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“DOOMED TO LIVE”: READING SHELLEY’S FRANKENSTEIN AND “THE MORTAL IMMORTAL” WITH DERRIDA’S DEATH PENALTY SEMINARS

David Sigler

Drawing upon Jacques Derrida’s recently published two-volume seminar on the death penalty, this essay analyzes two parallel cases from Mary Shelley’s fictions: on the one hand, Elizabeth’s objection to the death penalty in Frankenstein, as she visits Justine Moritz in prison; and on the other hand, the eternal life bestowed upon Winzy in the short story “The Mortal Immortal.” In both cases, the calculations at work necessarily incorporate something incalculable as the punishment becomes “capital.” Shelley objects not just to the cruelty of the death penalty or to the possibility of wrongful conviction, but also to the ways that the law is permitted to draw equivalencies between persons and subject them to a calculation. By thinking of the death penalty and “life penalty” as two sides of the same coin, Shelley effectively deconstructs the logical framework for capital punishment and articulates a complex abolitionist position. Shelley offers, in her fictional interrogation of life sentences and death sentences, a contradictory and bleak set of meditations upon the injustice inherent in human equivalence.

To designate a time and place of death for another person, and to justify that monstrous decision according to the law of the talion are, as Jacques Derrida has argued,2 the characteristic features of the death penalty. They differentiate the

1 This research was supported by an Insight Grant from the Social Sciences and Humanities Research Council of Canada.

death penalty from other kinds of relations to death: “If there is one thing that is not given to us to know, and thus to calculate with absolute precision, it is the given moment of my death. Except perhaps in the case of the death penalty” (DP2 4). It is possible, then, to read the creature’s threat to Victor in Mary Shelley’s Frankenstein3 – “I shall be with you on your wedding night” (174) – as an extrajudicial death sentence for Elizabeth, one that mimics, in its euphemistic diction, the standard juridical discourses of capital punishment. Angry that Victor has “killed” his future partner by dismembering her body-in-progress (186), he vows to enact a proportional revenge upon Victor’s wife, an eye for an eye, a tooth for a tooth, and so appoints a day and place for Elizabeth’s death.

Indeed, for a novel primarily worried about ethics of bringing the dead to life, Frankenstein contemplates the opposite situation – the ethics of the death penalty – at considerable length. Shelley would further plumb talionic logic in her short story “The Mortal Immortal,” published in the literary annual The Keepsake in 1833. “The Mortal Immortal” finds Shelley reconsidering the death penalty through its seeming opposite: a penalty of indefinite life. By thinking of the death penalty and “life penalty” as two sides of the same coin, Shelley effectively deconstructs the logical framework for capital punishment and articulates a complex abolitionist position. It seems that Shelley objects not just to the cruelty of the death penalty or to the possibility of wrongful conviction, but also to the ways that the law is permitted to draw equivalencies between persons and subject them to a calculation.

Shelley’s critique of the death penalty has acquired new relevance and urgency with the English publication, in 2012 and 2017, of Derrida’s two seminars on The Death Penalty, which Derrida taught at various universities in 1999-2000 and 2000-2001. Over the two seminars, Derrida searches the annals of philosophy, jurisprudence, and literature for a reasoned objection to capital punishment “as a matter of principle and not utility” (DP2 26). He claims, without acknowledgment of William Godwin’s Political Justice (1793), that no philosopher has ever opposed capital punishment per se. Derrida wonders why literary writers have, on occasion, been able to voice an abolitionist position with regard to the death penalty, while philosophers never have. “Why, on the death penalty, begin with literature?” (DP1 29) he asks, going on to explain that the history of literature

in Europe over the last three or four centuries is contemporary with and indissociable from a contestation of the death penalty, an abolitionist struggle that, to be sure, is uneven, heterogeneous, discontinuous, but irreversible and tending toward the worldwide as conjoined history, once again, of literature and rights, and of the right to literature.

