In a Messianic Gesture: Agamben’s Kafka

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“The greatest theologian of the twentieth century”: with these words Giorgio Agamben describes, in a recent essay, Franz Kafka, thereby stressing anew the importance and centrality that the writer from Prague holds in his work. Though Agamben, in his productive career, has devoted only two essays to Kafka—“Four Glosses on Kafka” (1986), and, more recently, “K.” (2009)—Kafka casts, as William Watkin notes, a long shadow over his work. Agamben’s thought, I would more strongly argue, is thoroughly immersed in Kafka. Not merely in the sense that, starting from his very first book, The Man Without Content (1970), his work is adorned with quotations and suggestions from, as well as analyses and exegeses of, Kafka’s oeuvre; but neither simply in the sense that these Kafka-exegeses very often constitute the theoretical kernel and key point of his argumentation. If these two aspects highlight and emphasize Kafka’s importance and centrality for Agamben’s thought, they do not exhaust the significance and influence the Prague writer exerts on him. Rather, and perhaps more important, Kafka also informs Agamben’s work with a philosophical “mode,” with an intellectual strategy, which is grounded in a profane messianism and crystallizes into tactical gestures.

Kafka’s (and Benjamin’s) messianism constitutes the philosophical and strategic perspective from which and through which Agamben approaches his object of analysis. The unfolding of argument, moreover, very often proceeds in a series of gestures, those same gestures that Benjamin identified as the decisive mode of Kafka’s understanding. This means that Agamben’s philosophy, like Kafka’s writings, eludes traditional classifications and “attempts to convert poetry into teaching,” or, better, proposes a “creative criticism” (as he calls it in Stanzas, xii/xv) which, merging poetry and philosophy, seeks its topos autotopos in “the impossible task of appropriating what must, in any case, remain unappropriate” (St xv/viii). Agamben’s Kafkan gestures favor a poetic, paradoxical prose which hardly explains, but rather seeks a messianic reversal in the paradox itself, in the usage of sense to convey prevailing or preponderant non-sense. Hence the convergence of poetic and philosophic.
The Inexplicable

The last chapter or “threshold” of Agamben’s *Idea of Prose* (1985) is entitled “Kafka defended against his interpreters.” As in many other chapters or small treatises of this dense and unorthodox book, the text does not present an evident and unambiguous relation to its title: it does not deal in fact explicitly with Kafka, who is never mentioned, but rather presents, in a Kafkan language and fashion, a “parable” about the “inexplicable.” Among the many legends on the inexplicable, Agamben writes, the most ingenious explains that, as such, it remains inexplicable in all possible explanations, and that precisely these explanations guarantee its inexplicability. The only content of the inexplicable is the command—truly inexplicable—“explain!” This does not presuppose anything to explain, but is in itself the only presupposition, and whatever the answer—even silence—will contain an explanation. The patriarchs, the parable continues, decided that the best way to explain that there is nothing to explain is to give explanations. However, a codicil of this doctrine, left ignored by the actual “guardians of the Temple,” specifies that the explanations will not be eternal, but will finally cease in the “day of Glory.” Explanations, Agamben concludes, constitute only a moment in the tradition of the inexplicable, in which the inexplicable is preserved insofar as it is left unexplained. Inexplicable are only the explanations, and in order to explain them the legend was invented: “what was not to be explained is perfectly contained in what does not explain anything anymore” (*IP* 128/137).6

The text deals not so much with Kafka as with his interpreters, or, better, with the act of interpretation itself. Vivian Liska links this text to Agamben’s representation of the state of exception and to another text of *Idea of Prose*, “Idea of Language II,” which in fact discusses Kafka’s story “In the Penal Colony” as exemplifying the intimate connection between logos and judgment.7 Agamben states here that the torture machine of the Kafkan legend is, in reality, language: that is, language is, on earth, an instrument of justice and punishment, and the secret of the legend is revealed in a sentence he quotes from *Malina* by Ingeborg Bachmann (to whom “Idea of Language II” is dedicated): “language is the punishment” (*IP* 105/115).8 Language as signification, for Agamben, is inherently bound to “judgment”: “logic finds its exclusive ambit in judgment: the logical judgment is, in reality, immediately penal judgment, sentence” (*IP* 106/116). This is the true meaning of language, which eludes comprehension until for everyone there comes “the sixth hour,” in which we measure and understand our guilt, and justice is done. The twist in the interpretation comes however with the second part of the legend, when the Officer, since he understands he cannot convince the Traveller to support his cause (the conservation of the old punishment system), frees the Convict and takes his place in the machine. The text that the machine should now write on the Officer’s flesh has not, Agamben notes, the form of a precise commandment (“honor your superior,” for example, as in the case of the Convict), but rather consists of the pure and simple injunction “be just.” This injunction not only destroys the machine, but also reneges on the task of the machine: “The harrow
did not write, it only stabbed... [I]t was no torture, ... it was downright murder.” The precept “be just,” Agamben argues, is the instruction meant to destroy the machine; this means, for Agamben, that the utmost meaning of language is the injunction “be just,” but precisely the sense of this injunction is what language—in its signifying function—is not able to transmit. In order to do it, it must cease to perform its “penal”—that is, signifying—task. That for the Officer, at the end, “there was, in language, nothing more to understand” (IP 107/117), means for Agamben that the “justice” of language resides only in its messianic destruction—or, better, deposition, désœuvrement—, in the messianic overcoming of its signifying/penal structure.

