

## PARANOIA HISTORICIZED:

*Legal Fantasy, Social Change,  
and Satiric Meta-Commentary  
in the 1794 Treason Trials*

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The connexion of intention and the circumstances is plainly of such a nature, as more to depend on the sagacity of the observer, than on the excellence of any rule. The pains taken by the civilians on that subject have not been very fruitful; and the English law writers have, perhaps, as wisely, in a manner abandoned the pursuit. In truth, it seems a wild attempt to lay down any rule for the proof of intention by circumstantial evidence; all the acts of the party; all things that explain or throw light on these acts; all the acts of others relative to the affair, that come to his knowledge, and may influence him; his friendships and enmities, his promises, his threats, the truth of his discourses, the falsehood of his apologies, pretences, and explanations; his looks, his speech; his silence where he was called to speak; every thing which tends to establish the connexion between all these particulars;—every circumstance, precedent, concomitant and subsequent, become parts of circumstantial evidence.

Edmund Burke, *Report from the Committee of the House of Commons* (1794).

“Symptoms are meaningless traces, their meaning is not discovered, excavated from the hidden depth of the past, but constructed retroactively—the analysis produces the truth; that is, the signifying frame which gives the symptoms their symbolic place and meaning. . . . Thus things which mean nothing all of a sudden signify something but in a quite ‘different domain.’ What is a ‘journey into the future’ if not this ‘overtaking’ by means of which we suppose in advance the presence in the other of a certain knowledge—knowledge about the meaning of our symptoms—what is it, if not the *transference* itself? This knowledge is an illusion, it does not really exist in the other, the other does not really possess it, it is constituted afterwards, through our—the subject’s—signifier’s working; but it is at the same time a necessary illusion, because we can paradoxically elaborate this knowledge only by means of the illusion that the other already possesses it and that we are only discovering it.”

Slavoj Žižek, *The Sublime Object of Ideology*

This essay seeks to establish communications among three, structurally related issues. The first one, strictly historical in kind, involves the trial of Thomas Hardy for high treason in 1794 and focuses specifically on how the efforts throughout that trial to legally determine the allegiance between individual and government came to expose a significant theoretical crisis within the larger paradigm of the law. Considerations of the ideological pragmatics served by the formal composition of judicial argument take us to the next, closely related issue, namely, the role of transference and self-privileging narratives as a model of historical comprehension during the early Romantic period. Both the formal and theoretical significance of the notably paranoid model of narrative here at issue—as well as the epistemological tensions inherent in it—first emerged as a theoretical and disciplinary problem in Freud, specifically in his reading of Daniel Paul Schreber’s autobiographical account of a case of paranoia. In his efforts to develop a theoretical formulation for the general mechanism of paranoia, Freud encountered epistemic convolutions remarkably similar to those which produced the reversal of fortune in favor of the defendants during the 1794 treason trials; there the defense was able to expose the prosecution’s self-confirming, “constructive,” and distinctly narrative modes of inferential legal argumentation. Notwithstanding the local-historical context, the cogent analyses offered by Thomas Erskine’s defense during the trial of Thomas Hardy open up the larger issue as to whether there are, can, or even should be “disciplines” and “methods” dedicated to reinterpreting a world axiomatically posited as “symptomatic” and “conspiratorial.” To raise the question in *that* manner is to involve ourselves in the larger problem of “disciplinarity” in the humanities and social sciences today, specifically the problem of a lingering, structural and inextricable complicity between *any* method of interpretation and its proposed “objects” of analysis. To what extent do the currently dominant models of historicist scholarship, materialist analysis, and rhetorical (tropological) reading open up more authentic and historically “durable” vistas on the antagonistic, socio-political and aesthetic scene of Romanticism? Or is, alternatively, the disciplinary, methodological, and theoretical rigor and reflexivity characteristic of such approaches but another, distant echo of Romanticism’s ideological dispensation? Do our scholarly and critical engagements of Romanticism constitute an authentic “overcoming” or but another repetition of Romanticism? Are our knowledges of Romanticism objective and abiding or pragmatic and transferenceal representations of that “past”?

From another perspective, these questions appear to converge with the particular causal accounts and ambitiously plotted narratives by means of which historical subjects—ourselves no less than individuals in England dur-

ing the 1790s—represent their experiences of a contingent present. As I intend to show, it is precisely in their ambitious efforts at coping with comprehensive ideological transformations, of which they are only ever partially conscious, that specific individuals and communities of interpretation generate those rhetorical symptoms which now, belatedly, solicit our aesthetic and ideological “interest.” Thus it is the formal and rhetorical organization of narratives, rather than their professed content, which emerges as the symptomatic material on which pivots our analytic relationship to Romanticism. The formal-rhetorical structure of these accounts is their historical content, which is to say, it is the *mode of appearance* of the consciousnesses produced by historical change. Logical and formal tensions and contradictions inherent in the legal narratives and counter-narratives produced, for example, by Sir James Eyre, Sir John Scott, Thomas Erskine, and William Godwin in the context of the 1794 treason trials thus reflect the affective and cognitive disequilibrium of subjectivities at once produced *by* and participating *in* their precarious historical moment. What accounts for their rhetoric being at once cogent and symptomatic is the significantly unconscious “knowledge” of their historically contingent and tenuous disposition, a moment of impending recognition to which both sides in the legal conflict at issue respond by revising existing or generating new rhetorical strategies capable of diffusing the ultimately unbearable “knowledge” of their historicity.

What complicates our analyses of the astonishingly productive and imaginative accounts produced by the “disciplines” of the law and psychoanalysis or, rather, what reflects our own irremediable involvement in these disciplines’ mode of reasoning is the fact that like these historical communities retroactively produced by the earnest and urgent historicism of contemporary critique, we remain just as caught up in that web of transformations sometimes euphemized as the “present.” For we, too, respond to these transformations by mobilizing, revising, and fine-tuning a rhetorical calculus comprised of terms like experience, perception, explanation, generalization, and justification. And in so doing, our methodologically hyper-reflexive modes of historical investigation—still dedicated to the project of defining and administrating a distinctive and “functional” body of social and cultural knowledge—ultimately continue to operate as further displaced effects of the ultimate unattainability of such knowledge. The early phase of Romantic culture in England focuses this epistemological dilemma in the peculiar rhetorical form of anxiously prophetic accounts. Late eighteenth-century legal reasoning on treasonous conspiracy and early twentieth-century psychoanalytic reflections on paranoia substantially converge in their representation of historical change, namely, by objectifying such change in the bilateral temporality of narratives at once suspicious and prophetic. In order to compensate for the fundamentally unbearable knowledge of their historical instability, and so as to suspend the consciousness of a non-contradictory and fully aligned “self” and “cul-

ture” as irremediably illusory, subjects tend to represent their historical knowledges in prosecutorial form by projecting them as malignant intentions onto their Other. As we shall see, such narrative detours not only produce and effectively control that Other but, in a genuinely Hegelian mode, also enable the agents of representation to produce their historical “truth” without consciously having to “mean” it.

#### EXHIBIT A

##### *Paranoid Justice: The Law of the Symptom and the Trial of Psychoanalysis in Freud's Reading of D. P. Schreber's Autobiography*

Following his close reading of the strange case presented by the onetime superior court justice Daniel Paul Schreber with a characterization of the mechanism of paranoia, Freud made two general observations (of potentially very disruptive impact) on his overall conception of psychoanalysis as a discipline. First, he conceded that “the psychoanalytic investigation of paranoia would be altogether impossible if the patients themselves did not possess the peculiarity of betraying (in distorted form, it is true) precisely those things which other neurotics keep hidden as a secret.”<sup>1</sup> Oddly enough, that is, the functional mechanism characterizing paranoia appears preemptive of the work of analysis; indeed, it seems all but structurally cognate with the investigative rigors of psychoanalysis. Sensing that their mode of production of psychological knowledge all too closely resembled the procedures of psychoanalysis, Freud declared cases of paranoia all but impossible to treat. Surely no one knew better than Freud how frequently and with what intensity the emergent “science” of psychoanalysis had been branded as paranoid and obsessional conspiracy against established psychiatry, a pseudo-science discovering ghosts, hidden connections and inscrutable machinations everywhere, devoid of any moral core, precariously cosmopolitan and dissociated in its sensibility; in short, to sum up the prejudice Freud encountered throughout much of his life and career, a Jewish science. For Freud, then, to take up the subject of paranoia in anticipation of his meta-psychological writings was to hazard a precarious reversal whereby paranoia, rather than functioning as the “object” of psychoanalysis, would emerge as the unconfessed origin of that science itself.<sup>2</sup> After all, his readers might well consider the “object” or “issues” of psychoanalysis to be but the effects of an elaborate explanatory practice which, in classically paranoid fashion, continually projects these “objects” (i.e., neuroses) onto its socio-cultural environment as the presumptive cause of its analytic industry. The question thus arises whether psychoanalysis constitutes the legitimate science of the Real *as symptom*, or whether it constitutes but another, as it were complementary symptom which it reproduces transferentially in the analysis of its so-called “cases,” lest its authority be discredited and its institution disestablished.

Opening his general discussion of the subject, Freud noted that “the distinctive character of paranoia (or of *dementia paranoides*) must be sought . . . in the particular form assumed by the symptoms [*die besondere Erscheinungsform der Symptome*],” insofar as “the mechanism of symptom-formation in paranoia requires that internal perceptions, or feelings, shall be replaced [*ersetzt*] by external perceptions.”<sup>3</sup> A close relative of the more general psychic function of displacement, “projection” constitutes “the most striking characteristic of symptom-formation in paranoia,” a process in which “an internal perception is suppressed [*unterdrückt*], and, instead [*zum Ersatz*], its content, after undergoing a certain degree of distortion, enters consciousness in the form of an external perception” (SA, 189 / CH, 169). As Freud argued time and again about all cognates of displacement, their representational structure is organized by the overriding functional aim of “staving off consciousness,” which also suggests that the “symptom” signifies only retroactively, compelling the inferential elaboration of a past from the exigencies of the future.<sup>4</sup> As Naomi Schor has argued, the Freudian concept of “displacement” (*Verdrängung*) assumes a point of contact between the consciousness forestalled by the operation of displacement as such and the details furnishing the material conditions for that operation in the first place. Freud’s term for this contiguous element linking the psychic operation and its representational focus is *Anlehnung*. In a more general theoretical sense, that word may be translated as “contiguity,” an essentially rhetorical device insuring the mediation-by-resemblance of the (traumatic) consciousness forestalled by “displacement” as such with the conscious subjectivity resulting from that operation of “displacement.” *Anlehnung*, in other words, enables us to forget the difference between the consciousness that should have been and the consciousness that is, between the virtual and not-yet-recognized import of a past preemptively deferred/displaced into the future (whence it will return as a “symptom”) and the specious integrity of a present predicated on that exclusion.

