

Beware the Influencing Machines! Daniel Paul Schreber's Mad History of Psychiatry and Law

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Introduction. The Mechanical Body in Pain

Let us look through the window at the courthouse together. There's a trial going on, a familiar scene. Stand on my shoulders, if you must. There are the judges sitting together. They seem quite satisfied with themselves, with their statutes and penal codes splayed out before them. I'm sure they think that justifies the whole mess. Shudder, if you must, my friend, but do not look away, for now you must look again off to the side of the consultation room and verdict factory. Do you see the prosecutor-conspirators, mocking, making preparations for this depraved act of judicial murder? God, what haughty murderers, peddling incitement and bloodshed! Naturally, the police warders and villains, for the 1500th time today, are doing their best to maintain the calm for the peaceful continuance of murder and kidnapping attempts, here and in the poisonous and rotting prisons and madhouses. And there sits the biggest joke of all in this whole court's comedy: the mock jury — among them Mr. Probably-Lied — robotically performing their wicked parts in this whole murder scheme. They are murderers themselves. Do not run! Wait and see what happens next! You can't leave now, really, as your trial will be taking place soon. The defendant has arrived, some Jakob Mohr, hooked up head-to-toe to the medical-conspirators-madhouse-runner's influencing machine. You can barely see his body; you can barely distinguish it from the mess of wires and fibers and so on. You must witness, really for your own sake, how they compel him now, by remote hypnosis and electrical waves, to speak on matters of impossible crimes and transgressions, securing his quick and simple judicial murder. Don't look now, here comes the whole lot of them, for us now too!

Such was the juridical process as represented in the 1912 drawing "Justizmord"¹ ("Judicial Murder") by Jakob Mohr, a frequent psychiatric patient and defendant in Germany's judicial system. Nothing escapes being invested with suspicious intentions in Mohr's judicial scene — whose characters are identified by overhanging scribbled notes — besides himself and the chief witness to the defense wearing the "crown of truth." What are these rigid figures under suspicion of? Chiefly, of having mechanical, automatic qualities: of being machines. The whole scene as he drew it is composed of simple, geometric segments, connected by line or by text. A clean rectangle is formed with the prosecutor standing near the verdict factory, above the "incited pre-jurors" on the left; working with the judges with their legal Codes flat on their long desk at the top; facing the "misguided audience" in the stands, joined by the "police villains" and the press working on their "wrong publication and cover up" to form the bottom line; and completed by Mohr himself on the right, shown in the process of being pumped full of

¹ Noell-Rumpeltes, Doris, et al. *Jakob Mohr*. Kerber Verlag, 2018, p. 56-61

electricity and hypnotic waves by his hypnotist-psychiatrist influencing his behavior and dooming him to his own murder. The “influencing machine” is but one component of a larger machine. Mohr stands off to the right with his face and the hypnotic waves radiating to the left, as if he is about to be fluidly pushed through the whole penal machine, punished and mocked by every actor, as if on a conveyor belt in hell. The scene is claustrophobic, but also funny. Funny in the way demons are funny, or in the way arbitrary violence can make one uncomfortably laugh. Like every machine, Mohr’s penal machine served a purpose, in this case indicated by the title: judicial murder.

There’s something immediately coherent and intelligible about Mohr’s machine in the present day American context from which I view it, which consists in the grinding efficiency of the scene he portrays. Mohr’s vision of the mechanized penal apparatus finds to some extent its echo in the present popularity of mechanical and industrial terms to describe the justice system and its incessant growth and profit-making capacities, like the “Prison-Industrial Complex”², or in the title of the book “The Perpetual Prisoner Machine.”³ In the country with the largest prison population in the world, where the vast majority of cases are decided by plea bargains and defendants are regularly asked to admit to lesser crimes all parties know they didn’t commit to avoid getting charged with larger crimes they also did or did not commit, the criminal justice system has a mechanical, automatic quality to it, processing human beings and deciding their fates with the same swift mediocre ambivalence with which one might deal with parking tickets. Because of the unwieldy number of people who get caught up in criminal cases, judges and other legal actors have come to value efficiency above any moral or legal principle. People who have already been involved in criminal cases, or know people who have, are aware that getting arrested and charged is already a form of punishment. Even when not engaged in extreme acts of violence (the arrest-turned-execution, or the brutality accompanying an arrest), the criminal justice system operating precisely according to legal ideals is felt by the defendant to be a profound break from their world into the ambivalent, confounding world of the law. In order to survive, they are asked to relinquish control to authorities operating in a language utterly foreign to them. A mental health worker in a Washington state “supermax” prison relayed a commonly repeated sentiment among their jaded colleagues to visiting ethnographer Lorna A. Rhodes that the “system runs by itself. You could take everybody out, and it

² Davis, Angela. *Prison-Industrial-Complex*. Ak Press, 2000.

³ Dyer, Joel. *The Perpetual Prisoner Machine: How America Profits from Crime*. Westview Press, 2000.

would still run.”⁴ One-hundred years before the scene I am describing, Mohr already felt that the defining image of the penal machine was no longer the iron cage or the policeman’s baton, but a stupefying, industrial feedback loop feeding itself on the blood of its victims. This brings to mind Giovanni Battista Piranesi’s “imaginary prisons” where the revolutionary suspension of time and space offered by novel mechanized architectural forms served only the extension of the sites and methods of pain and suffering into the infinitely receding horizon. Like Mohr, the spectator who attempts to locate themselves spatially in one of Piranesi’s monumental dungeons finds themselves lost in the shadow, faced with the impossible choice of a circular wandering or subjection to one of the many torture devices on display.

And one could just as easily imagine oneself in such a prison reflecting on the state of psychiatric services —that other, more ethereal, specter of authority represented by flying live wires and fibers in Mohr’s image. Encouraged by professionals always to “just talk” and to break the stigma around their thoughts and feelings, patients may be involuntary held or given treatment when perceived to be “dangerous” or unable to care for their basic needs. Their dangerousness will then be further affixed to them and marked by a title —like schizophrenic or bipolar— tying them indefinitely to their perhaps momentary expression of fear, anger or sadness. And all in the name of another brutal efficiency: due to the disparity between the number of hospital beds allotted to psychiatric patients and the number of people committed, patients are funneled in and out of various state and non-profit institutions and programs, proscribed surveilled Assisted Outpatient Treatment plans, or simply given a diagnosis and a bottle of pills and asked to leave just to keep things moving. It’s not hard to compare these systems— with their feedback loops, their circular designs, their seemingly perpetual motion— to machines. Who is really holding the reigns? What Mohr seems to be suggesting here is 1) that both the law and psychiatry operate in an automatic, uncaring way (they function *like* machines); 2) that legal actors and psychiatrists use machines in the pursuit of control (they work *with* machines); and 3) that the effect of these interventions is to transform the object into something resembling a machine (they *mechanize* their objects). It is these three central claims that will be investigated in what follows. For that reason, I will consider the mechanical notions of the body/mind used by psychiatric and/or legal actors, the real machines either considered as models for legal or psychiatric paradigms or actually used by legal and psychiatric actors, and the lived experiences of the patients themselves.

⁴ Rhodes, Lorna A. *Total Confinement: Madness and Reason in the Maximum Security Prison*. University of California Press, 2014, p. 219

The visual elements and the language of Mohr's picture mirror very closely those used by another German madman who faced judges and psychiatrists as impediments to his freedom, Daniel Paul Schreber, a former appeals court judge who went on to become the textbook example of a psychotic. Soon after marrying, Schreber ran and lost in a parliamentary election, an event that served as the occasion for his first major crisis in 1884, which he attributes primarily to "mental overstrain."⁵ Schreber ended up in the hands of Paul Emil Flechsig (1847-1929), a rising star in psychiatry who had recently been appointed the director of the Clinical Institute of Psychiatry and Neurology in Leipzig, Germany and major representative the neuropsychiatric epoch that placed the brain above all else. Believing that problems of mind were purely and simply brain pathologies, Flechsig diagnosed Schreber in physical terms, and offered Schreber a number of physical and chemical treatments like sleeping pills and hydrotherapy.

Schreber left feeling he had undergone an initially successful treatment by Flechsig's hand, and spent the subsequent 8 years at large. In 1893, he was appointed as the President of the Senate to the Superior Court of Appeals in Dresden, where he found himself again overwhelmed, this time by the stresses of the court. It was in the period of insomnia that the first "supernatural occurrences" took place. Most pressing of all was the bewildering notion that it might be pleasant to succumb to sexual intercourse as a woman. Schreber returned to Flechsig's asylum where she found her former doctor hero now disgruntled by the "remission."⁶ Then began a period of mistreatment and neglect, when the unchanging Schreber was pulled in and out of bed, had his head dunked in and out of water by the attendants, and locked into a lonely cell, perhaps as a gesture of frustration and anger from a doctor struggling to be taken seriously as a scientist who perhaps couldn't stand the sight of an incurable patient. It was around this point, and after a number of suicide attempts, that Schreber began having regular communications with supernatural powers, with God, as well as with Flechsig's soul, which, he maintained "had secret designs against me." Above all, Flechsig stood accused of "soul murder," which Schreber defines as the ability "to take possession of another person's soul in order to prolong one's life at another souls expense, or to secure some other advantages which outlast death."⁷

⁵ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 44

⁶ This reading is influenced by Zvi Lothane's suggestion in *In Defense of Schreber* that Schreber was a professional disappointed to Flechsig.

⁷ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 33

After one failed attempted suicide, his condition only worsened, and Schreber soon found himself sent to a warehouse for social cretins, the Sonnenstein Asylum (later a Nazi “Aktion T4” center for the elimination of “lives unworthy of living”). It was here that he spent most of the rest of his life as just another incurable in a cell, a perpetual problem for the staff — due to his bellowing fits and legal actions he leveled against his incompetency declaration — who took their frustrations out on him with abuse and seclusion, and where he would begin work on his book, *Memoirs of My Nervous Illness*. And it was there, in Sonnenstein, where the imminent relations of all things were grasped and understood as a giant nervous system, an all-encompassing material substance underlying all phenomena including even God, split by Schreber into an upper and lower God, who was said to be “all nerve.” All souls, in essence, are nothing other than nerves, but God’s nerves are eternal and infinite. God is endowed with the ability to direct his infinite and eternal nerves, called “rays”, to create, transform, and influence the world of humans. God, however, powerful as he is, in normal circumstances, which Schreber calls the “Order of the World,” has retreated to such an enormous distance from humanity that he is said to only deal with corpses, not knowing anything about the lives of humans. But, after his breakdown, Schreber’s nerves were overstimulated, vibrating at such an extraordinary frequency that they destabilized God’s telegraph-like web of nerves, and became in this way one of the few humans able to communicate using the “nerve language.” Thinking it would render Schreber powerless, God directed a number of torturous miracles to crush his head, turn his bones to powder, tie him down with mechanical fastenings, and sent His little devils to try and pump his spinal cord out. He sent subordinate souls to twaddle mechanical phrases and torment Schreber, recording everything he said or thought and repeating it back, and created birds by more cruel miracles mirroring Daniel Paul’s words with meaningless rhymes like robotic parrots programmed for schoolyard bullying. All this in order to render Schreber inert and prevent his nerves from adversely affecting God’s power.

Schreber’s text is nearly 500 pages in the newest edition, and it is supposedly the most cited text in all of psychiatric case history, but it seems the majority of his readers have only read the two or three chapters necessary to satisfy their pre-made conclusion that he was a psychotic, a, or *the* prototypical paranoid schizophrenic. The problem begins with the title. The full German title *Denkwürdigkeiten eines Nervenkranken, nebst Nachträgen und einem Anhang über die Frage: ‘Unter welchen Voraussetzungen darf eine für geisteskrank erachtete Person gegen ihren erklärten Willen in einer Heilanstalt festgehalten werden?’* is translated by Ida MacAlpine and Richard Hunter in the English version as *Memoirs of my Nervous Illness*. The word “nervous” is the single uncontro-

versial element of the translation. Otherwise, the title is nothing short of an interpretive transformation of the text itself. A more generous translation of the first part of the title that doesn't assume Schreber is loony from the get-go would be, as Zvi Lothane has suggested, "*Great Thoughts of a Nervous Patient*." Though "Denkwürdigkeiten" could at times be translated as "memoirs," the other, more literal meaning of "worthy thoughts," or more simply "great thoughts," makes more sense for Schreber, who repeatedly distinguished the book from a simple recounting of biographical events. More significantly, MacAlpine and Hunter simply ignore the longer second part of the title, which one could translate as "*with supplements and an addendum concerning the question 'under what circumstances can a person deemed insane be held against their professed will in a mental institution?'*" In excluding this second part, and switching the focus from Schreber's thoughts as a nervous *patient*, a more objective statement of the facts of his case, to memoirs of a nervous *illness*, the translators have made the author complicit in his own pathologization.

Schreber, for his part, persistently confronts the notion that he is mentally ill, referring to it multiple times both in the *Memoirs* and most directly in the documents from the legal proceedings attached as one of the supplements to the text where he states: "I deny absolutely that I am mentally ill or ever have been."⁸ So much is lost in reading Schreber as a psychotic: one would have to skip or disregard his open letter to his psychiatrist, Flechsig, whom he accuses of medical malpractice; then one must skim the introduction, making sure to ignore the first paragraph, in which he clearly stated that he has "decided to apply for my release from the Asylum in the near future"⁹ thus identifying what follows not as an "insane memoir" but as an argument for release from an asylum; as well as the parts where Schreber cautions careful reading and doubt ("Nor can I maintain that *everything* is irrefutably certain even for me; much remains only presumption and probability. After all I too am only a human being"); choosing to ignore his remarks on methodology, which further cements his humility ("I shall have to speak much in images and similies, which may at times perhaps be only *approximately* correct"¹⁰); thereby only reading the passage about God and Schreber's "peculiar relations" with Him, at which point the reader can release their long-awaited sigh and dismiss the previous passages. One must learn how to read the works of the mad, because we are taught to read them through the works of those who claim to know them. The average reader becomes, through their training, a data-processing machine skim-

⁸ Ibid, p. 350

⁹ Ibid, p. 15

¹⁰ Ibid, p. 16

ming the text, picking out all the right words to satisfy one of a number of algorithmic operations: “he is insane because he repressed his homosexuality”, “she hears voices, and thus has a brain disease,” or “she is insane because she reacted badly to being molested.”

Up to now, I have followed convention by referring to Schreber with the masculine pronoun “he,” but Schreber’s expressed gender identity was in no way fixed as male. Schreber’s second period of distress and discovery began when he halfway woke up and, in a dreamlike trance, thought she might enjoy sexual intercourse as a woman. Though initially repulsed and even disgusted by the idea, they attached increasing significance to this thought, and explored their changing gender identity throughout the *Memoirs*, ultimately, after years of struggle, finding comfort in the notion that becoming a woman helped her to achieve a state of “soul-voluptuousness” and “blessedness.” Nevertheless, Schreber never consistently refers to herself as either a man or woman, and, at the risk of confusion, I will honor that uncertain vacillation with an unconventional use of “he”, “she”, as well as gender-neutral “they” pronouns for Schreber. The regularity with which modern commentators restate the matter-of-fact assumption of Schreber’s masculinity is nothing short of the total negation of her capacity to decide for herself, reconstituting in text and thought the incompetency declaration she spent her later years fighting so persistently, miming the court’s and psychiatrist’s motion to reduce her legal standing to that of a child. The assumption mirrors the first major interpretation of Schreber’s case, that of Sigmund Freud’s 1911 “Psycho-Analytic Notes on an Autobiographical Account of a Case of Paranoia (Dementia Paranoides).” Freud, who never met Schreber, and goes so far as to admit that he never made any attempt to see if this meeting could be arranged, diagnosed Schreber’s problem as one of repressed homosexuality, and extracted plenty of images to support his hypothesis: Schreber’s fixation on the sun, his rebellion against God, his attribution of persecutory intentions to doctor Flechsig, and, above all his “unmanning” and transformation into a woman could all be read as complex defensive projections of his repressed homosexual feelings towards his father. There is no reconciling believing Schreber with believing Schreber’s interpreters: if you take Schreber at her word, Freud is diametrically and perfectly wrong on all counts of gender and sexuality: not only is Schreber’s progressive identification with femininity a liberating and pleasurable experience for her, but she also expresses in plain language that she has absolutely no sexual attraction to men whatsoever. Far from being a frustrated repressed homosexual man, Schreber was, at least at times, quite happily a lesbian.

The judge went mad from the stresses of the court and his failure to escape, ultimately falling under the noxious influence of the nervous fibers of the universe, which he de-

scribes in thoroughly mechanical terms: what is one to make of these strange threads connecting the law, madness, psychiatry and machines? In what follows, my goal will be to parse out the outline of a mad critique of the law, that is, a critique of legal power from the texts and art works of psychiatric inmates, something which I not only hold as possible, but as readily available and rich in conceptual devices still useful today. Such an endeavor necessitates also a mad critique of psychiatry, since the discipline, along with neurology and psychoanalysis, claims ownership over the interpretation of the works of the mad, and because both Schreber and Mohr tie the two critiques together so tightly and so consistently that it can be hard to tell them apart. Not only that, but these two accounts I have opened to analysis land on one side or the other of the neuropsychiatric turn around the end of the 19th century when the physical structure of the brain became the primary material object in the research of madness. In Schreber's case, he found themselves face-to-face with some of the earlier proponents of the new cerebral ideology, and discussed it explicitly.

I have chosen to approach these critiques through concepts of the machine and the mechanical for the similar reason that it seems to me to be a preoccupying theme through which psychiatrized individuals have critiqued both psychiatric and legal authorities.¹¹ Following the suggestion by Frank Sulloway in his *Freud: Biologist of the Mind*, there are two main types of reductionism in science: a physical-mechanical form, and an evolutionary, organic form.¹² Although both of these forms of reductionism have had marked influences on the history of psychiatry in both its clinical and forensic form,¹³ by focussing on mad accounts of machines and mechanisms throughout this text, I am assuming that what drives these accounts tying together madness, law, power, and machinery is a critique of mechanical reductionism and its consequences. It is thus important to first consider some episodes in the history of machine-human relations, and parse out some notion of what the machine has stood for, what sort of anxieties they have sparked, and what questions they've represented through the ages,

¹¹ In addition to Schreber and Mohr, the symbol or image of the machine plays a central role in a number of texts by psychiatric patients including some of the most famous mad texts of all times: it appears throughout Anna Kavan's bibliography, in Leonora Carrington's *Down Below*, in John Haslam's account of James Tilly Matthew's delusional constructs *Illustrations of Madness*, in Barbara O'Brien's *Operators and Things*, and in "Renee's" *Autobiography of a Schizophrenic Girl*.

¹² Sulloway, Frank J. *Freud, Biologist of the Mind: Beyond the Psychoanalytic Legend*. Harvard University Press, 1992. p. 131

¹³ The evolutionary form made its biggest mark in the eugenics movements of the U.S. and Germany in the 20th century under sway of genetic explanations for insanity and "degeneration."

particularly in the field of medicine. In the introduction, I will review the relationship between automatic machinery and physiology and the recurrent themes that arise from this relationship: reflex, repetition, the faith in material causation, hierarchical ordering, quantifiability, and strict determinism. Then I will consider how the tradition of mechanical physiology, the mechanist aesthetic, as well as the actual machines that belonged to these can be a useful jumping off point in a critique of psychiatry and the practice of law.

Part I. The Body in the History of Imitative Machines

Schreber's cosmology begins like many others with God, creation, and the order of the universe:

Things were so ordered-up to the crisis to be described later-that by and large God left the world which He had created and the organic life upon it (plants, animals, human beings) to their own devices and only provided continuous warmth of the sun to enable them to maintain themselves and reproduce, etc. As a rule God did not interfere directly in the fate of peoples or individuals — I call this the state of affairs in accordance with the Order of the World.¹⁴

Schreber's account resembles another tradition that likewise begins with the retreat of God, one closely tied to the symbol of the machine, or the automaton. The history of the machine-human hybrid takes us to the physiology (the study of the healthy body) of the ancient world. Some of the negative implications and anxieties that would strike later comparisons between the organic and the mechanical already seem to be present at that time, at least in potential. In *The Movement of Animals*, when asking why only some thoughts lead to actions, Aristotle considers the degree of compulsion and choice present in action: "I want to drink, says appetite; this is drink, says sense or imagination or thought: straightaway I drink."¹⁵ Is there a choice involved in this, or does the action happen automatically, without real forethought and choice? One does not usually stop and ask "what is a drink?" or "why do I desire to drink?" but, given the presence of thirst and an available beverage, simply drinks, and so, Aristotle concludes, action on the basis of desire without inquiry is driven by impulse. But by including this possibility of inaction through distant contemplation, he divides us humans from the animals, whose movements he compares to "automatic puppets, which are set going on the occasion of a tiny movement" and to "the toy wagon (for the child mounts on it and moves it straight forward, and yet it is moved in a circle owing to its wheels being of unequal diameter—the smaller acts like a centre on the same principle as the cylinders)." The business of comparing organic creatures to machines seems at this early stage to have already involved a question as to the degree of compulsion: if a being is like a machine, and a machine is set in motion to perform a specific task, then such a being acts automatically without forethought or contemplation. That degree of

¹⁴ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000. p. 23

¹⁵ Aristotle. Barnes, Jonathan, editor. "Movement of Animals." *Complete Works of Aristotle, Volume 1: the Revised Oxford Translation*. Princeton University Press, 2014, p. 8

compulsion, imposes, in turn, a hierarchical schema onto the cognitive one: humans are supposed to be recognized as superior to the animals on account of their additional capacities. Aristotle makes this hierarchical component explicit when he compares slaves to automata in his defense of slavery in the *Politics*: just as machines were made to serve man, slaves, being living machines, have no other purpose.

The essence of a machine, and what distinguishes it from tools, according to Lewis Mumford, "lies in the degree of independence in the operation from the skill and motive power of the operator: the tool lends itself to manipulation, the machine to automatic action."¹⁶ It is on account of this difference, as Siegfried Giedion noted in his 1948 tome on automation *Mechanization Takes Command*, that the work of the hand is so difficult to automate:

the hand can be trained to a degree of automatic facility. But one power is denied it: to remain unvaryingly active. It must always be grasping, holding, manipulating. It cannot continue a movement in endless rotation. That is precisely what mechanization entails: endless rotation. The difference between walking and rolling, between the legs and the wheel, is basic to all mechanization.¹⁷

For this reason, the machine *par excellence*, the one that precipitated the mechanical worldview, set a standard for other machines and provided a model for machinic modes of thought, was the mechanical clock, which differentiated itself from natural sun and water clocks by continuing to operate despite the accidents of weather or location according to mathematically designed internal weights and mechanisms. In *Technics and Civilization*, Mumford traces the development of the mechanical clock to the Benedictine monasteries where it was used to synchronize the lives of monks according to the canonical hours. The clock's "product" is "seconds and minutes," i.e. the abstract division of time into definable quantities, setting the bounds of the day into a space regulated by a machine:

When one thinks of time, not as a sequence of experiences, but as a collection of hours, minutes, and seconds, the habits of adding time and saving time come into existence. Time took on the character of an enclosed space: it could be divided, it could be filled up, it could even be expanded by the invention of labor-saving instruments.¹⁸

The clock "marks a perfection toward which other machines aspire [and] served as a model for many other kinds of mechanical works¹⁹" because it in effect allows one to mechanize activity external to itself through its abstract divisions. In its own internal

¹⁶ Mumford, Lewis. *Technics and Civilization*. Harvest, 1963, p. 10

¹⁷ Giedion, Siegfried. *Mechanization Takes Command*. Oxford University Press, 1948, p. 47

¹⁸ Mumford, Lewis. *Technics and Civilization*. Harvest, 1963, p. 17

¹⁹ Ibid, p. 15

operation, the clock is thus a symbol of the potential of other automatic machines, the repetitive perfection for which every engineer strives in her own productions: every one of its precise movements serves the same, unified purpose, which is fundamentally to maintain its regularity and continue operating at the same pace. Its shape announces its destiny, for what else does movement within a circle represent in this case besides eternal repetition and order? In its divisions of the day into abstract units, and its synchronization of diverse activity in reference to a single mechanical artifice, the clock stands in the symbolic center of a technical universe, since, in mechanics, “every movement of a machine is geometric and measurable” and every “movement is a function, first, of the way the parts interact and, second, of the mechanical operations of the overall unit.”²⁰ No machine represents these principles as simply and as ubiquitously as do clocks.

