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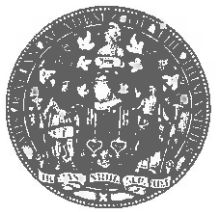
Proof & Truth

THE HUMANIST AS EXPERT

Edited by Iain McCalman & Ann McGrath



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[13] Issues to do with the credibility and perceptive or cognitive incapacity of the witness are, of course, factors to be taken into account here.
[14]See, for example, Quick v Stoland (1998) 157 ALR 615 per Branson J at 618. See also the discussion in Stephen Odgers, *Uniform Evidence Law* (Law Book Co., 2000) at p.172-3.
[15] Ibid.
[16] Complex rules exist governing the circumstances under which an expert may take on this role. See, for example, Section 79 of the *Evidence Act 1995* (Comm. and NSW) and the discussion in Odgers, p.177-183.
[17] Mounting a credible argument challenging this faith in science has been notoriously difficult for theorists over the years.
[18] As humanists have yet to fully understand.
[19] For example, explanations of the structural factors at work on past and present agents, the nature of culture or the content of interpersonal relationships within a claimant group.
[20] See Ann Curthoys and Ann Genovese, pp. 83-96.
[21] One relevant instance which comes to mind concerns the influence of public anthropological debate on the Privy Council's view of indigenous society in the early part of the twentieth century. Over the course of two decisions (Re Southern Rhodesia in 1919 and Amodu Tijani in 1921), the court was persuaded to alter the law on what constituted a legally recognisable indigenous relationship to land so as to include that of nomadic peoples. Indications are that this was partly the result of arguments mounted by Malinowski and other prominent anthropologists in the British public sphere (the press, public meetings) at the time.
[22] It is not my place to mount such an argument here. Notwithstanding real issues concerning the relationship between law and the humanities, I come to this issue in the guise of a lawyer rather than as a humanist seeking a more amenable place in the legal scheme of things.
[23] Curthoys and Genovese (pp. 83-96) include some comments on the treatment of Indigenous oral evidence in native title hearings as part of their discussion of the treatment of humanistic evidence.

Truth in Memory: the humanities and the cognitive sciences

John Sutton

Truth in Memory

Mistakes can be made in both personal and official accounts of past events and experiences; lies can be told. We know that stories about the past have many functions besides truth-telling: but we still often care deeply that our sense of what has happened should be accurate. The dawning realisation that we have been deceived about past events by those in authority, or that we have been deceiving ourselves about our actions or motivations, often raises strong or troubling emotions.

The very possibility of error in memory and in history implies a commonsense realism about the past. Truth in memory is a problem because, coupled with our desires to find out what really happened, we recognise that our individual and collective access to past events may be indirect, and our best reconstructions prone to distortion. This chapter sketches some theoretical approaches, from across the disciplines, to such problems about authority over the past. Relevant psychological science often seems too individualistic and reductionist to help the humanist here, when the media of memory are so diverse and the political and affective contexts in which we care about the past so various. Nonetheless, resources for nuanced and context-sensitive ways of thinking about these questions can be found in the cognitive sciences too. I hope here to open up some routes in to recent lines of research on autobiographical memory, which should be more accessible in the humanities and social sciences. I am not directly discussing links and distinctions between memory and history, or between psychology and the law, although my topics touch on both.[1] I draw on an inchoate schema for interdisciplinarity in the study of memory, which seeks not to enforce a *unified* theory of memory by reduction, but instead to delineate an integrated framework within which many different memory-related phenomena can be understood.[2]

I first survey various ways in which context alters our attitudes to and standards for truth and error in memory. I then offer a description of psychological work on the constructive nature of remembering, and argue that such research should not be seen as

sceptically challenging the very possibility of our everyday authority over our own past, but as seeking out specific forms of fallibility in memory. Our residual attachment to truth in memory can be justified and filled out, I suggest in the final sections, both by a clearer picture of the particular way time is built in to autobiographical remembering, and by showing how our memories often rely on various kinds of external scaffolding, as our picture of our own past is often supported by or grounded in other people, groups, objects, and media. These recent ideas in the cognitive sciences are perhaps less familiar to legal theorists and historians than work on the psychology of memory in eyewitness testimony, but they offer even stronger support for insistent interdisciplinarity.

Distortion and Error in Memory

Truth in memory comes in many forms. The kind of truth which is sought, or the standard of truth which is imposed, often depends on the medium in which memory is expressed, and the context of remembering. Commonly, memories can be true without being perfectly accurate or verbatim records of past events. In testimony at the Watergate hearings, John Dean gave remarkably detailed accounts of conversations he'd had with Richard Nixon and his Chief of Staff, Haldeman, in September 1972. When they were able to compare this testimony with tape recordings of the conversation which surfaced later (and of which Dean was unaware), members of the hearing committee concluded that Dean had told the truth. In a pathbreaking study, the psychologist Ulric Neisser showed that Dean's success in rendering the broad semantics or theme of what occurred had been achieved despite the fact that almost all of Dean's detailed recollections failed to capture either the words used or 'the real gist of anything that was said'[3]. We just don't need to retain full and precise records of most of our experiences. Even the vaunted 'verbatim' memories of bards and poets in oral cultures have been shown by David Rubin to be 'accurate' only in adhering to certain typical scripts or stock scenarios, and to various interlocking syntactic and rhythmic constraints: they are 'reconstructed' for each performance by an expert reciter, who draws on knowledge of the tradition and its conventions.[4]

