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reads

*Romanticism and the Rule of Law:
Coleridge, Blake, and the Autonomous Reader*

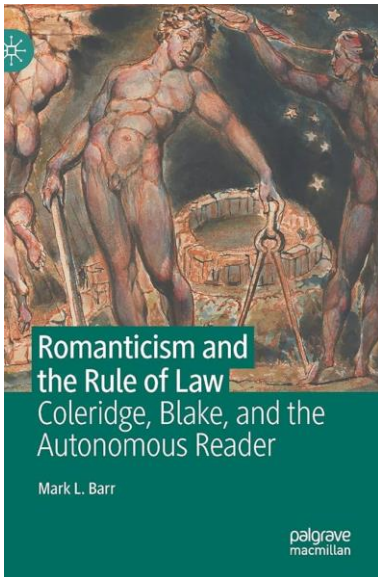
by Mark L. Barr¹

MARK L. BARR'S BOOK EXAMINES the extraordinary legal history of Britain in the 1790s and the broader impacts of the French Revolution, and he makes a valiant attempt to link these themes to specific features of the poetry of Coleridge and Blake. Making such interdisciplinary connections is notoriously difficult, and all the more challenging when law is one of them, but Barr comes up with an ingenious response by focusing on the 'rule of law', which is both a legal doctrine and also a broader social concept. The rule of law is uniquely relevant to the age of the French Revolution and the repressive legal responses to it in Britain (habeas corpus suspensions, treason trials, etc.). Rousseau's *Du contrat social* had infused discussions of social inequality with legal frameworks, imaginatively

arming the dissident or disenfranchised with the mechanisms of legal dispute by presenting them as contractors rather than subjects. And the Revolution had directly challenged the legal basis of government and monarchy, and also directly challenged the subordinate status of ordinary citizens. So, Barr is able to set out to look at the effective history of the concept of the 'rule of law' and simultaneously at how the conflicts over it impacted individuals and literary production.

Chapter 1 ('Legal Reason and the Ordeal of Romantic Reading') introduces the history of the 'rule of law' with the theory-loaded claim that 'The rule of law defines the edges of the autonomous legal subject' (1). With a tactic that will become familiar, Barr proceeds with rapid fire excursions into Coke, Blackstone,

and Dicey, to outline the general picture of the emergence of the rule of law from the natural processes of common law, stemming from the Glorious Revolution, Magna Carta, and the Bill of Rights Act 1688 (2–4). He notes that the concepts of both the 'rule of law' and 'Romanticism' are 'Victorian constructs', even flirting with an Althusserian approach to law as 'ritual and practice' (6). But he seems to back down somewhat, relying on E. P. Thompson to push back against structuralist approaches (10).



¹ Mark L. Barr, *Romanticism and the Rule of Law: Coleridge, Blake, and the Autonomous Reader* (Cham, Switzerland: Palgrave Macmillan, 2021).

Thompson occasioned controversy with his Marxist peers by arguing that the rule of law was an ‘unqualified good’ and should not be dismissed as merely ‘ideology’, because even though it performs a role in class structures, it cannot function as ideology without actually upholding ‘its own logic and criteria of equity’.² Troublingly, Barr seems to quote Thompson only indirectly, through another article, and exasperatingly cites the wrong book (10). He would have done better to engage directly with Thompson’s nuanced account of law and conflict in the period. Thompson looks at the ‘Black Act’ (1723), which attempted to control rural ‘crime’ such as poaching by imposing harsher sentences, particularly on those who wore disguises (‘blacking’ their faces),³ but the somewhat surprising picture that emerged was of a more complex conflict, with active resistance from rural people not only in poaching, but also in asserting various legalistic ‘traditional’ rights, and conflict within the judiciary on the standards of enforcement. Similarly, his colleague Hay famously argued that although the eighteenth century was marked by an explosion of new laws imposing the death penalty (the ‘bloody code’), the judiciary and gentry responded by resisting the imposition of the death penalty through ‘technicalities’ and other interventions into criminal processes.⁴ All of this could have added a great deal of depth to Barr’s analysis.

Chapter 2 (‘A Legal Genealogy of the Romantic Imagination’) continues the introductory trajectory, giving a lively account of the legal history of the 1790s. Barr introduces the idea of ‘legal bowers’ (à la *Lime-tree Bower*), which he sees as spaces ‘sheltered from legal censure’ (23), and which he will use to analyse Coleridge’s use of lyric, Blake’s use of the tropes of prophecy and madness, and more legal questions such as the role of the jury in deciding trials without themselves being subject to legal scrutiny.

