype connection and speaking on the other, or using FC, we are all using some kind of mechanism through which we communicate, and that mechanism is not an innocent device. The extent to which testimonial form influences testimonial content will of course vary from device to device as each mechanism for communicating is as distinct as its speakers and hearers are. But to believe that anyone can be or can communicate independently of those testimonial forms or devices is to adhere to a dream of bodiless *logos*. Ingun Moser makes this point well in the following observation about interviewing Olav, a partially-paralyzed man who cannot use speech, due to a stroke resulting in partial paralysis: “it seems completely natural to us that it is Olav that has to depend on an assistive

technology to be able to speak and make himself understood to us, not we who are dependent on the same device to be able to listen to and hear Olav” (Moser 2000, 205).

Lavinia’s interlocutors depended on external communication devices just as much as Lavinia herself did; Bauby’s listeners verbalized letters for him one a time and depended as much as he did on the alphabet; and Olav’s interviewer, friends, and family are cut off from Olav as much as he is cut off from them when the internet fails or the power goes out. Seamless face-to-face communication doesn’t always occur despite the facile and independent use of a keyboard: when asked a question, an autistic person like Blackman may not always be able to answer with a ready reply on her keyboard—her answer might come minutes or hours later, and it might come as what appears to be a response to another question or comment. Although she can type independently, she cannot always communicate with a sense of timing that makes sense to non-autistic listeners. Thus, even with a “translation device” that aims to “free” the message from the messenger, both parties are equally if differently dependent on that device; furthermore, they are dependent on creating a shared code of intelligibility that is mutually co-constituted. Assessing the reliability and credibility of testimony that is produced under these circumstances where multiple *logoi*, environments, bodies, and technologies leak into one another is going to be a function of understanding and observing how communication, and by extension, testimony itself, occurs in the emergent, dynamic interchanges between multiple, connected entities.

Assessing testimony, then, becomes a function not of determining speaker sincerity and epistemic competency but a function of determining the terrain of communicability: what bodies, technologies, and environments, and what connections,

and what *logoi* are at play, awaiting us to hear them? I turn to this question, finally, in my conclusion: how does communicability, as opposed to articulateness, help us judge the epistemic value of inarticulately expressed testimony? If articulateness is disallowed as an epistemic standard of testimonial judgment, then what standards *can* we use? I turn to this question next in the concluding chapter

Chapter 6

Conclusions: Communicability As An Alternate Standard

The place and time of testimony is open. The challenge for an ethics and politics of testimony is not to effectively delineate testimony as a structure, but to enact ethical and political passion in the face of testimony's open articulations (Cubilié and Good 2003, 6)

In this dissertation, I have argued that testimony and testimonial credibility, regardless of one's dis/ability, are fleshily embodied. We do not need to go far to realize this. There exist throughout the philosophical and rhetorical traditions numerous minor traditions in which "articulateness" and "articulation" are taken to refer to something other than clear-and-distinct speech. "Articulation" is used to reference not just speech but also the way in which anatomical (or mechanical) joints connects and relate to each other, such as when the leg and ankle bones articulate together in the act of walking. "Articulation" can also be used to describe the act of making something clearer, not in the sense of clear speech, but in the sense of making something more distinct, so that "it stands out as an identifiable unit with its parts arranged in significant patterns" (Smith 1971, 602).⁵¹

My project is aligned with these minor traditions of articulateness, especially the ones that bring out the material sense of articulateness and thus can be used to develop more inclusive testimonial methods. Articulation as a material-semiotic event surrounds us on all sides. Think of, as Mladen Dolar (psychoanalytic philosopher and cultural theorist) notes in his *A Voice and Nothing More*, how Western academic, juridical, and

⁵¹ I am indebted to Vincent Colapietro for pointing me to this interpretation and reference.

political processes work. Every monumental stage of the doctorate process is marked by a fleshily appearance—we show up at defenses, and the success of our ideas is largely dependent on how well we are able cogently speak. Our juridical apparatus also requires the presence of bodies that comport themselves and voices that speak. And politics, that everlasting bastion of the human condition, must also be conducted with the living voice, with speech that is alive and immediate.

For Dolar, this “living voice”—the embodied voice that is physically present through the presence of the body—enables the truth: “We should note . . . the link between the voice and establishing the truth: there is a point where truth has to be vocal and where the written truth, although literally the same, will not do” (Dolar 2006, 109). I do not take Dolar literally on this point, but do agree that there is something about material, living voice that has a primacy in testimonial credibility assessments. As I have argued throughout this dissertation, I think this primacy is misplaced in favor of a set of presuppositions that are carnally/materially normative. Furthermore, I do not think that the materiality of testimony can be or is to be avoided. Lacan similarly stresses the inescapable, fleshly materiality of testimony in his *Psychoses Seminars*: “Speech is always a pact, an agreement, people get on with one another, they agree—this is yours, this is mine, this is this, this is that . . . It’s not for nothing that in Latin testimony is called *testis* and that one testifies on one’s balls. In everything the order of testimony there is always some commitment by the subject, and a virtual struggle in which the organism is always latent” (Lacan and Miller 1997, 40).

The mechanism that fuels the ability of articulateness to function as a standard is the ways in which articulateness is presumed to reflect bodily mastery and control. But as

Lacan reminds us, in testimony, there is always a struggle with fleshly materiality. That is, the *modus operandi* of testimony is rooted in fleshly materiality. Lacan and Dolar assert, and I concur, that this materiality is unavoidable. And, insofar as Dolar is correct that in Western philosophical thinking the living voice is presumed to have a higher index of veridicality, it is no surprise that the clear-and-distinct voice is typically received as *prima facie* credible. That is, the autonomous, self-contained, and independent *logos* indicated by the presence and deployment of articulateness has historically served as an illusion of clarity and truthfulness in the sense that articulateness functions as a model that establishes standards for what is believable and credible and what is not. The standard of articulateness is a relatively easy one to uphold when judging the competency, veracity, and reliability of a knower making knowledge claims, because either articulateness is present, or it is not. With articulateness as a standard, a listener (more or less) evaluates the epistemic credibility of the witness in terms of whether articulateness is present or not. We do not, for example, take a drunken person's testimony at face value in quite the same ways that we take the testimony of a normatively competent adult witness on the witness stand.

