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ON THE ETHICAL CHARACTER OF LITERATURE

John Gibson

“A book must be the ax for the frozen sea in us.”

Kafka, letter from 1904¹

Introduction

How does a distinctly ethical dimension appear in a literary work? In exactly which features of a work does this ethical dimension, when such there is, reside? And why should we be interested in moral evaluation when reading works of narrative fiction, offering as they so often do an opportunity to escape the burdens of reality, with morality often one such burden? There are surely a variety of legitimate answers to these questions, depending on the kind of literature one has in mind. My concern here is with only one way of answering them, and in respect to only one kind of literature. *The Trial* will provide my example. It shows us, I argue, something unexpected and largely overlooked about how a literary narrative can achieve ethical significance and distill it into a value, that is, a reason for ascribing a kind of worth to it that becomes essential to our ability to compliment its artistic success.

My starting point is critical. I take issue with a way of understanding the ethical core of art that is widespread in contemporary philosophical aesthetics, at least as practiced in the Anglophone world. I criticize it as an insider, but my frustration with it is continuous with a general disappointment many literary theorists have with contemporary analytic philosophy of literature: its failure to reckon seriously with literary modernism and so to address fully the challenge it poses to many of our standing habits of thought regarding the nature of literature. *The Trial* offers an example of the kind of modernist work that complicates our theories and to which they must be made adequate, assuming we do not wish to run afoul of the last 100 years of literary culture. What *The Trial* brings to our attention is that the ethical dimension of literature need not consist solely or even essentially in what a work says and depicts. That is, it need not be internal to its representational content. *The Trial* pursues its fundamental ethical project obliquely, often through manipulations of nonsensical and “impossible” employments of language and imagination, and it holds out the promise of a degree of autonomy to the reader who is willing to work through its critical project. This, it turns out, is key to understanding how certain works of literature, modernist or otherwise, achieve ethical goals more radical and remarkable than those the current state of the debate is able to acknowledge.

Beyond Attitude

Philosophers who proceed without caution have a habit of speaking of the ethical and aesthetic dimensions of art as though they are easily locatable and plainly distinguishable features of works, the “ethical” as residing *here*, in their “morally repugnant” parts, the “aesthetic” as residing *there*, in the bits that are “beautiful” or “relevant to a work’s status as an artwork.” Perhaps, one always wants to say; but clearly much more needs to be said if we are to achieve clarity on what a work must *do*, in properly artistic terms, to endow its form or content with ethical relevance and make it matter to its status as a work of art. In better work in the field, a certain model dominates, and while it casts helpful light on this matter, it has serious limitations when we begin to look at serious art of last 100 years.²

One can fairly call the model *attitudinal*. In labeling it thus, I define the model in terms of the aspect of it that most interests me, perhaps in a manner its proponents will find exceptionable. Nonetheless, it offers a strikingly intuitive and simple—this is not to say correct—answer to the question of how an artwork comes to possess a distinctly ethical character, and this is what matters to my discussion. The core idea is straightforward.³ In the very act of representing actions and events, a work of art inevitably, “also presents a point of view on them, a perspective constituted in part by the actual feelings, emotions and desires that the reader is prescribed to have towards the merely imagined events.”⁴ A work’s “point of view,” then, is revealed partly through the sentiments the work manifests but also in those responses it seeks to elicit from its audience (one suspects that the two are often indistinguishable). This is effectively what delineates the basic standpoint a work has in respect to its own content: how it “feels about it,” as it were. If we can speak of a literary work as manifesting a particular perspective on its content—and surely we can—then it seems a steady step from this to granting that the perspective is at times charged with moral valence. A perspective is a stance, and a great many stances are *ethical* stances: properly moral modes of expressing an *attitude*. To put it formulaically, a literary work possesses an ethical dimension by virtue of having an attitudinal structure, a basic stance of approbation or censure the work evinces in respect to the characters and events it represents. This, the idea goes, is what *constitutes* a literary work’s ethical character. And once we note that it is in the very nature of attitudes to be open to questions of appropriateness, fit, and warrant, a foundation for the ethical criticism of art begins to appear, should one be inclined to engage in it.

This often is a subtle affair, since, we know, the explicit narrative voice of a novel and the attitudes it expresses—think of Humphry Humbert—can diverge from the attitude the work itself seems to express in respect to its content, and it is the latter that matters here, as the idea of that general orientation in thought and feeling a work seems to bear in respect to the regions of human experience and circumstance it represents. There is debate, and obvious room for maneuver, when we ask precisely which features of the work bear these attitudes—the narrator, the implied or manifested “author”, and so on—but what is crucial is that on this model these attitudes are *borne by the work*. They are ultimately part of its semantic structure, since they in part determine what the work is *about*, bound up essentially with our sense of the overall “vision” its struggles to elaborate. Now lest someone think something silly, virtually no players in this debate are interested in condemning or censuring works with morally challenged attitudes. Rather, the concern is to go on to theorize the relationship, if any, between the moral success (or failure) of an artwork and its artistic or aesthetic success (or failure). Nonetheless, it makes this form of investigation into the relationship between the moral and aesthetic dimensions of art possible by virtue of it how it

answers the question of what literature's ethical character fundamentally consists in, and the notion of an attitudinal structure is the answer it provides.⁵

