In the Electoral Colony: Kafka in Florida

James Conant

> "It's the figure of Justice," the painter finally said. "Now I recognize it," said K., "there's the blindfold over her eyes and here are the scales. But aren't those wings on her heels, and isn't she in motion?" "Yes," said the painter, ". . . it's actually Justice and the goddess of Victory in one." "That's a poor combination," said K. . . . "Justice must remain at rest, otherwise the scales sway and no just judgment is possible." Looking at the painting seemed to make the painter want to work on it. He . . . picked up a few pastels, and K. watched as . . . a reddish shadow took shape . . . and extended outwards in rays toward the edges of the picture . . . and in this brightness the figure seemed to stand out strikingly; now it scarcely recalled the goddess of Justice, or even that of Victory, now it looked just like the goddess of the Hunt.
>
> —FRANZ KAFKA, *The Trial*

> This was sometimes a paradox, but now the time gives it proof.
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> —WILLIAM SHAKESPEARE, *Hamlet, Prince of Denmark*

Freud begins his essay "The Uncanny" by pointing out that the German word for the concept that figures in his title *[unheimlich]* "is obviously the opposite of *heimlich* . . . meaning 'familiar,' 'native,' 'belonging to home,' and [so] we are tempted to conclude that what is 'uncanny' is frightening precisely because it is *not* known and familiar." Freud is, of course, concerned to suggest in his essay that (as an analysis of the uncanny) this gets things almost exactly wrong; rather, "the 'uncanny,'" Freud says, "is that class of the terrifying which leads back to something long known to us,

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once very familiar."[1] If the uncanny is that which strikes us not only as strange and terrifying, but strange precisely because its seeming unfamiliarity is a function of what we fail to recognize in the familiar, and terrifying because it forces us to recognize what initially appears repellent in the strange *as* familiar (thus forcing us to recognize the *strangeness* of the familiar), then Kafka can be said to be a master of a certain species of the uncanny.

This may seem quite wrong. Walter Benjamin says, "Kafka lives in a *complementary* world."[2] And Benjamin's formulation might even seem to understate the matter. Kafka's stories and novels can, at first blush, seem to transport us to an utterly alien universe, one that is either radically disordered or that possesses an order of a sort we are unable to fathom: a world in which the laws—natural, social, juridical, logical—that govern our world no longer reliably obtain. But what confers upon our apprehension of Kafka's world its peculiar undertow of terror is that our lives are not without moments in which our world can suddenly seem to be trying awfully hard to imitate his. Kafka's genius lies in his ability to depict that stratum of the uncanny in which the strangeness of the uncanny has to do with the ways in which *making sense* can sometimes seem to be the one thing that the things of our world are unable to do—and the terrifying character of that stratum has to do with our ability to recognize this species of strangeness as all too familiar.

The following might be a *précis* of a Kafka story. The time has come, in a great land, let's call it Florida, when the citizens of the land must choose a new leader—they call him the president. The citizens are very proud of the manner in which they choose their leader. Every citizen gets one and only one vote, and, after everyone has voted, each vote is counted by an enormous machine. There was once a time when the machine was new and shiny and whirred almost soundlessly, and the mere sight of it filled people with awe. And, at election time, all the citizens of Florida used to gather to watch the machine count the votes. And, as they watched, each citizen knew in his heart that the letter of the law was being carried out and justice was being done. But at the time in which our story is set almost nobody came to watch the machine. The sight of it no longer filled anyone with awe (and even its parts were no longer regularly re-

1. Sigmund Freud, "The Uncanny," *Freud on Creativity and the Unconscious*, trans. pub., ed. Benjamin Nelson (New York, 1958), pp. 123–24.

2. Walter Benjamin, "Some Reflections on Kafka," *Illuminations*, trans. Harry Zohn, ed. Hannah Arendt (New York, 1969), p. 143; Benjamin, letter to Gerhard Scholem, 12 June 1938, *Briefe*, ed. Gershom Scholem and Theodor W. Adorno, 2 vols. in 2 (Frankfurt am Main, 1978), 2:762.

James Conant is professor of philosophy at the University of Chicago.

placed as they once were). Nevertheless, the citizens continued to have confidence in the machine and to take its proper functioning for granted. It became old and dirty, and one cog had been ground down so far that it screaked loudly when the machine was running. Some favored abolishing the machine altogether, for it was known that it did not count votes with complete accuracy. The margin of error was, admittedly, very small; until now this slight defect in the machine had not attracted much attention. A few wise men had prophesied that the day would come when the machine's known margin of error would exceed the difference between the numbers of votes that, according to the machine, each of the candidates for president had received. But (the fate of wise men and that of fools being in this regard alike) no one listened to them. And, sure enough, the day came. The vote was too close to call. Justice and Florida law—they both seemed to everyone to point in the same direction, at this early stage in our story—appeared to demand a recount. So the citizens went to work, feeding all of the ballots back into the machine, so that the votes could be recounted mechanically. But after the machine finished its work a second time, the citizens found it difficult to say whether the resulting judgment took them a step closer to or a step further from justice. For the margin of error was just as great as before but the difference in the vote was even less than before. And, soon thereafter, it became difficult to tell what either justice or Florida law demanded of the citizens, or even whether they demanded the same thing. But there must be something that they each demanded, for surely neither justice nor the law would permit a situation to arise in which the citizens of the great land found themselves without a leader. Some of the wise men of the land declared that justice and possibly Florida law demanded that they now count the votes by hand. But others opposed this as blasphemy. Only the machine could dispense justice. For only a machine could arrive at a truly objective judgment. How could mere humans, in all their finitude—in all their fallibility and susceptibility to temptation—ever hope to have any confidence in their interpretation of the judgment to be handed down?

In Kafka's story "In the Penal Colony," we encounter another enormous machine. What these two machines have in common is that each is the expression of a fantasy of a procedure of (arriving at or acting in accordance with) judgment that does not itself presuppose the exercise of a (merely human) faculty of judgment. In the penal colony, the machine "has the job" not of arriving at the judgment but "of actually carrying out the judgment."[3] The difference here is that between the discernment of justice and its dispensation. This difference matters to

3. Franz Kafka, "In the Penal Colony," *The Great Short Works of Franz Kafka*, trans. Joachim Neugroschel (New York, 1993), p. 196, hereafter abbreviated "I"; Kafka, "In der Strafkolonie," *Sämtliche Erzählungen*, ed. Paul Raabe (Frankfurt am Main, 1970), p. 103, hereafter abbreviated "IS."

what our two stories—the one Kafka could have written and the one he did write—are about. The fantasy of the operation of the machine in the story Kafka did write has to do with the achievement of a mechanism that allows not for the absolute legibility of what *ought to be* decreed, as in the parable of Florida, but rather for the absolute legibility of what *has been* decreed—once a judgment, however arrived at, has been handed down. In the penal colony, "the commandment that the condemned man has broken is written on his body" by that part of the machine affectionately known, because of its resemblance to a certain farm instrument, as the harrow ("I," p. 197; "IS," p. 103). In these sophisticated times in which we live, we need not wait long to have someone tell us that the harrow is a figure for the author's pen, and the operation of the machine on the condemned man's body is a trope for the relation the sentences of Kafka's punishing story are to bear to their reader.[4] But, if so, do we, in our sophistication, also know what commandment it is that we have broken and what sentence it is that this story seeks to inscribe upon us?

Back in Florida: an argument broke out among the citizens of the land. One side held that the machine was imperfect, that it made errors, and that those errors must be corrected. Justice demanded that every vote be patiently and accurately counted, that the citizens forget about the machine, that they make the best of a messy situation, and keep trying to determine, by counting and recounting by hand, just what the judgment had *really* been. The other side held that justice, by its very nature, cannot be messy and that such messiness could only lead to further injustice. The only principle in accordance with justice was: only what the machine counts as a vote is to be regarded as a vote. The clumsy human manipulation of ballots could not shed light on what the judgment had "really" been; it could only lead, at best, to a new judgment—one that had no authority—and thereby to confusion about everything, even about what it means to *count* something. One thing became clear to all the citizens of Florida: which candidate would win depended upon how the votes were to be counted. If the votes were counted by one method (by machine) one candidate would win, if by the other (by hand) the other would win. It is at this point that the lawyers got involved. The high officials of the court—that is to say, the higher officials of the lower courts—agreed to hear the case.

Back in the penal colony: after hearing the officer's explanations of the apparatus, the traveler thinks to himself, "the injustice of the procedure and the inhumanity of the execution were beyond all doubt" ("I," p. 207; "IS," p. 109). The traveler, being a sophisticated person such as

4. "I think we ought to read only the kind of books that wound and stab us" (Kafka, letter to Oskar Pollak, 27 Jan. 1904, *Letters to Friends, Family, and Editors*, trans. Richard and Clara Winston [New York, 1977], p. 16; Kafka, *Briefe 1902–1924* [Frankfurt am Main, 1975], p. 27.

ourselves, is not generally prone to such judgments. He prides himself on his ability to remain a detached observer. "He was surprised at himself in this case, for he traveled purely with the goal of observing but in no way altering the judicial methods in other countries" ("I," p. 207; "IS," p. 109). For this and other reasons, when we first enter the world of the penal colony, we are apt to identify with the traveler. We, like the traveler, are strangers in this seemingly strange place. The following bit of dialogue is bound to encourage our identification with the traveler:

> "For instance, on this condemned man's body," the officer pointed at [the condemned man], "the harrow is to write: 'Honor Thy Superior!.". . .
>
> The traveler had wanted to put various questions to the officer, but, at the sight of the condemned man, asked only: "Does he know his judgment?"
>
> "No," said the officer, about to continue his explanations; but the traveler broke in: "He doesn't know his own judgment?"
>
> "No," the officer repeated, pausing for an instant as if demanding a more detailed explanation of the question. The officer then said: "It would be no use informing him. He's going to experience it on his body anyway."
>
> . . . "But does he know that he has been condemned?"
>
> "No again," said the officer, smiling at the traveler as if expecting further bizarre revelations from him.
>
> "No," said the traveler, rubbing his forehead. "Then the man doesn't yet know how his defense was received?"
>
> "He had no opportunity to defend himself," said the officer. . . .
>
> "He must have had an opportunity to defend himself, said the traveler, rising from his chair."
>
> The officer realized he was in danger of delaying his explanation of the apparatus for a long time . . . ["I," pp. 197–98; "IS," pp. 103–4]

On a first reading of the story, the traveler will seem to be asking the right questions here and the officer will seem to be giving the wrong answers. Indeed, it might seem closer to the truth to say that the traveler still seems to have a hold on the concept of justice, whereas the officer seems to have utterly lost his grip on it. But as the story unfolds, the officer defends his procedures in the name of justice—out of fidelity to an understanding of the fragility of the conditions under which justice can prevail. He defends his judicial procedure somewhat impatiently, for he wants to get back to the topic of the machine. If we can learn to see the machine aright, then all else follows.

Alas, the officer is obliged to go into the inessentials that seem to the traveler so essential to the machinery of justice:

> "This is how things stand," said the officer, "I have been appointed judge here in the penal colony, despite my youth. For I assisted the

> former commander in all criminal matters and I am also the person most familiar with the apparatus. The principle on which I base my decisions is: guilt is absolutely beyond doubt. Other courts of law cannot follow this principle, for they consist of many people and they also have higher courts over them. But this wasn't the case here, or at least it wasn't the case under the former commander. . . . You wanted an explanation of this case; it is as simple as any other case."

