Laws, Characters, and the Agency of the Text: An Answer to Beatrix Hesse and Lyn Pykett*

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Beatrix Hesse's and Lyn Pykett's equally thoughtful and thoughtprovoking responses to my essay on The Woman in White have made me realise that some of the issues raised in this piece are even more muddled than my original argument might have made them appear to be. Both of these responses, for which I am exceedingly grateful, therefore provide me with welcome opportunities to clarify and (where necessary) qualify some of my earlier claims and, by way of an answer to Pykett's and Hesse's queries, offer a selection of fresh thoughts on Collins's text. One of these queries concerns the function of the law or, more specifically, of the proceedings in a Court of Justice, as a model for the way in which the fictitious editor, narrator, and amateur detective Walter Hartright presents what he calls "the events which fill these pages" (5). As Kieran Dolin notes (in a book that has only recently come to my attention), Hartright defines the "pages of the novel" as "an alternative forum for an inquiry into a crime and a proclamation of right that cannot be pursued through the courts" (1). More precisely, Hartright purports to present the reader with the story of a "case" which has not yet been brought before a court of justice, meaning that it "is left to be told, for the first time, in this place" (5). What I suggested in my earlier piece was that this way of

^{*}References: Philipp Erchinger, "Secrets not Revealed: Possible Stories in Wilkie Collins's *The Woman in White*," *Connotations* 18.1-3 (2008/2009): 48-81; Beatrix Hesse, "Writing Backwards—Writing Forwards: A Response to Philipp Erchinger," *Connotations* 21.1 (2011/2012): 28-36; Lyn Pykett, "*The Woman in White* and the Secrets of the Sensation Novel," *Connotations* 21.1 (2011/2012): 37-45. For the original article as well as all contributions to this debate, please check the *Connotations* website at http://www.connotations.de/deberchinger01813.htm.

introducing the narrative of *The Woman in White* implies a conception of what the text calls "the Law" which is ambiguous at best. On the one hand, Hartright dismisses this "Law" as a corrupt social system, "the pre-engaged servant of the long purse" (5), and characterises his own investigations as a *corrective* to the unreliable proceedings of the forensic "machinery" (5). On the other hand, however, he seeks to justify his method of constructing the self-defined "story of what a Woman's patience can endure, and of what a Man's resolution can achieve" by comparing it with these very proceedings. "Thus, the story here presented," we are told, is narrated *as if* it had been presented in a court of justice, which is to say, "by more than one pen, as the story of an offence against the laws is told in Court by more than one witness" (5).

Lyn Pykett, referring to Walter Knoepflmacher and Jonathan Grossmann, points out in her response that this analogy between the novel and the law court (although quite common in nineteenth century fiction) is "patently a false" one since the witness accounts assembled by Walter constitute, prospectively, the very events to which they are supposed to, retrospectively, give testament (39). Indeed, the point I meant to emphasise in the engagement with this analogy that opens my essay was that Walter's equivocal attitude towards the law—his simultaneous rejection and adoption of legal methods—reflects a general tension between a preconceived principle or idea (in this case the idea of the law) and its interpretation and application in time. In the narrative progression of the novel, I would say, this tension is constantly present as a struggle between quasi-authorial theory and figural practice, between the editor's conception and the narrators' execution, as well as between backward-looking representation and forward-looking production. In essence, both Pykett and Hesse seem to agree that this struggle is a central component of the narrative processes through which the meaning of Collins's novel takes shape. Thus Pykett observes that Hartright's insistence "that his ordering of the narratives is designed to 'trace the course of one complete series of events' as clearly as possible" is markedly at odds with Collins's overall method which is "designed," conversely, "to create and perpetuate the narrative secrets for as long as possible and to maximise the sensational effects" of his text (39). Likewise, Beatrix Hesse draws attention to a friction "between the backwards construction carried out by Hartright and the necessity to present this construction in a narrative that Collins had to compose forwards due to the peculiarity of the publication process" (33). Yet, while both contributors appear to consent with me on the existence of this tension, they pose a number of questions about it to which the following remarks are intended to give answers.

