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***Am-ha'aretz*: The Law of the Singular. Kafka's Hidden Knowledge**

It is not so much we who read Kafka's words; it is they who read us. And find us blank.

– George Steiner, "A Note on Kafka's 'Trial'"¹

1 Prologue

There is in Franz Kafka's prose a density reminiscent of the literary quality found in the Scripture. In his letter to Gertrud Oppenheim dated 25 May 1927, Franz Rosenzweig writes: "The people who wrote the Bible seem to have thought of God in a way much like Kafka's."² Theodor W. Adorno felt it too: paraphrasing the first words of Rashi's³ commentary on the first verse of *Genesis*, he wrote of Kafka's text: "Each sentence says: interpret me." Adding, immediately after: "and none will permit it."⁴

Adorno's observation applies first and foremost to Kafka's parable "Before the Law" ("Vor dem Gesetz"), a text which, according to George Steiner, contains

1 George Steiner, "A Note on Kafka's 'Trial,'" in *No Passion Spent: Essays 1978–1995*, Yale University Press, New Haven and London 1996, 239–252, 251.

2 Quoted by Martin Buber in "The How and Why of Our Bible Translation," in Martin Buber and Franz Rosenzweig, *Scripture and Translation [Die Schrift und ihre Verdeutschung]*, trans. Lawrence Rosenwald with Everett Fox, Indiana University Press, Bloomington and Indianapolis 1994, 205–219, 219.

3 Rabbi Shlomo Itzhaki, the major eleventh-century French commentator of the Hebrew bible and the Talmud.

4 Theodor W. Adorno, "Notes on Kafka" ("Aufzeichnungen zu Kafka"), in *Prisms [Prismen: Kulturkritik Und Gesellschaft]*, trans. Samuel Weber and Shierry Weber, MIT Press, Cambridge 1982, 243–271, 246.

This study is the fruit of an ongoing discussion which I have had the good fortune to have with Professor Vivian Liska over the past few years. My reading of Kafka's "Before the Law" would not have been possible without this exchange. Even though our ways are not the same, I believe they meet at more than one crossroad. I am also thankful to Professor Moshe Halbertal and the Berkowitz Fellowship at New York University Law School, during which this work was completed.

“the nucleus of the novel [*The Trial*] and of Kafka’s vision.”⁵ This is one of the most if not the single most commented upon of Kafka’s texts. We approach it with fear and trembling, intimidated and vulnerable: “Helplessness seizes one face to face with this page and a half,”⁶ notes Steiner. Has everything not already been said, been written, been thought, about this text? Like a detective, the commentator seeks a new clue; he searches for the key that will once and for all resolve the enigma, unveil the mystery that hides so secretively within its depths. A mystery which we know everything depends upon. My reader might skeptically wonder at the discovery of yet another interpretation of “Before the Law”: “What more can be added?” he asks himself. And he may be right. Perhaps nothing new can be said here; perhaps nothing original is to be added. Perhaps the gates of interpretation are henceforth sealed. We may have arrived too late.

But before this text, do we not always already come too late? Are we not, by definition, latecomers? Has not the doorkeeper always already shut the door? The moment one realizes there is nothing to add to this text might be the very moment one realizes that, *from the start*, this text, though soliciting interpretation, in fact defies interpretation. We are indeed seized by helplessness. Equally impotent before this text, the first reading equals the last reading, because strictly speaking there is no first and no last here. No one comes better equipped, better prepared. Before this text, as before the law, we find ourselves equally exposed, equally empty, without resources. Before this text, we find ourselves, exactly like the story’s protagonist, the countryman, the *Mann vom Lande*: ignorant. And from this position the text inspires us infinitely. Something is revealed. Yet we do not know exactly what, or why. We are ignorant, from the beginning to the end. Ignorance will therefore be my gateway into this story.

5 Steiner, “A Note on Kafka’s ‘Trial,’” 250. “Before the Law” was first published in the 1915 New Year’s edition of the Jewish weekly *Selbstwehr*. In 1919 the text was included in *A Country Doctor* (“Ein Landarzt”) and Kafka later introduced it in chapter 9 of *The Trial*, published posthumously. A brief synopsis of this parable: a countryman, arriving at the door of the law, requests access to it. The doorkeeper denies entry to the countryman, telling him that he cannot enter now. The countryman waits here for months and years, and eventually spends his life in front of the door, trying to persuade the doorkeeper to allow him entrance. Just before dying, the countryman asks the doorkeeper to answer him one question: I have been sitting here all these years, he says to the doorkeeper, yet how is it that nobody else tried to access the law? To this, the doorkeeper answers: this door was meant only for you; when you die I will shut it and go.