And the officer then goes on to state the facts of the case, concluding with the words:

> "The captain [who accused the condemned man] came to see me an hour ago: I wrote down his statement and then appended the judgment. Next I had the man put in chains. It was all quite simple. Had I first summoned the man and questioned him, it would have brought nothing but confusion. He would have lied, and once I had exposed his lies, he would have piled on new lies, and so forth." ["I," pp. 199–200; "IS," pp. 104–5]

The officer is evidently afraid that once certain questions begin to be asked, they will only lead to further questions and never to answers, verdicts, judgments. The attitude of the officer in the penal colony in certain respects resembles that of the lawyers caught up in the labyrinthine judicial system that constitutes the backdrop (and arguably is the main character) of Kafka's novel *The Trial:*

> For although the pettiest lawyer might be to some extent capable of analyzing the state of things in the Court, it never occurred to the lawyers that they should suggest or insist on any improvements in the system, while—and this was very characteristic—almost every accused man, even quite simple people among them, discovered from the earliest stages a passion for suggesting reforms which often wasted time and energy that could have been better employed in other directions. . . . Even if it were possible to alter a detail for the better here or there—but it was simple madness to think of it . . . [I]f someone took it upon himself to alter the disposition of things around him, he ran the risk of losing his footing and falling to destruction, while the organization would simply right itself by some compensating reaction in another part of its machinery—since everything interlocked—and remain unchanged, unless, indeed, which was very probable, it became still more rigid, more vigilant, severer, and more ruthless.[5]

The machinery of justice here is—as the officer in the penal colony maintains about the machinery of justice in his world—not to be improved

5. Kafka, *The Trial,* trans. Edwin and Willa Muir (New York, 1968), p. 121, hereafter abbreviated T_1; Kafka, *Der Prozeß* (Frankfurt am Main, 1958), p. 89, hereafter abbreviated *P.*

simply through the sorts of reforms that immediately suggest themselves to the well-intentioned. The aim of the officer in the penal colony, however, is not to adapt to existing conditions (as the lawyer in *The Trial* counsels Joseph K. to do) but rather to resist the new commander's program for reform in the colony and to call back into being what once were existing conditions. There was, the officer tells the traveler, once a time when

> the entire valley was mobbed a whole day in advance; they all came just to watch. Early in the morning, the commander showed up with his ladies; fanfares awoke the entire camp; I reported that everything was ready; the company (no high official dared to be absent) grouped around the machine. . . . I used new replacement parts for almost every execution. . . . No jarring note disturbed the running of the machine. . . . Everyone knew: justice was being done. ["I," p. 210; "IS," p. 111]

Not only did they know justice was being done, but they savored the sound of its execution: "Some people stopped watching altogether; they lay in the sand, closing their eyes," presumably in order to concentrate on the sound of the harrow inscribing the sentence ("I," p. 210; "IS," p. 111). But those days lie in the past. The citizens of the penal colony have forgotten what justice sounds like. Is the officer the only one in the penal colony who still knows what justice is? There are grounds for hesitation here. The principle on which the officer bases all his verdicts ("guilt is absolutely beyond doubt") is reminiscent of principles at work elsewhere in Kafka's universe.[6] A petty official in *The Castle* speaks for apologists of the machine everywhere when he explains: "One of the operating principles of the authorities is that the possibility of error is simply not taken into account. This principle is justified by the excellence of the entire organization and is also necessary if matters are to be discharged with the utmost rapidity."[7]

Back in Florida: The argument between the citizens has entered the machinery of the courts. It is first heard by the lower courts; different cases in different courts. Each attorney asserts that the laws of Florida, properly interpreted, support the position—either that the votes must now be counted by human hands or that the votes may only be counted by machine—to which the side that hired that attorney is committed. Some courts make a preliminary ruling that seems to favor one side;

6. The injunction underlying these principles is succinctly formulated by the priest in *The Trial* when he says to Joseph K.: "You don't have to consider everything true, you just have to consider it necessary" (Kafka, *The Trial*, trans. Breon Mitchell [New York, 1998], p. 223, hereafter abbreviated T_2; *P*, p. 160).

7. Kafka, *The Castle*, trans. Mark Harman (New York, 1998), p. 64; Kafka, *Das Schloß* (Frankfurt am Main, 1968), pp. 56–57.

some courts rule seemingly in favor of the other side; some rule in a manner that appears to both sides to support their side and only their side; and some courts rule in a manner so obscure that neither side even pretends to be able to understand the verdict. A definitive legal outcome in each of these proceedings depends on the outcome of some—possibly all—of the other proceedings. Thus, there is little to fear or hope for from any particular verdict that any particular court may hand down because each such verdict may be—and is—appealed to a higher court. Eventually, the disposition of each of the cases becomes so tangled that the lawyers directly retained by the citizens are unable to follow the progress of the cases without the aid of other legal experts. Thus it comes to pass that, as the cases gradually make their way through relatively lower to relatively higher courts, the petty lawyers of the citizens are obliged to hire other lawyers who are, in turn, obliged to hire even greater lawyers. The petty lawyers of the citizens are unable to understand much of what the great lawyers say. The citizens have long ceased to understand anything, except that the fate of their land lies in the hands of the lawyers and the officials of the court and that all that they, the citizens, can now do is wait for a day when the final judgment is to be announced. The citizens are occasionally told that on such-and-such a day the announcement will be made. But whenever the day comes, though something seemingly definitive is announced on that day, the lawyers explain that what has thus been announced is not to be taken as a final judgment but merely as a further—in itself, quite interesting—development in the proceedings.

In Kafka's parable "The Problem of Our Laws," we find the following remark: "We are inclined to hate ourselves because we have not yet shown ourselves worthy of being entrusted with our laws."[8] The progress of justice in the parable of Florida may provide a hint of what the officer fears will become of justice in the penal colony—that is, if the disposition of the case at hand is entrusted to the sorts of legal procedure actually available in his world for adjudicating the guilt of criminals. (The self-defeating form of apprehension that can overtake one here is deftly placed into the nutshell in which it belongs by Captain Hank Quinlan, the memorable sheriff of Orson Welles's film *Touch of Evil*, when he remarks: "All a lawyer cares about is the law!")[9] It seems safe to suppose that the officer in the penal colony is familiar with a system of criminal justice very much like the one which we encounter in *The Trial*. The prob-

8. Kafka, "The Problem of Our Laws," *The Complete Stories*, trans. Muir and Muir et al., ed. Nahum Glatzer (New York, 1946), p. 438; Kafka, "Zur Frage der Gesetze," *Sämtliche Erzählungen*, p. 314, trans. mod.

9. This is in response to (the lawyer and politician) Adair's remark, "Hank's a born lawyer, you know." Quinlan replies: "Lawyer! I'm no lawyer. All a lawyer cares about is the law!" (Orson Welles, *Touch of Evil*, ed. Terry Comito [New Brunswick, N.J., 1991], p. 73).

lem is not only that the guilt of a guilty defendant is never decisively established but also that, in such a regime, the innocence of an innocent defendant always stands open to question:

> "So then I'm free," K. said hesitantly. "Yes," [said Titorelli,] "but only apparently free, or more accurately, temporarily free. Judges on the lowest level . . . don't have the power to grant a final acquittal, that power resides only in the highest court, which is totally inaccessible to you and me. . . . Our judges . . . lack the higher power to free a person from the charge, but they do have the power to release them from it. When you are acquitted in this sense, it means the charge against you is dropped for the moment, but continues to hover over you, and can be reinstated the moment an order comes from above." [T_2, pp. 145–46; *P*, pp. 107–8]

In the parable of Florida, the citizens are not concerned to determine whether a defendant is innocent or guilty of a crime, but rather to determine who is and who is not their president. But they are presented with some of the same structural obstacles that face K. The lawyer explains to K.:

> The gradations and ranks of the court are infinite, extending beyond the ken even of initiates. The proceedings in the courts of law are generally a mystery to the lower officials as well; therefore they can almost never follow the progress of the cases they are working on throughout their course; the case enters their field of vision, often they know not whence, and continues on, they know not where. The lessons to be learned from the study of the individual stages of the trial, the final verdict and its basis, are lost to these officials. Their involvement is limited to that part of the trial circumscribed for them by the Law, and they generally know less about what follows, and thus about the results of their own efforts, than the defense, which as a rule remains in contact with the accused almost to the very end of the trial. [T_2, p. 118; *P*, p. 88]

Joseph K. soon learns that the prospects for following his case are not necessarily better for the defense. Sometimes a case can simply reach "the stage where further assistance is ruled out." Suddenly, the case is "conducted in remote and inaccessible courts" beyond the reach of the defense. "It did not follow that the case was lost, by no means, at least there was no decisive evidence for such an assumption; you simply knew nothing more about the case" (T_1, p. 123; *P*, p. 91). So, like many of Kafka's heroes, Joseph K. finds himself waiting for a verdict to be announced, for a judgment to be handed down. But he is not able to grasp—let alone follow in detail—how a judgment is to be reached. He is not even able to form a conception of how he is supposed to tell *that* a judgment has been reached, let alone what the content of the judgment might be. The priest explains to K.: "'The judgment isn't simply delivered at some point; the

proceedings gradually merge into the judgment'" (T_2, p. 213; *P*, p. 154). Thus K.'s situation, despite the extensive machinery of justice in his world, does not differ, in certain fundamental respects, from that of the condemned man in the penal colony. In both of their worlds, the proceedings gradually merge into the judgment; only once the merger is complete can the accused discover the nature of the charge that has been leveled against him. This similarity between the world of Joseph K. and that of the condemned man notwithstanding, the officer in the penal colony believes he has been taught (by the old commander) how to put in place something utterly lacking in the world of Joseph K., namely, judicial machinery that really works. However, as we have already noted, the machinery in question comes into play only in the postdeliberative phase of the judicial process; and there is, in the penal colony, only one such phase. The sentencing and punishment phases—the moments of the announcement of the judgment and its enactment—have been merged into a single phase.[10]

How did a Kafka story ever enter this phase? It didn't *enter* it. It began there. No Kafka story ever depicts the *transition* to such a phase. "In the Penal Colony" begins at a moment posterior to the moment at which almost every other Kafka narrative struggles to arrive: the moment of judgment—be it that of irrevocable legal decision, stable philosophical insight, foreseeable religious salvation or damnation, or simply the judgment of the father. These admittedly notionally distinguishable forms of judgment cannot be kept genuinely distinct in Kafka's narrative worlds. As Joseph K. ponders the task of preparing his petition to the court, his legal task becomes indistinguishable from the activity of philosophical or religious self-examination:

> The petition simply had to be drawn up. If he could find no time for it in his office, which seemed very probable, then he must draft it in his lodgings by night. And if his nights were not enough, then he must ask for furlough. . . . No doubt it was a task that meant almost interminable labor. One did not need to have a timid and fearful nature to be easily persuaded that the completion of this petition was a sheer impossibility. Not because of laziness or obstructive malice . . . but because . . . the whole of one's life would have to be recalled to mind, down to the smallest actions and accidents, clearly formulated and examined from every angle. [T_1, p. 128; *P*, p. 94, trans. mod.]

10. Something similar happens in Florida: the separation of phases (which must be distinct if justice is to prevail) is abolished. In Florida, the two phases of the electoral process subsequent to the casting of ballots—the counting of votes and the declaration of a winner—gradually merge into a single phase. Since it is clear who will win if the votes are counted according to one method rather than another, any far-reaching decision simultaneously determines how votes are to be counted and who the winner is.

Kafka's representation here of the task of mounting a legal defense shades into a kind of philosophical or religious spiritual exercise, just as Kafka's representations of progress along the paths of philosophy and religion are subject to the same vertiginous spiral that characterizes his depictions of progress along the paths of the law.[11] His parable "On Parables" begins as follows:

> Many complain that the words of the wise are always merely parables and of no use in daily life, which is the only life we have. When the sage says: "Go over," he does not mean that we should cross to some actual place, which we could do anyhow if the labor were worth it; he means some fabulous yonder, something unknown to us, something that he cannot designate more precisely either, and therefore he cannot help us here in the very least.[12]

I interrupt my quotation of the parable, here at its halfway point, in order to explore the structure of the situation in which one finds oneself if one were to remain suspended at this point; for the exploration of this state of suspension itself constitutes a central aspect of Kafka's literary endeavor. The philosopher Wilfrid Sellars once wrote:

> The crux of a philosophical argument often appears to be a Dedekind cut between a series of 'as I will show's and a series of 'as I have shown's. In a sense the preliminaries are the argument, and there is no crux apart from their perspicuous deployment.[13]

In Kafka's world, unlike Sellars's, there is no achievable constellation within the space of mere preliminaries sufficiently perspicuous ever to seem to amount to the crux of an argument. Nonetheless, Sellars's mathematical analogy is in certain respects an apt one for explicating Kafka's depiction here—halfway through the parable—of what philosophy delivers. A Dedekind cut is a division of the domain of rational numbers, such that every member of the domain either falls into the set of numbers prior to that cut or into the set of numbers posterior to that cut. It constitutes a means for dividing the set of rational numbers into two classes that have no element in common, but that jointly exhaust the whole domain of rational numbers. Dedekind introduced this method of partitioning the domain of rational numbers in order to show that one can identify each

11. Kafka's "novels differ from all other forms of quest in that the hero's problem is no longer 'Can I do what I am required to do?' but 'What am I required to do?'" (W. H. Auden, "K.'s Quest," *The Kafka Problem*, ed. Angel Flores [New York, 1946], pp. 50–51).

12. Kafka, "On Parables," trans. Muir and Muir, *The Complete Stories*, p. 457; Kafka, "Von den Gleichnissen," *Sämtliche Erzählungen*, p. 359.

13. Wilfrid Sellars, *Science and Metaphysics: Variations on Kantian Themes* (London, 1968), p. 73.

such cut with a number and that this provides a precise means of defining the elements of a new domain—the real numbers—of which the rational numbers form only a tiny subset.[14] There exist infinitely many such cuts not themselves produced by rational numbers, and there are an infinite number of such nonrational quantities between any two rational numbers. The analogy is an apt one for explicating Kafka's vision because it allows that no matter where one finds oneself within the domain of the rational, one may pass through an infinite number of points without ever arriving at the far side of such a cut.[15] The philosophical sages in Kafka's parables always stand on the near side of these philosophical Dedekind cuts, showing us how to move through a potentially infinite series of "as I will show's," but never a way to the far side of the cut, to a moment in which something has indeed been shown. You will never find one of Kafka's wise men saying "Now, as I have shown . . ." Does that mean that they

14. See Richard Dedekind, "Continuity and Irrational Numbers," *Essays on the Theory of Numbers* (New York, 1963), pp. 1–27.