As indicated, one central source of such questions is the role of Hartright's attitude to the law, on which Lyn Pykett in particular has taken a very inspiring fresh look. According to Pykett, "the central tension in the novel is not, in fact, an 'irresolvable tension' regarding the operations of the Law, but rather a tension between the Law [...] and Justice" (40). I entirely agree that Hartright stages himself sometimes in an almost pathetically self-aggrandising way—as a disinterested "fighter for Justice" (Pykett 40) who is compelled, by an ineffective and corrupt system of bureaucracy, to ignore the judicial world and to hunt down the necessary evidence against Percival and Fosco alone. But having said this, I would still maintain that Hartright's relationship to the law is more complex and contradictory than his self-contrived story of seemingly successful self-help may suggest. One central turning point in this story—and one to which Pykett draws attention—is Hartright's conversation with the diffident lawyer Kyrle. For it is this conversation which finally makes Hartright decide, as he tells the reader, to restore Laura (or rather the woman he takes to be Laura) to her rightful identity by his own acts, "though the justice that sits in tribunals is powerless" to achieve this (Collins 454). In Pykett's view, this decision by Hartright to find justice without or outside of "the tribunals" signifies a clear break with the law on Hartright's part. She seeks to corroborate this argument by quoting one of Hartright's own assertions, taking it to represent his insight that "sometimes Justice can only be obtained outside of the operations of the Law" (Pykett 40).

All of this is very well argued and has clearly enhanced my understanding of Collins's text. Yet, while I gratefully accept Pykett's point that it is not so much the "machinery of the Law" as the "Court of Justice" (Collins 5) that Hartright "invokes as an analogy for his narrative method" (Pykett 40), I do not think that his rejection of the law in favour of justice is as straightforward as it may seem. In other words, law and justice, I would say, are not as distinctly opposed in the novel as Pykett's reading might suggest. After all, how could Hartright have ensured that what he calls justice is officially recognised as such if not by appealing, in the end, to the very institution—the law courts whose methods he purports to circumvent? "You have shown me that the legal remedy lies, in every sense of the word, beyond our means," Hartright tells Kyrle in defiance. "We cannot produce the law proof; and we are not rich enough to pay the law-expenses. It is something gained to know that" (Collins 455).1 Significantly, however, what Hartright goes on to do then is to search for precisely this "law-proof" by his own "means." In this way, he may save himself "the lawexpenses," but he still accepts, willy-nilly, that justice can only be attained through the evidence that is required by law. The law, or some version of it, still functions as the medium of justice.

My point, then, is that Hartright's detective work is conducted in spite, but not outside of or against the law. He parts not with the law as such, but only with one method of using or interpreting this law: namely with the one that is too much informed by what Kyrle calls "the money-question" (Collins 454). Indeed, what Hartright tries to make us believe is that his mode of operation implies a morally better, more just and honest way of conducting a forensic enquiry than that pursued by the professional representatives of the legal system. "There shall be no money-motive," he explains to Kyrle in his rather self-righteous style, "no idea of personal advantage, in the service I mean to render to Lady Glyde" (454). But of course Hartright—and I am glad to say that we all agree on this point—is a far too unreliable narrator to be regarded as a creditable spokesman for the right understanding of the law, not least because the supposedly selfless "service" he seems to "render to Lady Glyde" looks suspiciously like a

rather selfish strategy to "rise up the social hierarchy," as Ann Cvetkovich has shown (111).

One conclusion that can be drawn from Hartright's ambivalent invocations of the law is that this law (the very word), as it occurs in *The* Woman in White, does not refer to a definite concept on the meaning of which one can easily agree. Rather, whatever "the law" or "the Law" means seems to be so indeterminate that it is capable of being read and used in more than one way. "It is the great beauty of the Law," as the solicitor Vincent Gilmore puts this in The Woman in White, "that it can dispute any human statement, made under any circumstances, and reduced to any form" (Collins 132). On this account, the meaning of "the Law" is emergent, constantly mediated, interpreted, adapted in relation to different contexts, but remaining inaccessible as such. Indeed, it is no coincidence that there is now a thriving business of literature and law studies operating on the central assumption that the referents of both of these terms are essentially constituted through activities of interpretation.² What the advocates of the *literature and law* field hold, in other words, is that the social force of the law, like that of literature, is premised on written words which can be used in multiple ways.3 As Derrida argued in a famous commentary on Kafka's parable Before the Law: "The law is silent" (208). It speaks only, and can only be spoken, through its "representatives, its examples, its guardians" (204), but this, Derrida suggests, is how it must be. It is necessary that the law be "prohibited" (204) because only if the law remains immune to be appropriated or "penetrated" (205) by a single point of view can it remain sufficiently flexible to be applied to more than one case. "We must remain ignorant of who or what or where the law is, we must not know who it is or what it is, where and how it presents itself, whence it comes and whence it speaks" (204).

