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Historian an Investigating Magistrate. Carlo Ginzburg's "Circumstantial Paradigm" Marginalia

The comparison between a historian and a judge is a characteristic *locus originis* of reflections on history, touching upon a number of philosophical, methodological, methodical, and ethical questions.

The field of comparison between the mission of a historian and that of a judge is mostly delimited by specific historical contexts in which a peculiar understanding is given to historical research. It is with the latter that the characteristics of thinking and proceeding of a judge are collated, as well as the proceeding of a lawsuit, its various phases and aspects.

Different kinds of problems become the comparison background when an investigating magistrate and Collingwood's "scissors and paste" historian face each other, different when Marc Bloch collates the duty of a historian with that of a presiding judge, different when Paul Ricoeur takes up the issues related to the postulates of Bloch's Critical Method, different yet when he considers the questions of truth and justice in "the Historian and the Judge" chapter of his work *Memory, History, Forgetting*.¹

Therefore I shall take up an issue, recalled by Ricoeur, which relates to some analyses from two books by Carlo Ginzburg, *Il giudice e lo storico*² (1991) and *Miti emblem spie. Morfologia e storia*³ (1986), and in particular to the sketch "Spie. Radici di un paradigma indiziario" it contains.

The French philosopher follows the reasoning of the Italian historian and exploits the idea of the "circumstantial paradigm" he proposed. This idea

¹ P. Ricoeur, *Pamięć, historia, zapomnienie*, przeł. J. Margański, Universitas, Kraków 2006.

² C. Ginzburg, *Il giudice e lo storico. Considerazioni in margine al processo Sofri*, Einaudi, Torino 1991.

³ C. Ginzburg, *Miti, emblemi, spie. Morfologia e storia*, Einaudi, Torino 1986.

focuses, among others, on comparing the proceeding of an investigating magistrate (a police officer/detective/inspector) and the so-called evidence phase of the lawsuit with the proceeding of a historian, or more accurately with a specific section of his research strategy.

In *Memory, History, Forgetting*, however, Ricoeur makes only a casual use of Ginzburg's findings, which merit a more detailed consideration.

The question under consideration is also related to an analysis by Robin George Collingwood, mainly the well-known passage from *The Idea of History* called "Who Killed John Doe?" Traces of the English archaeologist and philosopher's ideas can be found in the deliberations of both Bloch and Ginzburg.

As noticed by Luigi Ferrajoli, quoted by Ginzburg, a lawsuit is a kind of a "historiographical experiment" in which the "sources" are facts being played live (*de vivo*) to create something not unlike a "psychodrama."⁴ The initial phase of the suit, the evidence phase, is then considered as an equivalent of a historiographical experiment.

1 In Ginzburg's erudite study on the origins of the circumstantial paradigm we can find a statement of similarity between the so-called Morelli method and the working style of Sherlock Holmes. According to E. Castelnuovo, quoted by Ginzburg, the method proposed by Morelli⁵ was given a literal reflection in *The Cardboard Box* by Conan Doyle.⁶

The Lermolieff/Morelli analysis of a work of art (according to Zerner),⁸ consists of (1) a general characteristic of the school to which the work (or the artist) belongs, (2) a characteristic of the artist's individuality, his "hand," his technical inimitability, (3) a characteristic of the artist's mannerism driven by reflex (*senza intenzione*).

Both investigation methods, i.e. of the art historian and Sherlock Holmes, have that in common that they both follow minuscule traces. Morelli's strategy is a circumstantial (symptomatic, semiotic) search for the originals, identification of authors, copies and counterfeit works of art occupying space in the museums of the time (Lermolieff/Morelli published on Italian art in German museums in 1874–1876). Whereas Sherlock Holmes', or

⁴ C. Ginzburg, *Il giudice e lo storico*, p. 14.

⁵ Giovanni Morelli (1816–1891), Italian historian and critic of art, developed a work of art attribution method based on the analysis of details which reveal the work of a given artist.

⁶ See: C. Ginzburg, "Spie. Radici di un paradigma indiziario," in: *idem, Miti, emblemi, spie*, p. 160.

