Fictions of Evidence
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Published by The Ohio State University Press

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Fictions of Evidence: Witnessing, Literature, and Community in the Late Middle Ages.
The Ohio State University Press, 2013.
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The questions posed at the end of the previous chapter deserve a sustained answer, beginning with a brief summary of what this book has tried to accomplish. As this book has shown, medieval witnessing might be understood both heuristically—that is, as a method to retrieve evidence that can uncover truth, whether legal, ethical, or doctrinal—and hermeneutically—that is, as a method of interpretation that can produce an explanation, start a discussion, or point to gaps in what is considered evidentiary. Because witnessing can be both heuristic and hermeneutic, it worked in the Middle Ages to produce cultural ideologies and obligations as well as to critique them. Those critiques, this book claims, emerge most dynamically and powerfully in vernacular literary texts, which cite, restage, and experiment with the legal and devotional witnessing practices charged with authenticating and disciplining communal obligations.

Witnessing is heuristically and hermeneutically crucial in our own discussions of how scholarship can retrieve and interpret evidence of a medieval past. Notably, as I discuss in this coda, the term “witness” is used in philological criticism to describe the documents that can attest to the events, people, or customs of the Middle Ages. I argue here that the use of the term in this context confers a sense of authenticity onto these documents by attaching a kind of presence to them. In other words, when philological convention refers to medieval documents and texts as “witnesses,” it implies that these
texts can offer authentic and immediate access to the words or thoughts of someone who was “really there,” recording an event we can now only understand through those documents. Here, in assessing how the term “witness” functions to authorize certain modes of medievalist scholarship, I offer some suggestions regarding what the critical stakes of medieval testimony might be.

Oath-Taking and the Production of Evidence

This book has described witnessing as crucial to formations of and challenges to doctrinal, legal, and ethical communities. In doing so, it has depicted witnessing broadly as a diverse set of practices and forms, including the hue and cry, formal depositions, and even prayer. When considered under the rubric of “witnessing,” all of these practices try not only to authenticate a truth-claim or an event but also to attest to a community’s beliefs and ethics. Moreover, this book has shown that a wide range of texts feature witnessing to explore how communities articulate and police their boundaries. Vernacular poetry, sermon exempla, outlaw ballads, and fictional legal documents alike describe witnessing to imagine communities outside of official ecclesiastical and legal prescriptions. In doing so, these texts all use witnessing to examine the relationship between the divine Word and human words, between divine knowledge and human judgment. They juxtapose multiple models of witnessing to depict dynamic transactions between bodily, oral, and documentary testimony, transactions that reveal the complex ways witnessing practices could claim the authority to articulate community customs and project communal ideals.

As this book has illustrated how witnessing encompasses a wide range of practices that can define, articulate, and police community ties, it has throughout turned its attention to the oath, an important and ubiquitous practice that sought to yoke together divine justice and human systems of law. The oath relied on formulaic language to do so, proclaiming God as a witness alongside the oath-taker. The efficacy of oaths relied on a series of community networks, as when, for example, compurgatory oath-helpers were called upon to attest to a public reputation or when family and neighbors were called upon to authenticate a last will and testament. Oaths were also where vernacular writers could explore how human language and law interacted with divine justice and, in turn, how such a link between the divine Word and earthly language helped sanctify doctrinal or ethical community ties. In the Man of Law’s Tale, for example, divine justice exposes the
iniquity of the false knight’s oath in front of a crowd of onlookers, which can then be transformed into a Christian community under the guidance of a converted Alla. Likewise, in the *Pistol of Swete Susan*, the Elders manipulate the dual function of the oath as a call to divine justice and an assertion of community standing to mask their sexual aggression and protect their reputations. In *Piers Plowman*, Langland takes oaths as an opportunity to examine the relationship between personification allegory and documentary materiality, while William Thorpe dismantles the fantasy that book-sworn oaths can harness the divine Word to extract his testimony from the legal purpose it was supposed to serve.

