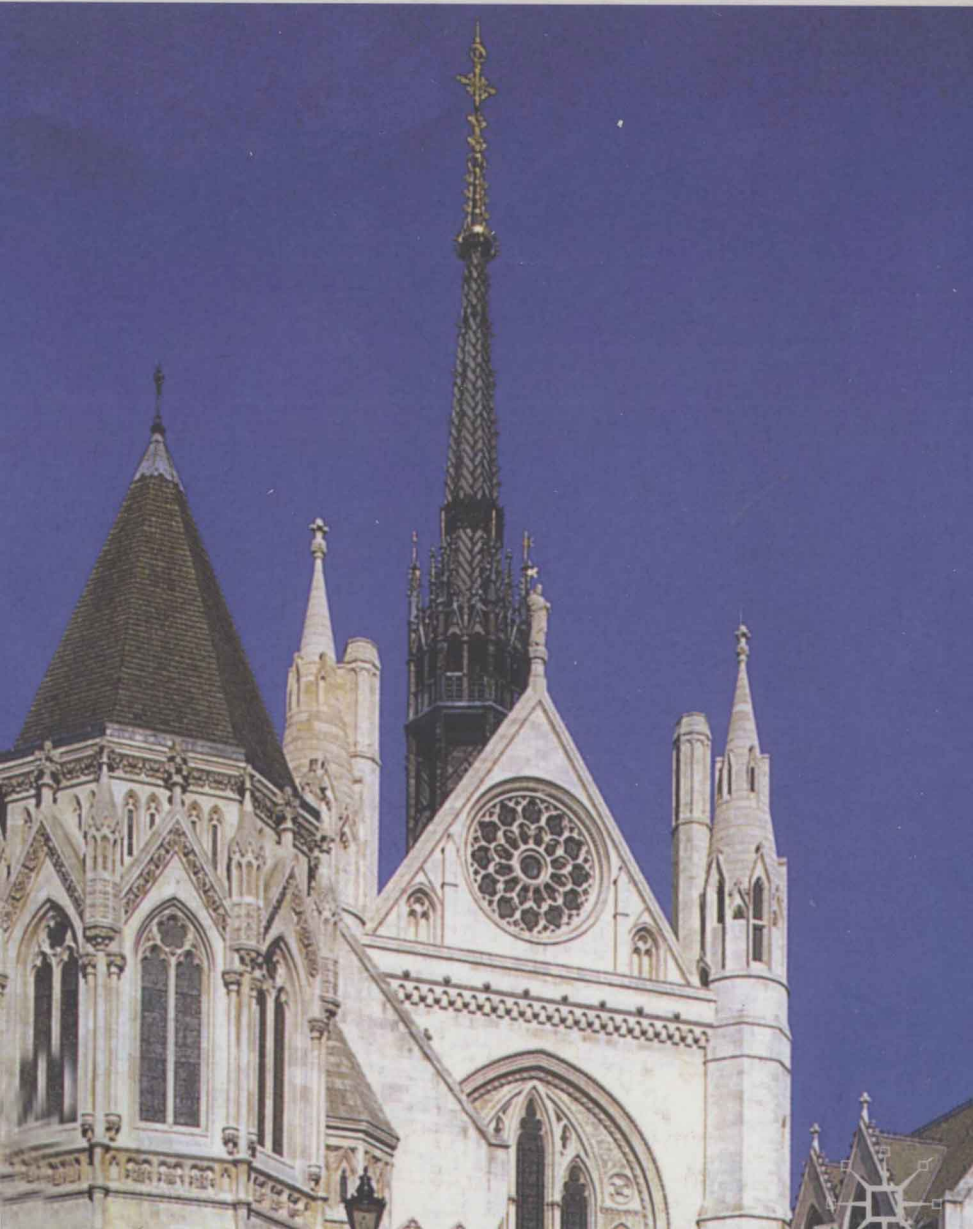


The Gothic and the Rule of Law, 1764–1820

Sue Chaplin



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Leeds Metropolitan University

