Matters of Fact

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Book Reviews

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One would expect Mary Poovey’s *A History of the Modern Fact: Problems of Knowledge in the Sciences of Wealth and Society*¹ and Barbara Shapiro’s *A Culture of Fact: England, 1550-1720*² to cover roughly similar ground. After all, they both locate the origins of the

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modern concept of "fact" in early modern England and chronicle its migration across numerous discourses and disciplines by the eighteenth century. Both, moreover, note the frequently made distinction in the sixteenth and seventeenth centuries between "fact," denoting a free-standing particular, and a cluster of terms designating the context into which facts might be integrated as evidence: "theory," "law," "conjecture," or "hypothesis." And they draw on many of the same earlier scholars, especially Lorraine Daston, Peter Dear, Simon Schaffer, and Steven Shapin, while both also mount significant refutations of the latter's characterization of the ethos and methods of the Royal Society. Finally, neither undertakes a new causal explanation of the rise of the fact; while referring to the general context of exploration and colonization, religious dispute and civil war, they stay within the confines of discursive history.

But despite these similarities the authors offer us almost totally unrelated methods and narratives. With little methodological self-consciousness, Shapiro primarily traces the word "fact" from one domain to another, noting when it appears, what assumptions it imports into the discourse, and how its usage changes in the period. Her analyses are spare, and her evidence is reported with a crisp, no-nonsense efficiency that lends itself easily to the summaries that appear at the ends of the chapters. Hers is a history of the fact that Sergeant Friday himself might have written. In contrast, Poovey is methodologically garrulous, devoting both an introduction and a first chapter to the elaboration of her assumptions and procedures, and to the justification of the discourses and texts she will treat. She pays little attention to the appearance of the term "fact" as she proceeds, and she chooses her texts not for their representativeness or even for the importance of their contributions to the sciences of wealth and society, but for their own epistemological self-scrutiny.

The two authors' narratives are similarly disconnected from each other. Shapiro claims that the modern fact first appeared in the English legal distinction between matters of fact, which juries were asked
to decide, and matters of law, which judges alone could determine. Dating back to medieval times and closely bound to the development of the jury system, the legal distinction viewed the “facts” of the case as the particular acts of persons that might be at issue: For example, did a defendant commit a particular act? When, where, and how was it done, and what was the evidence that would prove the fact? Without any knowledge of the law, it was thought, a panel of respectable and competent men, confronted with sufficient evidence, could ascertain with reasonable certainty the truth about such disputed acts. Hence, according to Shapiro, the concept of a particular datum, floating free of any controlling system of knowledge, came into being with the rise of juries and then migrated to other discourses: history, travel reporting, journalism, natural history and natural philosophy, religion, and the novel. The story Shapiro tells is one of diffusion from a widely experienced but nevertheless quite specific legal domain to virtually all other forms of knowledge.

Poovey also begins with a practice: double-entry bookkeeping, which, she claims, gives the impression that discrete bits of data exist independently of the accounting record and are merely being objectively ordered on a page. But Poovey does not claim that double-entry bookkeeping is a source of the fact; for her it is merely an early instance, and she makes very few references back to it in later chapters. For Poovey, whose disciplinary focus on the forerunners to political economy is tighter than Shapiro’s but whose chronological span is longer, the spread of the modern fact is less the narrative of a concept radiating out from an origin than it is the appearance of successive moments of epistemological reconfiguration.