There are features of the attitudinal model we should wish to retain. But if read as offering an answer to the question of how literature comes to bear ethical significance, it begins to feel clumsy and insufficient when looking at works like Eliot's *The Waste Land*, Beckett's *Waiting for Godot*, Faulkner's *The Sound and The Fury*, Joyce's *Ulysses*, and, of course, *The Trial*. The reader will note that I stopped myself just shy of producing a list of literary modernism's greatest hits. This is not, or not just, because in modernism narrative voice (or the perspective of the manifested author, etc.) is often too ambiguous—or too opaque, too inconsistent, too alienating, too alien, too mendacious, or too chaotic—to seem possessed of a determinate attitudinal structure and so ethical character. These and other features of high modernist narrative technique surely complicate the idea that a novel has *a* perspective or expresses *an* attitude, at least if by these one expects to find manifested in a work something like a stable and settled state of mind. But it is also easy to make too big a deal of this, since an attitude or perspective can itself be ambiguous, inconsistent (etc.) in respect to a state of affairs, and, if so, questions of moral warrant can be asked of it. The problem is otherwise. It has to do with the fact that in modernist literature the ethical ambitions of art begin to change and to demand more than attitudinal models can accommodate.

The Trial is important here because it brings to view much of what theories such as these leave out, or, at any rate, much of what they must take heed of if they wish to travel to more politically engaged and *au curreant* regions of artistic production. To state the concerns baldly at first mention, *The Trial* challenges the idea that a novel's ethical character is constituted by its attitudinal structure, certainly one that is manifested in features of its narrated—and thus representational—content. Content is obviously important, but, as we will see, *The Trial* brings to our attention a general truth about much narrative literature: it can bear properties—forms of meaning, aboutness, and ethical significance—that are irreducible to any feature of its narrative and its manner of elaboration, and these extra-representational features are at times what endow a work with its distinct ethical character. Moreover, and more damning, *The Trial* shows us that attitudinal models are insufficiently *critical* to be able to capture the ethical dimension of a work with more radical moral and political aspirations. *The Trial* seeks a revolution in, not an application of, ethical thought, and this requires more than questions of appropriateness and warrant of attitude can provide. And lastly, *The Trial* attempts to enfranchise its implied audience to a much greater degree than would seem possible on an attitudinal model. On an attitudinal model, when we evaluate a work's moral quality, we assume the traditional third-personal stance of judgment and ask whether the attitudes a work manifests (or seeks to elicit from the reader) are warranted, and once we have an answer we have effectively concluded our labor. *The Trial* may demand some of this, but it chiefly seeks a change in, not a verdict from, us.

The point that is essential to my argument is that *The Trial* is far more damning of the world than are any of the attitudes given expression in its narrative, and thus the latter cannot explain how it achieves its particular ethical character: its meaning, significance, and import as a piece of ethical thinking. To be playful but not inaccurate, Kafka would expect that if Josef K. or the narrator—the two express the lion's share of moral attitude in the novel—could read *The Trial* as intended, they would find themselves vile, though of course not to same extent they would find the agents of the court vile. This is not to say that the attitudes expressed in the text are morally unwarranted. The story is right, in an obvious moral sense, to present the madness Josef K. must endure as unwarranted, as *wrong*, since indeed it is. This is the attitude expressed by the narrative voice and it is also that of the manifested author (*The Trial* often does not distinguish the two). But

here's the rub. The attitudinal structure present in *The Trial*, the vantage points *internal* to its narrative, stands in judgment of an institution and the features of society complicit in it. Call it bureaucracy. *This* is what the voice of the narrative condemns. Yet the *work*, as an entity that is, in some still undefined sense, broader than its narrative, stands in judgment of something much more general: an entire form of life, one that is presumably continuous with our own, at least at the moment of modernity Kafka found himself an author. Thus the philosophical question is how do we get from one to the other, from the narrative and the attitudes expressed there to a conception of the work's ethical interests, which I am claiming is a different thing altogether? This is the question *The Trial* obliges us to take seriously.

