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“This Wretched Mockery of Justice”: Mary Shelley’s *Frankenstein* and Geneva

Patrick Vincent

*Focusing on Justine Moritz’s trial and its political and legal contexts, this essay explores Mary Shelley’s uses of Geneva as a response to the British government’s arbitrary, repressive measures in 1817. Considering events involved in the creation of Geneva’s criminal or civil code, I show how Shelley draws on both Old Regime and Revolutionary representations of the city-republic in her narrative of Moritz’s and other trials to dramatize the resemblances between Revolutionary violence and arbitrary law. By historicizing the theme of justice in *Frankenstein* and replacing it in its original context, I argue that Shelley’s novel endorses neither a patriarchal form of government nor radical politics but makes a powerful case for a legitimate rule of law that strictly upholds rational, codified principles.*

Chief where the Lemane pure emits the Rhone,
Rare to be seen! unguilty cities rise,
Cities of brothers formed—while equal life,
Accorded gracious with revolving power,
Maintains them free; and, in their happy streets,
Nor cruel deed nor misery is known.

(James Thomson, *Liberty* 4. 329–334)

Victor Frankenstein’s unleashing of the Creature on his hometown of Geneva quickly results in the violent murder of his little brother, but also in the wrongful trial and execution of the boy’s nursemaid, Justine Moritz. Despite the wealth of scholarship in the last twenty-five years on Mary Shelley’s novel, *Frankenstein; or, the Modern Prometheus*, critics usually do not discuss the author’s choice of Geneva as a setting, nor have they interpreted Justine’s trial within the city-republic’s historical context. In the

Patrick Vincent is Professor of English at the Université de Neuchâtel. Correspondence to: Patrick Vincent, Institute of English Studies, Université de Neuchâtel, Espace Louis-Agassiz 1, CH-2000 Neuchâtel, Switzerland; email: Patrick.vincent@unine.ch

first two important essays on *Frankenstein's* politics, for example, Lee Sterrenburg never touches on Geneva, and Kate Ellis looks only at the city as the site of a bourgeois family, the Frankensteins, whose blind adherence to patriarchal values alienates and eventually kills all its members (128–133). Taking up both critics in chapter four of her influential *Mary Shelley: Her Life, her Fiction, her Monsters*, Anne Mellor argues that the novel allegorically critiques 1790s radical ideology in France, but does not question Geneva's function beyond its symbolic value as Rousseau's birthplace (81). A number of books and essays, starting with Mario Praz's *The Romantic Agony*, have likewise discussed Justine's trial without acknowledging its specificity to a city-republic such as Geneva. For example, William Veeder and Ann Frank Wake both explore the trial's psychological significance, concentrating on gender (Veeder 171–178; Wake 493–516), whereas Jonathan Grossman, in *The Art of the Alibi: English Law Courts and the Novel*, interprets Justine's trial and Shelley's novel in light of nineteenth-century British legal debates and the Chancery suit for the custody of Percy Shelley's children (62–82).

Two critics who have shed some historical light on Geneva as a setting for the maid-servant's trial are Michael Rossington and Pamela Clemit. For Rossington, the novel shows the ironies inherent in a city ruled by a "reactionary republican patriarchy," and in which the Creature embodies "the downtrodden masses" (112–114). This sense of irony, Clemit argues, comes across most obviously in Justine's fate, which "enacts in miniature" Frankenstein's abandonment of his creation, and hence also the Genevan patricians' oppression of the city's disenfranchised classes (170–172). In this essay, I would like to pursue the above line of argument, exploring how Mary Shelley uses both the setting and Justine Moritz's trial to engage *Frankenstein* in the debate on Great Britain's own reactionary politics. Familiar with the city-republic through travel narratives, histories, and poems, Shelley's contemporaries would readily have made the parallel between Geneva and Britain. Much like its larger cousin across the Channel, eighteenth-century Geneva was a relatively peaceful Protestant enclave governed by a patrician oligarchy and celebrated as a paragon of natural order and of civil liberty. However, after 1760, the republic's disenfranchised classes had begun to call into question its ruling elite's ideology, a mix of benevolent paternalism and patriotic exceptionalism, culminating in two revolutions, in 1782 and 1792, tarnishing the city-republic's international image. In Britain, where huge post-war unemployment led to a revival of radicalism in 1816–1817, the patrician elite, drawing on the patriarchal model of government theorized by Bolingbroke and Burke, resorted to a similarly arbitrary rule of law as in Geneva to stave off reform. At the same time that Mary Shelley was drafting volumes two and three of her novel in 1817, magistrates were using bribery, spying and outright violence to quell the Manchester "blanketeers" and the Pentridge rising.¹ *Frankenstein* is set in 1790s Geneva to respond to this conservative ideology and arbitrary use of force, dramatizing the injustices and revolutions that necessarily result from a state imagined as a bourgeois family.

Dedicated to William Godwin, author of *An Enquiry Concerning Political Justice* (1793) and *Things As They Are; or, The Adventures of Caleb Williams* (1794), *Frankenstein* is of course largely concerned with the theme of justice—who controls it, how it operates, who suffers or is privileged by it. Like *Caleb Williams*, *Frankenstein* is a pursuit

novel structured around a series of open-ended confessions and trials, in which the reader is ultimately forced to come up with a verdict. Mary Shelley not only describes the formal court trials of Justine, the De Laceys, Safie's father, Agatha, and Victor Frankenstein; more important, by using various narrators and allowing her two main protagonists, Victor and the Creature, to give conflicting confessions, the novel itself becomes an extended trial in which, as Grossman argues, "the official production of justice itself" is brought to the bar (63). Godwin's verdict, as we discover for example in *Caleb Williams*, is that official justice, the rule of law, is inevitably flawed because blind to individual circumstances (Clemit 56–57). The trial scenes in *Frankenstein*, particularly the "wretched mockery of justice" that sends Justine to her death, appear on first reading to corroborate such a Godwinian critique. However, I believe that Mary Shelley's novel argues instead for the necessity of upholding the rule of law as the lesser of two evils. Justine's unfair trial sets the stage for a continuing debate, right up to the Creature's final appeal, between justice and revenge, between reason and passion, and between society and the individual. As I will argue, *Frankenstein* highlights not the general failure of the justice system, but rather the failure of a rule of law, which, upheld by arbitrary and paternalist principles, becomes a form of despotism as dangerous as revolution.