6 Steiner, “A Note on Kafka’s ‘Trial,’” 250.

2 Am-ha'aretz

"Before the Law stands a doorkeeper. A man from the country [*Mann vom Lande*] comes to this doorkeeper and requests admittance to the Law."⁷ These are the first two sentences of Kafka's "Before the Law." The protagonist of the story has no proper name: he is simply a *Mann vom Lande*, a countryman, or, more literally, a man from the land, from the soil. For an ear versed in Jewish texts, the term evokes a well-known figure: the Talmudic figure of the *am-ha'aretz*.⁸ The term *am-ha'aretz* means, literally, the people (*am*) from the earth (*ha'aretz*). In the book of Ezra, the *am-ha'aretz* is opposed to the *am Yehuda*, the people of Judah.⁹ In rabbinic literature the figure came to be associated with the *bur*, the ignorant person, and more precisely the person ignorant of the law. Hillel the Sage states, in the *Sayings of the Fathers*: "A *bur* cannot be sin-fearing, an *am-ha'aretz* cannot be pious."¹⁰ Even though there are contradicting opinions in the Talmud as to the nature of the *am-ha'aretz*,¹¹ this acceptance eventually became the most current

7 Franz Kafka, *The Trial* [*Der Process*], trans. Breon Mitchell, Schocken Books, New York 1998, 215.

8 The first to have drawn attention to the affinities between Kafka's *Mann vom Lande* and the Hebrew *am-ha'aretz* was Heinz Polizer in 1966: "Yet in spite of the fact that the description 'the man from the country' hardly seems appropriate at first, it begins to fit K. as soon as it is translated into its Hebrew equivalent *am-ha'aretz*. Kafka was familiar at least with the Yiddish version of the word, *amhoretz*; since 1911 he had occupied himself intensively with Jewish and Yiddish folklore, and the expression actually occurs in the diaries late in November this year." See Heinz Politzer, *Franz Kafka: Parable and Paradox*, Cornell University Press, Ithaca and New York 1966, 174. This reference has since been quoted routinely in the literature on Kafka's "Before the Law."

9 See the book of Ezra, 4, 4–5.

10 See: *Sayings of the Fathers* (2:6) (my rendering). E. E. Urbach remarks that in this passage *bur* – ignorant – and *am-ha'aretz*, are one and the same thing (cf. Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahams, Magnes Press, The Hebrew University, Jerusalem 1975, 585). For a broad survey of the figure of the *am-ha'aretz* in rabbinic literature, see Urbach, *The Sages*, 630–648. For a sociological account of the role of the *am-ha'aretz*, see Louis Finkelstein, *The Pharisees: The Sociological Background of Their Faith*, The Jewish Publication Society of America, Philadelphia 1966, 24–37.

11 Some of these opinions suggest that the *am-ha'aretz* is not necessarily one who is ignorant. In tractate *Berakoth*, for instance, we learn: "Our Rabbis taught: Who is an *am ha'aretz*? Anyone who does not recite the *Shema'* evening and morning. This is the view of R. Eliezer. R. Joshua says: Anyone who does not put on *tefillin*. Ben Azzai says: Anyone who has not a fringe on his garment. R. Nathan says: Anyone who has not a *mezuzah* on his door. R. Nathan b. Joseph says: Anyone who has sons and does not bring them up to the study of the Torah. Others say: Even if one has learnt Scripture and Mishnah, if he has not ministered to the disciples of the wise, he is an *am ha'arez*. R. Huna said: The *halachah* is as laid down by 'Others'" (*Babylonian Talmud: Tractate Berakoth*, trans. Maurice Simon, Soncino Press, London 1984, 47b). The first definition

one, making its way into Jewish folklore and Yiddish culture (*amhorez* – the Yiddish pronunciation of *am-ha'aretz* – refers in Yiddish to someone ignorant in religious matters). Kafka knew both the Talmudic and the Yiddish usage of the term. In his diary entry of 29 November 1911, he combines the two and writes:

From the Talmud: when a scholar goes to meet his bride, he should take an *amhorez* along, because, immersed that he is in his study, he will not discern the essential.