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Introduction: Thresholds

'What man of sense and judgement can read a single word of this word play without suffering weariness of heart as at a foul smell?'¹ It is strange, perhaps, to find that what François Hotman was describing here in 1567 was the study of law. It is odd to read early modern legal scholarship castigating its discipline as an 'abyss' of 'uncertain conjectures and tenuous divinations' (OL, p. 1), as 'harsh, unsavoury, unpleasant, rude and barbarous'.² To its own students and practitioners, the law has a 'loathsome savour'; the study of it is 'fearful', 'dangerous' and even maddening (OL, p. 2). Richard Burton in 1628 associates the law with a kind of individual and national melancholy, '[it is] a general mischief of our times, an unsensible plague' (OL, pp. 4–5). These analyses suggest that there is possibly something of what we would term 'the Gothic' within the early modern rule of law.

Postmodern legal scholarship has returned to the 'abyss' of law, evoking certain 'Gothic' tropes and images in its interrogation of the law's melancholia and mourning, its fictivity and abjection. Contemporary critical legal theory has also begun to draw upon theoretical schema very similar to those utilised by late-twentieth-century critics of the literary Gothic. From the moment of its origin, the Gothic contested a certain literary hegemony concerned to privilege an ideal of literary 'truth', a literary 'metaphysics of presence', as it were.³ As Costas Douzinas observes, the law has sought similarly to situate itself firmly within a 'metaphysics of presence'; it perpetually polices its borders, spending 'unlimited effort and energy demarcating the boundaries that enclose law within its sovereign terrain, giving it an internal purity'.⁴ What critical legal theory and contemporary Gothic criticism suggest, however, is that law and literature are always already impure: 'What is non-legal is always necessary to make the law properly legal. The

frame between the two, rather than being a wall, is a point of passage' (PJ, p. 26).

The Gothic, I argue, may be understood as an aesthetic and juridical 'point of passage', an abject 'non-legal' *thing* that makes 'the law properly legal' whilst also contesting its authority and authenticity.⁵ In making this argument in a range of literary and juridical contexts, this work returns throughout to the question of the legitimacy and stability of borders, a question which is begged not only of the legal theorist, but also of the literary critic approaching the marginal, hybrid 'formless form' that is the Gothic.⁶ The Gothic subverts 'the concept of category'⁷ and it may, I will argue, be posited as *more* than a literary 'genre': it is a cultural, aesthetic and philosophical mode – perhaps *the* mode – of engaging with the 'disavowed ghosts' of modernity. The Gothic reminds the critic and the legal theorist that 'the dynamics of "impure" writing are found lurking behind all self-assured claims to unmediated self-presence' (PJ, p. 11).

On account of the unsettling indeterminacy that appears to mark the Gothic, David Punter has contended that 'in the context of the modern, Gothic is the paradigm of all fiction, all textuality',⁸ and in this respect one might bear in mind Maurice Blanchot's contention that textuality 'is alien to all relationships of presence, to all *legality*'.⁹ The Gothic poses a challenge, or at the very least a question, to the law. Gothic representations of power query the origin and legitimacy of juridical authority, frequently exposing its hidden violence, its 'obscene dimension'.¹⁰ At the same time, though, I argue that it is possible to see something *of* the Gothic *within* the rule of law. In making this suggestion, the intention is not simply to attribute some vague 'Gothic' quality to a law that might at times seem sinister, unknowable, even diabolical. I am not interested in representing the law in terms of a range of ostensibly 'Gothic' features. I am interested instead in the extent to which the law and the Gothic coincide ontologically. This work investigates the relation between the absolute radical indeterminacy of what the West calls 'law' and what it has come to call 'Gothic'.

