

Taboo as a Means of Accessing the Law in Kafka's Works  
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In a number of Franz Kafka's works exists a totemic trend—a trend, which involves sexualized gestures carried out between exclusively male characters. The characters' gestures attempt to achieve fulfillment; however, all are stopped short. Their indefinite impotence, their inability to arrive, mocks a parallel inability on their part to penetrate the law. The mirrored relationships of Kafka's male characters with sexual fulfillment and nonphysical penetration culminate in "In The Penal Colony." This short story confirms that Kafka's male characters exist permanently as the countryman in "Before the Law"—outside of the door, unaware of and unable to access what lies beyond.<sup>1</sup> Such exclusively homoerotic relationships though ignore women. Kafka's male characters, through gestures that confirm their gender's unchanging position, leave the positioning of women to question. What Kafka eventually reveals is that if men remain indefinitely before the law, women exist outside of the law entirely. The guiltless attitudes of his female characters confirm their role as permanent outlaws.

The root of Kafka's totemic trend lies in the relationship between the law and prohibition. In his essay, "Before the Law," Derrida explains that the law is "a prohibited place."<sup>2</sup> In this way, "to *not gain access* to the law"<sup>3</sup> is "to obey the law."<sup>4</sup> Conversely, to gain access to the law would be to transgress the very law to which one is gaining access; "the law is prohibition."<sup>5</sup> Paradoxically then, what the countryman seeks is as much the law as it is prohibition—synonymous beings that exist beyond the door.

Prohibition, as a term, comes with a certain level of psychoanalytic entanglement. Sigmund Freud identifies "the two fundamental prohibitions of totemism, namely murder [specifically patricide] and incest."<sup>6</sup> Either one can be employed to access prohibition. Because the law and the prohibited are synonymous beings, both patricide and incest serve to "instate the law,"<sup>7</sup> and Kafka, as author, latches onto this fact.

While the men pursuing sexual fulfillment with one another are almost always unrelated by blood, familial roles are established through the men's relationships with authority. Within the homoerotic couple, one of Kafka's men assumes the role of the father through his ability to assert authority. He becomes the "law's representative"<sup>8</sup>; "the name of the father, that is the

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<sup>1</sup> Franz Kafka, "Before the Law," *The Complete Stories*, ed. Nahum N. Glatzer (New York: Random House, 1971) 4.

<sup>2</sup> Jacques Derrida, "Before the Law," (New York: Routledge, 1992) 203.

<sup>3</sup> Derrida 203.

<sup>4</sup> Derrida 203.

<sup>5</sup> Derrida 203.

<sup>6</sup> Derrida 199.

<sup>7</sup> Derrida 199.

<sup>8</sup> Derrida 204.

law.”<sup>9</sup> The other of Kafka’s men assumes the role of the child, the son. This character achieves his role by subjecting himself to the authority of the father figure in the relationship and acting as the receiver of guilt. The two men assume a patriarchal, father-son relationship.<sup>10</sup> As a result, the sexual gestures that are carried out between the pair take on an incestuous character. They become instances that seek the prohibited and aim to “instate the law.”

Consider, for example, the relationship Karl Rossman of *Amerika* maintains with the stoker, who uses his authoritative position to establish himself as a father figure. When naïve Karl meets the stoker, the stoker “pull[s] Karl into [his] cabin,”<sup>11</sup> which is exceedingly small. He commands the young man, “Lie down on the bed,”<sup>12</sup> and repeatedly forbids the young man from escaping. Karl obeys the stoker’s commands, fearful of transgressing, and the result is that the stoker is established as the father in the pair’s relationship.