British Representations of Geneva: From "UngUILTY City" to "Monsters of Blood"

When the Shelleys "passed the summer of 1816 in the environs of Geneva" (according to the preface that contextualizes *Frankenstein* 8)², Britons no longer perceived the city-republic as the peaceful Protestant enclave celebrated by James Thomson. Through the second half of the eighteenth century, British travel books, most notably by George Keate, William Coxe, John Moore and Helen Maria Williams, recorded the gradual erosion of Geneva's image as a paragon of liberty, gaining momentum with each revolution. Unrest in Geneva resulted from two principle causes: the disenfranchised classes, or *natifs*' struggle to obtain basic rights, and the bourgeois citizens' longstanding request for a precise code of laws. The latter demand drew the most interest and understanding from British visitors, who, in theory at least, opposed any form of arbitrary rule. In reality, these visitors more often than not accommodated the paradox between Geneva's so-called liberty and its arbitrary justice by endorsing the patrician, paternalist rhetoric of magistratic mildness and equity. Beyond the fact that these magistrates' track record did indeed show restraint, their rhetoric seemed to satisfy British observers for several reasons.³ First, it played into their own pragmatism and distrust of systems. Furthermore, it fit their ideal of the patriot hero, whose material independence and civilized education made him a disinterested, benevolent leader. Above all, these observers accepted the magistrates' rationalization of arbitrary rule because it increasingly answered to their own growing conservatism, driven by fears of popular unrest back home in Britain. By the time the Shelleys visited Geneva in 1816, the city-republic had become a sort of case study for the political tensions and hypocrisies that were coming to a head in British society.

Until George Keate published his *Short Account of the Ancient History, Present Government and Laws of the Republic of Geneva* (1761), British accounts of Geneva were uncritical and cursory. The Whig bishop Gilbert Burnet, writing in 1685, briefly points out that “the public justice of the city is quick and good” (10), whereas English diplomat Abraham Stanyan’s 1714 *An Account of Switzerland* has very little to say about the republic. Keate is the first to offer British readers an in-depth presentation of Geneva’s political and legal institutions. A member of the British upper class on his Grand Tour, Keate spent the winter of 1756 in Geneva, befriending leading cultural figures such as Voltaire and Charles Bonnet. Like Bonnet, he disliked Rousseau, dedicating his Geneva treatise to Voltaire instead (Engel 344–350). Much of the book’s description is laudatory, even hyperbolic. Although cautioning that he is not “prejudiced in favour of Republics,” Keate feels that Geneva is “perhaps the purest and most perfect Model of this kind of Government” (vi–vii). Rehearsing a belief shared by many of Europe’s Enlightenment philosophers, and echoing in particular Rousseau’s idealized praise in the *Second Discourse* (1755), he writes that “there is no Government in the world, which can challenge greater respect than that of Geneva” (2). Only a year separates his treatise from the start of the pamphlet wars that would divide the republic and lead to imperfect reforms in 1768, yet Keate still claims that Geneva’s five classes of inhabitants “live together like one great Family” (7).⁴

When Voltaire’s plan to translate Keate’s book into French was blocked by Geneva’s *Petit Conseil*, or executive council, Keate was puzzled. Clearly his book’s discussion of the *Petit Conseil*’s extensive authority had touched a raw nerve among the republic’s patrician class. Keate notes that “Geneva hath no Code of criminal Punishment; the Civil code also contains but a very small Number of Laws; whence it appears, that both civil and criminal Determinations must in some measure be arbitrary” (82–83). Like most visitors at the time, however, he is not particularly troubled by the absence of a legal code. He satisfies himself with the fact that the citizens’ right of representation and the magistrates’ mildness checks the state’s arbitrary power, and warns that even representation, the right to protest any abuse to a magistrate, can lead to “anarchy and confusion” (85–86). Keate’s rationalization of arbitrary justice mimics the rhetoric of Geneva’s patricians, who depended on their reputation as equitable and moderate justice makers to maintain their power. The most famous example of this is Attorney General Jean-Robert Tronchin’s defense of arbitrary justice in his *Lettres écrites de la campagne* (1763). Arguing that arbitrary justice obliges magistrates to be even more prudent and impartial, Tronchin exclaims, “*j’aime assez, je l’avoue que les hommes soient menés avec douceur*” [I must admit that I quite like it that men be administered mildly] (qtd. in Porret, “Mourir” 388).

From the 1760s onwards, the debate sparked by Jean-Jacques Rousseau’s 1762 banishment made it increasingly difficult for Geneva’s citizens or for foreign observers to accept the patriciat’s rationalization of arbitrary rule, or to isolate criminal procedure from larger constitutional questions. The city-republic’s popular party used the lack of a criminal and civil code to demand constitutional reforms. British visitors, often Whig and proud defenders of the Bill of Rights protecting citizens from arbitrary government, found these demands reasonable. According to John Moore, visiting the

