University of Alberta

"When none can call our power to account":
Translating Sleepwalking in Discursive Practices

by

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Dedication

For Lily, Amelia, and Henry,
who, as Companion Species, honour us with friendship,
define us through silence, and sing to us in their absence.

Abstract

This interdisciplinary dissertation makes an original contribution by examining the sleepwalker in terms of medical, legal, and cultural categories in literature, film, and opera. It addresses medical research and medico-legal contexts in relation to diagnostic power and institutional authority over sleepwalking. Moreover, it argues that the sleepwalker is a productive subject and explores the cultural constructions and discursive practices of sleepwalking in medicine, law, literature, and film. Across the dissertation, critical attention is given to historical case studies, Shakespeare's Lady Macbeth in the context of ecocritical readings, and Robert Wiene's film, *Das Kabinett des Dr. Caligari*, in regard to the current debate on the conflict between somnambulism and hypnotic crime. In the analysis here advanced, the dissertation's research draws on theories from science and technology studies, the sociology of translation, and actor network theory.

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work. Thank you, again, for believing in me. Very special remembrances go to Lily, a companion above all others, who unfortunately left this world before this thesis' completion. Your loyal and loving companionship is deeply missed.

Finally, the close of this dissertation welcomed a very special addition to my family. To Finlay, my son, thank you for being with me through my writing and blessing me with your life. On a more practical note, thank you also, Finn, for waiting until my defense was finished to make your entrance into this world.

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Introduction

"When none can call our power to account"

—Lady Macbeth, *Macbeth*, 5.1.41-2[1]

Lady Macbeth's sleepwalking admission "Out, damned spot" is perhaps one of

the most familiar and iconic sleepwalking scenes in literature. At once these

words call into question her culpability and involvement in the play's murders, as

well as her strong household lead and role as Macbeth's wife. By the time she

questions "What need we fear who knows it, when none can call our power to

account?",[2] the implication of her involvement in these murderous deeds is

secured and her sleepwalking confessions are simultaneously translated into

truths by the attendant doctor and gentlewoman. Despite the practice of her own

confession, the interpretive gestures instead defer to the spectator. While she

sleepwalks *and* sleeptalks, Lady Macbeth is silenced.

In legal literature, the 1878 sleepwalking case of Simon Fraser is equally

iconic and familiar. While he repeatedly believed himself to be struggling with a

beast in the middle of the night, Fraser was in fact walking in his sleep. However,

on several occasions he did more than 'walk', both in and out of jail, for Fraser

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[1] This line originally reads thus: "when one can call our pow'r to accompt". I have
translated both "pow'r" to "power" and "accompt" to "account." See William
Shakespeare, *The Tragedy of Macbeth*. In *Four Great Tragedies: Hamlet,
Othello, King Lear, Macbeth* (New York: Signet Classics, 1982), 5.1.41-2
[2] Ibid., 5.1.40-2.

had a previous history of assaulting his father, wife, half-sister, fellow-lodger,

fellow-prisoners, and, quite tragically, his infant son.[3] One night Fraser believed

he saw a large white beast fly up through the floor. In his mind, this "beast" had

passed through the back of the bed where his child lay, so Fraser grasped

desperately to try and catch the beast. Having successfully seized it, Fraser

"dashed it on the wall or floor to destroy it."[4] Yet, this was no beast. Simon Fraser

was tried in Edinburgh on 15 July 1878 for the murder of his infant son while in a

somnambulistic—or sleepwalking—state.

Bereft at the loss of his son, Fraser declared "I am guilty in my sleep, but

not in my senses."[5] The central issue for this trial was whether or not Fraser could

be rendered conscious or unconscious for his sleepwalking activity, producing a

perceived state of sanity or insanity, which was a problem left for multiple expert

medical opinions to decide. One of the reporting medical physicians, Dr.

Yellowlees, commented that Fraser "is unconscious of what he is doing, and has

no true perception of the world around him, yet he has a kind of consciousness, a

sort of mental activity going on, which is not consistent with ordinary sleep."[6] For

Dr. Yellowlees, this *was* somnambulism in its most extreme form: a leading

toward violence under the influence of delusions that could be regarded as

"equivalent to insanity."[7] This led him to believe Fraser was best confined to the

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[3] Yellowlees, 4.
[4] Ibid.
[5] Ibid., 5.
[6] Ibid.
[7] Ibid., 6.

lunatic asylum. Regardless of Yellowlees' medical opinion, Fraser was found not

guilty, setting law and medicine at odds in their interpretations and

representations of the sleepwalker in this instance.

Such things are not restricted to the peculiarities of the Early Modern and

Victorian imaginations or their cultural effects. In current case law, the defense of

somnambulism occupies a contentious role in jurisprudence.[8] As Rosalind

Cartwright recounts, Scott Falater (Mr. A in her case study) woke to hear dogs

barking and while descending the stairs in his home, was "met by police with

drawn guns" who arrested him for the drowning death of his wife.[9] Falater was

seen by an eyewitness dragging his wife's body to the edge of the pool, after

which he rolled it into the water. Yet, when police asked Falater how many people

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[8] This dissertation works in a comparative framework to explore the productive
use of Actor Network Theory from Science and Technology Studies in relation to
various responses to somnambulism and automatism in legal, medical, and
cultural paradigms ranging from the early modern, the nineteenth century, to
modernity. This breadth of disciplinary approaches is important to the theoretical
paradigm but, of necessity, limits the traditional range of responses that could be
taken in each instance. In particular, I have limited the temporal focus on legal
and medical accounts of sleepwalking as well as the potential international
comparative foci. This dissertation principally considers the development to
modern legal and medical models in British, American, and Canadian contexts,
although expansions to French, Germanic, or Scandinavian civil and criminal law
are also possible. In the same vein, cultural materials from Elizabethan and Stuart
periods of English history, as well as the cultural production in the Weimar
Republic more than four centuries later, provide exemplary instances of
conflicting paradigms. Bridging the legal, medical, and cultural works for each
period and nation is possible in future research but is for obvious reasons
impractical for a single project. Moreover, the function of these analyses is
primarily discursive and orientated toward the construction of symmetrical
vocabulary. Hence, such expansions would be projects unto themselves.
[9] Rosalind Cartwright, "Sleepwalking Violence: A Sleep Disorder, a Legal
Dilemma, and a Psychological Challenge," *American Journal of Psychiatry* 161,
no. 7 (2004): 1152.

were in the house, he answered "four," unaware that he had killed his wife. Unlike Fraser, Falater was found guilty of first degree murder. Nonetheless, other successful defenses have been made using somnambulism as a case of sane automatism, including the Canadian Kenneth Parks, who killed his in-laws in 1987, and the American Steven Steinberg who murdered his wife in 1981 (and who was found temporarily insane and set free in the same state that convicted Falater). This points to a broader social problem: who witnesses, regulates, wakes, defines, narrates, and controls what happens during sleep? Herein lies a further problem: who defines who is sleepwalking, and how does one develop a definition of such activity? Further, what are the objectives behind such definitional practices? What are their effects, and what relations do they construct? It is not only who defines the sleepwalker (and correlative definitions), but within what network of social and cultural interactions do definitions gain value and compete with other definitional activities? Moreover, what social and cultural values are reflected in the various definitions, and how does this point to forms of social control? Hence, this becomes a legal problem but via medical authority with both romanticised and popularised problems grown from questionably autonomous literary and artistic fields.

The subject of this thesis therefore concerns two kinds of sleepwalkers: those whose actions and characteristics are inoculated or stereotyped throughout culture to assume a mythic status in contrast to whose activities are less familiar, and sometimes of a violent nature. The latter category finds reality in fictions of

exceptions: exceptions to the rule and exceptional rules in the form of interpretation, expectations, institutions, and regulations. Therefore, this second type of sleepwalker becomes more challenging to the professional bodies of authority—jurisdictional bodies who respond by trying to articulate and create commonly shared vocabularies and assessment rubrics. They translate exceptions into the common and established discourse. The sleepwalker we popularly know tends to wake in the middle of the night, find himself opening and shutting the occasional door or cabinet, and perhaps even treat himself to a snack before returning to sleep completely unaware of the previous activities. Our public knowledge of the sleepwalker is also constitutive of this familiar role: that, for instance, only under very extraordinary circumstances are we to wake the sleepwalker. However, what constitutes 'extraordinary'? What if the sleepwalker in the midst of preparing his snack decides to pull a knife from the block, leave the house, and begin perambulating the streets with an outstretched knife in public view? This "dangerous" act of somnambulism happened in 1897 in Brussels, "which happily ended without any serious distractions."[10] *The Lancet* reports that "in the middle of the night [a man] was found walking about clad only in his sleeping garments, and on being followed he was seen to have a large kitchen knife in his mouth, and was occupying himself in passing his hand over the throat of one of his sleeping pupils."[11] The young man was said to be a son of a butcher, who admitted he had earlier dreamed he entered his father's business and so went

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[10] "Dangerous Somnambulism," *The Lancet* 149, no. 3828 (1897): 122.
[11] Ibid.

to the kitchen for a knife because he wanted to kill the pigs.[12] The public

awakened the man, thereby ensuring safety and the maintenance of order. But

this raises a series of social and ethical questions. If such a sleepwalker

confronted us, would we be held accountable for waking the sleepwalker, thereby

also ensuring public safety? If not, who *is* responsible? Whose account of the

event is to be authoritative, and on what grounds?

Cases of violent sleepwalking figure within our social paradigms and are

translated into areas of cultural knowledge through various interpretive impulses.

Because of the potential threat sleepwalkers pose for public safety—through acts

of "dangerous" or violent sleepwalking—our *public* reliance on professional

interpretive authority becomes stronger. Violent sleepwalkers may include those

who assault, murder, commit arson, and even rape, which thereby renders each

instance not just as a separate episode of sleepwalking behaviour, but each as

requiring a new set of jargon and definitional knowledge in order for such

knowledge to support legal or medical action. These episodes then undergo

translation—or conversion practices—into cultural and professional vocabularies.

In these processes, we might ask which legal standards of definition and

jurisdiction apply? Whose medical bodies of authority pervade? Which

educational practices and codes of conduct are more relevant? What makes or

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[12] Ibid. *The Lancet* here reports that "Midnight somnambulists of this class are very dangerous and there seems every probability that some of the sleepers would have lost their lives had not the would-be butcher been found in time, for in these cases the special senses usually perceive things only in relation to their dream, and so, while being able to see things connected with this object in view, he would be oblivious to the other surroundings and fail to realise his position." 122.

causes either jurisdiction to change standards or categories? Further, how do we account for sleepwalking over time? Each area of curiosity reinforces the social construction of knowledge and institutions as an accretion of the productive activities of power. This points to a problematic of interpreting sleepwalking as a singular activity through different societies and societies, as well as through a variety of different interpretations be they cultural, legal or medical.

Problem

The problem of the sleepwalker points to interpretation, truth claims, and silencing, and the processes of translation by which these elements are brought into discursive practices. Through various conventional approaches—medical, medical scientific, legal, and cultural—an incomplete picture of the sleepwalker is created. This is because several of these interpretive paradigms assume the sleepwalker—and the practice of sleepwalking—to be an ontological, independent condition of the other fields or approaches, as well as ideological circumstances, whose essence (most often regarding states of sanity) can be discovered. By focussing on a reified object, these diverse discourses end up describing what they translate to be fixed conditions or states of being (ideological, cultural, medical, and legal). They thereby fail to capture the dynamic achievements involved in securing alternate images and practices—or

translational gestures—of these sleepwalker figures. Further, they constitute the figure of the sleepwalker based on his or her silence.

To return to the example of Lady Macbeth, truth practices are operational and meaningful within the play; however, these truth practices attend her silencing and near complete dismissal by the doctor, which constitute an authoritative translation of her silencing. In this scene, Lady Macbeth's actual medical condition of sleepwalking, while apparent, is silenced, as is her figure and role within the Macbeth household. Importantly, it is her final scene. What leads to this silencing of a previously strong figure? What are the conditions of this silencing? Why is she silenced? As the silenced sleepwalker, she reflects the silencing in translation that occurs outside of the play in the equally social practices of law and medicine.

Thesis

As an achievement of various successful regimes of truth, the muted figure of the sleepwalker emerges as an abnormal individual state (via medical science disciplines), a subject devoid of intention (and so without *mens rea*) in the context of criminal law, and more mythically or ideologically occluded in literature and film. If through diagnostic and definitional practices medical science practices claim to *know* this sleepwalker figure, then the cultural or mythical images of the sleepwalker that cross genres permit greater mystery; however, both are rooted in

images of a relatively fixed condition of sleepwalking that afflicts individual subjects, both in 'real life' and in 'cultural products,' such as film and literature. Importantly, both require translational efforts that enrol *both* the real life and cultural sleepwalker into its network of interpretation. Therefore, in contrast to these more authoritative and jurisdictional approaches, a conceptual shift toward discursive practices of translation, or 'conditions of possibility,' permit various versions of sleepwalking and figures of the sleepwalker to surface at given moments. With such a conceptual shift, the prospect of attending to the silenced dimensions that enable *truths* about sleepwalking and sleepwalkers becomes possible.

This dissertation aims to construct a foundation of the most popular cases of sleepwalking literature—legal, medical, and cultural—in order to attend to both the varieties of *truth* regarding the sleepwalker and also the silencing of the sleepwalker figure. This is to say, the sleepwalker will appear in relation to social institutions and jurisdictions of power, as well as in the diffuse and influential cultural field at large. The sleepwalker figure does so as a response to cultural and professional pressures and as an instigator of particular social relations. The rationale for this project is straightforward: because sleepwalkers are not able to recollect their actions, they are entirely reliant on both interpretation *and* translation of their actions, and such discursive practices are power-laden, institutional, discourse forming, as well as cultural. Furthermore, these processes of interpretation and translation more often obscure the sleepwalker's own

account—even if he or she is able to speak—through the creation of definitional categories or criticism that remove the sleepwalker from the act. In effect, the sleepwalker becomes less the actor who was involved in the act and more the object of professional or discursive interpretation. The discourse and institutions remain, but the sleepwalker is no longer involved in this process. Discourse itself comes to reflect this asymmetry: this reduction, and often dismissal, of subject or actor status, constitutes a stand-in for silence.

Methodology

The scope of this work spans cultural products (literature and film), medical science, and legal disciplines. Together, these three 'fields of production,' to borrow from Pierre Bourdieu, establish both cultural as well as legal and medical contexts of the sleepwalker. This is because the sleepwalker figure thrives not just in one discipline or the other but is also written and translated through a variety of cultural motifs, genres, and definitions. Through these practices, while the sleepwalker becomes more 'thickly described,' he or she is not necessarily more active as an agent. While Part One focuses on the language of sleepwalking in definitional practices, therefore contextualising the interpretation of sleepwalking in 'real life' cases, Part Two focuses on both the interpretation and representation of sleepwalking in cultural products, specifically envisioning the sleepwalker as an active participant.

Key critical vocabulary is employed throughout this thesis that draws from both the critical writings of Michel Foucault and the Actor-Network Theory visions of Michel Callon and Bruno Latour. In particular, Foucauldian notions of power/knowledge, truth, and discursive practices are used to help contextualise the power-laden authority of interpretations against the silencing of the sleepwalker figure and truth practices regarding the construction of sleepwalking overall. Callon's sociology of translation[13] is used to suggest symmetrical language and translation practices of the actor—or sleepwalker—within a network of meaning. As well, Latour's notion of the black box continues this symmetrical and translational drive, specifically in its efforts to *depunctualise* the contents of the black box in discursive practices and translate the actor *into* discourse.

Outline

The following thesis is divided into two broad sections involving distinct and overlapping modes of discursive translation of the sleepwalker figure. The first concerns the *language* involved in definitional practices of translating sleepwalking into legal and medical jurisdictional frameworks, while the second

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[13] This dissertation uses the language of "translation" in two primary senses. In the comparative component, translation refers to the work of moving between languages and interpretive paradigms whereas the theoretical and critical work considers translation in a figurative sense more akin to "carrying across" between the participating actors, social contexts, and interactive group dynamics.

concerns the *cultural interpretation* and translation of the ideology of the sleepwalker-figure in film and literature. In both parts, emphasis is directed to the silencing of the sleepwalker-figure in favour of both divergent *and* convergent truth practices. Equally, too, in both parts, the most foundational knowledge practices and dominant expressions of sleepwalking are conveyed in order to suggest that translation practices must start with our very basic definitions and expressions of sleepwalkers in general.

Part One, "Speaking for the Sleepwalker: Translation vs. Description," addresses the general language *of* sleepwalking in medical and legal discourses, that is, the definitions created, as well as the practices *of* those definitions, in both separate and overlapping jurisdictions. Despite an unrelenting process of layered descriptions of the definitional status of sleepwalkers in medicine and law, and also a persistent enrolment of new actors within its discursive networks, the very *subject* of the sleepwalker retains a muted and silenced status—often by virtue of this expanding work. This means to suggest within these frameworks that the sleepwalker become an active *actor*-participant within medical and legal frameworks that, through either the language of medical science or *mens rea* in law, establish the possibilities of truth regarding the sleepwalker's status rather than only authoritative interpretations. An actor-network theory-based sociology of translation is described and suggested as a means to enrol the sleepwalker into discursive practices and help translate his or her actions within the network as *part* of the network. This targets reification of meanings through authoritative

jurisdictional frameworks and suggests that translation become complementary. In a discussion of translation, language, truth practices and discursive writing are contextualised within this translation effort.

Part Two, "Drama, Film, and Actor/Actress Networks," addresses two case studies of sleepwalking translation in critical, discursive practice: (1) Lady Macbeth's sleepwalking admissions in Shakespeare's *Tragedy of Macbeth* and (2) Cesare's murderous sleepwalking adventures in the 1919/20 silent film *Das Kabinett des Dr. Caligari* (*The Cabinet of Dr. Caligari*). These two studies contextualise an actor-network focussed translation of reading an *active* sleepwalker-figure against a backdrop of alternative readings that are quasi dismissive of either the acts or performances of the sleepwalker (or both) by virtue of being institution- or discourse-oriented.

A close reading of Lady Macbeth's sleepwalking scene exposes her silencing, which is represented not just in the discursive interpretation of the scene but in the play overall. An actor-network inspired ecocritical view is explored that aims to address Lady Macbeth's silencing, or "perfunctory closure," through her sleepwalking and sleeptalking. The construction of Lady Macbeth's sleepwalking represents an inoculation of the sleepwalker figure we already know that overrides a translational reading of the sleepwalker figure who is, in fact, occluded.

An "iris-in," to borrow terminology from film studies, of Cesare's sleepwalking function in *Das Kabinett des Dr. Caligari* against the interpretive

cultural and critical forces in discursive practice, elucidates a black-boxed

sleepwalker-figure. That is, Cesare comes to be a mythic sleepwalker-figure who

is subject to discursive control of both the inputs and outputs of interpretation that

constitute various assemblages of truth regarding his status and actions. An actor-

network inspired process of *depunctualisation* is explored to help open Cesare's

"black box," unpack taken-for-granted knowledge claims, as well as translate the

possibilities of Cesare's *active* experience as a major sleepwalker-figure in film

and culture.

Prologue:
"What's past is prologue": Staging the Scene

The Murder of Maria Bickford: A Generalised Translation

The remainder of the prefatory materials to the main body of this dissertation offers up a generalised translation of 'real life' sleepwalking into 'cultural product(s)' by way of a prologue that presents a short example that crosses literary, medical, and legal fields in order to set our scene. This opening prologue sets the scene by way of a narrative that moves from legal, to medical, to literary frames of reference, all competing to describe and define the same scene: a scene with no witness and no acting subject. In this vacuum, law, medicine, and cultural products all vie for enunciative authority. Although the murder of Maria Bickford and the trial of Albert J. Tirrell is not the focus of extended discussion in this dissertation, it demonstrates the three venues or stages on which the sleepwalker performs as an object of the discourse's script, as well as the translations that occur of the sleepwalker between these three platforms.

This prologue, then, turns to the productive tension between 'real' events and their translation into culture—that is, from the exigent circumstances of both medical and legal discursive practices defining and framing a highly publicised case of sleepwalking to the cultural receptions of both the victim and the purported killer. Such a narrative account offers up a foundational basis for the following thesis and research problem: how all three fields—law, medicine, and culture—literally and figuratively overlap in constructions of 'real life' sleepwalkers and contribute to his or her interpretation and silencing. This popular

sleepwalking case has it all: murder, arson, adultery, prostitution, fashion, trial law, a cameo by Edgar Allan Poe, and violent sleepwalking. The story concerns the murder of Mrs. Maria Bickford (née Mary Ann Dunn) in 1845 that scandalised Boston society and, at the same time, ignited such popular attention from before and after the events surrounding the trial of her alleged sleepwalker-cum-murder, Albert J. Tirrell.

"Her beauty was her ruin."

—Mr. James Bickford, *Authentic Life* 4.

The name Maria Bickford was household in 1846 Boston society. Her rapid fall from society's graces found her murdered in a brothel where her neck had been slit from ear-to-ear and her body set on fire. The accused murderer was one Albert J. Tirrell, who was Maria Bickford's lover and fellow lodger at the time of her death. Having abandoned her body after the crime and then fleeing Boston, Tirrell was subsequently caught and faced two criminal charges: one of adultery and the other of arson, the latter of which afforded the death penalty at the time in Massachusetts.[14] The trial of Albert J. Tirrell, however, was important in its

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[14] Alan Rogers, in his "Under Sentence of Death: The Movement to Abolish Capital Punishment in Massachusetts, 1835-1849," discusses the Bickford / Tirrell case in greater detail. Publications, such as *The Prisoner's Friend* (called *The Hangman* until 1845) spread hope that capital punishment would end: "We hope the people of this Commonwealth will not hang this young man… We hope they will never hang another man" (*The Prisoner's Friend*, (25 February 1846): n.pag), as quoted in Alan Rogers, 42.

subsequent change. Soon after capital punishment could be sought only in cases

of murder, which thereby limited the scope from other criminal charges, like

arson.

Maria Bickford's charred remains and brutal death ignited public interest,

criticism and sympathy, as well as both news and literary writing. Responses and

responsibility were needed as much as they were given. Prior to her 1840

marriage to Mr. James Bickford, a cobbler of modest means in Maine, she is

sympathetically reported by a Clergyman of Maine (or at least by a sympathetic

author anonymously self-identifying as a prurient clergyman) to have visited

Boston before, but on the way resorting to prostitution as a means of survival,

thereby shortening her stay.[15] Following her return, she met and married James

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[15] This refers to an unknown Clergyman of Maine who wrote *The Life and Death of Mrs. Maria Bickford, A Beautiful Female, who was Inhumanly Murdered, in the Moral and Religious City of Boston, on the night of the 27th of October, 1845*. He accounts for Maria as possessing a kind of strange air about her, but he also makes allowances for a redemptive innocence. On one trip to Boston she found herself without money to pay her way. Having believed the captain of the sailing vessel would give her free passage, she was soon deceived: "Generous man! Thought she, some of nature's noblemen are yet living; and with gratitude and prayer she undressed and went to bed. Sleep soon came to her eyelids, for she was weary. But scarcely had sleep veiled the memory, before a portly, well dressed man, stealthily entered the room without a light, took off his clothes and crawled into the same bed! She waked not until his arms were firmly clasped around her form. Then she uttered a scream, but amid the tremendous noise of the boat's machinery and the dash of the waters, that cry was drowned. She struggled furiously to get away from his grasp, but failed. Then he put his lips to her ear and whispered, 'A free passage; you are without money, and I have an abundance; be quiet, and all shall go well with you.' Her brain was confused; her mouth was dum. She felt that her hour had come. He accomplished his purpose, and remained with her through that long, bewildering night," (14-15). The same Clergyman addresses the prevalence of prostitution on board Eastern steamboats that the "people down there are such a simple and [unable to read] race, that these

Bickford. During the two years of marriage in which they lived together, Maria

gave birth to a baby girl, who was tragically stillborn. Mr. Bickford writes that

"[t]his domestic affliction had a powerful influence on the mind of the mother,

bordering upon insanity."[16] That same year Maria Bickford accompanied several

family friends to Boston and was immediately enraptured by the cosmopolitan

delights of this industrialised city:

> While in the city, she appeared highly delighted with everything
>
> she saw. The gorgeous jewelry and splendid goods of every
>
> description for sale in the windows of the various stores on
>
> Washington street, she would often refer, and as often express a
>
> strong desire to remain here permanently. On returning home,
>
> *Boston* was the all-absorbing theme of her conversation—fine
>
> houses; fine carriages; ladies with fine dresses; gentlemen looking
>
> prim; commotion, bustle, variety—all had fairly turned her head![17]

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daughters of chastity have never had the least knowledge of his steamboat
deviltry, or of earning money by the sale of their virtue, until it so whispered to
them when it is too late to make escape" (15). See bibliography for full reference.
The Clergyman's account, because it is not mentioned in other accounts, should
be read with caution for its supposed truth claims and likely literary (*and*
titillating) aims.

[16] James Bickford, Samuel E. Brown, and Fernando E. Worcester, *The Authentic
Life of Mrs. Mary Ann Bickford, Who Was Murdered in the City of Boston, on the
27th of October, 1845: Comprising a Large Number of Her Original Letters and
Correspondence: Never Before Published* (Boston, MA: 1846), 3; hereafter, this
will be referred to as *Authentic Life*.

[17] *Authentic Life*, 3.

However, Mr. Bickford's impressions of his wife's enjoyment resonate most astutely when he comments "[h]enceforth she became an altered woman, and seemed dissatisfied with her humble and retired condition in life."[18]

Her desire for fine dress and another world of fancy presumably consumed her imagination. After she and Mr. Bickford commenced boarding with a widow in Bangor, she soon met her first seducer, and after his winning of her confidences, they left Mr. Bickford under the ruse of visiting Maria's mother in Guilford.[19] Three days together with this boarder, named Johnson, was enough to switch her affections from James to another life, for 'Johnson' promised to take her wherever she liked if he could secure her affections. This he completed, and in October they set sale for Newburyport, thus marking the beginning of the end for Maria Bickford.

Eventually Mrs. Bickford found herself alone and somewhat destitute in Boston as she bounced around to various lodgings. Within the years leading up to her death, she appeared never to have found financial stability, having resorted to prostitution to be able to secure her rent. Surrounding the sensationalism of the 1846 trial, Mr. Bickford released to a Boston publisher the collected correspondence between himself and his wife. This constituted the central "literary" response to the social problem of her murder at the supposed hands of a somnambulist, although a small industry of cultural products were developed to fill this need. As a response, these letters contributed to social constructions of

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[18] Ibid., 3-4.
[19] Ibid., 3.

responsibility. Nearly every letter Maria wrote to James included either a request for money or some other mode of help, or a hollow desire to return to him and 'reform her ways.'

New Bedford, July 15, 1844

James—I have written two letters to send to you, but could not get a chance to get them to the office, for I live two miles from the village.[20] I want to come back, but I owe four dollars in the house, and they will keep my clothes if I do not pay up. I live in 'Hard Dig,' the vilest place that ever was made. Here are five bad houses altogether. The inmates are getting drunk and fighting all the time. They drink and fight all day, and dance and —— all night. Oh, I want to get back to Boston as soon possible. * * * * I want you to send me money enough to pay that four dollars, and two dollars to bring me back; and I want you to send it as soon as you receive this. Do not delay one minute. Direct to Maria Welch, New Bedford.

Yours,

MARIA.[21]

Later that year, Mr. Bickford, despite Maria's pleas for him not to travel to New Bedford, went to visit the Hard Dig boarding house. To his surprise, he learned

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[20] Maria Bickford's travel to Boston was not altogether direct, having stopped in various towns and with other acquaintances.
[21] *Authentic Life*, 22.

that Mrs. Bickford was living with Albert J. Tirrell at the Railroad House.[22] Her

affections had altered considerably: there was no returning with or to her husband.

Henceforth, she travelled with her paramour Albert Tirrell, who had also left a

spouse behind, to New York and Philadelphia before settling back at Boston.

Despite her extra-marital adventures, her pleas for help and promises of reform

continued. Furthermore, Mr. Bickford's publication of her letters to an

appreciative public constructed one component of social knowledge and popular

regulation of interest.

Mrs. Bickford's requests were growing more audacious. In one letter to

her husband, she requested his 'finding' services (and presumably financial, too)

to keep a lover, whom she could pass off as a brother so as not to arouse

suspicion. On 8 February 1845, she writes from New Bedford,

> I think I will come to Boston and keep house. I am very steady
>
> now, and I should be almost a stranger there. I want four or five
>
> rooms, and want them neat and nice. There are rooms enough of
>
> the kind. I do not want any company to the house; there is but one
>
> that I should want to come, and that is the one that is with me now,
>
> and has been for the last six months. You know, James, it would
>
> not do to come there and live with a man and you in the city; that
>
> is, if I make people think I am steady. No one need know that any
>
> one comes to the house. I won't ask you to support me; you might

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[22] Ibid., 25.

as well board there as any where else. I should want two beds set

up, one for myself and one for you. My man would come once or

twice a week, and no one be any the wiser; he has a family fifteen

miles from Boston and would not be exposed. I want you to get me

some rooms without fail. Go to intelligence offices and look for

them in the south part of the city.[23]

Mr. Bickford's reply deserves attention. On 10 February 1845 in Boston, James

Bickford responded to Maria's request:

Mary Ann—Your very singular letter was received by me in due

time. I am astonished that you should write to me thus. How can

you suppose that I would listen for a moment to such a vile

proposition? I fear your mind is sadly debased. If you are

determined to continue the life you now lead, I shall be obliged to

give you up as lost. Adieu.

JAMES.[24]

Was Maria Bickford a sentimental victim or a virtue-less seductress? How does

James Bickford's publication of these letters aid in the popular construction and

containment of her murder? That her body was found murdered in a brothel

divides public sympathy, for on the one hand she was beautiful and had been led

astray. Yet, on the other hand, she *was* living the life of an adulteress and

prostitute in a city *then* famed for its abundance of prostitutes. Both alter the

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[23] Ibid., 25-26.
[24] Ibid., 26.

popular knowledge of responsibility and, by extension, of the sleepwalking

murderer. Journalistic and pamphlet-based coverage of the day swung from

casting her as a sentimental, romantic victim to an immoral seductress tempted by

fine dress and a high lifestyle. According to the *Boston Daily Mail*, for instance,

she was, as a woman, "slight, [with a] graceful figure, and very beautiful."[25] By

contrast, witnesses for the prosecution emphasised her whimsical, controlling, and

excessive nature. "She drank intoxicating liquor to excess, and I have often seen

her intoxicated," one witness reported.[26] Another witness for the defence declared

that "Sometimes she would get into a passion and he [Tirrell] always tried to

soothe her."[27] Yet, her fascination to the public, which led to the various literary

and journalistic works that take her as their subject, do not originate in the

pathetic appeal of the fallen, innocent, and virgin-whore tropes that respond to her

death and help to regulate its understanding among the literature-consuming

publics who must live with the potential for future victims of sleepwalking

violence.

In several popular views, as well as for the time, Daniel Cohen suggests

that the language and expectation of morality was increasingly tied to that of

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[25] *Boston Daily Mail*, 27 October 1845, 4; 28 October 1845, 2.
[26] Albert John Tirrell and Massachusetts Supreme Judicial Court, *The Trial of Albert John Tirrell, For the murder of Maria A. Bickford: including a sketch of his character, personal appearance &c., together with a faithful and minute report of the arguments of the prosecuting officer and counsel, the chain of evidence, charge of the judge, and verdict of the jury* (Published and for sale wholesale and retail by H.B. Skinner, 1846), 17.
[27] Ibid.,18.

consumption.[28] For instance, Cohen comments on one reporter's noticing "A work-box, cosmetics of various kinds, a parasol, and a pair of white kid gloves, together with one shoe of delicate dimensions, lay carelessly upon the table"— these objects specifically show how this reporter sought to "evoke sympathy for a murdered prostitute by artfully describing the commodities deployed around her room."[29] Other reporters focussed on just this aesthetic to round out a picture of the sentimental victim; in particular, Cohen notes, one reporter must have "assumed that his audience was attuned toward a new semiotics of genteel consumption."[30] This stands in marked contrast to those who saw her as a seductress or villainess, culminating in the trial of Albert J. Tirrell with an extended linkage between female depravity and unbridled consumerism.[31] Somewhere between these two views was that of *The Authentic Life of Maria Bickford*, which was geared toward a mass audience and based on the primary correspondence of Maria Bickford.[32] For Cohen, however, there is yet another alternative reading between the two more extreme viewpoints of Mrs. Bickford, which is to see Maria Bickford as a sexual commodity.[33] Each instance stands out as a regulatory classification, indeed *translation*, that disciplines knowledge for

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[28] Daniel Cohen, "The Murder of Maria Bickford: Fashion, Passion, and the Birth of a Consumer Culture," *American Studies* 31, no. 2 (1990): 5-30.
[29] Ibid., 12.; also, *Boston Daily Mail*, 28 October 1845, 2.
[30] Cohen, "Murder," 14.
[31] Ibid., 15. See Cohen's article for a list of more examples.
[32] Ibid., 18-20.
[33] Ibid., 23.

the public in particular ways that place her in relation to both popular institutions and competing forms of popular understanding.

While the circumstances of her life *and* death appear sensational enough, the composite popular effects of Maria Bickford's death resonated through a growing and rapidly industrialised Boston. Cohen also points to the importance of the published responses surrounding her death and the accompanying trial of Albert J. Tirrell, specifically that they illustrate three "intricately related" and key developments in New England crime literature during the first half of the nineteenth century:

> First, newspaper coverage of sensational crimes and trials expanded dramatically. Second, motifs from sentimental and romantic fiction flooded into literature. Third, trial reports emerged as popular scripts for the drama of crime and punishment.[34]

Crime and punishment, indeed, signal the intra-institutional flow of definitional and generic knowledge within a culture, such that the trial shapes cultural production and vice versa through legal, medical, and literary notions and definitions of class, gender, social role, and eventually sleepwalking. This begins to look more like a Bourdieu-based field model for the cultural production *of* sleepwalking containing strategic relations of power. Howsoever, a key assumption may be extracted: the more melodrama, the greater—and, hence,

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[34] Daniel Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674-1860* (Oxford: Oxford University Press, 1993), 245. Hereafter, this will be referred to as *Pillars*.

increased—likelihood of journalistic coverage *and* consumption. Should Mr.

Bickford's point of view be taken into consideration, his wife is likely to be found

an errant seductress, for "[h]er beauty was her ruin."[35] This, in fact, secures

Maria's fitting for a lead role in the cultural motif (*not* literary genre) of the

beautiful female victim: that she is (1) beautiful, (2) female, and (3) murdered.[36]

Within print culture, this motif was developed more fully in newspaper stories,

trial reports, and biographies of the murderers and their victims,[37] all of which

surrounding the death of Maria Bickford and trial of Albert J. Tirrell. This, in

turn, bleeds into the literary matter. Again the Bickford-Tirrell tale carries a

fantastical tale and generic trait that sets it apart.

The seducer, adulterer, murderer and arsonist is Albert J. Tirrell. Like

Maria, he, too, experienced the sway of public opinion, especially since the

descriptions of Mrs. Bickford's body—the placement of the corpse in relation to

the room and Tirrell's alibi—were popular and important to popular persuasion of

the case. Such attention was a conduit for medical and legal forms of knowledge

to enter public cultural discourses, but also for public discourse to apply pressure

on the definitional and knowledge-constructing practices of law and medicine.

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[35] *Authentic Life*, 4.
[36] Daniel Cohen, "The Beautiful Female Murder Victim: Literary Genres and Courtship Practices in the Origins of a Cultural Motif, 1590-1850," *Journal of Social History* 31, no. 2 (1997): 278. The woman can be depicted in popular literature, Cohen notes, as "(4) young, (5) unmarried, and is most often murdered by, or at the instigation of, a (6) young (7) unmarried (8) man (9) in the context of some sort of romantic relationship or sexual encounter," 278.
[37] Cohen, "Beautiful," 278.

This popularity was due in part to Rufus Choate, Tirrell's defence attorney who launched a three-pronged strategy to have Tirrell acquitted and render Maria Bickford a victim *not* of murder but of her own suicide. During the trial, Choate said

> It is true that the wound was upon the throat,—but it does not follow, that, therefore, another person must have inflicted the wound—suicide is almost the natural death of persons of her character, and cutting the throat with a razor is a very common method of suicide.[38]

Adding support to this viewpoint (that Maria killed herself), Choate commented that she had

> [woken] sadly, with her hold upon the prisoner about giving way, . . . what proof is there that she did not rise from her bed, set fire to the house, and in an phrenzy of the moment, with giant strength, let out the stream of life.[39]

The practices of the court rhetoric were in this way subject to popular interpretations of her *character* prior to her death, which might therefore help to explain her death.

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[38] Albert John Tirrell and Massachusetts Supreme Judicial Court, *The Trial of Albert J. Tirrell, For the Murder of Mrs. Maria Bickford* (Boston, 1846): 16. Note: this is not the same reference as in fn 14. While each are court testimonies and cover largely the same information, there still exist stylistic differences. This account in particular is less paraphrased than the other document, and this is one is longer in length. This version is hereafter referred to as *Trial 2*.

[39] Jean v. Matthews, *Rufus Choate, The Law and Civic Virtue* (Philadelphia: Temple University Press, 1980): 157.

In court, the Coroner's description of the body held the most weight. Jabez Pratt, Coroner, testified that

> The body lay on the back, in angular position, her head about a foot and a half from the grate. The right elbow is bent, and the head inclined to the right. A large gash was seen on the let side of neck before moving the body. On turning it up, a gash was discovered across her neck, clear round laying it open. Her night clothes were burned off close up to her breast, leaving a part of her stays and chemise. Her face was a little smeared, not burnt much. The body was badly burnt, but not deep. A little to the right, two feet from her right arm lay a razor, open and smeared with blood.[40]

The positioning of her body was important if a suicide defence was going to stick, for, it was thought, how would she be able to move her body from the bed after having slit her own throat. Yet, the fact there was blood in the washbasin, presuming the killer would have washed his or her hands, provided just enough evidence for the prosecution to continue with their indictment of Tirrell.[41]

It rested on the prosecution to prove that Tirrell acted with premeditation and had returned to their lodging in the evening with the intent to kill Maria Bickford. This strategy relied as much on the strength of the claim as it did on

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[40] Ibid., 8.

[41] The Coroner reported the following: "The place was in circumference about as large as a pail, where the blood had run through. There was blood in the chair at the head of the bead; a wash bowl in the room contained water thick with blood; also blood on a glass lamp upon the mantelpiece," Ibid.

Chaote's oratorical skill. Daniel Cohen, in his *Pillars of Salt, Monuments of Grace*, comments on an anonymous author of a biographical sketch of Choate who, in 1847, claimed that Choate argued his case as though he were writing a "romantic poem," that he portrayed his client as the "hero of the narrative," and that Choate treated his jury like the "reader of a romance."[42] Such readers are, of course, already adept at interpretive constructions of knowledge, such as the expectations of sleepwalkers and the stereotype of sleepwalkers we are more familiar with—the kind that harmlessly wake in the night and return shortly to sleep. The unknown author suggested that Choate had an identification with his clients similar to that of a great author with his fictional characters: "Ideas, suppositions, possibilities, drawn into his own imagination, are vitalized into realities," the writer explained, "and he sees them as living things—sees them as Dante saw Farinata rise from his glowing tomb—as Shakespeare saw Cordelia bending over Lear."[43] Genre and the conditioning of popular knowledge both play a major role indeed.

It was thus for the defence to show that Tirrell was sleepwalking at the time, which contributed to Choate's famed alternative hypothesis strategy. In turn, this led Choate to prove the bulk of the prosecution's evidence was circumstantial and that a guilty verdict would mean the death sentence for Tirrell.[44] Accordingly, Choate put his weight into launching his somnambulism defence,

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[42] Cohen, *Pillars*, 198.
[43] Ibid., 198.
[44] Matthews, 157.

which relied on three medical authorities of the time—all of whom claimed to have some degree of experience with sleepwalkers either under their charge or through relevant research. It began in the trial by Choate likening somnambulism for the jury to other familiar knowledge categories: "that this state is like any other *mental condition* with which you are familiar. Hence, it we show that it is like a state of *dreaming*—like a state of *intoxication*—like a state of *insanity*— yea, more, if we show, as we shall be able to do, that it is a state of real mental derangement."[45] But Choate was clever to make this defence medical—or authoritative—enough for the jury, and by doing this he divorced any association with Anton Mesmer or '*mesmeric somnambulism*'; however, this was done with due reverence for the "professor in that art."[46] By this time, Mesmer's reputation had well been dismissed in favour of medical expertise. The strength of the somnambulism defence also rested in part on it being associated with a disease of the mind, that it was most "unnatural to the human constitution."[47]According to Chaote, "*somnambulism…* is literally walking in one's sleep—or, as the later writers have termed it, sleep-walking; because men in this state, though asleep, perform all or most of the functions of men awake."[48] Note here Choate's change in terms and preference for the authority the jurors would grant to medico-legal Latin *somnambulism* rather than their vernacular Anglo-Saxon origins of

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[45] *Trial 2*, 19.
[46] Ibid.
[47] Ibid.
[48] Ibid.

sleepwalking, which has served the purposes of this Introduction perfectly well to this point.

Of the three medical experts called as witnesses for the defence, the first was Dr. Walter Channing, who had attended considerably to Somnambulism in the works of Gall, Spurzheim, Goode, Elliotson, and several French authors in collected works or the Scientific Dictionary.[49] Referring immediately to a 1686 somnambulism case by a brother of Lord Culpepper, who, "in a fit of Somnambulism, shot a soldier of the horse-guards" and was thereafter pardoned, Dr. Channing likened Tirrell's case to that of a monomaniac.[50] He testified that "In Somnambulism, a person may have the will to act, and yet the moral nature entirely wanting. A person will remain in this state some considerable time, and perform a variety of actions."[51] This was enough to "pronounce the prisoner a sleep walker."[52] Dr. Woodward was the second medical expert called, who was at the time superintendent of the Lunatic Hospital at Worcester. He concurred with Dr. Channing and cited his own reference to a Jane C. Ryder, known as the Springfield Somnambulist, who could read and take tea in a somnambulistic state.[53] Upon likening the two forms of somnambulism, Dr. Channing opined "that a person in a state of somnambulism might rise, dress, commit a homicide,

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[49] Ibid., 26.
[50] Ibid.
[51] Ibid.
[52] Ibid.
[53] Ibid., 27.

set a house on fire, and run out."[54] Given Tirrell's youthful proclivities to sleepwalking, this opinion stuck. The last medical expert was Dr. Forsyth, a physician for Mutual Life Insurance in New York. He was acquainted with one instance of somnambulism where the subject would experience paroxysms of fancy. In one such instance, she cut off her hair and then redressed herself afterward for having done so.[55] This interplay of expert testimony thereby becomes legal knowledge—witnessed, for example, in Choate's assumption of medical states of being—such that power, as a definitional expertise that inscribes institutional authority, becomes publically exercised and interpreted when such testimony is provided. The testimony then becomes the knowledge base for further discursive expressions of power.

Despite the defence strategy of somnambulism, the jury seemed to have found enough circumstantial evidence to acquit or find Albert J. Tirrell "not guilty" without recourse to the somnambulism plea. The most sensational 'hook' for the consuming public was in the end unnecessary to the reality. At the beginning of the trial, "All eyes were anxious to get a view of him who is charged with the appalling crime of murdering MARIA BICKFORD, a young married woman, much celebrated in certain circles for her personal beauty and attractive charms."[56] The linkage between physical characteristics or attributes was important to mid-nineteenth century society. Michael Trotti has commented

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[54] Ibid.
[55] Ibid.
[56] Ibid., 3.

on such a link between the era's sciences of phrenology and physiognomy in

relation to man's—or woman's—character, specifically that "character could be

perceived from a person's physical attributes—the contours of the skull and one's

general appearance, respectively."[57] Trotti continues to suggest that this

"transparency of character" became a safeguard for social order.[58] Thus, Tirrell's

appearance was immediately noted, with lengthy emphasis on his facial

characteristics:

> He wore a snuff brown coloured coat with rounded lapels, and
>
> bright buttons; a double breasted black satin vest, black pants,
>
> black handkerchief, and shirt-collar turned down; the whole being
>
> very fashionably made and well fitted to his genteel form. His
>
> countenance has nothing in it peculiarly attractive, and would pass
>
> among the crowd as very well looking. His forehead is not high,
>
> nor broad, but the intellectual developments are fair. The most
>
> peculiar feature is his mouth. This is unusually large, the corners
>
> being much turned down, giving it the appearance of grief, if not of
>
> a worse passion. His nose is rather large, and his whole face square
>
> built, and somewhat muscular in its appearance, if we may use

[57] Michael Ayers Trotti, *The Body in the Reservoir: Murder and Sensationalism in the South* (Chapel Hill: The University of North Carolina Press, 2008), 157.
[58] Trotti, *Body in the Reservoir*, 157. In *Trial 2*, it is commented that "As much curiosity always exists in the human heart to known how a man looks who has done any deeds, whether good or bad, to distinguish him from the rest of his fellow travellers in this "vale of tears," we will described as he appeared to us while he stood in the prisoner's bar during the reading of the indictment," 3.

such a term. His eyes are a light blue or hazle, and his hair light

brown. He wears no whiskers upon his face or goat-beard under his

chin; his complexion is light, but his countenance is not pallid

being rather florid and fresh looking for one who has come out of

prison.[59]

All of this was to intimate that he was dressed like some "dandy" of the day, but

his facial features deceived this sense as the narrator took Tirrell, instead, for

some mechanic or young farmer.[60] Despite all of this, the physiognomy and

sleepwalking remain the reason for the trial's remembrance and its entry into the

mainstream of popular and public social knowledge.

