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Bastard Daughters and Illegitimate Mothers:
Burning Down the Courthouse
in *Bastard out of Carolina* and *Bleak House*

Dorothy Allison's astonishingly successful novel, *Bastard Out of Carolina*, seems the last word in both realism and contemporary social issues. With its shocking plot of sexual abuse, its gritty and plain-speaking narrator, the child Bone, and its immersion in the hard-scrabble lives of a violent and "colorful" white-trash family, it sets itself as a new standard for fiction and for the successful emplotment of women's lives. But much of its power actually comes from its use of a seemingly antiquated, almost quaint term, the word with the greatest shock value in its title: "bastard." That word, with its connotations of moral disapproval, social rupture, and psychic harm, conjures up a much older plot, one filled with orphanages, mysterious parents, and lonely children wandering dark and stormy nights. Such a plot, imagined comically as *Tom Jones* or more tragically as *Oliver Twist*, used to be the stuff of fiction, and would seem to be more fictional than ever in the context of contemporary debates: a "real" bastard daughter, we might think, is the illegitimate and lonely Esther Summerson, heroine of Charles Dickens's 19th-century masterpiece *Bleak House*, a good and true heroine who, in her half of that double-narrated novel, tells a story of virtue rewarded; patience answered; families found, lost, and reformed around new and more perfect unions. What connection can there be, as *Bleak House* itself is fond of asking, between that near-melodramatic orphan's plot, and the violent and visceral world of *Bastard Out of Carolina*'s Bone, raised by her loving and angry mother, raped by her step-father, and forced to create her own new world of linguistic play and reformed familial connections?

One place to begin to trace the connection, or to ask more directly why Allison labels her novel a "bastard" plot, is with the legal definition of bastards. They are, in the eyes of traditional English law and the language of William Blackstone, children of nobody.¹ Under that law, they can inherit neither name nor property; and these "no names," to echo the title of Wilkie Collins's bastardy novel, are imagined to have no easy place within the larg-

¹ See Blackstone 458.

er connections offered by society.² The laws of legitimacy write large the moral judgment in which the sins of the parents are engraved on the stories of the children; in which the bastard, who “hath no legal father,”³ must make her own way in the world. But while such laws inscribe the presumed absence of a father, they generally assume that the identity and the presence of the mother are not in question.⁴ Indeed, less than two decades before Dickens wrote *Bleak House*, the English parliament enacted the 1834 Poor Laws, which, for the first time, made the mother responsible for the economic sustenance of illegitimate children.⁵ This basic asymmetry between mothers and fathers persists to this day, with mothers not only assuming a disproportionate share of responsibility for children born out of marriage, but also, more fundamentally, with the basic fact of paternity understood to be uncertain in a way that the identity of the mother is not.⁶ If the tradition-

² Theorists of fiction have tended to prefer the act of adultery to its progeny: no work of the magisterial quality of Tony Tanner's *Adultery in the Novel* has taken on the bastard nature of narrative. Interestingly, Homer O. Brown, in *Institutions of the English Novel*, has attempted to restore to the English tradition in particular the importance of its bastard plot, linking the centrality of *Tom Jones* to the novel's “rise” both to its hero's relationship to history and his bastard (alienated; outside-the-law) status. The importance of the female bastard has largely gone unremarked upon, as critics have paid more consistent attention to the plight of the motherless heroine and her role in narrative romance.

³ See, e.g., *Macbon v. Holt*, cited in Selden 26 (“For suppose I bring a writ against one N., the son of such an one, where he is a bastard. My writ will abate because a bastard has no father, for he is called ‘a son of the people.’”). “Under the common law an illegitimate child was called ‘filius nullius,’ son of no one, or ‘filius populi,’ son of the people. His position in the community was one of ignominy and he had no rights in law. Since he was the child of no one he was without a name; his parents had no right to his custody and no subsequent act of theirs could make him legitimate, only a special act of Parliament could do so. He could not compel his parents to support him, he could not inherit and he could have no heirs except his widow and the issue of his own body.” *Zepeda v. Zepeda* 240. See generally Blackstone, 458–59; Broom 381–386; Norma Adams; R.H. Helmholz.

⁴ “That the child is the child of a particular woman is rarely difficult to prove.” *In re Ortiz* 761.

⁵ With the move from “outdoor” to “indoor” relief in the Poor Laws, the parish no longer took the same responsibility for dispensing relief of all sorts; one particular reason for interest in the Bastardy clauses, however, was the anxiety that the old system (where mothers could charge fathers with the care of their child and compel either maintenance or marriage) had, in the words of Anthony Brundage, “served as an incentive to lewdness, blackmail, and population growth” (61–2). The original bill sought to abolish the liability and the punishment of putative fathers, in the name of “restoring female virtue,” but some provisions for charging maintenance were eventually reasserted in the final version of the laws.

⁶ The recent advent of DNA testing has lessened the “difficult proof problems” associated with establishing biological paternity to a considerable degree. See *Family Law*:

al laws of bastardy recognize the inherent uncertainty of paternity, maternity, we might argue is all too clear in the eyes of the law.

Not so in the eyes of the novel. The narrative of the bastard daughter, one which haunts both *Bleak House* and *Bastard Out of Carolina* and countless other Victorian novels, from *No Name* to *Daniel Deronda*, is one in which the identity of the mother is the working-matter of the fiction.⁷ Indeed, if bastardy is a “legal fiction,” one which grows out of the disconnection between the facts of birth and the laws of social order, the fictions that grow out of it seek to *further* denaturalize the bastard daughter's social and familial identity by denying her a mother. The dramatic energy of *Bleak House* and *Bastard Out of Carolina* grows not out of the father's absence, but from the staging of the mother's loss. If these books begin with daughters outside the law – which is to say under the law of bastardy – they carry out the shaming and subsequent redemption of their bastard children through the de-legitimizing of the mother and her claim on the daughter. The plot which washes away the daughter's sins is one which inexorably returns them to the mother, and what is most shocking in each book is not the abuse of the child by a father-figure (the abusive “Daddy Glen,” Bone's stepfather, in *Bastard*; the seemingly benevolent John Jarndyce, Esther's faithful guardian in *Bleak House*), nor the absence of the “real” father (a matter of cultivated indifference for both Esther and Bone), but rather, the abandonment of the child by the *mother*. In the words of *Bastard Out of Carolina*, “I had lost my mama”; in the words of *Bleak House*, “it was my mother cold and dead.”⁸

Cases, Texts, Problems 891. But it is important not to overstate the extent to which genetic testing solves the problem of proof and thereby lessens the difference between the treatment of paternity and maternity. In the absence of a system of mandatory genetic testing, the identity of the biological father remains subject to uncertainty in the vast majority of cases. Even in the situation where genetic testing is performed, problems of proof persist. *Id.* 892–907. On the assignment of a disproportionately high share of responsibility to mothers, see Czapski.