republic in 1773, “it is difficult for strangers who reside here any considerable time, to observe a strict neutrality...the English generally attach themselves to the opposition” (164). One of the staunchest critics of arbitrary justice was an anglophile and influential reformist member of Geneva’s patrician class, Francis d’Ivernois, who calls it “a system calculated for subduing the citizens, and forcing them to silence by authority and fear” (201). He criticizes the lack of an *habeas corpus* provision, and the fact that magistrates can “indulge their caprices, prejudices, or personal resentments with impunity” (201). D’Ivernois’s 1784 book, *A Historical and Political View of Geneva*, was popular in Britain. Even more influential, however, was William Coxe’s account of the Genevan justice system in *Sketches of the Natural, Civil and Political State of Swisserland* (first ed. 1779), which fits somewhere in between Keate’s conservative pragmatism and d’Ivernois’s more radical republicanism. Coxe is surprised to discover that the ideal of Geneva does not completely mesh with reality, noting that “it is very remarkable that, in a republic so free as this of Geneva, and where the true principles of liberty are so well and so generally understood, there should be no precise code of penal laws” (463–464). In particular, he opposes the “guarded precision... attended with some inconveniences” in England, with Geneva’s inaccurate and confused laws and the “much too great a latitude” given to judges (520–521). If, like Keate, he commends the fact that magistrates “as far as I could observe ... administer distributive justice with an impartial and equitable hand” (521) he also argues that the 1768 revolution and citizens’ repeated demands for a precise code of municipal and penal laws are justified (465).

Because the disenfranchised lower classes or “natives” took an increasingly active part in the city-republic’s politics, Geneva’s next two revolutions, in 1782 and 1792, elicited more cautious responses from British observers. Despite his distaste for arbitrary justice, for example, Coxe blames the popular party for not allowing the privileges they received in 1768 to slowly bear their fruit, rather than hurrying another revolution. “Happy! If they know where to stop; left, continuing to extend the bounds of their own prerogatives, they shake the foundations of civil government, by too much restraining the power of the magistrates” (457). These foundations were definitely shattered after 1792, even though Geneva’s bourgeois class had successfully negotiated a legal code the year before. Under pressure from the lower classes and from Revolutionary France, Genevan politics swung to the left: the *Ancien Régime* fell on 28 December 1792, and the revolution culminated in two sets of trials during the summer and fall of 1794 in which eleven patricians, or *englués*, were shot. Confronted with this revolutionary violence, British writers after 1795 began to represent the *Ancien Régime*’s occasional abuse of power, in the cases of Pierre Fatio, Jacques Micheli du Crest and Jean-Jacques Rousseau in particular, as comparatively insignificant.⁵ What seemed before 1790 like a simple demand for a penal code appeared highly suspicious after the Terror, and accounts of eighteenth-century Geneva changed dramatically as a result of the Revolution. For example, Joseph Planta, in his *History of the Helvetic Republic* (1800), writes of the 1782 revolution that “the discontented thought themselves called upon to take effectual steps toward securing themselves against further encroachments of arbitrary power” (2: 307). His formulation places the responsibility for civil unrest on the disgruntled popular party rather than on the patrician class, linking their

demand for a legal code proleptically to “the dangerous spirit...of which all Europe now feels the disastrous consequences” (2: 367).

As in neighboring France, the “disastrous consequences” of the 1792 Revolution in Geneva made it more difficult for foreign observers to establish a moral distinction between the patrician class, who used rule of law to deny citizens their liberties, and the revolutionaries, who used “liberty” as an excuse to violate the rule of law. The outrage provoked by the 1794 executions was such that even writers friendly to the republican cause considered Geneva’s patriots, or revolutionary party, to have pushed things too far. Francis D’Ivernois’s *A Short Account of the Late Revolution in Geneva* (1795) and Helen Maria Williams’s *A Tour in Switzerland* (1798) joined more conservative accounts such as John Wood’s *A General View of the History of Switzerland* (1799) in portraying the revolutionary tribunal that condemned seven magistrates to death on 25 July 1794 as much worse than any injustice committed under the Old Regime. Williams, a celebrated supporter of the Girondins in France and of the local revolutions in Switzerland, writes how the tribunal, using “white and black balls” symbolizing the revolutionists’ travesty of republican justice, acquitted three of the accused patricians, but that the angry crowd, more drunken mob than British-style jury, decided otherwise (2: 167).⁶ An even more vivid and exaggerated description is Wood’s portrayal of 1500 wives and children imploring the drunk judges for mercy as the town’s assembled revolutionaries await in the wings to give the final verdict:

These monsters of blood were seated under a black canopy, and clothed in the same dress; the sleeves of their garments were tucked up, and their legs and breasts were bare. The hall was darkened, but the light of torches fixed in the nostrils of human skulls, exposed to view two drawn sabres, which lay at the feet of each judge. (339)

Relying on gothic imagery, Wood contrasts domestic affection with the tribunal’s monstrous, pirate-like disregard for human life. For Wood and other British commentators, the image of Geneva, once regarded in the words of Keate as “one great Family,” had been forever sullied by this unnecessary spilling of blood.

Arbitrary Justice and Class in *Frankenstein*: The Case of Justine

The monster that Wood refers to in the above quote was of course a commonplace in the anti-Jacobin rhetoric of the 1790s. Lee Sterrenburg, Chris Baldick, Ronald Paulson and Anne Mellor have all argued that Mary Shelley’s novel allegorizes the French Revolution and the Terror in the form of a monster, in order to condemn radical politics. Mellor in particular draws a chronological parallel between the birth of Victor Frankenstein’s creature, which she sets in November 1792, and the National Convention’s proclamation of Hercules as a new symbol for the Republic. All too conscious of the breakdown in France of the rule of law and the Convention’s slippage into a dictatorship, Mellor argues that Shelley questions republican virtue, and is drawn instead to “a system grounded on the authority of elders,” symbolized in the novel by the De Lacey family (83–88). While her reading is suggestive, one can imagine, based on John Wood’s description of Geneva’s revolutionaries as “monsters of blood” for

instance, that the Creature's birth also coincides with the 1792 Revolution in Geneva, and therefore represents not France's, but Geneva's disenfranchised classes. Shelley initially has Frankenstein return to his hometown in May of 1794, only altering it later to 1795 (*Frankenstein Notebooks* 1: 187). The Creature's murder of Justine thus corresponds not only to the Terror in France, but also to the rise of violence in the city-republic. Justine's trial, on the other hand, set in summer of 1794, roughly fits both with Robespierre's trial and execution in Paris on 28 July and with the revolutionary tribunal in Geneva on 25 July. My point is not that Mary Shelley intended to trace the chronology of her novel along the precise lines of Genevan rather than French revolutionary history. Rather, I wish to complicate Mellor's argument by suggesting that Geneva, although the kind of patriarchal state that Shelley apparently favors, also can give rise to monsters. This gloss on the Creature playfully undermines Rousseau's well-known dictum, in the dedication to the Republic of Geneva that opens the *Second Discourse*, that "in Geneva one will find only men" (90).⁷

