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Heretical Archives: Heterotopic Institutions and Fictive Records

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Abstract

The archive is in significant part the melancholic record of death. It harbours coffins, tombs and tomes. An image, first, of an untimely death. Part of a personal archive, the record of time long since spent. Shards of a history that did not happen. A shadow. A shade. Dr Ewan Maclean, a figure of encyclopedic learning and aesthetic inclinations, did his doctorate on art forgery. I knew him, and I had admired his knowledge and his thesis while studying in Edinburgh. He was short, bald, bibliophilic, brilliant but boring and in consequence unmemorable and prone to alcohol and an academic diffidence that led to his joining the civil service and moving to London at around the same time that I was appointed to Birkbeck to set up the law department. Ewan was working on miscarriages of justice and so I asked him to tutor for the new school. He did so rather unsuccessfully for a year or two, only really at ease, so I felt, when drinking with students after class. He never applied for a permanent position. He left London to return to Scotland. Before leaving he gave me a gift, a book, *The Addicts Archive*, or actually *The Film Addicts Archive* (Oakes 1977). Then, back in Edinburgh, surrounded by art and books, he drank himself to death. He was cremated at 1pm on August 28, 2013. He left little behind, scarcely a trace or registration, a tentative or inebriate and evaporating ichnological inscription.

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The archive is in significant part the melancholic record of death. It harbours coffins, tombs and tomes. An image, first, of an untimely death. Part of a personal archive, the record of time long since spent. Shards of a history that did not happen. A shadow. A shade. Dr Ewan Maclean, a figure of encyclopedic learning and aesthetic inclinations, did his doctorate on art forgery. I knew him, and I had admired his knowledge and his thesis while studying in Edinburgh. He was short, bald, bibliophilic, brilliant but boring and in consequence unmemorable and prone to alcohol and an academic diffidence that led to his joining the civil service and moving to London at around the same time that I was appointed to Birkbeck to set up the law department. Ewan was working on miscarriages of justice and so I asked him to tutor for the new school. He did so rather unsuccessfully for a year or two, only really at ease, so I felt, when drinking with students after class. He never applied for a permanent position. He left London to return to Scotland. Before leaving he gave me a gift, a book, *The Addicts Archive*, or actually *The Film Addicts Archive* (Oakes 1977). Then, back in Edinburgh, surrounded by art and books, he drank himself to death. He was cremated at 1pm on August 28, 2013. He left little behind, scarcely a trace or registration, a tentative or inebriate and evaporating ichnological inscription.¹

I am adding Ewan to the files, putting him in the records as a

paradox. He never got a job at the law school. He gave up. Quit. Laid his hopes to rest. Then he died. He escaped the archive and left a gift at the door, an image, I surmise, of his addiction to film and not to law. That is in part the case, he was better fitted to another discipline and a different career, but it misses the truth of his addiction which is that it was alcohol, the space of phantasms, the bane of reverie and the destroyer of images, that in fact killed him. There is a certain justice to beginning the archive, to opening the record and inaugurating the narrative of this law school with an image of inebriate addiction. In one etymology, from *addicere*, the addict is committed to legislating, to announcing, dictating a passion, a law that they cannot control. It is a failed attempt at edict and rule.² A project that keeps escaping or perhaps more libationally overwhelming them. That seems a good starting point for a critical legal enterprise, for an intimate history whose goal is to tell another story, to release different images, to address the heretical archive, the preposterous figures of things that did not happen, institutions that never came to be except as images, as future possibilities, shadows, the said of the unsaid. The heretical archive attempts an accurate description of what did not occur, it seeks to confer visibility upon the discarded, overlooked, rejected, incomplete and non-existent. The addicts archive, *l'archive d'ivresse* is phantasmatic, for sure, but it is equally apophenic, pareidolic, a form of being carried away into shadows and invention (Ruiz 2007: 23-36).