The waywardness of this youthful prisoner—and soon acquitted man—

was again fodder for popular comment and production.[61] Full of ideas and

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[59] *Trial 2,* 3.
[60] Ibid., 4.
[61] The press seemed inclined to focus on this "waywardness" throughout the trial. Choate lists in his address to the "Gentlemen of the Jury": "The Press have given to the world the most shocking and exaggerated accounts of the death of the deceased. Suspicions, impressions, and conjectures, have been proclaimed as facts. Pamphlets and histories of the pretended follies and crimes, have been poured over the country, inflamed the passions, and exciting public indignation against him; pretended confessions of his crimes have been spread far and near, till the public mind has been poisoned and most people have begun to regard his guilt as established: and have done to believe that the defendant has committed one of the most atrocious murders recorded in the annals of time. False and exaggerated accounts of the waywardness and recklessness of his earlier life; dark insinuation and surmises of other crimes enacted by him have been scattered abroad, and rehearsed in the counting-house of the merchant, in the workshop of the mechanic, by the fire-side of the farmer, and among the resorts of business and pleasure, and in all the haunts of dissipation and vice, until almost all men look upon him with suspicion and dread, and his cause has been completely overwhelmed with popular odium and prejudice; all ranks and classes of men

adventure after the trial, Tirrell found himself in New York endeavouring to learn a publications trade for a few weeks, "without knowing where or how to begin a business of which he was utterly ignorant, and which his rattle-headedness rendered him incapable of comprehending under any circumstances."[62] Within one year, comments one of Tirrell's biographers, he had "scattered to the winds a patrimony of more than twenty-seven thousand dollars."[63] In 'characteristic' form of the day, but in contrast to the court biographer, Maria Bickford's biographer pronounced judgement on Tirrell's features: "His flushed cheeks, his beak-like, pimpled nose, his gallynipper lips, rendered his demeanour the beau ideal of a sucker-sharp. His tongue could rattle off more lies and oaths in a minute than that of any other sucker in Boston, excepting one."[64] In short, Tirrell was here the *object* of the popular press who soon sought to become the *subject* who would produce the popular press, and, in turn, effect popular opinion.

Having convinced himself he would begin the publication of a periodical, Tirrell contacted none other than Edgar Allan Poe. It was Poe's editorial savvy that Tirrell wanted, and so Tirrell offered him the "exclusive editorship" and control of the periodical.[65] Poe was dubious:

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have begun to regard him as a most odious and revolting spectacle of moral obloquy and deformity, whose hideous character is unalleviated by any of the milder and nobler attributes of manhood," *Trial* 2, 15.
[62] *The Life and Death of Maria Bickford*, 24.
[63] Ibid.
[64] Ibid.
[65] Ibid.

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Poe, after a cautious and analytical survey of the gentleman,

propounded divers queries which Tirrell had not the capacity to

answer. He seemed to be possessed of a belief that if he brought

some doubled sheets or printed paper before the people, and the

ladies in particular, an illumination as wonderful as the aurora

borealis would be consequence. "The people," said he, "want

knowledge; they thirst for it as the heart panteth for the water

brooks."[66]

Poe's doubt grew henceforth more resolute as he provided for Tirrell his answer:

"Yes, sir, precisely," said the other (Poe), "but engagements compel me to decline

your generous offers; I have already promised to do much more than I can

possibly accomplish."[67] Thereafter, Poe recommended one Silas Estabrook to

Tirrell who could provide assistance and time for the project. The project itself

was a disaster. Entitled "The Unexpected Letter: A Truthful Journal of News and

Miscellany. . . Edited by an Invalid," the popular periodical was to be mass-

produced and include popular impressions. The sheer cost of the first edition

would have secured the cessation of future copies, presumably $2,500 just for the

printing costs, and the postal charges and services were estimated at $700. Indeed,

this would have sank Tirrell were it not for an entanglement with the police.

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[66] Ibid., 24.
[67] Ibid., 24-25.

Tirrell once again found himself embroiled in a public mess during the delivery of

the pamphlets and returned soon after to Boston, $5,000 poorer.[68]

The overall effect this case had on both journalistic coverage *and*

consumer culture was significant. Cohen notes that just a change in twenty years

was enough to heighten attention, and, therefore, by extension, journalistic

presence: the emergence during the 1830s of the penny press and cheap, urban

daily newspapers that now catered to an audience drawn chiefly from the middle

and working classes.[69] The contemporaneous association of pictures or

representations with character and moral attributes helped depict either the

brutality of the killing or the innocence of the victim or accused. Poetry, too,

aided various associations of guilt or innocence (be it moral or otherwise); for

instance, one anonymous writer referred to Tirrell's "cold, cold hands,"

resembling more of a romantic and literary association.[70] Adding to the

consumerism of an industrialised and increasingly commodified mid-nineteenth

century America were the wax figurine statues of Albert Tirrell and Maria

Bickford. These were part of a travelling wax museum that opened for business

late in 1846 and included statues, tableaus, period-specific musical instruments

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[68] Ibid., 29-30.
[69] Cohen, *Pillars*, 195.
[70] Lee Drew, "Extractions from the 'The Prostitute and the Somnambulist': Albert Jackson Tirrell—trials for murder, arson and adultery," (2000).
http://www.famhist.us/genealogy/histories/tirrell%20albert%20jackson%20murde rer.html. 30 October 2012.

with dancing saloon scenes frequented by prostitutes, and, of course, Maria

Bickford.[71] The *Boston Daily Times* reported

> Mrs. Bickford's figure will be dressed in the identical dress that
>
> was given to her by Tirrell and which cost so much money… also
>
> the jewelry and other ornaments worn by her in Boston; all of
>
> which have been obtained of Mr. James Bickford… at a great
>
> cost.[72]

The spectacle shows the extent of the impact on the popular imagination as well

as the shift of institutional authority and discursive practice to define the murder's

context (and thereby its interpretation) from one representative of authoritative

knowledge to another, from court to medicine, museum, and library.

Several interpretive authorities have been introduced in this case: the

Press, the witnesses, the medical experts, and overall consumer-oriented or

popular attention surrounding the day, including moral attitudes and expectations

of behaviour. The verdict of "not guilty" was shocking to the public. The

"Concluding Remarks of *The Boston Daily Mail*" capture just this apprehension:

> To say that the public mind is satisfied with the verdict, or
>
> convinced of the innocence of the accused, would be to assume a
>
> good deal more than facts will warrant. We doubt whether a man
>
> was ever before acquitted under so overwhelming an amount of

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[71] Cohen, "Murder," 23.

[72] As cited in Cohen, "Murder," 23: *Boston Daily Times*, 11 January 1847; 13 January 1847; and *The Daily Chronotype*, 11 January 1847.

circumstantial evidence; and we must in charity believe that the

jury (whose honour and sagacity we would not question or

gainsay) acted upon their *doubts*, and not under a full conviction of

the prisoner's innocence.[73]

However, the most extraordinary detail to come out of the case was that the

primary basis for Tirrell's acquittal—that of somnambulism—was left out by the

jury. The *Daily Mail* reports

It is a somewhat curious circumstance connected with this trial,

that the main point relied upon for the defence of the prisoner led

by his counsel—viz. the malady of somnambulism—should not

have been taken into account at all by the jury when they acquitted

him. Their opinion, as we understand it, was simply that the

government had not made out a case sufficiently strong to warrant

a conviction.[74]

This can be regarded as 'extraordinary' because the call to medical authority for

expert testimony on the topic of somnambulism[75] was, in fact, disregarded. This

leaves the reader to wonder if narrative persuasiveness in line with the interpretive

codes of the popular press was more effective.

Nevertheless, although the persuasion of legal oratory won and swayed

this jury in favour of the defence, the trial of Albert J. Tirrell strengthened another

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[73] *Trial 2,* 36.
[74] Ibid.
[75] And sleep-walking, as the two terms were used somewhat interchangeably but
with some medical authorities distinguishing the two.

kind of authority of interpretation: that of the *translation* of this trial into popular

cutlure, including its commodified and genteel habits or commentary. Romantic

attachments to female victims of somnambulism were not new to mid-nineteenth

century Boston society, but the ubiquity of newsprint and available media within

which to communicate opinions and attitudes toward the trial had changed as a

result of Boston's increased industrialisation—something that Cohen avers would

not have been possible twenty years previous.[76] This had a direct effect on

interpretive efforts, which were expanding considerably. Despite Tirrell's

acquittal, it is fascinating that he is still associated with the murder of Maria

Bickford in popular literature. In fact, Tirrell is not famous only for this act, but

he is recognised more by the defence strategy of being not guilty by reason of

somnambulism, a charge which the jury appeared to have ignored. This leaves us

with several questions: why was this case so popular? Why *did* the jury acquit

Tirrell? How real was sleepwalking to Boston society of the 1840s, legal, medical

or popular? How did Boston *society*, as a composite, come to categorise this

medical understanding? How entrenched were romantic attachments and the

language of morality, and for how long? What were the natures of the warnings

issued to men and women resulting from the outcome of the case? Further, what

was the nature of the medical testimony, it being the case that all three medical

authorities had differing opinions and definitions of sleepwalking? It leaves one to

wonder not only if the use of a sleepwalking defence was useful precisely because

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[76] Cohen, *Pillars*, 195.

it was sensational and was generative of meanings for, the court representatives, the jury, and public alike, but it also remains to examine the direction of the translation of sleepwalking and its attendant behaviours or assumptions, be it from culture to medicine and law or vice-versa.

Part I:
Speaking for the Sleepwalker: Translation vs. Description

Introduction, General Discursive Practices

The sleepwalker is like a scallop. In Michel Callon's formulation in "Some Elements of a Sociology of Translation," the sleepwalker's situation is similar to how scallops rely on the fisherman's skill to predict anchoring each fishing season; that is, the sleepwalker today relies largely on professional authority to interpret, predict, or explain his or her behaviours and practices. Today, however, the fisherman can no longer use only his traditional practice for this interpretive order, for the fisherman is subject to a network of interactions that places not just himself but also the scallop, as an *actor*, in the midst of dynamic interpretive approaches or solutions within complex institutional processes, each with its own jurisdictional authority and language. The same holds true for the sleepwalker: that while silent in regard to his actions, the onus of interpretation finds the sleepwalker the *object* of interpretation and thereby rendered voiceless in networks of meaning. Though inaudible in this sociology of translation, as is the scallop, the sleepwalker is fundamentally different from the migratory mollusc in one respect: he is of the Social world.[77] While the scallops interact with the social

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[77] This refers to the nature and social distinction—while it is not necessary at this stage, in this chapter, the human and nonhuman asymmetries will arise in the discussion of ecocritical interpretations of Shakespeare's works in Part II and thereby broach the role of the "actant" in Actor Network Theory as a non-anthropomorphising terminology that seeks to restore symmetrical language in discussing the various actants within a network, both the human and the nonhuman, the willful and the automatic, and so forth.

world of the fishermen, they are not *of* this world, whereas the sleepwalker is an automaton within the social world but acting without social cognition or controls.

This very social connectivity creates four fundamental problems of address, access, and interpretation of the sleepwalker. The first relates to the sleepwalkers' silence. As social participants and due to the nature of their affliction, sleepwalkers are unable to properly remember their wanderings or actions and are therefore reliant on external interpretations. The effects of this lead to three further problems of concern in this thesis, the first of which pertains to authority. Sleepwalkers are subjected *to* authority as much as they become subjects *of* authority, and this authority is further comprised of both contextual and competing interpretative or discursive. Third, the formation of sleepwalking language, discourse, and general claims to knowledge that thereafter ensue become increasingly technical, forming a jargon pertaining less *to* the sleepwalker as *actor* but more to the sleepwalker as both *subject* and *object* of professional discourse. This again returns attention to concerns of authority and its representatives—or actors. The fourth problem develops from this technical handling and concerns methodological practice. This is to say, within the professionalised treatment of technical language and methodological practice and researcher, sleepwalkers are written up historically, revealing certain contingencies of historically situated language and accumulations of knowledge. Specifically, the status and nature of professional claims tend more often to handle a sleepwalker in a generalised manner. This historically situates the

sleepwalker across professional categories to the extent that the productivity of

the sleepwalker's actions and livelihood as *actor* are diminished. By construing

the sleepwalker as the *subject* of bodies of knowledge and across bodies of

knowledge, his or her actor position erodes.

Taken together, these four problems point to a wider power/knowledge

dialectic of authority that this thesis addresses: that the sleepwalker is productive

in his capacity for knowledge claims, based on dynamic instances and exceptions.

In Foucauldian language, the sleepwalker in discourse must not be referred to as

an accumulation from one or another point of origin, but instead treated as when

discourse of the sleepwalker occurs over time.[78] Discursive practice addresses the

relation between the enunciation and practice of statements, which in turn inform

institutional practice or accumulation of knowledge in an assemblage of truth

claims. Further, it undertakes *descriptive* practices that separate different facts of

particular discourses "by freeing them of all the groupings that purport to be

natural, immediate, [and] universal unities," which therefore permits alternative

descriptions of these 'unities'.[79] Such discursive practice requires examining

discourse *formation* of sleepwalking by attending to its interlocutors who permit

an analysis not only of the formation, or instantiation, of concepts and statements,

but also of the relations these practices of forming statements have between

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[78] Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language* (New York: Pantheon Books, 1972), 25.
[79] Ibid., 29.

various fields of intersecting interest. It is the practices of these discourses that therefore contribute to the silencing of the sleepwalker figure.

Such discursive practices also point to conditions of possibility and require a more *effective* treatment, which refers to Foucault's archaeological method that builds on his genealogical intervention or construction of a subject such that *effective* treatment may take the place of hegemonic, historical-centred or occluding viewpoints. They, in addition, reveal assemblages of definitional practices in discourse that resemble truth at moments within its relevant paradigm, which may refer to representational moments in history. Historical examples, in this way, lead to an accretion of vocabulary. This importantly happens vice versa: lexical build-up impacts the search for historical representation. Therefore, descriptive efforts help to position contexts within networks of meaning that also require translation of that meaning within historical moments.

Part One aims to unpack the *descriptive* discursive efforts in medical science, medico-legal, historical contexts, as well as constructs, of the sleepwalker figure. It focuses in particular on those figures who commit violent acts in sleepwalking states because these states intersect both in medicine and the law and represent an interconnection of discursive interest and truth formation. Such discursive practices, however, point to silence. The sleepwalker is therefore treated similar to how Michel Callon handles the scallop in his influential essay "Some Elements of a Sociology of Translation." For Callon, the scallop—and here the sleepwalker—is construed as a voiceless actor within a network of

interpretation. An Actor-Network Theory (ANT) based approach is later

suggested as a means to reframe and/or retool the subjective actor in a

relationship of power and knowledge production. This suggests that the

sleepwalker is an actor in the production of power and knowledge even while

recast as subject to this productivity. Thus, the descriptive efforts of the

sleepwalker figure contribute toward a retooling of sleepwalking language, so as

to gesture toward symmetry in discursive practice and, crucially, *translation*.

Therefore, *general* sleepwalker (or sleepwalking) vocabulary in both medical

scientific and medico-legal contexts is discussed. This coverage aims to include

the extant discursive base within the medical literature so as to foundationally

gesture toward translation and generalized symmetry of language.

To address points of access, Part One motions toward a key component of

Foucauldian archaeology: the examination of interstices between interpretations

or moments when the sleepwalker is handled descriptively and definitionally by

authoritative bodies. That is, by *automatically* sleepwalking, the sleepwalker is

productive; however, by virtue of his or her silence and reliance on interpretive

bodies, he or she is occluded by this produced discourse through an asymmetry in

language practice from the network of interested actors in a way that is more

extreme than that seen in other actors, and more akin to ANT's Nature/nonhuman

figure (e.g., the scallop).

To contribute to a retooling of language used to describe sleepwalking and

therefore gesture toward symmetrical discursive practices, Part One has four

tasks: 1) to define a sleepwalker, 2) to uncover the medical scientific layering of this definitional practice, 3) to broadly access the intersection of the sleepwalker in society through medico-legal handling and standards of definition, and 4) to describe these as effective practices of truth that require translation and generalized symmetry of the sleepwalker figure.

The Language of Sleepwalking

> *Those persons, who are said to walk in their sleep, are affected*
> *with reverie to so great a degree, that it becomes a formidable*
> *disease; the essence of which consists in the inaptitude of the mind*
> *to attend to external stimuli.*
>
>   - Erasmus Darwin, "Reverie," *Zoonomia*

Sleepwalkers have many names in various literatures, each depending on historical context for intended meaning. Erasmus Darwin, for instance, in his *Zoonomia* linked sleepwalking in the late 18th-century with reverie, considering it more a *disease* of the mind—that its existence had less to do with sleep but instead resembled a kind of catatonic state.[80] Definitions by today's medical standards have changed considerably, as have the social condition in which these definitions are produced and to which they respond in ways that are themselves productive exercises. Today, sleepwalking is less associated with dreams, disease states, or external problems of the mind; it is instead handled as an aspect of an internal, biological state, though with several environmental and societal affectations. Both *sleepwalking* and *somnambulism* are the most common referential terms used, and they apply to someone who is walking in his sleep without any apparent knowledge of his actions or wanderings upon waking.

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[80] Erasmus Darwin, *Zoonomnia; or the Laws of Organic Life*, Vol. I., (London: Thomas and Andrews, 1809).

Somnambulism is a derived from a combination of the Latin *somnus*, meaning sleep, and *ambulare*, meaning to walk. When compounded and translated into English, *somn-ambulism* is rendered as sleep-walking—with or without the hyphen—and with variations of these compounds existing across different language systems in similar forms. It is important to note the direction of this translation since it is itself caught up in the social system of signification and authority as well as production. Plainly, the imposition of Latin for definitional work on terms perfectly comprehensible in their vulgar vernacular is an alignment of language to the institutional authority of Law and Medicine in society. Furthermore, depending on when the term is being used, sleepwalking and somnambulism are not necessarily coterminous signifiers, despite their supposed synonymous status, even with different social valuations or markers of class and authority in asymmetrical language. Definitions and explanations thus depend largely on a culture's systems of beliefs in relation to sleep as well as the culture's embeddedness and deference to authority, often of a professional or organised nature. For the most part, today, both terms may be used interchangeably, yet it is important to note that this equivocal status between the two terms is a later 20th-century phenomenon. The following section seeks to provide a schematic of how one would go about defining and situating a sleepwalker in current[81] professional literature. Contemporary definitions, categorisations, and medico-legal

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[81] For the purposes of this thesis, I focus more specifically on present-day interpretations, as these help illustrate the problems this thesis discusses. Nonetheless, historical interpretations do recur and make obvious the contingencies involved in such definitional work at any time.

significations of a sleepwalker, with an emphasis on violent sleepwalking, will be addressed in particular.

The *Oxford English Dictionary* today defines a sleepwalker (or *somnambule*) with minimalist detail as "one who walks while asleep," secondarily referring to this person as a "somnambulist."[82] This is the generalist's definition, intended for popular knowledge and widespread application. Clinical and professional definitions of sleepwalking, however, are not so easy to access despite being predicated on the same self-describing conditions. Because they are grounded in medico-legal vocabularies of interpretation, understanding often carries requisites of understanding (training and status), such as knowledge of the field or specific education in the discipline. For instance, sleepwalking in today's research fits under the rubric of sleep-related research, signifying that sleepwalking is a subset of *sleep*. While this may seem commonsensical, this specifying of knowledge into separate categories lays out implications for the sleepwalker's identification *to* and *with* new classifications and categorisations, and it differs from the indexical knowledge of previous scientific work, which may itself form the basis of knowledge in other disciplines that co-exists with contemporary medical knowledge.

Sleep is not only necessary for our survival, but it is also requisite and relied upon for our daily operations as social, economic and political beings. We

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[82] "somn-, comb. Form," *OED Online* (Oxford University Press: 2011), http://www.oed.com.login.ezproxy.library.ualberta/view/Entry/184510?redirected From=somnambulist. Accessed 30 October 2011.

have regulatory practices, industries, and rituals of sleep as well as forms of signification to make sense of it and allow it to function socially. This latter effect implies a tacit element of social control that will be addressed in this chapter. While the occasional instance of insomnia is familiar to us all, even the more frustrating restless leg while trying to fall asleep or the irritation of having someone wake you *just as* you laid your head down, not to mention trying to sleep alongside someone who snores, we tend not to associate these happenings as sleep-related problems or disorders. They instead manifest as fleeting nuisances. Sleep researchers see the world of sleep differently and construct several macro-categories of analysis for sleep. These categorising efforts aim to study, diagnose, and treat problems of sleep through sleep studies, such as sleep apnea (cessation of breathing during sleep), enuresis (bedwetting), or bruxism (grinding teeth while asleep). From the perspective of the affected people or even ourselves (should we suffer from a sleep-related problem), we might find ourselves at a sleep clinic for possible testing. From definitions through institutional spaces, the process is productive in Foucault's sense of power and is thickly bound to authority. Yet, this is how we see it: if we have a sleep-related disturbance that is affecting our productivity and quality of life during the day, eventually we will seek help and understanding of the problem via authority, since sleep is an automatic function requiring external actors for observation, diagnosis, and definitional understanding.

To the sleep researcher, sleep is a bit more technical. More broadly, major sleep-related problems can be classified as 'normal' versus 'abnormal' sleep. *Normal* sleep might involve the study (and interpretation) of dreams, temperature regulation, sleep-wake cycles, and the overall physiology of sleep.[83] On the other hand, studies of *abnormal* sleep are concerned with sleep disorders, which include episodes of sleep disruption, insomnia, parasomnias, dreaming disorders, sleep-breathing problems, and other affecting medical, neurological and psychiatric disorders, to name a few. Such sleep disorders are associated with characteristic sets of symptoms and signs.[84] Thus, to be able to properly evaluate the patient with a suspected sleep disorder, "the physician must know about the manifestations of disordered sleep and must recognize diagnostic possibilities presented by a particular symptom or sign."[85]

More specifically, however, sleep disorders can be broken into two major categories: dyssomnias and parasomnias. According to the *International Classification of Sleep Disorders*, the primary categories of classification extend this to include dyssomnias, parasomnias, *as well as* medicopsychiatric sleep disorders and other proposed sleep disorders—only the first two will be treated here.[86] Dyssomnias are sleep disorders that involved disturbances in the amount,

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[83] This is list is non-exhaustive.

[84] Michael S. Aldrich, "Cardinal Manifestations of Sleep Disorders," in *Principles and Practice of Sleep Medicine*, 3rd edition. (Philadelphia: W.B. Saunders Company, 2000), 526.

[85] Ibid.

[86] Michael J. Thorpy, "Classification of Sleep Disorders," in *Principles and Practice of Sleep Medicine*, 3rd edition. eds. Meir H. Kryger, Thomas Roth, and

quality and timing of sleep, whereas parasomnias are characterised by behavioural

and physiological abnormalities associated with sleep.[87] Because they are

associated with behaviour and physiological symptoms, parasomnias encompass a

wider range of professional scope. Sleepwalking, for example, is categorised as a

'disorder of arousal' beneath the rubric of parasomnias, which also includes

enuresis and night terrors.

Dyssomnias are disorders that "produce either insomnia or excessive

sleepiness."[88] Dyssomnias may be further divided into three major groups: the

intrinsic sleep disorders; the extrinsic sleep disorders; and the circadian rhythm

sleep disorders.[89] The intrinsic[90] sleep disorders are primary sleep disorders that

either originate or develop within the body or arise from causes within the body.[91]

Examples include, but are not limited to, restless legs syndrome, insomnia,

hypersomnia, and sleep apnea. Extrinsic sleep disorders include disorders that

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William Dement (Philadelphia: W.B. Saunders Company, 2000), 547. This has
been excerpted and adapted from the *International Classification of Sleep
Disorders*, revised: *Diagnostic and Coding Manual* (Rochester, MN.: American
Sleep Disorders Association, 1997).
[87] Any standard psychological reference material will describe this similarly. This
explanation is adapted from the *Oxford Dictionary of Psychology*, 2nd edition,
edited by Andrew Coleman. For classifications of sleep episodes and disorders,
see A. N. Vgontzas and A. Kales, "Sleep and its Disorders," *Annual Review of
Medicine* 50 (1999): 387-400. See also "The Parasomnias" in the Occasional
Survey section of *The Lancet*, 01 November 1986, pp 1021-1025, which includes
a useful reference chart of parasomnias.
[88] Thorpy, 547.
[89] Ibid., 550.
[90] *Intrinsic*, Thorpy notes, may imply that the primary cause of a disorder is an
internal (or endogenous) abnormality in physiological or pathological processes
within the body (Ibid., 550). However, external factors may both affect and effect
change in this status.
[91] Ibid., 550.

originate in or develop from causes outside of the body: "external (exogenous) factors are integral in producing these sleep disorders, and removal of the external factors leads to resolution of the sleep disorder."[92] Examples may include alcohol-dependent sleep disorder, environmental sleep disorder, and inadequate sleep hygiene. Circadian rhythm sleep disorders are grouped owing to their sharing a common underlying chronophysiological basis.[93] What is unique about this third division of sleep is the reliance on society's expectations: "the major feature of these disorders is a misalignment between the patient's sleep pattern and the pattern that is desired or regarded as the societal norm."[94] Examples, though increasingly technical, include delayed sleep phase syndrome, advanced sleep phase syndrome, and non-24-h sleep-wake syndrome. Basically, Thorpy notes that the underlying problem in circadian rhythm sleep disorders is that the patient cannot sleep when sleep is desired, needed, or expected.[95]

Parasomnias consist of sleep disorders that are deemed less abnormalities of the processes responsible for sleep and wakefulness, but are, instead, regarded more as undesirable physical phenomena occurring primarily during sleep

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[92] Ibid., 551. Interestingly, Thorpy notes that "This is not to say that internal factors are not important in the development of maintenance of the sleep disorder, just as external factors can be important in the development or maintenance of an intrinsic sleep disorder," 551. The implication is such that without presence of an external factor, the internal factors would not produce a sleep disorder on its own (551).

[93] Ibid.

[94] Ibid.

[95] Ibid.

stages.[96] Deriving from the Greek "*para*," meaning around, and Latin "somnus,"

meaning sleep, the term *parasomnia* was coined by in 1932 by Henri Roger, a

French researcher who published *Les Troubles du Sommeil-Hypersomnies,*

Insomnies, and Parasomnies.[97] In his 1939 monograph *Sleep and Wakefulness*,

Nathanial Kleitman reinforced Roger's term and listed which abnormalities could

be included under *parasomnia*. For Kleitman, these included nightmares, night

terrors, somniloquy, somnambulism, grinding of teeth and jactitations, enuresis,

numbness and hypnalgia, and personality dissociations.[98] These were important

distinctions to be made, for sleep-related problems—which previously could

overlap both dyssomnias *and* parasomnias—were associated with the terms

oneiric and *oneriogenic*, deriving from the Greek *oneiros*, meaning dream, and

later of or relating to dreams or dreaming, the consciousness of dreams and dream

states, and other cortical activity during sleep.[99] Parasomnias today consist of

disorders of arousal, partial arousal, and sleep-stage transition.[100] They are

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[96] Ibid.

[97] Shannon S. Sullivan and Christian Guilleminault, "Parasomnias: A Short History," in *Parasomnias and Other Sleep-Related Movement Disorders*, eds. Michael J. Thorpy and Giuseppe Plazzi (Cambridge: Cambridge University Press, 2010), 3. See also Henri Roger, *Les Troubles du Sommeil* (Paris: Masson et Cie, 1932), 275-83.

[98] Nathaniel Kleitman, *Sleep and Wakefulness* (Chicago: The University of Chicago Press, 1939), 280. See especially chapter 28, "Sleep Abnormalities and Disturbances," 280-89. *Somniloquy* is talking is one's sleep; *jactitations* involve restless sleep; *enuresis* is bedwetting while asleep; and *hypnalgia* refers to the pain felt during sleep.

[99] Kleitman, 280. *Oneiromancy* is a term used for the prophetic interpretation of dreams, especially for the future.

[100] Thorpy, 551. See also Imran M. Ahmed and Michael J. Thorpy, "Clinical Evaluation of Parasomnias," in *Parasomnias and Other Sleep-Related Movement*

generally characterised by abnormal behavioural or physiological events

occurring at different stages of sleep, and many are accompanied by behaviours

that can become potentially dangerous for the sleeper, or to those surrounding the

sleeper, leading to actions of dramatic consequences, such as self-mutilation,

murder, or suicide.[101] These latter 'effects' may be referred to as sleep-related

violence (*SRV*, for short).

     The *International Classification of Sleep Disorders* (ICSD-2), which is

published by the American Academy of Sleep Medicine,[102] divides parasomnias

into three main categories: disorders of arousal, parasomnias associated with

REM sleep, and other parasomnias. Disorders of arousal consist of those 'classic'

arousal disorders: sleepwalking (*somnambulism*), sleep terror (*pavor noctornis*),

and confusional arousals. Most of these typically occur in childhood and normally

cease by adolescence.[103] As well, these tend to occur in NREM sleep, but can also

take place during transition periods. Parasomnias associated with REM sleep are

parasomnias occurring *during* REM sleep. These include nightmare disorder,

recurrent isolated sleep paralysis, and REM sleep behaviour disorder (*RBD*).

Many people have experienced nightmares at one or several points in their life;

however, nightmare disorder is concerned with the *regular* occurrence of

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Disorders, eds. Michael J. Thorpy and Giuseppe Plazzi (Cambridge: Cambridge
University Press, 2010), 19.
[101] Maurice M. Ohayon, "Epidemiology of parasomnias," in *Parasomnias and
Other Sleep-Related Movement Disorders*, eds. Michael J. Thorpy and Giuseppe
Plazzi (Cambridge: Cambridge University Press, 2010), 7.
[102] The ICSD-2 of the American Academy of Sleep Medicine is an authoritative
and accepted classification schemes of sleep-related disorders or problems.
[103] Ohayon, 7.

nightmares, which typically affects children more than adults, although

nightmares are reported to affect approximately the 5% of the adult population

approximately once a week and often or always in 1-5%.[104] Other parasomnias

include sleep-related disorders that are not easily classified under the previous

two divisions. Examples of 'other' parasomnias include primary snoring,[105] sleep

enuresis, catathrenia,[106] exploding head syndrome,[107] sleep-related hallucinations,

sleep-related eating disorder, parasomnias due to drug or substance, parasomnias

as a result of medical conditions, and also sleep-related problems in infants, such

as sudden infant death syndrome, infant sleep-related breathing disorder, and

infant sleep apnea, as well as other uncommon and rarely occurring disorders.[108]

Overall, parasomnias often come with negative effects and can contribute to

impaired academic or occupational performance, disturbance of mood or of social

adjustment, and problems in marriages and relationships as one person becomes

affected by the disordered sleep of another.[109]

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[104] Ibid., 9; Markku Partinen and Christer Hublin, "Epidemiology of Sleep Disorders," in *Principles and Practice of Sleep,* 3rd edition, eds. Meir H. Kryger, Thomas Roth, and William Dement (London: W.B. Saunders Company, 2000), 558-79; Maurice M. Ohayon, PL Morselli, and Charles Guilleminault, "Prevalence of Nightmares and its Relationship to Psychopathology and Daytime Functioning in Insomnia Subjects," *Sleep*, 20 (1997): 340-348.
[105] According to Thorpy, this is not the same kind of snoring that is associated with obstructive sleep apnea syndrome ("Classification of Sleep Disorders," 552).
[106] Nocturnal groaning.
[107] Sudden, loud noises or explosions in the head, which are imagined and painless. See Harvey R. Colten and Bruce M. Altevogt, eds., *Sleep Disorders and Sleep Deprivation: An Unmet Public Health Problem* (Washington, DC: The National Academies Press, 2006), 89.
[108] Thorpy, 552-53; Ohayon, 9.
[109] Ahmed and Thorpy, 19.

As disorders of arousal, night terrors, sleepwalking, and confusional arousals tend to be interrelated and can also be difficult to distinguish during clinical analysis. Because of this, discussing and defining sleepwalking often includes one, the other, and sometimes all three. As NREM arousal parasomnias, they all share in five fundamental common features:

> (1) All begin in nonrapid eye movement (NREM) sleep, preferentially in deep slow-wave sleep (SWS) (i.e., in stages 3 and 4), and never or very seldom in rapid eye movement (REM) sleep. (2) Attacks can often be triggered by forced arousals in SWS. (3) Genetic patterns are similar. (4) Episodes combining features of more than one parasomnia may occur. (5) Finally, all three conditions are more common in childhood, when to some degree they may be considered normal, whereas they are less typical in adults.[110]

These were not always associated with disorders of arousal. It was Broughton's landmark 1968 study in *Science* that questioned the pathophysiological mechanisms underlying sleepwalking, sleep terrors and head-banging: "In summary, the classical disorders of nocturnal enuresis, somnambulism, the nightmare, and the sleep terror occur preferentially during arousal from slow-wave sleep and are virtually never associated with rapid-eye movement dreaming

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[110] Roger J. Broughton, "NREM Arousal Parasomnias," in *Principles and Practice of Sleep*, 3rd edition (Philadelophia: W.B. Saunders Company, 2000), 693.

state."[111] This was of especial importance in separating sleepwalking, and other

confusional sleep states, from not only dreaming but also nocturnal epilepsy.

Specifically, as Broughton later notes, the "ability to trigger attacks at forced

awakening in SWS…indicated both that they need not express mentation during

sleep and that the arousal process itself is abnormal."[112] Broughton more recently

suggests that this feature is what distinguishes these parasomnias from a larger

number of others associated with arousal as a secondary event, rather than as an

integral part of their pathogenesis, and for which there is little evidence that the

arousal process itself is abnormal.[113]

Confusional arousals, or nocturnal sleep drunkenness, can also be included

in the list of disorders of arousal. When this happens, the sleeper appears to be

awake but his or her behaviour seems out of sorts: memory deficits, disorientation

in time and space, and slow mentation and speech.[114] Missing from this

parasomnia is the occurrence of any expression of terror or of leaving the bed and

walking away.[115] Like sleepwalking, confusional arousals typically happen during

the first third of sleep. From a legal and forensic point of view, confusional

arousals carry societal implications as the sleeper awakes and, in the midst of his

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[111] Sullivan and Guilleminault, 3; Roger J. Broughton, "Sleep Disorders:
Disorders or Arousal? Enuresis, Somnambulism, and Nightmares Occur in
Confusional States of Arousal, not in 'dreaming sleep,'" *Science* 159 (1968):
1077.
[112] Broughton, "NREM Arousal Parasomnias," 693.
[113] Ibid., 693.
[114] Ohayon, 7.
[115] Broughton, "NREM Arousal Parasomnias," 694.

'sleep drunkenness,' may assault, injure himself, or commit an unlawful act, such as murder, yet without full mentation and hence with diminished capacity.[116]

Similar to sleepwalking, sleep terrors have several associated names: night terrors, incubus attacks, *pavor nocturnis*, and "NREM nightmares." Today, the term *sleep terrors* is preferential to *night terrors* because episodes may occur during daytime naps as well as the night.[117] Characteristic of the sleep terror,

> The individual has no or only fragmentary memory of the dream being acted out. From the accounts of those who remember their dreams in part, certain recurring themes emerge. These include defending oneself against attacks from others or beasts, trying to escape a danger, or trying to protect a loved one against potential danger.[118]

Like confusional arousals, with sleep terrors there exists a possibility—or sometimes propensity—for violence. Esther Griggs in 1858, for example, threw her baby out of a window during a sleep terror episode. At the time, she was

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[116] Ohayon, 7. See also A. Bonkalo, "Impulsive Acts and Confusional States During Incomplete Arousal from Sleep: Criminological and Forensic Implications," *Psychiatric Quarterly* 48, no. 3 (1974): 400-09; L.B. Raschka, "Sleep and Violence," *Canadian Journal of Psychiatry* 29 (1984): 132-4. For earlier 20th century overview, see D. Gudden, "Die physiologische und pathologische schlorftrunkenheit," *American Medical Association Archives of General Psychiatry* 40 (1905): 989-1015; and also see, G. Schmidt, "Die Verbrechen in der schlaftrunkenheit," *Journal of Neurological Psychiatry* 176 (1943): 208-253.

[117] Broughton, "NREM Arousal Parasomnias," 697.

[118] Ohayon, 8.

dreaming her house was on fire and wanted to save her baby.[119] It is interesting to

note that until the link between SWS (slow wave sleep) and sleep terrors was

established, Sigmund Freud's influence on the theories of night terrors

prevailed.[120] Freud's reigning view was to suggest that night terrors were a type of

anxiety attack related to unconscious mental conflicts.[121] In both instances,

diminished capacity and thereby diminished culpability was often accepted, which

relates closely to the sleepwalking problems encountered later in this chapter.

What is Clinical Sleepwalking?

Having now situated the sleepwalker within the category of parasomnias, or more

specifically, disorders of sleep, this next section aims to define the sleepwalker in

greater clinical detail. The purpose of this definition is threefold. First, it builds

upon the already established foundation of sleep disorders of the last section.

Second, it is preparatory for a second order of classification that is based on

authoritative and professional definitions. Therefore, whereas this brief section

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[119] Ohayon, 8. For other cases, see E. Hartmann, "Two Case Reports: Night
Terrors with Sleepwalking—A Potential Lethal Disorder," *Journal of Nervous
Mental Diseases* 171 (1983): 503-05; A. H. Crisp, B. M. Matthews, et al.,
"Sleepwalking, night terrors, and consciousness," *British Medical Journal* 300
(1990): 360-2; and N. B. Kavey, J. Whyte, et al., "Somnambulism in Adults,"
Neurology 40 (1990): 749-52.
[120] Meredith Broderick and Christian Guilleminault, "Sleep Terrors," in
Parasomnias and Other Sleep-Related Movement Disorders, eds. Michael J.
Thorpy and Giuseppe Plazzi (Cambridge: Cambridge University Press, 2010),
119.
[121] Ibid., 119.

will address the clinical definition of a sleepwalker, the next will examine current

medico-legal definitions.

Sleepwalking—or somnambulism—is a parasomnia that occurs in NREM

sleep stages 3 and 4, which is usually the first third of someone's sleep, and when

SWS sleep is more predominant.[122] Despite this occurrence, it tends to be

associated with REM-sleep because this is more often associated with dream-

sleep.[123] As a disorder, it is characterised by *automatic* behaviour during which

the sleepwalker is unaware of his surroundings and usually unresponsive to

external stimuli.[124] While sleepwalkers may get out of bed and perform complex

motor automatisms, such as driving a car, there is always complete amnesia of the

episode upon awakening.[125] As with the other disorders of arousal, sleepwalking

tends to occur in childhood and may also involve bodily injury, either to the self

or to others. The automatic nature of sleepwalkers is a major feature of societal

recognition. When a sleepwalker is recognised, for instance, we perceive this due

to the lack of responsiveness between the sleepwalker and others, as well as the

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[122] Sleep cycles happen all throughout the night and can last from 30 to 70 minutes. Therefore, this stage of someone's sleep can be minutes or tens of minutes in duration.

[123] In the scientific literature on dreams, technically when someone dreams, they are unconscious. However, when a person enters into REM sleep, they have entered into a different stage of sleep associated with a number of sleep-disorders. Somnambulism, and most other unconscious episodes, take place when someone is in the early stages of sleep and has not yet entered the dream state—however, this is debated, and few artistic representations of somnambulism accept this hypothesis, which is also in line with psychoanalytic approaches to somnambulism, which posit the same mechanisms of dream work are in place.

[124] Ohayon, 8.

[125] Ibid., 8.

sleepwalker's relative ease with motor action, or *automatism*. It is these *automatic*

behaviours that typically characterise the sleepwalker in literature. However,

researchers suggest that continued study into the phenomenology of sleepwalking

indicates that perceptual, cognitive, and affective dimensions can play an

important role in the subjective experience of adult sleepwalking.[126]

Currently, there are two primary diagnostic and classificatory schema for

criteria of a sleepwalking disorder: the American Psychiatric Association's

Diagnostic and Statistical Manual (DSM-IV)[127] and the American Academy of

Sleep Medicine's *International Classification of Sleep Disorders* (ICSD-II).[128]

The DSM-IV includes six major components, which are in brief: (1) repeated

episodes or rising from bed during sleep; (2) while sleepwalking, the person has a

blank stare and is unresponsive; (3) amnesia of the episode on awakening; (4)

within minutes of waking, there is no affect to mentation (and therefore diagnosis

requires participation of the awake subject); (5) sleepwalking causes "clinically

significant distress in social, occupational, or other important areas of

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[126] Antonio Zadra and Jacques Montplaisir, "Sleepwalking," in *Parasomnias and Other Sleep-Related Movement Disorders*, eds. Michael J. Thorpy and Giuseppe Plazzi (Cambridge: Cambridge University Press, 2010), 109.

[127] The DSM-V is currently being published with proposed changes that include sleepwalking. Their website access lists the following proposed change: "Sleepwalking: Repeated episodes of rising from bed during sleep and walking about, usually occurring during the first third of the major sleep episode. While sleepwalking, the person has a blank, staring face, is relatively unresponsive to the efforts of others to communicate with him or her, and can be awakened only with great difficulty," (http://www.dsm5.org/ProposedRevision/Pages/ proposedrevision.aspx?rid=408#).

[128] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders: DSM-IV*, 4th ed. (Washington, DC.: APA, 1994).

functioning"; and (6) the disturbance is not due to *direct* physiological effects of a substance (e.g., drugs or medication) or a general medical condition.[129] The ICSD-II is similar except that it lists these changes in categories: (1) ambulation occurs during sleep and (2) persistence of sleep, an altered state of consciousness or impaired judgement during ambulation. The difference in the latter category is that the ICSD-II in its diagnostic criteria includes the following: routine behaviours that occur at inappropriate times (iii); inappropriate or nonsensical behaviours (iv); and dangerous or potentially dangerous behaviours (v).[130] Defining a sleepwalker is thus subject to accepted and standardised diagnostic and classificatory regulations established by different institutions and authorities.

Diagnosing a sleepwalker involves clinical evaluation in order to separate one parasomnia from another and work out an effective treatment or management program. This is due in part to symptoms and manifestations that characterise sleepwalking showing great variation both within and across predisposed patients.[131] For instance, Zadra and Montplaisir note that the

> sleepwalker's emotional expression can range from calm to extremely agitated, while the actual behavioural manifestations can range from simple and isolated actions (e.g., sitting up in a bed, pointing at the wall, fingering bed sheets) to complex organised

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[129] DSM-IV, 307.46. Excerpted in Zadra and Montplaisir, "Sleepwalking," 110.
[130] Excerpted in Zadra and Montplaisir, "Sleepwalking," 110.
[131] Ibid., 109.

behaviours (e.g., arranging furniture, cooking or eating, getting

dressed, driving a vehicle).[132]

This therefore makes sleepwalking heterogeneous in nature, especially given the

range and nature of the episodes. Sleep-related violent events, for instance, foster

implications for medico-legal intervention and definition for the criminal

responsibility of actions, which then involves expert medical testimony, either

sleep and/or medically-related that then function within an intra-institutional

negotiation of jurisdictions of knowledge and definitional authority.

Diagnosing a relatively normal sleepwalking episode involves diagnosing

it as a parasomnia first and then by following a number of clinical stages. Prior to

any other steps, a patient first commences the assessment by providing a history

of or presenting the sleep complaint—and to be complete, this should be done by

both the patient *and* the patient's partner and/or caregiver.[133] The sleep complaint

may involve more abnormal sleep disturbances that affect movement, behaviour,

emotion, perception, dreams, hallucinations and the automatic nervous system.[134]

What typically *warrants* a complaint is when these sleep disturbances result in

"injuries (either to the sleepwalker or others), sleep disruption, excessive daytime

sleepiness, and adverse medical or psychosocial consequences to the patient

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[132] Ibid., 109.

[133] Additional helpful information to form a differential diagnosis also includes, Ahmed and Thorpy note, "information about the patient's comorbid illnesses, past medical history, social history and psychosocial conditions, family history, physical examination and appropriate sleep studies," 19.

[134] Ibid., 19.

and/or bed partner."[135] To facilitate this history, interviews are normally

conducted that involve also a detailed description of the sleep-related episode.

Because other parasomnias may mask as somnambulism—or indeed cause it, as

with those already presdisposed to sleep-related apnea—the description and

characterisation of the episode is paramount. REM sleep parasomnia, such as

RBD[136] or nightmare disorders, should be ruled out because they take place in

later stages of sleep through the night (or sleep cycle) whereas somnambulistic

episodes occur in the first stage (the first third) of sleep.[137] Timing of the event, in

relation to when the patient went to sleep, is therefore of the utmost importance. If

the interview and patient history is insufficient, a video to surveil the episodes at

home may also be requested.

The ultimate goal of the patient history and circumstances surrounding the

event is to ascertain and be able to differentiate between *normal* versus *abnormal*

behaviour. This can be rephrased in more stigmatising language of the normal

versus the *disorderly*:

> For instance, most people have had or will have a nightmare at
>
> some point in their life, but it is only considered a disorder if it is
>
> (among other things) occurring frequently. Other sleep
>
> disturbances are considered normal if they only occur in certain
>
> situations; for examples, individuals can normally experience

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[135] Ibid., 19.

[136] REM sleep behaviour disorder.