Humanists may feel that they didn't need psychologists to tell them that truth and accuracy in memory are not, as Neisser noted, 'simple notions'. Assessment of subtle shifts in the demands on

recollection across contexts (legal, political, therapeutic, social, intimate, and so on) is certainly a skill required of historians and others who work with traces. Experience with the peculiar properties — the typical kinds of elision, exaggeration, or opacity — of each different medium of memory is hard-won, often a body of skills and unarticulated habits of reading as much as a formalisable list of explicit guidelines. Both individual acquisition of this experience, and the collective theoretical understanding of the skills involved in it, are dauntingly difficult tasks, and surely require the resources of psychology and the humanities both independently and, if it should ever prove possible, together.

The point is not just that some contexts call for us to tell nothing false about the past, while on other occasions we want to try to tell everything we can. Not all memories are even candidates for truth.[5] Some of the most important ways in which the past is sedimented in us are in 'procedural memories', learned embodied ways of acting. In exercising skills, we show that we remember how to do certain things, how to speak or move or conduct ourselves, where the standards involved in success derive from present norms, judgements of coherence, and goals at least as much as from fidelity to past instances.[6]

Even among propositional or 'declarative' memories, those which do risk a claim on reality, there are many kinds of truth and falsity, which make memory often hard to manage. In the increasing array of psychological studies of what Daniel Schacter calls the 'sins' of memory, the various kinds of distortion and error to which memory is prone (some of which are discussed below), it is still rare to find explicit attempts to analyse or classify the many different ways in which memory can go wrong.[7] The philosopher Andy Hamilton usefully distinguishes memories which are false-in-detail from those which are 'completely-false': in the former, we transpose or condense experiences or elements of past events, whereas the latter fail to match past experience entirely, so that their contents require some quite different kind of explanation.[8] Although the difference between false-in-detail and completely-false memories may be more a matter of degree than Hamilton allows, there are clear cases. Whatever cultural formulas and expectations were in play, the medieval Bavarian monk Arnold who remembered and wrote of his dramatic abduction by a flying dragon[9] was not just subject to a minor interpolation of one memory into another.

Ian Hacking adds, to a similar classification, the crucial category of 'wrong-forgetting', when central experiences which are 'integral to one's character or nature' are for whatever reason suppressed or otherwise lost.[10] This is important because our uneasiness about (real or imagined) cases in which real traumatic events are actually forgotten, or serene but fictional new narratives are happily accepted, reveals the depth of our desires to know the truth about our pasts. For Hacking, it is a subtle kind of false consciousness to live, either willingly or with strong encouragement, by a pragmatic trust in 'narrative truth' alone. And even for memories without great emotional or legal significance, there is often a lingering private or public discomfort about intuited gaps in the record, or puzzling inconsistencies across remembered versions: Mary Warnock helpfully compares the itchy mental feeling, on waking, that we're not remembering or managing to tell the whole truth about a dream.[11]

But in our reflexive and memory-burdened times, it's obvious that these elusive needs to fill out the historical truth of the self are hard to satisfy. We question the desire for fuller knowledge of the past (our own past, and our social past), or indeed of our own minds. What could expertise be, Adam Phillips asks, in relation to the unmanageable or the unruly?[12] Neither the past nor the mind sits waiting to be audited or re-ordered by a frantic or authoritative executive, for traces are rarely passive. When self-knowledge is at stake, for individual, institution, or group, claims to expertise will be all the more contested.

None of these unexceptional points concern the metaphysics of truth and the difficult philosophical debates between correspondence, coherence, and deflationary theories; nor do they invoke worn gulfs between sciences and humanities, or causation and interpretation. Of course there can be uses of scientific expertise as a weapon, confusing context-specific epistemological authority with power. But sustained attention to actual and current scientific controversies, as much as immersion in the modern philosophy of science, shows many active scientists refusing to treat evidence or technology as transparent, intensely and often tediously aware of the influences of peculiarities of method, tools, and rhetoric in their own proprietary subfields.[13] This is one reason that the debilitating 'science wars' of the late 1990s were so boring. In difficult domains of the life, neuro-, and cognitive sciences, at least, where the objects of study are themselves dynamic and historical in various ways,

even those scientists who defend the bluntly realist epistemologies so dear to Alan Sokal and Steven Weinberg need (and usually know that they need) to build context and particularity in to the heart of their work.[14] It is precisely their careful awareness of the collective nature of their expertise, of the key role of idealising or decontextualising shielding conditions in the production of their knowledge, and of the pitfalls and puzzles which arise in transporting results from one context to another, which drives the best realists' confidence that science can catch objective knowledge of this idiosyncratic reality.[15]

This line of thought does imply parallels between the philosophy of science and, say, the philosophy of law — in stressing, for example, the tricksy and shifting nature of many candidate objects of enquiry in both fields, or the common quest for robust mechanisms to weed out certain kinds of distortion before finding genuine warrant for knowledge-claims. The study of memory, especially personal or autobiographical memory, is just one case where it should be obvious that the resources of many quite different forms of expertise are required. Recent memory mania is just as strong in neurobiology as in narrative theory, and in developmental as well as post-colonial studies.