15. Jorge Luis Borges, in a similar spirit, adduces a different mathematical analogy—Zeno's paradoxes concerning the possibility of motion: "The form of this famous problem is precisely that of *The Castle*, and the moving body and the arrow and Achilles are the first Kafkaesque characters in literature" (Jorge Luis Borges, "Kafka and His Precursors," *Selected Non-Fictions*, trans. Esther Allen, Suzanne Jill Levine, and Eliot Weinberger, ed. Weinberger [New York, 1999], p. 363). Benjamin reports that Brecht proposed the same analogy in the context of interpreting the following parable:

> My grandfather used to say: "Life is astoundingly short. To me, looking back over it, life seems so foreshortened that I scarcely understand, for instance, how a young man can decide to ride over to the next village without being afraid that—not to mention accidents—even the span of a normal happy life may fall far short of the time needed for such a journey." [Kafka, "The Next Village," trans. Muir and Muir, *The Complete Stories*, p. 404; Kafka, "Das nächste Dorf," *Sämtliche Erzählungen*, p. 138].

Brecht declared this parable "to be the counterpart to the story of Achilles and the tortoise. Someone who composes the ride from its smallest particles . . . will never reach the next village" (Benjamin, "Conversations with Brecht," *Reflections*, trans. Zohn [New York, 1978], p. 209; Benjamin, *Versuche über Brecht* [Frankfurt am Main, 1955], p. 159). The aptness of the mathematical analogy—in both the cases of "The Next Village" and "On Parables"—depends upon a limited view of the parable: the view afforded by having worked one's way only halfway into the parable. Its aptness therefore rests on its partiality and does not exclude the accuracy of Benjamin's own interpretation of "The Next Village"—an interpretation that depends on not identifying the point of view of the grandfather with that of the parable:

> The true measure of life is remembrance. It runs through, retrospectively, the whole of life in a flash. As quickly as one turns back a few pages, it has gone from the next village back to the point at which the rider finds himself on the verge of deciding in favor of departure. Whomever life has transformed—as it has the old man—into something legible is only able to read the text of his life if he reads it backwards. Only in this manner can he encounter himself, and only in this in this manner—in flight from the present—can he understand what he reads." [Benjamin, "Conversations with Brecht," *Reflections*, p. 210; Benjamin, *Versuche über Brecht*, pp. 159–60; trans. mod.]

have nothing to show? If we stop halfway through Kafka's parable "On Parables," we have no reason to conclude otherwise. Before we explore what is involved in moving beyond this halfway point, let us explore further where we are, if we stop here, halfway.

In *The Trial,* we are confronted with the impending possibility of the legal counterpart of a philosophical conclusion: a verdict is to be handed down. The action of the novel is always anterior to a moment of legal determination of guilt and innocence.[16] The initial atmosphere of suspense conferred upon the narrative is carried by our impression that Joseph K. has been charged with having committed some determinate offense, that a proceeding is (or at least could be) underway that will (or at least could) converge upon a determinate legal outcome—one in which Joseph K. will (or at least could) be declared either guilty or not guilty of the initial charge. We are drawn into the world of *The Trial* largely through Kafka's meticulous descriptions of the workings of this world's legal machinery. We are enticed through the employment of a familiar host of terms ("charge," "indictment," "court," "prosecuting attorney," "testimony," "evidence," "plea," "law," "appeal," "verdict," "sentence," "criminal," "guilt," "innocence," and so on)—terms that in our world denote legal concepts. But as we are drawn deeper and deeper into *The Trial,* we become less and less able to grasp the concepts that, in the world of the novel, such vocabulary might denote. We are left with descriptions of forms of institutional process—forms of intervention ("petition"), deliberation ("a hearing"), and proceeding ("trial"); the novel brims with such vocabulary. These descriptions radiate an aura of legal significance. Yet these same passages, if we think them through, make it clear that the circumstances that obtain in our world, enabling this vocabulary to denote familiar legal concepts, do not obtain in the world of the novel. We are thus left with only verbal forms of legal substance—with a masquerade of legal intelligibility. Something similar threatens to befall the citizens in the parable of Florida. As the conditions for the meaningful employment of the relevant electoral concepts ("election," "ballot," "vote," "to count," "the intention of the voter," "certify," "the will of the people," "the president," "loser," "winner," and so on) gradually erode, all that is left for the citizens to do is to traffic in forms of words that can no longer mean what the citizens of Florida want to mean when they call upon

16. The closest the action can come to a climax, in this sort of Kafka story, is in the hero's discovery that the moment at which such a determinate outcome might once have been possible has forever eluded him. The most famous presentation of such a pseudoclimax in Kafka's oeuvre comes in the closing moment of the parable "Before the Law." But an interpretation misses the overall structure of the parable if its prespective on the parable remains blinkered through a fixation on this moment of pseudoclimax—the point on which most of the commentary on Kafka's work remains fixated—thus failing to progress beyond the interpretative counterpart of the point at which the man who waits before the law remains stuck.

them.[17] What causes this erosion of concepts in the world of a Kafka narrative? *The Trial* offers an explanation that applies equally aptly to the parable of Florida: *Verschleppung*.

The painter Titorelli explains to Joseph K. that if he can vouch for his own innocence then there is nothing for him to worry about, for there then remain only three possible outcomes that his trial can have: *wirkliche Freisprechung, scheinbare Freisprechung,* and *Verschleppung*. Let us start by translating these as "actual acquittal," "apparent acquittal," and "protraction" (T_2, p. 152; *P*, p. 112). The first two verdicts might alternatively be rendered into English as "actually declared innocent" and "only apparently declared innocent" (or, more relevantly, "declared only apparently innocent"). Better still, if we want to capture the idea present in the original German of someone's being "spoken free," we might try "actually declared free of guilt" and "only apparently declared free of guilt" (or, more to the point of Kafka's novel, "declared free of merely apparent guilt")—or, more colloquially, "not guilty" and "apparently not guilty" (or, again, more to the point, "not apparently guilty"). The closest approximation to a determination of actual guilt in this triadic scheme is the declaration that someone is "only apparently not guilty." But the presence of the apparently irremediable gap between this approximation and what it is supposed to approximate has consequences for what (the words that express) this verdict can mean. What does it mean for a defendant to be *freigesprochen* if there is no legal outcome corresponding to the determination of that which he is to be declared free of? The candidates in the parable of Florida are in a similar quandary. If among the available, procedurally stable outcomes of the electoral process there is none that corresponds to the determination of a genuine winner, then the only remaining outcomes to which the candidates can look forward are: "losing the election," "only apparently losing the election" (or, more to the point of the parable of Florida, "losing the merely apparent election"), and "protraction." The closest thing to winning in such a regime is "only apparently losing." But how close to—and what kind of—victory is that? And do the (apparently) remaining outcomes (genuinely) remain?

In the triad of legal outcomes Titorelli outlines for K., the third does not actually denote a kind of verdict at all but merely a legal strategy for deferring the verdict. Titorelli explains, "'The trial is kept spinning in a tight circle to which it is artificially restricted'" (T_2, p. 161; *P*, p. 118, trans. mod.).[18] The strategy ensures that the most undesirable outcome will be

17. I explore this and related topics in more detail in my paper "Nietzsche, Kierkegaard, and Anscombe on Moral Unintelligibility," in *Religion and Morality*, ed. D. Z. Phillips (New York, 1995), pp. 250–98.

18. Mitchell translates *Verschleppung* as "protraction"; the Muirs translate it as "indefinite postponement." The latter is clearly wrong in that the legal strategy involved does not aim at introducing an actual hiatus into *der Prozeß* ("the trial" will not do as a translation here; the aim of *Verschleppung* is often to keep a *Prozeß* from ever going to trial) but rather

avoided but at the cost of ensuring that the most desirable outcome be rendered equally unattainable. In the world of *The Trial* (and in that of the parable of Florida), it is precisely this "verdict" of "protraction" that represents the "outcome" toward which the actions of all parties to the legal (or electoral) proceedings tend to contribute—as if this were the only effect that human intervention, by parties to either side of a case (or a campaign), could ever really hope to have. The ultimate effect is to eviscerate the conditions under which genuine legal innocence and guilt (or genuine electoral winners and losers) are determinable. The remaining pair of terms denoting actual legal (or electoral) outcomes appears to mark a contrast—as one would hope a pair of terms denoting the two main possible outcomes of a judicial (or electoral) process would—but the contrast drawn by them is merely along the dimension of appearance versus reality: innocence versus apparent innocence (losing the election versus apparently losing the election.) If, however, this is the only dimension along which a stable contrast can be drawn, then that contrast, too, is only apparently drawn. There is no content to a determination that a defendant (or a candidate) is only apparently (as opposed to genuinely) X, unless X itself denotes a concept that stands in a space of significant contrast.

But the situation is even worse than it at first appears.[19] Of the three verdicts with which he presents K.—"actual acquittal," "apparent acquittal," and "protraction"—the first, Titorelli explains to K., is not one that any of his own actions could ever contribute toward rendering more probable.[20] So, if one is eager to do something on one's own behalf, one's efforts are necessarily restricted to attempting to bring about one of the latter two outcomes. Titorelli sums up his discussion of the relative advantages of "apparent acquittal" and "protraction" with the following observation: "Both methods have this in common: they prevent the accused from being convicted." K. replies: "But they also prevent an actual acquittal." Titorelli concludes their discussion: "You've grasped the heart of the matter" (T_2, p. 161; *P*, p. 119). This is the electoral equivalent of each candidate coming to realize that there are only two sorts of action that will allow him to remain in the race for president: seeking only apparently

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at rendering it interminable. On the other hand, the Muir translation does have the merit of suggesting the characteristics of indefiniteness and deferral that make the German legal concept of *Verschleppung* an apt trope for the structure of the narrative of *The Trial* as a whole.

19. "One must not prostrate oneself before the minor impossibilities, otherwise the major impossibilities would never come into view" (Kafka, letter to Felice Bauer, 31 Oct. 1912, *Letters to Felice*, trans. James Stern and Elizabeth Duckworth, ed. Erich Heller and Jürgen Born [New York, 1973], p. 20; Kafka, letter to Bauer, 31 Oct. 1912, *Briefe an Felice und andere Korrespondenz aus der Verlobungszeit* [Frankfurt am Main, 1976], p. 64).

20. Or, for that matter, any action taken by anyone else: "There's not a single person anywhere who could have an influence on an actual acquittal" (T_2, p. 152; *P*, p. 112).

to have lost the election or seeking to keep discussion of who won the election spinning in a tight circle to which all subsequent discussion of the topic is to be artificially restricted. One might be forgiven for concluding, at this point, that "the heart of the matter" that K. has allegedly grasped is a matter that no longer has a heart—that the possibilities of substantive guilt or innocence are on life-support in this world.[21] The goddess of Justice threatens to become no longer clearly distinguishable from the goddess of Victory, each threatening to merge into the other, forming together a composite likeness, resembling that of the goddess of the Hunt.

This gradual chipping away at the conditions that would allow us to grasp the heart of a matter—say, the conditions of the possibility of guilt or innocence—is characteristic of the progression of a Kafka narrative.[22] It is as if the point of the narrative as a whole were to say, "in such a world guilt and innocence are no longer possible." However, we—Kafka's readers—cannot be eager to draw this conclusion, as long as the world of his story continues to bear its uncanny resemblance to our own. If K. conducts himself properly (the good news is that) he will be able to remain at liberty, but (the bad news is that) it is only at the price of, in effect, having bargained away his claim to a genuine acquittal. But, Titorelli explains, since "actual acquittal" is a merely notionally possible outcome that is never actually realized, nothing is really lost in bargaining away one's entitlement to such a verdict, for this entitlement will never be vindicated. Never? There is a very tentative allusion to a better past in *The Trial*. It comes in response to an expression of despair on K's part at the bleak picture Titorelli paints of the options available to a defendant awaiting trial. "We're talking about two different things," Titorelli explains to K:

> what the Law says and what I've experienced personally; you mustn't confuse the two. In the Law . . . it says . . . that an innocent person is to be acquitted. . . . My own experience, however, has been precisely the opposite. I know of no actual acquittals. . . . Of course it's possible that in the cases I'm familiar with no one was ever innocent. But doesn't that seem unlikely? In all those cases not one single innocent person . . . I never saw a single actual acquittal." "Not a single acquittal then," said K., as if speaking to himself and his hopes. "That con-

21. "The commentators [on the parable "Before the Law"] tell us: the correct understanding of a matter and misunderstanding the matter are not mutually exclusive" (T_2, p. 219; *P*, p. 158).

22. "His stories . . . seem at first like a wild and humorous exaggeration of actual happenings or like some inescapable logic gone wild. This impression of exaggeration, however, disappears entirely, if we consider the story as what it actually is: not the report of a confusing event, but the model of confusion itself" (Arendt, "Franz Kafka: A Revaluation," *Essays in Understanding*, ed. Jerome Kohn [New York, 1994], p. 78).

> firms the opinion I've already formed of this court. So it has no real point in that respect either."

But Titorelli refuses to endorse K's conclusion that the judicial system's quest to establish the guilt or innocence of the accused has no real point:

> "You mustn't generalize," said the painter, displeased, "I've spoken only of my own experience." "That's quite enough," said K., "or have you heard of acquittals in earlier times?" "Such acquittals are said to have occurred, of course," said the painter. "But that's extremely difficult to determine. The final verdicts of the court are not published, and not even the judges have access to them; thus only legends remain about ancient court cases. These tell of actual acquittals . . . even in a majority of cases; you can believe them, though they can't be proved true. Nevertheless, they shouldn't be entirely ignored; they surely contain a certain degree of truth, and they are very beautiful; I myself have painted a few pictures based on such legends." [T_2, pp. 153–54; *P*, p. 113][23]

Titorelli's remark to K. here that "you can believe the [legends], though they can't be proved true" intimates the possibility of a scheme for making sense of the idea of justice in his world along the lines some philosophers have attempted to make room for the idea of God in ours—by insisting that we can still think what we cannot know and that what can thus be thought furnishes us with a ground for hoping for something better than what we are able to know. The intimation of such a glimmer of hope, though always faint, is never entirely absent from Kafka's vision, even at its darkest.