However, as I have argued throughout this dissertation, articulateness cannot, and should not apply as an evaluative standard for assessing epistemic credibility. Without articulateness as a standard, what means have we for assessing epistemic communications? We can find guidelines for doing so through a reinvention of the term "material witness." I use "material witness" to refer not just to its meaning in the sense of "relevant" or "significant" but also in the literal sense of its referring to testimony's unavoidable fleshly materiality, as Lacan reminds us. With "material witness" I want to

encourage a shift from an understanding and practice of testimony wherein the “articulate” voice is the voice of *logos*, to a practice of testimony wherein *logos* and its communications are understood to be a far less cohesive, disembodied, autonomous entity than we have supposed it to be in our current practices of articulateness. As I stated near the end of the previous chapter, assessing testimony must now be a function of determining the terrains of communicability; such terrains involve multiply interacting bodies, technologies, environments, connections, and *logoi*. “Material witness” as a term focuses attention on communicating agents in ways that remind us to take into account this richly emergent and interactive ontology. Two keystone markers to keep in mind for properly assessing communicabilities are as follows: 1) Material witnesses communicate through intersubjective, multimodal, and multisensory means, whether they are using articulate speech or not. 2) All communication is facilitated, whether by some person or persons, by some process(es), or by some object(s), such as a computer. Materiality, on the one hand, and facilitation, on the other, are the cornerstones in any testimonial encounter. Any assessment of testimonial truth and credibility that desires to disavow articulateness, and redefine what is meant by “living voice,” will have to take these two features into account.

Where some readers might not have objections to the requirement that materiality be taken into account, the demand to view testimony as always already facilitated, intersubjective, and co-produced nonetheless does leave us with the question of how to avoid descending into a valueless relativism. Even if we accommodate wholeheartedly the demand for an historicist understanding of truth and knowledge production (the idea that there are no essential truths or concepts that remain static over time), we are still

faced with the concern of determining meaning in a reliable way, even if only for the current moment and location. How do we accept, evaluate, and include non-articulate testimonies in ways that don't reduce to valueless relativism? How do we, in other words, make the cut between credible and incredible testimonial claims, if we refuse to use articulateness as the standard?

In what follows, I first assume that any framework that we take up must understand that relevant standards are invented and reinvented over time, in response to changing bodies, technological developments (or losses), and evolving environments. In this regard, Helen Longino's proposal for re-imagining what knowledge is and can be is predicated upon this crucial epistemological vision for developing new frameworks and standards:

The epistemological problem is not determining which set of alternatives is always the superior one, but rather specifying the conditions under which it is appropriate to rely on a given set of assumptions These conditions are (1) the availability of venues for and (2) responsiveness to criticism, (3) public standards (themselves subject to interrogation), and (4) tempered equality of intellectual authority. (Longino 2002, 206)

Rather than attempt to establish or determine what methods or alternatives are superior, it matters more that the four conditions Longino stipulates have been satisfied before we draw any conclusions from or about a given testimonial encounter. With Longino's four conditions in mind, the second step in this enterprise of evaluating non-articulate testimonies is to begin by imagining in the first place that there are alternative forms of communication and communicabilities beyond speech that have testimonial powers. Examples of non-verbal communication encounters abound: dogs barking, human babies gesturing, apes using ASL, ants using chemical odors, trees and plants cell-signaling

resistance information to an invasive fungus or insect; the question is whether or not we have the capacities and willingness to view these examples as carrying the same epistemic weight historically associated with *logos* as the expression of rationality.

If we adopt Longino's four conditions with respect to assessing communicability, we end up with a practice that looks something like the methods used by educators and families in augmented and alternative communication systems (AAC). Indeed, the methods used in AAC are, at core, rooted in finding, developing, and collaborating on a co-produced system of communication. The methods used to develop individually-specific but recognizable and translatable system of communications rest on principles identical to Longino's four conditions. AAC deploys three basic methods to establish communication pathways between a disabled person and her listeners: the representation of symbols, the selection of symbols, and the transmission of the message.

Representation of symbols is exactly that—pictures, photographs, line drawings, words, letters, objects, etc. Selection of symbols refers to the manner in which the communicator can “select” a symbol, through a variety of ways such as the use of mechanical pointers, switches, light/laser beams, prosthesis, blinking, eye gaze, body movements, and even symbol removal. The selection process can be speeded up by using a scanning process in which possible choices are offered in sequence (for example, Jean-Dominique Bauby's blinking eye alphabet system functioned most efficiently when the speech therapist spoke letters of the alphabet in a “scan system” by first speaking the cluster of most-frequently used letters, followed by the lesser-used letters in alphabetical order). Transmission methods include visual, auditory, and/or kinetic output that is

received by the listener through systems (such as communication boards, gestural codes, or blinking alphabets) and through devices (such as speech synthesizers and keyboards).