“Idea of Language II” is reproduced word for word, under the title “In the Penal Colony,” as the second of the “Four Glosses on Kafka,” published the following year. The first “gloss,” “On Apparent Death,” also deals with the same subject: language. Agamben takes here inspiration from Kafka’s homonymous legend11 to argue that language is like an apparent death. As in Plato’s myth of the cave, in the Kafkaan legend, he writes, the decisive moment is that of return. Death is in fact the impossibility of return, and in it there is no place for us. Only the one who has come back from an apparent death knows that from a true death he could not have returned. Thus he has derived the idea of a true death precisely from an apparent death; that is: that there is something from which one cannot return, he discovered only by pretending to have returned from it. Likewise, speech (la parola) has never been outside language, in non-language; non-language, the “inexpressible” (l’indicibile), are only inventions of language itself, and only in language could we conceive such ideas. Therefore Agamben concludes:

When we comprehend language as language, we cease to imagine a beyond of language, we cease to pretend to have been in true death. Returned from where we have never been, we are finally here, where we will not be able to return. The non-language, untold by language, is now perfectly speakable. (QGK 38)

The idea of language which underlies these texts is derived from Walter Benjamin’s early essays on language.12 Agamben posits, with Benjamin, the necessary intertwining of signification and judgment, and this is the core idea that also sustains—though it remains often unperceived—his more recent project on biopolitics. In Homo Sacer (1995), in fact, this similarity is used precisely to explain the paradox of sovereignty: just as a word acquires its denotative power only insofar as it subsists independently from its concrete use in the discourse, so the norm can refer to the concrete case only insofar as it is in force, as pure potency, in the suspension of any actual reference, in the sovereign exception; just as language presupposes the non-linguistic as that with which it must maintain itself in a virtual relation so that it may later denote it in actual speech, so the law presupposes the nonjuridical as that with which it maintains itself in a potential relation in the state of exception.13 This necessary structure can only be suspended in the messianic de-position, in the “day of Glory,” of any signification and thus of any commandment and of any law. In The Time that Remains (2000) and The Kingdom and the Glory (2007), poetry, or, better,
the poem, is taken as an example of that messianic operation that de-activates language in its communicative and informative functions, and in which language finally contemplates its potentiality and opens itself to a new, possible use.\textsuperscript{14}

If the texts of \textit{Idea of Prose} and “Four Glosses on Kafka” are indebted to Benjamin’s theory for their content, their “form” is however peculiarly “Kafkan”: they do not present a “theory” in the customary, academic form; they do not “explain,” but propose instead, in a rather evocative fashion, a figure and a paradox. The paradox not only questions the possibility of interpretation, but also pushes philosophy to its limits. These texts epitomize, therefore, I will argue, Agamben’s most intimate relation to Kafka’s oeuvre: as Liska and others have noted, Agamben, like Benjamin, finds in Kafka’s works both a critical diagnosis of the state of the world—be it language, as in \textit{Idea of Prose} and “Four Glosses,” or, more often, the cultural and political stalemate of modernity—and the traces of a messianic reversal.\textsuperscript{15} I will add a third layer: Agamben almost mimics what Benjamin called Kafka’s “gestures” and pushes the philosophical analysis to a poetic, quasi-paradoxical edge in which the argument is never exhausted by what is explainable; rather, the paradox itself contains the possibility of a sudden and salvific reversal.

\section*{The Diagnostician of Modernity}

Kafka marks Agamben’s oeuvre from his very first book, \textit{The Man Without Content}, published in 1970 when he was only 28. The last chapter, “The Melancholic Angel,” focuses on the crises of tradition and transmissibility, whereby between old and new there is no longer any possible link besides an infinite accumulation into a monstrous archive, in which the very organ—culture—that should assure the transmission of the past guarantees its alienation. In Kafka’s \textit{The Castle}, the castle which “lies heavy on the village with the obscurity of its decrees and the multiplicity of its offices” (\textit{UsC} 163/108),\textsuperscript{16} exemplifies a culture that has lost its significance to us and hovers upon us as a menace. Only the work of art, in its present form of aesthetic alienation, guarantees a phantasmagorical survival of our culture, “just like the indefatigable demystifying action of the land-surveyor K. guarantees the only semblance of reality to which the castle of count West-West can aspire” (\textit{UsC} 167/111). But the castle of our culture, like Kafka’s castle, is by now a museum, in which, on the one hand, the past is accumulated and offered to mere aesthetic contemplation, and, on the other, aesthetic enjoyment is possible only through the alienation that deprives it of the poetic capacity of opening a space for action and knowledge. This situation is exemplified by another Kafkan image: modern men cannot find their own space in the tension between past and future, just like Kafka’s train travellers, who “had an accident in a long tunnel and find themselves in a spot from which they cannot see the light of the entry anymore, and perceive the light of the exit so feebly, that they must continuously seek it and they continuously lose it, whereby one is no longer sure whether it is the light from the entry or that from the exit.”\textsuperscript{17}
From these early pages on, Agamben finds in Kafka’s works an unparalleled diagnosis of the West’s cultural and political crisis. And right from this brilliant incipit, his assessment is strongly indebted to Benjamin’s reading of Kafka. In a letter to Scholem on June 12, 1938, concerning his essay on Kafka—
and this correspondence will be a fundamental text for Agamben, especially in his later analysis of the structure of law—Benjamin writes: “Kafka’s work is an ellipsis, whose distant foci are on the one hand the mystic experience (which is primarily the experience of tradition) and, on the other, the experience of modern inhabitants of big cities.”