In an excellent essay on *Frankenstein* and Rousseau, James O'Rourke comes closest to such a reading by arguing that the monster that Mary Shelley is evoking is in fact Rousseau, the unloved offspring of Geneva. He bases himself on Mary Shelley's reading of the *Confessions* in 1815 and on suggestive correspondences, such as her remark in her 1839 biography of Rousseau for *Lardner's Cabinet Cyclelopedia* that Rousseau, like the Creature, reads Plutarch during his youth (Shelley, "Rousseau" 321) or that "the peasantry of Neufchâtel [who lapidated Rousseau in Môtier in 1764] was brought to regard him as a monster" (353), an incident replicated by the peasants in the novel. While the brunt of Shelley's criticism of Geneva in the late essay is mainly moral, falling on its citizens' narrow-mindedness (322, 339, 347), her discussion of Rousseau's unjust treatment, which leads to "disturbances and bloodshed," does introduce a political element to her critique as well (353). Like Shelley's biography, however, O'Rourke's essay focuses mainly on domestic injustice, Rousseau's moral failing as a father who abandons his children (544–545). But because of the political situation in Geneva outlined above, abandonment in the novel has to be considered not only as a private, but also as a public matter. As Pamela Clemit has pointed out, the Creature's testimony of oppression and abandonment adds another layer of complexity to the novel, disrupting in particular Mellor's claim that Mary Shelley finally embraces a Burkean ideal of the state as a bourgeois family (162–169). Even greater is the challenge posed by Justine Moritz's story. Clemit argues that the locket placed by the Creature on the sleeping nursemaid symbolically links Justine to the Creature (171). Justine's trial at the end of Volume I, however, is more convincing than the Creature's later testimony, not only because the servant's complete innocence elicits more sympathy, but also because contemporary readers might have been aware that the trial closely fit historical conditions in a republic such as Geneva. Situating Justine Moritz's trial in the summer of 1794, the author can draw upon various popular images of the republic, from "unguilty city" to a city ruled by "monsters of blood," in order to emphasize the causality between republican patriarchy, arbitrary justice and revolutionary violence.

In a register very close to that in Rousseau's dedication to the *Second Discourse*, the novel at first pretends to celebrate Geneva's republican institutions, particularly its less

hierarchical society, supposed to improve the moral character of the lower classes. In her letter to her cousin Victor, Elizabeth Lavenza writes that “the republican institutions of our country have produced simpler and happier manners than those, which prevail in the great monarchies that surround it A servant in Geneva does not mean the same thing as a servant in France and England” (45–46).⁸ Elizabeth’s comment, penned in by Percy Shelley, echoes Mary Shelley’s own remark on Geneva’s equality of classes in a letter appended to her *History of a Six Weeks’ Tour* (46), but also many similar accounts in British travel narratives, to the point of being a commonplace. What has less often been remarked, however, is the fact that Mary Shelley devotes much of Volume I of *Frankenstein* to debunking this myth of republican equality. In the 1831 edition, Elizabeth’s letter is revised to contain a passage explaining that little changes in Geneva, that “our placid home, and our contented hearts are regulated by the same immutable laws” (202–203n8). The addition helps accentuate the revolutionary nature of the change that Victor Frankenstein is about to unleash on his home. While describing her own domestic situation, one can imagine that Elizabeth’s remark might also refer to the conservatism of Geneva’s institutions. As I will argue in the case of Justine, however, Geneva’s “placid” homes do not rest on “immutable” laws but on the absence of laws, and this arbitrary justice system, relying on moral character rather than on codified reason, protects institutionalized class difference. By the end Volume I, Elizabeth’s remark in the same letter that a servant in Geneva does not need a “sacrifice of the dignity of a human being,” cannot be taken at face value (46).

One way that Mary Shelley introduces irony into her portrayal of Geneva is by contrasting Elizabeth’s narrative with Victor’s. Whereas Elizabeth makes a point of explaining that Geneva’s class distinctions are allegedly softer than elsewhere, her cousin Victor Frankenstein repeatedly emphasizes his own patrician pedigree and sense of duty. Chapter one opens with Victor’s first person narrative, the beginning, as it were, of his defense: “I am by birth a Genevese: and my family is one of the most distinguished of that republic” (21). By stating that he descends from a long line of “counselors and syndics,” Victor immediately alerts us to the fact that the Frankenstein family are a family of patrician *citoyens* with full political rights. With these rights, he claims, comes a Protestant sense of duty, which, he later claims, misguidedly drives him to create his creature (68). Victor’s description of his father, Alphonse Frankenstein, emphasizes only respectability, integrity and civic responsibility: neither here, nor anywhere else in the novel does Victor show enough self-awareness to admit that their family’s sense of duty might be a cosmetic façade for hegemonic ambition. In fact, Victor’s description rehearses eighteenth-century British travelers’ idealized descriptions of Genevan magistrates, as well as Attorney General Tronchin’s disguised self-praise.⁹ Geneva can have an arbitrary justice system because its magistrates are so benevolent and mild. In the next paragraph, Mary Shelley further develops her subtle critique of Geneva’s patrician ideology by having Victor introduce the character of Beaufort, the father of Victor’s mother, who, once bankrupt, “could not bear to live in poverty and oblivion in the same country” (21). Victor blames this on Beaufort’s “proud and unbending disposition” and uses him as a foil to amplify Alphonse’s magnanimity (22). Yet the reader imagines that the problem lies elsewhere, in a

republic which can treat its poor in such a way that they must choose self-exile over embarrassment. In fact, Beaufort's story had a historical analogue in Geneva's civil code. As Coxe makes a point of explaining, in Geneva "there is one law, relating to bankrupts, too singularly severe not to be mentioned": citizens and their children are subjected to the "disgrace" of being deprived of their civil rights until all their debts are paid (465–466). Born of a father who is a leading citizen of Geneva and of a mother whose family has been debarred of its rights, Victor Frankenstein embodies the class division at the origin of the republic's repeated political upheavals.