The figure of Antigone at the margins of the law is key to this project. Within the Western jurisprudential tradition, this feminine presence has been made to stand at the threshold between 'nature' and 'culture' and has been posited as the enemy of a certain legal 'purity'. Bringing together some of the 'Gothic' turns within contemporary critical legal studies, Chapter 1 theorises the law in terms of abjection and *différance* and posits Antigone as the deeply ambivalent signifier of the 'Gothic' impurity of law. This chapter considers, first, the origin of law as it has been represented within the Western tradition and explores the law's

relation to notions of truth, presence and purity. Western jurisprudence has tended to theorise (or, I will argue, to *fictionalise*) the law in terms of the *logos*. Following Kristava, Legendre and Žižek, however, Chapter 1 argues that the only object 'truth' about law is that it has no ontological coherence: symbolic fictions of law as *logos* maintain only an illusion of ontological consistency – of pure juridical Presence. The uncanny, disruptive presence of Antigone at the very margins of the law contests these fictions of legality, opening up an essential, supplemental space of *differance* which the law can in no way account for, re-present or control. This, I will argue throughout, is the 'cryptic space',¹¹ the abyssal, haunted territory that Gothic fictions open up *within* the rule of law.

The law's Gothic romance

Chapter 2 continues to foreground the notion of the threshold and its relation to the law *and* the Gothic, beginning with an explanation of the conceptual significance to this work of prefaces, prologues, appendices and other such marginal, textual spaces. Within a literary and philosophical tradition that promotes an ideal of 'Presence' ostensibly unmediated by such textual and intellectual supplements, these literary *parerga* have a subversive force that I will evoke throughout. A consideration, furthermore, of the law's simultaneous reliance upon and repudiation of its own textual and conceptual 'supplements' will bring into view a further point of interface between the Gothic and the rule of law: in the early modern period, the Gothic becomes, I will argue, one of the most disruptive 'supplements' to a certain legal and literary ideal of 'Presence'.

In particular, this chapter seeks to contextualise the emergence of a new juridical paradigm in the eighteenth century through a reading of William Blackstone's 'romance' of the English common law in the *Commentaries on the Laws of England*. The development of a quasi-mythic, Gothic narrative of the origin of English law alongside the Enlightenment ideal of juridical 'science' reveals the profound instability of emerging modern forms of juridical authority in this period. As shifting representations of power compete and collide, what comes to characterise the eighteenth century jurisprudence is a hermeneutic crisis that 'reflects and determines nineteenth century attitudes toward textual (mis)interpretation'.¹² With particular reference to Blackstone, in whom political Gothicism collides and conflicts with a developing scientific model of jurisprudence, this chapter considers the tension in this period between a certain early modern conceptualisation of the origin of

English law (which constituted a politically potent national Gothic romance of law) and a developing modern legal philosophy that sought to replace such legal ‘fictions’¹³ with a scientific juridical discourse divested of any extra-legal supplements. It is precisely the *impossibility* of a purely transparent, truthful legal language that comes radically to the fore at this historical moment, however, rendering deeply unstable the ideal of a pure, juridical ‘Presence’ that is capable of manifesting itself within, whilst necessarily transcending, its historical moment.

Gothic origins

Chapter 2 ends by positing a relation between Blackstone’s ‘romance’ of English law and the simultaneous emergence of literary Gothicism as a mode of writing that in various ways contested an emerging ideal of *literary* ‘Presence’. The dubious generic origin of the Gothic novel in Horace Walpole’s 1764 literary fraud established the status of the Gothic from its inception as a form that ‘draws attention to the fragility of law’.¹⁴ *The Castle of Otranto*, with the audacious false claims of its first preface, contested notions of literary authenticity and proper authority. This abject Gothic ‘original’ also uncannily narrates the law’s reliance upon its ‘disavowed ghosts’.¹⁵ In so doing, I will argue, it uncouples the law from any ontologically stable point of origin and sets a certain precedent in terms of the relation between the Gothic and the modern rule of law: the Gothic exposes not only the ‘fragility’ of law, but its radical indeterminacy, impropriety and *hauntedness*.¹⁶ In the absence of any point of absolute origin, the law must perpetuate its fictions of power through an uncanny, symbolic raising of the dead: like Walpole’s Gothic castle, the law is a haunted, ruined, ‘cryptic’ space.

