

ISSN 1751-8229

Volume Fourteen, Number One

## Kafka's *The Trial*, Psychoanalysis, and the Administered Society

Rebecca L. Thacker, University of Cincinnati, US

**Abstract:** Analyses of Kafka's *The Trial* often read the text as an existentialist work, arguing that the novel metaphorizes the absurdity of a modern world where God no longer exists. However, I agree with Slavoj Žižek, who posits that such a modernist reading ignores what is most vital in Kafka's text—that the absence of God is “always already filled by an inert, obscene, revolting presence” (2009: 146). I argue that this “revolting presence” for Josef K is the presence of the Court; *The Trial* describes the subject within a society organized by the symbolic order, the big Other, the symbolic network of rules regulating our lives and structuring our reality. For this reason, I read *The Trial* as pointing the way toward critical postmodernism. But a strictly postmodernist reading of *The Trial* cannot work without the Lacanian intervention of the split subject. Readings of *The Trial* based solely on the framework of Foucault's power/knowledge theory, without a consideration of Lacanian subject formation, are incomplete. Foucault posits that individuals only become subjects via discourse, becoming subjects either through interpellation or via relationship to power. This begs the question, *how* does an individual become the desiring subject? How does a defendant such as Josef K. come to accept the power of the Court? I answer these questions by applying a necessary psychoanalytic intervention to Foucauldian readings of *The Trial*, interpreting the text as the narration of Josef K.'s unconscious experience as a split subject in relation to the big Other.

**Keywords:** Kafka; Žižek; Postmodernism; Interpellation; Subject Formation; Psychoanalytic Theory

The majority of analyses published on Franz Kafka's *The Trial* (2009/1925) read the text as a modernist, existentialist work. These interpretations of *The Trial* argue that the text metaphorizes the absurdity of a modern world where God no longer exists. In "The Obscene Object of Postmodernity," Slavoj Žižek notes, "One reading [the modernist reading of *The Trial*] takes the elusive, inaccessible, transcendent character of the center (of the Castle, of the Court) as a mark of an 'absent God' (the universe of Kafka as an anguished universe, abandoned by God)" (Žižek 1996: 146). I argue that this modernist reading is naive, because it fails to recognize that it is impossible for individuals who have entered the linguistic symbolic order to step outside that order.

It is impossible to represent what is beyond humanity's linguistic powers of representation (i.e., to represent 'the Real'). Therefore, I agree with Žižek who posits that such a modernist reading ignores what is most vital in Kafka's text—the absence of God is "always already filled by an inert, obscene, revolting presence" which is the presence of the Court for Josef K (Žižek 1996: 146). *The Trial* is a narrative that describes the subject within a society organized by the symbolic order, the big Other, the symbolic network of rules regulating our lives and structuring our reality. Consequently, Žižek argues, "Kafka is in a certain way already postmodernist" (Žižek 2005: 122). For this reason, I, like Žižek, read *The Trial* as pointing the way toward critical postmodernism. In this article, I begin by taking the poststructural, Foucauldian reading to its limit. I then turn to Žižek's interpretations of Lacanian subject formation in order to theorize what the postmodernist reading of *The Trial* leaves out.

## **The Postmodern Turn**

Recent readings of Kafka's *The Trial* move away from the modernist interpretation of the text as representing a universe abandoned by God. These readings use poststructuralist theory as a framework to interpret Josef K.'s nightmarish experience as a subject arrested and placed on trial without ever being told his crime. Many critics turn to Michel Foucault's power/knowledge theory to explain Josef K.'s relationship to the court. For example, in "K. as 'Confessional Hero': A Foucauldian Reading of Kafka's *Der Prozeß*," Jo Bogaerts (2011) argues that *The Trial* can be read

as a commentary on living in a postmodern, bureaucratic society. Bogaerts notes that some studies of the novel, such as those by Ulf Abraham and Hans Helmut Hiebel, show the relevance of Foucault's theory of power and disciplinary society to Josef K.'s own trial. In *Discipline and Punish: The Birth of the Prison*, Foucault theorizes the ways individuals are administered through bureaucratic institutions. Bogaerts describes a Foucauldian reading of *The Trial* as illuminating Kafka's depiction of "bureaucracy's unrelenting control and the nature of totalitarian regimes" (Foucault 2010: 100). Bureaucratic power, as represented by the court in *The Trial*, ultimately kills Josef K., a metaphor for power's consumption of the individual.

In *The Trial*, bureaucracy's unrelenting control is reflected in both the bureaucracy of the bank and the bureaucracy of the court. For example, almost all of the bureaucrats in the novel are named by position only, the bank director, the Court magistrate, the Court usher, etc. This is appropriate in a system within which power resides in the positions themselves and not in the individuals holding those positions. Also, several times in the text, bureaucrats insist to Josef K. that they are simply low level, following orders, aren't the ones who have knowledge of his situation, and aren't the ones who have the authority to pass final judgment. For example, when K. meets with the supervisor in chapter one, "The Arrest," the supervisor argues that he and the gentlemen with him are of only minor importance. He says, "I cannot inform you that you have been charged with anything or, rather, I do not know whether you have been or not" (Kafka 2009: 12). Power is bureaucratically administered; each Court representative is responsible only for the knowledge that his position requires. Finally, the bureaucracy of the Court may be all-encompassing, but the court never resolves cases. In the novel, the painter Titorelli explains to Josef K., "The trial has to be kept going round and round in the little circle to which it is restricted" (Kafka 2009: 115). The accused must remain in constant contact with the Court; once the proceedings have been set in motion, the trials drag on interminably.