Although the phrase *machina mundi*, the “world machine”, dates back at least to its use by first century Roman poet Lucretius, it acquired a new meaning and significance during the drive to rationalize the understanding of the world in the 16th and 17th centuries in works of astronomy and physics (Copernicus, Galileo, and Newton), natural philosophy (Leibniz, Descartes), and the experimental sciences (Boyle, Bacon) among other fields. The “mechanization of the world picture,” to borrow a phrase from Eduard Jan Dijksterhuis, occurred during what we now refer to as the Scientific Revolution, a modern term for what contemporary authors were more likely to refer to as the new “mechanical” worldview.²¹ Gottfried Leibniz, one of the foremost philosophers of this inclination, found that “All recent philosophers want to explain the physical world in the mechanical manner,”²² by which he meant that they wanted to explain the functioning of the cosmos using terms drawn from the principles of mechanics, namely, regularity, order, quantity, and centrality.

The mechanical worldview was imagined to have done away with the primitive magic of the recent past, rationalizing what seemed unexplained, quantifying what appeared random, segmenting what appeared seamless. As Minsoo Kang observes in his study on automata in European thought, the notion of a wondrous and creative Nature was at this time “replaced by a machine that operated strictly according to its original pro-

²⁰ Canguilhem, George. “Machine and Organism,” trans. Mark Cohen & Randall Cherry. *Incorporations* Ed. by Jonathan Crary and Sanford Kwint. Zone Books, 1992, p. 46

²¹ Mayr, Otto. *Authority, Liberty & Automatic Machinery in Early Modern Europe*. Johns Hopkins Univ. Press, 1986, p. 55

²² *Ibid*, p. 55

gramming.”²³ This turn is exemplified by the mechanist Robert Boyle’s assertion in *A Free Enquiry into the Vulgarly Received Notion of Nature* (1686) that God’s work of creation had culminated in “so great and admirable an automaton as the world, and the subordinate engines comprised in it.”²⁴ An automaton world is a world made explicable by strict mathematic laws controlled by overarching, equally lawful mechanisms of control and design. Some clocks that did not even operate accurately, as was the case with the “total clocks” of the Renaissance, still represented the regularity of the universe by incorporating “astronomical prediction, musical performance, and the imitation of life”²⁵ to in effect create a mirror of the cosmos as a series of ordered formulas and equations. By the late 15th century, Europe was already buzzing with little mechanical beings, many of which were sponsored and built by the Catholic church. Clocks came alive with angels and mallet-wielding men who struck bells at the allotted hour while organs were outfitted with choirs of angels playing horns or topped by a large Saint Peter who “blessed the congregation on his feast day by nodding his head and moving his eyes.”²⁶ The world was whirring with automata.

Schreber’s account of the “Order-of-the-World” can be viewed as a product or commentary on the clockwork understanding of the world, but he effectively reverses the clockwork system. In both beginnings, God created the world, and promptly left, but while the mechanists believed that we spend our days living out our lives according to a script already written by God, Schreber characterizes the retreat as the *beginning of human autonomy*, mostly free from God’s power. This God, in fact, as Schreber repeatedly stresses throughout the book, knows nothing at all about living human beings nor their activity. When God begins to act in the world of humans, things can only go terribly wrong. He writes:

[W]herever the Order of the World is broken, power alone counts, and the right of the stronger is decisive. In my case, moral obliquity lay in God placing Himself outside the Order of the World by which He Himself must be guided; although not exactly forced,

²³ Kang, Minsoo. *Sublime Dreams of Living Machines: the Automaton in the European Imagination*. Harvard University Press, 2011, p. 113

²⁴ Quoted in: Ibid. p. 113

²⁵ Mayr, Otto. *Authority, Liberty & Automatic Machinery in Early Modern Europe*. Johns Hopkins Univ. Press, 1986. p. 10

²⁶ Riskin, Jessica. “Machines in the Garden.” *Republic of Letters: A Journal for the Study of Knowledge, Politics, and the Arts* 1, no. 2, Apr. 30 2010, rofl.stanford.edu/node/59. p. 21-2

He was nevertheless induced to do this by a temptation very difficult for souls to resist.²⁷

What manner of God is this? This “silly and even childish” being, as Schreber calls Him is threatened by a single human’s overstimulated nerves, and is tempted like Eve to direct His infinite powers to use raw violence and every trick and deception at His disposal to either bring Schreber’s nerves under control or eradicate them. God is even said to be “embarrassed” by Schreber and what Schreber’s nerves do to Him. When God remains at a distance, as He does in the conditions of the Order of the World, humans live in a state of autonomy, mostly free from His interventions. It is only when the Order of the World is broken that God uses his rays to intervene, and try to regain authority. God may still be a sovereign in this cosmology, but He is neither omnipotent, omnipresent, nor all powerful. As Eric Santner has persuasively argued, Schreber’s frayed and over-stimulated nerves revealed an investiture crisis, what Schreber calls a “crisis in God’s realms,” that moment when an authority figure’s power is revealed to rest on nothing but processions, names, and rituals, and of course, the brutality of pure violence.²⁸ Schreber’s method consists in unrobing: she removes her stately judge’s robes, betraying her profession in finding a beautiful woman; while beneath God’s glorious exterior she exposes a petty warlord. Schreber’s theology decenters the Christian God by portraying Him as merely a powerful being engaged in a power struggle. Schreber’s God panics when His divine nervous system is revealed to have fatal gaps; in fear and trembling, God begins a policy of torturing and disciplining Schreber, in a notably mechanical fashion. These mechanical attacks called miracles took one of two basic forms: recording or playback machines that operated through repetition and mirroring to disturb his peace of mind; and torture machines designed to degrade or abolish Schreber’s physical integrity or to confine him.²⁹

First mentioned in the book was the “Aufschreibesystem”, the “writing-down-system” that automatically appended to each thought the phrase “it has been recorded...” Though Schreber was not sure *who* was doing the recording, the beings in charge of the writing-down-system that recorded all his thoughts, phrases, and even environmental details did so without intention since “their hands are led automatically, as it

²⁷ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000. p. 66

²⁸ Santner, Eric L. *My Own Private Germany*. Princeton University Press, 2001.

²⁹ On the prevalence of mechanical imagery in Schreber’s text and its potential relationship to Schreber’s famous father Moritz Schreber’s pedagogical machines see Mark S. Roberts’ “Wired: Schreber As Machine, Technophobe, and Virtualist.” *Experimental Sound & Radio*, edited by Allen S. Weiss. MIT Press, 2001, pp. 27–41.

were, by passing rays for the purpose of making them write-down, so that later rays can again look at what has been written.”³⁰ At their most insidious and childish, the divine rays thrust Schreber into a regimen of “compulsive thinking” forcing him to listen to “phrases learnt by rote” on repeat without respite. Later he describes a number of birds created by miracle that automatically reeled off some of these words and “mechanical phrases” without genuine feeling or understanding, having “a natural sensitivity for *similarity of sounds*.”³¹ At times, the “predetermined concoctions of thoughts spoken into my head by senseless voices in tiresome, monotonous repetition”³² created by the lower God were repeated to Schreber by birds instigated in turn by the upper God. And what manner of things did this relay-complex (lower God—>upper God—>miracled bird—>Schreber) speak of? Electric light, railroads, colossal powers, and hopeless resistance. In short, they spoke of the relays between mechanics and power. When wondering why he is apparently the only person able to see the bright spots in his head and hear auditory cries for help connected with the rays, Schreber compares it with telephoning: the rays, God’s nerves, are like telephone wires, and the cries of help are audible because they have only, at the moment, established a direct connection with him and not some person in between.³³

The voices Schreber hears, often broken up and incomplete, later become a pure “hissing” sound, as if her receptors were accidentally picking up the radio stations of other souls’ thoughts. At another point, Flechsig’s soul speaks of the principle of “light telegraphy” to explain why rays and nerves are attracted to one another. The compulsive thinking became especially unbearable for Schreber when the voices in her head modulated their speed, slowing down to a snail’s pace: “To say ‘But naturally’ is spoken B.b.b.u.u.u.t.t.t. n.n.n.a.a.a.t.t.t.u.u.u.r.r.r.a.a.a.l.l.l.y.y, or ‘Why do you not then shit?’ W.w.w.h.h.h.y.y.y d.d.d.o.o.o.....; and each requires perhaps thirty to sixty seconds to be completed.”³⁴ Schreber’s voices were, like the voices on the phonograph, captured and transformed into objective matter—even the freedom of voice, the language of humans was something now to be captured, inscribed automatically into the quantifiable language of devices, manipulable by powerful forces. The German word for phonograph is instructive in this regard. It is Tonaufzeichnungsgerät, or “draw-

³⁰ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000. p. 123

³¹ Ibid, p. 191-2

³² Ibid, p. 169

³³ Ibid, p. 276-7

³⁴ Ibid, p. 202

ing up of sounds device.” The voice is given over —graspable, visible— as a series of variable lines on a rotating circle. One can roll one’s fingers over the texture of the voice on vinyl, interacting with it as an object, a commodity.

At the end of the 18th century, the Italian physiologist Luigi Galvani performed the most spectacular feat in a series of experiments when he strung up disembodied frog’s legs to an insulated wire during a storm. To his delight, “as often as the lightning broke out ... all the muscles fell into violent and multiple contractions,”³⁵ proving, he believed, his hypothesis that an internal quantity of electricity allowed animals to move. Despite being separated from the brain and spine, the electricity still “communicated” information to the nerves, causing them to pulsate. Galvani, and the further experiments he inspired, tried “to specify the conditions under which he could produce muscle contraction” with the aim of determining “the relation of this ‘animal electricity’ to artificially generated electricity that behaved according to known rules.”³⁶ Galvani’s experiments seemed to suggest that the nervous system could be mapped, its impulses recorded and its networks made visible, much the same way that Europe and the wider world was being mapped by telegraph lines and railway systems, each of which suggest interconnected and ordered threads communicating with each other through electronic transmission and facilitating the fluid movements of material that gains its meaning through said movement.

In short, those twitching detached frog’s legs promised to open up the study of the body into smaller and more sensitive particles than ever before while also opening it up to comparisons, or often equivalencies, with the technological advances of the day. In the 1850s, Hermann von Helmholtz would measure the speed of the nervous impulse using a similar technique to Galvani. Thermometers, kymographs, and sphygmographs soon brought heat, muscle contraction, and blood pressure under the all seeing-eye of the technician, rewriting each as a separate event visible only in the language of the machine. A wave of new inscription devices opened up to the user new technical, segmented visualizations of the body. In 1882, French physiologist Etienne-Jules Marey used his chronophotographic gun to shoot people performing physical feats to capture the movements of their bodies in motion, birds in flight, or horses running,

³⁵ Quoted in: Otis, Laura. *Networking: Communicating with Bodies and Machines in the Nineteenth Century*. The University of Michigan Press, 2011. p. 16

³⁶ Otis, Laura. *Networking: Communicating with Bodies and Machines in the Nineteenth Century*. The University of Michigan Press, 2011, p. 16

breaking each sequence down into analyzable instants of actions.³⁷ As Friedrich Kittler argued in *Discourse Networks 1800/1900*³⁸ and elsewhere, Schreber accurately describes an order where the treatment of the body was given over to the unerring calculations of machines that write automatically, without thought, without considering external factors.

Some of the most excruciatingly painful miracles Schreber withstood resemble some manner of semi-mechanical torture devices: the first being the “*compression-of-the-chest-miracle*” that forced the chest inward, interfering with the ability to breathe. The description calls to mind both the mechanical restraints in use in asylums and the clamped metal torture devices of the Middle Ages. This impression is strengthened when Schreber compared the compression miracle to another perpetrated by “little men” or “little devils” who smushed his head with a “head-compressing-machine” that seems to directly reference such torture devices. It was said to squeeze the head “as though in a vice by turning a kind of screw, causing my head temporarily to assume an elongated almost pear-shaped form.”³⁹ These “little men,” one of whom was a “little Flechsig” sent by God caused all manner of trouble for Schreber, opening and closing his eyes when he tried to look around or damaging his knee-caps when he tried to play piano. All these actions happened automatically, like a reflex, and for the express purpose of rendering Schreber’s life boring, tiresome, and stupid. When Daniel would try to sit, the miracles force him to stand. Over time he becomes more rigid, more mechanical, more and more like a walking automaton.

The reflexive body enjoys a much more celebrated standing in the general history of European physiology. In a Europe artificially alive with fluttering gears and singing pipes, in which the world had already become a clock, an explosive and powerful theory of the human and animal body emerged. According to this new theory

the body of a living man differs from the body of a dead man in just the same way that a watch or other automaton (i.e. self-moving machine) when it is wound up and contains within itself the physical source of the movements for which it is designed, together with everything else needed for its operation differs from the same watch or machine when it is broken and the source of its movement has stopped working.⁴⁰

³⁷ See Rabinbach, Anson. “Chapter 4: Time and Motion: Etienne-Jules Marey and the Mechanics of the Body” in *The Human Motor: Energy, Fatigue, and the Rise of Modernity*. Basic Books, 1990. p. 84-115

³⁸ The original German title of his book was *Aufschreibesysteme*, borrowed from Schreber.

³⁹ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 150

⁴⁰ Descartes, René. “The Passions of the Soul.” Translated by Jonathan Bennet in *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/cartes1649part1.pdf. p. 2

This body, nothing other than “a statue or machine made of earth,”⁴¹ is set in motion by God with the power of the mysterious “animal spirits,” fluids which resemble both flames and a subtle wind. These passages do not originate in a tract of yet another asylum inmate, but from the later physiological works of the French Enlightenment philosopher whose romantic reveries in a castle’s closet led him to wonder whether a demon might’ve been altering his perceptions, René Descartes. Descartes, mostly known for his soul-body dualism and his radical skepticism, elaborated a popular physiological doctrine in his late treatises the *Treatise on Man* and the *Passions of the Soul*, published in 1662 and 1649 respectively. One could justifiably call the theory expounded in these works “mechanistic,” in that he posited that living beings are not simply *like* machines, but truly *are* machines, beholden to the same material and theoretically quantifiable laws. What is at stake is a conception of the body that treats “Geometry and Mechanics [as] the ladder by which we climb the wonderful knowledge of the movements of animals”⁴² as the Italian mechanist Giovanni Borelli put it? How did this machine work? Descartes did not dramatically alter the observations already made by anatomists and the physiological tradition drawn from Aristotle about the structure of the human body (if you aren’t familiar with this structure, “you can get a learned anatomist to show them to you”⁴³ unhelpfully suggests Descartes) but he did alter their relations to each other, and to the soul. If there is a central source of power and condition of movement (a motor for the clock-body, so to speak) for Descartes, it would be the heat or “fire” of the heart. This motor pumps blood into the brain where some parts separate, which, due to “their retention of the extreme rapidity which the heat of the heart has given them, cease to have the form of blood, and are called ‘animal spirits.’”⁴⁴ Though these rarefied animal spirits and nerves cause the specific muscles and limbs to move, they themselves are moved by the “continual heat in our hearts, a kind of fire maintained there by the blood from the veins.”⁴⁵ The fluid spirits in turn are filtered through and ordered by the brain’s pineal gland that “distributes these spirits to

⁴¹ Descartes, René. “Treatise on Man.” Translated by Cottingham, John, et al in *The Philosophical Works of Descartes*. Cambridge University Press, 1985, p. 99

⁴² Borelli, Giovanni. *On the Movement of Animals*. Quoted in: Kang, Minsoo. *Sublime Dreams of Living Machines: the Automaton in the European Imagination*. Harvard University Press, 2011, p. 126

⁴³ Descartes, René. “Treatise on Man.” Translated by Cottingham, John, et al in *The Philosophical Works of Descartes*. Cambridge University Press, 1985, p. 99

⁴⁴ Ibid, p. 100

⁴⁵ Descartes, René. “The Passions of the Soul.” Translated by Jonathan Bennet, *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/descartes1649part1.pdf, p. 3

the array of open tubes that line the interior cavity of the brain.”⁴⁶ Though God is the sovereign designer and programmer of the human-machine, the brain is His miniature prince at the seat of the power of the body’s action and ordering mechanism.

Gary Hatfield simplifies Descartes’ explanation of the body’s mechanical reaction to external stimuli to four factors: “(1) current sensory stimulation; (2) innate plumbing of the brain; (3) alterations to the plumbing due to previous stimulation; and (4) the character of the spirits arriving from the heart.”⁴⁷ Consider in this light his example of how the body moves in reaction to fire in the *Treatise on Man*:

if fire A is close to foot B, the tiny parts of this fire (which, as you know, move about very rapidly) have the power to move the area of skin which they touch. In this way, they pull the tiny fiber *cc* which you see attached to it, and simultaneously open the entrance to the pore *de* located opposite the point where this fiber terminates — just as when you pull one end of a string, you cause a bell hanging at the other end to ring at the same time.

When the entrance to the pore or small tube *de* is opened in this way, the animal spirits from cavity F enter and are carried through it — some to muscles which serve to pull the foot away from the fire, some to muscles which turn the eyes and head to look at it, and some to muscles which make the hands move and the whole body turn to protect it.⁴⁸

Every action (the pulling away of the foot, the turning to look at the fire, the protective retractive movements of the hands and body) are all automatic, unthought actions occurring on account of the movements of the fire and the reactions of the fibers of the body powered by heat. This purely reactive fire-repellant body requires no mind, only a properly functioning body with the requisite plumbing. The animal spirits in this case do not move the limbs on their own, they merely cause the muscle to shorten or tighten. In summary, the body is a type of hydraulic machine, created by God, powered by heat, that moves by virtue of sensitive fluid animal spirits flowing from the brain that instigate reactions.

While he still believed in the rational soul and an immaterial mind with the capacity to contemplate free from material determinism, Descartes simultaneously theorized a “set of *psychological* processes and states that involve the body alone.”⁴⁹ This radical theo-

⁴⁶ Hatfield, Gary. “Mechanizing the Sensitive Soul.” *Matter and Form in Early Modern Science and Philosophy*. edited by Manning, Gideon. Brill, 2012. p. 173

⁴⁷ Ibid, p. 174

⁴⁸ Descartes, René. “Treatise on Man.” Translated by Cottingham, John, et al in *The Philosophical Works of Descartes*. Cambridge University Press, 1985, p. 101-2

⁴⁹ Hatfield, Gary. “Chapter Three: Mental Acts and Mechanistic Psychology in Descartes's Passions.” *Descartes and the Modern*, edited by Neil Robertson et al. Cambridge Scholars, 2008, p. 49

rem opens up the possibility what Gary Hatfield calls *mechanistic psychology*, or mental processes and states that are not caused by will, but determined solely by brain mechanisms interacting with the sensations of the body. Descartes denied that animals had what Aristotle called the “sensitive soul,” attributing its capacities for sense-perception and directing the appetite towards the “good” and the “bad” (in the sense of “healthy” and “unhealthy”) to technical means alone, denying any mental content to these decisions. Descartes, beginning with the fact that humans do not consciously regulate such bodily processes as the heartbeat, breathing, or digestion, extends this capacity much further claiming that humans likewise use no mental powers when they flee from danger or brace themselves for a fall. He believed that, through repetition, automatic behaviors could be learned (by the physical body, not the rational mind), and incorporated into the functioning of the animal-machine’s reflexive inner workings. Descartes uses his own attraction to women with crossed eyes as an example. As a child, he loved a girl with crossed eyes. This association between love and crossed eyes was established in his brain so that

the impression made by sight in my brain when I looked at her crossed eyes became so closely joined with the impression that was also made by her for arousing in me the passion of love that for a long time afterwards when I saw anyone with a squint I felt more inclined to love them than to love any others.⁵⁰

Though he ultimately backs down from it, Descartes entertains the possibilities of taking this idea to an extreme limit in the *Treatise on Man* where he claims that the corporal memory, “without there being any soul in this machine, can be disposed naturally to imitate all the movements that real human beings, or even other similar machines, will make when the soul is present.”⁵¹ The phrasing of this sentence opens up the possibility that through such machine learning, we could feasibly imagine a humanoid being without mental content who could nonetheless speak and imitate human behaviors. It seems that, in order to justify making both man and animal machines distinguishable only for the former’s possession of rationality, Descartes had to simultaneously devalue the animal to pure automatism, as well as devalue a number of human activities shared with animals, notably sensibility, to the status of purely mechanical (and thus also animalistic). At the top of a mechanical universe stands man, for whom all other creatures, being solely machines, exist as technical means to serve his ends. And his dominion potentially extends over more than animals and plants, as Aristotle’s defense of slavery has proven.

⁵⁰ Quoted in *Ibid*, p. 54

⁵¹ Quoted in *Ibid*, p. 51

At the peak of its popularity in the 18th century, the automaton was not a universal object of praise. Something was off about these impostors, something missing. In the eyes of many, the automaton seemed less a marvel of ingenuity and mirror of humanity than a monstrosity, a corpse brought to life, mocking those in possession of souls who truly live. For these spectators, the ideals of order and regularity appeared above all as an object of derision and horror. In the short story “The Sandman” published by E.T.A. Hoffmann in 1817, a young man named Nathanael falls head over heels for a beautiful, but reserved woman named Olympia. Though rarely does she offer more than “Ach, ach” and a subtle shift in posture, remaining for the most part cold and silent, while her eyes seemed to shine in the moonlight. Thinking her merely reticent and modest, Nathanael continues to pursue her, forgetting his former love Clara entirely in the process, but his friend Siegmund perceives things differently, telling Nathanael that Olympia seems “numb and soulless” as if her every movement “depended on wound-up clockwork.”⁵² The outcome proved his intuition right when Nathanael, thinking he was saving his beloved from the hands of her captors, glimpsed instead Olympia’s eyeless, wooden body held by her creators. Horrified that he had loved an automaton, Nathanael descends into animality, roaring and grunting, until taken to the madhouse. The vitalist philosopher Henri Bergson would later write in a 1900 essay “Laughter” that we laugh when we recognize “something mechanical encrusted on the living.”⁵³ Minsoo Kang points to the social function of this laughter that reconstitutes, in the face of boundary-crossing machines that act like humans, “sometimes through ridicule, what it is to be human.”⁵⁴ At the end of Hoffmann’s story, the townspeople, having heard the story of the automaton romance, ask their spouses and lovers to sing spontaneously, dance a little off-rhythm, and speak with feeling to prove that they too are not lifeless robots. Far from serving as a perfect model for the living animal, the robot appears as a mask of life worn grotesquely on the face of a corpse. Horror, like humor, imposes distance between us and the lifeless Other.

In the gap between soul and body presupposed by the mechanists, vitalists and romantics from the 18th century and on led an assault against the animal-machine in the name of the vital spirit, irritability, the soul, and the undefinability of life’s essence. It is

⁵² Hoffmann, E.T.A. *Der Sandmann / Das Fräulein Von Scuderi*. Insel Verlag, 2014. p. 68. Original German: “Sie ist uns – nimm es nicht übel, Bruder! – auf seltsame Weise starr und seelenlos erschienen[...] Ihr Schritt ist sonderbar abgemessen, jede Bewegung scheint durch den Gang eines aufgezogenen Räderwerks bedingt.”

⁵³ Quoted in: Kang, Minsoo. *Sublime Dreams of Living Machines: the Automaton in the European Imagination*. Harvard University Press, 2011, p. 38

⁵⁴ Ibid, p. 38

from out of this rift that the possibility of ridiculing and denigrating one's intellectual or political rival by comparing them to an automaton was arguably based. By the end of the 18th century, Thomas Paine classified monarchs as merely a type of "breathing automaton" and Maximilien Robespierre, perhaps mirroring Paine, referred to the be-headed king in a report to the Convention as "that crowned automaton called Louis XVI."⁵⁵ Minsoo Kang posits that this tradition of derision centered around four types who were said to be pitifully puppet-like, denoting above all a lack of autonomy: "the stupid, the oppressed (e.g., peasants), the conformist (especially aristocrats and other members of high society), and the tyrannical."⁵⁶ God, Flechsig and the other clockwork villains inhabiting Schreber's world could be said to represent examples of the latter two categories, while their recounting of mechanized suffering often falls into the first two. However, there is hidden between the lines a fifth category that Kang missed, which I find to be the most vital and radical notion in Schreber's book, and that is the claim that those who do the work of imagining the world in geometric, ordered, regular fashion produce a new world-vision and specifically a vision of the human body and mind through the process, actuating the other four categories and bringing them into play. Schreber not only resisted the mechanization of his thought, but presumed that "God-Flechsig," the materialist fanatic who kept brains in jars in his office to represents the "minds" he worked with had something to do with it.