⁷ Judith Butler has remarked on the relationship between “mother” and “matter,” particularly the material of philosophical debates over mind and matter (31–2). By emphasizing the unnatural nature of the bond between mothers and daughters – precisely everything that realism seems to be working to “naturalize” – we are marking a certain difference from earlier feminist discussions of maternal relations which stress the inherent, almost biological determinism of the daughter's link to her mother. See such classic discussions as Sandra Gilbert and Susan Gubar's *The Madwoman in the Attic* and Marianne Hirsh's *The Mother/Daughter Plot*. For similar treatments of motherhood in feminist legal theory, see West.

⁸ *Bastard Out of Carolina*, 306; *Bleak House*, Chapter 59, 714. All subsequent references are included in the text; all *Bleak House* citations include chapter and page number.

What is most interesting to us in this emplotment is the way the conventions of the bastardy novel both reiterate the laws of the land ("the bastard hath no father") and, seemingly, go beyond them in the violence visited on and by the mother. The demonization of the mother, and the clouds of longing that envelop her disappearance from the novel (as from her daughter's vision and embrace), tell us something about the power of those peculiar laws of property and persons that define the daughter as *filius nullius*, nobody's child. At the same time, they demonstrate the power of the novels that draw on such legal fictions to rewrite, question, yet also to reinscribe them.

The question is, whether the recurring plot motif of the disappearing mother diverges from the realities prescribed and presumed by the law, or whether, to the contrary, the daughter-abandoning mother reveals its hidden logic? And, to shift from the fiction of the law to the laws of fiction, does the bastard daughter's story have the power to undo fiction's own conventions; to play with the seemingly absolute division between the representation of "reality" and reality's darker (and more "fantastic") shadows?

Both Esther and Bone begin their stories under the shadow of the law, a law instantly identified as harsh, as alien, and as anti-maternal. Esther's story, like Bone's, begins with a story-of-bastardy. For Esther, the harshness of the law is embodied first by her aunt, the woman she knows only as her godmother, except that she is no fairy godmother, and Esther unlike "the princesses of fairy stories," is "not charming." (BH: 3: 17). The un-fairy-godmother tells the un-princess her story on her birthday in a mania of abstraction:

Your mother, Esther, is your disgrace, and you were hers. The time will come – and soon enough – when you will understand this better, and will feel it too, as no one save a woman can. ... Forget your mother, and leave all other people to forget her who will do her unhappy child that great kindness. (BH: 3: 19)

In seeming contrast to this, Bone, who is born while her mother is asleep, has the news of her bastardy delivered in a positive mania of detail. Repeating oft-told family lore, Bone recounts:

Mama was just asleep and everyone else was drunk. And what they did was plow headlong into a slow-moving car. The front of Uncle Travis's Chevy accor-dioned; the back flew up; the aunts and Uncle Travis were squeezed so tight they just bounced a little; and Mama, still asleep with her hands curled under her chin, flew right over their heads, through the windshield, and over the car they hit. Going through the glass, she cut the top of her head, and when she hit the ground she bruised her backside, but other than that she wasn't hurt at all. Of course, she didn't wake up for three days, not till after Granny and Aunt Ruth had signed all the papers and picked out my name. (BOC: 2)

It is in her mother's sleeping absence that Bone is named, and, since Granny "refused to speak it after she had run him out of town for messing with her daughter, and Aunt Ruth had never been sure of his last name anyway," she is without the benefit of "the father's last name" – and for that reason, is "certified a bastard by the state of South Carolina." (BOC: 3).

The bastard daughter's story begins with an apartness decreed by the law. In the words of Esther's aunt, "You are different from other children, Esther, because you were not born, like them, in common sinfulness and wrath." (BH: 3: 19). Esther spends the rest of the novel puzzling out those words, until she can actually reverse their wicked spell, having proved by her virtuous behavior "what is the true legitimacy" to all the world. (BH: 64: 753). Similarly, Bone's mother, Anney, spends the rest of *her* novel in a quest for legitimacy for the daughter; she never quits looking to the law as a source of legitimacy until she finally, inexplicably – miraculously – produces a new "clean" birth certificate, at which point she quits the novel, and Bone's life, altogether; and thus the novel ends.

In both of these stories, the law appears first as a powerful but artificial force, legitimacy as a mere legal convention, a matter of courthouse documents and records, absurd technicalities, forms and procedures, in a word, a *fiction* which distorts the facts of life and papers over the reality of family relations and "true legitimacy."⁹ In *Bleak House*, it is Esther's guardian, John Jarndyce, who most explicitly and consistently contrasts "true legitimacy" to the "masterly fictions" (BH: 3: 22; 65: 760) of the law, which he regards with utmost contempt. In *Bastard* it is Granny who speaks for the

⁹ It is not only external critics of the legal system who regard legitimacy as the stuff of fiction. The incidents of the laws of legitimacy have also been characterized as "legal fictions" by the jurists whose business it is to explicate and apply them. See Fuller. On the academic debate concerning whether legitimacy is properly classified as a legal fiction, Stolzenberg. "Legal fiction" is a term used loosely by lawyers, judges and legal commentators to refer to legal statements and concepts which are regarded as being, in some way or other, "a distortion of reality," (Fuller 45), in other words, contrary to the extra-legal facts or otherwise untruthful. On the varying conceptions of what a legal fiction is, see Stolzenberg. Legal fictions often appear when legal prescriptions are couched in descriptive terms (a peculiarly effective form of collective wish-fulfillment), as when the law states that "[a]n illegitimate child and its father are not deemed to be related." (Section 1980 of the German Civil Code, cited and discussed in Fuller 30).