Key to the success of these methods is their ability to be worked out at the ground-level, through trial-and-error, repetition, experimentation, and training. A successfully developed communicative method will be the result of trying out different approaches and inventing new ones, and always doing so in mutual, co-productive exchange with the speaker. In AAC, the speaker is taken to be someone who always already has communicative capacities, and is taken to be instrumental in responding to and guiding the process of creating a system that works reliably. A set of known tools (symbol representation, selection, and message transmission) is presented to the speaker, and an ongoing process is initiated between the speaker(s) and the hearer(s) in which the specificities of the communicative encounter establish a code of intelligibility that has points of translatability that are sharable between a variety of users. The communicative encounter itself establishes the code of intelligibility that allows for communication to take place. Unlike Locke's code of intelligibility based on articulateness, AAC's code of intelligibility is co-produced through "specifying conditions under which it is appropriate to rely on a given set of assumptions" (Longino 2002, 206). These conditions are mutually co-produced over time and through multiple encounters and training sessions. Through the process of representing and selecting symbols and transmitting messages, both the speaker(s) and the listener(s) are mutually involved in making available possibilities for and responding to criticism, and establishing representations and selections that both inform and are informed by what is publicly known and shared ("this is what an apple looks like and this is what we do with apples," or "this is a cat, and that

is a dog;” and, reciprocally: “I was not learning to type. *I was learning to help other people to enable me to stumble around the keyboard*”). Both parties also collaborate as knowers each in their own right, as intellectual authorities; this collaboration need not be equally divided but rather is a democratic process, a “coperformance in which the position of authority continually shift[s]” (Cartwright 2008, 225).

Once we are willing to imagine, perhaps with the help of the methods illustrated in AAC, that there might be an equally valid epistemology of testimony outside the provenance of articulate speech, the next step that we take is to pursue the consequences of the ontological shift I recommended in Chapter 5, namely that we understand and uphold the following: (1) testimony is as material as it is semiotic; (2) testimony is not autonomously produced but because it is intersubjectively situated, it is a process of mutual co-production; and as a resulting corollary of the first two points, (3) as material witnesses (as both “hearers” and “speakers), our testimonial sensibilities (Dotson 2008) need training to enable recognition and interpretation of a variety of speech and communicative abilities. By embracing these steps we, paradoxically enough, end up at the same place that traditional epistemologists of testimony would have us: at testimonial content—at the content of a claim. For example, proponents of FC insist that independent communication—with or without keyboard, but no interdependent facilitator—is the ultimate goal of undertaking training in FC. Proponents of FC also work hard to rule out or at least account for facilitator influence, because such influence can obscure the content of the autistic person’s intentions and claims (Biklen 1990; Biklen and Cardinal 1997; Biklen and Attfield 2005). I would suggest that, however, that the processes through which FC arrives at “independent communication” are a) not so different from

the processes that we all undergo as we mature and develop into communicating adults, and b) that “independent communication” is never really independent, for any of us.

Materially witnessing communicability, rather than evaluating articulateness, is different in its approach to arriving at objective content in at least one important respect: it is sensitive, self-reflexive, and self-correcting because it attends to the factors that enable and govern the production, reception, and exchange of a given testimony. In the end, what I am suggesting is essentially two-fold: 1) engender an ontological shift in how we epistemologically respond to testimony, and 2) adopt standards of evaluation that are critically self-reflexive about what testimony is and can be.

Ontological Shifts

As I penned this conclusion, a medical breakthrough involving the use of MRI technology to scan the brains of persistent vegetative state patients while simple “yes/no” questions were posed to them has revealed that in at least some cases cognitive, intellectual function is still present in the brain, proving that prevalent beliefs that such patients are not aware of themselves and their surroundings are at least to be questioned and revisited. In an article fancifully titled, “Scientists read the minds of the living dead,” the London newspaper *The Independent* (Laurance 2010) reports the findings of a study conducted at the University of Cambridge. The study itself, published in the *New England Journal of Medicine*, lists the following results: five out of the fifty-four patients involved in the study demonstrated the ability to “willfully modulate their brain activity,” and of these five, three demonstrated, in addition to the MRI imaging, some signs of

awareness at bedside testing. The other two of the five, while demonstrating some willful modulation of their brain activity on the MRI, did not present signs of voluntary behavior that could be detected by “means of clinical assessment.” And one patient was able to answer “yes” or “no” to specific questions using the MRI imaging, but could not “establish any form of communication at the bedside.” The patient who was able to answer “yes/no” questions was instructed to imagine playing a tennis match to respond affirmatively, and to imagine walking through a house or a place familiar to him, to answer negatively. When his responses were compared to the brain imagings of healthy individuals, it was shown that he answered the six questions posed to him correctly, such as identifying his father’s name (Monti et al. 2010).⁵²

There is no doubt that this study has tremendous implications for medical approaches to comatose patients; no longer can doctors assure the patients’ loved ones that “they’re not in there somewhere,” so the conditions under which people make

⁵² Shortly following the date of the *New England Journal of Medicine*’s February 4th, 2010 publication, a series of news blogs and radio shows announced another finding that seemingly refutes the findings of the study conducted by Monti, et al; in particular is an NPR news story titled, “Story of Book-Writing Coma Patient Debunked” (Hamilton 2010). Closer examination of these reports reveals, however, that there are important differences between the studies. At no point, to this date of writing, has a study been published that directly refutes the actual findings of the Monti, et al study. However, other instances of comatose patients communicating in some limited fashion have existed and each one merits specific, individualized attention. In this particular case of the Book-Writing Comatose Patient, the individual involved, Rom Houben, was presumed to be writing a book through the aid of a facilitator responding to pressures from Houben’s hand; Houben’s doctor had, in 2009, attempted to establish communication with the use of a facilitator and had had success. However, at that time, as the recent radio show reports, Dr. Laureys had not rigorously ruled out facilitator influence, and repeated testing completed more recently prove inconclusive. But let us imagine a scenario in which the Monti et al study were to be challenged through another study that can demonstratively question its findings; would such a study rule out the possibility of comatose persons being able to communicate? It depends on what the findings reveal. Much like the FC studies that are conducted with autistic persons, in which evidence exists that supports both sides of the argument, any potential refutation of the Monti et al study would have to be taken seriously. However, as I have been arguing, any study that claims to refute Monti et al’s finding would have to show that they have tested for and not found communicative capacities that go beyond the model of centralized, autonomously bounded *logos*. Moreover, any follow-up studies or ongoing testing of patient communicabilities needs to adopt the posture of Biklen’s presumed competence framework, enhanced by my idea of *logos*-rich materiality.

