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AGAMBEN READING KAFKA: THE ANIMAL WAY TO PARADISE

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Abstract

The aim of this paper is to revisit the theme of paradise and animality in the work of Kafka, whilst at the same time elucidate Agamben's complex understanding of these notions with the help of the literary imagery of Kafka. In a world where many find themselves crushed by the anthropological machine, Agamben outlines an intuition Kafka had about animals, that can help humans to reconcile with their animal nature, and let them guide us back to paradise. If animals have never left paradise, and the human realm is not substantially different for the animal realm, then like the animals we have never truly left paradise but only think we did. *It is only in trying to uphold a higher, human sphere, through self-subjection and exclusion, that we leave the paradisical realm. Kafka's creatures show us the ridiculousness of these divisions between human and animals.*

Keywords: Franz Kafka; Giorgio Agamben; redemption; animals; messianism.

> *Elsa Morante [...] thought, as Kafka did, that animals were never expelled from Eden. [...] If Elsa and Kafka were right, then through animals we remain close to paradise. Given that we live in the same world, however, this means that not even we have been expelled from paradise, only that for some reason we imagine that we have been. This is why we are so hard for other animals to understand.* (Giorgio Agamben in De La Durantaye, 2013)

An Agambenian reading of Kafka

"We have a new lawyer, Dr. Bucephalus. In his outward appearance there is little to recall the time when he was the warhorse of Alexander of Macedonia." So begins Kafka's story of 'The New Lawyer,' who happens to be a horse. This horse is frowned upon by his colleagues, but tolerated. Dr. Bucephalus has shaken of the burden on his back (Alexander), and now reads old law books in quiet.

Any story of Kafka can be interpreted in multiple ways. The prominent essayist Susan Sontag has distinguished three schools of Kafka-interpretations:

political, psychoanalytical and theological (Sontag 1967). A political interpretation of 'The New Lawyer', could for example be that the story critiques Alexander's acquisitive violence. "Bucephalus [...] serenely seeks the law" (Fitzpatrick 2015). A psychoanalytical interpretation reads Kafka's work through the lens of his complex family relationships, especially his desperate fear of his father, whom he portrays as a sovereign power. In 'The New Attorney' Alexander the Great curses his father Philip, because he felt too constrained in Macedonia. A theological interpretation of the above story interprets Bucephalus as a spiritual figure who "transcends death through spiritual attainment" (Wasserman 2001). We will argue that whatever the benefits of these three schools, they do not properly thematize the complexity and paradoxical nature of the liberatory potential of his stories. One may wonder for instance why, if the point Kafka wanted to get across was to replace violence with justice, the new lawyer has to be a horse, and why is he leafing through the old books, rather than practicing the law? A transcendent theological interpretation in a similar manner does not take that into consideration, although definitely containing messianic elements, these are always ambiguous and never concrete: Bucephalus does not seem to actually do or restore something. Something has surely occurred, but what? And lastly, regarding the psychoanalytical interpretation, although this is a layer that can be found in many of Kafka's stories, it is often not the defining one.

In this paper we will work from a fourth school of interpretation, that we may call the school of 'Kafka's laughter', which focuses on the inversion at the end of Kafka's stories. Kafka was known for laughing exuberantly when his stories were read aloud at reading evenings with friends – and he was apparently the only one who did so. He had to laugh especially at those times when his main characters were suffering the most (Sternstein 2001). There is a Kafka laughter, Deleuze and Guattari claim, "[A] very joyous laughter, that people usually understand poorly" (Deleuze and Guattari 1986, 41). Against the general view of Kafka as gloomy and pessimistic, various writers like Benjamin, Rehberg, Deleuze, Guattari and Camus have argued that Kafka's work also displays optimism, hope and humour (Rehberg 2007; Benjamin 1996; Camus 1962; Deleuze and Guattari 1986). In order to grasp these joyous aspects, one should take into account the way in which the endings of Kafka´s

stories often change the whole meaning, shedding new light on what previously happened, causing the reader to immediately reread the story after it ended (Camus 1962). It is through that inversion that something redemptive occurs, and the catastrophic situations suddenly seem to point to a sort of way out. But this way out is not a standard redemption, Kafka's protagonists do not simply resist power, promote an alternate community or order. Rather the inversion has to do with opening up new perspectives and modes of engagement, liberates from the oppression so intensely fictionalized. This focus will allow allows recognition of a positive message in Kafka's protagonists, especially his animal and animal-like creatures. To bring out this message, we will interpret some of these, including Bucephalus, from the perspective of the philosophy of Giorgio Agamben, more specifically his critique of what he calls the 'anthropological machine.'

Agamben (1942), like Kafka, is famous first and foremost due to his gloomy analysis of Modernity. In 1995 Agamben published *Homo Sacer*, the book that caused his international breakthrough as a philosopher. What marks out western political power, he contends, is not so much its capacity to precure well-being for its citizens and generate a civilized model of humanity having overcome its 'wolfish' or barbarous nature, but precisely its capacity to strip life of its political qualities, abandoning it to the whims of those that remain within the realm of this same power. True sovereign power, still very much at large in democracies, lies in the authority to decide who and under what circumstances is considered civilized, worthy of rights and protection, and who is not. The life considered unworthy is regarded as bare life, easily killed, instrumentalized or ignored as it falls outside the protection of juridico-political orders (Agamben 1998). Life stripped of its political qualities can be violated without legal repercussions, "like a dog!" as Joseph K. cries out when he gets stabbed to death at the end of *The Trial.* Whereas we tend to think of situations in which people are stripped of their legal and political qualities as relatively rare, in the case of banishment, war, during a pandemic, etcetera, Agamben fears that with modernity we reach a point where virtually anybody can find oneself in the position of bare life, completely at the whim of a juridico-political order that no longer provides clear limits to its power, but in the name of ever new crises continuously redefines who and under what conditions it protects or abandons. We live, he says, in a *permanent* state of exception, uncannily like the world of Kafka.