[Aus dem Talmud: Geht ein Gelehrter auf Brautschau, so soll er sich einem *amhorez* mitnehmen, da er zu sehr in seine Gelehrsamkeit versenkt das Notwendige nicht merken würde.]¹²

Kafka does not quote the Talmudic passage accurately: in tractate *Baba Bathra* we learn:

Abaye said: A scholar [*talmid chacham*] who desires to betroth a woman should take with him a layman [*am-ha'aretz*] [so that another woman] might [not] be substituted for her [who would be taken away] from him.

[Amar abaye: hai tsurba mi-rabanen de-azil li-kedoushe iteta nidbar am-ha'aretz behedia, dilma michluphu lei minei.]¹³

The very passage where Kafka evokes the Talmudic *am-ha'aretz* is one that testifies to his own *am aratzut*, to his own ignorance. Kafka is an *am-ha'aretz*. But, as I will try to demonstrate here, his ignorance is not an ordinary one: it is an ignorance conscious of itself. It is, in a way, a Socratic ignorance. An ignorance that hides knowledge: like Socrates, who *knows* he does not know, Kafka, through his ignorance, possesses a deep, hidden knowledge. This hidden knowledge is the knowledge of this ignorance without which it is impossible to depict the *Mann vom Lande* in front of the door of the Law as Kafka does in his parable. This

of the *am-ha'aretz* is thus not ignorance; rather, it refers to disrespect of certain commandments or customs. Nevertheless, there are Talmudic sources that clearly define the *am-ha'aretz* as the non-scholarly individual, as the one who does not study Torah. In Tractate *Pesahim*, for instance, we learn: "It was taught, Rabbi said: An *am ha'aretz* may not eat the flesh of cattle, for it is said: 'This is the law [*Torah*] of the beast, and the fowl.' (Lev. XI, 46) Whoever engages in [the study of] the Torah may eat the flesh of beast and fowl, but he who does not engage in [the study of] the Torah may not eat the flesh of beast and fowl" (*Babylonian Talmud: Tractate Pesahim*, trans. H. Freedman, Soncino Press, London 1983, 49b).

¹² Franz Kafka, *The Diaries: 1910–1913*, trans. Joseph Kresh, Schocken Books, New York 1976, 166 (translation slightly modified).

¹³ *Babylonian Talmud: Tractate Baba Bathra* (Volume 2), trans. Israel W. Slotki, Soncino Press, London 1976, 168a.

hidden knowledge must be unveiled in order for us to truly hear what "Before the Law" teaches.

Who is the *am-ha'aretz*? In the Talmud, this figure is occasionally characterized as the one who does not follow the rules of purity. The law applies to him, yet he does not live according to the law. This is not due to heresy, however: the *am-ha'aretz* is not a miscreant, an infidel (a *kofer* or an *apikores*). He is disobedient not because he rejects the divine origin of the law or the truth of prophecy, but rather because, simply, he does not know, because he is ignorant. The one who knows the law and disrespects it, who has studied the law and turned his back to it, has a different name in the Talmud: this is the *shana ve-piresh*, the one who has studied the Torah and abandoned it (and whose hatred of the scholar of the law is said to be greater than the hatred of the *am-ha'aretz* towards the *talmid chacham*¹⁴). The *am-ha'aretz* is not this kind of person. He, again, is ignorant of the law. Yet the principle is known: *Ignorantia legis neminem excusat*, ignorance of the law excuses no one. Ignorance does not free anyone from the authority of the law. In the Talmud tractate *Baba Mezia* we learn: "the *am-ha'aretz*, his intentional sins (*zedonot*) are accounted to him as unwitting errors (*shegagot*)."¹⁵ In ignorance, there is still a relation to the commandment. Ignorance is not an escape from the law; it is a particular modality of it. In the words of the Talmud: it is a relation characterized by the fact that intentional sins are seen *as if* they are non-intentional. This is the singular position of the *am-ha'aretz*: he is in relation to the law without understanding the nature of this relation. His ignorance is characterized not only by the fact that he does not know the law, but also, and mainly, by the fact that he does not know what it implies to be before the law.¹⁶ He is ignorant of the meaning of being-before-the-law. He is, nevertheless, and perhaps more so than anyone else, *before the law*.