"Legal fiction" is often employed as an inherently pejorative term, with critics of legal fictions implying that legal fictions can and should be gotten rid of. (The excoriation of the law for relying on legal fictions is a standard antinomian theme in the Realist tradition of social criticism and literature). But it is commonplace for lawyers, judges and commentators to accept legal fictions as a necessary, useful, indeed ubiquitous feature of legal reasoning. Differing attitudes toward legal fictions correspond in interesting ways to the different positions taken in the controversies over Realism.

common sense point of view, according to which bastardy is just a paper fiction that lies – in both senses of the word – in the courthouse. Outside the courthouse, no one is taken in. “Who cared what was written down? Did people read courthouse records? Did they ask to see your birth certificate before they sat themselves on your porch? Everybody who mattered knew and [Granny] didn’t give a rat’s ass about anybody else.” In Granny’s point of view, “the child is proof enough.” (BOC: 3).

Granny’s salty commentary on her daughter’s benighted quest for legal legitimacy, like Jarndyce’s more lofty sentiments, bespeaks a familiar kind of realism, built upon a rock-hard (but ultimately illusory) contrast between fact and fiction, nature and artifice, reality and law. Far from departing from the conventions of Victorian literature, *Bastard* continues in the tradition of realism epitomized by Dickens’s *Bleak House*, in which not one but two, competing forms of realism come into view through the lens of the bastard daughter’s plot and her interrogation of the law and reality of bastardy.¹⁰ Encased in the bastard daughter plot – that staple of the literary canon – is a legal inquisition, but one in which the bastard daughter turns the tables on the legal system that defines her as the ultimate non-entity. In the story that the bastard daughter writes, she herself assumes the position of (forgiving yet ruthless) inquisitor. Her inquisition targets the proud errant mother, who figures in each novel as the ultimate object of desire; but it extends beyond the mother to interrogate the realism of law and the nature of realism itself. Bespeaking the viewpoint of conventional realism, maternity first appears in the bastardy novel as the very embodiment of realism (i.e., naturalism), in contrast to the “artificial” conventions of society and law; yet maternity is repeatedly rewritten, via the bastard-daughter plot and by the bastard-daughter herself, in such a way as to call into question both the naturalness of maternity and the artifice of law, along with the supposed contrast between them. Fabrication itself ends up exalted as the ultimate source

¹⁰ Definitions of realism are notoriously tricky and elusive; definitions of Dickensian realism downright paradoxical. Our treatment of “conventional realism” draws largely on Ian Watt’s account of “formal realism” in *The Rise of the Novel* and on Raymond Williams’s careful delineation of realism’s contradictory heritage in *Keywords*. Helpful and original recent studies include George Levine’s *The Realistic Imagination* and Elizabeth Deeds Ermath, *Realism and Consensus in the English Novel*. For a sense of the alternate heritage of “metaphysical realism,” we are indebted to Edwin Eigner, *The Metaphysical Novel in England and America*; for a fascinating treatment of realism and law, see Christopher Prendergast’s *The Order of Mimesis*, particularly its treatment of “contract narratives.” The most brilliant reading of Dickens’s brand of realism comes in Robert Newsom, *Dickens on the Romantic Side of Familiar Things: Bleak House and the Novel Tradition*. For a fine reading of *Bleak House*, narrative structure, and maternal melodrama, see Carolyn Dever, “Broken mirror, broken words: *Bleak House*,” in *Death and the Mother from Dickens to Freud*.

of reality and human relations, in the form of the daughter writing her own story. For both *Bone* and *Esther* are the authors of first-person narratives, fictional autobiographies, which begin with the story of the daughter’s clouded birth and end with the daughter’s renunciation by – or is it of? – the mother. In contrast to the narratives that belong to the omniscient narrator/mothers, the daughters’ personal narratives reveal another sort of realism consorting surreptitiously with the conventional one. This alternative conception of realism, far from standing in opposition to obviously fictional forms (the Gothic, melodrama, fantasy and magic), depends upon those very elements in its construction of the real.

Notwithstanding the obvious temporal differences between them, *Bleak House* and *Bastard* are linked by a striking number of similarities. Both feature not only a bastard daughter who creates herself through writing, but also, more tellingly, a sexually active and daughter-abandoning mother; neglected children and burning courthouses; a world of spectacular yet ordinary domestic violence and passion, in which the poor are continually compelled to “move on”; and in which one character’s fantastic spontaneous combustion and the pathetic suffering and deaths of many others decimate the novel’s population, while the machinery of an indifferent bureaucracy grinds on. Lest one think that the patriarchal laws of bastardy have been rendered obsolete by Allison’s time, *Bone*’s story is a telling reminder to the contrary. It is not merely that the old bastardy laws still remain on the books in American jurisdictions at the time the story unfolds. After all, as a courthouse clerk informs Anney, “You just wait a few years. Sooner or later they’ll get rid of that damn ordinance anyway. Mostly it’s not enforced anymore anyway.” (BOC: 9). But *Bone*’s story exhibits a legal logic which lies at a deeper level than the written law of bastardy alone, and which hence survives the reform of the laws of illegitimacy which did subsequently take place.¹¹ This is a logic encoded in an overarching system of laws defining