Titorelli's Mirrors

It would be wise to explain this problem literarily rather than philosophically, that is, in terms of an actual problem we might encounter in our experience of *The Trial*. What matters to my argument are the features of the story that earn it its claim to absurdism. We have, most obviously, the nightmarish geography of the world of *The Trial*, of physical spaces that seem impossibly linked.⁶ And these hold in place various other of the absurdist elements of the story. These geographic spaces often represent the distinct spheres of ethical life: our personal, sexual, familial, professional, and spiritual spaces. Thus the upending of these spatial borders is also the undoing of many of the boundaries essential to personal and social flourishing (it is perhaps unsurprising, then, that Josef K. is unlucky with both the law and love). But the absurdist elements go beyond this. What seems most absurd, ultimately, are not the impossible spaces or unfathomable procedures of the court, but the *manners*, the forms of etiquette, the officiousness, the concerns about productivity and professional advancement, the demanding of reasons, that Josef K. holds on to throughout the story, except, perhaps, in the very final lines. All this "culture" begins to appear incongruous, hollow, even ridiculous, against the backdrop of such an irrational and absurd world.

None of this is news, and these features of the work are well enough known that it would be tedious to elaborate them here.⁷ This is just as well, since I can elaborate my argument by way of a discussion of two mere objects that Joseph K. encounters. The scene is in Titorelli's room, and the objects are the paintings he shares with Josef K. The portions of the text that describe the paintings are for us, though not for Titorelli and Josef K., ekphrastic. They are examples of ekphrasis not only in the sense that we have a case of using words to depict paintings, as poets on occasion have a habit of doing. More generally, they are ekphrastic in the wider sense that the descriptions of the paintings are themselves a painterly employment of language, one which conveys meaning not by divulging propositions but by presenting aesthetically and morally charged images. Jointly, these images embody the sense of the world that Kafka is struggling to articulate in *The Trial*, condensing into two pictures much of its essential feel and strangeness. Kafka is reputed to have told Max Brod that he saw the world as one of God's bad moods, and the paintings effectively elaborate the affective and aesthetic dimension of a world so conceived.⁸

Josef K., recall, is sent by a colleague to Titorelli's studio in the impoverished periphery of town to try one final time to influence the courts. Titorelli, who has assumed a grand and clearly foreign name, paints portraits of court officials. Like Tintoretto, whose name we hear in his, Titorelli paints those in power, if not the clergy and aristocracy of 16th century Venice then of the judiciary class of the unnamed early 20th century city in which he lives. The contrast is productive,

even if the point it yields is now clichéd: the modern artist who works in the service of power can no longer be an artist, since an artist whose relation to culture is uncritical and affirmative—who looks upon it and attempts to produce art by reproducing what he sees—is bound to run afoul of the aesthetic and cultural standards that govern the production of art. We see Titorelli as an “artist,” not an artist; and this is in part because his relationship to his society is all wrong. There is a kind of risible tension in the very idea of an artist who serves the courts in a world such as this, in a way there isn’t in the idea of 15th century Venetian artist doing somewhat the same, even if corruption and general forms of nastiness are rampant in both cultures.

The first painting we find is one of Titorelli’s portraits of an officer of the court. Its attempt at hagiography produces incoherence. The painting contains a depiction of a deity of challenged identity. Titorelli wishes to represent, “Justice and the goddess of Victory in one,”⁹ though he ultimately wants it to resolve into an image of “the goddess of the Hunt.”¹⁰ The figure is situated “atop the back of the throne,”¹¹ in which a judge sits, painted in gaudy pastel, per the judge’s request. The figure upon the throne represents *whatever* it is that the judge, and so the courts, ultimately serve, nominally the Law and Justice but indistinguishable from other forms of power operative in the state. Justice is conjoined with Victory, thereby disrupting a mimesis of impartiality with an expression of conquest and domination; and the painting adds to this awkward tangle of divine bodies the goddess of the Hunt and so a figure who actively seeks prey, for example in the form of “innocent” citizens such as Josef K. K. remarks on the confusion of labor here. Justice has “wings on her heels” but, he chides, she “must remain at rest, otherwise the scales sway and no judgment is possible.”¹² Titorelli concedes the problem and adds “a few strokes to the contours of the figure, without, however, making it any clearer in the process.”¹³ One is left with the sense that it would be impossible for the painting to be made any clearer. It is what a metaphysician might describe as an essentially vague object, that is, an object to which added detail does not result in increased determinacy.

I take the painting of the judge to have a symbolic function twice over. In the first instance, it has a broadly synecdochical role: it is a part of the text that comes to stand for the whole of the text. Since “everything belongs to the court,”¹⁴ including the children who throng the hallways of Titorelli’s building, this is effectively an image of the force that animates and binds the various spheres of culture. It is an image of the institutional and so social world in which Josef K. finds himself. But it also registers as a symbol, now just more abstractly, of the world beyond the work. We are expected to feel our cultural situation implicated in Titorelli’s painting, at least to the extent we are expected to feel it implicated in *The Trial*, given that the former is representative of the latter. If this is so, then the painting provides a link that runs from Titorelli’s studio to the world of Josef K. and then on to ours.