‘Disgustful Marvels’ – The problem of romance

In a 1789 review of Ann Radcliffe’s first romance, the *Critical Review* had something rather surprising to say:

To those who are delighted with the marvellous, whom wonders, and wonders only, can charm, the present production will afford a considerable degree of amusement. This kind of entertainment, however, can be little relished but by young and unformed minds. To men who have passed or even attained the meridian of life, a series of events which seem not to have their foundation in nature, will ever be insipid, if not disgustful.¹⁷

In its appraisal of Radcliffe's novel, this review seems almost completely misguided: unusually for its time, Radcliffe's text was fairly rigorous in its *disavowal* of the 'marvellous' elements associated with contemporary Gothic romance. What was it, then, that so offended the *Critical Review*? A clue, I think, lies in the key term used here to discredit Radcliffe's fiction: 'disgustful'. For Kant, 'nothing is so much set against the beautiful as disgust', and disgust appears to have a particular relationship to a certain disordered *feminine* state: more than anything, argues Kant, the unclean, indelicate woman 'provokes disgust'.¹⁸ For the 1789 reviewer, then, Radcliffe's fiction is perhaps evocative of an abject femininity that threatens a certain intellectual and aesthetic ideal; he states that the work can appeal only to 'young and unformed minds', and it was a common criticism of the Gothic that, if it was fit for anything at all, it was fit intellectually only for women and children. Radcliffe's work is immature, irrational, feminine, 'disgustful', and this is so in spite of the absence of any obvious Gothic 'marvels' from the text. It seems that, for this reviewer, the concept of 'the Marvellous' has become a generic marker of female Gothic romance irrespective of the actual content of any given text. The Gothic is beyond the bounds of the legitimate literary economy, just as 'disgust' is 'set against' the proper principles of Kant's aesthetic economy. Gothicism offends against good taste at the moment when the question of 'taste' is becoming increasingly bound up with a gendered ideal of 'Truth' in literature and law.

Chapter 4 seeks to position Clara Reeve (a Gothic writer who explicitly looks to Walpole as her chief literary precedent) in relation to literary and juridical discourses that sought to repudiate an aberrant mode of writing culturally coded as 'feminine'. This undisciplined, disgustful, feminine textual excess was increasingly differentiated in the eighteenth century from a privileged 'masculine' space of literary production in which literary 'Truth' (in the form of the Realist novel) was to prevail over 'marvels'. At the same time, however, an emerging national tradition of novel-writing required a sure point of historical origin to guarantee its pedigree and romance fiction paradoxically provided a reliable context for the historicisation of this new form of prose. Romance was thus rationalised as the historical predecessor of the novel at the same time as it was denigrated as a dangerously unstable, feminine literary form. Contemporaneously, as Chapter 2 contends, a similar project was underway within legal discourse as lawyers sought to reorder, politically and theoretically, the dubious history and textuality of the English common law. An emerging national juridical tradition required a culturally and politically convincing source that was paradoxically

provided by means of an imaginative engagement with a quasi-mythic Gothic romance of legal and literary origins. English law sought to establish its origin with reference to a body of texts that was privileged in national political terms, but which was at the same time considered to be labyrinthine, irrational, even potentially maddening.¹⁹ Blackstone's *Commentaries of the Laws of England* was the most significant attempt within the legal discourse of the mid-eighteenth century to reconcile a textuality culturally categorised as 'feminine' (the 'romance' of common law) with legal reason, and to systemise and discipline an inchoate textual body of law according to an ideal of what might be termed legal 'verisimilitude'. Through the development of a form of juridical 'science', Blackstone sought to represent to the nation the content and operation of its laws – its legal experience – as the realist novelist sought accurately to depict, to organise and, ideologically, to validate the nation's rapidly changing social, cultural and political experiences.²⁰ Blackstone's narrative, however, retained a 'romance' element just as early realist novels remained generically close to romance, and it was precisely this aspect of Blackstone's theorisation of law that Jeremy Bentham so strenuously denounced. As Maria Aristodemou has persuasively argued, Bentham's nascent positivism is comparable to the contemporaneous development of fictional realism: both were premised upon a belief in the ability of language to convey truth if cleansed of the rhetorical and imaginative excesses of previous legal and literary modes of writing.²¹ Both discourses shared a profound hostility towards aberrant forms of textuality which nevertheless, in Derridean terms, essentially and subversively supplement ideals of 'Truth' in law and literature. Clara Reeve's critical and Gothic writings, when set within this context, reveal the extent to which this ideal is fractured by its necessary, yet disavowed *parerga*.