¹¹ The reform of the laws of bastardy, envisaged by Dickens and other nineteenth- and twentieth-century social reformers, was achieved in the United States over the course of the 1960s and 1970s. For the most part, reforms were achieved, not through legislative repeal, but rather, through a piece-meal process of judicial reform, in response to constitutional and other legal challenges brought on behalf of illegitimate children and unwed fathers. See, e.g., *Trimble v. Gordon*, (striking down a state statute that denied a child born out of wedlock the right to inherit from the intestate father if the father failed to legally acknowledge the child); *Stanley v. Illinois*, (striking down a state law presuming the unfitness of unwed fathers in the context of dependency proceedings); *Weber v. Aetna Casualty & Surety Co.*; *Gomez v. Perez*, (holding that a state may not discriminate against illegitimate children by denying them the right to support from their natural fathers); *Mills v. Habluetzel* (holding that a one year statute of limitations on support suits brought by illegitimate children was unconstitutional); *Pickett v. Brown* (striking down a two-year limitations period for bringing support suits);

family roles, the ultimate object of which is to ensure the ability of men to perpetuate their bloodline. The various obstacles to *identifying* the offspring of any particular man – the features of human existence which give rise to the inherent uncertainty of paternity – are the fundamental threats around which a complex web of laws have formed, and within which bastardy assumes its enduring meaning. The ontological and moral status of bastardy – social fact or fiction – is the urgent question to which the two forms of realism offer competing responses. In response to this question, both novels voice the viewpoint of conventional realism, in which law is figured as a pernicious fiction which sacrifices real, affective family bonds to social conventions that favor the rich and powerful over the poor and the weak. But the two novels are even more deeply linked by the articulation of a very different viewpoint, one which departs from such conventional realist fare.

Such a departure is not hard to trace in *Bleak House*, which, since its publication, has been disparaged precisely for its lack of realism, for its fantastic coincidences and melodramatic plot, its too-good-to-be-true heroine and comic stock characters, not to mention the completely implausible “Spontaneous Combustion” of Krook, the decrepit dealer in cast-off documents, rags and bottles, hair and other debris, who fashions himself another “Chancellor” of the English Chancery Courts – and catastrophically goes up in flames at the novel’s mid-point. Krook’s death is sheer allegory. It takes place, literally, “in the shadow of the law” (BH: 32: 391), alongside the infamous Chancery courthouse, of which Dickens’s omniscient narrator says, “If all the injustice it has committed, and all the misery it has caused could only be locked up with it, and the whole burnt away in a great funeral pyre – why so much the better for other parties than the parties in Jarndyce and Jarndyce!” (BH: 1: 10).

Jarndyce and Jarndyce, of course, is the famously futile lawsuit that forms the centerpiece of Dickens’s wicked parody of the English chancery courts, a protracted contest over a will that ends up, like Krook, consuming itself. Its parodic nature alibies in some way the novel’s sweep of satire and

Caban v. Mohammed, (striking down a state statute that provided that children born out of wedlock could be adopted without the consent of the father). While the Supreme Court acted to lift many (though by no means all) of the legal disabilities traditionally associated with the status of illegitimacy, Congress passed legislation concerning the support rights of children born out of wedlock (and the corresponding support obligations of parents) that was more controversial. See 42 U.S.C. section 602 (shifting more of the burden for supporting children born out of wedlock from the state to the parents – including the biological father – and, most controversially, requiring mothers to cooperate with the state in establishing paternity on pain of forfeiting eligibility to receive welfare).

melodrama. But the more “authentic” realism of *Bastard* similarly depends upon the allegorical, the improbable and the imaginary. It is in *Bastard*, not *Bleak House*, after all, that the burning of the courthouse is depicted as a “real” event, where in *Bleak House*, such an event is depicted – more “realistically” – as mere wishful thinking on the part of the omniscient third-person narrator who shares the text with Esther’s first-person “portion” of these pages.

The courthouse that burns to the ground in *Bastard* is the very same courthouse to which Anney makes annual pilgrimages in her vain attempt to remove the mark of illegitimacy, stamped in red, from Bone’s birth certificate. The destruction of the courthouse occurs on an otherwise ordinary day: while waiting tables in a diner, Anney hears “the radio announc[ing] that the fire downtown had gone out of control, burning the courthouse and the hall of records to the ground,” and abruptly leaves work, goes home, and takes a match to her collection of “useless paper.” (BOC: 15; 16). *Bastard*, unlike *Bleak House*, portrays the fantastic, longed-for burning of “the law” as a real event – real, but ultimately useless from the standpoint of conventional realism, which decries the “unnatural” stigmatizing laws of bastardy, yet concedes their “real world” power. The laughter that greets the burning of the courthouse in *Bastard* (“all over Greenville” [BOC: 16]) is not so much comic as it is grimly ironic, wry in the recognition that, in the end, it is only Anney’s *fantasy* of destroying the legal record that has been satisfied, while the stigma of bastardy imposed by the law remains firmly in place.

The antinomian fantasy of destroying legal conventions and leaving real justice in its place¹² – itself a standard fantasy in realist texts – motivates the

¹² From the rejection by Christian gnostics, in the second and third centuries, of the duty to obey the moral law, the meaning of “antinomianism” has evolved and widened to encompass gnostic trends in other religious traditions, as well as criticisms of law and legal process in the secular domain. (See generally Filoramo. For the definitive analysis of antinomian themes in Jewish gnostic thought, see Scholem 291–99, 307–44, n. 24.) For an example of how far-flung the emanations of gnostic antinomianism may be, consider Annette Michelson’s analysis of the independent film movement in “Gnosis and Iconoclasm: A Case Study of Cinephelia,” (describing the basic tenets of a film movement, which created films “purged of any trace of the mimetic,” and explicitly based itself upon the idea of gnosis as a “permanent contestation of the Law,” coupled with the proposition that “perversion is to gnosis what obsessional neurosis is to a religion of ritualized tradition” (quoting Piera Aulagnier-Spairini, Jean Clavereul, Francois Perrier, Guy Rosolato, and Jean-Paul Valabrega, *Le desir et la perversion*). Even in its secularized expressions, antinomianism has retained its (essentially gnostic and Neoplatonic) association with a belief in a realm of reality and justice, a moral order, inaccessible to ordinary reason and sensory observation – a belief which recalls earlier gnostic notions of “a whole realm of divinity, which underlies the world

