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"A Kind of Insanity in My Spirits": *Frankenstein*, Childhood, and Criminal Intent

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"That is also my victim!" the creature exclaims upon viewing Victor Frankenstein's dead body at the end of Mary Shelley's *Frankenstein; or, The Modern Prometheus* (1818). "[I]n his murder my crimes are consummated; the miserable series of my being is wound to its close! Oh, Frankenstein! generous and self-devoted being!" the creature cries, "what does it avail that I now ask thee to pardon me?"¹ In his anguished confession, the creature assumes full responsibility for Victor's death, magnifying his parent's virtues and villifying his own character. The creature likewise accepts responsibility for killing Victor's brother, friend, and wife. "[I]t is true that I am a wretch," he declares. "I have murdered the lovely and the helpless; I have strangled the innocent as they slept, and grasped to death his throat who never injured me or any other living thing" (190). Overcome with guilt, the impulsive and remorseful creature vows to "seek the most northern extremity of the globe" and to "consume to ashes" his "miserable frame" (190). In the creature's tortured words, as in his determination to end his life, Shelley depicts the despair of a young, repentant offender.

The question of criminal responsibility, however, is more complicated than the creature suggests. Although he blames himself for the murders, the novel asks readers to reach a different verdict. The treatment of children's criminal capacity underwent an important shift over the course of the eighteenth century. In the sixteenth and early seventeenth centuries, responsibility for crimes depended primarily on causation. Jurists focused less on whether a person *meant* to commit an act and more on whether an individual actually committed it. English law thus made little distinction between children and adults; children ages eight years and older were routinely punished for felonies including murder.² In the late seventeenth and eighteenth centuries, however, criminal responsibility became linked to new ideas about human understanding. In their treatises, Sir Matthew Hale and Sir William Blackstone maintained that individuals could not be guilty of crimes unless they fully understood and intended the consequences of their actions. By the middle of the nineteenth century, jurists embraced this idea, effectively raising the age of capacity in capital cases to fourteen.³ The shift in the treatment of young offenders and the meaning of criminal intent was part of a broader movement to reform the penal system. Rejecting the view that humans were inherently and immutably evil, reformers sought to replace retributive punishments with those grounded in rehabilitation.⁴ Published in the midst of these changes, *Frankenstein* takes up questions about criminal responsibility that preoccupied thinkers in the Romantic era and that remain of concern to this day.

Critics have read *Frankenstein* as a meditation on the vexed relationship between parents and children as well as the failures of the penal system, but they have largely overlooked the implications of childhood for criminal justice.⁵ Most critics thus conclude that the creature is guilty of murder.⁶ Jonathan H. Grossman helpfully highlights Shelley's interest in the legal status of children, bringing Percy Bysshe Shelley's custody dispute to bear on the text. Grossman's emphasis on matters of bastardy and guardianship, though, leads him to downplay the criminal justice system's role in the novel. In Grossman's view, "[t]he essential problem with Frankenstein and the human creature's relationship is not actually that the human creature is monstrous—or that Frankenstein's treatment of him is monstrous"; rather, Grossman contends, the problem is the law's failure to recognize Victor and the creature's relationship as legitimate.⁷ Sandra Macpherson, by contrast, argues that "the question of relationship is one and the same as the question of blame."⁸ In her reading, the novel "confirms and helps to articulate the importance of eighteenth-century innovations in strict liability to products liability."⁹ According to Macpherson, in holding Victor strictly liable for all the injuries stemming from the unwieldy machine he creates, Shelley affirms a model of justice in which intentions are irrelevant to responsibility.¹⁰ Daniel M. Stout, for his part, argues that Shelley uses "the issue of parentage to capture a much more general problem about the nature of responsibility within a complex chain of antecedent causes and more or less distal effects."¹¹ In Stout's view, the novel shows the difficulty of assigning blame to individuals given the challenges of determining where a given act begins and ends. Rather than looking for a moral commentary in the text, Stout argues, we should view the novel as "a testament ... to the manifest pointlessness of trying to apply moral limits to a materialist world."¹²

Eileen Hunt Botting takes a different approach. Bringing the methods and insights of political philosophy to bear on Shelley's text, Botting reads the novel as a series of thought experiments about children's rights, focusing especially on the right to be loved by parents or parental substitutes. Her astute reading opens up considerations of many aspects of juvenile justice, and my essay builds upon

them. Botting, for example, highlights Shelley's depiction of the devastating effects of depriving children of parental love and care, and the ways in which such deprivation contributes to youths' turn to crime.¹³ Botting's focus on the obligations that courts and polities owe to stateless, orphaned, and abused children, though, leads her to overlook *Frankenstein's* concern with human intentions and understanding and their implications for children's criminal responsibility.¹⁴

In this essay, I read Shelley's novel in the context of late eighteenth- and early nineteenth-century debates about penal reform, arguing that the text endorses the conception of criminal intent formulated by jurists and philosophers and helps to justify the raising of the age of criminal capacity. Victor Frankenstein places responsibility for the murders squarely on the shoulders of the being he creates and promptly abandons. But while the novel acknowledges the horror of the creature's violence, it refuses to condemn him. Shelley repeatedly emphasizes the creature's lack of understanding and criminal intent. During his formative years, the creature receives no guidance, love, or sympathy; he has no parent to develop his reason or to shape his will. Through her portrait of the creature's natural benevolence and gradual turn to violence, Shelley underscores parents' role in and responsibility for the making of criminals. The novel ultimately suggests that illicit behavior may be prevented and young offenders reformed if adults care for and educate the most vulnerable creatures in their midst.

CHILDREN'S CRIMINAL RESPONSIBILITY IN ENGLAND, CIRCA 1600 TO THE PRESENT

Before turning to Shelley's novel, we need to examine the law's changing treatment of children's criminal capacity. Since the thirteenth century, crimes in English law have consisted of two elements: an unlawful act and a guilty mind. If a suspect lacks the requisite mental state (*mens rea*), he cannot be held responsible for committing the crime.¹⁵ In early English law, jurists agreed that only children above "years of discretion" could be held criminally responsible, but they disagreed about what that age was. For some jurists, the age of discretion was seven; for others, it was twelve, though jurists emphasized that children under this age could be found guilty if they acted with malice. Children in this latter category were routinely tried and punished for violent crimes.¹⁶ "An infant of eight yeares of age, or above," Michael Dalton explained in *The Countrey Justice* (1618), "may commit homicide, and shall be hanged for it, viz. If it may appeare (by hyding of the person slaine, by excusing it, or by any other act) that he had knowledge of good and evill, and of the perill and danger of that offence."¹⁷ Knowledge provided the basis for criminal responsibility. Youthful status did not necessarily moderate punishment and the age of defendants was not recorded in judicial proceedings in any consistent way.¹⁸

By the early eighteenth century, a new consensus began to emerge. In *The History of the Pleas of the Crown* (1736), Hale followed the seventeenth-century jurist Edward Coke in identifying fourteen as the age of discretion, although he acknowledged that in some cases, children over seven could be convicted of felonies. Hale also shifted the basis of determination from knowledge to understanding, further narrowing the category of individuals who could be held responsible.¹⁹ Children over the age of fourteen, he explained, were presumed to be *doli capax*—that is, legally capable of committing crimes. Those between the ages of twelve and fourteen would be deemed *doli capax* if they "could discern

between good and evil at the time of the offense committed."²⁰ Children between the ages of seven and twelve were presumed to be *doli incapax*, "yet even in [such] case[s], if it appear[ed] by strong and pregnant evidence and circumstances, that [a child] had discretion to judge between good and evil, judgment of death may be given against him."²¹ It was necessary to present "very strong and pregnant evidence ... to convict one of that age, and to make it appear he understood what he did."²²

The new framework reflected a shift in conceptions of human understanding and free choice that emerged in the wake of the religious and political conflicts of the sixteenth and seventeenth centuries.²³ John Locke's account of child development in *An Essay concerning Human Understanding* (1689) and *Some Thoughts concerning Education* (1693) shaped the new approach. In Locke's view, children's minds were like "white Paper" or blank slates open to impressions and sensory experiences.²⁴ Although children were born with the capacity to reason, Locke argued, they did not come into possession of this ability until they reached the age of discretion. Until then, children needed to submit to their parents' authority; parents, in turn, were responsible for educating their offspring. In particular, Locke urged parents to teach children to control their impulses and to regulate their desires.²⁵ The "moderation and restraint of our Passions, so that our Understandings may be *free* to examine, and reason unbiassed give its judgment," Locke explained, "[is] that, whereon a right direction of our conduct to true Happiness depends."²⁶

Blackstone likewise viewed reason as a prerequisite for both full participation in political society and criminal responsibility. As he explained in the fourth volume of *Commentaries on the Laws of England* (1765–69), "where there is no discernment, there is no choice; and where there is no choice, there can be no act of the will, which is nothing else but a determination of one's choice, to do or to abstain from a particular action: he therefore, that has no understanding, can have no will to guide his conduct."²⁷ Blackstone went on to restate the principles put forward by Hale, identifying fourteen as the age of capacity for capital crimes. Although infants between the ages of seven and fourteen were presumed to be *doli incapax*, Blackstone explained, the presumption could be overcome if it appeared that the infant "could discern between good and evil"; in such cases, children could be convicted and suffer death.²⁸ But Blackstone emphasized that "the capacity of doing ill, or contracting guilt [was] not so much measured by years and days, as by the strength of the delinquent's understanding and judgment."²⁹