(DP1 29-30)

The following year, Derrida turns his attention, somewhat unexpectedly, to Sigmund Freud and psychoanalysis, in search of an ally in the abolitionist cause (DP2 109-10). He finds that the death penalty offers “a type of question that reconciles me with psychoanalysis,” after decades of enmity between their critical methodologies (DP2 224).

Frankenstein has ever lingered between deconstruction and psychoanalysis. The novel, after several decades of important deconstructivist readings, is now sometimes hailed as “a deconstructive work of art,” and has inspired innumerable psychoanalytic readings. Yet Derrida does not mention Mary Shelley or Frankenstein in his analysis of the death penalty, and focuses almost exclusively on male philosophers, politicians, psychoanalysts, novelists, and poets. Still, his analysis of the death penalty strangely returns, again and again, to bodies becoming corporate or conglomerate, as he shatters the alliance between age, desire, and act: he considers, for instance, what it means for Theodor Reik to write on Freud’s behalf, in what sense a sovereign has two bodies, and how Victor and Charles Hugo become “two in one body” (DP2 9, DP1 101, 107). He eventually acknowledges that nineteenth-century women writers had been crucial to the abolitionist cause, but stops short of a direct engagement with any particular woman’s work (DP2 232).


In *Frankenstein*, both Justine Moritz, framed for the murder of William Frankenstein, and Safie’s father, the victim of xenophobic racism in Revolutionary France, are unjustly sentenced to death in court. Although each graces the novel for only a few pages, each is central to its social commentary: in particular, the execution of Justine serves as an “impression point” to link the thematic strands of the novel, as Ralph Pordzik has remarked.\(^7\) Victor, whose “ancestors had been for many years counsellors and syndics” (64), is himself thoroughly enmeshed in juridical discourses. When he is tried for the murder of Henry Clerval, he finds that, thanks to the magistrate’s intervention, “the case was not brought before the court that decides on life and death” (187). Yet he is, as he terms it, “doomed to live” (183), and thus Shelley begins to consider longevity as an ironic kind of death sentence, an idea that she would explore more fully in “The Mortal Immortal.”\(^8\) “The Mortal Immortal” seems somehow even more deconstructive in its movements than *Frankenstein*, anticipating especially Derrida’s “Plato’s Pharmacy”\(^9\): it involves a philter that works as both malady and cure, made by an alchemist who “was shut up with his books and drugs” (*TMI* 223). The protagonist, Winzy, is punished with either eternal life or an extremely deferred death, making his fate effectively the obverse of Justine Moritz’s. When we read these texts together in the context of Derrida’s philosophical critique of the death penalty, we see Shelley’s importance to a debate, just getting started now as Derrida’s seminars begin to make their impact, about feminist literature and the abolition of capital punishment. Shelley suggests, counterintuitively, that the death penalty can be understood as a form of life penalty, that it always misses its mark by failing to be a punishment, and that it is necessarily unjust for the ways that it makes its talionic calculations using non-calculable and incalculable inputs.

At the end of *Frankenstein*’s first volume, Justine Moritz awaits execution for a murder she has not committed. Her employers’ children, Victor and Elizabeth Frankenstein, are outraged at her conviction and attempt to comfort her. Victor, who has a sneaking suspicion of the real killer’s identity, is livid that an innocent person would be put to death. That is, he is opposed to wrongful conviction

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“Doomed to Live”

rather than the death penalty _per se_. Elizabeth, on the other hand, sees the death penalty as unjust in itself, not simply because it has found the wrong object in this case. She explains:

> when one creature is murdered, another is immediately deprived of life in a slow torturing manner; then 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! When that word is pronounced, I know greater and more horrid punishments are going to be inflicted than the gloomiest tyrant has ever invented to satiate his utmost revenge. Yet this is not consolation for you, my Justine.