But honest recognition of the daunting multiplicity of methods and frameworks involved in the study of memory will not encourage the collapse of all methodological distinctions, for the appropriate epistemological anxieties shift with differences in sources and subject matter. It is no particularly post-modern worry, for example, to point to the complex causal webs involved in cases of sincere misremembering of the kinds mentioned above. Distortions, unintended embroiderings, or plausible edits spring not only from conscious, deliberate strategy, but also — and often more convincingly — from inexplicit wishes, fears, and desires to please or to be consistent or to inspire confidence. Many humanists devote careers to disentangling these kinds of opaque motivational factors behind puzzling texts, actions, decisions and self-reports. To think that all witnesses who fail to recollect the truth about their past experiences are lying would be as unrealistic as assuming that questions about *mens rea* (criminal intent) always have clear-cut answers. And it's as obvious in legal contexts as in the psychology of memory that credibility can easily come apart from the sincerity of the speaker: legal distrust of confident testimony initially garnered under hypnosis is just one notable marker of this wariness.

So there is simply no need, in worrying about the status of expertise in the humanities, to want to bring the authority of the sciences down. Instead, sufficient awareness of what's happening in neighbouring (and more distant) disciplines might allow the topics and the context of enquiry, rather than institutional inertia, to drive the methods used.

Authority and the Past

The developmental psychologist Susan Engel tells the following story:

> My 12-year-old son is asked to describe an important memory for a class writing assignment. He sits down to write it, looks up at me, and asks, as if it were the most reasonable question in the world, "Mom, what is my most important memory?"

Sometimes, even central personal memories are shared and, as Engel notes, 'grow out of what happens between people'.[16] How odd is it for an individual to grant someone else authority over their past? Even contextualist psychologists like Engel find it hard to acknowledge the extent of individual and cultural differences on this point, the enormous variety in the ways inner and social resources can be woven together. Many recollections which matter in court are in some sense plural memories: alongside other constraints on recounting, speakers are negotiating other people's awareness of the past events. In this section I sketch some parts of the recent psychology of memory which make room for acknowledgement of such interactions of traces inside and outside the individual, looping between brain and world, body and group. Because this work is part of a more general reconstructive framework in the cognitive and developmental psychology of memory, I then describe and respond to some natural philosophical objections to the apparent skepticism about the reliability of memory. The resulting picture, though failing to deliver any universal prescription for assessing truth-claims in memory, makes sense of the ordinary, murky, fallible judgements about reality, traces, and sources which are displayed in the best work of scientist, humanist, and legal practitioner alike.

Constructive Remembering

In the wake of the crisis over recovered memories and false memories in the early to mid-1990s, mainstream cognitive psychology shifted focus considerably away from artificial and idealised laboratory studies, in reaching consensus about the reconstructive nature of various forms of remembering in realistic settings.[17] This consensus can be described through three related general principles. Firstly, even relatively simple memory phenomena may require multi-causal explanatory frameworks. Certainly, any stored trace does not determine either the form or content of remembering: even if the sought-after engram is ever found, it must conspire with current cues. So, secondly, we must focus on the context of recollection to make sense of the nuances of the episode under investigation: remembering is a dynamic singularity rather than the reproduction of fixed contents. As Engel puts it, 'one creates the memory at the moment one needs it, rather than merely pulling out an intact item, image, or story'.[18]

Finally, cognitive psychologists have come to accept more flexible and dynamic pictures of long-term 'storage'. This is partly due to the influence of connectionist or Parallel Distributed Processing (PDP) models of mind, but also to a rich array of empirical studies on misinformation, bias, source amnesia, and the role of schemas in memory.[19] This internal plasticity is one of the most curious and characteristic features of human memory, and one which clearly differentiates our cognitive systems from current digital computers.[20] It is useful that the contents of my files remain exactly the same from the moment I close them at night to the moment I open them again in the morning. But various kinds of reorganisation and realignment often happen to the information retained in my brain over the same period.

Research on suggestibility has been extended recently from the study of eyewitnesses' memory for scenes to full-blown autobiographical memory. Psychologists following Elizabeth Loftus have shown how misleading information from external sources can be incorporated into personal recollection.[21] Confident, entrenched childhood 'memories' of spilling a bowl of punch at a wedding, or of gazing long at an exceptionally colourful mobile in the days after birth, can be elicited artificially in certain circumstances.[22] This work is partly motivated by a wish to confirm the possibility of false confessions, in which individuals may come sincerely and passionately

to believe that they have committed horrible crimes in the past. Although Loftus has adopted the high moral tone of a crusade, the integration of these results with social and personality psychology promises a much richer picture of the conditions which make different kinds of distortion more likely.[23]

The misattribution of images or feelings to a source other than their real origin can also occur without deliberate external manipulation: certain mental contents get unglued from their actual history and wrongly attributed to another source. A dramatic example was the accusation of rape against the psychologist Donald Thomson, who was in fact seen by the victim just before the rape occurred, when he was being interviewed on TV.[24] Such failures of source memory can be due to many factors, including (usually unconscious) judgements of plausibility, familiarity, and fit with other interests and current agendas.