Only in their treatments of the Royal Society’s founding do the two books intersect at all, and even in that episode, they come at the relevant history from widely different angles. Shapiro devotes almost a quarter of her book to the appearance of the fact in the natural sciences, emphasizing the resistance it initially faced from the verum/factum dichotomy, in which the former referred to God’s artifact, nature, and the latter to the deeds of mankind. Before the seventeenth century, “fact” or “factum” was by definition a human act, and therefore a contingent, particular thing; God’s artifacts, or the “vera” of nature, were, on the other hand, necessary forms and laws. A natural fact was therefore a contradiction in terms before the seventeenth century. When the idea of natural facts first appeared, it involved recording specific human observations of nature and trying to suspend judgment about their meaning. Hence Bacon often argued against hypotheses or theory-driven experiments, and the Royal Society also showed a bias in favor of plain descriptions of what had been experienced, without conjectures about the observa-
tions' meanings. At first, in other words, the natural fact was the record of a human observation, which, as in the law court, required witnesses and testimony. Indeed, Shapiro demonstrates that Bacon (himself a judge), as well as many of his followers in the Royal Society, not only analogized the methods of natural history to those of legal demonstration in their rhetoric, but also tried to base their method on certain courtroom procedures, such as privileging eyewitnesses, noting the witnesses' reliability, and maximizing the number of witnesses. Shapiro makes an overwhelmingly convincing case that the natural fact, as a specific observation, was at first an adaptation of the legal fact. Only later were conclusions drawn from experimental observation, such as the existence of gravity, said to be facts themselves. Between Bacon and Newton, the word was slowly transformed, first meaning discrete observations that might be contested ("matters of fact" that observers tried to prove), later implying particulars that had been proved, and finally, with Newton, applying to general rules induced from particulars.

Poovey also credits Bacon with the seventeenth-century elevation of particular experiences of the natural world to a new epistemological prominence; however, because her main interest is in the precursors to political economy—bookkeeping, political arithmetic, experimental moral philosophy, and conjectural history—she devotes only a dozen pages to seventeenth-century natural history and natural philosophy. As she relates it, in the seventeenth century, facts acquired an ability to prove or disprove generalities that they never had in the older Aristotelian scheme, in which particulars only appeared to illustrate already known laws. Bacon, according to Poovey, promoted particular experiences at the expense of general theories in order to put all dogmatic assumptions under scrutiny, but Poovey does not mention Bacon's legal training in the logic of the fact as a precedent or inspiration for his privileging of experimental observation in natural history. Instead, she concentrates on the epistemological significance of the seventeenth-century natural philosophers' use of the fact, claiming that it takes on what she calls its peculiar paradoxical quality in their discourse: "The modern fact . . . could be represented either as mere data, gathered at random, or as data gathered in the light of a social or theoretical context that made them seem worth gathering." In other words, although the modern fact was often asserted to be a free-standing entity, it was also simultaneously known to be inside a facts/values relation. For Poovey, the modern fact always contains this doubleness, which she

4. See, e.g., Shapiro, supra note 2, at 117-32.
5. Poovey, supra note 1, at 96.
relates to the mathematical ambitions of many of its originators. Juxtaposing Hobbes with Bacon, to stay with her seventeenth-century examples, she notes that the former favored a deductive natural philosophy, modeled on mathematical demonstration, whereas the latter advanced experimentalism, which would produce data that might be handled quantitatively. Mathematics, therefore, contains in itself the facts/values conundrum; numerical representation gives the appearance of objectivity and precision, but it must either proceed deductively, from premises already given, or inductively, from data gathered within a given context. Hence, although the inductive alternative won the day, even its numerical constructions could never be value-free.

Whereas Shapiro takes law to be the *locus classicus* of the modern fact and piles up references from other disciplines to show that they modeled their practices on the jury trial, Poovey argues that the early modern promulgators of facts often took mathematics as their model form of representation. Shapiro cites more direct evidence for her claim than Poovey does for hers. Because Poovey's concept of the modern fact is more complex than Shapiro's and because she participates in a facts/values puzzle of her own (as she admits), by letting the endpoint in nineteenth-century quantifying social and economic sciences define what she means by "the modern fact" in the seventeenth and eighteenth centuries, one at times catches her squinting to find something resembling mathematics in such discourses as experimental moral philosophy or Scottish conjectural history. Poovey's texts often use only what she calls "gestural mathematics," which might be mathematical metaphors but are sometimes merely instances of additive, comparative, or demonstrative logic. For example, she quotes the following passage from Hume as an instance of gestural mathematics: "And as the same idea can only be vary'd by a variation of its degrees of force and vivacity; it follows upon the whole, that belief is a lively idea produc'd by a relation to a present impression, according to the foregoing definition." On a few occasions she even seems to imply that any claim for deductive certainty is "gestural mathematics."