Still, to construe the relationship between the “feeling” displaced and the external, distorted perception projected in its stead as one of *Anlehnung* is to ignore the substitutive meaning of *Ersatz* and *ersetzen*, the very words chosen by Freud to describe the dynamics of “projection” in cases of paranoia. While he conceives of the paranoid’s projections, his ideas and representations, as *metonymic* traces or marks of contiguity that relate in an essential or consubstantial sense to the repressed arché of the unconscious, *Ersatz* actually suggests that the “projection” mobilizes a fundamentally independent signifier and signifying frame (discourse).<sup>5</sup> Hence, notwithstanding his conceiving of the relationship between feeling and displacement in metonymic terms, Freud had no reason to assume that the representational surfaces of displacement are fully coextensive with, or even authentically related to, the psychic “content” allegedly displaced and, only on the grounds of that unproven assumption, invested by Freud himself with *a priori* authenticity. Not only is the relation-

ship not totalizing, but it constitutes the grounding hypothesis that will guarantee the disciplinary and interpretive coherence of the “science” of psychoanalysis. Freud thus predicated his quasi-legal jurisdiction over the representational excess of the symptom (i.e., detail) on the assumption that the relation between “feeling” and “displacement” is metonymic rather than metaphoric, not a relationship between two heterogeneous orders—the silence of affect and the clamor of representation—but an allegiance between a legitimate (though displaced) authoritative signifier and a subsidiary signifier which has temporarily usurped the timeless office of the unconscious by means of its counterfeit representation. To posit *a priori*, as it were, a relation of “contiguity” (*Anlehnung*) between the truth of the unconscious and the metonymic representations preventing such truth from assuming its office, by emulating its appearance, is ultimately to insure the integrity of a discipline against the contingencies of reading, to shelter an institutionalized mode of epistemic production from the malodor of political and generally ideological expediency. Alternatively, to conceive of the symptom as a “free-floating” detail—a sign of contingent and open interpretive import rather than an integral component within a closed economy of knowledge—is to contest the disciplinary and scientific authority of psychoanalysis altogether, and to challenge its presumptive theoretical and descriptive authority over psychic phenomena. Indeed, to stress this aspect of non-closure in Freud’s overall theory is also to suggest, at least implicitly, that in its deterministic attempts at excavating affective potentialities from empirical phenomena, this “discipline”—with all the connotations of *askesis* and *regimen*—represents but a supplemental effect or symptom of an irreducibly antagonistic Real which psychoanalysis continually seeks to dominate through its interpretive procedures. The scenario palpably resembles Lacan’s descriptions of the open-ended, detotalized dynamics between patient and analyst who construct each other’s subjectivities in a dialectic of speech; the symptom, in other words, produces the identity and epistemic authority of the addressee whom it has framed beforehand.<sup>6</sup>

Sensing that any further inquiry into the figural status of the displaced and the projected consciousness would likely compromise his entire overarching project of a meta-psychological theory, Freud abruptly dropped the question, noting that in any event projection “makes its appearance not only in paranoia but under other psychological conditions as well, and in fact has a regular share assigned to it in our attitude towards the external world. For when we refer the causes of certain sensations to the external world, instead of looking for them (as we do in the case of others) inside ourselves, this normal proceeding [*dieser normale Vorgang*] also deserves to be called projection” (SA, 189 / CH, 169). Having conceded all along that, contrary to cases of neurosis, paranoia is distinguished by the subject’s tendency to betray rather than conceal, to excessively narrate and elaborate highly coherent plots rather than to be cryptic, erratic, and inchoate in its representations, Freud all but suggested

that there is, in fact, nothing distinctly pathogenic or structurally unique about the operation called "projection." Indeed, even the otherwise sacrosanct premise of psychoanalysis that all neuroses are ultimately sexual in their aetiology does not appear secure either. With the "sexual aetiology by no means obvious, . . . strikingly prominent features in the causation of paranoia, especially among males, are social humiliations and slights" (SA, 183 / CH, 162). And so, resolving "to postpone the investigation" of projection and turning instead to "the mechanism of repression," Freud first unfolded the tripartite sequence of repression, subsequently amplified in his 1915 metapsychological essay on that concept. That sequence leads from "fixation" to "repression proper" and terminates in what he called "the most important phase . . . of miscarriage of repression, of irruption [*Durchbruch*], of the return of the repressed."<sup>7</sup> As Freud then suggested, the mechanisms of paranoia are, in fact, nothing but this third phase, the "return" of the repressed, writ large and formally organized as a symptomatic representation, a discursive and often enough conspicuously eloquent substitution (*Ersatz*), which is to say, not a story held to a subsidiary role by the affective powers which it displaces but, on the contrary, a whole new system of empirical perceptions, causal explanations, and ethical justifications.

#### EXHIBIT B

##### *Law Mediating Politics: Sir James Eyre's and Sir John Scott's Art of Prosecutorial Narrative in the 1794 Trial*

Having, perhaps, offered thus far little more than standard psychoanalytic fare, our review of Freud's session with justice Schreber will now go into recess until we have shown sufficient cause for our hearing yet again a case history that has already undergone plentiful critical review.<sup>8</sup> To show what this structural problem in psychoanalysis has to do with our stated topic, i.e., the representation of historical change, I turn now to the circumstances surrounding the arrest of Hardy, Thelwall, and other members of the London Corresponding Society on 12 May 1794, though these can only be rehearsed with the utmost brevity here. As the more substantial accounts of E. P. Thompson and Albert Goodwin have shown, the trials of Gerrald and Margarot in Scotland—which saw these emissaries of the London Corresponding Society to the Scottish National Convention sentenced to "transportation"—stimulated the corresponding societies in London, Sheffield, Norwich, Liverpool and other provincial towns into unprecedented activity. It was a climate highly charged with visions of political upheaval, as reflected in the particularly strident tone of resolutions adopted by the London Corresponding Society at its general meeting at Chalk Farm on 14 April 1794 under the leadership of John Thelwall. Rejecting the "arbitrary and flagitious proceedings of the court of justiciary in Scotland," the "Tyrrany of Courts and Ministers," as

well as the "Corruption of dependent Judges," Resolution 5 of that meeting concludes that such abuses "ought to be considered as dissolving entirely the social compact between the English nation and their Governors; and driving them to an immediate appeal to that incontrovertible maxim of eternal justice, *that the safety of the people is the SUPREME*, and in cases of necessity, the *ONLY* law."<sup>9</sup> Pitt's government responded on Monday, 12 May with a wave of arrests throughout the country that included the apprehension of Thomas Hardy, John Thelwall, John Horne Tooke, and other leaders of the reform movement. A vast number of papers were seized, particularly at Hardy's house. *Habeas corpus* was suspended on 22 May. Broadsheets headed "Treason, Treason, Treason" were sold, and ballad-singers were commissioned by Pitt's administration to strengthen what initially appeared to be widespread public acceptance of the government's charge—namely, that a pervasive and well-engineered conspiracy was being perpetrated by Radicals, millenarian visionaries and misguided reformers, all operating in collusion with French Jacobins, whose atheism and regicide did, after all, appear to constitute proof of the threat now posed to Crown and Constitution in England. In response, "Church and King" mobs attacked houses of the London Corresponding Society's members, including the dwelling of Thomas Hardy, whose wife died, according to the malignant surmise of one London newspaper, "in consequence of being haunted by visions of her dear Tommy's being hanged, drawn, and quartered."<sup>10</sup> Even so, after taking nearly half a year to review and connect all the written records and documents seized from the London Corresponding Society, the prosecution's case continued to look weak, not to say fabricated, for lack of the material or "overt" evidence required to sustain the state's indictment.

Opening the legal proceedings on 2 October with his "charge" to the grand jury, the presiding judge, Sir James Eyre, launched into an extensive discussion of statute 25 Edward III. and the legal principles that, in his view, ought to attend the adjudication of any charge of high treason. Proceeding with a soon familiar tenor of peremptory legal suspicion, Eyre affirmed that the seeming inscrutability of intent, the "wicked imagination of the heart," did not constitute an impasse for the adjudication of the statute in question. To the contrary, it entitled judge and jury alike to approach charges of high treason with extraordinary interpretive latitude: "with respect to the question, whether the fact has relation to the design, so as to constitute an overt act of this species of treason, . . . it is impossible that any certain rule should be laid down for your government; overt acts being in their nature all the possible means which may be used in the prosecution of the end proposed; they can be no otherwise defined, and must remain for ever infinitely various" (*STT*, 202). Eyre's Burkean refusal of "any certain rule" for the "government" of the grand jury, and his prejudicial characterization of evidence in matters of high treason as "infinitely various"—provided a narrative can be produced that

will create a persuasive connection between “overt acts” and the legal fact in question—effectively demonstrate that he regarded the adjudication of treason as driven not by the inferences which the evidence might compel on its own, but by the “end proposed” relative to which such evidence is being narrativized as “always-already” imbedded in a holistic criminal “design.” Acts represented by a particular prosecutorial narrative as favoring a certain outcome shall, he implied, be taken as evidence that such an (imaginary) outcome was already inherent, *a priori*, in the very intentions and purposes concluded to have produced these acts to begin with.<sup>11</sup> In Eyre’s view, then, for the jury to regard empirical facts as a mere “veil, under which is concealed a traitorous conspiracy” (*STT*, 205) is to convert, by default, “matters of fact” into “matter of law” and to conclude that a traitorous intention sponsored these acts, even though such an intention could only be retroactively inferred *from* that act.

Eyre’s, and subsequently Sir John Scott’s, rhetoric displayed a fundamentally paranoid mode of reasoning, though to refer to it as paranoid is neither to dismiss it as false nor to pathologize it as deluded relative to otherwise unexamined criteria of objective truth and health. On the contrary, the conspiratorial surfeit in the state’s case reveals the high degree of narrative productivity and epistemic coherence achieved *within* the prosecutorial rhetoric, the ultimate product of that effort being a (significantly delayed) consciousness of the inevitability of historical change on the part of its speakers. As Gordon Wood has argued, the term “conspiracy” and its cognates became rapidly more common and amorphous in its social usage during the last two decades of the eighteenth century, a phenomenon lucidly accounted for by Wood as the “last desperate effort to hold men personally and morally accountable for their actions” in a world that was palpably “outrunning man’s capacity to explain it in personal terms.”<sup>12</sup> In a world where “true motives had to be discovered indirectly, had to be deduced from actions,” and where “causes had to be inferred from effects,” historical knowledge was being produced in a dialectic manner, with social and political knowledge no longer constituted as a conscious proposition but as a highly mediated, elaborate, and counter-intuitive practice of narrative transference.<sup>13</sup> Which returns us to the 1794 trials and Sir James Eyre’s proto-structuralist analysis of the British Constitution, a “constitution . . . so framed, that the imperial crown of the realm is the common centre of the whole; that all traitorous attempts upon any part of it are instantly communicated to that centre, and felt there” (*STT*, 204). In close correlation with his organic constitutional vision, Eyre exhorted the jurors to avail themselves of an organic mode of reasoning by “examin[ing] the evidence . . . very carefully, to sift it to the bottom; to consider every part of it in itself, and as it stands connected with other parts of it; and to draw the conclusion of fact, as to the existence, the nature, and the object of this project of a convention, from the whole” (*STT*, 207). This project of a national

convention, comprised of delegates from chapters affiliated with the London Corresponding Society throughout England, was the very core of the government’s case against Thomas Hardy and his co-defendants. Could a convention be called without those doing so thereby usurping the role of government? Could reform be demanded without such demands sounding like an ultimatum to the king and thus posing a direct threat to his office and person?

