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Making Facts, Using Facts: Two Poetics of the Factual and One Theory of the Political

The Factual and the Political: Thinking with Hannah Arendt

IN POLITICAL THOUGHT, THERE IS PERHAPS NO MORE PENETRATING SCRUTINY OF THE SIGNIFICANCE OF THE FACTUAL THAN HANNAH

Arendt's essay "Truth and Politics." "Facts and events," Arendt observes, are the "invariable outcome of men living and acting together." As such, they "constitute the very texture of the political realm" (227). Concerning words and deeds of many actors, factual truth must be the basis for deliberations and opinions in the political space. "Freedom of opinion," she continues, "is a farce unless factual information is guaranteed and the facts themselves are not in dispute. In other words, factual truth informs political thought just as rational truth informs philosophical speculation" (234). Yet facts are infinitely fragile things, for they occur in the ever-changing field of human affairs, "established through testimony by eyewitnesses—notoriously unreliable—and by records, documents, and monuments, all of which can be suspected as forgeries" (239). Facts can be manipulated, even denied outright by the powers that be. The lie, opposed to factual truth as error is to rational truth, represents a deliberate political action, since it aims "to change the world" (246).

If factual truth is the lifeblood of the political, we must ask how facts are established, because we need to assure ourselves of the basis for deliberations and decisions, to find bearings in the flux of events. We must also ask how they are used, because we are concerned about the tactics as well as strategies of deliberation and decision making, eager to chart a course for our actions. Near the end of "Truth and Politics," Arendt gestures toward both questions without, however, answering either. As to the establishment of facts, she mentions public institutions charged with the task of unearthing factual truth, including the judiciary, the university, and the press. As to their use, she invokes the power of storytelling: "Who says what is . . . always tells a story, and in this story the particular facts lose their contingency and acquire some humanly comprehensible meaning" (257). Picking up where Arendt leaves off, I explore both the making and

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the using of facts in the hope of arriving at a more nuanced understanding of the intertwinement of the factual and the political.

The crux of both the making and the using of facts, I submit, is poetics. Surely nothing illustrates the establishing of facts more starkly than the trial in a court of law. Rhetoric has, from the outset, included the trial within its purview, proffering a set of principles and techniques in the form of what is generally known as forensic rhetoric. Contemporary scholarship has, in addition, foregrounded the narrativity, visuality, and theatricality of the trial. These dimensions of the trial combine to make up what may be called the poetics of fact making. This poetics can be extrapolated, in epistemologically and historically specific ways, from the law to other epistemic practices, such as science, historiography, and journalism.

The using of established facts is a matter of poetics in different, more obvious, ways. Facts in the basic sense of actions that have occurred and things that have been done—that is, acts and deeds—can have a bearing on human affairs only if they are somehow heard and seen, remembered and set down in words or other media. As results of action and speech, facts become available for use as the basis for further action and speech always in specific forms, however provisional the forms may be. As Arendt puts it in *The Human Condition*, facts must be “transformed, reified as it were, into things—into sayings of poetry, the written page or the printed book, into paintings or sculpture, into all sorts of records, documents, and monuments” (95). She often refers to such “things” that capture, preserve, and make available facts—the forms that facts take—summarily as “stories.” It is, of course, incumbent on literary scholars to spell out the principles underlying such stories—in other words, to formulate their poetics.

There are, in short, two poetics when it comes to the matter of fact: a poetics of making facts and a poetics of using facts. The two

poetics could serve as the starting point for a new, or at least a neo-Arendtian, theory of the political.