Note that this accomplishes something remarkable. It renders the nonsensical features of the painting properly mimetic, indeed the *only* features of the painting that enjoy genuine representational success. Because incoherent and nonsensical, these features of the painting can sustain a mimetic relationship, since Josef K.’s world is itself incoherent and nonsensical. Our world, one assumes, is taken to be this way, too, if just figuratively. For Kafka, in other words, our world is metaphorically nonsensical in the precise respects Josef K.’s literally is, and in this manner the text here establishes a mimetic bond between the worlds of Josef K. and Kafka’s readers. This is in part, though no small part, why we experience *The Trial* as an act of cultural critique and not just an exercise in nightmarish fantasy. It is on account of this possibility of metaphoric identification with Kafka’s fiction, and the resultant mimetic link it helps establish between the

nonsensical features of his world and ours, that the work is able to generate the air of moral and political seriousness, as intent on showing, even demonstrating, something.

The painting of the judge, then, doubles for the social world in which K finds himself. This world, we know, is fraught: its intuitions are corrupt and it renders ethical life, whatever it may be, impossible: no genuine relationships can be cultivated, no enduring trust established, in a world such as this (K.'s various relationships with lovers, lawyers, and colleagues bear this out). What makes *The Trial* so damning is that it refuses to balance the despair of this with a glimpse of an emancipating elsewhere. If Kafka had been a naïve romantic, he would have put Josef K. on a train to the countryside, or perhaps in a boat to New Zealand, to discover a space not wholly damaged by culture and so a place of potential freedom. But none of this is permitted here, and so the vision of the world it offers is thoroughly bleak and unredemptive: it shows us an execrable world and offers no compensatory vision of a possible Eden.

The second of Titorelli's paintings recasts this point from a perspective external to the culture represented in this first. Titorelli describes it as "landscape of the heath."¹⁵ If the first painting gives us culture, the second is an attempt to represent the world beyond it, passing, as it were, from the normative to the natural. The landscape it depicts is scarcely an image of beautiful and animated nature. It shows only, "two frail trees. Standing at a great distance from one another in the dark grass. In the background was a multicolored sunset."¹⁶ We have here another symbol, but now of the extra-social world, and it is presented as just another absurd space. If the first painting shows an inhumane social world, the second depicts an inhuman natural world beyond it. The two wizened trees suggest not only alienation—they are separated, as though estranged people, by a great distance—but also the withering away of what once might have provided sanctuary from the reach of the institutions of the social order. The only light in the picture retires from the landscape with the sun. The sun is here, as it often is, a symbol of intelligibility, and as it sets, the extra-social world it illuminates is lost, too. Or so that is the feel of the painting, of which Titorelli's possesses many, all identical, though he is blind to the repetition. If the painting of the judge represents the social world as incoherent and mad, the heath painting represents a world beyond it as unavailable to us. It is not, of course, an indictment of the current state of the natural world but of the imagination of an artist who is at home in a world like this. The suggestion is that the existence of a vital world past the monolithic institutions of culture has become *unimaginable*, at least for one like Titorelli, who accepts this world and his place in it.

It is important to note that Titorelli's efforts fail to produce art, and this is because mere mimesis in such conditions has nothing of value or interest to show us. Since uncritical, his paintings just reflect back to us the absurd and incomprehensible world in which Josef K. finds himself. They do nothing to overcome it or even to achieve a kind of clarity concerning its nature. And this leads to the first important point for my argument. Kafka's relationship to *The Trial* is like Titorelli's to his paintings, except that he, unlike the failed artist, will attempt to confront it and, to the extent a work of art can, overcome it. This turns out to be what distinguishes Kafka from Titorelli, as two artists who must work in a world that is either in fact or figuration of a piece with Josef K.'s. Read in this light, this section of the text functions both to reveal the conditions of artistic impoverishment in a world such as this and to draw our attention to what more *The Trial* does with its representation of absurdity such that it eludes these conditions. Put in simpler terms, we are here invited to consider what more is demanded of an artist, and to see Kafka as in part struggling to answer this.

Note that from a perspective internal to the text, the only significant difference between Titorelli's paintings and Kafka's *The Trial* is the following: while in each we find an incoherent,

absurd, and senseless world, only *The Trial* expresses disapproval. The narrative of the novel, and the content it generates, yields this and nothing more. In this respect, the attitudinal model is vindicated. That is, we find in the content of *The Trial* a stance of condemnation in respect to these nonsensical features of Josef K.'s world. And this is a fine thing, revealing as it does that the work, if you will, has its head on straight. But this also is deeply unsatisfactory as an ethical response to its content, and it is false to our sense of the ethical significance of Kafka's labor. Surely it cannot be that the novel has achieved the extraordinary ethical and political significance critics and philosophers have afforded it over past 92 years just because it says No, in effect, to the patently immoral events and experiences it narrates. By the lights of virtually everything we know about ethics, in the face of such horror a judgment can at best be the first step to proper moral engagement, the initial registering of a problem for which some further act or provides a solution. It falls entirely short of an ethical *response*, which, one would think, calls for action in addition to judgment. Something that amounts to a confrontation, not merely recognition, is needed. We expect that something be challenged, changed, or overcome, and not that a mere stance or attitude be expressed. But here is the apparent problem. All we find in the representational content of *The Trial* is the narrative voice, which just expresses attitude.

