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Kafka: Before the Law (1996)

The Limits of Voice (1996) examines the relationship between the consecration of the individual in the wake of the collapse of the Christian order (as seen in Montaigne), the pressure for a concept of Law, defined, in its primacy, as a principle of regulation (as seen in Kant and Schlegel), and the rise of literature as an autonomous discursive mode.

The current excerpt comes from the final pages of the last chapter of that book. It is significant because it shows, against the background of the control of the imaginary, the emergence of the question of fictionality. 'Kafka's task,' as described by Costa Lima, 'is the fictionalization of a world in which this order [the Law], based on the premise of the consecration of the individual subject, turns out to be questionable.' Here Costa Lima sets up *criticity* as a possible response to the control of the imaginary. In a translator's note, Paulo Henrique Britto describes this term:

"Criticity" is a neologism – as in the Portuguese criticidade in the original – coined in order to distinguish the act of questioning from both the act of judging ("critique") and the activity of by means of which the act of judging is effected ("criticism"). The questioning, non-normative function is certainly already present in Kantian criticism, but the distinction was never captured by a contrasting pair of words, in English or Portuguese.

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KAFKA: BEFORE THE LAW

THE DESUBSTANTIALIZATION OF THE LAW AND THE STATUS OF THE FICTIONAL

Clearly, no serious analysis of Kafka can sidestep the subtle problems raised by his work. But the present book is not addressed only to specialists. In this section, concerned as it is with a topic of general interest, a broader approach is convenient.

What do we mean when we say a text is literary? If, given the various kinds of appreciation of literature, we ask this question, we find that three criteria are extant. First, as a part of so-called belles lettres, literature implies beautiful writing. Second, a text is said to be literary when it has a fictional or documentary plot and presents the image (potentially, the portrait) of a state of society, or represents an image of life. Third, a literary text is one that actualizes in words a discursive mode: fictional discourse.

These criteria could not but be discordant, even inconsistent, since they belong to different times, though the effort is seldom made to place them in history and spell them out clearly. The first is derived from Renaissance poetics: literature is seen not as an autonomous territory, but as a part of rhetoric. As such, its study benefited from the examination of the rhetorical treatises of classical antiquity and concentrated on questions of proper diction and discrimination of figures of speech. The discomfort we feel before its characterization of literature as beautiful writing is a consequence of the fact that today it is no more than the residue of a classification no longer in force. For in relation to what other kind of text is literature said to be beautiful? When is an author not expected to write a beautiful text, or when is one not expected to trouble oneself with beauty? In the Renaissance, a play and a historical narrative were supposed to be equally beautiful. Written in ornate language, avoiding the commonplace and the trivial, plays, lyrical poems, letters, and historical essays were all addressed to the attention of a sophisticated public. Attention is perhaps not the best term here: it might be better to say instead "the ears of a sophisticated public." For this writing was meant more for the ear than for the eye. All language considered vulgar or obscene, arousing belly laughter or redolent of the street or marketplace, the sort of popular and frank language that Rabelais inherited from the medieval genres, was not in conformity with the decorum that was expected of belles lettres, seen as a sign of distinction, a mark of social differentiation.

When, in the present times, whether or not aware of this historical background, we apply the first criterion, not only do we fail to say anything of any use about literary objects but we confuse the common reader. Freud, for instance, was awarded a literary prize for works that distinguished themselves for their sophisticated use of language. More recently, the same prize was given to a contemporary philosopher. Does this mean that the panel considered these two writers fine novelists? Quite probably both of them would be offended by such praise. Such reactions would be unthinkable until the late eighteenth century, for the criterion of belles lettres did not assume either the existence of the novel or that of the humanities, let alone the differentiation between philosophy and each of them that arose only when these different modalities were recognized as such. That is, the criterion of belles lettres implied the existence of discursive alternatives quite different from those that came to be known in the modern age. These alternatives disappeared, together with the criterion of distinction—the man educated for the court, the perfection of the courtier—they presupposed. Instead, another basis was founded: the acknowledgment of the self, of individual subjectivity as a theme for exploration.

The second criterion is much more recent. Though already legitimated in Montaigne's *Essays*, it became more widespread in the early decades of the nineteenth century. As an expression of the creator's individuality, literature was seen as the means through which a time, an era, a social and human situation were represented. With the "normalization" of Romanticism, literature became a potentially differentiated discourse—that is, freed of norms and requirements proper to other modes of writing. Its immediate object was neither to edify, nor to delight the reader, but to express the author. The very term "author" had suffered a significant shift: whereas the Latin root of "author," *auctor*, earlier connoted authority, with the full legitimation of individual subjectivity the author became responsible for what he or she wrote, and a literary author came to mean one who expresses what takes place in his or her subjective world. It would be interesting to examine how, in this way, recognition of literary expression involved the problem of the relations between the rights of the individual and society. Here we shall do no more than note that the assertion of the individual was decisive for the idea of a discourse potentially freed from collective requirements, and equally decisive for the concept "literary work," as long as individual aspirations and collective values did not clash. Now, this clash is quite visible in the trials of Flaubert and Baudelaire, both accused precisely of attacking moral values, and it is an important element of Poe's prestige in Europe; thus, by the mid-nineteenth century the defining criterion of literature as expression of individuality was problematic. This criterion became increasingly vague and inadequate.

Let us add that the conception of "literary work" as the expression of authorial individuality assumed that the author and the society he or she lived in had compatible values. We are not saying that this was actually the case, but that it was assumed by the criterion. Thus, the affirmation of the literary character of a work was subject to the previous evaluation of the values it propagated as acceptable or unacceptable to those who represented power. It is often said that in the nineteenth century literature came to be seen as an indispensable ingredient in the education of a refined person. But it is not always added that such literature was not to offend one's good feelings or to lead one astray from the ideals of the "good society." The formation of the literary canon—that is, the list of works considered obligatory for higher culture and the kind of interpretation they were submitted to—presupposed both society's acknowledgment of the individual subject and the latter's acceptance of the basic values thus legitimated. Let us also add that it is not by accident, incompetence, or negligence that this definition of literature fails to delimit the field of literature properly. One may well ask, for instance: Why should a different kind of text, whether or not it contained a socially legitimated justification, be seen as a minor expression of a state of society?

This question, if indeed it was ever asked, had no historical consequence. The reason for this is simple: it is only apparently that the characterization on which the criterion is based—language as an expression of a state of society—is descriptive. It is, in fact, a normative criterion: the works we recognize as literary are those that allow an interpretation showing the state of society acceptable to the legitimated point of view. The criterion does not apply to texts meant for a specialized public. It would be otiose to ask whether these do not also express the state of society that gave rise to them. The question would be useless because the criterion presiding over their circulation would not be the same. In any case, since throughout the nineteenth century the literary text was the form of socialization par excellence, it had to respect, endorse, and propagate the hierarchy of values and modes of conduct. Thus, the criterion singularized the literary text explicitly and gave it prestige even as it imposed a social function on it.

Now, as the examples of Flaubert and Baudelaire make clear, this requirement of homogeneity came to be questioned in actual practice. The guiding focus of adequate reception, the narrator or lyrical voice, became either unreliable (Flaubert) or provoked a shock experienced by the reader as an aggression (Baudelaire). It will be worthwhile to quote Sainte-Beuve on Baudelaire here. Excusing himself for not having written about his friend's book, the famous critic imagines he would have told him: "You are too suspicious of passion, natural passion. . . . Let yourself go, do not be so afraid of feeling as others do, never fear being too ordinary."¹ The passage is a masterpiece of euphemism. Under the pretext of giving the poet advice, the critic accuses him of laying too much emphasis on "natural passion" and being hamstrung by the fear of "feeling as others feel!" The problem, then, is not that Baudelaire felt differently from everyone—a serious crime against social homogeneity—but only that his style was negatively affected by a fear that was in fact unfounded.

What Sainte-Beuve could not possibly have predicted was that the task of official critics would become increasingly embarrassing, that the styles of authors were to become more and more offensive. From then on, the criterion emphasizing the homogeneity of values would rely either on excluding rebels from the pantheon of canonical writers or on avoiding the propagation of their lesson. Since the first alternative, though it was tried, ultimately failed, and since the example of rebel writers was propagated in their own countries and abroad, the criterion could satisfy only the smug or the lazy.