"Are you saying that Kafka is a philosopher?" From the time of at least Socrates on, one way of understanding wherein philosophy consists is in terms of a quest for clarity regarding our most fundamental concepts. The concepts of virtue, piety, justice, and knowledge were among Socrates's favorites; and his problems are still with us (and are everywhere

23. This very tentative allusion to a better past in *The Trial*, though furnished by a less reliable informant than the officer of the penal colony, does introduce an ephemeral moment of symmetry between *The Trial* and "In the Penal Colony." There was once a time, in each of these worlds, when one was able to know that justice could be done. But this symmetry is inscribed within the ambit of the inverse relation in the respective problematics of these stories: the legendary events of the almost forgotten past of *The Trial* are definitive determinations of *innocence*, whereas the relatively recent, though rapidly receding, events of the past of the penal colony happened at a time when one was able to act on a finding of absolute *guilt*. Both the painter and the officer invoke the concept of beauty to explicate the nature of that which they each take to be missing in the narrative present of their respective worlds. The painter, however, can now bring such beauty to life only by taking brush to canvas, whereas the officer has instruments of inscription that aim to effect a more intimate relation between the representation of justice and its reality.

in Kafka), and the currently favorite concepts of philosophers—meaning, truth, reality—had already attracted Socrates's attention (no less than Kafka's). If a Socratic dialogue attempts to chart a movement from apparent clarity to evident confusion as a preparation for a movement to genuine clarity, then one can think of a Kafka narrative as containing the first of these movements without ever being able to find its way to the second. In Kant, the philosophical quest for clarity takes the form of (what he calls) critique (an inquiry into the conditions of the application of our most fundamental concepts); in Kierkegaard, it takes the form of (what he calls) qualitative dialectic (an examination of how the meaning of a word shifts as its employment shifts from an aesthetic to an ethical to a religious context); in Wittgenstein, it takes the form of (what he calls) a grammatical investigation (an investigation into how what we can mean by our words depends upon the pattern of circumstances in which we deploy them and how that pattern is woven into the fabric of our lives). Each of these three philosophers shares the vision of the human predicament expressed in the opening sentence of *The Critique of Pure Reason:*

> Human reason has this peculiar fate that in one species of its knowledge it is burdened by questions which, as prescribed by the very nature of reason itself, it is not able to ignore, but which, as transcending all its powers, it is also not able to answer.[24]

Faced with such questions, the philosophical task for each of these three thinkers is to show that these questions do not admit of answers and why, to show how to distinguish such questions from those that do, to diagnose the sources of our attraction to these unanswerable questions, and to explain why they are bound to seem inescapable to us. Kant traces the emptiness of such questions to (what he calls) transcendental illusion, Kierkegaard to (what he calls) a confusion of categories, and Wittgenstein to (what he calls) the bewitchment of our intelligence by means of language. Kant traces our attraction to these questions to human reason's intrinsic tendency to overstep its limits, Kierkegaard to our deeply human tendency to want to evade the demands of the ethical and religious life, and Wittgenstein to our equally human tendency to permit a picture to hold us captive. The aim of each of these philosophers is to dissipate the attraction such ostensibly obligatory yet apparently unanswerable questions exert upon us; they aim to do this, in part, by furnishing us with a compelling genealogy of how such illusions of intelligibility arise. Kafka shares with all three of these thinkers an abiding interest in revealing the ways in which it can come to pass that we are no longer able to make sense of what we ought to be able to mean when we call upon our

24. Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (New York, 1965), p. 7 (A vii).

most fundamental concepts ("innocence," "guilt," "hope," "despair," and so forth). Yet, unlike these philosophers, Kafka never takes himself to have uncovered a thread that leads back out of the labyrinth of confusion and to a renewed hold on those concepts that are threatened with loss of intelligibility. The protagonist in a Kafka narrative appears to end where the *Critique of Pure Reason* begins: burdened by questions that he is not able to ignore, but that, apparently transcending all his powers, he is also not able to answer.

Kafka's parables, stories, and novels describe the arc of philosophy's first movement (which traces the path of our thought into illusion, confusion, and captivity) but never that of philosophy's second movement (which uncovers the thread back to the safety of reflection conducted within the limits of reason, the security of faith, and the stability of those language-games in which our apparently threatened concepts find their proper homes). Kafka craves the possibility of such a second movement, but cannot find a way to execute it.[25] ("There is a goal, but no way; what we call the way is only wavering.")[26] The protagonists of his narratives tend to be able to progress only further in the direction of the movement that philosophical critique seeks always to reverse. They move further and further toward an ever-increasing number of questions that they cannot help but ask yet cannot answer. ("A man was astonished how easily he traveled along the route of salvation; he happened to be rushing backwards along it.")[27] But Kafka's stories also everywhere intimate what his shorter parables declare: that there is a second movement to perform, that one ought not to remain stuck at the halfway point—the point at which we find ourselves halfway into his parable "On Parables," invited to "go over" (not to some actual place, but to some fabulous yonder, unknown to us, and not capable of being designated more precisely) in a manner that we are unable to follow. The execution of the first movement in Kafka (the emptying out of meaning) is always a preparation for the second (the recovery of meaning). There are hints everywhere of the possibility of a kind of transformation of self or world that brings with it

25. This is, I take it, connected to Benjamin's recurring sense of Kafka's failure. "To do justice to the figure of Kafka in its purity and its peculiar beauty, one must never lose sight of one thing: it is the figure of a failure" (Benjamin, letter to Gershom Scholem, 12 June 1938, *The Correspondence of Walter Benjamin and Gershom Scholem*, trans. Gary Smith and Andre Lefevre [New York, 1989], p. 226; Benjamin, letter to Scholem, 12 June 1938, *Briefe*, p. 764). For more about the nature of this failure, see the passage from Benjamin in note 60 below.

26. Kafka, Reflection 23, "Reflections," *The Great Wall of China: Stories and Reflections*, trans. Muir and Muir (New York, 1970), p. 166; Kafka, Betrachtung 23, "Betrachtungen," *Hochzeitsvorbereitungen auf dem Lande und andere Prosa aus dem Nachlaß* (Frankfurt am Main, 1991), p. 32.

27. Kafka, Reflection 38, "Reflections," *The Great Wall of China*, p. 169; Kafka, Betrachtung 38, "Betrachtungen," *Hochzeitsvorbereitungen auf dem Lande*, p. 33, trans. mod.

the possibility of a form of answer to the questions that haunt Kafka's protagonists—one that brings satisfaction not by directly answering their questions (and thereby feeding their appetite for further instruction in what they presume they need to know) but rather by revealing something about the questions themselves: that the form of answer proper to them is found in an appreciation of how one goes wrong in seeking answers of the sort Kafka's protagonists so insistently seek. ("The one who does not answer the questions is the one who passes the test.")[28] If one attempts to interpret the significance of the first movement (the emptying out of meaning) in Kafka apart from its relation to a possible second movement, then one remains stuck halfway in one's reading of Kafka—at the point where his protagonists tend to get stuck.[29]

Kafka (like Kant, Kierkegaard, and Wittgenstein) sees us humans as creatures possessed by a desire to find meaning and fated to impasses in which that desire cannot but be frustrated; however, he also sees us as unable to do otherwise than continue to live in the hope of its satisfaction—in the hope of peace from the sorts of questions that these philosophers wish to relieve us of the felt obligation of having to answer.[30] Kafka shares Kant's sense that room must be made for faith by drawing limits to reason, but whenever a character in a Kafka story—especially one named K.—attempts to plot reason's limits he bursts them, leaving no secure foothold for either a justified belief or a leap of faith. Kafka shares Kierkegaard's conviction that we will only be able to make sense of ethical and religious concepts if we can point to a sort of life about which we can say, "In that life these concepts have their full, mutually implicating meaning, and apart from it they have none." But every attempt in a Kafka story to point to such a life appears to point only to a yonder that we are unable to reach.[31] Kafka shares Wittgenstein's aim of teaching us how to pass from a piece of disguised to a piece of undisguised nonsense, but

28. Kafka, "The Test," trans. Tania and James Stern, *The Complete Stories*, p. 442; Kafka, "Die Prüfung," *Sämtliche Erzählungen*, p. 318, trans. mod.

29. This is the most common error in reading Kafka: to mistake the point of view of a Kafka narrative with the point of view of its central protagonist—to mistake the point of view of Joseph K. with that of *The Trial*, to mistake the point of view of the traveler to the penal colony with that of "In the Penal Colony," and so forth—to mistake what some part of the work (or someone in the work) says with what it aims to show.

30. "Previously I did not understand why I got no answer to my questions; today I do not understand how I could believe I was capable of asking. But I didn't really believe, I only asked" (Kafka, Reflection 36, "Reflections," in *The Blue Octavio Notebooks*, trans. Ernst Kaiser and Eithne Wilkins, ed. Max Brod [New York, 1954], p. 90; Kafka, Betrachtung 36, "Betrachtungen," *Hochzeitsvorbereitungen auf dem Lande*, p. 32).

31. "Kierkegaard is a star, but one who shines over a territory that is almost inaccessible to me" (Kafka, letter to Oskar Baum, Oct.–Nov. 1917, *Letters to Family, Friends, and Editors*, p. 162; Kafka, letter to Baum, Oct.–Nov. 1917, *Briefe 1902–1924*, p. 190, trans. mod.).

language in Kafka's narratives seems fated never to be able to advance very far in the direction that accords with Wittgenstein's other aim: to bring words back from their metaphysical to their everyday use.[32]

Yet the unacknowledged quarry of each of Kafka's heroes is the everyday. The apparent futility of their quest lies in their understanding of the location of the place they are trying to reach as *elsewhere*. ("'Where are you riding to, master?'" "'I don't know,'" I said, "'only away from here, away from here. Always away from here, only by doing so can I reach my goal.'" "'And so you know your goal?'". . . "'Yes,'" I answered, "'didn't I say so? Away-From-Here, that is my goal.'")[33] Kafka's stories everywhere intimate that what we represent to ourselves as a perhaps unattainable goal is—and yet is never recognized as—nothing other than the place where we already are.[34] The trial Joseph K. really awaits is the one he is already undergoing; the verdict he fears is the one he is gradually in the process of passing on himself. What all the characters named K. in Kafka's works do not want to know is what Kafka thinks we all do not want to know: that the place we seek is where we already are. ("We are continuously there in actual fact, no matter whether we know it . . . or not.")[35] We prefer to seek a way to a place that is someplace else. We seek a way to represent to ourselves that which *we cannot help but know* as a kind of knowledge that *we do not yet possess*—a kind of knowledge that we must struggle to attain, one that some of us are able to possess in greater quan-

32. Kafka's "way of thinking . . . is not completely thinking. . . . It oscillates between the twin poles of silence and everyday speech. It can attain neither the one nor the other, and this oscillation is in turn an attempt to escape from this oscillation. . . . It is not nonsense, in as much as it has this very nonsense for its sense" (Maurice Blanchot, "Reading Kafka," *The Work of Fire*, trans. Charlotte Mandell [Stanford, Calif., 1995], pp. 3–4; Blanchot, *La Part du feu* [Paris, 1949], pp. 10–11, trans. mod.).

33. Kafka, "The Goal," *Parables and Paradoxes* (New York, 1946), p. 189; Kafka, "Der Aufbruch," *Sämtliche Erzählungen*, p. 321, trans. mod.).

34. This, too, is a Kierkegaardian and Wittgensteinian theme—one perhaps most succinctly formulated in Wittgenstein's remark: "Philosophy simply puts everything before us, and neither explains nor deduces anything. . . . For what is hidden . . . is of no interest to us" (Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe [Oxford, 1953], p. 50, §126). The remark in Wittgenstein's corpus pertaining to this theme most reminiscent of remarks of Kafka's is the following: "I might say: if the place I want to get to could only be reached by way of a ladder, I would give up trying to get there. For the place I really have to get to is a place I must already be at now" (Wittgenstein, *Culture and Value*, trans. Peter Winch, ed. G. H. von Wright [Oxford, 1980], p. 7.).

35.