mother's quest in the bastard-daughter story, more so than the daughter's own.¹³ In both novels, it is the mother's apprehension of an official legal document that sets the daughter's plot in motion; while it is the mother's bestowal of new documentation on the daughter – documentation in which the mother painfully and miraculously rewrites the law (and writes herself out of the picture) – that brings the bastard daughter's novel to its end. In *Bleak House*, the plot is set in motion when Honoria Dedlock moves the “priceless but small” handscreen shielding her from the hot fire before which she sits, and, with the glimpse of her dead lover's handwriting upon a legal affidavit in the suit of Jarndyce and Jarndyce (the only property she brought into her marriage), is surprised into an uncharacteristic and “imprudent” interest in the documents (BH: 2: 16); the plot ends with Honoria's last document scribbled in the dark to “the dear one,” in which she deeds to her daughter the only property she now has, words of renunciation and devotion (BH: 41: 506). Bone's story likewise commences with a version (here even more literal) of the mother's burning apprehension of a legal document, when Anney sets fire to her documents, and closes with the mother leaving the daughter with (only) a written document, a last will and testament, in which the mother, again, deeds to the daughter the only property she has – in this case, a magically cleansed birth certificate.¹⁴

of our sense-data and which is present and active in all that exists.” (Scholem 11). An abiding belief in such a “higher” realm, existing beyond the superficial world of appearances, has persisted in antinomian thought, notwithstanding the integration of antinomian themes into modern conceptions of realism, which seem otherwise to reject such “idealist” beliefs. (Consider the contrast typically drawn by modern realists between the “spirit” and the “letter” of the law). The resulting combination (of antinomianism with modern realism) has generated interesting, but generally submerged, tensions between competing conceptions of reality and realism *within* the modern realist tradition. (For an analysis of the appearance of gnostic ideas within the reasoning of judges, see Gare 97–138). In this essay, we refer to antinomian themes expressed in the idiom of modern realism, which seems to reject gnostic and neoplatonic views of reality in favor of naturalism, as “conventional realism.” At the same time, we are trying to demonstrate a radically different conception of reality (and realism) – one more consonant with gnostic and platonic ideas – latent in the antinomian ideas which have been imported into the modern tradition of realism. See generally Raymond Williams, *Keywords*, entries on “Realism” and “Naturalism,” 216–19, 257–62. For an antinomian reading of *Bleak House*, see Ragussis.

¹³ Throughout *Bastard* and *Bleak House* important documents burn, re-form, disappear and reappear again: the letters Esther's mother wrote to her lover; the various versions of the will in Jarndyce and Jarndyce; the various versions of Bone's birth certificate, the last one “blank, unmarked, unstamped,” topped by her mother's and her own proper name (“Father: UNKNOWN”) (BOC: 22; 309). The burning of documents frequently occurs, directly or indirectly, at the hand of the mother.

¹⁴ Once again, *Bastard* outdoes *Bleak House* in its literalism, with Bone's plot set in motion on the day Anney sets her collection of birth certificates on fire.

The mother's disdain for the law exhibited in both novels – matched by the law's disdain for the unmarried mother – at first suggests the conventional picture, in which mother and child both are viewed as victims of predatory male sexuality and irresponsibility, abandoned and suffering the iniquity of a system where the sins of the father are visited on the child. This picture is so commonplace that, while it has often motivated criticisms of the bastardy laws, it has long been incorporated *in* the law in the form of legal assumptions and presumptions, which posit that the father is absent and the mother and child remain together.¹⁵

But the legal requirements for certifying paternity, in particular the assumption that a woman's sexual fidelity is necessary to secure – literally to certify – the paternity of the man, implicitly spell out another, darker picture of the mother as transgressor. It is in the shadow of these legal requirements that the laws of bastardy operate and take on their true meaning, brought to light in the novelistic treatment of the bastard's (and therefore bastard) mother.

Thus, in Dickens's classic indictment of the British legal system, Lady Dedlock's sexual transgression is revealed by her husband's counselor, the insidious Tulkinghorn. After skulking his way through the novel, obtaining documents and seeking informants, Tulkinghorn confronts Lady Dedlock – whose secret, of course, ought *not* to concern him at all, for she is not legally an adulteress, and Esther Summerson has no real claim to the Dedlock estate. But Tulkinghorn, who is also the keeper of the Dedlock family secrets, claims Honoria's secret as the family's own, ensuring that not her offspring but her sexuality will belong to the family, and hence to the estate. Accordingly, Tulkinghorn tells her that her secret “is no longer your secret . . . It is my secret, *in trust for Sir Leicester and the family*”; he speaks of her “as if she were any insensible instrument used in business.” (BH: 48: 581). Anney, likewise, is sneered at repeatedly by the condescending courthouse clerks; when she marries, her husband, Daddy Glen (whom she marries with the hope that he will be a good father), spells out the enduring patriarchal logic, according to which his wife's “belly” is the repository of his

¹⁵ Traditionally, according to Blackstone's *Commentaries*, a bastard's legal residence is in his mother's parish, whereas “[a]ll other children have their primary settlement in their father's parish.” “[I]n case of fraud, as if a woman be sent either by order of justices, or comes to beg as a vagrant, to a parish where she does not belong to, and drops her bastard there, the bastard shall, in the first case, be settled in the parish from whence she was illegally removed; or in the latter case, in the mother's own parish, if the mother be apprehended for her vagrancy” (365). Thus the mother's identity and location were presumed to be ascertainable, even in cases where the mother attempted to abandon the child.

"ambition." (BOC: 44). Significantly, his sexual violence towards Bone commences at the moment this ambition – for a son, no less – is thwarted by a stillbirth.