[137] For sleepwalking episodes, this is when there is SWS (slow-wave sleep). Other sleep disorders may be masking or precipitating, too, like sleep terrors.

episodes of sleep-related hallucinations or sleep paralysis in the

setting of sleep deprivation.[138]

The stigma attached with any kind of disorder can immediately provide a quick

identification to an ailment; however, it can also create an alternate identity. In

addition, precipitating factors need to be ruled out, such as a medical,

neurological, or psychiatric disorder or problem.[139] Examples of these are more

common than expected: migraines, head injury, stroke, and hyperthyroidism are

associated with parasomnias, sleepwalking in particular.[140] Travel, sleeping in

unfamiliar settings or surroundings, as well as physical and emotional stress are

also contributing precipitating factors. If there happen to be other psychiatric

disorders present, a psychiatric assessment may be necessary. Confusional

arousals, for instance, are more likely to occur in patients with anxiety disorders;

sleep-related hallucinations, too, and sleep-related dissociative disorder can be

linked to anxiety and mood disorders.[141] However, the efficacy of a psychiatric

correlate with sleepwalking patients should be cautionary. To date, studies do not

absolutely demonstrate a relationship between psychiatric disorders and

sleepwalking and/or sleep terrors; yet, it is not uncommon for patients to have had

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[138] Ahmed and Thorpy, 21.

[139] Ibid.

[140] Ibid., 22. Ahmed and Thorpy conceptually replicate psychiatric disorders associated with parasomnias, specifically those linked to disorders of arousal: anxiety-related problems, bipolar disorder, depression, and post-traumatic stress/acute stress disorder.

[141] Ibid., 23.

at one time or other a bipolar, a non-psychotic depressive or an anxiety-related disorder.[142]

Aside from ruling out other related or non-related disorders, parasomnias included, more non-invasive investigation may be attempted through sleep questionnaires[143] and through the learning of past genetic similarities. If these fail to help the physician or sleep-researcher achieve a diagnosis, then more invasive and extensive examination is required to ascertain sleepwalking states. Physical examinations may instigate the investigation before full-scale machine-based testing begins. Polysomnography is the clinical term used to refer to sleep laboratory research and investigation, or sleep studies. Through a series of tests in a controlled environment, a polysomnogram is achieved. This is a recording of the body's physiological changes during sleep measured throughout the night.[144]

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[142] Ibid., 21. See also Maurice M. Ohayon and R. Priest, et al., "The Place of Confusional Arousals in Sleep and Mental Disorders: Findings in a General Population Sample of 13,057 Subjects," *Journal of Mental Disorders* 188 (2000): 340-8; V. C. Abad and C. Guilleminault, "Sleep and Psychiatry," *Dialogues of Clinical Neuroscience*, 7 (2005): 291-303; and W. Szelenberger and S. Niemcewicz, et al., "Sleepwalking and Night Terrors: Psychopathological and Psychophysiological Correlates," *International Review of Psychiatry* 17 (2005): 263-270.

[143] Ahmed and Thorpy note that there are as of yet no standardised sleep questionnaires for parasomnias; however, other scales are used to assist diagnosis and investigation, Ahmed and Thorpy, 25.These sleep questionnaires include the Epworth Sleepiness Scale, the Pittsburgh Sleep Quality Index, the Stanford Sleepiness Scale, the Karolinska Sleepiness Scale, and the fatigue severity scale.

[144] Zadra and Montplaisir note that "some unusual sleep-related processes have been described as characterising the sleep of patients suffering from somnambulism. These include NREM sleep instability, hypersynchronous delta waves, irregular build-up of slow-wave activity, and unique EEG characteristics prior to and during somnambulistic episodes," 112.

However, polysomnograms carry serious limitations.[145] To be effective, the

patient needs to attend a sleep centre that has the requisite technology and expert

monitoring staff. During this time, the patient may not even present any sign,

symptom or characteristic of the parasomnia, which will contribute to its overall

efficacy in diagnosis. In addition, an EEG—electroencephalogram—and

neuroimaging may contribute to or benefit the patient's clinical picture.[146]

The diagnostic picture, if possible for the patient, is nearly complete. What

is left is to determine where the sleepwalker fits among a sample group. Is he a

child? Is it a new phenomena in childhood? Is he an adult? Has the behaviour

continued throughout adolescence and into adulthood? Do the episodes have a

sleep-related violence? If so, what is the nature of it or action that has been

taken? Because the phenomenon will be new behaviour in children, relatively few

associative problems or behaviours will need to be explored as compared with

those patients in adulthood. Not only this, but sleepwalking is itself more

problematic because it concerns *automatic* behaviour and that it can manifest in

these three different modes. When SRV—or sleep-related violence—takes place,

the diagnosis and overall societal scope of the disorder become more complex for

the adult. This is because legality is thereby invoked.

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[145] Ahmed and Thorpy, 29.
[146] Nueroimaging is very important if there is a suspected neurological illness
associated with the parasomnia—an MRI aids in this investigation, Ibid., 29.

Sleep-Related Violence: The Most Common Historical Examples

The prevalence of violent behaviours during sleep is relatively low, at

approximately 2% of the reported cases.[147] Yet, however small this percentage

presents itself, the implications are immediate for society: what if the violent

behaviour exhibited by a sleeper is directed at another living being? This

establishes a reasonable expectation of safety and civil order that accompany our

daily sleeping routines. In fact, the regulatory capacity for sleep to be controlled

is much more ubiquitous than expected. The breaking of habit or ritual has a fairly

instant effect of invoking various modes of control: police, lawyers, courts,

medical professionals, sleep experts, sleep clinics, etc. This section examines

more closely these modes of authority by identifying their ways of categorising

knowledge related to the sleepwalker and instances of sleep-related violence in

historical perspective. In doing so, this section looks at the most commonly cited

historical examples of sleepwalking in the medical (and medico-legal) literature

related to the clinical evaluation of sleepwalkers or research into sleepwalker

behaviours. An overview of these examples helps contextualise the layering of

sleepwalker identification through a build-up, not just of what is most referred to

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[147] Irshaad O. Ebrahim and Colin M. Shapiro, "Medico-legal Consequences of Parasomnias," in *Parasomnias and Other Sleep-Related Movement Disorders*, eds. Michael J. Thorpy and Giuseppe Plazzi (Cambridge: Cambridge University Press, 2010), 81. For more detailed information on this study, see Maurice M. Ohayon, et al., "Violent Behavior During Sleep," *Journal of Clinical Psychiatry* 58 (1997): 369-76.

in the literature,[148] but also what cases come to effect (as well as affect)

translation of sleepwalking into clinical practice and research.

In 1974, Alexander Bonkalo published the first systematic literature

review on sleepwalking violence.[149] An eminent psychiatrist, Bonkalo reviewed

several historical reports of sleepwalking violence, 20 cases of murder and 30 that

were related to other criminal acts.[150] While identifying several common

characteristics, such as a predominance of men who were in a younger age

bracket and who also had a strong childhood or family history of sleepwalking,

nocturnal enuresis, nightmares, and agitation in sleep, Bonkalo was also the first

to propose guidelines for the clinical and forensic evaluation of cases.[151] Given

the comparatively "widely scattered case reports, a number of common data

emerge," writes Bonkalo.[152] Examples of those with "diagnostically important

characteristics" include

> (1) the impulsive act occurred on awakening, never at the time of
>
> falling sleep; (2) usually occurred on forced arousal, not on
>
> spontaneous awakening; (3) arousal was from early deep sleep
>
> usually about 30 minutes to 2 hours after the onset of sleep; (4)

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[148] That is to say, these are the most *commonly* referred to cases. This section does not mean to account for all of the cases cited; however, in both this section and the next on legal interpretations, the most common in medico-legal approaches are discussed, which is not the same as primarily *legal* responses to automatism.
[149] Ebrahim and Shapiro, 81.
[150] Ibid., 81.
[151] Ibid., 81.
[152] Alexander Bonkalo, "Impulsive Acts and Confusional States During Incomplete Arousal from Sleep: Criminological and Forensic Implications," *Psychiatric Quarterly* 48 (1974): 405.

sleep was exceptionally deep due to excessive fatigue, sleep deficit,

consumption of alcohol, sedatives, etc.; (5) in several cases there

was a known readiness to act out violently—e.g., imagined or

realistic fear; (6) the behaviour on arousal was usually quick, with

an immediate and impulsive response; (7) during the automatic

behaviour, the person appeared dazed or confused and exhibited

mechanical movements, either crude or elementary; (8) the act was

senseless—that is, the victim was anyone who happened to be

present; (9) upon awakening, there could be full insight into the

results of the act that was accompanied by an appropriate

emotional response and no attempt to escape or cover up the event

or 'crime'; and (10) the memory of the impulsive act was obscured

by total or partial amnesia.[153]

With respect to establishing *terms* of agreement for expert evaluation in cases

with forensic implications, Bonkalo's work was, indeed, landmark. He further

identified *automatic* behaviour and certain other behaviour patterns that were not

associated with dreaming.[154] It helps to keep in mind that Bonkalo's study is

published only a little later than other cases that established slow-wave sleep as a

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[153] Bonkalo, 405-406.

[154] Bonkalo states "What is the relationship between dreaming and automatisms of sleep and awakening? It is well known that the slow-wave or non-REM phase of sleep is essentially dreamless and that most of the dreaming occurs during the REM phases. It was a long-standing assumption that somnambulism and nightmares, as well as the acting out during confusional states of awakening, were related to the process of dreaming or to dream contents. Neurophysiological evidence, however, proved contrary," 407.

central and identifying characteristic of sleeping, such as with the work of

Broughton in the late 1960s.

Historically, there are several cases that demonstrate sleep-related

violence. In 1686, Colonel Cheyney Culpeper[155] in England shot a guardsman and

his horse on night patrol.[156] He is rumoured to have been a 'dreamer,' such that in

his *dreams* he killed the two beings.[157] While he was tried at the Old Bailey,

Culpeper maintained he was dreaming. Although he produced nearly 50

witnesses, the jury returned with the following verdict: *manslaughter while*

insane.[158] A contemporary newsletter reported that "the jury at first brought it in

manslaughter, but were sent out again, and considering that he might be

distempered to do such a rash action found it special."[159] It was then this 'special'

component that upped Culpeper's charge to include *insane* action. Earlier in 1600,

the knight J. v. Gutlingen awakened from such a deep sleep that when his friend

and companion awakened him upon the confusion of this quick response caused

him to attack and stab his friend to death.[160] The knight was tried by the court of

Würtenberg and sentenced to death. Prior to these cases, sleep (and dreaming for

that matter) was long associated with the soul. Immediate awakening would

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[155] Also found as "Culpepper" in the literature.
[156] Bonkalo, 401. Colonel Cheyney Culpeper was the brother to Lord Culpeper.
[157] Nigel Walker, *Crime and Insanity in England, Vol. I: The Historical Perspectives* (Edinbugh: University of Edinburgh Press, 1968), 167.
[158] Walker, 167; Bonkalo, 401.
[159] *Calendars of the Domestic State Papers of James II*, as produced and cited in Walker, 167.
[160] Bonkalo, 400-401.

interfere with the soul's return to the body and mind and could be therefore be

disruptive for optimal harmony and balance.[161]

In the Middle Ages, this all changed. With the advance of theological,

legal, and medical control alongside the growth of universities across Europe, and

therefore more formalised and specialised knowledge positions, impulsive acts

related to sleep increasingly became an object of technicality and eventually

legality. Furthermore, with rising theological influence, these acts became a *moral*

problem.[162] For instance, in 1313, the Council of Vienne (France) held that if a

child, madman, or a sleeper killed or injured someone, that he was not to be held

responsible for his actions.[163] Walker notes how the 16th-century canonist Diego

de Covarrubias (1512-77)[164] recorded a similar fact: "that the act of a sleeper is

not of itself a sin, unless in his waking state he deliberately arranges matters so

that he will commit the act in his sleep."[165]

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[161] Ibid., 401. Bonkalo cites Sir James George Frazer's *The Golden Bough* for discussion on primitive cultures.

[162] Bonkalo, 401.

[163] Walker, 166; Bonkalo, 401.

[164] Diego de Covarrubias y Leyva.

[165] Walker, 166. Walker cites Covarrubias' instances of two possible "sins": (1) nocturnal pollution by the emission of semen, and (2) the killing or harming of another human being. Covarrubias states "It follows of course . . . that a person who was asleep at the time of the homicide is not at fault, for the obvious reason that he was asleep when he killed his victim; such a one lacks understandings and reason, and is like a madman. . . . For this reason the misdeed of a sleeper is not punished, unless it happens that in his waking state he knew very well that in his sleep he would seize weapons and attack people. For then if he did not take care to prevent himself from doing harm in his sleep to someone, certainly he should be punished, although not in the usual way. . . ." Walker translated this from the Latin and original source *In variis civilis ac pontifici juris titulo relectiones*, pt. III (Leyden, 1568), in Walker, 166.

Similar work was undertaken by Matthaeus and Mackenzie, but the

technicality of the sleep-related incident was slightly more refined. A 16th-

century Dutch jurist, Matthaeus van Wesenbeke (1531-1586) suggested that the

punishment—not the *full* punishment—was deserved by a sleepwalker who killed

someone *if* in his waking state he harboured enmity toward that person.[166]

However, if a mother killed her child by lying over it during her sleep, Matthaeus

thought the mother *should* be punished—because she ought not to have slept so

close to her child.[167] Echoing Matthaeus, Sir George Mackenzie (1636-1691), in

his *The Laws and Customes of Scotland of Matters Criminal* (1678) stated "Such

as commit any Cryme whilst they sleep, are compared to Infants . . . and therefore

they are not punisht, except they be known to have enmity against the person

killed, or that fraud be otherwayes presumable: *quo casu*, they may be punisht

extra ordinem."[168]

John Charles Bucknill and Daniel H. Tuke, both medical superintendants,

wrote the very influential *A Manual of Psychological Medicine*, which was

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[166] Ibid., 166; Bonkalo, 401. Walker links this with psychoanalytical insight when he comments this was "a doctrine which seems to be based on an almost psychoanalytic insight into the sleep-walker's behaviour, although the jurists' reason for laying it down was probably the ease with which sleepwalking could be offered as an excuse in such circumstances," 166-67.

[167] Walker, 166.

[168] Sir George Mackenzie, *The Laws and Customes of Scotland, in matters criminal wherein is to be seen how the civil law, and the laws and customs of other nations do agree with, and supply ours*, Pt. I., (Edinburgh: Printed by James Glen, 1678), 14-15.

published in 1858.[169] The revision of this edition is relevant, for in January 1859, while working on revisions, Esther Griggs had been charged at Marylebone Police Court in peculiar circumstances: throwing her child out of the window and onto the street in the middle of the night.[170] Bucknill and Tuke here account for the newspaper report of the police court:

> Sergeant Simmonds, 20 D, said—"At half past one o'clock this morning, while on duty in East Street, Manchester Square, I heard a female voice—'Oh my children! save my children!' I went to the house, NO. 71, whence the cries proceeded, and the landlord opened the door. I went up stairs, accompanied by two other constables, and while making our way to the first room I heard the smashing of glass. I knocked at the door, which I found was fastened, and said 'Open it; the police are here.' The prisoner, who was in her night-dress, kept on exclaiming, 'Save my children!' and at length, after stumbling over something, let me and my brother and officers in. When we entered we found the room in total darkness, and it was only by the aid of our lanterns that we could distinguish anything in the room. On the bed there was a child five years old, and another three years of age by her side. Everything in the place was in great confusion. She kept crying out

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[169] John Charles Bucknill and Daniel H. Tuke, *A Manual of Psychological Medicine*, (New York: Hafner Publishing Co., 1968). This is a facsimile of the 1858 edition.
[170] Walker, 168.

'Where's my baby? Have they caught it? I must have thrown it out of the window!' The baby must have been thrown out as I was going up stairs, for before getting into the room I heard something fall. I left a constable in charge of the prisoner, and I ascertained that the child, which had been thrown from the window, had been taken to the infirmary. *She told me that she had been dreaming that her little boy had said that the house was on fire, and that what she had done was with the view of preserving her children from being burnt to death*. I have no doubt that if I and the other constable had not gone to the room, all three of the children would have been flung out into the street. . . . From the excited state in which the prisoner was, I did not at the time take her into custody. I had understood that the surgeon had said it was a species of nightmare which the prisoner was labouring under when the act was committed. The window had not been thrown up. The child was thrust through a pane of glass, the fragments of which fell into the street.[171]

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[171] John Charles Bucknill and Daniel H. Tuke, *A Manual of Psychological Medicine: containing the lunacy law, nosology, aetiology, statistics, description, diagnosis, pathology, and treatment*, 3rd edition (London: J. & A. Churchill, 1874), 272-73. Note that this is the *3rd edition*, which includes illustrations unlike the first edition.

For Bucknill and Tuke, the association was clear: "There can be no doubt that it was due to the influence of a dream."[172] Following the Sergeant's account, Bucknill and Tuke provided a brief summary of the chief characteristics for what they termed, not sleepwalking but *homicidal mania*.[173] Griggs was spared the anxiety of going to trial by the grand jury, "which refused to find a true bill against her."[174] Why did the jury stop this trial and effectively acquit her? Could it be because she was a mother of now two small children? Did they find her insane?

It is striking to contrast this kind of narrative reporting with the previous two examples. For instance, the cases of Culpeper and Griggs were recorded not by law reporters, but by "newswriters," comments Walker.[175] This brings awareness to, perhaps, a societal attentiveness to *document* the cases through more popular media as compared to those who *define* the parameters of the deed or crime. A more fully documented case of impulsive 'acting out on arousal' occurred in Silesia and involved a 32-year-old labourer, Bernard Schidmaizig,[176] who was woken from his deep sleep by a noise in the middle of the night.[177]

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[172] Bucknill and Tuke, 272.

[173] These are wide-ranging, some of which include morality: "However, careful investigations will reveal, in the majority of cases, a disturbance more or less, of the intellectual as well as the moral faculties; leaving still a considerable number of cases in which there is a sudden, blind, motiveless, unreasoning impulse to kill," Bucknill and Tuke, 273. For more details, see Bucknill and Tuke, 273.

[174] Walker, 169.

[175] Ibid., 167.

[176] His name is alternatively spelled Schedmaizig in the literature.

[177] Bonkalo, 402; Schmidt, 208-53. Bucknill and Tuke (1874) also make very quick comment of this case: "The case of Bernard Schirnadzig, who killed his

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Schidmaizig then "saw the dim outline of a human shape; [and] in a state of terror

he grabbed an ax, and hit the terrifying figure; by doing so he killed his wife."[178]

J.F. Meister, a professor law, was his defence attorney. He "argued that there was

no rational motive for the act, and that the accused was not fully awake at the time

of the murder."[179] More importantly, he stated that this kind of homicide was

committed in a condition of *Schlaftrunkenheit* or *sleep drunkenness*; because of

this, he addressed and thereby linked the state of sleep with the absence of free

will: "*in somno voluntas non erat libera*."[180]

By the mid-to-later 19th century, notably *after* Anton Mesmer's quack

animal magnetism,[181] cases had become more complex and medicalised. Not only

this, they had gained wide-spread popular attention.[182] Walker notes, for instance,

that the two most "overworked anecdotes" in the literature of the time were the

case of Schidmaizig, as told above, and that of a sleep-walking monk who stabbed

his abbot's empty bed.[183] In *The Philosophy of Sleep* (1830), Robert Macnish

wife while in a state intermediate between sleeping and waking, in the belief that
he saw a stranger before him, is full of interest… The Germans call this condition
schalftrunkenheit (sleep-drunkenness)," 272.

[178] Bonkalo, 402; Ebrahim and Shapiro, 81.

[179] Ibid.

[180] Ibid. This can be loosely translated as "while sleeping voluntary action is not
completed with free intent."

[181] Animal magnetism refers to a magnet treatment to "cure" sleepwalking and
other ailments. Mesmer's methods were debunked. Although Mesmer's influence
was large, his work is outside the scope of this thesis.

[182] See my introduction in Part II for more detailed information and explanation.

[183] Walker, 167; Tuke, 12-13. Tuke recounts greater detail of the monk's story:
"who entered the prior's bed-room during the night, with his eyes open, but fixed,
and with a large knife in his hand. With scowling features and determined mien,
he proceeded straight to this superior's bed, to which the prior fortunately had not

revitalised the story of Colonel Culpeper in an oversimplified version that saw the

Colonel acquitted of his charge.[184] Daniel Tuke, of the Bucknill & Tuke *Manual*

duo, also borrowed this in his *Sleepwalking and Hypnotism* (1884), failing as well

to alter the embellishment by Macnish. Macnish's *Philosophy* also offers unique

insight into *one* 19th-century viewpoint of sleepwalking:

> Somnambulism bears a closer analogy than a common dream to
>
> madness. "Like madness, it is accompanied with muscular action,
>
> with coherent and incoherent conduct, and with that complete
>
> oblivion (in most cases) of both, which takes place in the worst
>
> grade of madness."[185]

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yet retired, and inflicted three stabs, which penetrated the bed-clothes and a mat which served the purpose of a mattress. He then returned to his own room, with features relaxed and smiling. The next day, when questioned by the prior, he confessed that he had dreamt that his mother had been murdered by the prior, and that her spirit had appeared to him crying for vengeance. Transported with fury at the sight, he seized a knife, and ran directly to the supposed assassin, in order to stab him…," Tuke, 13.

[184] Walker, 167-68. See also Robert Macnish, *The Philosophy of Sleep* (New York: Appleton & Co., 1834). Macnish writes "In Lodge's "Historical Portraits," there is a likeness by Sir Peter Lely, of Lord Culpepper's brother, so famous as a dreamer. In 1686, he was indicted at the Old Bailey, for shooting one of the Guards, and his horse to boot. He pleaded somnambulism, and was acquitted on producing nearly fifty witnesses, to prove the extraordinary things he did in his sleep," 151.

[185] Macnish (1834) cites Benjamin Rush's *Medical Inquiries and Observations* (1805), in three volumes, Macnish, 148-49.

The stories related of sleepwalkers are, indeed, of so extraordinary
a kind, that they would almost seem fictitious, were they not
supported by the most incontrovertible evidence.[186]

Beyond the narrative weight of sleepwalking, Macnish attempts a clinical
coverage of sleepwalking's causes:

The remote causes of sleep-walking are so obscure, that it is
seldom we are able to ascertain them. General irritability of frame,
a nervous temperament, and bad digestion, will dispose to the
affection. Being a modification of dreaming, those who are much
troubled with the latter will, consequently, be most prone to its
attacks. The causes, however, are, in a great majority of cases, so
completely unknown, that any attempt to investigate them would
be fruitless; and we are compelled to refer the complaint to some
idiosyncracy[187] of constitution beyond the reach of human
knowledge.[188]

What is even more striking is how Macnish likens somnambulism to an addiction:
"When a person is addicted to somnambulism, great care should be taken to have
the door and windows of his sleeping apartment secured…"[189]

The wonderment of association changed through clinical studies and
research in the 19th-century. By the time Tuke published his *Sleep-walking and*

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[186] Ibid., 154.
[187] Macnish's spelling.
[188] Ibid., 157-58.
[189] Ibid., 159.

Hypnotism, more advances had been taken to diagnose *and* assess sleepwalking,

including episodes involving violent behaviour.[190] Tuke comments here on the

term its later 19th-century position:

> The term itself—sleep-walking—and still more its synonym
>
> somnambulism, is frequently employed in a broad as well a narrow
>
> sense, one which the etymology does not justify. Thus, the
>
> condition of profound lethargic sleep, or trance, in which no
>
> movement of the muscles is possible, is usually comprised under
>
> this head . . . It is too late now to restrict the employment of the
>
> word to the act of sleep-walking. We must, as in many other
>
> instances, use the term in a wide and narrow sense. It belongs, in
>
> the nosology of Cullen, to the oneirodyniae, in common with
>
> incubus or nightmare; but this division does not include trance and
>
> catalepsy. Common to all is the loss of healthy, conscious will, so
>
> that *abulioe* might well characterise this great class of affections,
>
> while a twofold division would sufficiently indicate those
>
> affections arising during, and those arising independently of sleep.
>
> Or it may be sufficient, with Prichard, to comprise, under the broad
>
> heading of "ecstatic affections," trance, catalepsy, sleep-walking,

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[190] Daniel H. Tuke, *Sleep-walking and Hypnotism* (London: J. & A. Churchill, 1884).

and sleep-talking, for in all the subject stands outside his normal

mental condition…[191]

Tuke's mention or association with epilepsy is not uncommon in 19th century (and

earlier) texts on sleepwalking. Henry Maudsley in his 1878 *Responsibility in*

Mental Disease also pairs somnambulism with a possibility of epilepsy, in

addition to other associative factors:

> It is really, if not itself a kind of nervous disorder, very closely
>
> allied to such nervous disorders as epilepsy, catalepsy, and
>
> hysteria; it certainly indicates a decided neurosis; wherefore if any
>
> one really was subject to it, there could hardly fail to be evidence
>
> of its previous occurrence or of distinct nervous troubles.[192]

However likely that most doctors of his time would have been familiar with

sleepwalking, few, writes Maudsley, "can call to mind an instance in which the

act of homicide or incendiarism has been perpetrated during sleep."[193] For this

matter, too, Maudsley has no doubt that a person who commits a crime in this

kind of condition is responsible for his actions.[194]

In addition to the impetus to properly define sleepwalking and its medico-

legal relationship, there are also attempts being made to rectify its proper

diagnosis. In his *Sleepwalking and Hypnotism*, Tuke discusses a 'circular' he

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[191] Tuke, 3-4.
[192] Henry Maudsley, *Responsibility in Mental Disease* (New York: Appleton & Co., 1878), 250.
[193] Maudsley, 250.
[194] Ibid., 250.

wrote and inserted into this monograph with the expressed intent to increase medical awareness of sleepwalking. Of the 25 questions, some are noteworthy: Do you know whether you are readily susceptible to the so-called "mesmeric" or hypnotic influence?; What actions do you usually perform while sleep-walking? Mention any striking incidents that have occurred; Has it been needful to adopt precautions against your placing yourself in dangerous situations, or committing acts dangerous to others?; Has any manner of spending the preceding day appeared to prevent sleep-walking?[195] Such questions clearly extend the scope of practice and aim to provide greater clarity of the circumstances that surround a sleepwalking incident and its hopeful prognosis. They also indicate the preferred medical associations of the day of disordered sleep to realm of disturbed dreams, such as a suggestive linking of nightmares with sleepwalking in the question "Have you been subject to nightmare?"[196]

One of the most famous and oft-cited sleepwalking cases of the 19th-century involving sleep-related violence is that of Simon Fraser.[197] On 9 April 1878, Fraser unknowingly killed his infant child while *supposedly* in a somnambulistic state. Three expert medical witnesses were called in for the case, two for the Crown and one for the defence. Dr. David Yellowlees, who reported a summary of the case in the *Journal of Mental Science*[198] in 1878, was a reporting

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[195] Tuke, 47-50.
[196] Ibid., 50.
[197] Most recent studies relating to sleep-related violence mention this case in particular as a reference point.
[198] Now *The British Journal of Psychiatry*.

physician to the Crown alongside Dr. Robertson. While Physician-Superintendant at the Glasgow Royal Asylum, Yellowlees recounts the event:

> The fatal occurrence was simple and tragic. On the night of April 9th the accused was asleep in bed with his wife and their only child, a boy of about 18 months, of whom he was passionately fond. [At] about 1 a.m. he saw a wild beast of some kind rise up through the floor and jump on the bed to attack his child. He seized the animal, and dashed it against the wall or floor to destroy it. His wife's screams recalled him to himself, and he found to his horror that he had seized and fatally injured his child.[199]

Tried at the High Court of Justiciary in Edinburgh on 15 July 1878, Simon Fraser pled "I am guilty in my sleep, but not guilty in my senses."[200]

Fraser's case is extraordinary in early medico-legal cases of somnambulism because the actual defence of somnambulism was less at stake than the sound testimony of the three physicians. Yellowlees reported that

> it was a matter of some consequence to the prisoner whether he was to be considered insane, or simply as not responsible, and his future might be, to a great extent, dependent on the verdict which they might return on the question, whether a state of

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[199] David Yellowless, "Homicide by a Somnambulist," *Journal of Mental Science* 24 (1878): 451. Daniel Tuke, in his *Sleep-walking and Hypnotism* also recounts the narrative of Simon Fraser, but he builds this from Yellowlees' 1878 account in the *Journal of Mental Science*. See Tuke, pp. 13-17.
[200] Yellowlees, 455.

somnambulism, such as this, was to be considered a state of insanity.[201]

Instead, the judge was not concerned with sanity or insanity, rather a "question of as to which scientific authority was not agreed."[202] His Lordship therefore instructed that "the jury find that the panel killed his child when he was unconscious of the nature of the act which he committed by reason of a condition arising from somnambulism; and that the panel was not responsible."[203]

Together, the three doctors, Drs. Yellowlees and Robertson for the Crown and Dr. Clouston for the defence, agreed in their testimony that when Fraser committed the fatal act he believed he was truly killing the beast, and that crucially he was *unconscious* of this act.[204] If he had been found to be insane, he would have been treated in an lunatic asylum for some time until he was deemed safe to his family members and to the public. It was on this point the Crown and defence diverged. Dr. Yellowlees described somnambulism "as a state of morbid activity of brain coming on during sleep, of very varying intensity, sometimes little more than restless sleep, but sometimes developing delusions and violence, and amounting to insanity."[205] He contended that Fraser was unconscious at the time, lacking any apparent perception of the world around him, yet at the same time exhibited a consciousness that is not consistent with ordinary sleep. In an

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[201] Ibid., 457.
[202] Ibid.
[203] Ibid.
[204] Ibid., 455.
[205] Ibid..

extreme form, somnambulism under the influence of delusions, and that also led to violence, was "equivalent to insanity."[206] Dr. Robertson for the Crown concurred with Yellowlees, adding that Fraser's state "is simply an exaggerated degree of somnambulism… and that the condition of somnambulism constitutes insanity."[207] However, because it occurred *during* sleep, Dr. Clouston disagreed that Fraser was *insane* at the time. Clouston instead argued that "sleep was a physiological condition of unconsciousness, during which the brain rests, and the medical profession have not hitherto called anything occurring them insanity."[208] The jury seems to have been convinced similarly.

Yellowlees was presumably not impressed. He considered this to be such an exceptional case that the law was not yet able to provide for it, considering it "much wiser and safer" to have sent Fraser to an asylum.[209] Yellowlees disagreed further with the very defence of somnambulism, preferring instead *somnomania*.[210] Through Fraser's temporary 'seizures', he held, his mind was possessed, and his conduct was determined by absurd delusions that his ability to reason or judge properly was unavailable.[211] Yellowlees was overall hesitant to define somnambulism and indicated a contemporary difficulty involved in such

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[206] Ibid., 456.
[207] Ibid.
[208] Ibid.
[209] Ibid., 457.
[210] Tuke writes in 1884 in his *Sleep-walking and Hypnotisim* that "Dr. Yellowlees boldly invented the term *somnomania*, and held that the sole difference between it and delusion, or insanity, or epileptic violence, was that it occurred during sleep, and involved only a temporary arrest of volition, instead of a more prolonged loss of control which results from organic mischief," 16.
[211] Yellowlees, 457-458.

endeavours. Nonetheless, Yellowlees followed *then* current diagnostic protocol by building a patient history so as to ascertain possible links to the alleged crime and not identify the *single* act of sleepwalking under question. He writes that "Somnambulism is a condition so obscure and ill-defined, and might be so easily simulated and used as a cloak for crime, that considerations of public safety made it necessary to examine the patient's history very closely."[212] The question of "public safety" is curious, particularly because Yellowlees examines Fraser's previous sleeping patterns, sleepwalking, and nervous instability as if to build the insane charge.[213] Character, physiology and psychological connections were hence at this time becoming increasingly important indicators in more effective medico-legal diagnostics.

The question of sanity or insanity coupled with responsibility of action underscores the late 19th-century development of medico-legal handling of somnambulism. Fraser's case in particular indicates increased complexity concerning this murky area of sleep-related violence as it relates to a diagnosis of somnambulism where legal definitions and medical expert opinions differ. Indeed, Bonkalo writes in the 1960s that there are inherent difficulties in properly defining sleepwalking, especially where violence is concerned. He comments that "Behaviour connected with sleep was so often globally defined: Distinctions

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[212] Ibid., 452.
[213] Yellowlees includes Fraser's restless sleep, often filled with nightmares and sleep-talking; his agitation and depression; his family's 'nervous' background, which included a mother who suffered from fits, even dying in one, an epileptic father, an insane aunt and cousin, and a brother who died in infancy due to convulsions, 252.

between acts in a drowsy state, in somnambulism, or during the confusion of awakening were not always clearly drawn."[214] Here we have then a very real problem of *global* definition often in opposition to specific definition where sleep-related violence is concerned. Bonkalo went so far as to say that the very evaluation of these (past) reports must then remain tentative.[215]

Actus non facit reum nisi mens sit rea:[216] Medico-Legal Handling of Sleep-Related Violence.

Coming out of these historical instances of sleep-related violence, it is necessary to recognise that responses to sleep-related violence are institutionally formed through the local needs produced by such instances. This means that definitional and practice-oriented responses are themselves contingent. The inclination toward professional technicality and pronounced complexity therefore continues to develop throughout the 20th century as a part of the process of this institutional handling. This section turns to instances of institutional response with sleep-related violence involving both the law and medicine, which intersect in *medico-legal* handling of sleepwalkers as well as in criminal law procedure. It is within the meting out of these to areas of specialisation that we bear witness to a more pronounced *forensic* treatment of sleep-related violence cases. Forensical

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[214] Bonkalo, 402.
[215] Ibid.
[216] The act does not make a person guilty unless the mind is also guilty.

discussions today focus on two central features of analysis in these cases: automatism, or automatic behaviour, and sanity/insanity distinctions, specifically its relation *to* automatism or automatic behaviour. Such attention on the technicality of these two terms (or legal states of being and definition), coupled with a contemporary specialisation of professional knowledge jurisdictions makes any investigation or attempt to reproduce even a kernel of this dialogue highly specialised. This section then aims to unpack relevant terminology and frame it within related legal statute. The *forensical* and expert identification of sleep-related violence will be addressed as part of this medico-legal process.

Because cases of sleep-related violence involve an expectation of (or duty of) care by society, protective measures have historically needed to be taken. In itself, sleep is a fairly *automatic* action: we rest and hopefully wake up refreshed after a hopefully restorative period. Within this sleep, our breathing, digestion, and other bodily functions continue in an *automatic* and functional order. Sleepwalkers, however, take automatic action a step further by disrupting the normal behaviours associated with sleep for unbeknownst wake-stage behaviour. For both the legal and medical professions, automatic states are then of particular importance and interest:

> to the former because they indicate at least a change in brain function, and in many cases also a pathological brain state. To the latter, because in these abnormal brain states the person may

unwittingly contravene the law, and the question of legal

responsibility arises.[217]

This reasonably leads to both sides asking similar questions: what is an

automatism, and how can we define these states?[218] However, when each ask the

same question, do they share a common foundation and set of assumption-filled

and technically-specific jargon? Unfortunately, no.

When doctors and lawyers contemporarily talk about automatism, they

disagree on its definition.[219] Why is this? Peter Fenwick, a specialist and

authority on the *medical* side of the debate, writes that "automatism has always

been difficult to define, because any definition involves the concept of

consciousness."[220] Advances in theoretical, clinical, and analytic psychology and

psychiatry throughout the 20th century, in addition to neurological research into

the brain and its behaviour, have made consciousness a very big topic. The law

demands stability in the interpretation of such consciousness, which, for medical

fields and research enterprises, is often less stable or simple to define *globally*.

For the two sides, ultimately the debate centres on whether or not there is a

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[217] Peter Fenwick, "Automatism, Medicine and the Law," *Psychological Medicine Monograph Supplement* 17 (1990): 3.
[218] Ibid., 3.
[219] Mark Mahowald and Carlos Schenck, in their "Parasomnias: sleepwalking and the law," *Sleep Medicine* 4, no. 4 (2000), 322, provide a fitting comment pointing to the problem of definition: "The current legal system complicates matters further by pitting "experts" who try to answer these unanswerable questions against each other, rather than attempting to find the truth and educate lawyers, judges and juries. Such acts, if having arisen from sleep without conscious awareness, would constitute an "automatism." Regrettably, there is a striking discrepancy between the medical and legal concepts of automatism."
[220] Fenwick, 3.

presence or absence of consciousness involvement in an automatic act. Recall,

for instance, Simon Fraser's declaration: "I am guilty in my sleep, but not guilty

in my senses." The professions then differ on what constitutes not necessarily

automatism in general, but instead *specific* automatisms.

Fenwick notes that the medical literature is fairly consistent with its

definition of automatism. This is because the medical definition is based on a

shared understanding of brain function, where consciousness becomes quantified

according to the present or absence of higher functioning abilities.[221] Past

definitions have included no reference to consciousness, rendering the automatism

as simply an "involuntary movement of the limbs or body of a person."[222] In

1940, Hinsie and Shatsky in their *Psychiatric Dictionary* extended automatism to

be an activity that is carried out without conscious knowledge on the part of the

subject.[223] Good, in 1976, allies automatism with drug automatism in his

definition:

> non-reflexive, directed, and apparently purposive motor behaviour
>
> performed without full consciousness of what is being done and

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[221] Ibid., 4. Fenwick wrote an earlier iteration of this article, though considerably more brief. The present *Supplement* this thesis draws from extends the discussion of his 1987 piece "Somnambulism and the Law." See Peter Fenwick, "Somnambulism and the Law: A Review," *Behavioral Sciences and the Law*, 5, no. 3 (1987): 343-357.

[222] Fenwick refers to this person as Joyce, who wrote this in 1970. His bibliography contains no matching data; however, I use this definition here also to show a very common 'starter' definition of automatism. Fenwick, "Automatism, Medicine and the Law," 4.

[223] L. E. Hinsie and J. Shatsky, *Pyschiatric Dictionary* (London: Oxford Medical Publications, 1940), quoted in Fenwick, 4. Here, consciousness is still questionable, Fenwick notes.

followed by grossly incomplete recollection or insight. The act

may be complex, repetitive, or stereotyped, and show lack of

judgement or appropriateness.[224]

Included in this roster of explanation, Good also makes allowance for sleep

disorders, among other neurosis or problems. The difficulty with this definition,

Fenwick notes, is that "it indicates that the actions must be apparently purposive"

and may not apply to automatisms as a whole.[225] In 1976, Blair made allowance

for both consciousness and automatism in his definition. For Blair, "normal

consciousness" was akin to an awareness of the mind and body as an entity in

particular relation to a surrounding environment.[226] The problem with Blair's

definition, however, was that it raised more questions than it answered.

To avoid further quandary regarding a *united* definition, Fenwick

suggested an extended definition. He offers the following:

An automatism is an involuntary piece of behaviour over which an

individual has no control. The behaviour itself is usually

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[224] M. I. Goode, "The Concept of Drug Automatism," *The American Journal of Psychiatry* 133 (1976): 948-951, quoted in Fenwick, 4.

[225] Fenwick, 4.

[226] D. Blair, "The Medico-Legal Aspects of Automatism," *Medical Science and the Law* 17 (1977): 167-182, quoted in Fenwick, 4. Blair writes "normal consciousness necessitates an intricate and coherent relationship between the various components of the individual's body and mind to ensure his harmonious awareness of himself as an entity, of the realities of his environment, and of his ability to control his environment. This includes normal functioning of his attention, concentration, interest and perception, as well as his cognitive, affective and conative traits. The cognitive traits include the intellectual faculties of memory, reasoning and judgement; the affective ones include emotions, sentiments and moods; and the conative ones include initiative, endeavour, perseverance, etc.," quoted in Fenwick, 4.

inappropriate to the circumstances, and may be out of character for

the individual. It can be complex, coordinated, and apparently

purposeful and directed, though lacking in judgement. Afterwards,

the individual may have no recollection, or only partial and

confused memory, for his actions. In organic automatism, there

must be some disturbance of brain function and a clouding of the

sensorium, sufficient to give rise to the above features. In

psychogenic automatisms, the behaviour is complex, coordinated,

and appropriate to some aspect of the patient's psychopathology.

The sensorium is usually clear, but there will be a severe or

complete amnesia for the episode.[227]

Much of the medico-legal community that examines or researches sleep-related

violence draws from this definition because it of its range and specificity.[228] To

the lay person looking for a quick definition, the *Oxford English Dictionary*

provides a few in-between explanations, two of which include:

(1) the theory, belief, or doctrine that living organisms act purely

mechanically, like automata, and are motivated by physical causes,

rather than consciousness, intelligence, or will. Also: the condition

or state of being so motivated (now chiefly historical); and (4)

action, or an act, performed without conscious or voluntary

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[227] Fenwick, 4.

[228] For example, Mahawold and Schenck, "Parasomnias: Sleepwalking and the Law," *Sleep Medicine Review* 4, no. 4 (2000), 328; Ebrahim and Shapiro, 85.

control, or while in a state of impaired consciousness. Also: the result of this; automatic writing, speaking, behaviour, etc.[229]

Similarities in scope, especially in number 4, coincide with Fenwick's definition; however, for the most part, neither of the two definitions are adequately 'medical' or specialised for medicine, yet they provide enough foundation for discussion.

Judicially, things are handled differently. The legal definition of automatism is based on the concept of *mens rea*: the presumption that everyone is *presumed* sane before the law and is therefore to be held accountable for his or her actions. *Mens rea* is partnered with *actus reus*, which relies on proof that the defendant committed a criminal act. Together, *mens rea* and *actus reus* combine in the concept "*actus non facit reum nisi mens sit rea*," that the deed or act does not make a man guilty unless his mind is guilty. Unless the offence is statutory, carrying an absolute liability, the doctrine of *mens rea* can only be negated by three major considerations: first, that the mind is not guilty because it is innocent; second, because the mind is diseased, which rest on the McNaughten Rules;[230] and third, that at the time of the act, there was an absence of mind, so that any action carried out was automatic.[231] This last consideration is the defence of *automatism*. Problems are further created with generalised legal insistence on dividing automatisms into two categories: on the one hand, *sane* (arising from an

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[229] "automatism, n.," *Oxford English Dictionary Online* (Oxford University Press, 2011): http://www.oed.com.login.ezproxy.library.ualberta.ca/view/Entry/13469? redirectedFrom=automatism (accessed September 04, 2011).
[230] These are UK-specific and will be discussed shortly. Please refer to "Automatism in the UK" section.
[231] Fenwick, 5.

external cause, such as a blow to the head), and, on the other, *insane* (arising from an *internal* factor, such as a brain disorder or other physical problem).[232] These have been referred to as "lawyer speak" and, to quote Ebrahim et al. they "make little sense."[233] Furthermore, the very categorisation of sane and insane automatism, Ebrahim et al. continue, as applied to sleepwalking has divided the medico-legal community because in Canada, for instance, sleepwalking is held to be a *sane* automatism while in the UK sleepwalking is treated as an *insanity*.[234] Importantly, this highlights the discrepancies of interpretation regarding the status of sanity as it is applied to sleepwalkers in countries with kindred legal traditions.

Examples of Common Law Automatism in the UK and Canada

Examples of Common Law definitions of automatisms in the United Kingdom and Canada help to contextualise a more general foundation from which definitional discursive practices of sleepwalking emerge and become more complicated. These definitions therefore come to bear on the translation of sleepwalking tropes and characteristics from not only temporal periods but also across geographical zones of knowledge.[235]

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[232] Irshaad Ebrahim, William Wilson, Richard Marks, Kevin Peacock, and Peter Fenwick, "Violence, Sleepwalking and the Criminal Law: (1) The Medical Aspects," *The Criminal Law Review* (2005): 602.
[233] Ebrahim, et al., 602-3.
[234] Ibid., 603.
[235] In these forthcoming discussions automatisms in the law, my aim is not to account for solely a legal handling of automatism but, instead, to address a

British courts divide automatism into *non-insane* automatism and *insane*

automatism. *Non-insane* automatisms may sometimes be referred to as *sane*

automatism, and they arise, as mentioned, from an *external* cause or factor; hence,

insane automatisms arise from internal cause or factor. However, in Canada,

automatism may be categorised as either a *mental disorder automatism*, which is

equivalent to *insane* in the UK, or a *non-mental disorder automatism*, which is

also equivalent to *non-insane* in the UK.[236] Thus, in Canada, while sleepwalking

can be held to be a *non-mental disorder (sane)* automatism, in the UK it may be

an instance of *insanity*.[237] A quick and very generalised review of how, in part,

these definitions came to be helps provide context for the sleepwalker's automatic

acts. These definitional occurrences and overlapping accounts of automatism are

meant to *gesture* to the problematic nature of definition and acceptance of such

discursive practices and *not* account for global or united specificity in example,

for the law is much more nuanced than this permits.

In the UK, Lord Denning in 1963 provided the general scope of

automatism in *Bratty v. A-G for Northern Ireland*:

> No act is punishable if it is done involuntarily and an involuntary
>
> act in this context—some people prefer to speak of it as
>
> automatism—means an act which is done by the muscles without
>
> any control by the mind such as a spasm, a reflex or convulsion; or

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vocabulary that extends to the composite picture of sleepwalking that is *in no way*
homogenous nor entirely uniform of legal handling.
[236] Ebrahim and Shapiro, 85.
[237] Ibid., 85.

an act done by a person who is not conscious of what he is doing,

such as an act done whilst suffering from concussion, or whilst

sleepwalking.[238]

Bratty was charged with killing a girl by strangulation whom he had taken for a

ride in his car in 1961. Maintaining that a "blackness" had overcome him at the

time of the killing, he claimed he was an epileptic at the time of the killing;

therefore, he did not know what he was doing.[239] The defence requested the jury

acquit him on a plea of automatism, or to find him not guilty by reason of

insanity.[240] However, the trial judge dismissed the pleas of automatism for lack of

evidence, and the case soon made it to the House of Lords for appeal on the basis

of whether or not the trial judge was correct to dismiss the plea of automatism.