Different people, not surprisingly, are differentially susceptible to suggestion in different contexts. Some source attributions are harder for children, some for older adults. Individual differences in capacities for imagery, absorption, and hypnotisability seem to be relevant. But distortion and misattribution, as Daniel Schacter convincingly argues, are not necessarily maladaptive[25]: various memory errors sometimes result, for instance, from vital forms of generalisation on the basis of similarity and theme which 'may give rise to distortions as an inherent by-product'.[26] Such internal dynamics remind us that deliberate deceit by external agents is not necessary for memory to go awry.[27] Susan Engel may overstate a little in writing that 'it is the norm rather than the exception to be unable to distinguish between what happened, what you feel about what happened, and what others may have said about what happened'[28]. But the source monitoring framework at least suggests that understanding the conditions in which such confusions occur will require attention to a large range of motivational, social, affective, and temperamental contextual factors which influence the mapping of information to source.

Memory, Testimony, and Knowledge of the Past

The point of this research is not to show, implausibly, that reliability in memory is impossible or unlikely. Psychologists assume that understanding the mechanisms of distortion will also throw light on the processes involved in veridical remembering.[29] Again, 'reliability' and 'accuracy' are not transparent notions here. But certainly this movement in psychology does pose some challenge to any common-sense assumption of automatic epistemological privileges for memory. And so, inevitably, philosophers have stepped up to defend such privileges. There are two important ways of arguing that we should work with a default assumption of trust in our memories despite this psychological evidence for the constructive nature of remembering.

The dominant philosophical view, at least until recently, was to treat memory and testimony asymmetrically: whereas we are normally warranted in accepting our memory judgements, testimony can only be a derivative source of warrant, dependent on our ability to trace testimony back to more basic sources such as individual perception.[30] This reductionist view, defended notably by David Hume, has difficulty in specifying which positive characteristics of memory judgements set them epistemically apart from judgements based on testimony. But, more urgently, it threatens implausibly to undermine vast swathes of our ordinary knowledge-base. We only very rarely have sufficient testimony-free access to the bases of speakers' judgements.[31]

So recent approaches have challenged the individualism of that mainstream view by seeing testimony as analogous to at least some forms of memory. Contemporary social epistemology derives in part from the sociology and philosophy of science: awareness of the irreducible roles of trust and witnessing in the collective enterprises of modern science has been driven by both historical and developmental considerations.[32] Other philosophers, notably C. A. J. Coady and Andy Hamilton, draw on Thomas Reid's symmetrical treatment of memory and testimony.[33] Reid saw our common sense disposition to trust memory as God-given and innate; but, further and more ambitiously, he postulated as a principle of contingent but self-evident truth that 'those things really did happen which I distinctly remember'.[34]

Coady and Hamilton use considerations from Reid and from Wittgenstein to criticise psychological research on constructive remembering. They query the polemical and 'almost messianic positivism' of some psychologists[35], and raise some methodological worries about some of the experimental strategies. They mount a self-refutation argument: why should we believe psychologists' claims about memory, when the defence of these claims requires

the use of both memory and testimony? Hamilton describes one of Elizabeth Loftus' books as 'self-undermining, since it contains a narrative of her role in the debate which is partly dependent on personal memory'.[36]

If the cognitive psychologists were indeed arguing for either scepticism or relativism about the past while in fact relying on their own knowledge of the past, they would be fair game for such mockery. But there is no reason at all to read them as sceptics or relativists. The philosophers' worry is, in part, that doubts about the reliability of memory might push us towards a denial of truth and falsity in dealing with the past, and thus give succour to dangerous relativist deniers of truth about anything. This is, rather paradoxically, to see the psychology of memory as subversive, raw material for the ironists and debunkers supposed to lurk around literature and history departments. The Wittgensteinian philosophers are right to ask for more clarity in specifying the scope of claims about construction and distortion, to query the meaning of 'reliability' in these contexts, and to demand more subtle classification of the varieties of falsity in memory. They are right, too, to point out that our memory-sharing and memory-using practices are embedded in rich and complex forms of social life, in which worries about the fragility of memory often just do not arise. But these observations don't justify rejection of the psychology of constructive remembering.

For Coady and Hamilton as for Reid, the general reliability of memory is a presupposition of our lives, and we have a fallible but justified general entitlement to accept our own memory judgements. Their idea is not, of course, that we can never make mistakes, but that the default position, in the absence of other relevant evidence about the past, should be one of faith in memory. A first response here is to point out that (especially in complex or controversial circumstances) there is almost always a raft of other relevant evidence about the past. It is not, or only rarely, that we have explicit and independent records: rather, that we are usually awash with more or less vague senses of the plausibility, familiarity, and coherence of any specific deliverances of memory, given the rest of our background knowledge about the world and our own lives.[37] A memory's natural entitlement, then, is almost always already either boosted or compromised (or often some combination of both) by its fit with other relevant beliefs.

