

Joshua Winchester (New York University)

“Kafka Dead Certain: Injurious Certitudes of Subjectivity in Subjection”

Rather than ending *Der Proceß* upon the certainty of a verdict, Franz Kafka announces the unsheathing “final decision [Entscheidung]” of his novel by way of a crying utterance: “Like a dog [Wie ein Hund]!” he said; it was as if the shame [die Scham] ought to outlive [überleben] him.” What is crucial to this dead end in the form of a decision is that shame ought “to live on” or “survive” him. Survival then doubles back upon the certitude of this decision, not only to twist the knife in K.’s heart, but also to end Kafka’s novel. If death is the “final decision,” then why must shame survive? What of shame remains so undecidable, so uncertain, so animalistic, that shame becomes imperative to survive in a parallel sense to the significance Walter Benjamin ascribes to translation in “Die Aufgabe des Übersetzers?” Even after functionaries of the “law [Gesetz]” come to Josef K.’s room to instruct him in his “guilt [Schuld],” K. disclaims his guilt and attempts to appeal to every apparatus available to prove his innocence. With faith solely settled in K.’s subject formation prior to “the legal proceeding [der Proceß],” K. remains incredulous to the law that always already finds him guilty, without charges and without verdict. Founded upon this incredulity is the uncertainty which K. recurrently confronts before the law, a law which consists both of textual and ethical precedents. In what ways, then, does Kafka confront the force of difference, and how it imposes upon human being the precedent of unproductive (animal) shame, and the supplemental construction of productive (human) guilt? And how does this difference touch upon the certitude of conscience with which human beings are constantly in negotiation in order to produce meaning without injury in discourses? I would like to demonstrate how Kafka’s K. commits injury by not assuming the guilt imposed upon him before the law which neither gives, nor promise to give, any means to make uncertain his status as a tried character. At the same time, I would hope also to interrogate the rhetoric of shame in general, and how it compromises certain conceptual certitudes in the history and philosophy of subject formation at the turn of the twentieth-century (1880-1940).