“He took all conceivable precautions against the interpretations of his writings,” wrote Benjamin about Kafka. “One has to find one’s way in them circumspectly, cautiously, and warily.” Cautious, circumspect, wary, and anti-hermeneutic is also Derrida-reads-Kafka: thus, in one breath, the way one says Derrida-reads-Celan or Derrida-reads-Shakespeare or Derrida-reads-Blanchot, each time producing a deconstructive exemplar, enacting differently the role of the philosopher-reading-literature that Derrida performed, a role that served him as a quasi-starting-point in an attempt to contend with all elements which constitute the philosophical architechttonics throughout Western tradition; a role whose fulfilment brings us closer to Derrida’s own conception of writing.

Though Derrida is not a Kafkologist, in two of his three essays on Kafka he makes the question of literature itself a central question, as if he gave this highly specific encounter between himself and Kafka a meta-literary status. Derrida’s “Before the Law” (“Devant la loi”), which discusses Kafka’s ascetic parable, juxtaposes the literary thing to a legal and a moral discussion in order to address alternately the law of literature and the narrativity of law as communicating vessels; the chapter “Literature in Secret: An Impossible Filiation” (“La Littérature en secret: une filiation impossible”), which concludes The Gift of Death [Donner la mort] and reads Kafka’s hyperbolic “Letter to His Father” (“Brief an den Vater”) in relation to the Sacrifice of Isaac, links the literary and the religious, searching after the fundamental plot of literature. In each discussion literature is embodied in secret and as a secret which is more radical than any intentional concealment of content; in each discussion literature is half described and half performed in the very philosophical text by a philosopher who declares himself, in his turn, as someone who does not want to say or, better, is unable to say. Despite the differences between these two texts and their respective protagonists, one can read them together, namely, read the one through motifs that are raised by the other. The issues of marriage, the desire for women, parasitism, and de-socialization thus pervade “Before the Law” (“Vor dem Gesetz”), while the question of the fiction of the law and the validity of the Oedipal Law gnaw at the “Letter to His Father.”

Let us first tarry with each discussion separately. Derrida chose Kafka’s German – as well as French, English, and Hebrew – idiomatic title, “Before the Law,” as his own essay’s title, a gesture seemingly unique in his writing. This choice of course joins the idiom’s repetition both in the title and at the beginning of Kafka’s text, thereby creating a non-synonymic homonymic chain, for each appearance of the same words does not carry the same semantic content. As a title that mediates between the text and the world of law, the expression “Before the Law” gives the text its proper name, attaching to it a unity and an identity which makes it classifiable. A title, Derrida argues, belongs to literature but is heterogeneous to it, while the reiteration of “Before the Law” in the parable is homogeneously assimilated to the text: it opens it and situates the characters both in the scene’s interior space – that is, before the Law, namely, at a certain distance from it (the doorkeeper turns his back, as if he were ignoring, deserting, or perhaps even transgressing the Law, while the man from the country faces both the doorkeeper and the law) – and in time, for the characters precede the law and perhaps condition it. But, as is his way, the incorporation that Derrida enacts does not relate only to the title that will occur again and be cited and mentioned throughout his text. The impressive incorporation, more effective than absorption of a sheer motif or notion of the other (such as pharmakon, trace, Shibboleth, etc.), that transpires here swallows the temporality of Kafka’s text, namely, the time of the story’s deferral: expectation, regression, aging, the différance of days and years until the man’s death. Derrida defers, at the beginning, his discussion of the parable itself – indeed, we must undertake a considerable detour until he reaches Kafka’s text – in order to postpone the discussion once again, and then to promise, time and again, that he is about to end and will continue, until the moment comes when he finally closes the text. Never has Derrida’s incorporation been so comprehensive. It seems that Kafka is totally absorbed in this melancholic friendship between two sons-brothers, a friendship that transforms, as we shall see, the Oedipal rules of the game.

Neither Kafka’s “Before the Law” nor Derrida’s discloses to what Law it refers. This silent Law might be the moral, natural, legal, or political, or, more precisely, the Law of the Law, the very notion of the Law, namely, the transcendent Law that is beyond space and time, and not the contingent phenomenal law. Derrida avoids interpreting the Law in the Jewish terms of the Tora or the Halakha. As his discussion advances, he quotes what he calls the most religious moment of Kafka’s parable: “At length his eyesight begins to fail, and he does not know whether the world is really darker or whether his eyes are only deceiving him. Yet in his darkness he is aware of a radiance that streams inextinguishably from the gateway of
the Law.”2 This is the only moment where an analogy to the Jewish Law is mentioned; this analogy is insistently raised by Kafka's door- or archive-keepers, yet here, as we shall learn, it offers no help in unveiling something that may have escaped other discourses. The analogy is presented precisely in order to expose the Holy of Holies as an empty space, which is profaned or secularized within literature's secret. The rigorous conceptual examination of the notion of the Law conducts Derrida towards Kant's idea of pure morality; the latter is an iron Law that allegedly exists from time immemorial and gains authority from its categorical neutralization of any empirical genesis which might refer, at the most, to the exterior circumstances of its revelation. The Law of “Before the Law” has never taken place. In his essay “Force of Law” Derrida will write:

The being “before the law” that Kafka talks about resembles this situation, both ordinary and terrible, of the man who cannot manage to see or above all to touch, to catch up with the law: it is transcendent [...] The law is transcendent, violent and nonviolent, because it depends only on who is before it (and so prior to it), on who produces it, founds it, authorizes it in an absolute performative whose presence always escapes him. The law is transcendent and theological, and so always to come, always promised, because it is immanent, finite, and thus already past. Every subject is caught up in this aporetic structure in advance.3

The man from the country is thus caught in this structure like everyone else, that is, in an aporia that leads him towards a voyage, both impossible and inevitable, to the origin of the Law. He fails to recognize that what he perceives as general and available to everyone is in fact singular and transcends any historical sequence. The origin is always a moment of foundation without foundation, a moment which in other contexts Derrida terms “constitutive violence”: “These are difficulties the man from the country has not expected; the Law, he thinks, should surely be accessible at all times and to everyone.”4 When sobriety comes, before a gate that was until then not closed but by the force of the doorkeeper’s words, the man’s consciousness can no longer contain the doorkeeper’s statement: “No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it.”

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For Kafka’s abstract and solitary figures, Derrida finds quasi-replicas in some of the major protagonists of modern thought, including Marx, Nietzsche, and Freud. The historicist or hermeneutical efforts to tell the history of the Law, that is, to describe an entity that pushes, in principle, any genealogical gesture, share something of the vain journey made by the man from the country. Derrida’s long detour to Freud does not ask to interpret the literary text through semantic, psychoanalytic, or philosophical contents. On the contrary, though Freud, in *Totem and Taboo* [*Totem und Tabu*] attempts to historically and narratively reconstruct the origin of moral Law, he wanders just like the man from the country. Apparently free to enter the Law, he is also forbidden to do so, by the Law. Freud invents a story that nobody experienced, the story of the murder of the primitive father, in order to explain in a phylogenetic manner the origin of the Oedipal Law’s persistence, namely, the feelings of guilt and regret which overwhelm the neurotic sons and which in their turn augment the power of the dead father. Yet for these feelings to be evoked in the first place, the Law should have already existed. In other words, morality does not generate from this hopeless crime that keeps the murdered father alive. Morality should have been possible before the crime. The sons thus transgress an already existing Law rather than giving birth to it. This quasi-event does not generate anything, since one should assume the originary guilt of the sons, a guilt not connected with any specific crime. In the end the Freudian Law is history-free as well. In inscribing the Kantian Law into history, without reducing it to history, Freud repeats the Law’s impenetrability and the unrecoverable nature of its origin. Here, as in Kafka’s story, respect for the Law or the very relation to Law means forfeiting the relation to Law, ignoring who or what or where it is. Here also the subject stands before the Law outside the Law. What seems to be a re-appropriation of the Law is revealed as a futile effort before something that in principle excludes any cognitive relation to it. The Law is neither a subject nor an object before which one stands, and this includes Freud. Scholarly discussions are both necessary and superfluous, since they enact the same incapacity. Kafka and Freud’s respective texts relate an impossible story, one that neither describes nor tells anything but itself. This is the case without, on one hand, Freud “influencing” Kafka, or, on the other, Kafka entering ipso facto an Oedipal pattern.