Oath-taking is a site of contention in these texts because it straddles any demarcating lines between heuristic and hermeneutic. Designed as a mode of discovery, as a formula that can make divine judgment visible to a watchful community, in the hands of writers such as Langland or Thorpe it becomes an opportunity for interpretation and literary invention. Indeed, vernacular writers from the period repeatedly saw in the oath the possibility of exploring how human language can mold—rather than simply reveal—divine judgment and “truth.” Their depictions of oaths foreground the ways different truths might be constructed from the same evidence, and they demonstrate that the determination of what constitutes evidence can sometimes be a strategic, even tautological, shaping of events into a narrative that is then authenticated by an oath. Similarly, as I discuss below, examining the ways witnessing shapes our scholarship with respect to the past can reveal our own strategic modes of evidence gathering and narrative production.

Philological and Historical “Witnesses”

Whereas witnessing was a central mode of thinking about the relationship between language, community, and divine justice in the Middle Ages, it also offers us a way to think critically about our own relationships to language, texts, and the past. In his account of the long history of scholarly research and editorial practices, D. C. Greetham has noted that “one of the indeterminacies of textual research is its relation to the disciplines that rely on the discovery and interpretation of evidence.”1 Indeed, he insists that textual and editorial research—that is, the search for “evidence”—should seek not to uncover an origin or an unassailable truth about the object of study, but to recognize and articulate textual variance. Greetham particularly examines

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the reliance on “textual witnesses,” a phrase that refers specifically to manuscripts that can uniquely establish a text’s authoritative version or origin. Fifteenth-century humanists such as Lorenzo Valla, Greetham states, developed a heuristic model of textual “testimony,” distinguishing between “internal” and “external” evidence as a way to root out forgeries from “authentic” versions of texts. As scholars, we continue to comb these material artifacts, these “testimony,” to see how and to what they can testify about the past. Following Valla, we often divide the documents that constitute our research into “primary” and “secondary” witnesses, suggesting perhaps that “primary” witnesses are closer to a textual origin or the author’s hand. Such archival work is, of course, necessary for assessing and analyzing the extant materials of the distant period we study, offering critical and exciting insights into the medieval world. Here, however, I want to think briefly about what it means to use the term “witness” to describe archival work and to suggest that our own critical and historicist practices are mired in the same kinds of complications about the rhetoric of authority and “truth” that are at the heart of late medieval experiments in witnessing.

The critical practices of the “New Philology,” a phrase coined by Stephen G. Nichols in a 1988 issue of the *Romanic Review,* raise “questions about the status of history, historicism, and contextual referentiality” by dismantling a post-Auerbach philological tradition, which sought to produce an edited text that could ossify the textual variance endemic to manuscript culture. As Nichols put it two years later in his introduction to the 1990 *Speculum* volume dedicated to the New Philology, “The high calling of philology inherited by Auerbach’s generation installed a preoccupation with scholarly exactitude based on edited and printed texts.” In contrast, the New Philology sets out to return to the indeterminacy of an open-ended manuscript culture, in which the production, translation, and rewriting of texts emerged out of the cultural conditions of a polyglot world that was an admixture of

3. We might take Lee Patterson’s assertion into account with respect to internal and external textual witnesses: “At heart, external evidence is nothing other than the fact that a particular reading occurs in one or more manuscripts, that is, attestation; internal evidence is nothing other than the fact that there are on many occasions more than one reading, that is, variation. Both internal and external evidence are evidence of originality; both are, in themselves, equally factual, equally objective, equally historical.” See “The Logic of Textual Criticism and the Way of Genius: The Kane-Donaldson *Piers Plowman* in Historical Perspective,” in *Negotiating the Past: The Historical Understanding of Medieval Literature* (Madison: University of Wisconsin Press, 1987), 77.
oral and literate practices and conventions. Those who advocated the aims of
the New Philological practices suggested that it could perhaps release medi-
eval studies from the exegetical stranglehold of Roberstonianism and from
the resolutely formalist work of the New Critics. Moreover, as Steven Justice
has said, the materialist practice of returning to the manuscript or printed
text to explore its polyvocality rather than to construct and solidify a single
master text allows us to “reconstitute not only the array of texts we might
come to know, but also the texts we know already” (7). With this in mind,
he suggests, the New Philology might offer important methodological tools
that help produce a productive “skeptical historicism.”