So my argument hangs, then, on the idea that *The Trial* offers more than mere attitude, and thus we need to identify what this something more might be and how it is brought to view, if not *in* the work. But what could this mean?

Bad Worlds, Good Works

Consider a series of interlocking claims about the relationship between art and society. I derive them from Raymond Geuss on Adorno, though it should be no surprise that what one says about Adorno also works for Kafka, given the great importance Kafka's writings played in the development of Adorno's moral, political, and cultural thought. Geuss's theses about art in an age of decay will help me stage the positive point I wish to make about *The Trial*'s ethicality and what it means to claim that it is in some sense external to its content.

The first claim is that, "if we accept for the sake of argument that our social world is evil [...] a number of interesting consequences follow for art."¹⁷ Among these consequences is that art, to the extent it is ethically serious, must confront this world in a very specific manner. It cannot, like Titorelli's paintings, simply mirror it. Nor can it earn its claim to ethical seriousness merely by expressing righteous moral attitudes in respect to it. Assuming that our world is fundamentally immoral, a great degree of representational honesty is demanded of art.

This leads to the second claim: "any form of art (or of religion or philosophy for that matter) that contributed to trying to make people affirm this world or make them think that it was worthwhile would not just be doing something unhelpful, but would be misguided in the most fundamental way possible."¹⁸ Art must show the world to be as debased and inhospitable to human life as it in fact is, and so it follows that there is one thing art produced in the condition of an "evil" social world must never do. It must not be at home in it. In representing it, it cannot accept it, it cannot suggest that comfort can be found in it, that there are pockets of decency that make the terrible whole finally bearable, that we can escape it by becoming hipsters and moving to Brooklyn, diminish its oppression by dedicating ourselves to charity or by voting for a *really* liberal candidate, and so forth. The social world is, *ex hypothesi*, the ethically corrupt object. The problem is not with various of its institutions but with the thing itself. And so, according to this line of thought, the thing itself must change. The idea is that art's formal and imaginative powers must be

used to this end, at least if we concede all that morality demands of an artist who is obliged to create in such conditions. To refuse to assume these responsibilities is to be, in effect, Titorelli.

This casts light on how Kafka wishes us to answer the question of what distinguishes his art from Titorelli's. Both attempt to produce art in the condition of "social evil," but only one succeeds. This is because only one realizes that it is by virtue of infusing the product of one's creative activity with a *critical* element that it can achieve a degree of distance, and so a measure of freedom, from it. It is by virtue of a critical element that we can say that a work of art comes to be "about" more than what it represents and thus that it is able to generate forms of meaning and significance that are in excess of its unrelentingly despairing content. But in what does this critical element consist? The third and final claim is that art produced in the condition of social evil—the condition, presumably, of European modernity—must "make [people] as keenly aware as possible of the discrepancy between [...] their world as potential paradise and their world as actual catastrophe."¹⁹ It is by creating an awareness, through extra-representational means, of this contrast between our world and one worth having that an artist endows a work with a critical element.

We still need to know what these "extra-representational" means are, but the basic point is clear enough. On this model, the modern work of art must confront the world by forcing us to acknowledge the space between it and a world we should wish to inhabit; a world, say, in which *general* ethical flourishing is possible, on a cultural level and partly by virtue of its defining social and political institutions, and so a social world that is, following this line of argument, very unlike the actual one. This is one way of putting what more than mere mimesis, what more than simple depiction, is demanded of art in a world such as this. As we saw, "art" that simply pictures such a world, that just represents it as it is, will by necessity fail to generate art properly so-called. And this is because it will fail to generate something worth looking upon: it will bear no aesthetic value since the object itself is empty of beauty and human meaning. It is the introduction of this critical element that marks the chief difference between a Kafka and a Titorelli.

An otherwise counterintuitive point now becomes compelling, and it is one that runs mightily counter to the manner in which attitudinal models explain how art achieves ethical significance. Art that is produced in certain contexts—for example, in the context of profound cultural decay—partly earns its status as art by virtue of possessing an ethical project, that is, a project of creating in the subject a distance, and so a degree of freedom, from the forms of thinking, feeling, desiring and valuing at home in our present cultural context. In other words, we cannot first have an object that we all agree to be art and then go on to wonder whether we will find something of ethical worth lurking within it. It is rather the other way around. It is *because* a mimetic object appears to possess a critical project that it can begin to appear as art, properly so-called. It is only as such that we are welcome, on philosophical grounds, to apply the term "art" as a properly evaluative concept: one that casts an artifact as enjoying a degree of imaginative, creative, and aesthetic *success*. It is because we detect the shimmering of ethical significance in an object that we are given confidence that what we have before us is not a mere ornament, a pretty piece of propaganda, or a manipulation of the beautiful and sublime in the service of sleep and forgetting. Art, as Schiller once thought, holds out a promise of moral and political freedom, and the point on offer here is that in certain cultural conditions a serious critical project becomes a *necessary* regulative ideal in the production of objects that aspire to the status of art. Something must be done with a representation if it is to become art; and on not infrequent occasions it is the possession of a critical project that explains how an artwork transcends its rotten world in the act

of representing it. *This* is what makes it possible for a story, a lyric, or a painting to bear genuine artistic value: to be art.