decisions for and about comatose patients changes drastically. By contrast, communicative comatose patients might now be able to express some control over their needs, such as increased pain medications or changes to the environment. No less significant, however, are the implications of this study for testimony. What this study underscores is the importance of recognizing other communicabilities in ways that depart from articulate speech as the criterion for credibility. In this case, the device that allows for (limited) communication to occur is not a blinking alphabet system that allows for individual words to be spelled out, or preprogrammed speeches to be “spoken” through a voice synthesizer, cogent words independently typed into a keyboard, or printed words pointed at, or any other method that might be considered an example of Augmentive and Alternative Communication (AAC). Rather, the mechanism that enables communication is the use of MRI images to literally read biology. “Yes/No” answers are determined by looking at and reading pictures of brain activity, and comparing them to the brain patterns of control subjects. While speech and language are still involved, in the form of worded questions asked by the examiners, and quite possibly also, in the form of some kind of “inner speech” on the part of the comatose subjects, the *vehicle* for expression is neurological activity that is *not* rooted in words but in imaginations (playing tennis and walking through a house) and the mapping of those imaginations (MRI images).

With respect to the question of how we evaluate this, and other, non-articulate testimonies: this example compels us to imagine how testimony might be conducted in venues outside of articulateness. Unlike Jean-Dominique Bauby, who had recourse to a universally-shared alphabet, but very much like him, the patients in this study were not seen as having communicative abilities until someone thought of using MRIs to search

for responsive behaviors. This point should not be underestimated; functional MRI (fMRI) imaging has been clinically available since the 1990s and regularly used for brain mapping; why then did it take until 2010 to use the fMRI method to scan the brains of comatose patients, even though it has been used countless times to study the brains of people who are able to speak or respond? Even if the lengthy process of grant applications, funding approvals, and technological refinement and development is factored in, the attempt to study non-communicative patients' brains is rather belated. Indeed, this example rather proves my point in this dissertation, namely that unless articulateness as clear-and-distinct speech is present, we tend not to attribute ratiocinative powers to nonarticulate bodies. Clearly, perceiving communicability on the part of another is at least in part a function of not just de-centering speech but also re-conceiving what constitutes the communicative and testimonial encounter.

In light of this study's nonetheless startling results, which do show that the conditions for the possibility of testimony have radically shifted, what remains is not just more empirical research to determine which comatose patients might have neurological responsivity and to further fine-tune brain mapping to broaden the range of responses beyond affirmative/negative answers, but also creating venues, such as Longino demands, in which testimony can be reconceived. For example, is it possible for comatose patients who can respond affirmatively/negatively to serve as witnesses in court? How is a comatose patient using fMRI technology to communicate any different from someone using ASL? Or someone using FC? Might "responsive behaviors" be located at other neurocognitive locales, such as the stomach or a foot? Might there be other machines, or even animals or sensitive persons that can detect responsive behaviors

that are not visible to mere mortals? I think there are important functional distinctions to be made, such as the difference between brain scans and scans produced by heart monitors, or between brains scans and scanned images of the GI tract, or the foot; these differences, however, cannot be determined in advance of further empirical and philosophical research. These additional researches, however, need to be carried out with respect to self-reflexive public standards that are created in the spirit of community inquiry, and whose communities directly include the testimonies of the non-articulate. To reiterate: self-reflexivity and community inquiry are necessary, but in and of themselves, are not sufficient to overthrow articulateness. Without the voices of the non-articulate reflecting on and challenging the conditions for the possibility of testimony, developing models for assessing communicability will not be successful. To that end, a question needs to be put to comatose patients communicating with and through brain scanners: what do they think of brain scanning as a communication device?

We are not without precedent for modeling inquiry into testimonial differences. For example, the infamous case of Rigoberta Menchú's "auto"biographical account has produced an entire subfield of literary and sociological analyses called *testimonio* studies, that are devoted to working out the terrain of interpretability and assessment of hers and others accounts. The controversy was instigated by anthropologist David Stoll, who argues that Menchú does not deserve the Nobel Prize on the grounds that a) the events and histories that she narrates did not occur as she described them and b) historical events that she presents as having happened to her specifically did not actually occur to her, or even at all. So, the controversy circulates around the status of her testimony as being, on the one hand, "properly" true and, on the other, as "properly" autobiographical. But when

placed within the context of *testimonio* studies, which seeks to interrogate the meanings and implications of testimonies like Menchú's, the questions generated therein suggest the need for developing different standards of assessment on the grounds that the existence of such accounts challenge and revision the notion of the self and "I" as autonomous, and instead are based on cultural and philosophical presuppositions that hold testimony to be legitimately produced through collective means and voices.

Testimonio studies, as a discipline that undertakes critically self-reflexive evaluation with ongoing conversations between literary scholars from the Americas and from local (nonarticulate) witnesses, represents one useful resource for learning how to shift our understandings of testimony away from the ontologies of material autonomy implicit in articulateness.

Other examples of "material witnessing" that I call for include Holocaust studies and truth and reconciliation committees. Each in their own ways seek to go beyond articulate speech, and find ways to respond to testimony as intersubjectively situated and mutually co-produced. Holocaust studies, for example, includes Dori Laub and Shoshana Felman's argument for the importance of understanding some testimony in terms that go beyond speech and towards material witnessing. The case of the Holocaust survivor videotaped for the Video Archive for Holocaust Testimonies at Yale University who testified that she saw four chimneys blown up by the Jewish resistance, rather than the historically factual one chimney, is a case in point for material witnessing.