The reconceptualization of criminal intent was part of a broader movement to reform the penal system, a movement with which Shelley was familiar. England's capital statutes—collectively known as the "Bloody Code"—grew exponentially during this period, from about fifty crimes in the late seventeenth century to more than two hundred crimes in the early nineteenth century. Although judges frequently mitigated the full force and severity of the law, the statutes sparked considerable debate.³⁰ Thinkers such as Martin Madan and William Paley defended the code, arguing that the threat of capital punishment was necessary to deter crime.³¹ But critics like Blackstone, William Eden, John Howard, Sir Samuel Romilly, and Jeremy Bentham sought to replace the death penalty with punishments that would reshape criminals' minds.³² In the *Commentaries*, Blackstone blamed Parliament for its failure to repeal "such of the old penal laws as [were] either obsolete or absurd" as well as for its delay in "framing and passing new ones"; a decade later, with Eden and Howard, he drafted the 1779 Penitentiary Act, which authorized the government to construct two penitentiaries in

London and to experiment with terms of solitude and hard labor instead of hanging and transportation.³³ Romilly urged legislators to act upon the penitentiary plan, arguing that "solitary confinement and continued labour ... would be a kind of asylum to that very large description of offenders, who [were] rendered such by the defects of education, by pernicious connexions, by indigence, or by despair."³⁴ Bentham, for his part, put forward a proposal for a penitentiary known as the Panopticon, which sought to use pervasive surveillance to modify behavior.³⁵ Although Shelley's father, the radical philosopher William Godwin, likewise denounced retributive punishment, he objected to solitary confinement. As he saw it, such punishment was not only "uncommonly tyrannical and severe" but also ineffective for a "social animal" like man; he felt that reformation could be achieved only through persuasion and example rather than force.³⁶ These arguments all reflected a fundamental shift in thinking about responsibility: reformers privileged nurture over nature and environment over heredity, maintaining that those who committed crimes were not irredeemably evil. For this reason, reformers urged lawmakers to replace punishments grounded in retribution with those focused on rehabilitation.

The emphasis on mental shaping was especially applicable to children, who were thought to possess the most malleable characters and the most undeveloped understanding.³⁷ The prison reformer John Howard—whose investigations Godwin cites in *Caleb Williams* (1794)—expressed brief but pointed criticisms of the law's treatment of young offenders in his influential study *The State of the Prisons in England and Wales* (1777). Howard lamented that "a young creature, who perhaps was never taught a moral lesson" and who was "guilty of some petty theft" would be sent to a bridewell for a year or two and would end up spending that time "in idleness, hunger, [and] dirt, with companions much improved by such education" or sent into "still worse company, that of abandoned felons in the county gaol." "[W]hat is this," he asked, "but devoting them to destruction?"³⁸ According to Howard's friend and biographer, John Aikin, Howard viewed children as "creatures possessed of strong passions and desires, without reason and experience to controul them"; Howard recommended the use of "calm and gentle" but "steady and resolute" coercion to govern children's impulses, as well as the separation of young and old offenders to promote reformation and prevent further corruption.³⁹

The utopian socialist and philanthropist Robert Owen likewise stressed society's responsibility to educate young people, though he sought to intervene at an earlier stage of development. Influenced by the reformist principles of the Manchester Literary and Philosophical Society, Owen set up a Benthamite system at New Lanark when he became manager of his father-in-law's cotton mills there in 1800. Owen's efforts to instruct the children in his factory community led to the opening in 1816 of the Institute for the Formation of Character.⁴⁰ Owen set forth the key principles guiding his experiment in *A New View of Society: or, Essays on the Formation of the Human Character* (1813–16). "Children are, without exception, passive and wonderfully contrived compounds; which, ... may be formed collectively to have any human character," Owen explained. "And although these compounds, like all the other works of nature, possess endless varieties, yet they partake of that plastic quality, which, by perseverance under judicious management, may be ultimately moulded into the very image of rational wishes and desires."⁴¹ The problem, in Owen's view, was that the poor and uneducated classes were effectively "taught crime from their infancy."⁴² He argued that it was incumbent on the government to establish a national system of education modeled upon that of New Lanark in order to prevent young people from turning to vice and crime. "Instead of *punishing* crimes after they have *permitted* the

human character to be formed so as to commit them," he insisted, authorities needed to "adopt the only means which can be adopted to *prevent* the existence of those crimes."⁴³

Such views prompted important changes in the treatment of young offenders in the late eighteenth and early nineteenth centuries. In the 1780s, jurists began noting the ages of defendants in criminal trials; in 1791, officials at the Old Bailey, London's central criminal court, made it a policy to record this information. Most important, culpability increasingly became linked to the age of fourteen rather than seven or eight.⁴⁴ Jurists emphasized that children were particularly susceptible to evil influences and could only incompletely intend their actions. Until children possessed full understanding, jurists reasoned, they could not comprehend the laws by which they were governed and could not be held legally responsible for their behavior.⁴⁵ By the mid-nineteenth century, children under fourteen were unlikely to be tried, convicted, or punished for felonies, especially by execution. Although children continued to be convicted of petty offenses, they were placed in special reformatories designed to reshape their minds.⁴⁶ In the last few decades of the century, legislators passed a series of acts that further reduced prison sentences and reformatory committals for young offenders and that criminalized parental mistreatment of juveniles. By the mid-1890s, the criminal justice system was treating youth as a distinct category of diminished responsibility. The 1908 Children Act solidified this shift by establishing a separate juvenile court for children under the age of sixteen. The law provided different forms of punishment and more rehabilitation for such offenders.⁴⁷

In recent decades, however, England has witnessed a reversal of these trends, with the return of punitive approaches to juvenile justice and the removal of some protections for young offenders.⁴⁸ The minimum age of criminal responsibility, moreover, remains low. In 1933, Parliament raised the age from seven to eight and, in 1963, from eight to ten. But the murder of two-year-old James Bulger by two ten-year-old boys in 1993 fueled growing fears of violent youth crimes, prompting public hysteria and legislative backlash. The case culminated in the passage of the 1998 Crime and Disorder Act, which abolished the long-standing presumption of incapacity for children between the ages of ten and fourteen.⁴⁹ In the United States, eleven states have likewise set ten as the minimum age of responsibility for juvenile offenders; in six states, children ranging from six to eight years may be found delinquent.⁵⁰ The Supreme Court, for its part, has struck down mandatory death sentences and mandatory life sentences without the possibility of parole for offenders under the age of eighteen, citing evidence showing juvenile brains to be more passionate and impulsive, as well as more susceptible to rehabilitation, than those of adults.⁵¹ The question of children's criminal capacity and the punishment of young offenders continues to spark debates to this day.⁵²

JUVENILE JUSTICE IN *FRANKENSTEIN*

Frankenstein is deeply concerned with the developments in and debates about criminal responsibility that preoccupied jurists and philosophers in the late eighteenth and early nineteenth centuries. From Justine Moritz's trial to Victor's arrest, scenes of legal judgment permeate the text. Shelley would have been aware of the calls for penal reform, for she grew up in a family keenly attuned to questions of criminal justice. In *An Enquiry Concerning Political Justice* (1793), Godwin declared that "[t]he subject of punishment is perhaps the most fundamental in the science of politics," and in *Caleb Williams*, he exposed the corruption and abuse that permeated the penal system.⁵³ (Shelley dedicated *Frankenstein* to her father, "Author of *Political Justice*, *Caleb Williams*, &c.," explicitly

situating her novel in this tradition.)⁵⁴ In his "Essay on the Punishment of Death" (1815), Shelley's lover and soon-to-be husband, Percy, called for the abolition of the death penalty; Percy was also friends with the lawyer and penal reformer Basil Montagu, himself a disciple of Bentham, friend of Romilly, and student of Godwin.⁵⁵ The course of reading that Shelley undertook in the years leading up to and during the writing of *Frankenstein* would, moreover, have fueled her thinking about these issues. In the winter of 1816–17, she and Percy read Locke's *Essay concerning Human Understanding*, which, as we have seen, contributed to the shift in thinking about criminal intent, and in 1816, she read Montagu's *The Opinions of Different Authors upon the Punishment of Death* (1809–13), which brought together selections by dozens of thinkers including Paley, Blackstone, Howard, Romilly, and Bentham.⁵⁶ Between 1814 and 1815, Shelley read novels and plays by Charles Brockden Brown and Joanna Baillie that take up questions of criminal justice. During this period, Shelley also read and discussed Jean-Jacques Rousseau's *Émile; ou de l'éducation* (1762), which revised Locke's account of children's moral and intellectual development, and she re-read her mother Mary Wollstonecraft's *A Vindication of the Rights of Woman* (1792), which examined the reciprocal duties of parents and children.⁵⁷ As critics have noted, Shelley also drafted *Frankenstein* while Percy was embroiled in a custody dispute with the relatives of his late wife, Harriet Westbrook; the experience would have made Shelley particularly attuned to the parent-child relationship as well as the legal rights and status of children.⁵⁸