If a conspiracy to depose or to imprison the king, to get his person into the power of the conspirators, or to procure an invasion of the kingdom, involves it in the compassing and imagining of his death and if steps taken in prosecution of such a conspiracy are rightly deemed overt acts of the treason of imagining and compassing the king’s death: need I add, that if it should appear that it has entered into the heart of any man who is a subject of this country, to design, to overthrow the whole government of the country, to pull down and to subvert from its very foundations the British monarchy, that glorious fabric which it has been the work of ages to erect, maintain, and support, which has been cemented with the best blood of our ancestors; to design such a horrible ruin and devastation, which no king could survive, a crime of such a magnitude that no lawgiver in this country hath ever ventured to contemplate it in its whole extent; need I add, I say, that the complication and the enormous extent of such a design will not prevent its being distinctly seen, that the compassing and imagining the death of the king is involved in it, is, in truth, of its very essence. (*STT*, 203–4)

The cumulative thrust of this instance of extended legal parataxis symptomatizes, in its very rhetorical design, how the hermeneutics of suspicion constitutive of the law as discipline objectifies itself rhetorically in distinctly narrative or metonymic forms. Furthermore, it shows how such an infinitely ramified legal syntax reproduces the dominant (essentially Burkean) state-ideology of an organic, intricate (“that glorious fabric”), and—on those grounds—profoundly vulnerable British constitution. Implicit in Eyre’s reasoning lies the charge that to contemplate *any* reform under the prevailing constitutional arrangements by necessary consequence—however unintended such consequence may be—will also “subvert from its very foundations the British monarchy” and, by further inference, would have to result in the “death of the king.”<sup>14</sup> If Eyre’s legal reasoning appears forced, this was quite possibly to compel the Grand Jury to find for a “true bill” of indictment in a case where several legal advisors had already expressed misgivings to the prosecutor, Sir John Scott, about his possibly having “over-charged” the defendants; anxiety about the outcome of the trial ran high in government circles, and many felt that a conviction was more likely to be obtained on the lesser charge of sedition.

Maintaining, nonetheless, the more ambitious charge of high treason, the prosecuting attorney general, Sir John Scott, proceeded to build his case against the defendants by elaborating a plot of deceptively simple design. Focusing on the London Corresponding Society’s plans to hold a national

convention as his central piece of evidence—the “overt act” that should prove the “principal” fact or criminal intention of high treason itself—Scott reiterated Eyre’s organic view of the British Constitution by arguing once more that given the extraordinary connectedness and coherence of Parliament, the laws, the electoral system, and the monarchy, *any* challenge issued to *any* one of these institutions would, by logical extension, instantiate a threat to the office and, by further implication, to the natural person of the king; as Erskine was to exclaim, later in the trial, “how are men to express themselves who desire a constitutional reform?” (*STT*, 936). For Sir John Scott, however, the matter was settled altogether:

It seems to me to follow, . . . not only that those who conspire to remove the king out of the government altogether, but that those who conspire to remove him, unless he will govern the people according to laws, which are not statutes in Parliament agreed upon, and the laws and customs of the same, or as the head of a government framed and modified by any authority not derived from that Parliament, do conspire to depose him from *that royal state, title, power, and government, which the indictment mentions*, and to subvert and alter the rule and government *now established* in these kingdoms. He *ought not* so to govern—I say he cannot so govern—he is bound to resist such a project at the hazard of all its consequences; he must resist the attempt; resistance necessarily produces deposition, it endangers his life. (*STT*, 245)

Scott’s presentation appears curiously unconcerned with the heavily inferential, not to say transferential, logic of his case, a case substantially rooted in the narrative imaginary of the attorney general, who effectively “constructs” the traitorous conspiracy and the legal “fact” of high treason by first outlining a nightmare vision of comprehensive political and social change too sweeping to be consciously entertained as an acceptable political hypothesis by the state and therefore discursively objectified as the *legal* matter of high treason (what Blackstone had called the “highest civil crime”). What produces the crime, in other words, is precisely this narrative act of prosecutorial transference in which the state projects its unbearable knowledge of the British Constitution as historically contingent and temporal—which is to say, its own political unconscious—onto defendants charged with the “crime” of having had that knowledge all along. Yet precisely because the state cannot countenance the “knowledge” of its ideological dispensation as tenuous and changeable, it now mediates this knowledge through a shoemaker, a pamphleteer, and a linguist as the alleged conspirators charged with having *intended* that knowledge in the form of a highly sophisticated and concealed plot. As Erskine’s defense pointed out time and again, “a supposed attack upon the king’s civil authority has been transmuted, by construction, into a murderous conspiracy against his natural person; in the same manner, and by the same arguments, a conspiracy to overturn that civil authority, by direct force, has again been assimilated, *by farther construction*, to a design to undermine the monarchy by changes

wrought through public opinion, enlarging gradually into universal will” (*STT*, 882).

In what proved an inevitably circumstantial case, the prosecution’s construction of such a plot hinged on the interpretation of written evidence, specifically on establishing points of contact between resolutions and letters drafted by leading members of the London Corresponding Society and the notorious published writings of John Thelwall and Thomas Paine, writings from which, in an instance of profound irony, the prosecution proceeded to quote and enter into record hundreds of paragraphs. Referring to writings both published and unpublished, and including deliberately inflammatory letters written by government infiltrators of the London Corresponding Society to some of its members and charged against these members—the defendants—as proof of *their* treasonous intentions, Sir John Scott opens his case by stressing “the principles upon which construction is to be given to the written evidence that will be adduced,” namely, that “the language they use, ought to be considered according to its obvious sense. If the language admits, and naturally admits, of a double interpretation, it must then be considered according to the nature of the *principle* which that language is calculated to carry into execution” (*STT*, 276). To be a good juror, in other words, is to operate preemptively within the notion of an “obvious sense” or in what, elsewhere, Scott referred to as “the ordinary course of things,” and the “common experience of mankind” (*STT*, 254; 256).<sup>15</sup> The prosecution’s narrative of a constitution beleaguered by regicidal conspirators had to be established in the jury’s collective mind from the outset, lest the evidence submitted to the jury should be taken in good faith and according to its quite possibly innocuous mode of appearance. For Scott, however, the conspirators’ “publications are either brought into the world with such a secrecy as baffles all prosecution,—published without names of authors or of printers,—published by contrivance, . . . in the dead of night” or, alternatively, in quantities that confound all government regulation. The point I wish to emphasize here is that such a paranoid mode of argumentation closely corresponds to Freud’s (likewise text-based) analysis of paranoia as a conspicuously productive mode of interpretation; not surprisingly, then, Sir John Scott proceeded to engulf the jury in a blizzard of written matter which, as Thomas Erskine wearily noted in his opening statement for the defense, “consumed four days in the reading . . . the unconnected writings of men unknown to one another, upon a hundred different subjects” (*STT*, 891). Only so, the prosecution concluded, would it be possible to overcome the resistance *within* the writing entered into record—“all this handsome language” (*STT*, 296) as Scott characterized it—to yielding up its evidentiary import. In an effort to demonstrate the external existence of a conspiracy (the very imagining of which occasions and formally shapes the prosecutorial art of telling) Scott repeatedly stressed the need for a correspondingly metonymic imagination on the part of the jurors: “each paper must be considered with

reference to the context of the same paper, and with reference to the contents of all other papers that form the evidence of the same system, which the paper produced is meant to prove" (*STT*, 276). And what connects papers in "spirit and letter" is inferentially to be taken as evidence of a conspirational connection among all individuals somehow associated with *any one* of these papers, be it as their author, recipient, or merely as a member of the organization in whose name such papers were drafted: "In a conspiracy as widely extended as this is, I shall undoubtedly insist, before you and the Court, that the acts of individuals . . . [and] what they do in reference to these acts is evidence against all of them; and likewise that letters which the persons write relative to the same addresses, are evidence against each of them whether written by the particular individual or no, as being in prosecution of the same purpose" (*STT*, 320).<sup>16</sup> Rosalind's testy affirmation in *As You Like It*, that "Treason is not inherited, my lord; / Or, if we did derive it from our friends, / What's that to me?" (I, 3, lines 59–61), no longer applies.

### EXHIBIT C

#### *Reading the State's Case History: Godwin's and Erskine's Analysis of Prosecutorial Narrative as Social Symptom*

In its strenuous resistance to any formal and theoretically motivated constraints on the admissibility and connectibility of evidence, Eyre's "charge to the jury" and Scott's case for the prosecution reproduce a cognate dilemma confronted by Edmund Burke during his attempted impeachment of Warren Hastings, the former governor-general of British India, whose trial extended from 1788 to 1795. Frustrated by six years of compulsive yet inconclusive gathering of evidence and legal maneuvering, Burke made a passionate plea for narrative latitude and challenged the then operative rules of evidence laid down by Blackstone in his *Commentaries*, which prohibited hearsay (albeit with some exceptions) and insisted on the independent integrity of each item of evidence. In particular, Burke objected to what he considered a deliberate fragmentation of his narrative account by the defense counsel, who, at every step of the way, constrained Burke to justify each piece of evidence *separately* as truly pertinent to the crimes alleged. To do so, Burke contended, is "to break to pieces and garble those facts, upon the multitude of which, their combination, and the relation of all component parts to each other, and to the culprit the whole force and virtue of . . . evidence depends."<sup>17</sup> As Alexander Welsh has shown in his lucid exposition of the rise of circumstantial/inferential legal reasoning, to ground the paradigm of criminality and of the judicial process in what Burke calls the "collective effect" of narrative representation is to be "already committed to a closed narrative of human affairs."<sup>18</sup> Fundamentally skeptical with regard to such a "constructive" and highly narrativized paradigm of legal representation, Jeremy Bentham, in his *Rationale of*

*Judicial Evidence* (1827), exposed the self-privileging logic of such legal procedure, pointing out how in the Burkean model evidence is not so much introduced *into*, as it is produced by the prosecution's narrative, and how the distinction between indirect and direct evidence is not one in kind but the result of "their position in the argument." As Bentham put it, "in this way a chain of facts, of any length, may be easily conceived, and chains of different lengths will be frequently exemplified: each such link being, at the same time, with reference to the preceding link, a principal fact, and with reference to a succeeding one, an evidentiary fact."<sup>19</sup> Arguably more concerned with the disciplinary quest for an utterly rational and transparent judicial process, and less with accomplishing a spectacular political feat, Bentham effectively conceded a point of crucial importance during the 1794 treason trials—namely, that evidence is always, as it were categorically, *indirect*, and therefore is to be kept separate from the actual crime, which, inhering solely in the criminal intention, remains inaccessible save by means of a cautious inferential process (excluding, for the sake of argument, the possibility of outright confession).