A later passage of the same letter, a passage that must have inspired Agamben’s analysis in The Man Without Content, reads: “Kafka’s work represents a sickness of tradition.” Benjamin’s interpretation thus constitutes a sort of lens through which Agamben reads Kafka reading modernity.

Kafka’s centrality is confirmed—though obliquely—in Agamben’s second book, Stanzas (1979), the second part of which is entitled “In Odradek’s World”: Kafka’s work is not discussed here and is hardly mentioned, but Kafka’s figure Odradek is taken to symbolize the whole problem of commodity and commodification in modernity. Agamben quotes Kafka here in an authoritative and evocative mode, as in the discussion of acedia (sloth): what Agamben calls the paradox of the accidious is illustrated by the following Zürau aphorism: “there is a destination, but no path; what we call path is our hesitation.”

The same oblique mode characterizes the sparse references to Kafka in Infancy and History (1979), but his presence returns dominant, as we have seen, in Idea of Prose.

It is in the philosophical-political project begun with Homo Sacer that Kafka’s diagnosis becomes one of the cornerstones of Agamben’s analysis of modernity. Kafka’s legal world unveils in fact, for Agamben, the true nature of law, and is epitomized by the legend “Before the Law,” which “represented the structure of the sovereign ban in an exemplary abbreviation” (HS 57/49). The Kafkan legend exposes the pure form of law, in which it affirms itself with the greatest force precisely at the point in which it no longer prescribes anything. The door of the law is open and nothing prevents the man from the country passing through it; however, it is precisely this openness that keeps him in the ban: “the man from the country is delivered over to the power of law, because law demands nothing of him and commands nothing other than its own openness” (HS 57-58/50). The open door destined only for him includes the man by excluding him, and excludes him in including him; the words of the prison chaplain which conclude the chapter “In the Cathedral” of Kafka’s Trial enounce the original structure of the nomos: “the court wants nothing from you. It receives you when you come, it lets you go when you go.”

From a letter by Scholem to Benjamin, dated September 20, 1934, and concerning the Kafka essay, Agamben derives the definition of this structure as “Being in force without significance.” Scholem intended, with this definition, to counter Benjamin’s account of the law in Kafka: a law reduced to the zero point of its own content, he wrote, does not disappear, is not absent, but rather appears in the form of its unrealizability. Without knowing it, Agamben ar-
gues, Scholem provides thereby the definition of the originary structure of the sovereign relation, which is today revealed by the contemporary crisis of all traditions.

Kafka’s novels also provide a figure for Agamben’s notion of “bare life,” the life of the *homo sacer* that can be killed yet not sacrificed, that is, the life in the grip of sovereign power. Life under a law that is in force without signifying is the life in the state of exception, in which law is all the more pervasive insofar as it lacks of any content, and comes finally to coincide with life. This is the life Kafka describes in his novels: in the village at the foot of *The Castle*, the empty potentiality of law is “so much in force as to become indistinguishable from life”; in the same way, in the *Trial*, the “existence and the very body of Joseph K. ultimately coincide with the Trial; they are the trial” (*HS* 61/53). This Kafkan representation of the law remains the cornerstone of Agamben’s later work: in *State of Exception* he rehearses the argument: the Scripture (the Torah) without its key, he writes, is the cipher of the law in the state of exception, which “is in force but is not applied or is applied without being in force”; according to Benjamin, this law is no longer law, but life, that life described by Kafka. “Kafka’s most proper gesture,” Agamben concludes (following Benjamin), “consists not (as Scholem believes) in having maintained a law that no longer has any meaning, but in having shown that it ceases to be law and blurs at all points with life” (*SE* 81-82/63).26

This conception of law is taken a step further in *Remnants of Auschwitz* (1998): Kafka’s *Trial*, Agamben writes here, unveils the deepest nature of law insofar as it represents it only in the form of the trial: the law (*diritto*) “is not so much here—according to the common opinion—norm, but rather judgment, and thus trial” (*QRA* 16/18).27 And he continues:

The mystery of law and of the trial reappears in *The Time that Remains*, in which the law is defined as “only the knowledge of guilt, trial in the Kafkaesque sense of the term, a perpetual self-accusation without a precept” (*TR* 102/108). And in the recent essay “K.,” Agamben again states with regard to Kafka’s *Trial*:

What defines the trial is neither guilt . . . nor punishment, but rather the accusation. Indeed, accusation is perhaps the juridical “category” *par excellence* (*kategoriē* means in Greek “accusation”), that part without which the whole structure of law would collapse: the inclusion of the being into the law. That is, law is, in its essence, accusation, “category.” (*K* 37/23)
This structure entails that, as the prison chaplain tells Josef K., there is no sen-
tence, but rather “the trial itself gradually becomes the sentence.”267 The mystery
of the trial, Agamben glosses, lies in the fact that the principle nulla poena sine
iudicio means that there is no judgment without punishment, because all punish-
ment is the judgment. “To be in such a trial,” the uncle tells Josef K., “means to
have lost it already.”279