Reading *The Trial* through a Foucauldian lens, the Court that arrests Josef K. resembles the Chancery court described by D. A. Miller (1983) in "Discipline in Different Voices: Bureaucracy, Family, and *Bleak House*." Miller draws on Foucault's theory that

modern power controls bodies through discursive ordering and physical management. Miller argues that in carceral societies:

Power does not impose itself by physical coercion . . . Rather, it relies on being voluntarily assumed by its subjects, who, seduced by it, addicted to it, internalize the requirements for maintaining its hold. 'Fog everywhere.' What Chancery produces, or threatens to do, is an organization of power which, ceasing entirely to be a topic, has become topography itself: a system of control which can be all-encompassing because it cannot be compassed in turn (Miller 1983: 60-61).

The image of the fog is also used by Kafka several times in his text, symbolizing both the all-encompassing nature of the Court's power and the obscurity of its proceedings; each time K. enters the court offices, he feels dizzy and cut off from clean air (Kafka 2009: 111). The Court is everywhere. The painter Titorelli, a Court insider, tells K., "There are court offices in almost every attic" (Kafka 2009: 117). None of K.'s interactions with the Court happens in a traditional courthouse. Each happens in a tenement building, a symbol of the carceral court's omnipresence. In this regard, the Court resembles a Foucauldian power/knowledge grid. Each individual is under constant surveillance and has been mapped onto a grid of intelligibility. The Court is all-encompassing. It uses its knowledge to control K.

Although Josef K. threatens to ignore the Court several times, he does voluntarily assume its power: In the opening scene, K. outwardly resists his detention, but he is simultaneously "unconsciously recognizing the stranger's right to keep him under surveillance" (Kafka 2009: 5). K. also attends his first hearing and argues his innocence in good faith. Later, K. claims that the trial is of no importance to him, but he becomes thoroughly invested in the proceedings, almost paranoiacally consumed by them, as the narrative continues. And, as in the Chancery court of *Bleak House*, the trials taking place in the Court of *The Trial* are almost always never-ending. Titorelli, who by virtue of his family's longstanding relationship to the Court has institutional knowledge of its records and lore, explains to Josef K. that achieving a "genuine acquittal," which would effectively end court proceedings, is unheard of. Rather, the Court indefinitely extends its control over defendants by sentencing them to either "apparent acquittal" or "protraction of the proceedings" (Kafka 2009: 109). Titorelli explains that an apparent

acquittal keeps subjects forever under Court surveillance. The court “never forgets”; cases remain always active and defendants can be called up for retrial at any time (Kafka 2009: 114). Protraction of the proceedings also keeps subjects forever under the Court’s control— “The trial is kept permanently at its lowest stage,” meaning defendants maintain contact with the Court throughout their lives (Kafka 2009: 114). Foucault argues that power/knowledge is not external to society. In *The Trial*, the bureaucracy is society for its defendants in that they cannot escape bureaucratic control. The Court is an internal regime that circulates through the social itself. In the Foucauldian model of power/knowledge, individual defendants such as Josef K. are subjectified by this pervasive, modern power system.

In “Why Does the Law Need an Obscene Supplement?” Žižek shares an anecdote about a foreigner who wants to teach in Switzerland but who can never get a true teaching license, *le certificate de bonne vie et moeurs* (Žižek 1998: 79). This story reads very similarly to the scene in *The Trial* when Titorelli lays out for K. the aforementioned three possible outcomes: the genuine acquittal, apparent acquittal and the protraction of proceedings. Just as the foreign teacher will be eternally indebted to the Swiss government as long as he teaches under the assurance that he has not been refused the *certificat*, Josef K. will be eternally indebted to the Court so long as his verdict is an apparent acquittal or a protraction of the proceedings. Žižek describes this as “bureaucracy [that] literally feeds on this eternal and a priori indebtedness” (Žižek 1998: 79). This description echoes Foucault’s understanding of ever insistent surveillance and disciplinary coercion within the administered bureaucracy.