In *Frankenstein*, Shelley embraces and develops the new conception of children's criminal capacity, emphasizing that children who lack understanding should not be held legally responsible for their acts. Extending the critiques of reformers like Howard, Romilly, and Owen, Shelley highlights the role of parents in the making of young offenders. Victor's childhood presents a sharp contrast with that of the creature. Victor recounts the happy memories of his youth to the explorer Robert Walton, whom he meets while pursuing the creature in the icy waters of the Arctic. As Victor relates, he was raised in Geneva in a warm "domestic circle" (22) consisting of his parents, his two younger brothers, his cousin and intended wife Elizabeth Lavenza, and his friend Henry Clerval.⁵⁹ Victor's parents were "indulgent" and his companions "amiable" (21). His father, though a respected public official, "relinquished many of his public employments, and devoted himself to the education of his children" (19); Victor's mother likewise played an important role in his upbringing. Victor admits that "[n]o creature could have [had] more tender parents than [his]" (19). At the age of thirteen, however, against his father's advice, Victor becomes interested in the work of thinkers like Cornelius Agrippa.⁶⁰ At seventeen, he leaves Geneva for the University of Ingolstadt, where he continues these studies and becomes obsessed with the idea of "bestowing animation upon lifeless matter" (34). Thus begins Victor's privileging of science and self over familial ties. After four years of painstaking labor, he succeeds in creating new life. The being he creates has a naturally cheerful disposition: when Victor looks at the creature, the latter "mutter[s] some inarticulate sounds, while a grin wrinkle[s] his cheeks" (40). But Victor is overcome with "horror and disgust" (39); he beholds "the wretch—the miserable monster whom [he has] created" (39)—and becomes ill. When the creature stretches a hand out to Victor, the latter runs out of the room. Unlike Percy, who fought to retain custody of his children, Victor wishes to sever all ties with his progeny. Through Victor's reaction to the creature's "birth," Shelley explores the effects of a father's rejection on an illegitimate and motherless child. Rousseau faulted women for abdicating their maternal duties and failing to care for their children, but Shelley places blame first and foremost at the

feet of fathers.⁶¹ Now as before, Victor refuses to consider anyone's wishes other than his own. When Henry nurses Victor back to health, Victor leaves his own child to fend for himself. He reduces parenting to literal reproduction, rejecting the Lockean imperative to rear and educate his offspring.

Through the creature's subsequent violence, the novel highlights parents' responsibility for children's turn to crime while criticizing the retributive logic of England's legal system. Two years after Victor abandons his offspring, when Victor is touring the German countryside with Henry, the creature kills Victor's brother William. Victor rushes back to Geneva upon receiving the news. As soon as Victor sees "the filthy dæmon" (56) on the mountains near the scene of his brother's death, he becomes convinced that the creature took William's life. But fear and shame prevent him from approaching the authorities, resulting in the arrest of an innocent woman. Geneva's outmoded legal system—much like England's Bloody Code—compounds Victor's guilt: the orphaned Justine Moritz, a servant and friend of the Frankenstein family, is tried for the crime without the assistance of defense counsel and is swiftly convicted and sentenced to death.⁶² Elizabeth alone comes to Justine's aid, testifying to Justine's virtuous character. "Oh! how I hate [the world's] shews and mockeries!" Elizabeth declares when she and Victor visit Justine after learning of the verdict. "[W]hen one creature is murdered, another is immediately deprived of life in a slow torturing manner," Elizabeth continues. "[T]hen the executioners, their hands yet reeking with the blood of innocence, believe that they have done a great deed. They call this *retribution*. Hateful name!" (67). As Ann Frank Wake observes, Victor "hears, but does not listen, and reports, but does not internalize" Elizabeth's words.⁶³ Now as before, Victor remains preoccupied with his own feelings, insisting that even Justine "felt not as [he] did, such deep and bitter agony" (67). For all of his supposed anguish, he fails to understand the ways in which his own actions and those of the vengeful legal system work to oppress society's powerless members.

Victor's guilt increasingly troubles him, though, after Justine's execution. "I, the true murderer, felt the never-dying worm alive in my bosom," he tells Walton, "which allowed of no hope or consolation" (68). "I, not in deed, but in effect, was the true murderer," he insists (72). Later on, after the creature kills Henry and the Irish authorities charge Victor with his friend's death, Victor becomes obsessed with the idea that his brother, Justine, and Henry all "died through [his own] infernal machinations" (154). "I am the cause of this," he tells his bewildered father after he is freed from the charge. "I murdered [Justine]. William, Justine, and Henry—they all died by my hands" (156). Although Victor does not literally kill his brother and his friends, the novel suggests that he is right to blame himself for abandoning his offspring and concealing his knowledge of Justine's innocence. His guilty conscience and repeated self-accusations reinforce the connections between his actions and the resulting violence. The causal chain is clear: he sets in motion a cycle of vengeance and thus bears a significant share of moral, if not legal, responsibility for his friends' deaths. Like reformers such as Howard, Romilly, and Owen, Shelley emphasizes the power of upbringing and education to shape children's moral development. Yet where the reformers focus broadly on society's obligations to young people, Shelley focuses specifically on parents' role in children's turn to crime. The language of guilt and blame that runs through the text reinforces the idea that Victor is accountable for the creature's violence.

The problem, Shelley shows, is that Victor does not act on his guilty feelings. Rather than acknowledging his role in his brother's death, Victor attempts to distance himself from his offspring. Unlike his fiancée, who immediately and erroneously assumes responsibility for William's demise—"O

God! I have murdered my darling infant!" (53), Elizabeth cries when she realizes that the valuable miniature she gave William is missing from his neck—and unlike Justine, who yields to her confessor's threats and wrongly admits the crime, Victor refuses publicly to acknowledge the ways in which his actions contributed to his brother's death. At Justine's trial, Victor remains silent; upon hearing the verdict, he rushes out of the room. Later, after the creature strangles Elizabeth, Victor petitions a judge to charge the creature with murder. When the magistrate declines to pursue the creature, Victor vows to find the "miserable fiend" (174) himself and execute him. In doing so, Victor embraces the retributive logic of the legal system.⁶⁴ Such a strategy, the novel shows, is self-defeating. Much as Victor does to his offspring, the creature strips Victor of his family and friends. Through Victor's isolation and despair as well as the deaths of his brother, friends, and wife, the novel shows the tragic consequences of sending a child into the world without nurturing and educating him.

The creature's own account of his abandonment further highlights parents' role in the making of criminals while emphasizing that young children lack the understanding to be held legally responsible for their acts. Although Victor dismisses the creature when the latter confronts him, Shelley gives the creature a voice. "Let your compassion be moved, and do not disdain me," the creature implores. "Listen to my tale. ... The guilty are allowed, by human laws, bloody as they may be, to speak in their own defence before they are condemned" (78). Invoking the form of a legal trial, Shelley invites readers to consider the creature's case and to acquit him of murder. The creature begins his account by proclaiming his natural benevolence, insisting that "misery made [him] a fiend" (78). He feels the absence of loving parents acutely. "No father ... watched my infant days," he laments, "no mother ... blessed me with smiles and caresses" (97). Instead, he struggled to feed and fend for himself while dodging attacks from strangers. The creature's isolation is heightened by his observations of young Felix and Agatha De Lacey and their friend Safie, whose conversations he overhears from the hovel in which he takes refuge. By listening to them read and converse, he learns of "the difference of sexes; of the birth and growth of children; how the father doated on the smiles of the infant ...; how all the life and cares of the mother were wrapt up in the precious charge; how the mind of youth expanded and gained knowledge; of brother, sister, and all the various relationships which bind one human being to another in mutual bonds" (97). The creature's language and syntax reinforce the connections between the father's doting looks, the mother's loving care, and the cognitive and emotional development of the young child. A lack of such relationships, the novel shows, results in serious isolation and dejection on the part of the developing child.⁶⁵ As Botting notes, although the creature "survives" his abandonment and abuse, "he fails to thrive because of his lack of family, friends, and love."⁶⁶ Indeed, the creature soon begins to doubt his worth and to question his identity. "[W]here were my friends and relations?" he wonders. "I had never yet seen a being ... who claimed any intercourse with me. What was I?" (97). The creature projects his desire for social connection onto the De Laceys, referring to them as his "friends" and "protectors" (97), but their ignorance of his existence underscores the tragically one-sided nature of this relationship. Like Romilly and Owen, Shelley insists upon the role of environment and upbringing in the making of criminals. But where the reformers focus on problems such as poverty and social deprivation, Shelley suggests that the origins of criminality lie in a lack of love and care from parents during the earliest years of a child's life.