In other words, it was the literary object itself that called for criteria taking into account their discursive specificity. As we saw in the previous chapter [of *The Limits of Voice*, "The Subject and the Law: A Kantian Heritage"], this requirement did not appear first in the mid-nineteenth century; it was already clear to the early German romantics. But, as was shown, this criterion was short lived and was soon replaced by historiographical description in the work of the man who had been its major champion. In other words, historiographical description, as well as the criteria that attempted to explain the character and quality of the literary work as a function of social mechanisms, were the means through which the subsystem of literary power attempted to reconcile the basis of the criterion—literature as the expression of individuality—with the norms that could be legitimated in post-Napoleonic society.

As literary studies acquired legitimacy, together with the rise of History as a branch of knowledge and the appearance of the "human sciences," it came to be necessary that the study of literature also become "scientific." Thus, to take literary works as expressions of an environment—geographical, sociohistorical, ethnic, and so on—was the way to bring to light the homogeneity manifested by the work. To treat it otherwise would be to fall back on the dangerous individualism of the romantics, to return to the otiose conflict between the rights of the individual and the obligations imposed by society.

The idea of science intervened in favor of the homogeneity that must be assured. It had the additional advantage of not forcing the critic to endorse values already official. This interpretation may emphasize another form of homogeneity: for instance, to elect an author for his or her rebelliousness, as long as it is added that this rebelliousness points to a different social order. Another solution also presented itself: the aestheticization of literature, art, and life itself (see the final section of Chapter 2 [of *The Limits of Voice*, “The Subject and the Law: A Kantian Heritage”).

The third criterion, then, reflects the need to return to the critical path opened by the early German romantics. If what characterizes a discourse is the fact that it establishes a *territoriality*, its identification by the receptor will depend on the presence of specific marks—that is, traits that the reader expects to find in a work belonging to the discursive mode in question. The contemporary reader, for instance, expects both an autobiography and a historiographical essay to be truthful accounts of the past. But the two expectations do not have identical parameters; otherwise, autobiography and historiographical essay would be one and the same thing. In addition to reporting true facts, autobiography is assumed to be restricted to the viewpoint and individuality of the one who presents the facts. This is why autobiography is often seen as a literary genre: for are we not told that literature is the expression of individuality?

This observation will serve at least to provide a quick insight into the difference introduced by the criterion of fictionality and the attempt to use it to characterize the literary work. What, then, is the specificity of fictional discourse? That is: Why would it be arbitrary to say that if there is no substance to which the term refers, all discourse is fictional?

Fictional discourse is characterized first by its peculiar position in relation to the question of truth. All other discursive forms, from the various forms of actualization of pragmatic everyday speech to religious, scientific, and philosophical discourse, have in common the assumption of truth. Hence, there are penalties and sanctions for those who are caught in a lie or falsification, and excommunications for those who dare to interpret the affirmed truths their own way. The assumption of truth holds from the humblest rites of everyday life all the way to the allegation that such and such an experiment validates a given scientific hypothesis. What is different about these various discursive modalities is the apparatus of truth. Validation of hypotheses works in science but not in religion; the role played by inner belief or conviction in religion has no place in philosophy, whose truth apparatus rests on the effectiveness of the problematization offered, and so on.

Fictional discourse is in a class all its own because it suspends the question of truth. It does not say that this question ought to be abolished as irrelevant to its purposes; rather, it places the issue at a sufficient remove to allow it to be seen in perspective. If the reader is unfamiliar with this reasoning, let him or her picture the situation of a spectator in a theater. The scene is recognizable to the spectator. However, aware of the fact that the scene in question is not connected with the pragmatics of everyday life—that is, that the actors and actresses are performing—the spectator is in the privileged position of being able to see from a distance the workings of values, customs, habits, and automatic attitudes that may be his or hers. That is, the deprivatization of familiar or conceivable situations allows the spectator to see them from a critical remove. Thus, fiction operates by means of disconnection from ordinary pragmatics—whether that of everyday existence or that of another discourse—in order to actualize its own pragmatics: that of placing in perspective, or in question, or allowing the critical viewing of, norms, values, and behaviors that the receiver recognizes or even shares.

Whether our knowledge of this characterization of the literary object is more or less refined will not make a fundamental difference, for from a general point of view what matters first of all is that it provides the means for evaluating the contemporary receiver. But from this it should not be concluded that the acknowledgment of the fictionality of the work of art today is no more than a routine mark, one that requires no further reflection. We shall simply say that it is a part of the expectations of a reasonably well-informed person.

Only now can we see what these considerations point to. If it is true that the idea of fictionality is a part of the contemporary expectations of the common reader of literary works, one can understand the disturbance brought about by Kafka's works. But for this to become perfectly clear one further point must be elaborated. We have said that the pragmatics of the fictional are related to the possibility of questioning “truths” that are recognized or shared by the receiver. For this to take place, this questioning must not involve the norms and values in force in their entirety. Perspectivization itself rests on the soil that remains stable. For instance, if one is to be moved to tears, one must be sure that one is at the theater. If the theater is to question the world, the very existence of the theater must remain unquestioned. If every questioning has a destabilizing effect, the questioning made possible by the fictional assumes that something remains stable. For, however unique fictional discourse may be, it, like any other discourse, rests on a social pact. And it is this pact that bars unlimited questioning.

Once the notion of a pact is introduced, it must be said that it is not through the pact itself that criticism is actualized by the literary work. To say this would be tantamount to saying that, since the late eighteenth century, Western society has been so liberal as to legitimate a discourse the purpose of which is to criticize Western institutions!ⁱⁱ Criticism imposed itself in spite of the pact. The direct intervention of the pact takes place only through the acceptance of a discourse that provides intellectual pleasure. That is, fictional discourse, as it is socially legitimated, contains a double and not always consistent motivation: it is the discourse that gives the receiver intellectual pleasure and, at the same time, the discourse that makes it possible to question in part, or at least in nonabsolute terms, the truths in force. The effectiveness of the fictional depends on the interaction of these two properties: the pleasure it provides and the relative questioning it provokes. If, on the one hand, it is fundamentally questioning and critical, it is identified as philosophy; if, on the other, it is fundamentally a source of pleasure, it is seen as entertainment. In either case it loses its identity and finds itself in a position of disadvantage in which to be compared with other modes of expression.

We are then in a position to explain why Kafka's work affects socialized expectations about fictional discourse. What he does, particularly in the novel closest to his readers' actual experience, *The Trial*, is precisely to destabilize the entire theater. We have been shown the stages through which the Law was converted into a positive norm, up to the advent of the state in which Western readers believe they live. In *The Trial*, full recognition of the constitutional state is accompanied by the corrosion of its reality. The narrator's remove from the protagonist creates for the reader a gap that he or she cannot fill by means of identification with any other character. Hence, we can see the attractiveness of religious and existential explanations: to endorse one or the other amounts to asserting that something remains unquestioned in the novel (religious search or the need to justify existence). But if these dimensions are subordinated to or compromised by the protean ramifications of the machinery of the Law, where can the reader find a ground on which to base his or her customary reception of fiction? Where can he or she find something to hold onto?

Thus, either this invading Law is the harbinger of the postliberal era or else this development is the consequence of something inherent to the insubstantiality of the Law as a human creation. The identification of Kafka's world with Nazi terror or Stalinist totalitarianism was an actualization of the first hypothesis. But this would imply that Kafka had a prophetic capacity that Benjamin, even before this reading was popularized, had already questioned, in a letter to Gershom Scholem dated June 12, 1938: "Kafka lives in a *complementary* world. (In this he is quite close to Klee, whose work is as essentially *isolated* in the sphere of painting as is Kafka's in that of literature.) Kafka discerned the complement without discerning what surrounded it . . . ; no comprehensive view, also no 'prophetic gift.' Kafka listened to the tradition attentively, and he who strains to hear does not see."ⁱⁱⁱ The complementary world that Kafka perceived had nothing to do with prophecy because it was an aspect of the present. The complement has to do with what was already contemporary to the constitutional state in which Joseph K. still believes he lives.

Having discarded the prophecy hypothesis, let us see what the second one has to offer us. What does it mean to say that the unlimited arbitrariness of the Law is the consequence of a growth that is inherent to it? It means that Kafka, like Kleist, is overwhelmed by the terror resulting from the fact that the ambition of reason is not commensurate with the results of the understanding. If man can know only the objects of experience, then he can know only the appearance (*Schein*), the phenomenon. This is the only possible object of science, which reaches its goal when it formulates the law of phenomena. Thus, phenomena are not valid for the field of morals.