In “K.,” Agamben also proposes a new interpretation of the parable “Before
the Law.” “The door of the law is the accusation,” he writes, “through which the
individual becomes implicated into the legal system (nel diritto)” (K 47/30). The
strategy of the law consists of making the accused believe that the accusation
(the door) is destined (perhaps) for him, that the court demands (perhaps) some-
thing from him, that there is (perhaps) a trial which concerns him. “In reality,”
Agamben concludes, “there is no accusation and no trial, at least until the mo-
ment in which he who believes he is accused has not accused himself” (K
47/30). The legal system, therefore, is based on a deception, which consists
precisely in the existence of “keepers,” “from the lowest clerk to the lawyers
and to the highest judge—whose goal is to induce the others to accuse
themselves, to make them pass through the door that leads nowhere except to
the trial” (K 48/30-31).

Kafka’s legal world remains the dominant case in Agamben’s analysis of
modernity, but it is also accompanied, in a minor tone, by two other references.
Kafka portrayed his functionaries and clerks as angels and thus understood,
more than anyone else, the strict connection between angelology and bureau-
cracy in the development of Western political oikonomia, which Agamben anal-
yses in The Kingdom and The Glory (2007) and in the recent collection The
Angels.30 A final example of the incomparable “diagnosis” Agamben finds in
Kafka appears in Means Without End (1996), where he recalls Kafka’s story
“The Burrow”:31 like the animal-protagonist of the story, which obsessively
builds an unconquerable burrow as defense and finally finds himself trapped in
it, so the “houses” or “homelands” that the Western nation-states have built
“revealed themselves in the end to be only lethal traps for the very ‘peoples’ that
were supposed to inhabit them” (MSF 108/140).32 In a conference paper of the
same year, “Heidegger and Nazism,” he rehearses the same argument, adding
that Kafka is “certainly the author who described with outmost clarity the end of
the Western political space, and the absolute indeterminacy between public
space and private space, ‘castle’ and bedroom, tribunal and garret, derived from
this event.”33

**Messianism and Reversal**

Kafka’s centrality for Agamben is not limited, however, to the level of the
diagnosis, but rather takes its full significance in its messianic intention, which
offers a way out from the dire straits of contemporary political and cultural cri-
sis. “One of the peculiar traits of the Kafkan allegories,” Agamben writes in
Homo Sacer, “is that they contain right at the end a possibility of reversal which
overturns completely their meaning” (HS 67/58). This is again an insight that Agamben derives from Benjamin, who emphasizes the “Umkehr” (reversal) of Kafka’s parables and writes to Scholem: “Kafka’s messianic category is the ‘reversal’ or the ‘study.”34

This reversal constitutes the kernel of Agamben’s readings, right from The Man Without Content. Kafka, Agamben argues here, is the author that more than anyone else undertook the task of reconciling, in our age, the conflict between old and new, and the precariousness of human action in the interval they constitute: “facing the impossibility of appropriating his own historical presuppositions,” Agamben writes, “[Kafka] tried to make this impossibility the very ground on which man could find himself again” (UsC 169/112). The Kafkan reversal is grounded on a messianic understanding of time, one that will remain at the core both of Agamben’s interpretation of Kafka and of his later philosophical-political project. He refers here to two of the Zürau aphorisms: 1) “there is a destination, but no path; what we call path is our hesitation”; and 2) “It is only our conception of time that makes us call the Last Judgment by this name. It is, in fact, a kind of martial law.”35 We are always already in the Last Judgment, Agamben glosses; the Last Judgment is our normal historical condition. Kafka, that is, replaces a notion of history as an empty linear time (the one criticized by Benjamin in “On the Concept of History”) with the paradoxical image of a condition of history in which the fundamental event is always already happening. This involves that the goal is inaccessible precisely because it is here present before us, and this presence constitutes human historicity, which is inherently characterized, therefore, by the inability to appropriate the human historical situation. Kafka’s solution to the question about the task of art vis-à-vis this situation was to resolve the problem of cultural transmission by transforming art itself in the transmission of the act of transmission, by making the content of art the very task of transmission, independently of what is being transmitted:

Since the goal is already present and thus no path exists that could lead there, only the perennially late stubbornness of a messenger whose message is nothing other that the task of transmission can give back to man, who has lost his ability to appropriate his historical space, the concrete space of his action and knowledge. (UsC 171/114)36

Again, as Agamben acknowledges, this intuition is taken from Benjamin, who wrote to Scholem: “he [Kafka] relinquished truth, in order to secure transmissibility.”37

This messianic notion of time returns in Infancy and History, where Kafka briefly accompanies Benjamin in the chapter on “Time and History.”38 It is, however, in Idea of Prose that Agamben explores at length the possibilities of the Kafkan messianic paradoxes. As we have already seen, in the story on “The Penal Colony,” the torture machine, which represents language, breaks down when the commandment/punishment it should write on the body of the Officer is “be just”: the justice of language is thus revealed as the breakdown of its connection to judgment, and thus to signification; the justice of language is
the—messianic—overcoming of language as judgment and signification (cf. *IP* 105-7/115-17). *Idea of Prose* contains, however, two other—Kafka—“ideas” which will be integrated as a constant reference in Agamben’s later work. The first is the idea of “study” and the question of redemption that it involves. Every study is inherently endless, Agamben writes, and as such it is like Aristotle’s “potentiality,” both in the sense of *potentia passiva* and in that of *potentia activa*, because, despite its intrinsic unfinlalizability, it always tends toward a messianic fulfillment or completion. Kafka’s students—like Melville’s Bartleby—prefigure the messianic fulfillment of *studium* insofar as they study “like, after the end of times, unbaptized children or the pagan philosophers could study in limbo, where they have nothing to hope for, neither from the future nor from the past” (*IP* 45/65). Study, that is, returns the world to its potentiality and thus, to use a term that in Agamben’s later work will accompany that of study, renders it “inoperative.” This notion of study will become, as we will see, a fundamental component of Agamben’s proposal for a messianic overcoming of law.39