### **A Psychoanalytic Intervention**

This post-structural reading of *The Trial* is appropriate; however, a strictly Foucauldian reading of *The Trial* is problematic. Like his mentor Althusser, who argues that an individual is constituted as a subject via the process of interpellation into ideology, Foucault also believes that individuals only become subjects via discourse. Each believes that an individual preexists subjectivity; this individual becomes a subject either through interpellation (Althusser) or through her relationship to power (Foucault). Foucault argues that power creates the very categories and desires it strives to

regulate, creating opportunities to control individuals (“Michel Foucault” 2010: 1472). But this begs the question, how does an individual become the desiring subject: Althusser’s “interpellated subject” or Foucault’s “juridical subject”? How does a defendant such as Josef K. come to accept the power of the Court? In *Discipline and Punish*, Foucault also asks this question. He writes:

How are people made to accept the power to punish, or quite simply, when punished, tolerate being so. The theory of the contract can only answer this question by the fiction of a juridical subject giving to others the power to exercise over him the right that he himself possesses over them. It is highly probable that the great carceral continuum, which provides a communication between the power of discipline and the power of the law, and extends without interruption from the smallest coercions to the longest penal detention, constituted the technical and real, immediately material counterpart of that chimerical granting of the right to punish (Foucault 2010: 1498).

Here, Foucault acknowledges that there must be an immaterial, mental dimension to subjectification, but he dismisses this psychic aspect as chimerical.

In “Structures Don’t March in the Streets,” the introduction to *Read My Desire: Lacan Against the Historicists*, Joan Copjec argues that a Lacanian psychoanalytic understanding of subject formation within the symbolic order provides the answer to the question how does an individual become a juridical subject who tolerates power/knowledge’s control over her life? When Foucault turns away from psychoanalysis, he rejects this answer. Copjec states, “His [Foucault’s] disallowance of any reference to a principle or a subject that ‘transcends’ the regime of power he analyzes” is an abandoning [of] “without actually acknowledging that he is doing so, his attempt to define the very principle he supposedly seeks” (Copjec 1994: 7). Copjec argues that because Foucault disavows this reference to a transcendent subject, he is ultimately unable to accomplish his declared task, “conceiving the mode of a regime of power’s institution” (Copjec 1994: 7). By abandoning psychoanalytic theory, Foucault positions the generative principle of subject formation solely within the grid of power/knowledge. Thus, Foucault is arguing subject formation comes entirely from within the system itself. This, Copjec argues, is a limiting of the social space to the

relations that fill it, a reduction of society to “the indwelling relations of power/knowledge” (Copjec 1994: 7). Copjec writes, “For what we do when we recognize the impossibility of metalanguage is to split society between its appearance—the positive relations and the facts we observe in it and its being, that is to say, its generative principle, which cannot appear among these relations” (Copjec 1994: 9). This failure to recognize the generative principle of subjectivity as located outside discourse, within a subject’s unconscious, creates entrapment. Foucault does not sufficiently theorize a “surplus existence that cannot be caught up in the positivity of the social” which could allow a position from which to resist the administered society (Copjec 1994: 4).

Like Copjec, Slavoj Žižek also believes Foucault’s theorization that the material practices of bureaucratic regimes work on docile bodies to create subjects who accept administration fails to recognize that individuals, like Josef K., are already subjects prior to their interactions with the system. Žižek argues that bureaucracy is not a “mad machine that works by itself;” individuals are not being subjectified within the bureaucratic system (Žižek 1996: 146). Positive, material relations within society do not create belief. Rather, Žižek argues, “The external custom is always a material support for the subject’s unconscious” (qtd. in Ash 2019: 3). Therefore, a psychoanalytic intervention is required for Foucault’s theory of power/knowledge to work.

Foucault fails to take into account the consequences of individuals being socialized within the linguistic symbolic order. Our entry into this symbolic order gives us our subjecthood; we are both obligated to take a place within this order and it defines our being. Rather than subjecthood being created “from below” as Foucault argues, subjecthood is created upon entry into the overarching system of the symbolic order itself. Therefore, each individual who has entered into language (designated by Lacan as the split subject, the subject entered into language and the lack of a signifier to represent this subject) is always already a subject before she becomes an administered body. This is not the bottom up understanding of ideology as theorized by Foucault. A psychoanalytic understanding of the symbolic order argues that these structures belong to the order of the Real; they are not located within the relations constituting our everyday reality (Copjec 1994: 11).

This subjecthood intrinsic to individuals who exist within the symbolic order allows for subjects to be interpellated by ideology. Because all human experience is mediated through language, there is no unmediated access to the Real. Therefore, the subject within the symbolic order is a construction of language; there is no “true” self outside of language. For this reason, the subject is the embodiment of lack: “There is no ‘true’ self because the self is the vacant medium for a set of imaginary and symbolic identifications and thus the split in the subject . . . is ‘*the division between something and nothing*’” (Sheehan 2012: 19). Due to this lack, desire is inherent to subjectivity. It is this desire in conjunction with the subject’s need to create an imaginary sense of coherence, described by Chris McMillan as the self being “impelled toward coherence of knowledge as a response to the inherent dislocation of subjectivity,” which allows the subject to be receptive to the discipline of the law (McMillan 2015: 546).