In such a world, one can wake up with a legal officer in one's bedroom accusing you of some crime whose substantiality escapes everyone. A world in which a knock on a door can set in motion a juridical procedure nobody can control. Agamben himself has stated that Kafka is the author who has most coherently and profoundly addressed this issues (Agamben 1999c). His references to Kafka are often brief but in strategic places in Agamben's work and help to illustrate and further deepen his argument. And indeed, some scholars have traced and analyzed these affinities in political critique. However, we would like to place emphasis most of all on the *redemptive* aspects to be found in their works. Agamben not only inherits a dark vision of modernity, but also the redemptive move of Kafka – maybe even his laughter. When analyzing Agamben's references to Kafka, one notices that Agamben is strongly inspired by Kafka in finding a way out from the current political predicament. As Agamben himself states: "[I]t is a very poor reading of Kafka's works that sees in them only a summation of the anguish of a guilty man before inscrutable power" (Agamben 1995, 85). Similarly, despite his dark diagnosis, Agamben has explicitly stated that, "as his friends know," he is actually a joyful person very much concerned with happiness (Agamben 2018, 3).

In our earlier work, we have developed redemptive readings of both Kafka and Agamben [blinded for review]. In this paper, taking our cue from an interview with Agamben, we will investigate this synergy of catastrophe and redemption in the work of both authors in a new direction, namely that of animality. According to Agamben, Kafka's work shows that it is "through animals that we remain close to paradise" and "Given that we live in the same world … this means that not even we have been expelled from paradise, only that for some reason we imagine that we have been." (De La Durantaye 2013) Following this Agambenian intuition, we revisit the theme of paradise in the work of Kafka in its relation to the appearance of animal protagonists in it. What understanding of paradise is at stake in Kafka's writing, especially concerning the idea that we might never have left it? In what way do certain of his animal protagonists allow us to "remain close" to this paradise? To understand the importance of animals in light of the above diagnosis of modernity, we first outline what Agamben calls the anthropological machine. Analyzing examples from the work of Kafka, we show how the anthropological machine crushes living beings, but also how some of his stories allow for a critique and deactivation of

this machine, suggesting new ways of engaging with animality. Let us first understand the working of the anthropological machine.

The anthropological machine

One of the most striking ways in which Agamben critiques the dire condition of modern humanity, is through an analysis of the anthropological machine. This is Agamben's term for the way in which western tradition produces images, ideals and concepts of the "anthropos", the human being. Agamben shows that these images are never generated in a direct manner, based for instance on humankinds' particular characteristics, but always through artificial separations from and hierarchization with regards to animality. Law, culture, religion, and all 'civilizing' institutions in general are, from this perspective, the apparatuses that artificially separate humanity from animality, molding human life according to its definitions and protocols of a worthy human existence. As a consequence, all life that does not fit the ideal or image of a certain juridico-political order, can by that same juridico-political order 'legitimately' be considered as 'bare life' without any political or ethical value of its own and thus available for instrumentation, destruction, regulation or other forms of negation. The 'animal' is here thus one of the avatars of "bare life"', of life as it is excluded from the sphere of value, meaning, rights and protection. In *Homo sacer* Agamben's aim is to enable recognition of such exclusionary practices within modern politics at the institutional level. Hobbes' theoretic wolf-man is an example of this negative construct, and the most striking example is found of course within the nazi-propaganda that deliberately referred to Jews and other non-Arian groups as "vermin": living beings so far from the sphere of "humanity proper" that they can be legitimately destroyed without trial, guilt and remorse. In *The Open: Man and Animal*, Agamben shifts focus from effects at the institutional level to the way in which the anthropological machine equally affects the inner relation of the human living being with its own animality (Agamben 2004). The animal, if we follow the logic of the anthropological machine, is precisely what the human being, if it is to be fully human, is to negate, overcome and master. "Animality" in this sense encapsulates those aspects of human life that the human rather not see, those which it considers beneath itself, abject and lowly. Within the frame of the anthropological machine the animal constitutes, so to speak, the false start of the human who, if it is to have a chance of overcoming it, needs the help of all its institutions.