Ground zero for all this is naturally the Hardy trial (see 23–38, and later 188–93). Hardy and the others had been involved in the ‘constitutional societies’ that had attracted the ire of the authorities by giving radical public lectures and calling for a national convention to consider reform. The statute governing high treason defined it rather carefully but awkwardly as ‘to compass or imagine the death of the king, providing such . . . be manifested by some act or acts’ (25 Edward III, s5, c2 [1351]). Lord Chief Justice Eyre presiding, issued an infamous jury direction that began conservatively, insisting that mere political opposition would not qualify, but which went on to expand the concept of ‘some act or acts’, to include not just direct acts of violence, but also general activities that might lead towards political overthrow. This ‘constructive treason’ concept provoked a maelstrom of criticism, including from Godwin and others, with sensational sales of some of their works. If the

² E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London: Breviary Stuff Publications, 2013), see especially his controversial concluding note on the rule of law 202–10.

³ Its hilarious full title was ‘An Act for the more effectual punishing wicked and evil-disposed persons going armed in disguise and doing injuries and violences to the persons and properties of His Majesty’s subjects’.

⁴ Douglas Hay, ‘Property, Authority and the Criminal Law’, in Douglas Hay, Peter Linebaugh, E. P. Thompson, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon books, 1975): 17–63; see also Douglas Hay, ‘Writing about the Death Penalty’, *Legal History* 10 (2006): 35–51.

government sought to suppress political speech with this trial, it had the opposite effect. But the trial also saw the rise of Thomas Erskine (later Lord Chancellor), the successfully defending barrister, who effectively positioned himself as speaking within the tradition of British dissent and made great theatre of the difficulty of speaking about allegedly unlawful speech. Barr points out the role this has in foregrounding the privileged role of the jury as hearing and judging forbidden speech. The foreman is supposed to have fainted on reading the ‘not guilty’ verdict, and a mob of thousands carried Hardy and Erskine through the streets. Barr has a great time recounting this high drama, and the specifics of the role of the jury lays a strong foundation for Barr’s concept of ‘legal bowers’.⁵

Björn Bosserhof recently considered similar terrain in relation to Coleridge’s ‘apostasy’ or conservative turn, arguing that that the government’s direct attempts at suppression of dissent were largely ineffective, and that the real impact lay in deterrence, ostracism, and unofficial harassment.⁶ Many people quit the radical societies, and the situation lent itself to poison-pen letters, rancorous harassment, professional blackballing, and vexatious accusations (as in Blake’s own sedition trial).⁷ Barr effectively misses this aspect by focussing only on major legal events and especially the Hardy trial, but this generally toxic background may be just as relevant for understanding Blake and Coleridge. After all, these types of figures were probably more affected by the general hostility that this atmosphere engendered, than by any realistic risk of direct government action.

Barr intriguingly frames this whole discussion with Wordsworth’s *Solitary Reaper*, proposing the ‘Highland Lass’ as a kind of emblem, representing ‘Wordsworthian sympathy’ (19–22) and ‘Romantic Justice’ (50–53). The highland lass is seen ‘Reaping and singing by herself’, and the poet-persona cannot understand her song; after dutifully mentioning ‘nightingales’ and ‘silent seas’, he speculates the song may concern ‘battles long ago’ or ‘familiar matter of to-day’. Dismissing arguments that the poem occludes brutal political realities, Barr asserts that since the reader is forced to ‘interpret’ her mysterious song, the reader becomes a judge, and the poem is ‘fundamentally concerned with acts of interpretation and judgment’. This is an ingenious attempt to link the legal background to specific poetry, but beyond the reasonably clear allusion to the Jacobite uprisings and Culloden, any legal resonances seem a little faint.

Chapter 3 (‘Coleridge’s Poetic Dispensation’) proposes that Coleridge was setting up poetry as a kind of ‘aboriginal, Edenic state’ (60) protected from ‘the

⁵ Though Barr could perhaps have positioned his own account amongst the existing scholarship a little better. For full accounts see Marilyn Butler, ed., *Burke, Paine, Godwin, and the Revolution Controversy* (Cambridge: Cambridge University Press, 1984); John Barrell, *Imagining the King’s Death: Figurative Treason, Fantasies of Regicide 1793–1796* (Oxford: Oxford University Press, 2000).

⁶ See Björn Bosserhof, *Radical Contra-Diction: Coleridge, Revolution, Apostasy* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2016), especially 6–10.

⁷ See Clive Emsley, ‘Repression, “terror” and the rule of law in England during the decade of the French Revolution’, *English Historical Review* 100.397 (1985): 801–25, at 802–4.