How, then, can the philosopher speak of moral law? Although the word used is the same, "law," its meaning is quite different. The universality claimed by moral law assumes an operation radically different from that claimed by scientific law. The latter homogenizes a result because the intuitions of sensibility and the categories with which the understanding operates find the proof of their objectivity in experience, whereas through practical reason man represents only what ought to exist^{iv}. It may then be said that moral law amounts to a *necessary fiction*. The fact that moral law is the product of the internalization of freedom as duty had seemed to Kant sufficient to protect it against the instability brought about by fictions. What obsesses Kafka, in contrast, is the instability, the lack of a basis in something demonstrable that might translate into a precept of moral law. We need not, then, invest him with a prophetic gift in order to understand his nightmare: instability was complementary to his world.

Why do we say *his* world rather than the human world? To understand this restriction, it is necessary to explain more fully the social context on the basis of which Kafka's peculiar sensibility developed. "His world" refers not

only to what is proper to the world he knew, but to what is complementary to it—that is, every world capable of being perceived as a complement of what his world was.

Given the available documentation, no one would dare affirm that Kafka was obsessed by the question of the Law from his reading of Kant. It was his *Umwelt*, his particular circumstance, and within it the influence of the Jewish tradition emphasized by Haas and Benjamin, that was responsible for his perception of the "complement." It was because of this sensibility to the complementary aspect of the world he lived in that Kafka's fiction ventured outside the bounds of the fictional experience legitimated in modernity. Let us repeat: this experience assumes that values may be questioned as long as some value remains stable; that is, a limit is set to fictional questioning. If, instead, everything is questioned, the questioning source itself becomes socially intolerable because everything is destabilized. But this is precisely what Kafka does. In his works, the fictional object never allows one to say, in relief: "Well, after all, the world is not like that—or, in any case, there's more to it than that"; or, in concrete terms, "Outside the world of *The Trial*, laws are still respected and the police can't knock on my door whenever they want to." In *The Trial*, the basic fiction is the rule of law in a constitutional state. Kafka's, then, is a fictional work that, without claiming to be the truth, for it asserts none, questions "truths" as fictions.

Let us make one final clarification: It would be a misunderstanding to conclude that what is said in the present section concerning Kafka's position vis-a-vis the status of fiction in modernity applies to literary works in general. If the concept of fictionality is applied outside the temporal scope of modernity, the mistake is inevitable. For instance, René Wellek attacked Auerbach's *Mimesis* for allegedly failing to respect boundaries and for containing "a conception of criticism and scholarship" he considered "an extremely dangerous one"^v; one might then conclude that I am implicitly on Wellek's side. Nothing could be further from the truth.

No historical criterion, precisely because it is historical, can account for what we call a literary object. Since there is no match between a criterion taken from the praxis of a historical period—as fiction in the case of modernity—and the presence of literary works, we must either develop a meta-historical criterion, like Auerbach's realism, or—what is less risky—develop a historico-cultural analysis of the functions carried out by the discourses in force during the period in question. It should be stressed, then, that this criterion of the fictional is no Procrustean bed that excludes from literature everything that does not fit into it. It is a tool in the hands of the historico-textual intelligence of a mode of discourse, not a resource to be put to use in any taxonomy.

KAFKA'S CONTEXT

I have been presenting a certain line of interpretation of Kafka's work. This could now be extended and applied to a larger corpus, but I believe it will be more effective instead to discuss Kafka's background. Such a discussion might be out of place if my purpose were to write a study of Kafka's work and not, as is the case, to use an analysis of it to draw conclusions about a number of interrelated issues.

Kafka's family belonged to the Jewish community of southern Bohemia, the legal emancipation of which had been one of the measures taken as part of the celebrations of the coronation of the emperor Franz Joseph in 1849.

The writer's father, Hermann Kafka, the son of a Jewish butcher, was born in 1852, in the town of Osek. After a childhood marked by a poverty his own children would never experience, Hermann moved to Prague, where, thanks to his economical habits and his marriage to Julie Löwy, he eventually became the prosperous owner of a medium-sized business. Hermann and Julie had quite different backgrounds. The Löwys, a family of rabbis, represented a tradition of spirituality, of contact with the living forces that ensured the survival of the Jewish community in spite of the Diaspora. In contrast, Hermann, who had been forced to work hard to escape extreme poverty, stood for rough edges, strength of will, and a rigid work ethic. Having received a traditional upbringing, Julie never objected to Hermann's harsh way of treating his children; on the contrary, she backed up her enterprising husband at all times. Thus, the fact that their mother belonged to a rabbinical family had no impact on the children's education, only nominally Jewish.

Franz, the eldest child, was born in Prague, in the old part of the town, close to the ghetto, which by the time of his birth had already been destroyed. Although the ghetto itself no longer existed and the Jewish population had been integrated in order to join the labor force, out of its ashes had grown the symbolic ghetto that Kafka was to know as a young man: "the German 'ghetto,' as the phrase went."^{vi} Living in the capital of the Czech renaissance, the Germans were "merchants, professors, upper-echelon officials, employees of the state

administration," but "there was hardly a German proletariat to speak of."^{vii} Thus, integrated into the machinery of empire and the professions but disconnected from the mass of common workers, the Germans were a separate group; in his introduction to Kafka's stories, Klaus Hermsdorf emphasizes that they had few relations with the Czech population outside of business. For this reason they were viewed with mistrust by the Czech majority, who accused them—and not without reason—of defending the Austro-Hungarian status quo.

The first conflict, then, is this: Jewish emancipation meant, in actual practice, the absorption of Jews into another non-Czech group, whose language they appropriated, whose schools their children were sent to, even as their link with the Jewish tradition, centering on the synagogue, was reduced to the bare minimum. However, this absorption did not ensure the Jews freedom from the ghetto. Identified as Germans, they remained an unassimilated body within the nation but were not accepted by the minority with which they tried to identify. Although to the Czechs the Jews, as a minority that defended a regime from which the Czechs wanted to free themselves, were not differentiated from the Germans, to the German population the Jews were just as undesirable. Thus, they were caught between two masses, belonging to neither and facing the hostility of both.

This was the situation in Prague just before the Great War. According to Hermsdorf, "nowhere else in Europe was the sense of the unreality of reality as palpable . . . as it was in German Prague before World War I."^{viii} Another biographer observes that Prague offered Kafka the knowledge "of the various ways of modern alienation."^{ix} Whereas Hermsdorf highlights the view of the city from the standpoint of the finished work, Wagenbach does it from that of its own heterogeneity. Both, however, see Prague as the opposite end of the umbilical cord of Kafka's work. Further, the numerous references to the city in his letters and diaries are negative. Yet, though he often planned to move away, he did so only toward the end of his life, for a period shortened by the catastrophic situation of postwar Berlin and by his own delicate health. Like opposite poles, Prague and Kafka attracted each other. Although only those who have been there will be able to see the city in his works, any reader can sense it in the abstract as the "unreal city," the center of modern alienation (*Entfremdung*).

Whether because he needed to depend on his family or because he feared the discomforts of migration, the fact is that Kafka remained as a witness to the particular babel of his city. Thus, we must examine the conflicts between the three peoples who lived in it. What was behind these conflicts?

The legal emancipation of the Bohemian Jews had the effect of making them seek integration into the German community. In this a politico-economic factor must have been decisive: since German was the official language of the Habsburg empire, integration into German culture was an easier way to overcome the economic and social obstacles implied by the marginalization of the Jews. In contrast, identification with the Czechs promised no more than the prospect of entering a war of nationalities and adopting a language without a country and without prestige. The generation of Kafka's parents had worked hard at acculturation. Although Hermann's everyday language must have been Czech, and his German was only barely adequate—Wagenbach observes that a letter of his to Julie, then his fiancée, closely follows a model in a letter-writing manual—it must have seemed to him that the only way to gain socioeconomic status was to be assimilated into the German-speaking community, which was quite small: "In 1900, only 34,000 of the 450,000 inhabitants of Prague spoke German."^x This conviction was probably shared by most of the recently emancipated Jewish population. Otherwise it would be hard to explain why the Jewish elementary school should be German-oriented, a fact that champions of Czech autonomy saw as responsible for the preservation of German influence in Bohemia.^{xi}

The pro-Germanism of Jews encouraged anti-Semitism, particularly among the lower classes. In this way anti-Semitism became a political instrument in the conflicts that sharpened increasingly from the 1890's on. Riff mentions a number of events that were certainly known to Kafka and all his contemporaries.