Gregor Samsa's bare animality

However, humanity can never truly leave the sphere of animality behind. Every day anew the human must prove itself as more or higher than animal, which in principle means that there is always the possibility of falling back into animality and thus becoming excluded from civilization. No matter the institutional effort, animality so to speak keeps haunting the civilized person as a dark potentiality that can strike at every time. This is what happens to Gregor Samsa, who in Kafka's famous *Metamorphosis*, awakens to find himself transformed into some species of vermin. What immediately strikes the reader is the general calm with which Gregor regards his transformation. His first response is to try and 'sleep it off,' as though all that has happened is that he simply hasn't properly awakened from his vegetative, animal state of sleep to human and conscious everyday practice. Maybe upon reawakening everything will be back to normal? Yet his new body won't let him take on the right resting position, upon which he starts pondering what might have caused his metamorphosis. Interestingly, he faults the hum-drum nature of his all-too-human job as a "company representative", with its stressful and humiliating working conditions, implying that what normal society "represents" as 'human' in fact means treating them as animals (here in a negative sense). His biggest worry seems to be that he will be unable to do his job, get fired and disappoint his parents, whose debts he wanted to pay off. It is indeed striking how stubbornly he evaluates his situation in relation the ranks and statures that make sense only within human society, but which quickly lose their meaning when regarded from an animal perspective. The story recounts how, through various stages, his family members regard him less and less as human as he fails to act in accordance with civilized expectations: he can no longer do his job and provide for the family, loses his capacity for human language, can no longer observe table manners or eat food prepared for human beings, etcetera. After some point, his human room is turned into a proper 'state of exception' in which human rules are suspended until a new way of organizing life around Gregor is arranged: his furniture is removed, except for the carpet under which he sleeps and hides when somebody enters, feeding and cleaning schema's are drafted, and so on, all to ensure the bare necessities of his survival. Slowly but surely, however, even his loving mother and sister find it harder and harder to regard him as human, or even as a sort of hybrid between animal and human, and his room is turned into a sort of dumpster for trash and other things that have lost their use. It thus becomes

painstakingly clear how much the distinction between human and animal determine their love and affection for Gregor. Various exclusionary methods ensue: denial, attempts at ignoring and repressing, violence (through threat but also literally – his father stomping on the floor around him and throwing apples at him, severely hurting him), indifference and finally the explicit negation through letting him perish in his room in silence, followed by a relieved clean-up. "I won't utter my brother's name in the presence of this creature, and so all I say is: we must try to get rid of it", his sister finally exclaims, definitively affirming Gregors transformation into bare animality. She reassures her parents not by reference to what Gregor might think about this, who is no longer considered to be there, but instead what other people may think of it (Kafka 2007, 133). Regarded only in terms of bare life, no one can accuse them of any crime or neglect with regards to what was once Gregor. One of the distressing aspects about *The Metamorphosis* is the inability of Gregor's loved ones to behold him and endure his presence. Only the cleaning lady, that is, one who is used to dealing with trash and all other things human beings try to keep out of their environment, can bare the look of him. Yet she views him without any kindness. This too is a result of the anthropological machine, determining every epoch and in every culture anew what parts of our life, our body and our activities, are considered abject an beastlike, to be shared only behind closed curtains or immediately flushed down the drain, and which are instead dignified and worthy of admiration and public display. Gregor becomes a horrendous paradigm for what the human being in fact always already is, namely 'the animal for which animality is an issue' (Abbott 2011). Taking this issue by the horns, so to speak, a new engagement with our animality is what Agamben calls for.

Animal guides to paradise

The anthropological machine, Agamben contends, is to be deactivated, its production of the human being as separate from and autonomous with regard to animality, is to be halted. Part of this task is properly philosophical, in that the machine can be truly interrupted only by exposing the faulty and circular logic at its core. Yet this task is to be accompanied by a poetic endeavor, namely to re-envision the relation between human and animal, to look the animal in the eye, and

accordingly work towards a "reconciliation of the human with its own animality."[1] In *The Open*, Agamben refers in this regard to an ancient depiction of a messianic banquet.

> Under the shade of paradisiacal trees and cheered by the music of two players, the righteous, with crowned heads, sit at a richly laid table. The idea that in the days of the Messiah the righteous, who for their entire lives have observed the prescriptions of the Torah, will feast on the meat of Leviathan and Behemoth without worrying whether their slaughter has been kosher or not is perfectly familiar to the rabbinic tradition. What is surprising, however, is … [that] beneath the crowns, the miniaturist has represented the righteous not with human faces, but with unmistakably animal heads. Here, not only do we recognize the eschatological animals in the three figures on the right— the eagle's fierce beak, the red head of the ox, and the lion's head— but the other two righteous ones in the image also display the grotesque features of an ass and the profile of a leopard. And in turn the two musicians have animal heads as well—in particular the more visible one on the right, who plays a kind of fiddle and shows an inspired monkey's face. (Agamben 2004, 1)

Whatever the right rabbinical reading of this illustration, in the Agambenian philosophical context the following stands out. In his philosophy, the Leviathan is related to the political philosophy of Hobbes, wherein it represents sovereignty. The Leviathan is, in other words, a symbol of the type of anthropos-producing power that Agamben's philosophy seeks to deactivate. The idea that the righteous feast on the Leviathan thus fits well with the vision of an ending to the anthropological machine. This reading is supported by the fact that they feast without observing the Torah-prescriptions. That is to say, they have been liberated from the meticulous protocols that were previously regarded as the way to salvation and paradise, but easily become constricting, unfree practices. This "ending" to all consecrated forms of behavior, that is, all types of behavior that are upheld as distinguishing humanity form animality, civility from barbarity, is emphasized even further by the fact that not only 'dignified' animals are hybridized with human beings, but also the "grotesque" ones. In messianic times all distinctions between sacred and profane, worthy and unworthy are rendered indifferent. Here the highest form of humanity is represented as the indifference between man and animal. And animality is depicted at precisely the place where we are used to locate the summum of humanity: the head.

