

***The Mechanics of Franz Kafka's 'In der Strafkolonie': A Reading
through Verbal Associations***

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“Of making many books there is no end, and much study wearies the body”

-Ecclesiastes

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Acknowledgements

Thank you, David. You know why.

Abstract

Theoretically based in a Judaic philosophy and in Kafka's related mythology, which locates the origins of the world in language, this thesis takes its practical starting point from a relatively little-documented writing method of Kafka that appears inseparably linked to his language mythology. This writing method is one in which Kafka developed the fictional world of his narratives out of language or associations in language. In a unique attempt to document its full impact on the development of a literary text, the thesis seeks to utilize this writing method as a reading method, identifying the verbal associations from which Kafka wrote one of his most recognized narratives, the short story "In der Strafkolonie."

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Introduction

“Im Anfang war das Wort [...]”¹

“The extent of speech must needs be vast, since it is nearly commensurate to thought itself [...]”-Isaac Barrow²

Theoretically based in a Judaic philosophy and in Kafka’s related mythology, which locates the origins of the world in language, this thesis takes its practical starting point from a relatively little-documented writing method of Kafka that appears inseparably linked to his language mythology. This writing method is one in which Kafka developed the fictional world of his narratives out of language or associations in language. In a unique attempt to document its full impact on the development of a literary text, the thesis seeks to utilize this writing method as a reading method, identifying the verbal associations from which Kafka wrote one of his most recognized narratives, the short story “In der Strafkolonie.”

An Overview of Franz Kafka’s Law and Language Mythology

Franz Kafka (1883-1924), undeniably one of the most profound and impactful writers, not just in twentieth century German literary history, but in all of German literary history, is widely recognized among Kafka scholars as a type of philosopher of language and writer of

¹ Johannes 1:1.

² *The Works of the Learned Isaac Barrow* (131).

language myths. Scholars who study Kafka's language mythology almost invariably link it, however, to a more fundamental legal mythology. Indeed, according to the studies of many well-known Kafka scholars, such as Wilhelm Emrich, Walter Sokel, and Clayton Koelb, the Law, or the meaning of the Law, does not just define a few of Franz Kafka's literary works in particular, but is the primary pursuit of his life and literature in general. Allen Thiher succinctly reflects the findings of these scholars in his book *Fiction Refracts Science*, when he writes: "Nearly every novel or story by Kafka at least implies some attempt to know the nature of the law, or *das Gesetz*, that all desire to know" (137). These scholars have long seen in Kafka more than simply one of the great literary giants of the twentieth century. For them, Kafka is also a brilliant legal philosopher, whose works offer penetrative insight into the nature of the Law, and he accomplishes this in its most abstract and varied sense. As Thiher has also written, "Kafka's work lays bare the ambivalent senses that attach to the concept of the law" (137). For these scholars Kafka is, among countless other things, one of the great humanist thinkers, political minds, religious theologians, and language philosophers of the twentieth century, whose legal myths, or symbols of the Law in his fictional narratives, are equally profound as they are ambiguous. According to the studies of these scholars, the only certain characteristic of Kafka's mythological Law is that it is an indecipherable Law: it is absent from the world. In his book *Franz Kafka*, one of the most comprehensive and well-known studies among the works of these scholars, Wilhelm Emrich, for example, appears to define Kafka, among many other things, as a humanist thinker in the broadest sense. Emrich appears to attribute a perceptive

genius to Kafka through which his literary works achieve a kind of universal law in the unbridled expression of all human possibility in thought and being:

Der universelle Überblick wird also dadurch gewonnen, daß Kafka allen menschlichen Möglichkeiten schrankenlos Raum läßt. Das gilt nicht nur für [...] die logischen Denkmöglichkeiten, sondern überhaupt für das gesamte bewußte und unterbewußte Dasein des Menschen. (37)

And yet, Emrich's study of Kafka's life and works is colored throughout with the double-awareness that Kafka's universal law, while humanistic, is absolutely different than human law. For Emrich, the "limits of the human," or what he calls "die Grenzen der Menschheit," necessarily separate mankind from the universal law in Kafka's mythology (44). In his essay "Freedom and Authority in the Fiction of Franz Kafka," the long-time and famous Kafka scholar, Walter Sokel, who is well-known for his early and comprehensive studies in Kafka's irony, appears to operate from the same perspective as Emrich, though in a less abstract sense. Sokel appears to regard Kafka as a profound political philosopher and his myths, which are often set in abstract political or legal courts, as more literal depictions of the Law. For Sokel, Kafka's search for the past unity of the "Ideal Law," in his letters and fictional narratives, is eternally impeded through the divided presence of the "Actual Law." According to Sokel, it is for this reason that Kafka's legal myths, particularly the symbolism of freedom and authority in his fictional narratives, tend to be so strangely ambiguous and fully divided in representation. He writes: "Kafka's representations of the theme of freedom and authority make him appear to be

both a master of subversion, a champion of the individual's protest and revolt, and, at the same time, one of the most subtle and consummate eulogists absolute power has found in modern literature" (*The Myth of Power* 311). In a more abstract approach, Clayton Koelb, who is well-known for his study on Kafka's language mythology, hints at the vast number of scholars since Max Brod who have interpreted the Jewish Kafka's legal myths as part of a negative theology within a Judeo-Christian framework.³ Koelb identifies in Kafka's legal mythology the search for the "absolute Whole," a sacred Truth that is absent from the profane Truth present in the world: "The poignancy of much of Kafka's fiction lies in his continuing commitment to a sacred realm of truth, law, and epistemological and ethical certainty, with which one cannot make secure contact" (101).

Kafka's legal mythology is almost invariably associated by Kafka scholars, such as Clayton Koelb and Walter Sokel, with an equally abstract and ambiguous language mythology. Allen Thiher nicely sums up this association, when he writes that Kafka's diaries, letters, and fictional narratives all appear rooted, to some extent, in "modern doubts that the law [...] can

³ There is a well-established tradition of interpreting Kafka's literary works as part of a negative Judeo-Christian theology, in all its profundity and ambiguity. Max Brod, the first Kafka scholar and one of Kafka's long-time and closest friends, is well-known for his interpretation of Kafka's texts allegorically, as a salvation history but with all the complications and terror necessarily resulting from the finite human's relationship to an infinite God. Other scholars, like Sabina Kienlechner, see in Kafka's texts, at least in part, depictions of a negative religion and the painful and endless search for an absent God. Kienlechner, in *Negativität der Erkenntnis im Werk Franz Kafkas*, writes extensively on Kafka's personal and literary reflections on the biblical fall of man or on the *Sündenfall*, a myth that, for Kafka, signified, among many other things, mankind's lost connection to the truth. Other scholars, like Ritchie Robertson and Ralf R. Nicolai, see an ironic reversal in Kafka's negative theology. For Robertson, Kafka is concerned with the estrangement of the modern world from absolute values, but also asks whether some degree of estrangement is necessary for living. For Nicolai, the lost paradise, through the *Sündenfall*, is regained, in Kleist and Kafka, in *the reverse* or from *the backdoor*.

be revealed through language, at least human language” (139). According to these scholars, Kafka’s search for the absent Law, in his life and literary works, is inextricably bound to the writer, to the reading of verbal texts, and to the presence of human language. For Clayton Koelb, in *Kafka’s Rhetoric: The Passion of Reading*, the absent Law in Kafka’s diaries, letters, and fictional narratives is inseparably linked to the presence of verbal texts: “[For Kafka] the present text becomes a reminder of the absence of that for which the text stands” (73). According to Koelb, the absent Law, in Kafka’s language mythology, ultimately leads to both a violent or deadly mode of reading verbal texts and to an antithetical human mode. With intended reference to the images of “In der Strafkolonie,” Koelb writes: “The text is most effective when it makes the reader painfully aware of his distance from [the text’s] origin” (73). And he also writes: “[...] a book, capable of being misread, its meaning ignored or unseen, would have the complex, ambiguous (*vieldeutig*) quality of persons, not the deadly mechanical character of an apparatus” (89). For Walter Sokel, in his essay “Language and Truth in the Two Worlds of Franz Kafka,” Kafka associates an absent Truth with the presence of language, and he does this, according to Sokel, from both a “naturalist” and a “spiritualist” perspective. From the “naturalist” perspective, Kafka, as a German-speaking Jew and isolated writer of subjective, metaphoric signifiers, has lost access to the community and to the Truth. From the “spiritualist perspective,” Kafka has lost access to the Truth, because language, as metaphor, can only refer to the sensory world. Sokel covers both perspectives when he writes: “[For Kafka] metaphoric speech is untruth [...]” (*Myth of Power* 85). Kafka’s twentieth century language mythology, or

his association of the absent Law with the presence of human language, as shown in the studies of Walter Sokel and Clayton Koelb, appears inseparably linked to a writing method through which he developed his legal myths or fictional language narratives, such as “In der Strafkolonie” (1914), out of associations in language. The particular nature of this writing method can be traced, perhaps most fundamentally however, to a traditional Judaic language philosophy, which locates the origins of the existing world within the vast network of associations in the Hebrew language of the Torah, or Jewish Written Law.

A Judaic Language Philosophy and Kafka's Language Mythology

Franz Kafka, a writer widely recognized for his profound and ambiguous philosophy of language and his various language myths, remains strangely little recognized for a writing method, through which he developed a myth, or the fictional world of a narrative, almost entirely out of associations in language or from associations in his word choice. This writing method, while linked to twentieth century Kafka and his language mythology, appears most fundamentally rooted in forms of a traditional Judaic language philosophy. According to scholars, such as Detlef Kremer and Erich Grözinger, this philosophy, of which the highly educated Kafka was clearly aware, originates in ancient biblical conceptions of the world and essentially identifies it, and its development, with language.⁴ Detlef Kremer, a highly regarded

⁴ While many scholars have rightly criticized the narrow, Judeo-theological approach to Kafka, they have also never ceased to affirm the fundamental validity of it, beginning with Max Brod. Brod and countless scholars after him have recognized Kafka's obsession with his Jewish roots, his studies and influences in the Hebrew Bible, the

Kafka scholar, defines it in the strict sense, in a comprehensive study on Kafka's philosophy of writing and writing method. Kremer explains that within Judaic philosophy, God's creation of the world is a verbal creation: "In jüdischer Sicht stellt sich die gesamte Weltschöpfung als eine verzögerte Sprachschöpfung dar (132)." Ultimately, the world's entire history, according to Kremer's further delineation, is not created by God, but consists in the never-ending network of associations that originate from and center around his name: "[der Prozeß der Weltgeschichte] besteht in einer unendlichen Variation und Meditation über den Eigennamen Gottes [...]" (132). In the strict sense of this traditional Judaic language philosophy, according to Kremer, the existing world, from its absolute origins through the entirety of its development, is nothing but language or a verbal text. Karl Erich Grözinger sums this up nicely, in a study of Kafka and the language philosophies of the Kabbalah, when he writes: "Gott selbst ist diese schöpferische Sprache [und] die ganze Welt ist wie die Tora nichts anderes als [...] ein [...] Text" (156-157).

As both Kremer and Grözinger demonstrate, however, traditional Judaic language philosophy's strict association of the existing world with a verbal text is also hardly a simple or unambiguous association. According to Grözinger, for instance, one logical consequence of a world that is language, particularly within the Kabbalah, is the creative power of humans: "Ist

Hebrew language, eastern Judaism, the Yiddish theater, and the Zionist movement, for example. Erich Grözinger, in particular, notes that Kafka's knowledge of the creative power of language in Kabbalah, while to some extent verifiable in his diaries and letters, can even be assumed, as every child in Prag in the early twentieth century would have known of it: "Die Kenntnis dieser Tradition von der schöpferischen Macht der Sprache darf man bei dem Prager Juden Kafka gewiß voraussetzen, war doch Prag die Heimat jenes legendenumwobenen Kabbalisten Liwa Ben Bezalel, des Hohen Rabbi Löw, von dessen Golemschöpfung jedes Prager Kind gehört hat" (161). For an extensive overview of Kafka and Judaism, see Ritchie Robertson's *Kafka: Judaism, Politics, and Literature*.

die Welt nach der Auffassung der Kabbalisten [...] also Sprache, so folgt daraus die logische Konsequenz, daß auch der Mensch [...] an dieser sprachlich-kreativen Macht teilhat [...]” (157).

From old Jewish writings, a correlative idea to this also developed, which attributed creative power to all forms of verbal language. This idea identifies the world’s origins and development, not just in God’s name, but in every name or in *every* association within the Hebrew language.

Grözinger writes:

Es sind [die] altjüdischen Texte [...], welche eine Theologie der Gottesnamen entwickelten, die nicht nur jedem in der Bibel genannten Gottesnamen schöpferische Kräfte zusprach, sondern darüber hinaus jedem aus hebräischen Buchstaben zusammengesetzten Wort, ja sogar ‘sinnlosen’ Buchstabengruppen und schließlich jedem einzelnen Buchstaben des hebräischen Alphabetes. (154)

In traditional Judaic language philosophy, particularly in Kabbalah, humans, as users of language or of the endless associations within language, can create the world.

According to Grözinger and Kremer, the most practical and problematic implications of human language creation, within traditional Judaic language philosophy, can be found in the work of the Torah-scholar. In Jewish theology, the Torah, strictly defined as the Jewish Written Law contained in the first five books of the Hebrew Bible, is also the world. Therefore, implies Grözinger, as the Kabbalist studies this Law, he not only discovers the nature of the world

within *every* possible verbal association the text contains, he also participates, through this discovery, in the creation of God's world:

Beim Herstellen solcher Kombinationen [Wortverbindungen, Zahlwertberechnungen, Buchstabenumstellungen, u.s.w.] entdeckt der Kabbalist das unter der Oberfläche verborgene Wesen der Dinge, sieht Gemeinsamkeiten und Wesensidentitäten. Zugleich bewirkt er damit ein entsprechendes Resultat in der göttlichen Welt (164).

While readers of the Torah can create the world, it is, practically speaking, the work of the writer of the Torah that is most creative, and potentially problematic, within the Judaic, philosophical framework. As Kremer demonstrates, writers of the Torah, defined in the strict sense, must be keenly aware, at all times, both of the creative power of their task and of the absolutely destructive potential inherent in it. If the Torah is the Written Law that is the world, *any* mistake, or change, in the reading and writing of this Law could [negatively] transform the world: "Denn nur *ein* Wort, falsch geschrieben, kann die Welt verändern" (133). In this way, the work of the writer of the Torah, or the effect of the language any Torah-scholar reads and writes, might easily become less the Godly creation of the world than the human transformation, even the ever destructive transformation of it.

