

# Policing Literary Theory

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# Kafka, Snowden, and the Surveillance State

*John Zilcosky*

## Abstract

Thinkers such as Adorno, Arendt, and Gide viewed Kafka as a predictor of the modern surveillance state, especially of Hitler's Germany. Following Edward Snowden's 2013 revelations of NSA spying, journalists similarly cited Kafka as a prophet of today's NSA (and British GCHQ). But Kafka, as always, complicates matters. As I argue here, Kafka's information organizations seem at first glance to refute the NSA analogy, in two ways: Kafka's bureaucracies are comically inefficient and his "victims" are not innocent. Kafka's authorities overwhelm themselves with trivial evidence, stuffing cabinets with papers until nothing can be found, and his protagonists betray hints of possible guilt. But these two points end up paradoxically cementing the connection to the NSA, which, like Kafka's system, has collected too much material to analyze, yet never ceases to claim that the innocent have nothing to fear. Because personal information is everywhere and because, like Kafka's Josef K., we have all done something "wrong," everyone is exposed to the threat that opens *The Trial*: to be devastatingly "slandered" out of the blue. This creates the modern paranoid subject, in our world and in Kafka's. Kafka evokes this through plot but also through an enclosed third-person point of view, a radical form of free indirect style. This leaves us only with the protagonist's viewpoint, yet still with the equivalent of the authoritative eye behind his/our head – a narratological "Über-Ich" ("above-I") that is both in and outside, watching every move, also of itself, as the subject collapses.

## Keywords

Kafka – Arendt – Adorno – surveillance – literature and politics – totalitarianism – literary theory – narratology – point of view – free indirect style (*style indirect libre*)

One day after Edward Snowden made his revelations about the NSA in June 2013, I received an e-mail from a journalist "@npr.org" with the subject line: "What would Kafka think?" Before opening the mail, I hesitated with the pointer, wondering whether this might be a vicious Kafka-Trojan. The message,

already one day old, from a National Public Radio journalist, requested a phone call to discuss whether our current world resembled Kafka's in *The Trial* and *The Castle*. I gulped my coffee, said "Why not?" and sent him my phone number – even though I had no idea what I would say. The timelines of journalism being what they are, he wrote back within minutes saying that he had already found another Kafka scholar and, what is more, even completed his article. So, I was not needed, but my mind had already started whirring, attempting to answer his question: What would Kafka think? And what might Kafka's fictional universe have in common with ours, especially in light of Snowden's 2013 revelations?

The idea that Kafka's 1914–15 *Trial* and 1922 *Castle* might have predicted some form of modern police state goes back to the famous 1940s and early 1950s writings by André Gide, Hannah Arendt, and Theodor Adorno. While getting his papers in order to leave occupied France in 1942, Gide writes, "All of this is very Kafka [*Tout cela très Kafka*]. I'm always thinking of the 'Trial' (1954, 116). Arendt similarly, in 1946, sees Kafka's 1910s and 1920s fictional bureaucratic regimes as a "prophecy of the future" – leading all the way to "the gas chambers" (2007, 97, 101).<sup>1</sup> And Adorno argues in 1953 that Kafka's work cites "National Socialism far more than the hidden dominion of God."<sup>2</sup> All three writers observe the same scenario at the heart of Kafka's apparent prophecy: a cruel, omniscient bureaucracy persecutes an innocent individual. As Arendt writes, Kafka's "seamlessly functioning" administrative machine breaks down protagonists who are "propelled only by their good will" (2007, 103–104). For Adorno, a system of "bureaucratic control" destroys both "K.s" (from *The Trial* and *The Castle*) – who themselves have no "guilt" (1983, 260, 270). And Gide, while thinking of *The Trial*, sees himself as an innocent, typically Kafkaesque refugee; he is fleeing from an orderly bureaucratic killing machine that fills him with the fear of not "being in good standing" (*être en règle*) and of death (1954, 116).