Thus, *Bastard's* world turns out to be no less committed to the treatment of women as maternal instruments, and no less savage in its commitment. It is true that whereas Honoria Dedlock is prevented from claiming her daughter, Anney raises Bone, lovingly, from infancy; and whereas both Esther and Honoria believe that only shame and suffering can come from their reunion, there appears to be no social or legal obstacle to a continued life together for Anney and Bone. But by *Bastard's* end, it is clear that a continued life together for Anney and Bone has become impossible: Anney leaves Bone. The departure of Bone's mother is, if anything, even more chilling than the departure of Honoria precisely because Anney is *not* dead. Instead, shockingly, Anney chooses to leave with Daddy Glen, thereby depriving Bone of a mother, while protecting her from further abuse. While it is tempting to think that our society has learned to see beyond the "mark" of bastardy, in both novels, some circumstance of the daughter's conception haunts her progress and makes her "natural" life with her mother impossible.

That circumstance, which remains implicit in the legal treatises, is rendered explicit in the novel: female sexual errancy – which is to say, female sexuality or, more precisely, erotic desire, the sexual agency of the mother – is the circumstance which haunts the daughter's progress and sooner or later wrenches her away from her mother. While male errancy is the threat to monogamy and the stable passage of patrimony explicitly recognized in the law, and is certainly not unheard of in the novel, the real threat, attested to by countless works of fiction (*Anna Karenina*, *The Scarlet Letter*) is posed by a beautiful woman who invites (or seems to invite) a succession of male lovers: the mere possibility that such a woman might be a mother is enough to unnerve patrimony, to render uneasy the laws of property as well as propriety and paternity.

Honoria and Anney are precisely that intolerable thing: erotic mothers whose sexual bond takes precedence over the maternal one. The mother who is not a mere victim of sexual male aggression, the mother whose own desire is (partly) responsible for the conception of a child out of wedlock, is the ultimate transgressive force because she is the least manageable threat to the exclusivity of a man's sexual access to a woman. The ability to identify the male progenitor of a child *depends* upon the exclusivity of male sexual access to a woman. Female sexual fidelity is not just some arbitrary desideratum of patriarchy: knowledge of paternity demands it.¹⁶ The legal and

¹⁶ For a comparable analysis of paternity-certifying function of laws regulating female sexual fidelity in an Islamic cultural context, see Delaney.

social conventions designed to secure not only the fact, but the knowledge, of paternity are accordingly vulnerable to any force that challenges this exclusivity. Other men are one obvious threat, but the gravest threat is posed by a sexually active woman, or, more to the point, a sexually active *mother*.

Mothers who resist what paternity demands leave behind a profoundly ambiguous legacy, as witnessed by the bastard-daughter's characteristically ambivalent response. Both Esther and Bone begin by assuming, as the law does, that the mother-child bond is more "natural" than paternity. "I had never heard my mama spoken of," reports the young Esther Summerson: "I had never heard of my papa either, but I felt more interested about my mama." (BH: 3: 18). Similarly, Bone wastes little time in speculating about her "real daddy," although presumably he is only a county or two away; her consuming interest is in Anney, her mother. (BOC: 25–26, 31).¹⁷ So, too, is the law, in some key way, "more interested" in the mother: if it is the absence of the father that marks the child illegitimate, it is the mother's sexual wanderings that constitute the error of the daughter's life. It is through the mother's desire, the embodiment of that desire in pregnancy, that the sexual sin takes flesh. The moment the wife leaves the marriage plot, or the mother leaves behind her "natural" maternal obligations, all containment of female desire is at risk.

The price paid for such emancipation – the emancipation the daughter will live out through her own sexual agency – is a steep one. As painfully recorded by the daughter, the bonds of mother-love, while great, are no more natural (if by that we mean unbreakable) than those of erotic attachment. Bastardy lives, if not in the child (whose "innocence of the circumstances of her birth" overwhelms us), then in the mother. More precisely, bastardy now consists in the mother *qua* mother, or rather, *qua* bad mother, which is to say, *qua* sexual mother, which is finally to say, no mother at all. Anney and Honoria are, in the final analysis – in their daughter's analysis – illegitimate mothers.

Both daughters, accordingly, close their mothers out of their narratives. Honoria goes unmentioned by her daughter after her death ("I proceed to other passages of my narrative," [BH: 60: 714] she says twice, as if to make her mother double-dead) just as Bone turns to her Aunt Raylene in her nov-

¹⁷ Says Bone, "It wasn't even that I was so insistent on knowing anything about my missing father. I wouldn't have minded a lie. I just wanted the story Mama would have told," about "the place where she had made herself different from all her brothers and sisters." On the only other two pages devoted to Bone's interest in her "real Daddy," her relatives depict him as "too fertile for his own good," "a kind of one-man population movement," who "couldn't plow a woman without making children." (BOC: 26).

el's final moments as a substitute mother. It is the bastard mother who cannot be part of the happy ending, as if the novel needs to render her further illicit and unmentionable, as her crimes were formerly unspeakable. The expulsion of the mother and the daughter's anguished response are expressed most tellingly through images of fire, ghosts, and feverish dreams, in short, all the gothic machinery of the unnatural made natural which forms a surprising yet constant complement to the conventionally realist genre. Bone masturbates to imaginary fires, during which

I would imagine being tied up and put in a haystack while someone set the dry stale straw ablaze. I would picture it perfectly while rocking on my hand. The daydream was about struggling to get free while the fire burned hotter and closer. I am not sure if I came when the fire reached me or after I had imagined escaping it. But I came. I orgasmed on my hand to the dream of fire. (BOC: 63)

Bone's fantasies express a sense of doubleness, in which her abject self imaginatively transforms her real experiences of humiliation and victimization into the erotic property of another self, a "self-centered," "proud and defiant," heroic self who "was not ashamed." (BOC: 112-13). "There was no heroism possible in the real beatings," Bone says, but in the imaginary beatings, first represented as burnings, there was.

For Esther Summerson, her "dream of fire," while not explicitly eroticized, comes out of a similar sense of doubleness and self-transformation. Esther's dream of fire occurs in a delirium as she "lay ill through several weeks, and the usual tenor of [her] life became like an old remembrance." (BH: 35: 431). The precise moment of contracting the contagion of illness is marked by "an undefinable impression of being something different from what I then was." (BH: 31: 380).