As Kremer and Grözinger also partly demonstrate, the Judaic identification of the world with human language, particularly with the potentially transformative and destructive work of

the writer of the Torah, as reader and writer of the Law, appears to have had a certain fundamental influence on Kafka's life as a writer and writing method.⁵ Such influence is most readily apparent in the various language myths that appear central to the structure of many of Kafka's most recognized narratives. A scene, for example, in Kafka's earliest extant narrative, "Beschreibung eines Kampfes" (1904-1907), appears to reverse the Biblical account of God's creation of the world. In the Hebrew Bible, God created the world in speaking or through verbal commands: "Und Gott sprach: Es sammle sich das Wasser unter dem Himmel an besondere Orte, dass man das Trockene sehe. Und es geschah so" (I. Mose 1.9). In Kafka's text, the first-person narrator creates, or transforms, his natural surroundings as he wishes and simply in speaking to it or through verbal requests: "'Jetzt aber-ich bitte euch-Berg, Blume, Gras, Buschwerk und Fluß, gebt mir ein wenig Raum, damit ich atmen kann.' Da entstand ein eilfertiges Verschieben in den umliegenden Bergen [...]" (*Nachgelassene Schriften* 1:81).⁶

Another scene in a short story originally included in "Beschreibung eines Kampfes," "Gespräch

⁵ A diary entry suggests that even Kafka made the general connection between his literary work and the work of the Torah-scholar as a kabbalistic reader and writer of the Law. Apparently also alluding to his own literary work, Kafka writes of a literature that contains the potential to be a new Kabbalah: „Diese ganze Litteratur ist Ansturm gegen die Grenze und sie hätte sich, wenn nicht der Zionismus dazwischen gekommen wäre, leicht zu einer neuen Geheimlehre, einer Kabbala entwickeln können. Ansätze dazu bestehen. Allerdings ein wie unbegreifliches Genie wird hier verlangt, das neu seine Wurzeln in die alten Jahrhunderte treibt oder die alten Jahrhunderte neu erschafft [...]" (*Tagebücher* 878).

⁶ I owe both references to Kafka's "Beschreibung eines Kampfes," in part, to Erich Grözinger. He has also interpreted the two passages within the specific framework of traditional Judaic language philosophy, and my interpretation was certainly influenced by his. Indeed, all references to Kafka and traditional Judaic philosophy in the thesis are colored by his and Kremer's work. The core research from the Hebrew Bible, and from Kafka's stories, diaries, and letters, is mostly mine, however, for I have studied these works myself and quite independently of Grözinger and Kremer. The passages from Kafka, which I have included in the thesis, are also well-known passages among Kafka scholars in general.

mit dem Betrunkenen,” appears to reverse traditional Judaic language philosophy’s strictest conception of biblical creation. Far from creating the world out of God’s name, the narrator appears to transform the structures of the world through the random and highly subjective names he gives them. Speaking to the heavens, and to the moon, he wonders at this transformative, even potentially destructive capacity in his naming:

Warum bist du nicht mehr so übermütig, wenn ich dich nenne “Vergessene
Papierlaterne in merkwürdiger Farbe.” Und warum ziehst du dich fast zurück,
wenn ich dich “Mariensäule” nenne und ich erkenne deine drohende Haltung
nicht mehr Mariensäule, wenn ich dich nenne “Mond, der gelbes Licht wirft.” Es
scheint nun wirklich, daß es Euch nicht gut tut, wenn man über Euch nachdenkt;
Ihr nehmt ab an Mut und Gesundheit. (*Erzählungen* 17)

Many of Kafka’s later *legal* narratives, e.g., “In der Strafkolonie” (1914), appear to contain variations of a language myth that reverses the central Judaic image of the reader and writer of the Tora, or Jewish Written Law, as creator of the world. Far from creating the natural structures of the world, the central characters in these stories appear to destroy legal structures through reading and writing the Law(s). Kafka’s short story “Der Neue Advokat” (1920), for example, tells of a horse, Bucephalus, who had once carried his master, Alexander the Great, to the *unreachable* gates of India. Alexander is now gone, and because there is nobody to hold the reins, to point the way to India as Alexander once did, Bucephalus appears

to try the next best thing, to become a lawyer and to read of Alexander and of India in the law books:

Heute- das kann niemand leugnen- gibt es keinen großen Alexander [und] niemand, niemand kann nach Indien führen. Schon damals waren Indiens Tore unerreichbar, aber ihre Richtung war durch das Königsschwert bezeichnet. Heute sind die Tore ganz anderswohin und weiter und höher vertragen; niemand zeigt die Richtung; viele halten Schwerter, aber nur, um mit ihnen zu fuchteln; und der Blick, der ihnen folgen will, verwirrt sich. Vielleicht ist es deshalb wirklich das Beste, sich, wie es Bucephalus getan hat, in die Gesetzbücher zu versenken. *Frei* [...] liest und wendet er die Blätter unserer alten Bücher.
[emphasis added] (*Erzählungen* 167)

Though Kafka's story ends with the possibility that Bucephalus reaches India by way of figures, or in reading the law books, it also hints at an alternative ending. Far from finding India, in successfully submitting to Alexander's leadership, Bucephalus' behavior, as *free* reader, appears to lead, figuratively, to the behavior of the *independent* subjects. As a free reader, Bucephalus would be confused in vision and flailing about uselessly, not with swords, as do the independent subjects, but with words.⁷ The successful unity of authority and subject, under

⁷ This reading is partly informed by Kafka's repeated tendency to associate words with sharp, sword-like weaponry. He writes, for example: "Jedes Wort [...] wird zum Spieß, gekehrt gegen den Sprecher (*Tagebücher* 926).

Alexander's leadership, is relegated to the past under Bucephalus because the presence of human language breaks the Law.

In much the same way as his fictional characters with the written Law(s), Kafka intimately identified his life with his literature. In a letter to Felice Bauer, he wrote: "Ich habe kein litterarisches Interesse sondern bestehe aus Litteratur, ich bin nichts anderes und kann nichts anderes sein [...]" (*Briefe* 1913 261). Indeed, as will be demonstrated below, there is often very little distinction between the legal relationships in Kafka's fictional narratives and the personal or familial relationships of his autobiographical works. One of Kafka's most famous short stories, "Das Urteil" (1912), for example, tells of a verbal conflict as legal trial between father and son, culminating in the deadly judgment of the father. The story appears to develop further within a lengthy letter Kafka addressed, but never gave, to his actual father, "Brief an den Vater" (1919). It is largely a statement by Kafka, in which he appears to defend himself, exposing the powerful father of his youth. Kafka wrote, for example: "Unverständlich war mir immer Deine vollständige Empfindungslosigkeit dafür, was für Leid und Schande Du mit Deinen Worten und *Urteilen* mir zufügen konntest, es war, als hättest Du keine Ahnung von Deiner Macht" [emphasis added] (13).⁸ In fact, Kafka identified with Georg Bendemann, the fictional son in "Das Urteil," through verbal associations in their respective names. He wrote, in a letter

⁸ Much like Kafka's "Brief an den Vater," the short story "Gespräch mit dem Beter," also originally included in "Beschreibung eines Kampfes" (1904-1907), appears to reference the son in exposing the father. It includes a reverse chronology of two well-known biblical events [the Tower of Babel and Ham's rebellion from Genesis 11 and 9] that appears to associate the confusion of human language at the Tower of Babel with the breakdown of the human family, particularly with Ham's exposure of his drunk and naked father, Noah.

to Felice Bauer: “[...] Sieh nur die Namen! [...] Georg hat so viel Buchstaben wie Franz, ‚Bendemann‘ besteht aus Bende und Mann, Bende hat so viel Buchstaben wie Kafka und auch die zwei Vokale stehn an gleicher Stelle [...]” (*Briefe 1913* 201). Reversing one of the central images of the writer of the Torah in traditional Judaic language philosophy, Kafka appears, not to create the world, but to break the Law through the literature he wrote, and he ultimately did this through verbal associations, not within God’s name, but within his name,⁹ or in any name or verbal expression.

Kafka’s Method of Writing through Verbal Associations

Kafka wrote in a diary entry: “Wenn ich wahllos einen Satz hinschreibe z.B. Er schaute aus dem Fenster so ist er schon vollkommen” (*Tagebücher* 30). Whatever else Kafka meant by this, it is certainly possible to interpret it as a statement on his writing method, one in which a complete text develops through the writing of a random verbal expression. Support for such an interpretation, and its clarification, appears to be found in the numerous studies on Kafka’s writing method, such as that of Oliver Jahraus in his multifaceted book *Franz Kafka*. For Jahraus, Kafka’s ideal text develops out of itself: “Der entscheidende Wert besteht darin, dass die zu erzählende Geschichte sich von selbst entwickelt” (72). The text most often used to demonstrate this writing style is the short story “Das Urteil” (1912), which Kafka described as

⁹ Gustav Janouch, who is most famous for his documented conversations with Kafka, also recalled, for example, a comment made by Kafka, in which he appears to find himself defined through Czech associations in his name: “‘Ich bin ein ganz unmöglicher Vogel [...] ich bin eine Dohle- eine kavka’” (36).

his greatest success and which he wrote in a single night: “Diese Geschichte ‘Das Urteil’ habe ich in der Nacht vom 22 zum 23 von 10 Uhr abends bis 6 Uhr früh in einem Zug geschrieben” (*Tagebücher* 460). A few highly renowned Kafka scholars, such as Malcolm Pasley, Clayton Koelb, and Stanley Corngold, have linked this writing method of Kafka with a keen eye for discovering the associations in language. For these scholars, Kafka’s texts develop out of themselves because isolated words and verbal expressions carry within themselves vast networks of associations, and they have recognized a direct affinity between the fictional structures of Kafka’s narratives and the verbal structures that name them. Likely beginning with Günther Anders (*Kafka—Pro und Contra*, 1951), who links key images and events in a few of Kafka’s narratives with a literalization of the metaphor, these scholars typically associate the fictional world in Kafka’s narratives with the broad spectrum of associative language. Malcolm Pasley, for example, writes that Kafka’s texts are driven, to some extent, by subtle word play that references real people and events outside of the text, in the way that “der *frühere Kommandant*,” in Kafka’s “In der Strafkolonie,” might reference *Franz Kafka*. Pasley writes: “[Kafka geht] über Wortspiele und verdeckte Redefiguren [hinaus] und [bezieht] sich stillschweigend auf wirkliche Gegenstände, Personen, oder Ereignisse außerhalb des Textes” (68). For Clayton Koelb, Kafka’s texts are often centered, not just in a literalization of the metaphor, as with Anders, but in the equal possibility of literalization and figuration in the use of metaphor. Koelb writes: “Kafka draws the reader’s attention to the possibility of slippage between literal and figurative uses [of metaphor]” (117). To illustrate this, Koelb refers, for

example, to one of Kafka's parable-like short stories that Max Brod published posthumously under the title "Der Kreisel" about a philosopher who fails to understand a spinning top. For Koelb, the philosopher's failed attempt at understanding is rooted in an attempt to read the metaphor *begreifen* ("to understand"):

The paradox of [the philosopher's] situation, which ultimately turns his hope into nauseated despair, is that the act of grasping the spinning top cannot give him a grasp of it; *begreifen* (in the literal sense) positively excludes *begreifen* (in the figurative sense) because of course the act of grasping the top causes it to stop spinning, to become nothing more than a "silly piece of wood" of no philosophical interest. (118)

Much like Koelb with Kafka's philosophic insight, Stanley Corngold appears to locate much of Kafka's legal insight, including the development of the legal structures in his fictional narratives, within all the tensions of metaphoric language, including historical, literal, and figurative tensions. Corngold writes, for example:

Kafka perceives that the apparent harmlessness of metaphors in common usage conceals the struggle of wills to make words mean one thing rather than another. In organizing stories around the effort to interpret image-words and concept-words advantageously, in making culpability and even death the cost of failure in this effort, Kafka dramatizes the severity of the struggle [...] The

imposition of meaning naturally involves force [and] this struggle rages in the hero: he is the arena of contesting interpretations of the metaphor [...] (*The Necessity of Form* 95)

As Stanley Corngold appears to demonstrate, Franz Kafka, a philosopher of the Law and writer of legal myths, was also a verbal analyst, who developed these myths out of associations in language.

The Thesis and Method of Reading Franz Kafka's "In der Strafkolonie"

While a few well-respected Kafka scholars, like Clayton Koelb and Stanley Corngold, have linked Franz Kafka with a writing method through which he developed the fictional world of his narratives out of associations in language, the studies or readings of these scholars are, for the most part, highly theoretical and not supported by extensive close reading.¹⁰ They are often rooted in abstract, linguistic concepts and, when practically applied to Kafka's texts, they remain general in focus and are never restricted to the fullness and complexity of any specific text. Stanley Corngold's study, in *Franz Kafka: The Necessity of Form* (1988), for example, begins with modern linguistic concepts and twentieth century language philosophy, e.g., the metaphoric nature of language,¹¹ and ultimately ends with theories of Kafka's writing method,

¹⁰ See, for example, Clayton Koelb, *Kafka's Rhetoric: The Passion of Reading*, and Stanley Corngold, *Franz Kafka: The Necessity of Form*.

¹¹ Referencing, for example, the modern philosophies of Fritz Mauthner and Friedrich Nietzsche, Corngold writes of the loss of *Urbedeutung* within the virtually infinite conjunction of man-made, historical images in any given word:

not so much in the practical demonstration of it. Corngold clearly regards two of Kafka's most famous short stories, "Die Verwandlung" and "Das Urteil" (1912), as unique metaphoric developments, particularly in the extent to which this is the case. He writes, for example:

"The Judgment" is all in all remarkable in Kafka's *oeuvre* for the extent to which it is informed by metaphor. It is about the way the metaphor of judgment is read, but more, it is an enactment of the stakes in the judging of metaphors as such [...] with the result that it will make sense to see father and son as seeking to destroy one another by literalizing the open figure that the other is (*Necessity of Form* 97).

However, Corngold's study does not include full interpretations of these stories, as metaphoric developments. His interpretations are based in isolated readings of a few specific metaphors or words, as they relate to narrow areas of these texts, such as the metaphor *das Urteil* ("judgment"), as it relates to certain aspects of the hostile relationship between Georg Bendemann and his father in Kafka's "Das Urteil." In short, Corngold never attempts in his study to apply the full spectrum of associative language to a full reading of "Die Verwandlung" or "Das Urteil."

"Words act as semiotic memorials to a history of usages held to be similar; words fold together implications made cognate by human wills" (*Franz Kafka: The Necessity of Form* 93).