The *Mann vom Lande* is the *am-ha'aretz*, the ignorant. In the Talmud, he is systematically opposed to the *talmid chacham*, the scholar of the law, or, more literally, the wise pupil. In Kafka's text, the *am-ha'aretz* stands before the *Türhüter*,

¹⁴ Cf. Tractate *Pesahim* 49b: "It was taught: He who has studied and then abandoned [the Torah] [hates the scholar] more than all of them" (*The Babylonian Talmud: Tractate Pesahim*, 49b).

¹⁵ *Babylonian Talmud: Tractate Baba Mezia*, trans. H. Freedman, Soncino Press, London 1986, 33b

¹⁶ This is the only way to understand the end of the passage in tractate *Berakoth* (see supra footnote 11) according to which "even if one has learnt Scripture and Mishnah, if he has not ministered to the wise disciple [*talmid chacham*], he is an *am ha'aretz*." In other words: the *am-ha'aretz* is not necessarily ignorant of the law (he knows Scriptures and Mishnah), but ignorant of what it means to stand before the law: he was never in an existential relation with the master (*Rav*), with the true scholar of the Torah. He never served him.

the doorkeeper. Like the *talmid chacham*, the doorkeeper guards the law – he surrounds the law with a fence.¹⁷ In order to better understand the *am-ha'aretz*, we should look closer at his counterpart, the *talmid chacham*. What is the knowledge that characterizes the *talmid chacham*, the knowledge that the *am-ha'aretz* lacks? What precisely is the knowledge of the wise pupil? Answer: the *talmid chacham* does not possess a specific knowledge; instead, he possesses the art of study, the art of *limoud*. He knows how to study. He is familiar with the particular dialectics involved in Talmudic learning, a dialectics which shape his relation to the law and constitute his relation to the divine. This relation is not one of blind obedience before the authority of the law or even before its divine origin. It is a dialectical relation – or, even better, a dia-logical relation – the ultimate goal of which is to *make sense of our existence in the world*. For the wise pupil, therefore, Torah – the object of his learning, of his *limoud* – never simply amounts to law (as the translation of the *Septuagint* (*nomos*), the *Vulgate* (*lex*), or Luther's (*Gesetz*) suggests). Stated more precisely: the knowledge of the *talmid chacham* is the knowledge of the difference between law and Torah (teaching), between a formal legal system, which creates order by disciplining its subjects through coercion and power, and a teaching through which the world makes sense. The wise pupil knows the difference between *Torah* and *nomos*, between *Torah* and *lex*, between *Torah* and *Gesetz*. And this is precisely the knowledge that the *am-ha'aretz* lacks. Therefore, the *am-ha'aretz* is before the law: “Vor dem Gesetz.” In Kafka's parable we are, from the start – indeed, before even having started – placed in the horizon of the ignorant, of the *am-ha'aretz*.

It is here that Walter Benjamin's reading of Kafka becomes extremely precious. In what can be considered among his most surprising insights into Kafka, Benjamin claims – against Gershom Scholem – that following the theme of the law in Kafka does not lead anywhere. In his 11 August 1934 letter to Scholem, Benjamin writes:

17 These are the opening lines of the *Sayings of the Jewish Fathers*: “Moses received the Torah from Sinai, and he delivered it to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets delivered it to the men of the Great Synagogue. They said three things: Be deliberate in judgment; and raise up many disciples; and make a fence to the Torah.” See *Sayings of the Jewish Fathers, Comprising Pirke Aboth in Hebrew and English with Notes and Excursuses*, trans. Charles Taylor, Cambridge University Press, Cambridge 1897, 11.

I consider Kafka's constant insistence on the Law to be the point where his work comes to a standstill, which only means to say that it seems to me that the work cannot be moved in any interpretative direction whatsoever from there.¹⁸

For Benjamin, focusing on the theme of the law in Kafka leads to an impasse. In his letter of 12 November 1934 to Werner Kraft, Benjamin reiterates this idea, adding a crucial point:

He [Scholem] reproached me with passing over Kafka's notion of the "laws" [*Kafka's Begriff der Gesetze*]. At some later time, I will attempt to demonstrate why the concept of the "laws" in Kafka – as opposed to the concept of "*Lehre*" – has a predominantly illusory character and is actually a decoy [*eine Attrappe*].¹⁹

The concept of law leads to an impasse, writes Benjamin, and adds: in contrast to the concept of *Lehre* (*im Gegensatz zum Begriff der "Lehre"*). While most commentators have focused on Benjamin's negative claim concerning the law in his letters to Scholem and Kraft, his positive claim is just as important, if not more so: rather than focusing on law, Benjamin states, one should attend to the theme of *Lehre* in Kafka's writing. Law would only be a *simulacrum*, a decoy, whose original is *Lehre*. This is a mostly inspiring statement, whose implications I will try to deploy here. At least one thing is clear: according to Benjamin, in Kafka one should distinguish between law and *Lehre*. Is this distinction similar to the *talmid chacham's* distinction between law and Torah? That is the question.