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[1] "On the last day, the relations between animals and men will take on a new form, and that man himself will be reconciled with his animal nature." (Agamben 2004, 3)

From this banquet it is already clear that Agamben is not simply proposing that we accept our animality as irreducibly part of us, but also more strongly that that we seek a sort of guidance from animality. Such a reversal of the ethical hierarchy between humans and animals, is expressed clearly in an 2013 interview between Giorgio Agamben and De La Durantaye, which is of special significance for us here, as it ends with an idiosyncratic reference to Kafka's sensitivity to the redemptive quality of animals (De La Durantaye 2013). In it, Agamben shares the following anecdote:

> **GA:** The other day I was walking in the countryside, in Tuscia, and came upon a horse in a fenced meadow. It suddenly came over to me and reached its head across the wooden paling, trying to touch me. I pulled up and gave him a handful of grass in response to his courteousness. He accepted it, though purely out of courteousness. A few moments later I ran a few strides and he immediately broke into a gallop alongside me. For the ensuing hour we communicated perfectly and profoundly. One thing this proves is that those who think that language is for communication are wrong. Language is not made for communication. It is made for something else, something perhaps more important, but also more perilous. Language is, in fact, the principle obstacle to communication, which animals know perfectly well. They watch us sometimes, filled by a strange compassion for us, caught up as we are in language. They, too, might have ventured into language, but preferred not to, knowing what might be lost. I imagine you have experienced something similar with your dog. (De La Durantaye 2013)

With regards to the, sometimes justified, critique of Agamben's work as anthropocentric, relegating animal existence in his early work to the sphere of captivity within a codified behavioral and communicative patterns, this quote is doubly striking. Not only is the animal here presented as capable of perfect and profound communication (intended in a broad manner) and more knowledgeable than humans – namely in possession of the knowledge that language is not made for communication (here intended in a specific manner) – it also ascribes to the animals a capacity "to be able to prefer not to" that his early work was strictly reserved for human beings. Further on, De La Durantaye invites Agamben to expand on what he thinks we can learn from animals, to which he responds:

> **GA:** … I am an animal, even if I belong to a species that lives in unnatural conditions. And it seems to me at times that animals regard me with compassion. I'm touched by this, and feel something akin to shame every time an animal looks at me. (De La Durantaye 2013)

Again, the hierarchy between man and animal is here opposite to the way in which Agamben is mostly read and critiqued. We humans, as animals that have entered

unnatural conditions, are the ones that solicit compassion from the other animals, for which in turn feel shame. De La Durantaye asks Agamben which of his intellectual friends and masters were most sensitive to animals. His answer is important, because it relates the animal world, through the work of Elsa Morante and Kafka, to the idea of paradise:

> **GA**: Elsa Morante. She thought, as Kafka did, that animals were never expelled from Eden. … If Elsa and Kafka were right, then through animals we remain close to paradise. Given that we live in the same world, however, this means that not even we have been expelled from paradise, only that for some reason we imagine that we have been. This is why we are so hard for other animals to understand. (De La Durantaye 2013)

According to this passage, human beings are animals that imagine they have been expelled from paradise. However, as this is an 'imagination' we have in reality never left it. To re-enter the place we already are, we need to deactivate or work on the imagination. And as it is "through animals [that] we remain close to paradise," they are the ones that can help us along this path. What Agamben finds in Kafka is an animal way to paradise. In what way can Kafka's animals reconcile humanity with its animal nature? In what way can they show us back to the Eden we never left?

Ways in and out of paradise

In his earlier work, Agamben analyses one of Kafka's aphorisms on the expulsion of humans from paradise, wherein the latter distinguishes three ways humans got punished for eating the fruit of knowledge in paradise.

> The mildest kind was immediately inflicted and it was the banishment from paradise; the second was the destruction of paradise itself; and the third – and this is said to have been the worst punishment of all – was the barring of access to the eternal way, with everything left as before. (Kafka 1954; translation slightly modified by Agamben 1999a, 107-8)

If we read this passage in light of the interview commented upon above, we can argue that this third punishment most accurately describes, according to Agamben, the situation of mankind. We have not simply been banished from paradise to live in another world, and neither has the garden of Eden been destroyed after the sinful act of Adam. In fact nothing about paradise has changed and it has never been destroyed, as animals still live in Eden. Instead somehow for us access to the 'eternal way' has been barred. As this blockage has no other substance than

our own imagination, it is at that level that it might also be taken away to once again re-enter the place we already are but misunderstood. However, to make sense of Agamben's strategy with regards to this problem, we need also take a closer look at the second form of punishment Kafka describes. For it is in the destruction of paradise that Agamben sees a possible strategy to deactivate the division between animals and humans, between animality and humanity, animal realm and human society.