Poetics of Making Facts

The trial is an institutional device meant for conflicts where facts are in dispute. People may also have recourse to courts of law in conflicts involving no disagreement over facts. In such cases, the litigants are entitled to judgment on the pleadings, or the court grants summary judgment. A trial is necessary only if there are issues of fact to be resolved. Mounted for the purpose of ascertaining the fact, the trial proceeds as a highly formalized sequence of narrative acts. In the adversarial system, narrative comes into play already in the pretrial phase, when the attorneys of both parties seek to order the tangle of events, actors, actions, and motives into a story on the basis of which to build a case. The opening statement then offers an omniscient narrative with a clear normative argument. Direct examination allows witnesses to narrate the events in the language of perception. Cross-examination deconstructs the already presented narratives by means of pointedly crafted statements, often relying on alternative narrative constructions. The closing argument wraps up the narrative presentation of events, reconstructing the narrative provided in the opening and deconstructing the opponent’s narrative, in order finally to produce an argument appealing to the jury (Burns 34–72). Indeed, the trial lawyer’s entire narrative discourse is designed to appeal to the jurors and the judge, who are the story’s audience. Marshalling all the tools of narration—plot, character, voice, perspective, temporality, setting, diction, and the like (Meyer)—trial lawyers do their storytelling best to convince the jury of what the fact is. “Conviction in the legal sense,” as Peter Brooks puts it, “results from the conviction created in those who judge the story” (18). Facts are not “guesses,”

as a hard-nosed legal realist contends (Frank), but rather the effect of narration.

Narration is not the only operation deployed by the triers of fact. Images and theatrical devices potentiate narration and work wonders in their own ways. Richard Sherwin's "visual jurisprudence," for instance, draws attention to the ways in which law makes use of images, including "law's assimilation from the visual mass media of familiar cognitive and cultural templates," "law's exploitation of the viewer's sense of visual delight," and "law's emulation of the visual media's logic of desire" (57). Ever since Aeschylus's *Eumenides*, in which Athena sets up a court to try Orestes for matricide and thereby puts an end to cycles of blood vengeance, law court and theater have been intertwined, trading techniques and resources and vying for spectators and authority (Vismann 19–71). Today, as law and the mediasphere interpenetrate each other in ever more complex configurations, the boundary between law court and theatrical spectacle, both transported into the virtual space, threatens to dissolve (Peters).

Conjoining rhetorical, narrative, visual, and theatrical operations, the trial is the prototype of fact making. Epistemic practices ranging from natural and social sciences to historiography and journalism share varying degrees of family resemblance to the trial, as they aim to determine what happens in nature and society and what has happened in the past either distant or recent, by sifting through evidence and examining testimonies. Accordingly, they tap into the repertoire of devices in the trial's poetics of fact making. The experiment in science and the interview in journalism parallel the theatrical apparatus of the trial, while narration is the stock-in-trade of all epistemic practices concerned with establishing facts. It goes without saying that other epistemic practices draw on legal methods under concrete historical and epistemological conditions. For example, in early modern Europe, science adopted and adapted the legally

derived concept of fact and legal methods of establishing matters of fact (Shapiro 105–67). It was the jurist Francis Bacon who laid the philosophical foundation for modern experimental science by outlining a new method of induction—in *The New Organon* (1620)—for the study of nature. For Bacon, true and useful knowledge of nature must be based on facts. Facts, however, cannot be simply garnered from nature without human artifice; they have to be constructed through methodical procedures, especially experiments. Questions to be asked in such procedures resemble those asked in legal proceedings, such as "whether it was a thing of which, if it really happened, there must needs have been many witnesses; and . . . whether the author was a vain-speaking and light person or sober and severe; and the like points, which bear upon the weight of the evidence" (230). Examining witnesses, selecting and arranging evidence—the procedure of making a scientific fact requires devices of figuration such as narration (experimental report), pictorial representation (experimental illustration), and staging (experimental performance). With regard to Robert Boyle's experimental program at the Royal Society of London, founded in 1660 in the Baconian spirit, Steven Shapin and Simon Schaffer speak of a "literary technology" of fact making: emblematic iconography, public performance of experiments, and, above all, narrative reports that feature circumstantial descriptions, a sober and modest tone, and plain style. Like a good advocate doing his utmost to convince the jury of his account of what the fact is, Boyle employed such a literary technology to ensure the public's favorable judgment, thereby constituting and maintaining a scientific community that endorses the experimental production of facts and recognizes such facts as the valid foundation of knowledge (22–79).