The question was whether or not Lord Denning could rule that epilepsy was

considered to be a disease of the mind, hence an *insane* automatism versus the

sane kind that would have led to Bratty's conviction. Lord Denning comments to

this point:

that in Charlson's case, Barry J. seems to have assumed that other

diseases such as epilepsy or cerebral tumour are not diseases of the

mind, even when they are such as to manifest themselves in

violence. I do not agree with this. It seems to me that any mental

[238] *Bratty v. Att.-Gen. for Northern Ireland* (1963) A.C. 386 at 411 in William Wilson, Irshaad Ebrahim, Peter Fenwick and Richard Marks, "Violence, Sleepwalking and the Criminal Law: (2) The Legal Aspects," *The Criminal Law Review* (2005), 615.
[239] Fenwick, 6-7; Ebrahim and Shapiro, 86.
[240] Fenwick, 7.

disorder which has manifested itself in violence and is prone to

recur, is a disease of the mind. At any rate, it is the sort of disease

for which a person should be detained in hospital rather than begin

given an unqualified acquittal.[241]

Both doctors *and* lawyers were in agreement in this case: that epilepsy should be

considered a disease of the mind.[242] Yet, it was still unsatisfactory for both

medical and legal sides because, on the one hand, there lacked sufficient evidence

to prove the act took place during an epileptic seizure, and, on the legal side,

automatism was still being tested as a defence strategy.[243]

The case of *R v. Sullivan* reinforced this view, which also tested the

boundaries of legal and medical automatism. A known epileptic, Sullivan

attacked his neighbour during an epileptic seizure. Sullivan wished to establish

the defence of *sane* automatism and plead not guilty.[244] The trial judge, His

Honour Judge Lymbery, however ruled that this plea was not available to the

defense *because of* the precedent set by Bratty.[245] Therefore, Sullivan was forced

to plead not guilty by reason of automatism due to a disease of the mind. Had a

plea of insane automatism been successful, the court would have sent Sullivan to

a hospital; however, Sullivan's lawyers were not ready to take this chance, so he

was persuaded to plead guilty for an act he could not remember and had no

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[241] *Bratty v. Attorney General for Northern Ireland*, 1961b, 102-103, in Fenwick, 7.
[242] Fenwick, 7.
[243] Ibid., 7.
[244] Ibid., 7.
[245] Ibid., 7.

physical control over doing.[246] Sullivan was afterward detained in a mental hospital because it was reasoned that the insanity defense in the UK was "intended to protect the public from recurrences of dangerous conduct."[247] Lord Diplock, at the second appeals level, commented that it was natural to feel reluctance to attach a label of insanity to a sufferer from psychomotor epilepsy, but the label was contained within the current statute, as in its predecessors ever since 1800.[248]

    R v. Quick and *R v. Kemp* further extend and help clarify the definition of automatism in UK case law. Quick was a nurse who assaulted a patient while hypoglycaemic at the time.[249] As a diabetic, Quick had taken his insulin that morning, but had eaten nothing *and* consumed a certain quantity of spirits. He had no recollection of the assault. The first ruling in the case was that this was an automatism due to disease of the mind and that a simple automatism— *automatism simpliciter*—was not available to him.[250] Quick's case went also to the appeals level in which case the precedent of Bratty was countered. The Appeal Court argued that a disordered mind whose actions led to an automatic act *and* that led to violence was prone to recur; as such, it must be a disease of the mind.[251] In this instance, the Appeal Court also stressed the importance of the accused's state of mind *at the time of the act*, and not solely on the underlying

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[246] Ibid., 7.
[247] Ebrahim and Shapiro, 86.
[248] Fenwick, 8.
[249] Experiencing low insulin levels.
[250] Fenwick, 9.
[251] Ibid., 8.

physiological mechanisms.[252] In fact, the Appeal Court drew on *R. v. Kemp* for just this precedent.

In the case of *R. v. Kemp*, "it was held that an automatic act arising from a disease of the brain was to be held an *insane automatism*."[253] Kemp, "an elderly man of good character," picked up a hammer and killed his wife.[254] He was charged with causing grievous bodily harm and had, at the time, suffered from arteriosclerosis:

> 'During one night he made an entirely motiveless and irrational attack upon his wife, striking her with a hammer with such violence as to cause a grievous wound…It is a well recognised consequence of arteriosclerosis that it may lead to a congestions of blood in the brain due to a sudden rise of blood pressure. As a result of such a congestion, the accused suffered a temporary lapse of consciousness, so that he was not conscious when he picked up the hammer or that he was striking his wife with it. In that mental condition he was not responsible for his actions.'[255]

Mr. Justice Devlin's further commentary is important, which Fenwick reproduces:

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[252] Ibid., 8. The Appeal Court concluded that "In this case Quick's alleged mental condition, if it ever existed, was not caused by his diabetes but by his use of the insulin prescribed by his doctor. Such malfunctioning of his mind as there was, was caused by an external factor and not by bodily disorder in the nature of a disease which disturbed the working of his mind," as quoted in Fenwick, 8.
[253] Fenwick, 6.
[254] Wilson, et al., 616.
[255] *R. v. Kemp*, 1957, p. 400, quoted in Fenwick, 6.

But that argument does not go so far as to suggest that for the purpose of the law diseases that affect the mind can be divided into those that are physical in origin and those that are mental in origin. There is such a distinction medically… The distinction between the two categories is quite irrelevant for the purposes of the law, which is not concerned with the origin of disease, or the cause of it, but simply the mental condition which has brought about the act. It does not matter for the purpose of the law, whether the defect of reason is due to the degeneration of the brain or to some other form of mental derangement. That may be a matter of importance medically, *but it is of no importance to the law, which merely has to consider the state of mind in which the accused is, now how he got there…*[256]

He therefore ruled that "hardening of the arteries is a disease which is shown…to be capable of affecting the mind in such a way as to cause a defect, *temporarily* or permanently, of its reasoning…and so is in my judgment a disease of the mind which comes within the meaning of the Rules."[257] The singling out of the law's sole purpose is insightful in *R. v. Kemp*, for Justice Devlin in this 1957 case demarcates a polemic between expert points of view and the handling of this subject matter for both law *and* medicine. Furthermore, his ruling suggested a

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[256] *R. v. Kemp*, 1957, pp. 406-07, in Fenwick, 6.
[257] *R. v. Kemp*, 1957, p. 408, in Fenwick, 6.

malfunction of the brain leading to an automatic act *should* be regarded as a

disease of the mind, even if it was temporary.[258]

Both *R. v. Kemp* and *R. v. Quick* are important early cases for setting the

standard parameters of normal automatisms, either *insane* or *sane*, before the law.

They are also consequential for the handling of *internal* versus *external* causes

with cases of automatism.

> *Quick*'s case tells us that a mental abnormality resulting from an
> external "prompt" which allows the "cause" of the ensuing harm to
> be attributed to something other than the defendant's physical or
> mental make-up (or free choice) may ground automatism. *Kemp*,
> consistently with this, tells us that if the presenting cause of the
> mental abnormality is internal to the actor it counts as a disease of
> the mind.[259]

Wilson, et al., carry on to state that this "state of affairs" seeks not to mimic the

medical definitions; instead, this polemic reflects a "commitment to distinguish

between those mental abnormalities which are ingrained in the accused's personal

identity and those which arise opportunistically as a result of the vagaries of

fate."[260] Both sane and insane automatism lead to a ruling of whether or not there

is a disease of the mind in relevant cases. However, suppose an automatism did

not arise as a result of a malfunction of the mind but from the *normal* functioning

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[258] Fenwick, 6.
[259] Wilson, et al., 617.
[260] Ibid., 617.

of the mind.[261] Should a ruling of sanity or insanity then be appropriate? Are

distinctions of abnormality versus normality or internal and external also fitting?

The McNaghten Rules are those "rules" that Justice Devlin made

reference to in his judgment for *R. v. Kemp*, and these are equally decisive in the

process of sane vs. insane judgements. The McNaghten Rules (which are also

referred to as the *McNaughton* Rules, for how the name sounds phonetically)

arose out of an attempted assassination of the 1843 British Prime Minister, Robert

Peel, by Daniel McNaghten. McNaghten missed and instead killed the prime

minister's private secretary. McNaghten was found to be clearly mentally ill,

having suffered from paranoid delusions. From this, a panel of judges created the

rules or tests for juries to consider in cases where a defendant pleads insanity.[262]

McNaghten's case has therefore become the basis for criminal liability in relation

to mentally disordered defendants in common law jurisdictions ever since.[263]

The key points of the Rules state that

> the jurors ought to be told that in all cases every man is presumed
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> to be sane, and to possess a sufficient degree of reason to be
>
> responsible for his crimes, until the contrary be proved to their
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> satisfaction and that to establish a defence on the ground of
>
> insanity, it must be clearly proved that, at the time of committing
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> the act, the party accused was labouring under such a defect of

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[261] Fenwick, 9.
[262] Ebrahim and Shapiro, 84.
[263] Ibid., 84.

reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.[264]

Though they are sometimes considered archaic, they are important because, when paired with *not guilty by reason of insanity* (NGRI), the McNaghten rules are the foundation for the *insanity* defence, which may see a defendant committed to a hospital for a short or indeterminate length of time.[265] The insanity defence is recognised in several countries, including Canada, the UK, most commonwealth countries and most states in the USA.[266] In the UK and other common law jurisdictions,[267] the insanity defence, also known as the *not guilty by reason of insanity* (NGRI) defence, is attached to automatism when it is classified as *insane* automatism. The McNaghten Rules dismiss a defendant if the following criteria are fulfilled: if he or she was (1) suffering from a disorder of reason, (2) caused by a disease of the mind, such that, (3) she or he did not know the nature and quality of his or her act or that it was wrongful.[268]

The McNaghten Rules furthermore present serious implications for sleep-related violence concerning cases of automatism because these Rules are constantly being referred to, disputed, and sometimes altered slightly for

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[264] Quoted in Ebrahim and Shapiro, 84.

[265] Ebrahim and Shapiro, 84.

[266] Australia, Canada, England and Wales, Scotland, South Africa, the EU, New Zealand, Ireland, and most US states recognise the insanity defense (except for Montana, Idaho and Utah).

[267] The US is different. See "Automatism in the USA" section for further comment.

[268] Ebrahim and Shapiro, 84.

judgement. For instance, in *R. v. Sullivan*, during the first round of appeal at the Court of Appeal level, Lord Justice Laughton thought the McNaghten Rules were not the final authority of disease of the mind:

> The well known words "the accused was labouring under such a defect of reason…did not know what was wrong," aptly refer to someone whose mental faculties such as consciousness, attention, perception, feeling, coordination and thinking are working but not as they should do. They are not so apt to apply to an accused's mental state when his brain, because of epilepsy, cannot function at all in a way which is relevant to criminal liability. If a man does not know what he is doing, in no legal sense can the physical movements of his limbs which cause injury or damage to others be said to be his acts. The higher levels of brain function have not been working at all. His mind, in the ordinary sense of that word, has not gone with physical movements. Absence of relevant brain function rather than malfunction of mind led to Mr. Payne being injured. The pre-1800 common law concept of insanity took in acts brought about through the absence of relevant brain function.[269]

Lord Justice Laughton further pointed out that under The Trial of Lunatics Act 1883

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[269] Quoted in Fenwick, 7-8.

If the evidence at a trial goes to prove insanity, the issue is raised

even if the defendant does not want it raised… There is no

statutory definition of insanity and there never has been one for the

purpose of the criminal law… it follows that the special verdict has

to be returned whenever there is evidence of a total lack of

understanding and memory due to a morbid inherent condition of

the brain. Epilepsy brings about such total lack of understanding

and memory, as can other morbid inherent conditions of the

brain.[270]

It is therefore important to gleam from these case-related instances how

historically focussed legal authority remains with respect to its rulings on matters

related to automatic behaviour and the potential for sleepwalking.

For defences related to sleepwalking, Canada's *R. v. Stone* and *R. v. Parks*

have been pivotal in effecting changes to judgements of sane or insane

automatisms. Following Lord Denning's *Bratty* definition, the Canadian courts

developed their own definition of automatism in *R. v. Rabey*:

Automatism is a term used to describe unconscious, involuntary

behaviour, the state of a person who, though capable of action, is

not conscious of what he is doing. It means an unconscious,

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[270] Quoted in Fenwick, 8.

involuntary act where the mind does not go with what is being done.[271]

In *R. v. Rabey*, the Supreme Court of Canada held that automatism cannot be attributed to any external cause, such as a blow to the head, and should therefore be characterised as a "disease of the mind," as in *R. v. Quick*.[272] However, since amendments to the Criminal Code in 1991, the *sane / insane* distinction has been replaced by *mental disorder automatism* and *non-mental disorder automatism*. Glancy and Fedak clarify the scope of these two terms:

> mental disorder automatism includes any automatic states produced by a disease of the mind… Non-mental disorder automatism includes an automatic state resulting from external causes such as administration of insulin, drugs (not self-induced), or concussion.[273]

This produces problems of interpretation. On the one hand, mental disorder automatism is presumed to be an automatism that is brought on by a disease of the mind; however, in practice judges make their decisions mostly alone but also as they are informed by psychiatric (expert) opinion and assistance.[274] In *Rabey*, for instance, "we are clearly told…that the definition of disease of mind is a question

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[271] Graham Glancy and Larissa Fedak, "A Comparison of R. v. Stone with R. v. Parks: Two Cases of Automatism," *Journal of the American Academy of Psychiatry* 30 (2002): 541.
[272] Ibid., 542.
[273] Ibid., 542.
[274] Ibid., 542.

of law for the judge to determine."[275] This problematic of interpretation does not escape the unfolding of the two cases of *R. v. Parks* and *R. v. Stone.*

On 23 May 1987, Kenneth James Parks fell asleep on his couch. After some time resting, he dressed himself and drove 23 kilometres in distance to the home of his in-laws. Having used his key to gain entrance, Parks then took a tire iron presumably in the trunk of his car and killed his mother-in-law and badly injured his father-in-law. With no previous history of mental illness, this was going to be quite a medical case to prove. Parks' first recollection of the scene was to see his mother-in-law's body as it was surrounded by the screams of children. He then left the house and drove directly to a police station, stating "I just killed someone with my bare hands. I just killed two people." According to evidence, Parks was close to his in-laws; in fact, his mother-in-law referred to him fondly as the "gentle giant."[276]

Parks was tried for murder and attempted murder and used *automatism* in his defence, specifically that he was sleepwalking throughout. Therefore, supporting medical evidence was required to determine sleepwalking in this instance. Parks had a prior history of enuresis as a teen and was known to be a deep sleeper.[277] Recently, he had been under considerable stress, which led to his reported episodes of insomnia. It was the "unanimous decision" of five medical doctors that he was sleepwalking during the incident, who provided evidence that

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[275] Ibid., 542.
[276] Ibid., 543.
[277] It was established that there was strong history of parasomnias in his family.

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sleepwalking was a disorder of sleep, *not* a neurological, psychiatric, or other illness.[278] Both the Crown and the defence had expert sleep witnesses provide testimony, and neither challenged that Parks was in fact sleepwalking. In fact, the trial judge directed the jury that if they believed Mr. Parks to be sleepwalking when the incident occurred, then this would lead to a judgment of *noninsane* automatism.[279] In this case, the accused should be acquitted, and Parks was at that.

It is in very few jurisdictions that the Crown can appeal an acquittal; Canada happens to be one of them.[280] If Parks was sleepwalking at the time of the incident, then his sleepwalking should have been considered a *disease of the mind*, which would seen the judge instruct the jury on *insane* automatism, i.e. *insanity.[281]* The real issue, then, was whether or not sleepwalking was to be considered a *disease of the mind*. The Court maintained that sleepwalking/somnambulism was not a disease of the mind, so the case went to the Supreme Court of Canada. Notably, they maintained the original treatment of somnambulism; however, they added an important caveat: that in the regard to whether this is a disease of the mind carries a *policy* component.[282] Medical testimony was therefore crucial in the ruling of this case with respect to policy

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[278] Glancy and Fedak, 543.
[279] Ibid. Both Glancy and Fedak comment that this is more commonly referred to in Canada as *not-non criminally responsible due to mental disorder [non-NCR-MD] a*utomatism.
[280] Ibid.
[281] Ibid.
[282] Ibid.

outcomes. The Court therefore considered two more policy-oriented topics, as Glancy and Fedak note: "whether the disorder can be easily feigned and whether it would open the floodgates to the use of automatism as a defense."[283]

Ultimately, it rested on medical expert testimony to determine whether or not Parks was sleepwalking, and the Supreme Court of Canada upheld this and the medical testimony. According to the evidence at the time, sleepwalking is not neurological, psychiatric, nor is it an illness; it is, however, a sleep disorder.[284] This was of the utmost importance to prevent Parks from being cast a danger to society (or himself). With the case or *R. v. Stone*, the issue regarding automatism was tied to *voluntariness*.

Bert Thomas Stone stabbed his wife 47 times in 1994 and claimed he had done so having been brought on by his wife's insulting words.[285] Glancy and Fedak describe his testimony, that he

> felt a "whooshing" sensation wash over him. When his eyes
> focused again, he was staring straight ahead and felt a six-inch
> hunting knife in his hand. He looked over and saw his wife
> slumped over on the seat. He then disposed of her body in his truck
> tool box, cleaned up, drove home, and prepared a note for his
> stepdaughter. He then checked into a hotel. He subsequently
> collected a debt, sold his car, and flew to Mexico. Sometime late in

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[283] Ibid., 543.
[284] Ibid., 544.
[285] Ibid., 544.

Mexico, he awoke one morning and had the sensation of having his
throat cut. At this stage he remembered stabbing his wife twice in
the chest before experiencing a whooshing sensation.[286]

In his defense, Stone claimed that he was provoked and that he was in a state of
automatism. The trial judge found that the defense had made their case for *insane*
automatism, but not for *noninsane* automatism.[287] Stone was then found guilty of
a lesser charge of manslaughter. The Crown appealed the conviction and
sentence, which the British Columbia Court of Appeal upheld (the conviction),
but they dismissed the appeal of the sentence. Therefore, both the Crown and the
accused appealed to the Supreme Court of Canada.

The Supreme Court of Canada held that the law presumes people act
voluntarily.[288] They argued, then, that the "defense of automatism involves a
claim that the actions in question were not voluntary, and therefore the
evidentiary burden rests with the accused to establish a proper foundation for this
defense." [289] If this *evidence* could be established, together with the judge
concluding that a "properly instructed jury could find on the balance of
probabilities that the accused acted involuntarily, the trial judge must determine
whether the case satisfies the criteria for mental disorder automatism or
nonmental disorder automatism."[290] Therefore, the Court addressed that

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286 Ibid., 544-5.
287 Ibid., 545.
288 Ibid., 545.
289 Ibid., 545.
290 Ibid., 545.

voluntariness, not unconsciousness, was the central to automatistic [sic]

behaviour, arguing that the defense of automatism amounts to a denial of the

voluntariness component of *actus reus*.[291] The Court concluded "that the legal

burden in cases of automatism must be on the defense to prove involuntariness on

a balance of improbabilities."[292] Importantly, concerns regarding *policy* were also

raised, specifically that the law must reflect policy concerns about claims of

automatism, e.g. that rulings can lead to opening up of other judgements. As with

Parks, the Court ruled that medical testimony (in this case expert psychiatric) was

of considerable weight in effecting a ruling or claim. New to rulings, however,

was proving the voluntary component beyond a reasonable doubt, whereas with

Parks the defense had only to lay a proper foundation for the defense of

automatism.[293]

A Brief Outline of Automatism in the USA

A general outline of automatism in the United States helps also to contextualise

these definitional trends. The following are only general treatments and in no way

accounts for the entire scope of automatism coverage within US law; howsoever,

such a cursory glimpse reveals how the conflict to define automatisms is not

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[291] Ibid., 545.
[292] Ibid., 545.
[293] Ibid., 545.

localised to one geographic terrain or temporal period. As with the Common Law

in the UK and Canada, these practices are highly contextualised and nuanced.

Automatism and the sanity/insanity distinction are handled differently in

the United States. In the US, automatism is most generally defined as a defence

against criminal liability in defendants who perform illegal conduct in a state of

unconsciousness or semi-consciousness.[294] This may also apply to behaviour

performed in a "state of mental unconsciousness or dissociation without

awareness, i.e. somnambulism, fugue."[295] However, Ebrahim and Shapiro

comment on the general *lack* of consensus on the automatism defence in the USA.

Some courts, they state, have held that "automatism is a variation of the general

defence of excuses interpreting the disorder as a defect of reason that prevented

the defendant from knowing the nature and quality of his actions," such as in

People v. Higgins.[296] As in *Hibbs v. Commonwealth*, other courts have accepted

automatism as a form of insanity; others, as well, take it as a separate defence that

"explicitly excludes insanity as part of the description (e.g., *People v. Martin*,

Fulcher v. State).[297]

While the UK and other Common Law jurisdictions observe that "*actus*

non facit reus mens sit rea" while prosecuting an offender, in the USA the

prosecution must typically prove all elements in the definition of the offense

under The American Law Institute's Model Penal Cold (MPC). In particular, the

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[294] Ebrahim and Shapiro, 85.
[295] Ibid., 85.
[296] Ibid., 85.
[297] Ibid., 85.

prosecution has to establish (1) that the conduct was *voluntary*; and (2) that the

defendant acted with *culpability*, i.e. purposely (i.e. with intent), knowingly,

recklessly, or negligently.[298] Therefore, voluntary conduct and culpability become

twin factors of proof in an automatism case.

Voluntary conduct is also referred to as the voluntary act requirement.

Under 2.01 of the MPC, the Requirement of Voluntary Act, the code states that

1. A person is not guilty of an offense unless his liability is based
   on conduct which includes a voluntary act or the omission to
   perform an act of which he is physically capable.

2. The following are not voluntary acts within the meaning of this
   section: a reflex or convulsion; a bodily movement during
   unconsciousness or sleep; conduct hypnosis or resulting from
   hypnotic suggestion; or, a bodily movement that otherwise is
   not a product of the effort or determination of the actor, either
   conscious or habitual.[299]

This requirement makes it such that if voluntary conduct is not proved, then there

is no offense. However, experts urge that voluntariness should be taken as a

matter of degree rather than an absolute.[300]   Culpability must also be proved,[301]

such that if both the voluntary act and culpability requirements are fulfilled, then

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[298] Ibid., 83.
[299] Quoted in Ebrahim and Shapiro, 83.
[300] Ebrahim and Shapiro, 83.
[301] That the defendant acted purposely (with intent), knowingly, recklessly, or
negligently regarding each material element of the offense, Ibid., 83.

the defendant can avoid a general defence. In the US, there are two types of defence available to the defendant. The first is a *failure-of-proof* defence, which meets the two voluntary and culpability requirements. However, the second, a *general defence,* is more sticky. While it includes the *defence of specific excuses*, which pertains to conditions such as somnambulism, it relies heavily on the present scientific and medical knowledge that can often not fully satisfy the legal community's demand for concrete confirmation and objective evidence regarding the 'excusing' condition.[302] This means that the insanity defence *and* automatism together (that is, the sleepwalking defence) in the US rely on ideas that are not keeping up-to-date with neuroscience, which, given the expectation of expert testimony, becomes problematic for the defendant.

The insanity defence in the US also uses the NGRI criteria. The MPC defines it as thus:

> [a] person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality [wrongfulness] of his conduct or to conform his conduct to the requirements of the law.[303]

Used in most US jurisdictions, the MPC criteria for insanity requires that the defendant lacks *substantial* (rather than complete) capacity.[304] It also, as Ebrahim

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[302] Ibid., 83.
[303] Quoted in Ebrahim and Shaprio, 84.
[304] Ebrahim and Shapiro, 84.

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and Shapiro note, substitutes "know" from the McNaghten Rules with "appreciate," which serves to provide a more contextualised and broader evaluation of the defendant's actions.[305] The NGRI defence is included in the rubric of automatism in the UK when it is classed as *insane* automatism, which is aided by the McNaghten tests.[306]

Sleepwalking and Medical Law: Sleep Specialists and Expert Views

The sleepwalking 'subject' faces a tremendous amount of authority to ascertain a reliable account of his or her episode. The role of the sleep expert is fairly new, which means that recommendations for the sleep expert's role in court proceedings and overall relationship to the court are still being formed. In the above recent Canadian cases, medical and sleep experts were brought in as a standing *authority* on the outcome of the cases, which suggests that sleep experts now occupy a unique niche of responsibility regarding the interpretation of sleepwalking behaviours and outcome of criminal trials. These sleep experts may be medical physicians who specialise in sleep as well as sleep researchers—most often, however, they present a combination of both a medical degree qualification in addition to the research component. They have become particularly important in the interpretation of sane or insane automatisms so as to differentiate a

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[305] Ibid., 84.

[306] Ibid., 84. The tests include (1) suffering from a disorder or reason; (2) caused by a disease of the mind, such that (3) she or he did not know the nature and quality of his or her act or that it was wrongful.

physiological response from a mental response. For the sleepwalker, the sleep

expert becomes a pseudo advocate; however, the sleep expert's responsibility

remains firmly affixed to the medicalisation of the sleepwalker's current and past

behaviours. Nevertheless, the sleep expert is there to mediate between the

sleepwalking subject and judiciary control, which tends more often to be

totalising in its overall definitional effects.

Because judges commonly present as judicial gatekeepers, who may throw

out testimony deemed subjective or not scientific enough, the responsibility for

sleep experts is more astute in the development of standards regarding their

testimony. Fenwick notes how, in particular, the quality of the medical evidence

is important because it holds strong implications for the defendant who is caught

between a verdict of either *sane* or *insane* automatism.[307] Therefore, the onus of

the sleep medicine professional is "to educate and assist the legal profession in

cases of sleep-related violence which result in forensic medical issues."[308] The

force of this derives from junk science being used in the courtroom, especially of

the adversarial system (US), which presents ethical problems for the sleep

researcher that ultimately sway the opinion for or against the defendant.[309]

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[307] Fenwick, "Automatism, Medicine and the Law," 10.

[308] Mahawold and Schenck, 329.

[309] Ibid., 329. In the case of Scott Falater, a 43-year old man who killed his wife
during the night in an instance of homicidal somnambulism, comments were
made with respect to the credentials of the sleep experts: "I submit to you that
these (resumes) are nothing but steps to their shrines of self-indulgence," as
quoted in Mahawold and Schenck, 329. The creation of standards is therefore of
the utmost importance to avoid overuse of the current adversarial system (chiefly
US), which can lead to defamation of character on the part of the sleep expert. See

Mahawold and Schenck advocate that forensic sleep medicine experts become impartial friends of the court, or *amicus curae*. They further comment that the impartial expert can help improve scientific testimony.[310] With this, a sleep expert may be approached and then he or she volunteers to serve as a court-appointed expert "whose primary function is scientific education of lawyers, judges and juries," rather than one appointed by either the prosecution or defence.[311]

Standards are in place for both the US and UK jurisdictions and require that the sleep expert, in order to provide an expert opinion, must have "detailed knowledge of the current developments in medicine, neuropsychology and neuroscience that explain how behaviours may occur without complete awareness, as well as an understanding of the limitations and controversies surrounding the legal demands made by prosecutors and/or defence attorneys."[312] Following guidelines is therefore both crucial and necessary.[313] At the same time,

also P. W. Huber, *Galileo's Revenge: Junk Science in the Courtroom* (New York: Basic Books, 1991).

[310] Mahawold and Schenck, 330.

[311] Ibid., 330.

[312] Ebrahim and Shapiro, 87.

[313] The American Academy of Sleep Medicine and the American Academy of Neurology identify qualifications for expert witnesses and testimonies: Expert witnesses qualifications include holding a current, valid and unrestricted driver's license; that they must be Diplomat of the American Board of Sleep Medicine; and they must be familiar with the clinical practice of sleep medicine and should have been actively involved in a clinical practice at the time of the event. The guidelines for expert testimony include the following: (1) that is must impartial; (2) fees should relate to time and effort, not contingent upon the outcome of the claim; (3) the practitioner should be willing to submit such testimony for peer review; (4) to establish consistency, the expert witness should make records from his or her previous expert witness testimony available to the attorneys and expert witnesses of both parties; and (5) the expert witness must not

this creates a new standard of authority for the sleepwalker. Although the sleep

expert, in theory, carries an educational responsibility, his or her qualifications

and medical testimony are ultimately more important for the witness or defence.

Sleepless Actors: A Bridge Between Networks

Sleepwalkers are subsumed under the general category of sleep, and are defined

by virtue of their behaviours being abnormal in relation to normative sleep

practices. In this capacity, the sleepwalkers are entirely dependent on bodies of

authority—both medical and legal—to isolate, describe, define, and relate their

behaviour. This diagnostic work is explicitly medical, and the propensity for such

work has risen since the 1960s when sleep research and sleep medicine took off in

the United States. For instance, the formation of the Association for the

Psychophysiological Study of Sleep in the early 1960s brought several researchers

together and laid the later migration, as Williams notes, for the migration from the

sleep *lab* to the sleep *clinic*.[314] In this way, not only the creation of a vocabulary

is necessary for knowledgeable or jurisdictional 'control' of the sleepwalker's

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become a partisan or advocate in the legal proceeding. Reproduced and adapted
from Mahawold and Schenck, 331.

[314] Simon J. Williams, *Sleep and Society: Sociological Ventures into the Unknown*
(London: Routledge, 2005), 148. Sleep and public health concerns, such as the
development of drug dependency to treat insomnia, hold fascinating scope for
further investigation that Williams also explores in his monograph.   The
sociology of sleep is still fairly unchartered territory, Williams' monograph being
one of the first to approach sleep less as a clinical phenomenon but instead as one
constitutive of culture.

pathophysiology, but the creation of a physical space enables the sleep researcher

has come to be another authoritative source, and often advocate, *for* the

sleepwalkers. Moreover, the bond that sleep researchers have formed with the

medical knowledge of sleepwalker—or more contemporarily with forensics—has

helped to make the sleepwalker's behaviour more 'scientific' and, hence, more

permissible in a court of law. This trend toward technicality punctualises the

discourse and black boxes the social process by which this knowledge is

constructed.[315]

Furthermore, this trend continues to *silence* the sleepwalker, be it due to

classificatory or legal purposes. The sleepwalker is made aware of his condition

by virtue of it being a medical condition (or disorder) or a physical matter—

automatism—affected by a *disease of the mind*. In both respects, the sleepwalker

is a subject *for* and *of* institutionalised knowledge, which renders the sleepwalker

ultimately as a passive object. How then is it possible to recontextualise the

sleepwalker as an *active* agent? In the fields of medicine and sleep research, he or

she is a sleepwalker and is therefore classified according to diagnostic standards.

In the field of law, the sleepwalker—often a somnambulist—is an automaton and

is defined on the grounds of sanity versus insanity. This classification is reflexive

to the medical fields, for as automatism defenses become a 'matter of policy,' the

quality of expert medical testimony becomes crucial. Therefore, in either

professional scope, the sleepwalker, although a *subject* of a given case or

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[315] Both punctualisation and the black box will be explained in detail in Part II on *Caligari*.

disorder, is the object of contemporary research as well as historical legal precedent. The sleepwalker is then left with two problems of object-focussed explanation: one is that he or she is lost in a string of professional and academic networks and regimes of truth practice, and the other is that his language is historically—and institutionally—centred. In either instance, translation of these discursive tendencies is needed.

Michel Callon's work on the sociology of translation helps place the sleepwalker back into a network of meaning, in effect to re-establish the sleepwalker as *actor*. In 1986, Callon, who is still a leading contributor to science and technology studies,[316] outlined a methodology that would enable the sociologist, or social researcher, to study power relations of natural and social phenomena through a sociology of translation. Literary studies grapple with translations on a daily basis, but these translations are often from one spoken language to another *spoken* language, language to language. Specialists then tackle their translations from a range of vantage points, be they historical, structural, narrative, or textual. In his study of scallops and fisherman, Callon, a sociologist who operates from a sociology of knowledge base, called for a translation effort that examines both the natural *and* social world on equal footing. Would this mean we are to assume the scallops 'speak' to the fisherman in a

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[316] Science and Technology Studies, or STS, was formerly known as Science Studies. Both the Edinburgh and Paris Schools represent the two points of origin for discussions about the social understanding of scientific or medical work in society. Michel Callon and Bruno Latour are highly influential members of the French Schools of thought. In particular, Callon is a leading proponent of actor-network theory.

secret language, such that the fisherman will know where to collect their harvest? No. Callon's claims are not naïve. However, they are instructive and collaborative with resolving some of the problems of sleepwalker's objectivity, particularly where the professional and cultural explanation of the sleepwalker's claims become the object of professional rendition.

Callon's "Some Elements on a Sociology of Translation" tackles the privileges that are "bestowed on social sciences concerning the manner in which science and technology are explained," which lead to three major difficulties.[317] The first regards style. Here, the sociologist tends more often to selectively censor "the actors when they speak of themselves, their allies, their adversaries, or social backgrounds."[318] Only when in nature does the sociologist then permit the actors to speak "freely" of nature. Crucially, this imbalance leads to a kind of sociological reductionism. The second difficulty is more theoretical in nature, for once we accept that the social and natural sciences are "equally uncertain, ambiguous, and disputable, it is no longer possible to have them playing different roles in the analysis."[319] The last difficult Callon mentions concerns methodology. Scientists and observers tend to misrepresent the actors and instead create dramatic stories of the actors in which their identity is one of the primary issues at hand. Callon therefore cautions with the following: "the observer who disregards

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[317] Michel Callon, "Some Elements of a Sociology of Translation: Domestication of the Scallops and the Fisherman at St. Brieuc Bay," in *Power, Action, and Belief: A New Sociology of Knowledge?*, ed. John Law (London: Routledge, 1986), 196-223.
[318] Ibid., 198.
[319] This, in particular, is a problem of reflexivity.

these uncertainties risks writing a slanted story which ignores the fact that the identities of the actors are problematic."[320] In this regard, the sleepwalker's definitional identity also constitutes a 'problematic' because identities are constructed at the level of diagnostic certainty and legal definitional force.

Together, the three problems help provide a vantage point from which to propose methodological principles that avoid sociological reductionism. These include key principles: agnosticism, generalized symmetry, and free association. Agnosticism is much like the term implies: acting without predetermined or *a priori* beliefs regarding the actors. Callon writes

> [not] only is the observer impartial towards the scientific and technological arguments used by the protagonists in the controversy, but he also abstains from censoring the actors when they speak about themselves or the social environment. He refrains from judging the way in which the actors analyze society which surrounds them. No point of view is privileged and no interpretation is censored. The observer does not fix the identity of the implicated actors if this identity is still being negotiated.[321]

The second principle of generalized symmetry is an extension of David Bloor's own notion of symmetry from his *Knowledge and Social Imagery* (1976).[322] Bloor's account of symmetry was put forward as a tenet of the Strong

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[320] Callon, 199.
[321] Ibid., 200.
[322] David Bloor, *Knowledge and Social Imagery* (Chicago: University of Chicago Press, 1976).

Programme's direction (or platform) for a sociology of scientific knowledge. For Bloor, a sociology of scientific knowledge should, in short, adhere to the following four tenets: be causal in its concern with the conditions that bring about beliefs or states of knowledge; be impartial with respect to truth or falsity, rationality or irrationality, success or failure; be symmetrical in its style of explanation; and also be reflexive.[323] Accordingly, Bloor develops a "symmetry postulate," which, he writes, "enjoins us to seek the same kind of causes for both truth and false, [as well as] rational and irrational beliefs."[324] Callon extends Bloor's notion and calls for a symmetry of language used between Society and Nature.

> We know that the ingredients of controversies are a mixture of considerations concerning both Society and Nature. For this reason we require the observer to use a single repertoire when they are described. The vocabulary chosen for these descriptions and explanations can be left to the discretion of the observer. He can not simply repeat the analysis suggested by the actors he is studying. However, an infinite number of repertoires is possible. It is up to the sociologist to choose the one that seems the best adapted to his task and then to convince his colleagues that he made the right choice. Having opted in this text for a vocabulary of translation we know that our narrative is no more, but no less valid,

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[323] Ibid., 7.
[324] Ibid., 175. This is also allied with the Strong Programme.

than any other. But given the principle of generalized symmetry,

the rule which must respect is not to change registers when we

move from the technical to the social aspects of the problem

studied.[325]

The third principle deals with free association: that the observer must abandon all

a priori distinctions between the natural and social events.

Callon employs these principles in four distinct moments of *translation*

that permit him to follow an *actor* and, in doing so, witness his, her or 'its'

construction and/or deconstruction in language and research practice. In this

respect, investing research interest in the subject and securing its interest

throughout research phases fails to guarantee a subject, more perhaps an object.

Respectively, these translation moments include *problematization*, *interessement*,

enrolment, and *mobilization of allies*. Callon's view of problematization witnesses

researchers returning from the field who are ready to write up their findings. This

stage also finds the fisherman—in the case of the scallops—worrying not just

about their profits, both long and short term, but also ascertaining where the

scallops 'anchor' themselves and "will 'accept' a shelter that will enable them to

proliferate and survive."[326] Without the latter, the problematization would lack

any support because it is the combination of the three that provides a link from the

Natural to the Social worlds.[327] Crucially, the livelihood of the entire problem

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[325] Callon, 200.
[326] Ibid., 205.
[327] Ibid., 208.

then depends on scallops anchoring, which also stands in as an *obligatory passage point*.[328]

Interessement is a term Callon coined to describe how allies are locked into place. He states "interessement is the group of actions by which an entity (here the three researchers) attempts to impose and stablize the identity of the other actors it defines through problematization."[329] The very etymology of the word, Callon writes, justifies its usage, for,

> To be interested is to be in between (inter-esse), to be interposed.
> But between what? Let us return to the three researchers. During
> their problematization they join forces with the scallops, the
> fisherman, and their colleagues in order to attain a certain goal. In
> so doing they carefully define the identity, the goals or the
> inclinations of their allies. But these allies are tentatively
> implicated in the problematization of other actors. Their identities
> are consequently defined in other competitive ways. It is in this
> sense that one should understand interessement. To interest other

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[328] The term "obligatory passage point" refers to the convergence of actors within a network, that at some point there is one source (or person) with whom everyone involved in the actor must come into contact with in order to thrive in the network. For fisherman to be successful in their harvest, they need to know where the scallops anchor. Once identified, this constitutes an "obligatory passage point" because, without this knowledge, the network of their livelihood would weaken.

[329] Callon, 207-08.

actors is to build devices which can be placed between them and

all other entities who want to define their identities otherwise.[330]

For all the roles that are represented, be they research, fisherman, or scallops, the

interessement helps to isolate the identities that are to be enrolled, and, in this

sense, "attempts to interrupt all potential competing associations and to construct

a system of alliances."[331] In this way, "social structures comprising both social

and natural entities are shaped and consolidated."[332]

The third translation stage deals with the definition and coordination of

roles into what Callon describes as enrolment. Because success can never be

assured, regardless of how convincing an argument or situation may present itself,

the device of interessement does not lead to alliances in every instance but,

instead, to enrolment.[333] Importantly, this stage does not imply nor exclude pre-

established roles; rather, it designates the device by which a set of interrelated

roles is defined

and attributed to actors who accept them. Interessement achieves

enrolment if it is successful. To describe enrolment is thus to

describe the group of multilateral negotiations, trials of strength

and tricks that accompany the interessements and enable them to

succeed.[334]

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[330] Ibid., 208.
[331] Ibid., 211.
[332] Ibid.
[333] Ibid.
[334] Ibid.

These negotiations involve all parties and lead to the last stage that involves the mobilisation of allies. Who is to represent whom? Who speaks in the name of whom? This is already a familiar terrain for any academic. To whom do we represent? How do we represent? What is our vocabulary? If all goes well, and the researchers speak on behalf of the scallops and the fisherman, the symmetry will be "perfect." However, processes of translation seldom go off without a hitch, or several more in tow. By examining these moments of translation, Callon effectively maps out for the investigator key stages in which the *actor*, or scallop in this instance, first loses voice but through successful interessement finds alliances that better represent the scallop in Nature.

As described here, Callon's language provides a useful vantage point from which to examine sleepwalkers because they also find themselves muted to problematically cooperative and combative representation. I have examined at length Callon's assemblage of an actor-based knowledge that relies on symmetry in order to develop (or stage) a vocabulary to be employed in cases of sleepwalking. By allowing the sleepwalker to become *active* within this translation process, which also requires more active participation (mobilisation) on behalf of other members within the network—in this case, medicine, sleep science, and law—the possibility for *subject* status becomes possible. Through generalized symmetry, the application of actor-network theory thus provides a way of rethinking the problem of involvement and equitable translation of the object into subject (and it will also be discussed in detail in the case studies that

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follow in Part II). In this instance, the quintessence of actor-network theory is to ask how the sleepwalker in relation to medical and legal institutions of power and discourses is an actor—or *actant*—in a network of relations. Generalized symmetry between all the actors helps place the sleepwalker back *into* the network of alliances and provide meaningful descriptions within discursive practices that privilege all the actors with equitable consideration and treatment.

As is clear from the preceding materials, institutions and authorities of power consider the sleepwalker as object and generate discourse that reflects this asymmetrical power relation. The second problem for the sleepwalker to tackle—or the advocate of the sleepwalker as subject— is the propensity for professional knowledge to be historically minded, contingent, and contiguous with similar or complementary discursive practices. Despite the immediate questions of power or professional authority, Foucault emphasises that

> My objective, instead [of analyses of power], has been to create a history of the different modes by which, in our culture, human beings are made subjects. My work has dealt with three modes of objectification that transform human beings into subjects.[335]

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[335] Michel Foucault, "The Subject and Power," in *The Essential Foucault*, Eds. Paul Rainbow and Nikolas Rose (New York: The New Press, 1994), 126. This same statement appears in Foucault's essay of the same title in *Critical Inquiry* 8 (Summer 1982): 777-795. Foucault wrote the section in question, "Why Study Power? The Question of the Subject," in English and only the second section in French.

Because of this, Foucault contends "it is not power, but the subject, that is the general theme of my research."[336] This focus leads Foucault to a comparative technique that implies the same form of symmetry of power in discourse that I discuss in Part Two: the relations among subjects in a power dynamic rather than through the framework of the dynamic itself. For Foucault,

> Rather than analyzing power from the point of view of its internal rationality, it consists of analyzing power relations through the antagonism of strategies. (e.g., to find out what we mean by 'sanity', research the fields of insanity—same with legality, research illegality…. And in order to understand what power relations area bout, perhaps we should investigate the forms of resistance and attempts made to dissociate relations.[337]

The problem for the subject, however, is that "power relations are rooted in the whole network of the social"[338] rather than in a discrete 'place' or figure, such as a sovereign or a physician.

Therefore, power is intimately related to subjectivity and the construction of the subject, and institutions or classes (or any group or elite) are part of this constructive exercise of power. As a result,

> Power that applies itself to immediate everyday life categorizes the individual, marks him by his own individuality, attaches him to his

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[336] Ibid., 127.
[337] Ibid., 128-129.
[338] Ibid., 141.

own identity, imposes a law of truth on him… It is a form of power that makes individuals subjects….: subject to someone else by control and dependence, and tied to his own identity by conscience or self-knowledge. Both meanings suggest a form of power that subjugates and makes subject to.[339]

In this sense, power subjugates yet is productive of subjects and "makes individuals subjects." The study of subject is, thus, a *de facto* study of power. Foucault's three modes of objectification in this exercise of power are then (1) "the modes of inquiry that try to give themselves the status of sciences; for example, by objectivizing the speaking subject in *grammaire générale*, philology, and linguistics"[340]; (2) "the objectivizing of the subject in… 'dividing practices.' The subject is either divided inside himself or from others [which] objectivizes him"[341]; and (3) "the way human beings turn him- or herself into a subject."[342]

However, with regard to such subjects in history and in relation to power, in his "Nietzsche, Genealogy, History," Foucault provides a vision for what he calls "effective" histories that help combat teleological or origin-focused and contingent historical discursive practices. Foucault's purpose in this text is driven toward a generalised practice for historical work; however, it is useful for outlining a practice that complements the *translation* discussed above. This begins with genealogy. Foucault writes how

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[339] Ibid., 130.
[340] Ibid., 126.
[341] Ibid., 126.
[342] Ibid., 126.

genealogy retrieves an indispensable restraint: it must record the

singularity of events outside of any monotonous finality; it must

seek them in the most unpromising places, in what we tend to feel

is without history—in sentiments, love, conscience, instincts; it

must be sensitive to their recurrence, not in order to trace the

gradual curve of their evolution, but to isolate the different scenes

where they engaged in different roles. Finally, genealogy must

define even those instances when they are absent, the moment

when they remained unrealised.[343]

As a practice, it crucially "opposes itself to the search for origins" or any kind of

telos.[344] The genealogist must recognise that there are events in history; however,

his purpose in research must not be to find *telos* with them.[345] Therefore, Foucault

notes "The traditional devices for constructing a comprehensive view of history

and for retracing the past as a patient and continuous development must be

systematically dismantled."[346] History is relevant to the task of the medical or

legal professional because he or she is looking for precedent and for constituted

origins of sleepwalking. The legal professional, for instance, builds on historical

case law, some of which dates back two centuries previous, in order to situate a

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[343] Michel Foucault, "Nietzsche, Genealogy, History," in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon, 1984), 76.
[344] Ibid., 77.
[345] Ibid., 80.
[346] Ibid., 88.

contemporary subject. The subject becomes an object in the historicising effort. This is the kind of work of *traditional* history.