Even more disruptive is Shelley's detailed description of Justine Moritz's trial and execution, a story in which Geneva's hierarchy of classes is put into evidence, and makes all the difference. As in *Caleb Williams*, where Mr. Falkland's watch and several jewels are discovered in Caleb's trunk, a locket belonging to William, the murdered son, is found in Justine's pocket. Although this discovery serves as the chief piece of evidence, there is little to explain why the maidservant would murder for such a trinket. During the trial, therefore, Justine's judges rely heavily on circumstantial evidence, including the maidservant's confused behavior, the crime's circumstances, and her moral character, to decide on the death penalty. Justine Moritz's name and story derive from a rich and suggestive variety of possible sources, including Marquis de Sade's heroine, *Justine* (1791), Carl Philipp Moritz's *Travels...Through Several Parts of England* (1795), Godwin's novels *Caleb Williams* and *St Leon*, the Shelleys' real Genevan nurse, and Coleridge's story of Maria Schöning.¹⁰ Responding in her journal to this gothic tale of rape and confession in a German town, Mary Shelley blames "the world" (original emphasis) for the murder of the innocent Schöning.¹¹ In *Frankenstein*, the author shows that for her, "the world" is synonymous with those elite classes, which, claiming to act in the interest of the entire community, oppress the lower orders.

The most important incriminating circumstance held against Justine is the fact that the maidservant abused her employers' trust. The maidservant's gratitude and dependence on her employers is repeated a number of times, so that her murder of William appears all the more irresponsible and callous. Much of the drama in these scenes derives not from Justine's own desperate plight, but from the breach of confidence between master and servant so strongly felt by Elizabeth.¹² Michel Porret, a historian who has written extensively on eighteenth-century Genevan justice, argues that one of the main circumstances that allowed magistrates to measure the severity of a crime in the absence of a code of laws was the crime's threat to social stability. The severity of the crime increased to the degree to which a social inferior rebelled against someone vested with civil or natural authority: servant versus master, son versus father, woman versus man, outsider versus citizen (*Le crime* 9). Mary Shelley significantly combines all four of these violations in the figure of Justine.

The maidservant's show of ingratitude, but also the nature of her crime ally her with the Creature, which, as Chris Baldick has argued, symbolizes the breaking of natural bonds of trust in eighteenth-century political iconography (51). We might identify Justine, as we do the Creature, with revolutionaries who seek to disrupt the body politic. In Geneva, servants' crimes were seen not only as a threat to the natural and

civil order because they violated their master's confidence, but, moreover, because they diminished the republic's population. Infanticide was one of the most severely punished crimes in Old Regime Geneva, leading to fifteen executions in the eighteenth century. Often committed by foreigners working as domestics, infanticide was labeled a "perversion" of maternal sentiment and a "monstrous" act (Porret, *Le crime* 217–220). The fact that Justine apparently commits the crime at night, an aggravating factor according to Porret, and that she dissimulates her actions, adding to the circumstantial evidence, would have abetted the severity of her crime (278). Arrested after being denounced rather than after a legal complaint filed by the victim's party, another particularity of arbitrary systems, Justine shows an "extreme confusion of manner" (57). In Geneva, which still relied principally on confession, particularly right after the crime when the suspect has not had sufficient time to invent an alibi, such behavior would have been the most valuable piece of evidence (Porret, *Le crime* 86).

The verdict in an arbitrary system is ultimately decided neither according to a pre-existing code of laws nor by a jury, but by judges. Twice Shelley emphasizes this fact, showing the pervasiveness of Geneva's ruling class ideology: she has Elizabeth's patrician uncle tell his daughter to "rely on the justice of our judges" (58), and then makes Justine exclaim naively, during her courtroom appeal, "I commit my cause to the justice of my judges" (60). If Geneva's judges based their final sentence mainly on the circumstances of the crime, they also took into account moral character and the witnesses' good standing (Porret, *Le crime* 76). Such dependence on character might help explain why Elizabeth's testimony in favor of Justine is awaited so impatiently. But Mary Shelley once again thwarts reader's expectations, and introduces biting irony in this scene, by showing the dangerous consequences of a system too reliant on judges' subjective opinions. Elizabeth extols Justine's domestic virtues, her "affection and care" of Mrs. Frankenstein, as well as the fact that she was "a most affectionate mother" to the murdered child (60). Her powerful appeal to the judges and audience's sympathy, however, produces the opposite effect. The public turns against Justine with "renewed violence," charges her with "the blackest ingratitude" and the trial turns into a gothic set-piece reminiscent no longer so much of the *Ancien Régime's* arbitrary system, but of the Revolutionary trials of 1794 (60). This ingratitude is repaid with the black ballots which condemn Justine, ballots we also saw in Helen Maria Williams's description of the 1794 trials (61). As in Geneva's revolutionary trials, the final condemnation is dictated not by the judges but by the "popular voice" of the mob-like spectators, gazing on and execrating the accused nursemaid "by the thousands" (58–60).