Although the Western press during the Cold War ridiculed the Eastern Bloc as Kafkaesque, this Arendtian and Adornian reading of Kafka as politically predictive has virtually disappeared from Kafka criticism.<sup>3</sup> The work-immanent

1 Arendt later refines her point by insisting that it would be wrongheadedly "realist" to assume that Kafka's prophecy of the future constitutes the full effect of his writing (2007, 102).

2 Adorno is building here on Klaus Mann's insistence "that there was a similarity between Kafka's world and that of the Third Reich" (1983, 259).

3 An important exception is J.P. Stern's (1976) argument that *The Trial* is a prophetic account of Nazi legal theory and practice. See also O.K. Werckmeister's claim that what he calls the new political anarchism of the early 1990s fulfills a "Kafkaesque" vision (1995, 495).

tendency that began in the 1950s<sup>4</sup> deemed such political readings of Kafka wrong – often, paradoxically, on realist grounds. Kafka’s power structures did not resemble any “secret police yet known to the world” (Thorlby 1972, 54), not least because these structures contradicted Gide, Arendt, and Adorno’s two main claims: Kafka does not depict a cruelly efficient bureaucratic machine, and his victims are far from innocent. Kafka’s “authorities” are in fact comically inept, and his protagonists are ethically ambiguous, bearing no resemblance to Arendt’s victimized men of “good will.” Although these two points invalidate Kafka’s connection to a certain vision of fascism, they simultaneously render Kafka’s novels most similar, I maintain, to the surveillance state in which we live today. My aim here is not to show that Kafka predicts our contemporary surveillance state (even though he seems to) – for, as Arendt points out, it takes no great skill to predict catastrophes given that history is a series of them (2007, 101). Nor do I maintain that this political interpretation is the only way to read Kafka’s novels. Rather, I aim to reawaken this long-dormant aspect in order to jar us out of the habit of reading Kafka apolitically<sup>5</sup> and, what is more, to demonstrate how my reading provides new insights into today’s surveillance states, which are most dangerous precisely when they seem most inept and most apolitically personal – that is, most Kafka-like.

When examining the first unusual structure of Kafka’s surveillance state – its comic inefficiency – we see immediately this inefficiency’s determining cause: the overproduction of data. I think, for example, of the dirty, neglected files in the backrooms of *The Trial’s* tenements; of *The Castle’s* file-carts delivered to exhausted bureaucrats who fall asleep while reading them and then lose them in their bedding; and, most tellingly, of the village mayor from *The Castle* who cannot find the secret file of K., the novel’s long-suffering protagonist. When this mayor’s wife helps him to turn a gigantic standing cabinet onto its side, reams of files cascade from it onto the floor. She sifts through these files by candlelight, on hands and knees, until two infantile assistants join her: one of them pulls file after file out of the mess, announces its title dramatically, and then lets the other assistant tear it away. The mayor’s wife eventually stops searching, and, together with the assistants, stuffs the files back into the cabinet. But she cannot shut the doors. The assistants and the wife then sit on the doors, bouncing up and down, trying to close them. After all this, we

4 For a review of such readings, see Beicken 1974, 67–98.

5 Even though a historicizing tendency returned to Kafka studies in 1990s, this has not produced many political readings. More specifically, no recent scholars have attempted to reconnect Kafka’s work to existing surveillance states – with a notable exception from the former Soviet Bloc: Stromšík (1992).

learn that K.'s file might not have been in this cabinet anyway but rather in an equally large one at the other end of the room – or, perhaps, in the barn in the mayor's backyard, or in the home of the village schoolteacher, or in the office of a high-level Castle official, whose walls are lined with files that continually fall and create thuds that resonate throughout the Castle. But K.'s file is ultimately probably in none of these places because, as the mayor announces, the overabundance of documents leads to many simply getting "lost"; the Castle's data collection system is, the mayor admits, "quite out of hand" (Kafka 1998, 60, 61). He gives up the search; K.'s file is never found.