This “skeptical historicism” might also help posit an alternative to the
New Historicism practices that reinvigorated Early Modern studies several
decades ago, practices that were resoundingly asserted in the 1980 publica-
tion of Stephen Greenblatt’s Renaissance Self-Fashioning. Indeed, the New
Philology seems haunted by the promises and practices of the New Histori-
cism, as the contributors to the 1990 Speculum volume repeatedly demon-
strate. For example, Gabrielle M. Spiegel imagines the New Philology as a
critique of the practices of Foucauldian cultural history. For Spiegel, the fail-
ure of such historicist practice is that it dismantles the differences between
text and context; she claims that “the problem becomes even more severe
when we remember that so-called ‘documentary’ representations of real-
ity (charters, laws, fief lists, economic data, accounts of trade or wars, not
to mention cat massacres and cockfights) are equally included within the
compass of the social construction of reality.” Literary texts and historical
context are not the same, Spiegel warns, and the analytic methods used for
one should not be imported to use for the other. In addition, she reminds
us that historical documents do not provide unproblematic access to a clear
“truth” and should not be used to construct master narratives that can then
be used to decode the playful ambiguities of literary discourse. For her, the
New Philology offers the possibility of historical inquiry engineered by the
belief that texts represent geographically and temporally situated instances,

6. Though Patterson does not discuss the “New Philology” specifically, see his discussion of
the work of Robertsonian exegetics and the New Criticism on the production of medieval stud-
ies as a discipline: “Historical Criticism and the Development of Chaucer Studies,” in Negotiating
the Past: The Historical Understanding of Medieval Literature (Madison: University of Wisconsin
Press, 1987), 3–39. For a thorough assessment of the New Philology since 1990, see Sarah Kay,
7. Gabrielle M. Spiegel, “History, Historicism, and the Social Logic of the Text in the Mid-
8. See also Richard Firth Green, “John Ball’s Letters: Literary History and Historical Lit-
erature,” in Chaucer’s England: Literature in Historical Context, ed. Barbara A. Hanawalt (Min-
thus allowing scholars to focus on the locality and material specificities of the text or artifact at hand. The effect of such work, she suggests, is to give analytic weight to both the literary and the historical without absorbing one into the other. Thus, the promise of the New Philology is that the material specificity of the text will open up a way to return to the historical without transforming historical documents into literary artifacts or vice versa.

Recently, a challenge has been issued in medieval literary studies to be “post-historical.” For Elizabeth Scala and Sylvia Federico, the editors of *The Post-Historical Middle Ages*, this means taking up Paul Strohm’s “strategic disregard of the literary/non-literary divide,” particularly in examining the usefulness of the term “text.” Paying attention to the wide register of witnessing in the later Middle Ages performs this metacritical work, and it does so specifically by calling attention to the ways various media—the body, the voice, the document—all lay claim to, even compete for, the authoritative designation of “text.” As this book has shown, *Piers Plowman* is particularly dedicated to dramatizing the multiple ways the idea of “text” can be invoked, manipulated, and used as a tool of power. In addition, the poem’s numerous editions, emendations, and marginal glosses have been a wellspring of historical evidence for editors and readers of the poem’s variants. Yet as Lee Patterson has noted, such scholarly work often grounds itself in the authority of assessment, insofar as “external evidence” might be understood as material, historical, and unassailable, while “internal evidence” can be considered the product of individual interpretation and thus can be seen as unreliable, even whimsical or idiosyncratic. Chapter 4 demonstrated that Langland examines the conceptual boundaries between idiosyncratic experience and communal knowledge derived from books and documents. We might use Langland’s sustained investigation of the witness as a hinge between individual experience and communal knowledge to redraw the boundaries between “external” and “internal” evidence, reconsidering our own reassurances of what constitutes incontrovertible data and what suspiciously emerges from the singular mind of the reader, editor, or scholar.