The question of the prejudicial legal hermeneutics at work in the narrative reshaping of empirical into evidentiary facts, and the consequent representation of the "legal facts" thus produced as fully coincident with the criminal charge itself, significantly occupied the young William Godwin. With his close friend Thomas Holcroft among those named in the indictment against members of the London Corresponding Society, Godwin hastened to London and, in an essay published in the *Morning Chronicle* of 20 October 1794, offered a first and highly trenchant response to Eyre's tendentious "charge," entitled "Cursory Strictures." The essay issued a direct challenge to Eyre's circular, *post hoc ergo propter hoc* mode of legal reasoning by suggesting that such argumentation is itself an anticipation, in the sense of a symptomatic style, of the deeper historical "truth" of those socio-political changes which Eyre and the prosecutor's indictment were charging the corresponding societies with contemplating (in particular, of course, the much-discussed project of a national convention). In questioning whether Eyre's "charge" is "reasoning respecting law, or respecting a state of society" (*STT*, 214), Godwin reversed the charge to the point where the "treason, real or imaginative" is the justice's and, by extension, the state's "own mere creation" (*STT*, 220<sup>20</sup>). He left conspicuously open the question of whether the principle of "constructive treason" set out in the "charge" in "the most unblushing and undisguised manner" (*STT*, 222) amounted to a deliberate narrative distortion of the facts and the law—based on "forced constructions, . . . ambiguous and deceitful words"—or to the more deeply seeded "delusions of a practiced sophister" (*STT*, 220). Godwin brilliantly analyzed Eyre's and the state's legal reasoning as proceeding "not forward from general rules of action to the guilt or innocence of particular men, but backward from actions already performed to the question, whether or no they shall fall under such or such provisions of

the law" (*STT*, 219–20). This is the narrative license practiced in Eyre's "Charge," with its continual invention "of a kind of accumulative or constructive evidence, by which many actions, either totally innocent in themselves, or criminal in a much inferior degree, shall, when united amount to treason" (*STT*, 222). For Godwin to expose how a presumptive ideological consensus is being enforced in the seemingly objective and dispassionate explication of the statute on high treason requires him to scan the rhetorical and, more specifically, metonymic compulsions of the state's legal reasoning, a "profusion of fiction, hypothesis, and prejudication . . . to bewilder the imaginations" of the jury and the nation (*STT*, 225). The law's presumptive disciplinary integrity and objectivity reveal its transference of an ideological trauma by continually projecting, "in the nature of an *ex post facto* law" (*STT*, 230), that trauma onto the defendants in the form of a malignant intention. The rhetoric of legal knowledge, the "accumulative" presentation of evidence—the equivalent of *Anlehnung* in Freud's discussion of paranoia and otherwise known as metonymy in narratology and poetics—thus is reconstructed by Godwin's critique as a social symptom:

There is a figure of speech, of the highest use to a designing and treacherous orator, which has not yet perhaps received a name in the labours of Aristotle, Quintillian, or Farnaby. I would call this figure encroachment. It is a proceeding, by which an affirmation is modestly insinuated at first, accompanied with considerable doubt and qualification; repeated afterwards, unaccompanied with these qualifications; and at last asserted in the most peremptory and arrogant terms. (*STT*, 224)

To be sure, Godwin's fervently rational analysis succeeds in exposing the state's self-confirming narrativization of evidence, exposing the tendency to produce and infuse treasonous intent into otherwise quite possibly innocuous actions of the defendants. And yet, at least in the closely related world of his own political fiction, Godwin appeared to suggest that the prepossession of the Real by increasingly self-confirming disciplinary narratives, the law being only the most prominent of these, is here to stay and cannot be effectively countered except by opposed and preferably more persuasive narratives. As Forester advised Caleb Williams, "make the best story you can for yourself—true, if truth, as I hope, will serve your purpose; but, if not, the most plausible and ingenious you can invent. That is what self-defence requires from every man, where, as it always happens to a man upon his trial, he has the whole world against him, and has his own battle to fight against the world."<sup>21</sup> As James Epstein puts it, "it was not the 'happiness of nations' but the sacred act of narrating the story of a particular nation's happiness that was persuasive."<sup>22</sup> Godwin's "Cursory Strictures," meanwhile, remain in the older, if updated, constitutionalist idiom, a dialogic wrestling for the interpretation of a supposedly venerable and (in his view) perfectable body of legal and political rules.

Quoting, *via* Hume, the words of Strafforde against constructive treason—"Let us be content with what our fathers left us; not our ambition carry us to be more learned than they were" (*STT*, 219)—Godwin clearly appealed to the more traditional sensibility of potential jurors, politicians, and (most importantly) the defense counsel (Erskine, Gibbs). His reasoning thus differed markedly from the Painite, republican rhetoric that dismissed the constitution outright as a fiction, as non-existent, and as in need of being written for the first time.

Substantially cued by Godwin's essay, Erskine's brilliant defense began with a nine-hour opening argument that not only exhausted all pertinent aspects of the law but, by all accounts, also the jury and spectators. Expanding on the core-implication of "Cursory Strictures," Erskine again "protests . . . against all appeals to speculations, concerning *consequences*, when the law commands us to look only to intentions" (*STT*, 878), "the crime created by the statute not being the perpetration of any act, but being, in the rigorous severity of the law, the very contemplation, intention, and contrivance of a purpose directed to an act" (*STT*, 897). The rhetorical symptom of the state's paranoid case-history against the defendants analytically captured by Godwin under the master-trope of "encroachment" was recalled by Erskine as a direct threat to "the judgment" of a jury "in danger of being swept away into the fathomless abyss of a thousand volumes" (*STT*, 892). For Erskine it proved of paramount importance that the jury be put in control over matters of fact and matters of law—in other words, that it be the jury's responsibility to affirm, or dispute, whether an alleged "overt fact" bore a provable, direct, and competent relation to the criminal intention alleged; which is to say, to insure "that the province of the jury over the effect of evidence ought not to be . . . transferred to the judges, and converted into matter of law" (*STT*, 895). As he stressed on numerous occasions, "it is the act with the *specific intention*, and not the act alone which constitutes the charge. The act of conspiring to depose the King, may indeed be *evidence*, according to circumstances, of an intention to destroy his natural existence, but never, as a proposition of *law*, can constitute the intention itself.—Where an act is done in pursuance of an intention, surely the intention must first exist; a man cannot do a thing in fulfilment of an intention, unless his mind first conceives that intention" (*STT*, 880). What should matter to the jury, then, is "whether, even if you believed the overt act, you believe also that it proceeded from a traitorous machination against the life of the king.—I am only contending that these two beliefs must coincide to establish a verdict of guilty . . . and that the establishment of the overt act, even if it were established, does not establish the treason against the king's life, BY A CONSEQUENCE OF LAW" (*ST*, 895–96).<sup>23</sup>

It is, in other words, impossible "to pronounce *as a matter of law*, what another man intends" (*STT*, 899); or, to quote from *The Rape of Lucrece*,

“thoughts are but dreams till their effects be tried” (line 353). It having been affirmed by the defendants themselves that they intended to hold a national convention, it was incumbent upon the jury to ascertain that such plans were contrived as direct expedients “*for the purpose alleged, of assuming all the authority of the state, and in fulfilment of the main intention against the life of the king.*” Unless “this double intention” could be verified, Erskine time and again contended, the indictment cannot be maintained. Referring to his successful defense of Lord Gordon in 1782, Erskine recalled how even in cases of pervasive civic unrest “it is the end therefore for which the war is to be levied, and not the conspiracy to do any act which the law considers as a levying of war, that constitutes an overt act of treason” (*STT*, 906); once again, that is, intent must not be inferred retroactively as the presumptive cause for the “overt” material acts, acts which in the Gordon case were far more conspicuous than in the present instance, where

the conspiracy imputed was not to effect reform by violence, but . . . by pamphlets and speeches, which might produce universal suffrage, which universal suffrage might eat out and destroy aristocracy, which destruction might lead to the fall of monarchy, and, in the end, to the death of the king.—Gentlemen, if the cause were not too serious, I should liken it to the play with which we amuse our children. “This is the cow with the crumpled horn, which gored the dog, that worried the cat, that ate the rat,” &c. ending in the “house which Jack built.” (*STT*, 906)

Inverting the narrative sequence of the children’s rhyme, Erskine satirized the retroactive projection of treasonous intent by the prosecution and, in so doing, exposed the state’s case history as simultaneously imaginative and paranoid, exhibiting a logic of retroactive prophecy driven by the desire to reconstruct heterogeneous and unrelated events as the supposedly coherent effects of one hidden cause.<sup>24</sup> To confirm their fears of a comprehensive transformation of the present ideological dispensation, then, the “alarmists” in Pitt’s government might, for example, infiltrate the London Corresponding Society with *agents provocateurs* (which they did: Lynham, Watts, and Groves among them).<sup>25</sup> In their persistent efforts at steering the organization toward issuing more Radical resolutions and instigating what, subsequently, might be interpreted in court as the taking of material steps (“overt acts”) toward the implementation of a treasonous intent, these *agents* functioned not so much as means of verifying that a past event *had* occurred (i.e., that the treasonous intent had already and independently been conceived by Hardy, Thelwall, and Tooke); rather, they produced what Michael Dummett has analyzed as the more excentric situation of “bring[ing] about an event in order that a *past* should have occurred.” The motive behind the state’s case, in other words, is not one of empirical verification of the past but the unselfconscious and retroactive positing of a past as harboring the kind of pervasive conspiracy that

will legitimate the state’s reactionary dealings with the ideological dissensions of the present.