The opening is a matter of coming alive, a question of not looking at what is there, or not only at the closure of the extant, but equally at the shadows which, as Plato reminds us, are the cast of what is unseen and outside, the incitement to action and exit. An inebriated encyclopedist, a plastered bibliophile figuring at the portals of the archive indicates the first obstacle to inaugurating or entering an archive. A night of serious drinking is a prerequisite in this case to overcoming resistance to the columbarium, hostility to the grammatophylic cults and rites of storage.³ As Vismann puts it, the archive 'refers to that which does not speak', a locked space, a closed trunk, a prison cell, both *arca*, chest, and *Arcanum*, mystery, and so historically the ark of the covenant, of the law, a site that sanctifies or renders the records as the mysteries of

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government (Cowell 1610). *Arca* is also cognate, recall, with *archus*, arch and yoke, the portal under which one must pass to enter law (Vismann 2012: 51).⁴ The critic who questions the authority of the *archon*, and the benevolence of the legislator, stands before the gates of the records, before the law as an ‘archontick’, an old term meaning in its general sense related to the archon or chief magistrate but also, later, a heretic or questioner of the closure of the archive, one contesting the mystery or sanctity of what it conceals.⁵ The archontick somehow wishes to escape the sovereignty of the textual sepulcher while at the same time longing for a certain acceptance, for access to and from the secured space, entry and exit from what Derrida terms *mal d’archive*, the itch of memory. A critic of the abstruse art of government and law, of the enigmas and simulations of rule, the archontick has an ambivalent position, identifying with but also deserting those who are kept out of the archive and external to the mysteries and argot of record, text and law.

The lines crossed may be somewhat blurred by intoxicants, by the spirits imbibed, the manuscripts interred and the narcotic of dust, but chests, locked doors, portals, suggest control, confinement, a regimen governing entry, the order of a hieratic place. This is why, in *Gout d’archive*, Arlette Farge devotes especial time to the rituals of arrival, the competition for places, the physical discomfort, the need to establish what she terms her presence (*présence d’elle*) within the building (Farge 1997: 43).⁶ Both words are significant. Start with presence, that much contested ontological and philological expression, here in the feminine gender. Presence is the affect of being there, of bringing life, second eyes, to the register of the past, the melancholic collection that exists by virtue of a Collect or prayer that even the dead will continue to exist in the lives and meanings of the present that presence harbours. Life comes to the archive and in a critical legal sense it arrives so as to leave. It brings an affective heremeneutic and incarnadine reading to the objects, manuscripts, *incunabulae* and books that it encounters. The play of looking, and reading, of reverie, dream and thought is to engage, encounter and feel the past in the present, to live with and in the materials of the archive, to take them out with you as embodied

and active aspects of what law means for you.

The content of the archive is inanimate, and like Dr Maclean it is dead. They share that at least. There is also a degree of gendering in the archives of law which 'her presence' equally intimates. Farge is surprised by the number of women that populate the judicial records and by extension made their presence felt in 18th century Paris. 'Her presence' constitutes a double opening, first of the archive or of the *arcana iuris* to feminine eyes, which is not so antique a tradition, and secondly the opening of the texts of the archive to unleash the variable presence of women within the judicial register and as subjects of rule and frequently objects of legal sanction. For the archontick to enter the archive is to break down the walls of the fortress and potentially to expose what were expressly termed the abstruse arts (*artes abstrusae*) of the *arcana*, of sovereign law to external view.⁷ One can pause here again on the issue of presence and the translation of the mysteries which requires an apostate, an archontick, a critic, man or woman, but necessarily a species of outsider to unravel the enigmas and uncover the simulations of origin and authority as timeless and incontestably textual.