This excess of paper files has its counterpart in the Castle's overproduction of electronic data. Kafka's Castle and its surrounding village are surprisingly high-tech, featuring the best communications technology available anywhere when Kafka began writing his novel in 1922. They have telephones with automated dial functions ("no switchboard"), which had been patented by Siemens only nine years earlier – primarily only for military and railway use (1998, 72). This operator-less dial system is in constant use, the mayor tells us, but like the corresponding paper filing system, it produces too much information. Whenever the mayor goes near a telephone, he hears an indecipherable "murmuring and singing," which, as K. learned earlier, resembles the "humming of countless childlike voices" and issues uninterruptedly from the phone's mouthpiece (1998, 72, 20). Although some buzzing and cross-talk was normal in 1920s single-wire systems, Kafka exaggerates this – especially by having the noise issue from the mouthpiece instead of the earphone – in order to show how too much "chatter" makes surveillance networks dysfunctional. When the mayor calls the Castle to deliver secret information or ask a question, every phone in the Castle's lowest-level department rings – or, better, would ring, if the mayor's superiors had not disconnected their ringer boxes because they were already overwhelmed by other, higher-level calls. Every so often, though, an overtired, bored bureaucrat reconnects a ringer box and answers a phone, usually pretending to be a more powerful official than he is, and as a "joke," provides the caller with a fabricated answer (1998, 72). The frustrated mayor realizes that the Castle's electronic data system – like its paper one – is filled with too much information and too much "noise": murmuring, humming, and singing. It has become an indecipherable "joke."

*The Castle's* irritated mayor prefigures another spy-agency bureaucrat arriving seventy years later: William Binney, the NSA cryptanalyst turned whistleblower. Like Kafka's mayor, Binney raged against the overproduction of surveillance information, which the NSA began gathering in automated form – thus mirroring *The Castle's* telephone system – in the 1990s. Just as the Siemens automated dial-function phones in *The Castle* dispensed for the first time with

operators (allowing for many more calls per minute), the NSA's newly automated signals system did away with the cryptanalyst, allowing for the collection of incalculably more data. After co-developing this system, Binney realized that he had created a monster and began railing, like Kafka's mayor, at its inefficiency. By pursuing a collect-it-all strategy, Binney argued, the NSA had drowned itself in a flood of useless data that was "outpacing our ability to ingest, process and store" it; this overproduction has now rendered the NSA "dysfunctional."<sup>6</sup> Whereas Arendt had insisted that the relation between Kafka and the Nazi surveillance state lay in a "seamlessly functioning" bureaucracy, we see, rather, that Kafka's world depicts precisely the opposite and that this is what connects it to today's surveillance state: the comically inefficient overproduction of information, to no apparent aim.

The second aspect of Kafka's novels that distances them from Gide, Arendt, and Adorno's idea of the surveillance state – the ethical ambiguity of Kafka's protagonists – likewise brings his novels paradoxically closer to today's version of that state. As Theo Elm argues in a landmark 1979 essay, readers had been so blinded by their desire to see Kafka's protagonists as victims that they had not noticed how *The Trial's* Josef K., long envisioned as the epitome of a ruthless state's innocent prey, is not a man of "good will." Rather, he is a liar, manipulator, and deceiver. Building on Kafka's late-life remark that Josef K. was indeed "guilty," Elm discovered through a careful reading what earlier scholars had missed: Josef K. sometimes gained sadistic pleasure from threatening to fire his underlings, from snubbing his professional rivals, and from calling subordinates into his office simply to make them nervous. Like K. from *The Castle*, he has strategic relations with everyone he meets, especially women: starting an affair with the lawyer's assistant just to get information, seducing the examining magistrate's lover to gain revenge, and approaching a young female neighbor (whom he later sexually molests) because she works at a law office. Beyond this, Josef K. repeatedly lies, goes to prostitutes, and pretends to defend social causes even though he is actually only looking out for himself. Finally, he neglects his ageing mother, whom he has not visited for over three years. Elm concludes that K. is guilty and that the lying, malicious, unscrupulous Courts are nothing other than Josef K.'s "projection" of his cruel, scheming, unprincipled self (1979, 434).