This father role is complemented by Karl subjecting himself to the authority of the stoker, effectively defining his character as the son of the relationship. At one point, Karl notices that the stoker is losing control during his appeal to the captain. He thinks he “would have liked to catch the stoker’s flailing hands or, better still, push him into a corner so as to whisper in his ear a few soft soothing words, which no one else needed to hear.”<sup>13</sup> As such authoritative actions would cause Karl to abandon his role as the obedient son though, he resists the temptation. Instead, he takes comfort in the brawny display of the stoker.<sup>14</sup> At all times during their fleeting relationship, Karl is subordinate to the older man. He is the stoker’s son defined in terms of authoritative positioning. This is a fact later solidified by Karl doubting whether his Uncle Jakob could replace the stoker as his new caretaker.<sup>15</sup>

In the father-son relationship of Karl Rossman and the stoker, it becomes clear that the characters tease but never achieve the act of incest. To begin, phonetically, “stoker” is very reminiscent of “poker,” which is an undeniably phallic image with a similarly phallic function; he is the “living phallus, the father.”<sup>16</sup> With no one around, the stoker, who remains otherwise nameless, has young Karl in his bed with the door shut. Alone, the two men converse.

Eventually, Karl’s affection for the father-like stoker grows. Looking for a way to express his budding affection, Karl remembers the Veronese salami his mother packed in his trunk and thinks, “He would like to get his hands on the sausage so that he could bequeath it to the stoker.”<sup>17</sup> The sexual gesture implicit in Karl’s desire is not hard to find. Having developed a liking for the older man, Karl, lounging in the stoker’s bed, wishes to “bequeath” him his

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<sup>9</sup> Hélène Cixous, “Writing and the Law: Blanchot, Joyce, Kafka, and Lispector,” *Readings: The Poetics of Blanchot, Joyce, Kafka, Kleist, Lispector, and Tsvetayeva* (Minneapolis: University of Minnesota Press, 1991) 188.

<sup>10</sup> Theodor W. Adorno, “Notes on Kafka,” *Prisms*, trans. Samuel and Shierry Weber (Cambridge: The MIT Press, 1983) 271.

<sup>11</sup> Franz Kafka, *Amerika*, (New York: Random House, 2008) 4.

<sup>12</sup> *Amerika* 5.

<sup>13</sup> *Amerika* 19.

<sup>14</sup> *Amerika* 19.

<sup>15</sup> *Amerika* 34.

<sup>16</sup> Cixous 172.

<sup>17</sup> *Amerika* 8.

“sausage”—an undeniable euphemism for the phallus. More directly, Karl Rossman, the child figure in the relationship, wishes to offer his penis to the corresponding father figure. The pair’s relationship becomes at one and the same time that of a father and son and that of two gay lovers, and the combination of the familial and the homoerotic results in something incestuous.

However, Karl Rossman is never able to give the stoker his “sausage.” Before he has the chance, he is forced to say goodbye to the nameless man who is both father and lover; Karl “[weeps] as he kisse[s] the stoker’s hand and [takes] that chapped, almost lifeless hand and presse[s] it to his cheeks, like a treasure one must relinquish.”<sup>18</sup> With the goodbye of a heartbroken lover, the father and son’s fleeting relationship comes to a close. Due to their sexual nonarrival, Karl Rossman and the stoker fail to realize prohibition. Kafka’s characters fail to walk through the doorway of the law as “passably erect [people].”<sup>19</sup> Instead, the unsuccessful attempt leaves the two male characters outside of the door of law, their sexual flaccidity mirroring the slumped posture of the countryman during the end of his life.

Such incest-prone impotence is not exclusive to *Amerika* or even to this one father figure, which Karl Rossman encounters in *Amerika*. Rather, Kafka includes such unrealized acts throughout his texts. He sexualizes the “French *pas*, which is both a step and its annulment, a step not,”<sup>20</sup> that which “opens or closes.”<sup>21</sup> He transposes its paralyzing nature onto his men, having them tease but never realize sexual fulfillment. The result is a persistent lack of penetration in spite of literary foreplay; “The entrance is the very step the man does not take.”<sup>22</sup> In this way, ejaculation, the achievement of both prohibition and the law, becomes a “French *pas*”—Kafka’s “step-not.” In one instance though, Kafka allows for a step beyond the “step-not.” His short story, “In the Penal Colony,” realizes previously unfulfilled attempts to achieve prohibition.

