

**THE MONSTROUS BODY OF THE LAW:  
WOLLSTONECRAFT VS. SHELLEY**

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## THE MONSTROUS BODY OF THE LAW: WOLLSTONECRAFT VS. SHELLEY

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### I. The Alchemy of Romanticism and Rights

The principal claim of this article is uncontroversial: that Romanticism reinvents rights<sup>1</sup>. But what distinguishes this article's claim from that of countless others is that this rich and strange alchemy of reinvention stems not from that "most wanted" of usual suspects, Rousseau (and behind him, Montesquieu, Voltaire and d'Alembert; and in the anglophone world, Locke and Hobbes). Rather this article locates rights' source elsewhere, in an alternative location, a(O)ther Romanticism, one that is often sidelined if not overlooked altogether: specifically, the feminist Romanticism of Mary Wollstonecraft and Mary Shelley. I shall argue that this mother-daughter duo, each exemplary of "first" and "second" generation Romanticism, are engaged in an

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intertextual debate over the nature, content and efficacy of rights discourse, and the possibilities for its reinvention. Part II of this article establishes the terms for this debate by arguing for a legal, specifically jurisprudential reading of Shelley's Frankenstein<sup>2</sup>: a reading in which rights are allegorised in the figure of Frankenstein's monster, and thereby critiqued as the "monstrous body of the law". Part III will contextualise this critique of rights, locating Frankenstein as a contrary reaction to the previous generations' overenthusiastic embrace of rights. Parts IV and V will situate these two texts--Frankenstein and A Vindication of the Rights of Women<sup>3</sup>-- within a psychoanalytic frame, advancing the thesis that Frankenstein's monster is the "return of the repressed" body which liberalism, during the French Revolution, first disavowed, then dispatched by regicide and finally supplanted by a disembodied rights discourse. Hi-jacked in the next generation by the Industrial Revolution's strong contract and property imperatives, this rights discourse was reembodyed in the early nineteenth-century around the figure of the Capitalist, whose fetish, even "symptom" rights were (and are). Part VI will read Frankenstein against this immediate backdrop of Capital's hegemonisation of rights discourse, arguing that Frankenstein and his monster, as creator and created, are analogous to the bourgeois-liberal and his rights. I will argue that Frankenstein offers two critiques of this relationship by enacting, through character, setting and plot, two political positions: first, the organic-conservative position, whereby rights (figured in the monster) are seen as destroyer of its creator, the ancien regime of the philosophes as much as the aristocrats (figured in both Victor Frankenstein and the De Lacey's); second, the proto-Marxist position, where rights are seen as not only destroying their

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<sup>2</sup>Mary Shelley, Frankenstein: or The Modern Prometheus, ed. Maurice Hindle (London: Penguin Books, 1992).

<sup>3</sup>Mary Wollstonecraft, A Vindication of the Rights of Woman, ed. Carol H. Poston (New York: W.W.Norton & Co., 1988).

creator (Victor) but themselves, the created (staged in the last scene of the text where the monster sails off to certain death, accompanying the dead Frankenstein's funeral pyre). Part VII will return to a comparative account of Wollstonecraft's and Shelley's texts, situating A Vindication of the Rights of Women and Frankenstein within the feminist problematic of rights, and arguing that the intertextual debate in which they are engaged may provide, when read holistically, a way out of the philosophical impasses which afflict rights discourse--is it universal or particular? a symptom or a solution?-- as much today as it did in their day. So the stakes are high in the jurisprudential inscription of Wollstonecraft and Shelley which this article essays; indeed, the rehabilitation of an explicitly feminist legal and literary history for rights discourse promises not just a new critique but a new praxis of rights.

## II. "I shunned my fellow-creatures as if guilty of a crime" (1. IV, 55): The Scene of Frankenstein's Crime

One of the most striking features of Mary Shelley's Frankenstein is its emphasis on crime, particularly the crime of murder. In fact, the narrative action of the novel consists, largely, in a series of murders: that of Victor Frankenstein's younger brother, William (2, VIII, 137-139); his best friend, the "Orientalist", Henry Clerval (3, IV, 169); and, most dramatically, his fiancée, Elizabeth (3, VI, 189). All these murders are worthy of any of our current crop of cinematic serial killers, whether it be Daryl Lee in Copycat, the nameless killer (played by Kevin Spacey) in Seven or, finally, either "Buffalo Bill" or Dr. Hannibal Lecter in The Silence of the Lambs. Indeed, all these celluloid characters are the imaginative descendants of Frankenstein and, particularly, his monster; for the monster is, with Maturin's Melmouth, one of the first literary serial killers and Shelley's novel is the ur-text of the genre, establishing its most familiar

conventions. Principal among these is the act of flight and pursuit across a bleak, nightmarish landscape, usually rendered in contemporary films as a dystopic, noir-ish, even Blade Runner-esque cityscape, an urban variation upon the novel's opening (1, Letters 1-5) and closing chapters (3, VII) set in the Arctic wastes. Next is the mise-en-scene of the "chamber of horrors", deriving ultimately from Frankenstein's dark, garret laboratory at Ingolstadt ("a solitary chamber or rather cell, at the top of the house, and separated from all the other apartments by a gallery and a staircase, I kept my workshop of filthy creation" 1, IV, 59), but usually transposed to some sort of prosaic subterranean space like a suburban basement where the killer performs his ghoulish labours on the "body in pain": torturing his victims, preserving their remains, even constructing artifacts out of these remains (like the body-suit Buffalo Bill makes out of the skin of his victims in The Silence of the Lambs). Finally, the obsession with the images of the dead, conventionally figured in contemporary films by the relentless photographing and photographs of the body of the victim which are displayed so often that they take on the same sort of "frenzy of the visible" that Linda Williams equates with pornography<sup>4</sup>, and which echo in the novel not only in ghastly spectacle of the dead Elizabeth on her wedding night ("She was there, lifeless and inanimate, thrown across the bed, her head hanging down, and her pale and distorted features half covered by her hair...The murderous mark of the fiends' grasp was on her neck, and the breath had ceased to issue from her lips", 3, VI, 189) but also in the repeated references to the portrait of Frankenstein's own dead mother (1, VII, 75; 2, VIII, 138).

Crime, however, is not Frankenstein's sole focus. Detection, forensics and, indeed, punishment figure just as prominently. In fact, the whole legal process is as vividly dramatised

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<sup>4</sup>Linda Williams, Hard Core: Power, Pleasure, and the "Frenzy of the Visible" (Berkeley: U.Calif.Press, 1989).

by the novel as the law's transgression is in the murderous rampage of the monster. So vivid is this dramatisation that it underwrites the principal claim which this article makes: simply, that Frankenstein can be read as an allegory of the law. Indeed, its treatment of the law is not even as oblique as allegory because much of the novel explicitly represents, as it did with the scene of crime, the physical site of the law's theatre and its discursive dramas: namely, the courtroom. Three such curial examples are provided by the text. First depicted is the trial in Switzerland of Justine, a trusted domestic of the Frankenstein household, wrongfully accused, found guilty and hanged for the death of her young charge, William (1, VIII, 79-82). Second, there is the Irish discovery (3, IV, 169-171) and arraignment (3, IV, 175-176) of Victor Frankenstein himself for the murder of Henry Clerval. Significantly, Frankenstein is acquitted here, a verdict which might be read as a vindication of British justice--Ireland then "enjoying" the benefit of English common law represented by Mr. Kirwin--, particularly when compared to the gross miscarriage of Justine's Continental, civilian-based and inquisitorial-style trial with its absence of the presumption of innocence : "I perceived that the popular voice and the countenances of the judges had already condemned my unhappy victim", (1, VIII, 82). Third and last, there is the interview in the judicial chambers (3, VI, 192-194)--a kind of courtroom scene behind the scenes--with the Genevan magistrate where, treating the magistrate as if he was sort of Calvinist father-confessor, Frankenstein makes a full confession of, and seeks a kind of judicial absolution for the whole diabolical business of his creation and its murderous consequences: "I trembled with excess of agitation as I said this; there was a frenzy in my manner, and something, I doubt not, of that haughty fierceness which the martyrs of old are said to have possessed" (3, VI, 193-194).