Psychoanalysts Laub and Felman argue that something more than historical evidence is at stake, that another body of knowledge and experience is being testified to, one that historians who listen with a sensibility oriented towards articulateness cannot hear,

namely “the very secret of survival and resistance to extermination” (Felman and Laub 1992, 62). What I emphasize with these two examples is that there are numerous instances in which recognizing testimonial differences has opened up previously unknowable epistemic terrains precisely because listeners were willing to shift their ontological orientations and commitments away from the traditionally model of the articulate speaker and towards alternate communicabilities.

Critically self-reflexive standards of evaluation

At this point, one more example drawn from the literature on FC is instructive. Lisa Cartwright, in her book, *Moral Spectatorship* (Cartwright 2008), provides a vignette of an educational encounter during a facilitator-student training session that underscores my arguments about developing testimonial sensibilities that can respond to a variety of communicabilities. This particular encounter unfolds as follows: An observer noted that during a training session, the facilitator refused to respond to a spoken comment made by the autistic student. Instead of responding to the comment, the observer critically noted, the facilitator demanded that the student *write* his request down by typing it out on the keyboard. That is, the facilitator would not acknowledge the content of the student’s spoken claim until it was produced in a form that the facilitator believed was appropriate to the purpose of the session. Because the facilitator accepted the student’s testimony as legitimate only when typed, she therefore also denied speech as a possible way of testifying. The observer to all this objected on the grounds that it was abusive in its exercise of power over the student, and most critically, it failed to acknowledge a variety

of communicative modalities to the student (Cartwright 2008, 213-217). After all, where is it written that autistic people can *only* communicate through the typed word?

A number of important tensions are generated in the observer's critical stance towards facilitated communication as an alternative to spoken communication. These tensions are productive, however, for their contributions to developing standards of evaluation that remain open to the two keystone markers for assessing communicabilities that I outline above: namely, that communications occur through intersubjective, multimodal, and multisensory means, and that *all* communication is facilitated. While the observer's point that speech was suppressed is well-taken, it is quite possible that the facilitator was correct in asserting the demand for typing. The spoken claim may have carried important epistemic weight, but given the precariousness of speech for some people with autism, the practice of learning how to manage the co-production of voice is critical. The facilitator is being trained in typing too. Like Olav's interlocutors, (the partially paralyzed and unable to speak stroke victim discussed in Chapter 5) who are as dependent on Olav's technology for listening as Olav is for speaking, the facilitator is as dependent on the keyboard as is the autistic person. Where shifting, multiple mediums/modalities of communication may not be a problem for speakers, it can pose a problem for listeners who need to rely on some kind of translation code or standard to gauge and assess the veracity and reliability of the content of a communicated claim. That is, the interaction between the speaker and the hearer in this case is taking place on a terrain that is in the process of being charted out. When the facilitator asks the student to type what he has spoken, she may certainly be delimiting the student's communicative

capacities to the written word. But she may also be exploring the relationship between the student's spoken and typed words.

A final point to consider is whether or not it should be a measure of success that the autistic person be made to communicate independently. The goal of FC training is indeed to help the student arrive at the point of self-sufficient, self-guided, independent typing. While I do not challenge this goal, I do want to caution, along with Cartwright, that it may be a mistake to assess FC in terms of independence or no independence. One of the things that FC training does, on its way to the hoped-for goal of independent communication, is produce a "blueprint for bodily delimitation and control" (Cartwright 2008, 217-218; 221). While this of course apparently contradicts my complaint earlier about traditionally-conceived *logos* being problematically linked to bodily self-control, this version of blueprinting bodily control is different because it honors idiosyncratic differences in communicative modalities. That is, the function of FC training is to co-produce, over time and in multiple ways, an always unfolding terrain of communicative regularities and habits, specific to that person. Each person will have a unique, but readable, blueprint for communication. Recall, for example, Lucy Blackman's description of how the process of learning FC enabled her *and* her listener to co-produce a shared terrain of communicability: "I was not learning to type. *I was learning to help other people to enable me to stumble around the keyboard* so that I could use my underdeveloped internal language in the way I thought speech and writing were used by everyone else" (Blackman 2001, 94, italics mine).

Working with, understanding, and evaluating the claims made through a variety of communicabilities requires ongoing empirical research to both find and create

recognizable, and therefore, translatable patterns. Such research needs to include the voices of those who communicate without speech—such voices, like Blackman’s above, reveal much about how such patterns can be mapped out with guideposts both for further research and further “articulation.” For example, an autistic student in Douglas Biklen’s facilitated communication studies, insisted on his typewriter that “Imn not a utistvc on thje typ” (Biklen and Schubert 1991). The insight shared by this student, coupled with patterns of reports from members of the autistic community that eye gazing, bodily gestures, and vocal sounds are not generally not reliable benchmarks or guideposts by which to communicate, suggests that the relevant blueprint or standard by which to judge and train autistic person’s communications is through the typed word. This standard need not be, and should not be taken to be, absolute and fixed. It does, however, serve as a useful and usable reference point through which to establish contact, begin a dialogue, and commit to process of checking and cross-referencing claims actually made versus perceived claims.

We do this all the time in everyday and institutional contexts. Simply consider how we evaluate what we perceive to be astonishing reports, through the process asking our interlocutors to repeat themselves, repeating and paraphrasing back to them what we think they said, seeking confirmation that we’ve understood correctly. When we engage in those rather ordinary pieces of conversation, we are, for better or for worse, blueprinting with one another and establishing a pattern of shared recognitions. We can, and ought, do no less with those who communicate without articulate speech.