When faced with mechanical operations going on indefinitely, repeating *ad infinitum* their rote motions for the sole purpose of fulfilling a preprogramed goal, the question of *control* rises to the fore. This was intuitively grasped by Schreber. The clock, the symbol of automatic machinery and the body-machine, appears above all in Schreber's book as a symbol of power. In Flechsig's asylum, Schreber had a vision of "Wandeluhren" — "wandering" or "changing clocks" — that captured and incarcerated the "souls of departed heretics,"⁵⁷ a phenomenon he explicitly compares to soul murder,⁵⁸ his main complaint against his psychiatrist. Besides imposing a general regularity through the hours, and through its infinitely repeatable internal functioning, the clock, and by extension all automatic machinery, lends itself to a centralized vision of power

⁵⁵ Quoted in: Kang, Minsoo. *Sublime Dreams of Living Machines: the Automaton in the European Imagination*. Harvard University Press, 2011, p. 166

⁵⁶ Ibid, p. 148

⁵⁷ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000. p. 98

⁵⁸ His contention that they remained "preserved for centuries under glass in medieval cloisters" reminds one of the monastic origins of the mechanical clock.

since “all its complex and divers motions had one single, central origin.”⁵⁹ Applied analogically to the body or mind, we can say that the mechanist vision of life refers all apparent complexity back to a central seat of power, or a stack of overlaid hierarchical seats comprising an unambiguous (but not always full known) chain of cause and effect: desire controls the vulgar acts of the body; the “soul,” or at times the brain, controls its sensitive and rational motions; while God in turn controls the soul. In Schreber’s fragmented cosmology, God is at times made identical to Flechsig, the brain-obsessed materialist. Given the prevalence of this analogical tradition comparing engineers to God in the mechanistic tradition, this identification can now be understood according to standard metaphorical parameters: Flechsig is, or imagines himself to be, a master brain technician in a technical universe, with the powers of manipulation and control that come with that, and thus occupies a position granted to God in the mechanist worldview. It is essential in this regard that Schreber first notes Flechsig’s identification with God in reference to a dream in which Flechsig arrives at his home accompanied by the secular authority of the police.⁶⁰

Charlie Chaplin’s *Modern Times* satirically demonstrates that when a human being “acts as a lever of the machine,”⁶¹ he becomes in this way not just part of the machine, but part machine himself. The Little Tramp spends his whole workday turning nuts on a fast-paced treadmill; reduced to this single repeated motion, he cannot stop, and goes mad trying to screw every round thing he encounters, becoming nothing more than a mere screwing-machine. Chaplin’s film highlights what Schreber and Mohr and the mad discourse around machines offers that the mechanists do not: a psychological element to the notions of reflexivity, rote repetition, control, regularity and quantification. What does it *feel like* to be a machine or to live in a machine world? What are the consequences of being seen as *more machinelike* than a normal person by a technical expert, and to be locked up on this account? What appeals to the mechanist physiologist as a route the consolidation of medical power, namely the mechanization of life, appears to Schreber as an affront to the capacity to enjoy life, as a degradation of lived experience. The forced thought [*Denkzwang*] Schreber experienced from the rays, that is, “having to think incessantly”⁶² is experienced as a “dreary monotony,” as “attacks [...] on my life,” making the cessation of thought and rest feel impossible.

⁵⁹ Giedion, Siegfried. *Mechanization Takes Command*. Oxford University Press, 1948, p. 42

⁶⁰ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 86

⁶¹ Giedion, Siegfried. *Mechanization Takes Command*. Oxford University Press, 1948, p. 77

⁶² Ibid, p. 55

But there's something even deeper and more radical at the heart of these passages and in Chaplin's film, and that is the notion that human beings are not naturally machine-like, but become so when exposed to certain environments, or become the objects of specific scientific discourses. The revolt against the automation of labor and the degradation of skilled work to the point where the factory worker spends their entire day monotonously stamping a single object or pulling a single lever has been well documented. Less well known is how the objects of materialist medical and scientific discourses have reacted to being thought of and treated as defective machines. What we find in the literature of the insane is what Anna Kavan called the "strange and sad" feeling that "years were spent in preparation for this – that, forgotten by everybody, with a beaten face, I should serve machinery in a place far away from the sun."⁶³ Here lies an unknown tradition — a tradition that remains unknown because we *still* believe such people to be broken machines— of creative revolt against *being made mechanical* that I locate the ravings of Schreber and the paranoid scribbles of Mohr.

⁶³ Kavan, Anna. *Asylum Piece and Other Stories*. Peter Owen Publishers, 2001, p. 144

Part II. The New Gods of Nerves

Before the *Memoirs* proper even begin, Schreber included an open letter to his psychiatrist, Paul Emil Flechsig, where he stands accused of committing soul murder and of medical malpractice as a handmaiden of a predatory God. In what capacity? Schreber wrote:

[W]ithin the Order of the World, God did not really understand the living human being and had no need to understand him, because, according to the Order of the World, He dealt only with corpses. The other relevant issue is the dependence on Professor Flechsig, or on his soul⁶⁴

Despite spending only a small fragment of his overall time as a psychiatric patient in Flechsig's "Psychiatric and Nerve Clinic," Schreber gives Flechsig a central role in his cosmology as someone with supernatural powers over others' nervous systems and a close relationship to God, binding his psychiatrists and a God bent on his submission or neutralization closely together. Schreber essentially makes two connected accusations against her psychiatrist and the profession more generally: 1) that Flechsig, and perhaps other psychiatrists, commit soul murder, and that 2) Flechsig, and others, "dealt only with corpses." Freud pointed to these claims and their pivotal placement in the text and cosmology as evidence of Paul Schreber's repressed homosexual feelings for his father, for whom Flechsig serves as a stand-in. Such a hermeneutic leap is, however, both unnecessary and inappropriate since Schreber makes numerous allusions to contemporary psychiatric theory and history, sometimes even quoting the major works of the day to make his points.⁶⁵ Whether the claims are justified in this case remains to be seen, but it first must be made clear that they are fully comprehensible and historically accurate in character. In order to understand why Flechsig is singled out above Guido Weber, in whose asylum Schreber spent the majority of his last years and to understand what is meant by the accusation of "soul murder," it is essential one first understands what is meant by the soul in the context of late 19th century psychiatry, and that one locates Emil Flechsig's position in the history of German psychiatry.

⁶⁴ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 62

⁶⁵ For examples, see: Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 36, p. 82, p. 128, p. 188, p. 268-9, as well as the entirety of both the legal essay and the court proceedings appended to the end of the *Memoirs*, where psychiatric theory and history is discussed at length in relation to the law.

German psychiatry in the mid to late 19th century found itself split in a controversy over both its objective domain and its object, with far-reaching consequences for its therapeutic methods, place of operation, and the direction of research. Descartes and the vitalists still left this room for a thinking, feeling soul totally distinct and untouched by the working of the body-machine. This created a major issue for psychiatrists of a mechanical bent. Cartesian metaphysics established the soul as a distinct and immortal component of a soul-body complex with the soul as the seat of rational activity, and the mechanical body as subject to passive mechanical reaction. The soul, being distinct from terrestrial and earthly material, is untouchable by disease or falsity. Insanity, being a kind of unreason, cannot thus be a form of corruption or sickness, since the soul is in essence perfect. The implications of this line of thought are more comprehensively thought through by the rationalist John Locke: believing that the soul could not be deprived of its capacity for reason, he instead claimed that the insane have simply “joined together some *Ideas* very wrongly,” and, in this way “mistake them for Truths.”⁶⁶ Chapter 1 of Schreber’s *Memoirs*, where he laid out his theory of the soul, on the other hand, presented it as a bundle of nerves:

The human soul is contained in the nerves of the body; about their physical nature I, as a layman, cannot say more than that they are extraordinarily delicate structures comparable to the finest filaments — and that the total mental life of a human being rests on their excitability by external impressions.⁶⁷

When Schreber describes the human soul in terms drawn from neurology and graphic inscription devices, he is describing and presenting on his own terms an objective historical phenomenon and era. As it was mapped and recorded in apparatuses not unlike those in the *Memoirs*, what was formerly allotted to the soul became all nerve, incorporated into a material, purely physical universe. Its impulses were automatically recorded by “writing-down-systems”, and could be viewed, played back, and manipulated by technicians. Schreber describes God in largely the same way physiologists described the network of nerves, and technicians telegraph networks. Galvani and Helmholtz’s experiments “performed on frogs and other animals in order to infer knowledge about the human nervous system were premised upon the view that human beings were in-

⁶⁶ Quoted in: Hunter, Richard, and Ida Macalpine, editors. *Three Hundred Years of Psychiatry: 1535-1860; a History Presented in Selected English Texts*. Carlisle, 1982, p. 237

⁶⁷ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter, Revised ed, NYRB Classics, 2000, p. 19

herently part of the animal world and subject to the laws of nature.”⁶⁸ If the soul is pure nerve, then God is both arch-neurologist and the nervous system itself. In this way, as Martin Stingelin and Friedrich Kittler have argued at length, the first chapter of Schreber’s work where he lays out his theory of the nervous structure of the soul borrows from and in many ways mirrors professor Flechsig’s own work, the goal of which was to establish a “calculation of the human soul.”⁶⁹ Through the production of observation clinics, the shift in focus away from management and towards medical treatment, and through post-mortem anatomical examination of the bodies of the insane, psychiatrists made a bid to “medicalize” the field by conjoining it with neurology.

Flechsig was far from the first psychiatrist or psychologist to attempt to completely remove the soul from the realm of the spiritual and metaphysical or to desire the establishment of concrete, quantifiable laws governing its action similar to or mirroring those considered the mechanical laws of the body. In France, Julien Offray de la Mettrie (1709-1751) was a particularly radical materialist of this tendency who tried to demonstrate the theoretical potential of the physician to “isolate the soul, as it were disentangling it from the body’s organs,”⁷⁰ but it was in Britain where the main tendencies of the somatic psychiatry Flechsig represented were first enduringly laid down, and which would serve as the inspiration for the German neuropsychiatric revolution, beginning with Thomas Willis (1621-1675). Besides making a number of novel discoveries in the study of the nervous system, Willis’ main contributions to the history of psychiatry were in his volumes *Cerebri anatome* of 1664, in which he first coined the term “Neurologie,” and *De anima brutorum* of 1672. Between these two works, Willis laid out a medical psychology based primarily in extensive anatomical studies of the brain and nervous system. Though some have questioned to what extent Willis truly reduced psychologi-

⁶⁸ Jansson, Åsa. “Chapter I: From Physiology to Psychopathology: Psychological Reflexion and the Creation of 'Disordered Emotion'.” www.academia.edu/8452977/Chapter_I_From_Physiology_to_Psychopathology_Psychological_Reflexion_and_the_Creation_of_Disordered_Emotion, p. 3

⁶⁹ Paul Flechsig, *Gehirn und Seele, Rede, gehalten am 31. October 1894 in der Universitätskirche zu Leipzig. Zweite, verbesserte, mit Anmerkungen und fünf Tafeln versehene Ausgabe*; Leipzig, 1896. Quoted in: Stingelin, Martin. “Die Berechnung Der Menschlichen Seele.” *Wunderblock: Eine Geschichte Der Modernen Seele*, edited by Jean Clair et al. Wiener Festwochen, 1989, p. 297–308. [author’s translation]

⁷⁰ La Mettrie, Julien Offray de. “Man-Machine.” Translated by Jonathan Bennett, *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/lamettrie1748.pdf, p. 3

cal activity to somatic function,⁷¹ it can be said without reservation that in these early works of proto-psychiatry, he essentially connected madness with the function of the body, and, more specifically, located these psychosomatic disorders in “the Brain and Nervous Stock.”⁷² Furthermore, he relied on the practice of pathological anatomy, or the examination and comparison of cadavers, for the empirical confirmation of his cerebral and nervous localization of psychopathology.

Nearly 100 years later, these medical tenets were first brought into a major psychiatric asylum and made part of a theory and practice of institutional psychiatry under William Battie (1703-1776), first a governor of Bethlem Hospital in 1742, and later a founder of St. Luke’s Hospital for Lunatics, which opened in 1751. Battie’s career as a celebrated anatomist at Cambridge University and a reputable physician lent credence to his claims in the book *A Treatise on Madness* that madness was chiefly of an organic physical nature, and specifically that it “must be some disorder of that substance which is medullary and strictly nervous,”⁷³ if no other “secondary” causes are to be found (e.g. head wound, drunkenness, fever). Madness, or “false sensation,” was a bodily condition because the “seat of sensation” lies in “the nervous or medullary substance derived from or rather communicating with the brain.”⁷⁴ Like Willis, he too hoped to find confirmation of his ultimately *a priori* suppositions on the nature of sensation and thus madness in pathological anatomy.⁷⁵

This emphasis on the physical nature of insanity, and his turn towards the search for treatments and cures, broke with the traditional managerial psychiatry of the chief physician at Bethlem, John Monro, who believed there to be no sufficient or reliable knowledge about lunacy at all to serve as a basis for medical treatments. These two English thinkers were among the first to write explicitly and solely about madness — as

⁷¹ See: Tabb, Kathryn. “Chapter 3: ‘Struck, As It Were, with Madness’: Phenomenology and Animal Spirits in the Neuropathology of Thomas Willis.” *Brain, Mind and Consciousness in the History of Neuroscience Volume 6*, edited by C.U.M. Smith and H. Whitaker. Springer, 2014, p. 43–57 for a mixed psychological/iatrochemical/mechanical account of Willis’ work; and Caron, Louis. “Thomas Willis, the Restoration and the First Works of Neurology.” *Medical History* 59, no. 4, 2015, p. 525–553 for an account linking Willis’ neurological claims to his religious background.

⁷² Quoted in: Hunter, Richard, and Ida Macalpine (editors). *Three Hundred Years of Psychiatry: 1535-1860 ; a History Presented in Selected English Texts*. Carlisle, 1982, p. 187.

⁷³ Battie, William. *A Treatise on Madness by William Battie M.D.* J. Whiston, and B. White, 1758. p 41

⁷⁴ Ibid, p. 12

⁷⁵ Ibid, p. 8

opposed to collecting their remarks in a larger text about physiology or religion— while Battie campaigned for the specialized training of mad-doctors, and thus can lay claim to being some of the first works of psychiatry proper. They also speak to the endurance of various opposing trends in psychiatry, which in the author's view do not form an oppositional binary, but are nevertheless seen by various psychiatrists of differing stripes as being opposing approaches: for both Willis and Battie a somatic theory of madness was to serve as a basis for precise diagnostic localization and, derived from these, true medical cures and treatments to supplant the purely managerial police-work of asylum directors who were more interested in new restraints, punishments, or torture/shock devices.

By the middle of the 19th century, German psychiatry was still dominated by moral theories of madness based largely in either a philosophical adherence to the Kantian ethical position that the mad are simply operating on false premises or the Christian moral position that lunacy develops as a consequence of sin.⁷⁶ These moralistic thinkers did not abandon mechanistic precepts *in toto*. Instead, they positioned the Machine-Man as a consequence of immoral or sinful acts, as for example, the theological psychiatrist and first professor of “psychical therapy” at Leipzig University since 1811, J.C.A. Heinroth⁷⁷:

Money, power, property, enjoyment are not reprehensible in themselves, but if one allows oneself to be dominated by them the result is the fall from grace, psychic illness, the subjugation of the soul to lower, mechanistic laws, the law of gravity, laws that turn man into an automaton, a machine living either only at the periphery or center.⁷⁸

It was in the conflict between the so-called “Psychicher,” or “Psychists” (alluding to *psyche*, or “soul/mind”) like Heinroth who at least in the 1830s represented the psychiatric status quo and the younger “Somatiker” or “Somaticists” (alluding to *soma*, or “body”) that the question of the medicalization of the field arose among German psychiatrists.

Two early and highly influential predecessors to the somatic movement were also some of the most controversial: Franz Joseph Gall (1758-1828). Gall, and his student Johann

⁷⁶ See: Dörner, Klaus. *Madmen and the Bourgeoisie a Social History of Insanity and Psychiatry*. Translated by Joachim Neugroschel and Jean Steinberg. Blackwell, 1986. p. 184-5 and 242-3

⁷⁷ Zvi Lothane, on page 113 of his *In Defense of Schreber: Soul Murder and Psychiatry*, notes that Heinroth was a teacher of Schreber's father, and godfather to his brother, lending further credence to the idea that Schreber was likely fairly well read not only in contemporary law, but psychiatry and medicine as well.

⁷⁸ Quoted in: Dörner Klaus. *Madmen and the Bourgeoisie a Social History of Insanity and Psychiatry*. Translated by Joachim Neugroschel and Jean Steinberg. Blackwell, 1986. p. 243

Spurzheim (1776-1832), the inventors of phrenology. Phrenology, or the study of the physical structure and size of the brain and skull as the seat of the operations of mind, made a major theoretical contribution to the materialist doctrine of mind by mapping it onto functional segments of the brain and skull. Though phrenology would eventually be made into the poster child for quackery and absurd logical leaps in medicine, Gall's project of cerebral localization in the service of a theory of mind is not so different from other attempts at creating mental systems based solely on a material substructure. Those physicians, like Heinroth and Schreber's father Moritz, who continued to hold onto what today might be referred to as psychological explanations and theories of madness, were challenged by a wave of university-trained theorists with very little asylum experience who sought to gain and consolidate authority through polemicizing attacks on the old guard. Against the traditional asylum directors, who styled themselves the patriarchal figureheads of their remote and rurally bound asylums, a new wave of psychiatrists sought to relocate psychiatric practice in newly build urban clinics and university halls just as they sought to locate the seat of insanity in ever-smaller regions of the nervous system and brain.⁷⁹ Seeking to evade a reputation of inexactitude and mysticism, this new breed of psychiatrists turned away from the vagaries and uncertainties pertaining to the environment, social life, politics, or financial status of the patient, referred to the body as a technical assemblage with its "speech apparatus," its "signals," and its "brain mechanics," and saw in the quantification and visualization offered by graphical devices a persuasive means of satisfying public and professional demands for precision.

It is Wilhelm Griesinger (1817-1868) who is most often credited as the psychiatrist responsible for successfully changing the direction of psychiatric research towards a neurological future, pushing psychiatry away from the police work of rounding up deviants and vagabonds it had been endowed with towards laboratory work, pathological anatomy, and clinical demonstrations in hopes of finding biological causes for pathologies of mind, and, he hoped, cures. Griesinger's 1864 book *Mental Pathology and Therapeutics* announced the scope and aim of the somatic approach on the very first page where he lays out the doctrine of the new neuropsychiatrists in the form of a question and answer: "What organ must necessarily and invariably be diseased where there is madness?" he asks, "[p]hysiological and pathological facts show us that this organ can only be the brain; we therefore primarily, and in every case of mental dis-

⁷⁹ For an account of the clinical coup and professionalization in mid 19th century German psychiatry see: Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Cornell University Press, 2004.

ease, recognize a morbid action of that organ.”⁸⁰ Griesinger argued, recalling the reactive/reflex theories of Descartes and Willis⁸¹ — the modern form of which was explicated in the law of sensory-motor separation discovered in 1811 by Charles Bell and François Magendie⁸² — that the mind operated via reflexive impulses in reaction to stimuli in a three-step process. First, external sensations are communicated through to the spine and brain as purely reflexive impulses. Then, all this sensorial data and the body’s reactions/reflexes are collected and “meet, are combined, associated, brought into the most manifold relations and combinations, and awaken within the brain other new, but purely subjective, internal images.” Finally, because the “brain is also an immense reflex apparatus,” these representations themselves cause simple reflex actions in the muscles, but more often tend to cause reflexes “only to the excitations and to the most general ideas or consequent muscular movements of the greatest complexity and variety (actions).”⁸³ The soul became in this way through Griesinger the “the sum of all cerebral states,”⁸⁴ determined by the brain as a reflex-machine. Psychiatric illnesses like Schreber’s represented above all a disordered reflex mechanism caused by a cerebral disease.

It is vital to make clear that Griesinger and the *Somatiker* did not erase the workings of the *psyche*, but subsumed them under the umbrella of the material, making them the epiphenomenal *effects* of a physical event. In this sense, Griesinger’s supposedly more complex neuroanatomical approach to psychopathology differed little in its aims and outlook from phrenology. Emotions are still felt, and the mind still creates images and thoughts, but they are ultimately reducible to a cerebral process. Every mental act had a theoretically corresponding and theoretically localizable mirror act in the brain, or was explainable as an “effect” of these primary processes. The cause of delusion, for instance, is explained by Griesinger as the result of the “innate” search for causes in the

⁸⁰ Griesinger, Wilhelm. *Mental Pathology and Therapeutics*. Translated by Charles Alexander Lockhart. The New Sydenham Society, 1867. p. 1

⁸¹ I say “reactive/reflex” because it is debatable whether or not Descartes’ reactive body can be considered a “reflexive” one. Georges Canguilhem argued that it is Willis who truly formulated the reflex concept. See: “The Concept of Reflex” in Canguilhem, Georges. *A Vital Rationalist: Selected Writings from Georges Canguilhem*. Translated by Arthur Goldhammer. Edited by Francois Delaporte. Zone Books, 2000.

⁸² An account of the psychiatric translation of this law can be found in Guenther, Katja. *Localization and Its Discontents: a Genealogy of Psychoanalysis and the Neuro Disciplines*. The University of Chicago Press, 2015.

⁸³ Griesinger, Wilhelm. *Mental Pathology and Therapeutics*. Translated by Charles Alexander Lockhart. The New Sydenham Society, 1867, p. 23-4

⁸⁴ *Ibid*, p. 6

external world by an individual with an internal brain disease. Their inability to find external causes forces them to make immediate, impulsive causative links between unconnected phenomena eventually forming a delusional structure or narrative.⁸⁵ Emotional or psychological events can only be considered “causes” of mental derangement insofar as they “produce a state of intense irritation of the brain,”⁸⁶ that is, insofar as the brain’s reflex to them causes further material damage.

After Griesinger, the brain became the driver and central image of psychiatry, replacing social relations or notions of selfhood so thoroughly that it came to represent, in the words of Franz Nissl and later Karl Jaspers, a collective “brain mythology.” By 1884, it was clear that the somatic coup was complete when Flechsig, who was already given reigns to open his very own clinic in 1882, was also made chair of psychiatry at Leipzig University, replacing the then deceased *Psychiker* Heinroth. When Carl Ludwig introduced Flechsig as the new director of the clinic, he did so by proclaiming that “the psychiatrists [the asylum alienists] know nothing of the soul, *Flechsig* at least knows a little about the brain.”⁸⁷ This newfound trust in the cerebral sciences was made clear by giving Flechsig his professorship along with total authority over a nervous and psychiatric clinic *without any prior practical experience in psychiatry at all*. Similarly, at the Burghölzli clinic in Switzerland, German neuroanatomists were given directorial roles without even being able to speak to the patients in the local dialect.⁸⁸ Prior to his appointment, Flechsig’s significant finding was of the myelination of nerve fibers occurring in the brains of infants, a major finding for the understanding of the development of the brain, seemingly offering him a sign that the laws of the brain and a readable map of cerebral development were soon at hand.

Though Griesinger is credited with having formulated the battle cry of the somaticists that mental disorders are brain diseases, he nonetheless believed himself to be driven by humanist, even liberationist passions: he was an active proponent of the non-restraint movement, arguing that psychiatric patients are not criminals, and that the medicalization of psychiatric institutions ought to follow the lead of Battie’s St. Lukes by maintaining “the character of an hospital, not of a reformatory, a manufactory, or a

⁸⁵ Ibid, p. 36-7

⁸⁶ Ibid, p. 166

⁸⁷ Quoted in: Stingelin, Martin. “Die Berechnung Der Menschlichen Seele.” *Wunderblock: Eine Geschichte Der Modernen Seele*, edited by Jean Clair et al. Wiener Festwochen, 1989, p. 299. [author’s translation]

⁸⁸ Harrington, Anne. *Mind Fixers: Psychiatry's Troubled Search for the Biology of Mental Illness*. W.W. Norton & Company, 2019. p. 53

prison.”⁸⁹ Despite his mechanistic leanings, he nevertheless held that patients were “not living machines.”⁹⁰ Flechsig, on the other hand, was more willing to describe his theoretical framework in a thoroughly mechanistic fashion, with no remaining traces of the spiritual or humanist: he hoped to uncover the laws underlying the “relations between brain and soul,”⁹¹ particularly by establishing a basis “for the calculation of the human soul” in the “mechanical engineering of the human brain.”⁹²

Schreber very aptly described the condition of psychiatric facilities at the end of the 19th century by naming them “God's Nerve-Institutes.”⁹³ The first chapter of the *Memoirs*, in which Schreber describes a soul that is “all nerve,” is to be read literally in the context of contemporary developments in psychiatry. The soul, formally the privileged object of psychiatric knowledge, had been neurologized, reshaped in the shape of the brain understood as the central organ of a nervous apparatus. But what Friedrich Kittler excludes when he claims that Flechsig and Schreber's discourses mirror one-another is precisely what Zvi Lothane details in the last chapter of *In Defense of Schreber*: the ethical and spiritual (and, arguably, the legal and political) dimensions of Schreber's claims. Schreber's indictment of God's mechanisms of controlling and subduing the soul is a judgement against all science that reduces the body to the merely rational, the numbers assigned to its parts, the “naked materialism” of its reflexive physical structure. The specific admonitions that Flechsig committed “soul murder,” that God “only deals with corpses,” and the meaning of the technological attacks on Schreber's body can only be understood in the practical activity of Flechsig's clinic.