⁷ Ivan Lermolieff—G. Morelli's Russian Pseudonym (see: *ibidem*, p. 163).

⁸ See: *ibidem*, p. 185, n. 99.

Conan Doyle's method of inquiry is based on circumstantial investigation of affairs, circumstances and people related to a crime. "A connoisseur of art," states Ginzburg, "can be compared with a detective discovering the author of a crime (picture) from clues unnoticed by others."⁹

What is more, Ginzburg perceives a similarity between Freud's psychoanalytic method and Morelli/Lermolieff's ideas, pointing that the founder of psychoanalysis may have read the writings of the "Russian" art theoretician in 1883–1895 and been inspired by them.

Concluding his analyses, the Italian historian states: "traces (*tracce*), in the form of Freud's symptoms (*sintomi*), Holmes' clues (*indizi*), and Morelli's pictorial signs (*segni pittorici*), permit the comprehension of a deeper, otherwise unattainable, reality."¹⁰

What goes behind this ideological affinity of the Morelli/Holmes/Freud trio, asks the Italian historian, answering at once: "all three were physicians." Lermolieff/Morelli was a certified doctor, Freud was a physician, and so was Conan Doyle before he dedicated himself to writing. Moreover, Ginzburg found a suggestion in the subject literature that the *de facto* double character of Holmes/Watson had a prototype: a doctor known for his extraordinary diagnostic skills and the teacher whom young Conan Doyle admired.

These three models of thinking are backed—according to the Italian historian—by a professional tendency, shared by physicians, to "medical semiotics," i.e. to follow a path in thinking from a direct observation, using external symptoms irrelevant to a layman, to a diagnosis of a disease hidden behind the signs.¹¹

Most astonishingly, Ginzburg is anxious to give an appearance of verisimilitude not just to the thought filiations between those three personas. He searches meticulously for clues to any possible direct and indirect contacts between them. He ascertains, for example, that Freud's Library in London has an Italian edition of the book by Lermolieff/Morelli with annotations made by young Freud during his only voyage to Italy. He rummages and peruses the works of the psychoanalyst from Vienna looking for traces of Morelli. And finds them, e.g. in the essay *The Moses and Michelangelo*, where Freud perceives techniques of "medical psychoanalysis" in Morelli's method ("Io credo che il suo metodo sia strettamente apparentato con la tecnica della psicoanalisi medica"—Freud, as quoted by Ginzburg).¹² He follows the possible influence of Henry Doyle, Conan Doyle's uncle and the Director

⁹ *Ibidem*, p. 160.

¹⁰ *Ibidem*, p. 165.

¹¹ *Ibidem*.

¹² *Ibidem*, p. 162.

of the National Art Gallery, whom Morelli was to have met in Italy, on his nephew, who became an author of detective stories.¹³ Ginzburg discovered a mention of this meeting in a letter Morelli wrote to his acquaintance.

The analyses undertaken in the paper in his work indicate that the Italian historian opened a systematic investigation in the case of Giovanni Morelli, Sigmund Freud, Conan Doyle, Henry Doyle, and others. He discovered letters of less significant people, examined libraries, archives, and journals to substantiate his suspicions. It is hard to suppress an impression that he was conducting an inquiry into their connections. He put the circumstantial method to use himself. He did likewise when in *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller* he inquired where the world ideas of Menocchio, its protagonist, could have come from; which part of this vision was taken from folk/oral culture and what he had read himself and transformed into a unique, religious and cosmological image.¹⁴

Ginzburg discusses all traces, found in literature, of possible connections between the characters he suspects of having been perpetrators or accomplices responsible for the origin and spread of the circumstantial evidence strategy. It is important to note that at the time the method was crystallizing and spreading as a kind of a paradigm (in the first note to the chapter mentioned above, Ginzburg indicates he interprets the term ‘paradigm’ in the same way as Thomas Kuhn).