¹⁸ Walter Benjamin, *The Correspondence of Walter Benjamin: 1910–1940*, eds. Gershom Scholem and Theodor W. Adorno, trans. M. R. Jacobson and E. M. Jacobson, The University of Chicago Press, Chicago 1994, 453.

¹⁹ Benjamin, *The Correspondence of Walter Benjamin: 1910–1940*, 463. In the quotations from Benjamin I will henceforth intentionally refrain from translating the term *Lehre*, because the question of how to translate this term is at the heart of my study. The existing translations of *Lehre* alternate between "doctrine" and "teaching."

3 What is *Lehre*? Walter Benjamin's Reflections on "Before the Law"²⁰

One thing is certain: *Lehre*, for Benjamin, is not *Gesetz*, law. What is it positively? In his notes from "Versuch eines Schemas zu Kafka" ("Tentative Outline on Kafka") Benjamin procures a first answer:

Haggadah is the name that the Jews give to the stories and anecdotes of the Talmud that serve as explanations and confirmations of the *Lehre* – the *Halachah*.²¹

And in "Franz Kafka: *Beim Bau der Chinesischen Mauer*," Benjamin reiterates this saying: "We may remind ourselves here of the form of the *Haggadah*, the name the Jews have given to the rabbinical stories and anecdotes that serve to explicate and confirm the *Lehre* – the *Halachah*."²² We have here a firsthand translation of *Lehre*: for Benjamin, it stands for *Halachah*. Before pursuing this clue, I will formulate a first consequence stemming from this translation. If *Lehre* means *Halachah*, and if *Lehre* is to be distinguished from *Gesetz*, then we can at least posit that for Benjamin *Halachah* is not *Gesetz*, that is, *Halachah* is not law. This consequence will reveal itself to be of uttermost importance for the understanding of Benjamin's texts on Kafka.

But we still do not know what *Lehre* actually means. Benjamin offers a description of what *Haggadah* is – those Talmudic stories and anecdotes that explain and confirm *Lehre-Halachah* – yet he does not explain what *Lehre* posi-

²⁰ In this part I am not trying to procure a synthesis of Benjamin's reading of Kafka or of Kafka's role in Benjamin's thinking. Instead, I propose to elucidate Benjamin's intuition about the importance of *Lehre* in Kafka through a close reading of selected Benjamin texts that relate – directly or indirectly – to Kafka's "Before the Law." For an extensive analysis of Benjamin's 1934 text on Kafka and the meaning of Law in it, see Rodolphe Gashé's excellent article: "Kafka's Law: In the Field of Forces between Judaism and Hellenism," in *MLN* 117.5 (2002), Comparative Literature Issue, 971–1002. Nevertheless, though Benjamin's intuition about the irrelevance of the law in Kafka (in his letters to Scholem and to Kraft) is central to Gashé's reading (see pages 972 and 997), he does not account for the alternative that Benjamin proposes to law in Kafka in his letter to Kraft (that is, *Lehre*).

²¹ Walter Benjamin, *Gesammelte Schriften* [Collected Writings], Vol. II:3, eds. Rolf Tiedemann and Hermann Schweppenhäuser, Suhrkamp Verlag, Frankfurt/M. 1977, 1204.

²² Walter Benjamin, "Franz Kafka: *Beim Bau der Chinesischen Mauer*," trans. Rodney Livingstone, in *Selected Writings, Volume 2: 1931–1934*, eds. Michael W. Jennings, Howard Eiland, and Gary Smith, Harvard University Press, Cambridge 1999, 494–500, 496.

tively is.²³ We have a clue, at least: *Lehre* is *Halachah*. And as we will see, throughout his Kafka texts, Benjamin is entirely consistent in his use of the term *Lehre*, maintaining systematically the equation *Lehre*=*Halachah*. He does this especially in the texts where he compares Kafka's relation to *Lehre* to the relation between *Halachah* and *Haggadah*. In order to approach the dimension of *Lehre* in Kafka, let us look closer at these texts.