Some of these connective links are easier to make than others. At the exact same time as Schreber was visited by the hellish “writing-down-system,” he also mentions that Flechsig's staff had recently introduced a “feeding-system” wherein “attendants, mostly the same ones [...] forced food into my mouth, at times with the utmost brutality.

⁸⁹ Griesinger, Wilhelm. *Mental Pathology and Therapeutics*. Translated by Charles Alexander Lockhart. The New Sydenham Society, 1867, p. 514

⁹⁰ Quoted in: Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Cornell University Press, 2004. p. 62

⁹¹ Quoted in: Lothane, Zvi. *In Defense of Schreber: Soul Murder and Psychiatry*. The Analytic Press, 1992. p. 204

⁹² Quoted in: Stingelin, Martin. “Die Berechnung Der Menschlichen Seele.” *Wunderblock: Eine Geschichte Der Modernen Seele*, edited by Jean Clair et al., Wiener Festwochen, 1989, pp. 297. [author's translation]

⁹³ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 36

Again and again one of them held my hands while the other knelt on me as I lay in bed in order to empty food or pour beer into my mouth.”⁹⁴ But the specific notion of an automatic “writing-down-system” may have also had something to do with the clinical dogma of “live observation” proposed by Griesinger. Without the aid of mechanical restraints, “[e]nsuring order and effective therapeutic care” writes Eric Engstrom, “required that staff and physicians engage in diligent and incessant observation of the patients,”⁹⁵ in essence reconfiguring the therapeutic environment into what Griesinger called “scientific observatories.”⁹⁶ Such minute and continual surveillance served not only to foresee and thus precipitate behavioral problems reducing the need for mechanical restraints, it also fit the new clinical attitude towards the lunatic as essentially one with a sickness that needs to be observed, monitored and tracked for a reliable diagnosis before and after applied treatments.

But the clinics generally only received patients in the acute, early phase of their illness, and were then either sent home or to a longer-term treatment facility or to an asylum for “incurables,” which is why Schreber was sent away to Sonnenstein following an unsuccessful treatment. But this does not mean that his surveillance regimen had come to an end. Schreber was likely aware of Albert Zeller’s (1804-1877) popular somatic theory of *Einheitspsychose*, which held that madness was a single, progressive disease that began with an acute melancholic or manic phase and progressed to profound dementia or “idiocy” at which point the patient was considered incurable and lacking any stable individuality or memory. The clinics focused on the early phase because it was considered the most amenable to treatment and also the phase in which the patient’s behavior revealed the most characteristic features of their illness. Such a patient was however not useless to the scientific study of madness. In death, their bodies still held secrets to be extracted. Griesinger and his followers placed their faith in the idea that “pathological anatomy was the ultimate adjudicator” that would

reveal which disease had ‘really’ caused clinically observed symptoms. At the autopsy table, at last, the proper foundation of ‘true, i.e. anatomic diagnosis’ could be established. Autopsies were no exercise in satisfying the curiosity of the physician or in collecting specimens, but rather important means of improving diagnosis of living patients and expanding medical knowledge of the ‘essence’ of mental diseases.⁹⁷

⁹⁴ Ibid, p. 64

⁹⁵ Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Cornell University Press, 2004. p. 64

⁹⁶ Ibid, p. 132

⁹⁷ Quoted in: Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Cornell University Press, 2004. p. 97

Generally, the patient, after having been observed in their acute phase at the clinic, could be sent away to the long-term asylum until their death, at which point their body belonged to the state that had provided them free medical care in life (with or without their consent) and could be sent back to the clinic for anatomic examinations. The market in bodies was healthy, and Flechsig was perhaps its most avid trader. After all, it was in the pathological institute at the University in Leipzig in the 1870s that he made his myelogenetic discovery when dissecting the brains of infants. In language even stronger than Griesinger's, he placed his faith in the belief that "the exaltation of cadaver reports offers the most direct path towards advancing the recognition of lawful dependence relations between mental disorders and brain anatomy."⁹⁸ Flechsig instituted in his clinic a "Politik der Leichen" or, a policy of cadavers. This meant in the first place offering free beds to attract more patients, some of whom were hopefully those chronic patients "whose demise is to be expected in the foreseeable future (in order to obtain the largest possible stock of anatomical material)."⁹⁹ The lifeless body, the corpse, splayed out with its nerves and organs exposed becomes the prism through which the living patient can be made intelligible. Her behavior, his thinking, their words become meaningful only when written in the language of cadavers.

This is why Schreber feels to urge to repeat the incantation "I am the first leper corpse and I lead a leper corpse"¹⁰⁰ and why he passionately feels that God "completely misunderstands the needs of an actually living body and treats me like a soul, sometimes like a corpse."¹⁰¹ There is no metaphor (and certainly no delusion) here: Schreber was being treated like a corpse by a psychiatrist who fashioned himself a God in control of his (now) mechanized soul. Soul murder, "to take possession of another person's soul in order to prolong one's life at another souls expense, or to secure some other advantages which outlast death"¹⁰² is Schreber's ingenious name for Flechsig's gaze and the medical practice that corresponded to it that both reduced him to a corpse and saw scientific and economic value in this reduction. The mad judge pointed his finger at this vampiric God whose nobility and status as a scientist had its origins in the corpse-

⁹⁸ Quoted in: Stingelin, Martin. "Die Berechnung Der Menschlichen Seele." *Wunderblock: Eine Geschichte Der Modernen Seele*, edited by Jean Clair et al. Wiener Festwochen, 1989, p. 301. [author's translation]

⁹⁹ Quoted in: Ibid, p. 301

¹⁰⁰ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 94

¹⁰¹ Ibid, p. 278

¹⁰² Ibid, p. 33

stuffed warehouses and pathological laboratories acting as makeshift graveyards for civilization's most valuable miscreants and justly leveled the accusation of "soul murder."

Soul murder, or *Seelenmord*, was, however, not a term of Schreber's creation. The concept had already been used by the jurist Anselm von Feuerbach (1775-1833) in a famous book on Kasper Hauser, which Schreber was very likely to have read, as a legal term, even making reference to it in the title: *Kaspar Hauser, Beispiel eines Verbrechens am Seelenleben des Menschens* [*Kasper Hauser, An Example of a Crime Against the Life of the Soul of Man*]. Feuerbach tells the story of Hauser, a famous boy who was believed to have been raised in a dungeon, deprived of conversation or education. He first mentions the concept of "soul murder" when drawing up a list of crimes committed against Hauser (if, in fact, the information of the case was correct) where he uses it to describe the crime of sensory and experiential deprivation. This brings us full circle back to Schreber's indictment against Flechsig that he committed an act of medical "malpractice,"¹⁰³ namely depriving Schreber of liberty and choice, which brings us to the question of law, or, more specifically, forensic psychiatry.

¹⁰³ Ibid, p. 9

Part III. Against the Judicial Murder Machine

While under attack from all the technological and mechanical supernatural happenings in Sonnenstein, Schreber tried and failed to end his tutelage and regain his liberty through legal means on several occasions until he fired his lawyers and took on the case himself, arguing, successfully, in 1902, that he ought to be at liberty without having to deny his beliefs. The law permeates (or perhaps given Schreber's language, haunts) the entirety of the *Memoirs*. It appears first of all in the background as the central theme of the author's life as a law student, as a graduate working on the codification of Imperial Germany's laws, as an appeals court judge, and finally as a Senate President of a county court. The law appears for the first time in the text as the foundation of the book itself and its reason for being: Schreber wrote the *Memoirs* not merely to recount his experiences, but as a legal document to support his decision "to apply for my release from the Asylum in the near future in order to live once again among civilized people and at home with my wife," specifically, in order to give "an approximate idea at least of my religious conceptions, so that they may have some understanding of the necessity which forces me to various oddities of behavior, even if they do not fully understand these apparent oddities."¹⁰⁴ Daniel Paul Schreber was not only the object of the new psychiatric reductionism represented by Emil Flechsig, but also of forensic psychiatry, and his mechanical cosmology must be understood as having been influenced by this dual power. Within the text itself, the law is alluded to through legal phrases, through the juristic phraseology employed to describe God's actions and the actions of his deputized agents, and in a number of anecdotal references to specific laws, lawyers, and judges. Finally, the law is the structuring connecting element of the majority of the appendixes to the text, which include the essay on forensic psychiatry, the documentation of Schreber's court proceedings, and Guido Weber's medical testimony. In keeping with the theme, I will only focus on the legal allusions in the *Memoirs* that pertain to the symbolism of mechanistic thought. I will look at Jakob Mohr's *Jus-tizmord*, along with two seemingly non-legal aspects of Schreber's cosmology in light of his legal thinking to show how deeply legal matters permeated his thinking: the "fleetingly-improvised-men" and the never concluded transition into femininity.

The forces Schreber and, returning now also to the madman who opened this text, Jakob Mohr, accuse of mechanism, of both imposing a rote way of life on others and being in themselves constituted by rote thinking, of both arranging others to perform their pre-determined repertoire of motions and acting in an unimaginative pre-deter-

¹⁰⁴ Ibid, p. 15

mined way are eminently public: the courts and the police, men of medicine and psychiatry. When these two present legal actors in a negative and mechanical light, it is not derived from the wish to illuminate global conspiracies nor to share visions of technological dystopias: neither speak of the rise of the robots, the loss of the organic natural world, or the succumbing of mankind to the forces of the artificial; nor of technocrats plotting their takeover, hidden from view in a fortress or cellar. The introduction brought to light examples from a history of using mechanics and robotics to understand, and to transform, the body, human behavior, reason, and emotion. As these psychiatric inmates see it, the machinations of public officials, whether in law or medicine, happen in plain sight for all to see. What is lost by characterizing as pathological the discourse of the mad — which is also to say private, pitiful and ultimately without coherent reference— is the concrete political dimension. The biographical is recounted solely to explicate their ultimately physiological or psychological “issue”, wholly supplanting the political, and quite radical, elements of their works —elements Schreber and Mohr placed front and center.

Jakob Mohr’s image of a “judicial murder” scene stages the operation of law as one of extreme efficiency and senselessness, all in the service of a repetitious central act of brutality. Stripped of the protections of due process or legal rights, the law appears as a machine that processes the defendant as raw material for the continuation of its operations. What does Mohr have in mind here? Is this merely a psychotic phantasm, or is it possible to read it as a metaphor, or even as a literal legal machine? First of all, the idea of the law-machine is not the creation of insane asylum inmates of the past. For Thomas Hobbes (1588-1679) in England, all life was

but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body, such as was intended by the Artificer?¹⁰⁵

Hobbes’ evocation of an automaton world is in no way original, and differs only in its details from that of the other mechanists. This passage would be unremarkable were it not for *where* it appears, for this is not yet another physiological text, but the beginning of *Leviathan*, a political manifesto advancing the pro-royalist cause. Machine-Man becomes the elementary figure for a justification of royal sovereignty: because man himself is wholly artificial, being a clockwork aggregate of wheels and springs created by a craftsman God, it is wholly in his power to institute yet another artifice to bind him to other men politically. Hobbes leans hard into the arbitrary nature of sovereign legal

¹⁰⁵ Hobbes, Thomas. *Leviathan*. Edited by Aloysius Patrick Martinich and Brian Battiste. Broadview Editions, 2011, p. 7

power, making no appeals to its “natural” necessity nor its theological providence. Left alone, the Machine-Man pursues his desire at his own risk, immediately, and at the potential detriment of all those around him, making the production of an artificial power directing these desires from above a necessity:

For by art is created that great Leviathan called a Commonwealth, or State (in Latin, *Civitas*), which is but an artificial man, though of greater stature and strength than the natural, for whose protection and defence it was intended; and in which the sovereignty is an artificial soul, as giving life and motion to the whole body; the magistrates and other officers of judicature and execution, artificial joints; reward and punishment (by which fastened to the seat of the sovereignty, every joint and member is moved to perform his duty) are the nerves, that do the same in the body natural.¹⁰⁶

Hobbes does not so much replace the *body politic* that served as the dominant political metaphor of the state as he does *mechanize* it, scaling up and analogically setting the acts of the sovereign into the same determined and efficient chain of cause and effect as the now automatic body. King Frederick II “the Great” of Prussia (1712-86) adopted this Hobbesian clockwork aesthetic closer to home for Schreber and Mohr:

As an able mechanic is not satisfied with looking at the outside of a watch, but opens it, and examines its springs and wheels, so an able politician exerts himself to understand the permanent principles of courts, the engines of the politics of each prince, and the sources of future events. He leaves nothing to chance; his transcendent mind foresees the future, and from the chain of causes penetrates even the most distant ages. In a word, it is the part of prudence to know all things, in order that all things may be judged, and every precaution taken.¹⁰⁷

Here the clock analogy serves to produce two distinct political images: one situates the sovereign as a mechanic repairing the affairs of his political territory like the clockmaker repairs the watch; the second makes this repairing an act of providence so thorough that these “future events” happen as if from a perfected chain of cause and effect, in other words, like clockwork.

King Frederick is here one of the last of the politicians or jurists who used this metaphor in a positive way. The evocation of the notion of “judicial machines” has mostly served polemical purposes in the history of law, appearing in the works of positivist jurists with the intent to mock their more bookish and idealistic colleagues, as in German jurist Rudolf von Jhering’s 1884 “Im juristischen Begriffshimmel. Ein Phantasiebild,” translated by Charlotte L. Levy as “In the Heaven For Legal Concepts: A

¹⁰⁶ Ibid, p. 7

¹⁰⁷ Quoted in: Mayr, Otto. *Authority, Liberty & Automatic Machinery in Early Modern Europe*. Johns Hopkins University Press, 1986. p. 108

Fantasy.” In Jhering’s narrative juristic satire, a lawyer dies and is sent to one of many “concept heavens” (*Begriffshimmel*) where all practical applications of the law never come into question. In fact, discussion of real cases and trials is absolutely forbidden. Instead, only the pure, unsullied word of the law itself is considered for all eternity. To facilitate this contemplation, and to have competitions testing their erudition, the legal angels employ a number of “jurisprudential machines:” a fiction machine about which the angel has nothing to say; a machine for constructing contracts; a “dialectic-hydraulic interpretation press” for injecting “thoughts, hypotheses, and limitations”¹⁰⁸ into a legal passage; a dialectic drilling machine for the “mechanical realization of problems;” and finally the hair-splitting machine that can cut hairs in 999,999 parts. Naturally, Jhering is poking fun at other jurists who believe the law can be reduced to what he pejoratively labels the “mathematics of law.”¹⁰⁹ Elsewhere, Jhering names this the “purely mechanical” application of law, where, in the face of “the infinite variety and manifold formation of cases,”¹¹⁰ the judge is expected to automatically apply the letter of the law according to a precise formula and chain of precedent.

Jeremy Bentham, too, polemicized against this particular juridical methodological fallacy, where judges operating perfectly in according with legal rules as if they were the technical laws of a machine are like “men without feeling, operating upon others as if they had none.”¹¹¹ The judge, having “thus converted himself into a machine” avoids having to take on any responsibility for his actions, since he works by making “decision without thought.”¹¹² Under the sign of the principle of unambiguous decision, his courtroom comes to resemble clockwork above all else. This thematic survived through the 20th century, as in the work of the psychoanalytically tinged judge Jerome Frame, especially in his work *Courts on Trial*. Like Bentham and Jhering, Frank is appalled by the overly technical procedural logic accepted by some of his colleagues who seem to think that the law proceeds automatically from basic, uncontroversial rules. What these authors are suggesting through their use of the rhetorical device of the judging-machine is that such a practice is an aberration from the norm, a perversion of their pro-

¹⁰⁸ Jhering, Rudolf von. “In the Heaven for Legal Concepts: A Fantasy.” Translated by Charlotte L. Levy. *Temple Law Quarterly* 58,, 1985, p. 808

¹⁰⁹ *Ibid*, p. 815

¹¹⁰ Jhering, Rudolf von. *Law as a Means to an End*. The Boston Book Company, 1914, p. 295

¹¹¹ Bentham, Jeremy. *The Works of Jeremy Bentham, published under the Superintendence of his Executor, John Bowring* (Edinburgh: William Tait, 1838-1843). 11 vols. Vol. 7. 9/9/2019. https://oll.libertyfund.org/titles/1998#Bentham_0872-07_2426. Web.

¹¹² *Ibid*, web.

fessional ethics, and a deviation from the sober realities of the cases that enter the judge's purview. The ethical judge, by contrast, has some humility by recognizing the limitation of the letter of the law in actual practice and in the face of real cases. He maintains in this way an openness and an ethical devotion to the facts of the matter in all their complexity, entailing a consideration of all parties' perspectives, an acknowledgment of the limitations of narrative evidence and fallibility of memory, of the possibility of forgery, the influence of ideology and personal motives, and other complicating factors that may make an immediate, uncontroversial decision impossible.

The thematic of the legal machine, however, has a much more material history as well: the guillotine. Here, we are dealing with a literal machine of the law that undoubtedly influenced legal thinking but perhaps also psychiatric theory at a pivotal turning point in both the modern legal tradition and modern psychiatric practice. For the French revolutionaries, discretion and difference in law was seen as hierarchical, unfair, and arbitrary while the technical operations of a law-machine appeared as an impersonal departure from torture, quick, and above all an equalizing act, at least in death. It is this imagery that appeals to the more rule-bound lawyers like John Dickinson who attest that legal rules (in some cases) ought to be applied "with the deadly inevitability of a guillotine."¹¹³ Laure Marat, in her *The Man Who Thought He Was Napoleon*, finds resonating tendencies in the development of law and psychiatry pointing to an opposing trend in machinic iconography centered on the guillotine as a democratizing measure. "It is hardly surprising" she writes,

that the guillotine became what Dr. Georges Cabanis called "the standard" of the Revolution, indeed was an emblem synonymous with the Terror. The Revolution severed the past, amputating diseased limbs from the body of the state, accomplishing an inevitable separation. The guillotine superbly exemplified and epitomized the vital need for rupture, which constituted the condition—and promise—for remaking the world. As a modern machine derived from the laws of geometry and gravity, it promised an egalitarian, democratic death.¹¹⁴

The old world would be undone — along with its hangings, drownings, and crucifixions — at the hands of the modern beheading machine, and man would be remade in the rationalizing display of the criminal meeting his just demise not at the hand of another citizen, the executioner, but by the machine — a classless and undifferentiated mechanism. The guillotine represented the republican power of reasoned legislation

¹¹³ Dickinson, John. "Legal Rules: Their Function in the Process of Decision." *University of Pennsylvania Law Review and American Law Register* 79, no. 7, May 1931, p. 847

¹¹⁴ Murat, Laure. *The Man Who Thought He Was Napoleon: Toward a Political History of Madness*. University of Chicago Press, 2014, p. 27

based in scientific, medical, and technical advances over the old regime's autocratic and arbitrary system of punishment grounded in class distinction and wealth.

Behind the obvious semantic connection between "losing one's head" in madness, and the literal decapitation of the guillotine, Murat suggests there were other connections being made in the rapidly changing field of law and the exciting horizon of psychiatry as administrative statecraft. It was Joseph-Ignace Guillotin (1738-1814), a physician of the National Assembly, who is credited with the introduction of this "simple mechanism" into law. Thus it was medicine that, in Murat's terms,

laid down the terms of debate: What is torture? What do convicts deserve? Should death be painless? Does consciousness outlive the flesh? What is a divided "self"? This, indeed, is the very site of the origin of the medical approach to madness: the invention of psychiatry.¹¹⁵

And psychiatry's origins were found at the site of the guillotine in more ways than one. Phillipe Pinel, the man credited with "freeing the lunatics from their chains" was present at the beheading of King Louis XVI, and was thus witness to a rather extreme spectacle of both the severance of France from its past, and the leveling of the social field and the abolishment of special punishments and privilege. "Psychiatry and the guillotine" writes Murat

share an attachment to the link between head and body (whether joined or separated), to the integrity of self and consciousness. Both were conceived and delivered by the medical corps, both were part of a political project seeking to reform humankind and make society healthier.¹¹⁶

Just as arbitrary punishments reminiscent of royal rule would be severed along with the King's head, so too would the callous and undifferentiated incarceration of the insane come to an end, so that they may be recognized as sick. Such a distinction would inspire not only humanistic psychiatrists like Pinel to cut the chains holding the insane, but forensic psychiatrists to attest on the behalf of those who cannot represent themselves in a court of law.

Since then, and throughout the majority of their histories continuing through to today, the relationship between law and psychiatry has been characterized as one of exclusion. If one is mad, they cannot be legally responsible and ought instead be subject to some other form of regulation or treatment. Before the arrival of modern psychiatry, courts in Europe could use the "wild beast" test to determine legal responsibility. It was

¹¹⁵ Ibid, p. 31

¹¹⁶ Ibid, p. 34

believed that the *furiosi*, the *raving lunatics*, shared a mental constitution with that of the low beasts. The only possible test would then be to look for the madman who would, as described by English general physician Richard Mead, “. . . attack his fellow creatures with fury like a wild beast.”¹¹⁷ This beast is presumed to be compelled by savage passions to lash out and express its inner torment in bursts of incoherent babble. Thomas Willis, in his *The Practice of Physick: Two Discourses Concerning the Soul of Brutes*,” occupies an intermediary position between the bestial and machinic theories of the mad —or those who suffered from “many Diseases, as of the Phrensie, Lethargy, Vertigo, Madness, Melancholy, and others”— when he posited that they had the soul of a “brute” whose every action happened “as [if] it were an artificial Motion of a Mechanical Engine.”¹¹⁸ One would have had to be in a state of frenzy to be exempted from the court’s law. An underlying justification for the exclusion of the mad from punishment was contained in the phrase “‘furiosus solo furore punitur,’ a lunatic is punished by his madness alone [...] originally [...] applied by the legal analysts as a rationale for exculpation.”¹¹⁹ The person who had lost all sense and was trapped in the throngs of animal compulsions was punished enough by nature or God, not to mention the beatings, purging, hydrotherapy, and confinement that dominated treatment regimens. The tests have changed, becoming more sensitive to momentary lapses of judgement and losses of reason, but the act of exempting a person from the punishments determined by law on account of unreason —despite its rarity— remains a boundary separating the legal citizen from the insane.

An early iteration of what has come to be called the insanity defense was issued in the 10th century by king Aethelred in England: “He who is an involuntary agent of his misdeeds should be entitled to clemency and better terms owing to the fact that he acted

¹¹⁷ Mead, Richard. *Medical Precepts*, 74–75. Quoted from Scull, Andrew. *Social Order/Mental Disorder: Anglo-American Psychiatry in Historical Perspective*. University of California Press, 1989. <http://ark.cdlib.org/ark:/13030/ft9r29p2x5/> p. 58

¹¹⁸ Willis, Thomas, and Samuel Pordage. “Two Discourses Concerning the Soul of Brutes Which Is That of the Vital and Sensitive of Man. The First Is Physiological, Shewing the Nature, Parts, Powers, and Affections of the Same. The Other Is Pathological, Which Unfolds the Diseases Which Affect It and Its Primary Seat; to Wit, the Brain and Nervous Stock, and Treats of Their Cures: with Copper Cuts. By Thomas Willis Doctor in Physick, Professor of Natural Philosophy in Oxford, and Also One of the Royal Society, and of the Renowned College of Physicians in London. Englished by S. Pordage, Student in Physick.” *Text Creation Partnership*, University of Michigan, July 2003, name.umd.umich.edu/A66518.0001.001. Web.