> The expulsion from Paradise is in its main significance eternal: Consequently the expulsion from Paradise is final, and life in this world irrevocable, but the eternal nature of the occurrence (or, temporally expressed, the eternal recapitulation of the occurrence) makes it nevertheless possible that not only could we live continuously in Paradise, but that we are continuously there in actual fact, no matter whether we know it here or not. [Kafka, "Paradise," *Parables and Paradoxes*, p. 29, hereafter abbreviated "P"; Kafka, "Das Paradies," *Hochzeitsvorbereitungen auf dem Lande*, p. 35, hereafter abbreviated "DP"]

tity than others.[36] Perhaps Kafka's pithiest statement of our predicament is the following: "We were expelled from Paradise, but Paradise was not destroyed" ("P," p. 29; "DP," p. 35). But on Kafka's telling of this tale—the primal parable—it is we who have expelled ourselves. Our expulsion is due not to something that happened only once and only in Paradise (to our having eaten from the Tree of Knowledge) but to "the eternal recapitulation of the occurrence" that first happened then and there and continues to happen here and now (to our not wanting to know that we have eaten of such fruit). We want to picture the fruit of knowledge concerning the difference between good and evil as not yet quite fully within our grasp. We prefer to annul the knowledge we already have—to regard that knowledge as "a goal still to be reached"—rather than face up to the task of acting in accordance with the demands that flow from it. Our possession of this knowledge, however, "cannot be annulled, but only confused."[37] On Kafka's telling of the parable, our sense of existing in a state of moral exile (expelled from Paradise) is thus to be traced to our craving for moral confusion. We crave confusion as a means of protecting

36. Compare Martin Buber's commentary on Kafka's parable "Before the Law":

> Kafka's contribution to the metaphysics of the "door" is known: the parable of the man who squanders his life before a certain open gateway which leads to the world of meaning, and who vainly begs for admission until just before his death it is communicated to him that it had been intended for him, but is now being shut. So "the door" is still open, indeed, every person has his own door and it is open to him; but he does not know this and apparently is not in a condition to know it. [Martin Buber, *Two Types of Faith*, trans. Norman P. Goldhawk (New York, 1951), p. 165]

As a reading of the parable, the part after the final semicolon is off by a negation. Buber here gets stuck halfway in his reading, taking the point of view of the parable to be no wider than what its protagonist would like to—and would have us—believe about his own point of view. Buber thereby reenacts, in his relation to the parable, the relation depicted within the parable between its protagonist (who squanders his life awaiting further instructions for how to read his situation) and "the door" (which remains open but which he prefers to believe is closed). Kafka's narratives are designed to invite such reenactments. To fail, as a reader of a Kafka story, to catch oneself in the act of thus reenacting the drama of the story is to fail to see the structure of the parable within which the drama is embedded.

37.

> Since the Fall we have been essentially equal in our capacity to recognize good and evil; nonetheless it is just here that we seek to show our individual superiority. But the real differences begin beyond that knowledge. The illusion that the opposite is true may be explained thus: nobody can remain content with the mere knowledge of good and evil in itself, but must endeavor as well to act in accordance with it. The strength to do, however, is not likewise given him, consequently he must destroy himself trying to do so, at the risk of not achieving the necessary strength even then, yet there remains nothing for him but this final attempt . . . Now, faced with this attempt, man is filled with fear; he prefers to annul his knowledge of good and evil; yet the accomplishment cannot be annulled, but only confused. It was for this purpose that our rationalizations were created. The whole world is full of them, indeed the whole visible world is perhaps nothing more than the rationalization of a man who wants to find peace for a moment—an attempt to falsify the actuality of knowledge, to regard knowledge as a goal still to be reached. ["P," pp. 32, 31–33; "DP," p. 37, trans. mod.]

ourselves against the knowledge we already possess of the difference between good and evil—a knowledge that, no matter how energetically we strive to multiply our confusion, continues to haunt our every action.[38] Kafka therefore sees us as having an investment in certain forms of nonsense: "All of the nonsensical phenomena of our existence, and the most nonsensical most of all, admit of justification. Not completely, of course—therein lies the diabolical catch—but just enough to allow one to shield oneself against painful questions."[39]

What Kafka wrote of one of Hamsun's stories applies equally well to many of his own: "The story, before the reader's eyes, destroys or at least obscures itself, or rather, shrinks, moves away, so that the reader, in order not to lose it, has no choice but to walk into the undisguised trap."[40] Is a Kafka story philosophy? It is not simply philosophy. But it is not simply not philosophy either. To see this it helps to consider how it partakes of the depth of philosophy. The relation of Kafka's work to the uncanny has to do with those moments when our lives appear to unfold within the confines of a Kafka nonfiction story, fully describing the arc of philosophy's first movement, only to deliver us somewhere from which there appears to be a way neither forward nor back. We have all lived through such moments. There are those moments when one wants to say with the officer of the penal colony, "The principle on which I base my [judicial]

38. The exposure of moral confusion is a form of moral criticism, but not one that seeks to add to our stock of moral knowledge. Hence the insufficiency of the pair of options for how to read Kafka—as moralist or amoralist—on offer in the debate about Kafka that took place in the pages of *Commentary* between Clement Greenberg and F. R. Leavis. Greenberg writes : "No moral choices are made in Kafka's fiction. . . . To the extent that this fiction succeeds, it refutes the assumption of many of the most serious critics of our day—F. R. Leavis is notably one of them—that the value of literary art depends ultimately on the depth to which it explores moral difficulties" (Clement Greenberg "The Jewishness of Franz Kafka: Some Sources of His Particular Vision," *Affirmations and Refusals, 1950–1956*, vol. 3 of *The Collected Essays and Criticism*, ed. John O'Brian [Chicago, 1993], p. 208). Leavis replies: "The response to which a great work of literary art challenges us entails a valuation of a most radical kind—a valuation of attitudes to life made at the prompting of a new profound sense of the possibilities of living" (F. R. Leavis, "How Good Is Kafka," in Greenberg, *Affirmations and Refusals, 1950–1956*, p. 210). Greenberg counters: "I would agree that successful art heightens our sense of the possibilities, but I would say that it works on that sense as a sense alone, without indicating superior or inferior possibilities as such" (p. 211). What Leavis has right is that Kafka aims to show us something about how the enterprise of valuation can go wrong; but it does not follow that Kafka aims to teach us (something we do not already know about) what we ought to value. What Greenberg has right is that Kafka refuses to moralize, but it does not follow that Kafka's works do not "explore moral difficulties" and do not seek to enable us to see certain ways of living as radically confused and hence as "inferior possibilities as such."

39. Kafka, "Investigations of a Dog," trans. Muir and Muir, *The Complete Stories*, p. 295; Kafka, "Forschungen eines Hundes," *Sämtliche Erzählungen*, p. 337, trans. mod.

40. Kafka, letter to Brod, mid-Apr. 1909, *Letters to Family, Friends, and Editors*, p. 54; Kafka, letter to Brod, mid-Apr. 1909, *Briefe 1902–1924*, p. 68.

decisions is: guilt is absolutely beyond doubt" (white man's justice); when one wants to say with Titorelli that the only possible verdicts are "apparent acquittal" or "protraction" (the O. J. Simpson trial); when one wants to say with the petty official in *The Castle*, "The possibility of error is simply not taken into account" (the Republicans' view of the Florida recount); when one wants to respond to the question "And so you know your goal?" with the answer "Yes, Away-From-Here, that is my goal" (the Democrats' view of the Florida recount); when one wants to say with Kafka, "There is a goal but no way; what we call the way is only wavering" (the media's view of the Florida recount); or when one wants to say with Kafka, "Don't despair, not even over the fact that you don't despair!" (the citizens' view of the Florida recount).[41] Each of these remarks has the structure of what Wittgenstein calls "a grammatical joke." He writes: "Let us ask ourselves: why do we feel a grammatical joke to be *deep*? . . . That is what the depth of philosophy is."[42] That is what the depth of a Kafka story is. A Kafka story is a philosophical parable that displays a species of moral confusion in the form of a grammatical joke. Such a genre of story will partake of a peculiar sort of realism—not the sort that is the effect of an effort merely faithfully to describe what *appears* to a protagonist in such a story to be taking place but one that is the effect of an effort to puncture such appearances of coherence and to describe "what is really taking place" under a set of circumstances in which no coherent description can count as a description of *that*.[43] We might call the sort of realism to which this genre aspires *parabolic realism*.

Kafka's shorter parables offer a synoptic miniaturization of the form of his longer narratives. Kafka's parable "On Parables"— that is, his parable on the form of the parable—presents perhaps his most distilled encapsulation of this form. A Kafka parable presents a problem and offers a gesture toward the *shape* of its solution. (A Kant, or a Kierkegaard, or a Wittgenstein would acknowledge it as the shape that a solution to a philosophical problem must assume.) But in a Kafka parable such a shape seems to resist embodiment. (This resistance is itself a favorite theme of Kafka's parables.)[44] It offers a glimpse of the form of a solution, while

41. Kafka, *Diaries*, trans. Martin Greenberg, ed. Brod (New York, 1975), p. 224, hereafter abbreviated *D*; *Tagebücher*, ed. Hans-Gerd Koch, Michael Müller, and Malcom Pasley (Frankfurt am Main, 1990), p. 436, hereafter abbreviated *T*.

42. Wittgenstein, *Philosophical Investigations*, p. 47, §111.

43. "The strange, mysterious, perhaps dangerous comfort that there is in writing: . . . it is a seeing of what is really taking place. This occurs by a higher type of observation—a higher, not a keener type" (*D*, pp. 406–7; *T*, p. 694).

44. Thus, for example, the parable titled "The Cares of a Family Man" is about a being called Odradek and opens with the question why Odradek is designated by the word *Odradek* (thus raising the question why *this* parable about an enigmatic being called Odradek is called "The Cares of a Family Man"). The parable immediately continues by telling us that none of the available interpretations of the word "is able to find a sense for the word" and what it goes on to say about Odradek applies even more evidently to the parable itself: "One

leaving no room for anything that could count as even a glimpse into the correlative possibility of how such a form might possess a corresponding content. The form of such a parable is one in which philosophy's first movement is represented as a preparation for its second movement, while the possibility of the second movement is represented as both necessary and impossible.[45]

I earlier allowed myself to say that the initial atmosphere of suspense in a Kafka story is carried by our impression that something will soon happen: Joseph K. may be charged with a crime, he may be declared guilty, and so forth. But once we appreciate how the environing structure of significance that sustains this impression gradually disintegrates in the course of the narrative, we will no longer be able unproblematically to rely upon the concept of suspense to characterize the nature of the tension that builds as a Kafka story progresses. Yet we will find that we also cannot quite do without that concept or some successor thereof. The reason we cannot simply rely upon it (to characterize not only our way into a Kafka story but where the story is leading to and how it leads us there) is because the concept of suspense requires not only that we hover in a state of suspension but that there be some medium or structure that sustains us in that condition; and, in narrative, that medium is supplied by there being, at any given point in the story, some telos toward which the action of the narrative moves.[46] Alfred Hitchcock, the master of suspense, explicates the point through a distinction between terror and suspense:

> Fear in the cinema is my special field, and I have, perhaps dogmatically, but I think with good cause, split cinematic fear into two broad categories—terror and suspense. The difference is comparable to the difference between a buzz bomb and a V-2.
>
> To anyone who has experienced attacks by both bombs, the dis-

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is tempted to believe that this formation once had some sort of intelligible shape and now it has become broken. Yet this does not seem to be the case; at least there is no sign of it; nowhere is there an indication of an unfinished or damaged surface to suggest anything of the kind; the whole appears indeed senseless, but in its own way perfectly finished" (Kafka, "The Cares of a Family Man," trans. Muir and Muir, *The Complete Stories*, p. 428; Kafka, "Die Sorge des Hausvaters," *Sämtliche Erzählungen*, p. 139, trans. mod.).

45. "The Top" is an elegant instance of the genre:

> A certain philosopher used to hang about wherever children were at play. And whenever he saw a boy with a top, he would lie in wait. As soon as the top began to spin the philosopher went in pursuit and tried to catch it. . . . [S]o long as he could catch the top while it was spinning, he was happy, but only for a moment. . . . [W]hen he held the silly piece of wood in his hand, he felt nauseated." [Kafka, "The Top," trans. Muir and Muir, *The Complete Stories*, p. 444; Kafka, "Der Kreisel," *Sämtliche Erzählungen*, p. 320]

46. The telos that induces suspense can shift quite a bit from one moment in the narrative to the next.

> tinction will be clear. The buzz bomb made a noise like an outboard motor, and its chugging in the air above served as notice of its impending arrival. When the motor stopped, the bomb was beginning its descent and would shortly explode. The moments between the time the motor was first heard and the final explosion were moments of *suspense*. The V-2, on the other hand, was noiseless until the moment of its explosion. Anyone who heard a V-2 explode, and lived, had experienced *terror*.
>
> . . . .Terror [is] induced by surprise; suspense by forewarning.[47]

A Kafka narrative begins formally as a structure of suspense. But as it proceeds, we gradually lose our grip not only on what it is it moves toward but even on what it would be for it ever to achieve any form of dramatic resolution. The moment of climax comes not when something happens in the story but when something happens in the reader: when we suddenly realize that we no longer understand what it would be for that which we are waiting to happen in the story actually to happen. We, as readers of a Kafka story, are brought to a point where we no longer understand what in the world of the story a "trial" or a "verdict" or a "criminal," or "guilt," or "innocence" (or an "election," or "the will of the people," or a "winner") is. This discovery takes us by surprise; it happens without forewarning. Even though a Kafka story operates on the surface like a buzz bomb, just chugging along, seemingly tending toward, but never actually arriving at, a moment of narrative closure, suddenly, there comes a moment when, without forewarning, the literary equivalent of a V-2 bomb explodes not in the story but in the reader. Adapting Hitchcock's categories (for a purpose they most certainly were not intended),[48] we might say: a Kafka story is a narrative whose form is that of suspense but whose telos is that species of terror accompanying the epiphany that we inhabit a world in which certain kinds of suspense are no longer possible.[49]

Such, I should have said, is the structure of a *typical* Kafka story, but it is not that of "In the Penal Colony." The latter tale unfolds in a world in which decisive events once took place, recently enough still to be within the reach of the memory of the officer, the disciple of the former commander of the colony. In "In the Penal Colony," we are offered a rare glimpse into a faraway outpost of Kafka's universe in which things are alleged to have been shown, in which judgments were passed. That which

47. Alfred Hitchcock, "The Enjoyment of Fear," in *Hitchcock on Hitchcock*, ed. Sidney Gottlieb (Berkeley, 1995), pp. 118–19.