(107)

The speech is remarkable for its direct and unconditional opposition to the death penalty – this, from a character who, more than some others, believes that Justine may have committed the crime. Elizabeth rejects the death penalty on two grounds: first, she opposes its logic of equivalences or exchange – i.e., the talionic logic of eye for an eye, tooth for a tooth – for its capacity to make killing seem “a great deed”; second, she suspects that there is something excessively cruel, even sadistic, in the death penalty.

These are, at first glance, contradictory concerns: is the death penalty inhumane because it is gratuitous and excessive, or because it can only obey a cold rationality? These contrasting aspects of the death penalty are, in Elizabeth’s view, co-constitutive: sadistic violence – as hinted at in the name Justine, borrowed from de Sade – inheres in the mathematical mechanisms of retribution, as a kind of excess enjoyment that gives retributive justice its horrific character and direction. Justine’s execution is unjust, says Elizabeth, not because her confession was coerced, or because she was denied proper representation, or because she was not the murderer of William, or even because she had been framed; rather, it is unjust because something incalculable – something horrifying and excessive, “greater and more” – lurks irreducibly within the system of exchange that undergirds capital punishment.

Justine, though, is primarily worried that her friends will think her guilty; she can accept the death penalty but not the Frankensteins’ consternation: “I feel as if I could die in peace, now that my innocence is acknowledged by you,” she says plaintively (109). There is something strange in her reaction, which Pordzik notes well: “Justine herself regards the law as absolute for reasons not easily followable for the reader. To her, the law appears to be complete and faultless,
an imposition of certainty.” 10 This attitude is what Jacques Lacan has called “subjective assent” in the accused, 11 and it brings Frankenstein into deeper contact with Political Justice, the abolitionist text written by Shelley’s father and Frankenstein dedicatee William Godwin. “If there is any sight more humiliating than all others,” Godwin argues, “it is that of a miserable victim, acknowledging the justice of a sentence, against which every enlightened spectator exclaims with horror.” 12 With the pathos of Justine’s subjective assent, Shelley begins to consider how the affect of the condemned might complicate the talionic calculations of law. As William G. Sayres has noted, Frankenstein places Justine in a double bind between her own affective response and the cold rationality of her sentence:

The judges’ reasoning may be contrary to fact, but it is still reason, against which Victor seems unable to speak. Gratitude and reason have formed a diabolical alliance, and whichever way justice in the figure of Justine turns, she finds only the sentence of death pronounced by the custodians of these twin pillars of authority. 13

Instead of attempting to (symbolically) free Justine by disentangling her affect from the law’s rationality, Elizabeth shows how the calculations of law silently depend upon the use of that affect from the beginning – so that the only way out of this double bind would be through, i.e., to identify fully with Justine’s predicament and collapse any difference between life and death, sympathy and the law.

Elizabeth seems to share Derrida’s horror at the “calculating drive of a calculation that passes itself off as reason itself [...] in the imperturbable auto-justification of its precision, its justness, as much as its justice” (DP2 139). Talionic law, Derrida explains, demands “a rule of calculation. And of automatic calculation. Seemingly as the automatic calculation of a mechanism, of some calculating machine,” which give way to “mechanized instruments of execution” (DP2 138-39). It is not easy to undo such a regime. Elizabeth acknowledges that her abolitionist arguments offer “not consolation for you, my Justine” (107), because the very squaring of talionic accounts leaves, in the figure of the

10 Pordzik 113.
condemned, a debt that the death penalty opens and re-opens. That new debt – the implied demand for consolation from the condemned – vanishes at the moment of her death. Elizabeth even presents Justine’s confession as a crime unto itself, making herself the victim of an affective robbery: “Oh Justine! said she, ‘why did you rob me of my last consolation?’” (107).