Pitt regime's assault on the rule of law' (57), and where 'even a radical imagination might hide from government censure' (60). He tries to establish a direct link to the treason trials by reference to Coleridge's sonnet *To Erskine*, and a somewhat sparse-seeming catalogue of Coleridge's direct comments on Gerald, Hardy, and Brothers trials (57–63). He argues that Coleridge sees this poetic space as a parallel to the Mosaic dispensation, as a 'suspension of earthly authority' (64) but admits that Coleridge's 'only express' (67) use of this comparison was in a theological lecture given in a coffeehouse in Bristol in 1795 (LPR 123–45).

Coleridge's collaboration with Southey on *Robespierre* rightly draws attention because its subject matter is the Terror, which not only motivates the legal crackdowns in Britain, but also underwrites a potential critique of those crackdowns as similarly authoritarian. Barr suggests that Coleridge's removal of a portion of the text and publication of it as *Effusion XXV* enacts a 'dispensation' by removing the lyric from the more political text of the play (73), which is ingenious, but seems a little forced.

The 'autonomous reader' of the book's subtitle is clarified in relation to *The Eolian Harp*, since the poem's speculation endangers the 'autonomy' of the individual, which may be externally determined, like the tune on a wind harp. Barr swiftly detours to discuss prison reform and transportation, arguing that a reimagined rule of law could 'restrain through the influence of nature and sympathy the Jacobinical radicalism inherent in revolutionary sentiment and action' (91–92). He then returns to consider the ways that *Reflections on Having Left a Place of Retirement*, *Fears in Solitude*, and *This Lime-tree Bower my Prison* cash out the 'autonomy' point by suggesting that remaining in a (legal) bower is morally and emotionally problematic. Contemplating how these legal events might have been woven into the emotional backdrop of these poems is resonant.

But Barr has perhaps performed a silent ministry of criticising himself, since his reading of Coleridge seems more evocative once the focus on Pitt and the treason trials settles back into a broader background. The argument is capably pursued, but it is selective in the material it considers, and over-plays Coleridge's fear of government persecution. Coleridge's sonnet *To Erskine* is considered, but it was actually one of a series of politicised sonnets that Coleridge published in 1794. In *To Pitt* for example, Coleridge compares Pitt to Judas ('kiss'd his country with Iscariot Mouth'), and concludes with what might today be considered a call for violence: 'Seize, MERCY! Thou more terrible the brand, / And hurl her thunderbolts with fiercer hand'. While this has been breathlessly described as 'daring'⁸ and 'courting prosecution',⁹ it more realistically suggests that Coleridge knew the government was not much concerned about squawky outbursts from youthful poets. If he really had been as paralysed (or inspired) by fear as Barr implies, then it is hard to explain the publication of this sonnet at all, and it is even harder to explain the comic

⁸ Richard Holmes, *Coleridge: Early Visions* (New York: Pantheon, 1989), 81.

⁹ Rosemary Ashton, *The Life of Samuel Taylor Coleridge* (Oxford: Blackwell, 1997), 61.

nonsense of Coleridge's claim that he was under surveillance by a long-nosed secret agent who misheard 'Spinoza' as 'Spy Nozy' (*BL* I, ch. 10).

In Chapter 4 ('Imagination and the Lyric Constitution'), Barr sets out to demonstrate that 'Coleridge sought to claim poetry as a space for dissent, a haven protected from and by law in which the individual might reimagine the world bounded by ideological and historical constraint' (111). He points to the *Ancient Mariner* glosses as an attempt to 'repress the Jacobinism latent in the poem' and as 'an extension of concerns about implementation and interpretation of legal language', a concern he claims Coleridge 'inherits from the Hardy trial' (112). The argument briefly lights on Francis Jeffrey's review of Southey's *Thalaba* (1802) in the first issue of the *Edinburgh Review*, which he casts as criticising the Lake Poets as a 'Jacobin "fraternity" fomenting discord and revolution, seeking to establish a new "moral character"' (113). According to Barr, this underlies Coleridge's subsequent defensiveness regarding criticism and the reading public in the *Biographia Literaria* (1817), which he now characterises as a 'Jacobinical subversion of the reviewing system as arising from an anti-constitutional predilection to eschew established law for personal innovation' (120). The conclusion is that the poem and its glosses create an image of interpretation or understanding (à la McCann), with the further implication that this makes it 'legal' (121–29).