48. Hitchcock traces the both commercial and artistic failure of his film *Sabotage* to his own "violation of the rule forbidding a direct combination of suspense and terror, or forewarning and surprise" (ibid., p. 121).

49. We would be immune to this species of terror if we could fully convince ourselves that Kafka's stories furnish representations of a merely alien world—one utterly unlike our own.

was to be announced *was* announced. Almost uniquely in his corpus of work, "In the Penal Colony" is about what happens after a verdict has been passed.[50] In this respect, the (actual) Kafka parable about the penal colony and the (imaginary) "Kafka" parable about the Florida electoral colony are inverses of one another. (The latter unfolds in accordance with a progression far closer to the structure of a typical Kafka narrative).[51] The passage back to a bygone age that the officer calls upon the traveler to perform in imagination (forming a picture of how things were under the regime of the old commander) reverses the direction of the transition that the typical Kafka story asks us to attempt in imagination—it approaches the philosophical Dedekind cut from the opposite direction. But we are no more able to trace the line *back* to such a moment (in which judgments were handed down) from the narrative present of "In the Penal Colony" than we are able to trace it *forward* (to the moment of judgment) from the narrative present of *The Trial*.

In the seemingly anomalous corner of Kafka's universe represented by the penal colony, the vindication of judgment is effected not through the manner in which a judgment is arrived at but through the manner in which it is brought to bear upon the judged subject. The enactment of the punishment is to be the means by which he is led to grasp the justice of his sentence. If everything functions smoothly, the machine is to effect a recognition, on the part of the condemned man, not only of the content of the judgment but of its validity. This begins to happen, the officer tells us, in the sixth hour of the functioning of the machine. When that hour arrives: "How quiet the man becomes! . . . Nothing else happens, the man simply begins to decipher the writing; he purses his lips as if he were listening" ("I," p. 205; "IS," p. 108). The officer's conception of the sublimity of this moment is tied to his understanding of the apparatus as a mechanism for handing down judgments of absolute legibility—a mode of decree, in accordance with which, even in his finitude, a mere human can unfailingly decipher the judgment passed on him and, having deciphered it, be unable to do other than regard it as just. (The apologists

50. This is, surely, why Kafka found it so difficult to find an ending for the story that satisfied him, leaving him feeling that the flawed character of the final pages "hollows out" the story (Kafka, letter to Kurt Wolff, 4 Sept. 1917, *Letters to Family, Friends, and Editors*, p. 136; Kafka, letter to Wolff, 4 Sept. 1917, *Briefe 1902–1924*, p. 159).

51. One could, however, concoct another imaginary Kafka parable about democratic institutions characterized by the inverse structure—one whose narrative structure parallels that of "In the Penal Colony." For there are institutions, partaking of (at least) the form of democratic procedure, where interminable dispute is occasioned not by the question whether something has yet been decided (that *something* was decided is the one point on which there can be universal agreement) but rather by the question *what* was decided (and about this, as the narrative unfolds, it will become increasingly unclear what could ever determine *that*). If one wanted to concoct such an imaginary Kafka story, one could get off to a quick start by calling the form of democratic procedure in question "last week's faculty meeting" and the story "In the Penal College."

of the machine in the parable of Florida crave something similar: a mechanism that communicates the verdict of an election in a manner that leaves no room for the exercise of a merely human capacity for discriminating justice.) As the officer tries to explain to the traveler, it is a beautiful moment: "Even the stupidest man is now enlightened. It starts around the eyes. From there it spreads out. A look that might lure you into joining him under the harrow" ("I," p. 205; "IS," p. 108). Hence the officer's eagerness to dispense with inessential preliminaries and to be allowed, first off, to explain the workings of the apparatus and to furnish a practical demonstration of how justice is revealed through its operation. He assures the traveler: "Should you feel any minor uncertainties, then the sight of the execution will eliminate them" ("I," p. 215; "IS," p. 114). In *this* Kafka story, the initial atmosphere of suspense is carried not by an intimation of the impending disclosure of *what* is to be announced, but by the intimation of the impending disclosure of *how* it is to be announced. But *is* that ever really disclosed? The officer himself concedes that he is perhaps asking too much of the traveler here: "I know it's impossible to make those times comprehensible today." But the officer immediately comforts himself with the thought: "Anyway, the machine is still running and it still works on its own. It works on its own even when it's alone in this valley" ("I," p. 211; "IS," p. 112). Are *we* able to understand what the officer hopes the traveler will understand?

The officer fully understands that the traveler cannot do other than think to himself thoughts such as the following: "In my country a judicial procedure is different," "in my country the defendant is interrogated before the verdict," "in my country the condemned man is informed of the verdict," "in my country there are other forms of punishment besides capital punishment," and "in my country torture existed only in the Middle Ages." The officer regards all of these thoughts as perfectly "innocent"—thoughts "that do not discredit [his] procedure." Yet, while understanding that the traveler cannot be expected to relinquish his commitment to these thoughts as representing the best chance that justice has, back in his European homeland, the officer also hopes that the traveler will ("on the basis of [his] deep understanding" attained through wide travel and a careful study of the possible and the actual ways known to man for instituting justice) come to regard matters in the penal colony as the officer thinks a wise man must. Indeed, the officer even hopes the traveler will proclaim his conclusions to everyone in the penal colony, that he will cry out "the truth," that he will say that he regards the machine "as thoroughly humane and human," that he cannot but "admire this machine" ("I," p. 213; "IS," p. 113). Do we understand how the officer imagines the traveler is to hold all of these thoughts at once in his mind—both the thoughts the officer knows the traveler, "trapped in [his] European attitudes" ("I," p. 212; "IS," p. 112) is obliged to think and the thoughts he imagines the traveler, faced with the sublime operation of

the machine and helped by his cultivated understanding, will be led to grasp? Do we understand what it would be for someone to assent to all of these thoughts? What would it mean to see the machine of the penal colony, as the officer seems to, as a less compromising alternative for accomplishing *the very same thing* that, in our world, the abolition of torture and the institution of measures of judicial procedure are imperfectly aiming to achieve?

Or does the officer's understanding lie on the far side of a philosophical Dedekind cut that we are unable to traverse? Max Brod recounts the following conversation between himself and Kafka:

> [Kafka:] "We are nihilistic thoughts that came into God's head." [Brod: One could] quote in support of this the doctrine of the Gnostics concerning the Demiurge . . . the doctrine that the world is a sin of God's. "No," said Kafka, "I believe we are not such a radical relapse on the part of God, only one of his bad moods. He had a bad day." [Brod:]"So there would be hope outside our world?" [Kafka] smiled, "Plenty of hope—for God—no end of hope—only not for us."[52]

Like his counterpart the hunger artist, the officer in the penal colony seems, by the end of his story, to have reached some such conclusion. His fidelity to his conception of justice being what it is, he conducts himself in the manner befitting the hero of a story: he gives up his life in a final, gruesomely heroic gesture toward the vindication of his cause. His cause being what it is, there is only one sentence he can inscribe on himself—a sentence which the traveler is unable to decipher, no matter how hard he stares at it—but which the officer is able to read straight off and whose meaning, in the throes of the operation of the machine, he cannot fail to absorb. The sentence is: "Be just!"

The difficulty of understanding what the officer asks the traveler to understand is not a case of the sort of difficulty required to grasp a subtle intellectual point. It does not lie on the same spectrum of difficulty, only further along. Faced with the officer's movement in obedience to his understanding of the requirements of justice, we are moved to respond as Johannes de Silentio does when faced with Abraham's movement in obedience to God's commandment to sacrifice Isaac:[53] "Whenever I essay to

52. Brod, *Franz Kafka: A Biography*, trans. G. Humphreys Roberts and Richard Winston (New York, 1995), p. 75, hereafter abbreviated *F;* Brod, *Franz Kafka: Eine Biographie* (Frankfurt am Main, 1963), pp. 80–81, hereafter abbreviated *FK*, trans. mod.

53. Johannes de Silentio is the pseudonymous author of Kierkegaard's *Fear and Trembling*. I agree with Kafka's remark that the pseudonymous character of Kierkegaard's pseudonymous works is of their essence—that they are "pseudonymous almost to the core." Kafka goes on to offer the following characterization of "Kierkegaard's method" of authorship: "to scream in order not to be heard and to scream falsely just in case you are heard" (Kafka, letter to Brod, end of Mar. 1918, *Letters to Family, Friends, and Editors*, p. 202; Kafka,

make this movement, I turn giddy, the very instant I am admiring it . . . a prodigious dread grips my soul."[54] What Kafka is moved to say of Kierkegaard, after reading *Fear and Trembling*, a reader of "In the Penal Colony" will be equally moved to say of Kafka's officer: "his affirmativeness turns truly monstrous."[55] How are we to imagine the officer's state of mind as he submits the tablet of his body to the quill of the harrow? Are we to imagine him happy?[56] By the end of the story, the task of trying to understand the officer ought to strike the reader as nothing like what the traveler first imagines the officer wants him to try to understand. But if the difficulty the traveler encounters in trying to understand the officer is not one that is to be overcome through further application of the intellect, then how is it to be overcome? What sort of difficulty is it?[57] Does it help to say that a movement of the will (rather than one of the intellect) is required?

When the officer submits himself to the machine "it works"—as he said it was able to—"on its own" and in a manner unlike any in which it has ever performed before ("I," p. 211; "IS," p. 112). Now how are we to describe what transpires at this point, immediately after the officer places himself in the harrow? Shall we say, as the traveler will be happy to, that the machine runs amok? It certainly blots the tablet of the officer's body:

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letter to Brod, end of Mar. 1918, *Briefe 1902–1924*, p. 238, trans. mod.). Here I disagree: This is no more true of Kierkegaard's method than it is of Kafka's own.

54. Søren Kierkegaard, *Fear and Trembling*, trans. Walter Lowrie (Princeton, N.J., 1974), p. 58.

55. "Perhaps I have really lost my way in Kierkegaard . . . He certainly cannot be called merely negative. In *Fear and Trembling*, for example . . . his affirmativeness turns truly monstrous. . . . Affirmativeness becomes objectionable when it reaches too high" (Kafka, letter to Brod, beginning of Mar. 1918, *Letters to Family, Friends, and Editors*, pp. 199–200; Kafka, letter to Brod, beginning of Mar. 1918, *Briefe 1902–1924*, p. 235).

56. Kafka reports in his diary:

> A short dream, during an agitated, short sleep, in agitation clinging to the dream with a feeling of boundless happiness. A widely ramifying dream, embracing a thousand connections that all become clear in a single flash, leaving nothing in its wake but the fundamental feeling: . . . The happiness lay in the fact that the moment of punishment arrived and I was able to welcome it so freely and with such conviction and joy—a sight that must have moved the gods, and I, too, felt the emotion of the gods almost to the point of tears. [*D*, pp. 394–95; *TA*, p. 694, trans. mod.]

57. After remarking upon how "it is supposed to be difficult to understand Hegel," Johannes de Silentio reports that—thanks to having "devoted a good deal of time" to the task—he has succeeded in reaching the point where he is able to understand Hegelian philosophy "tolerably well." He then goes on to contrast the difficulty of understanding difficult philosophy with the difficulty of understanding Abraham: "But, on the other hand, when I have to think of Abraham, I am as though annihilated. I catch sight every moment of that enormous paradox which is the substance of Abraham's life, every moment I am repelled, and my thought in spite of all its passion cannot get a hairs-breadth further. I strain every muscle to get a view of it—that very instant I am paralyzed" (Kierkegaard, *Fear and Trembling*, pp. 43–44).

"The harrow was not writing, it was only pricking. . . . [T]his was no torture, such as the officer was aiming for, it was full-blown murder" ("I," p. 226; "IS," p. 121). But does the traveler know what the officer was aiming for? Do we? It might be claimed that the machine cleaves here to the course of justice, meting it out with unprecedented swiftness and mercy.[58] Is this merely a felicitous *Nebenwirkung* of its breakdown? What significance should we attach to the machine's sudden reversion to various aspects of its former glorious mode of operation? As in its heyday, it whirs soundlessly (the gear that should have been screaking is suddenly silent, "everything was quiet, not the slightest humming could be heard" ["I," p. 224; "IS," p. 120]) and the onlookers are entranced by the spectacle it affords ("the [formerly] condemned man was utterly absorbed in the gears" ["I," p. 225; "IS," p. 121]). Has it carried out the judgment the officer prescribed as his own? And what are we to make of the machine's performance after the harrow has completed its precipitous mutilation of the officer's body? Are we to conclude that the machine now undertakes to mutilate itself?[59] Or is the machine merely, as the traveler thinks, "obviously falling to pieces" ("I," p. 225; "IS," p. 121)? Or is it issuing itself, along with the officer, a reprieve—liberating both from a world in which they no longer have a place? Who here is accused? Who condemned? And by whom? These are questions the story clearly poses. But are they ones that it also wishes us to undertake to answer?[60]

58. One of Kafka's variant endings for the story begins as follows: "The traveler had forcibly to ward off the feeling coming over him that in this case a perfect solution had been effected" (*D*, p. 381; *T*, p. 639).