The most suggestive version of this comparison is in Benjamin's letter of 12 June 1938 to Scholem:

They [Kafka's parables] don't simply lie down at the feet of *Lehre*, the way *Haggadah* lies down at the feet of *Halachah*. Having crouched down, they unexpectedly cuff *Lehre* with a weighty paw.²⁴

In its normal state, the *Haggadah* simply lies before *Halachah*, explains Benjamin: *Haggadah* is at the service of *Halachah*. Just as in his "Versuch eines Schemas zu Kafka," *Haggadah* serves *Halachah*, by explaining and confirming it. Is this the relation to *Lehre* that is found in Kafka's texts? Benjamin answers: no. The *Haggadah*-*Halachah* relation is brought up here in order to contrast it with Kafka's texts and their relation to *Lehre*: his texts, *contrarily to Haggadah*, do not submit peacefully to *Halachah*, that is, "They don't simply lie down at the

23 I will follow here Benjamin's understanding of the relation between *Haggadah*-*Halachah* without questioning it, although his presentation is simplistic and fails to account for the nuanced way *haggadah* and *halachah* interact in the Talmud. Benjamin's sources are unclear. In his correspondence, he repeatedly asks Scholem for a copy of Bialik's essay "Halacha and Aggadah," but it is difficult to determine whether Benjamin received this text by the time he wrote his Kafka essay (there is no mention in the correspondence of Benjamin thanking Scholem for having sent Bialik's text). Nevertheless, bearing in mind Bialik's extremely sensible phenomenology of the relation between *Halachah* and *Haggadah* in his essay, it is highly improbable that Benjamin read his text. For instance, from Bialik's text, it is impossible to deduce that *Haggadah* is at the service of *Halachah* (see Haim Nahman Bialik, "Halacha and Aggadah," trans. Leon. Simon, in *Revelment and Concealment: Five Essays*, Ibis Editions, Jerusalem 2000, 45–87). For a scholarly discussion of the nature of *Haggadah* and its relation to *Halachah*, see Joseph Heinemann, "The Nature of the Aggadah," trans. Marc Bregman, in *Midrash and Literature*, eds. Geoffrey H. Hartman and Sanford Budick, Yale University Press, New Haven 1986, 41–54; Moshe Simon-Shoshan's introduction to his *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah*, Oxford University Press, Oxford 2012; and Berachyahu Lifshitz, "Aggadah Versus Haggadah: Towards a More Precise Understanding of the Distinction," in *Dine Yisrael* 24 (2007), 11–29 of the English section.

24 Walter Benjamin, "Letter to Gershom Scholem on Franz Kafka," trans. Edmund Jephcott, in *Selected Writings, Volume 3: 1935–1938*, eds. Edmund Jephcott and Howard Eiland, Harvard University Press, Cambridge 2002, 322–329, 326.

feet of *Lehre*.” Kafka’s texts and their relation to *Lehre* are not repetitions of the *Haggadah-Halachah* relationship. Instead, declares Benjamin, Kafka’s parables raise a weighty paw against *Lehre*.

In order to understand this comparison – which is in fact an *opposition* – and the metaphor with which it ends we must return to the beginning of Benjamin’s reasoning. The theme of Benjamin’s text from which the paw metaphor is taken concerns the relation between truth, tradition, and transmissibility. Reflecting on the origins of Kafka’s world, Benjamin writes:

The sole basis for his experience was the tradition to which he wholeheartedly subscribed [...] Kafka listened attentively to tradition – and he who strains to listen does not see.²⁵

What is this tradition that constitutes the sole basis of Kafka’s experience? Two answers are possible: Judaism and literature. Perhaps both are true, and even interconnected: Judaism as literature or literature as Judaism. For reasons that will become clear, I will suppose that Benjamin is referring here to Judaism. Kafka listened with extreme attention to this tradition, that is, to Judaism. But why this extreme attention, why this great effort, which, according to Benjamin, cost Kafka his eyesight? Benjamin answers:

This listening requires great effort because only indistinct messages reach the listener [*nur Undeutlichstes zum Lauscher dringt*]. There is no *Lehre* to be learned, no knowledge [*Wissen*] to be preserved. What are caught flitting by are snatches of things not meant for any ear.²⁶

