KAFKA AND THE FATE OF THE BODY IN A SURVEILLANCE SOCIETY. A FOUCAULDIAN READING OF FRANZ KAFKA'S *IN THE PENAL COLONY*

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Abstract: This article focuses on the complexity of sovereign power and its effects on the human body. Kafka's story, *In the penal colony*, seems to illustrate the relationship between body and power, or, more generally, the relation between human body and the discursive practices listed on it. As a result, in a kind of apocalyptic aesthetics, the human body turns into an object that can be written upon, an object subjected to different types of processing and manipulations, emphasizing the idea that human being is shaped by power from the time of his birth.

Keywords: penal colony, indefinite detention, Oedipian relationship, laws and rules.

Franz Kafka's writings, even his own life, have been the object of many literary interpretations and debates which have continuously over-emphasized such aspects as solitude, guilt or trauma. In response to these (mis)interpretations, Gilles Deleuze and Felix Guattari, in *Kafka: Toward a Minor Literature*[1], discuss Kafka's works as a "line of escape", while one paradoxically is inside the cage, as a way out of all systems of power, including ideology, which are in place before one is born.

According to Deleuze and Guattari, Kafka's answer to the question "Is there a way out?", which seems to underlie his entire writings, appears to be the method of a minor literature whose main characteristics are the "deterritorialization of the language" and its essentially political nature. As a result, the deterritorialization of the language implies the rupture of its symbolic order both in terms of contents and form, and the intrusion of the real, perceived as a site of intensities and of things fundamentally in motion.

[1] G. Deleuze, F. Guattari, Kafka: Toward a Minor Literature, "What Is a minor Literature?", trasl. by Dana Polan, University of Minnesota Press, Minneapolis, 1986, p. 16.

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The so much discussed Oedipal triangle becomes a pattern for social, economical and political relations of power. Human beings are seen in two fundamental ways: subjected to power (as subjects) and being agents of power at the same time, status highlighted by Judith Butler in "The Psychic Life of Power": "Subjection consists precisely in this fundamental dependency on a discourse we never chose but that, paradoxically, initiates and sustains our agency. "Subjection" signifies the process of becoming subordinated by power as well as the process of becoming a subject."[2] Even though human beings internalize power to a great extent, becoming both subjects and agents of power, Butler, following Freud's line of thinking, emphasizes that there is an interiority within the human being, whereas for Kafka, the human body is made up only of surfaces. Such a conceptualization of the body, so much praised by Deleuze and Guattari, is in tune with their theory on "the body without organs", a body conceived as a hollow sphere whose surface is structured by patterns of intensities.
In other words, Kafka's stories seem to focus on the human body, seen as made up only of surfaces, but also as a "desiring machine"[3], a mechanism, a tool, through which power is exerted, a kind of extension or capillary of the power system itself.

Kafka's story *In the Penal Colony* seems to very well illustrate the relation between the human body and Power or, speaking in more general terms, the relation between the human body and the discursive practices inscribed upon it.

Its action takes place in a penal colony which does not have a name or a clear location. From the few details scattered throughout the narration, one may suppose that the penal colony belongs most probably to a colonial power, whose name is never mentioned. Its location seems to be in one of the conquered countries, on a far away island. The only exact information given at the end is that access to it is possible only by ship. Consequently, the penal colony carries a complex symbolism: on the one hand, it may stand for a colonial power which imposes its culture and language on the culture of a conquered country; on the other hand, the penal colony may be looked upon as a micro-power system within and, paradoxically enough, at the same time separated from a larger power system. Such a system, if it is

[2] J. Butler, *The Psychic Life of Power*, "Introduction", Stanford University Press, Stanford, California, 1997, p. 2
[3] G. Deleuze and F. Guattari , *Anti-Oedipus, Capitalism and Schizophrenia*, transl. by Robert Hurley, University of Minnesota Press, Minneapolis, 2000.