In “In The Penal Colony,” Kafka’s gestures seem finally to come to a head. Beyond the soldier and the condemned man’s playful teasing and flirtatious games,<sup>23</sup> an ultimate gesture is carried out. This gesture occurs when the officer decides to subject himself to the machine he loves—to experience “Justice.”<sup>24</sup> As the creator and controller of the machine, the officer holds his position of authority even over this inanimate object; he is “not the real but the symbolic father,”<sup>25</sup> a creator marked as the “genetic parent.”<sup>26</sup> Enforcing this relationship, the explorer observes that the machine “obey[s] him [the officer],”<sup>27</sup> as a son does a father. Familial hierarchy established, the officer prepares for the incestuous act. He strips down until he is completely naked.<sup>28</sup> Even without his material symbols of authority, the officer’s “hand had only to approach

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<sup>18</sup> *Amerika* 32.

<sup>19</sup> Cixous 177.

<sup>20</sup> Cixous 182.

<sup>21</sup> Cixous 182.

<sup>22</sup> Cixous 182.

<sup>23</sup> Franz Kafka, “In The Penal Colony,” *The Complete Stories*, ed. Nahum N. Glatzer (New York: Random House, 1971) 162-3.

<sup>24</sup> “In The Penal Colony” 154.

<sup>25</sup> Cixous 165.

<sup>26</sup> Cixous 165.

<sup>27</sup> “In The Penal Colony” 163.

<sup>28</sup> “In The Penal Colony” 163.

the Harrow for it to rise and sink several times till it was adjusted to the right position for receiving him.”<sup>29</sup> The officer then “touche[s] only the edge of the Bed and already it [is] vibrating; the felt gag [comes] to meet his mouth...he submit[s] and receive[s] it.”<sup>30</sup>

As the machine begins, “the Bed vibrate[s], the needles flicker above the skin, the Harrow [rises] and [falls].”<sup>31</sup> The phallic needles of the machine enter the officer’s body; he receives “Justice,”<sup>32</sup> a father being incestuously penetrated by his creation, his son. However, before the officer can realize the justice he is receiving, the machine fails catastrophically. The “jabbing”<sup>33</sup> is too severe. The explorer realizes what he is witnessing “[is] no exquisite torture such as the officer desired”<sup>34</sup> but “plain murder.”<sup>35</sup> In the end, Kafka offers an image of disastrous entrance; the officer’s body spitted on the Harrow is stuck, unable to detach from the “long needles.”<sup>36</sup>

The calamitous failure of the machine to deliver “Justice” to the officer becomes the ultimate gesture of the inaccessibility of the law to man. As the officer dies prematurely, before realizing the incestuous ejaculation of the machine as he intended, Kafka’s male characters must accept that they will also die prematurely, before penetrating the law. Unlike Kafka’s male characters, the machine does not attempt to achieve prohibition through incest—for the officer and father initiates and controls the sexual gesture that occurs—but through patricide. Interestingly, it is an inanimate and nonhuman machine that achieves the prohibited in “In the Penal Colony.” Kafka, in this way, reserves the step beyond for objects, while effectively denying his male characters such access. He steals the moment of prohibition from the men he creates.

The positions of Kafka’s male characters and the inanimate, phallic object call into question one final position: Where do Kafka’s female characters exist in relation to the law? Do they exist before the law, do they walk through to the law, or do they maintain a position that up until this point has gone unmentioned?

In light of behavior that is both lawless and free of guilt, the women that exist in Kafka’s works possess a unique relationship with the law. This relationship is often characterized by sexual liberation. For example, consider the washwoman and Leni from *The Trial*. Both possess a level of promiscuity that transgresses typical relationship boundaries and rules. The washwoman, despite her husband, tempts and teases Josef K. in the empty courtroom<sup>37</sup> and is the open mistress of both Bertold, a student of the law,<sup>38</sup> and the examining magistrate.<sup>39</sup> Leni, “who

<sup>29</sup> “In The Penal Colony” 163.

<sup>30</sup> “In The Penal Colony” 162-3.

<sup>31</sup> “In The Penal Colony” 164.

<sup>32</sup> “In The Penal Colony” 154.

<sup>33</sup> “In The Penal Colony” 165.

<sup>34</sup> “In The Penal Colony” 165.

<sup>35</sup> “In The Penal Colony” 165.

<sup>36</sup> “In The Penal Colony” 165.