Erskine’s defense, then, went precisely to the heart of the state’s case history, exposing the legal indictment of the state’s alleged ideological Other as the paranoid projection into the empirical world of a wish for change entertained on the part of the government and the ruling class themselves. As Erskine noted, the conspirational paradigm proves fundamentally absurd, for it presumes intent and conscious manipulation where such behavior would serve no purpose. Challenging the evidentiary merit of private correspondence among various members of the London Corresponding Society—intercepted or seized by the state upon the arrests of Hardy and Thelwall and alleged to have been written with such ambiguity as to evade the charge of treason (analogous to Blackstone’s example of flawed counterfeit)—Erskine commented:

When the language of the letter, which is branded as ambiguous, thus stares them in the face as an undeniable answer to the charge, they then have recourse to the old refuge of *mala fides*; all this they say is but a cover for hidden treason;—but I ask you, . . . what reason upon earth there is to suppose, that the writers of this letter did not mean what they expressed? . . . [I]f this correspondence was calculated for deception, the deception must have been understood and agreed upon by all parties concerned; for otherwise you have a conspiracy amongst people who are at cross purposes with one another: consequently the conspiracy, if this be a branch of it, is a conspiracy of thousands and thousands, from one end of the kingdom to the other. (*STT*, 935)

To consider the correspondence in question an ideological symptom and to introduce it as legal evidence in the double sense of an “overt act” and as the concealment of the very intention which that act would otherwise confirm is, as Erskine notes, to presuppose that the state and the treasonous conspirators share one and the same imaginary; that is, ideological struggles and the historical transformations evidenced by such struggles do not eventuate between discrete empirical formations, classes, or communities—venerable aristocrats, guileless constitutionalists, and conspiring artisans. On the contrary, the analytic work performed by Erskine’s defense on the case history of Sir John Scott suggests that any ideological struggle, objectified as the “legal fact” of allegedly treasonable language, takes the form of a pervasive transference whose discrete rhetorical manifestations project or construct identities subsequently held to be in competition with one another. By rereading the prosecution’s case history, Erskine compelled the state, in the words of Lacan, to “recognize [its] unconscious as [its] history,” which is to say, to help it “to perfect the contemporary historicization of the facts which have already determined a certain number of the historical ‘turning points’ in [its] existence” up to the present.<sup>26</sup> In reading the state’s case history as the transference projection of a wish for change entertained on the part of the political establishment,

Erskine's most effective evidence was provided, not surprisingly, by a representative of the state. Calling the Duke of Richmond to the witness stand, Erskine had him read extensively from documents attesting that the Tory administration itself had been contemplating for some twelve years precisely the kind of political and electoral reform now demanded by the corresponding societies.<sup>27</sup> In further questioning this extraordinary and (to make matters worse) perfectly obliging witness, Erskine followed up on his earlier, shrewdly elliptic admonition to the prosecution that they "ought . . . to proceed with more abundant caution, lest they should be surprised by their resentments and their fears" (*STT*, 892).

#### EXHIBIT D

##### *Imaging the Metastases of Paranoia: Refracted Ideology in the Political Caricatures of Gillray and Sayers, 1791–1796*

Erskine's articulate concept of historical change as encompassing the national imaginary as a whole and projecting itself in various transferential rhetorical and institutional manner onto individuals and communities—which is to say, his conception of social process as governed by a structural and necessary (rather than gratuitous and pathogenic) concept of displacement—became more articulated as he advanced his case for the defense. He framed his caveat regarding the government's tendency to rely on the abstract, calculated, and dispassionate enforcement of the law and the state's ideological apparatuses by stressing that these institutions are, ultimately, only capable of directing the current of social affect. They cannot, ultimately, control the nation's complex imaginary altogether:

In times, when the whole habitable earth is in a state of change and fluctuation,—when deserts are starting up into civilized empires around you,—and when men, no longer slaves to the prejudices of particular countries, much less to the abuses of particular governments, enlist themselves, like the citizens of an enlightened world, into whatever communities in which their civil liberties may be best protected; it can never be for the advantage of this country to prove, that the strict, unextended letter of her laws, is no security to its inhabitants.—On the contrary, when so dangerous a lure is every where holding out to emigration, it will be found to be the wisest policy of Great Britain to set up her happy constitution,—the strict letter of her guardian laws, and the proud condition of equal freedom, which her highest and her lowest subjects ought alike to enjoy; it will be her wisest policy to set up these first of human blessings against those charms of change and novelty which the varying condition of the world is hourly displaying and which may deeply affect the population and prosperity of our country. (*STT*, 967)

Erskine's ardently humane caveat urged the judiciary and the jury to become aware of the acutely transferential dialectic at work in legal and partisan poli-

tics throughout the 1790s. Weary of the rapid disciplinary ascendancy and epistemic hegemony of the law as *the* dominant symbolic instrument in the production of political knowledge, Erskine pointed time and again to the treason statute's authority as grounded in the essentially unproven and unprovable hypothesis of criminality—a hypothesis procedurally obscured by the law's peremptory (narrative) claim to exercise jurisdiction over the Real. Erskine's vivid portrayal of a world caught up in constant "change and fluctuation" and a collective psyche forever divided between its allegiance to the indeterminate "blessings" of the present and the elusive "charms of change and novelty" of imaginary futures also organizes the highly performative medium of satiric prints and political caricature during the 1790s and the Romantic period more generally.

Etymologically linked to subterranean, conspirational, and (at least in a colloquial sense) unconscious forces, the "grotesque" style of widely popular satiric representations brilliantly executed by Sayers, Gillray, Rowlandson, and Cruikshank instantiated an interpretive dynamic substantially cognate with Erskine's defense strategy of drawing out the paranoid logic of peremptory suspicion that shaped the state's legal proceedings against the corresponding societies. At the same time, however, the undecidability of Sayer's and Gillray's work in particular also resurrects the aesthetics of excessive fixation and elaboration long identified with the practice and etymology of *caricare*.<sup>28</sup> Like the narratives of legal suspicion and counter-suspicion examined thus far, the work of satiric prints strains the conventions of *mimesis* by its sheer visual excess or its gratuitous fixation on a particular feature, with the disingenuous implication being that a more profound grasp of the Real will demand a fuller (and thus far unachieved) consideration of that feature and—in thus suspending the mimetic contract of more traditional models of representation—produce a lesser reality, a "nature . . . worse than the actuality."<sup>29</sup> Many of the satiric prints published during the 1790s thus appear to compromise hermeneutic expectations of a public characterized by considerable political and aesthetic literacy; yet they were also viewed with distrust by engravers, satirists, and the first generation of Romantic poets alike on account of their conspicuous political dullness and aesthetic consumerism. What a usually rather obtuse-looking John Bull appeared most in need of was, in the view of Gillray and Sayers (whose position on this issue notably resembles the poetics of the early Blake and Wordsworth), to be visually and viscerally confronted with *the very consciousness of an excess that is the political*. Hence their satiric prints do not so much impose the excess of political image and speech (*a posteriori* as it were) into a socio-political sphere otherwise deemed sober and rational; on the contrary, in relentlessly exposing the obsessive, disingenuous, histrionic, and dissolute mentality of political agents and motifs, Gillray's and Sayer's satiric visions throw into relief the unselfcon-

scious, performative, and deeply antagonistic logic of the “Real,” an aggregation of numerous competing discourses and disciplines.

For our first exhibit, we turn to James Sayer’s 12 May 1791 print, titled “Mr. Burke’s Pair of Spectacles for Shortsighted Politicians” (fig. 1). Within the ovals of Burke’s spectacles—themselves an icon in prints of the period—we find Fox (l.) and Sheridan (r.) with conspirational expressions on their faces. This print, which could be alternatively titled “The World according to Burke,” features most of the prominent political figures of the 1790s, the majority of them depicted in association with their writings. Priestley, astride a demon sailing through the sky, holds *Priestley on Civil Government*. Richard Price, just passed away and already rising from the dead, is predictably linked with a quote from his notorious *Discourse on the Love of our Country*. And a demon is tempting the Duke of Portland with the French Constitution, inscribed with blunt, Burkean shorthand as “Atheists, Demagogues, the Mob.” While the real and the imaginary titles of Thomas Paine (*Rights of Man* and *Treasonable, Seditious Sermons*) provide the devil with a seat, Sheridan extinguishes the religious symbol of Anglicanism and Fox prepares to chop down the British Oak. As a condensed visual meta-critique on the already lurid imagery of Burke’s *Reflections*, the print is significantly complicated by its reflexive attitude to “vision” as empirical beholding and paranoid projection, respectively. Such reflexivity is guaranteed above all by the looming presence of Burke’s spectacles, disproportionate in scale and utterly filled out with Burke’s projections of his enemies. Associated, more than ever, with rhetorical and ideological excess—which Mary Wollstonecraft, Catharine Macaulay, Thomas Paine, James Mackintosh, and others had exposed as the very core-affect of his *Reflections*—Burke’s peculiarly angled and uneven mental topography is reconstructed as a Gothic spectacle, a stage overloaded with countless displacements of personal and political enemies, allegedly seditious or treasonable writings, and ideological phobias and fixations. A holographic portrait of Burke’s utterly personal and uncompromising view of good and evil, the print views Burke’s mind as a space crowded by agents teeming with traitorous designs and seemingly devoid of all rational motivation.

Sayers’ print “Thoughts on a Regicide Peace” (14 October 1796) (fig. 2) shows the now retired and aged Burke asleep in his seat, his head spewing smoke and flames, as well as assorted lines from *Richard II* (Act 2, i, 40ff.). It includes a resigned Dutchman (or, rather, frog) on the left, kept in line by the classic Sansculotte—who, in turn, is being treated to the competing tunes of the British lion’s roar and the latest opera (which begins with a “Peace Overture”). All these are condensed into the nightmare world that produced Burke’s recent publication and is now being refracted in the print. That is, the rigid ideological divide that characterizes the waking life and mental reality of Edmund Burke appears, as it were, an imaginary realm guaranteed by the



Fig. 1. James Sayers. *Mr Burke's Pair of Spectacles for Shortsighted Politicians*. 1791.