While no full reading of any of Kafka's fictional narratives through verbal associations is included in the studies of scholars such as Clayton Koelb and Stanley Corngold, "In der Strafkolonie" appears to be one of the most neglected narratives in these studies. Clayton Koelb leaves the story entirely out of his study, and while Stanley Corngold mentions the story briefly, he only does so in referencing the contribution of Günther Anders, who claimed that Kafka's literal reading of a single figure of speech, *Am eignen Leibe etwas erfahren* ["To feel it with your own body"], was the inspiration behind the story (Corngold 50). It is strange that scholars such as Koelb and Corngold have not studied Kafka's "In der Strafkolonie" more extensively with regard to its verbal associations. This is particularly true because among Kafka's major short stories, including the two more famous *contemporaries* "Das Urteil" and "Die Verwandlung," "In der Strafkolonie" stands alone in the centrality and extent of its language themes, and many scholars have approached the story in this respect, focusing their studies almost exclusively on the verbal images and events in the fictional story. Indeed, though it is one of Kafka's most abstract and ambiguous legal stories, "In der Strafkolonie" is also a language story, structured around verbal expressions and interpretations of the Old Law. The story is set in a penal colony, and its plot essentially consists in the legal explanations of the Officer of the Penal Colony to the visiting Traveler, who interprets and judges these explanations. The Officer, who continues to follow the Old Commandant, presents the Old Law to the Traveler within the specific case of the Condemned Man. This Old Law appears to consist in the sole commandment to honor superiors and in a single judgment: the certainty of guilt.

Those who are guilty under the Old Law are to be executed under a machine that slowly inscribes the commandment, written as a legal document in intricate signs by the Old Commandant, deep into their flesh. The condemned men are to interpret this commandment as wounds on their body or as they die. According to the Officer's explanations, however, the Old Law is no longer followed under the influences of the New Commandant. Supporters are in hiding, and in voicing their allegiance, they utter ambiguous expressions. Furthermore, instead of one judge and a single judgment, as under the Old Commandant, the new courts, under the New Commandant, consist of many judges. The Officer desires the Traveler's verbal support against the New Commandant and his influences, but for the Traveler the Old Law and execution procedure is inhumane and unjust. Soon after the Traveler voices his judgment to the Officer, the Officer frees the Condemned Man and places himself under the execution machine. The story essentially ends as the Officer is killed and the machine self-destructs.

Because the story is set in a penal colony, many scholars, such as Rainer Stach, Paul Peters, and Danilyn Rutherford, for example, understandably focus their studies of "In der Strafkolonie" in its legal imagery. Some of these scholars approach the story literally and interpret its imagery within early twentieth century or modern political contexts. Rainer Stach, a well-respected biographer of Kafka, reasonably traces the violent images in the story, for example, to WWI (557), whereas Paul Peters identifies in the story's imagery an *Urbild* of the terrifying and senseless history of European colonialism (403). The majority of scholars that interpret the story in a legal context, do so, however, allegorically and embed their studies in

abstract systems of twentieth century legal or philosophic thought, often hinting at Kafka's mythology of the absent Law in human language. Danilyn Rutherford, for example, approaches "In der Strafkolonie" from the perspective of modern legal theory and argues that the incomprehensibility of the Law both sustains it and brings about its own subversion. Axel Hecker declares the story a post-modern, philosophical history, a "*Geistesgeschichte en miniature*" (87), and claims that the destruction of the Old Commandant's execution machine in the Penal Colony signifies the deconstructive breakdown of signification in Kafka's text, "In der Strafkolonie," itself.

Equally as many Kafka scholars base their allegorically-focused studies almost exclusively on the verbal images and events in the fictional story, however. These studies are often embedded in abstract systems of twentieth century linguistic thought, and they point, more directly, to Kafka's mythology of the absent Law in human language. Clayton Koelb, in his study on Kafka's highly equivocal reading concept, identifies the execution machine, under the Old Law, as a writing and reading machine and the story's central characters as readers of verbal texts (69-108). For Koelb, reading the Old Law in the Penal Colony results in both a violent or deadly mode of reading and an antithetical human one. In a slightly veiled reference to the freed Condemned Man, under the Penal Colony's New Law, Koelb writes, for example, of the legal subject, who is now an independent reader: "This other reader, freed from the authority of the text, becomes his own authority, a monarch unto himself" (91). Richard T. Gray, in a study rooted in twentieth century deconstructive linguistic theory, identifies the

structure of the execution machine as a symbol for the three-fold structure of the verbal sign: the signified, the signifier, and the interpreter (225). For Gray, the execution machine and its breakdown signifies not just operative disjunction in the sign figuratively, but also the literal breakdown of communication between two of its interpreters, the Officer and the Traveler in the Penal Colony (233). Gray also interprets the machine and its breakdown as a figure for the actual instability in the story's narrative structure itself: "[F]luctuation in perspective enacts on the level of narrative structure, and as a consequence in the sphere of reader-response as well, the problematic of successful mediation that lies at the heart of the story" (236). In the context of scholarly research on "In der Stafkolonie," Richard T. Gray's study nicely represents the starting point from which this thesis begins. Gray's "problematic of successful mediation," between two different perspectives on the level of narrative structure, takes the form, in this thesis, of two oppositional readings of the verbal signs in Kafka's "In der Strafkolonie": A reading primarily from the perspective of the Officer under the Old Law and a reading primarily from the perspective of the Traveler under the New Law.

Because Franz Kafka's "In der Strafkolonie" is so uniquely centered in verbal images and events, and because it is one of Kafka's most-recognized language myths, it was chosen for the thesis to demonstrate the profound effect of Kafka's writing method through verbal associations on the development of a literary text. To this end, the thesis will be founded in German lexical research. The *Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm* is used particularly with regard to historical or etymological language associations. With the aid

of the *Deutsches Wörterbuch*, the main body of the thesis attempts to utilize Kafka's writing method as a reading method. Through the lens of Kafka's twentieth century language mythology, rooted in traditional Judaic language philosophy, this thesis seeks to develop the fictional world of Franz Kafka's "In der Strafkolonie" through verbal associations. Much like the studies of Stanley Corngold, though applied to an entire text, it seeks to trace the broken legal structures of the story through the tensions of associative language. Through this method, the thesis ultimately aims to re-create, for the reader as it was for the writer, a life comprised entirely of literature or a world that finds its origins in verbal associations. Much like the Officer and the Traveler, who read the intricate signs of the Old Commandant's legal documents, the reader reads the verbal associations of Franz Kafka's literary document. The legal procedures in the Penal Colony are the verbal procedures that are "In der Strafkolonie."

Because, for practical reasons, this thesis cannot include the *entire* story and all the verbal associations that have been discovered, it seeks to develop the central images and events of the narrative, beginning with the opening scene, through key associations in words and verbal expressions. While some of these associations may appear exaggerated, this is partly because the thesis seeks to utilize a writing method that looks to any and all possible associations for inspiration. In much the same way, while many of the associations may not be evident at first glance to a modern reader, it is in reading the Old Law of the Penal Colony that historical and antiquated associations are often most relevant. Following the legal transition of the Penal Colony in the narrative, particularly as it is described by the Officer to the Traveler,

the images and events of the Old Law (Chaper 1) are presented separately from those of the New Law (Chapter 2).

Chapter I: In the Penal Colony, under the Old Law

“Modern man sees his relationship downward to the animal and to the machine”-Francis A. Schaeffer¹²

“Ein erstes Zeichen beginnender Erkenntnis ist der Wunsch zu sterben”-Franz Kafka¹³

Much of Franz Kafka’s “In der Strafkolonie”¹⁴ is devoted to a machine. Not only is it the central instrument in the Penal Colony’s legal procedure under the Old Commandant, it is also the main, and at times, only *character* in the story: the Officer’s detailed explanations of the machine form the focal point of his presentation of the Penal Colony’s legal procedure to the visiting Traveler and almost fully occupy the first half of the text. From the very beginning, the Officer’s verbal explanations both underline and mimic, in this way, not only the mechanically inhumane nature of the Penal Colony’s legal procedure, but also its strongly verbal quality: the legal machine of the Penal Colony is an execution machine that is also a verbal construct; the legal procedure is a verbal process, that not only figuratively seeks to eliminate all characters from the Officer’s explanations, but it literally engraves its written laws into human bodies. The legal procedure in the Penal Colony under the Old Law, embodied in the Officer’s overwhelming

¹² *Escape from Reason* (26).

¹³ *Nachgelassene Schriften und Fragmente* (2: 116).

¹⁴ The primary text used for the thesis and from which quotes are taken directly is in the original German and found in the Kafka compilation *Drucke zu Lebzeiten*, compiled and edited by the widely-renowned Kafka scholars Wolf Kittler, Hans-Gerd Koch, and Gerhard Neumann. Henceforth, I will be referring to this actual text as “In der Strafkolonie” and to the fictional images and events in the story as in the Penal Colony.

verbal explanations of the Old Commandant's inhumane writing machine, seems to develop out of the figurative expression, "Nach dem Buchstaben des Gesetzes" ("to the letter of the law").

1.1. The Law as a Machine

The Old Law of the Penal Colony is a machine that is also a verbal construct, one that seeks to eliminate all other characters in the story or anything that might deviate from the Officer's explanations of the machine. Evidence of this can be found at the outset of the Officer's explanations in the beginning of the story, when the Traveler makes comments, not directed to the machine, but to the uniforms that he and the Officer are wearing. The Officer appears to understand these comments as nothing more than useless digression: "'Diese Uniformen sind doch für die Tropen zu schwer,' sagte der Reisende, statt sich, wie es der Offizier erwartet hatte, nach dem Apparat zu erkundigen. 'Gewiss,' sagte der Offizier [...], 'aber sie bedeuten die Heimat; wir wollen nicht die Heimat verlieren. – *Nun sehen Sie aber diesen Apparat,*' [...]" [emphasis added] (204). The Officer directs the Traveler's attention to his explanations of the machine and away from the cause of distraction, something he continues to do throughout much of the text, especially with regard to the Condemned Man and his case. When the Traveler finally manages to gain an explanation from the Officer concerning the Condemned Man's case, or the legal procedure behind the operation of the machine, the Officer seems hurried in finishing it, forcing the focus back to the machine: "'Ist nun alles erklärt? Aber die Zeit vergeht [...], und ich bin mit der Erklärung des Apparates noch nicht

fertig.’ Er nötigte den Reisenden auf den Sessel nieder, trat wieder zu dem Apparat und begann [...]” (213). As the Officer directs the Traveler’s attention away from the Condemned *Man* and to his verbal explanations of the machine, he has gestured, not just to the machine itself, but to the inhumane verbal construct that defines it. From the outset of the story in this way, the Officer’s verbal explanations to the Traveler can be associated with Kafka’s literary text to the reader. The machine, including all the legal structures and procedures in the Penal Colony, as they are later explained by the Officer, might ultimately be understood, not only as a verbal construct in the fictional sense, but as the actual verbal construct of the story. Much like the Traveler, who listens to the Officer’s explanations and observes the machine in the Penal Colony, the reader reads word associations that are “In der Strafkolonie.” These associations begin in depicting the law as a machine.

When, in the opening line of the text, the Officer refers to the machine, saying: “Es ist ein eigentümlicher *Apparat*” [emphasis added] (203), he seems to have verbally drawn attention, not just to a machine, but to a type of legal system or to a system that is fundamentally human. The term *Apparat* can be used, for instance, in an administrative or political context: “ein Verwaltungsapparat/ein politischer Apparat,” and it might also refer to a living, organ system, as in the compound noun “Herz-Kreislauf-Apparat.” Much like in the Officer’s explanations of the law to the Traveler, such tension in the term *Apparat* might allow a transition, in the reading of it, from human agencies and legal institutions to mechanical instruments.

Perhaps the clearest, and most direct, evidence of such a reading can be found in a change in the word that refers to the machine in the text. In the first third of the story, it is termed solely an *Apparat*. After the machine had been fully described by the Officer, and while he begins to demonstrate its operation, the text transitions to the more clearly mechanical term *Maschine* in referring to it: “Der Reisende hatte das Ohr zum Offizier geneigt und sah, die Hände in den Rocktaschen, der Arbeit der *Maschine* zu” [emphasis added] (220). The text’s transition from *Apparat* to *Maschine*, in naming the Penal Colony’s central legal agency under the Old Law, appears to depict an inhumane legal transition that is also a verbal transformation or a shift in the reading of words. The Old Law of the Penal Colony is a machine in the verbal sense, and its structure, or connected parts, can also be observed in word associations.

1.2. The Structure of the Machine

The structure of the Penal Colony’s machine, as the Officer presents it, is a large, tripartite one, consisting of the *Bett* [bed], the *Egge* [harrow], and the *Zeichner* [drafter] (206).¹⁵ All three parts, though individually named and structurally distinct, are also connected in multiple ways. The bed, upon which the Condemned Man lies, strapped down and naked, is the lowest part of the structure. It is covered with a cotton material, that rolls and rotates the body of the Condemned Man, and it is of the same size and chest-like shape as the upper

¹⁵ The term *der Zeichner*, like *the drafter*, typically refers to a type of human. Kafka’s text appears to reverse this association, as it refers here to a part of a machine.

drafter, to which it is connected with brass rods. Like the drafter, the bed also has its own individual battery, in large part for controlling its quivering movements that coordinate with those of the harrow. The harrow, which actually writes or engraves the law or legal text into the entire body of the Condemned Man, is made out of glass and has many needles. It is suspended between the bed and the drafter, to which it is connected by a steel band. The drafter, which contains the legal documents of the Old Commandant and is ultimately responsible for controlling the violent work of the harrow, appears to be the most impressive mechanical structure of all the parts of the machine. It is an extremely large and complex gear or wheel mechanism. Perhaps for this reason, among others, it is anointed, in words and gesture, the most important part of the machine by the Officer in his explanations to the Traveler: “‘Nun weiß ich schon alles,’ sagte der Reisende, als der Offizier wieder zu ihm zurückkehrte. ‘Bis auf *das Wichtigste*,’ sagte dieser, ergriff den Reisenden am Arm und *zeigte in die Höhe*: ‘Dort im Zeichner ist das *Räderwerk* [...]’” [emphasis added] (217).