Barr has perhaps missed the opportunity to look more closely at the personal connections he raises. He could have capitalised on the fact that Jeffrey was a lawyer and was eventually elevated to the bench as 'Lord Jeffrey'. Barr neglects to explore Jeffrey's long association with the *Edinburgh Review* and his reviews of the Lake Poets, which have attracted some scholarly interest.¹⁰ Coleridge's 'response' to Jeffrey in the *Biographia* is focussed on Jeffrey's later harsh reviews of Wordsworth, and Coleridge recounts a personal visit from Jeffrey, in which Jeffrey assured him of his 'private admiration of Wordsworth's genius' (*BL* II 334). Indeed, Jeffrey does not even use the words 'Jacobinical' or 'fraternity' in the *Thalaba* review, as Barr implies, and the criticisms were usually focused on the poets' rustic style, mysticism and 'triviality'. We don't need to wade too deeply into sociological theory to notice that despite his private views, Jeffrey's reviews had the function of demonstrating his value to the establishment by criticising a group of young radicals, who had been awkwardly wrong-footed by the events of the French Revolution and the Terror. And he was duly rewarded with ennoblement and elevation, just as Erskine was. This could have supported and added depth to Barr's overall thesis by showing how the culture of law was impacting on the life of literature, regardless of spectacular trials.

Chapter 4 continues with Coleridge's concept of the 'clerisy', claiming Coleridge thought that 'justice should arise from the interpretative aesthetic of

¹⁰ See Joseph M. Batty, 'Lord Jeffrey and Wordsworth', *PMLA* 38.2 (1928): 221–25; David V. Erdmann and Paul M. Zall, 'Coleridge and Jeffrey in Controversy', *Studies in Romanticism* 14.1 (1975): 75–83; David V. Erdmann, 'Coleridge and the "Review Business": An Account of His Adventures with the *Edinburgh*, the *Quarterly*, and *Maga*', *Wordsworth Circle* 6.1 (1975): 3–50.

a group of literary and cultural critics' (130). In a now familiar tactic, Barr pivots swiftly through background jurisprudence on the role of precedent and the history of trusts, concluding that Coleridge suggests that 'the clerisy holds the nationality in trust' (133–35), before leaping to possible sources for Coleridge's idea of the 'clerisy', and lighting on his discussion of the Pythagoreans in the *Philosophical Lectures* (136–38). He concludes that Coleridge 'envision[s] the clerisy as not merely guardians of literary or cultural taste, but as authorities who contain a mass of shared knowledge that will enable "correct" interpretation of *literary and legal* texts' (142).

The underlying drive here is sound, and it is refreshing to see Coleridge's legal and constitutional musings taken seriously as a way to understand his attitude to his own cultural and poetic production. The emphasis on trust law seems extraneous though, since Coleridge treats trusts and trusteeship more as a general metaphor in *Church and State*. Barr is on surer ground when he notes that this functions as a platform for Coleridge to criticise the judiciary and propose the clerisy as a kind of jury, capable of balancing the insularity of Judges or the overreach of government. Much has been made of Coleridge's famous turn to conservatism, and the 'clerisy' concept can obviously be seen as a retrospective attempt to rationalise and give value to Coleridge's earlier poetic, political, and cultural pursuits, while quarantining them within a more conservative framework.

Chapter 5 ('Blake's Perpetual Revolution') turns to Blake, and predictably draws connections between Blake's prophetic worldview and the events of the French Revolution. Further to this, he supposes that 'Blake's class experience may have led him to conclusions similar to E. P. Thompson, that the law may be the servant of the ruling elite but nevertheless expresses an ideology equally binding on that elite, creating a space in which the disenfranchised can instigate conflict to assert and create rights and freedoms' (154). This is presumably a paraphrase of E. P. Thompson's famous defence of the rule of law in *Whigs and Hunters*, but more of Thompson's account could perhaps have been put in view here, including a mention of Thompson's book on Blake.

Barr begins with *The Marriage of Heaven and Hell* and capably explains Blake's theory of contraries and the 'Proverbs of Hell' as expressing a kind of radical resistance to the establishment or established religion. He seems to have a bit more trouble with the 'infernal method' though, reducing it to being contrary or contradictory, whereas it related to the process of acid engraving, which required a reverse image of the text that was revealed by burning away the copper plate with sulphuric acid, replete with the emission of 'infernal' toxic gases. Wolfson for example, makes much of the use of textual or even physical play in Blake's deliberately self-destabilising text, which is crucial since for Blake the text emerges not as rational utterance, but as infernal catalyst.¹¹

The next step is an argument that *Urizen* embodies a resistance to legal authority by 'textual instability' and a 'representation of the prophet and his