When the symbolic order is working efficiently, the subject’s ego provides an imaginary wholeness which protects the individual from traumatic encounters with the Real. In *Žižek’s Ontology: A Transcendental Materialist Theory of Subjectivity*, Adrian Johnston describes the working of the symbolic order as follows:

When not disrupted by snags in the threads of its fabric, the symbolic order [the big Other] forms an implicit backdrop, a sort of second nature, quietly yet effectively governing the flow of the individual’s life in socially and linguistically mediated reality; it tacitly steers both cognition and comportment. But in becoming temporarily dysfunctional thanks to loopholes in its programs (i.e., inconsistencies subsisting within the structures of the symbolic order), the barred big Other’s inherent incompleteness, when activated by crises or unforeseen occurrences, offers the opening/opportunity for a transient transcendence as a momentary, transitory break with this Other’s deterministic nexus (Johnston 2008: 113).

Thus, Althusserian interpellation and Foucauldian bureaucratic administration works because the subject’s unconscious constantly functions to patch the holes in the symbolic order to disguise the virtual nature of a subject’s identity. There is no true reality behind the virtual reality created within the linguistic symbolic order. Žižek notes, “The function of every symbolic matrix is to conceal this inconsistency” (Žižek 2008:



248). Therefore, material relations provide support to the unconscious as it works to create a reality which spares the subject a traumatic encounter with the Real. There is a subject prior to subjectivization, even though this subject is not part of an ontological order that gives it the substance of its being; exteriority folded in creates subjectivity. The subject desires interpellation/administration because ideology symbolically constructs a coherent reality for the already existing subject.

Because Foucault's theory of power/knowledge cannot work without this Lacanian/Žižekian intervention of the split subject within the symbolic order, I argue that a reading of *The Trial* solely through the framework of Foucault's theory of power/knowledge, without a consideration of Lacanian subject formation and the unconscious, is incomplete. Using Joan Copjec's and Slavoj Žižek's Lacanian interventions in the theories of Foucauldian power/knowledge and Althusserian interpellation, I will now apply a brief psychoanalytic intervention to my earlier Foucauldian reading of *The Trial*. To do so, I focus first on the pervasiveness of guilt and anxiety throughout the text and then offer a reading of the two doorway scenes in the novel in support of my interpretation of *The Trial* as the narration of Josef K.'s unconscious experience as a subject in relation to the big Other represented by the Court.

K. is a subject facing the trauma of the big Other's inherent incompleteness. The postmodern collapse in symbolic efficiency does not mean that Josef K. lives in an absurd world where God is dead and K. is set adrift as an entirely free and self-determining agent. As Žižek argues, the problem for Josef K. is not that God is dead. He writes:

The Court in *The Trial* is not simply absent, it is indeed present under the figures of the obscene judges who, during night interrogations, glance through pornographic books . . . Which is why the formula of the 'absent God' in Kafka does not work at all: for Kafka's problem is, on the contrary, that in this universe God is *too present*, in the guise of various obscene, nauseous phenomena. Kafka's universe is a world in which God—who up to now had held himself at an assured distance—has gotten too close to us" (Žižek 1996: 146).

With the collapse of symbolic efficiency, “God,” the Lacanian big Other (the symbolic order and its constitutive lack) is all too present. In the novel, Josef K.’s unconscious is foregrounded; he is a subject responding in a recalcitrant, resistant way to knowledge that can’t be readily integrated into the symbolic order’s existing discursive frameworks.

### **Josef K.’s “Constitutive Guilt” and Anxiety**

*The Trial* is filled with guilt and anxiety. Consider the following exchange between Josef K. and the guard Franz in chapter one:

“Our department, as far as I’m acquainted with it—and I’m only acquainted with the lowest grades— does not seek out guilt in the population, but, as it says in the law, is attracted by guilt and has to send us guards out. That is the law. Where could there be an error?” “That is not a law I am acquainted with,” said K. “All the worse for you,” said the guard. “I suspect it only exists inside your heads” (Kafka 2009: 9).

In this scene, the law is not “hailing” members of the population to it as one would expect if this law were solely representative of postmodern administrative ideology. In a Foucauldian universe, the law would be always omnipresent and creating the guilt within its subjects. But here, we find a reverse interpellation; through his guilt, Josef K. has himself hailed the law, bringing the guards to him. A psychoanalytic intervention allows an interpretation of this reversal.

In the Lacanian split subject, there is a gap between the subject’s actual self and his ideal self. This gap is mediated by the superego, a guilt-inducing agency working in the subject’s unconscious. It is impossible for the subject ever to fully realize his ideal self, but the subject continues to try. Failure is guilt-inducing, and the guilt leads the subject unconsciously to continue seeking that which will allow him to achieve the impossible ideal. The law recognizes the subject’s desire and subsequent guilt, and comes to the subject to fill the gap between reality and the impossible ideal. Žižek argues that the virtual character of our symbolic identity forms the basis of bureaucratic metaphysics. He writes:

This central place of virtuality also accounts for the elementary trick of bureaucracy (which is not an exception but the very rule of its “normal

functioning”): bureaucracy corners the subject into a situation which, in order to survive, he has to break the (explicit) Law—this violation is then tolerated, but also manipulated as a permanent threat. Whenever one deals with a true bureaucratic machine, one is sooner or later caught in a vicious cycle (Žižek 1998: 79).