If Bacon's new method inaugurated modern science by founding knowledge of nature on experimentally produced facts, historians

in the tradition of historicism sought to catapult historiography to the status of science by honing a new method that would found historical knowledge on pure facts as well—the method of source analysis, criticism, and interpretation. The founder of this tradition, Leopold von Ranke, considered “the supreme law” of history writing to be the “strict presentation of facts, no matter how conditional and unattractive they might be”—that is, to show the past “[as] it actually was.” Facts are extracted from sources such as “memoirs, diaries, letters, reports from embassies, and original narratives of eyewitnesses” (86). The mining of sources begins with the surveying of archives and the collecting of materials, continues with the critical examination and interpretation of documents, and culminates in the verbal presentation of the critically authenticated and interpretatively illuminated findings as facts. Historiography may claim the status of science because its rigorous procedure of source mining resembles the method of induction in experimental science. Accordingly, a literary technology comparable to the one used by experimental science can be said to be at work in the historiographical production of facts, even though it is long on narration and short on theater. Yet historiography as envisioned by Ranke is poetic in a more profound sense. Facts produced by experiments are “nuggets of experience detached from theory” (Daston 343), so that their credibility, significance, and knowledge claim depend to a large extent on the trust of the public, which in turn depends on social norms, on codes and conventions of genteel conduct such as, in Bacon and Boyle’s time, civility, honor, and integrity (Daston 350–58; Shapin). In Ranke’s historiography, by contrast, the factual particulars produced through source mining are endowed with an intrinsic truth-value: in every fact dwells an idea; hence, it figures as general, indeed universal, knowledge. Key to this conception of history writing is the poetics of German Ro-

manticism, which ascribes to poetic production the power of capturing the universal idea through the figuration of the particular. For Ranke, historians are scientists, because they carry out the technical work of mining facts from sources, and at the same time they are poets, because they render in words the facts that have been mined. In the quintessential idiom of Romantic poetics, Ranke spoke of the power of intuition, presentiment, or divining, which enabled the historian-poet to see the idea in the fact, to sense the universal in the particular, and to divine the eternal in the temporal. In sum, historiography is both a science and an art: “[it] is a science in collecting, finding, penetrating; it is an art because it recreates and portrays that which it has found and recognized. Other sciences are satisfied simply with recording what has been found; history requires the ability to recreate” (8). Consequently, “[t]he more documentary, the more exact, and the more fruitful the research is, the more freely can our art unfold, which flourishes only in the element of immediate, undeniable truth!” (13).

The examples of law, experimental science, and historiography indicate that the poetics of fact making varies from one epistemic practice to the other and evolves in time. It has, however, some general and abiding features. First and foremost, it is institutional. Factual determination by trial takes place in the institution known as the judicial system, the experimental production of scientific facts takes place in research institutions, and the historiographical production of facts takes place in the institution of the university. “Institutions,” to quote a standard definition, “comprise regulative, normative, and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life” (Scott 56). The regulative elements of the institution are the coercive rules meant to constrain and regularize behavior, as well as the activities of rule setting, monitoring, and sanctioning. The

normative elements are the binding expectations used to assess and evaluate behavior, as well as the activities of certification and accreditation. The cultural-cognitive elements, finally, are the shared conceptions and common beliefs that shape behavior mimetically and provide the frames through which meaning is made. All these elements bear, to varying degrees, on the poetics of fact making. For instance, narration and theatrics in a courtroom are stringently formalized by regulative elements known as rules of evidence and rules of procedure. All epistemic practices concerned with fact making are subject to normative rules in the form of professional standards used to certify qualifications and assess performance, as well as in the form of professional ethics that ensures best practice. Finally, institutional culture, either pervasive in the profession or entrenched on the organizational level (law firm, laboratory, university), can modulate the ways in which stories are told and theatrical effects are achieved.