It is not, I surmise, an accident that it was Cornelia Vismann, an anarchist leaning, German, Hellenophile feminist jurist who wrote the major study of the historical materiality and continuing significance of files and their archival storage. *Her* presence opened up a novel discipline for juridical science in its most archontick rigour, its anti-Romanism. She shows in detail how the juristic sense of archive and text as equivalent of law, as origin of authority, is paradoxically predicated upon the destruction of the archive in its Greek sense, recuperated by Heidegger, of *aletheia* or truth. Specifically, and not without irony, it was the Eastern Emperor Justinian who ordered the creation of the ultimate archive, the Code of all Roman law, the Pandects, or books containing everything, at the same time as he ordered the destruction of the records upon which the compilation was based. All law was henceforth to be taken from the *Corpus iuris*, which was to be revered and obeyed, while the earlier laws were to be laid to rest (*quiescentibus*). Citation to other sources was explicitly made a crime – *falsitatis crimini* – and

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subject to severe penalties for the litigant and also for the judge who gave a hearing to such a cause (*Digest of Justinian* 1987). Equally there were to be no commentaries, now or in the future, upon this novel most holy code and ‘temple of justice’ valid for all time (*in omne ævum*) (*Digest of Justinian* 1987).⁸ It is Rabelais who most swingingly pillories the method and hubris of the compiler: ‘Tribonian, a wicked, miscreant, barbarous, faithless and perfidious knave ... did he shape measures for pleaders and cut their morsels to them by and out of these little parcels, fragments, bits, scantlings, and shreds of the law altogether concealing, suppressing, disannulling, and abolishing the remainder, which did make for the total law ...’ (Rabelais: 1653; ch. LXIV).

The Code that establishes the law and makes text and rule identical, at the same time murders the texts upon which the law is based. Making an archive is based on the act of destroying all other potential archives. All definition, of course, is dangerous, and in the context of codification it involves the erasure of what preceded so that the novel can become precedent. Suppression of the sources institutes the *hieros* or mystery and so legitimacy of the Code as law that exceeds both memory and the knowledge of all but those initiated into the occult roots of the complete and self-fulfilling text. As Vismann relays it, the *Digest* is the product of a double cancellation. First, the new text is consecrated and removed, placed in seclusion, approachable only through cancels or bars. The most holy temple of justice is a text and like any such it is vulnerable and hence the guards, the secrets, the secretion. Then, second, the original texts are torn and twisted, abridged and fitted to their new context, while what was not used was literally cancelled, quieted, put to sleep, and not to put too fine a point on it, executed, burned as it were at the stake. The act of archiving is thus an act of killing. Preserving is destroying, a point brilliantly taken up by Haley Gibson (2018) who elaborates upon the crucial link to the symptom of forgetting, and the reduction of memory to *hypomnesia* – super bad recollection. The archive is a substitute for recall and lacks any interior or experience. It is tied to the death drive, social affairs are put in order and laid to rest. The beginning is an erasure, a symptom of loss and so marks an event of recording so as not to suffer loss again. There is

then, of course, a third loss or denial, a point made by Hotman (1603), that this collection is of a law that had long ceased to be current or locally relevant. It is the juristic legacy of a Western Roman law that was abandoned to actual use when the Western Empire fell. The latter is also the larger point that any collection displaces and cancels, rejects and desanctifies what is not collected, the ruin of the past that piles up as the debris of the social, the archaeology of rubble, the refuse of time.

All of the above, the three cancellations, simply emphasise the archive as a symptom of a need for a vanishing point, a marker of departure, a vestige left behind. Were it only such, death circumcising and destroying the artefacts of the hypomnesiac then our efforts would be in vain, the collection a melancholic relic awaiting erasure rather than cryptography. There is death but there is also desire, the pleasure principle, not only the phantasm of survival but the collection of images, the signs of loss refuted by the warrant and impetus of things, marks, and images. The first such instance of desire is precisely for the absent, and returning to Dr Maclean, for what never happened. The heretical jurists' preposterous archive in fact begins with the reconstruction of failures, excisions, absences, the records and the laws that never made it to the compilation, the imaginal *Digest*, the indigestion of the code. Allow an analogy, we are common lawyers after all, to films and the Director Raul Ruiz stipulates from long experience, over 100 movies, that 'every film is always the bearer of another, a secret film' (2005: 109). There is the official narrative feature, the film that is actually screened and then there is 'the symbolic potential of the images and sounds in isolation from their context'. There is a clandestine movie, images that travel incognito, escaping the surveillance of the narrative and slipping out of the doors of the theatre or, in our case, the portals of the archive. There is an oneiric residue, a spectral reverie that trips alongside the official version, that constitutes the aura of the elements of the columbarium. What is key is that it escapes the confines of the text or object, manuscript or other depiction. Take, for instance, the syllabus at Birkbeck.