This new understanding of Josef K., which quickly gained followers,<sup>7</sup> seemed to undermine Arendt and Adorno's reading of *The Trial* as a prophetic

<sup>6</sup> Quoted in Angwin, 2013.

<sup>7</sup> Walter Sokel, for example, claims a few years later that because Josef K. treats others "like dogs," he must die like one (1983, 117).



political allegory because this required an innocent man of good will. But, as Jiří Stomšík points out with the example of Eastern Bloc Czechoslovakia, Kafka's creation of ethically compromised protagonists actually brings his novels *closer* to the reality of the police state, in which the cliché of the “innocent, suffering people” is always replaced by citizens complicit in the state's violence: “Everyone complains about the regime, and almost everyone is – happily or unhappily – always ready to advance from being the whipped to the whipper” (1992, 275). This ethically compromised individual is an equally important element of the twenty-first-century surveillance state, albeit in a slightly different way. Contemporary Western intelligence agencies routinely distract attention from their own law-breaking and displace it onto a question that they pose to individuals: Do you have anything to hide? Because Josef K., like all of us, I guess, has plenty to hide – whether personal or political – he apparently has plenty to fear. This personalization of guilt by the NSA provides new insight retroactively into Kafka's novel: Josef K.'s ethically compromised situation does not invalidate political – in Elm's words, “moralizing” – readings but rather emphasizes how urgently they are still needed (1979, 435). And, just as this allows us to read Kafka's novel differently, Kafka's novel illustrates the psychologically destructive effects of the NSA's apparently harmless “nothing-to-hide, nothing-to-fear” mantra.

Kafka's characters' moral ambiguity combined with the comical overproduction of information – the two things that apparently distanced Kafka's work from its connection to Nazism – generate the three most frightening aspects both of Kafka's novels and of today's Western surveillance states: (1) rumors and half-truths about individuals produce non-legal guilt; (2) the panoptic sovereign reappears where he should not, in modern democracies, and thus creates a sense of madness; and (3) within this world, the subject develops a paranoid perspective in which his very subject-ness – his “ego” or “I” – is put into question.

Beginning with the first – rumor and non-legal guilt – let us consider *The Trial's* famous opening sentence: “Jemand mußte Josef K. verleumdet haben, denn ohne daß er etwas Böses getan hätte, wurde er eines Morgens verhaftet.” The traditional translation – “Someone must have been telling lies about Josef K., for without having done anything wrong he was arrested one fine morning” (Kafka 1956) – misses three vital aspects from the original, as Breon Mitchell points out in the preface to his more recent translation: the legal resonance of “verleumden” (not “telling lies” but “slandering”); the power of the term *Böses*, which connotes more than just “wrong” but also “evil” and “villainous”; and the nearly untranslatable German subjunctive of the verb to have (“hätten”), which suggests that Josef K. might *have* done something wrong – just not something *Böses* (Mitchell 1998, xviii–xix). Mitchell's more accurate

translation reads: “Someone must have slandered (*verleumdet*) Josef K., for one morning, without having done anything truly wrong (*ohne daß er etwas Böses getan hätte*), he was arrested.” Through the introduction of “slander,” we gain the proper legal connotation. With “truly wrong” we have the implication that K. might indeed have done something wrong (implied by *hätte*), just not “truly” wrong (*Böses*).

The relation of this lower level of guilt and fear of slander (*Verleumdung*) to today’s British and American spying systems becomes clear in the Snowden documents published by Glenn Greenwald in February 2014. In these top-secret files from the NSA and its British equivalent, the Government Communications Headquarters (GCHQ), we find practical suggestions on how to “destroy the reputation” of activists, hackers, and other “suspect” citizens – all of whom have committed no crimes. Such “targets” can be undermined, the documents assert, through false accusations, manipulated websites, invented emails, and “honey traps” (luring people into embarrassing situations through sex). According to Greenwald, this idea of destroying individuals by “infiltrating” the internet goes back to 2008 proposals from Cass Sunstein, the high-level Obama advisor and legal scholar.<sup>8</sup> This *Verleumdung* strategy reveals a parallel between the NSA/GCHQ and the East German Ministerium für Staatssicherheit (Stasi), whose military university’s “Operative Psychology” Department developed a similar harassment program in the 1970s. Its aim was to undermine suspects through psychological “Zersetzung,” a term borrowed from chemistry that literally means “decomposition.” As we read in the Stasi’s notorious directive number 1/76, one goal of the “Zersetzung” program was the “systematic discrediting of the [target’s] public reputation, character, and prestige on the basis of untrue, yet believable and non-refutable allegations.”<sup>9</sup> Perhaps missing the irony, the British intelligence division (GCHQ) responsible for “strategic influence and disruption” on the internet now calls itself the “Human Science Operations Cell.”<sup>10</sup>