Frankenstein is not, however, just a representation of the workings of the legal system. The novel goes much further than that: it not only represents but enacts the legal system's fundamental

discursive processes in the text's overarching narrative act. That central narrative act is nothing less than the production of a body. This production goes far beyond either the act of rending, eviscerating and torturing "the body in pain" (in the manner of the "serial killer" subtext of the novel adverted to in the opening paragraph of this section), or the act of trying, cross-examining and executing the body of punishment (in the manner of the "legal process" subtext of the novel referred to in the second paragraph); instead, this act takes the form of the actual construction of the body. That construction is to be understood literally: of how marrow and bone, flesh and blood and all manner of corporeal bits and pieces are put together so as to be regenerated in the manner of Erasmus Darwin's experiments, "who preserved a piece of vermicelli in a glass case, till by some extraordinary means it began to move" (Author's Introduction, 8), referred to by Mary Shelley in her introduction to the text. Shelley's introduction, however, raises a further question, one which poses a preliminary challenge to my thesis: namely, how is this narrative act of bodily construction at all legal when the author's introductory references to Byron and Percy Shelley's discussions of the "experiments of Dr. Darwin" and "galvanism" (to which she was a "devout but nearly silent listener", Author's Introduction, 8) squarely situates the text's genesis within the frame of science? My claim for a jurisprudential reading, however, is based not so much on what the text actually tells the reader as what it shows her.

What the reader is shown in Frankenstein is certainly not an experiment recognisable, as indeed Darwin's were, as scientific. Quite the reverse: both the language and procedures of science are conspicuous by their absence in Frankenstein's laboratory<sup>5</sup>. For example, when hovering on the threshold of his breakthrough, Frankenstein refers to his "supernatural enthusiasm" (1, IV, 50)

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<sup>5</sup>For a similar point, see: Joan Copjec, "Vampires, Breast-Feeding and Anxiety" in Read My Lips: Lacan Against the Historicists (Cambridge, Mass., USA: MIT Press) at 124-125.



for this act of bodily construction, a process he analogises to "magic" (1, 1V, 51). This language recalls the young Victor's flirtations with alchemy and its practitioners--"Cornelius Agrippa, Albertus Magnus and Paracelsus, the lords of my imagination" (1, II, 40)--, a mode of learning and a line of scholarship at complete odds with, and in sharp contrast to the Enlightenment rationalism of Ingolstadt University, exemplified in his tutors, Krempe and Waldman. This mystification, rhetorical and otherwise, surrounding Frankenstein's act of bodily construction is further heightened and, thereby, obscured by the fact that it is never really dramatised in any technical sense for the reader. The theft of the body parts, their stitching together and their reanimation through the coiled tubing and electrical flashes of the laboratory apparatus are more cinematic rather than novelistic conventions, and exist only by way of allusion: "Who shall conceive the horrors of my secret toil as I dabbled among the unhallowed damps of the grave or tortured the living animal to animate lifeless clay" (1, IV, 53) . No midnight graveyard forays of resurrection men, let alone scientific protocols, are represented here; the monster just comes to life: "I collected the instruments of life around me, that I might infuse a spark of being into the lifeless thing that lay at my feet. It was already one in the morning...when...I saw the dull yellow eye of the creature open; it breathed hard and a convulsive motion agitated its limbs" (1, IV, 56). Even the formula of the discovery remains undisclosed, Frankenstein refusing to reveal it to his auditor, Walton: "I see by your eagerness and the wonder and hope which your eyes express, my friend, that you expect to be informed of the secret with which I am acquainted; that cannot be: listen patiently until the end of the story, and you will easily perceive why I am reserved upon that subject" (1, IV, 51). And this absence of science, either linguistically or technically, suggests, instead, that another kind of construction of the body is taking place: a social rather than scientific construction of the body.

III. Righting the Revolutionary Body Politic: "Les Mots, comme les choses, ont ete des monstruosités"<sup>6</sup>

The monster seems to spring ex nihilo from Frankenstein's "fever(ed)" imagination (1, IV, 51) an act which recalls, echoes and, indeed, mimics the principal act of bodily construction which this period, broadly conceived of as Romantic, affords. For what Romanticism, and the revolutionary impulses released by it constructs is a new polity, the republic of reason, predicated upon and organised around a new body<sup>7</sup>: that of the citizen-subject, the bearer of those liberties, freedoms and equities secured by the social contract and entrenched as the "rights of man"<sup>8</sup>. But this body, and the polity which it organises, is highly problematic, given that the revolution which inspired its construction was committed to an agenda that, from the first, was profoundly disembodied. This disembodiment takes both literal and figural forms. Firstly, it is literal in the sense that the body in the body politic of the ancien regime, condensed in the body of the king, is literally dispatched in the guillotining of King Louis XVI<sup>9</sup>. Secondly, it is figural<sup>10</sup> in the sense that the revolution inaugurates, in place of the body of the king, the reign

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<sup>6</sup>Jean-Francois La Harpe, Du Fanatisme dans la langue revolutionnaire ou de la persecution suscitee par les Barbares du dix-huitieme Siecle, contre la Religion Chretienne et ses Ministres 3rd ed., Paris, 1797 at 14 quoted in Hunt, infra., note 10 at 19.

<sup>7</sup>For a more generalised account of the metaphor of the "body politic", see: Ernst Kantorowicz, The King's Two Bodies: A Study in Medieval Political Theology (Princeton, N.J.: Princeton University Press, 1957).

<sup>8</sup>Simon Schama, Citizens: A Chronicle of the French Revolution (London: Viking, 1989).

<sup>9</sup>For an almost christological reading of the execution, see: Claude Lefort, "The Permanence of the Theological-Political?" in Democracy and Political Theory, trans. David Macey (Minneapolis: U.Minn.Press, 1988) at 247.

<sup>10</sup>For an explicitly aesthetic--rather than, as here, jurisprudential--reading of the revolution's crisis of representation, see: Lynn Hunt, Politics, Culture & Class in the French Revolution (London: Methuen & Co., 1986)

of rights, themselves a species of figuration--i.e., language-- which are announced in what is, after all, one of the most celebrated of speech acts of the age, the Declaration of the Rights of Man<sup>11</sup>. What the illocutionary force of the Declaration declares, through the point de capiton<sup>12</sup> of rights, is a law of the signifier which, as a signifier, is invested with what Lacan would call the executory force of coupure<sup>13</sup>: that is, signification's "cutting edge". And what this signifier cuts is nothing less than the body itself--"the word is the murder of the thing", as Hegel would say<sup>14</sup>--so as to interpellate, in its stead, a subject who is evacuated of drive and drained of need: in short, the rights-bearer.