¹¹ See Susan Wolfson, 'Review Essay: Popularizing / Simplifying Blake: Reading Leo Damrosch's *Eternity's Sunrise: The Imaginative World of William Blake*', *Journal of Romanticism* 2 (2017): 83–100, especially 93–95.

work as insane' (à la Jon Mee). For Barr, this is Blake's version of Coleridge's 'legal bower', focussed on biblical and prophetic tradition rather than nature (160–61). He asserts that 'Blake must have anxiously observed the government's attempts to utilize the potent and potentially far-reaching law of high treason to cut off the head of the radical movement' (163–64). Once again, he swiftly leads the reader through Bentham, the developing law of insanity, the regency crisis, and the trials of Lord Gordon. But still, his specific attempt to directly link 'madness' in *Urizen* to Chief Justice Eyre's Jury direction and the issue of 'constructive treason' and 'treasonous intent' seems a bit unlikely. I doubt that Blake was actually losing much sleep about the legal definitions of 'high treason' or 'insanity', and I also doubt that avoiding the risk of arrest was the real motivation behind Blake's use of the 'inspired madness' trope.

In Chapter 6 ('The Gospel of Minute Particulars'), Barr doubles-down on trying to connect the trope of 'insanity' in Blake to the Regency crisis, and to jury trials. He recounts Blake's own sedition trial, suggesting that Blake was directly concerned with the threat of government persecution. But the banal reality is that it was a spiteful prosecution brought by a soldier (dragoon no less) who Blake had bodily ejected from his garden, and who then claimed that Blake had cursed against the King in the process.¹² It is true that the soldier may have been taking advantage of Blake's reputation, but it hardly amounts to government persecution of a poet. Rather, it shows the way that the whole legal atmosphere lent itself to incidental, opportunistic episodes of harassment. Barr suggests that Blake's *Milton* was 'commenced in the shadows of his own legal difficulties' (193), and indeed, the repeated images of irrational, merciless legalistic procedures in the poem may actually reflect the shock of the poet's direct experience of the courtroom.

Barr concludes, as one must, with an account of *Jerusalem*, solidly emphasising that the poem should be seen, not as an 'allegory or equation of signs', but as a 'dramatization of the process to produce such signs' (213), thus emphasising the idea that the poem is a puzzle that forces the reader to experience meaning and interpretation in a newly self-aware way. And it is true that this also forces the reader to contemplate his or her own relationship with society in a newly self-aware way. But Barr persists in linking this to 'the rule of law' specifically, and given the poem's obvious themes of domination, rebellion, justice, and spiritual struggle, the 'rule of law' itself only seems like one thread in the tapestry.

Chapter 7 ('Epilogue: Law at the Limits of Imagination') Barr relates the 'legal bowers' theme to some major issues in thought about Romanticism and modern politics. He swiftly situates Frye at the centre of a post-war movement that somewhat endorses Coleridge's concept of the clerisy by contemplating literature (or more narcissistically literary criticism) as the cure for totalitarianism (227). He then delves into the vexed issue of the legal basis for

¹² For detailed discussion see Mark Crosby, "'A Fabricated Perjury': The [Mis]Trial of William Blake", *Huntington Library Quarterly* 72.1 (2009): 29–47.

the Nuremburg trials, and whisks the reader through Dworkin, Bentham, and Žižek by way of showing that the central problem of law is interpretation and the ability to produce legal stability (so as to treat 'like cases alike'). Fair enough, if a little hurried.

I began this review by saying that Barr 'valiantly' attempts to link legal history to Coleridge's and Blake's poetry, which cheekily implies that he does not quite get there, and I think that is true. His acknowledgements page makes it plain that the book is pieced together out of four pre-existing articles, and some structural mismatches seem to remain. I have pointed out that he sometimes pushes the reader through a whirlwind of issues that would benefit from slower, more thorough development, and I really think he missed golden opportunities to engage with Thompson's work, which could have enriched his account considerably.

But this should not distract from the fact that Barr has succeeded in producing an effective piece of scholarship, giving a lively account of the legal issues of the day, and developing an ingenious, thought-provoking approach to the intersections between law and cultural production. Overall, he is more or less right, and it is interesting to contemplate that both Blake and Coleridge had mixed feelings about literature as a shelter from legal or political vicissitudes, and also that they both had some awareness of the parallel between literary interpretation or creation, and legal interpretation or judgment. Certainly, Barr has established his place in this field, and anyone who wants to work in 'Romanticism and law' will have to engage with this account one way or another. I look forward to any future work from this scholar; with teething pains put behind him, he may treat us to a very insightful continuation.