8 Glenn Greenwald, 2014.

9 “Systematische Diskreditierung des öffentlichen Rufes, des Ansehens und des Prestiges auf Grundlage unwahrer, glaubhafter, nicht widerlegbarer Angaben,” *Richtlinie Nr. 1/76 zur Entwicklung und Bearbeitung Operativer Vorgänge (OV)* (January 1976).

[http://www.bstu.bund.de/DE/Wissen/MfS-Dokumente/Downloads/Grundsatzdokumente/richtlinie-1-76\\_ov.pdf?\\_\\_blob=publicationFile](http://www.bstu.bund.de/DE/Wissen/MfS-Dokumente/Downloads/Grundsatzdokumente/richtlinie-1-76_ov.pdf?__blob=publicationFile).

10 I borrow this connection between Kafka, the Stasi, and the GCHQ from Thomas Assheuer, “Digitale Denunzianten: Pflanzen Geheimdienste Verleumdungskampagnen?” *Die Zeit*, February 27, 2014. Comparisons between the NSA and the Stasi abound, beginning already

Neither Greenwald's article nor Kafka's novel presents any evidence of actual reputation-destruction: the NSA and GCHQ might be engaging only in thought-experiment, and the fear of "slander" in *The Trial* comes, like almost everything else in this free-indirect-style narrative, primarily from K.'s perspective. But the possibility of slander, created through a system in which too much information is collected by an anonymous power, suffices to create anxiety, which leads us to the second Kafkaesque aspect of our present world. The fact that there is so-much centrally gathered data about Josef K. – and about us – undermines the foundational fantasy of modern democracies: that the omnipotent, all-seeing sovereign is dead.<sup>11</sup> Whereas monarchical subjects did not assume a right to privacy and so understood surveillance as a simple truth, the post-Enlightenment liberal subject clings to the fantasy of a private sphere that, he imagines, no one else sees. When the panoptic sovereign reappears, it is thus as a ghost – leading to the particularly Kafkaesque depictions of madness. Kafka described this insanity already one hundred years ago: Josef K. senses that the archaic sovereign is uncannily still alive, but K. still can't believe it. He thus begins talking to himself, already in the first chapter, about the tenets of the modern liberal democracy: "After all, K. lived in a *Rechtsstaat* [a state governed by law], there was universal peace, all statutes were in force; who dared assault him in his own lodgings?" (Kafka 1998, 6; Kafka, 1990, 11). Even the lowest emissaries of the "high court" would dare to do this, it turns out, and K. can only start to wonder whether he is deranged.

The panoptic sovereign's comic inability to handle all of the information he collects does not weaken him but makes him more dangerous. Because now, the sovereign is everyone; everyone has data about you. Like the NSA, K.'s "high court" farms its information out to private contractors and also simply loses it. Everyone seems to have crumpled papers about K. in their desk drawers: the painter Titorelli, the lawyer Huld, the priest in the Cathedral. What is more, K. is arrested by his own colleagues – not by professional policemen – and these men, too, know too much about his personal life. The strangers whom K. approaches for help – Titorelli, Leni, Block – know the facts of his case before he tells them. And K.'s own uncle appears at his office to assist K. because this uncle, inexplicably, has heard all about K.'s case. What Titorelli, Leni, Block, and the uncle know are not legal details but the same personal details that Theo Elm and subsequent Kafka scholars discovered: K. is meant to

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with Angela Merkel's October 2013 claim that the NSA was "like the Stasi" ("U.S.–Germany Intelligence Partnership Falters Over Spying," *New York Times*, December 16, 2013).