He develops this strategy by comparing Kafka's journal entry with a note from Morante, that she scribbled alongside her copy of Spinoza's *Ethica*, which Agamben inherited from her. Spinoza plays an important role in her work, but in the Ethica she seems also to disagree with him on an important point: against Spinoza's statement that people have more virtue and power than animals, Morante claims that after eating from the tree of knowledge it was people, not animals, who were driven out of paradise. Agamben compares this with the above journal entry by Kafka. At first glance, it seems that Morante chooses the first option: people were driven out of paradise; animals were not. However, if one takes this as a literal statement or as describing some fundamental difference between the state of animals and that of humans, Morante here repeats the very division between animality and humanity that Agamben tries to combat. Yet if one reads it in the sense that Agamben mentions in the interview, namely that it is only an imaginary distinction that human beings have become convinced of, then this interpretation can also be utilized *against* the anthropological machine. It is such an option that Agamben also finds in Morante's reading of Spinoza, when she describes the latter's work as "the celebration of a hidden treasure" that leads to more despair than any tragedy and more celebration than any comedy (Agamben 1999a, 108). This hidden treasure is the recognition of a divine spark present in *all* creatures, by Morante described as a spiritualization of matter and concurrent materialization spirituality. Emphasizing this divine spark in terms of rendering spirit and matter indistinguishable, the very distinction dividing man from animal is also deactivated. This is a positive and affirmative appropriation of the second option, namely of the destruction of paradise. 'Destroying' paradise as a separate realm, one transcended with regards to natural or earthly life, the very basis for dividing human (spiritual, aspiring to transcendence) and animal (material, immanent) is rendered inoperative. In its place a new form of life, no longer

subject to a hierarchy placing natural and animal life below the sphere of human worth and meaning, might take place.

On the one hand, this is tragic – the loss of hidden mysteries, the disillusionment of ever reaching higher than natural, animal life – and, on the other, a celebration. Having liberated itself from any transcendent ideals, humankind can now finally learn to enjoy its animal and natural potentiality. It is such a deactivation and intermingling of human and animal, of animals becoming humans and humans becoming animals, of cross-breeds and hybrids, that Agamben finds expressed in Kafka's literary writing. In the rest of this paper, reading Kafka alongside Agamben, we will crisscross the line dividing human and animal a couple of times, each time bringing to light redemptive potentialities that are brought to light in challenging this line.

Bucephalus and the inoperativity of the law

As Deleuze and Guattari argued in relation to Kafka, everything in the animal is a metamorphosis and that metamorphosis is the animal becoming human and the human becoming animal. It is a deterritorialization on both sides, a shifting of the border (Deleuze and Guattari 1986). That is to say, deactivating the distinction between human and animal, *both* terms acquire new meaning, and even lose their meaning. What is left is a so called creaturely life (Santner 2006). This blurring of the lines can be a bewildering experience for the reader, as Benjamin describes: "It is possible to read Kafka's animal stories for quite a while without realizing that they are not about human beings at all. When one encounters the name of the creature—monkey, dog, mole—one looks up in fright and realizes that one is already far away from the continent of man." (Benjamin 1996). Kafka's animal protagonists are not just animals, they are rather creatures past the limits of human and animals. Creaturely life on the one hand refers to 'creating', the lives that are created by the anthropological machine, through the distinction between human and animals, for example Gregor Samsa's life. These lives are byproducts of a life crushed under the laws, for the law broadly understood is what institutionalized the separation between humanity and animality. On the other hand, the creature exposes the absurdity of such laws and hence potentially renders them inoperative. Just as the man from the country in Kafka's story, sometimes they manage to radically stay outside of the law (Abbott 2008). What message might these

creatures offer us about law and about a possible way out of it, that simultaneously means a re-entry into paradise?

Let us return to the story of Bucephalus, the warhorse of Alexander of Macedonia who became the new lawyer. "In his outward appearance there is little to recall the time when he was the warhorse of Alexander of Macedonia. Admittedly, whoever is acquainted with these circumstances does notice a thing or two. In fact, on the main staircase, I recently saw a quite simple court usher with the knowing eye of a little racetrack regular marveling at the lawyer as the latter, lifting his thighs high, mounted step by step with a stride that made the marble clang." (Kafka 2007, 59-60) While in the *Metapmorphosis* Gregor Samsa became an insect, the transformation of Bucephalus is in the opposite direction: from horse to human (Robertson 2004). What interests Agamben most in this story, is its ending, which allows him to interpret Bucephalus as a liberatory figure with regards to the law: "Perhaps, therefore it is really best, as Bucephalus has done, to immerse oneself in law books. Free, his flanks unburdened by the loins of the rider, by quiet lamplight, far from the tumult of Alexander's battle, he reads and turns the pages of our old books." (Kafka 2007, 60) Importantly, Bucephalus has not studied law in order to learn how to apply it, thus taking part in the installment of distinctions between humanity and animality. It is thus not simply a matter of a prevailing of sturdy law over the chaos and violence of Alexander and warfare, as Kraft argues (Kraft 1972). Bucephalus is not out to judge, order, regulate, punish or contain anything. All he does is *study* the law books. And it is precisely in this choice to only *study* the law books, not apply them, that Agamben recognizes a redemptive quality to the story. Studying the law, in his reading, is a strategy of rendering the law inoperative.