The second Kafkan “idea” is that of “shame.” Vis-à-vis the failure of theology and the “banality of evil” which characterize our age, Agamben writes, Kafka decided to renounce theology and to leave aside the question of guilt and innocence, and the question of freedom and destiny, in order to focus only on shame. Shame is in fact the “index of the outmost, frightful proximity of human beings with themselves” (*IP* 68/84). In shame is thus contemplated the problem of subjectivity and subjectivation, since shame is the “pure, empty form of the most intimate sense of the self” (*IP* 69/85). Kafka described a humanity reduced to a planetary petty bourgeoisie, expropriated from any experience but its own shame, and tried to identify in this very shame a possibility of redemption: he “tries to teach the use of the only reality left to human beings: not to free oneself from shame, but rather to free shame itself” (*IP* 69/85). The central reference here is the last thought of Josef K. at the very end of the *Trial*: “it was as if the shame would outlive him.”40 It is in order to save his shame, not his innocence, that Josef K. submits to his destiny, and in this task—to preserve at least human shame—Kafka found, according to Agamben, “something like an old bliss” (*IP* 69/85). Shame as a privileged—and revolutionary—opening to subjectivation and to the inner self, and thus as a possibility for a new, post-biopolitical ethics, will briefly reappear, together with the quotation from the *Trial*, in *Means Without End* and *Remnants of Auschwitz*.41

These Kafkan notions of subjectivity, evil, time and redemption constitute a fundamental pillar in the construction of the political soteriology proposed in *The Coming Community* (1990). The apodictic, “essayistic” structure of the book allows only for sparse mentions of, and quotations from, Kafka, but his profane messianism constitutes the invisible structure that sustains the whole project. The torture machine of “The Penal Colony” epitomizes here the politico-theological apparatus, the destruction of which gives way, in the day after the last day, to a life only and properly human that is liberated from the constrictions of this apparatus. This is the life described in Kafka’s (and Robert Walser’s) stories, indifferent to redemption because devoid of expectations and
thus restored to its potentialities. Perhaps the most “Kafkan” statement is, however, the aphorism contained in the section “The Irreparable,” which summarizes the idea that redemption must be sought in the irreparable facticity of the world:

We can have hope only in what has no remedy. That things are so and so—this is still in the world. Yet, that this is irreparable, that this so (così) has no remedy, that we can contemplate it as such—this is the only opening out of the world. (The innermost character of salvation: that we are saved only when we no longer want to be saved. Because of this, in this moment, there is salvation—but not for us). (CV 85/102)

Like Idea of Prose, The Coming Community eschews the discursive, academic style, and proceeds instead through a series of strategic and fragmented images that compress the argument into a messianic quasi-paradox. From Homo Sacer onward, Agamben will return to a more “traditional” style, but his use of Kafkan images will retain the power of the paradox.

The strategy of the reversal is thus also central to Agamben’s interpretation of law. In Homo Sacer, he famously reads the legend “Before the Law” not as the tale of a defeat, of the irremediable failure of the man from the country before the impossible task imposed upon him by the law. The last sentence of the parable presents in fact the messianic reversal: the doorkeeper tells the man from the country that that door was open only for him and concludes: “Now I go and close it.” So, if the invincible power of law, its “force,” consists in its openness, then, Agamben argues, the conduct of the man from the country can be read as nothing but a complicated and patient strategy to obtain the closure of the door, to interrupt the force of law. At the end, he succeeds, the door of the law is closed forever, since, Agamben notes, it was open “only for him.” Following a suggestion from Kurt Weinberg, Agamben interprets the figure of the man from the country as a messianic figure, remarking that the Messiah is the figure with which the monotheist religions attempt to master the problem of law. The coming of the Messiah signifies the fulfillment and complete consummation of the law, and the consummation of a law that is in force without signifying, is, perhaps, the provocative strategy of the Kafkan man: “the messianic task of the man from the country . . . might then be precisely that of making the virtual state of exception real, of compelling the doorkeeper to close the door of the Law” (HS 66/56-57). “The Messiah.” Agamben quotes from Kafka’s notebooks, “will only come when he is no longer necessary, he will only come after his arrival, he will come not on the last day, but on the very last day.” The Messiah will be able to enter only after the door is closed, only after the end of a law which is in force without signifying. The messianic aporias of the Kafkan man from the land, Agamben concludes, perfectly express the difficulty of our age in coming to terms with the sovereign ban.