The “circumstantial paradigm” is, in Ginzburg’s opinion, in opposition to the Galileian paradigm, which is quantitative, anti-anthropomorphic and anti-ethnocentric, and is fulfilled by modern empirical sciences. The circumstantial paradigm is peculiar to sciences focusing on individuals, to historical sciences such as palaeontology, archaeology, history, history of art, and medicine. These sciences follow traces behind which they perceive hidden meanings and, by semiological analysis, discover what is invisible, left—as Marc Bloch would say—intentionally or unintentionally. Particularly what was unintentional, involuntary, and thus *senza intenzione*, may have intrigued Freud.

The key to circumstantial thinking is—as I have mentioned above—paying attention to traces which mean nothing to the layman’s eye. Especially to any material vestiges, trifles, errors, mistakes made instinctively and unwittingly. Following them gives access to the hidden intention (falsifying,

¹³ *Ibidem*, p. 195, n. 10.

¹⁴ This and other questions, such as Ginzburg’s circumstantial investigation of Menocchio’s readings, I developed further in my book *Antropologiczny rekonesans historyka*, Oficyna Wydawnicza Epigram, Bydgoszcz 2007.

hiding, covering up tracks) and to the reality lying outside the area of intentional action.

Like a work of art in Morelli's understanding, for Ginzburg a trace is also a piece of writing or a text leaving individualised evidence/traces (like a fingerprint) of a unique event or person. A manuscript for a graphologist and a style for an expert on writing styles are identifying characteristics, traces of unique phenomena.

The circumstantial paradigm, according to Ginzburg, is a common feature in the proceeding of both a historian and an investigating magistrate.

2 The analogies signalled above fall under the scrutiny of Robin George Collingwood as well, when he accounts to the readers of his book *The Idea of History* for a somewhat longish and, for some, not quite serious parable about the investigation into the killing of John Doe. He analyses in detail the proceeding of both the constable and Inspector Jenkins of the Scotland Yard, whose help on the homicide case was requested. In consequence, Collingwood leads his readers to comparing the proceeding of an investigating magistrate with that of a historian.

He relates the investigation in a way which allows him, without infringing on police procedures, to sketch it so that its analogies with a historian's proceeding become visible. To begin with, he shows a significant difference between the two, that an investigating magistrate should press charges in a time stipulated by law, as well as indicate the perpetrator and the meaning of the act in relation to an appropriate catch of the criminal code. A historian does not have to do it. His investigation does not have to be conclusive in that respect, since historical cognition, he claims, is open to subsequent research and explanations (both Ricoeur and Bloch say that a historian does not have to "press charges" or "evaluate").

I have already mentioned that—in Ginzburg's opinion—circumstantial evidence is meaningful only for professionals, and imperceptible as such for others. But the English philosopher notices that the constable was satisfied having found that the admittance of guilt by "an elderly neighbouring spinster" was false testimony. The difference between the Inspector, better educated in investigative procedures, and the constable, less prepared for such tasks, is—according to Collingwood—the same as between a pre-Baconian historian and one from the period after F. Bacon. He can ask why the neighbour gave false information. Incidentally, a similar theme is found in Marc Bloch. The French medievalist argues that a false testimony (e.g. a forged donation act) is still a valuable source in the matters of its literal content, though it—this very content—in the context of the question why the document was forged. The motive of the forgery is examined as well. This

circumstance becomes a hint, a clue to change the direction of the search, a provocation to ask new questions shedding light on significant phenomena.

Similarly, Collingwood indicates it is the question of Inspector Jenkins that advances the case, a question in the fashion of a “scientific thinker,” the author of *The Idea of History* calls it, a question of a post-Baconian historian: “Why is the neighbour telling a lie?” The false testimony becomes a clue which triggers new questions, new investigation hypotheses. It shows the indicative role of material traces, which admits or excludes certain possibilities. He stresses that both giving testimony and avoiding it serve as authenticating facts to substantiate or falsify accepted versions of events. The crucial point of the investigation/historical research strategy is the ability to perceive the hidden meaning of traces. This ability stems from the “knowledge of the most likely lines of human behaviour in every-day life.”