The creature's account of his self-education likewise underscores the role of failed parenting in children's turn to crime while highlighting the importance of understanding in conceptions of criminal

intent. Botting contends that the creature has an "incredible capability for language acquisition and independent learning" and displays a form of "super-intelligence."⁶⁷ Yet even as Shelley depicts the creature's surprising aptitude, she emphasizes the limits of his cognitive development. One day, the creature tells Victor, he discovered copies of *Paradise Lost* and *Plutarch's Lives* in a portmanteau in the wood near his hovel. He eagerly read John Milton's poem. The creature identifies with both Adam and Satan but feels that Satan's position offers a "fitter emblem" of his own condition; like the arch fiend, he is "wretched, helpless, and alone" (105). In her portrait of the creature's plight, Shelley famously rewrites Milton's account of the Fall: rather than presenting an ungrateful child who rebels against a father's just authority, she depicts a selfish parent who refuses to accept his filial duties.⁶⁸ Unlike Adam and Eve, who receive multiple warnings to obey God's prohibition, the creature receives no guidance from anyone. The creature's attempts to educate himself, while admirable, are ultimately inadequate. The creature gains some knowledge of good and evil through his reading of Milton's poem. (Such knowledge, of course, is what Satan promises Eve when he tempts her to eat the forbidden fruit.) The creature likewise gains a limited sense of morality through his examination of *Plutarch's Lives*. As he reads the work, he feels "the greatest ardour for virtue rise within [him], and abhorrence for vice, as far as [he understands] the signification of those terms, relative as they were, as [he] applied them, to pleasure and pain alone" (104). Unlike Rousseau, who denounced book learning in favor of experiential education, Shelley shows the value of introducing young children to challenging texts.⁶⁹ But knowledge is not the same thing as understanding, she shows, and reading about vice does not bring a child to a full comprehension of it. Of Plutarch's text, the creature admits, "[m]any things I read surpassed my understanding and experience" (104). He has only a "confused knowledge of kingdoms, wide extents of country, mighty rivers, and boundless seas," and is "perfectly unacquainted with towns, and large assemblages of men," for the cottage of "his protectors" is "the only school in which [he has] studied human nature" (104). Shelley here ironically underscores the limits of the creature's education and his lack of familiarity with the world. Not only does it take time for children to develop their understanding, Shelley suggests, but they need to do so in conversation with others. The creature cannot come to a full comprehension of ethics in isolation; he has no one to teach him the difference between right and wrong and to show him how to relate to and treat other people. Mere *knowledge* of good and evil—such as that described in and fostered by a reading of Milton and Plutarch—is not enough to ensure that children will embrace virtue instead of vice. The creature has not received sufficient instruction to enable him to understand the meaning and consequences of his actions and to *choose* good over evil.

The rhetoric of insanity that permeates the creature's account further highlights his lack of criminal capacity. When the creature kills William, he appears to be at a stage of development equivalent to that of a child approximately eight to ten years of age. The creature is able to talk and read, and he manages to fend for himself, but he has only a rudimentary sense of morality; he lacks the ability to control his impulses and to think through the consequences of his actions.⁷⁰ Indeed, his experiences of familial and social rejection reduce him to a brute. The creature becomes particularly dejected after the De Lacey's abandon him. In his second winter at the hovel, after more than a year of silently observing the family, the creature appeals to the blind De Lacey for assistance. The creature is on the brink of securing the latter's aid when Felix, Agatha, and Safie return home. Upon seeing the creature, Agatha faints, Safie flees, and Felix begins beating him with a stick. The creature now declares

everlasting war on the person who formed him and cast him out to bear such "insupportable misery" (111). As he wanders alone in the cold and the darkness, the creature gives vent to his anguish in "fearful howlings." "I was like a wild beast that had broken the toils," he tells Victor, "destroying the objects that obstructed me" (111). He suffers similar anguish the following evening after discovering that the De Lacey's have fled the cottage. "As the night advanced," he explains, "a fierce wind arose from the woods, and quickly dispersed the clouds that had loitered in the heavens: the blast tore along like a mighty avalanche, and produced a kind of insanity in my spirits, that burst all bounds of reason and reflection" (113). As Shelley describes it, the tempest in the world outside the creature's mind mirrors the tempest within. The violent imagery and alliteration reinforce his animalistic state. The creature's passions overwhelm his reason, leaving him in a frenzied condition.

The analogy between the creature's mind and that of a madman is telling, as the jurisprudence of children's criminal capacity overlapped with that of exculpatory insanity in this period. In the latter line of cases as in the former, judges relied upon the "good and evil" test.⁷¹ "If one that is *Non compos mentis*, or an Ideot, kill a man," Dalton explained in *The Country Justice*, "this is no felonie; for they have no knowledge of good and evill, nor can have a felonious intent, nor a will or mind to do harme."⁷² In the eighteenth century, the test of insanity was difficult to satisfy, as judges held that any sign of rationality demonstrated the presence of a conscience and the ability to discern right from wrong. To be deemed insane and thus legally irresponsible, a person had to be, as Justice Tracy put it in *Rex v. Arnold* (1724), "totally deprived of his understanding and memory, and ... not know what he [was] doing, no more than an infant, than a brute, or a wild beast."⁷³ Shelley may have been aware of this standard, as she indicated in an 1816 journal entry that she read a collection of speeches by the barrister and future Lord Chancellor Thomas Erskine; the 1812 edition of Erskine's speeches reprinted his famous defense of attempted regicide James Hadfield—a lengthy speech in which Erskine surveyed the existing law of insanity before arguing for a broader conception of exculpatory madness.⁷⁴ In her account of the creature's response to the De Lacey's departure, Shelley draws upon but reverses the analogy between infancy and insanity in order to establish the creature's lack of criminal capacity. Although the creature eloquently articulates his anguish when he speaks to Victor, Shelley emphasizes that in the weeks leading up to his encounter with William, he is unable to control his impulses and to reflect on his situation. Like a madman and a "wild beast," the creature lacks the ability to form a criminal intent.

The events immediately preceding William's death likewise work to exonerate the creature. Shelley again emphasizes the neglect and abuse the creature experiences as well as his inability to restrain his feelings in response to rejection. When the creature discovers that the De Lacey's have left their abode, as we have seen, he becomes filled with rage and despair. After lighting their empty cottage on fire, he sets out for Switzerland in search of his "father" and "creator" (114). His naturally benevolent disposition soon takes hold when he sees a young girl drowning in a river and rushes into the water to save her. However, the girl's father returns his kindness by firing a gun at him, inflicting a wound that "shatter[s] [his] flesh and bone" (116). Angry and vengeful feelings now overcome the creature again; an "oppressive sense of the injustice and ingratitude" (116) of those around him heightens his sufferings. When he arrives outside Geneva several weeks later, he takes refuge in a hiding place among the fields; to his surprise, a "beautiful child" (116) runs into the recess he has chosen. An idea "seize[s]" (116) him that "this little creature was unprejudiced, and had lived too short a time to have

imbibed a horror of deformity" (116–17); he seeks to "seize" the boy and educate him to be his "companion and friend" (117). Like his elders, though, William responds with fear and prejudice. Although Victor helped to educate and care for his younger brother before departing for Ingolstadt, he failed to instill in the boy a capacity to sympathize with those who look different from him. "Let me go," William cries when the creature takes hold of the boy, "[M]onster! ugly wretch! you wish to eat me, and tear me to pieces—You are an ogre—Let me go, or I will tell my papa" (117). After learning that William's father is M. Frankenstein and that William is thus a relation of Victor's, the creature kills the boy. "The child still struggled, and loaded me with epithets which carried despair to my heart," the creature explains. "I grasped his throat to silence him, and in a moment he lay dead at my feet" (117).

Shelley's language underscores the ambiguity surrounding the creature's intentions. The creature may have wished temporarily to quiet the boy or he may have sought to frighten and punish him. But there is no indication that the creature planned to kill young Frankenstein or understood that his actions would produce this effect, though he gazes with "exultation and hellish triumph" (117) after he realizes what he has done. Only a few minutes earlier, he assures William that he "[does] not intend to hurt [him]" (117). Shelley's account suggests that the creature acts without fully thinking: no sooner does the idea "seize" him that he might befriend and educate William than he "seize[s]" the boy (117); the repetition of the word underscores the speed with which the creature transforms his ideas into action. He is focused on his own needs and desires—his own pleasure and pain—at this point. He does not consider the effects of his actions on the child in front of him; he does not understand what it means to take another person's life. After William dies, the creature notices the necklace with Mrs. Frankenstein's portrait around the boy's neck. Upon leaving the scene, he sees a woman pass by him. "[T]hanks to the lessons of Felix, and the sanguinary laws of man," the creature explains, "I ... learned how to work mischief" (118). Hence, he approaches the woman "unperceived" (118) and places the portrait in one of her pockets. Chris Baldick claims that the creature's framing of Justine is evidence of "malice aforethought."⁷⁵ But Shelley's account of the creature's impulsive behavior leading up to and during the episode reinforces his limited cognitive development. His desire to avoid punishment after the fact does not itself indicate a prior intent to kill the boy.⁷⁶ Victor, Felix, and others have repeatedly subjected the creature to cruelty and violence; it is thus no surprise that he acts violently in return. The creature's account of his early abandonment and limited education, as well as his frenzied response to the De Lacey's departure and William's taunts, underscores his lack of criminal capacity.

The novel further emphasizes the tragic consequences of parents' failure to care for and educate children through Victor's response to the creature's request for a companion as well as Elizabeth's death. When Victor initially encounters the creature in the mountains near the scene of William's demise, Victor feels "[f]or the first time ... what the duties of a creator towards his creature [are]"; Victor reflects that he "ought to render [the creature] happy" before complaining of "his wickedness" (79). After the creature finishes his narrative, he implores Victor to "create a female for [him], with whom [he] can live in the interchange of those sympathies necessary for [his] being" (118). In promising to satisfy the creature's request, Victor shows some responsiveness to the creature's needs. He acknowledges the creature's desire for love and society as well as his own duty as a parent to provide, as he later puts it, for the creature's "happiness and well-being" (185). But Victor soon rethinks his promise and abandons his efforts, again failing his offspring and fueling the creature's desire for revenge. Even as Victor pursues companionship and marriage with Elizabeth, he further

alienates his child. After the creature kills Elizabeth, Victor becomes determined to hold the creature legally accountable. At this point, he attempts to convince a judge to track down and prosecute the "monster" (168). Ironically, the judge attempts to "soothe [Victor] as a nurse does a child" (170), showing more compassion for him than Victor does for his own offspring. "My revenge is of no moment to you," Victor tells the judge, "yet, while I allow it to be a vice, I confess that it is the devouring and only passion of my soul" (170). Victor repeatedly vows vengeance, seeking to "devote ... [the] miserable fiend ... to torture and death" (174). For many months, he engages in a fruitless, agonizing pursuit. He endures both intense physical hardship as well as psychological distress, never able to move beyond the pain of the past. Shortly before Victor dies, he asks Walton to swear that the creature "shall not escape; that [Walton] will seek him, and satisfy [Victor's desire for] vengeance in his death" (177). Victor soon modifies this request, asking Walton to swear that if he sees the creature, he will not allow the creature to live. But Victor insists that Walton honor this pledge. Victor never learns from his mistakes; to the end of his life, he remains obsessed with destroying rather than caring for his offspring. As a result, he dies miserable and angry, his purpose unfulfilled.