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seen as functioning as an exclusion from the larger one, may be very well associated to the state of exception in which sovereign power makes its presence felt by the right to suspend law, to situate itself outside law. In other words, the island where the penal colony and its prisoners are located may very well echo the state of exception that characterized Guantanamo Bay prison, its geographical location outside the borders of the United States, on Cuban land but not under Cuban rule, and its prisoners kept in indefinite detention, whose very rights and ontological status as humans and subjects were suspended. The concept of "indefinite detention", discussed by Judith Butler in one of her essays included in the volume *Precarious Life,* "does not signify an exceptional circumstance, but, rather, the means by which the exceptional becomes established as a naturalized norm."[4] Moreover, the isolation of the prison from the rest of the world may also be interpreted as a deprivation of its prisoners of their social dimension and their reduction to bare life. The concept of "bare life", which is central in Giorgio Agamben's book *Homo Sacer Sovereign Power and Bare Life*[5], comes to designate the status human beings have when they are deprived of their rights of citizenship and thus they enter a suspended zone, neither living in the sense that a "political animal" lives, in community and bound by law, nor dead and, therefore, outside the constituting condition of the rule of law.

THE SYMBOLISM OF THE APPARATUS

Bu let us return to Kafka's story whose plot is triggered by the act of disobedience of a soldier, who insults his superior, act which leads to the soldier's sentence to death and execution. The execution is to be carried out by the Officer of the penal colony, who, together with the Old Commandant, invented and developed a terrifying torture machine, called "the Apparatus", which is made up of three parts – the Harrow, the Bed and the Designer. According to its dictionary definition, "the harrow" is a piece of farming equipment that is pulled over land that has been ploughed to break up the earth before planting. This definition directly connects this element of the torture machine to the primary meaning of the word "culture", which is

[4] J. Butler, *Precarious Life, The Powers of mourning and Violence*, "Indefinite Detention", published by Verso, New York, 2004, p. 67.
[5] G. Agamben, *Homo Sacer. Sovereign Power and Bare Life*, translated by Daniela Heller-Roazen, Stanford University Press, Stanford California 1998.

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"cultivating the land"[6]. Thus, on a metaphorical level, the torture machine may stand for the tools of the dominant culture, which imposes itself by force on the conquered culture, understood as a land which needs cultivating. If we adopt Louis Althusser's terms[7], the harrow may also carry a double symbolism: it may stand both for the Repressive State Apparatuses (since it is an instrument of torture, inside a repressive institution- the penal colony) and the Ideological State Apparatuses (since it inscribes the death sentence directly on the condemned's body and the meaning of this sentence is understood by the condemned in a moment of euphoria or illumination just before his death). This undoubtedly brings up the debate on the relation between culture and politics discussed by Terry Eagleton in *The Idea of Culture*, where he states that "…culture is more the product of politics rather than politics is the dutiful handmaiden of culture"[8], implying that politics is more influential on culture than the other way round. This is why, according to him, culture should no longer be connected to the spirit but to the body.

Furthermore, the definition of the harrow, that of breaking up, of shaping earth before being cultivated, implies the idea of uniformity and conformity to the rules and values imposed by a dominant culture; it also implies the idea of shaping, of bringing to some previously decided and accepted standards and norms, to the so-called "normal/normalization". In this respect, the torture machine means the aggressive methods that a conquering culture (like that of a colonial power) or a political power system uses in order to impose its values, its laws, and its order. Consequently, the torture machine may very well symbolize any system of power, whose aim is to control the society, to discipline human beings, by shaping them socially, economically, intellectually. It is not by chance that "The harrow appears to do its work with uniform regularity."[9]

While analyzing the meanings of the "harrow", one cannot forget the fact that this torture machine is a product of the human mind, an artifact, which has a certain purpose: to torture and finally kill. In this respect, it may

[6] from the Latin verb *colere*.
[7] L. Althusser, *Lenin and Philosophy and Other Essays*, "Ideology and Ideological State Apparatuses", translated from French by Ben Brewster, NLB, London, 1971.
[8] Terry Eagleton, *The Idea of Culture*, "Culture Wars", Blackwell Publishers Ltd., Oxford, 2000, p. 60.
[9] Franz Kafka , "In the Penal Colony" in *The Complete Stories* , ed. by Nahum N. Glatzer, Schocken Books, New York, 1971, p.147.