11 On this relation between the reappearing dead sovereign and modern democracy, see Assheuer, "Digitale Denunzianten."

his underlings; he mistreats women; he neglects his mother. This is the key to Kafkaesque paranoia. Citizens who have not broken the law but have, like all of us, been unkind to their fellow humans can have their lives ruined. It does not matter whether this reputation-destruction is actually happening, just as it does not matter whether the high courts have deliberately leaked K.'s information. What matters is that it *can* happen, leading K. to a typically Kafkaesque madness: the only reasonable position, he knows, is to be paranoid.<sup>12</sup>

Kafka creates this derangement not only through his plots but also through his style: specifically, through a narrative point of view that, by encouraging a paranoid reception, epitomizes the third and final interrelation between Kafka's novels and today's surveillance state. More consistently than any other modern author, Kafka employs *erlebte Rede* or "free indirect style" – a close third-person narration in which the narrator never offers a perspective outside of the character's, leaving us only with the protagonist's viewpoint.<sup>13</sup> We readers see only what Josef K. does, never what is around or behind him, and, what is more, we get no opinions other than his. The first sentence again sets the stage for the entire novel: "Someone must have slandered Josef K., for one morning, without having done anything truly wrong, he was arrested." Not only do the courts not tell K. whether he has been slandered or has actually done something wrong, K. does not even know this himself: someone *must have* ("mußte") slandered him; he hasn't done anything *truly* wrong. Moreover, we readers do not know, for the narrator does not speak. Similarly, when Josef K. wonders aloud about whether he lives in a liberal democracy, he does so in *erlebte Rede*'s typically unattributed form (i.e., without "Josef K. said"): "What sort of men were [these guards]? What were they talking about? What office

12 Assheuer makes a similar point at the end of his "Digitale Denunzianten."

13 Friedrich Beissner (1952) termed Kafka's radically consistent form of *erlebte Rede* "Einsinnigkeit" (monopolized perspective). For research expanding on Beissner's thesis and for counter-attempts to locate isolated traces of a narratorial perspective in Kafka, see Elm 1979, 425–426.

Although Virginia Woolf and the early James Joyce employ much free indirect style, neither does so as consistently as Kafka. Narratorial perspective appears already in the first sentence of Joyce's "The Dead" (Lily is "the caretaker's daughter"), and extended dialogue and first-person narration intrude at the end of *A Portrait of the Artist as a Young Man*. Even Woolf's works consisting primarily of free indirect style (e.g., *Mrs. Dalloway*) feature regular narratorial interventions, through attribution (e.g., "Mrs. Dalloway said"), explanatory phrases, the use of the indefinite pronoun "one," and narratorial similes ("As a person who has dropped some grain of pearl or diamond into the grass..."). On Woolf, see Page 1988, 44–45 (attributions, explanatory phrases); Daiches 1963, 72–73 (the indefinite pronoun); and Cohn 1978, 44 (narratorial similes).

did they represent? After all, K. lived in a state governed by law...; who dared assault him in his own lodgings?" (1998, 6). Again, Josef K. does not know, and neither do we.

The subject who is supposed to know is the silent narrator, who corresponds, in this sense, to the present-but-absent, archaic panoptic sovereign: to the *The Castle's* ruling "Count Westwest," *The Trial's* "highest judge," and the man we imagine masterminding the NSA system. This equivalence of the *erlebte Rede* narrator with the resuscitated sovereign explains why Kafka, after writing over forty pages of *The Castle* in the first person, stopped and replaced every "I" with "he" – thereby producing this close third-person style.<sup>14</sup> Kafka knew that this narrative presence-in-absence creates a different psychological perspective than does either the first-person or the traditionally omniscient third-person. Instead of giving us the experiential "I" of first-person narration (*Robinson Crusoe*, *Tristram Shandy*, *Moby-Dick*) or the implied narrative "I" of omniscient, ironic third-person narration (*Don Quixote*, *Pride and Prejudice*, *The Magic Mountain*), Kafka presents us with the apparently ego-less world of *erlebte Rede* – with virtually no "zoom-outs" to narratorial distance (as opposed to, say, the Jane Austen novels).<sup>15</sup> With Kafka, we have neither an experiential first-person nor an implied narrative "I" – or, better, we have an implied narrative "I," but this "I" leaves no trace of itself beyond being the figure who calls Josef K. "he."