The importance of the drafter’s wheel mechanism, as indicated by the Officer in his explanations to the Traveler, allows the wheel to nicely exemplify how the structure of the Penal Colony’s legal machine might develop through verbal associations. And indeed, the numerous legal terms that can be associated with *Rad* actually seem to mirror the many connected “gears” or “wheels” of the drafter’s wheel mechanism. For instance, one term that is closely related to *Rad* (wheel), and that is also scattered in various forms throughout the text, is *Kreis* (circle). It is a term that can be used figuratively in referring to social or political groups:

“ein politischer Kreis.” Thus, the circular formation of followers around the machine, during its procedure in the old days, appears to develop out of the literal reading of a metaphor that might refer to the followers as a group, *der Gesellschaftskreis*: “die Gesellschaft-kein hoher Beamte durfte fehlen-ordnete sich um die Maschine” (225).¹⁶ If the followers of the Old Law are a *Kreis*, in the verbal sense, they might also be a *Rad*: a circle is the form of a wheel. Through the semantic chain *Gesellschaftskreis-Kreis-Rad*, the followers of the Old Law do not just make the machine the center of their attention, nor does their behavior simply imitate forms in the machine’s drafter. They are the forms that make up the drafter. Just as the Officer attempts to do with the Traveler through his explanations, verbal connections within Kafka’s text, such as *Gesellschaftskreis-Kreis-Rad*, might inform the reader of the range of ideas of the Old Commandant, “seinen Gedanken**kreis**,”¹⁷ specifically as they relate to the parts that make up the drafter. Just as the Old Commandant’s ideas dictated the building of a legal machine with many gears or wheels,¹⁸ so too might verbal associations, such as *Gedankenkreis-Gesellschaftskreis-Kreis-Rad*.

¹⁶ Under the New Law, as the Officer anticipates it, this practice is also to be expected. The ladies of the New Commandant will *sit* in a circle, as the Traveler’s judgment concerning the Old Law is questioned, a gesture that might also mimic a metaphor that could refer to the “meeting” or “session” in which this will take place (*eine Sitzung*): “Und seine Damen werden im *Kreis herumsitzen*” [emphasis added] (229).

¹⁷ The Officer uses this phrase when referring, in the theoretical words of the New Commandant, to the Traveler’s unfamiliarity with the Old Commandant and his thought patterns upon his arrival in the Penal Colony: “Sie kannten den alten Kommandanten und seinen Gedankenkreis nicht” (228). The Officer, it appears, intends to remedy this problem by informing the Traveler of these thought patterns.

¹⁸ “Dieser Apparat [...] ist eine Erfindung unseres früheren Kommandanten” (205).

The connection between the Old Commandant and the mechanical parts of the drafter can perhaps be traced, more directly, through etymological connections within the term *Rad*. In Middle High German, it appeared in the form *rat* (*Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm* volume 14, column 35)¹⁹ and could be associated, for this reason, with the term *Rat*,²⁰ a noun that can historically refer, among other things, to various types of authority figures. It is, in a strict sense, an instruction or a directive to be followed: “im schärfsten sinne die anweisung, der man zu folgen hat” (*DW* 14, 161).²¹ Read through the association *Rat-Rad*, one that might originate in the historical, morphological transition *rat-Rad*, the Old Commandant and his legal directives *are* the wheels or moving parts of the machine that is the Old Law of the Penal Colony. This Law, as a machine, a symbol easily associated with efficiency and power, combines all such directives, into one inhumane principle.

¹⁹ Henceforth, all references to *Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm* will be given as follows (*DW* x,y) with ‘x’ referring to the respective volume and ‘y’ referring to the respective column in that volume.

²⁰ In New High German, *Rad* is also often phonetically indistinguishable from *Rat*. Perhaps Kafka, aware of the phonetic similarity of *Rad* and *Rat*, allowed the associated meanings of each word to coalesce and intermingle.

²¹ Originally referring to the physical care from authorities to their subjects, the term *Rat* became associated with the care from authority figures through their instructions or directives: “rat war die fürsorge des geschlechtsoberhauptes durch anweisung und belehrung seiner geschlechtsgenossen.” Within this context, the term *Rat* ultimately began to refer to the directives of authority figures themselves and only by extension to the milder “proposal” or “suggestion” (*DW* 14, 161).

1.3. One Principle: the Certainty of Guilt

The law or legal proceedings behind the machine and the specific case of the Condemned Man are finally, if only briefly, explained by the Officer in response to the Traveler's insistent questioning. These proceedings are, however, much like the operation of an efficient and powerful machine. The Officer, who is now the sole judge in the Penal Colony because the Old Commandant has died, does not allow legal defense, and he makes judgments according to one principle, that guilt is always certain. He says to the Traveler: "Der Grundsatz, nachdem ich entscheide, ist: Die Schuld ist immer zweifellos" (212). The Officer's principle of judgment can be seen as the development of a certain semantic combination within the term *Schuld*. It can refer, not just to a "[legal] guilt," but to a "[moral] guilt" or to "sin": "[Schuld] steht gern in Verbindung mit sünde" (DW 15, 879).²² If legal guilt is also sin, then it might be *original sin* (*Erbsünde*) and, by definition, always certain.²³ The case of the Condemned Man, which consists in an unavoidable act of guilt and in the Officer's immediate declaration of guilt, seems to turn this verbal possibility into a legal principle.

²² The term *Schuld* originally referred to a favor and to the associated debt, in both the monetary and general sense. It is within this context that it became associated, in the reverse, with an offense or a crime that demanded vengeance or retribution: "ein begangenes unrecht, das wieder gut gemacht, gesühnt werden muß" (DW 15, 879).

²³ The connection "sin"-*"original sin"* would have been one easily made by the Jewish Kafka in early twentieth century Prague, writing in a German language, strongly rooted in the Western tradition and in Judeo-Christianity.

1.4. The Condemned Man and the Simple Case

The Officer quickly explains the case of the Condemned Man to the Traveler, shortly after declaring his principle of judgment. According to the Officer, this case is as simple as all other cases: “er ist so einfach, wie alle” (212):

Ein Hauptmann hat heute morgens die Anzeige erstattet, daß dieser Mann, der ihm als Diener zugeteilt ist und vor seiner Türe schläft, den Dienst verschlafen hat. Er hat nämlich die Pflicht, bei jedem Stundenschlag aufzustehen und vor der Tür des Hauptmanns zu salutieren. Gewiß keine schwere Pflicht und eine notwendige, denn er soll sowohl zur Bewachung als auch zur Bedienung frisch bleiben. Der Hauptmann wollte in der gestrigen Nacht nachsehen, ob der Diener seine Pflicht erfülle. Er öffnete Schlag zwei Uhr die Tür und fand ihn zusammengekrümmt schlafen. Er holte die Reitpeitsche und schlug ihm über das Gesicht. Statt nun aufzustehen und um Verzeihung zu bitten, faßte der Mann seinen Herrn bei den Beinen, schüttelte ihn und rief: “Wirf die Peitsche weg, oder ich fresse dich.”- Das ist der Sachverhalt. Der Hauptmann kam vor einer Stunde zu mir, ich schrieb seine Angaben auf und anschließend gleich das Urteil. Dann ließ ich dem Mann die Ketten anlegen. (212-213)

Both the development of the Condemned Man’s case and the Officer’s judgment concerning it can be demonstrated as the product of a verbal process or reasoning. Both seem to originate, not out of something within the case itself, but out of the language of the Officer’s guiding

principle. The overall sense is that this “simple case,” or the Condemned Man’s unavoidable guilt and the Officer’s immediate judgment, flow out of a merging of associations or meanings within the term *Schuld*. For example, historically the noun *Schuld* does not only refer to “guilt” but can also be associated with *Pflicht*,²⁴ the word that is used by the Officer in referring to the duty of the Condemned Man. The Condemned Man’s guilt in attempting to fulfill his duty might be certain because the word *Schuld* means both “duty” and “guilt.” This juxtaposition in the word *Schuld* appears, at least partly, to explain the absurdly difficult responsibility and failure of the Condemned Man to wake and salute on the hour, every hour during the night. Regarding the Officer’s judgment of this case, the correlation between an accusation and a declaration of guilt might be found in the Old German morphological association between the two terms *Anschuldigung* and *Schuld*: a written accusation is a “schriftliche schult” (DW 15, 1884).²⁵ A semantic equivalency between the two terms *Anschuldigung* and *Schuld* might be derived from a historical, morphological one: *Anschuldigung* means *Schuld* because, in the past, it might have appeared that way (*schult*). Much like a rigorous application of this verbal principle to the term *Schuld*, the Officer accepts, without hesitation, the account of the captain against the Condemned Man as a statement of his guilt, and he immediately writes his sentence.

²⁴ At its origin, the term *Schuld* first denoted a duty or a service to which one is bound: “was man soll oder schuldig ist, eine verpflichtung oder eine leistung, wozu man verbunden ist” (DW 15, 1871).

²⁵ In DW 15, 1884, this is illustrated by referencing the following quote from Spittendorf: “so solten schriftliche schult und antwort gegen einander gehen” (67).

Though perhaps ultimately a further development of the Officer's principle of judgment, read through associations in the term *Schuld*,²⁶ the simplicity and specific details of the Officer's sentence in the case of the Condemned Man seem to develop, most directly, out of figurative associations in the captain's actual account of the crime. The verbal nature of the punishment fitting the crime, in this "simple" case, seems hinted at in the Officer's statement regarding his sentencing: "Der Hauptmann kam vor einer Stunde zu mir, ich schrieb seine Angaben auf und anschließend *gleich* das Urteil" [emphasis added] (213). Due to a certain double-meaning in the term *gleich*, the Officer did not just write the judgment or sentence of the Condemned Man "immediately" upon writing down the account of the captain, he also wrote both exactly the same way or "identically." And indeed, there seems to be a certain verbal equivalency between the account of the captain, regarding the Condemned Man's crime, and the Officer's judgment or sentencing of him. For example, historically and figuratively, "to fall asleep" or "to sleep" carries the sense of "to die" or "to be dead." Historically, the verb *entschlafen* literally means "einschlafen," yet figuratively it is synonymous with "sterben" (DW 3, 601). In a similar way, the figurative phrase *den letzten Schlaf tun* means "tot sein." Furthermore, because the noun *Schlag* can historically refer, not only to a violent "strike," but also to a "wunde" or a "wound" (DW 15, 316),²⁷ the implicit prepositional phrase that indicates when the Condemned Man falls

²⁶ Within the western, Judeo-Christian language framework, for example, *Schuld* is easily associated with a type of death sentence: "Denn der Tod ist der Sünde Sold" (Römer 6.23).

²⁷ In Middle High German and in early New High German the word *Schlag* often carried a stronger meaning than it does currently in New High German. It could refer not only to a "wound," but to a "deadly wound" or to a deadly wounding procedure, particularly with regard to animals: "das schlachten" (DW 15, 316).

asleep or sleeps, “at the turn of the hour” (*beim Stundenschlag*), could also be interpreted as *with an hourly wound*. Therefore, an implicit verbal form of the Condemned Man’s alleged crime of falling asleep or sleeping at the turn of the hour, *Er schläft beim Stundenschlag [ein]*, also names and seems to determine the form of his punishment.²⁸ Not only does he lie on the ground, whipped in the face, but *he will die [on a bed] with an hourly wound*: “Die ersten sechs Stunden lebt der Verurteilte fast wie früher, er leidet nur Schmerzen [...] Wie still wird dann aber der Mann um die sechste Stunde!” (219).²⁹ According to a certain reading [and writing] of this case, the Condemned Man’s crime warrants an immediate, and rather specific, death sentence. Like all men under the Old Law, however, the Condemned Man will die under the verbal process that defines the execution procedure of the Penal Colony.

1.5. The Law as an Execution

The Penal Colony’s execution procedure appears to develop, not only in the context of one specific case, but also as a consequence of the Old Commandant’s or Officer’s overall interpretation of the law. In the same way, the Old Law of the Penal Colony might be embodied, not just in a machine, but in an execution machine because a reading of legal terms dictates such an embodiment. For instance, the word *Exekution*, used by the narrator in the

²⁸ The Condemned Man is found sleeping at exactly 2:00 a.m. (“Schlag zwei Uhr”), even though he is supposed to stand and salute every hour, on the hour (“bei jedem Stundenschlag”). The Officer says: “[Der Hauptmann] öffnete Schlag zwei Uhr die Tür und fand ihn zusammengekrümmt schlafen” (213).

²⁹ The execution procedure, as the Officer fully describes it, is a twelve-hour procedure. The sixth-hour is the turning point, in which the Condemned Man apparently begins to die.

beginning of the story to signify the machine's deadly function, a procedure which the French speaking Officer will later present to the cultured Traveler (203), is derived from the Latin ex(s)ecutio. Historically, or in French, it does not necessarily imply a "Hinrichtung" or a "[deadly] execution." It might simply denote the "Ausführung einer Anordnung" or the actual "execution [of the law]" by an executive power (*Duden: Das Herkunftswörterbuch*).³⁰ This tension in the term *Exekution*, particularly through the literal German, allows the reader of it to equate executive administration with a deadly execution. Because of such readings of legal terms, the Old Law, in every legal case, appears to manifest itself in the form of an execution or in an execution procedure.

1.6. The Execution Procedure

The language Kafka uses in "In der Strafkolonie" actually appears to mimic or to anticipate the execution procedure of the Penal Colony, as it is most thoroughly described by the Officer to the Traveler, soon after presenting to him the case of the Condemned Man. One example can be found where the Officer explains the machine's initial, preparatory operation, immediately before the procedure begins. He says: "[l]st die Einstellung vollzogen, **strafft sich sofort dieses Stahlseil zu einer Stange**. Und nun beginnt das **Spiel**" [emphasis added] (214). It is not just the Officer, it seems, who describes the tightening of the machine's parts before the

³⁰ This reading is also indirectly possible through modern German. The term *Die Exekutive* refers to "the executive authority [in government]," whereas the word that signifies the function of this authority, *die Exekution*, typically refers to "[deadly] execution."

execution of the Condemned Man. The passage itself appears to perform the machine's operation for the reader. The constant repetition of the /sch/ and /s/ phonemes, if seemingly playful and free, in connection with *Spiel*, actually seems to highlight the passage's forcefully connected and tightening verbal parts, especially with regard to the firmness of the /t/ and /p/ phonemes that directly follow in *strafft*, *Stahlseil*, *Stange*, and *Spiel*. Furthermore, the connection between this preparatory operation, verbally set in motion by *straffen*, and the ultimate function of the execution machine can be accomplished through word association, namely in the verbs *straffen* ("to tighten") and *strafen* ("to discipline" or "punish"). In the same way verbally, the tightening of the machine's parts prepares the way for the punishment of the Condemned Man.

Another place in the text where Kafka's word choice appears to mimic or to anticipate the execution procedure of the Penal Colony is found where the Officer further describes the punishment of the Condemned Man in the violent functioning of the machine's harrow. The Officer says: "Zitternd sticht sie ihre Spitzen in den Körper ein [...]" [emphasis added] (215). The connection between the sharp needles of the harrow, that pierce and then penetrate into the body of the Condemned Man, and authority figures, like the Old Commandant and Officer of the Penal Colony, can be traced through the word *Spitzen*, meaning "spikes" but also referring to society's "elite" or to "the heads of government." The phonetics of the passage can also be associated with the movements of the machine, as the Officer describes them. The repetitive /z/, /s/, and /sch/ phonemes literally run "into the body" or "in den Körper" ("Zitternd sticht sie

ihre **Spitzen in den Körper** ein"). In this way, the passage appears to anticipate the experiences of the Condemned Man, both visually and phonetically, in that the reader reads and hears what the Condemned Man will feel. Much like the Old Law of the Penal Colony, both passages appear to convert the legal functions of authority into an execution procedure that punishes with spikes, quivering repetitively as they stab the body. Most importantly, this Old Law or execution procedure appears to develop, in the case of the reader of "In der Strafkolonie," out of a verbal text. In the same way in the Penal Colony, it ultimately originates in the legal documents of the Old Commandant.