If being denied consolation were a crime, then, by Elizabeth’s own statements, her own abolitionist discourse is apparently guilty of it too: and so Elizabeth fantasizes about joining Justine on the scaffold. Much of the conversation surrounding Justine’s confession surrounds issues of affective debt and repayment, generated from and through consolation. Hence Elizabeth worries about debts going unpaid, not Justine’s being dead. It is as if, in the talion logic of the death penalty, retribution always misses its mark. In this sense, Justine Moritz is, by being either inconsolable or dead, never subject to the death penalty: she disappears just as soon as the punishment is imposed. The uncanniness of Justine’s reaction, as she offers her visitors “a dimension of gratitude beyond its exchange value for benefits received” 14: the affect of the condemned destabilizes any attempt to proceed according to the law of the talion – it is something incalculable and unstable that is called upon to settle scores for the state.

Drawing an implicit comparison between regular life and the death penalty, Elizabeth treats the death sentence as a sort of parole: “I wish [...] that I were to die with you; I cannot live in this world of misery” (109). That is, she treats regular life as a form of death penalty, and the death penalty as reintroduction to regular life. Victor’s discourse does similar figural work, as he repeatedly measures his own anguish against Justine’s, creating a ledger that cannot be balanced: “The tortures of the accused did not equal mine” (106). Victor repeatedly employs the metaphor of torture to equate his suffering to Justine’s, to put himself in her place as a party subject to punishment, and to suggest that his being “doomed to live” is actually worse, in the ledger of sufferings, than a non-metaphorical execution: “all sound of joy or complacency was torture to me,” he says, and he was “hurried away by a hell of intense tortures,” and so “during the whole of this wretched mockery of justice, I suffered living torture” (111, 103). The phrase “living torture” is crucial here, as it implies that other types of torture might be possible: it is a wish that one might manage to punish the dead, or carry on punishment past the point of death, and thus find a way to square affective debts according to the law of the talion.

14 Sayres 52.
Derrida objects to the death penalty on very similar grounds, without seemingly knowing it. “No one suffers the death penalty,” he observes, and so “the death penalty does not exist; no one has encountered it – it itself – or loved it. It is abolished by itself” (DP2 50). This wish to love and encounter it is what Victor and Elizabeth had been expressing. Derrida, like Elizabeth, suggests that the logic of calculability that governs capital punishment relies, for its calculations, on something incalculable or non-calculable. By “incalculable,” he means factors too large or small, or populations too abject, vast, or scattered, to be realistically counted; by “non-calculable” he means material alien to the very procedures of calculation. He explains: “Thus calculation is always busy, preoccupied, interested, provoked, put in motion by what remains properly incalculable. [...] And] calculation is always calculating with what is in-calculable as well as what is non-calculable.” Hence “we do not yet know what ‘calculation’ means,” when it “claims to take into account these others of the calculable itself” (DP2 144). As the death penalty measures out retribution in the name of justice according to talionic principles, it incorporates incalculable and non-calculable material into its calculations. Accordingly, “this relation between calculation and noncalculation, between the calculable and the incalculable, is not necessarily a relation of exteriority, exclusion, contradiction, or opposition,” which is the source of the system’s injustice (DP2 139). Just as Elizabeth warns, the complicity between calculation and its others is what lends capital punishment its excessive quality, its attributes of “greater and more” (107).

Elizabeth is not really a Godwinian: she approves of jails, and even life imprisonment, when the accused is guilty of the crime. Yet she opposes the death penalty entirely, and carefully separates the issue of her innocence from the issue of her possible execution: “I could not consent to the death of any human being; but certainly I should have thought such a creature unfit to remain in the society of men. Yet she was innocent” (113). Elizabeth insists that “the death of any human being” applies equally to murderers as murder victims, an opinion which undermines the death penalty’s rationale. As Derrida notes, the death penalty can seem logical only if “the verdict that sentences death does not refer to the same death as the one in question in the ‘thou shalt not kill’” (DP1 13). It depends on there being two separate forms of putting to death, so that the governor remains exempt from revenge in turn.