¹¹⁹ Polsky, Samuel. “Present Insanity - From the Common Law to the Mental Health Act and Back,” 2 *Vill. L. Rev.* 504, 1957. <http://digitalcommons.law.villanova.edu/vlr/vol2/iss4/4>, p. 509

as an involuntary agent.”¹²⁰ Later, Edward Coke, author of the *Institutes of the Lawes of England*, similarly held in 1603 that because a madman is lacking in mind and reason, he is therefore “incapable of felonious intent.”¹²¹

But it was first in 1724, *Rex V. Arnold*, that a judge set the legal precedent of the wild beast test. Judge Tracy explained his ruling in terms similar to Willis’: “A man that is totally deprived of his understanding and memory, and doth not know what he is doing, no more than an infant, than a brute, or a wild beast, such a one is never the object of punishment.”¹²² It should be noted that the prescriptions recounted thus far were neither tests nor laws but legal principles that ultimately left the decision up to the discretion of the judge. A standardized legal test wasn’t codified in law until the English McNaughtan¹²³ test was established in 1843, which was soon taken up in most of the United States. After McNaughtan, “[t]he defendant may be acquitted if, at the time of the act, he did not know the nature and quality of the act or did not know if it was wrong.”¹²⁴ Some states included an “irresistible impulse” test in addition to the rule, “which provides that the defendant should be acquitted if his act was the result of an irresistible impulse.”¹²⁵ The Model Penal Code, published by the American Law Institute in 1962, exempted the lawbreaker who “lacks substantial capacity to appreciate the criminality of his conduct or to conform his behavior to the requirements of the law.”¹²⁶ This slight shift in language, adding the word “substantial” and substituting “appreciate” for “know”, was intended to make the court tests more sensitive to the ways in which a defendant can be emotionally or morally incapable of understanding the import of the law beyond intellectual cognition of its meaning.

¹²⁰ A.J. Robertson’s translation in her *Laws of the Kings of England*, VI Aethelred 52 (Cambridge, 1025) Quoted from Turner, R.E. “Psychiatry and the Law.” *Osgoode Hall Law Journal*, vol. 11, no. 1, 1973, p. 159

¹²¹ *Beverley's Case* (1603) 4 Coke’s Reprint 123b; 76 Eng. Rep. 1118. Quoted from Frederick J. Hacker and Marcel Frym, “The Legal Concept of Insanity and the Treatment of Criminal Impulses,” 37 *Calif. L. Rev.* 575, 1949, p. 577

¹²² Perlin, Michael L. *A Prescription For Dignity: Rethinking Criminal Justice and Mental Disability Law*. Routledge, 2016. p. 167

¹²³ Spellings vary on the name of this defendant. I am using the version I have encountered most often, especially from contemporary authors.

¹²⁴ Stern, Helen H. “Madness in the Criminal Law.” *Temple Law Quarterly* 40, 1967. p. 351

¹²⁵ *Ibid*, 351.

¹²⁶ Quoted in Perlin, Michael L. *A Prescription For Dignity: Rethinking Criminal Justice and Mental Disability Law*. Routledge, 2016. p. 172

What must be determined in a case involving insanity is not whether or not in fact a crime was committed by the defendant, but rather their knowledge of its wrongness, their *mens rea*, or their capacity for grasping its import. John Hinckley Jr.'s trial solidified the idea in the public imaginary that the insanity defense constitutes a "loophole" in the American legal system, despite the rarity of the insanity plea, and the even more significant rarity of its success. Yet the fact that, among all the various contingencies and accidents of life, insanity is the only category to warrant special tests and operational procedures probably explains why these trials have long aroused great interest in the public, which is equally horrified and fascinated by the deeds of insane criminals and their eventual fate.

The psychopath is the modern figure that is tasked with embodying the place between the division of pity and hate, or between treatment and retribution, as reflected in the division between the "mad" and the "bad." The Model Penal Code both recognized and explicitly excluded a class of insane criminals from making use of the insanity defense in the clause that excludes any "abnormality manifested only by repeated criminal or otherwise antisocial behavior."¹²⁷ The psychopath/sociopath is not alone in performing this balancing act. The father of American psychiatry Benjamin Rush (1746-1813) theorized that a number of mental disorders stemmed properly a deficiency in the moral faculty, a theme taken up first by Pinel's pupil, Jean-Étienne Dominique Esquirol (1772-1840) who coined the diagnostic term "monomania" to comprise a form of insanity without delirium or fever, and where the majority of the mind's faculties remained normal. In short, the partial insanity monomania could potentially express all perversions, peculiarities, and errors.¹²⁸ The structural ambiguity of the term, its quasi-medical nature lacking all the normal signs of physiological symptomology, combined with its appearance in a highly charged political atmosphere facilitated its rapid transition into the courts and political debates of the time where it could be "used to label all alien and strange actions, every departure from the social norm, as a form of insanity, as a disease. Conversely, this concept could also serve the interests of an individual. It enabled the psychiatrists to exculpate defendants on trial."¹²⁹ James Cowles Prichard (1786-1848) advanced the most prevalent modern view of partial insanity — that of psychopathy — when he coined a term that was to represent a new grouping of mental

¹²⁷ American Law Institute. "Model Penal Code." 2017, ia800102.us.archive.org/29/items/ModelPenalCode_ALI/MPC%20full%20%28504%20pages%29.pdf, p. 79

¹²⁸ Hunter, Richard, and Ida Macalpine, editors. *Three Hundred Years of Psychiatry: 1535-1860; a History Presented in Selected English Texts*. Carlisle, 1982, p. 735

¹²⁹ Dörner Klaus. *Madmen and the Bourgeoisie a Social History of Insanity and Psychiatry*. Translated by Joachim Neugroschel and Jean Steinberg. Blackwell, 1986, p. 150

disorders and made specific recommendations to its usage in court: “moral insanity.” With this concept, Prichard introduced the notion that one afflicted with this moral insanity was not intellectually “deluded,” but suffered from a loss of willpower over his actions or train of thought that “impels the person into motiveless, revolting criminal activity.”¹³⁰ Here, it seems, the questions of lunacy specific to the problems and practice of forensic psychiatry produced its very own type of madness characterized solely by the presence or absence of the one element the courts were concerned with identifying: impulsivity. Underlying these theories lies an assumption that the emotional, moral, and willing capacities of human beings are all of distinct orders, and that one alone, or even merely portions of it, can be pathologically affected without tarnishing the others.

On the 26th of June, 1800, the Lord Chancellor Thomas Erskine (1750—1823) changed the course of forensic psychiatry in what was truly the trial of the century. James Hadfield was accused of having attempted to murder King George III, and was being tried for high treason. Erskine’s defense was that Hadfield was *delusional*, and that his violent behavior sprung from the wellspring of that delusion, and nowhere else. Erskine’s defense hinged on the idea that a delusional world picture would first of all alienate the victim from consensual reality and the normal chain of cause and effect, and second, that their acts were “the *immediate, unqualified offspring of the disease*.”¹³¹ Such a madman, living with an unchangeable false perception of the nature of the world, is “impelled” to act by the “*irresistible*” force of his phantasms.

Nearly 100 years later, delusion became the centerpiece of Guido Weber’s medical testimony in Schreber’s legal competency trial in 1899 and 1900.¹³² Schreber was there diagnosed by Weber (and later by Freud) with “paranoia,” something today considered a symptom of various psychotic and personality disorders, but was then a diagnostic entity all its own. Paranoia was defined by Emil Kraepelin, the premier nosologist of his time whom Schreber quotes frequently throughout the *Memoirs*, as a subtype of Dementia Praecox (what would eventually become schizophrenia) differentiated by other types by an internally rational and fixed delusional world view. One sees in Weber’s tes-

¹³⁰ Eigen, Joel Peter. “Delusion in the Courtroom: the Role of Partial Insanity in Early Forensic Testimony.” *Medical History* 35, no. 1, 1991, p. 37

¹³¹ Hunter, Richard, and Ida Macalpine, editors. *Three Hundred Years of Psychiatry: 1535-1860; a History Presented in Selected English Texts*. Carlisle, 1982, p. 571

¹³² For an in-depth examination of the idea of “compulsion” in the court case, see: “The Souls of Daniel Paul Schreber.” *Voices of Reason, Voices of Insanity: Studies of Verbal Hallucinations*, by Ivan Leudar and Philip Thomas, Routledge, 2009, pp. 52–68.

timony how all the behavior of the paranoid patient is read in the light of this expansive diagnosis:

the patient is filled with pathological ideas, which are woven into a complete system, more or less fixed, and not amenable to correction by objective evidence and judgment of circumstances as they really are; the latter still less so as hallucinatory and delusory processes continue to be of importance to him and hinder normal evaluation of sensory impressions. As a rule the patient does not mention these pathological ideas or only hints at them, but it is evident how much he is occupied by them, partly from some of his writings (extracts of some are added), partly it is easily seen from his whole bearing.¹³³

Schreber's writings and "psychomotor symptoms"¹³⁴ (the bellowing and staring at the sun) are rallied into the central proposition that the entirety of Schreber's understanding and behavior in the world is pathological, down to her simplest ideas. In his second written testimony to the court, Weber's language becomes more forceful, acknowledging first that "Doctor Schreber" appears quite rational, can sit well among others at the dinner table and argue his position with equanimity and calm. The court should not lose sight, though, that, though he is rational, even peaceful, he is undoubtably delusional, and hence at the whim of arbitrary impulse:

the patient's decisions at a given moment are quite unpredictable; he may follow and turn into action what his relatively intact mental powers dictate or he may act under the compulsion of his pathological mental processes.¹³⁵

And what examples does Weber bring before the court? The desire to have the memoirs published and the desire to become a woman. Schreber has choice words for the medical examiner's line of argumentation: "*Oh, sancta simplicitas!*"¹³⁶ (*oh, holy naivety*). What Schreber very clearly grasped was that her diagnosis operated by reframing her words with the "*a priori* [...] tacit assumption"¹³⁷ that everything she said resulted from "pathological imaginings."¹³⁸ Essentially, the forensic psychiatrist's testimony *de facto* excluded all of Daniel's arguments from the outset, making it a matter not of arguments being made in the same central and equal battlefield, but of the position of the defen-

¹³³ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 333

¹³⁴ Ibid, p. 333

¹³⁵ Ibid, p. 347

¹³⁶ Ibid, p. 354

¹³⁷ Ibid, p. 394

¹³⁸ Ibid, p. 354

dant. In this battle of “*one assertion versus another*,”¹³⁹ the assertion of the medical director nullifies not just the argument of the defendant/patient, but his entire capacity for making truthful claims; in short, it nullifies him as a speaking subject and reduces him to absolute incommunicability.

What Schreber hit upon here, albeit in different words owing to circumstance, was something resembling Jakob Mohr’s image of the machine logic of the court facilitated by the expertise of the forensic psychiatrist. Before them, Erskine’s successful defense of Hadfield prompted a crisis: where was a violent, but not guilty, insane defendant to go? In answer, parliament quickly passed the 1800 Criminal Lunatics Act allowing for the indefinite incarceration of mad criminals, thus introducing a new fold in the relationship between psychiatry and law, one that didn’t reduce or change the carceral outcome. What these legal categories reveal is that the line between bad and mad is thin and negotiable. Prisoners who have long grasped this history of collisions and fluid boundaries have perceived that they are thought of as defectives, incapacitated by their evil compulsions even without a psychiatric diagnosis. George Jackson, for instance, discovered that the

textbooks on criminology like to advance the idea that prisoners are mentally defective. There is only the merest suggestion that the system itself is at fault. Penologists regard prisons as asylums. Most policy is formulated in a bureau that operates under the heading Department of Corrections. But what can we say about these asylums since *none* of the inmates are ever cured. Since in every instance they are sent out of the prison more damaged physically and mentally than when they entered. Because that is the reality.¹⁴⁰

On the professional side, one is always able to find psychiatrists willing to offer their assessment that “criminality is without exception symptomatic of abnormal mental states and is an expression of them”¹⁴¹ as well as judges who will declare that “all criminals are in some sense abnormal.”¹⁴² At this extreme point, psychiatry and the law form a vicious circle, drawing their definitions for criminal or insane behavior from one-another, where the difference between the “criminal lunatic” and the “insane criminal” is merely one of preference, or as indication of the point of entry into a single, continu-

¹³⁹ Ibid, p. 361

¹⁴⁰ Jackson, George. *Soledad Brother: The Prison Letters of George Jackson*, historyisaweapon.com/defcon1/soledadbro.html. Web.

¹⁴¹ Karpman, Benjamin. “Criminality, Insanity and the Law.” *Journal of Criminal Law and Criminology* 39, no. 5, 1949, p. 584.

¹⁴² This was judge Caverly’s phrase in the Leopold and Loeb trial, quoted from Johnathan Simon, “‘A Situation so Unique That it Will Probably Never Repeat Itself’: Madness, Youth, and Homicide in Twentieth Century Jurisprudence.” In *Law’s Madness*. Sarat, Austin, et al., editors. University of Michigan Press, 2006, p.106

ous, though differentiated apparatus of control. Perhaps most telling is the diagnosis of “vexatious paranoia,”¹⁴³ which signifies a form of paranoia characterized and evinced by one’s overindulgence of their legal rights in the court system.

Being objects constituted and acted upon by both legal and psychiatric power, Schreber and Mohr occupy a unique vantage point from which to analyze the differences and similarities between the two, as well as the function of their offspring, forensic psychiatry. This field received wide unwanted attention at the turn of the century in Germany in the “antipsychiatry” movement due to several high-profile cases, including Schreber’s, that seemed to suggest that psychiatric professionals were involuntarily committing harmless individuals considered insane. In a speech in 1886, Flechsig leveled a mild and careful criticism of his colleagues who “are guilty of the error . . . of unjustifiably generalizing single observations,”¹⁴⁴ namely that *all* persistently litigious individuals are paranoid. Naturally, his neuroanatomical method would eventually solve these issues, since then only those with verifiable brain diseases would be involuntarily treated. Eric Santner and Zvi Lothane suggest that Schreber felt betrayed by the gap between Flechsig’s publicly held criticisms of the overreach of forensic psychiatry and his role in Schreber’s continued incarceration.¹⁴⁵ Both Schreber and Mohr, albeit in radically different registers, added their voices to this choir with more radical claims than those of the mainstream antipsychiatry movement: by portraying the court outfitted with forensic psychiatrists as a vicious machine, they bring us back to the guillotine’s dramatic scene and ask whether there really was established, on the one hand, a meaningful distinction between the mandates of criminal law and psychiatry; and, on the other hand, whether either can justifiably claim to have unmoored itself from the insensitive procedural logic based in rational abstractions and the inhumane violence of their practice they project into their pasts. For them, the penal machine is plugged into itself and has miraculously, through the intervention of psychiatry, achieved perpetual motion.

Where lies the promised antagonism between psychiatric treatment and penal rehabilitation? At their most polemical, the psychiatrist before the law appears as an obscurantist, a snake oil salesman with the magical authority to decide on matters of normal

¹⁴³ See: Lévy, Benjamin. “From Paranoia Querulans to Vexatious Litigants: a Short Study on Madness between Psychiatry and the Law. Part 1.” *History of Psychiatry* 25, no. 3, 2014, p. 299–316.

¹⁴⁴ Quoted in: Santner, Eric L. *My Own Private Germany*. Princeton University Press, 2001, p. 78

¹⁴⁵ Santner, Eric L. *My Own Private Germany*. Princeton University Press, 2001, p. 78–9 and Lothane, Zvi. *In Defense of Schreber: Soul Murder and Psychiatry*. The Analytic Press, 1992, p. 237–8

and abnormal; the judge before the psychiatrist looks like a tyrant and a moral absolutist with no capacity to think of the sensitive things of mind and health. The judge demands The Truth; they only want to know whether or not the person is sane or not sane. The psychiatrist, in contrast, sees the grayness of the world and “regards all stories as ‘true’ to some degree,” that is, insofar as they reflect the character or reputation of the person in question, which, in turn, reflect upon the “truth” of the matter at hand.¹⁴⁶ The American psychiatrist Karl Menninger (1893-1990) sardonically, and with a palpable tone of moral superiority, contrasted the law’s aims with those of the psychiatric profession in his *The Human Mind*:

Responsibility in the legal sense means punishability. The sense in which responsibility is used is an echo of the antiquated legalization of primitive and infantile reactions known as the talion law. In other words, 'He hits me, so I hit him' (in spite of the scriptural adjuration that vengeance is the Lord's).

A scientist does not wish to participate in the ritual of punishment, though he has a professional interest in observing how it gratifies the craving of the crowd for atonement through vicarious suffering. For his patients the psychiatrist seeks, not punishment, but treatment. [...]

The public is reluctant to trust the criminals to the psychiatrist because they do not want to be robbed of their satisfaction in wreaking vengeance upon the criminals; they do not want to have scientific methods applied, even though to do so might be to the ultimate good of all. Emotions are more powerful than intelligence.¹⁴⁷

Julien Offray de La Mettrie characteristically takes this to an extreme limit, positing that only physicians can correctly judge matters of right and wrong since “only physicians could tell the innocent criminal from the guilty one” because all crime is “dictated by the person’s temperament in such a way that he couldn’t help acting as he did.”¹⁴⁸

What is presented as the opposition between medicine and the law is not a conflicting notion of deviancy, but a conflicting notion of its eradication and the defense of society. Lawrence Freedman, a forensic psychiatrist who helped draft the Model Penal Code, remarked, in a more conciliatory tone, on the underlying agreements between the principles of his profession and the courts:

Neither discipline can therefore be understood without some knowledge of the development and orientations of the other, for their influence is reciprocal and complementary. Both psychiatry and law are concerned with the social deviant, the person who has violated the ‘rules’ of society and whose behavior presents a problem [...] Traditionally,

¹⁴⁶ Lunbeck, Elizabeth. “Narrating Nymphomania Between Psychiatry and the Law.” In *Law's Madness*, edited by Austin Sarat et al. University of Michigan Press, 2006, p. 52

¹⁴⁷ Menninger, Karl. *The Human Mind*. Quoted in: Frederick J. Hacker and Marcel Frym, “The Legal Concept of Insanity and the Treatment of Criminal Impulses”, 37 *California Law Review*, 1949. p. 581

¹⁴⁸ La Mettrie, Julien Offray de. “Man-Machine.” Translated by Jonathan Bennett, *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/lametttrie1748.pdf. p. 17-18

the psychiatrists' efforts are directed toward elucidation of the causes and, through prevention and treatment, reduction of the self-destructive elements of harmful behavior. The lawyer, as the agent of society, is concerned with the fact the social deviant represents a potential threat to the safety and security of other people in his environment.¹⁴⁹

What Freedman gives voice to here is that, despite their points of contention, neither psychiatrists nor legal actors are able to resist the advantages that come with working together since, as Robert Menzies and Dorothy Chunn put it,

the introduction of psychiatric expertise into the courts does not, in practice, dilute the power of criminal law. To the contrary, by conferring a legitimizing set of scientific discourses and practices upon penal sanctions, the forensic professional serves as a medium for the mutual immersion of medicine and justice into a hybridized control network that is far more potent than either in isolation.¹⁵⁰

The psychiatrist brings a moral authority to the proceedings, which face the possibility of otherwise being characterized as bureaucratic or authoritarian. Suddenly the abnormal defendant is called to defend not only their actions, but additionally their reputation and character for the ways in which the latter may influence the former. Feeling they are not only remiss in having infringed upon the law, such defendants must grapple with the extra pressure of being constituted as a moral aberration, a monster. The image of the defendant with handcuffed hands, a mark of their captivity and criminality, is supplemented with the image of the person observed in a cell by doctors with clipboards, tracing the fibrous interactions of the flayed body at its extremities through its reactions to therapies and medications. The psychiatric hypnotic influencing-machine extracts information from the most trivial of details (are they the type of person to call their mother often? do they watch violent horror movies alone in the basement at night? does their hand tend to twitch? does their smile seem forced?) to create the monstrosity of criminal lunacy and moral depravity.

This is why the question of the law, Flechsig's psychiatric authority and practice, theological questions of God's power and the mechanical tools and frameworks each of these make use of are so thoroughly mixed together in the *Memoirs*. The gray area between law and psychiatry could not, for the defecting judge-turned-trans-psychiatric-patient, be considered a thin line on otherwise solid ground, but appeared as a trench in dark waters, where the relationships between the apparently oppositional professions suddenly became mysterious according to their own rationalities, joined as they

¹⁴⁹ L. Freedman, "Forensic Psychiatry." In *Comprehensive Textbook of Psychiatry*. Edited by Freedman & Kaplan. The Williams & Wilkins Company, 1967, p. 1588. Quoted In Turner, R.E. "Psychiatry and the Law." *Osgoode Hall Law Journal* 11, no. 1, 1973, p. 158

¹⁵⁰ Menzies, Robert, and Dorothy E. Chunn. "Charlotte's Web: Historical Regulation of 'Insane' Women Murderers." *Women, Madness and the Law: a Feminist Reader*. Routledge, 2017, p. 87

were in their collaborative efforts to render the life of their objects mechanical and insensible. I have indicated some of the ways in which law and psychiatry operate together, finding some points where the machines link up to form feedback loops that ultimately bolster a logic of confinement.

It is of interest to point out in this capacity that embedded notions of legal personhood and models of citizenship based on Western legal definitions of the individual are more responsible for popular depictions of insanity, especially following mass shooting events or in films. Indeed, the common notion of “insanity” as an illness affecting one’s capacity for self-control — and all the questions surrounding compulsion versus choice, chosen action versus passive victimization — more closely resembles the legal definition of lunacy than the endless lists of symptoms presented in psychiatric diagnostic manuals, which don’t emphasize this notion outside of the definition of Obsessive Compulsive Disorder (a disorder that more commonly brings to mind excessive hand washing and eyebrow plucking than acts we would normally consider criminal). The courts only want to know: “Did you do it or not? Were you forced to do it, or choose to?” Madness, in this popular legal conception, resembles a switch commanding some internal force that *makes one do something*, hence its meaning is first and foremost functional. The psychological mechanisms involved in such a force are irrelevant. How mad someone is depends on how well they can control these compulsions and how socially abnormal the compulsive actions are. We take for granted that we are essentially, when it comes down to “the deed,” rational, independent, self-contained individuals: predictable, with firm command over our affects. Essentially, we are active and capable people. We act when we want to. We follow the demands of our environment, as determined by our rational, overhanging view of things. If rays from the sun-god influence one’s movements, if machines assault one with hypnotic rays, or if birds speaking Greek in one’s ears drive them to self-harm, such a person is said to resemble an automaton, reacting automatically to phenomena imperceptible to others. How could such a person be held responsible for their actions? If I told you this text up to this point was dictated to me by a bird with a singular interest in forensic psychiatry, would I still be the author of this text?¹⁵¹

But why approach this complicated set of problems through “influencing machines” and “writing-down-systems?” Why did Schreber feel it necessary to “speak much in images and similes, which may at times perhaps be only approximately correct”¹⁵² in-

¹⁵¹ I will neither affirm nor deny this possibility.

¹⁵² Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 16

stead of the standard jurisprudential discourse? Lacking the operational distinction between mad and bad it claims to sustain, and which stands at the origin of the figure of the rights bearing individual, the law imparts its solidity through its representations, for instance of scales and pillars: strong physical objects with the clear and well-defined historically delineated metaphorical meanings of balance and foundation that take shape in the courts. One can easily point to where the law takes place (the court), who are the actors involved (judges, lawyers, defendants, etc), what the source of authority for the law is (the constitution, the declaration of independence, the consensus of the people) and where specific laws and rights can be read (the constitution, the bill of rights, federal, city or local laws, statutes and ordinances). Legal spaces are characterized by their monumentality and taste for the neo-classical. This extends from their architecture to the restrictions and demands such spaces place on fashion. In short, the spaces of the law are marked by aesthetic forms representing power and tradition. The State imaginary that sees the state as a body or a machine means lends the law's operations a central purpose. How does a machine react to threats? By limiting them, severing them from concurrent crises, rendering individual what is multiple. The law ought to rationalize problems. Seeing the state as multiple, or as a series of successive strategic operations, would betray the central myth of overcoming barbarism and violence; if seen as multiple, it would also appear contingent, technical, arbitrary, situated.