The critical legal scholars got appointed to establish a law school.

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The friends, as Tony Carty put it, had taken over the police station. Would that change anything? The answer, I think, is incremental, initially on the inside. What else would critical scholars do? There were certainly complaints, made primarily by one Emily von Goertz, now no longer with us, to the Law Society, that the critical legal scholars were establishing a curriculum and teaching politics rather than law. Letters were exchanged with the SRA and the education committee often at the level of detail of assertions of misdescription of case outcomes in lectures, impertinent remarks in tutorials. It was enervating rather than threatening. What I recall more often and more vividly is a conversation at the first Christmas party when Caroline Povey, one of the first intake of students, asked me quite openly how, if we were left lawyers and critical legal scholars, we were teaching such a conservative law curriculum? The critic's dilemma posed back when there was a dilemma. There was no good answer. We were teaching the same curriculum but unleashing different spectres, exercising a didactic diffidence, a theatrical unmasking, performing as sillograppers who, as the definition goes, write scoffs and taunts.

Povey's question lingers and hovers still over any archontick record or in any sense alternative concept of a critical archive. It suggests first that the walls of the storehouse have to be breached. There is no inside or outside of the archive, they bleed into each other, the barrier leaks and seeps a porous flow of images, spectres, and, most heretical of all, our critical icons and radical angels. Digitisation creates a seamless record and opens up what was previously closed. First of all, the library, then the courtroom and now the vaults, I will argue, of the *arcana* of law. The deeply shrouded moment of invention, the fabrication of the judgment and formulation of rule are released to view. The internet only knows of paywalls and these can be hacked or breached or paid as inclination accords. The internet fragments and relocates the archive, there is no need to go to a place when the virtual site, byte or nibble will give the sensation without leaving one's room, office or café. Travels, to coin a phrase, around my head. The walls come down. Freeplay. Loss of the aura of the relic, tearing of the text, as also of the rite of the original may lessen the cathartic impact of the image but it opens possibilities,

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the vista of a future that did not occur, the other school, the alternative curriculum, the one that developed alongside the official institution.

Back to Maclean's parting gesture. The film addicts archive. Where previously I had concentrated on the addiction, his immediate history, there is now the question of the film, the symbolic dimension of the encyclopedists gift, and in his case *l'ivresse d'archive*. There is a sense in which film is now an outdated concept, replaced by clips and cuts, sequences and snaps, bytes and nibbles, by the mobile and digitized but the point remains in the form of the turn to the visual, from downcast to uplifted eyes. The old term for items in the legal treasure chest is *quo warranto*, by what right and warrant is the law made? The form this took, still familiar to US law review editors, is that of proof by way of production of an object, the substance of an image, be it deed, roll, or other symbolic object, as for example a ring, a precious metal, a map, picture, fragment or other depiction. Justice cannot be painted but its practices can be viewed. What then do we look at when we scope out the archive, this sovereign solitude as Motha (2018) describes it, this irresolution, the history of death?

The authority of the archive exists primarily in its invisibility, the pastness of its objects and the hierophantic appearance of its texts. That for the archontick is the malevolence of the place and the practice, the marker of violence secreted, isolated, represented through disappearance. The double irony of the archive, the equivalent of the critic's dilemma, is that of two modes of vanishing: secretion in and exclusion from the repository. The resolution to the dilemma lies in the concept of opening. What has vanished has to appear, yet that is not a question of recollecting the past but rather of summoning the future as much from the priority that did not happen as from the symbols, the aura and images that spectrally inhabit the space of record, of the other, unmade tabulation.