In conclusion, we might use the model of mutually co-constitutive, intersubjectively situated communicative process at the heart of FC training as a model

for “blueprinting” the different ways that testimonial encounters can unfold. Given that communicability is a moving target, we may have no other choice. Communicability is driven by always evolving and emergent material-human-technological conditions that require us to constantly re-evaluate both what is communicated and how it is communicated. The latest iteration of communicability’s status as a moving target, for example, is the above-described use of MRI technologies to “read” the brains of comatose patients. We do lose a clear set of credibility indicators when we abandon articulateness, but what we gain, for its inclusiveness, is an epistemological openness that allows us to enact Longino’s suggestions for monitoring and evaluating what testimonial assumptions may be risky or reliable. The challenge, as Cubilié and Good suggest in the epigraph, is not to figure out what the best framework for testimony is but rather to “enact ethical and political passion in the face of testimony’s open articulations” (Cubilié and Good 2003, 6). Thus what I suggest and affirm is the need not simply to shift the borders of testimony, but to generate an ethos to re-imagine the borders through which testimony is articulated.

References

- Alaimo, Stacy, and Susan Hekman. 2008. *Material feminisms*. Bloomington: Indiana University Press.
- Alcoff, Linda. 2001. On Judging Epistemic Credibility: Is Social Identity Relevant? In *Engendering rationalities*, ed. Nancy Tuana and Sandra Morgen, 53–80. Albany: SUNY Press.
- Appelbaum, David. 1990. *Voice*. Albany: SUNY Press.
- Aristotle. 1897. *Aristotle's History of animals*. Trans. Richard Cresswell. Lons: George Bell and Sons.
- . 1912. *The Nicomachean ethics of Aristotle*. London: Macmillan and co., limited.
- . 1936. *Problems*. Cambridge: Harvard University Press.
- . 1980. *Aristotle's Categories and Propositions (De interpretatione)*. Trans. Hippocrates George Apostle. Grinnel, Iowa: Peripatetic Press.
- . 1986. *De anima*. Trans. Hugh Lawson-Tancred. London: Penguin Classics.
- . 1996. *Poetics*. Ed. Malcolm Heath. Penguin Classics.
- . 2000. *Politics*. Trans. Benjamin Jowett. Mineola, NY: Courier Dover Publications.
- Barad, Karen Michelle. 1999. Agential Realism: Feminist Interventions in Understanding Scientific Practices. In *The Science Studies Reader*, ed. Mario Biagioli. New York: Routledge.
- . 2007. *Meeting the universe halfway*. Duke University Press.
- Bauby, Jean-Dominique. 1998. *The diving bell and the butterfly*. New York: Random House, Inc.
- Biklen, Douglas. 1990. Communication unbound: Autism and praxis. *Harvard Educational Review* 60, no. 3: 291–314.
- Biklen, Douglas, and Richard Attfield. 2005. *Autism and the myth of the person alone*. NYU Press.
- Biklen, Douglas, and Donald N. Cardinal. 1997. *Contested words, contested science*. Teachers College Press.
- Biklen, Douglas, and Annagret Schubert. 1991. New words: The communication of students with autism. *Remedial and Special Education* 12, no. 6: 46.
- Blackman, Lucy. 2001. *Lucy's Story: Autism and other adventures*. London: Jessica Kingsley Publishers.
- Bradford, Judith, and Crispin Sartwell. 1997. Voiced bodies/embodyed voices. In *Race, sex: their sameness, difference and interplay*, ed. Naomi Zack, 191–203. New York: Routledge.
- Burge, Tyler. 1993. Content preservation. *The Philosophical Review* 102, no. 4: 457–488.
- Cartwright, Lisa. 2008. *Moral spectatorship*. Durham: Duke University Press.
- Caruth, Cathy. 1996. *Unclaimed experience*. Baltimore: Johns Hopkins University Press.

- Cavarero, Adriana. 2005. *For more than one voice*. Trans. Paul Kottman. Stanford: Stanford University Press.
- Code, Lorraine. 1995. *Rhetorical spaces: Essays on gendered locations*. New York: Routledge.
- . 2006. *Ecological thinking: The politics of epistemic location*. Oxford: Oxford University Press.
- Craig, Robert, and Heidi Muller. 2007. *Theorizing communication: Readings across traditions*. Thousand Oaks, CA: Sage.
- Cubilié, Anne, and Carl Good. 2003. Introduction: The Future of Testimony. *Discourse* 25, no. 1-2: 4–18.
- Daston, Lorraine. 1991. Marvelous facts and miraculous evidence in early modern Europe. *Critical Inquiry*: 93–124.
- . 1992. Objectivity and the Escape from Perspective. *Social studies of science* 22, no. 4: 597–618.
- . 1995. *Classical probability in the Enlightenment*. Princeton: Princeton University Press.
- Daston, Lorraine, and K. Park. 1998. Wonders and the Order of Nature, 1150-1750. *New York*: 135–214.
- Dear, Peter. 1985. Totius in verba: Rhetoric and authority in the early Royal Society. *Isis* 76, no. 2: 145–161.
- Deleuze, Gilles, and Félix Guattari. 2004. *A thousand plateaus*. London: Continuum International Publishing Group.
- Dolar, Mladen. 2006. *A voice and nothing more*. Cambridge: MIT Press.
- Dotson, Kristie. 2008. On epistemic partiality in testimony. United States -- Tennessee: The University of Memphis.
- Elden, Stuart. 2005. Reading Logos as Speech: Heidegger, Aristotle and Rhetorical Politics. *Philosophy and Rhetoric* 38, no. 4: 281–301.
- Felman, Shoshana, and Dori Laub. 1992. *Testimony*. New York: Routledge.
- Fricker, Elizabeth. 1994. Against gullibility. *SYNTHESE LIBRARY*: 125–125.
- . 2002. Trusting others in the sciences: a priori or empirical warrant? *Studies in History and Philosophy of Science* 33, no. 2: 373–383.
- . 2003. Understanding and knowledge of what is said. *Epistemology of language*: 325.
- . 2004. Testimony: Knowing through being told. *Handbook of Epistemology*: 109–130.
- Fricker, Elizabeth, B. K Matilal, and A. Chakrabarti. 1994. *Knowing from Words*.
- Fricker, Miranda. 1998. Rational authority and social power: Towards a truly social epistemology. In *Proceedings of the Aristotelian Society*, 98:159–177.
- . 1999. Epistemic oppression and epistemic privilege. *Canadian journal of philosophy. Supplementary volume 25*: 191–210.
- . 2003. Epistemic Injustice and a Role for Virtue in the Politics of Knowing. In *Moral and Epistemic Virtues*, ed. Michael Brady and Duncan Pritchard, 139–58. Malden, MA: Blackwell.
- Gallie, W. B. 1956. *Essentially contested concepts*. Aristotelian Society.
- Golinski, Jan. 2002. The care of the self and the masculine birth of science. *History of*