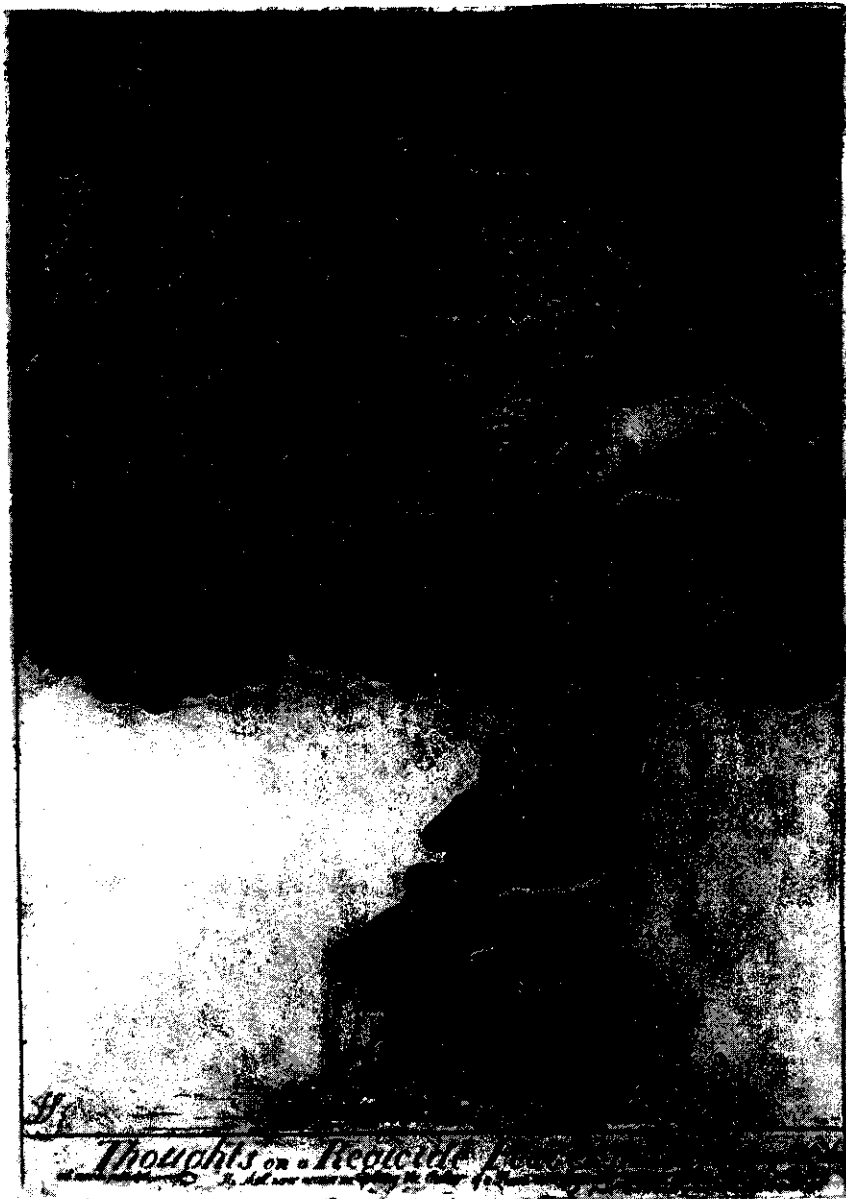


Fig. 2. James Sayers. *Thoughts on a Regicide Peace*. 1796.

dream or nightmare of its potential and quite possibly imminent disintegration. The central historical reference here (the passport- and olive branch-carrying dove) concerns Malmesbury's mission to negotiate peace with the French Directoire, a mission to which Burke's widely anticipated pamphlet of 19 October 1796 was about to respond. Implicitly construing Burke's harangue as the textual projection of an ideological nightmare, the print dramatizes Burke's unconscious so as to locate the Tories' profound ambivalence regarding any prospects for peace with their revolutionary Other. Burke's dream—which the print holds to be his pamphlet's content—projects such peace as the disastrous prospect of an actual end to the ideological oppositions that support Burke's and England's political reality, indeed, *are* that reality. In its deeply paranoid argumentation—rivalled only by the prosecution's narrative during the 1794 trials—the print presents Burke's pamphlet as an act of unconscious ideological censorship, an attempt to forestall Burke and his Tory allies from becoming conscious of the full extent to which their identity is mediated and thus guaranteed by the stability of their ideological Other.

Hovering somewhere between the neat, albeit richly textured geometry of Hogarth's sketches of London life and the equally centered images of apocalypse and revelation in Blake's *Jerusalem* and *The Four Zoas*, Gillray's "Promis'd Horrors of the French Invasion—or—Forcible Reasons for Negotiating a Regicide Peace" (20 October 1796) (fig. 3) likewise confounds the static ideological opposition with its extremely imbalanced text/image ratio. The print strongly suggests that political reality and the choices to which that reality is preemptively reduced are founded on paranoid speculations about the apocalyptic prospects of a possible, even imminent future. If we recall the satiric prints depicting Burke as the paranoid dreamer of his "Letters on a Regicide Peace" in 1796, the question becomes: is the regicide peace a political choice designed to stave off the real consequence of a French invasion, of an introduction of French atheism and anarchy into England? Or might considerations of such a peace amount to a (perhaps necessary) form of therapy that will spare the Burkes and orthodox Tories of this world from having to retell (like Coleridge's *Mariner*) the same paranoid vision of social apocalypse over and over again?<sup>30</sup> A related matter is the question of whether they can actually bear to wake up from the dream of an eternal conflict with an eternal Other—or whether they can afford *not* to wake up from it? Is peace being simultaneously explored by some and opposed by other Tories because there is no longer a consensus as to whether continuing to project that revolutionary Other—a projection historically objectified in nearly twenty-two years of uninterrupted warfare against Revolutionary and Napoleonic France—might in the end not turn out to be more exhausting and unbearable than having to wake up from it? Do Burke and Pitt sleep better dreaming that dream or not dreaming it? Will a regicide peace give them a purchase on calmer sleep, and, if so, won't it, by the same token, also bring them closer to

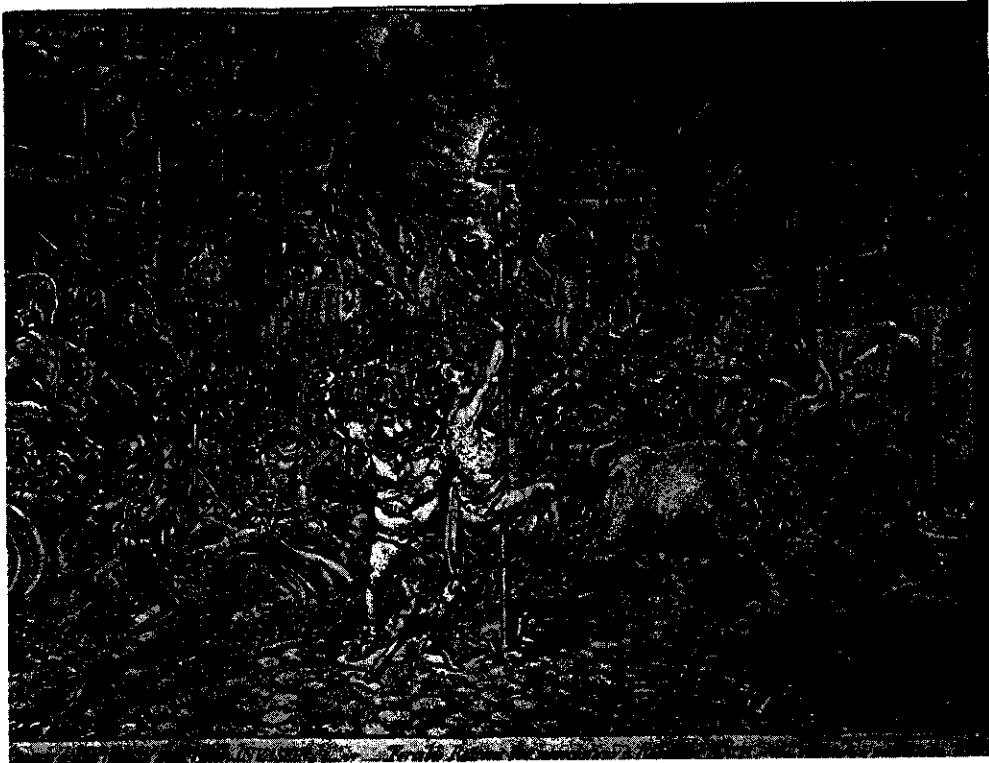


Fig. 3. James Gillray. *Promis'd Horrors of the French Invasion— or—Forcible Reasons for Negotiating a Regicide Peace.* 1796.

those whom they must loathe and continue to represent as the most pernicious threat to everything British? Eventually, these questions all collapse into the issue of the status of this print as representation. Does it send a distinct political message or does it invoke and then confound countless interpretive scenarios so as to render ultimately *any* political message suspect? Does politics in this print constitute an integral component of the Real or does it, however inadvertently, produce discrete textual and visual symptoms of its own intrinsic irreality?

Similarly overdetermined is Gillray's "Opening of the Budget or: John Bull giving his Breeches to save his Bacon" (17 November 1796) (fig. 4), which assesses the issue of seemingly unbearable taxation through two competing projections or models of historical causation. Ronald Paulson's view that Charles James Fox is "the object of the artist's indignation" on account of Fox's ostensibly signalling to the French invasion fleet at Brest, though



Fig. 4. James Gillray. *Opening of the Budget;—or— John Bull giving his Breeches to save his Bacon.* 1796.

tenable as a partial reading, arguably abridges the print's far more intricate performance.<sup>31</sup> An inversion of Paulson's empirical reading is just as plausible, namely, that the depiction of Fox's treason might constitute a projection, a pseudo-cause floated in public so as to sanction "Master Bill's" (Pitt's) heavy taxation. Is Fox *really* signalling the fleet, and, if so, is his doing so the cause for Pitt's levying heavy taxes in order to defend a predictably dull-looking John Bull from the treasonous Whigs and their French associates? What, after all, are we to make of John Bull's quizzical expression and his obtuse pledge ("—a-coming?—are they?—nay then take all I've got at once") being so monotonously echoed by Pitt and his associates ("Ay! They're a coming . . ."), obviously a reference to taxes levied and collected in unprecedented quantity? If we take Fox's signalling the French fleet as a probable, or at least plausible event, do his treasonous actions seek to prevent the adverse effects of taxes levied on John Bull by a Tory administration continually, though disingenuously, claiming to be in need of revenue for the defense of England against an allegedly impending French invasion? Suspended between these mutually cancelling readings, the print reproduces the competing inter-

pretive positions of subjective-pathological and objective-disciplinary paranoia, the latter roughly conforming to what Paul Smith calls a “kind of ‘meta-paranoia’ in humanist practice” where the agency of interpretation proves “unable and/or unwilling to recognize the condition of its own interpretations as constructs, fictions, imaginary narratives. Such a subject not only ‘constructs’ the order of reality in which it wants to live, but also has to defend itself against the otherness of that very world.”<sup>32</sup> Similarly bent on exposing the fictitious and imaginary logic of political practice, Gillray’s satiric representation scrambles the cause-effect logic and thus exposes the contingent ideological perspective from which any given political argumentation and position issues, as well as the mechanisms of resistance built into each such position against recognizing its irreducibly contingent disposition. Gillray’s holograph of competing and mutually incompatible political causalities thus proceeds from a first, “innocent” reading of the present political actions (Pitt’s taxation and Fox’s treason) as *real* effects of a likewise *real* cause (the French Revolutionary threat) toward a more reflexive and “experienced” reading that posits the “Real” (i.e., the antagonisms of English political life) as the concealment of a more deeply-seated and profoundly imaginary dialectic of Tory fear and Whig desires (invasion) and Tory desires and Whig fears (taxation). In highlighting the physiological, raw, and self-absorbed interest-edness of *any* political subject—French or British, Foxite or Pittite, Whig or Tory, artisan or noble, rural, provincial, or metropolitan—Gillray’s satire invariably undercuts the transcendent, elating, and universalizing habits of political rhetoric. Consequently, it calls into question the possibility of *any* significant and organized development of national and cultural life. The undecidability so typically commented upon in discussions of Gillray is generated by the continued interference between image and text, between situation and rhetoric, between the contingencies of the body and the face, all of which are certain to betray the ideological mask of aesthetic and rhetorical form.