The archive, for Vismann, was rendered text for Justinian by the miscreant Tribonian, who in Rabelais' fine sillograph produced a path to darkness defended with caltrops. That archive has retired, and it is now the institution as evidenced digitally and encountered

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in fragments, sequences and images that act as the imaginal space of legality, as spectral authority, and priority. What matters is no longer what is stored, the things there, the space interior to the archive but rather its immateriality, which is to say that the medium of entry and exit, the shadows that of those that were excluded as they enter and the spectres of those that escape. *L'archive d'ivresse* is a question of course of protected sites, of eminent domains, of restricted addresses, limited access, and that image of concealment releases the reels, the mercury of what did not happen. The archive is here an 'as if' in Vaihinger's sense of a collection of *causa ficta* and *non-entia imaginaria* (1924: 269). The Collect of dormant records and incomprehensible things, opportunities foregone, near misses, fruitful illusions, proffers the anarchy or here the anarchivism of chance. I will offer a brief list, a series of observations, slips in the stacks, faults in the files, symptoms of what we wanted but temporarily failed to build.

Our greatest success was to bring the critical legal studies movement to the institution of a new law school. Critical legal studies, to borrow from Unger, 'was a disruptive engagement in a particular circumstance' (2015: 4). It was a movement of ideas, an apparatus aimed to expose the politics, inauthenticity, hierarchy and shallowness of legal thought. Critique meant theoretical fervour, philosophical enthusiasm, the embodiment of an alternative grid through which to view the legal disciplines. The problem we faced was that we had become the bearers of the discipline we wished to critique. To disband the law would be to render ourselves unemployed, to invert the disciplines would be to risk invalidating the degree. So we set about a more incremental and theoretical task, the history of law's present, explanations of the forces that shaped the legal institution, the desires that made it as it is. We engaged, to borrow this time from Duncan Kennedy, in interstitial critique, trench warfare, reform or dissolution of the grid of disciplines from within (2004: 202). Those records lie dead somewhere in the department of lost letters. What did not get written, the phantasm that deserves anarchiving, the relevant 'as if' is the curriculum that was not written, the syllabuses that were never instituted.

If there is a hint of laziness to that rather too easy, initial successful failure, to that open possibility that lay at the rainbow's end of Povey's question, our 'as if' archive could unleash the image of a palpable hope of furthering a rethinking of what it is to engage in the pedagogic practice of inscribing law. The moments of anarchy, excursions in enthusiasm, the collapsing in laughter, the surrealism of theory, the bibliophilia of juridism all deserve a space on the imaginal shelves. To their side, however, there is another story of a failure to de-institutionalize, to subvert the hierarchy and the authority, the examinations and structures of judgment that we claimed to abhor. The practice of hierarchy continued, teacher to student, professor to lecturer, College to Law School, and professional accrediting bodies to the University. We yielded to the desire to appear to conform. We gave in to law as law, as an external structure, and were hesitant to address the being of law in ourselves.⁹ That second successful failure opens the future possibility of institutionalizing at the level of the imaginal.

It is the latter point that reverts to the question of images, and more recent elaborations and theoretical inventions relating to imaginal laws, aesthetics, synaesthetics and atmospherics. There was a certain masculinism that will without question resonate and waft in any authentic archive of the 1990s, and the archonticks, the critics, were not immune to a fraternal sociability, a comradely nepotism, political narcissism that fostered furtherance in variable ways of their own ego ideal. Moulded in the image of the institution that they desired to change, the tendency was to circle around familiarities of gender, performance, position and sociality. There was the safety of similarity which is of course the first rule of classical legal method and the critics were not entirely immune to its allure. His presence, rather than hers, was the order of fraternal instigations and I will hazard that the absence of the great archivist, her non-presence in the institution despite visiting and applying for a position, came down to the malevolent affections of the brothers. The archontick question there is how would it have been different, what history of her presence has yet to be written? And there are other instances in which I am also complicit. The famous feminist professor, let us say AZ, who applied for a job but was turned away

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without interview because of a rumour that she had lost an entire cohort of exam scripts on a train. As Anne Stoler puts it in a different context, 'rumors are here transformed into 'statements', actionable evidence by a sleight of hand' (Stoler 2009: 207).