Clara Reeve's 1785 essay *The Progress of Romance* is exemplary of the sort of literary criticism in this period that attempted to account for romance in terms of its relation to the privileged Enlightenment form of novelistic prose fiction. Like the numerous, labyrinthine works of the early English common law, romance is perceived here as a vast and potentially disorienting textual domain: 'If read indiscriminately, [romances] are at best unprofitable, frequently productive of absurdities', says Reeve. Romance must be disciplined, 'it wants to be methodized, to be separated, classed and regulated'.²² Reeve demonstrates that same Enlightenment concern with correct systemisation that characterises Blackstone's approach to English common law. Reeve is aiming almost at a *science* of literary criticism that will 'fix a clear and certain meaning'

to romance and its related genres (p. 13). The essay, moreover, takes the form of a quasi-legalistic debate in which the leading participants will present evidence and 'advance nothing that is not proved'. The discourse begins at once to privilege romance as the 'universal Origin' of prose fiction, an origin that is, in historical terms, 'remote and obscure' (p. 13). At the same time, English varieties of romance are related to a Gothic chivalric tradition that carried significant political meaning in the eighteenth century. Reeve's essay, I argue, establishes a significant point of contact between romance fiction and early modern formulations of the origin of the English legal system. Like the common law, romance has its origin in 'time immemorial' and, for the legal and literary theorist, antiquity is equated with *authenticity*. Like the English constitution (so famously figured by Blackstone as an ancient 'Gothic castle'), romance fiction is related to a northern European Gothic tradition that separated England from Catholic Europe and helped establish, across a range of discourses, a sense of unique English national identity. At the same time, however, the derivation of privileged legal and literary discourses from a primitive, poetic, folklore tradition (from 'Gothic ignorance' as Reeve at one point puts it) undermined the Enlightenment attempt to attribute inherent rationality to English literature and law. In Reeve's text, moreover, the power of romance to overwhelm the ideal of 'Truth' in fiction is ultimately irresistible. 'My materials increase upon me', complains the advocate of romance, 'the number and quantity of them' is dizzying (p. 9). Romance becomes a 'fairyland' (p. 106) in which the debaters are lost and fiction *as such* remains throughout for Reeve a 'poison' (p. 77) inimical to truth: 'All those stories that are built upon fiction [...] have no foundation in truth' (p. 6). Reeve's hostility towards fictivity *per se* is expressed, moreover, within the context of a highly gendered *fictional* debate in which a problematised female subjectivity is related to a subversive, unstable, feminine textuality. The debate takes place over a number of evenings in the drawing room of one of the women participants, Euphrasia. The debate, then, is staged within a domestic, feminine space within which Euphrasia, the hostess, becomes the chief exponent of a certain conceptualisation of fiction which aims to rationalise the feminine textual presence of romance within the wider space of eighteenth-century literary discourse. Even as she directs the debate, however, Euphrasia avers repeatedly to the problematics of her female subject position before a male literary establishment that has a privileged existence beyond this feminine domestic space. Whilst to some extent she adopts the male voice in this debate, her appraisal of her position repeatedly reveals an association of her femininity with a