Through the creature's eventual confession as well as Walton's response, Shelley proposes a new model for the treatment of young offenders. Leslie Tannenbaum argues that in *Frankenstein*, Shelley depicts a fallen world in which there is no possibility of redemption and forgiveness; other critics likewise suggest that forgiveness is neither conceivable nor appropriate in this case.⁷⁷ Yet, like the era's penal reformers, Shelley insists that mercy is a crucial part of a just legal system. Rather than seeking to avenge and punish children for criminal acts, Shelley suggests, society must commit to educating and rehabilitating them. This proposal is evident in the frame narrative at the end of the text. In a series of letters to his sister, Walton relates his final encounter with Victor and describes the creature's despair upon viewing Victor's dead body. The creature now asks for Victor's pardon and excoriates himself for destroying those whom Victor loved. "[M]y first impulses, which had suggested to me the duty of obeying the dying request of my friend, in destroying his enemy," Walton tells his sister, "were now suspended by a mixture of curiosity and compassion" (187). Walton withholds judgment and listens. Through Walton's response, Shelley models that of her own readers. The creature confesses to multiple counts of "murder" (187), but in Shelley's hands, the confession serves to excuse rather than to convict him. Although the creature claims that he chose evil "willingly" (188), the novel shows that he did not make choices with a full understanding of their consequences. Indeed, reflecting upon the circumstances leading up to Elizabeth's murder, the creature declares that he "was the slave, not the master of an impulse, which [he] detested, yet could not disobey" (188). Even as his confession reveals the possibility of change and repentance, it underscores his fundamentally childish and passionate nature.

The creature's confession reminds readers, too, of society's own role in and responsibility for children's violence. Laura P. Claridge argues that Walton "takes on fully the role of parent himself" by listening to the creature.⁷⁸ Yet, while Walton does not exact vengeance on Victor's offspring, neither does he attempt to help the youth. Although Walton is initially affected by the creature's misery, he becomes angry when he glances over at Victor's dead body, and he rebukes the creature for his hypocrisy. The creature becomes more defensive at this point. "Am I to be thought the only criminal, when all human kind sinned against me?" (189), he asks. As the creature suggests, not only was he abandoned by his father but he was rejected by all of society. Death seems to be his "only consolation" (190). "Polluted

by crimes, and torn by the bitterest remorse," he concludes, "where can I find rest but in death?" (190). Through the creature's misery, Shelley shows the need to reform England's laws and to change society's view of criminals in order to prevent such needless suffering and violence. In the end, Walton places the creature's story in the hands of his sister, Margaret Saville, herself a wife and mother and a stand-in for Mary Shelley. Through Margaret, Shelley appeals to readers to judge young offenders with compassion while imploring parents to provide the affection that Victor withholds from his offspring. Although the creature is eventually "borne away by the waves, and lost in darkness and distance" (191), the novel attempts to promote greater understanding for young offenders. Shelley shows that children can be awakened to a sense of right and wrong but need instruction to help them develop their reason and control their impulses. Anticipating innovations in juvenile justice that would emerge at the end of the nineteenth century, Shelley appeals to readers to reject the retributive logic of the legal system and to commit to nurturing, educating, and rehabilitating every child in their midst.

NOTES

1. Mary Shelley, *Frankenstein; or, The Modern Prometheus: The 1818 Text*, ed. Marilyn Butler (Oxford: Oxford Univ. Press, 1998), 187. Hereafter cited parenthetically in the text.
2. See Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill: Univ. of North Carolina Press, 2005), 181–82, 184–201.
3. See Brewer, *By Birth or Consent*, 182–83, 206–29; and Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, vol. 1, *The Movement for Reform* (London: Stevens and Sons, 1948), 11–14.
4. See Brewer, *By Birth or Consent*, 225–29; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Columbia Univ. Press, 1978), 44–79; and Radzinowicz, *History of English Criminal Law*, 1:301–96, 1:497–525.
5. On Shelley's treatment of parent-child relations, see Sandra M. Gilbert and Susan Gubar, *The Madwoman in the Attic: The Woman Writer and the Nineteenth-Century Literary Imagination*, 2nd ed. (New Haven: Yale Univ. Press, 2000), 213–47; Katherine C. Hill-Miller, "My Hideous Progeny": *Mary Shelley, William Godwin, and the Father-Daughter Relationship* (Newark: Univ. of Delaware Press, 1995), 59–100; Margaret Homans, *Bearing the Word: Language and Female Experience in Nineteenth-Century Women's Writing* (Chicago: Univ. of Chicago Press, 1986), 100–19; Debra E. Best, "The Monster in the Family: A Reconsideration of *Frankenstein's* Domestic Relationships," *Women's Writing* 6, no. 3 (1999): 365–84; Laura P. Claridge, "Parent-Child Tensions in *Frankenstein*: The Search for Communion," *Studies in the Novel* 17, no. 1 (1985): 14–26; Kate Ellis, "Monsters in the Garden: Mary Shelley and the Bourgeois Family," in *The Endurance of "Frankenstein": Essays on Mary Shelley's Novel*, eds. George Levine and U. C. Knoepfelmacher (Berkeley: Univ. of California Press, 1979), 123–42; U. C. Knoepfelmacher, "Thoughts on the Aggression of Daughters," in Levine and Knoepfelmacher, *Endurance of Frankenstein*, 88–122; Ellen Moers, "Female Gothic: The Monster's Mother," in Mary Shelley, *Frankenstein: The 1818 Text, Contexts, Criticism*, ed. J. Paul Hunter, 2nd ed. (New York: Norton, 2012), 317–27; Marc A. Rubenstein, "'My Accursed Origin': The Search for the Mother in *Frankenstein*," *Studies in Romanticism* 15, no. 2 (1976): 165–94; and Janet M. Todd, "Frankenstein's Daughter: Mary Shelley and Mary Wollstonecraft," *Women and Literature* 4, no. 2 (1976): 18–27. On Shelley's treatment of criminal justice, see Mark Canuel, *The Shadow of*

- Death: Literature, Romanticism, and the Subject of Punishment* (Princeton: Princeton Univ. Press, 2007), 108–10; Bridget M. Marshall, *The Transatlantic Gothic Novel and the Law, 1790–1860* (Burlington, VT: Ashgate, 2011), 65–89; Tim Marshall, *Murdering to Dissect: Grave-Robbing, "Frankenstein," and the Anatomy Literature* (Manchester: Manchester Univ. Press, 1995); Colleen Fenno, "Monstrous Crimes and Offender Accountability: Shelley's Representation of Criminal Justice from *Frankenstein* to *Falkner*," in *Mary Shelley*, ed. Virginia Brackett (Hackensack, NJ: Salem Press, 2016), 145–61; Marie Léger-St-Jean, "A Portrait of the Monster as Criminal, or the Criminal as Outcast: Opposing Aetiologies of Crime in Mary Shelley's *Frankenstein*," *Romanticism and Victorianism on the Net* no. 62 (2012); and William G. Sayres, "Compounding the Crime: Ingratitude and the Murder Conviction of Justine Moritz in *Frankenstein*," *English Language Notes* 31, no. 4 (1994): 48–54. On law and justice more generally, see William P. MacNeil, *Novel Judgements: Legal Theory as Fiction* (London: Routledge, 2012), 75–98; Ann Frank Wake, "Justine's Trial Revisited: A Space for Women's Subculture in Mary Shelley's *Frankenstein*," *European Romantic Review* 12, no. 4 (2001): 493–516; and Patrick Vincent, "'This Wretched Mockery of Justice': Mary Shelley's *Frankenstein* and Geneva," *European Romantic Review* 18, no. 5 (2007): 645–61.
6. See, e.g., Fenno, "Monstrous Crimes," 151; Lawrence Lipking, "*Frankenstein*, the True Story; or, Rousseau Judges Jean-Jacques," in Shelley, *Frankenstein: 1818 Text, Contexts, Criticism*, 421, 433; and Michael Scrivener, "Trials in Romantic-Era Writing: Modernity, Guilt, and the Scene of Justice," *Wordsworth Circle* 35, no. 3 (2004): 131–32. Marie Léger-St-Jean argues that the novel supports the creature's view that "the criminal might be a monster" but is "created by those it vengefully hurts." "Portrait of the Monster."
 7. Jonathan H. Grossman, *The Art of Alibi: English Law Courts and the Novel* (Baltimore: Johns Hopkins Univ. Press, 2002), 79.
 8. Sandra Macpherson, *Harm's Way: Tragic Responsibility and the Novel Form* (Baltimore: Johns Hopkins Univ. Press, 2010), 227n20.
 9. Macpherson, *Harm's Way*, 187.
 10. See Macpherson, *Harm's Way*, 177–88.
 11. Daniel M. Stout, *Corporate Romanticism: Liberalism, Justice, and the Novel* (New York: Fordham Univ. Press, 2017), 183.
 12. Stout, *Corporate Romanticism*, 181.
 13. See Eileen Hunt Botting, *Mary Shelley and the Rights of the Child: Political Philosophy in "Frankenstein"* (Philadelphia: Univ. of Pennsylvania Press, 2018), 121–24, 156–57.
 14. In *Artificial Life after "Frankenstein"* (Philadelphia: Univ. of Pennsylvania Press, 2021), Botting extends her analysis to consider how the creature's plight evokes that of bioengineered children (102–14). Here, too, her emphasis is on children's legal rights and the duties that parents owe to the children they make and raise.
 15. See William Blackstone, *Commentaries on the Laws of England*, vol. 4, *Of Public Wrongs*, ed. Ruth Paley (1769; Oxford: Oxford Univ. Press, 2016), 13–14; and Joel Peter Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven: Yale Univ. Press, 1995), 35. For an overview of this doctrine in contemporary U.S. law, see John Kaplan, Robert Weisberg, and Guyora Binder, eds., *Criminal Law: Cases and Materials*, 7th ed. (New York: Wolters Kluwer, 2012), 191–93.