I should emphasise that my purpose in bringing up this concept (or non-concept) of the law is not to propose it as universally valid—Derrida, after all, developed it through an interpretation of a particular literary text—but to suggest that it can be usefully extended to *The Woman in White*. More precisely, what I wish to argue is that whatever Collins's novel represents and enacts as "the law" can be seen as a

metaphor for the tacit principles and rules on which The Woman in White has been written and is to be read. Towards the end of the text Hartright himself deploys the law in this sense when he surprises the reader by suddenly conjuring up his "quaint little friend" (Collins 579) Pesca again who, as Hartright concedes himself, had been "so long absent from these pages" that one would have to be forgiven if one had forgotten him altogether by this point (579). Hartright is quick to assure us that the thought of Pesca "naturally occurred" to his mind when he was wondering how to find out more about the unknown history of Count Fosco (579). But he nonetheless feels obliged to justify the unexpected return of this figure, Pesca, by referring the reader to the "law" of his narrative. "It is the necessary law of such a story as mine," he tells us, "that the persons concerned in it only appear when the course of events takes them up—they come and go, not by favour of my personal partiality, but by right of their direct connection with the circumstances to be detailed" (579). In this view, the "law" designates a set of guiding principles for the narration of Hartright's "story" that allegedly determine when certain things are to be said and others to be suppressed. But the very fact that Hartright has to defend his narrative choice so explicitly indicates that the necessity of this law is anything but as self-evident as Hartright says it is. Pesca might as well not have been made to reappear.

What I am arguing, then, is that the "necessary law" defining the course and meaning of what we read in *The Woman in White* does not exist—or is not accessible—outside of the interpretive processes (writing, construing, commenting, debating etc.) through which this law has been and continues to be made up as long as the novel is read. This is why the activities of comprehending and explicating that seek to understand and define this law in the first place are such a prominent part of the text. More precisely, one might say that the hermeneutic process is, in a double sense, *drawn* into the text. For not only is the reader continuously compelled to be distrustful, to watch out for small clues, and to speculate about the meaning of what is still hidden. He or she also constantly reads about characters who are engaged in doing exactly the same: who are distrustful, who (re)write

and read letters and statements, often between the lines, or who debate about the right way of looking at, and interpreting the purpose of, textual details such as the little lake near Blackwater Park. My original essay includes plenty of examples that illustrate this claim. The result of this omnipresent hermeneutics of suspicion is an unsettled and unsettling atmosphere, in which nothing, not even a little lake, necessarily needs to occur where, when and in whatever form or function it actually does occur, however much Hartright may protest to the contrary. "This is a world," Elizabeth Langland writes about the world of The Woman in White, "in which interpretation is tenuous and vulnerable to sudden shifts in understanding, creating a sense here that intuition may take precedence over reason and that suspicions that lack evidence are liable, over time, to be proved valid" (198). The Woman in White, in short, is a novel that is highly alive to its own contingency: to the fact that its meaning could be—and be made out to be-otherwise than the text seems to propose because the law that defines this meaning is "silent," or rather emergent, in progress.4

Perhaps one could say that the comparison between Collins's novel and a law court is adequate only in the sense that a case which is still negotiated in court is not (yet) closed. What makes Collins's novel appear like an ongoing law suit, in other words, is that the final judgement about its meaning is still waiting to be made. In this sense, Pykett is quite right to indicate that the proceedings in a court of justice—including the use of "skills [...] to interrogate evidence and witnesses, to find gaps in the stories they tell, to advocate alternative readings of the evidence and to tell alternative stories"—may well be seen to resemble the activities of a critical reader of fictional texts (41). But here, too, I would want to defend my earlier argument that the social purpose of judicial courts is to settle and close issues: to come to judgements about them that are decisive—or else why would one need such institutions in the first place? The end or purpose of The Woman in White, by contrast, remains open and unsettled. There is no need to read Collins's text as if it were meant to tell a conclusive story. In fact, as Pykett points out (42-43), one cannot even conclusively tell what "the Story" is with which Hartright claims to present us (Collins

5). Instead, there are many possible stories that can be extracted from *The Woman in White*, not least because the novel is so openly ironic about its own secrecy, about what it does not say. As Judith Sanders notes, what this text "conceives of" as really "shocking" is not the criminal or transgressive, but the "uninterrupted convention" of the "monotone, stifling, predictable, *boring*" kind (64). This can explain the prominence of jolts, turns and unforeseen intrusions that consistently deny the reader the comfort of accepting things as what they seem.