Mario Praz has written that Mary Shelley exploits all the gothic clichés, what he calls the many "wild fantasies" popular at the time, to describe this "wretched mockery of justice" (31). None of these clichés, however, invalidate the historical specificity of Shelley's critique. Rather, the author conflates her historically accurate representation of the *Ancien Régime's* arbitrary procedure with widely available representations of the Revolutionary trials, in order to show how the injustice of the former system cannot be neatly distinguished from the cruelty of the latter. The consolatory pastor who comes to extort a confession from Justine before her execution, for example, is not just a

figment of Britain's anti-Catholic imagination, but was an institutionalized practice in Protestant Geneva, giving legitimacy to the magistrates' use of capital punishment. But because Geneva was the only city in Europe that executed its prisoners within twenty-four hours of the verdict, these pastors regularly complained of not having the time to comfort the accused (Porret, *Le crime* 486). Justine does die "on the morrow" in the 1831 edition, on the plain of Plainpalais where the gallows faced the setting sun (208n16). One may argue that Mary Shelley exaggerates the brutal character of this death. Victor repeatedly refers to his own sense of torture, setting a false tone in the scene. Elizabeth, despite the fact that *la question* or interrogation under torture was abolished in Geneva in 1738, and Justine is never physically tortured, claims that the accused "is deprived of life in a slow torturing manner," leaving the executioner's hands "yet reeking with the blood of innocence" (62–63).¹³ By exaggerating their narratives, the author demonstrates how easily reason gets confused with passion in an arbitrary system. When Elizabeth claims, after Justine's execution, that she no longer can see the world in the same way and that men now appear to her "as Creatures thirsting for each other's blood," she begins to think, like her brother, in too Manichean a fashion. Elizabeth, like the judges who condemn Justine, no longer can tell falsehood from truth and begins to rely more on her perception of the truth, "I know, I feel she was innocent," than on truth itself, thus associating herself by default with Geneva's patriciat (69).

Whereas Anne Mellor argues that revolutionary ideology's commitment to abstract good leads to sacrifice human relationship and family obligation in *Frankenstein*, Justine Moritz's trial suggests the contrary (86). The fallacy that feeling can somehow come in aid of reason is an integral part of conservative thinking. Victor, the figure who is closest to the self-rationalizing mindset of the patrician class, points out in an addition to the 1831 edition that Justine died because Elizabeth's "heart-rending eloquence" in appealing to Justine's domestic qualities failed to influence the "unfeeling reasoning of these men" (208n16). However, due to the fact that Justine's trial, like Geneva's historical judicial system, is based on procedure and on the magistrate's subjective moral qualities rather than on precise laws, the problem in this case is not too much, but not enough "unfeeling reasoning." In an insightful reading of the passage on Elizabeth's confusion of feeling and fact, Pamela Clemit suggests that Mary Shelley here

moves beyond a critique of institutional justice to suggest that the entire system of political society upheld by the Frankensteins may devolve into a chaos of arbitrary perceptions. An isolated outburst, this apocalyptic premonition underscores the radical skepticism at the heart of Mary Shelley's political analysis. (172)

If Justine's trial challenges arbitrary legal systems, I do not agree with Clemit that it also throws into doubt all claims to truth. In my last section, I examine how the subsequent trials in the novel, as well as its resolution, forces the reader to come up with a verdict, which saves the novel from the kind of radical skepticism to which Clemit refers above, as well as from Anne Mellor's conservative reading. Understood within the context of historical events in 1816 and 1817, I believe *Frankenstein* makes a powerful case for a rule of law, which strictly upholds rational, codified principles.

Toward a Legitimate Rule of Law: *Frankenstein's* Verdict on Reform

In the second letter-journal included in her *History of a Six Weeks' Tour*, which Mary Shelley prepared at the same time that she was completing the *Frankenstein* manuscript and which relates Mary and Percy Bysshe's stay in Geneva during the summer of 1816, the author describes Plainpalais as place where

the magistrates, the successors of those who exiled [Rousseau] from his native country, were shot by the populace during that revolution, which his writings mainly contributed to mature, and which, notwithstanding the temporary bloodshed and injustice with which it was polluted, has produced enduring benefits to mankind, which all the chicanery of statesmen, nor even the great conspiracy of kings, can entirely render vain. From respect to the memory of their predecessors, none of the present magistrates ever walk in Plainpalais. ("History" 46)¹⁴

Plainpalais is the setting for the Revolutionary executions in 1794, but also for a bust of Rousseau and for the fictional deaths of William and Justine. By having both William, son of a Genevan magistrate, and Justine, their victim, die there, Mary Shelley reminds us that the arbitrary system in place prior to the Revolution, and in danger of being restored because of the "chicanery of statesmen" and "conspiracy of kings," is both morally equivalent to, and directly responsible for the Revolution's "temporary bloodshed." Although she believes Rousseau's abstract theory contributed to revolutionary violence, Mary Shelley clearly endorses the philosopher in the above quote. Shelley's remark mirrors Victor Frankenstein's passive reaction to the injustice of the Moritz trial; in both there is an element of moral ambivalence, what Michael Rossington has called a "cool eye cast on the vagaries of revolutionary politics" (112). It is as if both the author and Victor secretly wish for revolution and change. Plainpalais thus becomes a space where their desire can be played out, a sort of primitive sacrificial site where regeneration necessarily passes through violence.¹⁵

In *Frankenstein*, the Creature is the projection of this rebellious desire inscribed in Victor's psyche.¹⁶ He learns about injustice directly, through his own oppression and abandonment, but also through others' stories, including the trials of Safie's father, and of De Lacey and Agatha, a series of examples in which the rule of law results in gross acts of injustice (93–95). Rather than trying to redress these injustices, however, the Creature uses the stories to legitimize his own feelings of *ressentiment* and revenge in order then to commit his own crimes, punishing William, Justine and the other family members and friends (107). Throughout the novel, however, the Creature remains hopeful that legal process can save him, appealing to his creator for the right to a hearing: "The guilty are allowed, by human laws, bloody as they may be, to speak in their own defence before they are condemned" (75). Victor is almost swayed by his creation's "representations" and complies with his request of creating a mate as "justice ... demanded," but then breaks his promise (108). The Creature thus has no other recourse than violence: he is miscast as it were in a gothic version of Greek tragedy, in which revenge equates justice, and injustice feeds more injustice.