There are further instances, other failures, more occasions that the 'as if' archive, the record of absences, the incendiary of possibilities can unleash and portray. So much that never was, an ocean yet to come. Dr Maclean lingered on images and left the archive of film as the purest addiction. His other holism. We can pick it up again, afresh. We are bonded to images in an imaginal political epoch, in a videospheric digital atmosphere in which archiveology, what Russell defines as the language of images, found film, and other emblemata can locate and hold the realm of possibilities (2018:5).¹⁰ The change in the media of law's transmission, the move from text and library to digital relay and internet bytes and sequences, clips, frames and screengrabs lay at the threshold of a new era and the inebriate Maclean had glimpsed that, or, as an image, is gleaned it now. The issue is how to release those phantasms, grasp that atmosphere, renew the affect, if not the effect of turning to the bottle and drowning desire.

Throw caution to the wind, risk *damnatio memoriae* or becoming one of the *miserabiles personae*, the narrative is that we arrived armed with desire and left to do other things.¹¹ The band of friends, Birkbeck bros, were better at drinking than breaking conventions or tearing down rules. We were not as radical, heretical or transgressive as we hoped, we didn't build the utopian institution that we had maybe dreamed of, we didn't devise a novel system and grid through which to excoriate the categories of common law. What was created, in part at least, was a heterotopic space peopled with outcasts, Greek, gay, Austrian, anarchist, literati and exit-orientated lawyers, joined together by their sense of not belonging. That is the other space that the archive should unleash. We also learned the long game or dare I say a version of Cicero's *via media*. Dialogue is affective and personal, the teaching relation a rhetorical mode of knowing and accommodating the desire of the other. What emerges is a lexicon of small differences, minor gestures, embodied traces. Critical legal studies teaches law through its modes

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of reproductions, its contexts of class, race, gender, the atmospherics of administration and the *oikonomia* of institutions. The critical legal law school is affectively and intellectually different without being implosive or explosive of the fabric of the institution. If it were, there would be no impetus to an archive, 'as if', heterotopic or other.

Finally, last words, the figure of the addict and her archive, some now digital memories, beastly beautitudes of bodily forms. The archive, as I have tried to evince, is also personal and we can learn, painful though it sometimes may be, from rumour, anecdote, flirtation, wrath, the conflicts and the love affairs that the files and the figures, the images reveal. A record of distractions, you might think, but where we were not, also dictates what we did not do. So, the epitaph must go to the addicts archive, to the last lines of the book, a poem titled 'The Midnight Movie':

We turn the reels of what we wanted,
Watched by our own ghosts (Oakes 1977, 162).

Notes

- * This paper was delivered at the Archives conference held at Birkbeck College on June 1st, 2018 to inaugurate an archive of the Birkbeck Law School. My thanks to Stewart Motha and to Piyel Haldar for their hard work, support and hospitality.
1. The term, of course, is taken from Maurizio Ferraris (2013: 321).
 2. Eric Partridge (1958) lists addiction under *dict*, from *dicere*, to speak and with the prefix *ad*, to be spoken, judged, determined already. The Latin root is even more interesting in being a reference to a slave being handed to a master, auctioned and knocked down to a buyer. See also Lewis and Short (1958) s.v. *addicio*.
 3. See the *Digest of Justinian* (1987: 48, 19, 9, 6).
 4. For a lengthier exposition, see Vismann (2008).
 5. As written by Thomas Blount (1707) sub nom: 'Archonticks (*archontici*) certain Heretiques, who affirmed the world to be the work of princes and denied the resurrection'.