Take the wondrously weird figure of Count Fosco, about whom Beatrix Hesse's response has a couple of interesting observations to make. "It is my rule never to make unnecessary mysteries," the Count informs us in his own narrative, "and never to set people suspecting me for want of a little seasonable candour, on my part" (Collins 616). But how could one ever believe such a claim, given that Fosco's whole figure is every inch a mystery, all the way down to his unknown origin (allegedly in Italy) and his connection with the obscure Brotherhood? Is it possible not to be suspicious about Fosco, no matter how candid he purports to be? Hesse seems to think so, for she regards him as a "new type of 'realistic' villain" whose blunt matter-offactness is contrasted with the gloom of the Gothic and melodramatic that still hangs around Percival (28). But is it really that easy to read the character of Fosco? It may well be possible that some of his traits can later be found in typical characters of twentieth century detective fiction, as Hesse suggests, a hint for which I am grateful (29). Yet, Fosco, as he appears in The Woman in White, seems rather to embody everything that is no longer or not yet typical. Above all, he is a prodigious oddity: fool, fat king ("as fat as Henry the Eighth himself" 220), criminal mastermind, impresario and boisterous Falstaff simultaneously, he enters the novel surrounded by "two canary-birds," a "cockatoo" and "a whole family of white mice"—which "crawl all over him"—and exuding an air of eccentricity that is apt to puzzle the reader as much as the other characters (222). In Marian Halcombe's diary, for example, there are several long passages in which she tries to make sense of her self-confessed fascination for Fosco. For one

thing, as Marian notes, everything about Fosco looks peculiar and foreign, and yet he speaks as if he were a native Englishman. "There are times when it is almost impossible to detect, by his accent, that he is not a countryman of our own; and, as for fluency, there are very few born Englishmen who can talk with as few stoppages and repetitions as the Count." This being unusual enough, it is by far not the only feature that makes his figure hard to define, as Marian continues:

All the smallest characteristics of this strange man have something strikingly original and perplexingly contradictory in them. Fat as he is, and old as he is, his movements are astonishingly light and easy. He is as noiseless in a room as any of us women; and, more than that, with all his mental firmness and power, he is as nervously sensitive as the weakest of us. (222)

The character of Fosco, then, is dazzlingly hard to understand in terms of conventional categories or norms. He has "the fondness of an old maid" for his cockatoo, but manages his white mice with "all the small dexterities of an organ-boy" (223); he can be earnest and learned "with a knowledge of books in every language" (223), but also whimsical and ironic with "a childish triviality" in his "tastes and pursuits" (224); he is strong and powerful, "a man who could tame anything" (219), and yet his "nerves are so finely strung that he starts at chance noises, and winces when he sees a house spaniel get a whipping" (223). In brief, I find it hard to call this singularly hybrid man an instance of a particular "type."

Moreover, where Hesse tries to associate Percival with the stage-villain of "the declining genre of melodrama" and Fosco with the "nascent" class "of detective fiction" (29), one could well make a strong case for quite the reverse: it is Fosco, much more so than Percival, who is presented as a stage figure through and through. Everything that he says and does seems designed to be recognised as a theatrical performance, a display of various roles changing as frequently as the "fine clothes" of which he is so "fond" (224). As Marian notices, he "has appeared in four magnificent waistcoats, already—all of light garish colours, and all immensely large even for him—in the two days of his residence at Blackwater Park" (224). But what we are

never told is whether there is a specific type of person hiding behind these large, colourful costumes accourring the character we encounter as "Fosco." What, for example, is one to make of the following exclamation which is part of the crime discussion by the Blackwater Park lake. "Ah!," Fosco cries at the end of this scene:

Ah! I am a bad man, Lady Glyde, am I not? I say what other people only think; and when all the rest of the world is in a conspiracy to accept the mask for the true face, mine is the rash hand that tears off the plump pasteboard, and shows the bare bones beneath. I will get up on my big elephant's legs, before I do myself any more harm in your estimable estimations—I will get up and take a little airy walk of my own. Dear ladies, as your excellent Sheridan said, I go—and leave my character behind me. (239)

Is he (depicted as) "a bad man," or is he not? I think this question is never definitely answered since one never knows to what extent Fosco's behaviour is (meant to be) sincere. All that is certain about this character is that he self-avowedly acts as a "character." He does not even seem to attempt to behave in an authentic fashion, whatever that would mean. Instead, his whole manner appears so disingenuous that he might even be wearing a "mask" when he presents himself, in the way he does here, as the die-hard realist who "tears off" all "paste-board" surfaces in order to reveal "the bare bones beneath." In short, there is an evident secretiveness at the heart of Fosco's performance, yielding the curious "mixture of pitiless resolution and mountebank mockery which makes it so impossible to fathom him," to quote Marian again (561). Surely, if this man is a "type of 'realistic' villain," as Hesse suggests, then he could hardly be constructed in a more obviously artificial way.

Having said all this, one point that can definitely be made about Fosco is that the enigmatic nature of his character, along with the need to understand it, embodies what Kate Flint, among others, has identified as "one of the hallmarks of sensation fiction": the "unmasking of secrets" (229). More specifically, the problem of reading Fosco, which is written into his very identity (or non-identity), may warrant the more general point that *The Woman in White*—like most Sensation

novels—is not primarily concerned with plots, characters, stories, or other seemingly self-contained entities of meaning, but with the activities of sense-making through which such entities are made out in the first place. "Stories as we know them begin as interpretations," Frank Kermode writes in the essay that has suggested much of the critical framework of my earlier piece (81). Moreover, they do not exist, in a completed shape, without such interpretations. According to Flint, the awareness that this is so—that stories and characters follow interpretations rather than the other way around—is one of the central features of Sensation fiction. "Sensation fiction makes one consider the dynamics of inclusion and exclusion; of what constitutes knowledge, how it is obtained, and what might make it reliable or suspect" (229).

To consider these "dynamics" may well include facing up to the tricky question of agency with which Hesse concludes her paper (34-35). Who or what is it that actually "makes one consider the dynamics of inclusion or exclusion," or identify Hartright as an unreliable narrator, or wonder about the strangeness of Fosco's character? Do the meanings and effects of a text originate in the lives and minds of authors or readers, in the social and historical environment of either or both of them, in the material instruments of writing and reading, in the conditions of publication, or in the words on the page? Most critics would probably answer that all of these factors and actors, and many more, participate—to various degrees—in the processes through which the effects and meanings that we ascribe to a particular text have evolved and keep evolving over time. Whatever someone makes (and is made to make) out of a succession of words is influenced by multiple interacting and overlapping contexts, of which the mind of an author is only one. But most critics are aware, too, I think, that all of these historical, personal, ideological, and material contexts that have an impact on how one reads a text like The Woman in White are still mediated through an empirical artefact that is different from these contexts. It follows that any variety of abstract concepts (patterns, plots, stories, characters) that one may want to put into or draw out of a novel will always have to be transmitted through a written work or a work of writing—that is not identical with these concepts. For the

production of a text, this means that whoever composes such a text to convey particular ideas must pass them through a medium which is likely to act on these ideas in ways that no writer can fully control. This being now widely accepted, it has indeed become "customary" among literary critics, to assign "agency" to texts, as Hesse points out, rather than to their authors (35). Hence, for example, such formulations as my above claim that Collins's novel is "openly ironic about its own secrecy." What this formulation implies is that the ironic effects are not generated by Collins, but by the text and the fictitious agents (narrators, characters, editors etc.) that he has contrived.