More interesting than the strained search for mathematical rhetoric in the texts under discussion are Poovey's analyses of their epistemological richness. Her book's considerable significance lies in its sustained attention to the many modes in which writers on wealth and society confronted the paradoxes of knowledge and the ways in which those paradoxes helped to deepen and complicate the subjectivity of investigators while shoring up the model of self-governing

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6. *Id.* at 200.
subjects. Sometimes insouciantly, sometimes anxiously, the writers
she treats most fully were aware of the epistemological puzzles em-
bedded in the pursuit of facts, and Poovey carefully examines the
importance of doubt to their accomplishments. Even more strikingly,
she aligns their tolerance of uncertainty, especially in the latter part
of the eighteenth century and early nineteenth century, with the con-
solidation of "liberal governmentality," in which subjects perceive
themselves to be individuals with separate interests in an abstract
system called "society," which is self-regulating and requires their or-
derly pursuit of their own interests. "Governmentality" is Foucault's
term for those modern instruments through which power regulates
unofficially; for example, the creation of such categories as human
nature, society, individual, population, as well as the concept of their
autonomous internal dynamics, are all aspects of governmentality.
As I understand Poovey's argument, the backwardness of the eigh-
teenth-century British state in collecting official social and economic
information only stimulated efforts by private groups and individuals
to come up with social knowledge. Society was therefore not per-
ceived to be the creation of the state, but instead appeared to be
something prior, with its own built-in rules that might be discovered.
Within this context, Poovey presents the awareness of the difficulty
of discerning those rules, especially in the form of grappling with the
facts/values tension, sometimes as a subversive deconstruction of the
project of liberal governmentality (as in her reading of Dr. Johnson's
A Journey to the Western Islands of Scotland), but often as an
intrinsic part of the project itself, which would ultimately result in
sophisticated theoretical developments in probability and abstract
modeling.

Poovey's stress on the unofficial provenance of the modern fact,
her implication that it succeeded because it was problematic and be-
cause it seemed to arise almost spontaneously from the very realm of
the social that it simultaneously created as an object of knowledge,
might help account for the distance between her narrative and
Shapiro's. The fact (as it were) that the law is part of the official state
apparatus may have dissuaded Poovey from examining its seminal
influence. Even while noting the obvious and well-documented
connections between some of the discourses she examines—moral
philosophy or conjectural history, for example—and contemporary
jurisprudential writing, she chooses not to investigate the possible
epistemological ramifications of those connections. Many of the pas-
sages she quotes nevertheless stand as testimony (unremarked in her
analyses) of the wealth of legal rhetoric in those discourses: "The

7. Id. at 249-63.

http://digitalcommons.law.yale.edu/yjlh/vol14/iss2/5
great Newton first gave an example to philosophers... by distinguishing his conjectures from his conclusions, putting the former by themselves, in the modest form of queries. This is fair and legal....”

One cannot help wondering what her book might have been like if law had been treated as a font, a model, or a rhetorical resource of factual discourse in the sciences of wealth and society. A closer look at law, for example, might have allowed for a more precise sense of the supplemental nature of the other discourses. Or, it might have contributed a somewhat different perspective on the epistemological issues, the perspective from a discipline relatively comfortable with the impossibility of absolutely certain knowledge and tolerant of the necessary fallibility of human judgment. Admitting the importance of law might even have led to an exploration of how these epistemologically sophisticated thinkers distinguished knowing from judging. Between the kind of certainty sought in mathematical demonstration and the kind sought by jurors there is a wide gap; even on the strength of the evidence provided by Poovey herself, the architects of the sciences of wealth and society often seem to have been seeking something closer to the latter than to the former.

8. Id. at 220 (quoting Thomas Reid).