It is not the Creature, however, but Victor who calls upon the “wandering ministers of vengeance,” the Eumenides, after having unsuccessfully appealed to a Genevan magistrate for a court hearing. The magistrate arguably refuses to exercise his function because he sees, ironically, that Victor is too animated by passion (154). Herein lies a fundamental distinction between Victor and the Creature: the first never fully realizes that he confuses vengeance and justice, whereas the second does. By ending with the Creature’s testimony, the novel suggests a way out of this violent cycle of revenge and toward a real form of justice—like a juror, the reader, rather than Victor, the Creature’s father, prosecutor, and judge, gets to make the final verdict. Mary Shelley already suggests this alternative to arbitrary justice in her second, extended description of a court case, Victor’s trial in Ireland. This trial is the diametrical opposite of the “mockery of justice” that kills Justine. On British soil, the magistrate is portrayed as far more empathetic, the accused is considered innocent until proven guilty, and a grand jury dismisses the case for lack of evidence (136–141).¹⁷

Like that grand jury, we as readers are ultimately called upon to decide whether or not the Creature is guilty or innocent, since his violence results from an unjust system of government. While a final verdict remains complex, and may even lead to a hung trial, *Frankenstein* makes the case that a rational, codified and measured application of the law is the most effective way to avoid more violence and monsters. In the spirit of liberal reformers such as Jeremy Bentham and Etienne Dumont, Mary Shelley understood that arbitrary power could only exacerbate popular unrest, and that every individual was equally entitled to the same rule of law. While Shelley was responding to the repressive measures she saw applied in Britain in 1816 and 1817, she was no doubt also troubled by the conservative backlash in Geneva that followed the Treaty of Vienna. In his *Switzerland, or a Journal of a Tour ... in the Years 1817, 1818, and 1819*, Louis Simond, another liberal traveler and an admirer of Britain’s judicial system, criticizes the partial restoration of the *Ancien Régime*’s judicial procedure in Geneva. Most worrying, he found, was the Genevan inhabitants’ passive reaction to the elimination of the jury system:

I inquired of the Genevans, why they had abolished the jury, a valuable institution, which their transient reunion to France had procured them. “Because of that reunion,” they said, “the jury introduced amongst us with *la terreur*, recalled the *comité révolutionnaire*. It is troublesome to the people, and they do not like it. Our judges, besides, are such good sort of men, that we may trust them altogether” (2: 387).¹⁸

As the passage indicates, patrician ideology was still pervasive in Geneva after the Revolution, and the myth of liberty built up by several generations of British visitors still stubbornly ingrained in the city-republic’s population. In the showdown between Victor and his Creature, as well as through the narrative of Justine Moritz’s trial, Mary Shelley’s novel warns us of the dangers inherent in this false sense of trust in a state’s institutions. For her, there are no “unguilty cities,” despite what James Thomson wrote fifty years beforehand, and without a legitimate rule of law, “cities of brothers formed” can just as soon become monstrously deformed or unformed.

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Notes

- [1] Mary Shelley refers to the social unrest in Britain in her letters on 5 December 1816, 13 January 1817, and 2 March 1817 (1: 22–31), during which time, according to Charles Robinson's chronology (in *The Frankenstein Notebooks* 1: lxxxiii–lxxxv) she was drafting volumes two and three of her novel. While Shelley was in Geneva, her half-sister Fanny Imlay Godwin kept her informed on unemployment protests and on Robert Owen's utopian schemes in a fascinating long letter. See Clairmont 54–56; for additional information on this context, see O'Flinn and Thompson.
- [2] Unless otherwise specified, all citations are from the 1818 text in Mary Shelley, *Frankenstein or the Modern Prometheus*, edited by Nora Crook. Citations are given by page number only. Textual variants in the 1831 text are taken from the endnotes to Crook's edition of *Frankenstein*.
- [3] Historian Michel Porret notes that capital punishment was used only moderately in Geneva throughout the eighteenth century. 150 people were sentenced to capital punishment in Geneva from 1700 to 1794, and only 50 of those were actually executed. Torture was also used very little in this arbitrary system. The *question préparatoire* was abolished in 1738, and the *question définitive*, given to those who had already been sentenced to death, in 1782 (Porret, "Mourrir" 381–405).
- [4] These classes are the following: citizens, who enjoy all civil rights; burgesses, who purchase or inherit their rights; natives, born of a father who is an inhabitant, and enjoy limited rights; inhabitants, foreigners who purchase the right to do business in the city; and subjects, who are necessarily Protestant, but enjoy no benefits (Keate 7).
- [5] Pierre Fatio (1662–1707) was a Genevan lawyer and ardent defender of Genevan popular liberties. He was condemned and shot in 1707. His grandson, Jean-Baptiste-François (1736–1794), was syndic of Geneva in 1785 and 1789. The Revolutionary party executed him in 1794. Jacques Micheli du Crest (1690–1766) was one of Geneva's most eminent eighteenth-century scientists. A captain in the French army, he specialized in building fortifications. He criticized Geneva's plan to rebuild its walls, was sentenced to life in prison in 1728, and to death after he created an opposition party. He spent his life in captivity in a prison in Aarburg. Jean-Jacques Rousseau (1712–1778) renounced his Geneva citizenship in 1763 after the republic's magistrates had condemned and burned his *Emile* and *Social Contract* (*Dictionnaire historique et biographique de la Suisse*).
- [6] In *The Eumenides*, Aeschylus has the judges of the Aeropagus, together with the goddess Athena, acquit Orestes by casting black and white pebbles. This play symbolized the beginning of a truly democratic system of justice.
- [7] In the reading lists for 1814–1818 in her journal, there is unfortunately no indication that either Percy or Mary Shelley had read Rousseau's *Second Discourse* (*Journals* 86–103).
- [8] Percy Bysshe Shelley added the passage beginning with "The republican" and ending with "human being" to Mary Shelley's draft in Notebook A, probably in May 1817 (*Frankenstein Notebooks* 1: 127). This introduces the important question of who is responsible for the political ideas on Geneva in *Frankenstein*. Since both the early draft version written in Geneva, what Robinson calls the "ur-text," and the first eight pages of chapter 1, volume 1 of the Notebook A draft, are now lost, this question may be ultimately unanswerable. Nevertheless, Mary's two letters written in Geneva, both published in *History of a Six Weeks' Tour*, as well as her late biographical essay on Rousseau in *Lardner's Cabinet Cyclopaedia of Biography* (1839), indicate