16. See Brewer, *By Birth or Consent*, 184–201; A. W. G. Kean, "The History of the Criminal Liability of Children," *Law Quarterly Review* 53, no. 3 (1937): 366–69; Anthony Platt and Bernard L. Diamond, "The Origins of the Right and Wrong Test of Criminal Responsibility and Its Subsequent Development in the United States: An Historical Survey," *California Law Review* 54, no. 3 (1966): 1233.
17. Michael Dalton, *The Countrey Justice, Conteyning the practice of the Justices of the Peace out of their Sessions* (London: Societie of Stationers, 1618), 215.
18. See Brewer, *By Birth or Consent*, 184–201.
19. See Brewer, *By Birth or Consent*, 206–7; and Sir Matthew Hale, *Historia Placitorum Coronæ: The History of the Pleas of the Crown*, ed. Sollom Emlyn, 2 vols. ([London]: E. and R. Nutt, 1736), 1:14–15, 1:24–29. Hale's treatise was found among his papers at his death in 1676; a brief sketch appeared in 1678, but the full treatise was not published until 1736. See *Oxford Dictionary of National Biography*, s.v. "Hale, Sir Matthew (1609–1676)," <https://doi.org/10.1093/ref:odnb/11905>.
20. Hale, *History of the Pleas*, 1:26.
21. Hale, *History of the Pleas*, 1:26–27.
22. Hale, *History of the Pleas*, 1:27. Leon Radzinowicz notes several cases from the eighteenth century in which children under fourteen were sentenced to death, but the sentences were eventually commuted. See *History of English Criminal Law*, 1:12–14.
23. See Brewer, *By Birth or Consent*, 45–86, 226–27.
24. See John Locke, *An Essay concerning Human Understanding*, ed. Peter H. Nidditch (1689; Oxford: Oxford Univ. Press, 1979), 104; and John Locke, *Some Thoughts concerning Education*, eds. John W. Yolton and Jean S. Yolton (1693; Oxford: Clarendon Press, 1989), 265.
25. See Locke, *Essay*, 48–65; and Locke, *Some Thoughts*, 103–10, 142–43. In the *Second Treatise of Government* (1690), Locke similarly explained, "The Freedom ... of Man and Liberty of acting according to his own Will, is grounded on his having Reason, which is able to instruct him in that Law he is to govern himself by. ... This is that which puts the Authority into the Parents hands to govern the Minority of their Children." *Two Treatises of Government*, ed. Peter Laslett, student ed. (Cambridge: Cambridge Univ. Press, 1999), 309. On Locke's theory of child development, see Galia Benziman, *Narratives of Child Neglect in Romantic and Victorian Culture* (New York: Palgrave Macmillan, 2012), 27–42; and Sarah Abramowicz, "Childhood and the Limits of Contract," *Yale Journal of Law and the Humanities* 21, no. 1 (2009): 62–65. On environmental theories of human behavior more generally in this period, see Jenny Davidson, *Breeding: A Partial History of the Eighteenth Century* (New York: Columbia Univ. Press, 2009).
26. Locke, *Essay*, 268.
27. Blackstone, *Commentaries*, 4:13.
28. Blackstone, *Commentaries*, 4:14–15.
29. Blackstone, *Commentaries*, 4:15. On Blackstone's treatment of criminal capacity and intention, see Simon Stern, "Blackstone's Criminal Law: Common-Law Harmonization and Legislative Reform," in *Foundational Texts in Modern Criminal Law*, ed. Markus Dubber (Oxford: Oxford Univ. Press, 2014), 65–69.
30. For overviews of England's capital statutes, see Ignatieff, *Just Measure*, 16–17; and Radzinowicz, *History of English Criminal Law*, 1:3–23, 1:41–79. On the use of judicial discretion

and executive clemency, see Ignatieff, *Just Measure*, 17–19; Radzinowicz, *History of English Criminal Law*, 1:107–37; and Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, eds. Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson, and Cal Winslow (New York: Pantheon Books, 1975), 17–63.

31. Unlike Paley, Madan argued for a strict enforcement of the law without recourse to pardons. See [Martin Madan], *Thoughts on Executive Justice, with respect to our Criminal Laws, Particularly on the Circuits* (London: J. Dodsley, 1785); and William Paley, *The Principles of Moral and Political Philosophy* (1785; Indianapolis: Liberty Fund, 2002), 373–93.
32. See Jeremy Bentham, *Letter to Lord Pelham, &c. &c. &c., Giving a Comparative View of the System of Penal Colonization in New South Wales, and the Home Penitentiary System, Prescribed by two Acts of Parliament of the Years 1794 & 1799* (London, 1802); Jeremy Bentham, *Panopticon; or, The Inspection-House* (London: T. Payne, 1791); Blackstone, *Commentaries*, 4:1–12; [Sir Samuel Romilly], *Observations on a Late Publication, Intituled, Thoughts on Executive Justice* (London: T. Cadell, 1786); and Sir Samuel Romilly, *Observations on the Criminal Law of England, as it Relates to Capital Punishments* (London: T. Cadell and W. Davies, 1810). For overviews of the reform movement, see Ignatieff, *Just Measure*, 44–113; Radzinowicz, *History of English Criminal Law*, 1:301–96, 1:497–525; K. J. M. Smith, *Lawyers, Legislators and Theorists: Developments in English Criminal Jurisprudence 1800–1957* (Oxford: Clarendon Press, 1998), 25–30, 55–66; and Randall McGowen, "The Well-Ordered Prison: England, 1780–1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, eds. Norval Morris and David J. Rothman (New York: Oxford Univ. Press, 1995), 79–109. For the classic account of the shift from punishment of the body to punishment of the mind, see Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, 2nd ed. (New York: Vintage, 1995).
33. See Blackstone, *Commentaries*, 4:2; and Ignatieff, *Just Measure*, 47, 93–95. On Blackstone's advocacy of reform in the *Commentaries*, see Stern, "Blackstone's Criminal Law."
34. [Romilly], *Observations on a Late Publication*, 60. Those "unfortunate" and "helpless creatures" who are "born in misery and indigence, and [who differ] from us in nothing but the accidents of rank and fortune," Romilly argued, "are entitled to our utmost care and protection" (94).
35. See Bentham, *Panopticon*; and Ignatieff, *Just Measure*, 77–79, 109–13.
36. See William Godwin, *An Enquiry Concerning Political Justice*, ed. Mark Philp (1793; Oxford: Oxford Univ. Press, 2013), 396, 397; see also 390–91. On Godwin's views, see Ignatieff, *Just Measure*, 117–18.
37. See Brewer, *By Birth or Consent*, 183, 215–16, 229.
38. John Howard, *The State of the Prisons in England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons and Hospitals*, 2nd ed. (1777; London: T. Cadell, 1780), 44–45; see also 10, 13. On Howard's work and influence, see John Aikin, *A View of the Character and Public Services of the Late John Howard, Esq.* (London: J. Johnson, 1792); Ignatieff, *Just Measure*, 47–79. On Godwin's debt to Howard, see William Godwin, *Things as They Are, or The Adventures of Caleb Williams*, ed. Maurice Hindle (1794; London: Penguin, 1988), 188n.
39. Aikin, *View of the Character*, 43, 44; and Howard, *State of the Prisons*, 27–28. Ironically, Howard's relationship with his own son was strained; Howard relied upon coercive tactics to control the

boy, who suffered from bouts of madness. See Ignatieff, *Just Measure*, 48–49. Bentham, for his part, considered all criminals to be "a sort of *grown children*, in whose instance the mental weakness attached to non-age, continues in some respects beyond the ordinary length of time," and who "require ... that sort of sharp looking after ... which all human beings, without exception, stand in need of, up to a certain age." *Letter to Lord Pelham*, 4, 5.