This interpretation illuminates the working of Foucault’s administered bureaucracy. Because the law is inherently inconsistent, the subject can’t not but violate it despite her intention to live up to the letter of the law. The bureaucratic machine then preys on this violation, using it to control individuals; the machine exists because subjects within the inconsistent symbolic order can’t not break the law.

Žižek’s description of bureaucracy’s reliance on the “constitutive guilt of the subject” can be seen in Josef K.’s case (Žižek 1998: 80). In “Why Does the Law Need an Obscene Supplement?”, Žižek addresses the type of “bureaucratic metaphysics” to which K. is subjected as a defendant in the court. Although K. consciously refuses to ever admit to the Court that he is guilty, K. has engaged in behavior which does not live up to the ego ideal, the idea of the perfect identity that K. strives to equal. K. believes himself to be a gentleman of sound judgment, a valued employee of no small importance at the bank, and Frau Grubach’s most valued tenant. But K. also visits a prostitute weekly, sexually assaults his neighbor, Fräulein Bürstner, leaves clients at the bank waiting in the lobby for hours, and has an affair with his lawyer’s housekeeper, Leni. The character K. represents the subject’s desire for but failure to achieve the ideal. Perhaps it is K.’s unconscious guilt that leads the Court to him? The Court can hear K.’s inner voice questioning whether K. has lived up to the ego ideal.

Throughout the novel, we find K.’s unconscious at work, feeding K.’s guilt via the ego ideal. When K. unconsciously looks at himself from the vantage point of this perfect ideal, he comes up lacking. This lack is constitutive of the subject within the social order. K. can never live up to the ego ideal because it too is constituted in language, and therefore virtual. There is no objective perfect subject that K. can ever emulate. Nevertheless, this lack induces guilt and anxiety. For example, K. is unconsciously anxious that he isn’t the impressive bank employee he needs to be. This unconscious fear manifests itself in K.’s suspicion that when he leaves his office the deputy manager

rifles through K.'s papers, "perhaps uncovering errors" (Kafka 2009: 142). In chapter three, as K. attempts to find the courtroom, he recalls the connection between the Court and guilt: "Finally he went up the first staircase after all, with the memory of something the guard Willem had said going through his mind, namely that the court was attracted by guilt, so that logically the hearing should be held in a room on the staircase K. happened to choose" (Kafka 2009: 30). K. assumes that the court will find him on whichever staircase he chooses, implying his guilt, but only minutes later K. declares his innocence before the magistrate. This scene isn't rational, because the superego isn't rational.

In "Why Does the Law Need an Obscene Supplement?" (Žižek 1998), Žižek likens the Court's attraction to Josef K.'s constitutive guilt to the television detective Columbo's attraction to the perpetrator of a crime. Like Columbo, who knows from the start who the culprit is and then uses the episode to prove that subject's guilt to himself, the court begins with Josef's guilt. As a split subject, K.'s superego generates guilt as a result of the gap between his ego and the ego ideal. The Court knows that this guilt is there; it then proceeds to gather proof.

Moving back to the theoretical level, adding this Lacanian revision to our understanding of guilt in *The Trial* provides a concrete example of the critical revision a psychoanalytic understanding of subject formation brings to Foucault's and Althusser's theorizations of ideological interpellation. Because of the gap between an individual's perceived identity and his ideal identity, his superego is always working within his unconscious, generating guilt and anxiety. Subjects are in the position of having their superego ask them, "Did you follow the law? How do you know? Do you need to be punished?" This intervention of the unconscious makes possible the pure condition of following the law. To answer Foucault's question, it is through the obscene supplement of the superego within the unconscious that "people [are] made to accept the power to punish, or quite simply, when punished, tolerate being so" (Foucault 2010: 1498).

The subject's desire to please the big Other, defined as knowledge and rules governing speech and behavior in the social order, and the subject's inability to ever achieve this imaginary ideal are mediated by the superego, producing a guilt that opens individuals to interpellation within ideology. In this exchange from *The Trial* chapter nine,

“In the Cathedral,” the priest tries to help K. understand that bureaucracy feeds on the unconscious guilt of the subject:

“Beyond a certain point, there is no position for sanctioning a further level of questioning. “They think you are guilty . . . At least for the moment they think your guilt is proven.” “But I’m not guilty,” said K. “It’s a mistake. How can a person be guilty anyway? We’re all human, every single one of us.” “That is correct,” said the priest, “but that’s the way guilty people talk” (Kafka 2009: 152).

Guilty people talk this way for two reasons. First, all people who have been constituted as subjects within the symbolic order are always already guilty. Due to the fundamental lack at the center of the symbolic order, guilt is a constitutive aspect of subjectivity. And second, because all subjects are split between their conscious and unconscious selves, K.’s conscious understanding is that he is not guilty, but his unconscious, where the superego resides, knows otherwise.