The institution, resting on regulative, normative, and cultural pillars, requires of its personnel lengthy training and extensive experience—that is, expertise. Lawyers, scientists, historians, journalists, indeed all those entrusted with establishing facts are experts. Insofar as facts are made by experts, they are bound to come across as opaque and overwhelming to nonexperts, the “common” people. For Georg Simmel, human culture suffers from a tragic fate: created by individuals, it becomes objectified entities and alien forces that overpower individuals. The same tragic fate befalls facts. To serve as points of orientation for individuals in their speech and action, facts need to be revived into something appealing to the senses. This leads us to the poetics of using facts.

Poetics of Using Facts

Facts are established in order to be used—as the premise for an argument, or as the sign-

post for a course of action. The deployment of agreed-upon facts, for whatever purpose, entails their being placed in an interpretative frame, being converted into links of a discursive chain. “Facts,” in the words of the documentary film scholar Bill Nichols, “must be recruited into a narrative or argument, whose validity may well remain in doubt, before they can serve as evidence” (150). We have seen that facts are established through arduous poetic operations. The transformation of established facts into elements of a narrative or argumentative discourse is a poetic operation as well. Realism and the avant-garde documentary draw attention to two contrasting principles of such a poetic operation.

Flourishing at a time when facts were highly valorized and objectivity became the unassailable credo in epistemic practices ranging from science (Daston and Galison) and historiography (Novick) to law and journalism (Schudson), realism advocated a mode of figuration that turns factual minutiae into a work of art. On the one hand, realists claimed to represent nothing else than factual particulars, often invoking natural sciences as their model. Flaubert, for example, exclaimed, “That’s what is so fine about the natural sciences: they don’t wish to prove anything. Therefore what breadth of fact and what an immensity for thought! We must treat men like mastodons and crocodiles. Does anyone fly into a passion about the horns of the former and the jaws of the latter? Show them, stuff them, and put them in solution, that’s enough, but appreciate them, no” (92–93). Zola went even further in championing the natural sciences as the model for poetic literature, developing a conception of the novel as the ultimate laboratory for testing out the experimental method—*le roman expérimental* (“the experimental novel”). On the other hand, realists sought to produce a poetic work of art that, in Flaubert’s words, would “hold together by itself through the internal force of its style” (90). The representation of

factual particulars is supposed to bring about a meaningful construct abiding by its own laws, something that Flaubert apostrophized as “the indefinable Beautiful,” “the splendor of Truth” (95). Zola spoke of the “complete knowledge of a truth” achieved by the experimental novel (169). The realist work of art as exemplified by Flaubert’s and Zola’s great novels is a completed narrative, a self-contained whole. It embodies aesthetic norms open to evaluation and criticism. It embodies also epistemological norms, insofar as it claims to reveal truths about human nature and society. The poetics of realism thus revolves around two opposing poles: the factual, nonnormative reality and the fictional, normative work of art. It aims to connect these two poles, providing a model of the transfiguration of facts in poetic fiction, of nonnormative particulars in the normative universal.

The factual particulars in a realist work of art—Flaubert’s “mastodons and crocodiles”—subsist inside the diegesis. As discrete deeds, sayings, and circumstances, they are analogous to established facts in the world of the reader, although they are not attributable to any operations of factual determination verifiable by the reader. If they are, the fictional mode gives way to a documentary one. At the same time, such deeds, sayings, and circumstances, as elements of a closed fictional world, cohere into a narrative with a beginning and an end. Opposed to this kind of poetics, which harnesses factual particulars to a finished narrative form, is the avant-garde documentary, particularly a movement known as Soviet factography. Ostentatiously dismissing realism, Sergei Tret’iakov, the main representative of Soviet factography, declared, “We have no reason to wait for Tolstoy. We have our epic literature. Our epic literature is the newspaper” (“New Leo Tolstoy” 49). While the realist novel, even one as long as *War and Peace*, always has a beginning and an ending that frame it as a self-contained whole, the newspaper, which churns out “the epic of