This is the kind of model that clearly requires the historicizing of its central claims. It is at best true of art in specific cultural contexts indexed to specific points in time. But note that it is not so narrow that it will hold true only if an artist is writing in Mitteleuropa in the wee hours before the dawn of National Socialism. The concept of a thoroughly evil social world travels, of course, to a startlingly wide array of times and places. In fact, we do not even need to explain precisely *when* it is true that a social world is evil. On purely philosophical grounds, all one needs to grant to make it *true of us* is that in our social world there is widespread suffering and alienation, and that this has something to do with the way it is organized culturally. Put differently, one just has to grant that fixing it will oblige us to create what amounts to a differently arranged form of life, at least in basic institutional and social respects. If one grants this, then one can concede the great ethical and political importance of a cultural practice that reveals to people the difference between “their world as potential paradise and their world as actual catastrophe.” *Something* must happen such that we are prompted to envision the world otherwise and thus can begin to give initial content to the idea of “potential” paradise, or just of place that is better than this. We need to come to feel that the material our social world gives us for making sense of our relationship to one another is flawed, contingent, and capable of being jettisoned, again, even if we do not quite know what the alternative shall be. Revolution starts with refusal, an initial damning expression of “no” to that which defines one’s current material circumstances.

It is this inclusion of a “potential paradise,” of an undiscovered and as of yet unconceptualized “other-than-this,” that is important here and that identifies what more than mere attitude Kafka offers us. But, again, what is it, exactly, and how does the work voice a concern with it? We have established that no such paradise is *represented* in *The Trial*. To do so, to present Josef K.’s world as possessed of a paradisiacal element, would be to lie, and *The Trial* earns part of its claim to ethical seriousness because it refuses to offer false hope. It would also, one assumes, be to introduce a didactic element into the work, which is never a good thing, in art or in life. One might be tempted now to go on to locate this element in the work’s form, thereby keeping it internal yet acknowledging that it is not an explicit feature of its narrative and so representational content. And indeed as literary theorists and philosophers of art (Adorno, for example) are often in the habit of telling us, *The Trial* is a case of a work of art in which form itself seems to do a lot of the thinking. This is true enough, but it will not yield what we are after. The manner in which *The Trial* presents its content—the tone, diction, and imagery it relies upon to relate it to us as a story—makes it very clear that on a formal level the work is more critical of the world than it is at the level of content. If content just yields expressed attitudes, as I have claimed, at the formal level we have a kind of *Verfremdungseffekt*, a distancing or alienating effect that establishes a felt gap between the attitudes expressed *in* the story and the more incriminatory view the work itself takes of its world. It is very likely also true that the alienating manner of formal presentation of content—and the oddness, the absurdity, it adds to a picture of life so represented—is largely what creates the sense of a critical and so, on my account, ethical project. In other words, form does much work here. But it still does not yield what we are after: a statement of what the ethical project of the work *is* or an insight into just what it means to say that it represents actual disaster to yield an awareness of possible emancipation.²⁰

The answer to this is hardly mysterious, though an impoverished picture of what art is can make it very difficult to articulate it. Setting matters straight requires seeing that there is a subtle category error in how we tend to frame questions of how a literary work achieves its distinct ethical

character. If we ask questions about a work's "meaning" or query what its story is "about," it is natural to assume that we are asking questions about a work's interior. It is natural, that is, to think that whatever can act as an answer to our question will be found in the linguistic and formal mortar that constitutes the literary work itself. But, I suggest, *The Trial* shows us that questions about ethical significance at times function very differently, not as a call to elaborate a redemptive meaning, image, or attitude to be found inside a text but something of a different kind altogether. Ethical criticism often calls on a distinct evaluative stance, one that conceptualizes the work as something other than, or at least in addition to, an object.

After all this discussion the idea is not far from us. Everything I have said about *The Trial* links questions of ethicality to questions about what a work strives to accomplish, to create the conditions for, to bring about, *to make happen*. What is on the inside of a work is certainly crucial here, as it has been in my treatment of *The Trial*. That is, we cannot talk about what a work tries to bring about without talking about its form and content, just as we cannot talk about a revolution without elaborating the challenged form of life, and the reasons for demanding change, that give rise to it. But when we ask questions of the ethical project of a work, of how it evinces a concern with confronting and, with hope, ameliorating our present condition, the appropriate stance is to regard it as much more akin to an *action* and not, or not just, as an *object*. We must shift evaluative categories, looking away from those in which we make sense of things to those in which we make sense of events. A literary work is an action performed by means of creating an object, of course. But as with any action, it is performed for a reason, shot through with purposiveness, responsive to pressures in the world around it, and always, ultimately, an attempt to effect a change in it. This is, incidentally, one way of explaining why Titorelli's art feels so inert *as art*. It *does* nothing; it permits itself to be a mere object.