To help realign the sleepwalker into contemporary settings, Foucault's "effective" history provides an example of using historically relevant discursive practices without destabilising the subject of discourse. He writes how

> History becomes "effective" to the degree that it introduces discontinuity in our very being—as it divides our emotions, dramatizes our instincts, multiplies our body and sets its against itself. "Effective" history deprives the self of the reassuring stability of life and nature, and it will not permit itself to be transported by a voiceless obstinacy toward a millennial ending. It will uproot its traditional foundations and relentlessly disrupt its pretended continuity. This is because knowledge is not made for understanding; it is made for cutting.[347]

With his proposal for effective history, Foucault tries to move away from an historical tradition that creates ideal communities—or, with the case of the sleepwalker, ideal definitional practices—out of single events (legal precedent). Effective history, he establishes, "can invert [this] relationship history establishes between proximity and distance."[348] Effective history, he avers, "looks to the things nearest to it," which creates advocacy for a micro-lens in the midst of structurating, macro perspectives in history that tend to become totalising—or

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[347] Ibid., 88.
[348] Ibid., 89.

global in the case of the sleepwalker.[349] To suit this purpose of studying what is closest to it, according to Foucault, effective history affirms knowledge as *a* perspective.[350]

This provides a vantage point for the sleepwalker to be viewed as an actor, for this kind knowledge practice is more *perspectival* and not altogether *global*, or caught in multiple discourses that take for granted *spaces* of knowledge. That is, it would endeavour to eschew totalising claims. Further complementing this *effective* work for the sleepwalker is the identification of subject status as modally situated within this effective historical practice. The concept of modality is ubiquitous in Foucault's works. Enunciative modalities, however, refer to the ways a discursive practice is attached to particular bodes in space.[351] With regard to its function, it not only comes into existence as a subject out of an object, but it has the capacity to operate without the existence of an associated domain.[352] In reference to the 'statement' in language, Foucault writes how "this makes the statement something other, something more, than a mere collection of signs, which, in order to exist, need only a material base."[353] For the sleepwalker, this means that his or her position is not fixed to clinical or legal discursive practices within one or more times. Instead, the sleepwalker's enunciative identification—

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[349] Ibid., 89.
[350] Ibid., 89-90.
[351] Michael Clifford, *Political Genealogy After Foucault: Savage Identities* (London: Routledge, 2001), 57.
[352] Foucault, *Archaeology*, 95.
[353] Ibid., 96. Here, Foucault means that this also distinguishes it from the sentence and the proposition.

and function—requires connection to deployment and intersection of a network of power relations that *translate* him into meaning.

The specific definition of the formation of enunciative modalities in his *Archaeology of Knowledge* is not explicit and is in some respects better defined by its consequences than its own specific traits. Although Foucault discusses it across the subchapter bearing the same title,[354] his closest definition can be summarised as follows:

> the establishment of a relation, in medical discourse, between a number of distinct elements, some of which concern the status of doctors, others the institutional and technical site from which they spoke, others their position as subjects perceiving, observing, describing, teaching, etc. It can be said that this relation between different elements (some of which are new, while others were already in existence) is effected by clinical discourse: it is this, as a practice, that establishes between them all a system of relations that is not 'really' given or constituted *a priori*; and if there is a unity, if the modalities of enunciation that it uses, or to which it gives it place, are not simply juxtaposed by a series of historical contingencies, it is because it makes constant use of this group of relations."[355]

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[354] The Formation of Enunciative Modalities.
[355] Foucault, *Archaeology*, 53-4.

Despite the slipperiness of this definition, it does carry specific consequences that Foucault articulates: "I do not refer the various enunciative modalities to the unity of the subject"[356] and "it is neither by recourse to a transcendental subject nor by recourse to a psychological subjectivity that the regulation of its enunciations should be defined.[357]"

Together with enunciation of discursive practices, what Foucault refers to as "regimes" of truth in his "Truth and Power" come to bear on the definitional capacity, explanation, and contextualisation of the sleepwalker, which may then alter or substantively effect translational work.[358] The problem, Foucault writes, is "at once to distinguish among events, to differentiate the networks and levels to which they belong, and to reconstitute the lines along which they are connected and engender one another."[359] That is to say, it becomes necessary to recognise historical products of truth and their relations of power on definition, description, and various, domain-specific translational activities. Truth comes to bear when one description or definition is accepted and another is dismissed, revised, or even occluded. Truth also comes to impact the voice of the sleepwalker whose discursive properties suggest ontological status apart from the rational agency of the sleepwalker as a subject. In this way, the sleepwalker in medical scientific and medico-legal categories often undergoes practices of reification that stand in as

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[356] Ibid., 54.
[357] Ibid., 55.
[358] Michel Foucault, "Truth and Power," In *The Foucault Reader*, ed. Paul Rabinow (New York, Pantheon Books: 1984), 54.
[359] Ibid., 56.

truth, or more particularly assemblages of truth, but are, in fact, relationally situated and discursively constituted.

Such above approaches to the sleepwalker figure as subject, primarily in implicit forms, inform the descriptive and discursive work that circulates across Parts One and Two. Further, these modes of explanation address the particular problems around which the somnambulist perambulates: subjectivity, power, enunciation, definition, truth, and institutional constructions of knowledge. To these, I add the diffuse category implicit in Foucault's rejection of the place of power, cultural products, and the popular circulation of definitional knowledge.

Part II: Drama, Film, and Actor/Actress Networks

Introduction, The Sleepwalker You Know

Accounts of sleepwalkers in literary and operatic forum attained an unmatched popularity during the early nineteenth century, rising from the stage performances of the early modern period as well as continuing into film and literature of the twentieth century, the latter being haunted by the spectral image of the somnambulating shell shock victims in the interbellum years. Complemented by movements in literary and German Romanticism, as well as by the quackery of Anton Mesmer's animal magnetism, the cultural writer (or translator) of sleepwalking extolled the Gothic imagination: helpless 'victims,' night scenes, emotional crises and classes in conflict. Effectively, the early nineteenth century writer of somnambulisms was a translator of sleepwalkers and sleepwalking into popular consciousness. This chapter takes up case studies beginning first in the early modern period when this translational practice is beginning to form and second in the early twentieth century once this practice has been established and has become a fully recognisable trope.

While earlier periods saw great growth in the medical and legal responses to sleepwalking, including definitional interventions and developments of disciplinary knowledge in a manner perhaps best considered via Foucault,[360] the

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[360] I am thinking both of Michel Foucault's *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995) as well as his *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Vintage, 1988). While the former focuses on the penal systems and processes of correction in France, the other addresses the medical disciplining of reason. Importantly, both texts focally

nineteenth century was an age during which the production of sleepwalking took form in medical and legal discourse, as has been discussed in Part I. This was followed by a cultural production of sleepwalking as an artistic and cultural form, which can be considered kindred to Bourdieu's 'field' work, as well as aligned with Foucauldian notions of truth and discourse formation.[361] After the early modern medical models of somnambulism began to develop, this aesthetic of the sleepwalker in the cultural field grew concomitantly. In effect, it is during this time that sleepwalking became *aesthetical* and not simply symptomatic or ideological. In this sense, power's production of knowledge as a means to containing or defining the sleepwalker began to take on a more widespread cultural influence, moving from institutions of power to a diffuse network of social relations without a specific 'place' of power and taken up in the areas of cultural production. The aesthetics of sleepwalking were the beginnings of a cultural production of sleepwalking. For this reason, the following case studies begin with Shakespeare and move forward to German Expressionist cinema. This large time span is intended to show the figure of the sleepwalker as a translated figure or object of discourse—who is exposed and (re)aligned with critical and

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connect with Enlightenment thought, such as reason, which becomes rigorously applied, either implicitly or explicitly to the medical and legal practices.
[361] For instance, Pierre Bourdieu's field of cultural production is relevant and kindred to the work of this thesis; however, this project does not aim to connect the actor to all the modes of production within the field, but rather to isolate the actor within its critical discourse. See Pierre Bourdieu, *The Field of Cultural Production* (New York: Columbia University Press, 1994). Importantly, Bourdieu's use of the 'field' as a model for cultural production is not solely for literary texts but for law, science, journalism, etc.

contextual discussion—in a range with which we are already familiar, and it also presents the continuity of the power relations of this cultural icon to institutions of medical knowledge and social containment. From William Shakespeare to Robert Wiene, the aesthetic figure of the somnambulist retains remarkable continuities.

Within these "sleepwalkers we know," there is a host of other exemplary cultural manifestations. Even casual readers are likely to be familiar with a range from John William Polidori's contribution to the same literary evening that gave rise to Mary Shelley's *Frankenstein* through his own *Vampyre* (1819), which cemented the relationship of the somnambulist to the gothic genre as well as giving a coherent literary genre to the vampire, though the somnambulist trope was already in wide circulation. In America, Charles Brockden Brown's novel *Edgar Huntly* (1799) has aroused extensive critical attention and classroom use for its early position in American Literature, though again its sleepwalking murder scene is elided in the criticism and betrays a level of critical discomfort.[362] Vincenzo Bellini's Bel Canto masterpiece, *La sonnambula* (1831),[363] also casts its

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[362] See Justine Murison, "The Tyranny of Sleep: Somnambulism, Moral Citizenship, and Charles Brockden Brown's *Edgar Huntly*," *Early American Literature* 44, no. 2 (2009): 243-270.

[363] The use of this trope in ballet is also characteristic of the 19th century, as well as later in the 20th century. For instance, the New York City Ballet's late George Balachine (1907-1983) produced the ballet production of *La Sonnambula*. Sarah Hibberd's "'Dormez donc, mes cher amours': Hérold's *La Somnambule* (1827) and dream phenomena on the Parisian lyric stage" *Cambridge Opera Journal* 16, no. 2 (2004): 107-132, is an excellent stage discussion of Ferdinand Hérold's *La Somnambule* as it was to become the inspiration for Bellini's 1831 *La sonnambula*. Hibberd discusses how Hérold's work inspired a series of vaudevilles performances on the Parisian stage (Hérold's was written for the Paris Opéra). See Erick Neher, "On the Booing of *La Sonnambula*," *The Hudson*

titular somnambulist, Amina, into some of the most memorable coloratura

performances of the genre, as well as allowing somnambulism to carry increased

cultural weight by virtue of standing in for a loss of virtue (in many respects,

sleepwalking is contiguous with infidelity and female virtue). Giuseppe Verdi

then turned to Shakespeare's *Macbeth* in 1847 as his tenth opera (as well as an

1865 French translation with revisions and newly composed material) with

particularly memorable emphasis on the sleepwalking scene (in Act 4 of the

operatic version).[364] In 1891, Thomas Hardy also turned to the convention and,

this time with a surprising male somnambulist, in *Tess of the D'Urbervilles*, in

which the same gothic tropes arise and sleepwalking figures as a symptom that

can be interpreted (which in turn led to yet another operatic production of Hardy's

somnambulist, Angel Clare, who was very likely inspired for Hardy by the

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Review 62, no 2. (2009): 311-318, for information related to the Bel Canto
relation Bellini's opera had to contemporary operas, such as *Lucia di
Lammermoor* (*The Bride of Lammermoor*, which was adopted from Sir Walter
Scott's historical novel of the same title). See also Herbert Weinstock, *Vincenzo
Bellini: His Life and His Operas* (New York: Knopf, 1971) for more biographical
information on Bellini, specifically pp. 81-108, that situates *La Sonnambula* in
relation to his *Norma* and other works that are said to have contributed to the
musc of *La Sonnambula*, such as with his *Ernani*.
[364] For a very brief discussion on *medical* somnambulism in Italian operas, see
Michele Riva et al., "Sleepwalking in Italian Operas: A Window on Popular and
Scientific Knowledge on Sleep Disorders in the 19th Century," *European
Neurology* 63, no. 2 (2010): 116-121. For musical discussion of Verdi's *Macbeth*,
see David Hamilton, "Sleepwalking Sickness," *Opera Quarterly* 3, no. 2 (1985):
79-83; Jane Bernstein, "'Bewitched, bothered and bewildered': Lady Macbeth,
Sleepwalking, and the Demonic in Verdi's Scottish Opera," *Cambridge Opera
Journal* 14, nos. 1 & 2 (2002): 31-46; Elizabeth Hudson, "'. . . qualche cosa
d'incredibile . . .': Hearing the Invisible in *Macbeth*" 14, nos. 1 & 2 *Cambridge
Opera Journal* (2002): 11-29; Daniel Albright, "The Witches and the Witch:
Verdi's *Macbeth*," *Cambridge Opera Journal* 17, no. 3 (2005): 225-252.

previous operatic versions on London stages an in the London news). This is all to say, the sleepwalkers we know are extensive and varied yet recognisable as part of a broad and established trend in cultural production.[365]

The silencing of the sleepwalker takes place not just in medical and medico-legal vocabularies but also in literary criticism that attends to the literature surrounding sleepwalking figures. That is to say, while sleepwalkers may feature significantly in the cultural text—whether it is a film, novel, drama, or opera—the focus is seldom on solely the sleepwalker; it instead attends to the overall narrative or structure. In this way, the literary criticism turns to the function of the sleepwalker in the plot, allusions to science, or the work's symbolic structure, rather than attending to the somnambulist him or herself.[366] This thesis has suggested that there are two types of sleepwalkers, the ones you know and the ones we do not—both of whom undergo rigorous translational work. While we may be more familiar with a medicalised and juridical sleepwalker, such that the genres of medico-legal jargon appropriate and deliver a language of the sleepwalker for our understanding, the translation process that takes place in these disciplines nevertheless obscures the sleepwalker as subject in other discourses. A similar process takes place in literary criticism regarding famous sleepwalkers but stands apart as a cultural product that creates

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[365] As well as medical production: extensive list of salient 19th century works forthcoming.
[366] For instance, in literary criticism the discussion of various famous sleepwalking scenes, such as in *Macbeth* or Thomas Hardy's *Tess of the D'Urbervilles*, and so forth, the turn is to the *scene* of sleepwalking rather than to the sleepwalker.

expectations of genre regarding the sleepwalking figure. This permits normative, hegemonic readings of cultural texts that occlude the sleepwalker because genre tends to inoculate the audience or reader from seeing outside of the established cultural frame, or it recontextualises materials to function within the established interpretive paradigm.

Part II therefore turns to two case studies of *aesthetically* produced sleepwalkers, Shakespeare's Lady Macbeth and Robert Wiene's film *Das Kabinett des Dr. Caligari*. Both are considered through the critical perspective of Actor Network Theory in which they function as automatons in the same manner as nonhuman actants, yet within a discursive practice and representation of sleepwalking with which we are culturally familiar. In relation to Shakespeare's *The Tragedy of Macbeth* (hereafter, simply *Macbeth*), the recent critical interest in ecocritical readings of Shakespeare will allow exploration of current discourse on the nonhuman in Shakespeare studies. While my intention is not to pursue an ecocritical study, *per se*, the type of attention it exercises is productive in focusing my attention on the nonhuman in relation to human actors. This critical paradigm has privileged voiceless actants without agency and has sought to level critical discourse, but it has done so without recourse to the established criticism in Science and Technology Studies and Actor Network Theory, which provides this study with a means to exploring the concept of Generalized Symmetry in the discourse surrounding the Actor Network in which the human and nonhuman interact. With the ecocritical discourse opening avenues to discussing the

nonhuman, this chapter realises active actors within a network of interpretation, and the need to explore a sociology of translation within this very network, such that generalized symmetry might emerge in the language of the discourse.

From the same critical paradigm, the second portion of Part II turns to Robert Wiene's film *Das Kabinett des Dr. Caligari* and moves through the notion of the Black Box in Bruno Latour's contributions to Science and Technology Studies. As with the discussion of *Macbeth*, this is to allow a symmetrical discussion of the somnambulist that brings the cultural field of production into sharper relief. By attempting to "open" the Black Box (figuratively Cesare's coffin in the film and critically the various bodies of cultural knowledge that are taken for granted in the production and consumption of the film), the cultural production of knowledge and forms of regulation become more keenly available, especially as the limits on what may be "opened" become more problematic.

Cleary, these two instances of "the sleepwalker we know" do not exhaust the trope in cultural products, as the brief gesture to only a handful of other widely known sleepwalkers makes apparent. The sleepwalker is not limited to these two pieces, and these two sections in the chapter simply take up each figure in order to explore the critical terrain associated with them and to illustrate a convention for approaching the non-wilful actant without agency through the same paradigm as the nonhuman.

The remainder of this second part, therefore, asks the reader to dream of other somnambulists and other automatons, those that figure in social discourses

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and rely on the kinds of institutions, jargons, and productions of knowledge for intelligibility that we find developing around Lady Macbeth, Jane, and Cesare in the two following exemplary instances. Any dreams that may come during the perambulations of the following two sections will surely operate between institutional discourses in the interstices of their conflicted jurisdictions of knowledge and the cultural products that influence and are influenced by them. The aim, however, is to make lucid these dreams of discourse such that we may awaken to their function, even when generalized symmetry comes to suggest a rewriting and opening of the various, or curtained, black boxes, which then reveal yet another black box more difficult to open than the last.

Lady Macbeth: The Problematic

Lady Macbeth is perhaps the most famous of all sleepwalkers in English literature. Curricula throughout senior schools usually require at least one tragedy to be read, and this is often one of either *Hamlet*, *Othello* or *Macbeth*—in many cases, several students by the time they matriculate or reach university will have already read two of these iconic Shakespeare tragedies. Moreover, almost all of these students, whether they have even read the play or not, will be familiar with the line, "Out, damned spot! out, I say!", in which Lady Macbeth speaks to herself in a somnambulistic confession. As a consequence of this, the popular consciousness already knows a *normative* sleepwalker and role for Lady Macbeth before even graduating to or entering university, the world beyond high school, or through more advanced literature—all of which create expectations of role. The great surprise with this scene, very likely among the best known in Shakespeare's entire *oeuvre,* is what Alan Sinfield describes as its perfunctory closure of the various discomforts and social transgressions across the play as a whole.[367] This hasty closure gives the viewer or reader the feeling of a *deus ex machina* insofar as it speeds up the resolution of the plot, punishes transgressors, and re-establishes normative social roles without the need to explain the circumstances to the

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[367] Alan Sinfield, *Faultlines: Cultural Materialism and the Politics of Dissident Reading* (Berkeley: University of California Press, 1992), 73.

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audience.[368] As Lady Macbeth walks on stage, there is no need to explain that

sleepwalking is feminine, that it derives from a troubled mental state (whether it

does in reality or not), and that it takes very private discourses or relations and

makes them public (for the viewer or the reader). Our private viewing of Lady

Macbeth's mental state is only possible insofar as we equate somnambulism with

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[368] The textual state of *Macbeth* as a whole is disputed and subject to much
rethinking. The play exists only in the First Folio without previous Quartos and is
much shorter than Shakespeare's other tragedies and histories. It seems unlikely
Shakespeare would have composed a play in this state as late as 1606.
Holinshed's *Chronicles of England, Scotland, and Ireland* has long been
recognised as the historical source for the play (For instance, see Robert Adger
Law, "The Composition of *Macbeth* with Reference to Holinshed," *The
University of Texas Studies in English*, 31 (1952), 35-41; David Norbrook,
"*Macbeth* and the Politics of Historiography," in *Politics of Discourse: The
Literature and History of Seventeenth-Century England*, eds. Kevin Sharpe and
Steven N. Zwicker (Berkeley: University of California Press, 1987), 78-116; and
Arthur F. Kinney, "Scottish History, The Union of Crowns, and the Issue of Right
Rule: The Case of Shakespeare's *Macbeth*," in *Renaissance Culture in Context*,
eds. Jean R. Brink and William F. Gentrup (Aldershot: The Scholar Press, 1993),
21. The text of the play has been altered in many ways for most editions, perhaps
most famously the substitution of "weird" for "wayward" in relation to the
witches, which was completed by Lewis Theobald, (Albert H. Tolman, "Notes on
Macbeth," *PMLA: Publications of the Modern Language Association* 11, no. 2
(1896), 200). Questions of Thomas Middleton's potential authorship or revision
of components of *Macbeth* also abound, ranging from the Clarendon Edition of
1869 to Horace Howard Furness's assertions in the 1873 variorum (*A New
Variorum Edition of Shakespeare* (Philadelphia: J.B. Lippincott & Co., 1873),
391-2), and in our contemporary world leading to the inclusion of *Macbeth* in the
2007 Oxford Middleton edition. For the last, Inga-Stina Ewbank contends "there
are non-Shakespearean interpolations in the first printed text of *Macbeth*, the 1623
Folio; and recent scholarship points unmistakably to Middleton as the author of
these," and the edition itself imposes bold, grey, and transposed passages in order
to typographically distinguish between Middleton's contributions, cuts, and
Shakespeare's likely intentions in a genetic paradigm (Inga-Stina Ewbank, "The
Tragedy of Macbeth: A Genetic Text," in *Thomas Middleton: The Collected
Works* (Oxford: Oxford University Press, 2007), 1165). In any case, the central
scene for this study, Lady Macbeth's sleepwalking in Act 5, scene 1, does not
show Middleton's influence and is in line with Shakespeare's interests in sleep
and metaphors of sleeps elsewhere in his dramatic works.

the question of her sanity and the interior mental processes of her conscious mind, as well as knowing that it is otherworldly or *contra* normative sleep behaviour. The scene can function only if the audience has already made these assumptions and comes to the experience with this body of cultural knowledge (even if it contradicts medical knowledge of the time). That is, the scene requires cultural context, including presumed knowledge of the sleepwalking body.

This presents a problematic. This is to say, the sleepwalker we know answers problems and is symptomatic of the ideological expectations it fulfils. Nevertheless, there is a substantial lack of scholarship that focuses on Lady Macbeth's sleepwalking scene in contrast to Macbeth's well-established insomnia.[369] Clearly, disturbed sleep is not what creates the critical hesitation. Why, then, has the sleepwalking scene attracted a body of scholarship that does not resolve this problem, or why does it not go about the other scholarly activities common to the other discussions of sleep: finding undisputed source materials,[370] resolving print matters clearly,[371] or unifying the scene in the context of other Shakespearean plays?[372] While we are more familiar with Macbeth's insomnia, which receives greater attention and is related to Lady Macbeth's own

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[369] The difference in available scholarship between the two is strikingly pronounced.

[370] See Jean Robertson, "Macbeth on Sleep: 'Sore Labour's Bath' and Sidney's 'Astrophil and Stella,' XXXIX," *Notes and Queries* 14, no. 4 (1963), 484-485.

[371] George R. Stewart, Jr, "A Notes on the Sleep-Walking Scene," *Modern Language Notes* 42, no. 4 (1927): 236; T. G. Bishop, "Reconsidering a Folio Reading in *Macbeth* 5, no. 1," *Shakespeare Quarterly* 46, no. 1 (1995): 76-80.

[372] Paul H. Kocher, "Lady Macbeth and the Doctor," *Shakespeare Quarterly* 5, no. 4 (1954): 347-348. Also see Kocher's longer discussion in *Science and Religion in Elizabethan England* (London: Octagon Books, 1969).

somnambulism in convincing ways, we remain critically attached only to

Macbeth's insomnia (as well as to other discussions of sleep, sleep as death, or,

for Macbeth, sleep as followed by regeneration or recovery, and such tropes

across Shakespeare's works in general). We therefore find an abundance of

resolutions or ways of understanding that work only for Macbeth's insomnia.

Yet, the same resolution eludes the much smaller body of criticism on Lady

Macbeth's somnambulism scene, even though it is perhaps the most iconic

moment in the entire play. This is the sleepwalker we know. This is the

sleepwalker we know before she "struts and frets h[er] hour upon the stage."[373]

We have precognition via the established social tropes and expectations. The

implicit contrast to the female, nightly, and slightly (or overtly) Gothic

somnambulist of a Romantic tradition runs contrary to the sleepwalker we do not

know: the politicised figure in this tendency toward critical myopia. The

sleepwalker we are more accustomed to occludes Lady Macbeth as a figure

defying gender norms, and the criticism fails to address this.[374]

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[373] Shakespeare, *Macbeth*, 5.5.25.

[374] There is a broad range of critical works that consider gender norms, feminism, or transgression in *Macbeth* and through Lady Macbeth in particular, but this is not focused into the sleepwalking scene. For instance, see Cristina León Alfar, "'Blood will have blood': Power, Performance, and the Trouble with Gender," in *Fantasies of Female Evil: The Dynamics of Gender and Power in Shakespearean Tragedy* (Newark, DE: University of Delaware Press, 2003), 111-135. Alfar's only discussion of sleep, as is common with *Macbeth* criticism, concerns Macbeth's insomnia and his wife's feminine comforts and gendered role that she "gives him the image of himself he seeks," 111. There are a great number of such critical instances.

The sleepwalker we know constitutes a genre unto itself. This means the sleepwalker embodies a variety of generic traits that are naturalised in audiences as well as inherited socially. Through these generic traits, Lady Macbeth's various violations of gender norms expected by her audience (such as not being submissive to her husband, Macbeth; emasculating Macbeth; being ambitious, controlling, powerful, unmotherly, as well as independent; and perhaps holding phallic potency, and so forth) become tamed by the somnambulism scene. In this way, *genre* helps to resolve anxieties insofar as the expectations or anticipations intrinsic to genre are fulfilled and thereby find repose through the reinscription of established norms after anticipated forms of transgression. In Roland Barthes' sense, Lady Macbeth's violations of the norm are inoculations tamed by the development of genre[375]—the genre of the sleepwalker. The problematic of gender expectations is answered by the reinscription of the femininity inherent in the generic expectations of somnambulism. In turn, she embodies the trope of the sleepwalker across the literary traditions of the seventeenth through nineteenth century literatures, as a common reference and instantiatory figure. The return to

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[375] Generally, the idea of genre provides the reader or the viewer with already preconceived notions of the characters and the plot. Roland Barthes' famous *S/Z* is useful here in that narrative and structural features of a text that recur help to condition our own reading practices. Barthes focuses our attention on the *readerly* experience, or a readerly text, which for Barthes is a "classic text." See Roland Barthes, *S/Z*, transl. Richard Miller (New York: Farrer, Strauss, and Giroux, 1974), 3-16, as excerpted in Julian Wolfreys, ed., *Literary Theories: A Reader and Guide* (New York: New York University Press, 1999), 30-41. Barthes also suggests that "inoculation" is one of seven "principal figures" involved in the rhetoric of the "bourgeois myth." See his "Myth Today" in *A Barthes Reader*, ed. Susan Sontag (New York: The Noonday Press, 1990), 139-140.

a stereotypically feminine mode of conduct, in the somnambulism scene, dually robs Lady Macbeth of her potency while redefining her in a stereotypically female circumstance. This is to say, the genre inoculates the audience against the worries of challenges to the status quo (in this instance, female agency and emasculation).

The contrast is the scene taken at face value. On the one hand, the reader or audience member witnesses a partial confession, or a hint to a resolution in the plot. However, Lady Macbeth's admissions strike the reader/viewer as overly zealous, almost manic, perhaps even hysterical, given that this is, after all, a *female* confession. The positioning of medical authority both in word and in person (in the physical presence of the doctor himself) is paternalistic in the sleepwalking scene and grants the reader and/or viewer appropriate responses, such as an expectation (or duty) of care by removing the influence of her own self-harm. In the end, this further solidifies patriarchal power through Lady Macbeth's return to another feminine trope: her suicide. Nevertheless, the father-doctor figure dismisses the account for the advance of medical curiosity and invokes the otherworldly through a return Christian ideology after the play's opening transgressive invocation of pagan female ritual, i.e. the witches.[376]

Hence, the question disturbingly remains, what is the problematic? Sinfield notes "a strategic deployment of perfunctory closure,"[377] which I have suggested is the silencing of gender, and the Shakespearean criticism again

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[376] Shakespeare, *Macbeth* 1.1.1-11. This is most notable in their oft-referenced line, "Fair is foul, and foul is fair. Hover through the fog and filthy air," 1.1.10-11.
[377] Sinfield, *Faultlines*, 73.

deploys this strategic, perfunctory closure through its own silence over the scene. The comparative absence of critical work on the somnambulism scene is striking in comparison to the other sleep-related matter in *Macbeth* or, for that matter, across Shakespeare's corpus as a whole. For Sinfield,

> The female characters, in the instances I have discussed, fall silent at the moments when their speech could only undermine the play's attempt at ideological coherence. We may think of such moments as manifesting a strategic deployment of perfunctory closure: like the law-and-order finale of the cops-and-robbers movie, they are conventionally required but scarcely detract from the illicit excitement of the bulk of the text.[378]

Sinfield's intervention in the criticism at this point notes that any increase in power for the female figures would undermine the ideological expectations of the audience members as well as the closure of the play, which relies on a convention that creates cultural closure in contrast to a dramatic problem that relies on illicit transgression. The drama relies on the illicit transgression of gendered normative expectations, yet it cannot close without a conventional return to the social status quo. As a mass media product, so to speak, the play cannot overtly abandon social expectations. We have normative values to reinscribe and expectations to satisfy. Convention requires that the female figures fall silent (or in this case fall asleep) after her transgressive expressions of power. The audience needs the

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[378] Ibid., 73-74.

inoculating seed of the source of the social discomfort but only in that it is

ultimately leading to a stronger (inoculated) return to the status quo. The

perfunctory closure is the reinscription of socially normative regulatory systems,

such as feminine submission, patriarchal authority, and religious order.

The difficulty of these overly-hasty resolutions leads Sinfield to contend:

> As I have suggested in respect of *Hamlet*, traditionally cruces in
>
> Shakespearean texts—those perplexing moments where textual
>
> insecurity seems to combine with plot and character
>
> indeterminancy—often manifest not a lack of meaning, as might be
>
> supposed, but a superfluity. Too much meaning is being offered, to
>
> the point where it cannot all be made to cohere.[379]

For instance, a piece of performance art in which a woman appears before male

figures of authority with her lips symbolically sewn shut communicates an

abundance of meaning even while it says nothing in a strictly literal sense. The

absence of speech in such a scenario can be more palpable than its presence—in

Macbeth the same alternative form of communication occurs, though the audience

is not prompted to consider it. These kinds of moments of "textual insecurity," of

which the somnambulism scene typifies, communicate in exactly the same

manner.[380] This is distinct from what it explicitly says, such that "Too much

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[379] Ibid., 77.
[380] Sinfield also notes various forms of communicative performance in his several
other works on sexual dissidence, though perhaps most overtly in *The Wilde
Century: Effeminacy, Oscar Wilde and the Queer Moment* (London: Cassell,

meaning is being offered, to the point where it cannot all be made to cohere,"[381] insofar as we distinguish between the communication of meaning and "speaking" in its strictly literal sense. Were this meaning to be made clear, then too much meaning would become an explicit part of the play's design (and its expression of its cultural circumstance) for it to remain coherent within the dramatic action.

From this contention, Sinfield continues,

> this may indicate anxiety and excessive ideological work… Strain deriving from overambitious deployment of supposed female attributes is evident again in the famous question about whether Lady Macbeth has children…. The dominant reading is as Peter Stallybrass suggests: we are 'asked to accept a logical contradiction for the sake of symbolic unity: Lady Macbeth is both an unnatural mother and sterile.'[382]

From this he continues to propose, "they allow an audience or reader to see, if we will, that Lady Macbeth is compounded of contradictory stereotypes—a character who is not a character."[383] She is a figure, a social problem, a woman even, but she is *not* Lady Macbeth. This is true in two senses during the somnambulism scenes. (Mis)Translation is apparent, and the audience is placed in the position of imposing cultural understandings in order to rearticulate or translate the problem.

1994) and in *On Sexuality and Power* (New York: Columbia University Press, 2004).
[381] Sinfield, *Faultlines*, 77.
[382] Ibid., 77.
[383] Ibid., 78.

How do we then allow the somnambulist to "speak" in a sociology of translation in literary studies. Even if we do not give her voice in this chapter, in what ways can a method be construed that will generate generalised symmetry between the voices of authority (the Doctor of Physick in the scene or the various interpreters) and the automaton subject to authority and power's productive exercise? In other words, to return to Michel Callon and David Bloor as in Part I, how can we create a symmetrical critical engagement that addresses Lady Macbeth's "superfluity" but disallows the *immediate* return to normative feminine behaviour. This is to say, can we isolate her somnambulism *without* rendering voiceless her social function?

The Place of the Scene

The 'place of the scene' or the sense of the term "place" is in reference to Michel Foucault's notion of domination and place.[384] This means "Foucault's micro-analysis of power (in which it was seen as decentralized, diffuse, and organized methodologically around antagonistic force relations) has led to the abandonment of 'place' as a way of conceptualizing power," which means decapitating the

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[384] Michel Foucault, "Nietzsche, Genealogy, History," in *Aesthetics, Method, and Epistemology: Essential Works of Foucault, 1954-1984* (New York: New Press, 1999), 377. Foucault comments "in a sense, only a single drama is ever staged in this 'nonplace,' the endlessly repeated play of dominations . . . . This relationship of domination is no more a 'relationship' than the place where it occurs is a place: and, precisely for this reason, it is fixed, throughout its history, in rituals in meticulous procedures that impose rights and obligations." 377.

sovereign as a symbolic means of decentralising power without regarding it as a localised in particular places.[385] As in Newman's rebuttal, my reading here combines Foucault's analysis while continuing to use the concept of "the 'place of power' [in reference] to an abstract symbolic position, through which both power relations and political identities are organised and constituted."[386] This is to say, Lady Macbeth's symbolic position is enmeshed in power relations that lack one centralised *space* or *place*, such as a sovereign or the interests of one particular body or class. Instead, they form part of a fast resumption of ideology within the play. For a play so deeply concerned with monarchy and that mirrored absolutist politics contemporary to King James' reign, the exercise of authority is, hence, diffuse rather than localised in the place of the monarch.

While *Macbeth* is Shakespeare's shortest play, the somnambulism of Lady Macbeth is even shorter. However, the brevity of this passage is belied by its popular and cultural diffusion. Only 32 lines in length, it nonetheless encapsulates relations of power between the medical, aristocratic, gendered, and religious forms of authority. The status of the first two actors—a Doctor of Physick and a waiting gentlewoman—is first signified in the titles provided to them in the play, though these would not have necessarily been nuanced to the audience who would know them as *a* doctor and *a* waiting woman. The first concern in the scene is also one of reportage since the Doctor says "I have two

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[385] Saul Newman, "The Place of Power in Political Discourse," *International Political Science Review / Revue internationale de science politique* 25, no. 2 (2004): 139-40.
[386] Newman, 140.

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nights watched with you, but can perceive no truth in your report. When was it she last walked?"[387] Notably, this account relies on testimony rather than an immediate attempt at direct observation through patient consent or allowing the patient to speak for herself. This creates a tension, for the supervisory role of the Doctor is established[388] even while the symptom fails to perform and a third party's testimony is entreated. The gentlewoman must offer testimony that serves to explain the condition to the audience as well as to the doctor prior to its presentation:

> *Gentlewoman*. Since his majesty went into the field, I have seen her rise from her bed, throw her nightgown upon her, unlock her closet, take forth paper, fold it, write upon 't, read it, afterwards seal it, and again return to bed: yet all this while in a most fast sleep.[389]

Despite this intermediary position for the gentlewoman's testimony between the somnambulist and the audience (or the medical authority) in which she operates

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[387] Shakespeare, *Macbeth*, 5.1.1-3.

[388] Kocher notes the same diagnostic power in the Doctor of Physick but does not pursue a social analysis, though it seems implicit in his commentary, "The Doctor there diagnosed Lady Macbeth's horrible plight as an indictment of conscience, not melancholia, and therefore prescribed for her none of the diet, purgations, and phlebotomy recommended," Paul Harold Kocher, *Science and Religion in Elizabethan England* (London: Octagon Books, 1969), 318. J. Sadger is also keenly interested in the Doctor's diagnostic expertise and its role in the scene, although he is more inclined to cast the Doctor "as if he were a psychoanalyst" "Sleep Walking and Moon Walking: A Medico-Literary Study," *Psychoanalytic Review*, 7 (1920), 164-165. Also see F. David Hoeniger, *Medicine and Shakespeare in the English Renaissance* (Newark, DE: University of Delaware Press, 1992).

[389] Shakespeare, *Macbeth,* 5.1.4-9.

as a *translator*, when she is asked about Lady Macbeth's own speech, she can only respond, "I will not report after her…. having no witness to confirm my speech."[390] The fear of the doctor's authority in reference or relation to her position within Macbeth's house is established and reinforced as that of distrust and of reputation management through deference and demeanour.[391]

The plot then resolves this tension over testimony through the now-prepared appearance of Lady Macbeth in the midst of her somnambulistic, nightly wanderings. After a repeated explanation of the somnambulist situation in which both characters—the doctor and gentlewoman—remark upon the conflict between her open eyes and her sleeping state, Lady Macbeth makes her appearance and

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[390] Ibid., 5.1.15, 20.

[391] In reference to honorific titles, she is bound to protect Lady Macbeth's honour, as well as her own. Erving Goffman, in his *Interaction Ritual: Essays on Face-to-Face Behavior* (New York: Pantheon Books, 1982), discusses rituals of deference and demeanour, which provide a suitable reference or vantage point for the assumption of honour attached to household titles and roles. As an aristocratic household, the Macbeth house is public at all times with each gesture being a public and scrutinised gesture, not a personal or private expression of an interiority. Goffman writes "Each individual is responsible for the demeanor image of himself and the deference image of others, so that for a complete man to be expressed, individuals must hold hands in a chain of ceremony, each giving deferentially with proper demeanor to the one on the right what will be received deferentially from the one on the left," 84-85. Goffman also writes on the analytical relations between the terms deference and demeanour that it is one of "'complementarity,' not identity." He continues: "the image the individual owes to others to maintain of himself is not the same type of image these others are obliged to maintain of him. Deference images tend to point to the wider society outside the interaction, to the place the individual has achieved in the hierarchy of this society. Demeanor images tend to point to qualities which any social position gives its incumbents a chance to display during interaction, for these qualities pertain more to the way in which the individual handles his position than to the rank and place of that position relative to those possessed by others," 82-83.

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famously speaks "Yet here's a spot"[392] out of guilt for her role in the murderous

plot and deed and in reference to the supposed link between dreams and states of

somnambulism. In order to emphasise his professional authority and the

prescriptive or diagnostic sense of testimony in the scene, the doctor says, "I will

set down what comes down from her to satisfy my remembrance the more

strongly."[393] Two potentialities exist in this moment: the doctor exercises his role

in order to record for the sake of *physical* (or medical) knowledge or the doctor

writes in earnest, anticipating a confession from a woman of Lady Macbeth's role

and authority.

 Some attention has been given to the particularities of what and how Lady

Macbeth speaks, such as Stewart's (now quite dated) 1927 focus on the potential

rhyme within "The Thane of Fife had a wife. Where is she now?"[394] However, the

interest of this close reading is not on the specifics of her speech act, which is

after all *automatic*, but rather on the conglomeration of cultural expectations that

allows such speech to be symptomatic of her guilt and naturalised in this function

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[392] *Macbeth*, 5.1.34.
[393] Ibid., 5.1.35.
[394] Ibid., 5.1.45; George R. Stewart, Jr., "A Note on the Sleep-Walking Scene," *Modern Language Notes* 42, no. 4 (1927): 235. Although this comment is well over 50 years old, there are few focused comments on the sleepwalking scene in *Macbeth*. Stewart comments on the overall internal rhyme and structure in these lines that may perhaps indicate (intentional) poetic structure in the place of prose. He continues on to provide careful attention to the evidence provided by punctuation, meter, and the scene's relationship to others within the play as a whole. However, Stewart does not attend to the potentiality of interpretive meaning surrounding Lady Macbeth's sleepwalking, nor does he attend to the bulk of the content in this meaning-rich scene—in Sinfield's sense, the superfluity of meaning.

by the audience. Furthermore, this expectation is extra-textual, as are the audience's associations or alignments of somnambulism with a female figure. This feminising function is quickly supported further by Lady Macbeth's direct discourse; her "my lord," in deference to her husband, and "sweeten this little hand" both follow immediately after and emphasise her feminine position as does the assumed, though stereotypical, stage direction of scrubbing out of the "damned spot."[395]

Following on Lady Macbeth's reinscription into the feminine norm through both the function of the plot and her own speech, the deference to established authority immediately follows through the gentlewoman's invocation of the religious, "Pray God it be, sir."[396] The doctor's response is telling to the imbalance of religious sentiment and temperament in the house of Macbeth when he acquiesces to the supernatural realm in his comment "This disease is beyond my practice," to which he tellingly adds "Yet I have known those which have walked in their sleep who have died *holily* in their beds" (emphasis mine).[397] Lest his invocation of the holy seem coincidental or common parlance, the doctor immediately invokes the supernatural or otherworldly again: "Unnatural deeds Do breed unnatural troubles…. More needs she the divine than the physician. God, God forgive us all."[398] The issue of "breed"-ing cannot be overlooked given the prevalence of concerns over Lady Macbeth's reproductive capacities, but rather

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[395] *Macbeth*, 5.1.47, 54-5, 38.
[396] Ibid., 5.1.61.
[397] Ibid., 5.1.62-4.
[398] Ibid., 5.1.75-79.

than contribute this debate, it is instead noteworthy that 'breeding' appears in such close proximity to the hegemonic and normative expectative of godliness in the midst of her un-godly confession or performance. In both instances, the ultimate authority is invoked in a reactionary manner that asserts the status quo.

The other striking problem is the prevalence of critical attention to Macbeth's insomnia and his difficulties in sleep (often related to Shakespeare's Sonnet 73) in contrast to the perfunctory, or at least peremptory, limitations on Lady Macbeth's somnambulism in criticism. Bill Delaney notes Macbeth's challenges with sleep in immediate relation to Sonnet 73 such that "he can never wake up revitalized because he can never go to sleep" in the same manner as the sonnet's life in middle age,[399] and Jean Robertson has traced potential source materials for Shakespeare's comments on sleep in *Macbeth*.[400] While these materials are problematic, Macbeth's insomnia receives some degree of resolution or at least stability in the criticism.

The same problem is perpetuated in the medical literature that seeks to neatly contain the creative difficulties of *Macbeth* through diagnosis and the anachronistic imposition of modern scientific paradigms onto the play while thereby foreclosing on the social role of somnambulism and a culturally understood signifier with its own unique traits and associations. Furman *et al.* discuss the potential for various sleep disorders to have appeared in Shakespeare's

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[399] Bill Delaney, "Shakespeare's *Macbeth*," *The Explicator* 63, no. 4 (2005): 211.
[400] Jean Roberston, "Macbeth on Sleep: 'Sore Labour's Bath' and Sidney's 'Astrophil and Stella,' XXXIX" *Notes and Queries* 14 (1967): 139-141.

works, ranging from Falstaff's potential sleep apnea evidenced through his propensity for snoring through to an actual comment on Lady Macbeth's somnambulism scene as

> a stage three-to-four parasomnia as defined by the International Classification of Sleep Disorders. It is most common in childhood but may persist into adulthood. Stress, anxiety, and depression have all been recognized precipitants of this disorder, and current treatment includes the use of pharmacologic agents as well as reassurance and hypnosis.a stage three-to-four parasomnia as defined by the International Classification of Sleep Disorders. It is most common in childhood but may persist into adulthood. Stress, anxiety, and depression have all been recognized precipitants of this disorder, and current treatment includes the use of pharmacologic agents as well as reassurance and hypnosis.[401]

This, and the fact that she sleepwalks, is the totality of their medical discussion. This medicalising of Lady Macbeth in order to exercise the productive capacity of power to generate knowledge relentlessly relocates her as objective and eliminates a generalized symmetry that might construe her as an actor in a series of relations, such as a figure in a play performing according to social expectations of a particular place and moment that answer the gendered expectations of the audience as a regulatory system and that provide closure from her previous

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[401] Yury Furman, *et al.,* "Shakespeare and Sleep Disorders," *Neurology* 49, no. 4 (1997): 1171.

transgressions: Lady Macbeth in a relational series of meanings between the audience, the text, her imagined figure, and sleepwalking itself as an object of knowledge.

The same species of application from medicine to literature appears in several works, notably in Joel E. Dimsdale's "Sleep in *Othello*" as well, where he cites *Macbeth* but focuses on *Othello* as "Shakespeare was obviously aware of sexual parasomnias to be able to describe the scene so clearly through Iago" such that he must have known "Parasomnias are complex sleep disorders reflecting partial arousals from sleep. Confusional arousals, sleep walking, and sleep terrors constitute familiar instances of parasomnias"[402] in order to have written Iago's taunting of Othello over Cassio's supposed sleep-talking of Desdemona.[403] As with Furman, the problem lies in the descriptive and diagnostic authority vested in the medical discourse that immediately seeks to reduce characters to objects in relation to the diagnosing subject, with medicine disciplining literature, rather than a series of actors that might find a symmetrical discourse that does not over-determine interpretive meaning.