<sup>37</sup> Franz Kafka, *The Trial*, (New York: Random House, 1998) 61.

<sup>38</sup> *The Trial* 61.

<sup>39</sup> *The Trial* 67.

obviously happens to be the lawyer's mistress,"<sup>40</sup> does not let this relationship limit her in other sexual pursuits. She is still assumed to have relations with the lawyer's client, Block,<sup>41</sup> and does not hesitate to kiss Josef K. and lure him into adulterous acts as well.<sup>42</sup> Commenting on Leni's promiscuity, the lawyer acknowledges, "Leni finds most defendants attractive. She's drawn to all of them, loves all of them."<sup>43</sup> In this way, the washwoman and Leni—the female characters of Kafka's texts—ignore the law entirely. They do not abide by rules that the male characters recognize. Rather, they create their own system of morality. Such is displayed by their seemingly limitless promiscuity.

The ability of Kafka's female characters to create their own systems of morality calls to mind Clarice Lispector's Joana; "the little girl...does not enter into the space of fault."<sup>44</sup> In the same way, the washwoman and Leni do not "respond to the calling of the law."<sup>45</sup> These female characters instead replace existing legal systems with their own systems. The guiltlessness they display exists, because "there must be a law so it can be transgressed."<sup>46</sup> If no law is transgressed, guilt need not be instated. Kafka's female characters, like Joana, fail to recognize the laws that their male counterparts appear before, which explains how the women are able to behave both lawlessly and guiltlessly; Kafka's female characters "[do] not appear before the law."<sup>47</sup> Rather, they are "*outside the law* (...outlaw[s])."<sup>48</sup>

With Kafka's female characters established as being outlaws, the positioning of Kafka's characters in relation to the law is, for our purposes, complete. The question that remains is *Why?* Why position these three groups—men; inanimate, phallic objects; and women—in relation to the law as Kafka has?

The answer is physicality. Most traditionally, sexual fulfillment is the result of an entrance—something phallic entering the body of another. In "Before the Law," access to the law is presented as a similar gesture—walking through a doorway. Both arrivals then necessitate an entrance—be it an actual phallus or the erect posture of a man entering either a corporeal or architectural orifice. Additionally, in both cases, entrance is believed to result in something momentous. The rewards are ecstasy and enlightenment.

If the law exists behind a doorway, an entrance, it becomes most similar to the orgasm that results from penetrating a female's sexual organs. It then becomes clear why inanimate, phallic objects, which have no form other than that of a permanent erection, are the only characters in Kafka's works to achieve the law. Symbols of sexual vitality are the exclusive objects that can enter the doorway—that can achieve the orgasm that is the law.

Men though are not afforded such vitality. Male characters have trouble, because their physicality is not that of the unchangeably phallic needles of the Harrow. The old man's posture,

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<sup>40</sup> *The Trial* 109.

<sup>41</sup> *The Trial* 167.

<sup>42</sup> *The Trial* 109.

<sup>43</sup> *The Trial* 184.

<sup>44</sup> Cixous 174.

<sup>45</sup> Cixous 174.

<sup>46</sup> Cixous 175.

<sup>47</sup> Cixous 174.

<sup>48</sup> Derrida 204.

which slumps with age,<sup>49</sup> mocks the increasingly flaccid nature of men, who wait before the law. The result of such flaccidness is nonarrival. Physically, Kafka's men are barred from penetrating the law.

Women, who exist as outlaws, are without the phallus entirely. They have no means of entering the law and thus no reason to exist before it in hopes of eventually entering. Instead, women physically match the law. Their bodies are the doorway; the ecstasy of the law belongs to them. Because their physicality is that of the entrance to the law, they are empowered to "not appear before the law" but to create their own laws. This explains the lawless and guiltless behavior of the washwoman and Leni and even of Lispector's Joana. Physicality—human physicality—acts as the determiner for where Kafka positions his characters in relation to the law. Physicality is why men must wait indefinitely, and symbols of sexual vitality gain access. Physicality is why women exist outside of the law—outlaws because the law exists within them.

## Notes

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<sup>49</sup> "Before the Law" 4.