Derrida spent two years in search of a thinker who had dared to place the killing of the murderer on equal footing with the murder itself. His lone example of such a thinker was Freud, or rather Freud as ventriloquized by Theodor Reik, and this is the basis on which he finds deconstruction to be in concert with psychoanalysis. Reik, answering a questionnaire at Freud’s behest, writes: “I profess
to be an opponent of murder, whether committed by the individual as a crime or by the state in its retaliation” (DP2 9). This stunning statement is the basis of Derrida’s investigation into the psychoanalytic valences of the death penalty throughout the second year of his seminar. Derrida is struck by how Reik, or perhaps Freud, refuses to grant any distinction between capital punishment and common murder: both qualify as “murder,” as they contravene the commandment not to kill. This is exactly why Elizabeth “could not consent to the death of any human being” (113), an issue entirely separate from that of the accused’s possible innocence: the death that happens in the death penalty is indistinguishable, she says, from the death that occasioned it. Victor, contrastingly, sees Justine’s death as an act of violence by the creature, not by the state, as if the creature had directly killed her. Tallying the creature’s crimes, he reckons: “The death of William, the execution of Justine, the murder of Clerval, and lastly of my wife; [...] I knew not that my only remaining friends were safe from the malignity of the fiend” (199). For Victor, the state is simply functioning normally as it executes Justine. The state is not responsible for her death.

In this context, Elizabeth’s use of the word “creature” is evocative. After all, she had just said of the death penalty that: “men appear to me as monsters thirsting for each other’s blood. Yet I am certainly unjust” (113). By describing a murderer and the justice system variously as “creature” and “monster” (113), Justine, who is not aware of Victor’s experiments, aligns the novel’s criminological aspects with its main plot, and refuses to distinguish between a murderer, jury, and executioner. Thus she encourages us to see Victor’s creature, of whom she is unaware, as the embodiment of sovereign justice, instead of as a marginalized person victimized by a normative culture. The creature’s bloodlust is the very bloodlust of the state, into which all citizens are complicit – hence, “Yet I am certainly unjust” (113). Interestingly, Elizabeth is expressing her opposition to death in general, not just killing. This encourages us to compare deaths as meted out by the state with other forms of death, such as death by natural causes or by accident. Death, for Elizabeth, is simply death, and this refusal of any special status for the death penalty enables Shelley to continue this line of thought in “The Mortal Immortal.”

At stake, between Frankenstein and “The Mortal Immortal,” is the difference, if there is any, between being condemned to death and condemned to die. Everyone, except perhaps Shelley’s protagonist Winzy, is condemned to die, yet only a few are condemned to death (DP1 218). If there is a meaningful difference between these conditions, it resides in the factor of calculability: “If I am not condemned to death but only to die, this calculable knowledge is impossible” (DP1 218). The death penalty subjects death to a calculation, a logic of exchange
in the service of talionic law (DP2 137-38). And yet, as Shelley reveals through these fictions, especially with regard to Winzy, Bertha, and, in *Frankenstein*, Safie’s father, “the limit between condemning to death and condemning to die does not always seem airtight” (DP2 198).

“The Mortal Immortal” responds to *Frankenstein* quite directly: its protagonist, Winzy, is a laboratory assistant to Cornelius Agrippa, who, in the distant future of its storyworld but in Shelley’s own professional past, would also inspire Victor Frankenstein. The story appears as an offering “by the author of *Frankenstein*” (TMI 390) rather than under Shelley’s name. Winzy, like Victor, is “doomed to live” (201) as a punishment for his unethical laboratory work, and keeps his punishment secret from his family for a long while. Angry at his lover Bertha’s possible infidelity, and resentful of the long hours he is made to work in Agrippa’s laboratory, Winzy drinks a philter, which he hopes will be a cure for love. Winzy slowly realizes that to be cured from love is to be cured from death—and so, cursed with what seems to be eternal youth, he must eventually disclose to Bertha, his friends, and his neighbours his extraordinary longevity. Although the story does not engage questions of criminal justice as directly as *Frankenstein*, it nonetheless uses juridical diction to offer an oblique commentary on its author’s first novel, taking up the same questions Elizabeth once had but looking at them from the obverse side. It explores a sort of life penalty as a version of the death penalty, pressing us to consider the ethics of capital punishment from that perspective.