While I was very ill, the way in which these divisions of time became confused with one another, distressed my mind exceedingly. At once a child, an elder girl, and the little woman I had been so happy as, I was not only oppressed by cares and difficulties adapted to each station, but by the great perplexity of endlessly trying to reconcile them. (BH: 35: 431)

Her first image of great perplexity is of "labour(ing) up colossal stairways," that turn and cross and turn again, but at a "worse time" the hallucinations take on a more fiery quality:

Strung together somewhere in great black space, there was a flaming necklace, or ring, or starry circle of some kind, of which I was one of the beads! [M]y only prayer was to be taken off from the rest, ... it was such inexplicable agony and misery to be part of the dreadful thing! (BH: 35: 432)

Esther's illness, like Bone's beatings, is physically, as well as mentally transfiguring. Bone bears such signs of Daddy Glen's abuse and beating that her collarbone fuses with a lump and the doctor "glare[s] and order[s] lots of X-

rays." (BOC: 113). And while Esther is never beaten, she is marked by smallpox, covered with such scars that she begins to wear a veil in public. The scars obliterate the physical evidence of her link to her mother – as Esther well appreciates:

[W]hen I saw [my mother] at my feet on the bare earth in her great agony of mind, I felt, through all my tumult of emotion, a burst of gratitude to the providence of God that I was so changed as that I never could disgrace her by any trace of likeness; as that nobody could ever now look at me, and look at her, and remotely think of any near tie between us. (BH: 36: 449)

For Esther, as for Bone, the sense of division is at once exhilarating and terrifying, suggesting an illicitness, a bastardy, that lies even deeper than mere legal conventions – and which is hence not amenable to the simple expedient of rewriting or reforming the law. This sense of a bastardy so deeply engraved in the self that it transcends any external convention expresses itself most forcefully in one of the most Gothic scenes in *Bleak House*: when Esther crosses the steps of her mother's house, along the path known as the "Ghost's Walk," where the first Lady Dedlock, whose curse haunts the family, is supposed to have walked.

I was passing quickly on, and in a few moments should have passed [a] lighted window, when my echoing footsteps brought it suddenly in to my mind that there was a dreadful truth in the legend of the Ghost's Walk; that it was I, who was to bring calamity upon the stately house; and that my warning feet were haunting it even then. Seized with an augmented terror of myself which turned me cold, I ran from myself and everything, retraced the way by which I had come, and never paused until I had gained the lodge-gate, and the park lay sullen and black behind me. (BH: 36: 454)

The shift from "it was I" to the "terror of myself" which leads her to run "from myself" suggests the daughter's division before her own illicitness, the sense that she herself is the danger, the source, as well as the victim, of both violence and pain. At the same time, Esther's fear reminds her (and us) of the real power she holds over her mother: she knows the secret that could destroy her mother's happiness, and the secret is her own existence. Bone realizes this same power when she and her mother finally confront the truth of Glen's abuse, and of her mother's love for Glen nonetheless: "I wanted to tell her lies, ... but I couldn't." (BOC: 306). Until this point, Bone managed to protect her mother, and thus their relationship, by concealing the truth, making it "as if I was her mother now, holding her safe, and she was my child." (BOC: 118). In this role-reversal lies the deepest bastardy, the bastardy of the mother who appears here in the role of the (fatherless) child, in need of protection, mothered by – and beholden to – a monstrously powerful, terrifying daughter who is merely holding her destructive powers in check.

Significantly, the private fantasies which express the bastard daughter's double sense of innocent victimhood and her own destructive power, her pain and her rage, are interrupted in each narrative by the fantastic occurrence of a spontaneous combustion, presented as a "real," publicly observable event. This is true no less in *Bastard* than in Dickens's *Bleak House*. In the most striking parallel between the two novels, Allison constructs her own version of spontaneous combustion, the most surprising moment of un-realism in the book. In *Bastard*, the hapless victim of spontaneous combustion is the freakish Shannon Pearl (a character as much out of Dickens as the Southern Gothic of Carson McCullers or Truman Capote). She has the "white skin, white hair, and pale pink eyes of an albino," but she is adored by her mother, to whom she is "strangely beautiful." (BOC: 156). To Bone, she is "wholly monstrous, a lurching hunched creature shining with sweat and smug satisfaction," as she "look[s] back at me from between her mother's legs." (BOC: 155). Like a Dickensian dwarf, that "strange and ugly child" (as Granny calls her [BOC: 156]) appears, on cue, at the same time that Daddy Glen's violence – and Bone's inner rage – begin to escalate. Shannon Pearl (who is also, of course, the "Pearl" of the *Scarlet Letter*) conveniently turns up in the corner of Bone's school-bus, destined to become her comrade-in-arms.

Much to Bone's fascination, Shannon's ugliness does not hide a beautiful soul, but a psyche obsessed with hatred: "Shannon Pearl simply and completely hated everyone who had ever hurt her, and spent most of her time brooding on punishments either she or God would visit on them. The fire that burned in her eyes was the fire of outrage." (BOC: 158). From the first moment, Bone recounts that the "fire in those pink eyes" was "a deep fire I recognized, banked and raging"; Shannon is Bone's own dark double: "impassive, self-sufficient, and stubborn; she reminded me of myself." (BOC: 154).

Shannon outdoes Bone, however, in her gruesome storytelling; her stories possess "the aura of the real – newspaper headlines and autopsy reports – and she loved best little children who had fallen in the way of large machines." (BOC: 157). Bone repeatedly connects the figure of Shannon to fire, while connecting the image of fire to storytelling, on one hand, and on the other, to the vengeful justice of a wrathful God: Shannon was "a great fire ... burning close to me, using up all the oxygen. ... If there was a God, then there would be justice. If there was justice, then Shannon and I would make them all burn." (BOC: 166).