Both an investigation and a historical research are based, according to Collingwood, on asking competent questions; and not in a random order but as appropriate, step by step. Invoking the authority of Bacon, who stressed that a natural historian should “question nature,” Collingwood cites Socrates, Plato, and Descartes, who identified thinking with the ability to ask questions. In the end, the point is not that the woman admitted to having killed John Doe but what the fact that she lied admitting it may indicate. “Each of the elements of the proof,” states the English philosopher, “was in itself a realisation of some train of thought, though only a few of the premises on which these proofs were based were the testimonies of the participants.” The Inspector’s reasoning was based on the analysis of the traces and answering the questions he asked. It followed not the versions given in the testimonies but Jenkins’ own autonomous hypotheses. So does proceed, or should proceed a historian, according to Collingwood. Not, like a “scissors and paste” historian, passively merge the statements of authorities but actively ask questions which put the reports of the sources in quotes.

Whereas Ricoeur puts the question of the convergence in proceeding of an investigator and a historian as follows:

... the same complementarity between the oral nature of testimony and the material nature of the evidence authenticated by expert testimony; the same relevance of “small errors,” the probable sign of inauthenticity; the same primacy accorded to questioning, to playing with possibilities in imagination; the same perspicacity in uncovering contradictions, incoherencies, unlikelihoods; the same attention to silences, to voluntary or involuntary omissions; the same familiarity, finally, with the resources for falsifying language in terms of error, lying, self-delusion, deception. In

this regard, the judge and the historian are both past masters at exposing fakes and, in this sense, both masters in the manipulation of suspicion.¹⁵

3 These analyses, similarities and differences between an investigation and a historical research can be extended, for instance by developing the suggestions from Ginzburg's sketch. They are numerous. For example, viewing the historian/investigating magistrate problem from the perspective of the procedures of prosecution and trial poses different issues than when the historiographical operation is the predominant point of view.

Ginzburg believes, I think, that Bloch's *The Royal Touch* as well as following the trail of Rabelais' neologisms by Febvre are examples of:

... how a marginally significant indication (circumstantial evidence)—such as the belief in healing scrofula by touch—prompts to discover important phenomena of more general nature, pertaining, writes the Italian historian, to the world view of social classes or a single writer.

If I understand it correctly, Carlo Ginzburg suggests that the work of Marc Bloch he mentions is an example of performing a historiographical operation in the spirit of the "circumstantial paradigm." The circumstantial evidence here was the belief in the healing power of the English and French kings. This trace (the sources mentioned acts of "healing scrofula by the royal touch") led Bloch to a thick tangle of problems related to the mental toolbox of human beings, specifically in the context of the perception of royal power. The investigation into the alleged healing power did not end with the statement that this belief was a superstition, but rather began with the question: why was the healing power of the rulers believed in, what does this power show, and what does the circumstance it was believed in show? Thus Bloch was not satisfied with the diagnosis of the constable from Collingwood's story, instead he undertook the task of the inspector. He conducted a systematic, thorough investigation "into the case."

Likewise, I believe that the investigation into the inquisitional inquiry led by Jacques Fournier conducted by E. Le Roy Ladurie merits a detailed analysis, as well as the circumstantial research done by Ginzburg following the records of Menocchio's case. Documents of the judicature of the period became the circumstantial evidence in this investigation into the way of life and thinking of village inhabitants and a certain miller. They became circumstantial evidence in the case of how the inhabitants of Montailou lived then, rather than in the heresy case.

¹⁵ P. Ricoeur, *op. cit.*, p. 426.

There is a similarity between the historiographical operation, as historical research was called by, say, Michel de Certeau, and the operation of ethnohistorians, as well as the prosecutions and trials before inquisitorial courts.

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Abstract

The main thesis of the text oscillates around the believe that the comparison of a historian with a judge is so called locus origins of the reflections on history. An Illustration of this statement are for example Carl Ginzburg's "paradigm of evidence," Robert Collinwood's combination of an investigating magistrate and a historian or Marc Bloch's compilation of historian's tasks with a role of the judge, or finally analysis of Paul Ricoeur's problem of truth and justice.

Keywords: "locus originis," paradigm of evidence, investigating judge, traces, historical research.