These problems in the medical literature that turn to analyse literary or cultural works show the nature of the jurisdictional conflict over areas of knowledge. Cultural materials function in their own network, both relying on and independent of the specific disciplinary knowledge of medicine, and both

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[402] Joel E. Dimsdale, "Sleep in *Othello*," *Journal of Sleep Medicine* 5, no. 3 (2009): 281.
[403] Shakespeare, *Othello*, 3.3.413-425.

influence the nature of testimony and interpretation if the same jurisdictions of knowledge become enmeshed in medico-legal discursive practices, such as through sleep violence. In such an instance, *Macbeth* may cease to be an object of medical discourse and instead be an actor in relation to culture beliefs for those called upon to offer testimony or to make decisions in legal cases, such as in expert medical testimony or the cultural paradigms within which a jury constructs self-understanding. Hence, I regard these instances of asymmetrical translation or power-laden discourse as problematic, in particular the instance of medicine's diagnostic and objectifying interpretive vision of cultural texts that are themselves products of other modal circumstances and that may function as influential actors themselves.

Interventions

My intervention, then, is to ask how we might go about giving voice to Lady Macbeth's sleepwalking and sleeptalking. Despite her speech during the scene, I am concerned with the same kind of "superfluity" of meaning noted by Sinfield. As I have already noted in my sense of the scene at face value, the easy answer is to read Lady Macbeth's somnambulism as symptomatic of the guilt she feels from having encouraged her husband to murder as well as for her emasculation of him and the taking on of his gendered role.[404] It is also very easily explained as a

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[404] This component of Lady Macbeth's role in the play is well established in the criticism. Maria L. Howell notes "Lady Macbeth's desire to be a man which is

driver of the plot, which is to suggest that confession and forward momentum are needed or anticipated/expected at this stage of the play.

Nonetheless, for the purposes of this study, attention is being granted to the second interpretive venture in which we are not looking to her psychology or guilt but to her social role and the "perfunctory closure" used by Sinfield to describe the social world of the play: not how Lady Macbeth functions as a character or as an image of a unique psyche, but rather how she *figures* socially and in the extroverted (rather than personalised) performance of the play. In other words, the sleepwalking and sleeptalking are reinscriptions of normative gender roles based on her transgression—this is the nature of a standard plot opening with transgression and closing with the reassertion of the norm, or what might in more careful terms be considered inoculation against the transgression of gender norms by exposure to a small and subsequently tamed instance of it.

If this is the case, that the plot enacts closure in order to reassert the normative social dynamics that Lady Macbeth has transgressed, and it relieves

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seen as a transcendence of feminine and fragile nature, [and] Macbeth's subordination to Lady Macbeth [that] is seen as a degradation, the feminization of his masculine virtue which leads ultimately to the loss of his manhood," *Manhood and Masculine Identity in William Shakespeare's The Tragedy of Macbeth* (Lanham, MD: University Press of America, 2008), 15. For further instances, see the following works: D. W. Harding "Women's Fantasy of Manhood: A Shakespearean Theme," *Shakespeare Quarterly* 20, no. 3 (1969): 245-253; "*Macbeth* and the Jacobean Witchcraft Plays," in *Magic and Masculinity in Early Modern England* (Pittsburgh: Duquesne University Press, 2009), 229-245. Heather McPherson also notes the history of this gendered dilemma in eighteenth and nineteenth century stage productions featuring Sarah Siddons in Lady Macbeth's role, "Masculinity, Femininity, and the Tragic Sublime: Reinventing Lady Macbeth," *Studies in Eighteenth Century Culture* 29 (2000): 299-333.

audience anxiety over Lady Macbeth's transgression of social norms, then her

typically feminine sleepwalking and suicide function act as a resolution to these

anxieties. The question persists: how can we permit the sleepwalker to talk in the

sense of interpretation as subject, not as object. How, then, can we allow the

sleepwalker to "talk" or translate the sleepwalker as a talking subject? A central

concern here is that in literary studies pivotal subjects are treated with closure

through the reinscription of normative assumption-making on the part of the

reader or culture. Advances in a critical literary genre called ecocritism espouse a

more environmental view of literature, one that sees the objects (nonhuman) as

needing symmetry with the subjects (human) of the texts. Ecocritism therefore

borrows heavily from the language and works in Science and Technology Studies.

The ecocritical views that are tied to Shakespeare Studies are few; however, their

attention to the nonverbal environmental considerations, both social and natural,

attending either the comedy, history, or tragedy are useful in gesturing toward

actor activation within a network or subject-to-subject alignment in translation.

Although ecocriticism has resisted discussions of the nonhuman and other notions

that would make a natural contribution from Science and Technology Studies, its

concerns are remarkably kindred.

Ecocritical Shakespeare

First, although ecocriticism, as a rising theoretical paradigm, is concerned with

giving voice to the nonhuman, as in Callon's work, this chapter's project is not in

the same vein as the concept of "Ecolinguistics" begun by M.A.K. Halliday's

"New ways of Meaning: The Challenge to Applied Linguistics," which offers a

linguistic analysis of the terminology and language structures that surround

discourse that impacts the environment.[405] It is not, even, in the same vein as

most standard visions of ecocriticm as a way of changing the world (not

understanding it) whether the Marxist inheritance of such a statement can function

in the revised thinking of industrialism in the two paradigms or not.[406] Instead,

the work here concerns the communicative potential of the non-verbal and the

importance of the nonhuman or automaton (that which is without agency, *per se*)

and how it functions in a relationship with the human and speaking subject. The

power asymmetry of this relationship occludes much that could be communicated

or understood, so reasserting a more equitable basis for communication and an

equal footing in discourse makes the otherwise invisible power dynamics (that

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[405] M. A. K. Halliday, "New Ways of Meaning: The Challenge to Applied
Linguistics," *On Language and Linguistics* (London: Continuum, 2003), 139-174.
[406] A kindred conflict between ecocriticism and the linguistic turn in Continental
Philosophy or poststructuralism in general is also articulated by Serpil
Oppermann, who notes the growing tensions between ecocriticism's theoretical
principles and praxis, and in particular the increasingly "heterogenous nature of
its praxis." Serpil Oppermann, "Ecocriticism's Theoretical Discontents," *Mosaic:
A Journal for the Interdisciplinary Study of Literature* 44, no. 2 (2011): 154.

shape discourse) plain to see. This is the specific content from ecocriticism in Shakespearean Studies that will be developed here.[407]

In recent work, ecocriticism has developed a greater critical caché, in particular through the inception of The Association for the Study of Literature and Environment in 1992 and its creation of the journal *ISLE: Interdisciplinary Studies in Literature and Environment* the next year. Ecocriticism and Shakespeare has enjoyed a robust development since the early part of the twent-first century, loosely coinciding with Simon C. Estok's work in the field and growing rapidly through to 2011. For Estok, ecocriticism in this context is not

> simply the study of Nature or natural things in literature; rather, it
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> is any theory that is committed to effecting change by analyzing
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> the function—thematic, artistic, social, historical, ideological,
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> theoretical, or otherwise—of the natural environment, or aspects of
>
> it, represented in documents (literary or other) that contribute to
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> material practices in material worlds.[408]

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[407] I should specify, my interest is not in ecocriticism itself, *per se*, but rather in using its current caché, which is significant, as a means of leveraging out the shared areas in which it overlaps with other critical paradigms from Science and Technology Studies, in particular the notion of "actors" per Michel Callon in Actor Network Theory as well as the nonhuman. In this sense, this chapter is more interested in ecocriticism as an overall venture in literary studies with critical assumptions based on the "actor" nature of the nonhuman in a network of meaning, which I regard as functioning in *Macbeth* and in discourse in the same manner as the automaton.

[408] Simon C. Estok, "Shakespeare and Ecocriticism: An Analysis of 'Home' and 'Power' in *King Lear*," *AUMLA: The Journal of the Australasian Universities* 103 (May 2005): 16-17. Also see the recent repetition of this argument in Simon C.

This is a relatively broad scope, from Marxist materialism to New Historicism, but it does begin to open critical attention to the broader contexts to which I have already gestured. The relationship between "the natural environment" and "material practices" implicitly acknowledges the interactions between human and nonhuman actors, though Estok would not condone this terminology in his work.

For instance, Estok argues that *King Lear* demonstrates how "Power, identity, and home stand in an irreconcilably agonistic relationship with the natural world, and the play is, in effect, an extremely conservative—indeed, reactionary—lesson about what tragedies happen when Nature goes unbounded."[409] In Shakespeare, we can see this as being a relationship between those who make rational decisions and take conscious actions in contrast with those characters or forces that do not exercise the same agency. This is to say, Estok's "Nature" has very readily expanded critically to a variety of other "actors," in Callon's sense, beyond that which he had initially intended.

To continue this theme, Estok also summarises the basic premises of ecocriticism. In his conception, in some of the earliest ecocritical work on Shakespeare, "ecocriticism" is defined in clear terms for the likely unaware audience. It is defined

> firstly by the ethical stand it takes, its commitment to the natural
> world as an important thing rather than simply as an object of

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Estok, *Ecocriticism and Shakespeare: Reading Ecophobia* (New York: Palgrave Macmillan, 2011), 124.
[409] Ibid., 16.

thematic study, and, secondly, by its commitment to making

connections. Ecocriticism may be many other things besides but it

is always at least these two.[410]

The implicit ethical turn that grants voice and value to the non-verbal non-human

does not expressly turn to (yet, seems to require) the same model of generalized

symmetry already outlined in relation to Callon in Part One. This is, however,

only the beginning of Estok's definitional excursion:

Ecocriticism, therefore, is not simply the study of Nature or natural

things in literature; rather, it is any theory that is committed to

effecting change by analyzing the function—thematic, artistic,

social, historical, ideological, theoretical, or otherwise—of the

natural environment, or aspects of it, represented in documents

(literary or other) that contributes to material practices in materials

worlds.[411]

Based on these premises, Estok goes on to define critical terminology and

concepts that expand the interpretive opportunities for ecocriticism, such as

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[410] Ibid., 16.

[411] Ibid., 16-17. Estok's definition follows after Garrard's useful, though more
limited, approach deriving from Rachel Carson's famous *Silent Spring* (1962), in
which "the rhetorical strategies, use of pastoral and apocalyptic imagery and
literary allusions with which Carson shapes her scientific material may well be
amenable to a more 'literary' or 'cultural' analysis. Such analysis is what we will
call 'ecocriticism'" Greg Garrard, *Ecocriticism: New Critical Idiom* (London:
Routledge, 2004), 3. More recent work has made the linkages between
imperialism, domination, and the industrial revolution more overt: Graham
Huggan and Helen Tiffin, *Postcolonial Ecocriticism: Literature, Animals,
Environment* (London: Routledge, 2010).

ecophobia and its kinship to ecofeminism via their shared conflation of patriarchy with imperialism, the industrial revolution, and systems of domination.[412] This conflation is shared by many critics in ecocriticism, such as Erika Lemmer in her sense that "all these movements [civil rights, feminism(s), and environmental activism] seem to have a common purpose, namely the ultimate rejection of hierarchical and patriarchal patterns of possession and domination."[413] Nevertheless, Estok regards the two as having a serious division. For the ecocritic, "in choosing ecofeminist approaches, we privilege the social" which inevitably reduces the focus granted to non-human actors.[414] Ecophobia, then akin to homophobia or misogyny, "is all about fear of a loss of agency and control to Nature…. Control of the natural environment, understood as a god-given right in Western culture, seems to imply ecophobia."[415]

The critical distinction between ecofeminism and ecocriticism serves, through a process of comparison, to draw out what is particular to ecocriticism.

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[412] Estok, "Shakespeare and Ecocriticism," 18. For Estok, "Not far behind the crossing of the seas and the colonialism that developed forthwith was, of course, the Industrial Revolution. Here, the control of Nature was consolidated. Among the many paradigmatic shifts and lurches occasioned by the Industrial Revolution was the redefinition of Nature from participative subject and organism in an organic community to the status of pure object, a machine that ideally could be intimately and infinitely controlled and forced to spit out products in the service of an increasingly utilitarian capitalist economy." 18.

[413] Eriak Lemmer, "Introduction: Special Issue Ecocriticism, Part I," *Journal of Literary Studies* 23, no. 3 (2007): 223.

[414] Estok, "Shakespeare and Ecocriticism," 22.

[415] Ibid., 17-18; this same argument and the examples are repeated in Simon C. Estok, "An Introduction to Shakespeare and Ecocriticism: The Special Cluster," *Interdisciplinary Studies in Literature and the Environment* 12, no. 2 (2005): 112-113.

Insofar as "the second part of the term [ecofeminism]… has ontological priority…, [it] is first a social theory, a human centred approach" while, in contrast, "to some degree, ecocriticism tries to be something else, to move away from anthropocentric models."[416] A kindred resistence to anthropocentrism is taken up but Greg Garrard for ecocriticism in general when, in the same gendered discourse, he contends in a broader gesture that

> merely differentiating men from women, humans from nature, or reason from emotion, does not itself constitute problematic anthropo- or androcentrism. Rather, the underlying model of mastery shared by these forms of oppression is based upon *alienated* differentiation and denied dependency: in the dominant Euro-American culture, humans are not only *distinguished* from nature, but *opposed* to it in ways that make humans radically alienated from and superior to it.[417]

This gesture away from anthropocentrism is implicitly aligned with the attention to nonhuman actors we have already seen granted by the critics in Science and Technology Studies from the 1970s forward and most particularly in the 1980s and in Actor Network Theory.[418]

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[416] Estok, "Shakespeare and Ecocriticism," 22.

[417] Greg Garrard, *Ecocriticism: New Critical Idiom* (London: Routledge, 2004): 25.

[418] For instance, see Callon, "Some Elements of a Sociology of Translation," 67-83. ANT achieved canonic stability in English language criticism through John Law and John Hassard's edited collection *Actor Network Theory and After* (London: Wiley-Blackwell, 1999), which includes and relies heavily on Bruno

For Estok, then, gender and Nature overlap in *King Lear* in a manner akin to my investigation of the *somnambulist* and gender. He argues,

> The positioning of women and the natural world into object status is a thematic and structural issue in *King Lear*, but it is also a feminist and ecocritical issue. Much of Lear's inability to tolerate voice and volition grows out of his anxieties about his own masculine voice and identity, each of which are relentlessly assaulted not only by his daughters (directly and indirectly) but by the natural environment. And while that environment is certainly feminized thematically and symbolically, it is feminized, more importantly, theoretically.[419]

A kindred problem appears in the sleepwalking of Lady Macbeth, which reinscribes feminine tropes on the gender-transgressing wife who emasculates her husband, plans the murders, and ultimately directs the action of the play. The underlying discomfort with Lady Macbeth is such that she cannot merely be killed offstage, as is her husband, but that she must be visibly "corrected" inside the

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Latour and Callon's determining work. Law and Callon have also already collaboratively edited five years earlier, with Arie Rip, *Mapping the Dynamics of Science and Technology: Sociology of Science in the Real World* (London: Macmillan, 1986), which again included chapters from Callon and Latour and emphasised ANT through their sociology of translations and generalized symmetry, in this instance with Callon focused more provocatively on electric vehicles, (Michel Callon, "The Sociology of an Actor-Network: The Case of the Electric Vehicle," 19-34). Most recently, Latour's Clarendon Lectures at the University of Oxford led to *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford: Oxford University Press, 2007).
[419] Estok, "Shakespeare and Ecocriticism," 23.

action of the play and located back in her normative gender roles (with

somnambulism, scrubbing, and suicide all associated with the feminine as

opposed to the masculine). The challenge, however, is that Lady Macbeth is also

the automaton in this correction, the actor without human direction or agency.

She is, in effect, Nature for the sake of the critical paradigm's distinction between

the human and the nonhuman actors (although ecocriticism has failed to attend to

this distinction, which is well established in Actor Network Theory).

It is surprising, then, that the nonhuman actors do not figure more

prominently in ecocriticism. The first prominent appearance of dedicated attention

to the subject appears in December 2010 in the double issue of *Configurations*

dedicated to the topic of "Ecocriticism and Biology" (*Configurations* is the

journal of the Society for Literature, Science, and the Arts). As Helena Feder

argues in her introduction to the double issue,

> as Love put it, the future of ecocriticism is in the prefix "eco." As I
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> see it, this prefix encompasses the materialist, activist, and
>
> philosophical roots of this interdisciplinary analysis. It signifies
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> careful attention to the nonhuman as well as the human and a
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> commitment to the welfare of all. It is an aspiration toward what is
>
> true of the best science: a spirit of material and philosophical
>
> inquiry, respect for the interdependence and diversity of life, and

recognition of the contingency of human knowledge.[420]

Despite the broadly compassionate tone of these comments, this attention to the nonhuman echoes the work done by Michel Callon and Bruno Latour, Latour having already interviewed for *Configurations* in 1993, in the first volume of the journal's print-run, and Callon's work has also appeared frequently in its citations, though in both cases, without ever having been explicitly related to ecocriticism. In this respect, Latour's comments were prescient with regard to ecocriticism:

> for [David Bloor] the social is only one half of the explanation, but the other half is completely unclear. I think now the only way to achieve Bloor's goal is through what Michel Callon calls the generalized principle of symmetry. It goes like this: let's treat society and nature symmetrically. This new symmetry principle is much different from Bloor because Bloor is a radical Durkheimian thinker, which is to say that society "up there" should be able to explain true and false belief in the same terms—the inputs of nature being necessary to anchor our beliefs, but not to shape them.[421]

This potential for generalized symmetry between "society and nature" is the natural ambition of ecocriticism, even if it has not yet articulated this component

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[420] Helena Feder, "Introduction: Ecocriticism and Biology," *Configurations* 18, no. 1-2 (2010): 1-13.
[421] T. Hugh Crawford, "An Interview with Bruno Latour," *Configurations* 1, no. 2 (1993): 255-256.

of its project. In this sense, my attention to the somnambulist as a scallop functions in the same manner as the ecocritics' attention to nature, at least insofar as it is in accord with Estok's aim "to move away from anthropocentric models."[422]

Estok only articulates this notion of the non-human in one of his rare references to Bruno Latour, which demonstrates the origins of the notion in Science and Technology Studies for ecocriticism. For Estok

> Critiquing Western environmental ethics in some ways means critiquing the imagined bases of hard-won freedom and democracy. It means critiquing the parameters of freedom and the parameters of democracy—in effect, critiquing the imagined essences of each…. In some ways, it means abandoning certain concepts of personal rights, and in others, it means *extending them to the nonhuman world*. It means envisioning the "democracy extended to things" Bruno Latour speaks of.[423]

In this sense, Estok privileges Nature as such in the form of the nonhuman, looking past companion species and automatism. With the exception of this turn to the nonhuman, Estok's essay has provoked significant rebuff from S.K. Robisch in his essay "The Woodshed," which bore sufficient weight (or was

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[422] Estok, "Shakespeare and Ecocriticism," 22.

[423] Simon C. Estok, "An Introduction to Shakespeare and Ecocriticism: The Special Cluster," *Interdisciplinary Studies in Literature and the Environment* 12, no. 2 (2005): 114. Emphasis mine. Quoting Bruno Latour, *We Have Never Been Modern*, Trans. Catherine Porter (Cambridge, MA: Harvard University Press, 1993): 12, 142.

simply striking enough) to merit extended attention in *The Year's Work in Critical and Cultural Theory* (2011) as the opening critical review for the chapter on Ecocriticism.[424] Robisch turns acerbically away from Estok's call for theorising the ecocritical moment, and the only momentary break in his culminating exhortation is to note with approval Bruno Latour's work's "brief and honest effort to consider nonhuman agency."[425] Garrard's subsequent survey in *Year's Work* attends in detail to this conflict but glosses the fleeting attention to the nonhuman and Latour's development of Callon's general symmetry.[426]

The work of this chapter, therefore, turns the ecocritical impulse toward the nonhuman, whether it is expressed in these terms or not, and returns it to its Science and Technology Studies origins in actors. From this, the critical attention

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[424] Greg Garrard, "Ecocriticism," *The Year's Work in Critical and Cultural Theory* 19, no. 1 (2011): 1-37. Notably, Garrard is also the author of *Ecocriticism: New Critical Idiom* (London: Routledge, 2004), in which he offers a history of the development of ecocriticism from Rachel Carson's 1962 *Silent Spring* through to its contemporary manifestation at the beginning of the twenty first century.

[425] S.K. Robitsch, "The Woodshed: A Response to 'Ecocriticism and Ecophobia'," *Interdisciplinary Studies in Literature and the Environment* 16, no. 4 (2009): 703. Robitsch's tone is uniformly vitriolic across this paper in relation to Estok's work.

[426] To be fair, this confusion of terminology is not limited to Estok nor ecocriticism and arises from the problem of jargon specific to a discipline being used in new contexts. For instance, Linda Christina Fox has made innovative use of Actor-Network Theory in her dissertation, "Queer Outburst: A Literary and Social Analysis of the Vancouver Node (1995-96) in English Canadian Queer Women's Literature" (PhD diss., University of Victoria, 2009), 58-63, but this is complicated by her use of the specific terminology of translation and enrolment as synonyms for the simple reason that her study relies on Jonathan Murdoch, who uses ANT to discuss Geography. In fact, her citations to ANT and of both Callon and Latour derive only from Murdoch's idiosyncratic work, *Post-Structuralist Geography: A Guide to Relational Space* (London: Sage, 2006), and hence the contextual meaning of these terms in Latour and Callon is elided since it did not apply for Murdoch.

to the presentation of Nature is adopted in order to consider the presentation of the automaton or actor without agency and the need to construct generalized symmetry. For Lady Macbeth's sleepwalking scene, this means reconsidering the work done by the scene as distinct from the supposed agency of her character.

When ecocritics uncover the gesture toward nature, they are not simplistically concerned with what nature is trying to 'say' or communicate, which I contend would be more advantageous to their implicitly symmetrical endeavours. Instead, they are attentive to the nuances of the manner in which nature signifies in a series of power relations. Here, nature for them has no agency, yet it has come to signify as an actor. Therein lies a problem. The scallop for Michel Callon *is* nature. The sleepwalker, too, stands in the same space as nature and therefore must be accounted for in the same manner since both are without agency yet act. The question, then, is how would an ecocritical framework provide methodological tools useful in reconsidering the perfunctory closure of Lady Macbeth's phallic potency. In particular, how do we consider this closure as kindred to the circumscription of nature in *King Lear* or the metaphors of harvest and crops that fecundate the early scenes of *Macbeth*?

My intervention of the sleepwalking scene in Shakespeare criticism is therefore to contextualise Lady Macbeth as a figure resembling the attributes of Nature in a human-to-non-human discussion. Symmetrically aligning Lady Macbeth with the other actors of the play—indeed those involved in its field of production—would not involve a dismissal of her speech and physical act of

sleepwalking, but rather it would aim to realign it within culture. This would, in part, contribute to understanding Lady Macbeth as more dynamically translated figure in the literature of sleepwalking (regardless of whether her somnambulism involves violence).

Such realignment shifts the questions with regard to the scene from a medicalised question of "what is true of her sleepwalking?" to "what does the scene do?" For instance, the scene presents the relations between the Doctor of Physick and the Somnambulist as one in which the doctor exercises diagnostic and prescriptive authority that is predicated on the presence of the sleepwalker and cannot contest the observations. In this sense, the scene demonstrates in a quite overt manner that the doctor, as a role in the play, is parasitic on the sleepwalker, and *not* the opposite. The language of authority must now develop symmetry, which means commensurate authority must exist. Hence, it would go that the doctor's language or description of the somnambulist is diagnostic or definitional such that the same must apply to himself.

Lady Macbeth is a *genre* unto herself. Her sleepwalking scene is often assimilated with the mania of having committed murder, or it is equally confused with murderous deeds or intentions. The expectation of feminine confession and feminine disciplining is present in the sleepwalking scene because Lady Macbeth's confessional and relational presence has been subsumed through dominant readings that dismiss her involvement as readily as her character with her apparent suicide. Ecocritical approaches are a recent phenomenon to literary

studies. For the most part, they isolate only the nonhuman elements, such as the

environment and technology, as well as human interaction with both the

environment and technology. By suggesting a realignment of with humans

through a process of generalized symmetry, literary products might be less

inclined to commit instances of perfunctory closure through its usage.

Cutting Open Cesare's Black Box: *Das Kabinett des Dr. Caligari*

When the cultural reader of the various somnambulisms and their related institutional discourses arrives after three centuries of conflict at the modern era during its conflicted and contested developments of a balance between institutional demands, the number of cultural products available expands dramatically. The richness of the Elizabethan stage cannot be disputed, but the scope of cultural projects available in the interbellum years of the twentieth century is staggering. This chapter examines the German Expressionist cinema of Director Dr. Robert Wiene's 1919/1920 *Das Kabinett des Dr. Caligari*. This offers up a so far unfamiliar but rich metaphor: the black box. Much like Callon's scallops and his sociology of translation through actor network theory, the metaphor of the "black box" becomes apparent to the cinematic portrayal of Cesare, Dr. Caligari's sleepwalking murderer. The "black box" concept is used in Science and Technology Studies as part of a sociology of scientific knowledge initiated in large part by Bruno Latour and Michel Callon. For Latour's narrowing of the notion, a black box is the conceptual reduction of a process to inputs and outputs without a continuing sense of or attention to the internal processes that make the transformation of inputs to outputs possible. Although this will be addressed in more detail later in this chapter, the crucial component of the black box for Latour is the reduction of various actants (processes, individuals, nonhuman participants, Nature, and so forth) to an input and an expected output,

primarily because attention to these processes is either too complicated or

continuously challenges accepted norms.

Hence, the modern laptop is often conceived as a black box, or, for

computer programmers, an operating system can also be seen in the same way

such that thinking through a particular process still leaves others (both human and

non) necessary to the full functioning of the machine as assumed inputs and

outputs that are not considered. In the narrative of the film, the somnambulist

Cesare is also quite literally kept in an enclosed black box (a makeshift coffin)

into which the viewer is granted only limited forms of access—this access,

however, takes the form of knowledge and power that transgresses social norms:

both the spectacle of the somnambulist and the powerful foreknowledge of

prophecy. The process by which his transformations are possible is the same type

of black box, in which processes occur without the need to make sense of them

for an audience capable of linking expected inputs to equally expected outputs.

This reflects cultural knowledge or processes of power as well as institutional

knowledge, whether any relate to reality or not. This is to say, how Cesare shifts

from sleeper to violent sleepwalker[427] requires no explanations in the film—the

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[427] Notably, the film would carry the same dual terminology possibilities as in English, such as referring to either a *Schlafwandler* (sleepwalker) and not the Latin medicalised term *Somnambulen*. It can also be further noted that the titular *Kabinett* is a cognate with English (and in Italian) with the same plural range of meanings from a chest, a doctor's office, to a political office. English and German both preserve the distinction between a "cabinet" and "chest" (a plural word or a more specific indication of a container) such that the modern *Kiste* or *Kasten* exist in German, both of which reach English through Anglo Saxon cognates, and appear in modern English as "chest" or "caste."

audience has an accumulated sense of genre that conditions expectations, as in

Barthes' sense of inoculation accumulating as a defense against disruption and

thereby accreting into genre.[428]

Metaphorically and literally, Latour's notion of the black box brings us to

the various forms of agency, knowledge construction, institutional orders,

expressions of power and definitional practices that it (the black box) engenders

in the film. By keeping Latour's conveniently visible metaphor present during my

reading of the *Das Kabinett des Dr. Caligari*, I produce an interpretive approach

to the film that turns attention away from (1) the ontological, hypnotic modes of

reading that are prevalent with regard to the will and perceived objectivity of the

sleepwalker, as well as (2) the socio-historical readings prevalent in film

exemplified by Siegfried Kracauer's dominant interpretation of the film as a

proto-fascist work preceding yet anticipating the rise of Nazi Germany and its

acceptance in the Weimar Republic. Instead, this chapter directs interpretive work

to the subjectivity implicit in the presentation of this sleepwalking as self-aware,

which is a product of the dialectical tension in the film between object-centred

institutions of authority, such as medical and juridico-political bureaucracies,

which are then in conflict with the disruptive (and some might say potentially

revolutionary) narrative structure and expressionist visual effects of the film. This

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[428] See Roland Barthes, *Mythologies* (New York: Farrar, Straus and Giroux, 1971). Barthes contends that media may represent "the accidental evil of a class-bound institution," yet this is only so that "its principal evil" can be maintained (Barthes, 150). Also see Marshall McLuhan, *Understanding Media: The Extensions of Man* (Cambridge, MA: The MIT Press, 1994) 8.

dialectical conflict leads only to an unstable and incomplete resolution through Wiene's imposition of a frame narrative that restores institutional hegemonic power, and between both the disruption and the reassertion of the norm, the generic expectations of sleepwalking as a medically and legally defined condition provide the continuity.

In the film, Cesare is the violent sleepwalker who transgresses, and Jane is the medicalised and contained feminine sleepwalker who restores order, but in both instances the translation of their subject/object sleepwalking roles and the centrality of the sleepwalking figures remains constant, indeed necessary for the film's narrative. This is to say, sleepwalking creates a disruption in the social order and confuses notions of responsibility and agency—this disruption increases when the sleepwalker engages in sleep-related violence and is male, both of which contradict the preceding conventions in the popular consciousness. The process of inoculation and containment become completed through the imposition of a medicalised system of control via the frame narrative that places Jane in the asylum and that converts the male, violent somnambulist to a passive female somnambulist by the end of the narrative. The rupture is contained and then returned to the public in a safe manner that inoculates against further disruptions. It is therefore unsurprising that the instability of this frame narrative is often at the crux of disputed interpretative ventures in the *Caligari* literature, in particular those concerned with cultural analysis and hegemony. Cesare's 'black box' in the film, the coffin within and through which his transformation occurs, works here as

an anchor to the actor network vision that aims to cast the object as subject in subject-object discourse—which requires symmetry—and, therefore, keeps our attention on this counter-narrative.

Das Kabinett des Dr. Caligari begins with Francis and his friend seated in a darkened park, suggesting a mid-evening atmosphere heightened by slightly violet screen tints. They are interrupted by Jane, Francis' fiancé, who dreamily sleepwalks by the pair while she is (as an interpretive signal) clad in a white, empire-waist sleeping gown.

Figure 1: Jane enters the scene

This moment provides two implicit references: the first to the prototypical Gothic heroine dressed in a virginal gown, and the second to the fact that she has been roused from her sleep. The moment before she begins her passage into this scene,

Francis' friend sets the phantom or otherworldly tone of the forthcoming film when he states "There are spirits everywhere. They are all around us. They have driven me from hearth and home, from wife and child."[429] It is immediately after *this* speech act that Jane passes. She neither acknowledges them nor indicates to the viewer any fixed direction. Instead, her gaze appears focused intently on a space before her as she is walking forward. As if to serve as a prompt or an interpretive-cum-contextualizing signifier to the audience, it is only *after* Jane's passing that Francis begins telling the tale of Dr. Caligari to his friend. Francis explains "What she and I have experienced is even stranger than what you have lived through."[430]

Notably, the "new" tale shifts attention from the obvious fact that *Jane* is sleepwalking. By implication, the 'inputs' in the primary narrative have produced the somnambulating 'outputs' of the frame narrative, and the cultural expectations of the period provide the rational for the black box within which this transformative process has been thought to occur. This is complicated by the cultural climate of the period, which follows one year after the Great War, such that the cultural expectations are inherently shaped by the neuroses, shellshock, and war-time traumas of the Weimar Republic and its attempts at recovery in the aftermath of the dismantling of the Austro-Hungarian Empire. These factors help condition the "black box" phenomenon or at least a slim view of the black box.

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[429] Robert Wiene, *Z* (Berlin: Schriftgutarchiv der Stiftung Deutsche Kinemathek Berlin, 1919).
[430] Wiene, *Z.*

Particular inputs are associated with particular outputs through a process that requires neither rationalisation nor understanding. The post-war Weimar Republic black box could provide this context. Jane sleepwalks due to the causal experiences (i.e. her trauma) that Francis will reveal in the primary narrative, and the genre provides an interpretive schema in which the actual sequence of cause and effect can be occluded if the tropes and conventions adequately guide the viewer. That is, the reader or viewer need not know the details, nor their relation to real medical conditions, so long as the film sufficiently satisfies the generic expectations, genre itself being an accretion of meaning around various inoculations against disruptions of other power-laden expectations.

We then enter the recounted *framed* narrative, which starts with Dr. Caligari arriving in Holstenwall (also Hostenwall), just in time for the town's fair. He is there with his Somnambulist, the 23-year old Cesare (casting the viewer's attention back to Francis), and he wishes to obtain a permit for his 'side show' from the City clerk, who ultimately dismisses his request and therefore Caligari. Having indicated that the permit was for a "Somnambulist" to this aforementioned clerk, there is established for the viewer a possible connection between the clerk and the Dr. Caligari / Cesare duo, which prophecies the next events in the film. Further, the invocation of *somnambulism* (as opposed to, say puppetry or a bearded lady) is sufficient for the audience and the narrative to link the two to the murder of this very same clerk the next day. The problem, then, is what makes somnambulism special in this way? Though this cannot be strictly

answered, it is clear that the audience was anticipated to have expectations of a

somnambulist that would allow these events to be interpretable and sensible in

this cultural context. Sleepwalking is the natural cue for an audience's

assumption of violence, as Stefan Andriopoulos has noted, although his

interpretive efforts align the sleepwalking Cesare with hypnotic control and

violence.[431] After the association of advertising and hypnotism, Andriopoulos

addresses the surge in films carrying the same associative link such that cinema

"appropriated the medical, legal, and literary tales of hypnotic crime."[432] While

Andriopoulos is astute in recognising the rise and intra-institutional importance of

hypnotism and cultural notions of hypnotic crime, he is perhaps over-enthusiastic

in eliding the function of somnambulism in the film. Hypnotism and ideas of

hypnotic crime are certainly a part of the milieu of the time and play a role in the

film industry and cultural expectations of the audience; however, it is still not

dealing with the "patient" nor does it consider the various actors involved. There

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[431] Stefan Andriopoulos, *Possessed: Hypnotic Crimes, Corporate Fiction, and the Invention of Cinema*, Trans. Peter Jansen and Stefan Andriopoulos (Chicago: University of Chicago Press, 2008), 16. Even the cover of Andriopoulos' book uses an image of Cesare as the illustrative instance of hypnotic crime, even though he is identified as a somnambulist rather than a victim of hypnotism. The nature of Dr. Caligari's control, or whether or not Cesare (in the final narrative 'level' of the film) even is *the* somnambulist, is left to the audience's determination and is not explicitly resolved in the film.

[432] Stefan Andriopoulos, *Possessed* 92. He is also quick to point out "during World War I, hypnosis and suggestion had an unexpected resurgence in the treatment of war neuroses and shell shock. Auguste Forel's and Alberta Moll's medical treatises about hypnotism, first published in the 1880s, thus went through several new editions between 1918 and 1924," 92. See also Stefan Andriopoulos, "Suggestion, Hypnosis, and Crime: Robert Wiene's *The Cabinet of Dr. Caligari* (1920)," in *Weimar Cinema: An Essential Guide to Classic Films of the Era*, ed. Noah Isenberg (New York: Columbia University Press, 2009), 13-32.

are great conveniences in film theory for eliding somnambulism in the film,[433] but

the simple fact remains that Cesare is a sleepwalker, and Jane is sleepwalking in

the frame narrative, and only in a secondary sense is it interpretively possible to

associate Dr. Caligari's control over the somnambulating Cesare as *potentially* of

a hypnotic origin.

This initial murder then and its naturalised association with hypnotic crime

advances the plot and sets the town into a stir. Once Dr. Caligari sets up his show,

the main feature is not only that he has a 23-year old somnambulist, but a

clairvoyant somnambulist at that. This combination itself signals the complexities

of the cultural expectations and the ability of the audience to establish such a

combination of inputs and outputs. In other words, while a feature show in a

travelling fair that showed puppets could only be ridiculous if it turned violent

and murderous, such a show with a somnambulist very easily turns to the

clairvoyant and homicidal. The audience, hence, *naturalises* such associative

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[433] For instance, see the major texts dealing with *Das Kabinett des Dr. Caligari*. Anton Kaes, *Shell Shock Cinema: Weimar Culture and the Wounds of War* (Princeton, NJ: Princeton University Press, 2009), 58-59, 67; Siegbert Salomon Prawer, *Caligari's Children: The Film as Tale of Terror* (Cambridge, MA: Da Capo Press, 1980), 171; Susan McCabe, *Cinematic Modernism: Modernist Poetry and Film* (Cambridge: Cambridge University Press, 2005), 53-55. These, and many other text in film studies, associate *Das Kabinett des Dr. Caligari* with hypnotic crime and thereby with hysteria, gender relations, and the cultural cachet of pseudoscience; however, these are interpretive ventures that by and large overlook the overt citations of sleepwalking in the film and the alternate affiliations in the medical, legal, and cultural context of the period. Although I do not dismiss the value of their work, it is not focused on the subject of the somnambulist and therefore does not figure in the work undertaken by this chapter, which I regard as a corrective intervention in the hypnotic-crime dominate critical literature surrounding *Caligari*.

connections based on cultural context, regardless of their arbitrary or changing nature. Francis and his friend Alan attend to the tent spectacle of Dr. Caligari who lures the crowd inward and toward the further framed narrative of the prophetic power of Cesare. Alan unwisely asks of this prophet-like somnambulist how long he will have to live, which he unbelievingly learns is only "Till dawn tomorrow."[434]

Figure 2: Alan learns his fate

A combination of disbelief and inner anguish follows. As he learns of his death, the expression his character provides is telling: we witness an example of a *real,* as opposed to imagined, reaction of shock following the Great War. This is not sustained for long as the viewer is instead distracted with the friendly competition of these two young men for the lasting affection of Jane, about whom the natural

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[434] Wiene, *Z.*

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question is if she has any somnambulistic say in the matter. Night progresses, and soon the same murderous image is repeated as with the clerk: the tall, shadowy figure of Cesare stands over the body stabbing him repeatedly with a gruesome ice-pick style instrument. Francis and Jane grieve, and the funeral held for Alan quickly resolves the close of this relationship.

Throughout the filming of this *inset* narrative, the viewer's sense of stability in a quick and satisfactory resolution to this plot is offset by the chaotic whims of the fair and with sets that emphasise distorted angles and asymmetrical frames.
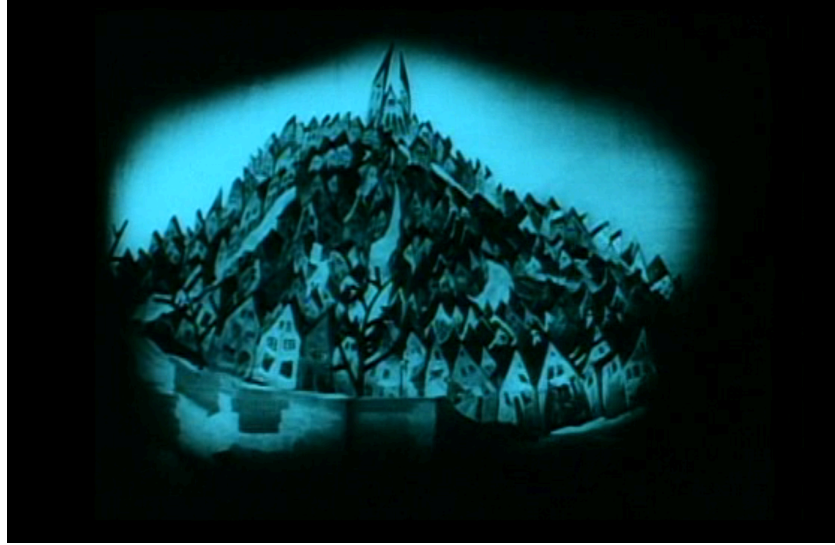

Figure 3: The flurry of the fare

Figure 4: Holstenwall

Dr. Caligari's and Cesare's makeup, too, achieve both a hollowing out effect, as with Cesare on the one hand, and a made-up face with Dr. Caligari on the other.

Figure 5: Cesare sleeps

Figure 6: Cesare is wakened

Figure 7: Dr. Caligari

Cesare's features amplify the night-like, almost deathly quality to his character while the fine painted lines and overly powdered Caligari indicate (or suggest) a masked performance. While Cesare's make-up, with its darkening effect around his eyes, leaves us to wonder if his 23 years of sleep have perhaps left him haunted, in contrast, Caligari's make-up prompts the viewer to binary character of seeming resolve but visual madness. In addition, we find the juxtaposition and chiaroscuro of natural bodies and their form against man-made sets of distorted angles. All of these serve to warp the viewer's sense of reality—they also retrospectively reveal the narrator's, Francis', disturbed state of mind *in* the frame narrative. At the same time, we, the viewers, must remember that this is the *framed* narrative throughout the film, prior to our narrative return to the asylum at the conclusion. That is to say, the viewer must be aware of alternating—and conveniently overlapping—narrative sequences, compounding confusion and building interests.

The viewer is then led to fear a third murder: this time of Jane. With her father missing (who also happens to be a member of the medical body—his absence, too, suggesting the darkening of checks and balances on authority), Jane runs to the tent of Dr. Caligari to learn where her father is from the clairvoyant himself. Jane's presence opens Cesare's eyes wide, and her recognition of him as the person who had previously entered her room sends her into frenetic and rapid departure that suits the horror component of the film. She receives no answer to her dilemma; it is an interaction order without closure, though an interaction order

nonetheless. The very same night while she sleeps in her womblike chamber, Cesare enters on his murderous mission, breaking into and disrupting her virginal state. Her bedchamber is shrouded in curtains and restricted space, centering on her covered bed itself.

Figure 8: Cesare hesitates

All of these tropes of the genre are already signaled in the opening frame in which *she* sleepwalks as an output of these inputs. However, just as Cesare attempts to 'pick' at her with his long and sharp, phallic-like object, he waivers: Cesare second-guesses and resists the will that has been placed upon him by Dr. Caligari, which makes for a momentous scene. Despite his somnambulistic state (or even his hypnotic state in the body of criticism that has a preference for this interpretive imposition over the explicit narrative), Cesare the sleepwalker

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exercises his own will and consciousness as a *subject* in order to fulfill the heteronormative Gothic rescue or "beauty and the beast" trope. Jane begins the film with the Gothic visual cues already noted above in the beginning of the frame narrative, and Cesare's intrusion into her chamber is thereby a continuation of the same Gothic series of interpretive expectations of the female in her bedchamber. In this context, Cesare's recuperation of willfulness fulfills the generic expectations contrary to those that might be genuinely drawn from the medical or legal literature. This hesitation, having given him a moment of subjectivity and realisation, compels Cesare to flee holding Jane like a rag-doll at his side. In this way, Jane becomes an object while Cesare slowly becomes a subject.
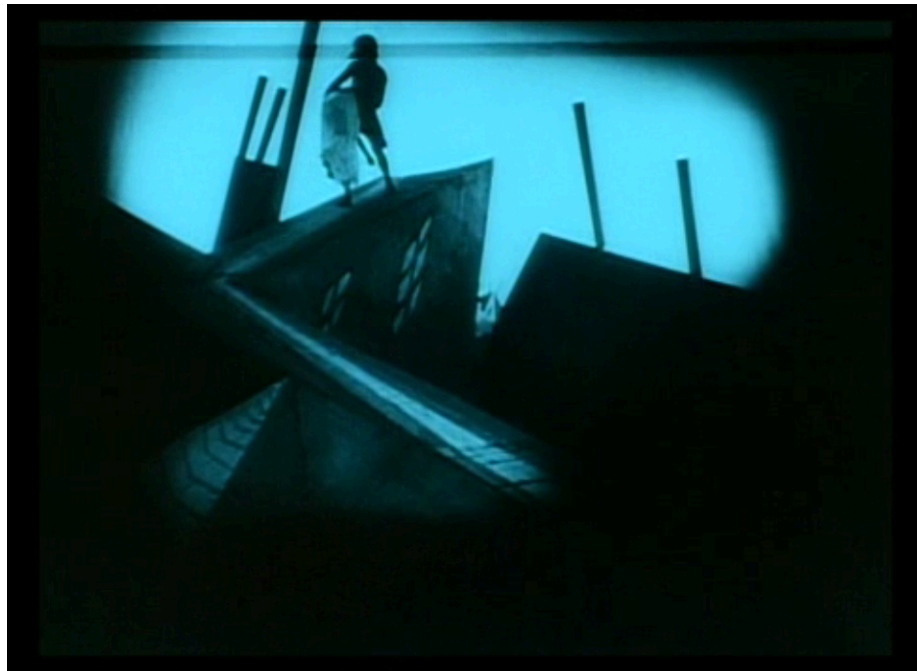

Figure 9: Cesare Takes Jane

The house stirs and chases Cesare, who eventually drops Jane mid-flight. Although the plot continues, and the chase moves across inner and outer meta-narratives, because he has exercised his will, Cesare can no longer appear.[435] In the film, this is the last time we see Cesare alive and with a will, for his next scene finds his dead body *out* of the coffin at the asylum.

Our attention now shifts to Dr. Caligari as authorities come to his tent to question the timing of the somnambulistic activities, and later the eventual whereabouts of Cesare himself. This directs us toward this subset (or framed) narrative's climax in which we find Dr. Caligari being chased all the way to the insane asylum just as soon as the dummy—or we can perhaps say, doll-like—version of Cesare is found in the casket, thereby directly connecting Cesare to the murders. Dr. Caligari flees through the expressionistic landscapes and leads his pursuers—who have also become the viewers, and the viewers the pursuers—to the asylum where the entire *framed* story is said to have begun. The two narratives collapse and a crisis of authority begins, in particular, a crisis of authority over who controls and speakers for the sleepwalker. Where must responsibility reside?