Although Winzy is never accused of any crime, he shunts the reader into the position of a magistrate, giving the narrative the air of court testimony: “I will tell my story, and my reader shall judge for me” (TMI 219). Winzy, who yearns, over the long denouement of the story, to be allowed to die, effectively conscripts the reader to sentence him to death. Winzy seems to know that the end of a story is the end of a character’s “life” (TMI 230) authorizing the reader to exercise a form of literary capital punishment; in this, he seems to anticipate Peter Brooks’s arguments aligning death, the Freudian death drive, and plot. The reader, now serving as “judge” for Winzy (TMI 219), is asked to weigh the character’s talionic calculations as a measure of fairness and justice. Let us note that Shelley had introduced Justine Moritz in a similar way, though more subtly, in *Frankenstein*: Henry Clerval, in a letter to Victor regarding Justine’s arrest, begins to explain what servants are in Switzerland, as if Victor were unaware of Swiss customs. “Here there is less distinction between the several classes of its

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inhabitants,” he explains to Victor, who grew up “here” with servants, and so “a servant in Geneva does not mean the same thing as a servant in France and England” (90). This contextual information, useless to the Swiss protagonist to whom it is putatively addressed, effectively breaks a fourth wall and asks the reader to stand in judgment of Justine’s story. *Frankenstein* and “The Mortal Immortal,” then, toggle between death sentences and life sentences with peculiar ease, and seem eager to place themselves in the reader’s judgment and mercy as they test the moral, ethical, and legal implications of capital punishment. They implicate the reader into the questions of sentencing that hover around the text and its life and death sentences.

Winzy drinks the potion in an act of reprisal, one that disguises cruelty as retribution, and so reactivates Elizabeth’s concerns from *Frankenstein*. Readying himself, Winzy declares: “Never more would she smile on me as that evening she smiled on Albert. Worthless, detested woman! I would not remain unrevenged – she should see Albert expire at her feet – she should die beneath my vengeance” (TMI 222). The statement depends on an elaborate talionic logic, as the members of an erotic triangle are exchanged: Winzy worries that Albert has replaced him, or is standing in for him, as the beneficiary of Bertha’s smile; his “vengeance” requires Bertha to watch “Albert expire” and then puts her to death for so watching – as if to die and to watch an execution were transposable situations, exactly as Elizabeth had wished. One death is traded for another (i.e., Albert’s for Bertha’s), and then that very trade is itself traded for a life (i.e., Bertha’s) that had been traded for another (i.e., Albert’s). Winzy’s wish confers upon death a value equal to one’s life, and makes them tradable commodities. Yet these transactions offer no consolation for Winzy (to adopt Elizabeth’s rhetoric from *Frankenstein*), for whom only “death will bring the final and unequivocal answer.”

“The Mortal Immortal” dramatizes the work of libidinal drives, as Jonas Cope has noted. Winzy, as if beholden to a pre-Freudian pleasure principle, seeks to incorporate these drives into a talionic logic that would provide

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equilibrium. Yet these drives in Shelley’s story become subject to measurement and law only by incorporating a positivized negation, and so its aim becomes the repetition of negation rather than balance. Winzy’s triangulated exchanges of lives and deaths become possible only once Bertha is deemed “worthless” (TMI 222) as if ‘worthlessness’ were the signifier of her value in a system of exchange. Winzy, also feeling worthless, feels authorized to demand the deaths of Albert and Bertha given their equivalent worthlessness in his eyes. That is, Bertha’s very ‘worthlessness’ is what enables Albert’s death to be traded for hers, such that his expiry is effectively her death; it is what allows them to die “beneath my vengeance” (TMI 222). This process – by which a negativized gap appears, gets named and becomes incorporated into a system of ledgers, but then repeats endlessly in ways the subject cannot control – is quintessentially the Freudian death drive.