- Science* 40, no. 2: 125–146.
- Graham, Peter. 1997. What is testimony? *The Philosophical Quarterly* 47, no. 187: 227–232.
- . 2000a. Conveying information. *Synthese* 123, no. 3: 365–392.
- . 2000b. Transferring knowledge. *Nous* 34, no. 1: 131–152.
- . 2006. Testimonial Justification: Inferential or Non-Inferential? *Philosophical Quarterly* 56, no. 222: 84.
- Hamilton, John. 2010. Story Of Book-Writing Coma Patient Debunked. February 17. <http://www.wbur.org/npr/123813455>.
- Haraway, Donna. 1989. *Primate visions*. Routledge: New York.
- . 1991. *Simians, cyborgs, and women: The reinvention of nature*. New York: Routledge.
- . 1997. *Modest- Witness@ Second- Millennium. FemaleMan- Meets- OncoMouse: feminism and technoscience*. New York: Routledge.
- . 2008. Otherworldly conversations, terran topics, local terms. In *Material Feminisms*, ed. Susan Hekman and Stacy Alaimo.
- Intellectual Disability Review Panel. 1989. *Investigation into the reliability and validity of the assisted communication technique*. Melbourne: Department of Community Services, Victoria.
- Jacobson, John W., James A. Mulick, and Allen A. Schwartz. 1995. A history of facilitated communication: Science, pseudoscience, and antiscience: Science working group on facilitated communication. *American Psychologist* 50, no. 9: 750–765.
- Jones, Karen. 2002. The politics of credibility. In *A mind of one's own: Feminist essays on reason and objectivity*, ed. Louise Antony and Charlotte Witt. 2nd ed. Cambridge, MA: Westview Press.
- Kirby, Vicki. 1997. *Telling flesh*. New York: Routledge.
- . 2008. Natural Convers(at)ions: or, what if Culture was really Nature all along. In *Material Feminisms*, ed. Susan Hekman and Stacy Alaimo, 214.
- Lacan, Jacques, and Jacques-Alain Miller. 1997. *The Psychoses 1955-1956: The Seminar of Jacques Lacan Book III*. New York: W. W. Norton & Company.
- Lackey, Jennifer. 1999. Testimonial knowledge and transmission. *The Philosophical Quarterly* 49, no. 197: 471–490.
- . 2003. A minimal expression of non-reductionism in the epistemology of testimony. *Noûs* 37, no. 4: 706–723.
- . 2006a. It Takes Two to Tango: Beyond Reductionism and Non-Reductionism in the Epistemology of Testimony. *The epistemology of testimony*: 160–89.
- . 2006b. Learning from words. *Philosophy and Phenomenological Research* 73, no. 1: 77.
- . 2006c. The nature of testimony. *Pacific Philosophical Quarterly* 87, no. 2: 177.
- Laurance, Jeremy. 2010. Scientists read the minds of the living dead. *The Independent*, February 4. <http://www.independent.co.uk/news/science/scientists-read-the-minds-of-the-living-dead-1888995.html>.
- Lloyd, Genevieve. 1993. *The Man of Reason*. New York: Routledge.
- Locke, John. 1696. *The reasonableness of Christianity*. London: Awnsham and John