With Benjamin, Agamben interprets the sense of the reversal to be found in many Kafkan allegories as the attempt to rescue life from the ban in which the law holds it. Benjamin wrote to Scholem: “in the attempt to transform life into Scripture I see the sense of the reversal to which tend many Kafkan allegories
Agamben quotes this passage in *Homo Sacer* and comments: “A life that resolves itself completely into writing corresponds, for Benjamin, to a Torah whose key has been lost” (*HS* 63/54). In the same way, Benjamin’s thesis VIII of “On the Concept of History” counterpoises to the state of exception that has become the rule, a “real” and “effective” (*wirklich*) state of exception, in which law that becomes indistinguishable from life is confronted by a life that, in a symmetrical but inverse gesture, is entirely transformed into law:

The absolute intelligibility of a life wholly resolved into writing corresponds to the impenetrability of a writing that, having become indecipherable, now appears as life. Only at this point do the two terms, distinguished and kept united by the relation of ban (bare life and the form of law), abolish each other and enter into a new dimension. (*HS* 64/55)

The same reversal identified in the obstinacy of the man from the country is found by Agamben in other characters from Kafka: just as in the legend “Before the Law” the law is insuperable precisely because it does not prescribe anything, so in “The Silence of the Sirens” the sirens’ most terrible weapon is not their singing, but their silence, and Ulysses’ cunning consists in realizing this and in opposing his “comedy” to it.48

In *State of Exception* (2003), Agamben refines this interpretation and confers on the Kafkan “reversal” the name of désoeuvrement, de-activation. At the end of the chapter on Schmitt and Benjamin, Agamben quotes Benjamin’s interpretation of Kafka’s “The New Advocate”49: Bucephalus, the “new advocate,” does not practice the law anymore, but merely studies it; “the law which is studied but no longer practiced,” Benjamin argues, “is the gate to justice”; thus “The gate to justice is study.”50 The Benjaminian interpretation expresses for Agamben the possible figure of law after its nexus with violence and power has been deposed: a law which no longer has force or application. This new law, Agamben notes, is not already justice, but only the “gate” that leads to justice. What opens a passage toward justice is not the destruction of law, but rather its deactivation and inoperosity, that is, another use of the law. “Kafka’s characters,” he concludes, “have to do with this spectral figure of the law in the state of exception; they seek, each one following his or her own strategy, to ‘study’ and deactivate it, to ‘play’ with it” (*SE* 83/64).

In *The Time that Remains*, Kafka’s work is again used to describe exemplarily the messianic vocation and messianic time. The sense of the Kafkan parable “On Parables,”52 Agamben writes, is that the messianic is simultaneously the abolition and realization of the syntagm “as if” of any parable. The one who keeps within the messianic vocation (*klesis*) knows no similes, knows no “as if”; the messianic vocation transforms language into life, and thus consists, as we have seen, in the overcoming of language itself (cf. *TR* 45-46/42-43). In describing, in the following chapter, messianic time, Agamben recalls Kafka’s above quoted aphorism about the coming of the Messiah to argue that the messianic event is always already completed, but “his presence contains within it another time, which outstretches its parousia, not in order to defer it, but, on the contrary, in order to allow us to seize it” (*TR* 71/71). For this reason, he quotes from
Benjamin, every instant can be “the small gateway in time through which the Messiah might enter”; “The Messiah makes always already his own time,” Agamben glosses, “that is, he simultaneously seizes time and consummates it” (TR 71/71).

The Kafkan strategy of messianic reversal is illustrated at length in the essay “K.,” which analyses the figures of Josef K. and the land-surveyor K. The “K” of Josef K., Agamben argues, does not stand for “Kafka,” as has been assumed since Max Brod, but rather for “kalumniator,” slanderer. The incipit of the Trial in fact reads: “Someone must have been slandering Josef K., for one morning, without having done anything wrong, he was arrested.” The slanderer, Agamben states, is Josef K. himself, and he slanders himself in order to question the very principle of the trial: the accusation, and thus the principle that there is no punishment without guilt. This constitutes for Agamben a strategy aimed at deactivating and rendering inoperative the accusation, and as such law (il diritto) itself. If the accusation is false, and if, on the other hand, accuser and accused coincide, then it is the very fundamental implication of human beings in the law that is revoked: “the only way to affirm one’s innocence before the law is, in this sense, to falsely accuse oneself” (K 39/24). K. thus slanders himself in order to elude the law, to elude the invariable accusation of the law from which it is not possible to escape. It is a strategy that is ultimately insufficient and doomed to fail; but the Trial also contains, in the chapter “In the Cathedral,” the parable “Before the Law,” which presents, as we have seen, another strategy: in “K.,” unlike in Homo Sacer, Agamben emphasizes not the final closure of the door of the law, but rather the “long study” of the doorkeeper by the man from the country: “thanks to this study, to this new Talmud, the man from the country, unlike Josef K., succeeded in living until the end outside the trial” (K 48/31).