problematic ‘imagination’ that Euphrasia intends to subordinate, if necessary, to the masculine ‘judgement’ of the male participant, Hortensius (p. 4). Moreover, Euphrasia’s *modus operandi* is represented here as entirely reliant upon the production and interpretation of texts: ‘I will bring my papers before you’, she asserts, to which Hortensius replies (and the warlike, phallic imagery here is telling), ‘I find you are making great preparations against me. You are coming upon me armed with your papers and extracts – artillery and firearms against the small sword, the tongue’ (p. 4). Euphrasia is aligned here with a textuality that appears to unsettle Hortensius and this notion of a ‘feminine’ writing that is threatening to a ‘masculine’ speech points to something that is, for Derrida, fundamental to the Western logocentric tradition: a deep hostility towards textuality, a hostility that stems from the way in which writing displaces and disrupts the assumed self-presence of the *logos*. To give this point a further relevant historical and cultural context, it is *Gothic* textuality that emerges in Reeve’s period as the most pernicious and the most ‘feminine’ threat to a literary propriety that can never entirely be assured. Gothic fictions were ‘trash’ – dirty literary commodities produced by and for women who, by association, were classed as trashy and disgusting. A perverse, indisciplined fertility was also attributed to these commodities, aligning them further with an abject, ‘disgustful’ female physicality: Gothic romances ‘propagated their species with unequalled fecundity’;²³ they were metaphorised as sexually improper and were perceived to have an unequalled capacity to provoke and corrupt the imagination of their readers, particularly young women. The sexual metaphors here are interesting not least because they are replicated within legal discourse precisely in respect of that disturbing, inchoate textuality that introduces romance into law. Blackstone speaks anxiously of a ‘creative’ imagination that has the potential to make the law’s texts too ‘fertile’, generating ‘fanciful alterations’ to an essentially rational legal code (CLE, p. 436). In response to Blackstone’s Gothicisation of the common law, moreover, Bentham speaks of legal fictions that spring ‘out of the bed of metaphor’ to corrupt juridical reason (FG, p. 5). Across a range of discourses, then, it is the Gothic which is associated most insistently with this corrupt and corrupting, ‘feminine’ textual/sexual presence.

The second part of Chapter 4 comprises a reading of Reeve’s Gothic fiction, *The Old English Baron* (1778). In an attempt to preserve and promote a morally and epistemologically proper form of romance fiction, *The Progress of Romance* ends by privileging a masculine, heroic mode of romance which the essay posits as an antidote to a

contemporary culture in danger of overly feminising itself (and here Reeve interestingly evokes the same effeminate 'luxuriance' as Blackstone condemns in the *Commentaries* as fatal to juridical reason). *The Old English Baron* is an attempt to create and validate a disciplined Gothic textuality through the combination of a reworked Walpolean Gothic with the developing conventions of literary sensibility and verisimilitude. I argue in conclusion, though, that this Gothic romance subverts its own moral and generic propriety. Against the grain of the literary 'law' that works to discipline and validate this new form of modern romance, the text makes present a Gothic excess that contests the very ground of legitimacy in literature and law.

Archives and crypts

Chapter 5 moves on theoretically to interrogate the law's dependence upon a certain conceptualisation of *exteriority* within the Western tradition. This chapter offers a reading of Sophia Lee's *The Recess* (1785), which draws upon Derrida's notion of the 'space' of law and its relation to textuality, spectrality and the feminine. Derrida posits the 'archive' as a deeply ambivalent signifier of the law's spatial, textual and temporal power. The archive is the place from which paternal power originates: the term in Greek means both 'commencement' and 'command'.²⁴ But the archive is also the space within which texts are *housed* – it is at the same time a domestic, feminine space of textual reproduction and this provides a point of return, perhaps, to Clara Reeve's fraught engagement with an emerging eighteenth-century literary archive comprised of various forms of fiction in need of control. Reeve charts the progress of that most problematic mode of writing – romance fiction – by means of a fictional debate that takes place within a feminine archive, the private library of Euphrasia. Euphrasia's attempted vindication of a certain form of disciplined romance is marked, moreover, by a profound unease concerning an excessive, potentially maddening textuality categorised implicitly as feminine. Euphrasia's production of an almost overwhelming quantity of texts that appear to defy rational systemisation conflicts with, and must ultimately be subordinated to, the masculine 'judgement' of the male guest. As I have suggested, there is a hostility here to writing *per se* as that which displaces the self-presence of the spoken word (and, implicitly, the phallic power of Hortentius's 'little sword – the tongue').