40. See Ignatieff, *Just Measure*, 145–48; Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750*, vol. 5, *The Emergence of Penal Policy in Victorian and Edwardian England* (Oxford: Clarendon Press, 1990), 34–40; and *Oxford Dictionary of National Biography*, s.v. "Owen, Robert (1771–1858)," <https://doi.org/10.1093/ref:odnb/21027>.
41. Robert Owen, "Essay Second," in *A New View of Society: or, Essays on the Formation of the Human Character Preparatory to the Development of a Plan for Gradually Ameliorating the Condition of Mankind*, 2nd ed. (1813; London: Longman, 1816), 34. Owen wrote the second, third, and fourth essays in London in 1813 while in frequent conversation with Godwin. See William St. Clair, *The Godwins and the Shelleys: The Biography of a Family* (New York: Norton, 1989), 349–51.
42. Owen, "Essay Second," 39.
43. Owen, "Essay First," in *New View of Society*, 22.
44. See Brewer, *By Birth or Consent*, 210–15, 226.
45. See Brewer, *By Birth or Consent*, 226–27.
46. See Brewer, *By Birth or Consent*, 182, 227–28; Peter King, *Crime and Law in England, 1750–1840: Remaking Justice from the Margins* (Cambridge: Cambridge Univ. Press, 2006), 101–3, 120–23, 142–61; and Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Woodbridge: Boydell Press, 1999), 55–74, 142–47. The Youthful Offenders Act of 1854 allowed judges to commit offenders under the age of sixteen to terms of two to five years in reformatory schools after a minimum of fourteen days' imprisonment. On the reformatory system, see Radzinowicz and Hood, *History of English Criminal Law*, 5:172–227; Martin J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830–1914* (Cambridge: Cambridge Univ. Press, 1994), 131–41.
47. See Stephen Cretney, *Family Law in the Twentieth Century: A History* (Oxford: Oxford Univ. Press, 2003), 633–34, 642–49; Radzinowicz and Hood, *History of English Criminal Law*, 5:618–33; Wiener, *Reconstructing the Criminal*, 285–94, 358–65.
48. See Barry Goldson, "Excavating Youth Justice Reform: Historical Mapping and Speculative Prospects," *Howard Journal of Crime and Justice* 59, no. 3 (2020): 324–30.
49. On the gradual raising of the age of criminal responsibility, see Children and Young Persons Act 1933, 23 Geo. 5 c. 12, sec. 50, <https://www.legislation.gov.uk/ukpga/Geo5/23-24/12/enacted>; Children and Young Persons Act 1963, c. 37, sec. 16(1), <https://www.legislation.gov.uk/ukpga/1963/37/enacted>. On the Bulger case and the abolition of the *doli incapax* doctrine, see Don Cipriani, *Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective* (Farnham: Ashgate, 2009), 114–17; Goldson, "Excavating Youth Justice Reform," 325–26. Scotland, by contrast, recently raised the minimum age of criminal responsibility from eight to twelve, the internationally recognized minimum. See

Cipriani, *Children's Rights*, 110; Age of Criminal Responsibility (Scotland) Act 2019, sec. 1, <https://www.legislation.gov.uk/asp/2019/7/contents/enacted>.

50. Thirty-two states have not specified a minimum age for juvenile delinquency by statute and thus the common-law minimum of seven years generally applies. Most states and the federal government have set the upper age of juvenile delinquency at seventeen. See Juvenile Justice GPS (Geography, Policy, Practice and Statistics), "Jurisdictional Boundaries," <http://www.jjgps.org/jurisdictional-boundaries>.
51. For discussions of these cases and the neuroscience underpinning them, see Frances E. Jensen with Amy Ellis Nutt, *The Teenage Brain: A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults* (New York: HarperCollins, 2015), 254–77; and Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence* (Boston: Mariner Books, 2015), 182–204. The Supreme Court recently retreated from these decisions, holding that judges may sentence juvenile offenders convicted of homicide to life in prison without first finding the juveniles to be "permanently incorrigible." See *Jones v. Mississippi*, 593 U.S. ____ (2021).
52. For criticisms of England's law, see Helen Pidd, Josh Halliday, Maya Wolfe-Robinson, and Nazia Parveen, "Age of Criminal Responsibility Must Be Raised, Say Experts," *Guardian*, November 4, 2019, <https://www.theguardian.com/society/2019/nov/04/age-of-criminal-responsibility-must-be-raised-say-experts>. The United Nations Committee on the Rights of the Child recommends that the global minimum age of criminal responsibility be set at least at fourteen, though the Committee notes that "the developmental and neuroscience evidence indicates that adolescent brains continue to mature even beyond the teenage years, affecting certain kinds of decision-making." See United Nations Committee on the Rights of the Child, General Comment No. 24 (2019) on Children's Rights in the Child Justice System, sec. 22, <https://digitallibrary.un.org/record/3899429>. Frances E. Jensen, for her part, argues that "there is no bright line, no numerical age or boundary or demarcation at which we can say someone is neurologically mature"; rather, "it is becoming increasingly clear that brain maturation extends well into a person's twenties." *Teenage Brain*, 277. There is further debate over the question of whether parents should face civil or criminal liability when their children commit crimes. See Raymond Arthur, "Punishing Parents for the Crimes of their Children," *Howard Journal of Criminal Justice* 44, no. 3 (2005): 233–53; James Herbie DiFonzo, "Parental Responsibility for Juvenile Crime," *Oregon Law Review* 80, no. 1 (2001): 1–107.
53. Godwin, *Enquiry*, 362; Godwin, *Caleb Williams*. Shelley read Godwin's *Enquiry* in 1814 and 1817 and *Caleb Williams* in 1814 and 1816. See September 20–29, October 2–12, and October 15–20, 1814, in *The Journals of Mary Shelley, 1814–1844*, eds. Paula R. Feldman and Diana Scott-Kilvert, 2 vols. (Oxford: Clarendon Press, 1987), 1:28–34, 1:36–37; Reading List 1814 and Reading List 1816, in Shelley, *Journals*, 1:85–86, 1:94; March 18 and April 13, 1817, in Shelley, *Journals*, 1:166, 1:167.
54. Dedication to *Frankenstein*. Godwin arranged the publication of the second (1823) edition of Shelley's novel. See M. K. Joseph, "Note on the Text," in Mary Shelley, *Frankenstein; or, The Modern Prometheus*, ed. M. K. Joseph (1831; Oxford: Oxford Univ. Press, 2008), xv.
55. In 1809, Montagu helped form the Society for the Diffusion of Knowledge upon the Punishment of Death and the Improvement of Prison Discipline; in 1816, he served on a committee to investigate the causes of the increase of juvenile delinquency in London. See

Radzinowicz, *History of English Criminal Law*, 1:349–50; and *Oxford Dictionary of National Biography*, s.v. "Montagu, Basil (1770–1851)," <https://doi.org/10.1093/ref:odnb/19003>. For Percy's views, see Canuel, *Shadow of Death*, 108, 126–41; Scrivener, "Trials in Romantic-Era Writing," 129; and Percy Bysshe Shelley, "Essay on the Punishment of Death," in *Shelley's Prose or The Trumpet of a Prophecy*, ed. David Lee Clark (New York: New Amsterdam Books, 1988), 154–58. On Montagu's friendship with Godwin and Percy, see "Montagu, Basil"; January 28 and February 16, 1817, in Shelley, *Journals*, 1:157, 1:164. Percy had other connections to penal reformers, too, as his friend Walter Coulson served as Bentham's amanuensis. See Shelley, *Journals*, 1:182n5.

56. On Locke, see Reading List 1816, in Shelley, *Journals*, 1:96, 1:98; November 15–December 3, 1816 and December 5, 10, 13, 16, 1816, in Shelley, *Journals*, 1:146–50, 1:152; January 6, 8, 1817, in Shelley, *Journals*, 1:153. On Montagu, see *The Opinions of Different Authors upon the Punishment of Death, Selected by Basil Montagu, Esq. of Lincolns Inn*, 3 vols. (London: Longman, 1809–13); Reading List 1816, in Shelley, *Journals*, 1:94.
57. On Baillie and Brockden Brown, see December 26–27, 1814, in Shelley *Journals*, 1:55; Reading List 1814 and Reading List 1815, in Shelley, *Journals*, 1:86, 1:89, 1:91. On Rousseau and Wollstonecraft, see Reading List 1815 and Reading List 1816, in Shelley, *Journals*, 1:89, 1:95, 1:97; September 19–20, 1816, in Shelley, *Journals*, 1:136. On Wollstonecraft's views of parent-child relations, see Botting, *Mary Shelley*, 63–83. On Shelley's familiarity with the educational theories of Locke, Rousseau, Godwin, and Wollstonecraft, see Botting, *Mary Shelley*, 47–56.
58. In January 1817, Harriet's father brought suit on behalf of Percy's three-and-a-half-year-old daughter and two-year-old son. Mr. Westbrook enlisted Romilly—one of the leading lawyers of the Chancery Court—to represent Percy's children; Montagu served as one of Percy's own counsel. In March of that year, two months before Mary completed *Frankenstein*, Lord Chancellor Eldon granted a restraining order preventing Percy from taking possession of his children on the ground of his having professed and acted upon irreligious and immoral principles. See Shelley, *Journals*, 1:155–56n1; St. Clair, *Godwins and the Shelleys*, 418–20; "Chancery Papers Relating to Shelley's Children by Harriett," app. 3, in Thomas Medwin, *The Life of Percy Bysshe Shelley* (London: Oxford Univ. Press, 1913), 463–86; and Shelley v. Westbrooke, 37 Eng. Rep. 850 (Ch. 1817). On the legal significance of the case, see Danaya C. Wright, "Policing Sexual Morality: Percy Shelley and the Expansive Scope of the *Parens Patriae* in the Law of Custody of Children," *Nineteenth-Century Gender Studies* 8, no. 2 (2012).
59. I cite the 1818 edition of the novel, as this edition reflects Shelley's original response to the penal reform movement and allows us to consider the ways in which the novel intervenes in that movement at a crucial moment in its history. Critics have argued that in the 1831 edition, Shelley backs away from some of her more radical positions and presents Victor in a more sympathetic light. In Anne K. Mellor's view, Shelley became convinced "that human events are decided not by personal choice or free will but by material forces beyond our control" and thus she holds Victor "less responsible for his actions." *Mary Shelley: Her Life, Her Fictions, Her Monsters* (New York: Routledge, 1989), 170, 173; see also Marilyn Butler, "Frankenstein and Radical Science," in Shelley, *Frankenstein: 1818 Text, Contexts, Criticism*, 404–16. Such readings focus, however, on the changes Shelley made to Victor's education and scientific experimentation. Shelley's account of Victor's abandonment of the creature and the creature's

turn to violence remains substantially the same in the later edition. While Shelley tones down some of her language, she continues to offer sharp critiques of the penal system and of parents' failure to care for and educate their children, and she continues to articulate urgent calls for reform in these areas. I discuss the relevant changes in the notes below.