1.7. The Precious Legal Documents of the Old Commandant

The Old Law of the Penal Colony, as the Officer explains to the Traveler, is preserved in the form of the Old Commandant's legal documents. There are, however, clear hints in the narrative that these contain more than simple laws or legal explanations. The Officer, for example, handles them like a sacred relic: they are not to be touched by anyone, and they are his most valuable possession. The Officer says to the Traveler: "[I]ch kann sie Ihnen aber leider nicht in die Hand geben, sie sind das Teuerste, was ich habe" (217). Most tellingly perhaps, the documents do not appear to contain a text in the traditional and written sense. The narrator describes the appearance of one of them as the Traveler unsuccessfully attempts to decipher it: "Der Reisende hätte gern etwas Anerkennendes gesagt, aber er sah nur labyrinthartige, einander vielfachkreuzende Linien, die so dicht das Papier bedeckten, daß man nur mit Mühe

die weißen Zwischenräume erkannte" (217). Its abstract image is clearly made up of lines, and yet it is not linear, one that would seemingly allow it to be interpreted in different ways. Beate Müller, for example, demonstrates one such possibility in her essay "Die Grausame Schrift." She differentiates in the legal documents of the Old Commandant both a written text and a work of visual art: "[...] [sie gehören] gleich zwei Gattungen an—nämlich Text und Graphik" (117), and she further identifies the Old Commandant's or Officer's reading of the law with the artistic quality of the document's image. Indeed, this connection is already hinted at in the narrative, when the Officer refers to the documents with a term that denotes a type of drawing: "Ich verwende noch die *Zeichnungen* des früheren Kommandanten" [emphasis added] (217).

The indecipherable complexity of the Old Commandant's legal documents might originate in an attempt to associate different, possibly conflicting, meanings within the term *Zeichnung(en)*, used to name and describe them. Morphologically, the word *Zeichnung* can be associated with a more general term for symbol that can also refer to a verbal sign, *Zeichen*, and semantically, the two are indeed related. The verb form *zeichnen*, for example, can historically signify, among other related concepts, both the writing of a verbal text and the creation of an artistic drawing:

[M]it wort oder schriftlicher darstellung dinge, zustände, menschen, charaktere beschreiben, schildern, etwas darlegen, auseinandersetzen: scribere [und] im speciellen sinne zeichnen, d. h. linien und umrisse nach einem sichtbaren oder

vorgestellten vorbilde auf papier oder eine andere unterlage bringen, so dasz ein abbild entsteht. (DW 31, 492)

When approaching the text in this way, verbal associations in the term *Zeichnung* seem to mirror the combination of the linear and figurative in the image of the documents and, at the same time, explain the Officer's otherwise absurd expectation that the Traveler read one of them, as a clear text, although it appears to be an indecipherable work of art: "'Lesen Sie,' sagte der Offizier. 'Ich kann nicht,' sagte der Reisende. 'Es ist doch deutlich,' sagte der Offizier. 'Es ist sehr kunstvoll,' sagte der Reisende ausweichend, 'aber ich kann es nicht entziffern'" (217).

The transition from an artistic drawing to a sacred text in the image of the documents can be located, not only in their abstract complexity, but also, for example, in the word that signifies the Old Commandant or their "drawer," *der Zeichner*. It can be understood as a reference to a type of godly figure. Just as the Old Law is rooted in the past, the word, if read etymologically, can correspond to the more modern "Wundertäter" or "miracle-worker," the creator of signs and wonders ("zeichnenære," DW 31, 494).³¹ It is perhaps for this reason that the Traveler assigns a type of godly perfection to the Old Commandant, immediately after hearing that he is the creator of the artistic drawings: "'Hat er denn alles in sich vereinigt? War

³¹ The verb form *zeichnen* can also refer to the miraculous actions of a godly figure: ein zeichen geben, a) von göttlicher, überirdischer einwirkung, wunder thun." It does this, while carrying the overall sense of expressing in signs or making known with signs (DW 31, 488). In the more specific sense of "to mark with a sign," the term *zeichnen* can also mean, however, "to mark [someone] with a sign" (DW 31, 492). This latter reading might partly explain why the drawings of the Old Commandant ultimately become marks on the skin of the Condemned Man. See also Section I.10. Deciphering the Documents as Wounds (pg.47).

er Soldat, Richter, Konstrukteur, Chemiker, *Zeichner*?" [emphasis added] (211). The Traveler's expressed reverence for the Old Commandant, much like the Officer's sacred handling of his drawings, can be, it seems, partly explained due to this reading of one of the terms that names or describes him, *der Zeichner*.³²

In fact, several of the Officer's references to the documents themselves, or to their content, appear to identify them as types of scripture. When the Officer refers to the legal document or law that is to be written onto the body of the Condemned Man, he says: "Dem Verurteilten wird das *Gebot*, das er übertreten hat, mit der Egge auf den Leib geschrieben," [emphasis added] (210). The law, as *Gebot*, may recall, for example, the biblical *zehn Gebote* or the Ten Commandments. Indeed, though in a strangely literal and combinatory sense, the actual law that is to be written on the Condemned Man's body, "Ehre deinen Vorgesetzten" (210), seems to reference the First and Fifth Commandments, "Du sollst keine anderen Götter neben mir haben" (2.Mose 20.3) and "Du sollst deinen Vater [...] ehren [...]" (2.Mose 20.12).

Another term that is often used in "In der Strafkolonie" when referring to the documents is *Schrift*. The Officer seems to use it in referencing both the document's form and content. He says to the Traveler, concerning it: "Es darf natürlich keine einfache *Schrift* sein [...]" [emphasis added] (217). The word *Schrift* can refer to empirical writings and scientific texts ("sämtliche Schriften Kants"), even to the most simple of manuscripts ("eine

³²Beate Müller traces this development, in a similar way, through the noun *Schöpfer*, referring to both an "artist" and to "God" (117).

Handschrift"). Yet, it can also refer to holy documents and religious writings: "die Heilige Schrift."³³ For the reader, as well as the Officer, it is only natural that this document must not be simple; the meaning of its name alone makes it this way.

1.8. Reading the Documents and Knowing Justice with Closed Eyes

The cause of the Traveler's inability to read the law or legal document that the Officer presents to him can ultimately be understood, therefore, as a false approach in deciphering a sacred scrip[ture]. The Officer, for example, expects the Traveler to read the document or to see it with his eyes, and he presents it to him from a reasonable distance, in this regard. He says to the Traveler: "[...] ich zeige sie Ihnen aus dieser Entfernung, dann werden Sie alles gut *sehen* können" [emphasis added] (217). The implication is that the Officer is going to hold the document up to the Traveler, close enough that he can see it clearly, for he had just told the Traveler that he cannot be allowed to touch it because it is too valuable. This fact, however, coupled with an unavoidable ambiguity in the passage, namely through the phrase "aus dieser *Entfernung* [zeigen]," allows it to be read in another sense, one that is inconsistent with the Officer's approach in regards the Traveler: distance is required to preserve the document, and perhaps also for seeing it clearly. This juxtaposition in the Officer's statement may be explained, among other ways, through an ambiguity in the verb *sehen*, meaning both "to see"

³³ Such a connection can also be traced through words that, though they are not explicitly mentioned in "In der Strafkolonie," clearly loom large in the text, such as *das Wort*, meaning simply "word" or "the Word" ("das Wort Gottes").

and “to understand.”³⁴ This possibility may be actualized in the verb’s associative movement from simple physical impressions, contained in the phrase “mit den Augen sehen,” to greater scientific perception and understanding, shown in figurative associations with verbs such as *wissen, erkennen, beurteilen* (“Man muß die Dinge im Zusammenhang sehen”). And yet, it can also refer to the spiritual insight of a *Seher* or *Hellseher*, a “seer, prophet, visionary.” The Traveler might not be able to see the document better from a distance, and certainly not from a great distance, but he would, according to this latter reading, understand it better. For this reason, a verbal conflict in the verb *sehen* might dictate that the Traveler cannot decipher the legal document of the Old Commandant because, under the Old Law of the Penal Colony, legal documents are not *seen* [with the eyes]; they are *understood*, meditatively and with closed eyes. This can be demonstrated, perhaps most clearly, in the Officer’s description of the old days of the Penal Colony, when the execution procedure was still strongly supported or followed:

Wie war die Exekution anders in früherer Zeit! Schon einen Tag vor der Hinrichtung war das ganze Tal von Menschen überfüllt; alle kamen nur um zu sehen [...] Vor hunderten Augen- alle Zuschauer standen auf den Fußspitzen bis dort zu den Anhöhen-wurde der Verurteilte vom Kommandanten selbst unter

³⁴ Kafka’s text also appears to play with different modes of physical sight. The Officer may hold the document up to the Traveler from a distance, so that the Traveler does not lose sight of the entire document in the details. Such an analysis goes beyond the language scope of the thesis, however, and into other twentieth century discourse.

die Egge gelegt [...] Und nun begann die Exekution! Kein Mißton störte die Arbeit der Maschine. Manche sahen nun gar nicht mehr zu, sondern lagen mit geschlossenen Augen im Sand; alle wußten: Jetzt geschieht Gerechtigkeit. (225-226)

Many of the attendees at the execution, although seemingly coming just “to see” (“alle kamen nur um zu *sehen*”) or “to watch,” ultimately came *only* “to understand” in another sense. They lay down on their faces, and with *closed eyes*, they not only understood but knew that justice was administered. Under the Old Law, as in the old days of the Penal Colony, followers decipher legal documents and know justice with closed eyes or through a meditative ritual that appears literalized in the Condemned Man’s deadly judgment.

1.9. The Undeclared Judgment of the Condemned Man

Although contained in the legal documents of the Old Commandant, the Condemned Man’s actual judgment is not embodied in a verbal text, nor is the Condemned Man to be verbally informed of it in any way. His judgment is an undeclared judgment that he will feel on his body. This is perhaps most clearly depicted in the scene where the Condemned Man illegally attempts to inform himself of the execution procedure during the Officer’s explanations to the Traveler. The Soldier, who is charged with watching the Condemned Man during the explanations, becomes sleepy and inattentive, upon which the Condemned Man moves closer to the machine and attempts, like the Officer and Traveler, to observe the harrow:

“[Der Verurteilte] hatte den verschlafenen Soldaten an der Kette ein wenig vorgezerrt und sich auch über das Glas [der Egge] gebeugt. Man sah, wie er mit unsicheren Augen auch das suchte, was die zwei Herren eben beobachtet hatten” (216). The Officer, in turn, alerts the Soldier by throwing a clod of soil at him, and in response the Soldier, upon realizing what has happened, digs his heels into the ground and violently pulls the Condemned Man back: “[Er] stemmte die *Füße* mit den *Absätzen* in den Boden, riß den Verurteilten zurück, daß er gleich niederfiel, und sah dann auf ihn hinunter, wie er sich wand und mit seinen Ketten klirrte” [emphasis added] (216). In alerting the Soldier to prevent the Condemned Man from informing himself in any way, the Officer’s actions remind the reader of his earlier declaration regarding the uselessness of verbally informing the Condemned Man of his judgment prior to the execution. The Officer says, in a French tongue that the Condemned Man cannot understand: “es wäre nutzlos, es ihm zu verkünden. Er erfährt es ja auf seinem Leib” (211). Most importantly, the expressions used to describe the Soldier, as he prepares to pull the Condemned Man back, actually appear to mimic, and in some ways to determine, the events of the narrative. It would be useless to inform the Condemned Man of his judgment, not simply because such a judgment cannot be apprehended verbally or because the Condemned Man would not understand the Officer’s French and responds better to physical force, but also, it seems, due to a reading of the words in this scene. The noun *Füße* refers to anatomical “feet” but perhaps also to “metric feet” in poetry (*Versfüße*). In a similar way, the noun *Absätze* can be read as human “heels” but also as “paragraphs” in a written work. According to these readings, as the Soldier presses his feet and

heels into the ground, he transforms the medium of language into an instrument of corporeal punishment.

1.10. Deciphering the Documents as Wounds

The Old Law and legal documents of the Old Commandant are understood, not simply with *closed eyes*, but in corporal punishment and ultimately in death. According to the Officer it is only when the Condemned Man begins to die, that he finally understands: “Die ersten sechs Stunden *lebt* der Verurteilte fast wie früher, er leidet nur Schmerzen [...] Wie still wird dann aber der Mann um die sechste Stunde! Verstand geht dem Blödesten auf” [emphasis added] (219). Deciphering the script[ure] of the Old Commandant’s legal documents requires, therefore, not so much mystical meditation, but corporal wounds. The Officer says to the Traveler: “Sie haben gesehen, es ist nicht leicht, die Schrift mit den Augen zu entziffern; unser Mann entziffert sie aber mit seinen Wunden” (219).