facts” (50), does not, and never will, come to a close. Furthermore, “faced with the scale on which the newspaper incorporates facts and the speed at which it delivers them, any individual [writer] can only capitulate” (49). Factography, also referred to as reportage, factism, or documentarity, presents the fact as an ongoing process rather than a completed work. And it replaces “the artisanal individualism of the writer” with a collective authorship embodied by “the masses of amateur photographers, and the thousands of reporters and worker-correspondents” (Tret’iakov, “To Be Continued” 52, 56). Restoring facts—that which is made and done—to the swirling vortex of making and doing, factography reinfuses them with passion: “The journals present the reader with a game of solitaire made of facts, but what we need instead of solitaire is a fierce game of chance” (55).

Facts are particulars, indeed “deracinated particulars” (Daston 345). Yet insofar as a fact is established for a certain purpose, the general is always already inscribed in it, albeit often under erasure (Poovey). To put a fact to a certain use—a use that can correspond to but also diverge from, even undercut, its intended purpose—is to reembed the deracinated particular in a new soil. Literary realism and avant-garde documentary represent two possible modes of reembedding facts: the first works them into a coherent narrative that articulates the general, even the universal (beauty, truth, and the like), while the second keeps returning them to the fluid realm of action and thus prevents them from ever settling into a completed narrative. Georg Lukács conceptualized these two modes in terms of the dichotomy “reportage” and “portrayal.” Reportage, with Tret’iakov as its particularly “crass” representative (61), presents “certain isolated facts, or in the best case group of facts—never the contradictory unity-in-process of the totality—and pass[es] moral judgments on these facts” (48), while portrayal, with Tolstoy as its preeminent

practitioner, “reproduce[s] the overall process . . . by disclosing its actual and essential driving forces” (51–52).

Conclusion: Toward a Neo-Arendtian Theory of the Political

Facts mark a turning point, a relay station as it were, in the ever-turbulent currents of political life: on the one hand, they refer back to the past speech and action that have congealed into sayings and deeds; on the other hand, as sayings and deeds they serve as the basis for future speech and action. Caught between past and future, facts are emblems of crisis. It is presumably this Janus-faced, critical nature of facts that prompts Arendt’s insight that they “constitute the very texture of the political realm.” As a matter of the past, they can be recuperated only through elaborate poetic operations. As a matter of the future, they likewise require poetic operations to be deployed.

Insofar as facts are established within institutions by properly qualified personnel, speech and action informed by them are inescapably mediated by institutional frameworks and expert knowledge. The politics of environment or public health hinges on what scientists in research institutions have to say, the politics of collective memory hinges on what historians in universities have to say, and politics in general hinges on what legal experts in the judicial system have to say. Given the impersonality of institutions and inaccessibility of expert knowledge, one may be tempted to doubt, even to deny facts, or one may choose to trust them. Both approaches are political. Denying facts is a quintessentially political action, as it aims, in Arendt’s words, “to change the world.” It is of a piece with the practices of dismantling institutions and denigrating experts, which are characteristic of radical political movements. Trusting facts is also a political action, since it aims to preserve a measure of continuity and stabil-

ity in the ever-changing world. It manifests itself in institution building and respect for experts, which belong to liberal normalcy.

On the basis of trust, individual citizens may appropriate institutionally produced facts in their own ways. They may work them into a larger narrative, or they may take cognizance of them the way they leaf through newspapers or surf news sites, treating them as signposts that guide actions for a fleeting moment before being replaced by other signposts. Ideology-driven and ideology-averse, respectively, both modes of appropriating facts align the individual with the institution, laypeople with experts. In whatever way facts are appropriated, they channel speech and steer action. Once carried out, speech and action become sayings and deeds—that is, facts waiting to be established by latecomers. The poetic operation of using facts thus feeds into that of making facts. The political, then, is ultimately a matter of poetics. Or, to be more precise, it is a matter of institutional poetics, for the making of facts is undertaken by institutions, and the using of facts links up individuals with institutions.

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