In 1892, a member of the *Reichsrat* (Council of the Empire), E. Schneider, in a visit to Prague, recommended that the alliance of Czechs be founded on "the anti-Semitic question." In the absence of a cause, a cause was duly fabricated: Jews were accused of the "ritual murder" of Christians. The climate of mass hysteria culminated in 1899 with the trial of Leopold Hilsner, accused of killing Agnes Hruza, in Polná (northeastern Bohemia). The episode started a wave of anti-Semitic riots that reached Prague and did not involve Czechs only: "The antisemitic Austrian priest, Father Josef Deckert, published one of the first pamphlets alleging that Agnes Hruza was the victim of a ritual murder. In Vienna, the anti-Jewish newspaper, *Deutsches Volksblatt*, echoed him, but both publications were seized and appeals to higher courts against confiscation were rejected."^{xii}

However, the intervention of the imperial courts did not put an end to the issue. Antagonized by the German communities, the Jews were seen by Czech patriots as an antinationahstic minority. In late 1897, in Prague,

there were attacks against cafés patronized or owned by Jews, the synagogues, and the new German theater. Martial law was imposed on the city, but it served only to contain the most conspicuous forms of violence. Anti-Semitism smoldered on, and Hilsner was twice found guilty (in 1899 and 1900). It was only in 1918 that his innocence was proved and his freedom ensured.

Our purpose here is less to emphasize the significance of the Hilsner trial, which would not have ballooned to such proportions if not for the animosity directed at Jews—and if one thinks of the Dreyfus affairs, also taking place at the time, one realizes that such feelings were by no means restricted to the uneducated classes of a subject nation—than to underscore the failure of the Czech Jews' attempt at assimilation. The generation that had opted for assimilation had tried to join a group that now rejected it. In the process, the Jews had reduced their contacts with their own roots to a minimum; their religious practices were no more than a half-forgotten, automatized routine; and their children were encouraged to speak German as their native language, to see German culture as their heritage. The same process was going on in other countries as well: in Germany, it began with the generation of the parents of Auerbach, Benjamin, Scholem, Löwenthal, and Adorno, the generation of Cassirer.

But in Czechoslovakia the catastrophe, though less bloody, took place earlier. The only heritage that assimilated parents bequeathed to their children was their own deracination. Even more than in "Letter to His Father" ("Brief an den Vater"), it was in a letter to Milena, dated May 30, 1920, that Kafka emphasized the effects of failed acculturation:

The insecure position of Jews, insecure within themselves, insecure among people, would make it above all comprehensible that they consider themselves to be allowed to own only what they hold in their hands or between their teeth, that furthermore only palpable possessions give them the right to live, and that they will never again acquire what they once have lost but that instead it calmly swims away from them forever. From the most improbable sides Jews are threatened with danger, or let us, to be more exact, leave the dangers aside and say that they are threatened with threats.^{xiii}

This reflection is applicable not only to his parents' generation but also to his own. In this way Kafka justifies his father's attachment to material things; he and others like him can feel safe only about what they can grab because they have rid themselves of all symbolic links. Less objectively, in the letter he was never to send to his father, Kafka accused Hermann of indiscriminately abusing Jews, Germans, and Czechs, and of seeing himself as a unique point of firmness, decisiveness, and worth. The passage from the letter to Milena explains this aspect of his father's behavior: whatever has autonomous existence and freedom of movement threatens his sense of security. With respect to Kafka's own generation, the reality is just as grim or even worse: the parents still trusted their own teeth and hands; the children feel endangered to such a degree that threats themselves threaten them.

Twenty years later, the world would see that Kafka's evaluation of the situation was by no means paranoid. In this marginal country, which was to achieve autonomy only with the collapse of the Austro-Hungarian Empire, and that in our own times has opted for partition into two states, the assimilation of the Jews had not only ended in failure but also led to complete deracination. Therefore, as Riff observes, Zionism, Socialist activism, and mysticism were responses to an otherwise unbearable situation.^{xiv} Kafka was drawn particularly by the first and the third of these responses, though he cannot be said to have been indifferent to the second. But to him the only really meaningful option was literature. It was in his writing that he drew, to the utmost and most painful extent, the consequences of his situation as a pariah. Thus, the case of Kafka fits Stölzel's description of the attitude that came to characterize Jews: "To oppose the inevitable accusation of double loyalty, the Jews had no alternative other than to torment themselves with the same accusation that was directed at them by the majority."^{xv} That is why Kafka adopted "from Zionism . . . the political masochism."^{xvi} In his case, however, the psychological reaction is not the whole answer.

It is true that access to his work is made easier by an acquaintance with his environment, a nightmare setting that made even the act of writing problematic. But this is not enough to give us the key to his achievement. We would be falling back on a causal interpretation if we concluded that the conditioning factors of the author's background are enough to determine the work. The purpose of this section is a more modest one: to provide the frame of reference for Kafka's textual strategies. Between this frame of reference and the textual strategies there are mediations that are actualized only in the text itself.

The most elementary of these mediations is the principle of inexorable objectification, magnified by Kafka's hostility to introspection. We have already mentioned the passage from Benjamin: "It is very significant that the world of the officials and the world of the fathers are one and the same to Kafka. This similarity does not honor

them.^{xvii} Rather than project into his text the complaints he directed at his father, he objectifies them by projecting them on the outer world, fusing this world with that of the authorities, taking it as a condensation of the threats that threaten him. This example is enough to show why we refuse to posit a causal chain joining context to text, in which the former would condition the latter. Objectification is the product of a verbal chemistry in which living experience is transformed into text. It is impossible to reconstruct such a process. All we have is the raw material and the finished product.

The failure of the older generation's attempt to assimilate left Prague's Germanized Jewish intelligentsia without a country, Let us see how Kafka positioned himself in relation to each term: the Czechs, German culture, and the Jewish community. With respect to the first, we need no more than a few elementary observations. Much more than his friends Max Brod and Franz Werfel, Kafka was interested in contemporary Czech literature and spoke the language fluently, though with mistakes^{xviii} that were particularly conspicuous in the written language. Thus, in a letter to Ottilie sent from Berlin, thanking her for translating into Czech a letter sent in his name to the insurance company he worked for, Kafka wrote; "What am I to do now, since I have already launched into the world the lie about my splendid Czech, a lie that probably no one believes."^{xix} Further, since to him German was no more than an instrument of culture, Kafka could not be suspected of any Pan-Germanic sentiments. It should also be added that his disapproval of his father's conduct toward his employees made him sympathize with, all the disinherited, whether they were Czechs or Oriental Jews. His position was, then, one of clear respect for those whom his father mistreated in his firm; but we can find out little else about it before we consider his relations with the Jewish community.

To Jews, assimilation implied forgetting their group of origin and thus led to the disintegration of the outcast. The failure of assimilation led to a clash, sometimes openly hostile, between assimilated parents and deracinated children. The somewhat frequent allusions to the Jewish question in Kafka's letters and diaries testify to his anxious desire to find a place for himself. But what could such a place be when it no longer existed by the time he was born? In these passages what we see is not the attempt to regain what has been lost, but rather that of healing the wound of deracination.

Since what concerns him is not the reconstruction of the abandoned community, Kafka shows no sign of wanting to restructure religious life centering on the synagogue. Religion is not the means by which this lonely man attempts to find the comfort of communion. This is certainly curious, given the mystical tendencies he manifests in dozens of fragments and aphorisms. Instead of the wide road of religion, Kafka seeks an entrance by means of the contact with a humble company of Jewish actors who, in the cafes of Prague, enact a modest repertoire of Yiddish plays.

The long diary entry of October 5, 1911, tells of Kafka's first meeting with this group. The dryness of the text betrays his emotion, born of the identification with what is familiar and, simultaneously, a gesture of exclusion: "Some songs, the expression 'yiddische kinderlach' [Jewish children], some of this woman's acting (who, on the stage, because she is a Jew, draws us listeners to her because we are Jews, without any longing for or curiosity about Christians) made my cheeks tremble."^{xx} The Yiddish phrase elicits complicity from the spectator, who excludes Christians from his communal pleasure. What is included in this momentary community? Not the Western Jew, educated, polished, and well-off, sometimes fearful of betraying his roots, but the Oriental Jew, poor and despised even among Jews. It is about the lives of these people, their customs and their literature, that Kafka wants to learn from the actor Jizchak Löwy.