The 'archive', then, can be understood as an unstable site of paternal law, unstable because of the necessity that it house a textuality that

it cannot properly contain. Chapter 5 revisits the formation in the eighteenth century of a national juridical ‘romance’ of law alongside the emergence of an English literary ‘archive’ in relation to which the Gothic occupies a peculiarly vital, yet liminal, position. Gothic fictions (and Lee’s novel is no exception) tend in this period to evoke a particular literary precedent – the work of Shakespeare – which assures the aesthetic credibility of literary Gothicism whilst also contributing to a national literary discourse which posits Shakespeare as the paternal point of origin of a uniquely English literary tradition. English literary history becomes in this period, in and through the Gothic, a genealogical narrative that looks to Shakespeare as its founding father. Thus, alongside the myth of the nation’s ‘Gothic’ constitution, a ‘fiction of patrilineal succession’ flourished which attributed a certain family history to literary texts, particularly Gothic texts.²⁵ As Deirdre Lynch observes, however, the construction of this national literary history out of dead men’s works had an uncanny aspect to it: ‘Do we not encounter here’, she asks, ‘a wish to be haunted?’ (p. 8). Like the spectres which, in Gothic fictions, communicate to the living certain hidden truths concerning proper genealogy, the deceased forefathers of contemporary writers ‘whisper things unfelt before’ (p. 8). Literary inspiration depends upon a form of haunting, and the integrity of the literary tradition requires the construction of monuments to ancestors, a ‘kind of fetishism’ that portrays ‘texts as legacies, readers as mourners’ (p. 10). Great works are remembered and mourned by writers whose work is partly composed out of the fragments of dead men’s texts. The writer is thus, argues Lynch, ‘possessed [...] He is ghost written by tradition’ (p. 10).

This tradition forms an ‘archive’ in the Derridean sense. It embodies a patriarchal point of origin and a principle of law: it is a ‘commencement’, a ‘command’ and also a *family history*. The archive has ‘the force of law, of a law which is the law of the house, of the house as place, domicile, family, lineage or institution’ (AF, p. 7). It is additionally a monument to the dead that must erase the possibility of death – of absence – through ‘repetition, reproduction, re-impression’ (p. 11). The archive exists by virtue of the compulsion to repeat, to re-enact the past. It is therefore, argues Derrida, ultimately ‘indissociable from the death drive’; through the ‘archive drive’, or ‘archive fever’, death enters ‘into the heart of the monument’ (p. 12). The archive – the house of/monument to law *and* literature – is thus also a ‘crypt’, and Derrida’s conceptualisation of ‘cryptic space’ opens up new possibilities later in this work for theorising the traumatic negations between ‘inside’ and ‘outside’ that

plague the symbolic economy and that are repeatedly re-enacted within Gothic fictions.²⁶ In Chapter 5 in particular, this Derridean perspective will yield a fresh reading of Sophia Lee's subtle configurations of Gothic space (temples, tombs and labyrinths) in that female Gothic 'original', *The Recess*.

'Swear!'