Realism and Evidence

I suggested that psychologists' talk of constructive processes is not to be read as offering support to either scepticism or relativism about the past. They are not arguing from the difficulty of accessing the historical or personal past to its impossibility. That line of thought would indeed dangerously tend to collapse epistemological authority into merely political control over the past. But the very notions of false memory and memory distortion on which psychologists rely *entail* some form of (indirect) realism about the past. In contrast, the tendency of Reid and his modern followers to take the authority of memory as basic, primitive, and unassailable makes error very hard to understand, and certainly makes it difficult to motivate any investigation into the typical causes of error in memory. It's no surprise, then, to find Hamilton arguing that questions about the extent and scope of the unreliability of memory, and about the specific mechanisms which account for its unreliability, are 'at the boundaries of the philosophically legitimate'.[38]

Such limits on enquiry are more detrimental to the promotion of our interests in truth about the past than is the psychological work on constructive remembering. That work in no way threatens common-sense realism about *the past*, which is an entirely different view from Reidian super-realism about *memory*. The fact that we *can* tell the truth about the past (sometimes, well enough for most of our purposes) doesn't entail that we always do, or dictate just how often we do. It also doesn't imply that we *know when* we are remembering truly: the fallibilist option that we can know without necessarily knowing that we know is particularly attractive in this area of epistemology.[39] So rather than worrying about the deep definition or nature of truth in general, it's going to be more productive for many of those who are professionally or personally immersed in memory, history, and the past to devote their energies instead to the ordinary and difficult processes of assessing warranted assertibility. For psychologists as for humanists, it's not abstract purity of access to the past that matters, but teasing out the flavours of a specific mix. What historians as well as legal practitioners and theorists already do is the complicated, fallible evaluation of various sources of evidence — including the search for patterns among types of evidence and across contexts.

The psychologists' reconstructive view of memory thus does not threaten 'truth', only our ease of access to it, and unrealistic as-

sumptions about its simplicity. I've defended the current consensus in psychology against philosophical criticism, and accepted the claim made by Loftus, Schacter, Engel and others that individual memory *alone* can be a poor kind of evidence for historical truth. Hyman and Loftus conclude one survey by suggesting that the fact that memories 'may or may not reflect what actually happened... should not be a great problem' in contexts like therapy, provided all involved 'can accept the fundamental ambiguity of memory'.[40] This ambiguity is now often displayed and exploited in memoir, autobiography, and biography. Lauren Slater's (apparent) recollections of epilepsy in *Spasm: a memoir with lies* is one dizzying, frustrating, brilliant recent example; her book counters the genre of 'authoritative illness memoirs' by actively inviting our disbelief.[41] The challenging ideas about proof and truth in memory which are embodied in gripping life writing are not acceptable to all critics.[42] But even those who take pleasure in the literary and psychological confusions about the past which are explored in the best such work want, in other personal and political contexts, to find firmer ground. Evasiveness or sudden and surprising failures of memory on the part of politicians, for example, are often rightly treated with less sympathy. What prompts and maintains our residual attachments to historical truth in certain contexts, our unwillingness always to rest content with memory's ambiguities?

Experts on Ourselves?

From the first development of autobiographical remembering in early childhood, it is in company that we project ourselves backwards (and forwards) in time. Children's early reminiscing is scaffolded by, built around, the support of adult caregivers' talk about the past, and shifts gradually from an awareness of routine sequences or generic, script-like patterns of events to an internalised capacity spontaneously to relate to specific past actions and experiences.[43] It is in part through joint remembering (a form of shared attention directed at the past) that a particular conception of time gets built in to the structure of autobiographical memory.[44]

Children come to see that different people may have competing perspectives on the same once-occupied time. There opens up a gap between egocentric time and objective time, as we come to understand that there is more to the facts about the past than is reported in any particular narrative or memory, and that not every action or

feeling, not all of the self, is remembered.[45] Here again a commonsense realism about the past emerges with a sense of the asymmetry of lived time, ultimately grounding our understanding of the singularity of events and the uniqueness of actions: as Christoph Hoerl argues, this temporally-based sense of the irrevocable nature of our actions is closely connected with our conceptions of agency and choice.[46]

Shared, socially-embedded remembering is thus at the heart of our itchy sense in memory that, sometimes, there are facts of the matter about the past, even the personal past, no matter how slippery and imperfect is our access to them. This is not to over-individualise again, because expertise on the past and on the self need not be located in or required of the isolated single thinker. The traces which support, deepen, or sometimes disrupt existing understandings of the past are not all internal. Remembering activity can loop out of the brain and body to involve other individuals (as for Susan Engel's son at his homework), groups, or objects.

As this idea is developed in an emerging 'distributed cognition' framework in the cognitive sciences, it's just because of the fragility and vulnerability of our internal memory that we by nature lean so much on cultural media and other resources. The mind, argues the philosopher Andy Clark, extends out to include those technologies, documents, or other people with whom our brains and bodies link up for particular purposes.[47] So human memory includes not just any 'engrams' which might be found distributed across the brain's neural networks, but also an astonishing variety of 'exograms', in Merlin Donald's coinage — external representations in the external symbols systems with which we have continually interacted since the first human representational uses of inscriptions, notches, and other traces.[48]

Distributed cognition thus offers a framework for thinking about the cognitive life of things, in which media theory must be coupled with neuropsychology to develop sciences of the interface.[49] But the scaffolding for memory is, as I've suggested, intrinsically social from the start. So a social ontology of memory, as well as seeking to delineate necessary conditions for true memory claims with a plural subject[50], will have to connect up the large and confusing social-scientific literature on collective memory[51] with existing experimental studies of social and group memory.[52] This view of memory as extended or distributed across brain, body, and world

means that collective enquiry into the nature of memory and mind must be strongly and insistently interdisciplinary, for it makes the study of historical and social processes an integral part of the cognitive sciences of memory, not an additional humanistic curiosity. So despite the complexity of human nature and of memory in particular, psychological views about memory and traces can be a useful part of the background knowledge of legal practitioners and historians who care about proof and truth in relation to the past.