60. In the 1831 edition, Shelley further highlights the nurture Victor receives as an infant and the power of his parents' love. "My mother's tender caresses, and my father's smile of benevolent pleasure while regarding me, are my first recollection," Victor explains in a direct reversal of the creature's account. Mary Shelley, *Frankenstein; or, The Modern Prometheus*, ed. M. K. Joseph (1831; Oxford: Oxford Univ. Press, 2008), 33. In this edition, though, Shelley accentuates the elder Frankenstein's neglect when, at the age of thirteen, Victor becomes obsessed with the work of Agrippa. As a result, Victor "flounder[s] desperately in a very slough of multifarious knowledge, guided by an ardent imagination and childish reasoning" (40).
61. See Jean-Jacques Rousseau, *Emile, or On Education*, trans. Allan Bloom (New York: Basic Books, 1979), 43–48. As James O'Rourke notes, Shelley later criticized Rousseau for abandoning his own illegitimate children and "neglect[ing] the first duty of man." See Shelley, "Rousseau," in *Lives of the Most Eminent Literary and Scientific Men of France*, 2 vols. (London: Longman, 1839), 2:172; O'Rourke, "'Nothing More Unnatural': Mary Shelley's Revision of Rousseau," *ELH* 56, no. 3 (1989): 545–48. Grossman overlooks Victor's duties as a father when he suggests that Victor and the creature struggle "to negotiate their affiliation without any legally defined guardian-ward relationship." *Art of Alibi*, 69. Although illegitimate children could not inherit property, they had a right to be maintained by their parents. See William Blackstone, *Commentaries on the Laws of England*, vol. 1, *Of the Rights of Persons*, ed. David Lemming (1765; Oxford: Oxford Univ. Press, 2016), 293–97.
62. Defendants would not gain the right to legal representation in felony trials in England until the Prisoners' Counsel Act of 1836. See J. H. Baker, *An Introduction to English Legal History*, 5th ed. (Oxford: Oxford Univ. Press, 2019), 551. On the arbitrary nature of Geneva's own penal system, see Vincent, "This Wretched Mockery of Justice."
63. Wake, "Justine's Trial Revisited," 500. As Wake notes, Shelley recasts Elizabeth's "retribution speech" in the 1831 edition "to shift the conversation from Elizabeth's more political reaction to resignation toward Justine's inevitable punishment and martyrdom" (506). Yet even as Shelley mutes Elizabeth's anger, the episode underscores and critiques the punitive nature of the law and its effects upon women.
64. In reading the creature as "the death penalty's double," Mark Canuel overlooks Victor's own embrace of the law's retributive logic as well as the creature's victimization by it. See *Shadow of Death*, 108.
65. Nancy Yousef argues that the absence of details about the creature's earliest development and the implausible account of his acquisition of language point to flaws in Locke's and Rousseau's accounts—in particular "the monstrousness of leaving out the roles of infancy, childhood, dependence, and relation in human formation." "The Monster in a Dark Room: *Frankenstein*, Feminism, and Philosophy," *MLQ* 63, no. 2 (2002): 223. Yousef, however, focuses exclusively on Locke's *Essay concerning Human Understanding*, overlooking his emphasis on children's socialization in *Some Thoughts concerning Education*. While Shelley critiques Rousseau's theory of child development, she draws upon Locke's account.

66. Botting, *Mary Shelley*, 122; see also 61.
67. Botting, *Mary Shelley*, 9; Botting, *Artificial Life*, 60. In Botting's view, Shelley "sever[s] the concept of children's vulnerability from both *physical* and *cognitive* factors" in order to focus on "the *emotional* and *social* dimensions of very young children's vulnerability." *Mary Shelley*, 116.
68. For similar readings of *Frankenstein* as a critique of the patriarchal myths enshrined in *Paradise Lost*, see Homans, *Bearing the Word*, 100–19; John B. Lamb, "Mary Shelley's *Frankenstein* and Milton's Monstrous Myth," *Nineteenth-Century Literature* 47, no. 3 (1992): 303–19; and Leslie Tannenbaum, "From Filthy Type to Truth: Miltonic Myth in *Frankenstein*," *Keats-Shelley Journal* 26 (1977): 101–13.
69. Rousseau advised waiting until a child was at least twelve years old before giving him any books, and he approved of only one text—Daniel Defoe's *Robinson Crusoe*—a work that famously celebrates male autonomy. See Rousseau, *Emile*, 184–85.
70. Botting cites the temporal markers Shelley provides, noting that the creature reads *Paradise Lost* between nine and twelve months of age and plans to commit suicide at five to six years of age. See *Mary Shelley*, 95, 99. However, Shelley's characterization of the creature, while generally evocative of infancy and childhood, suggests a child older in years—possibly between eight and ten years when he kills William, who is of a similar age.
71. See Platt and Diamond, "Origins of the Right and Wrong Test," 1234–36.
72. Dalton, *Country Justice*, 215.
73. "The Trial of Edward Arnold, for Felony (in maliciously and wilfully shooting at, and wounding, the Right Hon. the Lord Onslow), at the Assizes held at Kingston upon Thames, in Surrey ... 10 George I. A.D. 1724," in *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors from the Earliest Period to the Year 1783*, comp. T. B. Howell, 21 vols. (London: Longman, 1816), 16:765. For discussions of the case, see Eigen, *Witnessing Insanity*, 39–40; Daniel N. Robinson, *Wild Beasts and Idle Humours: The Insanity Defense from Antiquity to the Present* (Cambridge: Harvard Univ. Press, 1996), 129–35; and Nigel Walker, *Crime and Insanity in England*, vol. 1, *The Historical Perspective* (Edinburgh: Edinburgh Univ. Press, 1968), 53–57. Given the evolution in thinking about children's criminal capacity, Justice Tracy would have had in mind infants under the age of discretion—that is, under fourteen years. Coke and Hale placed madmen in this category, as did the early eighteenth-century jurist Thomas Wood. See Walker, *Crime and Insanity*, 1:38–41; Platt and Diamond, "Origins of the Right and Wrong Test," 1234–35, 1236n44.
74. See "Speech for James Hadfield, in the Court of King's Bench, on a Trial at Bar, April 26, 1800, on a Charge of High Treason, for shooting at the King," in *Speeches of Lord Erskine, When at the Bar, on Miscellaneous Subjects*, ed. James Ridgway (London: J. Ridgway, 1812), 1–48; and Reading List 1816, in Shelley, *Journals*, 1:94. Erskine argued that the test of insanity ought to focus on the presence of delusions. Although he succeeded in obtaining Hadfield's acquittal on this basis, judges later reinstated the "good and evil" test. For discussions of the case, see Eigen, *Witnessing Insanity*, 48–52; Robinson, *Wild Beasts*, 142–52; and Walker, *Crime and Insanity*, 1:74–83.
75. Chris Baldick, *In Frankenstein's Shadow: Myth, Monstrosity, and Nineteenth-Century Writing* (Oxford: Clarendon Press, 1987), 52.

76. Shelley's additions to this episode in the 1831 edition further highlight the creature's lack of understanding. In this version, the creature finds Justine sleeping in a barn and is moved by her beauty but fears that she will denounce him upon seeing him. "The thought was madness," he explains, "it stirred the fiend within me—not I, but she shall suffer: the murder I have committed because I am for ever robbed of all that she could give me: be hers the punishment!" *Frankenstein* (1831), 143–44. The language of madness connects this episode to the earlier one, emphasizing the creature's irrational and impulsive behavior. At the same time, the passage highlights the ways in which the retributive logic of the legal system pits children against other vulnerable members of society.
77. See Tannenbaum, "From Filthy Type to Truth," 112–13; Fenno, "Monstrous Crimes," 151; and Scrivener, "Trials in Romantic-Era Writing," 131–32. Patrick Vincent overlooks the importance of mercy, arguing that Shelley "makes the case that a rational, codified and measured application of the law is the most effective way to avoid more violence and monsters." "'This Wretched Mockery of Justice,'" 657. Bridget M. Marshall suggests that "the Gothic [mode] allows for ... an uneasy conclusion, leaving the reader not with a solution, but with more questions about how to determine justice." *Transatlantic Gothic Novel*, 89. In a similar vein, Baldick claims that "the moral framework of the novel is dissolved into an open contest or debate between Victor and the monster, in which the reassuring categories of Good, Evil, Guilt, and Justice can never be allotted a settled place." *In Frankenstein's Shadow*, 43–44.
78. Claridge, "Parent-Child Tensions," 24.