The same strategy of messianic deactivation and inoperativity characterizes the land-surveyor K. of The Castle. Here, Agamben argues, “K.” stands for “kardo,” the line that divided in direction North-South the Roman castrum and city, and that constituted, with the decumanus (East-West), the fundamental axes of the inhabited area. The conflict that opposes K. and the castle, Agamben proposes, is thus a conflict about the determination or transgression of the lines and limits which separate the castle from the village, the high from the low: “since life in the village is, in fact, entirely determined by the boundaries that, simultaneously, separate it from, and keep it bound to, the castle, it is these boundaries that the coming of the land-surveyor questions” (K 54-55/35). We have seen that the life of the village represents, in Homo Sacer, the life in the state of exception, life caught in that relation of inclusionary exclusion or exclusionary inclusion in which the law keeps life in its power by excluding life from law’s domain. K.’s strategy aims at deactivating these boundaries and limits—that is, law itself—and is thus a messianic figure: if Bucephalus is the “new advocate” who studies the law without applying it, “K. is the ‘new land-surveyor’, who renders inoperative the limits and boundaries that separate (and simultaneously bind) high and low, castle and village, temple and house, divine and human” (K 56/36).
Philosophy and/as Gesture

The third of Agamben’s “Four Glosses on Kafka” is entitled “On Gravity” and is dedicated to Italo Calvino, whose first “American Lesson” was devoted to “Lightness.” Here Agamben compares the lightness of Kafka’s “The Bucket Rider” with Paul Celan’s rewriting of the same story and Nietzsche’s discussion of gravity in Zarathustra’s chapters “The Vision and the Enigma” and “The Spirit of Gravity.” Contrary to Zarathustra, who takes upon himself the “heaviest burden” and wants to transform it into supreme lightness (the acceptance of the eternal return), the bucket rider would want to find some gravity and return to earth. His destiny is not the eternal return, but rather the lightness of a feather spirited away by the wind. “True lightness,” Agamben enigmatically explains, “is not the eternal return, but a never coming back.” In the kingdom of the Ice Mountains, where he has ended up, the bucket rider finds perhaps his peace, as a projected epilogue seems to imply by depicting him with his mount now on his shoulder. Agamben’s conclusion hermetically reads: “So up in the air, lightness is of no use: one might as well take it on one’s back. ‘The legends, which leave the earth, turn toward humanity’” (QGK 42).

This “gloss” or “apologue” epitomizes, once again and more than others, how Kafkan images work in and with Agamben’s texts. These images, that is, do not merely stand as simple substitutes for thoughts, which could otherwise be conceptually formulated. They cannot be fully paraphrased, unfolded or explained. They retain instead their intrinsic and unsolvable paradoxical character, which is precisely what confers on them a messianic potential. In Kafka’s as in Agamben’s texts, I argue, the force of the paradox lies in its working simultaneously as poetic and philosophical gesture.

It is again Benjamin who identified “gesture” as the most characteristic trait of Kafka’s prose. Kafka’s legends, Benjamin writes, are “fairy tales for dialecticians,” but tales that are seen in their full light only when they are “put on as acts” (als Akte . . . versezt) on a theatre stage. Theatre dissolves events into their gestural components, and thus Benjamin argues that:

Kafka’s entire work constitutes a code of gestures which surely had no definite symbolic meaning for the author from the outset; rather, the author tried to derive such meaning from them in ever-changing contexts and experimental groupings. The theatre is the logical place for such groupings.

Far from metaphorizing a clear and univocal content, Kafka’s theatrical gesture is what the author himself “could fathom least of all” (am unabsehbarsten). “Each gesture is an event,” Benjamin writes, “one might even say a drama—in itself”; but a drama in which Kafka tears open the sky behind the action. “The gesture remains the decisive thing, the center of the event,” but unfolds “the way a bud turns into a blossom.” Kafka’s writings are not really parables. They do not want to be taken at face value, yet they do not offer any clear and distinct “teaching” (Lehre); rather, “his parables are never exhausted by what is
explainable; on the contrary, he took all conceivable precautions against the interpretation of his writings. He could understand things only in the form of a gesture, but he himself did not understand the gesture: “he did fail in his grandiose attempt to convert poetry into teaching.”

The notion of gesture is central both to Agamben’s idea of philosophy and to his political soteriology. And it is a notion, again, heavily indebted to Benjamin. In the essay “Notes on Gesture,” first published in 1992 and then included in Means Without End (1996), Agamben defines gesture as the “exhibition of a mediality: it is a process of making a means visible as such” (MSF 52/58, emphasis in the original). Insofar as it allows the emergence of the being-in-a-medium of human beings, the gesture opens the ethical dimension. Moreover, if language is the medium of communication, then the linguistic gesture exposes language without transcendence in its pure mediality: “gesture is, in this sense, communication of a communicability. It has properly nothing to say, because what it shows is the being-in-language of the human beings as pure mediality” (MSF 52/59). This mediality is in itself not something that can be phrased, and thus gesture is always the exposition of a lack; it is gag, and this makes, according to Agamben, for its proximity to philosophy: if philosophy is in fact the exposition of the being-in-language of humanity, “pure gestuality,” then every great philosophical text is “the gag that exhibits language itself, the very being-in-language as a gigantic loss of memory, as an incurable speech defect” (MSF 53/60).