How does one render inoperative the law? We tend to think about our laws as a social contract that protects us from chaos and the right of the strongest. However, as described above, Agamben argues that our legal structure is turning into a permanent state of exception. Declaring a state of exception is an emergency measure that can be used if a government is threatened by armies from another country, or rebels within its own country, or in the case of a natural disaster, pandemic, etcetera. It is a legal means for suspending the law, precisely with the aim of protecting it, a matter of "necessity knows no law" (Agamben 2005). As a consequence, in a state of exception, juridico-political orders are free to install ever new "exceptional measures" to regulate and control the situation,

making it ever more difficult to determine what is lawful and unlawful. Whereas this is presented as protecting us from various disasters, harm and chaos, it at the same time delivers us completely to a law that may apply its force to us without clear limit. Pushed to its extreme, the law becomes something that has been completely emptied of content, but can precisely for that reason apply to everything. Taking a stroll during the evening, for instance, can in the case of war become an illegal act if a curfew is set in place. This is Kafka's world, as Scholem described it once with the phrase of as *Geltung ohne Bedeutung*, i.e. being in force without significance (Benjamin and Scholem 1992). Kafka's law is ominously present, but its content is unclear, although different protagonists of his stories try to unravel it. In *The Trial*, Joseph K. is arrested one morning and sometime later, after various complications in his search for the reason of this arrest, is finally stabbed to death without knowing either the charge or the verdict. Kafka describes similar experiences in the parable 'On the Question of the Laws': "Unfortunately, our laws are not generally known, they are the secret of the small group of nobles who rule us. We are convinced that these ancient laws are being strictly upheld, but it is still an extremely tormenting thing to be ruled by laws that we do not know … By the way, the existence of these apparent laws can only be surmised." (Kafka 2007, 129-30). Intriguingly, for a great part, modern law has already lost its sense and substantiality. What now needs to be done, is also liberate us from its *force*.

The law is "reduced to the zero point of its significance, which is, nevertheless, in force as such" (Agamben 1998, 51). Because it has no content, this law cannot simply be overthrown – that would involve introducing a new law, new content. Bucephalus presents an alternative future, one wherein the law is no longer applied, only studied. Agamben recognizes this option also I the parable 'Before the law.' The man from the country manages to stay outside of the law all his life, and the way he does that, according to Agamben, is to devote himself unceasingly to study of the law, more specifically a "long study of doorkeepers": "During the long years, the man watches the doorkeeper almost continuously. … he has also come to know the fleas in his fur collar." (Agamben 2008, 29) It is because of this study, that the man from the country succeeds in living outside the law. Bucephalus too spends his time reading and turning the pages of the old law books. However, his intent is not to reformulate or re-instate the law. Rather, considered as something to be *only studied*, the law ceases to be in effect, and instead turns into a thing of the past, something that once was in force but no longer.

Study here becomes a gesture, a form of play. This is the Agambenian ideal: "One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use, but to free them from it for good." (Agamben 2005, 64)

The animal way to paradise of Bucephalus, is making the laws inoperative by only studying them, and no longer applying them. For Bucephalus, who lives at the threshold of humanity and animality, in touch with both, the law has no significance any more, other than as a relic of the past, an intriguing machine that had tried to divide what cannot be truly divided. In paradise, institutionalized law makes no sense. The non-sense of institutionalized human law over and above animal chaos van be further developed through a reading of 'Report to an Academy', to which we now turn.

He – the Ape about the tickling at our heels

Just as in Bucephalus, in Kafka's 'Report to an Academy' there is also a crossing of an animal into the realm of the human that sheds new light on the nature of human civilization. In front of a gathering of "honored members of the academy", an ape named Red Peter, attempts to "indicate the line an erstwhile ape has had to follow in entering and establishing himself in the world of men"(Kafka 1983, 251) Although the anthropological machine presents the crossing from animal to human as one of progression and improvement, it is clear from the very start that Red Peter has in no way experienced it in this manner. He emphasizes more than once that this entree was not an act of freedom, but should be understood as the sole way out of the cage that human beings had built for him. He tells his audience how his first contact with human beings came in the form of two gunshots. The first hit him in the cheek, which eventually leads to him acquiring a name distinguishing him from another ape and from other apes in general. The second shot hits him just above the hip, maiming him for life. Thus incapacitated the ape is placed in a cage too low to stand and too narrow to sit. It is with these restrictions in place, both physical and mental – now named Red Peter he is also 'linguistically' captured within a human frame and identity – that Red Peter starts seriously desiring for a way out. He repeatedly stresses that with this 'way out' he has nothing in mind like the sort of 'freedom' he might have once experienced as an ape. Any way out of his current predicament – within the human realm, but not as a

member – will suffice, and after pondering throwing himself in the ocean, he decides that the only way is to try and become a member. In order to do this, he soon figured out that the first thing needed is to bring himself under the 'yoke' of an imperative: "to give up being stubborn was the supreme commandment I laid upon myself; free ape as I was, I submitted myself to that yoke" (Kafka 1983, 250) The stubbornness in question here is, again, not an undesirable state in itself – it is a state of freedom and 'youth' – but is viewed negatively only insofar as it bars him access to the human sphere and thus to a way out of his caged predicament. From there on out it becomes mostly a manner of imitating the ship's crew. After some practice he succeeds in doing so to such a degree that he is not only let out of the cage, but that he may develop human behavior to ever higher degrees working at a variety show, ultimately leading up to the invitation by the academy. Yet even the recognition by these frontrunners of homo sapiens, Red Peter continues to emphasize that: "there was no attraction for me in imitating human beings; I imitated them because I needed a way out, and for no other reason" (Kafka 1983, 257).