### **The Doors of the Law**

Twice in the novel, characters stand at the threshold of a door and interact with a doorkeeper. First, in chapter three, “The First Hearing,” Josef K. searches the warren-like tenement trying to find the courtroom. To do so, he knocks on doors pretending to be searching for a carpenter named Lanz and uses this as an opportunity to look behind each of the doors. Behind one door, K. encounters a washwoman who responds to K.’s query by sending him into an adjoining room. K. and the washwoman have the following encounter when K. attempts to leave the room:

K., finding it too muggy in there, went out again and said to the young woman, “I was asking about a carpenter, a man called Lanz?” “Yes,” said the woman, “please go in.” K. would perhaps not have complied had she not gone up to him and, taking hold of the door-handle, said, “I have to close the door after you, no one else is allowed in” (Kafka 2009: 31).

Second, in chapter nine, “In The Cathedral,” the priest recounts the parable “Before the Law” to Josef K. In the story, a man wishes to gain entry to the law through an open doorway, but a doorkeeper stops him from entering. The man waits by the door for years. Just before the man’s death, he says to the doorkeeper, “Everyone seeks the

Law, . . . so how is it that in all these years no one apart from me has asked to be let in?" The doorkeeper responds, "No one else could be granted entry here, because this entrance was intended for you alone" (Kafka 2009:155).

In "The Obscene Object of Postmodernity," Žižek reads these two scenes as inverse apologues. Both stories include doors of the law, but in K.'s scene, the door is in a filthy tenement and in the parable, the door leads to a majestic courtroom. In K.'s scene, the doorkeeper is an ordinary woman, but in the parable the doorkeeper is a court employee. In K.'s scene the woman pushes him into the courtroom, while in the parable the man is not allowed to pass through the door (Žižek 1989: 147). Žižek concludes that K.'s story describes the "vital domain" of the law while the parable describes the "judicial domain" (Žižek 1989: 147). Žižek argues that in the universe of Kafka's *The Trial* there is a trespassing between the two domains. Žižek's interpretation of these inverse apologues recognizes that due to the inherent inconsistency of the big Other (the symbolic order) the law, like the subject, is also split. The law consists of both the recorded, juridical rules and the hidden, unwritten rules. Josef K. is being tried in the Court of these unwritten rules. Žižek calls this the underside of the law's obscene supplement. For a subject to encounter this inconsistency in the law is traumatic, so the symbolic order constantly tries to hide the inconsistency.

I use this understanding of the law's fundamental inconsistency as a lens to interpret Josef K.'s experience in the lumber room. A few days after K. testifies about Franz and Willem's transgressions while they guarded him upon his initial arrest, K. hears groans coming from a little-used lumber room at the bank. Upon entering, K. discovers a leather-clad man thrashing Franz and Willem: "Sir! We're going to be given a thrashing because you complained about us to the examining magistrate" (Kafka 2009: 58). Franz and Willem's behavior and K.'s reaction to it has exposed an inconsistency in the law. The beating is meant to restore an aura of consistency.

The vital underside of the law, represented by the Court in *The Trial*, exists within the symbolic order and is analogous to the superego which resides within the divided subjects' unconscious. In his futile quest to achieve the ego ideal, the subject constantly asks, "What does the other want from me?" The subject wants to know what she needs to do to be what she believes the big Other desires her to be. In *The Trial*, K. also asks

what the Court wants of him. But the Court of law, which represents the big Other, doesn't want anything; it is incapable of wanting. This is the reason the door in chapter two can only be for K. and the door in the parable can only be for the man from the country. Subjects within the symbolic order answer the impossible question, "what does the other want from me?" by projecting their own desires onto the big Other. This allows the subject to patch the inconsistencies created by the gap in the symbolic order. Each individual narcissistically accesses the law, the big Other. Therefore, each subject has her own door to the law.

I return here to Žižek's argument that in Kafka's universe, as in our own postmodern universe, God/the big Other is too much with us. The decline of symbolic efficiency means that the big Other does not form the "implicit backdrop" Johnson (2008) describes. The visible gaps in the symbolic order render the big Other visible and individuals' lives within their linguistically mediated realities are disrupted. The split subject which allows individuals to be interpellated into a social order is also a source of trauma and destabilizes identity. In "In the Cathedral," Josef K. expresses the traumatic nature of his encounter with the dark underside of the law/the inherent inconsistency of the symbolic order. As K. wanders the chapel "feeling a bit forsaken" the priest calls out "Josef K.!" in a "powerful, practiced voice" (Kafka 2009: 150). K. heeds the call. While this scene can be interpreted as an example of an Althusserian hailing from a member of an ideological state apparatus (the church), this reading of the scene also benefits from a psychoanalytic intervention. Although Josef K. does heed the priest when he calls out "Josef K.," K. expresses doubt about his own subjective identity: "'You are Josef K.,' said the priest, raising one hand from the pulpit in a vague gesture. 'Yes,' said K., thinking how freely he used to say his name in the past. For some time now it had become a burden to him" (Kafka 2009: 151). K.'s confidence in his own identity has been undermined.