The physical setting of the asylum is a calmed version of the striking and unsettling chiaroscuro sets we have previously associated with Caligari's 'activities' in Holstenwall.

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[435] Alternatively, it is reasonable to interpret the chase scene as including Cesare dropping Jane and then awakening and fleeing, which further reinforces his state as somnambulism rather than hypnosis.

Figure 10: Order in the asylum

The courtyard provides open space, but the spiral/circular connection of the lines suggest uniformity. As our eyes are drawn up to the tripartite stairway entrance, we may notice a demarcation of hierarchically organised space with Dr. Caligari's office at the top. It is here that Francis, one of the chief pursuers, instigates and spearheads the second, inner *framed* narrative of the madness of Dr. Caligari. Upon arriving, Francis asks the medical staff if they have a patient named Caligari and learns that Dr. Caligari, himself, is not a patient but the Director of the asylum who has just recently (the very same day) returned from an excursion. Francis conferences with the medical staff, and, through relaying the murders in Holstenwall the past several days in conjunction with the Director's absence, this leads them to search Dr. Caligari's office while he *sleeps* restfully in his villa.

This 'search and seizure' investigation finds Francis and the medical staff leafing first through the Director's research and then his personal notes. The first linking of the Director *with* Dr. Caligari the madman occurs when Francis

discovers a 1726 text from Upsala University (now Uppsala University) in Sweden that relates a strikingly similar story to that which he has just experienced with the Director-cum-madman Dr. Caligari—the silent film focuses the viewer on the text, serving to layer the reader's experience of the film by leaving room for the viewer to take part in the search for the truth, or, as it were, the *real* narrative:

> In the year 1703, a mystic by the name of Dr. Caligari, toured the fair grounds of certain small towns of northern Italy accompanied by a somnambulist called Cesare . . . and for months, he held one town after another in the grip of panic through a series of murders committed under almost identical circumstances . . . for he had completely enslaved to his will a somnambulist, and compelled him to carry out his fantastic schemes, and by means of a dummy, the exact likeness of Cesare which he kept in a chest— he was able to divert any suspicion that might fall on the somnambulist.[436]

This is nearly enough to convince the medical staff, but more 'proof' certainly helps. Francis takes up Dr. Caligari's personal diary and leads us into a proto-surrealist dream sequence that finds the mad Caligari fulfilling the advertising and menacing imperative, "Du musst Caligari werden" (You must become Caligari). This is a major phrase in the film and was used as an advertising slogan for the

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[436] Ibid.

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cinema as well as a part of its stylistic innovation—this image of Caligari surrounded by the imperative text, which places itself on the screen rather than in intertitles, as well as that of Cesare with Jane as a doll, are the most commodified images for mass consumption and the most frequently used. This imperative command, "Du musst Caligari werden," appears all over the screen, suggesting (albeit demonstrating) instability.[437] While the dream sequence provides the psychical background motivation, the diary records the personal intention, thereby establishing that Francis' recounting of events are in fact 'true':

> My Diary
>
> March the 12th—Finally—finally—they have reported the admission to the asylum of a somnambulist! . . . The irresistible passion of my life is being fulfilled. Now I shall unravel the psychiatric secrets of this Caligari! Now I shall learn if it's true that a somnambulist can be compelled to perform acts which, in a waking state, would be abhorrent to him . . . whether, in fact, he can be driven against his will to commit a murder.[438]

From this moment forward, the staff is sufficiently convinced, and by seizing him, to place Caligari in a straightjacket in more spacious and sparsely furnished room—notably the same room Francis himself will soon exchange residences.

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[437] Notably, too, the advertising campaign for the film initially provided only the slogan "Du musst Caligari werden" and did not include the title of the film. Presumably, the public was being "hailed" to also become a Caligari.

[438] Wiene, *Z.*

Francis is therewith vindicated, albeit temporarily—and Cesare has been found dead in the field to corroborate the story.

However, just as the viewer anticipates victory for Francis, this insert narrative closes and we find our attention fixed to Francis and his friend in the park, leading us to the original frame narrative. Although Francis verily reports to his friend ". . . and from that day on the madman has never left his cell," this narrative is destabilised by taking the viewer out of the evening narration to the day-lit institutional asylum setting.[439] With this recontextualised, all of the characters of Francis' tale are reduced to being inmates in the asylum caught up in his narrative play, each depicting some odd or clinical behaviour. For instance, Jane sits on a perceived throne, immobile, believing herself to be a queen, and Cesare paces without direction, clutching a small doll close to his chest.[440] What fails to fit in this scenario is Francis' *framed* narrative friend, who, finding himself in an asylum, immediately casts suspicion on Francis and flees. However, Francis has not yet left the framed narrative. He still believes Caligari is the insane person: "You all think I'm insane! it isn't true—it's the director who's insane!!"[441] With reversal and exercised authority, Dr. Caligari now has placed Francis into a straightjacket. While this reversal marks both the end of the framed

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[439] Ibid.

[440] Kaes, in his *Shell Shock Cinema*, refers to this scene as exhibiting modern-day symptoms of hysteria, specifically that each character embodies one symptom or another: "extreme agitation and exaggerated gesticulation, contortions, convulsions, languor, delirium, and stupor," 64. Kaes links these to Jean-Martin Charcot's symptoms of hysteria and madness, which underlines the critical interepration of Kaes' work.

[441] Wiene, *Z.*

narrative and inset narrative, it is an unstable end because Dr. Caligari has now

taken over the narrative, ensuring the viewer, "At last I understand his mania. He

thinks I am that mystic Caligari—! and now I also know how to cure him."[442] Dr.

Caligari's assertion of power and role as asylum Director is equally authoritative

as it is destabilising for the viewer as there are multiple ways and modes to read

how Dr. Caligari, himself, takes over the frame narrative at the end. We lose our

viewing position "inside" the narrative and are instead drawn outward into yet

another meta-layer, from the perspective of which we are to re-construe the nested

narrative layers of the film. All previous appearances of Dr. Caligari would, in

effect, have been the imaginings of an insane Francis, and only now does the

genuine Director of the Asylum appear who reiterates that he is not the same

person.

　　　While this synopsis recounts the basic actions of the multiple narratives

and their layering, it is in the critical views that we may move forward to the

black box. In the criticism, we notice both Cesare's black coffin as well as the

power relations and reductions of complexity embodied in Latour's critical notion

of the black box in Science and Technology Studies.

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[442] Ibid.

Script Origins—Janowitz and Mayer

The production team of *Das Kabinett des Dr. Caligari* includes Robert Wiene as

director, Eric Pommer as producer, and Hans Janowitz and Carl Mayer as writers.

Although Wiene's *overt* role in the making of *Caligari* is well-known, the

inventive *and* reflective intentionality behind the Janowitz and Mayer creative

duo is less familiar in a popular sense and is disputed in the critical literatures.[443]

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[443] Although the discussion here is limited to only the screenplay in relation to
Janowitz and Mayer's personal account and intentions in contrast to the
"reactionary" revisions made by Wiene, Jung and Schatzberg point out further
complicating issues. Further evidence undercuts Janowitz and Mayer's authority,
at least insofar as it relates to their sense of control and authorship over the final
production of their work. Janowitz refers to their intentions as "a picture-story-
script to be a straightjacket for the director" with the opposite being true in the
final product (Hans Janowitz, "*Caligari*—The Story of a Famous Story
(Excerpts)," in *The Cabinet of Dr. Caligari: Texts, Contexts, Histories*, ed. Mike
Budd (Rutgers, 1990), 232), but Leonardo Quaresima "discovered a contract
dated 19 April 1919 and signed by Mayer and Janowitz, which stipulated the
conditions of their sale of the *Caligari* screenplay to Decla films" (See Jung and
Schatzberg, *Beyond* 70; see Leonardo Quaresima, "L'atto di nascita' del
Caligari," *Cinema & Cinema* 18, no. 2 (1991): 19-24). The same agreement
applies to their release of the intellectual property right for a film-tie-in *roman*
(Georges Spitzmuller, *Le Cabinet du Docteur Caligari: Ciné-roman fantastique*
(Paris: Ciné-Collection, La Renaissance du Livre, 1922)). In so doing, they
recognized that they did not have rights over the final form of the work, which
makes Janowitz's complaints dubious even if his account of initial intentions and
political vision are still sound. In detail,

> According to the contract, the authors sold their manuscript for
> 4,000 Marks "with all the author and ownership rights." Decla
> reserved the right to make "changes in the manuscript that we
> might sooner or later find appropriate," and the authors agreed to
> "assist without honorarium" in these changes. In return, Mayer and
> Janowitz were assured that "the names of the authors … be
> explicitly mentioned in the film itself and wherever possible in all
> Decla advertisements about the film." (Jung and Schatzberg,
> *Beyond* 70-71)

Hans Janowitz, in his "*Caligari*—The Story of a Famous Story (Excerpts)," likens

the production of *Caligari* to an architectural structure, be it a church or

warehouse, where he and Mayer are self-fashioned as the "architects" of the film:

the ones who conceived, thought out and planned the whole work.[444] This

metaphor is apt for Janowitz, for states that he and Mayer really were the "the

actual 'architects' of *Caligari*, form the conception of the idea to the last line of

the shooting script, [and they] were the two authors and no one else."[445] Such an

admission in an autobiographical account indicates to the researcher of *Caligari*

literature the film story we view in packaged form might not be as the original

'architects' had envisioned. According to Janowitz, this was precisely the case.

The originating ideas for the script—or 'child' as Janowitz refers to it—

lead the researchers down distinct but complimentary paths involving both the

individual and personal backgrounds of Janowitz and Mayer. Janowitz had first

While it tempting to regard this an instance of the unfair negotiation of choice in hegemony (prior to Antonio Gramsci's articulation of Cultural Hegemony), it does clearly preclude the possibility of Janowitz and Mayer being unaware of the potential for their revolutionary text to be revised in order to serve reactionary or counter-revolutionary ends.

[444] Janowitz, "*Caligari*," 221-22. There is no full translation of the entire account available except in Budd's edited collection. Janowitz writes that "The builder whose business is to execute the plans of the architect, and the contractor who furnishes the money, ordinarily do not claim credit for the original conception of such a work, unless as happens occasionally they participated in that original conception or were, perhaps, the initiators of it," 221. We learn in Janowitz's account that his and Mayer's 'architectural' roles were less senior to Wiene's directorial visions.

[445] Ibid., 222.

conceived of the idea in his "dramatic play 'Prager Fastnachtsspiel um 1913'",[446]

which itself develop from having visited a fair:

> that strange episode which occurred in 1913, in an Amusement
>
> Park, at Hostenwall, a vision of horror, which I endured and
>
> moulded as poet, as phantast, as a kind of soul-reporter, with the
>
> consuming fire of a very young burning heart: A girl, young,
>
> beloved, and drunken with the happiness of life, was murdered.
>
> This incident became the allegory that proclaimed for me the
>
> events of the times. It was so important to me, that this
>
> "Hostenwall" gave the name to the little town in our "Caligari"
>
> picture. Lastly, but by no means least, the story bore the
>
> atmosphere of the postwar period, the pressure of four years of the
>
> world war still fresh in our minds, our hearts, even in our bones.[447]

This puts the audience into a complex interpretive position because the 'story

behind' *Caligari* in many ways contradicts the final production of the film—yet

how can we not take this into account? Several critics either privilege or neglect

Janowitz's account of the origins of the film, and this distinction marks their

predilections for regarding Wiene either as a reactionary who diminished or undid

the revolutionary potential of an anti-totalitarian film (such as Kracauer's *From

Caligari to Hitler* and the large corpus of criticism that it inspired) or as the man

who created a great work that Janowitz only retrospectively sought to cast as

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[446] Ibid., 224.
[447] Ibid., 224.

originally antiauthoritarian based on the rise of the Nazi's *Nationalsozialistische Deutsche Arbeiterpartei* (as in Andriopoulos' *Possessed: Hypnotic Crimes, Corporate Fiction, and the Invention of Cinema* or Jung and Schatzberg's *Beyond Caligari: The Films of Robert Wiene*).

Janowitz's articulation in 1939, which I regard as genuine to the initial context even though it was certainly produced retrospectively, emphasises a clearly antiauthoritarian component in the film, one that Kracauer modifies in order to establish an anticipation of fascism and anti-fascist views and that Jung and Schatzberg (and later Andriopoulos) discredit in order to privilege work relating more closely to Weine than his script writers. For Janowitz, however,

> A State Authority that called upon us [Janowitz and Mayer] to participate in an insane war led ad absurdum. [sic] This was characterized in our play by the old professor, the great psychiatrist, the famous and respected Director of the Municipal Lunatic Asylum, who turned himself into Doctor Caligari, the murderer whose case he studies, he, this personalized authority, who had gone crazy over his studies.[448]

In this instance, the antiauthoritarian vision derives directly from their experiences of the authoritarian state during World War I, and this makes good sense in the film through both the defamiliarised landscapes (even if Janowitz had

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[448] Ibid., 224.

intended Kubin's artwork rather than that of the Cubists),[449] the problematic

disruptions of authority and its reassertion, as well as the problems of

responsibility. For Janowitz,

> Cesare, the tool, who in our explanation stands for the subdued
>
> army of a compulsory conscription, was not guilty; Doctor
>
> Caligari, the director of the lunatic asylum, stands for the
>
> authoritative power, was guilty.[450]

In fact, the only component of Janowitz's recounting of the origins of *Das*

Kabinett des Dr. Caligari is specifically noted as something he only

retrospectively understood about his own situation at the time. For both authors,

> It was years after the completion of the screenplay that we realized
>
> our subconscious intention, and this explanation of our characters,
>
> Doctor Caligari and Cesare, his medium, that is: the corresponding
>
> connection between our Doctor Caligari, and the great
>
> authoritative power of a government that we hated, and which has
>
> subdued us into an oath, forcing conscription on those in
>
> opposition to its official war aims, compelling us to murder and to
>
> be murdered….[451]

For both Mayer and Janowitz, the problematic of the film is authority as such,

embodied in the war-time state but functioning synecdochically through Dr.

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[449] Ibid., 223. Alfred Kubin was an Austrian Symbolist and Expressionist artist—
he was not a "Cubist."
[450] Ibid., 225.
[451] Ibid., 224-225.

Caligari, the asylum, the city hall, the clerk who is murdered, and so forth. Even in their selection of the name, Caligari, the eponymous Doctor derived from Stendhal's (that great individualist's) account of an introduction "to an officer named Caligari."[452] Each figure is a synecdoche for the state's authority, and doubly so due to the military origins of Caligari's authority that recurs in his medical authority. Hence, Janowitz and Mayer's initial vision for the screenplay (whether they sold the rights or understood it fully in the moment or not) is essentially antiauthoritarian. For Janowitz's recollection, "As Carl Mayer looked at matters, he would not be educated to learn the craftsmanship of murder, by means of a Fatherland that had gone mad with the misuse of its power, the dream of force."[453] Whether we pursue this further, such as circumstantial evidence suggesting Mayer's association in Berlin with Gutav Landauer or both Janowitz and Mayer's more politically subversive political views that could not be sanctioned or openly stated in the post-war context, the antiauthoritarian spirit remains both explicit and visible in the final shape of the film, even if it is contained in a hegemonic frame narrative.

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[452] Ibid., 234.
[453] Ibid., 227.

The Normative *Caligari*: Hegemonic and Revolutionary

The normative critical readings of *Das Kabinett des Dr. Caligari* in film and

cultural criticism focus mainly on five areas of interest: proto-fascist and

ecological approaches; the political context of the interbellum Weimar Republic;

psychoanalytic interpretations of the return of shell-shocked soldiers akin to the

analysis in Freud's *Beyond the Pleasure Principle* as well as the common reading

of E.T.A. Hoffmann *The Sandman* with Freud's *The Uncanny* as precursors (and

postcursor for *Beyond the Pleasure Principle*) to Wiene's film;[454] hypnotism and

hypnotic crime; and the birth of the horror genre as Roland Barthes' notion of

inoculation and accrued generic materials.[455]

Siegfried Kracauer's *From Caligari to Hitler* is the signature work of

criticism on the film—while other scholars modify or quibble with his argument,

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[454] For instance, see Thomas Elsaesser, *Weimar Cinema and After: Germany's Historical Imaginary* (London: Routledge, 2000), 93. Elsaesser offers a succinct summary of the appeal of this reading to other scholars: "One concept that has seemed useful in accounting for such plot ambiguity and inversion of agency is that of 'The Uncanny', as proposed by Freud in his analysis of *The Sandman*, a novella by E.T.A. Hoffmann, and author often cited as precursor for the screenwriters of *The Student of Prague* and *Dr. Caligari* because of his tales of lost shadows, sudden doubles and the 'return of the repressed," 93.
[455] As previously noted, see Roland Barthes, *Mythologies* (New York: Farrar, Straus and Giroux, 1971). Barthes contends that media may represent "the accidental evil of a class-bound institution," yet this is only so that "its principal evil" can be maintained, 150. This is to say, like inoculations, small components of potentially revolutionary materials are permitted precisely because doing so prevents the genuinely revolutionary potential of such materials if they cannot be accommodated into the status quo. In turn, genre is the accrual of such inoculations into accommodating forms that in turn perpetuate the "principal evil."

it has become the unavoidable basis for critical investigations. Kracauer places

Das Kabinett des Dr. Caligari as the origin of the horror genre while emphasising

the protofascist contents of the work. His work argues that

> Whether intentionally or not, Caligari exposes the soul wavering
>
> between tyranny and chaos, and facing a desperate situation: any
>
> escape from tyranny seems to throw it into a state of utter
>
> confusion. Quite logically, the film spreads an all-pervading
>
> atmosphere of horror. Like the Nazi world, that of Caligari
>
> overflows with sinister portents, acts of terror and outbursts of
>
> panic.[456]

Kracauer's vision is of the relationship between Wiene's 1919/20 film, and the

rise of Nazism marks all subsequent scholarship. Notably, Kracauer's work was

first published in 1947 in the direct aftermath of the Second World War when the

fears of obedience to authority were highly salient.[457] He is remarkably detailed

in his argument for Caligari anticipating Hitler's methods for group control:

> this dream like reasoning penetrates Dr. Caligari to the core by
>
> conceiving him as a counterpart of [Emperor] Valentinian and a
>
> premonition of Hitler. Caligari is a very specific premonition in the

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[456] Siegfried Kracauer, *From Caligari to Hitler: A Psychological History of the German Film* (Princeton, NJ: Princeton University Press 1966), 74.
[457] The influence of Kracauer's subject position as a Jewish interlocutor to the Frankfurt School who left Nazi Germany for Paris and then emigrated to the United States of America during World War II is of obvious importance as well. His dual critique of Stalinism and Nazism is informed by this background as well as his interactions with the Frankfurt School, and this shapes his critique of Wiene as well as his focus on Nazism in the postwar, post-Holocaust context.

sense that he uses hypnotic power to force his will upon his tool—

a technique foreshadowing, in content and purpose, that

manipulation of the soul which Hitler was the first to practice on a

gigantic scale.[458]

While the retrospective vision from 1947 to 1919/20 may strike the contemporary

reader as surprising, it has been the dominant vision in the critical discourse with

which or against which authors are compelled to position themselves.

The main virtue of Kracauer's interpretive innovations is that it attends to

the film's appeal as a symbol for the post-war Weimer Republic's people's loss of

security, identity, and the repositioning of authority—in so doing, he also directed

all subsequent scholarship to the problem of authority in the film and the myriad

functions of authority from the town officials to the asylum and Caligari himself,

who is questionably in the role of doctor. This particularly indicates contextual,

institutionalised forms of power that are recognisable as their control over

discourse. Kracauer also critiqued Janowitz and Mayer's motivations for writing

the film screenplay as a critique of authority that focuses on the psychological

dimensions of soldiers who returns from war. A typical instance of Kracauer's

focus on authority follows each of these threads:

The theme of tyranny, with which the authors were obsessed,

pervades the screen from beginning to end. Swivel-chairs of

enormous height symbolise the superiority of the city officials

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[458] Kracauer, 72-3.

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turning on them, and, similarly, the gigantic back of the chair in

Alan's attic testifies to the invisible presence of powers that have

their grip on him. Staircases reinforce the effect of the furniture:

numerous steps ascend to police Headquarters, and in the lunatic

asylum itself no less than three parallel flights of stairs are called

upon to mark Dr. Caligari's position at the top of the hierarchy.[459]

In this manner, Kracauer's work fixatedly returns to the problems of authority that

would stand forward in the postwar period. While Wiene's film (and the

screenplay on which it was based) were both looking backward to a different war

and the troubles of the shell-shocked returning soldier, Kracauer's vision looks

forward with equal intensity.

A further innovation in Kracauer that shaped the direction of film

scholarship was his ability to turn the discussion of authority not only to visual

and plot cues, but also to the narrative form of the work, which in this instance

"nests" different narratives in a series of cyclic recontextualisations. Kracauer

offers a strong reading of this structural trait that seeks a linking together with the

soul of the German peoples:[460]

If it holds true that during the postwar years most Germans eagerly

tended to withdraw from a harsh outer world into the intangible

realm of the soul, Wiene's version was certainly more consistent

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[459] Ibid., 72.
[460] Ibid., 74. He frequently refers to the Soul and to the "Soul at Work" in this
sense as well.

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with their attitude than the original story; for, by putting the original into a box, this version faithfully mirrored the general retreat into a shell.[461]

In this manner, even the "nested" structure of the film within frame narratives becomes yet another component of the function of authority to contain and control in the years leading up to the Second World War. Hence, "In *Caligari* (and several other films of the time) the device of a framing story was not only an aesthetic form, but also had symbolic content."[462] This is to say, the framing story offers comfort and, in turn, deprives the audience of an anti-medical, anti-authoritarian revolutionary potential given the psychiatric conditions of the few returning soldiers to their society. For Kracauer,

> Significantly, Wiene avoided mutilating the original story itself. Even though *Caligari* had become a conformist film, it preserved and emphasized this revolutionary story—as a madman's phantasy.[463]

As a direct outcome of this view, Kracauer is unable to notice the violence done to the initial antiauthoritarian vision of Janowitz and Mayer. While he is inclined to note "it preserved and emphasized this revolutionary story", he cannot notice that in the mutilation, the revolutionary is rendered conciliatory or an inoculation. This is to say, the revolutionary impulse in the screenplay by Janowitz and Mayer

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[461] Ibid., 67.
[462] Kracauer, 67.
[463] Ibid., 67.

(whom Kracauer cannot bring himself to mention in this instance) was permitted to remain in the final version of the film insofar as the revolutionary content became reactionary via recontextualisation.

It is also important to note, especially since it overlooked in the extant scholarship, that the frame narrative convention did not originate solely with Wiene. While it is a reactionary revision to their initial screenplay, the proposal first came from Fritz Lang when he was considering directing the film prior to turning if over in favour of Wiene. As Patrick McGilligan notices,

> Lang, in script discussions, made at least one significant suggestion: that the scenario be framed by a *Rahmenhandlung*, or conventional flashback—with prologue and epilogue, in a realistic mode—better to convey the point of view of the main character, a madman.[464]

Due to the success of Lang's two-part film *Die Spinnen* (1919 and 1920), he could not work on the script and so passed it along to the Austrian Robert Wiene. In this regard, the reactionary outcome of the restructuring is shown to have a significantly different origin, albeit one that would further underscore Kracauer's vision of the *Das Kabinett des Dr. Caligari*'s link to the rise of the Nazis, Lang's *Metropolis* having been a favourite work of Josef Goebbels (though when

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[464] Patrick McGilligan, *Fritz Lang: The Nature of the Beast* (New York: St. Martin's Press: 1997), 61. McGilligan further notes the lineage of this idea to revise the screenplay: "'Lang argued that Rahmenhandlung would intensify the terror of the Expressionist sequences,' wrote Frederick Ott in his book about Lang. 'Pommer adopted this proposal by adding a scene in the garden of the asylum to open and close *Caligari*,'" 61.

summoned by Goebbels, Lang fled, leaving his Nazi-sympathising wife behind in Germany). The outcome was that

> Wiene went along with Lang's idea wholeheartedly. Janowitz and Mayer vehemently protested on the principle that, in the words of Siegfried Kracauer, the Rahmenhandlung 'perverted, if not reversed, their intrinsic intentions. While the original story exposed the madness inherent in authority, Wiene's *Caligari* glorified authority and convicted its antagonist of madness. A revolutionary film was thus turned into a conformist one.'[465]

These problems, whether overtly recognised as originating in Wiene or not, have since gone on to shape critical responses to *Caligari*.

In response Uli Jung and Robert Schatzberg comment on how Kracauer's commentary was the first and hence that Kracacuer constructs Wiene as the "man who transformed a revolutionary film into conformist one by constructing a frame."[466] This view stigmatised Wiene as a reactionary for years to come.[467] In this regard, for Jung and Schatzberg,

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[465] McGilligan, 61.

[466] Uli Jung and Walter Schatzberg, *Beyond Caligari: The Films of Robert Wiene* (Oxford: Berghahn Books, 1999), 52.

[467] For Jung and Schatzberg, although Wiene was a director of a film classic, little is generally known about him in contrast to his contemporaries. They contend new treatments of him in film journals and books still regard him as an "invisible man" with a significant background in film and stage from early in his life, in large part because his father was a an actor, "considered one of the finest actors of his day both in respect of the wide range of classical and modern roles he could play and the unique quality he brought to each part" ("The Invisible Man behind 'Caligari': The Life of Robert Wiene," *Film History*, 5, no. 1 (March 1993): 22).

Kracauer wants to demonstrate that the films of the Weimar period indicate a readiness among the German people to submit to a tyrant. With his analysis of these films, his purpose is to explore deeper levels of the German soul—the collective unconscious of the German people—to find an answer to the question, why did the Germans choose to follow Hitler: "Thus, behind the overt history of economic shifts, social exigencies and political machinations runs a secret history involving the inner dispositions of the German people. The disclosure of these dispositions through the medium of the German screen may help in the understanding of Hitler's ascent and ascendancy." Kracauer wishes to examine the "history of the German collective mentality."[468]

This scepticism by Jung and Schatzberg toward the collective mental state of an entire people or nation fits more comfortably with our contemporary sensibilities, although it is entirely plausible to read through Marxist perspectives the hegemonic forces at work upon the period and thereby the mental state engendered by the material conditions within which a people or a nation live (this

Moreover, Wiene was family with institutional forms of regulation and jurisdictions of knowledge as he had studied law at the University of Vienna for three semesters (Jung and Schatberg, "Invisible," 23).
[468] Jung and Schatzberg, *Beyond*, 53.

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would be particularly so through the perspective of deterministic Marxism and notions of base defining superstructure).[469]

Their critique of Kracauer, however, opened new interpretive possibilities, such as those that might bring Wiene back to attention without locating him entirely in a progressive/reactionary duality. They effectively argue "The denial of Wiene's share in this film's artistic and commercial success led to a diminishment of his image as a filmmaker in every respect."[470] Since this reduced attention to Wiene begins with Kracauer's influential work, they discuss Kracauer's contribution in particular, and in a vision already established in this chapter: "For Kracauer, Wiene as a director is of no interest at all. He views him as the man who transformed a revolutionary film into a conformist one by constructing a frame. This view stigmatized Wiene as a reactionary for years to come."[471] The crucial distinction, however, is significant. In contrast to my above comments on the potential for a deterministic Marxist interpretation or even a more generalised sense of hegemonic forces at work in the period that *Das Kabinett des Dr. Caligari* rose to prominence through Kracauer's ties to the

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[469] For Kracauer, this is rather ambiguous. He contends "What films reflect are not so much explicit credos as psychological dispositions—those deep layers of collective mentality which extend more or less below the dimension of consciousness." *From Caligari to Hitler*, 6. Given Kracauer's close ties to the Frankfurt School, it is unlikely that he held a deterministic vision of material conditions in relation to cultural products, yet he is also unlikely to ally himself with any psychologically pat notion of a collective consciousness or national consciousness in racial or ethnic terms. Between the uncomfortable prospects of a collective national or ethnic consciousness or a deterministic anti-humanism, Kracauer's exact position is difficult to map.
[470] Jung and Schatzberg, *Beyond*, 51.
[471] Ibid., 51-52.

Frankfurt School (and thereby the ease of understanding his intentions through Adorno and Horkheimer's sense of the Culture Industry),[472] Jung and Schatzberg deny the potential for such a social situating of the text. They argue through quotation that

> Kracauer maintains that he must write this psychological history of the German film and, by extension, of the German people because economic and social causes do not suffice to explain the rise of Hitler. His methodology is then understandably not sociological, and consequently he will not draw on "the statistically measurable popularity of the films" but, instead, on the "popularity of their pictorial and narrative motifs."[473]

This is a significantly different turn of Kracauer's aim. By attending to this more cultural shift away from the quantifiable components of sociology (and in turn his greater emphasis on theory and the aesthetic traits of the artwork), they pry the film away from a largely filmic interpretation. The very basis for Kracauer's approach becomes the basis for their critique some fifty-two years later, despite the precipitous increase in popularity of Kracauer's approach that blends the cultural and the aesthetic via an implicit sense of critical or theoretical engagement.

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[472] See Max Horkheimer and Theodor W. Adorno, "The Culture Industry: Enlightenment as Mass Deception," in *The Dialectic of Enlightenment* (Palo Alto: Stanford University Press, 2002), 94-136.
[473] Jung and Schatzberg, *Beyond*, 54-55.

The trend for Jung and Schatzberg is very clearly to work against Kracauer on precisely the points that had made his appeal strong: to turn the strengths to weaknesses in a different interpretive paradigm. They further comment, again via recontextualised quotation, that

> For Kracauer, the addition of the frame means the transformation of a revolutionary into a conformist film, whereby at the same time his thesis about Wiemer film and the Germany of the Weimar Republic is illustrated. He sees a dichotomy between rebellion and submissions that can be clarified through the film version of *Caligari* because in this version the director deprived a film of its revolutionary content by transposing the primary plot into the subjectivity of a madman. From Kracauer's perspective, the primary plot still carries this revolutionary content but the frame puts "the original into a box." This symbolised for him the general withdrawal of the Germans into their shell, that is, into their submission to authority.[474]

The problematic of this frame narrative or box is the anxiety raised by an antiauthoritarian perspective such as that raised by Janowitz in his history of the creation of the *Caligari* screenplay, which Kracauer had innovatively brought to the reading public. This is to say, the frame narrative answers a collective or widely shared anxiety while attempting to divert our attention from it.

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[474] Ibid., 55.

Nevertheless, by answering the question, we are still able to trace the outline of this anxiety through the fact that it *needed* resolution in an art film before it could be released to the general public.

The turn, however, is from Janowitz's revolutionary retrospective descriptions of the screenplay's subversive antiauthoritarian proclivities to a revaluation of Wiene's aesthetic successes in framing the subversive elements. For Jung and Schatzberg, this means recuperating Wiene's structural virtues in order to set aside the progressivist worries over his imposition of the frame narrative and Kracauer's sense of this as a counter-revolutionary move. The revision of critical attention is clear:

> A fine example of Wiene's conversion of the scriptwriters' ideas
> into film is his representation of the three murders. The first
> murder is initially reported in a title, followed by the police
> investigation in the official's bedroom. The second—that is,
> Allan's murder—is seen through the pantomime of shadows
> reflected on the wall, so that the crime—even the murder
> weapon—is perceived but the criminal cannot be identified.
> Cesare's attempted murder of Jane raises the horror even further
> because the attempt takes place face to face in carefully designed
> segments: Cesare's stealthy entrance through the window; his
> approach to the victim with measured steps, a dagger in his and;
> and finally his outburst into a vicious, lustful rage at Jane's

resistance. From a filmic point of view, these three instances

constitute an early example of the iconography of crime in which

the gradual transition from concealment to revelation creates the

dynamics of the horror story.[475]

By setting aside the traditionally accepted sense of Wiene's structural subversions

of the politics of the screenplay, Jung and Schatzberg are able to attend to the

effective increase in suspense across the three murders (again, through structural

components). Linking this "spiral" form, in which the actions spins out through

ever-increasing audience access to the scene of the murder or actions, they are

able to find a point of origin for one of the major trends of the modern genre.

It should also be noted that Jung and Schatzberg attend to these shifts in

Wiene's works by virtue of having attended to Wiene's eclectic background as

well. Knowing that Wiene had studied and evidently practiced law demonstrates

his familiarity with the systems of regulation Kracauer later reads in the film.

Moreover, by looking to his school years, they note

in the summer semester of 1896 we find indications of a crisis.

Although he continued to be enrolled in law, Robert Wiene did not

register for any law classes. He registered for only two courses in

cultural studies amounting to no more than four hours per week

altogether. He selected a course in 'Psychology and Aesthetics of

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[475] Ibid., 64-65.

the Works of Art of Richard Wagner' and a course in 'The

Problem of Form in the New Fine Arts'[476]

This shift renders a Wiene more self-aware of his choices than Kracauer is readily

able to consider. For Jung and Schatzberg, though Wiene had "apparently

practiced law in Weimar[,]… He was still interested in the arts, having requested

permission to send Engelbert Humperdinck 'his recently completed libretto of a

popular opera in three acts.'"[477] Wiene, then, takes on fewer of the authoritarian

implications of his later image and also implies a Wiene with the psychological

interests and attention to have crafted the revisions to the asylum, the Doctor's

breakdown in the "Du musst Caligari werden" scene, and so forth. Certainly, he is

in contrast to Janowitz and Mayer, who were writing their first film script,

whereas Wiene's fist contribution to film "that we know of" was as early as 1912

with the script *Die Waffen der Jugend*, "a two reeler which passed censorship in

December 1912. Possibly, Wiene also directed the film."[478] Moreover, "It was in

this period between 1914 and 1919 that Wiene acquired a reputation as a skilful

and versatile script writer," and in Jung and Schatzberg's estimation, "his scripts

for fourteen Henny Porten films must have made Wiene's name known within the

German and Austrian film industry" due to her great fame in the German/Austrian

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[476] Jung and Schatzberg, "Invisible," 24.
[477] Ibid., 24.
[478] Ibid., 25.

film industry at the time.[479] Wiene maintained this relationship with Henny Porten until only months prior to shooting *Das Kabinett des Dr. Caligari*.[480]

These initial revisions to Kracauer then led Jung and Schatzberg to uncover other scholars who had made kindred critiques, such as Barry Salt, who also contested Kracauer's "access to the depths of national psychology," and contended that Kracauer's interpretations were based on excluding any Weimar Republic cinema that would have been "incompatible with the 'psychological paralysis' that [he] dreamed up."[481] This led Jung and Schatzber to restate his contention and to argue that "Salt asserts that German audiences wanted to see American films, crime thrillers, Harry Piel adventure Films, comedies of all sorts, and, of course, Lubitsch films."[482] Such a dimension moves the critical discourse forward substantially by opening potential examinations to the wider popular discourse at large, though this is incompatible with the critique they had already launched on Kracauer's social-oriented interpretive paradigms.

The most direct refutation of Kracauer's method comes from Thomas Elsaesser in "Social Mobility and the Fantastic," in which he rejects the predicate for Kracauer's social analysis as tautological:

> What seems to me not permissible, if we are to understand the
> manner in which history has entered into these films, is the double

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[479] Ibid., 25.
[480] Ibid., 27.
[481] Barry Salt, "From *Caligari* to Who?" *Sight and Sound* 48, no. 2 (1979): 123.
[482] Jung and Schatzberg, *Beyond* 66. Quoting Barry Salt, "From *Caligari* to Who?," *Sight and Sound* 48, no. 2 (1979): 119-23.

reduction which Kracauer operates upon his material. In order to

establish the homology between German cinema and German

history on which his thesis rests, he first of all has to "narrativize"

German history in a particular fashion… whereby all events are

seen to lead up to Hitler and Fascism: what is problematic is the

process and selection of the forces and determinants he seems as

pertinent to our understanding of history….. [W]hile he makes it

clear that the categories he employs are those that the films

themselves suggest, the tautologous nature of the reasoning seems

inescapable: the films reflect German history, because this history

has been narrated in terms and categories derived from the films.[483]

Apart from the specifics of this argument, for which the tautology seems clear,

even if it does not sound the death-knell to Kracauer's appeal nor the viability of

this paradigmatic work, the point is clear.[484] There is, then, more work to be done

"beyond *Caligari*" that considers the film apart from its prescient position in

relation to the rise of Nazism.

This turn from Kracauer makes Jung and Schatzberg attend to the

structural traits of the film in inventive ways. In particular, but looking to

Wiene's structural work and filmography, the frame narrative takes on new

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[483] Thomas Elsaesser, "Social Mobility and the Fantastic: German Silent Film," *Wide Angle: A Film Quarterly of Theory, Criticism, and Practice* 5, no. 2 (1982): 14-25.
[484] For further critiques in this stream, see also Mike Budd, "Contradictions of Expressionism in *The Cabinet of Dr. Caligari*," *Indiana Social Studies Quarterly* 34, no. 2 (1981): 19-25.

interpretive possibilities. The frame itself becomes the "boxing" done to Cesare, and hence the film enacts the same violence on the post-war audience, turning it to the state's influence. To emphasise this point, as I have already noted, Jung and Schatzberg take up this same language:

> For Kracauer, the addition of the frame means the transformation of a revolutionary into a conformist film… [I]n this version the director deprived a film of its revolutionary content[, yet] the primary plot still carries this revolutionary content because the frame puts "the original into a box." This symbolised for him… the Germans[']… submission to authority.[485]

While distinguishing the outcome from Kracauer may be rather fine in this instance, Jung and Schatzberg successfully turn the critical attention of scholarship to *Caligari* as a retrospective film looking back to the Great War rather than as a prescient film looking ahead to World War II. The same topical problems are recirculating with varying emphases on how best to understand both the vision and production of the film, and in particular its formal and structural components, depending on which temporal direction these interpretive venture privileges.

Laurence Kardish's *Weimar Cinema, 1919-1933: Daydreams and Nightmares* has recently called for a more ecological approach to German

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[485] Jung and Schatzberg, *Beyond*, 55.

expressionist cinema, and *Caligari* in particular.[486] In this respect, he

acknowledged Kracauer on the one hand while redirecting attention on the other.

Rather than the protofascist interpretive vision that has become dominant, he

instead directs critical attention to the same images and topics with a new

ecological vision: "Even elements in *Dr. Caligari*—Caligari's and Cesare's

foreign origins and the mysterious medieval manuscript that the doctor tries to

decipher—conform to this paradigm of displacement while still referring to

topical issues such as psychoanalysis, hypnosis, and other contemporary

treatments of mental illness or trauma."[487] In this, he looks to the same visual

cues noted by Kracauer, in particular the specifically Germanic content, but he

does so in order to realign their function:

> In this sense the Expressionist films indeed signaled their own kind
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> of politics—although instead of calling them protofascist, as
>
> Kracauer does, I would consider their message ecological: they
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> express anxieties and fears about how modern men and women
>
> coexist with the natural environment under conditions of ever-
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> advancing technologies, including the cinematograph, the
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> telephone, and other machines of recording, surveillance, and
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> control.[488]

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[486] Laurence Kardish, *Weimar Cinema, 1919-1933: Daydreams and Nightmares*
(New York: Museum of Modern Art, 2010).
[487] Ibid., 33.
[488] Ibid., 33.

For both Kracauer and Kardish, then, institutions of authority and control are central, though they differ as to which specific institutions merit the greatest attention and in which context. Kardish, however, grants an increased epistemological and psychological opportunity to interpret Caligari through the frame narrative, which aligns with the interpretive work of this chapter.

Psychoanalytic interpretations of the film have flourished, and Catherine B. Clément (very dubiously) contends Caligari is himself a metonym for Freud himself.[489] However, the primary text, in relation to which the film is interpreted, is Freud's *Beyond the Pleasure Principle*. Although this work followed in English two years later, it was published in German in the same year that the film was released, 1920, and many critics have tacitly assumed that *Das Kabinett des Dr. Caligari* draws on psychoanalysis and, hence, may be the first film to draw on psychoanalytic theory.[490]

A striking scene in *Beyond the Pleasure Principle* involves Freud observing a young child discovering delayed gratification rather than denying the Pleasure Principle, which is to say his regulation of his desires. The child is throwing away a toy in order to have the pleasure of making it return in the famous "*fort*/*da*" game, such that "each fresh repetition seems to strengthen the

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[489] For these and a variety of other interesting claims, please see Catherine B. Clément, "Charlatans and Hysterics," in *The Cabinet of Dr. Caligari: Texts, Contexts, Histories*, ed. Mike Budd, (New Brunswick, NJ: Rutgers University Press, 1990), 221-222.
[490] See Anton Kaes, "*The Cabinet of Dr. Caligari*: Expressionism and Cinema," in *Masterpieces of Modernist Cinema*, ed. Ted Perry (Bloomington, IN: Indiana University Press, 2006), 41.

mastery they are in search of."[491] In other words, the child is not denying the

Pleasure Principle but, rather, is either creating the possibility of satisfying his

desire to capture the toy by first making it go away or by symbolically making the

toy represent his mother, who has left him for a time, such that the thrown away

toy is like his mother, whom he has *willed* away and can make return. The latter

is symbolic mastery through the displeasure of temporarily losing his toys. Freud

suggests that the shell-shocked returning soldiers may be experiencing something

akin in their psychosomatic illnesses, such that the temporary displeasure of the

illness or the repetition of the trauma allows them to gain some measure of

symbolic control by having *willed* it themselves in a quasi-masochistic sense. For

the child, "in that case it would have a defiant meaning: 'All right, then, go away!

I don't need you. I'm sending you away myself'."[492]

        The most frequently referred to issue in *Beyond the Pleasure Principle*,

however, is the repetition compulsion and what leads Freud to consider a possible

death drive. He describes this as "the manifestation of the compulsion to repeat"

that which is unpleasant.[493] Freud first associates the repetition compulsion with

the young child's repetition of this loss of his mother (during her departure) in the

fort/*da* game, which generates resistance to the trauma. Nonetheless, it is also

possible in his view for repetition "to strengthen the mastery they are in search

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[491] Sigmund Freud, "Beyond The Pleasure Principle," in *Sigmund Freud Selected Writings*, trans. James Strachey (New York: Book of the Month Club, Inc., 1997): 274.
[492] Ibid., 247.
[493] Ibid., 273.

of."[494] For the shell shocked returning soldier, this further reveals the possibility

to "repeat unpleasurable experiences for the... reason that [he] can master a

powerful impression far more thoroughly by being active... [such that] each fresh

repetition seems to strengthen the mastery [he is] in search of."[495] The

implication is that the game of the young child is very much the same as the

repetition of trauma by the shell shocked, and, by extension, that this repetition is

enacted figuratively in the film through Cesare's somnambulism and directions to

murder by the figure of authority.

Finally, the most recent revision to the established literature on *Das

Kabinett des Dr. Caligari* has come from Stefan Andriopoulos at Columbia

University, whom I have already mentioned in relation to hypnotic crime. His

innovation begins with the film's first appearance before the public in its

advertising materials:

> In February 1920, numerous posters appeared throughout Berlin,
>
> addressing the city dwellers with the forceful exhortation: "You
>
> must become Caligari" (*Du musst Caligari werden*). The enigmatic
>
> slogan, also printed in several newspapers, was soon revealed to be
>
> part of an innovative advertising campaign for a new film. The
>
> movie, directed by Robert Wiene, was just completing the last
>
> stages of production at the Decla Company, and immediately after

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[494] Ibid., 274.
[495] Ibid., 274.

its release, *The Cabinet of Dr. Caligari* was acclaimed a

masterpiece of German Expressionist Cinema.[496]

This immediately places the film in relation to manipulation of the watching

public and as issuing an authoritarian imperative. For Andriopoulos, this is also a

gesture to the film's origins in hypnotic medical literature, which he regards as a

major component of the Nancy School of psychotherapy.[497] He further suggests

that

> In addition to Forel, the physicians Bernheim, Bérillon, Beaunis,
>
> Crocq, Schrenck-Notzing, and the young Arthur Schnitzler staged
>
> similar 'performances'… for the ostensibly scientific purpose of
>
> proving to their largely judicial audiences that hypnotic crimes
>
> were indeed feasible.[498]

However, Andriopoulos overlooks in this the reality of somnambulist cases before

the courts and the role of medical expert testimony in favour of drawing out his

interests in the "feasibility" of hypnotic crime—hypnotic crime did not exist and

was only postulated as feasible. To this, he adds "the intense medical debate

about the possibility of hypnotic crimes was also constitutive for Wiene's *The*

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[496] Andriopoulos, *Possessed*, 91. The same passage recurs in Stefan
Andriopoulos, "Suggestion, Hypnosis, and Crime: Robert Wiene's *The Cabinet of
Dr. Caligari* (1920)," in *Weimar Cinema: An Essential Guide to Classic Films of
the Era* (New York: Columbia University Press, 2009): 13.
[497] The Nancy School existed in contrast to the Paris School. It oriented its
interests toward therapeutic suggestion and hypnosis. It was founded by
Ambroise-Auguste Liébault after reading about, and incorporating elements of,
the quackery of animal magnetism. See Judith Pintar and Steven J. Lynn,
Hypnosis: A Brief History (London: Wiley-Blackwell, 2008), 81.
[498] Andriopoulos, "Suggestion, Hypnosis, and Crime," 15.

Cabinet of Dr. Caligari"[499] The drive, in essence, is for hypnotic crime to (presumably) fall under legal discourse in the same fashion as somnambulism and its associated automatism.