The mockery of human society as something higher, more valuable and more free than the animal realm is clear on multiple fronts, and aligns neatly with Agamben's critique of the anthropological machine. First of all, the very acts Red Peter needs to imitate provide something of a parody of human society. He learns how to shake hands, to spit, to smoke an old pipe and importantly, to learn to open up and drink a bottle of Schnapps, and then "rub my belly most admirably and grin" (Kafka 1983, 257). It is these acts, along with learning to speak – on which we come back later – that get him out of his cage. None of these acts is experienced as forms of empowerment, enhancing or adding on to his potentialities as an ape. Instead they are experienced as forms of behavior that come about solely through the highest forms of self-restriction and self-subjection. In other words, they are only achieved by negating or violently modulating his ape nature. The whole metamorphosis is placed under the sign of self-subjection, "one stands over oneself with a whip; one flays oneself at the slightest opposition. My ape nature fled out of me" (Kafka 1983, 258). From an Agambenian perspective, the message is clear: in escaping his cage by entering the human world, Red Peter has done nothing more than switch one human made prison for another. It is only through captivation by human beings that the ape finds itself confined in a horrible and unlivable situation. Once captured, his only way out is to find a place within the

society that is itself responsible for creating such confinements in the first place. But with regards to the freedom "he might have experienced as an ape", the performances he is required to appropriate is achieved by a form of self-mastery that arbitrarily raises certain types of behavior above others – shaking hands, spitting, drinking, speaking. Yet it is only by distinguishing these type of acts from other acts, that they acquire this higher standing. Whereas as an ape, no such distinction between worthy and unworthy acts existed from Red Peter, now they do. Him becoming a 'respected member' of human society is thus a restriction of natural potentiality through arbitrarily raising some forms of behavior over others and violently keeping such hierarchy in place. For the ways of man are in their own way a prison, as they imprison the human being within a set of arbitrary rules to which it must live up to in order not to become victim of its exclusionary practices. To become human is too walk into a trap. What the anthropological machine does is endowing these arbitrary patterns of behavior with moral, political and juridical value, turning it into a criterium for separating worthy form unworthy, protected from outlawed. Here language and the capacity to learn to speak are symptomatic not of new capacity for meaning and communication, but for becoming a member of the society which, through language, distinguishes animal from human and constricts human beings to behaving in socially instituted manners. With regards to the potentiality of nature, what humans consider freedom is simply laughable, as Red Peter remarks in relation to human admiration for professional acrobats:

> They swung themselves, they rocked to and fro, they sprang into the air, they floated into each other's arms, one hung by the hair from the teeth of the other. "And that too is human freedom," I thought, "self-controlled movement." What a mockery of holy Mother Nature! Were the apes to see such a spectacle, no theater walls could stand the shock of their laughter. (Kafka 1983, 253)

That here is at stake a critique of humankind and its attempt to raise itself above animality, is clear: in describing his 'evolution', Red Peter always takes care to include his human audience as fellow travelers along the journey from animal to man. This is how he interprets the (disputable) sympathy from the shipmates at his first failed attempts at drinking the Schnapps bottle: "we were both fighting on the same side against the nature of apes and that I had the more difficult task" (Kafka 1983, 257). And he speaks of his entry into the human realm as a passage

without return, but which nonetheless lingers in the background of all human existence.

> I could have returned at first, had human beings allowed it, through an archway as wide as the span of heaven over the earth, but as I spurred myself on in my forced career, the opening narrowed and shrank behind me; I felt more comfortable in the world of men and fitted it better; the strong wind that blew after me out of my past began to slacken; today it is only a gentle puff of air that plays around at my heels; … to put it plainly: your lives as apes, gentlemen, insofar as something of that kind lies behind you, cannot be farther removed from you than mine is from me. Yet everyone on earth feels a tickling at the heels; the small chimpanzee and the great Achilles alike. (Kafka 1983, 250)

With Agamben's interview in mind, it is not difficult to read in this passage also an allusion to humanity's exit from the Garden of Eden, so long ago but still sensible as a "gentle puff of air" playing around the heels of humankind. The freedom Red Peter has found, is that by entering the anthropological machine, he demonstrates what he has become through this machine, and hence ridicules the division lines between animals and humans, by taking them seriously. Hence, the 'Report to an Academy.' Nowhere in the story is there a hint of the reaction of the academy, their opinion does not matter anymore.

Report to an Academy' thus strikes important Agambenian chords: 1) a representation of human society as in itself not higher than the animal realm, but installed through *negation* of what is considered non-human or less than human. 2) the becoming human of the animal not as progress but as constriction 3) the allusion to an animal or natural potentiality that we can still feel at our heels. With regards to the first two, we can now more easily understand what Agamben could have meant with the claim that "as Kafka understood" we as animals have not truly left paradise itself. We are still apes. And there is nothing that substantially distinguishes human behavior from animal behavior, the human realm from the animal realm. If animals have never left paradise, and the human realm is not substantially different for the animal realm, then like the animals we have never truly left paradise but *only think we did*. The only thing distinguishing human society from animal nature, the human world from paradise, is the very negation of the latter through reification of the former. It is only in trying to uphold a higher, human sphere, through self-subjection and exclusion, that we leave the paradisical realm. One of the ways to re-enter paradise or at least to re-enlarge the archway through which we once left it and make its wind breath through the human realm more freely, would

be to no longer develop our relationship towards nature and animality in terms of *mastery.* In *The Open*, the sparse remarks Agamben makes concerning the human reconciled with its animality, provide some indications for an alternative to 'mastery.' Whereas the anthropological machine understands itself in terms of overcoming or transcending one's animality, through repression or mastery, Agamben rephrases the central question in terms of a "letting be": "In what way can man let the animal, upon whose suspension the world is held open, be?" (Agamben 2004, 91). That the point here is not simply a form of acceptance and neither one of identification or appropriation, is made clear when he explicates that this letting be should relate to animality as something that is *unassumable*. The question thus becomes, what does it mean to relate to something as unassumable? And how could that be a positive relation?