This definition of philosophy is a sort of Agambian discours de la méthode, which rephrases in Benjaminian terms a practice that dates from Agamben’s early works and was conceptualized as early as the preface to Stanzas (1979). Here, to a poetry which “possesses its object without knowing it” and a philosophy which “knows it without possessing it” (St xiii/xvii), Agamben counterpoises a notion of criticism which neither represents nor knows, but knows the representation:

To appropriation without consciousness and to consciousness without enjoyment, criticism opposes the enjoyment of what cannot be possessed and the possession of what cannot be enjoyed. . . . What is secluded in the “stanza” of criticism is nothing, but this nothing guards inappropriability as its most precious possession. (St xiv/xvii)

Kafka is not mentioned in the preface—the reference is rather Hölderlin—and Kafka’s presence in the book is that of an invisible authority hardly hinted at. I am not claiming, moreover, that Kafka is the only influence on Agamben philosophical “mode”; what I’m trying to argue is that Kafka’s messianic paradoxology, concealed into gestures which “attempt to convert poetry into teaching,” endows Agamben’s philosophy with a “mode” that becomes increasingly central. If Agamben’s engagement in the early 1980s with Hegel and Heidegger on the question of language leaves Kafka aside, at least from the publication of Idea of Prose (1985)—a veritable collection of philosophical gestures—this Kafkan modality becomes central, and the increasing emphasis
on messianism from the publication of *The Coming Community* (1990) onward unfolds its full potentiality.

This “philosophical topology,” grounded in *gaudium*, in *jouissance*, and focused on “the impossible task of appropriating what must, in any case, remain inappropriable” (*St* xv/xviii), can certainly be accused of aesthetization, and correctly so, when this inappropriable object becomes life itself, or violence, the camp, and the horrors of modern biopolitics. These—Kafka—messianic gestures as critical events, however, constitute an original and important proposal that pushes philosophy to its limit: the inexplicable.

**Notes**

1. Giorgio Agamben, “Introduzione,” in *Angeli: Ebraismo Cristianesimo Islam*, eds. Giorgio Agamben and Emanuele Coccia (Vicenza: Neri Pozza, 2009; hereafter as A), 12. In what follows, I will use my own translation of all Agamben’s texts; when English translations are available, I will point them out, giving reference to both the Italian and English editions.


11. Franz Kafka, [“Vom Scheintod”], in *Nachgelassene Schriften und Fragmente II*, 141-42.


13. He concludes: “Only language as the pure potentiality to signify, withdrawing itself from every concrete instance of speech, divides the linguistic from the non-linguistic and allows for the opening of areas of meaningful speech in which certain terms correspond to certain denotations. Language is the sovereign who, in a permanent state of exception, declares that there is nothing outside language and that language is always beyond itself. The particular structure of law has its foundation in this presuppositional structure of human language. It expresses the bond of inclusive exclusion to which a thing is subject because of the fact of being in language, of being named. To speak (*dico*) is, in that sense, always to ‘speak the law,’ *ius dicere,* Giorgio Agamben, *Homo sacer. Il potere sovrano e la nuda vita* (Turin: Einaudi, 1995), 26 / *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 21. Hereafter as HS.


20. Cf. St 37-70/31-61. Odradek is the central character of Kafka’s brief apologue “The Care of a Family Man” (“Die Sorge des Hausvaters,” in *Drucke zu Lebzeiten*, 282-84) and is actually—and hastily—mentioned in Agamben’s book only at pp. 60/50 and 171/144.

IN A MESSIANIC GESTURE 277

30. Cf. RG, 57/43, 175/157, 185/166, and A., 12, 21.
33. Agamben, “Heidegger e il nazismo,” in La potenza del pensiero, 327 (not included in Potentialities). Cf. also MSF 95/122.
34. Benjamin and Scholem, Briefwechsel, 167.
39. “Idea of Study” is reproduced word for word as the fourth of “Four Glosses on Kafka,” under the title “The Students,” cf. QGK 42-44. For other examples, cf. SE 81-83/63-64, and “K.,” 48/31. For the messianic connections between Kafka’s students and potentiality, cf. Agamben, Bartleby, la formula della creazione (Macerata: Quodlibet, 1993), 49, 70, 91 / “Bartleby, or On Contingency,” in Potentialities, 243-74. With the messianic figure of the students it is possible to associate that of the “assistants”
40. Kafka, Der Proceß, 312.
41. Cf. MSF 102/132, and QRA 96/104.
43. The Kafkan statement “there is hope, but not for us” recurs also in Profanazioni, 21 (Profanations, 21).
44. Kafka, “Vor dem Gesetz,” in Drucke zu Lebzeiten, 269.
47. Benjamin and Scholem, Briefwechsel, 167. Cf. HS 63-64/54-55.
51. Cf. also RG, 185/166, and “Walter Benjamin e il demonico,” 227/153-54.
54. Kafka, Der Proceß, 7.
59. The last sentence is a loose translation of part of the first stanza of Hölderlin’s “Der Herbst” (Autumn), which reads: “Die Sagen, die der Erde sich entfernen, / Vom Geiste, der gewesen ist und wiederkehret, / Sie kehren zu der Menschheit sich, und vieles lernen / Wir aus der Zeit, die eilends sich verzehret” (The fleeing legends, which the Earth narrated / [of spirit that once was and is returning], / are turning toward humanity, so increased learning / can grow from times that long since dissipated), Friedrich Hölderlin, Sämtliche Werke, kleine stuttgarter Ausgabe, ed. Friedrich Beissner (Stuttgart: W. Kohlhammer, 1953), vol. 2, 290.


68. This accusation is directed mostly, but not only, against Agamben’s book on Auschwitz; cf., for example, Philippe Mesnard and Claudine Kahan, Giorgio Agamben à l’épreuve d’Auschwitz (Paris: Kimé, 2001).

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