The first highly compelling interpretive shift Andriopoulos offers is through the Althusserian notions of "hail" and "interpellation"[500] as a part of this advertising, which immediately calls up the past interpretive work of the Frankfurt School,[501] Birmingham School,[502] and Althusser's antihumanist French vision of Marxist theory:

> The almost coercive *interpellation* "You must" foregrounded and simultaneously enacted the "suggestive" or "*hypnotic*" power of advertising, which was still a fairly new mode of shaping social behavior.[503]

My "compulsion," however, is to ask if this scenario really works as an instance of interpellation. In the typical sense, interpellation is the process of becoming what one has been called, via hail and interpellation. Moya Lloyd's comments are useful in this respect, to develop forward from Althusser to Judith Butler:

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[499] Ibid., 15.

[500] Louis Althusser, *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review Press, 1971), 174-175.

[501] See, for instance, Max Horkheimer and Theodor W. Adorno, "The Culture Industry: Enlightenment as Mass Deception," in *The Dialectic of Enlightenment* (Palo Alto: Stanford University Press, 2002), 94-136.

[502] The natural turn here would be to Raymond Williams, "Advertising: The Magic System" in *Culture and Materialism: Selected Essays* (London: Verso, 2005), 170-195.

[503] Andriopoulos, *Possessed*, 91.

according to Althusser the individual becomes a subject (of

ideology in general) when it turns in response to the voice that is

hailing it. 'One comes to "exist"', in other words, 'by virtue of this

fundamental dependency on the address of the Other' (*ES*: 5).

Butler interprets this to mean…. interpellation can occur even

when the subject resists its terms…. Interpellation works through

other practices and institutions – 'bureaucratic forms, the census,

adoption papers, employment applications', and so on.[504]

For Andriopoulos, "Du musst Caligari werden" does contain this transformative

component, but only in the imperative and conscious level. The real interpellation

of the film is for the audience to become that which easily accepts the interpretive

scenario and that can easily accept the authoritarian framing of the revolutionary

potential. For Andriopoulos, this potential for self-recognition in the hail and

interpellation pattern is framed through hypnotic crime, which in turn negates the

subversive potential in the sleepwalker as actor and violator of social regulations.

Note, for instance, Andriopoulos' easy transition from somnambulism to

hypnotic crime without a clear bridge, the one term simply displacing the other.

He begins by quoting the film and moves to his recontextualisings or reframing of

the materials:

["]In the year 1703, a mystic by the name of Dr. Caligari along

with a somnambulist called Cesare appeared at various country

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[504] Moya Lloyd, *Judith Butler: From Norms to Politics* (London: Polity Press 2007), 117.

fairs…. [H]e wreaked panic in town after town, through murders

always perpetrated under the same circumstances—for he

compelled a somnambulist…. Dr. Caligari was able to disperse any

suspicion which fell on the somnambulist.["] As in Max Mack's

film *The Other* (1913), medical evidence supporting the possibility

of hypnotic crimes is introduced in Wiene's *The Cabinet of Dr.*

Caligari by means of a scientific book.[505]

The slippage here from somnambulist to hypnotic crime is not substantiated, as if

the two are merely obversions, yet this is not the case. As in his discussion of

interpellation, any sense of obversion is reliant on the audience's easy blending of

the two notions as contiguous, and this is not interpretively necessary for the film

nor its period.

   This challenge continues as Andriopoulos perpetuates the dismissal of

Janowitz and Mayer by eliding the anti-totalitarian elements of their screenplay:

Twenty-five years after the release of *Caligari*, Thomas Mann's

narrative *Mario and the Magician* (1930) and Fritz Lang's film

The Testament of Dr. Mabuse (1932-33) did allude to totalitarian

fascism in their representation of hypnotic omnipotence; but

Wiene's film was produced in 1919, not in the 1930s when the rise

of National Socialism was imminent. Kracauer thus ascribed a

prophetic "vision" to the authors of the screenplay… by relying on

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[505] Andriopoulos, *Possessed*, 97. Again, this passage and argument also appears in
Andriopoulos, "Suggestion, Hypnosis, and Crime," 19.

an unpublished account of the film's production history, written

around 1939 by the exiled Janowitz, who then, in hindsight,

presented his script as a critique of totalitarian tyranny.[506]

This seems quite reasonable as a reconceptualisation of Kracauer's work, but by

limiting the scope to only anti-totalitarian views, Andriopoulos avoids

considerations of the authoritarian threats in the film that require no prescience

and instead demand only a very palpable recollection of the immediate past from

the vantage point of 1919. This slippage is evident:

For while it still holds true that the frame which makes Francis an

inmate of the insane asylum, was not part of the original

screenplay but added later by Wiene, the script did contain a

framing device from the very beginning.[507]

While this is true, the framing device was not de-politicising nor reactionary, and

the imposition of the asylum frame in Wiene's final version of the film originates

in the very figures he first presents as later producing anti-totalitarian works. That

is, the frame was first conceived by Fritz Lang, as has already been noted.[508]

The recuperation, then, of the initial context is a reactionary revision to

Janowitz and Mayer's initially anti-authoritarian film script that recalls the

immediate circumstances and aftermath of the First World War and the returning

shell-shocked soldiers. Andriopoulos is adroit in turning to the medical literature

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[506] Andriopoulos, *Possessed*, 100.
[507] Andriopoulos, *Possessed*, 100.
[508] McGilligan, 61.

on this point, for him most significantly the role of hypnosis in treating the shell

shocked youth of the war since "during World War I, hypnosis and suggestion

had an unexpected resurgence in the treatment of war neuroses and shell

shock."[509]   However, this return to the medical context and its role in the film

does not necessitate the construction of a relationship of obversion between

somnambulism and hypnotic crime. In the war-time context, somnambulism has

long been a recognized symptom of shell shock. During the Vietnam conflict,

> A brief "epidemic" of somnambulism occurred in 1966 during the
>
> early deployment of the 25th Infantry Division in Vietnam. The
>
> engineer battalion surgeon had sought the help of the division
>
> psychiatrist to treat soldiers who were developing sleepwalking
>
> (somnambulism). The battalion surgeon was surprised to find a
>
> rash of such cases in his relatively small unit. The initial case had
>
> presented with a history of sleepwalking during childhood with
>
> occasional episodes of falling and injuring himself. His family had
>
> been completely dominated by his symptoms, being forced to
>
> move to a one-story house, placing a high fence with locked gates
>
> around the house, and making other arrangements for his safety.
>
> His sleepwalking, however, had disappeared until arrival in
>
> Vietnam. Following the example of the soldier's parents, the
>
> battalion surgeon moved the patient's sleeping area to the center of

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[509] Andriopoulos, *Possessed*, 92.

the base camp to prevent him from wandering into the minefields that surrounded the base camp.[510]

For the immediate World War I context, a figure no less impressive than W.H.R. Rivers refers to the importance of somnambulism as a common symptom in the shell shocked solider, and in no less a venue than his major article on the topic in *The Lancet*:

> A young officer after more than two years' service had failed to get to France, in spite of his urgent desires in that direction. Repeated disappointments in this respect, combined with anxieties connected with his work, had led to the development of a state in which he suffered from troubled sleep with attacks of somnambulism by night and "fainting fits" by day. Some time after he came under my care I found that, acting under the advice of every doctor he had met, he had been systematically thrusting all thought of his work out of his mind, with the result that when he went to bed battalion orders and other features of his work as an adjutant raced in endless succession through his mind and kept him from sleeping. I advised him to think of his work by day, even to plan what he would do when he returned to his military duties. The troublesome night thoughts soon went, he rapidly improved, and returned to

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[510] Franklin D. Jones, "Traditional Warfare Combat Stress Casualties" In *War Psychiatry* Eds. Franklin D. Jones, et al. (Falls Church, VA: Office of the Surgeon General, United States Army, 1995): 51. See also, 40, 55, 159.

duty. When last he wrote he had improved so much that his hopes

of general service had at last been realised.[511]

To contextualise Rivers in this major essay, published in both *The Lancet* and the

Proceedings of the Royal Society of Medicine, this was not only a major feature of

British discussions of shell shock and its psychoanalytic treatment during the war,

it has also been made famous in Pat Barker's novel *Regeneration* and the trilogy it

begins,[512] which was a major international bestseller in 1991 through 1995 and

made into a feature film in 1997 to much acclaim. Rivers figures in the novels as

a significant figure, in the first novel in particular, and his discussions of

sleepwalking are included.[513] That this work applies to the two most famous

British authors of World War I, Siegfried Sassoon and Wilfred Owen,[514] makes it

doubly attractive.

Although kindred case studies of *Schlaftrunkenheit* in the Weimar

Republic during the First World War are not as readily available, the topic was

urgent enough that Sigmund Freud would return to it to revise his theories of

dream psychology during his twelve essays on metapsychology during the war

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[511] W.H.R. Rivers, "The Repression of War Experience," *Proceedings of the Royal Society of Medicine* 11 (1918): 12. This is a republication of his article in *The Lancet* XCVI (1918): 513-533.

[512] Pat Barker, *Regeneration* (London: Plume, 1993); Barker, *The Eye in the Door* (London: Plume, 1995); and Barker, *The Ghost Road* (London: Plume, 1996). Also published as Barker, *The Regeneration Trilogy* (London: Penguin, 1998).

[513] Barker, *Regeneration*, 45.

[514] Barker's historical novel trilogy treats all three men as characters. Owen's posthumously published poem "Dulce et Decorum Est" is standard reading material in relation to World War I poetry, and Sassoon was one of the most prominent poets of the war. Both continue to be the subject of extensive scholarly work as well.

years. These essays developed into the major revision to his critical thought then found after the war in *Beyond the Pleasure Principle*. During the war, his "A Metapsychological Supplement to the Theory of Dreams" returned to somnambulism in this context at the same time as his work in "Mourning and Melancholia," though it was not itself specifically addressing the war or war traumas as he does in the other works of this period.

It is therefore highly surprising that the role of somnambulism in the returning soldier, which is made salient in the medical literature of the period, the overt content of the film *Das Kabinett des Dr. Caligari,* and in the literature of the period in which Andriopoulos is writing could not have drawn attention to the viability of sleepwalking itself for his critical analysis and as a symptom of the authoritarian traumas experienced by the shell shocked soldiers about which Janowitz and Mayer professed to have written their anti-authoritarian critique.

In this sense, I differ from Andriopoulos' closing claims with regard to *Das Kabinett des Dr. Caligari*. Where he turns to hypnotic crime as a wedge to pry interpretive ventures away from the prescience-to-fascism advocated by Kracauer (a welcome innovation in the criticism, indeed), I instead question the need to turn away from somnambulism as a reflection of the war trauma and post-war conditions discussed by Janowitz in relation to his and Mayer's screenplay. For Andriopoulos,

> Wiene's filmic representation of hypnotic crimes thus
> reveals itself as a complex appropriation of the medical debate

about criminal suggestions. The undecidability that marks the

medical spectacle of hypnotic fake crimes is transformed into a

conflict between the internal story and the frame. In addition, the

film's paradoxical narrative structure can also be read as a

reference to cinema's suggestive power, which is enacted even

more compellingly in Fritz Lang's *Dr. Marbuse, the Gambler*

(1922).[515]

I resist the opening displacement of the explicit somnambulism in the film with

Andriopoulos' interests in hypnotic crime; however, this does not alter his

subsequent social argument with regard to medical spectacle. I instead contend

that, to echo Andriopoulos' own language, Wiene's filmic representation of

somnambulism and sleep-related violence thus reveals itself as a complex

appropriation of the ongoing medical debate about somnambulism and shell

shocked soldiers recovering from war trauma after World War I as well as the

unresolved problem of violent sleepwalking in law, medicine, and popular

culture. The film's overt statements of sleepwalking and its trope of the gazing

wanderer with outstretched arms calls up a complex figure from cinema and stage

with a long history and a long, unresolved social problematic addressed by

institutional powers in law, medicine, and government. In this case, the film

functions very much in the context initially established by Janowitz and Mayer.

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[515] Andriopoulos, *Possessed*, 103.

Nonetheless, these various interventions into the critical heritage of *Das Kabinett des Dr. Caligari* are insufficient in this discussion of the figure of the sleepwalker and somnambulism in culture, which returns our attention to Cesare's black box, the image with which this chapter opened.

The Inputs and Outputs of Cesare's Coffin: The Black Box

As has already been noted at the outset of this chapter, the film includes the mysterious black box within which the somnambulist undergoes his transformations through an unknown and seemingly unknowable process that the audience nonetheless appears to be perfectly capable of comprehending. This is to say, given the inputs of a Doctor and a somnambulist, the outputs of control, authority, gender norms, the confusion of a double narrative, the struggle over wilful control and likewise responsibility all seem to fall into place so far as the audience's expectations and interpretive capacities are concerned. Given the inputs, the outputs are understood through a process that is not itself susceptible to nor that even requires comprehension. For instance, the audience becomes inoculated against a series of social disruptions that run contrary to the established hegemonic visual readings and comprehension (which are themselves products of cultural hegemony). By virtue of this, the interpretations from the audience are outputs arrived at via a process by which they are not themselves consciously

aware. The function of hegemony is to naturalise the transformation within the

"black box" of the inputs and problematics into the socially regulated outputs that

maintain, nay, require a dominant interpretation (i.e., that which replicates the

hegemonic conditions of production).[516]

In this framework, I turn to Latour's contention that

> The word **black box** [sic] is used by cyberneticians whenever a
>
> piece of machinery or a set of commands is too complex. In its
>
> place they draw a little box about which they need to know nothing
>
> but its input and output. As far as John Whittaker is concerned the
>
> double helix and the machine are two black boxes. That is, no
>
> matter how controversial their history, how complex their inner
>
> workings, how large the commercial or academic networks that
>
> hold them in places, only their input and output count.[517]

This is Latour's starting point, though his own definition of the term becomes

more nuanced. At this first level, the black box is a convenient demarcation point

or zone that essentially mystifies knowledge-in and knowledge-out. For instance,

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[516] Insofar as culture is itself one of the actants "inside" the black box, the stabilizing force is unsurprising. In a description highly akin to cultural hegemony, and that emphasizes the robustness of received knowledge, Charles Bazerman argues that the black-boxed scientific knowledge is "taken for granted as unproblematic, primarily because the cost of opening up the black box is too great." Bazerman, "Emerging Perspectives on the Many Dimensions of Scientific Discourse," in *Reading Science: Critical and Functional Perspectives on the Discourse of Science*, eds. J. R. Martin and Robert Veel (London: Psychology Press, 1998), 16.
[517] Bruno Latour, *Science in Action: How to Follow Scientists and Engineers Through Society* (Cambridge, MA: Harvard University Press, 1987), 2-3.

in this first vision of the term, between pressing a keyboard button to the appearance of a character on a backlit liquid crystal screen is a black box about which I have no knowledge despite have an active working rapport with its inputs and outputs, perhaps in a nuanced and complex rapport. Between my striking "q" and its appearance on the computer screen is a complex series of processes that are essential to the functioning of my inputs-output aims but about which I do not have specific knowledge or detailed comprehension, and importantly, nor do I have a need for such knowledge. For this reason, Science and Technology Studies (and especially ANT) implies asking questions about the relations of objects to objects, humans to objects, and objects to humans. Nothing is to be taken for granted, especially the information that is assumed or that falls inside of a conceptual black box.

From this problem, Latour further refines his definitional understanding of the black box. He asks

> How is it possible to obtain a better laboratory, that is a laboratory producing less disputable claims and allowing the dissenter—now the head of a lab—to disagree and be believed? Remember what happened to the visitor to the Professor's laboratory. Every time a new flaw appeared which the disbeliever tried to exploit, the Professor presented him with a new and seemingly incontrovertible black box: a Sephadex column, an HPLC machine, basic physics, or classic physiology, etc. It might have been possible to dispute

each of these, but it was not practical because the same energy

would have been applied because each of these facts in turn would

have led to more tightly sealed black boxes: the microprocessors

treating the data from the HPLC, the fabrication of the gel in the

columns, the raising of guinea pigs in the animal quarters, the

production of morphine at an Ely-Lily factory, etc. Each fact could

be made the departure point of a new controversy that would have

led to many more accepted facts, and so on *ad infinitum*.[518]

This then means that the claim is tied to too many black boxes for the dissenter to

untie them all. In some respects, a kindred process has appeared in the *Caligari*

criticism, in which Kracauer's forward-looking assumptions from 1920 to 1939

generate a conversation (or even a discourse) and critical point of view that

exercises power in the production of knowledge. Kracauer's particular black box

proved difficult to refute for nearly fifty years and, for some unknown reason,

attained hegemonic acceptance. New interpretive leaps from somnambulism to

hypnotic crime function through the same process and are attaining similar levels

of authority; however, in both instances the process by which this construction of

a black box or the interpretive assumptions within it remains occluded from the

general participant's vision.[519]

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[518] Ibid., 80.
[519] Black boxes may run the risk of becoming invisible both to those who
contribute inputs as well as to the participant who relies on the "outputs."

This first definitional form or type of a black box is further complicated by Latour before he must deploy his own revised notions. He points out that laboratories borrow black boxes—that is, they continue to replicate the same black boxed phenomena without unpacking the goings-on inside: "Borrowing more black boxes and situating them earlier in the process is the first obvious strategy for building a better counter-laboratory."[520] However, if too many black boxes become linked together, or if a new researcher whom Latour might label a "dissenter" appears, the complex sequence of black boxed processes might have become too complex for disentanglement for reconsideration, and attaining the necessary knowledge for dissent may become impossible. In Charles Bazerman's interpretation,

> Latour presents scientists and engineers—or purveyors of technoscience—as powerful rhetorical actors enlisting others in networks, to serve as resources in trials of strength with the critiques, claims, and projects of competing technoscientists. The end of this competitive enlistment is to create webs of relationships so strong that certain ideas, objects, facts become black-boxed, and are thereafter no longer seen as competitive sites of struggle. Rather they are taken for granted as unproblematic, primarily because the cost of opening up the black box is too great—one can't find a place to insert the crowbar, or if even one could find

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[520] Latour, *Science*, 82.

some break in the seamless web of interacting support, one could

not marshal the strength and resources to force open the now-

unexamined to serious questioning.[521]

For instance, the COBOL programming language (COmmon Business-Oriented

Language), which was created in 1959, sits behind virtually all financial and

banking computer processes. Even though it is known to have a verbose syntax,

the possibility of reconceiving the network it supports is not realistic, and hence

disentanglement is impossible for any dissenter.

This situation generates a further complication, for as Latour notes, both

people who are able to talk and things that are unable to talk (human or

nonhuman, natural or unnatural) must have their spokesmen.[522] In this respect,

Latour calls who, whoever, or whomever is represented an "**actant**."[523] One

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[521] Bazerman, "Emerging Perspectives," 16.

[522] Latour, *Science*, 83-4.

[523] Ibid., 84. Emphasis Latour's. For ANT, "actant" denotes any actor in a network, and each actor is considered as a product of the relations within the network. A flexible précis for the concept, rephrased from Latour's *The Pasteurization of France*, is given by Sal Restivo:

> Latour mobilizes ANT in the interest of providing what amounts to a 'thick description' (Geertz) of actants, of an actor-network. Society is not formed with the social alone…. We cannot speak of something – science – done in laboratories and then speak of groups, classes, interests, and laws in a separate narrative. Instead we have to speak of actor-networks, and instead of thinking in terms of 'forces' that cause this or that, we must think and speak of 'weaknesses,' 'entelechies,' 'monads,' or more generally 'actants.' Latour uses 'actor,' 'agent,' or 'actant' without assuming actions or properties. They are 'autonomous figures,' and they can be individuals or crowds, figurative or nonfigurative…. [T]he virtue of the term 'actant' is that it can refer to humans and nonhumans…. [T]his is what he means by 'actant,' the non-

further element in this situation leads Latour to propose his own revised definition of the black box. To reach this point, he further contends

> The engineer's ability lies in multiplying tricks that make each element *interested in the working of others*. These elements may be freely chosen among *human or non-human* actors. For instance, in the early British cotton-spinning industry, a worker was attached to the machine in such a way that any failure of attention resulted not in a small deficiency in the product that could be hidden, but in a gross and obvious disruption which led to a loss of piecework earnings. In this case, it is part of the machine that is used to supervise the worker. A system of pay, detection of error, a worker, a cotton-spinning machine, were all tied together in order to transform the whole lash-up into a smoothly running automaton.[524]

From these circumstances, he then is directly led into his postulation of a revised definitional approach to the "black box," a new approach expands on the previous working term:

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anthropomorphic sibling of 'actor.' ("Bruno Latour," in George Ritzer and Jeffrey Stepnisky. Eds. *The New Blackwell Companion to Major Social Theorists: Volume 2 – Contemporary Theorists* (London: Blackwell, 2011))
Although complex, in particular with regard to its potential for transforming notions of power and agency, such a sense of actants avoids presupposing the completeness of parts and their roles in a network.
[524] Latour, *Science,* 130-131. Emphases mine.

The assembly of disorderly and unreliable allies is thus slowly

turned into something that closely resembles an organised whole.

When such a cohesion is obtained we at last have a *black box*.[525]

Hence, *all* of it (everything from materials conditions to human actors to

nonhuman Nature or engineered materials) is part of the black box. The kinship

between a system of supervision between actants, some of whom may or may not

be sentient or cognisant of their actions, to the workings of hegemony is

immediately apparent. However, this is not necessary, even though the range of

parallels is extensive.

The first major contrast between Latour's initial notion of the black box

from cybernetics and his subsequent proposal of a more nuanced definition rests

in large part on the unified wholeness of the latter:

Until it can be made into an automaton, the elements that the fact-

builder wants to spread in time and space is not a black box. It

does not *act as one*. It can be disassociated, dismantled,

renegotiated, reappropriated…. When many elements are made to

act as one, this is what I will now call a black box.[526]

In another phrasing, the complex system is reduced to expected inputs and

outputs, the process through which they come about does not need to be known.

Likewise, as the various actors or processes are unified into a single entity for

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[525] Ibid., 131.

[526] Ibid., 131. His earlier definition near the beginning of the same volume is also
helpful here, as quoted previously on page 244.

easier conceptualisation (such as the various parts of a vehicle's mechanisms unify into a "car" for which depressing a pedal increases velocity), "punctualisation" occurs, in which the different actors or processes are considered as a single object, and if done so successfully, become known as a token or quasi-object (the latter for the reason that a combination of several actors in a particular relation or series of relations, as well as non-material processes, can take on this position as an "object"). That is to say, we have a string of black boxes now in the discourses that are continuously re-explored and renegotiated. Each series of relations between actors or each collection of processes need not be understood in itself apart from its inputs and outputs, and these can collectively be brought together into a larger "black box" that is also reduced to its inputs and outputs. Just as a "functioning car" may be made up of a combustion engine, inflated tires, an electrical system, a radio, brake mechanisms, and so forth, with this totality functioning as a "black box" in which the user need not understand or even consider the relations among the various interacting systems and parts (all "actors" in the framework), one can also consider the various components within a social system (judiciary, education systems, government, family, and individuals) as actants concealed within the black box "functioning social formation."

However, so long as these various actants remain separated in the discourse, there is not an opportunity to find generalized symmetry in which the various actants can be brought into understanding (such as through a sociology of

translation) that discusses and describes them using symmetrical language. How can we understand a complex system without presupposing the relations within it through our language? How can we understand the black box of somnambulism in a film that involves somnambulism so long as somnambulism has no voice in the discourse? General symmetry becomes necessary in this respect such that each actant is given voice, whether sentient or not: human and nonhuman alike. Generalized symmetry[527] is the description of all actants in the same terminology since they are all produced by the same network and should therefore not have their differences presupposed in discourse prior to any examination:

> Machines, for instance, are drawn, written, argued and calculated, before being built. Going from 'science' to 'technology' is not going from a paper world to a messy, greasy, concrete world. It is going from paperwork to still more paperwork, from one centre of calculation to another which gathers and handles more calculations to another which gathers and hales more calculations of still more heterogenous origins. The more modern and complex they are, the more paper forms machines need so as to come into existence. There is a simple reason for this: in the very process of their

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[527] This term first appears in Michel Callon's "Some Elements of a Sociology of Translation," 221. For Callon, the principle of generalized symmetry "compelled us not to change the grid of analysis in order to study controversies in connection with Nature and those in connection with Society. We have carefully followed this requirement by using the same vocabulary throughout," 221.

construction they disappear from sight because each part hides the other as they become darker and darker black boxes.[528]

My aim then is to regard as a black box the cultural processes by which the audience is capable of moving from the filmic input of a somnambulist to the output expectations of other-worldliness, murder, and gendered somnambulistic traits, and so forth. The easy equation of somnambulism to war trauma and control by authority is one such black box, but so too is the post-1945 acceptance of the film as a precognizant predecessor to the Nazi's *Sozialdemokratische Partei Deutschlands* and the cultural trauma following the horrors of the war into which it led the same German people. Even the process by which somnambulism and sleep-related violence has been shifted in contemporary scholarship to hypnotic crime and hypnotised automatism, insofar as it is rapidly taking on the unquestioned status of an obversion rather than as a critical assertion, is also becoming an interpretive black box. Given the input of an automaton and the output of a violence crime, the process involved can be assumed and reduced to a black box understood as hypnotic crime—in the case of *Das Kabinett des Dr. Caligari*, the presence of an automaton and violence is punctualised such that the actual network and actors need not be examined, and the conceptual frame can be presupposed. The processes by which these interpretive ventures occur is difficult to disentangle or depunctualise (and is generally beyond the scope of this project),

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[528] Latour, *Science* 253.

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but each is a product of its historical conditions and constructs interpretive

paradigm around the sleepwalker while he or she is sleeping.

But what is actually occurring *in* Cesare's black box and why is it

important? If we are to accept that it is a metaphor for the dialectics of power,

then when this box is illuminated, we witness the early 20th century cultural

performance of sleepwalking, much akin to Goffman's presentation order[529] that

brings the fear or dialectical conflict under symbolic control.

Opening the Black Box Up: Depunctualising Networked Actants

None of the existing scholarship is able to open the black box of Cesare's coffin,

or, that is to say, the black box of the Weimar Republic audience's ability to

transform the input of a somnambulist into the output of a murderer and frame

narrative that quells any revolutionary ferment.[530] By what process would the

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[529] See for instance Erving Goffman's *Presentation of Self in Everyday Life* (New York: Doubleday, 1959), which addresses the performativity of such an act that borders on ritual. These 'acts' become deeply symbolic.

[530] As a system of relations conceptually reduced to inputs and outputs, the "black box" is often exemplified in such complex systems as the automobile or the computer, but the term can also apply to social functions or any sufficiently complex system than renders total understanding of its internal mechanisms impractical for those involved (i.e., if the sense of the term is unclear, it could also be understood as the complete code for a computer's operating system, which is not too difficult to understand, but rather, is too diffuse and broken into too many subsets to make a full comprehension practical for any individual. Hence, even for those capable of "opening" the black box and examining its functioning, the process is impractical). The resulting reduction to inputs and outputs is

audience have this anxiety that calls out for the problematic of Wiene's

reactionary frame narrative? By what process would they be able to take the shell

shocked problem of somnambulism and associate it not only to a somnambulist of

the correct age to have served in the Great War but one that murders under the

command of authority? By what process does the post-World War II critical

community accept further revisions that make these materials act as precursors to

the rise of Nazi fascism, as reflections of hypnotic crime, formal/structural

innovations in the genre that could only appear at this time, and so forth? All of

these problems reside in the black box, and opening the black box has proved

deeply problematic.

"punctualisation." It only becomes necessary to "open" the black box, in most
circumstances, when its inputs and outputs cease to function or become
unpredictable, at which point it is "depunctualised" or opened up for examination.
For a concise breakdown of the related terminology (intended for the non-
sociologist in the Management and Information Systems sub-disciplines in
Business), see Eliezner Geisler and Nilmini Wickramasinghe, *Principles of
Knowledge Management: Theory, Practices, and Cases* (Armonk, NY: M.E.
Sharpe, 2009), 40-43. Callon's analysis of the VEL electric car in France is also
useful as a whole for clarifying each component of the related terminology in the
context of a readily understood case study ("Sociology of an Actor-Network" 19-
34), and this work is based on his earlier first consideration of a sociology of
translation with the same example, "Struggles and Negotiations to define what is
Problematic and What is Not: the Sociology of Translation," K. D. Knorr, R.
Krohn, and R. D. Whitley, eds. *The Social Process of Scientific Investigation:
Sociology of the Sciences Yearbook* (Boston: Reidel, 1980): 197-219.
Massimiano Bucchi offers an adroit summary of the term and its role in the
sociology of scientific knowledge: "if 'black boxes' – scientific facts – result from
the complex mobilization of diverse supporters, we cannot use black boxes for
the purpose of explanation. Roux's anti-diphtheria serum or Pasteur's vaccines
are not the initial datum but the result of a process. It is therefore wrong to say
that it was the serum which convinced the sceptical doctors, or that it was the
Post-it which convinced the marketing managers of 3M that it was marketable."
Bucchi, *Science in Society: An Introduction to Social Studies of Science*, (London:
Routledge, 2007), 74.

When we turn attention back to the packaging or parceling of the black box in the metaphorical sense with which I opened this chapter, the ethical engagement and process of a sociology of translation is brought forward, a form of translation that needs to address all actants equally. The black box itself is a punctualised network of actants (the social, various institutional forms of authority, individuals, audience expectations, generic conventions, the restrictions of the film industry, and so forth), and in this punctualised form, we are inclined to see it as a single actant, Cesare, rather than as a network. In so doing, we presuppose the network of relations and impose closure on complex interactions and their translations or interpretation practices. In this scenario, we have Cesare inside Caligari's cabinet, his black box, and he does not speak but does indeed "talk" or communicate. However, his subsequent murders are very much a part of his "talk" in this instance. We also find Francis inside the "cabinet" of Dr. Caligari such that he is encaged in Caligari's medical office, his asylum. Both the "Kabinett"/coffin and the Kabinett/office punctualise the relations among actants such that many of the institutional and social forces (themselves actants in the network) are naturalised and thereby hidden from view—they are no longer part of the visible input-output relations inside the black box. Francis also "talks," unlike Cesare, and his talk is our film narrative, the art that we are consuming. Nonetheless, Caligari provides the narrative closure of the film in a statement that denies interpretation.

Both Francis and Cesare, however, are radically objectified by Caligari's subject position, much like our first vision of fishermen talking with scallops. The scallops only "speak" what the fishermen project onto them. Opening this black box reveals a different situation, and it is a radically transformative potential that reconfigures the extant scholarship. For hypnotic crime, we lack a willing subject, or at least this willing subject is not contiguous with the criminal actor. The perpetrator of the criminal action might be locatable, but the responsible party remains apart and unknown, the two being actants in a network that we only depunctualise (open up for examination) once the normative interactions begin to break down. For the insane narrative, we also lose our willing subject and retain only an interpretive paradigm of the medical official, who is also not contiguous with the actual act of storytelling (another form of crime, in this instance, if we accept the radical potential of the inset narrative of the film). The frame narrative, which operates under Caligari's authority again, places the radical potential back inside the box, just as Cesare is inside the box, and both operate as actants, albeit under Caligari's authority, though Caligari is in turn caught up in the same web of relations with his own role and actant positions that make him a part of entelechy.

However, this lends itself the sociology of translation that we find in Latour's very different black box. How may we open the Cabinet of Dr. Caligari, and once it is open, what form of speaking and translated dialogue between actors is possible? If the film's network of meaning and actants functions between the

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social and the individuals within society, the screenplay writers and the director, the characters and their narrative-based conflicts with their internal authority figures, or even between the narrative ontological levels of reality layered in the film, they have all also become punctualised. This is to say, the relationship between the various inputs and outputs has been punctualised such that actors can be considered a sum of other actors in a complex system that we need not "open" or understand in order to recognize—a keyboard and my computer screen are a complex system that I need not "open" in order to understand the relations among my inputs and outputs, which is to say that complex system is punctualised. In the same manner, the relations among juridical, medical, popular, and filmic representations of somnambulism and sleep-related violence manifest themselves in Cesare, who is the sum of these other actants and is himself an automaton in these relations: quasi-nonhuman in the same sense as Lady Macbeth's somnambulism via ecocriticism. Cesare is the punctualised form of these other actants: the social, judicial, medical, filmic, etcetera. Like with my keyboard and screen, when inputs cease to generate the expect outputs, we become aware of a breakdown in punctualisation, and this occurs in Cesare when he refuses Caligari's will and the social expectation of violence by sparing Jane and fleeing, which in turn breaks down the punctualised relations among narrator, medical authority, and levels of filmic reality or ontology in the narrative frame. In order to restore generalized symmetry, depunctualisation must occur and the black box must be opened in order to allow for the various actants to be examined and

described in the same kind of language—so long as the distinctions in language are predicated on and generated from the differences of the relations within the network of actants, this language will reinscribe the punctualised token or quasi-object that are reified. So long as these asymmetries in language persists, so too will the presuppositions about how networks cohere or the punctualisation of networks into actors or a sum of their parts, which inhibits opening the black box.

My intervention is, therefore, to reintroduce a process of generalized symmetry to unpack the meanings within the black box of Cesare. Reintroducing generalized symmetry to bypass the institutionalized authority, which is symbolized in Dr. Caligari in the film as well as in Weine's filmic authority or Kracauer's critical authority, implies a new mode of discourse that applies the same language to all actants, regardless of their willful or automatic participation in the network, in entelechy. It also mirrors the authority and treatment given to the film, its actants, and the figure of the sleepwalker today.

The ANT notion of agency does not presuppose intentionality, which makes it remarkably useful for revising Kracauer's notion of the German unconscious presented or demonstrated by the film (which is a precursor to the fascism that followed). The German population, just like the Americans and British people who also loved the film, were reflections of their moment in history in the anti-humanist conception of Marxism, but they were still actants. This means that the intentionality requisite for Kracauer's reading, that the German public obeyed a Fascist imperative in their collective unconscious, is no longer

possible, and hence we must revise this crucial instantiation of the normative theoretical readings of *Caligari.*

None of the existing scholarship is able to open the black box of Cesare's coffin, or, that is to say, the black box of the Weimar Republic audience's ability to transform the input of a somnambulist into the output of a murderer and frame narrative that quells any revolutionary ferment. By what process would the audience have this anxiety that calls out for the problematic of Wiene's reactionary frame narrative? By what process would they be able to take the shell shocked problem of somnambulism and associate it not only to a somnambulist of the correct age to have served in the Great War but one that murders under the command of authority? By what process does the post-World War II critical community accept further revisions that make these materials act as precursors to the rise of Nazi fascism, as reflections of hypnotic crime, of formal/structural innovations in the genre that could only appear at this time, and so forth? All of these problems reside in the black box, and opening the black box has proved deeply problematic.

Conclusion

As the preceding pages have show, the sleepwalker, as constructed in medical science and legal discursive practices *and* as literary and cultural trope, constitutes a problematic. That is, the sleepwalker, as a discursive construction produced by the functions of power and professional and social institutions, resolves a variety of questions and concerns. For example, as soon as the sleepwalker is presented on screen or walks on stage, this is already the *sleepwalker you know*: it stands in the place of other problems or anxieties that demand quieting. In another sense, the sleepwalker appears as a product of discourse before it appears as *itself*—it appears in the sense in which we already know it before we are made to recognise or come to understand it. However, these processes as assumptions of truth and power inevitably create silence and ultimately lead to an occluded figure in favour of dominant discursive ideology. This makes the sleepwalker an over-determined figure. In this way, getting to the series of relations or the networks of practice that produced this discourse is difficult since the language for addressing the sleepwalker is already the same as the language through which the network is analysed. This fundamentally points to a problem of asymmetry in discourse and translation.

This process has appeared already in Part One and Part Two. In Part One, the impulse toward increased clinical clarification of the sleepwalker's behaviour was discussed. Alongside this medicalising process of the sleepwalker

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was the legal treatment of the sleepwalker *as* automaton. Further still, the role of the sleep researcher as an *amicus curae* to the court on 'behalf' of medical science—and presumably—the sleepwalker was brought forward. It was suggested that, combined, these three professional roles and responsibilities constitute modes of authority that collaborate to define the *object* of sleepwalking and less its *subject* capacities. This means that, despite a network of medical and juridical knowledge being established and contextually layered, especially in cases of violent sleepwalking, the sleepwalker is not permitted to speak or account for him or herself outside of the medical diagnosis, the courtroom, and the over-determined discourse that has already constructed the sleepwalker. The sleepwalker remains silent.

The figure of the sleepwalker plays an important role in modern society as a counterbalance to the figure of the intentional, rational, and free-willed subject that is required for normalising medical discourses and objects of criminal legal procedure. Because the sleepwalker is silenced, his recourse to intentionality and free will is occluded through translation and dominant truth practices. As a subject of medical and legal discourse, this has overt implications for subjects whose status is either automatic, i.e. physical, or sane, i.e. requiring *mens rea*, or both, because the translation practices from one definitional state to another require an assemblage of historical precedents, or a punctualisation of discursive practices. These effectively undergo a black box effect and require a process of depunctualisation not only to reposition the medical, medico-legal, and legal

inputs and outputs within these networks of meanings, but also to more importantly critically interpret and align the subject along various conditions of possibility. Therefore, this work suggests that the network not be taken-for-granted as a static assemblage of truth in one constant time frame, and at the same time that the figure of the automaton be recast and recontextualised to reflect this recalibration.

If the sleepwalker is viewed as a product of legal and medical discursive practises, silence in professional discursive practices can thus be interpreted through an a depunctualisation of assumptions and the object status placed on actants. We here find a gradual accretion of definitional discourse growing like a pearl around the discomfort of the grain of the sleepwalker, but a baroque pearl due to the discord between multiple bodies of discourse. This mutual influence accretes over time and hence the change or abandonment of a paradigm, such as intentional subjects or objects, in one does not necessarily translate as a cognate to the others. The fear for such a silenced subject is an assemblage of black boxes, that may build to such an extent that the very subject's active status is dismissed or occluded through prevailing ideological and normalising discursive commitments.

The sleepwalker as an *object* thus requires collaboration, most often at a professional level, and involves the usage of authority—irrespective of whether it is *for* the sleepwalker or not. However, to realign the sleepwalker as a *subject*, effectively to permit the sleepwalker to speak, two modes were proposed. First,

through the network of alliances in Michel Callon's version of Actor Network Theory, the sleepwalker's silence was compared to that of Callon's scallop, a nonhuman. In this respect, the silencing of the sleepwalker constitutes a quasi non-human role: that he or she requires advocates and is unable to verify his or her behaviour. A sociology of translation—in the spirit of Callon's work—was suggested as a means to permit the sleepwalker to enter back into the network of professional alliances already established. This was recognised in a call for generalized symmetry between all the participants involved, requiring a language that would represent the interests of humans *and* nonhumans (for Callon) or, in this case, professionals and object-subjects. A second suggestion was proposed that sought to recontextualise the sleepwalker as an *effective* agent within this network of actors, rather than an historically fixed, contingent or contiguous object. Prompted by Michel Foucault's genealogical and archaeological interventions, this led me to suggest that the sleepwalker be viewed as a dynamic and active participant in his or her networks of meaning. Foucault's *subject* of power was equated with the *object* of professional discourse, which led me to align the sleepwalker's object-status instead with actor network involvement. The actor then becomes also the subject, but who is also dynamically involved in the enunciative process.

In Part Two, cultural products that represent the sleepwalker in discourse respond by again casting the sleepwalker as the object who is subject to the diagnostic efforts of medicine, e.g., *Doctor* Caligari and the *Doctor* of Physick,

were treated as emblems of this institutional authority, and through whom diagnostic power is exercised.   However, Part Two also began the process of arguing for a reintroduction of generalized symmetry in discourse between the various actants. A sociology of translation was proposed in which the sleepwalker, law, medicine, and the cultural products representing the sleepwalker, could be discussed as *actors* in a productive network with each other. Part Two also questioned the process by which the construction of knowledge could be black boxed such that the conclusions of previous discourses of power could be taken at face value without an exploration of the process by which they came to have meaning.

Therefore, as we retreat from Lady Macbeth as sleepwalker to consider the constructed *figuration* of the sleepwalker striding on stage, we recognise the discursive function of the sleepwalker within the play as well as the audience that could consume it unquestioningly and the cultural circumstances that could produce it. Lady Macbeth is defined by the Doctor of Physick within the narrative of the play as the *object* of diagnostic dialogue; however, at the same time the somnambulating figure corrects social concerns over the regulation of gender, righteous punishment, and patriarchal authority. Functioning as a nonhuman actant, the automaton is construed in discourse as the object defined by others; yet within the narrative of the play and outside of this narrative, with the play being considered as a cultural product in a social context, the automaton operates in a network as an actor who responds to and prompts the actions of others.

For Cesare, in *Das Kabinett des Dr. Caligari*, this process is further complicated by the addition of the concept of the black box or the reduction of complex processes to expected inputs and outputs. The various cultural processes involved in constructed a somnambulating figure, such as Lady Macbeth, are for Cesare a part of the conceptual black box insofar as these complicated processes are reduced to only inputs and outputs. This is a process of punctualisation in which the complex process (via which the post-war trauma in the Weimar Republic could manifest itself in a somnambulating figure) is controlled by the authoritarian institutions of state power, even to the point of fracturing the film's narrative levels of reality, could be reduced to a simple combination: sleepwalker leads to violence, doctor restricts the insane. This is to say, the complex social networks of meaning in the film and in which the audience existed could be reduced to a simple contiguity between sleepwalking and violence or authority and resolution. The audience need not, and perhaps even ought not, understand how the appearance of the figure of the sleepwalker conjures up expectations and anticipates particular resolutions—the process is punctualised or black boxed. As this process becomes ever more complex, and as one punctualised network comes to rely on another (or as a string of black boxes come to work in sequence or relation), it takes on hegemonic status and becomes too difficult for a single 'rogue' interpreter to depunctaulise or open up.

Wiene's Cesare is importantly one of the *last* sleepwalkers in cultural products. His representation of the anxieties of medical supervision, control, and

post-war anxiety prompted a figure who could be devoid of agency. In the years after World War II, and even during the interwar era, this was less possible in artistic representation. The standard for sleepwalking had already been established. Cesare is the last sleepwalker in popular culture—the only sleepwalkers to come after him include occasional references in Perry Mason or *Law and Order*-style dramas, as well as the zombie figure, who is the acme of automatons and cultural anxiety. There are appearances of the sleepwalker figure in various films, such as in *Donny Darko*, works of literature, and pulp, but they are not major innovations in the trope and do not conjure up the same 'thick' problematic as is found in Wiene's film.

Future research could potentially look to these lesser figures of the sleepwalker across the post-Interbellum period in the twentieth century or to the figure of the automaton in general, in particular in relation to Cold War era cultural products. Such work would expose conditions of possibility and enunciations of the silenced automaton figures in cultural practice as an accretion of punctualised ideological contents in relation to their social context: the zombie in Vietnam War-era film and Cold War cinema, the communist automaton in 1960s pulp science fiction, the alien and robot in American speculative fiction (in contrast to the non-threatening presentation in other cultures, such as Japan vs the US, or Astro Boy vs Robo Cop), and so forth.

As well, with a focus on the *automaton-sleepwalker* figure and depunctualisation, an examination of the field of law and the placement of the

automaton within overlapping jurisdictional contexts would provide a helpful

analysis of the accumulation of professional interpretations or truths and the

unpacking of black-boxed discursive practices. In parallel pursuit, a more

representational assemblage of historical sleepwalking examples would also

reposition the potential for punctualisation that an accretion of historical

precedent toward definitional practices can set for knowledge claims of the

sleepwalker—this might appear as a re-history of historical sleepwalking. This

kind of rethinking the topic would have effects not only in medico-legal

discursive practices but also in cultural products. In this way, for instance, a

contextual layering of historical cases of sleepwalking may not only elucidate a

muted sleepwalker figure, e.g., Lady Macbeth, but also reveal how such a silence

also *disciplines* literature. Concomitantly, this may prompt a discussion on

medicine's disciplinary power as a representation of the accumulation of genre, as

well as the characteristics that come to shape these genres. Another not unrelated

discursive study would prompt an analysis of post war stresses—e.g., shell shock

for WWI—and somnambulistic effects throughout the 20th century.

Viewing the sleepwalker as an active, dynamic agent refocuses the lens

of cultural reading and interpretation and helps to surface a more holistic, or

thickly described, sleepwalker figure. It brings forward the subject that has been

subsumed into the actions of the play, film, court case, medical diagnosis, and so

forth. In so doing, we develop a method for considering other subject-objects

caught in the complex relations among professional and social institutions *as well*

as cultural products. Kindred issues have arisen in Science and Technology Studies regarding the nonhuman, such as with animal studies and discussions of companion species. As an extension of this impulse, ecocriticism needs to develop and extend a kindred rubric as it also approaches the nonhuman with possible human alliances in discourse.

In effect, this dissertation does not answer questions relating to wakening a knife-holding somnambulist walking through the middle of the street at night, holding a butcher's knife, and dreaming of pigs ready for slaughter. Such questions do not need philosophical or theoretical knowledge—they require action. However, in representing this person's case in medical research, medico-legal contexts, and cultural products, we need symmetry prior to *action*. As exigent circumstances pass, and we move from acts to discourse formation, our responsibility toward a symmetry of actors involved—or diagnostically layered—in networks of power, domination, punctualisation, representation, and so forth, becomes all the more greater. My response under both circumstances—the sleepwalker in action and the sleepwalker we know—is to awaken the sleepwalker into a position of dynamic subjectivity and agency.

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