that she was more interested in the city-republic, its inhabitants and institutions than was Percy. The latter's letter-journal of 12 July 1816 describing the Chamonix trip is but one example of his lack of interest, bordering on contempt, for the natives he came across during his travels. I would therefore argue that Percy Shelley added the passage on Geneva's republican institutions with Mary Shelley's letter in mind. See "Letter from Geneva II," in Shelley, "History" 46 and "Rousseau" 320–366.

- [9] Nora Crook footnotes this passage, writing that Alphonse Frankenstein's long career may have "encompassed the condemnation of Jean-Jacques Rousseau" (21, note a). In her essay on Rousseau, Shelley cites Tronchin's *Lettres écrites de la campagne* as an example of "justice that was refused" (353). Jean-Robert Tronchin (1710–1793) was the attorney general who condemned Rousseau. Shelley's characterization of Alphonse Frankenstein fits William Coxe's laudatory description of Geneva's patrician ethos, no doubt also based on Tronchin's reputation:

The salaries of the magistrates are so inconsiderable, as to not offer any temptation on the side of pecuniary emolument: a sense of honour, a spirit of ambition, the desire of serving their country, together with that personal credit which is derived from exercising any office in the administration, are the principle motives which actuate the candidates to solicit a share in the magistracy. Accordingly, the public posts are generally filled with men of the first abilities, and of the most respectable characters. (2: 463)

- [10] See Nora Crook's note on p. 45 for full details on possible sources for Justine's name. For more information on the Shelley's nurse, see Sunstein.
- [11] Mary Shelley wrote in her journal, "hear of Patricksons killing himself—Flather is the true assassin—this is another of those cold blooded murders that like Maria Schooning [sic] we may put down to the world" (*Journals* I: 39). In their footnote to this passage, Feldman and Scott-Kilvert explain that Proctor Patrickson was a Cambridge student sponsored by Godwin who committed suicide because he felt that other scholars, especially John Flather mocked his low social standing (39n3). The story of Maria Schöning, related by Samuel Taylor Coleridge in *The Friend*, might be summarized to show how it relates to Justine Moritz's case. In Nuremberg, Maria is forced out of her father's home by tax collectors after his death. She is then raped beside the grave of her father and finds refuge in home of a friend, a poor soldier's wife called Harlin. Harlin tells her of her infanticidal desire to liberate herself from life and save a pure child from suffering. Schöning invents a story of infanticide so that she and Harlin will be executed. At the last moment, after confessing a false story, she admits all was invented. Harlin is executed anyway, and Schöning dies of fright or shock. The story challenges the brutality of justice in Northern Protestant towns, criticizing religion and the role of confession (341–355).
- [12] Another British traveler, Marianne Baillie, staying in Geneva with Sir Francis d'Ivernois in 1818, shares an interesting anecdote that says much about the perceived severity of Justine's crime:

We were told that the people of and near Geneva are remarkable for honesty; and we found no reason to doubt the accuracy of this information. We heard also that servants, as well as country people, were faithful and harmless, and that such an offence such as housebreaking or breach of trust in pilfering personal property was unknown: that every family in these environs went to bed without closing a shutter, and might safely leave the cabinet or the drawers unlocked, during an absence from home. (253–254)

- [13] Nora Crook, in note b, p. 63, suggests that it was Percy Shelley who added the reference to the hands "reeking with the blood of innocence." This is not clear in the A Notebook facsimile, however, and Charles Robinson makes no mention of it (*Frankenstein Notebooks* 1: 215). While Crook writes that this reference is "not much exaggerated in the 1790s," I think it is the very fact that these two characters do exaggerate Justine's execution that gives force to Mary Shelley's critique.
- [14] The letter was written on 1 June 1816 during their stay in Cologne, and was probably addressed to Mary Shelley's half-sister Fanny Imlay (*Letters* 1: 20).

- [15] Victor's political ambivalence is marvelously caricatured by Mary Shelley, when her protagonist visits Oxford, an important royalist symbol, then the tomb of John Hampden, a victim of royal injustice and a parliamentary leader during the Civil War. Perhaps Shelley is also hinting in this portion of the novel at the radical Hampden clubs, which began to form in 1816 (123–124). Robinson hypothesizes that the Hampden incident was added on 20 October 1817 after Mary Shelley's visit with her father William Godwin to see the Hampden monument (*Frankenstein Notebooks* I: xc).
- [16] See Sterrenburg 162–166.
- [17] Shelley makes the comparison clear when she has Victor complain that "Justine, poor unhappy Justine, was as innocent as I." The irony, of course, is that Justine is innocent but dies, while Victor is guilty but lives. One may argue that this irony does not invalidate Ireland's superior legal procedure as represented in the novel (142), although one also should keep in mind that early nineteenth-century Irish courts catered to the Protestant ruling class. If Victor's father had not made his appearance, Mary Shelley might also be suggesting, Victor would not have been treated with as much courtesy.
- [18] In 1829, Mary Shelley wrote a very favorable review of Simond's *A Tour in Italy and Sicily* (1828). Interestingly, all the extracts she chooses comment on the advantages for Italians of a paternalist government, indicating that Shelley's politics did become more conservative after writing *Frankenstein*. See, for example, Shelley's "Modern Italy."

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