Given this literal but particularly figural disembodiment of the revolution and, behind it, Romanticism, how can it be said that this historical conjuncture constructs a body, juridical or otherwise? The answer lies in the nature of language, itself double, split between the construction and deconstruction of meaning, a division which one can see at work in the linguisterie of rights. For if the language of rights cuts the body in the Real, then that language, as language, reconstructs it in the Symbolic as a figural presence (though literal absence) in much the same way language in Freud's fort!da! parable works to restore, by figural substitution (i.e., the exclamation, fort! da! accompanying the thrown and recovered spool), the body of his

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<sup>11</sup>The French Declaration of the Rights of Man and of the Citizen, ss.1-17, reproduced in: W. Laquer and B. Rubin, The Human Rights Reader (New York: Dutton, 1979) at 118-120.

<sup>12</sup>Or "quilting" or "anchoring point", as Lacan says in "The Subversion of the Subject and the Dialectic of Desire in the Freudian Unconscious" in Ecrits: A Selection, trans. A. Sheridan (New York: Norton & Co., 1977) at 303.

<sup>13</sup>Ibid. at 314.

<sup>14</sup>G.W.F. Hegel, The Phenomenology of Mind, trans. J.B.Baillie (London: Geo. Allen & Unwin, 1931).

grandson's absent Mother<sup>15</sup>. The point being made here is that rights, as a language, recall the body to life. This resurrection of the body, however, is not real but representational: that is, its revivification is mediated by language itself, namely the tropes of metaphor and metonymy<sup>16</sup>. First, the body is metonymised by rights, cut into bits and pieces of linguistic hands and feet, as well as eyes, ears and mouth. Then, second, these body parts, are metaphorised as, in the latter case (eyes, ears and mouth) in rights of speech, belief and thought; or, in the former case (hands and feet) as rights of movement or association<sup>17</sup>.

This linguistic construction of the body enables the prevailing fantasy of rights discourse: namely, its universalism where rights are deemed to be in everybody generally but in nobody in particular. This "onto-theology" of rights--as everywhere and nowhere--links up with, and informs (and is informed by) a specific political project of the Revolution and one strain of Romanticism: that of liberalism. This school of thought promotes a notion of the subject who is, much like that of the Declaration's rights-bearer, an individual whose prevailing feature and overriding value is an autonomy which negates the self (particularly in its reliance upon empty, content-free formulas--such as the Kantian "categorical imperative") as much as it annuls the social (and its indifference to the "call of the other"). In locating, however, the Declaration within this intellectual context of liberalism, I have rendered problematic the central claim of this article. For how can the unmediated, embodied and abjected Real of Frankenstein's monster be an

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<sup>15</sup>Sigmund Freud, Beyond the Pleasure Principle in The Freud Reader, ed. Peter Gay (New York: W.W.Norton & Co., 1989) at 599-601.

<sup>16</sup>Roman Jakobson, "Two Aspects of Language and Two Types of Aphasic Disturbances", Selected Writings, vol. 2 (The Hague: Mouton, 1971).

<sup>17</sup>This semiotic process is more fully developed in: William MacNeil, "Law's Corpus Delicti: The Fantasmatic Body of Rights Discourse", Law and Critique (forthcoming).

allegory of the rights-bearer of the revolution? Particularly when the revolution's liberal-universalist discourse dematerialises the Law's body, substituting in its stead a disembodied, ratiocinative cipher? In short, how are these two figures of Romanticism--the monster and the rights-bearer-- connected?

#### IV. Romanticism's "Ecriture Feminine"

The connection between the monster and the rights-bearer is supplied, I shall argue, by Mary Shelley's mother, Mary Wollstonecraft. This claim, though, might seem to be a difficult one to sustain given the fact that Shelley never knew her mother, Mary Wollstonecraft having died in childbirth--in fact, at Shelley's birth of puerperal fever on 10 September 1797. Even a cursory acquaintance with Shelley's biography, however, reveals her interest in, indeed her obsession with her mother. Most of this obsession takes the typical, hysterical forms of the nineteenth-century cult of the dead, a pathology which Frankenstein dramatises in scenes which highlight the image of Victor's dead mother. For example, upon Victor's return to the family home, subsequent to William's death, he pointedly refers to the presence upon the chimney mantel of "The picture of my mother", herself depicted "in an agony of despair, kneeling at the coffin of her dead father" (1, VII, 75). Interestingly, it is this very image of the mother which provokes William's murder, as the monster confesses to Frankenstein: "As I fixed my eyes on the child, I saw something glittering on his breast. I took it; it was a portrait of a most lovely woman...my rage returned: I remembered that I was forever deprived of the delights that such beautiful creatures could bestow" (2, VIII, 138). These references suggest an almost Marian veneration of the maternal imago, and recall another site and style of Marian devotion: that of Mary Wollstonecraft, whose portrait continued to grace the drawing room of the home of her widowed,

and then remarried husband, William Godwin (much to the chagrin of his second wife, Jane Vial Clairmont)<sup>18</sup>. Indeed, Mary Shelley made something of a shrine of Wollstonecraft's St. Pancras gravesite, to which she would take Shelley as if on pilgrimage<sup>19</sup>. What distinguishes, however, these acts of commemoration from the routine rituals of what Philippe Aries' calls the "hour of our death"<sup>20</sup> is Mary Shelley's reading of Wollstonecraft's oeuvre. As a child and teenager she read her mother's writings over and over again, "textbooks, stories, her first novel, Mary"<sup>21</sup>, so that Mary Shelley came to know "her mother's history in more intimate detail than if Wollstonecraft had lived"<sup>22</sup>. Prominent among this course of reading was Wollstonecraft's A Vindication of the Rights of Women. This tract was one of the first (and finest) feminist, but also sociological critiques of rights discourse, a favourite of Mary Shelley's, and, indeed, the very text she was (re)reading, as her journal indicates, while writing Frankenstein throughout 1816<sup>23</sup>.

Wollstonecraft's tract inaugurates a long and venerable tradition in the critique of rights. The opening gambit of this critical strategy is to situate the autonomous subject of rights, to particularise its universalism. In so doing, critique shows that somebody lies behind the discourse of rights "enjoying" its protection while other bodies lie outside of it, thereby falsifying its claim

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<sup>18</sup>Emily W. Sunstein, Mary Shelley: Romance and Reality (Baltimore: The Johns Hopkins University Press, 1989) at 26, 37.

<sup>19</sup>Ibid., at 71.

<sup>20</sup>Philippe Aries, The Hour of Our Death, trans. Helen Weaver (New York: Knopf, 1980).

<sup>21</sup>Emily W. Sunstein, supra., note 13 at 37.

<sup>22</sup>Ibid., at 53.