#### CLOSING STATEMENT

All this brings us back to Freud’s case history of superior court judge Daniel Paul Schreber. By now we can more fully appreciate how what seemed but another dull and procedure-ridden deposition of that compulsive confessor might nonetheless result in a surprise vindication; having heard the case, Freud rendered his psychoanalytic verdict: “not pathogenic.” As Freud observed, the prolonged narrative formalization known as “projection”—the paranoiac’s drawn-out staging of the process otherwise known as the “return of the repressed,” characterized by highly imaginative, coherent, and analytical representations of the Real—identifies an ongoing effort to reconstitute an “inner” affective catastrophe as the spectre of a disastrous, empirical perception. And yet, in his articulate description of schemes supposedly devised to

hasten the utter collapse of a cherished social and cultural order to which the paranoiac retains a strong allegiance—“the end of the world is the projection of [an] inner catastrophe”—he also recovers from this fear. It is precisely in the narrative practice of his projections that the paranoiac recovers that world and his subjectivity, not in any more authentic or definitive sense, to be sure, but undoubtedly in a more functional one; he rebuilds his world,

not more splendid, it is true, but at least so that he can once more live in it. He builds it up by the work of his delusions. *The delusion-formation, which we take to be a pathological product, is in reality an attempt at recovery, a process of reconstruction. . . .* We may conclude, then, that the process of repression proper consists in a detachment of the libido from people—and things—that were previously loved. It happens silently; we received no intelligence of it, *but can only infer it from subsequent events.* What forces itself so noisily upon our attention is the process of recovery, which undoes the work of repression and brings back the libido again to the people it had abandoned. In paranoia, this process is carried out by the method of projection. It was incorrect of us to say that the perception which was suppressed internally was projected outwards; the truth is rather, as we now see, that what was abolished internally returns from without (*SA*, 193 / *CH*, 173–5; second italics mine).

As Freud realized, the symptom cannot be discounted as the mere (albeit distorted) effect of an authentic (albeit absent) past—what we might call the “genealogical” and conspirational construction of the political unconscious—primarily because the symptom is itself fundamentally dynamic and productive. More crucial yet, with regard to its epistemological status, the symptom precedes both the interpretive efforts of psychoanalysis and the arché of an unconscious primary repression (*Urverdrängung*) which such analysis will subsequently hypostatize as the originary cause of that symptom. Hence, to argue that the subject’s narrative practice is a metonymic displacement of a primordial, unconscious cause constitutes a hypothesis fundamentally triggered by the dynamic structure of the symptom itself. What was being explored as the paranoiac’s distorted representations by Freud and indicted as the treasonous Other by the state-judiciary in 1794 thus amounts to a hypothetical entity whose existence, as a lucid conspirational threat retroactively anchored in the past, in effect activates the interpretive curiosity and subsequently underwrites the disciplinary authority of psychoanalysis and the law, respectively. For it is only on the grounds of that hypothesis—schematized as a progressive temporal movement leading from past repression to present distortion to future recovery—that the disciplinary mechanisms of legal and psychoanalytic interpretation can proceed to adjudicate the allegedly misrecognized past as harboring potential disaster.

What is systematically obscured by Enlightenment progression from unconscious causes (“feelings”) to eccentric, conscious effects (“representation”) is precisely the fact that the inference-based (“scientific”)

consciousness of such a cause, what Freud elsewhere calls *Urverdrängung*, exists only because it was produced by what has thus far been peremptorily classified (and disqualified) as merely a (pathogenic) effect or symptom. Freud's explication of the paranoiac's representation as a pathogenic and exaggerated structure of causal attributions will succeed only by reproducing, albeit in reverse order, the very explanatory mechanisms alleged to characterize the paranoiac himself. Where contradictory affect was projected into symptomatic external perceptions, the work of analysis purports to redress the effects of the operation of displacement itself, namely, by redirecting the subject's articulate representation to the rightful authority of the unconscious which they sought to evade. In a revealing turn of phrase, Freud conceded, however, that we "can only infer [the fact that the process of repression proper consists in a detachment of the libido from people—and things—] from subsequent events." What is institutionally objectified as the ornate, interpretive proceduralism of psychoanalysis and as the post-Blackstonian vision of a rational and coherent body of laws, respectively, and what is embodied by the analyst examining an autobiographical account of paranoia and by a judge and attorney general inferentially reconstructing the existence of a pervasive treasonous conspiracy, is the consciousness of the symptom; and it is itself the product of that symptom. The hermeneutic convolution here at issue has been succinctly characterized by Barbara Herrnstein-Smith as "a method for begging the question on a grand scale," which is to say, a "method for proving things, independent of empirical appeals, by demonstrating that they are self-evidently presupposed by what is (supposedly) self-evident."<sup>33</sup> Thus, in a fundamental sense, both the patient's and the analyst's narrative practice prove structurally and functionally cognate; each agent's analytic efforts are stimulated by a quasi-axiomatic sense of distress at the phenomenal organization of a present replete with eccentric and antagonistic empirical determinants, a present which both wish to be unified and non-contradictory. Inasmuch as the antagonistic structure of the present forecasts the future as irreducibly contingent and uncontrollable by any one ideological consensus, it is traumatic, unthinkable, except insofar as its heterogeneous determinants can be represented as the symptoms or distorted effects of an as yet undisclosed causality. Unconscious of the motives that shaped their narrative and analytic industriousness, Daniel Paul Schreber, Sir James Eyre, John Scott, and to a significant extent even Freud, thus shaped the institutional and disciplinary structure of legal and psychoanalytic interpretation precisely so as to secure their hypothesis (however unproven and unprovable) of an originary conspiratorial agency located in a near-ineffable past.

For these disciplines to salvage an embattled present from the presumptive subterranean conspiratorial machinations ascribed to the past is to fulfill the Enlightenment fantasy of a non-contingent future. To qualify or disqualify any representation as pathogenic thus constitutes an irremediably contingent

event, a grasping for ideological hegemony whose contingent and self-privileging nature no amount of scientific method and no legal rationale can ever overcome. Indeed, such contingency is certain to infect these sciences themselves, for it was an attempt to stave off the consciousness of an inescapably open and contingent future which produced these sciences in the first place. What appeared to be a symptom of a psycho-pathological affliction clinically referred to as *dementia paranoides* thus turns out to be a quasi-Blakean "contrary" to the self-confirming conceptual logic of health and disease. The symptom is its own cure and, as such, resists either interpretive delimitation as suffering or recovery. This situation is roughly consistent with the postmodern notion of an irremediably scrambled causality elsewhere elaborated by Slavoj Žižek (cf. epigraph). Under such circumstances it becomes imperative that we abandon the cause/effect model as a valid explanatory mechanism for the adjudication of either psychoanalytic symptoms or legal evidence. For the romance of recovery—taking "recovery" here in the double sense of archeological technique and spiritual restoration—that motivates and structures the practices of analyst and prosecutor alike was itself produced by their peremptory or (dare we retain the word) *paranoid reading of their respective worlds as a fundamentally antagonistic environment, fraught with hyper-charged details that defy mastery unless they can all be referred back to the plenitude of an originary (if intricately concealed) plot*. To abandon the metonymic paradigm of *Anlehnung*—the phenomenalism of a material correspondence between the unconscious and the projection which, for Freud, constitutes the final phase of repression—is to enter into an open economy of interpretation capable only of relating one order of effects to another and in which symptom and signifier are terms at once interchangeable and of equal validity, signifiers whose tropological status no longer differs in any *a prioristic* sense from any other set of significations.

What the 1794 trials exhibit "in progress," as it were, is the rapid ascendancy of speculative and theoretical argument as a social and political practice in its own right, the most significant entailment of which may well be the claim of legal, political, and esthetic representations to an interpretive monopoly over the Real. Burke's, Eyre's, and Scott's preference was decidedly in favor of cultivating the rhetorical integrity of their narrative presentation, rather than the integrity of their evidentiary material. That is, they conceived of narrative representation as a holistic, autonomous, and essentially performative mode of epistemic production that progressively unfolds a chain of circumstances in which each new piece of discrete evidence is instantly confirmed by all those narrative claims made earlier; having been authenticated by the narrative already in place, the production makes its own contribution as a legitimate element of the narrative itself. The precarious evidentiary logic undergirding the legal reasoning on the statute of high treason and at the very heart of Burke's passionate plea for narrative license can thus be seen as

13. Gordon Wood, "Conspiracy and the Paranoid Style," p. 423. Both the epigraph to this essay by Slavoj Žižek and the analytic writings of contemporary philosopher Michael Dummett apply here; see especially Dummett's essay entitled "Can an Effect Precede Its Cause?" in *Truth and Other Enigmas* (Cambridge, Mass.: Harvard University Press, 1978) and his example, in that essay, of the opening shot in billiards and the logical possibilities of representing that moment's dissemination of force into structured configurations of increased complexity *in reverse*; pp. 321, 324.

14. The bill of indictment, found to be a true one by the grand jury of Middlesex and consequently produced as the government's charge at the trial expressly frames Eyre's metonymic legal argumentation, viz. "to subvert and alter the legislature rule and government now duly and happily established within this kingdom of Great Britain . . . [and] to cause and procure a convention and meeting of divers subjects of our said lord the king to be assembled and held within this kingdom with intent and in order that the persons to be assembled at such convention and meeting should and might wickedly and traitorously without and in defiance of the authority and against the will of the parliament of this kingdom subvert and alter and cause to be subverted and altered the legislature rule . . ." (*STT*, 231–32).

15. As Barbara Herrnstein-Smith puts it, "the extent to which a circular argument is persuasive for some audience seems to depend on, among other things, the extent to which the concepts and conceptual syntax that the argument 'begs'—that is, employs and takes for granted—are also taken for granted by that particular audience"; "Resistance and Belief: A Symmetrical Account," *Critical Inquiry* 18 (1991): 125–39; quote from p. 130.

16. As Erskine insisted, during his otherwise minimal cross-examination and in one of very few direct challenges to the prosecution, "upon the evidence that is before the Court, every man who has been a member of these Corresponding Societies; who has been a member of this Constitutional Society; every man who has been connected with those acts, if the acts constitute a conspiracy to subvert the government, is liable to be put into the same situation with Mr. Hardy; and any thing that is written by any one person belonging to either of these societies would be equally evidence against him" (*STT*, 472).

17. Quoted in Alexander Welsh, *Strong Representations* (Baltimore: Johns Hopkins University Press, 1992), p. 34.

18. Welsh, *Strong Representations*, pp. 34–5.

19. Quoted in Welsh, *Strong Representations*, p. 37.

20. Evidently by a mistake of the printer, Howell's *State Trials*, vol. 24, repeats both pages 219 and 220, albeit with different text columns. The quote here is from the "first" page 220.

21. *Caleb Williams* (London: Oxford University Press, 1970), pp. 162–63.