If we view a novel as a kind of doing and not simply a kind of thing, we are granted access to information and meanings that a mere object can never yield. One reason, a defining one, for writing a novel like *The Trial* is to clear the ground in the culture for which it was written for a new form of ethical life. It has absolutely nothing to *show* us about what this new form of ethical life might be. Eden, as it were, remains unavailable. It yields no propositions, it asserts nothing, it has no list of theses that specify just what is wrong with this world. But this is no loss. Its ethical significance does not consist in a declaration but a deed. The point of *The Trial*—not the point of its story but the writing of it—is to create in the reader the capacity to give content to the idea of an elsewhere in which ethical life is in fact possible. The novel has no interest in specifying this content. It presumably does, however, have an interest in compelling us to become such that we might be able to, at least eventually and perhaps with a considerable amount of intellectual luck.

If this is so, then literary works such as *The Trial* achieve their distinct ethical character not by expressing attitude but by virtue of promising a small but essential serving of autonomy. It is not, of course, aesthetic autonomy, about which *The Trial* would seem bound by character to abhor. It is not even quite political autonomy, for which *The Trial* implicitly hopes but which is nonetheless too far down the road it sets before us. It is a form of autonomy that is concerned with disrupting our sense of being able to be at home in a world such as ours. It strives to prompt us to acknowledge the inaptness of this world to our basic projects of living well, and it accomplishes this in part by poisoning our hope that we can find a place of sanctuary in this "actual catastrophe." The autonomy this promises is of a humble but still vital sort: the offering of a measure of independence in thought and feeling from our world and the values that animate it. This *critical autonomy*, as we might call it, has as its goal is an awaking in us of a sense that we *can* think, feel and value otherwise than the present world conditions us to. This critical autonomy is essentially

ethical, since it is implicitly *about* changing the constitution of the reader and so her ethical character. The whole point of it is to effect a change in how she hangs together as a thinking, feeling, and valuing being: to effect a change in, as it were, her *ethos*, with the hope that this will lead, with time and good fortune, to a broader change in our social and political ethos.

If we are cynics, we will doubt that better values and improved forms of life will ever be forthcoming. But if the cynic can intelligibly recite these worries, this itself will betray that she has achieved a degree, evidently non-negligible, of critical and so ethical autonomy from this world, regardless of whether she wastes it on generating skeptical hypotheses instead of attempting to imagine an improvement. This form of autonomy is, in a formal sense, just the degree of freedom in thought that is presupposed by the notion of critical distance between a mind and its culture, not various of its institutions and practices but, again, the thing itself. In itself this form of autonomy is neither redemptive nor transformative, and so those who hear a hope-beyond-hope in talk of freedom needn't begin to worry. It is the critical act it makes possible that interests me and, if my argument is sound, is of interest to *The Trial*. This is the particular gift it gives to ethical thought: the capacity to imagine values and forms of personal and cultural flourishing in excess of those our culture makes available to us. Much follows from this gift of a more directly material and political sort, but it cannot follow without this initial serving of critical and so, on my account, ethical autonomy.²¹ It is in this sense that *The Trial* seeks to be, as the epigraph has it, an "ax for the frozen sea in us."

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Notes

¹ As quoted in Gerhard Richter, “Introduction,” in *Language Without Soil: Adorno and Late Philosophical Modernity*, edited by Gerhard Richter (New York: Fordham University Press, 2010), 5.

² Following custom in this debate, I use the terms “ethical” and “moral” interchangeably. Philosophers as temperamentally diverse as Hegel and Bernard Williams will insist on distinguishing them, and I have argued elsewhere that doing so improves our conceptual resources when attempting to contribute to the debate I outline here. See my “Thick Narratives,” in *Narrative, Emotion, and Insight*, edited by John Gibson et al. (University Park, PA: The Pennsylvania University Press, 2011). For the purposes of the argument I develop in this essay, there is no need to distinguish the two.