This silent narrator hovering somewhere above Josef K. resembles narratologically what Freud called, psychologically, the *Über-Ich* (the "above-I" or, in the misleadingly Latinized standard translation of Freud, the "super-ego"). Like this *Über-Ich*, Kafka's narrator must, we assume, know everything about K. and, even more like this *Über-Ich*, must be perspectively almost the same as K.: the narrative and figural points of view are virtually indistinguishable.<sup>16</sup> But Kafka gives Freud's psychic map a turn of the screw by describing not – as Freud does – a neurotic closeness between super-ego ("above-I") and ego ("I") but rather a paranoid intimacy between super-ego ("above-I") and the equivalent of what Freud called the third person "Es" ("it," or in the standard

14 On this shift in *The Castle*, see Cohn 1968.

15 Even *Persuasion*, the Austen novel that employs free indirect style most consistently, moves back and forth to the more traditional distanced third-person form – thus differentiating it from *The Trial*. On *Persuasion's* shifting between free indirect style and what Norman Page calls the "narrative" and "authorial comment" modes, see Page 1972, 128.

16 I say "virtually" because I agree with Dorrit Cohn's point that the narratorial and figural voices never actually become one (as Wayne Booth and George Szanto had suggested); the very presence of the third-person pronoun precludes such absolute unity (Cohn 1978, 112).

English translation, “id”). Kafka’s psycho-narratological map thus effaces the Freudian ego. In Kafka’s world – where everyone knows everything about everyone else – the “I” loses its ability to define a private sphere and a self. Within its internal psychic grammar, the “I” similarly disappears between its own third-person (the “es,” Josef K.’s “he”) and its “above-” or “super-I” (the narrator). Kafka gives us *only* the primitive third-person (K.’s cheating, exploiting, womanizing “he”) and the silent, judging first-person above the ego (the narrative *Über-Ich*). There are only animal drives on the one hand, and information and judgment on the other.

Consisting solely of this “he” and this “above-I,” Josef K. ultimately surrenders voluntarily his personal information to the Courts. He senses, as we do today, that the idea of “personal” – the private “I” – has disappeared, so why should he protect it? He will hand to the Courts a “petition” that they never even asked for, a petition that is not a legal document but rather an autobiography, in which K. will “call to mind, describe, and examine from all sides” his “entire life, down to the smallest actions and events” (Kafka 1998, 127). This document will not free K. but will also not convict him; for it is a self-incrimination without a self. With Josef K.’s “I” squeezed out between the “he” and “above-I,” he becomes the absolute victim – stripped even of his ego – but also the unpunishable one. As we learn in the final scene, K. will not take the knife and kill himself as his persecutors demand, for this too would require an “I.” If they want him dead, they will have to kill him themselves. And what they will eventually kill is not what they had wanted to kill. For Josef K. is now, as he says, dying “like a dog.” This marks K.’s ultimate humiliation but also his perverse escape. Beyond both the human and the animal (he is only “like” a dog),<sup>17</sup> he eludes a system that has reduced him to a mass of incriminating – yet ultimately indecipherable – data. His guards have the satisfaction of killing only this mass, not a human subject, and the “*Scham*” (both “shame” and “genitalia”) that “outlives” him, and us, is the slanderous afterlife of this information (Kafka 1998, 231; 1990, 312). It is the bad joke that, unlike K., just keeps on living.

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17 This is thus beyond the “becoming-animal” model of escape theorized by Gilles Deleuze and Félix Guattari (1986, 12–15, 34–38).

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