The term *Schrift* itself can be deciphered with wounds, particularly through indirect associations in its verb form *schreiben* (“to write”). Stanley Corngold hints at this possibility in analyzing a phrase of the Officer that refers to the wounded areas of the Condemned Man (*wundbeschriebene Stellen*). The Officer uses this phrase during his description of the execution machine’s cotton bedding. Preparing for the script[ure] to sink in ever more deeply, the cotton bedding stops the bleeding on places of the man’s body that have been written sore with wounds: “Inzwischen legen sich die *wundbeschriebenen Stellen* auf die Watte, welche infolge

der besonderen Präparierung sofort die Blutung stillt und zu neuer Vertiefung der Schrift vorbereitet" [emphasis added] (218-219). Corngold notes that the phrase *wundbeschriebene Stellen* ("places written sore") in Kafka's narrative develops out of a phonetic association with the familiar phrase *wundgeriebene Stellen* ("places rubbed sore"):

"[...] Kafka has invented a German phrase, *wundbeschriebene Stellen*. German has a similar- sounding phrase, the familiar expression *wundgeriebene Stellen*, which means, literally, "places [on the body]" (*Stellen*) that have been "rubbed" (*gerieben*) "sore" (*wund*). Kafka uses the phonic resemblance between *gerieben* (rubbed) and *beschrieben* (described, "be-written") to indicate the wounds that the writing inflicts." (Corngold, *Kafka's Collected Stories* 44)

In much the same way, the term *wundschreiben*, implied in Kafka's use of the phrase *wundbeschriebene Stellen*, might develop out of a verbal process that points to the writing procedure in the fictional narrative. Like the operation of the execution machine that combines a writing procedure and a slow, wounding procedure, the term appears to develop out of a verbal process that adds *wund* ("wound") to a verb that already creates friction or rubs [the skin], *schreiben*. The term *schreiben* can refer, in this way, to a type of inscribing, a writing with wounds that closely resembles the writing procedure in the Penal Colony.³⁵

³⁵ The most direct connection between the term *schreiben* and the writing of a scripture as wounds can be found historically in figurative expressions, particularly in those of Judeo-Christianity. If read literally, these figures express that the *Heilige Schrift* should be written through the human body. In the Bible, God says to the people of Israel, for example: "Ich will mein Gesetz geben in ihren Sinn, und in ihr Herz will ich es schreiben [...]" (Hebräer 8,

The further details of this writing procedure appears traceable, in part, through a term that generally refers to writing as a type of inscribing, *gravieren* ("to engrave").³⁶ It can mean to engrave an object, not only with an artistic drawing or with intricate patterns, but with the verbal signs of a *Schrift*: "eine zeichnung, ein ornament oder schriftzeichen in [etwas] einschneiden, eingraben" (DW 8, 2236). The same verb form also carries the historical sense of burdening a person with guilt or with a judgment: "allgemein 'belasten', mit einem gerichtsurteil, einer schuld [...]" (DW 8, 2235).³⁷ In this way, a sentence historically implicit in the Officer's judgment of the Condemned Man under the Old Law, such as *Der Mann wurde mit einem Urteil graviert* ("The man was burdened with a judgment"),³⁸ could be interpreted as "The man was inscribed with a judgment." This interpretation might partly explain why the Condemned Man literally carries his judgment as a *Schrift* of intricate patterns, inscribed into his body. Explaining this judgment to the Traveler, the Officer describes the *Schrift* as follows: "Es darf natürlich keine einfache Schrift sein; sie soll ja nicht sofort töten [...] Es müssen also viele, viele Zieraten die eigentliche Schrift umgeben; die wirkliche Schrift umzieht den Leib nur in einem schmalen Gürtel; der übrige Körper ist für Verzierungen bestimmt" (218). In this way,

10). It is possible that the violent writing procedure of Kafka's "In der Strafkolonie" developed out of a literal reading of such figures.

³⁶ Detlef Kremer has associated the verb *schreiben*, through the Greek *graphein*, with *eingravieren*: "Der Zusammenhang von 'graben' und 'schreiben' ist über das griechische 'graphein' etymologisch möglich, Schreiben ist ein Vorgang des Eingravierens" (141).

³⁷ This is a legal variation of the more general meaning of the term *gravieren*: "to lay a burden on somebody" or "to burden somebody" ("jem. etwas zur last legen, jem. (mit etw.) belasten," DW 8, 2235).

³⁸ See Section I.4. The Condemned Man and the Simple Case (pg.33).

the language that is “In der Strafkolonie,” like the script[ure] of the Penal Colony under the Old Law, can be read as words that are wounds.³⁹ It is these wounds that seem to ultimately communicate the legal message of the Old Commandant, and yet the Officer’s explanations or his words appear, on the other hand, powerless to convey it. In this way, the Officer’s explanations of the Old Law to the Traveler actually form the axis around which the Penal Colony transitions to the New Law.

³⁹ A similar connection can be found, for example, between a song and suffering. Though not explicitly found in “In der Strafkolonie,” this is a connection that Kafka appears to make, though in the reverse, in a personal confession to his friend Milena Jesenská: “Niemand singt so rein als die, welche in der tiefsten Hölle sind” (*Briefe* 1918 318). The connection Kafka appears to make between suffering and a song just as easily could have been inspired by the verbal association *Leid/Lied*, as it could have been a product of his overall experience as a writer. In fact, as Stanley Corngold has critically noted, Edwin and Willa Muir, greatly respected in the first half of the twentieth century, but also often blamed for taking liberties in Kafka translation, must have recognized this possibility and translated *Leid* as “song” in their 1938 version of Kafka’s *Amerika* (*Lambent Traces* 183).

Chapter II: In the Penal Colony, under the New Law

“Die Lüge wird zur Weltordnung gemacht”- Franz Kafka⁴⁰

“You might think love of humanity in general was safe, but it is not. If you leave out justice you will find yourself breaking agreements and faking evidence in trials ‘for the sake of humanity,’ and become in the end a cruel and treacherous man”- C.S. Lewis⁴¹

The New Law of the Penal Colony, under the authority of the New Commandant, is a human law that ultimately manifests itself in the destruction of the inhumane machine. The circumstances that surround the destruction of the machine can be seen as the ultimate consequence and literal rendering of the multitude of figurative *frictions, breaks, or tears* in the Old Law, as they are found, and appear to originate, in the Officer’s explanations to the Traveler or in verbal utterances of the Old Law. Contradictory expressions, like divisions in the Old Commandant’s authority and judgment or the many heads of the court, seem to manifest themselves as breaks in the actual structure and operation of the Old Commandant’s execution machine or, by extension, as tears in the physical body of the Officer himself. Under the New Law, men figuratively and literally “break the law” (*das Gesetz brechen*).

⁴⁰ *Der Proceß* (233).

⁴¹ *Mere Christianity* (24).

II.1. The Explanations of the Officer

The transition from the Old Law to the New Law appears to originate in the Officer's explanations to the Traveler. There are numerous occurrences during these explanations that uniquely correspond to the operation of the Old Commandant's execution machine as it writes its script[ure] on the body of the Condemned Man. These parallels, however, only serve to strengthen the impression that this New Law is fully different than the one that preceded it. It is expressed as words to the Traveler, not impressed as wounds on the body of the Condemned Man. One of these parallels between the Old Law and the New Law can be found where the narrator refers to the Officer's readiness to provide the Traveler with the most thorough explanations of the machine and its operation. The narrator says: [Der Offizier] beugte sich freundlich zu dem Reisenden vor, bereit zu den *umfassendsten Erklärungen*" [emphasis added] (214). The adjective *umfassendste*, which in this case defines the Officer's planned explanations as "most comprehensive," also carries the sense of "touching" and of "encircling." The image of the Officer, presented here, potentially corresponds exactly to the planned execution procedure of the Penal Colony's legal machine, as the Officer describes it. Its script[ure] is to be written on, and around, the *entire* body of the Condemned Man: "Es müssen also viele, viele Zieraten die eigentliche Schrift umgeben; die wirkliche Schrift umzieht den Leib nur in einem schmalen Gürtel; der übrige Körper ist für Verzierungen bestimmt" (218).

The Officer's explanations, however, are not written on the physical body of the Traveler, the way the script[ure] is to be written on the physical body of the Condemned Man.

This may be explained, in part, through a historic shift within the term that names the Officer's explanations. Etymologically, the word *Erklärung* is related to the noun *Klärung* and to the verb *klären*, meaning "to purify" or "to clarify" in both the literal and figurative sense. Within this context, the word *Erklärung* could refer to a "Verklärung" (DW 3, 876),⁴² or through the Latin to the literal "**transfiguratio**" [emphasis added] (DW 25, 654).⁴³ And yet currently, it predominately denotes a type of verbal expression or "explanation." Indeed, when the Officer explains, to the Traveler, one of the decisive moments surrounding the transfiguration of the Condemned Man under the Old Law, he appears to do so through this verbal transition. The Officer says: "Wie nahmen wir alle *den Ausdruck der Verklärung* von dem gemarterten Gesicht [...]" [emphasis added] (216). The Condemned Man's *Verklärung* ("transfiguration") is no *Ausdruck der Verklärung* ("expression of transfiguration"), much less the Officer's *Erklärung* ("explanation"). The shift from the Old Law, or from the full transfiguration of the Condemned Man's physical body in the reading of a script[ure], to the New Law, or to the Officer's verbal explanations of this transformation to the Traveler, might be a transition in how the term *Erklärung* is read: from the literal, *umfassendste Verklärung* to a figurative *Erklärung*.⁴⁴

⁴² Under "Erklärung," the DW makes reference to "Keisersb. *bilg.* 217" (Geiler von Keisersberg, *Christenlich bilgerschafft zum ewige[n] vatterla[n]d...*, 1512, 217) quoting the following in order to demonstrate a cross-referencing between *Erklärung* and *Verklärung*: "die erklerung Christi uf dem berg Tabor."

⁴³ A Latin reading is possible here because the Officer's explanations are not in German but in French (207).

⁴⁴ There are many other associations with the term *Erklärung* that appear to illuminate, in their own unique way, many of the other important images and events of "In der Strafkolonie." While they cannot all be addressed in this paper, one that is particularly relevant to the above discussion involves the noun *der Eindruck*. Much like the

II.2. Persuasive, in Part, but No Power

According to the Officer, the problem with his explanations is that they are without power. When speaking to the Traveler confidentially about the present reality of the Penal Colony and general difficulty in maintaining its execution machine, the Officer says to the Traveler: “Die *Überzeugungskraft* des alten Kommandanten habe ich zum Teil, aber seine Macht fehlt mir ganz” [emphasis added] (224). The *Überzeugungskraft*, that the Officer still at least partly possesses, potentially refers, not just to “persuasiveness” in speech or argument, but also to “power of persuasion,” even, in a certain literal sense, *power that persuades* (“*Überzeugungskraft*”). In this way, the Old Law and execution machine, which convince with ruthless power, is an image that develops out of a certain reading of this term.⁴⁵ On the other hand, when the Officer admits that he lacks the Old Commandant’s power, he might do so because another reading of the same term, in over-emphasizing “*Überzeugung(s)-*,” might lose sight of its root, “-kraft.” Like the Officer and his explanations to the Traveler under the New Law, this word is full of conviction and intent on persuasion, but with no power; it is, quite literally, unconvincing. On the semantic level, the reader shares the Officer’s surprised recognition at the end of the story, as he realizes that he has not convinced the Traveler and

transition from the Old Law to the New Law of the Penal Colony, a figurative **Ausdruck** (“expression”) excludes a literal **Eindruck** (“impression”).

⁴⁵ The image in the text that seems to develop, most directly, out of this and other associations in the term *Überzeugungskraft* can be found right before the planned execution, when the Soldier, at the command of the Officer, forcefully cuts the “tattered clothing” (*Zeug*) off the Condemned Man’s body and lifts him over it, implicitly “über das Zeug” (220). According to a certain literal reading, the Officer has convinced the Condemned Man of the Law or Truth in the fullest sense of the word: “Er hat ihn überzeugt.”

that the Traveler will not follow the Old Commandant's legal system: "'Das Verfahren hat Sie also nicht überzeugt,' sagte er für sich" (236). In a play on words, the Traveler might "hear" the words of the Officer but, unlike the Condemned Man under the Old Law, he will surely not "obey" him, the reality of which can be read in the etymological split between *hören* and *gehörchen* (DW 5, 2502).⁴⁶ In the same way, he might even "understand" the words of the Officer, but he certainly will not "follow" the Old Commandant or the procedural demands of the machine, the possibility of which can be traced through an ambiguity in the verb *folgen*.⁴⁷ The full transition to the New Law of the Penal Colony might develop out of conflicts within such terms: in German, as in English, for example, *following* verbal explanations of the Old Law is *not following* the Old Law. The New Law is, therefore, a type of verbal rebellion that breaks the law. Originating in the Officer's explanations to the Traveler, the New Law consists in the verbal expressions of [ex-] followers, voicing untruths or contradictions.

⁴⁶ The term *gehörchen* meant "to hear" or "to listen attentively" ("hören, aufmerksam hören," DW 5, 2501) before taking on its current meaning "to obey" (DW 5, 2502). The verb *hörchen* means "to listen attentively," though historically it *could have* come close to *gehörchen* in its current usage "to obey": "hörchen rührt an gehorchen, oder ist ihm in einigen stellen geradezu gleich" (DW 10, 1803). The verb *hören*, though similar in appearance and clearly related to both *gehörchen* and *hörchen*, historically contains little traces of the meaning "to obey" and currently means simply "to hear" (DW 10, 1806-1812). It is possible that the Traveler's inability to obey the Old Law in hearing about it from the Officer is rooted in this verbal separation between *gehörchen* and *hören*.

⁴⁷ The Officer says to the Traveler, for example: "Ich will nämlich den Apparat zuerst beschreiben und dann erst die Prozedur selbst ausführen lassen. Sie werden ihr dann besser *folgen* können" [emphasis added] (207).

II.3. Listening to the [Ex-] Followers in the Teahouse

According to the Officer, the consequence of his powerless and unconvincing explanations is that open followers of the Old Commandant have diminished considerably. They will no longer admit their allegiance and can instead be found in the teahouse voicing verbal expressions that are nothing more than contradictory or ambiguous utterances. He says to the Traveler:

[I]nfolgedessen haben sich die Anhänger verkrochen, es gibt noch viele, aber keiner gesteht es ein. Wenn Sie heute, also an einem Hinrichtungstag, ins Teehaus gehen und herumhorchen, werden Sie vielleicht nur zweideutige Äußerungen hören. Das sind *lauter* Anhänger, aber unter dem gegenwärtigen Kommandanten und bei seinen gegenwärtigen Anschauungen für mich ganz unbrauchbar. [emphasis added] (224)

The followers' change in behavior, as the Officer has described it, seems to be located in the language of the expression that the Officer uses in defining them. The phrase *lauter Anhänger*, which defines them as "simply followers," might be perceived in different ways as it would be articulated. Through terminal devoicing, the phrase *lauter Anhänger* might actually signify *laute Anhänger*: "pure and clear followers," in the moral and linguistic sense.⁴⁸ For the same

⁴⁸ In *DW*, there are numerous definitions and explanations for the adverb "lauter." In the given context, the 11th entry in particular seems of interest: "aus dem begriff des reinen in den des sündefreien umschlagend [...] aber auch andererseits des klaren und deutlichen, besonders in bezug auf mündlich und schriftlich geäußertes" (12, 382).

reason of terminal devoicing, the phrase that is actually articulated, though one means to say *lautere* or even *lauter Anhänger*, may be **laute** *Anhänger*: “loud followers,” also carrying the sense of “followers that speak.”⁴⁹ Consistent with the Officer’s description, the followers of the Old Law in the teahouse are no longer pure followers, and they no longer unambiguously express their allegiance because, according to a phonetic transition through terminal devoicing (*lautere-lauter-laute*), the followers in the teahouse are no longer “pure and clear followers” (*lautere Anhänger*). They are simply “loud followers” or “followers that speak” (*laute Anhänger*), voicing verbal expressions that must be contradictory or ambiguous.