<sup>23</sup>See the journal entries of Mary Shelley for 7 and 8 December 1816, The Journals of Mary Shelley, 1814-1844, Vol. I: 1814-1822, eds., Paula Feldman, Diana Scott-Kilvert (Oxford: Clarendon Press, 1987) at 149.

to be in everybody generally but in nobody in particular. The identity of that somebody is, of course, as Wollstonecraft points out in her prefatory letter to Talleyrand, indicated by the statutory title, Declaration of the Rights of Man, thereby excluding "one half of the human race...from all participation of government" (To M. Talleyrand-Perigord, 5). For the Declaration's liberties, freedoms and equities are, quite literally, the "rights of man" and, as such, are extended only to men. This androcentricity, however, is not to be confused with the orthodox patriarchy of the ancien regime; instead, patriarchy has been reinvented in the "New Constitution" (To M. Talleyrand-Perigord, 5) as the fraternite of modernity, what Juliet Flower MacCannell<sup>24</sup> would call the "regime of the brother". The result, though, of this reinvention is, for women, plus ca change, plus c'est le meme chose, as women are excluded just as much, under the regime of the brother as they are from the "Law of the Father's Name".

Here Wollstonecraft's critical legal project becomes more problematic than, for example, the contemporary critical legal studies movement of the 1970s and 1980s<sup>25</sup>. While both may make, at least initially, the same critical "move"--exposing the particular in the universal of rights, the bias in the neutrality of law, the body behind the word of the judgement--, ultimately they diverge. Like the earlier Marxist critique of rights, critical legal studies urges an abandonment of this discourse<sup>26</sup>. Wollstonecraft, to the contrary, wants to complete the project of liberalism

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<sup>24</sup>Juliet Flower MacCannell, The Regime of the Brother: After the Patriarchy (London: Routledge, 1991)

<sup>25</sup>On this movement, see: David Kairys, ed. The Politics of Law: A Progressive Critique (New York: Pantheon Books, 1982); and Roberto Unger, The Critical Legal Studies Movement (Cambridge, Mass.: Harvard U.P., 1986).

<sup>26</sup> Mark Tushnet, "An Essay on Rights", 62 TexasLR 1386 (1983). Peter Gabel, "The Phenomenology of Rights-Consciousness and the Pact of the Withdrawn Selves", 62 Texas LR 1563 (1984).

by redeeming rights through their extension to women (a move aligning her with, in some respects, critical legal feminism and critical race theory<sup>27</sup> of the late '80s and 1990s). Only a certain kind of woman, however, is eligible for this extension: those who belong, according to Wollstonecraft, to the most "natural", least artificial sector of society-- that is, the bourgeoisie: "I pay particular attention to those in the middle class, because they appear to be in the most natural state" (Introduction, 9). Wollstonecraft introduces this class qualifier because, at the end of the day, she is a classic bourgeois-liberal. This is not just a matter of her class allegiances but philosophical preferences. For Wollstonecraft has no problem with what might be called the langue of rights: namely, their systemic imperatives of bourgeois autonomous individualism, an organising principle located at the lowest level of their discursive deep structure: "Independence I have long considered as a grand blessing of life, the basis of every virtue" (To M. Talleyrand-Perigord, 3). The only problem for Wollstonecraft concerning rights discourse is that women do not as yet speak it. So the problem for her is: How, then, can women be given a "voice" (To M. Talleyrand-Perigord, 5)? What mechanism will enable them to speak?

This is not only a problem for Wollstonecraft specifically but for liberalism generally: namely, how to allow the particular--not just women, but other forms of "subalterneity": people of colour, the differently abled, the gay-lesbian axis, etc...-- to speak without changing the universal? Or to alter the metaphor: how to allow the particular to see itself in rights's tain of mirror, hitherto monopolised by the race, class and gender dominant's focalisation? I use this metaphor of the mirror, and its suggestion of an Imaginary hooked onto, and interpenetrating the Symbolic,

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<sup>27</sup>Especially Patricia Williams, The Alchemy of Race and Rights (Cambridge, Mass., USA: Harvard University Press, 1991). Also, Richard Delgado, "Critical Legal Studies and the Realities of Race--Does the Fundamental Contradiction Have a Corollary", 23 Harv CR-CL LR 407 (1988).



purposively as it captures in two senses the nub of Wollstonecraft's (and, indeed, the liberal-inspired) critique of the law. This critique preserves, at one and the same time, the law's claims to universalism, and its controlling value of autonomy, all the while acknowledging the particular's exclusion. Firstly, women, have been excluded, hitherto, from the law because its linguistically mediated and constructed body, metonymised and metaphorised by rights, has been "misrecognised"<sup>28</sup> by those men largely in control of the signifier, "rights", as their own body, centred around their phallus-as-penis. Secondly, this particular "misrecognition" has been able to cloak itself as a universal precisely because this act of focalisation is occurring along a Symbolic-Imaginary axis. So much so that those very men who control the politico-juridical process of rights's discursive formation, interpretation and application can say of the body that this discourse constructs in the imaginary that this is "not me"--that is, someone or something different, an Other, an imago of the fantasmatic body--, at the very same moment that they can say "That's me being hailed, that's my image, my reflection in the mirror".

Wollstonecraft's solution to this monopolisation of the body imago of rights by men (who disavow it as their imago at the very moment that they proclaim it to be theirs) is not to break the mirror, like some rights-sceptical, critical legal or Marxist Lady of Shallott. Rather, Wollstonecraft wants to reposition women in front of it, and away from the mirror in which they now focalise: "But, till men become attentive to the duty of a father, it is vain to expect women to spend that time in their nursery which they, 'wise in their generation, choose to spend at their glass" (To M. Talleyrand-Perigord, 6). The problem with this mirror that women currently focalise into is that it casts a reflection of woman as a figure of seduction soliciting the male

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<sup>28</sup>Jacques Lacan, "The Mirror Stage as Formative of the Function of the I as revealed in Psychoanalytic Experience" in *Ecrits*, *supra*, note 11 at 6.

gaze, "that impudent dross of gallantry...which makes many men stare insultingly at every female they meet" (VII, 125). This lookist form of "visual pleasure" confers upon women the dubious power of "illicit privileges" (To M. Talleyrand-Perigord, 6), a status enjoyed particularly, according to Wollstonecraft, by the concupiscent Frenchwomen of the old regime and its decadent purlieus, the salon culture<sup>29</sup>. But more than rendering women seductive to others, this mirror seduces women themselves with the allures of the image, specifically, their own reflections. Hence, Wollstonecraft's repeated warnings throughout the text on the dangers of female vanity (II, 44; VII, 121-131; and XIII, III, 186-187), because it is precisely this vanity-- this absorption in the mirror-image of themselves and their own beauty-- which prevents women from breaking the spell of the Imaginary and entering subjectivity, remaining like "uncivilized beings who have not yet extended the dominion of the mind" (XIII, III, 187). Wollstonecraft urges such a break from the Imaginary and a concomittant entry into Symbolic by vouchsafing rights to women, enabling them to take their place alongside men in the realisation of autonomy and, hence, virtue: "Let woman share the rights and she will emulate the virtues of man" (XIII, V, 194). But this "Machiavellian moment"<sup>30</sup> which the text longs for--the assumption of virtue, the securing of autonomy, the enjoyment of rights--will be brought about, so Wollstonecraft implies, only when women look into another mirror: that of the law's Symbolic-Imaginary where,

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<sup>29</sup>Wollstonecraft writes, "In France there is undoubtedly a more general diffusion of knowledge than in any part of the European world, and I attribute it, in a great measure, to the social intercourse which has long subsisted between the sexes". However, this advancement of women is actually a retrograde one, because, as she continues, "in France the very essence of sensuality has been extracted to regale the voluptuary, and a kind of sentimental lust has prevailed, which, together with a system of duplicity that the whole tenour of their political and civil government taught, have given a sinister sort of sagacity to the French character properly termed finesse"(To M. Talleyrand-Perigord, 4). Later she will write, "In France..., men have been the luxurious despots, and women the crafty ministers" (XII, 167).