The consequences of K.'s traumatic encounter with the inconsistency of the symbolic order, and consequently his own subjective inconsistency, are symbolized here by K.'s anxiety and doubt regarding his name. Žižek identifies this traumatic encounter as "the forced actualization in social reality itself of the fantasmic kernel of being" (Žižek 1998: 93). This actualization, Žižek argues, is a humiliating violence which

undermines an individual's identity/self-image (Žižek 1998: 93). K. desires to live up to what he believes the big Other wants from him, but he sees his lack. It is in within this gap that ideology or power/knowledge finds a foothold. Ideology serves to patch the gaps in the divided subject, so without the divided subject, ideology would not exist.

### **Conclusion: Josef K.'s Failure to Resist**

In *The Sublime Object of Ideology*, Žižek posits, "The so-called Kafka universe is not a 'fantasy image of social reality' but, on the contrary, the *mise en scène of the fantasy which is at work in the midst of social reality itself*" (Žižek 1989: 36). In other words, the universe of *The Trial* acknowledges that because human reality is mediated through language, reality is predicated by a fundamental lack. The traumatic nature of this lack requires the symbolic order, via the unconscious of the split subject, to construct a fantasy reality. This reality exists within the order of the imaginary. These symbolic fictions, despite Foucault's theorizations to the contrary, operate "at a level different from direct material causality" (Žižek 1989: 36).

In this reading of *The Trial*, I have analyzed two aspects of the novel often interpreted using Foucauldian poststructuralism but which benefit from a psychoanalytic intervention. Other aspects of the novel which also benefit from this revised reading include but are not limited to K.'s increasing paranoia as his trial progresses, the obscenity of the Court, and K.'s interactions with the corn merchant, Block. Although it is beyond the scope of this paper to address each of these scenes, I would be remiss if I did not address the novel's complicated ending.

As I argued earlier, Josef K. represents the traumatized split subject who exists within the symbolic order. K. faithfully tries to follow the rules of the big Other, the regulatory force that provides K. with a consistent sense of his identity. But despite his efforts, the system ultimately doesn't make sense. K. plays by the rules of the juridical law; he fails to recognize that there is a set of unspoken rules, the obscene underside to the juridical law, to which he is also subject. When K. comes face-to-face with this obscene supplement in his year-long struggle with the Court, he is facing the trauma of the inconsistency of the Real. But throughout the novel, despite continuing to attend Court hearings and following the Court's legal procedures, K. refuses to accept that this



dark underside exists or that he is anything but innocent. In the opening chapter, K.'s guard cries out, "Why can't you just accept the situation instead of pointlessly insisting on trying to annoy us" (Kafka 2009: 8). And during K.'s encounter with the priest, despite the priest's attempt to help K. understand his relationship to the Court, K. continues to believe that if he could just step outside the trial, his trauma would be solved:

On the other hand, K. was convinced of the priest's good intentions, it was not impossible, if he were to come down, that he would agree with him, it was not impossible that he would get from him a decisive and acceptable piece of advice, which would show him not how the trial could be influenced, but how he could break out of the trial, how he could circumvent it, how he could live outside the trial. That possibility must exist, K. had thought about it quite often recently (Kafka 2009: 153).

Until his death, K. never accepts his situation. How then to read K.'s death? One might argue that in the end K. has been subjectified by the ideology of the court. That up until the end he has resisted this subjectification and has attempted to retain his individuality, but that he ultimately succumbs to the power of the bureaucracy and allows himself to be killed. I argue that this interpretation repeats Foucault's mistake in that it doesn't take into account the divided subject which pre-exists bureaucratic intervention. Throughout the novel, K. attempts to behave as if he has no unconscious.

I interpret K.'s death differently. In *The Trial*, Franz Kafka has presented a character, Josef K., whose unconscious and conscious are equally visible to the reader. We know that K. is from the start a divided subject. But K.'s constant struggles, his refusal to accept that he has an unconscious, are futile and can only lead to his death. K. does not recognize that there can never be an end to the trial, which represents the symbolic law's influence over the subject. A rejection of subjectivity is a metaphorical death; an individual who rejects symbolic law ceases to be intelligible within the symbolic order. Perhaps in the end, K.'s execution is a metaphor describing what happens to the subject who leaves the symbolic order. In the moment before he dies, K. recognizes that he himself should take the knife, symbolically accepting his own role as a subject in the administration of the law. But K. refuses; until the end K. maintains the

illusion that he might be able to break free of the symbolic order. In this moment, the Court's executioners kill K. Because K. has not accepted the symbolic contract, he becomes psychotic. In his refusal to accept the linguistic contract, he returns to the level of the animal. K.'s final words, "Like a dog!" he said," could symbolize K.'s refusal of the linguistic contract.