In his analysis of the aesthetics of law, Pierre Schlag asks: what happens when we put the law's favorite images aside, and try to answer the much more simple questions "what is the law" and "what does the law do?" Schlag believes that most jurists will begin talking like poets or artists. Whether or not they maintain that the "law" is a social relation or rule-based behavior, judges and lawyers nevertheless tend to speak of it as if it were a physical object in the world. The legal decisions of the past have "weight," and one can always "add" to them or "carve out an exception."¹⁵³ Laws are composed of "parts," and "elements," which assumes they also form some sort of an original whole. Laws and rules also "cover" things, like a sheet, and thus are imagined to have an "inside" and an "outside." Laws have "extension," "scope," "orbit," and "reach," like so many tentacles. They tend to be both situated in time and space: one law or rule can be "under" another, and some can be said to be "in force" (going forward) or "invalidated" (stopped in its tracks). "In short," writes Pierre Schlag, "legal artifacts are framed in the metaphors and images of the Newtonian mechanics."¹⁵⁴ But this objective image of law comes with a paradoxical fold, for laws also tend to be humanized

¹⁵³ Schlag, Pierre. *The Enchantment of Reason*. Duke University Press, 1998, p. 100-107.

¹⁵⁴ Ibid, p. 103

and spiritualized by being discussed as if the law were an actor of its own. The scales of justice is one such personification, but one rarely hears a judge or layperson speak of *Justicia* with her scales as if she were a real legal actor. More common is to hear talk of the “spirit of the law” with a measure of certainty around the existence of such a thing animating the words and acts of judges and lawyers. The animated or personified law is said to be capable of “doing, rectifying, correcting, deterring, achieving, modifying, compensating, and so on.”¹⁵⁵ Law is thus tasked with being a concrete object in the world, a mechanical device for taxonomically dividing the problems and properties of the world, a silent given in the way the immutable laws of physics are, and finally, with being a spirit performing the role of a transcendent command of God or a Sovereign.¹⁵⁶

I wouldn’t presume to believe that people who say a “part” of the law “applies” here or there imagine that they could approach a full body of the law and touch it in the same way they could touch a tree. But that begs the following questions: if they speak in this way without having something specific in mind, what are they actually referring to when they speak of law? How can one give an account of the law outside of these metaphors and analogies? Granted, legal actors making use of aesthetics is not in itself a particularly disturbing, nor a particularly surprising, fact. What does disturb is the question of whether or not one can discuss law *at all* without rummaging about in this aesthetic toolbox, without comparing it to something else or referring to an immaterial body or spiritual force:

The aesthetics shape the ways in which we think law, do law, and imagine law’s future directions. They shape its very identity. This is true both of the most ethereal legal theory and the most down-to-earth legal argument. And in shaping the apprehension, experience, and creation of law, the aesthetics leave behind as legal artifacts their marks — rules, principles, doctrines. The aesthetics fashion law as a presence, as an identity upon which we can reflect.¹⁵⁷

The solidity of the pillar, and the perfect balance of the scales are, aesthetically speaking, no more solid nor perfect than any other symbol described in the same way — one can have solid stones, or a perfectly balanced soup, so where are all the judges comparing law to soup? — all of which only have their meanings in the dream world of sleeping judges. Their courts are in part the site of spectral battles in the realm of the

¹⁵⁵ Ibid, p. 105

¹⁵⁶ See also Pierre Schlag’s more extensive “The Aesthetics of American Law” for descriptions of even more legal aesthetic types. He also draws the disturbing connections between the aesthetics of law and the fact of legal violence.

¹⁵⁷ Schlag, Pierre. “The Aesthetics of American Law.” *Harvard Law Review* 115, no. 4, 2002, p. 1102

immaterial, from whence, after the spiritual weapons have been placed down, the judge may determine which law “trumped” another. In this light, Schreber’s implied proposition that the *Memoirs* ought to be read as a legal text, and the subsequent statement that he shall speak often in simile and metaphor becomes more comprehensible and opens up what has been viewed as either the spiritual or the psychotic images of the text to legal analysis. If aesthetics are part and parcel of the law’s program, if they underline any practice of law and make it possible as Schlag seems to suggest, then Daniel’s imagery, though bizarre, was a necessary component of its critique. An aesthetic critique of the law, which he calls “supernatural” and “spiritual,”¹⁵⁸ allows him to take tackle questions inaccessible had he had been stuck with his “feet firmly planted in rationalism.”¹⁵⁹

The most significant of these images comes from an unlikely source. Taking a cue from Peter Goodrich’s argument in *Schreber’s Law: Jurisprudence and Judgement in Transition*, I hold that the sudden interference of the idea that it must be nice to succumb to sexual intercourse as a woman at the precise moment that Schreber both failed to keep up with his tasks as a judge and failed at changing occupations is far from a unrelated delusional fixation nor the coded intrusion of a homosexual inclination. Goodrich is (unfortunately) a notable exception to the dominant trend in literature on Schreber whose transitional desires have been marginalized by the majority of commentators. Freud, as previously stated, viewed the transformation as a “feminine (that is, a passive homosexual) wish-phantasy,”¹⁶⁰ misidentifying Schreber’s joyful experiments as a woman as the failed strivings of a closeted gay man struggling against unconscious throngs of shameful desire. Some authors even go so far as to characterize her as a paradigmatic figure of Western masculinity, as Antonia Majaca does in her essay “Little Daniel Before the Law” where she bafflingly calls Paul Schreber “the pan-ultimate white European male madman, the product of Enlightenment Reason.”¹⁶¹ For these authors,

¹⁵⁸ This strengthens rather than weakens the argument, for whoever wishes to critique not this or that particular law, but the legal order itself, inevitably ends up in the domain of political theology.

¹⁵⁹ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 411

¹⁶⁰ Freud, Sigmund. “Psychoanalytic Notes Upon an Autobiographical Account of a Case of Paranoia (Dementia Paranoides).” *Three Case Histories*. Edited by Philip Rieff. Touchstone, 1996, p. 12

¹⁶¹ Majaca, Antonia. “Little Daniel Before the Law: Algorithmic Extimacy and the Rise of the Paranoid Apparatus.” *e-Flux*, Sept. 2016, www.e-flux.com/journal/75/67140/little-daniel-before-the-law-algorithmic-extimacy-and-the-rise-of-the-paranoid-apparatus/, p. 3

Miss Schreber is merely “a warped mirror”¹⁶² of traditional European masculinity represented by Flechsig, Griesinger, and the burgeoning field of neuropsychiatry that upheld the rationality of the European male as the universal standard bearer for mental stability and excellency. This reading is only possible by disavowing Schreber’s clear indications that the “cultivation of femininity” was of the highest importance in her life,¹⁶³ negating her status as queer through the appeal to the frankly misogynistic psychiatric reasoning that positioned her as psychotic.

For the tragic irony here is that *it was precisely her queer practices* —her dressing in women’s clothing and claim that she was transforming into a woman— that served as the evidential core of her diagnosis as paranoid. The desire to become a woman or at least experience intercourse as one was considered the clearest product of delusion, the red herring for what must have been a highly progressive brain disease. In Sonnenstein medical director Guido Weber’s 1899 report to the appeal’s court, he cites the adornment of women’s attire as proof that Schreber’s delusions must have impelled him to act:

it only remains to mention that also in the patient’s behavior, in the clean shaving of his face, in his pleasure in feminine toilet articles, in small feminine occupations, in the tendency to undress more or less and to look at himself in the mirror, to decorate himself with gay ribbons and bows, etc., in a feminine way, the pathological direction of his fantasy is manifested continually.¹⁶⁴

Outside the court, venomous voices taunted Schreber asking “are you not ashamed in front of your wife?” spitting vitriol like “fancy a person who was a Senate President allowing himself to be fucked.”¹⁶⁵ Schreber’s voices merely repeat the wisdom of the day: becoming a woman entailed first an alienation from the laws of normative gender

¹⁶² Ibid, p. 3

¹⁶³ As for Schreber’s whiteness, there is no question she still speaks in a universalizing European register, even making use of some dubious Aryan mythology early in the text. This does not mean, however, that her work is “proto-fascistic” as has been argued by Elias Canetti in *Crowds and Power*. Schreber made use of all available cultural materials; Canetti misses the subversions in how she used them by overzealously trying to rally these allusions into a continuum with the Nazi usage of the same. This does not make her usage of the “Wandering Jew” or Aryan tropes unproblematic, but certainly excludes them from a trajectory linking the *Memoirs* with Hitler’s personality. Eric L. Santner has an extended and sympathetic chapter called “Schreber’s Jewish Question” on Schreber’s relation to racial ideas of degeneration popular in Germany at the turn of the century and beyond in *My Own Private Germany*.

¹⁶⁴ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 335

¹⁶⁵ Ibid, p. 164

and sexuality represented by the shame of having failed to perform the masculine role in her marriage, and second a radical, and undeniably real, exclusion from her professional history and public standing as a pervert and deviant. A woman could not practice law, let alone an insane man believing himself to be part-woman. It was precisely these alienations which were highlighted by Weber in his testimony supposedly proving Daniel's behavior as demonstrably and incontestably irrational. In addition, she fears initially that through unmanning, she is exposing herself to potential sexual abuse, not an unreasonable fear, since then and now trans women face disproportionately high rates of sexual and physical violence. Let us not forget that homosexuality would not be removed from the DSM until 1973, and Gender Identity Disorder was only removed from the World Health Organization's list of mental illnesses in May of 2019. Perhaps this deeply and institutionally embedded trans- and homophobia is why, even towards the end, Schreber still showed some resistance to the necessity she felt in the drive to become a woman or in cultivating sexual feelings for their own sake. Today's authors who do not even consider the possibility of a Miss Schreber, but insist on a masculine and delusional Judge Schreber, conspire to play the role of the persecutory God who attempted to "retain me on the masculine side" in order "to destroy my reason or to make me demented."¹⁶⁶ One wonders in this connection what other fabulous and peculiar expressions and experiments of gender and sexuality become unqualified as such after being caught in the web of psychiatric reasoning.

Despite her struggles (especially initially when she tried her best to ignore these inclinations) she nevertheless identified the transformation as the central task of her labors and struggles against God, taking precedent over her career and reputation, both of which were forever tarnished by this insistence:

I have wholeheartedly inscribed the cultivation of femininity on my banner, and I will continue to do so as far as consideration of my environment allows, whatever other people who are ignorant of the supernatural reasons may think of me. I would like to meet the man who, faced with the choice of either becoming a demented human being in male habitus or a spirited woman, would not prefer the latter. Such and only such is the issue for me.¹⁶⁷

The cultivation of femininity and desire to become a woman appears, as stated before, precisely when she felt most excluded from the law — after she attempted to choose a new career and later when she collapsed under the weight of stress of the court. The question of legal culpability under the sign of madness and the question of woman-

¹⁶⁶ Ibid, p. 125

¹⁶⁷ Ibid, p. 164

hood and femininity are not unrelated. As Peter Goodrich highlights in a chapter dedicated to the topic that serves as the inspiration for this argument,¹⁶⁸ the identification with women in the *Memoirs* solidifies the theme of abjectness in relation to the law, and perhaps also a growing desire to flee its power.

Since the Athenian constitution banned them from political participation in the *polis*, women have been excluded by and from the law in Europe to the domestic sphere (the *oikos* in Greek). Among other prominent examples of laws and codes excluding women in no uncertain terms (e.g. French jurist Jacques Cujas declaring women to not be properly human), Goodrich mentions Phryne, a prominent sex worker from 4th century Athens, who stood accused of sacrilege and impiety towards the Gods and was forced to stand trial. With her potential execution on the line, when things started looking bad for her, either Phryne or her lawyer removed her cloak and exposed her naked body to the jury, who, upon looking at her, were filled with pity, fear, and/or lust and let her free.¹⁶⁹ Phryne's dramatic disrobing was not without precedent: Helen and Clytemnestra were said to have revealed their breasts to arouse either pity or desire while men who returned from war with battle scars had previously exposed them to jurors to sway the outcome of their trials.¹⁷⁰ The story suggests that femininity and especially feminine sexuality, could invite only the irrationality of emotion and lust into the decisional practice of law. Accounts of the story vary. Some (probably earlier) retellings chalk up the jury's decision to their pity at the sight of a naked, pleading woman in their midst.¹⁷¹ This makes Phryne's case seem less like a case of feminine seduction than something resembling the returning veterans exposing their scars to a sympathetic jury. Other authors make note of Phryne's similarity to the goddess Aphrodite. What is operative in these accounts is not pity, but fear before the semblance of divinity. What is clear, however, is that the case pits "the female body up against *logos*,"¹⁷² against reason itself, since what is on offer is neither an argument — neither rhetoric nor logic— nor even a citizen, but the desires and emotions elicited by a naked body in the courtroom.

¹⁶⁸ "The Judge's New Body: Am I That (Woman)?" In Goodrich, Peter. *Schreber's Law: Jurisprudence and Judgment in Transition*. Edinburgh University Press, 2019.

¹⁶⁹ McClure, Laura. "Phryne." *Encyclopedia of Prostitution and Sex Work* vol. 2, by Melissa Hope. Ditmore, Greenwood Press, 2006, p. 357–358.

¹⁷⁰ Ziogas, Ioannis. "Law and Literature in the Ancient World: The Case of Phryne." Dolin, Kieran. *Law and Literature*. Cambridge University Press, 2018, pp. 79–93.

¹⁷¹ McClure, Laura K. *Courtesans at Table: Gender and Greek Literary Culture in Athenaeus*. Routledge, 2003, p. 134

¹⁷² *Ibid*, p. 83

What role does clothing generally play in the courtroom? Judges bear the most distinctive attire: the robe. In the chapter on judge's robes "The Cult of the Robe" in Jerome Frank's *Courts on Trial*, Frank wonders what purpose these relics of a bygone era continue to serve with obvious disdain. Judges, he argues, are anchored to the past, being essentially conservative creatures with a professional interest in preserving the traditions that invested them with authority. The judge, more than any other figure of law, represents judgement, decision, the firm and stark boundary lines between licit and illicit. The robe confirms an adherence to this tradition, a tradition in which judges appear as "oracles of an impersonal 'higher law,' a body of 'law' absolute and infallible,"¹⁷³ the secular facsimile of a sacerdotal cabal. By donning the robe, the judge enters the ranks of a seemingly unified tribe, the almost superhuman mouthpieces of the law.¹⁷⁴ The fashion of the judge is, to quote Goodrich, a form of "hiding," one of the "masks of reason through which the speech of the law sounds."¹⁷⁵ Schreber's most sustained and direct reference to the personages of the law in the *Memoirs* occurs in Dr. Pierson's asylum before being sent to Sonnenstein involving the much-discussed "fleeting-improvised-men," or souls given human shape for a temporary period. In the day room where he spent much of his time, he "thought I recognized, perhaps because of an accidental likeness, the attendant of the Country Court who used to bring the files to my home during my six weeks of professional activity in Dresden"¹⁷⁶ who appeared to be "fleeting-improvised." This very same "attendant of the Country Court" was later found "becoming one with his bed; that is to say I saw him gradually disappear, so that his bed was empty, without my having noticed that he got up or opened the door to leave the room" and would sometimes dress up in her clothes. The Councillor of the Country Court K of Dresden, too, made an appearance endowed however "with an ungainly enlarged head."¹⁷⁷ In the first of many footnotes in the *Memoirs*, she recalls also that she saw the

Senior Public Prosecutor B., Counsel of the Country Court Drs. N. and W., the Privy Councillor Dr. W., the lawyer W., my father-in-law and others; all of them were leading a

¹⁷³ Frank, Jerome. *Courts on Trial: Myth and Reality in American Justice*. Princeton University Press, 1973, p. 255

¹⁷⁴ Ibid, p. 257

¹⁷⁵ Goodrich, Peter. *Schreber's Law: Jurisprudence and Judgment in Transition*. Edinburgh University Press, 2019, p. 140

¹⁷⁶ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 103

¹⁷⁷ Ibid, p. 103

so-called dream life, i.e. they did not give the impression of being capable of holding a sensible conversation.¹⁷⁸

In Goodrich's terse prose, these figures of the law are "neither subjects nor free but rather images, occasionally devils, possessed by the dissonant divine law and jurisdiction. They are conduits not persons, means and not ends, unthinking functionaries, the inhabitants of the dust and smoke of texts."¹⁷⁹ Much like the robe hides the folds and curves of the judge's body, these juridical ghosts conceal more than they show, fading right into the environment, being but spectral traces of souls without sensible material forms.

The case of Phryne places special purchase on the place of the body — clothed or nude— in the space of law. Schreber, too, puts emphasis on her changing body throughout the text, charitably offering at multiple points that physicians or court appointed experts could examine it to see if, indeed, her breasts were becoming larger or if her butt was becoming more shapely (changes she associated with her transformation).¹⁸⁰ Schreber's choice in attire became through Weber one of the central questions of her trial, but it was also a persistent theme throughout the *Memoirs*, closely tied to the relation of pleasure and the suffering she had endured. Schreber's father Moritz (whose name lives on in the prevalent "Schreber Gärten" throughout Germany) was a moral pedagogue who spurned the idea of non-reproductive sexual gratification. The son or daughter, however, found pleasure an absolute necessity, a way of achieving relief and rest from the onslaught of miracles, legal actions and psychiatric treatments from all those who would reduce him to a demented madman. The clever child acknowledges the father's moral rectitude while also fundamentally subverting it, saying that her special position as an unmanned soul means that "such moral limits to voluptuousness no longer exist, indeed in a certain sense the reverse applies."¹⁸¹ To fulfill this duty to pleasure, she regularly made use of the practice of "zeichnen", "picturing" or literally translated "drawing", where she could

¹⁷⁸ Ibid, p. 18

¹⁷⁹ Goodrich, Peter. *Schreber's Law: Jurisprudence and Judgment in Transition*. Edinburgh University Press, 2019, p. 80

¹⁸⁰ For example, on page 248, she wrote "I venture to assert flatly that anybody who sees me standing in front of a mirror with the upper part of my body naked would get the undoubted impression of a female trunk —especially when the illusion is strengthened by some feminine adornments. I will not hesitate to add, that once I am outside this Asylum, I would grant an opportunity for observing my body to any serious specialist whose motive is scientific interest and not mere curiosity."

¹⁸¹ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000. p. 249

produce pictures of all recollections from my life, of persons, animals and plants, of all sorts of objects in nature and objects of daily use, so that these images become visible either inside my head or if I wish, outside, where I want them to be seen by my own nerves and by the rays.¹⁸²

Picturing is, in her words, a “a reversed miracle,”¹⁸³ a weapon against God’s influencing rays, a method of emptying them of their noxious potential. By exposing God’s rays to images of her own choosing, she could confuse the writing-down-system, make jokes with the miracled birds, upset God’s program. The act of concentrated and intentional picturing ended in rapturous laughter, or in sensual delight, as when she imagined herself as both a woman and a man having intercourse with herself. Schreber always gets the last laugh, at us, especially. Like a blasphemous nun, Schreber made it her duty to picture herself as a woman, aided by images from magazines or stuffing in her shirt. This practice of picturing herself “as a woman in the height of sexual delight” alone allowed her to enjoy a pure pleasure for its own sake, which Schreber called “soul-voluptuousness.”¹⁸⁴ Feminine adornments and styles — the stuffed shirts, gay bows, and smoothly shaved skin— formed essential parts of a daily practice of resistance, her reverse miracles preventing progressive mechanization. Unlike the fleeting-improvised bureaucrats from her past, Schreber refused to take shelter in the law, making the endogenous possibilities of the body her new locus of truth.

This case deserves special attention among the cases listed by Goodrich not only due to the shared emphasis placed on clothing and the body, but also because Schreber’s voices told her that all those who have been singled out by God to be destroyed are “Luder,” which can simply denote a “wretch,” the dead flesh of animals, a “slut” or a “whore,”¹⁸⁵ thus partitioning Schreber’s becoming-woman with interspersed periods of becoming-object through a particularly derided figure of womanhood, the prostitute. The whore on trial, whose sexuality has become a legal issue, “occupies an extralegal position at the very moment of her body’s submission to the force of law.”¹⁸⁶ Schreber,

¹⁸² Ibid, p. 210

¹⁸³ Ibid, p. 211

¹⁸⁴ Ibid, p. 250-1

¹⁸⁵ Ibid, p. 131. “Luder” is translated in the Macalphine and Hunter translation as “wretch,” which highlights the abjectness associated with the word but loses its etymological connection to sex work. This etymology is outlined in connection with connected passages of the *Memoirs* in Santner, Eric L. *The Royal Remains: the People's Two Bodies and the Endgames of Sovereignty*. University of Chicago Press, 2011, p. x

¹⁸⁶ Ziogas, Ioannis. “Law and Literature in the Ancient World: The Case of Phryne.” Dolin, Kieran. *Law and Literature*. Cambridge University Press, 2018, p. 87

like Phryne, being both “a defendant and a courtesan” was thus “both subjected to legal procedures and excluded from the juridical order.”¹⁸⁷ This double relation to the law —simultaneously excluded and subjected to its most intimately conducted measures— is reflected in the reactions elicited by both the sex worker’s and the lunatic’s appearance in court: Phryne, the divine whore, garnered pity for her abjectness and dramatic supplication, but also awe of the divinity apparent in her nudity; the “Luder” Schreber, the raving madwoman, impressed the judges with her genius and way with words, while tugging on their heartstrings with what they saw as obvious mental alienation.

Schreber and Phryne, prostitute and madwoman, are held in a relation to law represented today perhaps most clearly by the figure of the psychopathic woman. Kathleen Kendall, in her article on Aileen Wuornos, “Beyond Reason: Social Constructions of Mentally Disordered Female Offenders,” identifies criminal or mad women as “doubly deviant” for having broken the law or the mandates of reason *and* their codified gender expectation. Representing in this way multiple forms of incongruous social deviance (mad, bad, disobedient femininity) such women “endanger the social order not only through their actions, but because they threaten to expose the fissures and failures within the myriad of methods designed to understand and manage society’s miscreants.”¹⁸⁸ For Miss Schreber to have put aside the images of the reason and uniformity of law, the judge’s robe, the protective relic of the sacerdotal origins of law that reminds one at once of the prestige of the legal tradition and the power of its priestly class, and instead dedicate herself to a feminine sexuality she knew could only be seen as demented was to embed and embody both the exclusions of Western law and its most intimate extra-legal concern with its subjects’ bodies right into its heart. Schreber exposes *herself* to the law as a whore, and, through doing so, exposes the law as violent comedy, as the site of the irrationality and barbarism it claims to exclude. In doing so, she forgoes the protection of hiding in the law’s empty closets, opting instead to risk the dangers of the body —its imperfections, alterations, tendencies to break down, its fragmented and partial perceptions— in order to also experience its pleasures. Schreber, in the end, refuses to be one who could definitively decide, rendering her position as judge inoperable; making his life, sexuality, and gender an ongoing experiment; offering herself as a model for future generations.

¹⁸⁷ Ibid, p. 87

¹⁸⁸ Kendall Kathleen. “Beyond Reason: Social Constructions of Mentally Disordered Female Offenders.” *Women, Madness and the Law: a Feminist Reader*. Routledge, 2017, p. 42

Conclusion: Machinic Negotiations

“Word salad” is how Hans Prinzhorn, a German psychiatrist who collected the artistic and written works of his and other patients in the early 20th century, characterized Jakob Mohr’s scribbles in the margins of his drawings. Subsequent reflections on his work have rarely attempted any higher level of understanding beyond situating within the label “schizophrenia” everything that could be said about Mohr’s “long-distance hypnotic tele-suggestion.” Victor Tausk (1879-1919), a judge-turned-psychiatrist and then psychoanalyst, took it upon himself in his 1919 article “The Origin of the Influencing Machine in Schizophrenia,” to illuminate the meaning of the machines and mechanisms of the sort Mohr and Schreber found themselves faced with. He centers his analysis on a single patient, a 31 year old former philosophy student whom he names Natalija A. Natalia claimed that for six and a half years, one of her male professors was operating a human-shaped machine out of Berlin to remotely stimulate her genitalia and cause her pain by stimulating the genitals or striking the machine.¹⁸⁹ Though the machine had a number of powerful capacities —it could stimulate her body, show her images, insert thoughts and feelings, and cause a change in state— she, like other patients afflicted by what Tausk names the “influencing machines” seemed totally incapable of accurately describing it, its true purpose, origin, or location, knowing only that it is meant to persecute her for some mysterious reason. Like a magic lantern or a projector in a movie theater, the machine showed her the images it wanted her to see, manipulating her perception and thoughts, without revealing its inner workings.¹⁹⁰

According to Tausk, such “mystical machines” or mechanical Gods, esoteric and opaque in terms of their actual operations, provide a rationalization for a broken broken self alienated from the world, satisfying the need for causality. The theory works like this: this feeling, say, my desire to experience sex as a woman could not have arisen in my own head, hence some persecutory actor must have forced and intruded its thoughts into mine from a distance. The machine is, for Tausk, the delusional person’s wounded “I” projected elsewhere as an inexplicable, pain-inducing external agent. The influencing machine is the “I” become enemy. The psychotic’s fate is to be set upon by the brutality of a self they cannot recognize. This reading assumes that the one speaking of an influencing machine is incapable of metaphor, simile, or the use of imagery to drive a point, nor can they be capable of irony since Tausk assumes that the patient believes that what they say corresponds absolutely literally with their perception of the

¹⁸⁹ Tausk, Victor. “On the Origin of the ‘Influencing Machine’ in Schizophrenia.” Translated by Dorrian Feigenbaum. *Journal of Psychotherapy Practice and Research* 1, no. 2, 1992, p. 191

¹⁹⁰ Ibid, p. 186

world. Tausk, however, knows that it does not and presumes the existence of a central and coded meaning that only a professional, specifically a psychoanalyst, could ascertain. He thus performs a strange double procedure wherein he denies the insane person the ironic distance necessary to produce humor or metaphor voluntarily, while also holding that she or he speaks wholly, and thus automatically, in a special code crackable only by trained professional.