Of all of the Gothic writers of the late eighteenth century, it is possibly Radcliffe who most persistently evokes Shakespeare in order to contextualise and legitimise her Gothic. On the borders of Radcliffe's texts (in prefaces, as chapter headings, epigraphs and so on) are quotations from or allusions to Shakespeare which not only draw upon, but also to a degree disrupt a certain 'archive' – a paternal genealogy that produces and reproduces the law's fictions. In particular, it is *Hamlet* that emerges here almost as a Gothic ur-text; the spectral father that commands Hamlet to renew the law's 'purity' reappears in a variety of Gothic contexts from Walpole onwards. In Radcliffe, this moment of spectral, paternal command is explicitly recalled by means of a quotation cited in *A Sicilian Romance* and later in *The Mysteries of Udolpho*.²⁷ This fragment of Shakespeare is recited in these texts to hint at the presence of spectres and secrets: it is the pronouncement of the ghost of Hamlet's father to his son – 'I could a tale unfold'. The words evoke a 'tale' that speaks of vengeance and remembrance; they introduce in Shakespeare's play a narrative of disturbed patrilineal succession in which the spectre of the father calls upon the rightful heir to re-institute proper authority through a juridical command: 'Swear!' The tale which prompts this command is one of murder and usurpation and the command to the son is to 'set right' this perversion of paternal law. Derrida's interpretation of this extraordinary moment – the moment of the juridical oath whereby Hamlet accepts his inheritance – is extremely pertinent to a reading of Radcliffe's variations upon this Shakespearean theme. Hamlet's initial response to the spectre's command is to interpret it as a curse: 'The time is out of joint/Oh Curs'd spite, that ever I was born to set it right.' Derrida's *Specters of Marx* foregrounds this notion of disjointed time, relating it to spectrality and legal temporality, and Chapter 6 employs this theoretical perspective on inheritance in order to read Radcliffe's multi-layered contestation of paternal law.

Chapter 7 is a short chapter which offers a reading of the posthumously published *Gaston de Blondville* as a text which illustrates from a variety of perspectives the problematics of fictivity, origin and authority

in literature and law – the problematics, as this work theorises it, of the Gothic and/in the rule of law. This is a novel that brings into sharp focus the fraught question of authenticity in respect of literary and juridical histories, genealogies, archives. It is a text that deviates from the better-known Radcliffean Gothicism associated with the novels published between 1791 and 1797; *Gaston de Blondville* returns instead to an earlier Gothic form – that associated with Clara Reeve and with Radcliffe's own first Gothic romance, *The Castles of Athlin and Dunbayne*. It is a work that reiterates the patriot Gothic myth of the mid-to-late eighteenth century and the ideal of chivalric masculine virtue that informs Reeve's *Progress of Romance* and *The Old English Baron*. Radcliffe's final Gothic romance, though, is by no means a straightforward reproduction of what James Watt has termed eighteenth-century 'patriot Gothic'.²⁸ First, this text eschews that post-Walpolean Gothic commitment to what Clara Reeve terms 'probability': *Gaston de Blodeville* is the only one of Radcliffe's works that does not 'explain' the supernatural and it is significant, I will argue, that it is in the context of a reworked 'patriot Gothic' that Radcliffe does finally allow an unexplained spectral presence to emerge to challenge an ostensibly legitimate paternal authority. Secondly, this is an exceptionally multi-layered, fragmented, textually unstable piece. It is a work the coherence of which depends upon and is undermined by various *parerga* which Chapter 7 considers in some detail. Like Walpole's *The Castle of Otranto*, this is a Gothic work that demands to be interpreted through and that is to an extent destabilised by its ambivalent prefaces. The novel frames itself with an (in)authentic 'contemporary' narrative the aim of which is properly to situate and validate the 'historical' record that follows – a record that profoundly problematises the relation between 'truth' and 'fiction', 'past' and 'present'. Like *The Castle of Otranto*, moreover, Radcliffe's text symbolically privileges the uncanny presence within the literary and juridical archive of a certain signifier of Gothic textuality the theoretical significance of which I consider in Chapter 2 and return to throughout this work: this is the 'black letter' script which marks out Walpole's *Otranto* and Radcliffe's *Gaston* as (in)authentic, abject Gothic 'originals'.

'Enjoy!'

Chapter 8 begins a re-evaluation of the relation between the Gothic and the rule of law through an examination of the juridical and literary contexts of the 1790s. Poststructuralist legal theory, I have suggested, has