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stand for the tools human beings have invented throughout history to tame, to control nature, and later on to exert power on other human beings. In the Officer's words, the machine resembles those in mental hospitals: "You will have seen similar devices in hospitals"[10]. This remark reminds us of Foucault's theory on hospitals, as institutions which control human bodies. What is more, the shape of the harrow corresponds to the shape of the human body, as it is stated by the Officer himself ("As you see, the shape of the Harrow corresponds to the human form..."[11]) implying that a system of power always adapts, re-shapes its own tools and methods in order to exert power effectively on human bodies. This idea is also supported by the remark that the harrow has not been like that since the moment of its creation, but it has been developed, improved in time, well taken care of (the Officer himself has seen and contributed to that). Although the apparatus operates with great "artistry", its violence is brought to the fore by several details in its construction: the numerous straps that hold the criminal secure, and the stub of felt which the criminal must insert into his mouth to prevent him screaming and biting his tongue.

The torture machine appears to have even the characteristics of an object of desire, of a fetish, since it seems to create pleasure both to the crowd witnessing the public executions and to the Officer. The way the Officer describes the harrow, the minute details he gives in his descriptions as well as his special preoccupation with the maintenance and functioning of the machine make us suspect that he derives a kind of sadistic pleasure out of it. The executions are looked upon as performances, during which the crowd seems to undergo the experience of catharsis.

Finally, the whole functioning system of the harrow may also be compared to the technological system in a factory. In this respect, the human body may be looked upon as a product of a technological process, a process of manipulation, transformation, alteration, which may very well include the modern concepts of body manipulations like genetic engineering or cloning. Through extension, in the line of Foucault's thinking, this process may also mean the cultural process to which the body is subjected during its lifespan or, to put it in other words, the system of education, the main Ideological State Apparatus in modern times, according to Althusser[12].

[10] Ibid., p. 143.
[11] Ibid., p. 146.
[12] L. Althusser, *Lenin and Philosophy and Other Essays*, "Ideology and Ideological State Apparatuses", p. 138.

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The apparatus comprises not only 'the bed' on which the criminal lies, symbolizing the human being's state of absolute subjection, but also 'the designer', which is made up of several other smaller mechanisms joined together, supposed to perform their task perfectly. But what Kafka is interested in is that particular element in the system which may cause its dismantling, as it actually happens at the end of the story: "Besides, one of the cogwheels in the Designer is badly worn; it creaks a lot when it's working..."[13], states the Officer while he is describing the apparatus to the Traveler. So, with Kafka there is always a break, a flaw in the system, a possible way out.

Nevertheless, the apparatus cannot be separated from the human body since they form together what Deleuze and Guattari call "an assemblage" or a "desiring machine", described at its best in the following passage from *Kafka: Toward a Minor Literature*: "To enter or leave the machine, to be in the machine, to walk around it, to approach it-these are still components of the machine itself: these are states of desire, free of all interpretations. The line of escape is part of the machine. Inside or outside, the animal is part of the burrow-machine. The problem is not that of being free but of finding a way out, or even a way in, another side, a hallway, an adjacency. Maybe there are several factors we must take into account: the purely superficial unity of the machine, the way in which men are themselves pieces of the machine, the position of desire (man or animal) in relation to the machine. In the "Penal Colony", "the machine seems to have a strong degree of unity and the man enters completely into it."[14]