<sup>30</sup>J. G. A. Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition (Princeton: University Press, 1975).

like men, they will "misrecognise" themselves as the body imago reflected back by rights's specular tain.

This solution to the problematic of rights--repositioning the excluded particular into the position of the hitherto dominant focaliser--informs not just Wollstonecraft's politics, but, oddly, that strain of contemporary "identity politics" which would counterpose notions of "difference" against Wollstonecraft's claims of "sameness"<sup>31</sup>: "For man and woman, the truth", but also themselves impliedly, "must be the same" (III, 51). Both the "sameness" and "difference" feminism represented, respectively, by Wollstonecraft and "identity politics", argue for the efficacy of rights, a strategy about which many post-identitarian feminists, like Renata Salecl, are highly ambivalent, claiming it sets the groundwork for the current "hyperinflation"<sup>32</sup> of rights where all identities, problems and issues are translated into its peculiar discursive terms, and are thereby stymied by the impasse of its call ("I have my rights!") and response ("No, I have my rights!"). But this excess of rights which we confront today gets ahead of the historical story being recounted here. For even the most rights-sceptical of the post-identitarians--myself included--would agree with Wollstonecraft that the problem facing her was not too many rights but too few: "The rights of humanity have been thus confined to the male line from Adam downwards" (V, 87). Indeed, the deleterious effects of this paucity of rights can be seen in women, for whom exclusion from rights, from the Law and from the Symbolic has had the effect

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<sup>31</sup>Consider, for example, Wollstonecraft's claim that the mind has no gender, against the recent rehabilitation of "women's ways of knowing". See Mary Field Belenky, Women's Ways of Knowing: The Development of Self, Voice and Mind (New York: Basic Books, 1986).

<sup>32</sup>Renata Salecl, "Why is Woman a Symptom of Rights?" in The Spoils of Freedom: Psychoanalysis and Feminism After the Fall of Socialism (London: Routledge, 1994), see fn. 9 at 155.

of making them "monstrous": "Such a woman is ...a(n) irrational monster" (III, 44), writes Wollstonecraft of upper-class women specifically, though it could be extended, generally, to all women who, through their deprivation of rights, are forced by the "cunning of exertion" (To M. Talleyrand-Perigord, 6) to exercise "lawless power" (III, 44)..

The image of monstrosity deployed by Wollstonecraft here is very interesting in terms of narrative prolepsis, anticipating but also providing a very neat segue, in my argument, into the most famous text of her daughter, Mary Shelley: namely, Frankenstein. For it is one of my principal claims that this image links both texts inextricably, mediating an intertextual relationship of not only literary echoes but also philosophical cross-references and, even, political cross-purposes. For if Wollstonecraft is arguing through this image that the exclusion of women from rights discourse renders them monstrous, then Mary Shelley's position, I submit, is the reverse: that women's (and, indeed, anyone's) inclusion into the language of rights renders them just as much a monster, a mutation graphically embodied in Victor Frankenstein's creation. This creation, I shall argue as my central thesis, is a literalisation of the body-*imago* implicit in rights discourse which is deformed, distorted and rendered monstrous--the monstrous body of the law--in its hi-jacking by the socio-economic dominant of the period. Furthermore, I will contend that this hi-jacking renders problematic any easy liberal rehabilitation of this discourse, disabling strategies like Wollstonecraft's reformist substitution of one *imago* for another--for example, the body *imago* of women for men.

#### V. Frankenstein was Framed! Fair Cops and the Framing of Interpretation

Before I proceed further, however, I will summarise my argument so far and, in so doing, frame

it theoretically. First, I proposed that the revolution installed a "lack" in the figural body politic by literally executing the body of the king. Second, I maintained that the signifier of rights filled that lack by virtue of its Symbolic-Imaginary installation of a body imago--that of the rights-bearer--which the socio-economic and legal dominant "misrecognises" as its own, and which critiques, like Mary Wollstonecraft's, seek to recuperate. Third and finally, I will advance the argument that the abjected literal body, long departed, comes back to disrupt, arrest, even annihilate the very liberal subject which rights "hail" in its play of imagoes, a revenge tragedy which Frankenstein stages in its maniacal rampage of the monster. Now this summary of things past and the "shape of things to come" in my argument should suggest, in its tripartite structure, my theoretical frame. For a structure organised around, initially, a disavowal (here, of the literal body), then, secondly, a psychic recurrence (of the body as an imago) and, finally, an actual return (of that literal body) mimics the narrative organisation of one of modernity's grand recits: that of psychoanalysis, and its master story of trauma and repression; psychic disturbance and return; and, lastly, a full-blown "return of the repressed" in symptomatic form, one embodied as a corporeal disruption or deformity--a cough, a tic, a paralysis. As Freud writes in The History of the Psychoanalytic Movement, "the theory of repression is the pillar upon which the edifice of psychoanalysis rests"<sup>33</sup>.

My principal concern in invoking the story of psychoanalysis as a theoretical frame lies, however, in developing the last turn of the screw in its plot of the "return of the repressed": namely, that

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<sup>33</sup>Sigmund Freud, The History of the Psychoanalytic Movement in The Basic Writings of Sigmund Freud, trans. & ed. A.A. Brill (New York: The Modern Library, 1995) at 907.

of the symptom<sup>34</sup>. For it is my contention that Frankenstein's monster is that symptom, that "return of the repressed" body which deforms and/or disrupts the now supposedly disembodied, but imaginarily reembodyed rights discourse, resituating that discourse, along an axis, as Slavoj Zizek might put it, of the Symbolic-Real (the Order of the Thing, rupturing discourse) rather than the Symbolic-Imaginary (the Order of the Image, interpenetrating discourse)<sup>35</sup>. Of what trauma, though, is Frankenstein's monster, as the monstrous body of the law, symptomatic? I would like to suggest, following Franco Moretti<sup>36</sup>, that the trauma to which Frankenstein is a response is Capital, and the antagonisms in the socio-Symbolic which it unleashes not just in the real but as the Real<sup>37</sup>. For, of course, the historical backdrop surrounding Frankenstein's conditions of production were just as conflicted, just as discordant as those of Wollstonecraft's A Vindication of the Rights of Woman. The latter, however, was a response to a political revolution, the French Revolution of the 1790s, while the former, composed in 1819, can be read

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<sup>34</sup>Sigmund Freud, The Psychopathology of Everyday Life, *ibid.*, at 97-109. See also, Slavoj Zizek, Enjoy Your Symptom! Jacques Lacan In and Out in Hollywood (London: Routledge, 1992), *passim*, for a contemporary Lacanian update of this classic Freudian notion. See also: Slavoj Zizek, "The Ideological Sinthome", Looking Awry: An Introduction to Jacques Lacan through Popular Culture (Cambridge, Mass.: MIT Press) at 130-140. As well: Slavoj Zizek, "How Did Marx Invent the Symptom?", *supra*. note.