However, though he keeps a correspondence with Löwy^{xxi}, and though in the benefit of his group he organizes an artistic evening in which he is to present an introductory lecture, Kafka soon realizes that he has aimed too high:

When I saw the first plays it was possible for me to think that I had come upon a Judaism on which the beginnings of my own rested, a Judaism that was developing in my direction and so would enlighten and carry me farther along in my own clumsy Judaism, instead, it moves farther away from me the more I hear of it. The people remain, of course, and I hold fast to them.^{xxii}

Although the experience did not keep him from writing and giving the lecture on Yiddish, from reflecting on the situation of minor literatures and concerning himself with Jewish history and literature^{xxiii}, in any case his knowledge of this "minor" theater did not make him overcome his hesitations concerning Judaism. Throughout his life, Kafka was to hesitate before taking the next step, to remain distant even when just an inch away from his goal. This ambiguous, existentially shattering position was nevertheless the condition for maintaining his critical measure. Thus, even in his phase of closest involvement with Judaism, he is able to write:

Today, eagerly and happily began to read the *History of the Jews* by Graetz. Because my desire for it had far outrun the reading, it was at first stranger to me than I thought, and I had to stop here and there in order by resting to allow my Jewishness to collect itself. Towards the end, however, I was already gripped by the imperfection of the first settlements in the newly conquered Canaan and the faithful handing down of the imperfections of the popular heroes [*Volksmänner*] (Joshua, the Judges, Elijah).^{xxiv}

Nine years later, the same distancing from what nevertheless remains near can be observed in a letter to Max Brod, dated August 7, 1920. Kafka compares the religious prescriptions of the Greek and Jewish cultures and concludes that he cannot subscribe to either. The Greek law, he writes, "was less profound than the Law of the Jews, but perhaps more democratic (scarcely any leaders or founders of religion among the Greeks)."^{xxv} Opposed to the figure of the man of action and tending, because of his indecision, to paralysis, in his moments of lucidity Kafka ponders the reasons for his unintegrated state: he criticizes the Greek heritage for its shallowness and the Jewish for its reliance on leaders and heroes.

But intellectual restrictions do not weaken his thirst for integration; the all-embracing warmth of the community is stronger than any qualms he may have. So, as he reflects on the life of the Jewish community, he mentions as its distinctive trait the fact that its members "come together at every possible opportunity, whether to pray or to study or to discuss divine matters or to eat holiday meals whose basis is usually a religious one and at which alcohol is drunk only very moderately. They flee to one another, so to speak."^{xxvi} This characteristic, incidentally, does not impress him solely when he finds it among those by whom he had the possibility of being accepted: "The tremendous advantage of Christians who always have and enjoy such feelings of closeness in general intercourse, for instance a Christian Czech among Christian Czechs..."^{xxvii}

If we compare this emphasis on the closeness he finds outside his immediately surrounding world with what his biographers tell us about the situation in Prague, particularly the isolation of Czech Jews, Benjamin's observation and question are all the more relevant: "[Kafka] was no clairvoyant, nor was he the founder of a religion. How could he stand this atmosphere?"^{xxviii} Such a question could find no answer; Kafka lived all his life in the throes of this unanswered question. During his only relatively long sojourn abroad, he wrote to Robert Klopstock, on December 19, 1923: "To me the Academy for Jewish Studies is a refuge of peace in wild and woolly Berlin and in the wild and woolly regions of the mind."^{xxix}

The Promised Land has vanished with the time of the fathers; the New Canaan proves to have imperfections that echo those that were handed down by the ancient leaders; in Prague, when hostilities do not erupt, they simmer just below the surface; Berlin, which has attracted him for so long, welcomes him when life had already become impossible. As long as he can stand this atmosphere, Kafka formulates it in his writings. This is his everyday world, his motivation. But it would be foolish to think of it as an explaining cause. For Kafka's aversion to introspection—which we have mentioned as his first step towards the kind of text he was to produce—and his objectifying effort meant not the attempt to depict an environment, but to produce the record of what underlay it, of what could not be seen.

However illuminating an analysis of Kafka's relations with Judaism may be, such an analysis can be misleading unless it is accompanied by a similar study of Kafka's feelings towards German culture.

The strangeness of Kafka's situation in relation to his mother language, the language in which he always wrote, may already be detected in one of his earliest letters to Milena: "I have never lived among German people, German is my mother-tongue and therefore natural to me, but Czech feels to me far more intimate [*ist mir viel herzlicher*]."^{xxx} His affection was then associated with a language he could not write without relying on external assistance, whereas the language he employed he had never used in the living community of its speakers. Thus, what we have come to recognize as "Kafkaesque" is already present in Kafka's relationship with the language he wrote in. The appropriateness of this relationship, in both its tragic and its combative aspects, comes out clearly in his diary entry of October 24, 1911:

The Jewish mother is no "Mutter," to call her "Mutter" makes her a little comic (not to herself, because we are in Germany), we give a Jewish woman the name of a German mother, but forget the contradiction that sinks into the emotions so much the more heavily, "Mutter" is peculiarly German for the Jew, it unconsciously contains, together with the Christian splendor Christian coldness also, the Jewish woman who is called "Mutter" therefore becomes not only comic but strange.^{xxxi}

How could German be his *Muttersprache* (mother tongue) if "die jüdische Mutter ist keine Mutter" (the Jewish mother is no "Mutter")? Nevertheless, German *is* his mother tongue.

If we forget that this dilemma was actually experienced by a human being, the juxtaposition of the two texts may seem to pose a puzzle. The dilemma is all the more inescapable because it exists before the intervention of the writer. Kafka's original language was a borrowed tongue. On the basis of his testimony, to Czech Jews German never came as naturally as it did to German Jews. (Or, for that matter, to Elias Canetti, to whom German was, in the veritable babel of his childhood, literally his mother tongue, the one closest to his affections.) The antagonism that came between Czechs and the German and Jewish minorities and caused the Jewish minority to be rejected by the German one, together with the German minority's identification with Austrian power, gave the German spoken in Prague its peculiar stamp. "Under the pressure of isolation, Prague German increasingly turned into a holiday language [*Feiertagsidiom*], a language supported by the state."^{xxxii} In order to escape this artificial situation, he would have to convert either to Zionism or to Czech nationalism. But Kafka could not even break away from Prague.

There was, then, no alternative to relying on a language that, though used in his everyday life, remained to him a foreign tongue. Thus, "Kafka's characteristic purism, his sobriety of construction, his phrases, his starkness of vocabulary would be unthinkable without Prague German in the background."^{xxxiii} This particular German, "dry, a paper language, was incapable of close familiarity; the language itself always contained a remnant of strangeness."^{xxxiv}

It would be simplistic to imagine that Kafka saw himself as the victim of some malignant demon and for this reason pestered his friends with expressions of suffering. It would be even more mistaken to see him as a stoic. Kafka simply experienced in extreme form the situation of a writer who does not belong to a metropolitan culture, who is forced to work, in one way or another, always or occasionally, with borrowed instruments.

One of the documents that best describes the impression caused by his German is an ironical and humorous passage in a letter to Max Brod and Felix Weltsch, dated April 10, 1920. Kafka was then in a sanatorium in Merano. Here are Kafka's impressions of his fellow inmates:

Today, when I went into the dining room the colonel (the general was not there yet) invited me so cordially to the common table that I had to give in. So now the thing took its course. After the first few words it came out that I was from Prague. Both of them—the general, who sat opposite me, and the colonel—were acquainted with Prague. Was I Czech? No. So now explain to those true German military eyes what you really are. Someone else suggested "German-Bohemian," someone else "Little Quarter." Then the subject was dropped and people went on eating, but the general, with his sharp ears linguistically schooled in the Austrian army, was not satisfied. After we had eaten, he once more began to wonder about the sound of my German, perhaps more bothered by what he saw than by what he heard. At this point I tried to explain that by my being Jewish. At this his scientific curiosity, to be sure, was satisfied, but not his human feelings.^{xxxv}

"What was it about Kafka's German that sounded odd to the Austrian officer? This man was acquainted with the Prague accent, as his reference to the "Little Quarter" (*Kleinseite*), the part of the city where most Germans lived, indicates. Besides, in a letter to his sister Ottla, dated April 6, 1920, also sent from Merano, Kafka said that his landlady identified his accent the moment he walked in."^{xxxvi} But his answer fails to satisfy his exacting interlocutor. The only answer that comes close to doing so is his explanation that he is Jewish. Ultimately one arrives at the inevitable conclusion: here is a man who speaks his mother tongue as if it were a foreign language. The general would probably have been even more surprised if he had been told that the strange creature in question was a writer.

