

BOOKS

TESTIMONY: A PHILOSOPHICAL STUDY

by C A J Coady, Oxford, Clarendon Press, 1992, 315pp,
ISBN0198247869, \$90.00

Do you believe me when I tell you that according to its Preface this book has four sections, whereas in fact it has five? Do you believe me when I report that footnote 21 of chapter 11 is missing? You could check this sort of trivial detail for yourself, of course. Alternatively, you might simply take this reviewer's word for it; and if you do so, can you legitimately claim to know these things?

The central focus of C A J Coady's wide-ranging and important philosophical study is the nature and epistemological status of testimony. Testimony here is broadly construed — it is the word of another or others; testimony is say so evidence. Throughout the book Coady mounts an impressive case for his claims that our reliance on testimony in the acquisition of belief is both extensive and deep, and that this reliance is inescapable. Much of what we claim to know even about ourselves as individuals (for example, when and where we were born, who our parents and grandparents were) we can know only from verbal and written information supplied by others. And more generally, as individuals, without the extensive input of testimony our other sources of knowledge — perception, memory, inference — would be too feeble and impoverished to allow us to form many beliefs at all. The deeper and urgent epistemological question, then, becomes the general one of whether testimony provides reliable belief or knowledge. How can the extent and depth of our reliance on what others tell us be vindicated?

One obvious response to this deeper question has been the attempt to justify the individual's general reliance on testimony by reference to what he or she can verify by direct experience. But, as Coady's detailed and sustained arguments show, what we are normally accustomed to think of as our own "autonomous knowledge" — knowledge based for instance on our own perception and memory — is in fact heavily dependent on what we learn from others. For example, you claim to have legal qualifications. How can I verify what you say? I might check the details of the framed certificate on the wall in your office; not content with this, I might ask your colleagues and others about your qualifications and reputation; I might go further in the quest for verification and consult the records at the institution at which you studied, and so on. In checking testimony against our own experience, time and again we come up against the extent to which information received from others shapes and gives content to what we claim to know on the basis of experience. "Reductionist" approaches to the justification of testimony as a source of knowledge which are based on an appeal to what is established by experience are circular if experience is itself infested with testimony.

Testimony is widely regarded as a source of knowledge, but the comparative philosophical neglect of the nature and epistemological status of testimony is partly due to the fact that much of our reliance on testimony typically

goes unnoticed as such. Further, testimony is, as Coady acknowledges, "doubly derivative". (You tell me what you have seen; from your testimony, I learn what you have seen by hearing what you say.) But it is wrong to assume from this that the status of testimony as a source of knowledge is derivative, that is, reducible to perception. Here Coady develops an insight of the eighteenth century Scottish philosopher Thomas Reid, arguing that although testimony "presumes upon perception", it has its own epistemological autonomy. All four sources of knowledge — perception, memory, inference and testimony — are "on a level" with a high degree of interpenetration amongst all four; perception is central, but not thereby epistemologically superior. In maintaining that our trust in the word of others is necessary to cognitive activity, Coady adapts a relevant theme of the work of the twentieth century philosopher Donald Davidson: Coady thereby argues that we have our very concepts and linguistic skills largely by courtesy of information acquired from others. Coady's defence of testimony as a source of knowledge is explicitly contrary to what he identifies as the individualistic assumptions which pervade the traditional debate on the topic and much western philosophical thinking about the acquisition of knowledge in general. These individualistic assumptions are deceptive; the extent and depth of our actual reliance on testimony reveal that our acquisition of knowledge is, and must be, a communal activity. Coady's discussion certainly succeeds in bringing the importance of testimony to the fore and exposing to scrutiny the epistemic assumptions to which the relative philosophical neglect of testimony is due. None the less, the philosophical seam from which he develops his positive account of the nature and status of testimony is revealed as rich if narrow. Coady's positive vindication of testimony is highly polished, but in my view this is at the expense of a sense of difficulties and confronting questions being genuinely agonised over in the text.

Those whose intellectual concerns are principally legally oriented (and perhaps many others) will be accustomed to construing testimony more narrowly, as what Coady distinguishes by the term "formal testimony": legal or quasi-legal testimony. Much of Coady's discussion is accessible and highly relevant to those with related specific professional concerns. There are careful and insightful critical discussions of the nature of formal testimony, the hearsay rule, the reliability of eyewitness testimony, and the nature and status of expert testimony in law and its interplay with a commitment to the values which underpin the adversarial system and trial by jury. In general these particular discussions are sound, very clearly argued, and of obvious practical relevance. Coady's tart critique of some psychological studies of the (un)reliability of eyewitness accounts would be highly amusing if its content weren't so alarming. If what Coady tells us about such studies is accurate, they bear testimony to the need for those initiating, supervising, and conducting this sort of research to get some training in basic logic.

Of the book's five sections, the first, fourth and fifth are most directly relevant to specific legal concerns. But it would be a mistake for the reader to bypass sections two and three, since Coady's positive account of the status of testimony is somewhat cumulative and sections four and five both use and reinforce the arguments and conclusions of the earlier sections. The more general content of the book — the nature and epistemological status of "natural testimony" — should be important to anyone who is interested in the nature of

knowledge and the verification of evidence. Coady's book is a philosophical study, but he has made a conscious attempt to make its accessibility and interest wider than that of professional philosophy. As a philosopher I'm not the best judge of whether he succeeds in this aim; my impression is that mostly he does, although many non-philosophical readers will find the arguments in section three especially difficult. Coady's discussion throughout the book is lively; it draws on material and highly engaging issues from a rich and varied background.

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ABORTION REGIMES by Kerry A Petersen, Aldershot,
Dartmouth, 1993, 203pp, A\$84, ISBN 85521 159 9

Legal and public debate, changing social mores and the opinions of the medical profession have all helped to shape the regulation of abortion in Australia. *Abortion Regimes* considers the different regulatory models that have evolved to govern access to abortion and analyses the influence of the medical profession in this area. Petersen's work illustrates the rise of the medical profession and the ways in which this professionalisation and desire for professional autonomy in matters concerning health influenced the development of a category of therapeutic abortion in contrast to criminal abortions.

Abortion Regimes is divided into two parts. Part I addresses the professionalisation of medicine and its influence on reproductive medicine. Petersen illustrates the informal nature of medical practice in pre-industrial England; a period during which many medical practitioners lacked formal qualifications and reproductive medicine was the preserve of midwives. Petersen charts the decline of the traditional midwife with the rise of the male midwives and the increasing professionalisation of medicine. Debates within the profession over criminal and therapeutic abortion are also considered within Part I. Petersen shows that medical practitioners were receiving increasing demands for abortions and were clearly concerned about both the health implications of criminal abortions for women and their own position given the legal uncertainty surrounding therapeutic abortion. Petersen argues that the landmark decision of *R v Bourne* provided a recognition of the lawfulness of therapeutic abortion and of the ability of medical practitioners to exercise their professional judgment in order to determine whether an abortion was for the preservation of the pregnant woman's life.

Part II of *Abortion Regimes* adopts an international, comparative approach to legal regulation of abortion. The different regulatory regimes that have developed in response to abortion are illustrated using three models: "Abortion Reform", "Judicial" and "Elective". The "Abortion Reform" model is illustrated with reference to the United Kingdom, New Zealand, South Australia, and the Northern Territory. Under this model, statutory reform of the criminal law has provided grounds for therapeutic abortions to be carried out lawfully. The "Judicial" model is the model in place in Victoria, New South Wales and

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