22. James Epstein, *Radical Expression: Political Language, Ritual, and Symbol in England, 1790–1850* (New York: Oxford University Press, 1994), p. 31.

23. See also Erskine's equally apodictic defense of intentionalism as the exclusive source of all crime and his subsequent contention that the jury alone, and no amount of legal authority and reasoning, may adjudicate the relationship between the criminal intention alleged and the overt acts adduced in support of that charge; *Speeches of Lord Erskine*, ed. James L. High, 3 vols. (Chicago: Callaghan & Co., 1876), 1:283, 290.

24. The situation recalls Michael Dummett's recent analytic work on causality; referring to the possibility of taking a film of a game of billiards and repeatedly playing it in reverse, Dummett notes that it would be possible to "give a quasi-causal account of the normal behaviour of billiard balls. The balls, we should say, start moving at moments, in direction and with velocities such that one of them *will* strike the cue with the appropriate force and in the appropriate direction." It might thus be sensible, under certain circumstances, "to bring about the occurrence of some event with the intention of guaranteeing the occurrence of a previous event," he notes, such as "to set an alarm-clock one evening with the intention that someone might wake up the following morning before the alarm went off"; "Can an Effect Precede Its Cause?" pp. 324–25.

25. See Mary Thale, *Selections from the Papers of the London Corresponding Society*.

26. *Speech and Language in Psychoanalysis*, trans. and ed. Anthony Wilden (Baltimore: Johns Hopkins University Press, 1968), p. 23. Or, as Paul Smith puts it, the task of paranoid narrative is to construct "a fixed and reliable 'subject' who will in a sense endorse or stand behind the fictions as their guarantor. That 'subject' . . . controls the intention and interpretation of the world it has created in such a way as both to protect its own coherence and autonomy and also to fulfill the juridical demands of the symbolic system in which the utterances may be understood"; *Discerning the Subject*, p. 98.

27. Godwin's recollection that "twelve or fourteen years ago, many of his majesty's present ministers were deeply engaged in a project of this nature [viz. of constitutional reform]" (*STT*, 221) may have offered a significant cue to Erskine's defense strategy at the trial; not surprisingly, the decision to call the Duke of Richmond set off the trial's most intense and hard-fought debate regarding the admissibility of evidence (*STT*, 1048 ff.). As soon became apparent, this debate was truly paradigmatic in kind, for at issue was the general matter of what constitutes "proper" evidence in a trial where the charge is merely an "unconsummated intention" as Erskine had expressed it; put differently, the question at issue was how far to enlarge the sphere of "circumstantiality," and on this count the prosecution was in a weak position, since its strategy had been all along to bury the jury in a blizzard of discrete and, in the view of many observers, unconnected shreds of letters, pamphlets, and reports of hearsay. Having thus inflated the pool of eligible materials from the outset, it now proved all but impossible to hold the defense to a narrower range of evidence (see *STT*, 1075, 1081).

28. On the association between the grotesque and the unconscious, the etymological provenance of *caricare*, and generally on the visual excess of engraved and illuminated satiric prints with their characteristically imbalanced text / image ratio, see Ronald Paulson, *Representations of Revolution* (New Haven: Yale University Press, 1988), pp. 168–211.

29. Paulson, *Representations of Revolution*, p. 182.

30. For another brief discussion of this print, see Marcus Wood, *Radical Satire and Print Culture, 1790–1822* (Oxford: Clarendon Press, 1994), pp. 60–62; regretably, Wood's book came to my attention too late to be given due consideration relative to my own argument.

31. *Representations of Revolution*, p. 185.

32. *Discerning the Subject*, p. 97.

but one reflex of a far more capacious transformation in the mode of epistemological productivity. Theory, it can be argued, emerges increasingly as a constitutively imaginative practice, a mode of discursive production that is at once self-launching, self-confirming, and intrinsically narrative in kind. It is also preemptively suspicious of any future threat to its claims for *a priori* autonomy—so much so that it has, in effect, made it its very business to head off or prepossess such potential encroachments by pathologizing the Real in the forms of legal, epistemological, and psychoanalytic suspicions.<sup>34</sup> As the Romantic texts and contexts examined here suggest, the only discourse to *defend* us against the traumatic recognition of an irreducibly contingent future is that of a “pure” theory unrelentingly enacting the dream of our having been all along awake, lucid, and reflexive. As Novalis was to put it, somewhat more cautiously, in one of his poetic/philosophical aphorisms of 1798: “We are close to awakening when we dream that we are dreaming.”<sup>35</sup>

## NOTES

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1. Freud, *Three Case Histories* (New York: Macmillan, 1963), p. 104.

2. As Peter Gay has argued, Freud’s work on the Schreber case was notably accompanied by an intense consciousness of his own transferences, particularly those referring back to Fliess; *Freud: A Life for Our Time* (New York: Norton, 1988), pp. 278–80. Gay’s account does not address, however, the structural resemblance of the work of projection to that of analysis.

3. Sigmund Freud, *Studienausgabe* (Frankfurt: Fischer, 1973), 7:183, 186. The English text here quoted follows Sigmund Freud, *Three Case Histories*, pp. 161, 166. Subsequent citations will be parenthetical, with *SA* referring to the German and *CH* referring to the English text of this case history.

4. The phrase is from Freud’s essay on repression: “Psychoanalytic experience of the transference neuroses, moreover, forces us to the conclusion that repression is not a defence-mechanism present from the very beginning, and that it cannot occur until a sharp distinction has been established between what is conscious and what is unconscious: that *the essence of repression lies simply in the function of rejecting and keeping something out of consciousness*”; Freud, *General Psychological Theory* (New York: Macmillan, 1963), p. 105; the German original is more categorical, speaking not of “keeping something out of consciousness” but rather of the “exclusion and rejection of consciousness” per se (“*daß ihr Wesen nur in der Abweisung und Fernhaltung vom Bewußten besteht*”). *SA*, 3:108.

5. As Naomi Schor puts it, “if the detail is not seen as referring metonymically back to a whole from which it has become detached, but rather as substituting metaphorically for another detail which it resembles, then we move from the typically Freudian valorization of totalization . . . to a notion of a detotalized detail, which would

make Freud a precursor of modernity, even of the post-modern”; *Reading in Detail: Aesthetics and the Feminine* (New York: Routledge, 1987), p. 72.

6. As Slavoj Žižek remarks, “the symptom can not only be interpreted but is, so to speak, already formed with an eye to its interpretation: it is addressed to the big Other presumed to contain its meaning. In other words, there is no symptom without its addressee . . . without transference, without the position of some subject presumed to know its meaning”; *The Sublime Object of Ideology* (New York: Verso, 1989), p. 73.

7. *SA*, 3:190–91; *General Psychological Theory*, pp. 170–71.

8. See Han Israëls, *Schreber: Father and Son* (New York: International Universities Press, 1989); and “The Schreber Case: Psychoanalytic Profile of a Paranoid Personality,” in *Freud and His Patients*, ed. Mark Kanzer and Jules Glenn (New York: J. Aronson, 1980).

9. Quoted in Albert Goodwin, *The Friends of Liberty: The English Democratic Movement in the Age of the French Revolution* (Cambridge, Mass.: Harvard University Press, 1979), p. 329. For the developments of 1793–1794, see Goodwin, pp. 307–58, and E. P. Thompson, *The Making of the English Working Class* (New York: Vintage, 1966), pp. 102–85. See also Olivia Smith, *The Politics of Language, 1791–1819* (New York: Oxford University Press, 1984), pp. 68–109; and, on the general shape of British intellectual politics during the 1790s, David Simpson, *Romanticism, Nationalism, and the Revolt against Theory* (Chicago: University of Chicago Press, 1993), pp. 40–63. A broad outline of legal developments during the 1790s has been offered by Clive Emsley, “Repression, ‘terror’ and the rule of law in England during the decade of the French Revolution,” *English Historical Review* 100 (1985): 801–25.

10. See Thompson, *The Making of the English Working Class*, pp. 132–33; Goodwin, *The Friends of Liberty*, pp. 332–37. To a significant extent, however, the evidence produced at the trial was either ludicrously unconnected with the crime charged or, in the case of Robert Watt and “Citizen” Groves, had been manufactured by government spies and *agents provocateurs* who, in a development of poignant irony, were subsequently called as witnesses by both the prosecution and the defense. See also Mary Thale, *Selections from the Papers of the London Corresponding Society* (Cambridge: Cambridge University Press, 1983).

11. Eyre was to go so far as to abandon the already questionable practice of retroactively inferring treasonous intent and, in its stead, to reason in rather mechanical fashion from the presumptive consequence of acts back to statutes; as regards plans by the London Corresponding Society for a national convention, Eyre thus holds that “the government cannot be said to exist, if the functions of legislation are usurped for a moment; and it then becomes of little consequence indeed, that the original conspirators, perhaps, had only meditated a plan of moderate reform: it is in the nature of things, that the power should go out of their hands, and be beyond their control” (*STT*, 208).

12. “Conspiracy and the Paranoid Style: Causality and Deceit in the Eighteenth Century,” *William & Mary Quarterly* 39 (1982): 401–41; quote from p. 411. The replication of necessarily and (once again) by no means *simply* paranoid modes of socio-historical explanation during the 1790s within the scene of contemporary criticism has been very lucidly discussed by Paul Smith, *Discerning the Subject* (Minneapolis: University of Minnesota Press, 1988), pp. 83–99. I shall return to this complex figure of interpretation below.

33. "Belief and Resistance: A Symmetrical Account," p. 128.

34. To call on but one instance of this tendency, Kant's transformation of traditional epistemology, what in Kant's theoretical architectonics insures the transcendental synthesis—which is to say the coherence of the Kantian subject *per se*—is the "schematism," identified by Kant as the source of all imaginary activity, a "product and, as it were, a monogram, of pure *a priori* imagination." Further characterizing this conceptual axiom, and simultaneously vesting in it all justification of his epistemological argument, Kant describes the transcendental schema "in its application to appearances and their mere form . . . [as] an art concealed in the depth of the human soul, whose real modes of activity nature is hardly likely ever to allow us to uncover, and to have open to our gaze." Kant's theoretical procedure replicates the eighteenth century's pervasive reliance on an essentially self-privileging concept of the passions, here potentiated into a "transcendental" theory of "pure intuition" (*reine Anschauung*) where all justifications are internal and sanctioned by what Kant sometimes calls the schematism or, in *The Critique of Judgment*, refers to as "spontaneity." As Stanley Rosen puts it, Kant "*constructs* theoretical entities that serve his purpose. There is no independent confirmation of Kant's hypothesis, however, since what counts as experience, and also as confirmation, is created by our acceptance of the hypothesis"; *Hermeneutics as Politics* (New York: Cambridge University Press, 1987), p. 25.

35. *Blüthenstaub*, in *Werke, Tagebücher und Briefe*, ed. Hans-Joachim Mähl (Munich: Hanser, 1978), p. 232 (translation mine).