Notes

[1] Douwe Draaisma, *Metaphors of Memory* (Cambridge: Cambridge UP: 2000); Jacques Le Goff, *History and Memory* (New York: Columbia UP, 1992); Amina Memon, Aldert Vrij; and Ray Bull, *Psychology and Law: truthfulness, accuracy and credibility* (New Jersey: John Wiley, 2003).

[2] John Sutton, 'Representation, Reduction, and Interdisciplinarity in the Sciences of Memory', forthcoming in Hugh Clapin, Phillip Staines, and Peter Slezak (eds.), *Representation in Mind* (Amsterdam: Elsevier, 2003).

[3] Ulric Neisser, 'John Dean's Memory: a case study', *Cognition 9* (1981), 1-22; William Hirst and David Gluck, 'Revisiting John Dean's Memory', in E. Winograd, R. Fivush, & W. Hirst (eds.), *Ecological Approaches to Cognition* (New Jersey: Erlbaum, 1999), pp. 253-281; and the careful discussion in M.G.F. Martin, 'Out of the Past: episodic recall as retained acquaintance', in C. Hoerl and T. McCormack (eds.), *Time and Memory* (Oxford: Oxford UP, 2001), pp. 257-284.

[4] David C. Rubin, *Memory in Oral Traditions: The Cognitive Psychology of Epic, Ballads, and Counting-out Rhymes* (New York: Oxford University Press, 1995).

[5] For a guide to distinctions among types of memory, see section 1 of my entry 'Memory' in *The Stanford Encyclopedia of Philosophy* (Spring 2003 Edition), Edward N. Zalta (ed.), URL: http://plato.stanford.edu/archives/spr2003/entries/memory/.

[6] On embodied memory see for example Paul Connerton, *How Societies Remember* (Cambridge: Cambridge UP, 1989), chapter 3; Andrew Strathern, *Body Thoughts* (Ann Arbor: Michigan UP, 1996), chapter 2. These social-scientific approaches to habit and procedural memory need to be integrated into the broader distributed cognition framework described towards the end of this chapter.

[7] Daniel Schacter, 'The Seven Sins of Memory', *American Psychologist 54* (1999), 182-203; Schacter, *The Seven Sins of Memory* (New York: Houghton Mifflin, 2001).

[8] Andy Hamilton, 'False Memory Syndrome and the Authority of Personal Memory-Claims: a philosophical perspective', *Philosophy, Psychiatry, and Psychology 5* (1998), 283-297. Marya Schechtman argues convincingly that the weaving together, summarising, and re-

editing of parts of our own pasts is a key means by which we produce and maintain continuity of identity over time: 'The Truth About Memory', *Philosophical Psychology 7* (1994), 3-18.

[9] Patrick Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton: Princeton University Press, 1994), chapter 6.

[10] Ian Hacking, *Rewriting the Soul: multiple personality and the sciences of memory* (Princeton: Princeton UP, 1995), pp. 258-267.

[11] Mary Warnock, *Imagination and Time* (Oxford: Blackwell, 1994), p. 127.

[12] Adam Phillips, *Terrors and Experts* (Cambridge, MA: Harvard UP, 1996), especially the preface and pp. 96-100.

[13] Alan Chalmers, *What is this thing called Science?* (3rd edition, University of Queensland Press, 2000); David Hess, *Science Studies: an advanced introduction* (New York: New York UP, 1997).

[14] Philip Kitcher's essay 'A Plea for Science Studies' is a balanced and constructive discussion of this point and related issues in the science wars: in N. Koertge (ed.), *A House Built on Sand* (Oxford: Oxford UP, 1998), pp. 32-56.

[15] Nancy Cartwright, *The Dappled World: a study of the boundaries of science* (Cambridge: Cambridge UP, 1999); Paul M. Churchland, 'Flanagan on Moral Knowledge', in R. McCauley (ed.), *The Churchlands and their Critics* (Oxford: Blackwell, 1996), p. 306.

[16] Susan Engel, *Context is Everything: the nature of memory* (New York: W.H. Freeman, 1999), p. 24.

[17] In addition to the work of Daniel Schacter (note 7 above), there are good accessible reviews of this work in Henry L. Roediger, 'Memory Illusions', *Journal of Memory and Language 35* (1996), 76-100; Roediger and Kathleen B. McDermott, 'Distortions of Memory', in E. Tulving & F.I.M. Craik (eds.), *The Oxford Handbook of Memory* (Oxford: Oxford UP, 2000), 149-164.

[18] Engel, *Context is Everything*, p. 6.