59.

> The cogs of a gear surfaced and rose, soon the entire gear emerged; it was as if some tremendous force were squeezing the draftsman together, leaving no room for this gear. The gear turned all the way to the edge of the draftsman, fell down, trundled upright over a stretch of sand, and then lay flat. But now a further gear was already rising up above; it was followed by many others, large, small, and barely discernible ones. The same thing happened to all of them. Whenever the onlookers figured the draftsmen must by empty now, a new, very large group appeared, rose, plummeted, trundled across the sand, and lay flat. ["I," p. 225; "IS," pp. 120–21]

60. The questions Kafka's story here poses parallel the ones that Gershom Scholem puts to Kafka in the closing two stanzas of his poem on Kafka's *The Trial:*

> Wer ist hier der Angeklagte?
> Du oder die Kreatur?
> Wenn dich einer drum befragte
> Du versänkst in Schweigen nur.
>
> Kann solch Frage sich erheben?
> Ist die Antwort unbestimmt?
> Ach, wir müssen dennoch leben,
> bis uns dein Gericht vernimmt.
>
> [Who is the accused here?
> The creature or yourself?

"In the Penal Colony" is usefully paired with Kafka's story "The Stoker."[61] They are equally atypical, but for very different reasons. The latter tale came to be treated by Kafka as a self-standing story but was originally written to serve as the opening chapter of his novel *Amerika*. It is about Karl Rossmann, a character who, on the surface, seems more like Joseph K. or Gregor Samsa than the hunger artist or the officer of the penal colony. He is plagued by the hesitation and remorse of the former two characters (not to mention their talent for discovering themselves in questionable situations), only combined with the insatiable idealism of the latter two. Yet, unlike any of them (or any other Kafka protagonist), he possesses—and is seemingly protected by—a quality of inviolable inno-

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> If anyone should ask you,
> You would sink into silence.
>
> Can such a question be raised?
> Is the answer indefinite?
> Oh, we must live all the same
> Until your court examines us.]

(Scholem, letter to Benjamin, 9 July 1934, *The Correspondence of Walter Benjamin and Gershom Scholem*, p. 125; Scholem, letter to Benjamin, 9 July 1934, in Benjamin, *Briefe*, 2:612). Benjamin's comment on the conclusion of Scholem's poem works beautifully as a reading of the conclusion of Kafka's story:

> The last stanza raises the question of how one is to imagine, in Kafka's sense, the Last Judgement's projection into world history. Does this projection turn the judge into the accused? And the proceedings into the punishment? Is it devoted to raising up the Law on high, or to burying it? Kafka . . . had no answers to these questions. But the form in which they presented themselves to him . . . contains indications of a state of the world in which such questions no longer have a place, because their answers, far from being instructive, make the questions superfluous. Kafka sought . . . the structure of this kind of answer that renders the question superfluous. But . . . one cannot say that he found it. [Benjamin, letter to Scholem, 20 July 1934, *The Correspondence of Walter Benjamin and Gershom Scholem*, p. 128; Benjamin, letter to Scholem, 20 July 1934, *Briefe*, 2:613–14, trans. mod.]

61. The special standing of these stories in Kafka's corpus is indicated by the fact that "In the Penal Colony" and "The Stoker" are among the handful of his creations to which Kafka (in one of his notes to Brod) grants a reprieve. Most of the rest of his work was sentenced to die with him. He sought to erase what he had once inscribed with a sangfroid and severity of purpose reminiscent of the officer of the penal colony:

> Dear Max, perhaps this time I shan't recover after all. . . . For this eventuality therefore, here is my last will concerning everything I have written:
>
> Of all my writings the only books that can stand are these: *The Judgment, The Stoker, Metamorphosis, Penal Colony, Country Doctor* and the short story *Hunger Artist*. . . .
>
> But everything else of mine which is extant (whether in journals, manuscripts, or letters), everything without exception in so far as it is discoverable or obtainable . . . —all these things without exception are to be burned, and I beg you to do this as soon as possible. [Brod, "Postscript to the First Edition of *The Trial*," T_1, pp. 266–67; Brod, "Nachwort zur ersten Ausgabe," *P*, pp. 194–95]

Brod was no more able to fathom the justice in and, hence, comply with Kafka's request here than the traveler is able to fathom the officer's conception of what justice requires and acquiesce in (what also turn out to be) his last wishes.

cence.[62] In this first chapter of the novel, Karl is a passenger on board a ship, newly arrived in America and full of hope about where it is, in arriving in America, that he has arrived.[63] He is not without problems of his own; but he befriends a stoker who is about to lose his job and decides, at brief risk to himself, to take up the stoker's cause. We easily identify with Karl. Though it is impossible to assess the merits of the stoker's cause, it is clear that Karl, in taking it up, has his heart in the right place. His intentions, even if perhaps not their consequences, incline toward the side of the angels. When the stoker first explains how he is about to lose his place aboard the ship, Karl excitedly says: "Don't you put up with it" (*A*, p. 8; *V*, p. 14).[64] This remark epitomizes Karl's position throughout the novel: someone who thinks that in *Amerika* one should be unwilling to put up with what, in the old world, one has become accustomed to putting up with. Yet, in a manner characteristic of Kafka's protagonists, Karl oscillates between self-confidence and self-doubt in his attempts at action, proving utterly ineffectual in the end. At the close of the novel's opening chapter, he yields to the demands of a newfound, conveniently wealthy, and apparently quite callous uncle, leaving the stoker to suffer injustice at the hands of his shipmates. His uncle, a senator, could easily save the stoker; but his only interest in the shipboard drama is in extricating his nephew and conducting him ashore. It is here that the story "The Stoker" ends: with Karl, while being led away by his uncle, bursting into tears. And it is thus that Kafka's unfinished novel *Amerika* begins: with

62. As Kafka himself notes, Karl Rossmann and his story are more like something out of Dickens than Kafka: "'The Stoker' a sheer imitation of Dickens, the projected novel even more so. The story . . . but above all the method. . . . It was my intention, as I now see, to write a Dickens novel" (*D*, p. 388; *T*, p. 652). Kafka's uncharacteristic susceptibility to influence here is connected to his repeatedly frustrated, lifelong ambition to a write a very different sort of novel than *The Trial* or *The Castle*—one whose structure not only tolerates but demands a happy ending.

63. The possibility of a happy ending is tied to a dream of America, of there being possibilities afforded by such a place that remain foreclosed in the world in which Joseph K. and his brethren live. Such a happy ending and the thematic development required for its fulfillment are vividly presaged in the opening two sentences of the novel: "As the seventeen-year-old Karl Rossmann . . . stood on the liner slowly entering the harbour of New York, a sudden burst of sunshine seemed to illuminate the Statue of Liberty, so that he saw it in a new light, although he had sighted it long before. The arm with the sword rose up as if newly stretched aloft, and all around the figure blew the free winds of heaven" (Kafka, *Amerika*, trans. Muir and Muir [New York, 1946], p. 3, hereafter abbreviated *A*; Kafka, *Der Verschollene*, ed. Jost Schillemeit [Frankfurt am Main, 1983], p. 9, hereafter abbreviated *V*; trans. mod.). This is not how Kafka's other novels or stories begin.

64. At the end of the story, Karl's parting words to the stoker are prefaced by the question: "'Why do you put up with all this?'" What's the alternative? Before he interrupts himself by bursting into tears, Karl begins to try to say: "'You've been unjustly treated as no one else on this ship has; I know that very well. . . . But you must get ready to defend yourself . . . or else people won't have any idea of the truth'" (*A*, p. 34; *V*, p. 41, trans. mod.).

Karl, in this distraught and compromised condition, disembarking from his ship, and setting foot on the continent of America for the first time.

The differences between Karl's vision of the situation on board the ship and that of his uncle are epitomized in this bit of dialogue:

> "The stoker will get what he deserves," said the senator, "and what the captain considers appropriate, I believe we have had enough and more than enough of the stoker, and I am sure that each of the gentleman present here will concur."
>
> "But that is not the issue in a matter of justice," said Karl. . . .
>
> "Do not misunderstand the situation," the senator told Karl, "this may be matter of justice, but at the same time it is a matter of discipline. On shipboard, both and especially the latter are subject to the captain's discretion."[65]

The champion of justice here is attempting to forestall punishment; those who are indifferent to justice are eager for discipline. In this and other respects, we have in this story a reversal of the moral problematic of "In the Penal Colony."[66] But despite this thematic reversal, Karl and the officer have much in common: a natural forthrightness, a scrupulous sense of justice, and a capacity to feel chagrin at the incapacity of others to feel shame, especially when they themselves occasion the miscarriage of justice. Both Karl and the officer, each in his way, resemble Brod's description of Kafka:

> Absolute truthfulness was one of the most important and distinctive features of his character. Another distinguishing feature was his unimaginably precise conscientiousness. *Conscientia scrupulosa.* It revealed itself in all questions of a moral nature, where he could never overlook the slightest shadow of any injustice that occurred. [*F,* p. 47; *FK,* p. 53]

This portrait is further elaborated by Milena Jesenská:

> The fact is that we all seem capable of living, only because at some time or other we have taken refuge in a lie, in blindness, in enthusiasm, in optimism, in some conviction, in pessimism, or something of the sort. He has never taken refuge in anything. He is absolutely incapable of lying, just as he is incapable of getting drunk. He has nothing to take refuge in, no shelter. It's as if he were naked and

65. Kafka, "The Stoker," trans. Neugroschel, *The Great Works of Franz Kafka,* pp. 108–9 (I will employ both this translation of "The Stoker" and the one contained in the translation given in the previous note); Kafka, "Der Heizer," *Sämtliche Erzählungen,* pp. 52–53.

66. This thematic reversal is internally related to the aforementioned inversion in narrative structure.

> everyone had clothes on. . . . His being is resolutely self-contained and self-sufficient, devoid of all artifice that might enable him to misrepresent life, either in its beauty or its misery.[67]

Karl Rossmann and the officer of the penal colony represent polarized realizations of such a persona. Karl is morally sensitive but irresolute; the officer has a ruthless clarity of purpose. While Karl wavers and eventually succumbs to cowardice, the officer is steadfast and courageous. Karl seems naked and vulnerable even when he is fully clothed; the officer seems invulnerable even when (at the end of the story) he *is* naked and everyone else has clothes on. Where Karl sees his goal but no way to achieve it (for him the way is only wavering), the officer sees his way so clearly, so unwaveringly, that we are no longer sure what the goal could be. Whereas Karl is all too easy to identify with, the officer is unfathomable. Karl is warm and human; he is one of us. The officer is either a saint or a monster, possibly some combination of both. What would it mean to combine these two elements—to combine the warmth and wavering of Karl's humanity with the officer's faith that there is not only a goal but a way and that he knows it? Kafka wrote in his diary: "If the two elements—most pronounced in 'The Stoker' and 'In the Penal Colony'—do not combine, I am finished. But is there any prospect of their combining?" (*D*, p. 330; *T*, p. 561).[68] And, what would it mean, in our imaginary Kafka story, for the citizens of Florida to be able to combine these elements—the humanity of Karl with the commitment of the officer? Is there any prospect of their combining these elements?[69] And, if they are unable to, are they, too, finished?

If, in our imaginary tale about Florida, the winner of the election is *to be revealed,* but if (no matter what outcome any official of the court or the legislature claims to certify) most of the citizens find themselves unable to count anything that can be revealed as the revelation of that which

67. Milena Jesenská, letter to Brod, undated, quoted in *Milena*, ed. Margarete Buber-Neumann (New York, 1988), pp. 66–67 (I quote here from Ralph Manheim's translation of the letter, as quoted by Buber-Neumann). The full text of the letter can be found in *F*, pp. 227–30; *FK*, pp. 241–44.

68. Brod comments: "By the two elements he means most probably the realistic-hopeful and the idealistic-severe tendencies in his writings" (*F*, p. 154; *FK*, p. 164).

69. Kafka's enduring sense of failure to live up to his own demands notwithstanding, Milena's brief obituary for Kafka embraces each of these elements. There are elements of Karl Rossmann: "He was shy, timid, gentle, and good. . . . His . . . was the weakness of fine and noble beings who are incapable of fighting against fear, misunderstandings, unkindness, and untruth." And there are "idealistic-severe" elements: "He had . . . the second sight of a man who saw the world so clearly that he could not bear it and had to die, for he was unwilling to make concessions, to take refuge, as others do, in intellectual delusions, however noble" (Jesenská, "An Obituary for Franz Kafka," in *Kafka's Milena*, trans. A. G. Brain, ed. Jana Černá [Evanston, Ill., 1993], pp. 179–80; Kafka, "Nachruf auf Franz Kafka," in *Briefe an Milena* [Frankfurt am Main, 1986], pp. 379–80, trans. mod.).

is to be revealed—if they can only understand their way up to the point where the judgment is on the verge of being revealed, but no further, and yet are equally unable to do anything other than to keep trying, waveringly, to grope their way towards a revelation—then our parable about Florida has some of the earmarks of a certain kind of Kafka story.[70]

Kafka's parable "On Parables" concludes as follows:

> Concerning this a man once said: Why such reluctance? If you only followed the parables you yourselves would become parables and with that rid of all your daily cares.
> Another said: I bet that is also a parable.
> The first said: You have won.
> The second said: But unfortunately only in parable.
> The first said: No, in reality: in parable you have lost.[71]

What would it take, in the progress of the parable of Florida, for the world in which we live to prove itself to be fully complementary to the one in which Kafka's protagonists live? Is it enough if the day comes when most of the citizens of Florida are willing to *say* that someone has won the election? *Has* he then won? And, if so, where? Perhaps, unfortunately, only in reality, while in parable he has lost.