<sup>35</sup>For the overlap between the Lacanian Symbolic, Imaginary and Real and the role of the symptom in knotting them together, see: Slavoj Zizek, "Hegelian Language", For They Know Not What They Do: Enjoyment As A Political Factor (London: Verso, 1991) at 111-112, 136.

<sup>36</sup>Franco Moretti, Signs Taken For Wonders (London: Verso, 1983).

<sup>37</sup>Here I acknowledge an indebtedness to Ernesto Laclau's concept of class antagonism as the rupture which splits society but the Symbolic Order itself, and from which, as Zizek might add, the Real--as jouissance but also trauma--emerges in the real. See: Ernesto Laclau and Chantal Mouffe, Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (London: Verso, 1985) at 122-127. But also: Slavoj Zizek, The Sublime Object of Ideology, *infra.*, note at 161-164.

as a response to the Industrial Revolution<sup>38</sup> and its economic challenges convulsing Europe but particularly Britain in the early nineteenth-century<sup>39</sup>. Moretti's reading of Frankenstein locates the text squarely within this conjuncture, emphasising its allegory of the class struggle with Frankenstein's monster standing in for the proletariat and Frankenstein, himself, as the bourgeoisie<sup>40</sup>.

My reading, however, takes a slightly different tack than that of Moretti. While endorsing and, indeed, taking onboard his materialist interpretation, I would situate Frankenstein's allegory of Capitalism not so much externally in the class struggle, but rather internally in the psychic conflict which industrialisation (and its fellow travellers, Enlightenment, Romanticism, modernity, etc...) installs in the liberal subject as both the master and slave of the law, the possessor and the possession of rights, now redefined by Capital as the fetish of property and contract rights. It is this psychomachia within the liberal subject, I will argue, which is exteriorised and figured in the conflict between Frankenstein and his monster, as they assume, exchange and reverse roles as victor and victim, pursuer and pursued. So my reading of Frankenstein stresses liberalism and the liberal subject --the subject of rights--as its main objects of critique. These critical targets,

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<sup>38</sup>Paul O'Flinn makes this point, but links proletarian agitation--Luddism--to earlier Jacobinical activity. See "Production and Reproduction: the case of Frankenstein", Popular Fictions: Essays in Literature and History, eds. Peter Humm, Paul Stigant and Peter Widdowson (London: Methuen, 1986) at 199-200.

<sup>39</sup>Many literary critics have argued, with equal vigour, that Frankenstein is an allegory of the French Revolution. See: Ronald Paulson, Representations of Revolution (1789-1820) (New Haven: Yale U.P., 1983); Chris Baldick, In Frankenstein's Shadow (Oxford: Clarendon Press, 1987); Lee Sterrenburg, "Mary Shelley's monster: politics and psyche in Frankenstein" in The Endurance of Frankenstein, eds. George Levine and U.C. Knoepfelmacher (Berkeley: U. Calif. P., 1979); and Fred Botting, Making Monstrous: Frankenstein, Criticism, Theory (Manchester: Manchester University Press, 1991).

<sup>40</sup>Franco Moretti, Signs Taken For Wonders, supra., at 85.

however, do more than locate the text politically; they also position it intertextually: specifically, as a critique of a(O)ther of liberalism's foundational texts: A Vindication of the Rights of Women, and its advocacy of liberalism's favoured offspring, the subject of rights. For it is my submission that in writing Frankenstein, Mary Shelley is, in effect, trying to speak to, and debate with the dead, namely the long dead Mary Wollstonecraft, a point to which I will return when I discuss the mother-daughter context of the novel at the end of my article. Before I do so, however, I want to explore my claim in more depth that Frankenstein is a critique of liberalism, a critique which begins by representing, as monstrous, the liberal subject of rights.

#### VI. Mary Shelley as Critic of Liberalism: Aristocratic *Frondeur* or Marxist Revolutionary?

Two different and, indeed, seemingly irreconcilable critiques of liberalism, however, run in tandem throughout Frankenstein, a doubleness which speaks to Mary Shelley's own conflicted politics. On one hand, she is a kind of proto-Marxist, as a political, social and sexual subversive in her youth but also as the wife and, particularly, daughter of radicals, indeed, the leading English Jacobins of the period, Wollstonecraft and William Godwin. Not only an enthusiastic reader of her mother's work, she was just as much taken with her father's Caleb Williams, Political Justice and other texts, the values of which she thoroughly internalised<sup>41</sup>. Change, reform, indeed, revolution itself would remain for her through out her youth and young womanhood, the supreme good. Her girlhood idols were those most "romantic" of revolutionaries, Toussaint L'Overture and Mme. Roland; and her acquaintances through her

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<sup>41</sup>"Mary was incorporating her father's political concepts...justice...liberty...republican in theory, a champion of freedom of expression, press, and religion...and an egalitarian", writes Emily Sunstein in Mary Shelley: Romance and Reality, *supra*, note at 51



father numbered most of the political extremists of the time: socialist Robert Owen, Chartist Francis Place, Irish republican Lady Mount Cashell as well as, eventually, atheistic Percy Shelley<sup>42</sup>. On the other hand, Mary Shelley can be characterised as an organic conservative, as befitting the wife, widow and mother of an heir to a baronetcy and stately home. She thoroughly relished this role, and ended her days, like many other ambitious and upwardly mobile women of the period, advancing her son's social (presentation at court, marriage to an aristocrat's widow) and professional (as a barrister) career, taking the cure at Baden-Baden and railing against the times, especially the revolution of 1848, which she abhorred<sup>43</sup>. Both these political positions-- the proto-Marxist and organic conservative critiques of liberalism-- have a kind of subtextual thematic presence in Frankenstein.

To take the latter example first: the organic conservative critique of liberalism is staged in the monster's encounter with the De Lacey family in chapters III-VIII of the text, an often overlooked episode in the text. The DeLaceys are displaced aristocrats ("from a good family", VI, 119) fleeing imprisonment in France and living in exile, in much reduced circumstances ("it was poverty, and they suffered that evil in a very distressing degree", IV, 108), abroad, a situation which invites comparison with the clerical and noble emigres fleeing the Revolution a generation before. Frankenstein's monster who tracks, hovers over and insinuates himself into the De Lacey's lives, all the while unbeknownst to them, seems like the very spectre of the Revolution itself, haunting the aristocracy, pursuing them in exile, even burning them out of their places of

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<sup>42</sup>See the chapter, "To be something great and good" in Sunstein, ibid. at 28-61. Of course, other frequenters of Godwin's home on Skinner Street included more middle of the road or conservative figures like Hazlitt, Lamb, Coleridge and Wordsworth.