[19] On memory in connectionism or PDP see Andy Clark, *Microcognition* (MIT Press, 1989), chapter 5; for an interdisciplinary snapshot of empirical work see the essays in Daniel L. Schacter (ed.), *Memory Distortion: how minds, brains, and societies reconstruct the past* (Cambridge MA: Harvard UP, 1995).

[20] Oliver Sacks, 'Neurology and the Soul', *New York Review of Books 37*, (22 November 1990), 44-50.

[21] Elizabeth Loftus, 'Our Changeable Memories: legal and practical implications', *Nature Reviews Neuroscience 4* (2003), 231-4.

[22] Ira E. Hyman and Elizabeth F. Loftus, 'Errors in Autobiographical Memory', *Clinical Psychology Review 18* (1998), 933-947.

[23] For a balanced view see K.K. Shobe and J.W. Schooler, 'Discovering fact and fiction: case-based analyses of authentic and fabricated discov-

ered memories of abuse', in G.M.Davies and T. Dalgleish (eds.), *Recovered Memories: Seeking the middle ground* (New Jersey: John Wiley, 2002), and for links with social psychology see Malcolm D. Macleod, Elizabeth L. Bjork, and Robert A. Bjork, 'The Role of Retrieval-Induced Forgetting in the Construction and Distortion of Memories', in B. Kokinov and W. Hirst (eds.), *Constructive Remembering* (Sofia: New Bulgarian University, 2003), pp. 55-68.

[24] Daniel L. Schacter, *Searching for Memory: the brain, the mind, and the past* (New York: Basic Books, 1996), pp. 114-118.

[25] Schacter, 'The Seven Sins of Memory' (endnote 7 above), p.190.

[26] James L. McClelland, 'Constructive Memory and Memory Distortions: a parallel distributed processing approach', in Schacter (ed), *Memory Distortion* (endnote 19 above), pp. 69-90, at p. 84.

[27] Janice Haaken, *Pillar of Salt: Gender, Memory, and the Perils of Looking Back* (New Jersey: Rutgers UP, 1998), p. 111.

[28] Engel, *Context is Everything*, p. 16.

[29] Karen J. Mitchell and Marcia K. Johnson, 'Source Monitoring: attributing mental experiences', in E. Tulving and F.I.M. Craik (eds.), *The Oxford Handbook of Memory* (Oxford: Oxford University Press, 2000), 179-195, at pp. 179-180.

[30] For a good overview of the issues see Alvin Goldman, 'Social Epistemology', *The Stanford Encyclopedia of Philosophy* (Spring 2001 Edition), Edward N. Zalta (ed.), URL: http://plato.stanford.edu/archives/spr2001/entries/epistemology-social/.

[31] This point was powerfully and persuasively argued by C.A.J. Coady, *Testimony: a philosophical study* (Oxford: Clarendon Press, 1992).

[32] Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle, and the experimental life* (Princeton: Princeton UP, 1985); Steven Shapin, *A Social History of Truth: civility and science in seventeenth-century England* (Chicago UP, 1995); Martin Kusch and Peter Lipton, 'Testimony: a primer', *Studies in History and Philosophy of Science 33* (2002), 209-217; Paul L. Harris, 'Checking our Sources: the origins of trust in testimony', *Studies in History and Philosophy of Science 33* (2002), 315-333.

[33] Coady, *Testimony;* Hamilton, 'False Memory Syndrome and the Authority of Personal Memory-Claims'. Tyler Burge develops a different kind of epistemological analogy between memory and testimony in 'Interlocution, Perception, and Memory', *Philosophical Studies 86* (1997), 21-47.

[34] Thomas Reid, *Essays on the Intellectual Powers of Man* [1785], quoted in Hamilton, 'Response to the Commentaries', *Philosophy, Psychiatry, and Psychology 5* (1998), 311-6, at 313. Hamilton notes the difficulty in showing how Reid's position 'differs from a dogmatic appeal to what is generally and irresistibly believed', and seeks to weaken it in two directions; but his considered view still suffers, as I argue below, from

jumping too quickly between (metaphysical) realism about the past and (epistemological) super-realism about our access to the past through memory. It's worth noting here just how thoroughgoing is Reid's attack on (what we'd call) neuropsychology, and how bewilderingly strong Reid's own alternative approach to memory is. For Reid, there is nothing in natural philosophy to distinguish our access to the past from our access to the future: God has simply chosen to endow us with memory and a concomitant irresistible tendency to trust its deliverances. This is all the justification there can be, since, for Reid, 'memory remains unaccountable'. See my critical discussion in *Philosophy and Memory Traces: Descartes to connectionism* (Cambridge: Cambridge UP, 1998), pp. 260-273; and Hamilton's fuller account in 'Scottish Commonsense about Memory: a defence of Thomas Reid's direct knowledge account', *Australasian Journal of Philosophy 81* (2003), 229-245.

[35] Coady, *Testimony*, p. 263.

[36] Hamilton, p.292; compare Coady, *Testimony*, pp. 126-7.