In many interpretations the apparatus has been seen as a signifier for the Law ("Nomos") understood as a law "being in force without significance", a signifier without a signified. It is interesting that we do not know the law of the penal colony. The only thing we know is that the sentences which are to be passed by the apparatus directly on human bodies emerge from sovereign power (the Old Commandant and the Officer formulated them) and that, even though the New Commandant does not agree with them, an execution is about to take place. According to Giorgio Agamben, life under a law that is in force without signifying is very similar to life in the state of exception and it is precisely this kind of life that Kafka

[13] F. Kafka, ''In the Penal Colony'', in: *The complete Stories*, p. 142.
[14] G. Deleuze, F. Guattari, *Kafka: Toward a Minor Literature,* p. 7.

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describes[15]. Paradoxically, this kind of law becomes a mediator, a ground for knowledge, since the condemned undergoes the experience of illumination by understanding the meaning of the law which has been passed directly on his body. This close connection between power and knowledge is undoubtedly one of the main focuses of Michel Foucault's theory on power-knowledge.[16]

THE SYMBOLISM OF THE CHARACTERS

From the very beginning it is impossible to pass unnoticed the fact that the characters do not have names, surnames. They do not represent separate identities; their names (Soldier, Captain, Officer, Condemned, Commandant, Traveler) are mere labels for social bodies as well as for the relations of power established between them.

On top of the pyramid there is the Commandant of the penal colony. The Old Commandant has been replaced by the New Commandant but they both may be considered as variables of the same function in the system. The Old Commandant was a combination of functions (<< "Did he combine everything in himself, then? Was he soldier, judge, mechanic, chemist, and draughtsman?" "Indeed he was", said the Officer...>>[17]), which may also correspond to the state institutions.

It seems that the new power system stands against the old one, against its methods and tools (the New Commandant does not agree with the public executions or with the use of the apparatus) but at the same time it seems to be built on it: the New Commander still detains absolute sovereign power and exerts it, even if he relieved himself of some of the old functions (the functions of judge and executioner). There are Captains who also served in the old system, but now they fear the New Commandant the way they feared the previous one and they do not dare to oppose resistance. In addition, the Old Commandant is a symbol of absolute sovereign power, just like the King used to be in absolute monarchies. So it is not a wonder that the Officer looks for his corpse after his death. The body of the Old

[15] G. Agamben, *Homo Sacer. Sovereign Power and Bare Life, "*Form of Law", p. 51-52.
[16] Michel Foucault, *The Subject and Power* (1982), Excerpt from "The Subject and Power" 1982, in: "Michel Foucault: Beyond Structuralism and Hermeneutics", University of Chicago, p. 208.
[17] Franz Kafka , "In the Penal Colony" in *The Complete Stories,* p. 144.

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Commandant represents, using Foucault's terms, 'a political reality' and a guarantee of this power.[18]

Immediately under the Commandant there is the Officer, who plays the same role in both systems- he is both a judge and an executioner, most significantly, he is the heir of the Old Commandant's legacy. This legacy is symbolically represented by the diagrams the Old Commandant left him, written down in a language that only the Officer understands, in a code that only he can decipher. This is why they may be interpreted as standing for laws and rules, but they may also symbolize the culture, or 'the symbolic medium' in which each human being is born and moves, in Terry Eagleton's terms: "Human beings move at the conjuncture of the concrete and the universal, body and symbolic medium…"[19]. Because it moves in a symbolic medium, the human beg is also a "symbol-making creature": the diagrams designed by the Old Commandant are written in a code that only the Officer may decipher and understand. They make sense only to him, but not to the Traveler, who metaphorically represents another culture, another system of values and meanings, and consequently another code. The Officer is not only the heir but the only one in the colony who seems to openly stick to the values of the old system. In this perspective, the diagrams represent, paraphrasing Terry Eagleton, 'the pictures that hold him captive'. In other words, the Officer is himself a captive of the culture he inherited and whose product he is. Consequently, the penal colony may be also interpreted as the 'prison-house' each culture represents.