The calls to question the status of historicism as a dominant mode of analyzing medieval texts and culture emerge from an enduring discussion in medieval studies that both uses the New Historicism and critiques it as a discipline that celebrates the Renaissance as a radical shift in the history of the

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subject, at the expense of the Middle Ages. To offer one especially pointed example, Stephen Greenblatt announced in *Renaissance Self-Fashioning* that “in the sixteenth century there appears to be an increased self-consciousness about the fashioning of human identity as a manipulable, artful process.”11 This statement has, not surprisingly, raised hackles among some medievalists.12 David Aers famously responded by countering that *Renaissance Self-Fashioning* is innocent of the analysis of medieval culture it would need to satisfyingly support its argument, and Patterson similarly argued that Greenblatt’s assertion shows how “the Middle Ages has functioned as an all-purpose alternative to whatever quality the present has wished to ascribe to itself.”13 For Patterson, medieval selfhood can be characterized by “the dialectic between an inward subjectivity and an external world that alienates it from both itself and its divine source.”14 Significantly, this dialectic is forcefuly visible in witness depositions such as Margery Baxter’s as well as in vernacular texts that take witness testimony as the impetus for thinking about the relationship between an inward self and its articulation to an external world, both earthly and divine. The *Testimony of William Thorpe* also offers a prime example of the way internal subjectivity might be structured by the external discourses, such as testimony, that claim to express it.

Strikingly, Greenblatt’s New Historicist aims require the authenticating testimony of a medieval witness to authorize the temporal and conceptual boundaries he seeks to produce. His argument about the status of the printed book in Thomas More’s self-fashioning turns to Foxe’s *Book of Martyrs* and begins, curiously, with William Thorpe. Noting Thorpe’s technique of falling silent in response to Arundel’s histrionic questioning, Greenblatt argues that Thorpe seeks to act like Christ at his inquisition:

> A long tradition of suffering for the faith lies behind this eloquent silence, a tradition reaching back to Christ’s own initial silence before Caiaphas: “And the chief priest arose and said to him: answerest thou nothing? How is it that these bear witness against thee? But Jesus held his peace” (Matt.

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Caught in a terrifying situation and facing the rage of the great and powerful, the heretic William Thorpe, like the imprisoned Thomas More, found refuge in an identification with Christ. (77)

Greenblatt further claims that Thorpe’s identification with Christ marks “a simultaneous affirmation and effacement of personal identity” (77). Greenblatt’s turn to Thorpe as More’s self-fashioning predecessor is particularly notable given his citation of Matthew, which specifically depicts Christ as a witness. Though he presumably wants to show the centrality of the printed book in dramatic depictions of abjuration and relapse, Greenblatt here takes Thorpe as a flesh-and-blood figure, a biographical person from the past whose real-life experiences serve as a backdrop for those of Thomas More. He misses the layered ways in which Thorpe functions as a Christ-like witness, testifying not only to the structures of power that animate his text and perhaps merit its inclusion in Foxe’s compilation, but also to how a text, and, perhaps, a life, from the turn of the fifteenth century can all too easily be assimilated into a process of self-fashioning that has been declared a product of the sixteenth century. Greenblatt does not distinguish between Thorpe as historical actor and Thorpe as textual agent. At the very least, he treats Thorpe like More, although More’s biography can be assessed through multiple extant documents and texts in a way that Thorpe’s cannot.

This suppression of the boundary between a historical or biographical figure and literary persona specifically occurs in his discussion of Thorpe as a witness, and it seems the implicit use of “witnessing” in his New Histori-cist work authorizes the archival translation of literary or historical presence into full biography. A few years ago, Greenblatt wrote a biography of Shakespeare, titled *Will in the World: How Shakespeare Became Shakespeare*, in which he begins with and ends with the same caveat about the insufficiency of historical data in reconstructing a life. For example, when he discusses the order of Shakespeare’s works, he writes, “After many decades of ingenious research, scholars have reached a relatively stable consensus, but even this time line, so crucial for any biography, is inevitably somewhat speculative.” Later, in his “Biographical Notes,” he reminds us, “All biographical studies of Shakespeare necessarily build on the assiduous, sometimes obsessive archival research and speculation of many generations of scholars and writers” (391). Undeterred by Greenblatt’s careful caveats, the playwright Charles Mee responded with enthusiasm for the book’s “authentic” reporting of

Shakespeare's life. "At last," he says, "the book Shakespeare has deserved: a brilliant book written by a virtual eyewitness who understands how a playwright takes the stuff of his life and makes it into theater."