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6. Farge (1997) at 44: 'L'archive parle d'elle, et la fait parler'; translated as Farge (2013: 32).
7. See Arnold Clapmar(1644) on the artes abstrusae; well developed by Michel Senellart, (1995: 245-269) (*arcana imperii*).
8. See Hotman's finely dismissive commentary in *Antitribonian ou discours d'un grande et renommé Iurisconsult de nostre temps, sur l'estude des loix 1567* (1603: ch 12).
9. A theme nicely elaborated on by Mathew Stone (2012: 198).
10. As Catherine Russell notes 'Archiveology as defined here is not about personal memories, but collective memories, the images produced to tell stories or to record public events' (2018: 5).
11. On which, see Goodrich (2009: 460) and more recently Goodrich (2018: 43).

References

- Blount T 1654 *Glossographia* Tho. Newcomb sold by John Martyn
- Clapmar A 1644 *Arcanis rerum publicarum* Elsevier Amsterdam
- Cowell T 1610 *The Interpreter* Cambridge
- Desautels-Stein J and C Tomlins eds 2018 *Searching for Contemporary Legal Thought* Cambridge University Press Cambridge
- Farge A 1997 *Le goût d'archive* Points Paris
- 2013 *The Allure of the Archives* Yale University Press New Haven
- Ferraris M 2013 *Documentality: Why it is Necessary to Leave Traces* Fordham University Press New York
- Gibson H 2018 'Reopening the Archive: From Hypomnesis to Legal Ontology' in Zartaloudis 2018: 104-115
- Goodrich ed 2012 *Derrida and Legal Philosophy* Palgrave Macmillan Houndmills
- 2009 'Intellection and Indiscipline' *Journal of Law & Society* 36/4: 460-80
- 2018 'Who Are We? Persona, Office, Suspicion and Critique' in Desautels-Stein J 2018: 43-60
- Hotman F 1603 *Antitribonian ou discours d'un grande et renommé Iurisconsult de nostre temps, sur l'estude des loix 1567* Pellier Paris

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- Kennedy D 2004 *Legal Education as Training for Hierarchy: A Polemic Against the System* [1984] New York University Press New York
- Lewis C and C Short 1958 *Latin Dictionary* Oxford University Press London
- Motha S 2018 *Archiving Sovereignty: Law, History, Violence* Michigan University Press Ann Arbor
- Oakes P ed 1977 *The Film Addicts Archive* Hamish Hamilton London
- Partridge E 1958 *Origins: The Encyclopedia of Words* Macmillan New York
- Ruiz R 2007 *Poetics of Cinema 2* Dis Voir Paris
- 2005 *Poetics of Cinema* Dis Voir Paris
- Russell C 2012 *Archiveology: Walter Benjamin and Archival Film Practices* Duke University Press Durnham
- Senellart M 1995 *Les arts de gouverner: Du regimen médiéval au concept de gouvernement* Seuil Paris
- Stoler A L 2009 *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* Princeton University Press Princeton
- Stone M, Wall I and C Douzinas eds 2012 *New Critical Legal Thinking* Routledge London
- Stone M 2012 'Life Beyond Law: Questioning a Return to Origins' in Stone 2012: 198-212
- Unger R 2015a *The Critical Legal Studies Movement* Verso London
- 2015b 'Another Time, A Greater Task' in Unger 2015a: 3-75
- Vaihinger H 1924 *The Philosophy of As If: A System of the Theoretical, Practical and Religious Fictions of Mankind* Kegan Paul London
- Vismann C 2012 'The Archive and the Beginning of Law', in Goodrich et al. eds 2012: 40-54
- 2008 *Files: Law and Media Technology* Stanford University Press Palo Alto
- Zartaloudis T ed 2018 *Law and Philosophical Theory* Rowman and Littlefield London
- Watson, A ed 1987 *Digest of Justinian* Pennsylvania University Press Philadelphia