Stivale on Wan (2017)


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Marco Wan’s task is a rigorous examination of “literature in law,” that is, “the way fiction was interpreted within a legal setting” (20). This seemingly direct definition belies the complex project of simultaneously considering how such interpretation necessarily implicates representations of masculinity and how close readings of novels, trial transcripts, and opinions might yield a psychoanalytic understanding of “overlooked, unacknowledged or repressed dimensions of gender and sexuality” (23). The premises of this ambitious study, presented in the introduction, reveal Wan’s gift for providing a concise overview of hegemonic masculinity and its relationship to literature and law. In turn, Wan studies the relationship of literature and law to psychoanalysis through the fundamental exercise undertaken by these disciplines, interpretation. The choice of thematic figures – of “the androgyne, the onanist, the patricide, the homosexual and the lesbian” that question “values or assumptions inherent in the procreative, familial model of bourgeois male identity” (18) – correspond respectively to Flaubert’s Madame Bovary, Paul Bonnetain’s Charlot s’amuse, Émile Zola’s La Terre, Oscar Wilde’s The Picture of Dorian Gray, and Radclyffe Hall’s The Well of Loneliness. Besides being major works of their eras, each novel constitutes the site of collision between literary and legal understandings of masculinity, confrontation of corresponding discourses, and their reconfiguration from a psychoanalytic perspective.

Wan links Madame Bovary, through its narrative interiority and anachronistic modernism, to the works at the study’s end, notably Dorian Gray and The Well of Loneliness. Tackling the key facet of Emma’s androgyny, Wan situates this figure within the broader context of the French novel. He emphasizes “the link between gender identity and Flaubert’s style indirect libre” as well as how a “crime” might arise from “the construction of gender via the novel’s mode of narration” (30). Arguing that Emma’s androgyrous gender identity serves as “the core of the novel’s literary subversion” (31), Wan thus pits the prosecution case against the defense’s: the former argued for the threat to public morals posed by the novel’s depiction of androgynous gender mobility by emphasizing its realist visual traits. Wan links this rhetoric of visuality in the legal documents to psychoanalysis via the fetishistic male reader’s gaze cast upon the androgyne. In contrast, the defense successfully developed an “intertextual” argument, maintaining Flaubert’s debt to past and respected literary masters in his “collage of other texts” (49).

The subject of Bonnetain’s Charlot s’amuse, compulsive masturbation, would seem a cinch for the censors’ attack, all the more so given the era’s discourse of “degeneracy, illness and national decline” (51). Yet, written within the literary framework of Naturalism, authors threatened by censorship could make claims, as did Bonnetain, for the scientific bases of their work. Wan argues this recourse to the language of science “threw into question the assumptions about the relationship between literature and science,” or the very heart of the Naturalist project (53). Besides his skill at close reading, Wan draws cannily on documents about the Charlot s’amuse trial, held in huis clos. Under scrutiny are the French discourse on onanism of the passages mobilized against him. Wan argues that the prosecutor’s and defense’s arguments drew on the wider, intertextual network of writings, but the prosecution’s success stemmed from relying on legal precedent (inherently intertextual) within a distinctly different legal system from that of the Flaubert and Bonnetain trials. Besides examining each set of arguments, Wan considers the narrative structure of La Terre itself, while also drawing from Freud to address the novel’s description of patricide and its import for the virulence of the prosecution’s attack on Vizetelly.

In contrast to these trials seeking to condemn original French literary works, the trial in London against Zola’s La Terre focused on its English translation published by Henry Vizetelly, along with Nana and Pot-Bouille: all three under attack. Of the three, La Terre somehow was deemed the worst, and the outcome was cessation of publication and Vizetelly’s imprisonment for three months. As Wan argues, both the prosecution’s and defense’s arguments drew on the wider, intertextual network of writings, but the prosecution’s success stemmed from relying on legal precedent (inherently intertextual) within a distinctly different legal system from that of the Flaubert and Bonnetain trials. Besides examining each set of arguments, Wan considers the narrative structure of La Terre itself, while also drawing from Freud to address the novel’s description of patricide and its import for the virulence of the prosecution’s attack on Vizetelly.

While I do not want to give short shrift to the excellent final chapters, these topics are well known British modernist texts, and Wan applies to each the same approach pursued in the previous chapters. It is Wilde’s Dorian Gray that the prosecutor employs as evidence of Wilde’s homosexuality, while Wilde deftly parries the biographical critique by showing the literary intertexts of the passages mobilized against him. Wan argues that Wilde’s motive for remaining in England for the second trial (hence, his undoing) was his desire “to proclaim his artistic vision to the world” (126) and that his lost legal case seemed of little import if Wilde could “turn the law itself into a form of literature” (127). As for the suppression of Hall’s novel, Wan...
situates this trial within the broader context of female same-sex relations, provides a psychoanalytic frame for examining the novel’s depiction of these relations, and finally establishes how the figure of the male homosexual, like the repressed, returned within the magistrate’s case to haunt the verdict against Hall and the publisher.

Readers will benefit greatly from Wan’s insightful scholarship and analysis both of primary and secondary documents related to each novel and case. My sole objection is Wan’s use of psychoanalytical critique within the study. Even Wan admits that not all the cases lend themselves to this approach, and while he certainly employs it deftly, his conclusions about each case, and about related issues of masculinity and gender, are hardly explained entirely by recourse to psychoanalytical concepts (23). Still, Wan’s overall analysis is not weakened by adopting additional critical ammunition, and in the end, he offers a satisfying study with a wide range of primary narrative texts situated clearly and convincingly within the repressive eras that they fortunately survived.

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