Hesse, however, takes issue with this "habit," arguing that "it ought to strike us as odd" (35). No doubt, this is true; most habits ought to strike us as odd sometimes. But while I am in sympathy with Hesse's call for greater methodical self-reflection, I cannot, I am afraid, agree with her demand that we overcome the custom of crediting "texts with agency" (35) in favour of a return to some notion of what the author wanted to say or do. On the contrary, my proposal is not to see the talk about textual agency (or performativity) as an awkward compromise born out of a wrong-headed belief in an "ancient taboo" that forces us to "avoid speaking of authorial intention," as Hesse suggests (35). Rather, we should admit it as frankly as possible: texts have agency. They act on their authors, just as much as they act on their readers and on the writing and reading of other texts. Yet, this does not mean that the source of their agency can be located exclusively in the graphic signifiers on the page, for a text is more than these signifiers. More precisely, a text is both an empirical object in the world, a "material artefact" made up of "fixed, determinable, concrete signs" in a particular order and "an ineffable location of immaterial concepts," as D. C. Greetham has pointed out (63). "It is, on the one hand, a weighty authority with direct access to originary meaning, and, on the other, a slowly accumulating, socially derived series of meanings, each at war with the other for prominence and acceptance" (63).

The agency of texts, I would argue, is suspended between these two dimensions: The material part of a text—a string of words on paper or

screens—and its semantics can only act if it is made to act by various mediators (writers, readers, commentators, illustrators, annotators, publishers, book-sellers, search-engines etc.) who contribute to the process of translating these words into meaningful concepts. But at the same time, this process of sense-making, along with the agencies that participate in it, remains dependent on what Wolfgang Iser and Joshua Landy called the "implicit instructions" provided by the material work (Landy 12; cf. Iser 65).⁵ Perhaps one might helpfully call the literary text an "intermedium," as Roger Lüdeke has proposed (9), or an "actor-network" in Bruno Latour's sense: a work that "is made to act by a large star-shaped web of mediators flowing in and out of it" (217).

Incidentally, I do not think that these suggestions are necessarily irreconcilable with Hesse's approach. In fact, although Hesse stresses that she sought to focus on "the process of production" in order to explain why, rather than just how, "a text [!] is producing its specific effects," she does not say too much about "authorial intention" either. What she does argue is that the conditions of publication, that is "the process of serialization [...] prevented Collins from [...] revising and correcting the assembled material" (31). But this only strengthens my point that works of writing—works being both processes and products—can act on their authors in ways that these did not plan or foresee. Certainly, Hesse seems to submit that Collins would have written a different, more conclusive, less ambivalent and open, novel if he had had more time to polish and hone his work. And yet, leaving aside that speculating about what an author did not write is somewhat gratuitous, I am not even so certain on this count. Collins himself, after all, in the "Preface" to the first edition, characterised The Woman in White as an "experiment": as an activity whose outcome is, by definition, unpredictable and which, like a series of instalments, can extend over a long stretch of time (644). Indeed, what Collins suggested is that the writing of his novel is experimental in that it lacks a definite vantage point outside of the "characters of the book" through which the meaning of this writing is acted out (644). This experimental method, he maintains, "has afforded my characters a new

opportunity of expressing themselves, through the medium of the written contributions which they are supposed to make to the progress of the narrative" (644). The author, in short, seems to have ostentatiously withdrawn from his work, leaving the creatures of this work to "express themselves" in their own (unreliable) terms.

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NOTES

¹One of the telling ironies of Hartright's style is that he regularly quotes his own speech, using quotation marks at the beginnings and ends of paragraphs. In his dialogue with Kyrle he does this too, thus distinguishing his utterances as narrator from his utterances as a character. However, since I sometimes cite only parts of Hartright citing himself, I have (for the sake of simplicity) decided to delete all original speech marks from my quotes, especially since they are not immediately relevant for my argument.

²See especially the volume edited by Levinson and Mailloux; in addition see Thomas and, for a more critical view, Posner.

³In the Preface to their collection, Levinson and Mailloux explicitly take "the ubiquity of interpretation in the process of reading every text" as their starting point (x). By contrast, Richard Shusterman has argued that there is also a form of understanding "beneath interpretation" (115-35).

⁴By implication, this means that the question whether, and to what extent, Collins's novel is morally and formally "just" is a question that each reader has to answer for herself since the measure of this *poetic justice* is a law that remains tacit. The text itself does not spell out the principles of this law, the law on which its own composition is based, in definite terms. In this respect, Collins's work can be seen as a decidedly modern one (see Donat et al. 13).

⁵For a recent approach to these issues from a phenomenological point of view see Lobsien.

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