But the fire takes a different course after Shannon's bitter fight with Bone, in which she calls Bone's family "trash," "a bunch of drunks and thieves and bastards," and Bone retaliates, even more viciously, by telling Shannon she is "God's own ugly child and you're gonna be an ugly

woman."¹⁸ "You monster," she says calmly, "you greasy cross-eyed stinking sweaty-faced ugly thing. ... You are so ugly your own mama don't even love you." (BOC: 170–1). The next time we see Shannon Pearl, she is standing over a barbecue grill, spraying it with lighting fluid, forcing the flames to rise higher and higher, until she herself spontaneously combusts, "her mouth ... wide open [as] she breathed the flames in." (BOC: 201).

For Dickens's readers, Krook's spontaneous combustion was the mark of his inability to remain in the realm of the real; the sign that he remained a fantastic (and hence, dangerous, comic, and not serious) writer. The "Preface" to *Bleak House* goes to considerable trouble to defend the reality of spontaneous combustion – but so, oddly, does the description of Krook's death, which is rendered palpable when the sense of the combusted "Chancellor" of the junk shop returns to fellow-residents as a distinct smell of "chops." (BH: 32: 394). Krook's absurd death was, for Dickens, the final sign of his realism: the "romantic side of familiar things," and the familiar side of what seemed most "romantic," fantastic, surreal. The same uncanny combination of the incredible and the (hyper) realistic which characterized Krook's death appears in Allison's detailed picture of the melting of Shannon Pearl:

Her glasses went opaque, her eyes vanished, and all around her skull her fine hair stood up in a crown of burning glory. Her dress whooshed and billowed into orange-yellow smoky flame. I saw the fork fall, the wooden handle on the fire. I saw Mrs. Pearl come to her feet and start to run toward her daughter. I saw the men drop their ice-tea glasses. I saw Shannon stagger and stumble from side to side, then fall in a heap. Her dress was gone. I saw the smoke turn black and oily. I saw Shannon Pearl disappear from this world. (BOC: 200)

If Dickens's description of Krook's death is sheer allegory, Allison's description of Shannon Pearl's demise is sheer Dickens.

It is important to note that the images of fire nursed by the daughters themselves do *not* symbolize the standard antinomian – realist – fantasy of burning down the courthouse, sweeping aside the pernicious "masterly fic-

¹⁸ The epithet "bastard" plays a crucial role in this novel: when he rapes Bone at the end, Daddy Glen begins by calling her "You goddam little bastard!" (BOC: 284). She responds, "You! ... Mama's never gonna go back to you," and several pages later Anney herself reverses the epithet, calling him "You bastard! You monster!" (BOC: 287); despite that, of course, Anney does return to Glen, and the key terms (bastard, monster, mother) remain in circulation. The word bastard is, by contrast, never used in *Bleak House*, though its antonym, "legitimacy," is; in her first meeting with the Lord Chancellor, Esther overhears him ask if she is related to anyone in the Jarndyce case, and sees Kenge lean forward and whisper the answer in his ear. That whisper is the status of the "bastard" in *Bleak House*, a constantly silent presence before the law, the embodiment of narrative secrecy.

tions" of the law, and leaving a regime of higher (Biblical) justice in its place. Such realist fantasies are expressed in each novel, but as the fantasies of the mother or omniscient narrator, and not of the daughter herself. The daughter's fantasies of fire, by contrast, in both books conjure up a more complex relationship between law and justice than the conventional opposition between fiction and reality allows. Whereas conventional antinomian realism, based on the fact-fiction distinction, is condemned to oscillate between high-minded cynicism about the justice of the law and seemingly hard-boiled resignation to the way things are, the daughters' fiery vision is transformed from an expression of pure undirected rage into an instrument of *self-transformation* via the "fire" of imagination. By the end of each book, the significance of writing and fabrication, *including the fabrications of legal writings*, is itself elevated, and, with that, the very opposition of the "real" (the "natural," the "factual," or the "true") to fabrications and artificial constructions breaks down. Instead of simply rejecting legal conventions and "fictions" (like bastardy) as so much dispensable verbiage, which, if discarded, will leave a world of "natural" connections in its place, the bastard daughter *claims* the legal, or quasi-legal, documents that her mother bequeaths her as her rightful inheritance.

Renouncing the mother, the daughter claims her own powers of invention, beauty, and, above all, writing. Her move away from her mother is thus simultaneously a move towards becoming a woman like her. The daughter's power of revision, her very access to the powers of writing, come through the mother – particularly, through the mother's fantasy of rewriting the law. When Honoria writes a letter to her daughter, addressing it to "the dear one," she is claiming a relationship that does not exactly exist under the law, in claiming the right to bequeath her daughter anything at all. Similarly, the blank space Bone imagines writing her story in comes from the rewritten birth certificate her mother has somehow, mysteriously ("What had she done?" [BOC: 309]) brought into being. If the daughters' original fear, that their mothers didn't love them enough, has somehow been re-imagined as the fear that they didn't love their mothers enough, the books suggest that where the mother and daughter meet is in the fantasy of a space outside the law. But what occupies this "space" is not "no law," not a natural order, but rather, a different set of written documents and conventions, a different set of fictions: the laws prescribed by and for the mother.

The daughter's move away from her mother is also her own move into sexuality – a sexuality at once written by the law, and existing in some imagined blank space unwitnessed by it. When Bone and Esther take their leave of us, each stands contemplating her "looks," (BH: 67: 770) formerly the cause of so much anxiety and the mark of the violence against them, now a source of affirmation and self-confidence, and a record of hard-won, self-

possessed, female identity. "Don't you see that you are prettier than you ever were?" Esther's husband assures her, indicating that in her "altered looks" she does not just equal but surpasses her mother's beauty. The book ends precisely at the moment when Esther might allow herself to suppose this is true. Similarly, *Bastard* closes as Bone recognizes that she is now "already who I was going to be," wondering if she will be "as strong ... as hungry for love" as her mother. "Now you got the look," she remembers her Aunt telling Anney after Lyle Parson's funeral, and now Bone has "the look," the look of a Boatwright woman. "I was who I was going to be," Bone realizes as her mother leaves her, "someone like her, like Mama, a Boatwright woman." (BOC: 309). And, so, both novels leave us, contemplating the debastardized daughter, the beautiful daughter, as she lights out for uncharted territory in the land of the bad mother.

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