Mee's designation of Greenblatt as a "virtual eyewitness" to Shakespeare's life—and to the apparently intimate relationship between Shakespeare's life and his works—demonstrates how witnessing sometimes operates as a shorthand for a kind of historical realism or authenticity, muddying the line between history and fiction in a way that would surely make Spiegel uncomfortable. It also demonstrates that the term can be extended to conceptualize as "eyewitnesses" those who were certainly not present at the event, turning the New Historicist scholar and biographer into a legalistic figure with personal and immediate access to historical truths. The term thus can transform a series of archival documents, or, as Greenblatt would put it, "speculations," into a realized life that both emerges from those documents and precedes them. Notably, the same year he published Will in the World, Greenblatt praised David Riggs's biography of Marlowe as a "fine, full-blooded biography," similarly using language that suggests the possibility that an assiduous researcher who makes full use of archives can animate a series of texts and in doing so, re-embody a historical figure and give life to the past. In these biographical accounts of early modern playwrights and poets, the philological vocabulary of manuscript "witnesses" comes to describe the idiosyncratic work of the individual scholar.

Witness Testimony and Premodern Biography

In pointing out these cases in which the term "witness" signals the historical accuracy and power of biography, I certainly do not want to scold the reviewers for their praise of these works. Rather, I want to suggest that we might consider witnessing as a way to refine and rehabilitate the scholarly opportunities of premodern biography. Indeed, another scholarly avenue that may emerge through the consideration of witness testimony in late medieval legal and literary culture is the possibility of biographical work in medieval studies. As Daniel Birkholz has claimed, for medieval scholars, "biographical desire is never absent from the system of literary interpretation. Literary-historical personae, from patrons to authors to scribes to readers, are constructed in response to unsatisfactory prevailing wisdoms."

Birkholz does not advocate a recuperative kind of biography, in which the “real” or “hidden” life of a person is uncovered and detailed. Such work would not only be impossible, given the extant materials we have from the Middle Ages, it would work against the more complex aims of biography: that is, to imagine how a life can understood as and rendered into a historical artifact or set of artifacts.\textsuperscript{18} Witness testimony could put a decidedly legalistic spin on such a project: how do legal documents account for, even judge, a life? How can historical and literary personae be constructed out of interrogations, or last wills and testaments, or writs of complaint? What are the historical and the literary drives that shape testimonial discourse?

Witness testimony foregrounds that such questions are always diachronic, insofar as they probe the ways the Middle Ages might have imagined and constructed personae. Witnessing also foregrounds our own desires to animate those personae, to know them, and even to judge them ourselves. By paying attention to the forms and practices of witnessing, as well as to the implicit claims of authenticity and truth witnessing assumes, we can read across the past and the present to conceptualize what it means to produce and to analyze the “evidence” of a life. Indeed, we can ask ourselves by what means we produce and analyze the Middle Ages itself. If we, as scholars of the Middle Ages, are witnesses to it, then we must take care to recognize our own roles as \textit{narratores} of the past. Like the Man of Law, we too sometimes uneasily navigate evidence and narration, truth and fiction. Like Piers Plowman, we must always question the media by which truth is mediated and manufactured. And like William Thorpe, in attesting to the medieval past and to our own scholarly desires, we seek to produce texts that will exceed their own moments of production.

\textsuperscript{18} For an interesting discussion of this issue vis-à-vis the editorial work of gathering external textual evidence, see John M. Bowers, “\textit{Piers Plowman}’s William Langland: Editing the Text, Writing the Author’s Life,” \textit{YLS} 9 (1995): 65–94.