[37] This response to Coady and Hamilton is an adaptation of an argument offered by Elizabeth Fricker about the role of testimony in science: 'Trusting Others in the Sciences: *a priori* or empirical warrant?', *Studies in History and Philosophy of Science 33* (2002), 373-383. I don't know if she would accept its applicability to memory. See also Elizabeth Fricker, 'Telling and Trusting: reductionism and anti-reductionism in the epistemology of testimony', *Mind 104* (1995), 393-411. For another defence of the significance of this psychological work see Gilbert Harman, 'Philosophical Theories of Memory: legal epistemology' (1999), URL: http://www.cogsci.princeton.edu/~ghh/Legal.html (cited as at 14 August 2003). In the final chapter of *Testimony* (pp.277-303), Coady offers an extremely relevant and careful more general survey of the pitfalls of expert legal testimony. In more recent work Coady distances himself from other work in social epistemology which underestimates the importance of independence, autonomy, and intellectual character: 'Testimony and intellectual autonomy', *Studies in History and Philosophy of Science 33* (2002), 355-372.

[38] Hamilton, p. 290.

[39] For fallibilism in general see Adam Morton, *A Guide Through the Theory of Knowledge* (2nd edition, Oxford: Blackwell, 1997), chapter 5.

[40] Hyman and Loftus, p. 946.

[41] Lauren Slater, *Spasm: a memoir with lies* (London: Methuen, 2000). The US edition of Slater's book is titled *Lying: a metaphorical memoir* (Overlook Press, 2001). Slater writes: 'what matters in knowing yourself is not the historical truth, which fades as our neurons decay and stutter, but the narrative truth, which is delightfully bendable and politically powerful' (p. 219).

[42] One reader of Slater's book was 'frightened for the integrity of lifewriting as a genre': Donna Lee Brien, 'Being honest about lying:

defining the limits of auto/biographical writing', *TEXT 6* (2002), via URL http://www.gu.edu.au/school/art/text/ (cited as at 14 August 2003). For more on memoir see for example Charles Baxter (ed.), *The Business of Memory* (Greywolf Forum 3: Consortium Books, 1999), and Ronald Fraser's classic *In Search of a Past* (London: Verso, 1984).

[43] Susan Engel, *Context is Everything* (note 16 above), chapters 1 and 2; Katherine Nelson and Robyn Fivush, 'Socialization of Memory', in E. Tulving and F.I.M. Craik (eds.), *The Oxford Handbook of Memory* (note 29 above), pp. 283-295; John Sutton, 'Cognitive Conceptions of Language and the Development of Autobiographical Memory', *Language and Communication 22* (2002), 375-390.

[44] Teresa McCormack and Christoph Hoerl, 'Memory and Temporal Perspective: the role of temporal frameworks in memory development', *Developmental Review 19* (1999), 154-182.

[45] John Campbell, 'The Structure of Time in Autobiographical Memory', *European Journal of Philosophy 5* (1997), 105-118.

[46] Christoph Hoerl, 'Memory, Amnesia, and the Past', *Mind and Language 14* (1999), 227-251.

[47] Andy Clark, *Being There: putting brain, body, and world together again* (MIT Press, 1997); Clark, *Natural-Born Cyborgs: why minds and technologies are made to merge* (Oxford: Oxford UP, 2003); John Haugeland, 'Mind Embodied and Embedded', in Haugeland, *Having Thought* (Cambridge, MA: Harvard UP, 1998), pp. 207-237.

[48] Merlin Donald, *Origins of the Modern Mind* (Cambridge, MA: Harvard UP, 1991); Ed Hutchins, *Cognition in the Wild* (Cambridge, MA: MIT Press, 1995); Mark Rowlands, *The Body in Mind* (Cambridge UP, 1999), chapter 6; Colin Renfrew and Chris Scarre (eds.), *Cognition and Material Culture: the archaeology of symbolic storage* (Cambridge: MacDonald Institute for Archaeological Research, 1999).

[49] John Sutton, 'Porous Memory and the Cognitive Life of Things', in Darren Tofts, Annemarie Jonson, and Alessio Cavallaro (eds.), *Prefiguring Cyberculture: an intellectual history* (Cambridge, MA, and Sydney: MIT Press and Power Publications, 2002), pp. 130-141.

[50] Excellent analytic work in social ontology has not yet, to my knowledge, addressed memory specifically. See for example Margaret Gilbert, *On Social Facts* (Princeton UP, 1989); Gilbert, 'In Search of Sociality', *Philosophical Explorations 3* (1998), 233-241; Raimo Tuomela, *The Importance of Us* (Stanford: Stanford UP, 1995).

[51] See for example Noa Gedi and Yigal Elam, 'Collective Memory: what is it?', *History and Memory 8* (1996), 30-50; Kerwin Lee Klein, 'On the Emergence of *Memory'* in Historical Discourse', *Representations 69* (2000), 127-150; James Wertsch, *Voices of Collective Remembering* (Cambridge: Cambridge UP, 2002).

[52] Qi Wang, 'Cultural effects on adults' earliest childhood recollection and self-description: Implications for the relation between memory and

the self', *Journal of Personality and Social Psychology, 81* (2001), 220-233; William Hirst, David Manier, and Alexandru Cru, 'The Construction of a Collective Memory', in Kokinov and Hirst (eds.), *Constructive Remembering* (note 23 above), pp. 111-116.