The image most often taken as a representation of Tausk's theory of the influencing machine¹⁹¹ is Jakob Mohr's "Beweise" ("Proofs") from 1912. Made in the same year as his "Judicial Murder" image, Mohr twice illustrates the same machine portrayed there, explaining that it works via a mechanism called "tele-suggestion." For Mohr, tele-suggestion was a thoroughly extra-legal mechanism (he even names five distinct articles of the German criminal code broken by its use) to situate the intended object as a negative pole of electrical hypnotic rays so as "to make people ill/ and to forcibly get a statement."¹⁹² Despite the fact that the machine was "generally used in psychiatric clinics", it certainly was "not a mental illness," but was used "to keep up the appearance of an examination of [the] person" and ultimately, through "thought theft" and through producing "suggestively irritated writings" to "defraud [them] and rob [them] of liberty."¹⁹³ The pathological idea in question is not that Mohr might have been the object of hypnosis, being a popular and widespread practice at the time, but that he imagined the court officials to have used hypnotic techniques in a treatment setting. I would claim that one can read his assertion literally without assuming he has this specific clinical event in mind. Hypnosis — deriving etymologically from the Attic Greek *hypno*, meaning "I put to sleep", and the ending *-sis* indicating a state of being or disposition— means "an induced sleepy or sleep-like state." The regular dramas and stresses of being a criminal defendant, not to mention one who has also been subjected to a number of psychiatric evaluations and had their sanity put into question, is undoubtedly exhausting and confusing, and is bound to cause sleepless nights of anxious rumination. In such a state, one is highly susceptible to suggestion and manipulation, perhaps just to get it over with, which, as a defendant in the criminal court, awaiting in bewilderment and confusion the outcome of the somber court drama, or the patient awaiting their diagnostic assessment and competency ruling, is tantamount, in Mohr's eyes, to hypnotically rigging the court against the defendant and preemptively

¹⁹¹ Mike Jay's *The Air Loom Gang: The Strange and True Story of James Tilly Matthews and His Visionary Madness* is a recent example.

¹⁹² Noell-Rumpeltes, Doris, et al. *Jakob Mohr*. Kerber Verlag, 2018, p. 70

¹⁹³ Ibid, p. 70

robbing them of freedom. That this is repeated day after day with thousands of defendants constitutes a “judicial murder” factory. Mohr’s appeal to use his works to further our understanding of the court has been ignored by the disparate authors who have taken up the theme of influencing machines. The broad tendency of psychiatry and other psy-disciplines has been to limit the machine to the interiority of the body or mind —to posit either a bio-machine driving the mind (the organic, chemical or mechanical haywired brain of psychiatry) or a scrambled and traumatized mind’s unconscious and subconscious-machine driving the behavior of the body and speech (the subjective haywire of psychoanalysis). This tendency to force the problem inside is unproblematically taken up by legal and penal actors seeking causal explanations for extreme behavior that simultaneously justifies captivity and excuses its own violence.

But what are they looking inside of? The reality may be that the experts only have the tools to look inside a machine of their own creation, bearing little resemblance to the person it is in their eyes arbitrarily attached to, as Schreber described: “the medical expert only became acquainted with the pathological shell, as I would like to call it, which concealed my true spiritual life.”¹⁹⁴ Both psychiatric professionals and jurists, including those from their “critical” wings, are enchained to a cautious and vacillating attitude when considering the power dynamics in their own fields. The insane and the criminals that exist as the objects of penal and psychiatric interventions and theory have fewer reservations when it comes to describing the logics and practices used to contain them, and it is onto their observations on these relationships that I have tried to stay anchored. It is my belief and presupposition in this work that those people commonly called insane are coherent on their own terms, ought to be taken literally when asking to be read literally, metaphorically when metaphorical, and furthermore, can be understood as *primary* thinkers when unfettered by their various captors-interpreters. To that extent, it is essential to seek the means of understanding such productions *from within*, that is, without superimposing an overarching theoretical model or grid of intelligibility onto them from another source. Naturally, this type of reading in no way excludes contextualization in the form of comparing their works to those of their contemporaries, or seeking clarification in historical or biographical detail, but neither can one allow either of these supplant the text itself as the locus of truth.

The difficulty in approaching the works of the mad can be laid primarily on the fact that the psy-experts —the psychologists, psychiatrists, and psychoanalysts— of the world are jealous hoarders of the uncertain, always intruding their own style. They want all the ambiguity of the world to themselves. But instead of meditating on the ultimate ambi-

¹⁹⁴ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 365

guity of knowledge and our perception of the world via reports of madness experiences, they seem only to want to classify them or systematize them. The loss of the capacity to communicate in the institutionalization of the mad lies in the fact that they have been actively reduced to the incoherency they are accused of embodying. For a materialist psychiatry whose aim is to reduce the incoherency of madness to the simplicity of organic dysfunction, the words of the insane appear as nothing other than distracting babble. From John Haslam, who judged in 1798 that "to endeavour to convince madmen of their errors, by reasoning, is folly in those who attempt it"¹⁹⁵ to Dr. Jacques-Joseph Moreau de Tours admission in 1845 that "Although the patients sometimes spoke, we did not take sufficient account of what they said,"¹⁹⁶ one can trace a clear line leading to today's symptom of anosognosia, denoting a "lack of insight" into disease. Daniel Paul Schreber is useful to the psychoanalysts as a case of the repressed homosexuality of paranoid schizophrenics,¹⁹⁷ but that legal stuff he ranted about being unjustly confined is just another specter of a father he lacked. When approached with psy-expertise, these works become eminently and totally *private*, closed off, no longer communicating anything about the world to the lay reader. Before we can approach the works and words of these lunatics and psychotics trapped in the prison of the psy-literatures, we have a number of challenging roadblocks to overcome, the first of which is the mandate of reason to immediately suspect falsity in the words of those seen as insane.

Judges, too, silence the truth of those in their own domain, reducing it to the "legalese" of case studies, read only by other judges, lawyers, interpreters, academics and activists. What degrades and threatens this image of control at its edges is the fact that they constantly make use of the uncertain to create the apparently "certain" legal decisions they are tasked with making. To take a very general example, narrative is notoriously unstable as an information imparting tool, but is an everyday part of legal decision making. The crime must be recounted through a story, but are stories a rational device for telling things "how they really are?" The questions start flowing: what kind of story — with what narrative framing, with what narrative devices, and in what language or dialect— is appropriate for the court? The judge will ultimately decide on these and

¹⁹⁵ Haslam, John. "Observations on Insanity." gutenberg.readingroo.ms/3/7/0/5/37057/37057-h/37057-h.htm, p. 106

¹⁹⁶ Quoted from Murat, Laure. *The Man Who Thought He Was Napoleon: Toward a Political History of Madness*. University of Chicago Press, 2014. p. 228

¹⁹⁷ Freud, Sigmund. "Psychoanalytic Notes Upon an Autobiographical Account of a Case of Paranoia (Dementia Paranoides)." *Three Case Histories*, edited by Philip Rieff, Touchstone, 1996, p. 83–160.

so many more questions of framing and style, which have little to do with the reason they claim to embody. Judges are unlikely to claim that story-telling and narrative frames are solid grounds for jurisprudence, but they nonetheless must make use of them to gather the information they need. This could go indefinitely further: in what ways are our crimes themselves defined narratively? Do the various forms of narrative correspond to a single narrative type, or are various types permitted (present tense with internal flashbacks and narrative breaks are permitted in recounting the criminal's family life, but keep it in the past tense when describing the crime)? Is the kind of narrative needed for explaining the law the same or different from that which explains the crime, the arrest, and the sentencing? In some alternate dimension, perhaps, trials last forever because judges require defendants to begin their accounts of the crime at birth, or with their version of the birth of the universe, so that she can truly access their culpability for the crime (would it not be more interesting to imagine alternate dimensions where judges wouldn't exist?). Despite having an extraordinary range of discretionary tools at their disposal, with which they must *decide* on the status of all the uncertainties before them, they like to project a vision of simple yes or no finalities being made in their courts. "Did they do the crime or not?" is but one of many reductionist frameworks repeated day after day and imposed onto the complexity of real peoples' lives.

The work of the mad, when it can appear at all,¹⁹⁸ is most often read as psychobabble fit only for the classificatory symptom-seeking head shrink or else as the revelation of the "real truth" —of some other spiritual plane or of the ultimate conspiracy. I humbly suggest that such works be read as simple, fragmentary truths, unencumbered by these demanding notions of total truth or falsity, psychosis or reality, but with an eye to their effects and consequences. Objectivity on this point is barred for me as one who knows the reductive pity of the clinician who cannot hear what one has to say. Objectivity is not possible when those called mad are incarcerated, exploited and despised by those who are so secure in their notion of reality so as to not see how violence secures their own position in that world. To be objective is to assume the naturalness of a hegemonic notion of sanity, and, what's more, its effective domination over the world of experience. This control includes the romanticization of madness. Such romanticization

¹⁹⁸ We ought to pay more attention to the conditions of production of madness literature and prison literature. Whose work is sought out to be printed? Who is given the means to write? This is an important question when the majority of mad memoirs and novels and so on have been written by white authors, like myself, while Native and Black people are involuntarily committed and diagnosed as mad at significantly higher rates. At the same time, the majority of prison stories are written by and about Black people. This seems to fit the contemporary critique that a white person will be mad and a Black person bad for committing the same deed, which is not only factually incorrect but actively confounds the way the labels of criminal and lunatic are used by carceral and correctional authorities.

is a paradox, since by idolizing it as a spirit quest, or analogizing it with an LSD trip, madness freezes, and a frozen madness is no madness at all, but a perfectly sane, albeit quirky, photograph for the enjoyment of the sane. Madness enduringly conveys partiality, instability and change moving through a winding path, suffering but also the joy of revelation. It is this fluidity that the freezing of madness threatens. A recent paper on Schreber has suggested that the “publication of texts by mentally ill persons, we suggest, is a marker of modernity.”¹⁹⁹ This is true insofar as their works have been allowed to appear as *works by the mentally ill*. On account of the radical dissymmetry between legal truth and madness, there is a profound and irreconcilable relation between madness and law, between the criminal and the lunatic. Is it not possible that the thawing of these texts from the frozen continent of psychiatry will bear the mark of a future period of abolition?

As should be clear from my references to other texts, I am far from the first to point out that Schreber’s book — or the productions of mad people more generally — can be made more explicable when compared with psychiatric dogma and contemporary legal thought. The most comprehensive and encyclopedic of these is Zvi Lothane’s empathetic *In Defense of Schreber*, while Friedrich Kittler’s book *Discourse Networks 1800/1900* and Martin Stingelin essay “Paul Emil Flechsig: *Die Berechnung der menschlichen Seele*” perhaps most convincingly draw direct links between Schreber and Flechsig’s writings. However, most commentators feel the need to maintain a pathologizing attitude towards Schreber, as in Anne Harrington’s new book *Mind Fixers*: after beginning to draw links between Schreber’s idea of soul murder and Flechsig’s policy of cadavers, she quickly reminds us that Schreber was “brilliant but severely psychotic.”²⁰⁰ Why do these authors betray such anxiety in delineating clear distinguishing boundaries with these linguistic techniques of distance? Do these authors feel the need to remind us of Schreber’s insanity because they, as Freud did, fear an audience that must “decide whether there is more delusion in my theory than I should like to admit, or whether there is more truth in Schreber’s delusion than other people are yet to believe?”²⁰¹ Since he did not “fear the criticism of others,” Freud felt no need to

¹⁹⁹ Labbie, Erin and Michael Uebel “We Have Never Been Schreber: Paranoia, Medieval and Modern.” In *The Legitimacy of the Middle Ages: on the Unwritten History of Theory*, edited by Vance Smith and Andrew Cole. Duke University Press, 2010, p. 132

²⁰⁰ Harrington, Anne. *Mind Fixers: Psychiatry's Troubled Search for the Biology of Mental Illness*. W.W. Norton & Company, 2019, p. 57

²⁰¹ Freud, Sigmund. “Psychoanalytic Notes Upon an Autobiographical Account of a Case of Paranoia (Dementia Paranoides).” *Three Case Histories*, edited by Philip Rieff. Touchstone, 1996, p. 154

hide the similarities between Schreber's cosmology and his own budding libido theory: for him the "rays of God [...] are in reality nothing else than a concrete representation and external projection of libidinal cathexes."²⁰² After enumerating a short list of resemblances, he anxiously informs the reader that "I can nevertheless call a friend and fellow-specialist to witness that I had developed my theory of paranoia before I became acquainted with the contents of Schreber's book,"²⁰³ as if he feared a confusion of the two systems.

This game of comparisons and reflections can take one of two routes. The first is what one might call a "dark mirror" proposition wherein the scribblings of insane persons represent a warped, but essentially accurate, doppelgänger of an idea or a technological advancement, perhaps in the form of representing the underlying sub- or unconscious thrust underlying it. Whoever has the right learning and tools is specially equipped to extract the truths hidden in the grotesque carnival hall of mirrors that is madness. This is implied in Anne Harrington's proposition that the elements of Schreber's delusion can be sought out in real world objects and phenomenon, but are inappropriately communicated or represented. Second, the ravings of the insane could be said to reveal how the system itself is mad to the core by exposing their unadulterated, often shockingly violent or arbitrary, truths. This is how Friedrich Kittler argues in *Discourse Networks* where he views the *Memoirs* as "a small discourse network with the single purpose of demonstrating the dark reality of another, hostile one,"²⁰⁴ as well as Elias Canetti who read them as a pathological pretext to Nazi paranoia. Madness is merely the name for the unconscious desires of power, and its world becomes one peopled with paranoid dictators and genocidal maniacs.

Though these rhetorical devices have been wielded to great effect, the indulgent speculation on the nature of madness is, in the end, contingent upon the commentator being in the position of one who would never realistically have their competency come into question. The purpose and positioning of the one questioning the meaning and status of madness is essential. When a current or former psychiatric patient partakes in such questioning, one can be sure it is tied up with a desire for freedom from incarceration, or their having experienced the stigma attached to a diagnostic label; the authors who fail to take the practical realities of the question in account use the idea of madness as a convenient engine or foil to push themselves and their theories to the limit of

²⁰² Ibid, p. 154

²⁰³ Ibid, p. 154

²⁰⁴ Kittler, Friedrich A. *Discourse Networks 1800/1900*. Translated by Michael Metteer. Stanford University Press, 1992, p. 297

signification. At their worst, the political realities of the question of madness and its correspondences with racial and gendered categories is downplayed in these games of reason, while the mad suffer the posthumous humiliation of having their limited works, case histories, and competency trials become fodder for toothless, depoliticized speculation.

Unlike the majority of her commentators who leaf through the *Memoirs* seeking quotations to verify claims derived ultimately from the hegemonic annals of psychiatry and law, Daniel offers a method for those positioned as the object of an intervention of power, in his case specifically the queer or mad outsider, to take an account of their experience, in part by exploiting the languages of power. Aware that the majority of readers will deny her claims outright as laughably impossible, her basic methodological principle is an epistemological one that answers the question “how does the insane person come to know anything at all?” Though Schreber is arguably concerned with psychiatry throughout the text through numerous allusions and metaphors, nowhere does he deal more directly with the profession than in the passages concerned with the question of hallucination where he often directly cites Emil Kraepelin’s towering and epoch-making textbook of psychiatry, then in its fifth edition.²⁰⁵ This question had enormous practical import for Paul Schreber, since whether or not these so-called hallucinations constituted the grounds for irresistible action was one of the central questions of his competency trial, but, beyond that, and of deeper significance for her, she was aware that the concept of hallucination potentially undermined any and all of the claims being made in the book. She seemed anxious to make it clear to her audience that she is fully cognizant of the psychiatric theory of hallucination in order to better refute her proximity to it.

What is her answer for all those who attribute the never-ending cacophony of voices, the miracles, and the certainty of her transition into womanhood as “only the product of a pathologically vivid imagination?”²⁰⁶ Though she presented the *Memoirs* visually and textually in a style familiar to jurists, this madwoman based her text firmly in that irreducible category so central to women’s writing: the at once intimately resonating and yet impenetrable experience of the body. If one investigates Schreber’s claims throughout the text, they are time and again found to rest on the tactile substrate of the body and its interactions: “What can be more definite for a human being” she asks in a

²⁰⁵ See: Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 82-3, p. 186, p. 268-277, p. 361, and p. 370

²⁰⁶ Ibid, p. 143 n68

footnote, “than what he has lived through and felt on his own body?”²⁰⁷ This rhetorical question constitutes something of a maxim in the text, which, for Schreber (again placing the notion of experience at the center of the whole enterprise) is the product of the “wish to relate what I have experienced and learned, and draw a few legitimate conclusions in the light of this knowledge.”²⁰⁸ This makes the *Memoirs* a classic text of feminine literature of the type described in Hélène Cixous’ “The Laugh of the Medusa” where the (imagined) woman’s body that writes itself is positioned against masculine law and *logos*: he is undoubtedly one the “breakers of automatisms” and “peripheral figures that no authority can ever subjugate”²⁰⁹ who partook in a feminine practice of writing.

One might level the concern, common in criticisms of women’s literature in general, that the body as firmament of sense makes one effectively victim to the onslaught of perceptions, rendering critical reasoning skills ineffective, making them the eternal children of nature. This raises the question: is attentiveness to the sensations of the body equivalent to an undiscerning obedience to them? At trial, she corrects Guido Weber’s (and future reader’s) assertion that she was incapable of subjecting her experiences to critical judgement, in this case on the matter of the “fleeting-improvised-men”: “If one takes the trouble to read carefully those parts of my Memoirs dealing with this matter, this consideration at once proves invalid” since “The whole idea of the “fleeting-improvised-men” belongs to a time which lies years behind me; it only existed during the first year or two at the most of my stay in this Asylum.”²¹⁰ Never once denying that she experienced phenomena others failed to notice, Daniel would have balked at the notion that she was the passive vessel of knowledge, asking at various moments for watches to check the time, a newspaper to check dates and events, and a scale to determine her weight. Though it is what she felt and lived through her body that is most definite, such experience are still filtered through a critical apparatus from a position of questioning and wonder apparently not incompatible with the prioritization of the body’s tactile sensitivities.

What I mean to say is that the *Memoirs* exemplify a text based on the body, which is far from a narcissistic exercise in self-gratification; or perhaps it would be better to say:

²⁰⁷ Ibid, p. 143 n68

²⁰⁸ Ibid, p. 226

²⁰⁹ Cixous, Hélène. “The Laugh of the Medusa.” Translated by Keith Cohen and Paula Cohen. *Signs: Journal of Women in Culture and Society* 1, no. 4, 1976, p. 883

²¹⁰ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p. 353

what is offered is an invitation to communal somatic feelings having, in the end, very little to do with her or any other self. What is experienced in the body is assumed throughout to have a meaningful relationship with historical change:

I have no doubt whatever that my early ideas were not simply "delusions" and "hallucinations" because even now I still receive impressions daily and hourly which make it perfectly clear to me that, in Hamlet's words, *there is some thing rotten in the state of Denmark* —that is to say in the relationship between God and mankind [...] I am quite sure that expressions and phrases like "fleeting-improvised-men" and "cursed-play-with-human beings," the questions: "What is going to happen to this cursed affair?," etc., as well as the talk about "new human beings from Schreber's spirit" did not originate in my head, but were spoken into it from outside. This alone would make me assume that the ideas connected with them have some basis in reality corresponding to some historical events.²¹¹

The sensations of the body, it is revealed in this pivotal moment, serve as testament not to subjective and inaccessible individual perception, but to the truth of his moment in history. She performs the gesture ascribed to the speaking woman in Cixous' text:

she physically materializes what she's thinking; she signifies it with her body. In a certain way, she *inscribes* what she's saying, because she doesn't deny her drives the intractable and impassioned part they have in speaking. Her speech, even when "theoretical" or political, is never simple or linear or "objectified," generalized: she draws her story into history.²¹²

The mad are a part of this "new history" that will begin "with the destruction of [the] enticement machine,"²¹³ because they too lie outside the "antiquated relation — servile, calculating— to mastery,"²¹⁴ having been denied access to reason. This new history centers on that which is excluded from reason: the body's involvements and attachments, intensive states and transformations taken in themselves and not as the way stations of a grand and teleological evolutionary course.

Still, there is something paradoxical about Schreber the judge offering her own embodied experience as the core of her evidence, both for her book and for his trial, and that lies in the fact that no outside reader or judge could possibly verify these claims as Daniel himself accedes: "no human being has any idea of what goes on at the same

²¹¹ Ibid, p. 186

²¹² Cixous, Hélène. "The Laugh of the Medusa." Translated by Keith Cohen and Paula Cohen. *Signs: Journal of Women in Culture and Society* 1, no. 4, 1976, p. 881

²¹³ Ibid, p. 883

²¹⁴ Ibid, p. 882

time in my head and in my whole body."²¹⁵ At her most critical moments, when trying to convey the brutality of miracles or her interactions with souls, she seems to offer us something outside the text, something outside the realm of verifiable phenomena, but which is nevertheless the most grounded thing of all: lived experience. The notion of lived experience shares an affinity with Schreber's own preferred method of attenuating the effects of miracles through playing and listening to music. In 1895, a small piano was placed in Schreber's room after the attendants noticed he took a liking to playing. Upon receiving this gift and playing it for the first time, she was overjoyed, forgetting everything around her and felt as though she was playing for the last time. Besides picturing, music comes first to be the primary mode of reducing the severity of miracles and silencing the spectral bullies that bark insults and gossip meanly: "During piano-playing the nonsensical twaddle of the voices which talk to me is drowned."²¹⁶ Music playing became in this way a privileged object of attack from the rays, which were sent to snap piano strings and instigate the "creation-of-a-false-feeling."²¹⁷

To identify music as solely a defensive mechanism as Macalpine and Hunter do in their introduction would however do a disservice to the complex role it plays in the text for Schreber sees it, along with picturing, as a gateway to the deepest pleasures of the body:

there are periods every day, when I float in voluptuousness so to speak, i.e. when an indescribable feeling of well-being corresponding to feminine feelings of voluptuousness pervades my whole body. It is by no means always necessary to let my imagination play on sexual matters; on other occasions too, like reading a particularly moving part of a poem, playing a piece of music on the piano which particularly pleases me aesthetically, or enjoying nature during an excursion into the country, the state of well-being which is based on soul-voluptuousness creates moments when, as I may truly say, I experience a kind of foretaste of Blessedness.²¹⁸

Playing the piano concentrated his imagination so that "while playing the piano I see myself at the same time standing in front of a mirror in the adjoining room in female attire; when I am lying in bed at night I can give myself and the rays the impression that my body has female breasts and a female sexual organ."²¹⁹ Music, like the imagination

²¹⁵ Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter. NYRB Classics, 2000, p.. 360

²¹⁶ Ibid, p. 158

²¹⁷ Ibid, p. 158

²¹⁸ Ibid, p. 290

²¹⁹ Ibid, p. 211

and the attention to the body, is a mode of expression that produces *resonance* with the listener. Music demands the use of a broader range of perceptual faculties than does the typical act of reading associated above all with the presence/absence of phenomena available to sight. One does not ask whether a song is real or unreal, true or false, nor does one simply number off its elements in an act of accounting —at least, not if one wants to *enjoy* it. Through reference to the ameliorative value of music and its ability to alter one's experience ultimately incommunicable through text, we are offered a hint that perhaps a *musical* approach to the text is warranted. In this case, one ought not continue to belabor the contours, the shape, and the color we imagine belong to the things described in the *Memoirs* —not just their presence or absence for a knowing gaze— but also our own sense of the disruptive or soothing qualities of the surroundings, the degree to which we feel involved or distant in any given moment, the sweet or cacophonous melodies of described experiences.