³ The question that animates the debate in contemporary analytic aesthetics is much broader than the question of in what a work’s ethical character consists: it asks whether any sort of *systematic* link between the ethical and aesthetic dimensions of art obtains such that success or failure in one domain determines success or failure in the other. The extreme positions on this have few defenders, *radical moralism* and *radical autonomism*, which, strive to provide absolute answers to these questions: crudely, the ethical success (or failure) of a work of art is *always*, or *never*, relevant to just assessment of its aesthetic and artistic success (or failure). Varieties of moderate *ethicism* (the idea that a positive evaluative link between the ethical and aesthetic success of a work at times obtains) and *immoralism* (the claim that no general link obtains, and indeed moral flaws can at times be essential to aesthetic success) rule the roost. For helpful overviews of the major positions in the debate on the relationship between moral and aesthetic value, all of which I drawn on here, see: Berys Gaut, Gaut, *Art, Emotion and Ethics* (Oxford: Oxford University Press, 2007), A.W. Eaton, “Literature and Morality,” in *The Routledge Companion to Philosophy of Literature*, edited by Noël Carroll and John Gibson (London: Routledge, 2015); Matthew Kieran, “Art, Morality and Ethics: On the (Im)moral Character of Art Works and Inter-Relations to Artistic Value,” *Philosophy Compass* 1 (2006); and Noël Carroll, “Art and Ethical Criticism: An Overview of Recent Directions of Research,” *Ethics* 110 (2000). For a recent defense of radical moralism, see Alessandro Giovanelli, “Ethical Criticism in Perspective: A Defense of Radical Autonomism,” *Journal of Aesthetics and Art Criticism* 71 (2013). For defenses of immoralism (robust, moderate or otherwise) see: A.W. Eaton “Robust Immoralism,” *The Journal of Aesthetics and Art Criticism* 70 (2012); Daniel Jacobson, “Ethical Criticism and the Vice of Moderation,” in *Contemporary Debates in Aesthetics and the Philosophy of Art*, edited by Matthew Kieran (Oxford: Blackwell, 2006); and Matthew Kieran “Forbidden Knowledge: The Challenge of Immoralism,” in *Art and Morality*, edited by José Luis Bermúdez et al. (London: Routledge, 2003). For a broad discussion of the relationship between the aesthetics and ethics, see Elisabeth Schellekens, *Aesthetics and Morality* (London: Continuum, 2007).

⁴ Gaut, *Art*, 231.

⁵ There is great variety in the ways in which philosophers use the notion of an attitudinal structure to ground link between the ethical and aesthetic dimensions of art, but the following offers a sense of the possibility it opens up. Works of representational art typically attempt to prompt forms of affective and cognitive *response* from the reader or viewer; they strive to get her to feel or to believe something about its content. The successful eliciting of these responses can

at times be essential to a work's aesthetic success, and when it is we can begin to detect what a proper evaluative link between the ethical and aesthetic dimensions of art looks like. This is often titled a "merited response argument" since everything is made to hang on the issue of whether, from the moral point of view, the responses the work seeks from us are warranted. (See Gaut, *Art*, 227-250).

⁶ I am thus in agreement with Noël Carroll when he claims that, "Kafka's technique is to recall the original wisdom and horror embedded in ordinary expressions like the labyrinth of the law by representing the biological basis of the metaphor in terms of geographic confusion. The narrative and stylistic themes of being lost or spatially disoriented are ideologically motivated attacks on the experience of bureaucracy," Noël Carroll, *Interpreting the Moving Image* (Cambridge: Cambridge University Press, 1998), 196.

⁷ For that, see Neil Cornwell, *The Absurd in Literature* (Manchester: Manchester University Press, 2006), 184-214.

⁸ As cited in Michael Wood, *Literature and the Taste of Knowledge* (New York: Cambridge University Press, 2005), 31.

⁹ Kafka, *The Trial*, 145.

¹⁰ Kafka, *The Trial*, 146.

¹¹ Kafka, *The Trial*, 145.

¹² Kafka, *The Trial*, 145.

¹³ Kafka, *The Trial*, 145.

¹⁴ Kafka, *The Trial*, 150.

¹⁵ Kafka, *The Trial*, 163.

¹⁶ Kafka, *The Trial*, 163.

¹⁷ Raymond Geuss, *Outside Ethics*. (Princeton: Princeton University Press, 2005), 165.

¹⁸ Geuss, *Outside Ethics*, 165.

¹⁹ Geuss, *Outside Ethics*, 165.

²⁰ In last three years there have been a number of excellent works that see the writings of Kafka and Wittgenstein as having kindred ethical projects. This is not surprising, since the *Tractatus*, published four years prior to *The Trial*, is itself a kind of masterpiece of philosophical modernism that uses nonsense, as *The Trial* itself does, to motivate its critical project. For discussions of this see the essays collected in Michael LeMahieu and Karen Zumhagen-Yekplè, eds. *Wittgenstein and Modernism* (Chicago: University of Chicago Press, 2016). Also see Karen Zumhagen-Yekplè, "The Everyday's Fabulous Beyond: Nonsense, Parable, and the Ethics of the Literary in Kafka and Wittgenstein," *Comparative Literature* 64 (2012).

²¹ In thinking through these issues, I profited immensely from Andrew Goldstone's *Fictions of Autonomy: Modernism from Wilde to de Man* (Oxford: Oxford University Press, 2013).