<sup>43</sup>Ibid. at 377-378.

refuge<sup>44</sup>. This parallelism--the monster as the Revolution; the De Lacey family as the old regime--is strengthened by the fact that it is through the De Lacey family that the monster becomes a subject. Through them, he satisfies his physical needs, assuaging his hunger and thirst with food stolen from them: "a loaf of coarse bread", "pure water" (III, 103). Once satisfied, he moves the level of need to that of demand, namely to a demand for the love he sees enacted around him by his "adoptive" family: "It was a lovely sight, even to me, poor wretch! who had never beheld aught beautiful before. The silver hair and benevolent countenance of the aged cottager won my reverence, while the gentle manners of the girl enticed my love" (III, 104). Finally, he arrives at the level--or rather law of-- desire with his entry into language, and perforce, the law, through his mimicry of their speech: "By degrees I made a discovery of still greater moment. I found that these people possessed a method of communicating their experience and feelings to one another by articulate sounds...This was indeed a godlike science, and I ardently desired to become acquainted with it" (IV, 108).

This virtually Lacanian story of subject formation--from need to demand to desire-- resonates not just psychoanalytically but historically, commenting ironically, I would argue, not just upon Enlightenment myth of the "noble savage"--or the modern Prometheus, rediscovering fire (2, III, 101)--but the way in which the ancien regime, the society of status, gives rise, through its philosophes, academies and salon culture to its very destroyer, the liberal subject of rights, who will replace the status society with the social contract. Frankenstein's monster is that destroyer;

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<sup>44</sup>There is, of course, another figure wreaking havoc on the De Lacey family: Safie's father, the Turkish merchant. It is with this "Orientalist" figure--Muslim, Eastern, conniving, malevolent--that a postcolonial reading of the text could begin (not for nothing is the monster's first book Volney's Ruins of Empire). Perhaps this enraced figure persecuting white gentry is a nod in the direction of that "Black Jacobin" so beloved of not just Mary Shelley but C.L.R. James--Toussaint L'Ouverture.

and like that liberal subject of rights--a position which he comes to occupy when he claims a companion as a "right", he is himself steeped in, and a product not only of that culture's canon of republican virtue and romantic overreachers-- Plutarch's Lives, Goethe's Sorrows of Young Werther , Milton's Paradise Lost (2, VII, 124-125)--but also its law-givers, "Numa, Solon, and Lygurgus" (2, VII, 125). This legalism, however, will quickly turn to terror tactics, much as the Revolution's constitutionalism (the Convention of 1789, the "Oath of the Tennis Court", the Declaration of the Rights of Man) turned into the Terror of the Committee of Public Safety with its purges, desacralisation and destruction of property, staged here in the monster's burning of the DeLacey cottage (2, VIII, 134), itself echoic of that most vivid of counter-revolutionary images: that of the chateau in flames. Even the exposure of the monster's subfusc presence in the cottage has an historical echo: the De Laceys' horrified reaction--"The life of my father is in the greatest danger...My wife and my sister will never recover from their horror" (VIII, 134)-- recalls and reproduces the aristocratic Burkean horror at the spectre of revolutionary liberalism which they themselves have unleashed and which will dissolve their society's organic ties and tiers of family, clan and caste by juridifying civil society as a site of rights.

This organic conservative critique of liberalism is balanced by what I have called the proto-Marxist critique, itself staged in the relationship between Victor Frankenstein and his monstrous creation. This relationship enacts, and thereby critiques liberal politics in the way it, initially, situates control of the creation, the monster, in the creator, Frankenstein, in much the same way that the liberal jurist initially, controls or thinks he controls his ex nihilo creation, the rights-bearer--or, indeed, how the capitalist thinks he controls his commodity. In each of these instances, however, these relationships undergo a reversal where it is the capitalist who is commodified by his commodity, the jurist who is juridified by rights discourse because, as

Frankenstein graphically demonstrates, there comes a moment when the creation controls the creator. In the novel, this moment comes during the final showdown between the creator and his creation, following Frankenstein's destruction of his second creation, the intended bride of his monster. The means by which we can discern this reversal is through the voice of the monster, virtually a voix acousmatique<sup>45</sup> which shatters what had hitherto been the status quo of submission (the monster had, after all, previously begged Frankenstein to make him a mate who would fulfill and complete him, "Oh! my creator, make me happy; let me feel gratitude towards you for one benefit!" 2, IX, 140) and signals the inversion of the relationship of creator and created, by pronouncing like some sort of deranged superego: "Slave, I before reasoned with you, but you have proved yourself unworthy of my condescension. Remember that I have the power; you believe yourself miserable, but I can make you so wretched that the light of day will be hateful to you. You are my creator, but I am your master--obey!" (3, III,162). The Hegelian language of master and slave used by the monster invites, in its anticipation of Marx, a reading which would see here an allegory of the class struggle, and the revolt of the wage slaves. This is, essentially, Moretti's point: that Frankenstein and the Monster embody the " ambivalent, dialectical relationship, the same as that which, according to Marx, connects capital with wage-labour"<sup>46</sup>.

I think, however, that the direct discourse vocalised in the passage above would make more sense if read as representing a mental rather than a material struggle, particularly in the way

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<sup>45</sup>Michel Chion, "The Impossible Embodiment" in Everything You Always Wanted to Know About Lacan...But Were Afraid to Ask Hitchcock (London: Verso, 1992) at 205-207. See also: Slavoj Zizek, Looking Awry: An Introduction to Jacques Lacan Through Popular Culture, supra. note at 125-128.

<sup>46</sup>Franco Moretti, Signs Taken For Wonders, supra., note at 85.

liberalism, especially rights discourse, can turn philosophically-- or more, accurately, jurisprudentially --on its creator, the jurist and the socio-legal dominant for which the jurist stands, namely, the ruling class. For what the monster does here to Frankenstein is exactly what Frankenstein did, earlier, to the monster: each renders the other alone<sup>47</sup>. The monster murders Elizabeth on the eve of her nuptials ("I shall be with you on your wedding night", 3, III, 163) just as Frankenstein destroys his bride ("The wretch saw me destroy the creature on whose future existence he depended for happiness, and, with a howl of devilish despair and revenge, withdrew", 3, III, 161). Now Frankenstein's act may seem distinguishable, at least initially, from that of the monster, having been motivated, seemingly, by something other than revenge: presumably, he destroys the bride because he doesnot want to see the proliferation of this kind of monstrosity: "I had resolved in my own mind, that to create another like the fiend I had first made would be an act of the basest and most atrocious selfishness" (3, III, 165). But there is something gatuitous about this act of destruction, a kind of "wantonness" (2, IX, 141) to Frankenstein's act: "I thought with a sensation of madness on my promise of creating another like him, and trembling with passion, tore to pieces the thing upon which I was engaged" (3, III, 161). And this passage suggests that Frankenstein is not so much acting ethically--a kind of Kantian renunciation--but following his own insane logic, the pathological logic of liberalism which holds loneliness to be a virtue rather than a vice, calling it autonomy.

It is this privileged status of autonomy within liberalism which Frankenstein calls into question.