Bertha’s ‘worthlessness,’ then, can be seen not simply as an element in a system of exchange but as a gap that anchors that system. Her life (i.e., something non-calculable) is being treated as something abject (and thus incalculable), which, ironically, enables it to activate a vengeful scheme of equivalences. In Winzy’s attempt to bring these two to justice – to regulate them under an economy of desire, whereby her affections could be appraised at a higher value – Winzy rhetorically sentences them to death as a result of a calculation and decision. Yet once Winzy decides to make Bertha and Albert watch one another die, he attains this vengeance by extending his own life, rather than foreshortening theirs, in another sign of the unexpected interchangeability of life and death. In this, he acts much as Frankenstein’s creature does with Elizabeth: her premature death, relative to his, is sealed on their wedding night. The death sentence, familiar from Frankenstein for its propensity to hide the incalculable within the mechanisms of exchange, and to thereby pretend that cruelty is “a great deed” (114) takes the form of a life sentence, to Winzy’s horror. In this way, “The Mortal Immortal” allegorizes the death penalty in the extrajudicial context of a human lifespan. Winzy’s anxieties about time, aging, and death are only the usual ones that anyone might feel; life is always, in a sense, too long, and a death sentence is, perversely, its natural end.

While it may seem strange to construe the elongation of lifespan as an oblique commentary on the death penalty, Shelley’s short story is pursuing questions that continue Elizabeth’s line of reasoning in Frankenstein and that

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closely anticipate Derrida’s seminars. Provocatively, Derrida notes that the death penalty often means an artificial elongation of life: speaking especially of the U.S. context, he notes that the death penalty routinely drags on for decades, given the appellate process, and very often, statistically speaking, concerns citizens who were, by injustices of demography, least likely to have adequate medical care, nutrition, or exercise facilities outside of the prison system (DP2 5-6). Thus the death penalty is not primarily concerned with the shortening of life, but rather with sovereignty: who can really decide upon the moment of another’s death? Winzy claims such sovereignty in proclaiming, “she should see Albert expire at her feet – she should die beneath my vengeance” (TMI 222).

Yet Winzy’s ‘death sentence’ for Albert and Bertha only highlights his own anxiety about life’s duration: “Am I, then, immortal?” Winzy asks us: “This is a question which I have asked myself, by day and night, for now three hundred and three years, and yet cannot answer it” (TMI 219). This anxiety in Winzy is especially fascinating. He suspects that he might be immortal, but is not sure – he has never placed himself in harm’s way, and he examines himself frequently for grey hairs. His questions about the span of his life are no different from anyone else’s, and these are the anxieties that the death penalty steals from us. “The mortal that I am knows that he is condemned to die, but […] does not know the moment, the date, the precise hour that he will die,” Derrida explains. “And no one will know it in advance. This indetermination is an essential trait of my relation to death” (DP1 219). Winzy, yearning for such information, idealizes death for its capacity to make decisions possible – in effect producing an inverse image of the death penalty. This is the uncertainty that links “The Mortal Immortal” to Frankenstein: a search for death in the face of an interminable living on, and the existential questions that are provoked as a result.

Derrida maintains that psychoanalysis and nineteenth-century literature, if taken together, can undo the talionic logic of the death penalty by showing how its calculations necessarily incorporate something incalculable in order for its punishment to become “capital.” He also suspects, after two years’ discussion of male-authored texts, that “probably, in all likelihood, women are more spontaneously and more frequently abolitionist than men” (DP2 232).

Mary Shelley, I posit, offers a radically abolitionist position in her investigations of life sentences and death sentences, offering a contradictory and bleak set of meditations upon responsibility, sympathy, and the injustice inherent in human equivalence.