In fact, we experience the same paralysis before the Law and before the story, as if the Law shared with the literary object the same conditions of possibility. In this deconstruction, the Law is summoned before literature and literature is summoned before the Law, where both are simultaneously legible and illegible. Whatever the craft, erudition, or pretention of a certain nobility of interpretation, the text remains closed to reading, though illegibility, for Derrida, does not contradict legibility. The rule makers of literature, that is, the doorkeepers of the
text – interpreters, critics, editors, scholars, translators, and teachers – receive and lose their privileged authority. For no apparent hierarchy can bypass the essence without essence of the singular Law of the text, a Law which is inaccessible to all, including the author him- or herself. Literature legislates its own Law. Like the reader, it is before the Law it legislates, as a singular performance that embraces the categorical and the idiomatic. No literary text belongs to literature as a phenomenon contained within a tradition whose borders are indivisible. The work should overcome its genre in order to be itself. The man from the country, writes Derrida, does not understand that the singular crosses the universal, and thus has difficulties not only with the Law but with literature. In “Literature in Secret” Derrida will formulate this differently: “every text given over to the public space, relatively legible or intelligible, but of which the content, the meaning, the reference, the signatory and the addressee are not fully determinable realities, realities at the same time non-fictional or pure of all fiction, realities handed over, as such, by an intuition, to some determinative judgment, can become a literary thing.” The description that follows is more specific, since it engages with the literary plot: “Literature would begin there where one no longer knows who writes and who signs the account of the call, and of the ‘Here I am!’ between the absolute Father and Son.” The writer and the one who signs are undefinable, but their contours are absolute. The story, Derrida claims, is one of a call and a responsiveness between the absolute figures of father and son, which are replaceable in their very absoluteness. But to whom do the categories of writer and signatory relate? Are they characters inside the text, or do they refer to the addressor and addressee outside the text? Could the latter stay altogether undefinable? The passage from, on one hand, the abstract figures of the man from the country and the doorkeeper to, on the other, Kafka and his father complicates the picture. Moreover, it problematizes any attempt to distinguish, at least in the modern literary space beginning with the seventeenth century, between the author as an identified citizen, who signs and has legal rights, and the Orphean or Blanchotian writer; the latter is condemned by writing to de-subjectivization and expropriated from every possession, yet is afforded an infinite hyperbolic responsibility, neither ethical nor civil, in relation to the content of writing and its referent.


6 “We say Proust, but we sense that it is the entirely other who writes, not only someone else but the very demand of writing, a demand that uses the name Proust but does not express Proust, that expresses him only by disappropriating him, by making him Other.” See: Maurice Blan-
This is a story with no woman, Derrida emphasizes in *The Gift of Death*, in the chapter on the Sacrifice of Isaac. He refers also to Melville’s Bartleby, wondering whether a woman’s presence would have softened the law. One can say in the same vein that Kafka’s “Before the Law” is a story of two alienated and solitary men, with no family, a story devoid of combat for possession of the woman or the mother. It is a scene of naked life and of years of expectation which inscribe themselves on the body with no mediation, no medicine, no work, no distraction. The man from the country stops working, in a kind of Blanchotian “worklessness” [*désoeuvrement*]. In a certain sense, by approaching the Law, he ceases being a man from the country; he leaves everything behind. He stays there, even after being forbidden to enter, and does not return to his homeland. Before the Law also means outside family and genealogy. Derrida, who dedicates himself to Kafka’s abstraction, raises these motifs only indirectly, noting the increasing difference in height between the two protagonists: they create a kind of intimate encounter that blurs the borderline between the private and the public, or the infantile and the adult – the man dies as a little boy, on all fours, while the doorkeeper stands, looking down at him. De-territorialization and infantilization reveal the lining which links, for both men – who seem to share the same language and perhaps even a specular identification – between law and abjection, between the sacred and the profane.

Turning now to “Letter to His Father” means deepening what stands at the basis of Derrida’s reading of Kafka, namely, the matrix of the plot deployed between the literary and the non-literary, de-socialization, literature as a language of withdrawal – the common language of the man from the country and the doorkeeper, which links literature to secret and involves religious space and non-ethical, absolute responsibility. There is, however, something delicate and complex in this trajectory. Of course, this is not done from a psychoanalytic stance that discerns in “Letter to His Father” a key to the work of someone who apparently did not escape a hyperbolic Oedipal complex. Moreover, Derrida expropriates the letter from its context, perceiving it as a foundation to literary creation in general, albeit precisely not by way of a hermeneutic key but instead as a secret that forms its heart. He does not present a key to Kafka’s oeuvre. Interestingly, Kafka’s most autobiographical work becomes a meta-literary work. In a direction somewhat opposite to the Oedipal, which, in *Archive Fever* [*Mal d’Archive*], he elaborates for example in relation to Yerushalmi and Freud, namely, to the monologue with the Father that reproduces the Father’s score, here Derrida imagines another sce-

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nario. What was altogether omitted from his description of “Before the Law” – the motifs of the Law’s brightness, or the Gate of Law which keeps the Law’s Halls – receives apparent compensation through the affinity Derrida establishes between “Letter to His Father” and the Sacrifice of Isaac. Yet the Sacrifice is presented in turn as a narrative elaboration of the paradox of responsibility. The link with the Bible does not make Kafka Jewish. This is an affinity of literature whose Biblical origin, which indeed differs from that of the Greek epos, transcends the sacred ipso facto. Moreover, in Derrida’s reading, the Sacrifice itself, namely, the willingness to sacrifice the most dear and unique, de-sacralizes the world, constituting a moment that profanes or secularizes the Sacred Writings, a moment which is by definition emptied of sacred signification or content. In “Literature in Secret” we learn that the crucial interest posed by the Sacrifice is neither in Isaac nor in the gift of death to the son. Instead, it lies in the secret that excludes any others and any generality, in Abraham’s obligation to keep a secret no matter what. Through this affinity Derrida presents literature as a unique alliance, outside society: a locked unity betrayed by transmission, translation, interpretation and tradition. Literature generates from revelation yet necessarily both profanes and betrays it.