- Churchil.
<http://books.google.com/books?id=LKAUAAAAQAAJ&printsec=frontcover&dq=locke+reasonableness+of+christianity#v=onepage&q=&f=false>.
- . 1975. *An essay concerning human understanding*. Ed. Peter Harold Nidditch. Raleigh: Hayes Barton Press.
- Longino, Helen. 2002. *The fate of knowledge*. Princeton: Princeton University Press.
- MADSEC Autism Taskforce. 1999. *Executive summary*. Portland, Maine: Department of Education.
- McAfee, Noëlle. 2008. *Democracy and the political unconscious*. New York: Columbia University Press.
- Mills, Charles Wade. 1997. *The racial contract*. Ithaca: Cornell University Press.
- Monti, M. M, A. Vanhauenhuyse, M. R Coleman, M. Boly, J. D Pickard, L. Tshibanda, A. M Owen, and S. Laureys. 2010. Willful modulation of brain activity in disorders of consciousness. *New England Journal of Medicine* 362, no. 7 (February 18): 579-589.
- Morton, Mary Winston. 2006. *Silenced in the court: Facilitated communication and the meanings of disability and disability research in the legal setting*. United States -- New York: Syracuse University.
- Moser, Ingunn. 2000. Against normalisation: subverting norms of ability and disability. *Science as culture* 9, no. 2: 201–240.
- Painter, Desmond. 2008. The voice devoid of any accent: Language, subjectivity, and social psychology. *Subjectivity* 23, no. 1: 174–187.
- Peters, John Durham. 1989. John Locke, the Individual, and the Origin of Communication. *Quarterly Journal of Speech* 75, no. 4: 387-99.
- . 1999. *Speaking into the Air: A History of the Idea of Communication*. Chicago: University of Chicago Press.
- Pickering, Andrew. 1995. *The Mangle of Practice*. Chicago: University of Chicago Press.
- Prettyman, Alfred. 2004. Civil Smother: Folkways of Renewed Racism in the United States. In *Pragmatism and the problem of race*, ed. Bill Kochman and Donald Kochman, 177. Bloomington: Indiana University Press.
- Raoul, Valerie, Connie Canam, Gloria Onyeoziri, James Overboe, and Carla Paterson. 2001. Narrating the Unspeakable: Interdisciplinary Readings of Jean-Dominique Bauby's *The Diving-Bell and the Butterfly*. *Literature and Medicine* 20, no. 2: 183–208.
- Rousseau, Jean-Jacques. 1986. *On the origin of language*. Trans. John H. Moran and Alexander Gode. Chicago: University of Chicago Press.
- Shapin, Steven. 1994. *A social history of truth: Civility and science in seventeenth-century England*. Chicago: University of Chicago Press.
- . 1996. *The scientific revolution*. Chicago: University of Chicago Press.
- Shapin, Steven, and S. Schaffer. 1989. *Leviathan and the air-pump: Hobbes, Boyle, and the experimental life*. Princeton: Princeton University Press.
- Shildrick, Margrit. 2002. *Embodying the monster: Encounters with the vulnerable self*. London: Sage Press.
- Shildrick, Margrit, and Janet Price. 1996. Breaking the boundaries of the broken body. *Body & Society* 2, no. 4: 93-113.

- Smith, John E. 1971. Being, Immediacy, and Articulation. *The Review of Metaphysics* 24, no. 4: 593–613.
- Spivak, Gayatri. 1994. Can the subaltern speak? In *Colonial discourse and post-colonial theory*, ed. Patrick Williams and Laura Chrisman. New York: Columbia University Press.
- Sullivan, Shannon, and Nancy Tuana, eds. 2007. *Race and epistemologies of ignorance*. State Univ of New York Press.
- Tuana, Nancy. 1983. Re-fusing nature/nurture. In *Women's Studies International Forum*, 6:621–632.
- . 2001. Material Locations: An Interactionist Alternative to Realism/Social Constructivism. Ed. Nancy Tuana and Sandra Morgen. *Engendering rationalities*: 221.
- . 2004. Coming to Understand. *Hypatia* 19: 194–232.
- Tuana, Nancy, and Shannon Sullivan. 2006. Introduction: Feminist Epistemologies of Ignorance. *Hypatia* 21, no. 3: vii-ix.
- Wilson, Elizabeth. 1998. *Neural geographies*. New York: Routledge.
- . 2004a. *Psychosomatic*. Durham: Duke University Press.
- . 2004b. Gut Feminism. *differences: A Journal of Feminist Cultural Studies* 15, no. 3: 66-94.
- . 2008. Organic Empathy: Feminism, psychopharmaceuticals and the embodiment of depression. In *Material Feminisms*, 373-379. Bloomington: Indiana University Press.
- Wolterstorff, Nicholas. 1994. Locke's Philosophy of Religion. In *Locke's Philosophy of Religion*, ed. Vere Chappell. Cambridge: University of Cambridge.
- . 1996. *John Locke and the Ethics of Belief*. Cambridge: Cambridge University Press.
- Young, Iris Marion. 2002. *Inclusion and democracy*. Oxford: Oxford University Press.
- Zack, Naomi. 1996. *Bachelors of science*. Philadelphia: Temple University Press.

VITA
Alexa Schriempf

Education

MA/PhD Philosophy and Women's Studies, Pennsylvania State University, 2001-10
MA Philosophy, University of Oregon, 1998-2001
BA Philosophy, Sweet Briar College, VA, May 1997

Honors and Awards

G. Charles Bolin Predoctoral Fellowship in Philosophy, Williams College, 2007-2008
H. F. Martin/Graduate School Graduate Assistant Outstanding Teaching Award, 2006
Women's Studies Teacher of the Year Award, Penn State University, 2006
Phi Beta Kappa, 1997

Funding

NSF Travel Grant: Annual Meeting of the Society for the Social Studies of Science, 2009
Williams College, Bolin Fellowship, 2007-2008
Philosophy in an Inclusive Key Summer Institute, Graduate Assistant, Summer 2006
IAH Summer Residency Grant, Summer 2006
RGSO Dissertation Support Grant, College of the Liberal Arts, Spring 2006
Humanities Initiative Dissertation Semester Release, Rock Ethics Institute, Summer 2005
Charlotte W. Newcombe Foundation Award (for Disabilities), 2004, 2005
NSF Grant, Research Assistant to Nancy Tuana, Rock Ethics Institute, Spring 2004
NEH Summer Seminar on Feminist Epistemologies, directed by Nancy Tuana and
Shannon Sullivan, Research Assistant, Summer 2003

Publications

"Disability and Diversity." Article commissioned by the Inclusivity Committee of the
APA. Forthcoming.
"Hearing Deafness: Subjectness, Articulateness, and Communicability," *Subjectivity*.
Special Issue: Re-tooling Subjectivities: Exploring the Possible with Feminist
Science and Technology Studies, September 2009, 28(1):246-265.
"An Epistemology of Deafness." *APA Newsletter on Feminism and Philosophy*, Spring
2007, 6(2): 12-14.
"(Re)Fusing the Amputated Body: An Interactionalist Bridge for Feminism and
Disability Theory," *Hypatia: A Journal of Feminist Philosophy*, Winter, 2002, 16(4): 53-
79.