Letting be is within the Agambenian frame not simply a passive endeavor. In an essay on Heidegger, from whom he takes the concept, he argues that letting something be means gifting "something the gift of potentiality" (Agamben 1999a, 199). Whereas when we try to master or appropriate something we encase or imprison it within a frame of meaning and utility, letting something be is here understood as engaging with something in terms of its potentiality. It is a way of giving something space to be otherwise than it at this point is, to make room for it to grow, transform, become or decay. Letting the animal be thus means allowing our animality, whatever that exactly is, to take shape within our lives, not according to pre-established rules but insofar as it is itself a generative potentiality that might give our life shape in as of yet undiscovered ways. Again, this is not mastery, because mastery subjects something to a sovereign will and determined plan. At stake here is a revaluation of animality and natural life in general, not as what is base and only important insofar as it allows humans to be able to survive and exist, but as that which in and of itself generates forms and ways of life, meaning and play. In fact, what we call culture as distinguished from nature, in the later work of Agamben is re-interpreted simply as the bulk of biologically arbitrary ways in which humans 'make use' of their body and nature. Here the distinction between animal and human is deactivated. Animals too are nothing other than nature experimenting, playing with its own features all the while discovering new uses, organs, functions, possibilities. There is no substance to distinguishing ourselves *substantially* from animals in this regard. The only sense such a distinction has is in terms of degree. In the same way whales and dolphins more richly experiment with uses of their materiality

than crocodiles, so do humans develop more variety than whales and dolphins. Somehow, human beings have convinced themselves that this difference in degree constitutes a difference in substance, value and right. The Kafka-Agamben perspective re-interprets this very substantialization and institutionalization as humankinds self-entrapment. The way out of the prison, out of the imagined banishment from paradise, is to deactivate this prison of imagination in which mankind has trapped itself.

Conclusion: the being-thus of the crossbreed

Kafka's work is full of attempts to play with the non-substantiality of distinctions between humans and animals, and also between other species of animals. In 'A Crossbreed', the main figure seems to be a sort of crossbreed between a lamb and a cat, but even that does not accurately describe its nature. For the creature runs away from cats, and tries to attack lambs, it cannot meow and loathes rats, but never seized an opportunity for murder. It does not identify with either animal: "Sometimes the children bring cats with them; once they even brought two lambs, but contrary to their expectations, no recognition scenes ensued; the animals looked at each other calmly with their animal eyes and evidently accepted one another's existence as a divinely ordained act." (Kafka 2007 125-6). On top of it being a crossbreed between a cat and a lamb, the creature also has characteristics of a dog, and has "eyes full of human reason" (Kafka 2007 126). As the earlier quote makes clear, the animals themselves are in no way shocked or troubled by this singular existence, it is only the humans that are haunted by it. One of the most beautiful scenes in the crossbreed story, is the compassionate, sad, urgent way in which the crossbreed tries to communicate with the narrator. This creature has an urgent message that his owner fails to understand: "Sometimes it jumps up on the armchair next to me, braces itself with its front legs against my shoulder, and puts its muzzle to my ear. It is as if it were telling me something, and in fact it then leans over and looks into my face to see the impression that its communication has made on me. And to be agreeable, I act as if I had understood and nod" (Kafka 2007 126). Despite this "agreeability", the owner, projecting his own discomfort with the crossbreed onto the animal itself, first suspects that the crossbreed asks him to end his suffering by slaughtering him with a butcher knife, as the creature feels unhappy in his own skin. Fixed within the anthropological machine, he cannot but see the creature as a form of bare life that is to be negated and should not exist.

However, the story then takes a turn suggesting that the heirloom can set his owner free, in the same way as a little boy who inherited a cat, became Lord Mayor of London. However, the owner does not know how his heirloom can set him free, although the answer is right in his lap. Once the heirloom eased his mind when he no longer saw a way out of his business dealings and wanted to let everything go to ruin. In line with Agamben's work, one can interpret this story as the creature showing his owner the way back to paradise, releasing him from the 'work of man', the special purpose man has and setting him free.

The liberation offered by the crossbreed, by the exposition that our distinctions between species, between humanity and animality, are in fact not grounded in reality itself, but artificially produced and instated through law and custom, is a new appreciation of life as without substantial identity and purpose. No work of civilization looms over the human, constricting it in multiple ways, negating animality. What remains when such works and substances are deflated, is the singularity of living beings, each taking on its own shapes, manners and rhythms. Once the borders between human and animals become inoperative, we are all just 'being thus', the categories lose their meaning, and we are all accepted as we are, and not for our properties. Letting be, means letting beings develop along their singular lines, whether they be retired war horses who turned lawyers, an awakened vermin, academic apes, humans with an ass head feasting on Leviathan or undefined cross breads. Paradise, is nothing other than life as it is, let be in its singularity.

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