Kafka's case is not comparable to that of Joseph Conrad, who even though he came to master English was never able to speak the language without a foreign accent, and in whose text specialists detect telltale remnants of his native tongue. Even less is his case similar to that of Samuel Beckett, who came to have complete mastery of French to the point of becoming perfectly bilingual. Kafka has the uncomfortable distinction of being a writer who uses a borrowed language. This alone is sufficient to explain why he saw himself as alone in his diaspora, watching the world go by from the window in his room—or, to take an image from an early entry in his diary, why he felt deracinated: "All those things, that is to say, those things which occur to me, occur to me not from the root up but rather only from somewhere about their middle."^{xxxvii}

Thus, an examination of Kafka's contacts with the Czech, Jewish, and German communities suggests the image of interruption, of something that never takes root. To the Czechs, Kafka was a German speaker; to the German community, he was a Jew. And what was he to the Jews? Being neither assimilated nor a Zionist, what could he

be? However, it was precisely this man without a country, stigmatized by his lack of a place, who formulated, in two short texts, the fundamental reflection on marginal literatures.

With his "Rede übere die jiddische Sprache" (Speech on the Yiddish language), Kafka intended to open the fund-raising evening for the benefit of Jizchak Lowy 's troupe. The speech, read at Jewish Town Hall on February 18, 1912, left "his audience somewhat astonished, even scandalized."^{xxxviii} The very theme—an analysis of a despised language, made in a tone that indicated disdain for his speakers—could only sound offensive to his audience of assimilated Jews: "For all that, I believe I have convinced most of you, ladies and gentlemen, that you will understand not a single word of the jargon"^{xxxix} Rather than sport professorial condescension, or adopt the humble posture of one who seeks help, Kafka seems to amuse himself with his audience of respectable citizens. Thus, after seeming to comfort them—"Fortunately, everyone who knows the German language will be able to understand the jargon"—he again sounds an unpleasant note when he adds that it is impossible to translate Yiddish into German: "One cannot translate the jargon into German. The connections between them are so tenuous and significant that they are destroyed as soon as Yiddish is retranslated into German, that is, it can only be rendered into something unsubstantial."^{xl}

From the viewpoint of the material purpose of the evening, the lecturer's attitude was unjustifiable, for it hardly encouraged the Jewish community to come to the support of the poor Jewish troupe. But what concerns us is less Kafka's tactlessness than his position in relation to Yiddish. He makes no attempt to praise or ennoble the language. Instead, he emphasizes its character as a language made up of borrowings—"it is wholly made up of foreign words"—a language so fluid and dynamic that it really has no grammar to speak of. But Yiddish is not just movement, act hoc appropriation of words to describe what is going on at the moment; it also has an opposite aspect: the preservation of archaisms. "Whatever comes once into the ghetto does not easily leave the ghetto."^{xli} Thus, the only dignity of this language made up of multiple borrowings lies in the fact that its rags point both to the contemporary marketplace and to the depth of history.

Kafka then introduces to his assimilated audience a repertoire of plays the excellence of which he intends to emphasize, plays spoken in a language that the audience just might be able to follow. Is Kafka trying, like an avant-garde artist, to offend his own public? Though the aggressive intent is surely present, it is no more than a means to make a point: "You will come quite close to the jargon if you understand that, apart from knowledge, there are in you active forces and a chain of forces that allow you to understand it with your feelings [*Jargon fühlend zu verstehen*]."^{xlii}

Kafka's idea is to get Prague Jews to activate their feelings in order to reterritorialize their deterritorialized language. If, as a pro-Zionist initiative, the effect of Kafka's speech was negligible, the text is nonetheless an extraordinary document for what it says about his social and linguistic consciousness. This is seen more clearly when we relate the speech to a passage from a letter to Brod in which Kafka reflects on the situation of Jewish writers whose native language is German:

They existed among three impossibilities. . . . These are: The impossibility of not writing, the impossibility of writing German, the impossibility of writing differently. One might also add a fourth impossibility, the impossibility of writing (since the despair could not be assuaged by writing, was hostile to both life and writing; writing is only an expedient, as for someone who is writing his will shortly before he hangs himself—an expedient that may well last a whole life). Thus what resulted was a literature impossible in all respects, a gypsy literature which had stolen the German child out of its cradle and in great haste put it through some kind of training, for someone has to dance on the tightrope.^{xliii}

There is a clear connection between this text and the speech on Yiddish. German words, once they were appropriated by Yiddish, externally turned into rags, and internally entered a different circuit, so different that their return to the original circuit made them insubstantial. Used by Jews, who were foreigners, the German word was, as it were, stolen.

The passage might be taken as an example of what Stolzel refers to as Kafka's "political masochism." But the laceration it speaks of is much more terrible than that. The instrument of a triple or quadruple impossibility, each of which contradicts the following one, and the multiple shock of which conditions this very particular breakthrough that materializes in Kafka's text, the "stolen" word is living proof of a deterritorialization: the use by gypsies of a prestigious language. The passage from the letter to Brod directs us to Kafka's observations concerning minor literatures.

On December 25, 1911, under the impact of his "discovery" of the actor Lowy, Kafka commits to paper what he sees as the characteristics of the literatures of small nations.^{xliiv} This is the longest sentence Kafka ever wrote. On the basis of this text, Deleuze and Guattari offer two characterizations of a minor literature. The first is: "A minor literature is not the literature of a minor language, but one made by a minority with a major language."^{xlv} And the second is: "The three characteristics of a minor literature are the deterritorialization of language, the ramification of the individual into the immediately political, the collective administration of enunciation. It should be stressed that 'minor' no longer qualifies certain literatures, but rather the revolutionary conditions of every literature contained within what we call a great (or established) literature."^{xlvi} Both formulations are faithful to Kafka's text, but the second abstracts what was contingent in his situation—a Czech Jew writing in a major language—and thus stresses its operative potential.

The deterritorialization of language is not a consequence of someone's using a language in relation to which he or she is a foreigner, but of a writer's making the language in which he or she writes "foreign." Put more simply, it consists in going against the grain of the conventional use of a language. In this sense, literary Brazilian Portuguese is deterritorialized by Guimarães Rosa (*The Devil to Pay in the Backlands*), with his combination of archaisms and neologisms, his Faustian pact with questions for which no doctrine has an answer; by Graciliano Ramos (*Barren Lives*), with his bone-dry syntax; by João Cabral de Melo Neto (*A Knife All Blade: Or Usefulness of Fixed Ideas*), with his knife-and-vinegar antilyricism. These examples also show the simultaneous presence of the three characteristics mentioned above, even though in Rosa the political element is too dated (restricted to the level of the plot) for it to have the significance it has in Ramos and Cabral. But it is not our intention to give the impression that the justification of a long essay is an observation concerning Brazilian literature in the end. The examples of Brazilian writers have the sole purpose of illustrating modes of deterritorialization known to Brazilian readers—which leads, in turn, to another observation concerning the possible fruitfulness of the concept of minor literature.

In discussions of the culture and literature of peripheral nation-states, it is common to treat their relations with metropolitan cultures by adopting a colonized viewpoint—whatever is thought in the periphery is inevitably a dilution of what has already been thought, more cogently, abroad; or by defending a chauvinistic position—let us exalt our roots and protect them from corrupting foreign influences; or yet by opting for a dialogic alternative—there must be interchange with dominant cultures.

The category "minor literature" suggests a different attitude: the practitioners of a minor literature—not in spite of, but precisely because of their condition as such—are able to detect movements that go unnoticed in the metropolis because from the standpoint of stable metropolitan institutions, they seem remote. No cause-and-effect explanation is meant here; we are not saying that because Kafka was such and such a man, the member of a conformist, middle-class Jewish family in a dependent European nation, then . . . This would be to indulge in a crude a posteriori logic, incongruously combining Platonic fervor and materialistic endeavor. Once this qualification is made, it should be said that the decisive part of the interpretation we have presented may be linked with what has been said about minor literatures.

We have agreed with Benjamin's statement that Kafka was no prophet foreseeing the state of society in the future, but rather a man who, as an individual, formulated what was complementary to him. Our subsequent observations concerning the situation of Prague's Jewish community made this idea of complementarity more palpable. Put simply, Kafka's literature is the counterpart of the threats that result from threats. But it is also true that, when he objectifies his answer, Kafka shifts planes: what had been complementary to the individual only—that is, the effect of a specific idiosyncrasy of his—is made the correlate of a social threat, the threat that the (social, moral) Law will reveal its own insubstantiality, the fact that its stability no longer holds.