On the other hand, the relationship between the Commander and the Officer appears to have all the characteristics of the Oedipal relationship between father and son. This idea is also reinforced by the Commander's legacy left to the Officer: the designs and the machine, representing their culture, their symbolic medium. Nevertheless, Kafka always has a surprise in store for us and finds a way of breaking any kind of symbolic order: the machine's dysfunction and going haywire may be seen as the revenge of an obscene father, since the Officer ends up being killed by stabbing. It is as if the son's unconscious desire to kill his father, so typical for the Oedipal triangle, turns against him in the act of a strange revenge.

[18] From*: Power/Knowledge, Selected Interviews and Other Writings,* 1972-1977. Citing an electronic source: http://www.thefoucauldian.co.uk/bodypower.htm
[19] Terry Eagleton, *The Idea of Culture*, "Culture and Nature", p. 97.

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Another interesting aspect is that the experiencing of the law is mediated by the body and not by the reason, another proof supporting the idea that with Kafka the human body is conceived as having no interiority. More than that, the Condemned understands the meaning of the law inscribed on his body, just before his death, in a moment of illumination or euphoria which seems to be similar to that of "jouissance", in which his desire for meaning or knowledge has been fulfilled. And this is how the apparatus produces not only an almost inhuman violence but also desire:

"Enlightenment comes to the most dull-witted. It begins around the eyes. From there it radiates. A moment that might tempt one to get under the Harrow oneself. Nothing more happens than that the man begins to understand the inscription, he purses his mouth as if he were listening. You have seen how difficult it is to decipher the script with one's eyes; but our man deciphers it with his wounds."[20]

This practice may correspond to the executions in the Middle Ages when the convicts were tortured and stigmatized; they were left bodily signs of the laws in force. This is why, the apparatus, as a whole, may be also interpreted as a symbol of sovereign power, in which, according to Agamben, "the sovereign is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence."[21]

Such an act may also bring back into our memory the Nazi mass executions during World War II, or the atrocities caused by the dictatorial systems in the former communist countries, where innocent people were sentenced to death, without having the right to defend themselves and without knowing the reason why they were executed or persecuted. The underlying principle of such systems seems to be "Guilt is never to be doubted"[22], which is also emphasized by the following dialogue between the Officer and the Traveler: <<"Does he know his sentence?" "No," said the officer... "He doesn't know the sentence that has been passed on him?" "No", said the officer again, ... "There would be no point in telling him. He'll learn it on his body.">>[23]

Under the power position occupied by the Officer, there are the Captains, who are subordinated to the Officer but they are the superiors and

[20] Franz Kafka , "In the Penal Colony" in *The Complete Stories,* p.150.
[21] G. Agamben, *Homo Sacer. Sovereign Power and Bare Life,* "Nomos Basileus", p. 32.
[22] Franz Kafka , "In the Penal Colony" in *The Complete Stories,* p. 145.
[23] Ibid.

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masters of the Soldiers, also defined as servants. The relation of power between captains and their soldiers is clearly explained by the event which leads to the Condemned man's execution. In fact, the Condemned, before being sentenced to death, used to be a Soldier, an element and tool of the power system. The Captains' and Soldiers' levels appear as the lowest levels at which power is distributed. This segment of power relations reminds us of Jeremy Bentham's "Panopticon", discussed by Foucault in *Discipline and Punish*: the way the convicts in cells were observed and controlled from the central tower is similar to the way the Captain(s) keep(s) under observation his/their Soldier(s): the Soldier is supposed to stay in front of the Captain's door and stand up every time the clock strikes the hour and to salute in front of the door. This way the Captain(s) can control if the Soldier(s) perform(s) his/their duties by simply opening the door any time (as it indeed happens in the short-story) or, why not, by peeping or gazing (very important concept in the Panopticon theory) through the keyhole of the door.