After all, it is precisely this virtue that the monster wants to escape from, attributing to it the

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<sup>47</sup>My thanks here to my former student, Charles Mo, for his astute observations on this issue. Thanks, as well, to Katy Suen, Mark Chan, Janine Cheung, Henry, Margot Rosato-Stevens, Sharon Man, Cynthia Lai and Jennifer McMahan.

source of all his vices: "My vices are the children of a forced solitude that I abhor; and my virtues will necessarily arise when I live in communion with an equal" (2, IX, 142). His lament is: "Shall each man...find a wife for his bosom, and each beast have his mate, and I be alone?" (3, III, 162). By ensuring, through the murder of Elizabeth, that Frankenstein ends up just as "alone" as himself, the monster exposes the liberal value of autonomy as a kind of pathologised loneliness which isolates, alienates and anomises the subject to such an extent that it goes insane, like the monster and Frankenstein, both driven by psychotic obsessions of revenge in a mad, mutual pursuit..So Frankenstein and his monster end up as demonic parodies of the liberal subject. Both desire an "Other"--figured in the symptom of Woman, Elizabeth and the bride-- and, through that law of desire (the socio-sexual contract?), a new community. The monster seeks his community in the "vast wilds of South America" where his "companion will be the same nature as myself, and will be content with the same fare. We shall make our bed of dried leaves; the sun will shine upon us as on man, and will ripen our food. The picture I present to you is peaceful and human" (3, IX, 141). Frankenstein, in the small "circle" of family survivors, "bound close by the ties of affection and mutual misfortune" and from whom, "new and dear objects of care will be born to replace those of whom we have been so cruelly deprived" (3, V, 184). But both Frankenstein and the monster are bound, by the individualising logic of liberalism and its point de capiton, rights, to the respective annihilation of the Other--figured in the double dispatch of Elizabeth and the bride--, an annihilation which which will extend, ultimately to themselves, and their mutual deaths, far removed from any social tie (let alone community), in the frozen recesses of the Arctic.

This spectacular self-destruction dramatised at the end of the novel gestures towards a psychoanalysis of liberalism: that its subject-- the subject of rights-- is, above all, the split

subject, the divided self conflicted over, and ultimately undone by the binaries of individualism and communitarianism, autonomy and connection, the "me" and the "not me" of the specular imago. Moreover, this question of rights' failed subjectivity locates Shelley within a specific political project which goes beyond either a psychoanalysis of politics, or a politicised psychoanalysis. That politics is neither critical legal (which sees the subject of law, rights and liberalism as a monstrous body) nor conservative (which sees that subject as a threat to the old order which created it). Rather, the point Shelley seems to be making here might properly be called a Marxist one: that the subject of law, rights and liberalism is a monstrous body which, in destroying the old order, destroys itself as well, its own discursive contradictions carrying with it the seeds of its own destruction. Indeed, so proleptic of Marxism is this point that one might go so far as to echo Slavoj Žižek<sup>48</sup> in claiming that, long before Freud or, as Žižek plumps for, Marx, it was Mary Shelley who invented the symptom.

#### VII. I Remember Mama: Mothers, Daughters and the (Non-)Anxiety of Influence

It is at this point, of liberalism's impasse dramatised in Frankenstein, that I would like to return to Wollstonecraft's A Vindication of the Rights of Women so as to draw out, and summarise my conclusions about these two texts. Both of these two texts, I have argued, engage the critique of the law, though they propose, seemingly, two very different conceptions of the law's effect, operation and status. As noted before, Wollstonecraft says that those excluded from the law become monsters. Shelley, I have argued, shows the reverse: how those included in the law become monsters. This apparent difference, as irreconcilable as it may seem, is, however, just

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<sup>48</sup>See Slavoj Žižek, "How Did Marx Invent the Symptom?" in The Sublime Object of Ideology (London: Verso Press, 1989) at 11-55.

that: apparent; because, when read together, these two texts, function as halves which complete a whole, telling two sides of the same story: about the failure of the self both within and outside the law. This double bind, I shall now argue by way of conclusion, could only emerge from narratives which propose a feminist reading of rights, the law and the Symbolic.

Who else but two women, positioned as they are both inside and outside of the Symbolic, could identify the inherent doubleness of the law and rights, which are--like the Kleinian breast--both the good and bad object, both the instrument of our liberation (Wollstonecraft) and the agent of our destruction (Shelley)?<sup>49</sup> The acknowledgement, however, of the law's doubleness does not reposition critical legal feminism within the aporias of deconstruction, "tracing" both positions--liberalism and Marxism--but coming to rest over neither. Instead of miring itself in this impasse of "undecidability", feminist critique engages the law's doubleness because it actually takes critique somewhere, opening up rather than occluding an alternative space. That space is one in which another Law can emerge, one based as much on the Mother's Body as that Father's Name, enabling the reconstruction of rights on the basis of their universal failure rather than partial success. So instead of hailing essentialised, and highly particular identities--e.g., the "rights of man"--, a feminist rights discourse would interpellate identities predicated upon their non-identity-- the split self, the barred subject--, because, as language, the signifier, "rights", cuts the subject as it constructs it in the Symbolic of the Father's Name, as well as shattering the mirror-image, at the moment it reflects itself as the maternal imago in the Imaginary. And it is the certainty of rights's failure-- of the Imaginary meconnaissance of the body-image; of the

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<sup>49</sup>Melanie Klein, "The Importance of Symbol Formation in the Development of the Ego" in Love, Guilt and Reparation and Other Works 1921-1945, Vol. 1 of The Writings of Melanie Klein, eds., R.E. Money-Kyrle, B. Joseph, E. O'Shaughnessy and H. Segal (London: Hogarth Press and the Institute of Psychoanalysis, 1975).



Symbolic "hole" in the subject which language installs instead of a "whole" subject--which opens up the possibility of rights's reinvention. This possibility, oddly enough, is predicated upon their impossibility. For it is precisely the impossibility of ever exhausting rights discourse--of ever saying, rights are now complete, comprehensive, totalised--which renders them inevitable, and ensures their persistence<sup>50</sup>.

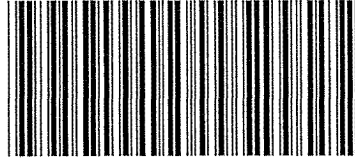
In introjecting A Vindication of the Rights of Women, Mary Shelley's Frankenstein may point us in this direction, a direction which critiques the liberal position from the the twin vantages of conservatism and Marxism in order to fulfill rather than supercede the discourse of rights, and its extension to women as advocated by Wollstonecraft. Indeed, in writing Frankenstein, Mary Shelley may be attempting to complete Wollstonecraft's "project of modernity", continuing her work of not only rights' extension but reinvention, and, in so doing, thereby fulfilling one of Shelley's driving fantasies: that of the communion with the dead. Throughout her life, Mary Shelley was haunted by the spectre of her mother. Her reading of Wollstonecraft's oeuvre, her visits to her grave and finally the corpus of work which Shelley produced are all, in different ways, attempts to summon up the maternal ghost. And Frankenstein participates in that summoning up, itself being a text of profound "natural supernaturalism": composed for a literary seance, it can be read as a psychic message, relayed beyond the grave where an ectoplasmic receiver on the "Other Side" might well hear a call which says, in an echo of Freud's celebrated story of the dream of the burning child<sup>51</sup>, "Mother, can't you see I'm righting?".

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<sup>50</sup>For further development of this point, see: William MacNeil, "Enjoy Your Rights! Three Cases from the Postcolonial Commonwealth" 9 Public Culture 3 (Spring 1997) at 377-395.

<sup>51</sup>Sigmund Freud, The Interpretation of Dreams, in The Basic Writings of Sigmund Freud, supra. note at 436-437.

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