The connection to the Sacrifice is thus crucial. It concerns the de-socialization of Abraham the father. The son seemingly inhabits ethical generality, whereas the father, via Derrida’s curious juxtaposition of him and Bartleby, transcends ethical normalcy towards non-ethical religiosity; thus the father inhabits the heart of the aporia of Law or responsibility, a singular law destined for him alone. Abraham, unlike the man from the country, knows what literature is; he dwells within the literary element, between the general and the singular, the communicative and the silent and secretive. The father is expelled from society, addressing himself against the future, against his son, against the promise, and keeping a secret unknown to himself. In order to draw the plot of the Sacrifice closer to the “Letter to His Father,” which, given Kafka’s stance regarding the father, seems far from the Sacrifice, Derrida uses Kierkegaard’s parables from the beginning of Fear and Trembling. Kierkegaard here invents Isaac’s response to facing a secret, undecipherable father. Because Abraham is neither epic nor tragic, a genre-less Knight of Faith, Kierkegaard can imagine Isaac and redeem him from generality, in a way that can, in a sense, link him to Kafka the son. Isaac witnesses his father without his father’s knowledge, yet he is ordered to keep his father’s secret. Derrida associates between Isaac, Hamlet, Kierkegaard, and Kafka: in each of these cases, the son gives the father the right to speech, but also dictates to him what he should say in response to his (the son’s) letter. In each case, the son actually speaks to himself. It is as if Derrida were saying, following Kierkegaard – a pertinent possibility even if not explicit, given the son’s writing which releases him from ethical generality – that Isaac invents Abraham as someone who is about to sacrifice him.
Abraham never considered it, being too preoccupied with earning a living, and thus Isaac himself hallucinates the whole affair from beginning to end through his parasitic tool, namely, writing. The son is afraid of the social burden and task imposed on him, from being the son of the promise; yet what he really wants is to write – he does not want to marry, he does not wish to further his familial lineage, he does not want a commitment that does not fit his own measures. He wishes that his father would sacrifice him in order to put an end to all this, once and for all, because he experiences the very pattern of his life and its telos as a sacrifice. Isaac does not want to live; he is Abraham’s “mute,” “dry,” “doomed” son. This is the plot that Kafka seemingly formulates, a plot which is opposed to Totem and Taboo and which is written by the son, a plot whose interest is not a fight over power, women, or desire. Following this, Derrida formulates what he calls an absolute axiom: “there is in each case a sort of Letter to His Father before the event [avant la lettre] – before that by Kafka – signed by a son who publishes pseudonymously.”

To grant such a text – which was not meant to be published, and surely not as a literary work – the status of a foundational plot of literature, is a gesture that calls for explanation. If indeed this letter constitutes an autobiography – the most comprehensive one Kafka ever writes – then still, as Derrida insists, Kafka invents in it the letter his father should or could have written his son in response to it. We are facing the figure of a son who is not unlike the figure of the man from the country, a figure of someone who has failed, to use Benjamin’s expression. Benjamin describes the fathers’ corrupt world, which resembles the bureaucratic world in its degeneration and filth, but while Benjamin emphasizes the parasitism of the father who eats away at his son’s existence, Derrida speaks of the parasitism of the son who cannot marry, who is neither respectable nor strong, and who fails to compete with his father for his place: “Parasitism is the whole cause to which the son has devoted his life, everything to which he admits having unforgivably devoted his life. He has committed the error of writing instead of working; he has been content to write instead of marrying normally.” Sacrifice is here conceived as part of the father’s socialization and not as an anti-social act. Society sacrifices the parasitical sons who threaten its continuity, who stand outside ethical normalcy while unveiling it. Concerning Noah’s son Ham, who witnesses his father’s nakedness and tells his brothers, Derrida writes later in this chapter: “The fable

that we never stop recounting, the ellipse of time of every (hi)story, is also the
nudity of the father.”9

I noted that Derrida-reads-Kafka is a unique exemplar of deconstructive mel-
ancholia. Yet at the end of our short journey, we find Kafka distilling Derrida’s
Blanchotian voice, a voice crucial for understanding Derrida’s writing gesture in
general, also where he supposedly addresses worldly issues. Blanchot’s words
thus shed light on its most vital characteristics: “The work demands that […] the
man who writes it sacrifice himself for the work, become other – not other than
the living man he was, the writer with his duties, his satisfactions, and his inter-
ests, but he must become no one, the empty and animated space where the call
of the work resounds.”10

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