Is this our fate? To be able to win in reality only at the cost of losing in parable? Is this where we arrive when we travel past the halfway point, to the conclusion of the parable "On Parables"?

A parable does not interpret itself. It is like an oracle: what its answer is depends upon how it applies to those who bring a question to it. The task of application—of interpretation—lies with each of us who have a question to bring. Who are we? (Those who want our votes to count?) Where are we? (Where is "Florida"?) In America? (Or in *Amerika*?) Is the parable of Florida the story of America? The internal development of the action in the parable of Florida, like that of many a Kafka story, appears to render some further, infinitely deferred development both necessary

70. One of them, as a scholar of Kabbalah was bound to notice, is the looming yet indecipherable shadow of pending revelation—a revelation that seems, as I put it before, both necessary and impossible. This appears to require a peculiar theology of revelation: "a state in which revelation appears to be without meaning . . . [yet] still asserts itself, in which it has *validity* but *no significance*—a state in which the wealth of meaning is lost and what is in the process of appearing . . . still does not disappear even though it is reduced to the zero point of its own content" (Scholem, letter to Benjamin, 20 Sept. 1934, *The Correspondence of Walter Benjamin and Gershom Scholem*, p. 142; Scholem, letter to Benjamin, 20 Sept. 1934, *Walter Benjamin/Gershom Scholem Briefwechsel 1933–1940*, ed. Scholem [Frankfurt am Main, 1985], p. 175). To see this admittedly characteristic feature of Kafka's work—as Scholem does—as the pivotal element in Kafka's understanding of "a correct theology" is to remain stuck halfway in one's reading of Kafka.

71. Kafka, "On Parables," p. 457; Kafka, "Von den Gleichnissen," p. 359.

and impossible. The citizens in the parable of Florida, if the story were to break off here, would remain stuck halfway into the parable "On Parables." The parable of Florida would point the way not to some actual place (which we could reach if the effort were worth it) but to somewhere that can never be designated precisely enough for us ever to be able to know that we have reached it. Is this how the parable of Florida should end?

For the two elements most pronounced in "The Stoker" and "In the Penal Colony" to combine requires the depiction of a world unlike any actually depicted anywhere in Kafka's corpus. This can be achieved only in a work that combines the form of *Amerika* (with its interrelated possibilities of a hopeful beginning and a happy ending) with the elusive content of "In the Penal Colony" (with its interrelated possibilities of determination, judgment, revelation, and justice). The possibility of such a combination is everywhere intimated but nowhere realized in Kafka's work. It requires more than the mere intimation of a world to which one can look forward as Karl Rossmann looks forward to arriving in America—to a world in which one will be fully welcome and able to fit in, yet in which one's hopes for justice will be capable of fulfillment. It requires the representation of a world in which concepts such as hope and justice have fully determinate application, without our only possible point of view on its possibility being that of a perplexed and detached traveler—someone who is unable fully to enter, even merely in imagination, into the viewpoint of its inhabitants. Let us call the work that combines these elements the parable of America. If there were no prospect of these elements combining, then America would be unrepresentable.

America is the place where Karl Rossmann is trying, but is also afraid, to arrive. (He is the last passenger to get off the boat.) It is a place at which he will have arrived when he has fulfilled his aspiration to leave the Old World behind him, along with its old ways of thinking; it is the place where he will be able to become and discover who he is, realizing his hopes without dismantling his conscience. America, so understood, is the name of a dream.[72] It is a place that can be represented neither through the devices of a conventional realism (which aim simply faithfully to describe a certain sort of place) nor through the devices of Kafka's parabolic realism (which aim to reveal how no coherent description could amount to a description of "the place" that it purports to describe). There

72. Thus Karl is irresistibly moved to act on the announcement he sees in the placard of the Oklahoma Theatre: "The great Theatre of Oklahoma calls you! . . . Whoever thinks of his future belongs to us! Everyone is welcome! . . . We are the theatre that has a use for each person, and for each person in his proper place!" The placard promises what Karl, in seeking America, seeks; and, for this very reason, its announcement invites dismissal: "A great many people were certainly standing before the placard, but it did not seem to find much approval. There were so many placards; nobody believed in them any longer. And this placard was still more improbable than usual. Above all, it failed in an essential particular, it did not mention payment" (*A*, p. 272; *V*, p. 295, trans. mod.).

is a concept of America that one can only denote if "America" is neither merely the name of some place that has already been completely discovered nor merely that of someplace which must always remain yet to be discovered. This is the America Karl Rossmann seeks. It is the concept of a place that can—and perhaps does—have a geographical location but is not a merely geographical entity. Another German storyteller, but one with more experience of America (and, in particular, of American *film)* than Kafka, the filmmaker Wim Wenders, tries to explain:

> AMERIKA and the dream about it: from outside.
> AMERICA and its dream of itself: from inside.
> Both are called 'AMERICAN DREAM'.
> . . . . . .
> 'AMERICA' always means two things:
> a country, geographically, the USA,
> and an idea of that country, the ideal that goes with it.
> "American Dream," then, is:
> a dream OF a country
> IN a different country,
> that is located where the dream takes place.
> . . . . . .
> Thus, the "American Dream'
> is doubly yearning, doubly removed.
> 'I want to be in America', the Jets sing
> in that famous song from *West Side Story.*
> They are in American already,
> and yet still wanting to get there.
> . . . . . .
> So, what is that dream about?
> The boundless possibilities?
> The cars, homes and swimming pools?
> . . . . . .
> The adventure and the freedom
> of becoming what you like
> and being as you please?
> The freedom?
> What sort of freedom does the statue called Liberty promise?[73]

America here names a place that Kafka, though not for lack of interest in its possibility, has evident difficulty imagining.[74] For Karl Rossmann and

73. Wim Wenders, "The American Dream," *Emotion Pictures,* trans. Shaun Whiteside (London, 1989), pp. 117–19.

74. The difficulty the European mind has in imagining America is itself a central topic of *Amerika.* Karl likens "the first days of a European in America" to a "re-birth," cautioning himself that someone in this situation ought not let his first judgments of America "prejudice the future judgments which would eventually shape [his] life in America" (*A,* p. 39; *V,* p. 46). The topic recurs frequently, with other characters in the novel remarking to Karl:

Wim Wenders—as for Ralph Waldo Emerson and Walt Whitman—the question whether America exists is not answered simply by consulting a map, and the question of whether someone is an American is not settled simply by checking his passport.[75] America, for Karl, is the dream of a place where one can succeed without compromising one's allegiance to justice—a place where he can lead a life of which he need not be ashamed.[76] Karl is repeatedly astonished at how (the geographical entity named) America differs from Europe in respects he had not anticipated it would and equally often disappointed at how it resembles Europe in just the respects he expected it not to. America, for Wenders, is, we might say, the dream of a place in which it is possible to win in parable without losing in reality, but where one can only avoid losing in reality if one can keep alive the hope of winning in parable. Wenders is evidently worried that the hope may dwindle (perhaps into the belief that all the statue called Liberty promises are cars, homes, and swimming pools),[77] but he is also evidently not yet prepared to declare that the dream is all dreamed

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"You have some queer ideas about America" (*A*, p. 66; *V*, p. 71)—and on the last page the narrator still needs to inform us: "Only now did Karl grasp the immensity of America" (*A*, p. 297; *V*, p. 318, trans. mod.). The centrality of the topic of the unimaginable nature of America is connected to Kafka's sense that he was, in writing *Amerika*, writing a novel that was "designed . . . in such a manner that it will never be completed" (Kafka, letter to Bauer, 11 Nov. 1912, *Letters to Felice*, p. 35; Kafka, letter to Bauer, 11 Nov. 1912, *Briefe an Felice*, p. 86)—and for reasons very different than those that rendered *The Trial* or *The Castle* works that were never to be completed. The difference in the respective sorts of limitation that Kafka encountered here is roughly the difference between the difficulty of acknowledging the possibility of hope and that of acquiescing in the necessity of despair. This difference is reflected in the very different sorts of conclusion these novels were to have and in Kafka's sense that the closest he could come to providing *Amerika* with a conclusion would be through an evocation of the immensity—of the infinite possibilities—of America.

75. There is no place where one has more occasion to remark that something (or someone) is "downright un-American" than in (the geographical entity known as) America.

76. The narrator's comment on the reason for Karl's attraction to the placard of the Oklahoma Theatre reveals the character of the America he seeks:

> For Karl there was one great attraction in the placard. "Everyone is welcome," it said. Everyone, that meant Karl too. All that he had done till now would be forgotten; it was not going to made a reproach to him. He was entitled to apply for work of which he need not be ashamed, work which was of a sort rather to which one could be publicly invited to apply. And just as public was the promise that his application would also find acceptance. He asked for nothing better; he wanted finally to find the beginning of a decent way of life and the possibility of such a beginning was perhaps what was showing itself here. [*A*, pp. 272–73; *V*, pp. 295–96, trans. mod.]

77. That is, into the belief that the statue called Liberty can keep its promises only if it does not fail in the essential particular of promising payment—hence into the belief that there is no longer a point in promising (as the placard of the Oklahoma Theatre pretends to) what Karl, in seeking America, seeks. Such substitutes for the concept of freedom and the forms of disillusionment which engender them are a favorite theme of Kafka's stories. "A Report to an Academy," for example, revolves around an exploration of the following thought: "All too often men deceive themselves with the word 'freedom.' And as freedom is counted among the most sublime feelings so the corresponding disillusionment is also sub-

out (that such "freedom" has become the only sort Liberty promises). It belongs to the logic of America, so understood, that the parable of Florida represents one of its standing possibilities. In Wenders's parable of America, one has lost in parable only when one has lost one's ability to dream the dream that "America" names—a dream to which he reports he was introduced by (what he calls) "American movies."[78]

As anyone familiar with such movies knows, the dream of America does not have all the earmarks of a Kafka story.[79] It shares elements in common with a Kafka story: the telling of it naturally takes the form of a parable, and there is always room, in reflecting on the parable, for questions about what, and how much, has been, and can be, determined, and with what authority, and by whom. But there are elements it does not share with a Kafka story: not only is there something that remains to be determined, but the fulfillment of the parable requires that it not remain forever undetermined and that it be we, to whom the parable is addressed—the citizens—who do the determining. Does this mean that the idea of America (that is, of an America whose existence cannot be established simply by consulting a map) is a philosophical concept? Is the story of America a philosophical parable? And, if so, does that mean that America, so understood, is a mere dream? Or is there an (intermediate) genre of realism to which such a story (or movie)—one that combines these sorts of elements—can be said to belong? Is there a way to win in parable in the parable of Florida without being false to the reality of America?

Here is a way of finding out what you, in your heart, really believe: As the drama of the Florida recount unfolds according to the logic of a Kafka story—the most prominent features of Justice coming intermittently into focus, with the blindfold over her eyes and the scales properly balanced, only to fade into those of Victory, with her eyes blazing and sword drawn, so that the intermingling of their features gradually comes to resemble nothing more than the increasingly familiar outline of the goddess of the Hunt—how do you react? Do you, like the politicians, just continue devotedly—while paying lip service to Justice—to make your ministrations to the goddess of Victory? Or do you, like the traveler in the penal colony, whisper to yourself—as only the detached observer can—"Thank God this isn't my country!" Or do you, like the officer of the penal colony, conclude that there is plenty of hope—no end of hope—

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lime" (Kafka, "A Report to an Academy," trans. Muir and Muir, *The Complete Stories*, p. 253; Kafka, "Ein Bericht für eine Akademie," *Sämtliche Erzählungen*, p. 150).

78. Gustav Janouch reports: "Franz Kafka always gave a look of surprise when I told him I had been to the cinema. Once I reacted to this change of expression by asking: 'Don't you like the cinema?' After a moment's thought Kafka replied: 'As a matter of fact I've never thought about it'" (Gustav Janouch, *Conversations With Kafka*, trans. Goronwy Rees [London, 1985], p. 160).

79. The parable of America is not—as a Kafka parable is—the figure of a failure.

only not for us? Or do you, like the officials of the court, pacify yourself with the thought that the Law is—what else could it be?—whatever the courts have revealed it to be? Or do you, at some point, like Karl Rossmann—when he arrives in America, with his heart bent on settling there—burst into tears?[80]

80. I am indebted to Irad Kimhi for new thoughts, to Kristin Casady and Stanley Cavell for their suggestions, and to Lisa Van Alstyne for her tears.