Then we saw that the modern status of fiction depended on this very stability. That is, the supreme political achievement of the Enlightenment, the establishment of the rule of law, expressed by a constitution applying to each and every member of the society, was the indispensable precondition for the legitimation of a discursive form—fiction—founded on the possibility of questioning the values of society without exposing writers to legal sanctions. Its critical capacity assumed a division into territories. If the territory of the fictional was to be able to place in perspective the socially accepted truth and the practices and values associated with it without exposing authors to the risk of legal persecution or plunging readers into uncertainty, outside the territory of fiction this truth must remain pragmatically in force. Once these parameters were respected, it was (and is) possible to define both an honest practice of fiction and somewhat reproachable practices, such as the supposedly critical review of past values through facile, marketable, uncommitted, and pleasurable "historical" fiction, or the equally facile criticism of present situations in order to present an alternative in didactic "fiction."

Fiction—with no quotation marks or qualifications—presupposed, and still presupposes, a peculiar pragmatics: its statements, in themselves nonpragmatic (since they are neither true nor false), deal with values that the receiver identifies with, or at least can identify as values. Now, particularly in *The Trial*, it is precisely this stability of the rule of law that is seen as an illusion. Trials and judges are invisible; the minions of justice are everywhere; the process is infinite, or at least it is impossible to know when it will end.

The character of this process was distorted when it was seen as a prophetic anticipation of totalitarian regimes, for what is singular about it is not an exclusive or even a characteristic property of these regimes: the existence of a society in which differences of territoriality have been abolished. In *The Trial*, the absence of checks on the apparatus of justice is, therefore, parallel to the dissolution of a territory properly belonging to the fictional. To say this is to superimpose the plane of the narrative, where justice has no bounds, upon the plane of the experience of reading the narrative, where the reader feels the lack of a ground from which he or she could see in perspective the values being questioned.

The absence in Kafka of stable territorialities makes what previously seemed fixed part of a chaotic game, the rules of which either do not exist or else are unknown. It is as if—to use a category that had not yet been formulated in Kafka's time—the language games mentioned by Wittgenstein in his *Philosophical Investigations* had all of a sudden gone wild and, one fine morning, began following paths hitherto prohibited. But let us not forget that this sudden disruption of language games is perceived only by the quixotic Joseph K. No one else thinks there is anything the matter. It is only to him that the world has become a fiction. Although we are not told why, to everyone else this fiction has already been accepted as reality. To them, the insubstantiality of the Law makes no sense; they have never thought of such things, and the very question is above their understanding.

Could it be that this insubstantiality of the Law, from which derives its conformity to those who manipulate it, this subversion of the stability of the status of the fictional, has become a worldwide phenomenon now that we live increasingly in a world of images? I mean to do no more than make this question comprehensible.^{xlvii} It has been said that billboards today are part of our unconscious. But we cannot fully apprehend the impact of the world of images if we consider no more than the amount of time we spend exposed to its influence. Nor does the world of images have the relevance it seems to have now because the socialization of children takes place more through the electronic media than through reading. The point is that the socialization and legitimation of the forms of power necessarily take place through the medium of images.

Ever since Plato, Western thought has tried to establish the criteria and hierarchies by means of which images—*eidola*—could be submitted to fixed, immobile, superlunary truth, the expression of a timeless substance. It might seem as if the everyday dominance of images in the present world could be interpreted as the salutary corrosion of the metaphysics of truth. Did not the attempt of modern thought to arrive at an emancipating reason take a definitive step when, with Kant, it gave up the identification of the real with the rational?

To be sure, Kant is the originator of the problem of the Law that we have been taking as the basis for an understanding of Kafka. But in Kant the fact that the moral law is not constitutive does not imply that it is capricious, manipulative, or arbitrary. It is rather a "necessary fiction," something man imposes on himself *as if* it were indeed inscribed in the order of things. The denial of the substantialist basis of classical metaphysics in Kant was accompanied by the appearance of the categorical imperative. In the particular case of images, they had their territory well defined in the place where imagination, instead of serving the understanding, was its equal. This entire construction assumed that truth—the truth of the phenomenon or of the circulation of regulating Ideas—had a territory of its own and occupied a central place. Today, when a real war can be watched as if it were a video game, when certain governments attempt to solve their financial difficulties by suddenly changing the "laws" of the market, the necessary "fictions" seem to lose their quality of necessity and tend to be seen as no more than fantasies that are manipulated by those who have the power to do so. The "victory" of the market economy over "real socialism" only postpones awareness of the real meaning of the empire of electronic images.

But this omnipresence of unqualified fiction does not mean that the fictional is no longer controlled. It was the hypothesis of the control of the imaginary, exerted on its own product par excellence—the fictional work—that initially suggested a study of Kafka. In the course of our study we perceived its connection with the Kantian problem [see Chapter Two of *The Limits of Voice*]. When we analyzed it, we realized not only that it would be possible to historicize Kafka's problem, relating it to that of the early German romantics but also, in a consideration of Kant's third *Critique*, to examine an ambiguity we had not perceived before—the one between aestheticization and criticism. The aestheticization we noted and its development served as the basis for the

contemporary cult of the image. Thus, in an even more surprising way, Kant and Kafka meet: whereas the philosopher paved the way for aestheticization, through which the cult of the image was legitimated, the writer inaugurated the possibility of reaffirming the criticality exalted by Kant, which, in the case of literature, was soon stifled.

It was thanks to this criticality—or else to this illusion of criticality—that we were able to understand the subversive impact of Kafka's work on the established status of the fictional. This does not mean that the control of the imaginary has been abolished. The acknowledgment of a mode of discourse as fictional, a step that has by no means been taken by most students of literature, was in fact a compromise with control. That is, those who admitted it, rather than take the work as the expression of a truth present elsewhere, could afford not to meddle with the truth claims of their colleagues in other areas, since at least in their own field it was recognized that their objects treated truth differently. The situation now has different parameters. The subversion of an area as proper to the exercise of a pleasurable and questioning discourse no longer implies that Truth is in force elsewhere. Kafka's work belongs to a time when the control of the imaginary dispenses with the idea of truth, its philosophical or religious elaboration, and makes of this control the principle on which the action of the multiple agencies of power is based. In other words, truth is no longer affirmed on the basis and as the function of a certain rationality; rather, it is identified with the brute fact that a certain power wants, asserts, and imposes this or that.

The now direct connection between truth and power, as it expands through the multiple incidence of images, at the same time annuls the basic criterion of fictional discourse: its questioning force. Not that the fictional is now directly censored—this would be the truly totalitarian variant. It seems hardly accidental that Western democracy today should see totalitarian regimes as affronts to good taste: the power founded on images, which imposes itself by means of insistent images, generates an adhesion that makes overt violence unnecessary. The truth transmitted and constituted by images, power as truth, dispenses with unpleasant repression because the receiver, accustomed to the chaotic multiplicity of electronic images, sinks into an attitude of indifference. "What does it matter whether it is or isn't art, as long as it allows me to relax for a while?" Or, "Why carry on this boring discussion over ready-mades when museums have already bought them?"

However, we are too much persons of our time, and therefore too incompetent, to realize that the world of images actually assumes the predominance of contented indifference, an attitude of bored indifference in relation to criticality, the merely residual survival of fictionality. Most likely we cannot even see the metamorphosis that the idea of fictionality is experiencing. How many other metamorphoses may be taking place?

It may even be, then, that Kafka's great achievement signals not as much an end as another beginning. We can see what it is the end of. One of the best interpreters of Kafka today writes that "the structure of the Kafka paradox" consists in the fact that it contains, on the one hand, the "history of the disappearance of the hero, brought about by the game of life," and, on the other, "the desperate search for the very rules of this game, the disappearance of which is being asserted."^{xlviii} The question is then whether this game still has any rules. But as long as human society exists, how could these rules be missing? Thus, the devastating critique of the tyranny of electronic images may fail to see a positive possibility: that the image, precisely as it corrodes the old metaphysical belief in Truth, may open the way for a less imperial, less imposing idea of truth, one that is historically and culturally mutable, and that is powerless to control "nontrue" discourses.

In a certain sense, Kafka places us in a situation reminiscent of Montaigne's. It took two centuries for Montaigne's practice to be legitimated in gnosiological terms by Kant. We cannot even be sure if the comparison is valid. All we know is that the consecration of the individual lost its grounding a long time ago. This, to be sure, is not enough to allow us to discern what Kafka is the beginning of.