The Officer associates the ambiguous expressions of the followers that are heard in the teahouse with something essential to the nature of the New Commandant and his influences. In the same way, the reader might recognize this in interpreting his name, *der gegenwärtige Kommandant*. For instance, the word *Gegenwart* is related to the noun *Gegner* and could be used, historically, in legal and communicative contexts, describing oppositional parties and verbal attacks: “wie da die gegner gegen einander handeln, redder [...], so hiesz diesz entgegenstehen beider ihre *gegenwart*” [emphasis added] (DW 5, 2285).⁵⁰ In this way, the *gegenwärtige Kommandant* or the “current commandant” can also be read as the “oppositional

⁴⁹ In DW, there are numerous definitions and explanations for the adverb “laut.” In the given context, the 5th entry seems of particular interest: “laut heiszt auch nur ausgesprochen, im gegensatz des bloszen denkens oder stummen wissens” (DW 12, 368).

⁵⁰ This legal sense of the term *Gegenwart* was derived from the original sense of a “hostile confrontation”: “die ursprüngliche bed. eines feindlichen entgegenstehens, die uns in widerwärtig noch anklingt [...]” (DW 5, 2285).

and contradictory commandant.” The oppositional influence of the New Commandant of the Penal Colony manifests itself, quite literally, in contradictory expressions. Like those of the Condemned Man, when allowed to speak, the verbal expressions of followers, under the New Commandant, cannot be truthful in the unambiguous sense.

II.4. The Lies of the Condemned Man

When the Officer refers theoretically to the consequences of interrogating the Condemned Man before convicting him, or of allowing him the opportunity to speak on his behalf, he says that the content of the Condemned Man’s speech would be nothing but a network of confusion and lies: “Hätte ich den Mann zuerst vorgerufen und ausgefragt, so wäre nur Verwirrung entstanden. Er hätte gelogen, hätte, wenn es mir gelungen wäre, die Lügen zu widerlegen, diese durch neue Lügen ersetzt und so fort” (213). The Officer’s presumption of lying on the part of the Condemned Man can, perhaps, partly be explained through associations within the term *liegen*. Historically, it was often figuratively associated, in various ways, with death. The double-verb construction *schlafen-liegen*, for example, could have meant “to be dead” (“todt sein,” DW 12, 1002). Yet, the verb *lügen* (“to tell lies”) can also appear, for example, in the Middle High German infinitive and in certain conjugations, in the same form as the current *liegen*: “gott ist nicht ein mensch, das er liege” (DW 12, 1273).⁵¹ This apparent relationship between *liegen* and *lügen* might give the impression that the Condemned Man,

⁵¹ 4 Mos. 23, 19 (DW 12, 1273).

who physically lies and dies [on a bed], under the Old Law, *must* verbally lie under the New Law.⁵²

The reason for the lies or confusion, with regard to the Officer as interrogator or questioner, can similarly be traced through an apparent ambiguity in the verb, besides *ausfragen*, that names his interrogation or his act of questioning: *Verhör* or *verhören*.⁵³ A negating effect in the prefix *ver* (***ver*hören**) might define the Officer's behavior under the Old Law, ignoring or not hearing the pleas of the Condemned Man. However, for a similar reason, it can also mean to hear falsely ("falsch, unrichtig hören"), currently seen exclusively in the reflexive "sich *verhören*" (DW 25, 584). From this verbal perspective, like that of the Officer's, it is to be expected that confusion and lies would be the only conceivable outcome in an interrogation of the Condemned Man. If he were free to speak, or to act, that speech must be untrue and those actions lawless. Under the New Law, in which the Condemned Man is freed, men break the law.

⁵² For a further analysis of the Condemned Man's death on a bed, particularly as it can be traced through figurative associations within the verb *schlafen*, see also I.4. The Condemned Man and the Simple Case (pg.33).

⁵³ In the theoretical words of the Traveler, describing the legal procedure in his home country, the Officer expresses what would be this interrogative aspect of the New Law of the Penal Colony: "Bei uns wird der Angeklagte vor dem Urteil *verhört*" [emphasis added] (229).

II.5. The Human(e) Ideals of the Traveler

The transition from the Old Law to the New Law in the Penal Colony is ultimately the transition from a mechanical law to a human law. This is perhaps nowhere more evident than at the end of the story, when the Officer frees the Condemned *Man*, shortly before the machine self-destructs: “‘Du bist frei,’ sagte der Offizier zum Verurteilten [...] Zum erstenmal bekam das Gesicht des Verurteilten wirkliches Leben” (237). The origins of this transition can be located, however, much earlier in a verbal shift, hinted at in the thoughts of the Traveler regarding the Old Law. When the Traveler privately considers his role in intervening against the Old Law’s legal procedure, he thinks to himself: “Die Ungerechtigkeit des Verfahrens und die Unmenschlichkeit der Exekution war zweifellos” (222). Though in a more specific form, the Traveler’s thoughts have expressed exactly what the Officer had voiced earlier, when defining his principle of judgment under the Old Law: “Die Schuld ist immer zweifellos” (212). The difference appears to lie in the Traveler’s specific interpretation of an otherwise general concept: he assigns undeniable guilt, not to everything, or to men as the Officer does, but to a machine. Ultimately, the Traveler’s ability to define the machine’s procedure as inhumane, and to absolutely justify its replacement with a human one, is the result of his understanding of the law, one that might develop out of an opposition in the terms *unmenschlich* and *menschlich*. Just as there is nothing inherently violent in the term *Exekution*, as demonstrated earlier,⁵⁴ the adjective *unmenschlich*, while typically signifying “inhumane,” actually only negates the human

⁵⁴ See Section I.5. The Law as an Execution (pg.36).

quality of its root, *Mensch*. Literally and historically, it simply denotes a non-human or not-human quality: “nichtmenschlich” (DW 24, 1176). In this way, the otherwise accusatory expression of the Traveler, “die Unmenschlichkeit der Exekution ist zweifellos,” could be interpreted as *the executive procedures are undoubtedly not-human*, an interpretation that might simply express the undeniably authoritative, abstract, and transcendent nature of the law or the not-human quality of a machine. That which would assign a “cruel” or “barbarous” element to the term *unmenschlich* is, from this perspective, only a secondary derivative or interpretive possibility, one that is nonetheless unavoidable in the typical or modern reading of it. For both the Officer of the Penal Colony and the reader of “In der Strafkolonie,” an inhuman law must also be inhumane. In the same way but in the reverse, a law that is *menschlich*, according to the Traveler, is not just one that is “humane,” it must also be “human,” a transition or reading that is, on the other hand, foreign to the nature of a transcendent law or to the structure and operation of a machine. Under the present authority and practice of the New Commandant and modern Traveler, the law is interpreted as a human law, embodied in the form of a human legal apparatus.

II.6. The Human Apparatus

The reversal of the Old Law from a mechanical law to a human law in the Penal Colony can be seen, perhaps most directly, in places where certain human functions in the machine strangely break with its mechanical and deadly operation. While these might serve to further

highlight the machine's brutality, they also seem to hint at an equally extreme and potentially destructive transformation in its structure and operation. Under the New Law, the machine and its brutally operating parts appear to constitute a human legal apparatus of grossly functioning men. The execution machine, for instance, does not simply stab the naked Condemned Man. According to a figurative reading, it might clothe him in an absurd fashion: the script that is written as wounds on the Condemned Man's body is expressed, by the Officer, in figures that signify clothes, consisting wholly in extensive and intricate decorations. The Officer says to the Traveler: "Es müssen also viele, viele Zieraten die eigentliche Schrift umgeben; die wirkliche Schrift umzieht den Leib nur in einem schmalen *Gürtel*; der übrige Körper ist für *Verzierungen* bestimmt" [emphasis added] (218). The image of the script as clothing decorations may develop, in part, out of the word that names the sharp, writing instruments of the machine. The *Spitzen* can be read, not just as "needles," but also as a type of decorative cloth with intricate patterns ("lace"). One of the most important functions of the execution machine, *die Spitzen verzieren den Körper* ("the needles decorate the body"), might develop as an outcome of this alternative reading. The *Spitzen* of the machine place extensive and intricate decorative patterns on the body, not because they are sharp needles, but because they are lace. As already hinted at in the Officer's description of the image on the body of the Condemned Man, the transition from a dead body, naked and rent with wounds, to a living body, clothed and blanketed in ornament, might be the result of a reading of a word that names specific structures of the machine.

The clearest image of this actual transition in the law seems to be hinted at in a description of the Officer's clothes. The Officer, who like the machine is an embodiment of the law, is a human, dressed in decorated military garb. Most tellingly perhaps, in one of the few moments when the Traveler's admiration for the Officer increases, his focus remains almost entirely on this uniform:

[...] die Sonne verfiel sich allzustark in dem schattenlosen Tal, man konnte schwer seine Gedanken sammeln. Um so bewundernswerter erschien ihm der Offizier, der im engen, parademäßigen, mit Epauletten beschwerten, mit Schnürren behängten Waffenrock so eifrig seine Sache erklärte [...] (206)

Indeed, the Officer's decorated uniform, as admired by the Traveler, might partly originate in a creative manipulation and interpretation of his linguistic body or his name, *Offizier* ("an officer, whose glory consists in decorations").⁵⁵

Just as the Officer's legal procedure does not simply stab the Condemned Man but might clothe him, it also does not simply kill him. One of the most important aspects of its operation strangely consists, for instance, in feeding him. The Condemned Man can eat whenever he desires, during the execution. The Officer says to the Traveler: "Hier in diesen elektrisch geheizten Napf am Kopfende wird warmer Reisbrei gelegt, aus dem der Mann, wenn er Lust hat, nehmen kann [...]" (219). This function of the machine and the behavior it allows

⁵⁵ The noun *Zier* historically refers to "glanz, schönheit, herrlichkeit, pracht, schmuck" (DW 31, 1140).

curiously imitates, to some degree, a particularly grotesque practice of the New Commandant and seems to represent one of the primary activities of freed men under his influence. The operation of the machine, for example, is delayed because the Condemned Man was stuffed full of sweets by the ladies of the New Commandant and consequently throws up on the machine. After the Condemned Man had fully recovered, during this delay, he instinctively reaches for the food, immediately as it is made available to him: “Der Soldat hatte die Reinigungsarbeit beendet und jetzt noch aus einer Büchse Reisbrei in den Napf geschüttet. Kaum merkte dies der Verurteilte, der sich schon vollständig erholt zu haben schien, als er mit der Zunge nach dem Brei zu schnappen begann” (226-227). Such images of eating in the Penal Colony might be explained, among other ways, through the reading of a term the Officer often uses in referring to the law, *Gericht*. It carries the sense, not just of the “court,” or apparatus of legal judgment, but also of a “dish [of food].” According to this reading, the court of the Penal Colony might be something, not under which men are brutally judged, but around which men grossly eat. In the same way verbally, the operation of the legal apparatus in the current Penal Colony consists in bodily functions and human behavior or of the functions and judgments of human authorities.

II.7. The Many Heads of the Court

The human legal apparatus of the Penal Colony also manifests itself in an undermining of the Old Commandant's singular authority and principle of judgment. Certain confessions and inconsistencies in the Officer's statement on judgment point to this:⁵⁶

Ich bin hier in der Strafkolonie zum Richter bestellt. Trotz meiner Jugend. Denn ich stand auch dem früheren Kommandanten in allen Strafsachen zur Seite und kenne auch den Apparat am besten. Der Grundsatz, nach dem ich entscheide, ist: Die Schuld ist immer zweifellos. Andere Gerichte können diesen Grundsatz nicht befolgen, denn sie sind vielköpfig und haben auch noch höhere Gerichte über sich. Das ist hier nicht der Fall, oder war es wenigstens nicht beim früheren Kommandanten. Der neue hat allerdings schon Lust gezeigt, in mein Gericht sich einzumischen, es ist mir aber bisher gelungen, ihn abzuwehren, und wird mir auch weiter gelingen. (212)

Although confident in his claims that the Old Commandant's principle of judgment can be followed in the current Penal Colony because the court does not consist of various authorities and is not subject to higher courts, the Officer also appears to confess a fair amount of

⁵⁶ The Officer's statement on judgment is introduced in Chapter I, Section I.3. One Principle: The Certainty of Guilt (pg.32). In this section, the Officer is presented as the sole authority or judge with one principle under which he judges a legal case in the Penal Colony: the certainty of guilt.

uncertainty in this regard. He can only be certain that this was the case in the past and under the direct leadership of the Old Commandant.

The Officer's uncertainties appear to be grounded in the current, divided structure of the court, which can be demonstrated through apparent contradictions in the Officer's statements. For example, the Officer has not only been appointed judge in the Penal Colony by a higher authority, his failure to actually name this authority also leaves open the possibility that some other, higher authority, besides the Old Commandant, has appointed him. Furthermore, an apparent contradiction in the Officer's statement on the principle of judgment might actually separate his authority, in matters of judgment, from the higher authority that has appointed him. Instead of declaring the Old Commandant's principle of judgment, as it seems he intends to do, the Officer announces, in fact, *his* principle: "Der Grundsatz, nach dem *ich* entscheide, ist: Die Schuld ist immer zweifellos" [emphasis added] (212). Though contrary to his claims, the Officer's court, under the New Law and influence of the New Commandant, is subject to higher courts, and it consists of various authorities, only one of which is the Officer.

When the Officer describes the actual operation of this court in the *simple case* of the Condemned Man, subtle word associations also seem to contradict his closing assertion that the New Commandant and his many-headed court have not yet succeeded, and perhaps never

will succeed, in influencing his.⁵⁷ The Officer says: “Ein *Hauptmann* hat heute morgens die Anzeige erstattet, daß dieser Mann, der ihm als Diener zugeteilt ist und vor seiner Türe schläft, den Dienst verschlafen hat [...] [Er] kam vor einer Stunde zu mir, ich schrieb seine Angaben auf und anschließend gleich das Urteil [emphasis added] (212-213). If it is true, as the Officer claims, that other courts of law, or the New Commandant’s courts of law, consist of many authorities or are “*vielköpfig*,” so too is his law, according to this description. A “*Hauptmann*” is the one who experienced the violation by the servant or Condemned Man, issued the charges against him and brought them to the Officer. The term *Haupt* literally means “der Kopf” or “the human head” and seems to suggest that other *men with heads* or other *heads* are involved in the Officer’s court and not just one, as he claims. Under the New Law and influence of the New Commandant, the court of the Penal Colony is no longer a court of one authority with one legal judgment. As we will see, it is a court of many men with differing opinions.⁵⁸

⁵⁷ The case of the Condemned Man is introduced in Chapter I, Section I.4. The Condemned Man and the Simple Case (pg.33). In this case, the Condemned Man is found sleeping, although he is required to stand and salute. The case is presented to the Officer, and the Officer immediately sentences the Condemned Man to death.