K.'s fatal error was not that he struggled against the Court. A strict Foucauldian reading would argue that any resistance at all is futile and that K.'s only chance to "live" would be to succumb to the Court. But I read this scene differently. K.'s fatal flaw wasn't the resistance itself; rather, it was his mode of resistance. Žižek argues that there is no escape from the human condition as a split subject within the symbolic order. For this reason, he posits, we have to come to terms with the inconsistency of the symbolic order, "learn to recognize it in its terrifying dimension," then "try to articulate a *modus vivendi* within it" (Žižek 1989: 5).

Josef K. wants to be outside the reach of the Court, but the Court is the big Other of the symbolic order: he can't be outside it. His inability to articulate a *modus vivendi* from a struggling subject position within the symbolic order is K.'s undoing. But K.'s ultimate failure does not warrant a dismissal of the psychoanalytic interpretation of *The Trial*. Understanding K. to be a split subject opens the possibility for a space of resistance, and that intervention allows us to avoid the entrapment of Foucault's power/knowledge universe. A subject might struggle and loosen the grip of the all-encompassing control of the administered bureaucracy. Ultimately though, K. fails and is killed because he refuses to recognize his position *within* the system.

Although Josef K. himself succumbs to the trauma of his encounter with the enigmatic void of the Real, I do not endorse a reading of *The Trial* as pointing towards a schizophrenic postmodern landscape where subjects are unable to negotiate the bewildering universe (see Jameson's "Postmodernism, or the Cultural Logic of Late Capitalism"). When read through a Lacanian/Žižekian psychoanalytic framework, the postmodern landscape of *The Trial* provides a critical postmodern intervention. Although Josef K. fails, K.'s encounter with the big Other calls attention to the process of the symbolic order. There is no existence outside the symbolic order; K.'s failure to recognize this is his fatal flaw, but there is a fundamental inconsistency in the symbolic

order which opens a space for a resistant subject. Believing that individuals can hold an engaged and struggling subject position offers hope that there is a path out of bureaucratic, ideological entrapment—a much-needed intervention to Foucault's theory.

## References:

- Althusser, L. (2010/1970) "From *Ideology and Ideological State Apparatuses*," in V. Leitch (ed.) *The Norton Anthology of Theory and Criticism*, 2nd ed., New York: Norton, pp.1335-1361.
- Ash, B. (2019) *Adorno et. al.'s The Authoritarian Personality and Political Psychology in the 21st Century*, lecture notes, Popular Culture Association/American Culture Association, Marriott Wardman Park Washington, D.C., delivered 19 April 2019.
- Bogaerts, J. (2011) "K. as 'Confessional Hero'. A Foucauldian Reading of Kafka's *Der Prozeß*" *Arcadia - International Journal for Literary Studies*, 46.1: 99-120.  
[https://www.researchgate.net/publication/274297018\\_K\\_as\\_'Confessional\\_Hero'\\_A\\_Foucauldian\\_Reading\\_of\\_Kafka's\\_Der\\_Prozess](https://www.researchgate.net/publication/274297018_K_as_'Confessional_Hero'_A_Foucauldian_Reading_of_Kafka's_Der_Prozess).
- Copjec, J. (1994) "Introduction: Structures Don't March in the Streets," in *Read My Desire: Lacan Against the Historicists*, Cambridge: MIT Press, pp. 1-14.
- Foucault, M. (2010/1975). "From *Discipline and Punish: The Birth of the Prison*," in V. Leitch (ed.) *The Norton Anthology of Theory and Criticism*, 2nd ed., New York, Norton, pp. 1490-1502.
- Johnston, A. (2008) *Žižek's Ontology: A Transcendental Materialist Theory of Subjectivity*, Evanston: Northwestern University Press.
- Kafka, F. (2009/1925) *The Trial*, trans. M. Mitchell, Oxford: Oxford University Press.
- McMillan, C. (2015) "Pedagogy of the Impossible: Žižek in the Classroom." *Educational Theory*, vol. 65, no. 5, 2015: 545-562. Wiley, <https://doi.org/10.1111/edth.12133>.
- "Michel Foucault." (2010) in V. Leitch (ed.) *The Norton Anthology of Theory and Criticism*, 2nd ed., New York: Norton, pp. 1469-1475.
- Miller, D. A. (1983) "Discipline in Different Voices: Bureaucracy, Police, Family, and *Bleak House*." *Representations*, 1: 59–89. JSTOR, [www.jstor.org/stable/3043760](http://www.jstor.org/stable/3043760).
- Sheehan, S. (2012). *Žižek: A Guide for the Perplexed*. London: Continuum.

- Žižek, S. (1989) *The Sublime Object of Ideology*, London: Verso.
- . (1996) *Looking Awry: An Introduction to Jacques Lacan Through Popular Culture*, Cambridge: MIT Press.
- . (1998) “Why Does the Law Need an Obscene Supplement?” in *Law and the Postmodern Mind: Essays on Psychoanalysis and Jurisprudence*, Ann Arbor: University of Michigan Press.
- . (2005) *Interrogating the Real*, London: Bloomsbury.
- . (2008) *Enjoy Your Symptom! Jacques Lacan in Hollywood and Out*, 2nd ed., New York: Routledge.