There are many allusions throughout the story, including the threat "I'll eat you alive" addressed by the Condemned to his Captain, that hint at the Condemned's status of an animal: "In any case, the condemned man looked like a submissive dog that one might have thought he could be left to run free on the surrounding hills and would only need to be whistled for when the execution was due to begin."[24] According to Deleuze, "the becoming dog" fascinates Kafka, because "the deterritorialization of the becoming-animal is absolute; the line of escape is well programmed, the way out is well established."[25] Nevertheless, the Condemned does not manage to find his way out by metamorphosizing into a dog, but remains in his condition of total subjection, marked by "his bent head". More than that, there is a moment when he shows a kind of curiosity towards the torture machine, as if he were attracted to it, and that he would like to try it, another proof that the Apparatus never ceases to produce desire. This curiosity and attraction may be interpreted as the human drives to power (Nietzsche's 'will to power'). This is why Michel Foucault states in *Discipline and Punish* that anybody may become a tool in the power system and consequently a torturer. His curiosity, which may be seen as a propensity

[24] Ibid., p.140.
[25] G. Deleuze, F. Guattari, *Kafka. Toward a Minor Literature* , "The Components of Expression", p. 36.

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towards coercion, and aggressiveness, may be instinctive, childlike, but it may also be looked upon as inculcated by the system which cultivates such values.

Finally, the Officer's suicide marks the end of the old system of power and its replacement with a new one. His destiny is bound to that of the old system, and in the pyramid of power he disappears as a function (the function of torturer). In this sense, the dysfunction of the harrow (which does not torture him with its needles but actually stabs him) is a kind of an ironical and symbolical revenge of the machine against the human being. This revenge may suggest, on the one hand, what the degeneration of the system because of surplus of power may lead to, and that the tools and methods human beings employ to exert power may backfire one day, on the other hand.

The only character who seems not to be part of this system of power is the Traveler. Still, that does not mean that he does not detain power or that he is not involved in relations of power: he is not part of the system because he is a foreigner; he does not belong to the culture of the penal colony. More than that, he does not know its code, symbolically expressed by his incapacity to decipher the diagrams. He belongs to another culture, with different, apparently more human values: he rejects the Officer's request to help and support him in his attempt to preserve the practices and rules of the old system, simply because he does not agree with them. His power lies in the fact that his opinion may influence the new Commandant's incoming decision to abolish the executions. In this respect, he is a representative of the Western European culture (as it is overtly expressed in the story), which seems to have at its centre the value of humanity. But the contemporary question raised by the role played by the Traveler (who may also stand for what is known nowadays as 'The International Community') is whether another culture and political power has the right to interfere, and if yes, to what extent, with another culture and political power. The Traveler's first reaction is that of non-interference, of passivity, but after the Officer's attempt to manipulate him (a technique which he masters very well, the same as the technique of torturing), he decides not to keep silent. Silence can be seen as a sign of compliance with the power system, of 'normalization'. Another significant detail is the fact that the Traveler and the Officer, even if they do not belong to the same culture, they speak the same language (French), whereas the Soldier and the Condemned do not speak or understand French. This aspect may have several implications:

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since language is usually associated with culture, the colonial power hinted at in the short-story may be France. Language is, according to Eagleton, "our most obvious surplus over sheer bodily existence"[26], one of the criteria which make us "humans". Nevertheless, the exertion of power directly on human bodies is possible even in the absence of language. Another implication may be that a conquering / dominant culture does not impose its values through language or communication, but through force, aggressiveness whose main goal is the "normalization" of the conquered/minor culture.

In conclusion, Kafka's story seems to analyze sovereign power in its complexity and its effects at the level of the human body. As a result, in a kind of apocalyptic aesthetics, the human body turns into an object to write upon, an object subjected to various kinds of transformations and manipulations, emphasizing the idea that we are formed by power from the very moment of our birth.

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[26] Terry Eagleton, *The Idea of Culture*, "Culture and Nature", p. 101.

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