⁵⁸ Historically, the term *vielköpfig* was often used in pejoratively describing the opinions of the masses and has also often been used together with figures of animals or monstrosities. In this sense, a many-headed legal court and its many judgments might be like an animalistic mob or a monstrous horde: “so wird das volk, der grosze haufe, das 'publikum,' der pöbel ein vielköpfig thier, ungeheuer u. ä. genannt [...]” (the quote makes reference to “Horaz, epist. 1, 1, 76,” DW 26, 193). This verbal coupling within the adjective might explain the second crime of the Condemned Man. He not only rebels against his captain’s orders and judgment, he literally threatens to kill him by eating him alive as a vicious animal would: “‘Wirf die Peitsche weg, oder ich *fresse* dich’” [emphasis added] (213). Like the threat of the Condemned Man, the term *vielköpfig* perhaps most clearly and grotesquely anticipates the lawless judgments of men under the New Law.

II.8. The Traveler's Authority and Judgment

The Traveler seems to function as a representative of the new authorities in the New Commandant's court, evidenced in the nature of his authority and legal judgment. He judges, not as a superior authority, but as a man with an opinion, a development that seems to originate in a reversal in how the Old Law is understood or out of a reversed reading of the law, "Ehre deinen Vorgesetzten" ("Honor thy superiors," 210). Unlike the Condemned Man under the Old Law, the Traveler only appears to understand it in obeying the forceful commands and physical demands of his *superior* Officer. When, for example, the Traveler learns from the Officer that the Condemned Man has had no opportunity to defend himself under the Old Law, he immediately stands up and says: "Er muß doch Gelegenheit gehabt haben, sich zu *verteidigen*" [emphasis added] (212), a strong physical gesture and forceful statement that might be interpreted as an attempt or willingness to "physically defend" (*verteidigen*) the Condemned Man himself. The Officer appears to understand the Traveler's gesture and remark, or the word *verteidigen*, in this way or as a physical threat, for in response to the Traveler's illegal behavior, the Officer not only "urges" the Traveler to sit down before him and to quietly listen to his explanation, but he also "forces" him to do so: "Er *nötigte* den Reisenden auf den Sessel nieder [...]" [emphasis added] (213). The Traveler, it might seem, submits to the Old Law, under which defense of the Condemned Man, in any form, is strictly forbidden and commands are physically enforced. However, there is another way to read the image. If the military Officer is forceful in standing, the intellectual Traveler, who, despite his gesture, is clearly no "military defender" but more likely a "legal [one]" (*Verteidiger*), is forceful in sitting:

he defends, not with his physical body, but with his mind and with language. Indeed, according to the literal reading of a word, the Officer has actually forced the Traveler into the seated position, not just of a legal defender, but of an even higher legal authority, who sides with the Condemned Man. As the Traveler is sitting or is seated before the Officer, his gesture might literally enact a term that names “leaders [of an assembly]” or the “superior(s)” in the Penal Colony. He has assumed the position of a *Vorsitzenden* or a *Vorgesetzten*, an absurd, verbal twist that reverses the Old Law as it makes a mockery of it. If the Condemned Man had been forced earlier to honor his superior(s), the Officer must now honor those that are seated in front of him or simply the man or any man that sits in a chair. According to a certain literal reading of a word, the Traveler is to be honored as an authority or judge in the Penal Colony.

The nature and effectiveness of the Traveler’s judgment in the Penal Colony is clearly related to his authority under the New Law but can be, it seems, most directly linked to an alternate reading of the term that refers to it (*Urteil*). The word can refer, in a Judeo-Christian context, to a “Godly judgment”: “Wenn du das *Urteil* lässest hören vom Himmel, so erschrickt das Erdreich und wird still” [emphasis added] (Psalm 76.9) and, by further verbal association, to a “Ver*urteilung*” or “conviction” that also carries the unavoidable sense of “condemnation” or “damnation.” However, it can also refer, not only to a “logical judgment,” but, in matters of taste, to a “personal opinion.” Therefore, a potentially extreme shift in the interpretation of legal judgment can already be found where the Officer declares the uselessness of voicing the

deadly condemnation to the Condemned Man under the Old Law.⁵⁹ He says to the Traveler: “Es wäre nützlich es [sein eigenes Urteil] ihm [dem Verurteilten] zu verkünden” (211). In a striking reversal, the Officer’s statement can be translated as: *It would be impractical to declare to him his own [or personal] opinion*. In this way, the transition from a judgment too powerful for words to one so personal it cannot be dictated is a shift in how the term *Urteil* is read. This reading seems to explain the Traveler’s hesitation in condemning the Officer’s legal procedure, though he is firmly convinced of its inhumanity. *Condemnation* would be impossible, if the Traveler’s stated *opinion* is no more significant than any other man: “Wenn ich eine *Meinung* aussprechen würde, so wäre es die Meinung eines Privatmannes, um nichts bedeutender als die Meinung eines beliebigen anderen [...]” [emphasis added] (230). Yet, it is precisely the Traveler’s inability to condemn that seems so destructive to the Old Law or Old Commandant’s method of legal judgment in the Penal Colony. The new superior in the court judges differently, or an unresolvable conflict in the term *Urteil* dictates, not only that the Traveler dissents in his final judgment, when he says “Ich bin ein Gegner dieses Verfahrens” (235), but that this judgment will fully reverse the Old Commandant’s or Officer’s method of judgment under the Old Law. It will free the Condemned Man and subject the Officer to a new judgment.

⁵⁹ This declaration of the Officer is introduced in Chapter I, Section I.9. The Undeclared Judgment of the Condemned Man (pg.45).

II.9. The Revenge of the Condemned Man

As soon as the Officer frees the Condemned Man, the Officer turns to the Traveler and shows him the law or legal document that is to determine the new judgment. According to the Officer, it reads “*Sei gerecht*” (“Be just,” 238). The Officer then places this document in the drafter, prepares the machine, and removes his clothes. As this time, the Condemned Man appears to notice a great reversal in the law or legal judgment in the Penal Colony. He notices that the Officer will be executed under the machine, and he views the Officer’s death as a legitimate act of revenge, likely sanctioned through an order of the Traveler:

Besonders der Verurteilte schien von der Ahnung eines großen Umschwungs getroffen zu sein. Was ihm geschehen war, geschah nun dem Offizier. Vielleicht würde es bis zum Äußersten gehen. Wahrscheinlich hatte der fremde Reisende den Befehl dazu gegeben. Das war also Rache. Ohne selbst bis zum Ende gelitten zu haben, wurde er doch bis zum Ende *gerächt*. [emphasis added] (241)

A phonetic association in the law or legal document that the Officer reads aloud to the Traveler, appears to determine the judgment in this way. The command *Sei gerecht* (“Be just”) might be phonetically perceived as *Sei gerächt* (“Be avenged”). In a phonetic sense, the command to be just is much like an order to be avenged. The Condemned Man might experience the Traveler’s judgment as an order for revenge on his behalf, and he might witness the Officer’s execution instead of being executed himself, due to this particular association in the command *Sei gerecht*. It is this reading that might also, at least partly, explain the extreme

reversal in judgment under the New Law or the destructive and brutal nature of the Officer's execution.

II.10. The Destruction of the Machine and the Death of the Officer

Many of the central images surrounding the destruction of the machine, during the Officer's execution at the end of the story, appear to develop out of earlier verbal associations, some of which can be directly linked to the Traveler, as the representative of the New Law under the New Commandant. One particularly clear example can be found where the Condemned Man is being strapped into the machine and prepared for what is supposed to be his execution. When the Condemned Man lifts his only free arm and points unknowingly in the Traveler's direction, the wrist strap that is being secured to his other arm tears:

[Der *Verurteilte*] streckte, während der Soldat mit seiner rechten Hand
beschäftigt war, die linke aus, ohne zu wissen wohin; es war aber die Richtung,
wo der Reisende stand [...] Der Riemen, der für das Handgelenk bestimmt war,
riß [...] [emphasis added] (220-221)

This scene is particularly revealing, in that it appears to foreshadow the later destruction of the machine as a consequence of the Traveler's authority and judgment. Most importantly, it appears to develop entirely out of words that refer to the Traveler. For instance, the machine's wrist strap might tear because when the Condemned Man points to where the Traveler stood,

he also directs the reader, not just to the Traveler himself, but to his name and to a phonetic association within his name: to “der Reisende” and to the homophone, *der Reißende* (“the man who tears”).⁶⁰ In this verbal sense, the Penal Colony’s execution machine tears, and is ultimately destroyed, because the Traveler, or *the man who tears*, declares himself an enemy of the Old Commandant’s legal procedure: “Ich bin ein Gegner dieses Verfahrens” (235).

The Officer’s brutal death under the machine, as it is destroyed, can likewise be traced through verbal associations. This is perhaps most clearly the case with one of the final images of the story, in which the Officer’s forehead is split with the large iron spike of the execution machine: “[...] durch die Stirn ging die Spitze des großen eisernen Stachels” (246). The image appears to originate in a figure used by the narrator in expressing the Traveler’s hopes in the New Commandant and his intentions for the Penal Colony. The narrator says: “[Der Reisende] setzte einige Hoffnung auf den neuen Kommandanten, der offenbar, allerdings langsam, ein neues Verfahren einzuführen beabsichtigte, *das dem beschränkten Kopf dieses Offiziers nicht eingehen konnte*” [emphasis added] (214). Though, in the figurative sense of the narrator’s expression, the New Commandant’s procedure could not enter “the narrow mind of the Officer” (*dem beschränkten Kopf dieses Offiziers*), in the literal sense, it could enter “the small

⁶⁰ The verb *reißen* (“to tear”) is historically related to *schreiben* and *zeichnen*, still immediately evident in terms such as *Reißbrett* and *Umriss* or in the English verb “[to] *write*” [emphasis added] (DW 14, 754). Thus, “to write” and “to draw” also carries the historical sense “to tear.” Under the New Commandant, the machine might “tear” because it “writes” or “draws.” This association might also explain how the script[ure] or drawings in the Old Commandant’s legal documents could become the “Rißwunden” of the Condemned Man (237). For a further discussion of the Old Commandant’s legal documents, see Section I.7. The Precious Legal Documents of the Old Commandant (p.39).

head of the Officer.” Ultimately, it is not the Traveler but associations in his name, and in the words signifying his thoughts and behavior under the New Commandant, which appear to determine much of the event surrounding the destruction of the machine. The legal procedure in the Penal Colony under the New Law, much like under the Old Law, is the verbal process that is “In der Strafkolonie.”

Conclusion

Scholars have consistently, and almost without exception, defined Franz Kafka's literary works as a search for the Law and pursuit of Truth. Franz Kafka's "In der Strafkolonie" is one of the most profound and ambiguous works of this type. The task of referencing its symbolism and understanding its language can seem, at times, as daunting as that of the Officer and Traveler, who search the intricate and indecipherable signs of the Old Commandant's legal documents. For this reason, the thesis only scratches the surface of an attempt to trace Kafka's search for the Law in a story to which possible scholarly approaches seem almost limitless. Axel Hecker, for example, declares the story an entire western-philosophical history, a "*Geistesgeschichte en miniature*" (87).⁶¹ If, for Hecker, Kafka's "In der Strafkolonie" is a philosophical history, it is also possible, that the story could be read from an entirely different perspective or as an Eastern philosophical history. Kafka, though a Western-European and Jewish writer, went so far as to call himself Chinese,⁶² while a few of Kafka's fragments or short stories, most notably "Beim Bau der Chinesischen Mauer" (1917), appear to be located in the Orient. According to Mark Anderson,⁶³ the central metaphors of "In der Strafkolonie" are long-

⁶¹ Through a post-modern lens, Hecker traces the Officer's religious Idealism, through the Traveler's enlightened Rationalism, to the Condemned Man's humanistic Materialism.

⁶² In May 1916, two years after writing "In der Strafkolonie," Kafka declared in a letter to Felice Bauer: "im Grunde bin ich ja Chinese" (*Briefe 1914 161*).

⁶³ Mark Anderson has approached "In der Strafkolonie" as a history of artistic decadence at the Habsburg *fin de siècle*.

known, by Kafka scholars, to have originated in Octave Mirbeau's novel of 1899, *Torture Garden*, set in China.⁶⁴ And indeed, the broken verbal imagery in "in der Strafkolonie," particularly of the destroyed writing machine at the narrative's end, is traceable to eastern philosophy. Though with no reference to Kafka, the renowned literary critic and philosopher George Steiner, writes, in a study of western and eastern philosophies of language, for example, of "the fragmentation that speech necessarily entails" in eastern philosophic theories of language (12).

However complex its images and historical associations may be, "In der Strafkolonie" also simply remains one of Kafka's twentieth century language myths, fundamentally influenced by traditional Judaic language philosophy. Like many of Kafka's myths or fictional narratives, "In der Strafkolonie" expresses "modern doubts that the law [...] can be revealed through language, at least human language" (Allen Thiher, *Fiction Refracts Science* 139). What makes this myth unique, and should also give it a more central place in Kafka's literary *oeuvre*, however, is that it can actually be read through historical associations in the German language, and in remarkable detail. For the purposes of the thesis, Franz Kafka's "In der Strafkolonie" is, not so much a German language history, but the history or the story of how Kafka and his reader interprets words. Though a few scholars have convincingly claimed this to be true, and partially documented it, for some of Kafka's major works, this is now the first of Kafka's stories

⁶⁴ Much like Kafka's "In der Strafkolonie," Mirbeau's novel tells of a French Explorer who visits an Oriental island and discovers its refined torture techniques.

that has been fully approached in this way. As was demonstrated in the thesis, Kafka's entire "In der Strafkolonie," including the setting and its central images and events, seems to be rooted in verbal associations. The fictional, bloodied and broken body of the Law on the tropical island in the Penal Colony is the actual body of the metaphor that is "In der Strafkolonie": The legal procedure in the "tropics" is also a verbal operation in "tropes" (*Tropen*), and the reader, like the central characters in the story, interprets it there. The fact that the Traveler leaves the Penal Colony at the end of the narrative, however, suggests alternative readings, which provide a mode of escape for the reader. If Franz Kafka's "In der Strafkolonie" does not control our entire life, or even remind us of its reality, at least it seems to determine our experiences as we read it. The Law of life *is* death, a Law that must be denied if we are to live. This is an inescapable fact that really gets under our skin. *Es geht uns unter die Haut*. And yet, this is, just as assuredly, not the end or the last word. There are other stories to be read. *Glaubet und wartet*.⁶⁵

⁶⁵ Franz Kafka, "In der Strafkolonie" (247)

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