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ⁱ Sainte-Beuve, C.-A. 1933 [1860]. "La Morale en l'art." In W.T. Bandy, Baudelaire Judged by his Contemporaries (1845-1867). New York: Columbia University Press, 33.

ⁱⁱ Contrast the naïveté of such a hypothesis with the bluntness of a defender of the pact, indignant about the opportunists who take advantage of it: "Only the societies of the modern "Western world have been wealthy, confident, and tolerant enough to support institutions like literature whose *raison d'être* has been to criticize the

established social order and its central values. In more traditional societies, all institutions function strictly as legitimators of the existing order, and even in modern Western society other institutions, like religion, the media, and the law, that to some degree criticize the establishment, always end as the stoutest defenders of the *status quo*, revealing weaknesses only to preserve strength. . . . Only the arts, and particularly literature, continue at every opportunity to bite the hand that feeds them" (Kernan 1990: 24-25).

ⁱⁱⁱ Benjamin, W. 1978. Briefe. 2 vols. Ed. G Scholem and T.W. Adorno. Frankfurt: Suhrkamp Verlag, 2:762.

^{iv} See Kant, I. 1965 [1781]. Critique of Pure Reason. Trans. Norman Kemp Smith. New York: St. Martin's Press; Toronto: Macmillan, 526.

^v Wellek, R. 1954. "Auerbach's Special Realism." Kenyon Review 16, 305.

^{vi} Hermsdorf, in Kafka, F. 1983. Das erzählerische Werk. Vol. 1. Berlin: Rütten & Loening, 8.

^{vii} Ibid, 9.

^{viii} Ibid, 10-11.

^{ix} Wagenbach, K. 1964. Kafka. Hamburg: Rowohlt, 135.

^x Ibid, 16.

^{xi} See Riff, M.A. 1976. "Czech Antisemitism and the Jewish Response Before 1914." Wiener Library Bulletin 39, New Series: 8-20, 10.

^{xii} Ibid, 12.

^{xiii} Kafka, F. 1954a [1952]. Letters to Milena. Ed. Willy Haas. Trans. Tania and James Stern. New York: Schocken, 50-51.

^{xiv} For an excellent analysis of the Jewish question in Europe in the early twentieth century, particularly of the Jewish intelligentsia, see Lowy 1989, especially chapter 3.

^{xv} Stölzel, C. 1988 [1975]. Kafkas bösen Böhmen: Zur Sozialgeschichte eines Prager Juden. Berlin: Ullstein Bücher, 109.

^{xvi} Ibid, 134.

^{xvii} Benjamin, W. 1974b [1934]. "Franz Kafka: Zur zehnten Wiederkehr seines Todestages." In R. Tiedemann and H Scwepenhäuser, ed., Gessammelte Schriften. Vol 2., bk. 2. Frankfurt: Suhrkamp Verlag, 2:241.

^{xviii} see his diary entry of November 28, 1911— Kafka, F. 1972 [1949]. The Diaries of Franz Kafka. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 127

^{xix} Kafka, F. 1982. Letters to Ottla and the Family. Trans. Richard and Clara Winston. New York: Schocken, 89.

^{xx} Kafka, F. 1972 [1949]. The Diaries of Franz Kafka. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 65.

^{xxi} See Wagenbach, K. 1964. Kafka. Hamburg: Rowohlt, 71.

^{xxii} January 6, 1912; Kafka, F. 1972 [1949]. The Diaries of Franz Kafka. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 167.

^{xxiii} Ibid, 172-76, entries of January 24 and 26, 1912.

^{xxiv} Ibid, 98-99.

^{xxv} Kafka, F. 1977. Letters to Friends, Family, and Editors. Trans. Richard and Clara Winston. New York: Schocken, 242.

^{xxvi} December 25, 1911; Kafka, F. 1972 [1949]. The Diaries of Franz Kafka. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 152.

^{xxvii} Ibid, 222, July 1, 1913.

^{xxviii} Benjamin, W. 1974b [1934]. "Franz Kafka: Zur zehnten Wiederkehr seines Todestages." In R. Tiedemann and H Scwepenhäuser, ed., Gessammelte Schriften. Vol 2., bk. 2. Frankfurt: Suhrkamp Verlag, 2:424-25.

^{xxix} Kafka, F. 1977. Letters to Friends, Family, and Editors. Trans. Richard and Clara Winston. New York: Schocken, 402.

^{xxx} Kafka, F. 1954a [1952]. Letters to Milena. Ed. Willy Haas. Trans. Tania and James Stern. New York: Schocken, 30.

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^{xxxii} Wagenbach, K. 1964. Kafka. Hamburg: Rowohlt, 5-6.

^{xxxiii} Ibid, 56.

^{xxxiv} Ibid, 56.

^{xxxv} Kafka, F. 1977. Letters to Friends, Family, and Editors. Trans. Richard and Clara Winston. New York: Schocken, 233.

^{xxxvi} See Kafka, F. 1982. Letters to Ottla and the Family. Trans. Richard and Clara Winston. New York: Schocken, 43.

^{xxxvii} Kafka, F. 1972 [1949]. The Diaries of Franz Kafka. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 12.

^{xxxviii} Robert, M. 1988 [1979]. Seul, comme Franz Kafka. Paris: Calmann-Lévy, Agora, 49.

^{xxxix} Kafka, F. 1953. *Hochzeitsvorbereitungen aus dem Lande und andere Prosa aus dem Nachlaß*. Ed. Max Brod. Frankfurt: Fischer Taschenbuch Verlag, 306.

^{xl} *Ibid.*, 308.

^{xli} *Ibid.*, 307.

^{xlii} *Ibid.*, 308-309.

^{xliii} Kafka, F. 1977. *Letters to Friends, Family, and Editors*. Trans. Richard and Clara Winston. New York: Schocken, 289.

^{xliv} "What I understand of contemporary Jewish literature in Warsaw through Lowy, and of contemporary Czech literature partly through my own insight, points to the fact that many of the benefits of literature—the stirring of minds, the coherence of national consciousness, often unrealized in public life and always tending to disintegrate, the pride which a nation gains from a literature of its own and the support it is afforded in the face of a hostile surrounding world, this keeping of a diary by a nation which is something entirely different from historiography results in a more rapid (and yet always closely scrutinized) development, the spiritualization of the broad area of public life, the assimilation of dissatisfied elements that are immediately put to use precisely in this sphere where only stagnation can do harm, the constant integration of a people with respect to its whole that the incessant bustle of the magazines creates, the narrowing down of the attention of a nation upon itself and the accepting of what is foreign only in reflection, the birth of a respect for those active in literature, the transitory awakening in the younger generation of higher aspirations, which nevertheless leaves its permanent mark, the acknowledgment of literary events as objects of political solicitude, the dignification of the antithesis between fathers and sons and the possibility of discussing this, the presentation of national faults in a manner that is very painful, to be sure, but also liberating and deserving of forgiveness, the beginning of a lively and therefore self-respecting book-trade and the eagerness for books—all these effects can be produced even by a literature whose development is not in actual fact unusually broad in scope, but seems to be, because it lacks outstanding talents. The liveliness of such a literature exceeds even that of one rich in talent, for, as it has no writer whose great gifts could silence at least the majority of cavillers, literary competition on the greatest scale has a real justification" (Kafka, F. 1972 [1949]. *The Diaries of Franz Kafka*. Ed. Max Brod. Trans. Joseph Kresh and Martin Greenberg. Harmondsworth, Eng.: Penguin, 148-49).

^{xlv} Deleuze, G., and Guattari, F. 1977 [1975]. *Kafka: por uma literatura menor*. Trans. J Castañon Guimarães. Rio de Janeiro: Imago, 25. (*Kafka: Toward a Minor Literature*. Trans. Dana Polan. Minneapolis: University of Minnesota Press, 1986.)

^{xlvi} *Ibid.*, 28.

^{xlvii} For an examination of this possibility, see Godzich, W. 1991. "Vom Paradox der Sprache zur Dissonanz des Bildes." In H.U. Gumbrecht and K.L. Pfeiffer, eds., *Paradoxien, Dissonanzen, Zusammenbrüche*. Frankfurt: Suhrkamp Verlag, 747-59.

^{xlviii} Neumann, G. 1990. "der Name, die Sprache und die Ordnung der Dinge." In W. Kittler and G. Neumann, eds. *Franz Kafka Schriftverkehr*. Freiburg: Romach Verlag, 19.