Do not the emotions too share this status as unverifiable and in a sense unrepresentable by an either-or ontology of presence and absence? Being merely reported phenomena does not however prevent them from becoming primary symptoms of psychiatric illnesses. Despite the fact that the interpreters of psychiatric patients focus almost exclusively on what they perceive to be forms of internally generated suffering, even the anguishes of their subjects become something other than what they are in themselves. In psychiatry, it has largely been the case that what is reported, is distorted. Between 1903-1907, Schreber lived in regained liberty with her mother and sister, in good spirits, though barred from working, and choosing to dress in women's clothing only in private. He played music and chess, and spent many joy filled hours with his adopted daughter, Fridoline. But unfortunately, this bliss was not to last. Soon after the death of his mother, Paul Schreber's wife Sabine, with whom he maintained a lifelong bond that sometimes exposed an intense dependency, had a stroke in 1907 that resulted in the temporary loss of speech and vision problems, as well as a noted irritability and shortness. Schreber's life was filled with loss. His brother, with whom he was very close, Gustov, also a judge, took his own life in 1877. But, with the exception of scholars like Zvi Lothane and Peter Goodrich, Daniel Paul Schreber's psychiatrists and interpreters do not allow even simple sadness in response to deep tragedy and loss. Schreber's subsequent near-speechlessness and despondency becomes instead a "relapse" into schizophrenia, a third "episode" of an illness that has supplanted the person as the narrative subject at hand. Emotions as they are felt and then described become symptoms, enshrouding their common intelligibility in a dense fog of professional jargon. By virtue of psychiatric miracle, the insane person's emotions are represented back to them as imbalances, breaks from reality, accidents of biology, falsity. Music, for

Schreber, “doomed [...] every attempt at ‘representing’ me by the ‘creation-of-a-false-feeling’ and suchlike [...] to end in failure because of the real feeling one can put into piano-playing.”²²⁰ Representing the feeling person meant to plug their emotions into another’s machine, creating false feeling out of real ones. But the “real feeling” stirred by powerful music resisted representations, exceeded them, and put her into a transitional state untouchable by mechanical miracle.

To read Schreber at her word is to bear witness to the transformation of a conservative, though quite melancholy, man of the law into a bellowing woman warning us of compulsive thinking and spectral presences gleaned from the nerve language; it means to read in this change something other than mere illness; it means believing Schreber that there was perhaps more pleasure in the madness of feminine sexuality and more suffering in the former life as a judge than immediately presumed. I read Schreber’s struggles with mechanistic thinking and experimental theology as a coherent critique of the law and legal tradition Schreber emerged from and a salient and deservedly pessimistic account of materialist psychiatry and medicine, along with her detailed descriptions of daily life that form a morose recounting of the brutality and indifference with which psychiatric patients have been treated, her nonsensical bellowing as a righteous scream against her conditions, and her eventual acceptance of femininity as a memoir of the pains and pleasures of gender transition and sexuality as a form of creativity.

In this light, Kittler’s work demonstrating the resemblances between Schreber’s work and historical shifts in technology and science appears both redundant and lacking. The mad take for granted the fundamental linkages between power, medicine, and technology on a theoretical level because they *live through it as their immediate present*. But they strive towards something else lost in the hall of mirrors peopled by madmen and scientists constructed by critics of modernity: the appropriation of suffering through creative subversion. Schreber made her best effort what she had, but she needed an emotional outlet, time to cry, space to scream, a bed into which she could lay down the body of a voluptuous inner woman. She says in the postscript that what she needed most was “more loving care than I could get in an Asylum.”²²¹ This basic need would remain unfilled until her death. At the end of her life, the main reported symptom in the medical charts was the continual bellowing, screaming towards the sun, the unceasing rage against power that she could not bottle up. Though praised for the brilliant linguistic games they play by accident of fate, the mad have been by and large relegated to seclusion by the critics of reason who have too often neglected to

²²⁰ Ibid, p. 158

²²¹ Ibid, p. 292

take the practical limitations and political implications of their lives into account. The cyclical repetitions of the animalization, infantilization, and reduction of the mad are the perpetual clockwork of the treatment of the insane: they form the daily machinery of the mad-sane divide itself. The mad are mined for what interesting tidbits and fanciful neologisms they seem to offer —what “psychological depths” or “unconscious truths” they reveal— and left to rot in the arms of the state. Guido Weber in the courtroom portrayed the mad as a distinct species of compulsive machines; Freud boiled his exemplary paranoid psychotic down into a man endowed with a defective libido apparatus; Kittler made Schreber into a playback device, a human record player exposing the madness of Flechsig’s neuroanatomical and Freud’s libido systems.

The mad have been my guide in this reflection on the mechanical principles underlying the practice of psychiatry and law. Running throughout it all, in perpetual motion, pumping and whistling to its own ominous rhythm, is the machine. The machine stands between the captors and the captured not as an object unambiguously available to either, but rather as a site of struggle, the object of a war over whether certain processes and environments are machinic or produce machinic effects, whether they reduce either the operators or the objects to automata or else whether there exist certain people whose brains or personalities resemble machines and ought to be treated differently on this account. The machine is a sign through which struggles over autonomy and control, criminality and madness, irrationality and rationality, have endlessly played out.

Wishing to be more than a mere machine, Schreber evades the shallow temptations of the romantic naturalism or the superficial humanism found in mysticisms of the past, opting instead for an approach that leaves the question of transition paradoxically open. Nowhere is this more clear than in the most misread passage of the *Memoirs*, where Schreber describes the new humanity that will emerge from her intercourse with God or from the *Memoirs*:

The scales of victory are coming down on my side more and more, the struggle against me continues to lose its previous hostile character, the growing soul-voluptuousness makes my physical condition and my other outward circumstances more bearable. And so I believe I am not mistaken in expecting that a very special palm of victory will eventually be mine. I cannot say with any certainty what form it will take. As possibilities I would mention that my unmaning will be accomplished with the result that by divine fertilization offspring will issue from my lap, or alternatively that great fame will be attached to my name surpassing that of thousands of other people much better mentally endowed.²²²

²²² Ibid, p. 257-8

What is presented here as an alternative (*either* divine offspring or great fame through the *Memoirs*) is in fact two roads leading to the same place, both centered on a parodic idea of creation. Knowing how she was perceived by most “considering the pitiful and restricted circumstances in which I still lead my life,”²²³ knowing that her book would never be included in any traditional canon of serious works, knowing too that she would likely end her life not yet unmanned, she nevertheless correctly surmised that her name would resound for new generations and take part in a lasting act of creation. Unlike the biblical story, this immaculate conception would not end in the return of a king with his new lawful order, but in a new transient and transitioning people. Schreber’s assertion that, through intercourse as a woman with God, she would repopulate the Earth is in no way the megalomaniacal notion it has been made out to be, for it is at least in some ways already true. All who read the *Memoirs* and let the mad judge’s musings rush through them like a composition, become momentarily Schreber’s offspring. Whenever we find pleasure in transitional desires, when we direct the imagination towards creative acts of subversion or playful trickery, or when we musically cultivate deep emotion together with intention, we become in part Schreber’s impossible children, the heretical spawn begotten through the unholy romance of a woman screaming to crack her pathological shell and the vicious conditions we receive as our inheritance or as God. All of those who recognize themselves as captives in God’s ever-surveilling nerve network, all who bellow now and then, all who feel clumsy in their anguish, but remain committed to transition and creativity, are all Schreber’s children.

Miss Schreber laid all the emphasis on the *act of creation* and none at all on something created, having very little to no interest in it, if such a thing existed at all. She wasted no sentences on the new human beings who would spring forth from her lap. She continually added afterwards and addendums to a book that was less a completed tome —and least of all an autobiographic memoir— and more a guidebook of strategies for resisting mechanization. After a lifetime of pain and monotony had become unbearable, she set forth on a life of creating without creation. By doing so, she showed her readers one strategy to unplug oneself, push aside what feels like the crushing weight of the debris of the past and crawl out, painfully, into a creative future, unmanned, unholy, ecstatic and transformed.

²²³ Ibid, p. 258

Bibliography

- American Law Institute. "Model Penal Code." *Internet Archive*, 6 Dec. 2017, ia800102.us.archive.org/29/items/ModelPenalCode_ALI/MPC%20full%20%28504%20pages%29.pdf.
- Barnes, Jonathan, editor. "Movement of Animals." *Complete Works of Aristotle, Volume 1: the Revised Oxford Translation*, by Aristotle, Princeton University Press, 2014, pp. 1507–1527.
- Bentham, Jeremy. *The Works of Jeremy Bentham, published under the Superintendence of his Executor, John Bowring* (Edinburgh: William Tait, 1838-1843). 11 vols. Vol. 7. 9/9/2019. https://oll.libertyfund.org/titles/1998#Bentham_0872-07_2426. Web.
- Battie, William. *A Treatise on Madness by William Battie M.D.* . Printed for J. Whiston, and B. White, 1758.
- Canetti, Elias. *Crowds and Power*. Translated by Carol Stewart, Continuum, 1978.
- Canguilhem, Georges. *A Vital Rationalist: Selected Writings from Georges Canguilhem*. Edited by Francois Delaporte. Translated by Arthur Goldhammer, Zone Books, 2000.
- Caron, Louis. "Thomas Willis, the Restoration and the First Works of Neurology." *Medical History*, vol. 59, no. 4, 2015, p. 525–553.
- Carrington, Leonora. *Down Below*. New York Review Books, 2017.
- Cixous, Hélène. "The Laugh of the Medusa." *Signs: Journal of Women in Culture and Society*, Translated by Keith Cohen and Paula Cohen, vol. 1, no. 4, 1976, p. 875–893.
- Cleckley, Hervey M. *The Mask of Sanity: an Attempt to Clarify Some Issues about the so-Called Psychopathic Personality*. E.S. Cleckley, 1988.
- Connor, Steven. "Scilicet: Kittler, Media and Madness." *Steven Connor*, 2008, steven-connor.com/scilicet.html.
- Cottingham, John, et al., translators. "Treatise on Man." *The Philosophical Works of Descartes*, by Descartes René, Cambridge University Press, 1985.
- Davis, Angela. *Prison-Industrial-Complex*. Ak Press, 2000.
- Des Chene, Dennis. "Abstracting from the Soul: the Mechanics of Locomotion." *Genesis Redux Essays in the History and Philosophy of Artificial Life*, edited by Jessica Riskin, University of Chicago Press, 2010.

- Descartes, René. "The Passions of the Soul." Translated by Jonathan Bennet, *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/descartes1649-part1.pdf.
- Dickinson, John. "Legal Rules: Their Function in the Process of Decision." *University of Pennsylvania Law Review and American Law Register*, vol. 79, no. 7, May 1931.
- Dörner Klaus. *Madmen and the Bourgeoisie a Social History of Insanity and Psychiatry*. Translated by Joachim Neugroschel and Jean Steinberg, Blackwell, 1986.
- Dyer, Joel. *The Perpetual Prisoner Machine: How America Profits from Crime*. Westview Press, 2000.
- Eigen, Joel Peter. "Delusion in the Courtroom: the Role of Partial Insanity in Early Forensic Testimony." *Medical History*, vol. 35, no. 1, 1991.
- Engstrom, Eric J. *Clinical Psychiatry in Imperial Germany: A History of Psychiatric Practice*. Cornell University Press, 2004.
- Felman, Shoshana. *The Juridical Unconscious: Trials and Traumas in the Twentieth Century*. Harvard University Press, 2002.
- Foucault, Michel. *History of Madness*. Edited by Jean Khalfa. Translated by Jonathan Murphey, Routledge, 2006.
- Frank, Jerome. *Courts on Trial: Myth and Reality in American Justice*. Princeton University Press, 1973.
- Freud, Sigmund. "Psychoanalytic Notes Upon an Autobiographical Account of a Case of Paranoia (Dementia Paranoides)." *Three Case Histories*, edited by Philip Rieff, Touchstone, 1996, p. 83–155.
- Fuchs, Erin. "For-Profit Prison Companies Have A Worrying Plan For Boosting Profits." *Business Insider*, Business Insider, 20 Nov. 2014, www.businessinsider.com/for-profit-psych-facilities-2014-11.
- Giedion, Siegfried. *Mechanization Takes Command*. Oxford University Press, 1948.
- Goodrich, Peter. *Schreber's Law: Jurisprudence and Judgment in Transition*. Edinburgh University Press, 2019.
- Griesinger, Wilhelm. *Mental Pathology and Therapeutics*. Translated by Charles Alexander Lockhart. Robertson and James Rutherford, The New Sydenham Society, 1867.
- Guenther, Katja. *Localization and Its Discontents: a Genealogy of Psychoanalysis and the Neuro Disciplines*. The Univ. of Chicago Press, 2015.

- Hacker, Frederick J. and Marcel Frym, "The Legal Concept of Insanity and the Treatment of Criminal Impulses", 37 *California Law Review*, 1949.
- Harrington, Anne. *Mind Fixers: Psychiatry's Troubled Search for the Biology of Mental Illness*. W.W. Norton & Company, 2019.
- Haslam, John. *Illustrations of Madness*. Edited by Roy Porter, Routledge, 2015.
- Haslam, John. "Observations on Insanity." *Project Gutenberg*, 2011, gutenberg.reading-groo.ms/3/7/0/5/37057/37057-h/37057-h.htm.
- Hatfield, Gary. "Chapter Three: Mental Acts and Mechanistic Psychology in Descartes's Passions." *Descartes and the Modern*, edited by Neil Robertson et al., Cambridge Scholars, 2008, p. 49–71.
- Helmholtz, Hermann von. *Popular Lectures on Scientific Subjects*. Translated by E. Atkinson, D. Appleton and Company, 1873.
- Hobbes, Thomas. *Leviathan*. Edited by Aloysius Patrick Martinich and Brian Battiste, Broadview Ed., 2011.
- Hoffmann, E.T.A. *Der Sandmann / Das Fräulein Von Scuderi*. Insel Verlag, 2014.
- Hunter, Richard, and Ida Macalpine, editors. *Three Hundred Years of Psychiatry: 1535-1860 ; a History Presented in Selected English Texts*. Carlisle, 1982.
- Jansson, Åsa. "Chapter I: From Physiology to Psychopathology: Psychological Reflexion and the Creation of 'Disordered Emotion'." *Academia.edu*, www.academia.edu/8452977/Chapter_I_From_Physiology_to_Psychopathology_Psychological_Reflexion_and_the_Creation_of_Disordered_Emotion.
- Jhering, Rudolf von. "In the Heaven for Legal Concepts: A Fantasy." *Temple Law Quarterly*, Translated by Charlotte L. Levy, vol. 58, 1985.
- Jhering, Rudolf von. *Law as a Means to an End*. Vol. 5, The Boston Book Company, 1914.
- Kang, Minsoo. *Sublime Dreams of Living Machines: the Automaton in the European Imagination*. Harvard University Press, 2011.
- Karpman, Benjamin. "Criminality, Insanity and the Law." *Journal of Criminal Law and Criminology (1931-1951)*, vol. 39, no. 5, 1949, p. 584..
- Kavan, Anna. *Asylum Piece and Other Stories*. P. Owen, 2001.
- Kavan, Anna. *Guilty*. Peter Owen Publishers, 2013.
- Kendall Kathleen. "Beyond Reason: Social Constructions of Mentally Disordered Fe

- male Offenders.” *Women, Madness and the Law: a Feminist Reader*, Routledge, 2017
- King, Elizabeth. “Clockwork Prayer.” *Blackbird Archive*, 2002, blackbird.vcu.edu/v1n1/nonfiction/king_e/prayer_print.htm.
- Kittler, Friedrich A. *Discourse Networks 1800/1900*. Translated by Michael Metteer, Stanford University Press, 1992.
- La Mettrie, Julien Offray de. “Man-Machine.” Translated by Jonathan Bennett, *Early Modern Texts*, 2017, www.earlymoderntexts.com/assets/pdfs/lametttrie1748.pdf.
- Labbie, Erin and Michael Uebel “We Have Never Been Schreber: Paranoia, Medieval and Modern”, *The Legitimacy of the Middle Ages: on the Unwritten History of Theory*, edited by Vance Smith and Andrew Cole, Duke University Press, 2010.
- Lifton, Robert Jay. “Chapter 4: The ‘End-of-the-World’ Vision and the Psychotic Experience.” *Even Paranoids Have Enemies: New Perspectives on Paranoia and Persecution*, edited by Joseph H. Berke et al., Routledge, 1998, p. 59–74.
- Lothane, Zvi. *In Defense of Schreber: Soul Murder and Psychiatry*. The Analytic Press, 1992.
- Lévy, Benjamin. “From Paranoia Querulans to Vexatious Litigants: a Short Study on Madness between Psychiatry and the Law. Part 1.” *History of Psychiatry*, vol. 25, no. 3, 2014, p. 299–316..
- Majaca , Antonia. “Little Daniel Before the Law: Algorithmic Extimacy and the Rise of the Paranoid Apparatus.” *e-Flux*, Sept. 2016, www.e-flux.com/journal/75/67140/little-daniel-before-the-law-algorithmic-extimacy-and-the-rise-of-the-paranoid-apparatus/.
- Manning, Gideon, editor. “Mechanizing the Sensitive Soul.” *Matter and Form in Early Modern Science and Philosophy*, by Gary Hatfield, Brill, 2012.
- Mayor, Adrienne. *Gods and Robots: Myths, Machines, and Ancient Dreams of Technology*. Princeton University Press, 2018.
- Mayr, Otto. *Authority, Liberty & Automatic Machinery in Early Modern Europe*. Johns Hopkins Univ. Pr., 1986.
- McClure, Laura K. *Courtesans at Table: Gender and Greek Literary Culture in Athenaeus*. Routledge, 2003.

- McClure, Laura. "Phryne." *Encyclopedia of Prostitution and Sex Work*, by Melissa Hope. Ditmore, vol. 2, Greenwood Press, 2006, pp. 357–358.
- Menzies, Robert, and Dorothy E. Chunn. "Charlotte's Web: Historical Regulation of 'Insane' Women Murderers ." *Women, Madness and the Law: a Feminist Reader*, Routledge, 2017, p. 79–100.
- Mumford, Lewis. *Technics and Civilization*. Harvest, 1963.
- Murat, Laure. *The Man Who Thought He Was Napoleon: toward a Political History of Madness*. Univ. of Chicago Press, 2014.
- Noell-Rumpeltes, Doris, et al. *Jakob Mohr*. Kerber Verlag, 2018.
- O'Brien, Barbara. *Operators and Things: the Inner Life of a Schizophrenic*. Silver Birch Press, 2011.
- Oosterhuis, Harry, and Arlie Loughnan. "Madness and Crime: Historical Perspectives on Forensic Psychiatry." *International Journal of Law and Psychiatry*, vol. 37, no. 1, 2014, p. 1–16.
- Otis, Laura. *Networking: Communicating with Bodies and Machines in the Nineteenth Century*. The University of Michigan Press, 2011.
- Perlin, Michael L. *A Prescription For Dignity: Rethinking Criminal Justice and Mental Disability Law*. Routledge, 2016.
- Perlin, Michael L. "'Who Will Judge the Many When the Game Is Through?': Considering the Profound Differences between Mental Health Courts and 'Traditional' Involuntary Civil Commitment Courts." *SSRN Electronic Journal*, 2016.
- Polsky, Samuel. "Present Insanity - From the Common Law to the Mental Health Act and Back," 2 *Vill. L. Rev.* 504, 1957. <http://digitalcommons.law.villanova.edu/vlr/vol12/iss4/4>, p. 509
- Rabinbach, Anson. *The Human Motor: Energy, Fatigue, and the Rise of Modernity*. Basic Books, 1990.
- Rhodes, Lorna A. *Total Confinement: Madness and Reason in the Maximum Security Prison*. Univeristy Of California Press, 2014.
- Riskin, Jessica. "Machines in the Garden." *Republic of Letters: A Journal for the Study of Knowledge, Politics, and the Arts*, vol. 1, no. 2, 30 Apr. 2010, rofl.stanford.edu/node/59.
- Riskin, Jessica. "The Defecating Duck, or, the Ambiguous Origins of Artificial Life." *Critical Inquiry*, vol. 29, no. 4, 2003, p. 599–633.

- Roberts, Mark S. "Wired: Schreber As Machine, Technophobe, and Virtualist." *Experimental Sound & Radio*, edited by Allen S. Weiss, MIT Press, 2001, p. 27–41.
- Santner, Eric L. *My Own Private Germany*. Princeton University Press, 2001.
- Santner, Eric L. *The Royal Remains: the People's Two Bodies and the Endgames of Sovereignty*. University of Chicago Press, 2011.
- Sarat, Austin, et al., editors. *Law's Madness*. University of Michigan Press, 2006.
- Schlag, Pierre. "The Aesthetics of American Law." *Harvard Law Review*, vol. 115, no. 4, 2002, doi:10.2307/1342629.
- Schlag, Pierre. *The Enchantment of Reason*. Duke University Press, 1998.
- Schreber, Daniel Paul. *Memoirs of My Nervous Illness*. Translated by Ida Macalpine and Richard A. Hunter, Revised ed. edition ed., NYRB Classics, 2000.
- Scull, Andrew. "The Theory and Practice of Civil Commitment." *Michigan Law Review*, vol. 82, no. 4, 1984, p. 793.
- Scull, Andrew. *Social Order/Mental Disorder: Anglo-American Psychiatry in Historical Perspective*. Berkeley: University of California Press, 1989. <http://ark.cdlib.org/ark:/13030/ft9r29p2x5/> p. 58
- Leudar, Ivan and Philip Thomas. "The Souls of Daniel Paul Schreber." *Voices of Reason, Voices of Insanity: Studies of Verbal Hallucinations*, by, Routledge, 2009, p. 52–68.
- Stamp, Jimmy. "A Brief History of Robot Birds." *Smithsonian.com*, Smithsonian Institution, 22 May 2013, www.smithsonianmag.com/arts-culture/a-brief-history-of-robot-birds-77235415/.
- Stingelin, Martin. "Die Berechnung Der Menschlichen Seele." *Wunderblock: Eine Geschichte Der Modernen Seele*, edited by Jean Clair et al., Wiener Festwochen, 1989, p. 297–308.
- Strauss, Leo. *Natural Right and History*. University of Chicago Press, 1953.
- Sulloway, Frank J. *Freud, Biologist of the Mind: beyond the Psychoanalytic Legend*. Harvard University Press, 1992.
- Szasz, Thomas. *The Myth of Mental Illness: Foundations of a Theory of Personal Conflict*. Harper & Row, 1974.
- Tabb, Kathryn. "Chapter 3: 'Struck, As It Were, with Madness': Phenomenology and Animal Spirits in the Neuropathology of Thomas Willis." *Brain, Mind and Con-*

sciousness in the History of Neuroscience, edited by C.U.M. Smith and H. Whitaker, vol. 6, Springer, 2014, p. 43–57. History, Philosophy and Theory of the Life Sciences.

Tausk, Victor. “On the Origin of the ‘Influencing Machine’ in Schizophrenia.” *Journal of Psychotherapy Practice and Research*, Translated by Dorrian Feigenbaum, vol. 1, no. 2, 1992.

Turner, R.E. “Psychiatry and the Law.” *Osgoode Hall Law Journal*, vol. 11, no. 1, 1973, pp. 157–174.

Willis, Thomas, and Samuel Pordage. “Two Discourses Concerning the Soul of Brutes Which Is That of the Vital and Sensitive of Man. The First Is Physiological, Shewing the Nature, Parts, Powers, and Affections of the Same. The Other Is Pathological, Which Unfolds the Diseases Which Affect It and Its Primary Seat; to Wit, the Brain and Nervous Stock, and Treats of Their Cures: with Copper Cuts. By Thomas Willis Doctor in Physick, Professor of Natural Philosophy in Oxford, and Also One of the Royal Society, and of the Renowned College of Physicians in London. Englished by S. Pordage, Student in Physick.” *Text Creation Partnership*, University of Michigan, July 2003, name.umd.umich.edu/A66518.0001.001.

Wood, Gaby. “Living Dolls: A Magical History Of The Quest For Mechanical Life by Gaby Wood.” *The Guardian*, Guardian News and Media, 16 Feb. 2002, www.theguardian.com/books/2002/feb/16/extract.gabywood.

Ziogas, Ioannis. “Law and Literature in the Ancient World: The Case of Phryne.” *Law and Literature*, by Kieran Dolin, Cambridge University Press, 2018, pp. 79–93.