Vague, indistinct, shattered messages reach Kafka, as if through a heavy fog: no distinct *Lehre*, no distinct knowledge to which he has access. He is doomed to ignorance. Why did no distinct *Lehre* reach him? Benjamin answers: because this tradition to which Kafka is attentive is a broken tradition, an interrupted tradition, a tradition experiencing *a crisis of transmission*, or, in Benjamin’s terms, a sickening of tradition, *eine Erkrankung der Tradition*.²⁷ This sickness results from the loss of a certain form of truth particular to tradition, that is, wisdom. Or, as Benjamin puts it: the loss of truth in its haggadic consistency:

Wisdom has sometimes been defined as the epic side of truth. Wisdom is thus characterized as an attribute of tradition; it is truth in its haggadic consistency. This consistency of truth has been lost.²⁸

25 Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

26 Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

27 Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

28 Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

Let us try to understand this dense text. Two years before his letter to Scholem, it was Benjamin himself, in “The Storyteller” (“Der Erzähler”), who defined wisdom as the epic aspect of truth: “Counsel woven into the fabric of real life is wisdom. The art of storytelling is nearing its end because the epic side of truth – wisdom – is dying out.”²⁹ Truth expressed in an epic form is wisdom, which Benjamin, in “The Storyteller,” links to the oral dimension. Transmitted orally, wisdom – the epic form of truth – becomes an “attribute of tradition” (and not, for instance, of pure thinking, of philosophy). And it is here that Benjamin, switching registers, turns to Talmudic categories: wisdom is truth in its haggadic consistency. This is what has been lost. The crisis of tradition is first and foremost a crisis of transmission, that is, a crisis of wisdom. And the proposition can be inverted: the crisis of transmission is the crisis of tradition. And this is what preoccupies Kafka: according to Benjamin, Kafka does not worry about truth as such, but rather about wisdom, this particular modality through which truth can be *transmitted* (and not simply *proven*). The genius of Kafka, according to Benjamin, is that having understood this he made a decision: to save transmissibility, not truth.

This consistency of truth has been lost. Kafka was by no means the first to be confronted with this realization. Many had come to terms with it in their own way – clinging to truth, or what they believed to be truth, and, heavyhearted or not, renouncing its transmissibility. Kafka's genius lay in the fact that he tried something altogether new: he gave up truth so that he could hold on to its transmissibility, the haggadic element.³⁰

Kafka's fundamental decision, according to Benjamin: to sacrifice truth in order to save transmissibility. Yet to separate the consistency of truth from truth itself means to separate form and content, and to choose form over content. Hence the form adopted by Kafka's prose: not simply the parable – which always has a meaning, a content – but the *more-than-the-parable*. As Benjamin notes, “His works are by nature parables. But their poverty and their beauty consist in their need to be *more* than parables.”³¹ It is in order to formulate this “more than,” this surplus of Kafka's parable, that Benjamin addresses the *Haggadah-Halachah* relation and the metaphor of the menacing paw. Kafka's more-than-parables raise a menacing paw to *Lehre*. This very *Lehre* that did not reach Kafka, that tradition failed to transmit. Why does Kafka's prose “unexpectedly cuff *Lehre* with

²⁹ Walter Benjamin, “The Storyteller: Observations on the Works of Nikolai Leskov” (“Der Erzähler: Betrachtungen zum Werk Nikolai Lesskows”), trans. Harry Zohn, in *Selected Writings*, Volume 3: 1935–1938, 143–166, 146.

³⁰ Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

³¹ Benjamin, “Letter to Gershom Scholem on Franz Kafka,” 326.

a weighty paw”? In order to ensure transmissibility. For this to be possible, the haggadic consistency of truth – and not truth itself – should be able to deploy itself entirely, without any hindrance from *Lehre*. In this way, and only in this way, *Lehre* has a chance – surprisingly – to reemerge.

In order to understand this we should turn to one last text: Benjamin’s text on Kafka published on the occasion of the tenth anniversary of the Prague author’s death. In this text, and more precisely in the passage contending with “Before the Law,” Benjamin addresses the question of the nature of Kafka’s parables. And again, he evokes *Haggadah* and *Halachah*.

The word unfolding has a double meaning. A bud unfolds into a blossom, but the boat which one teaches children to make by folding paper unfolds into a flat sheet of paper. This second kind of ‘unfolding’ is really appropriate to parable; the reader takes pleasure in smoothing it out so that he has the meaning on the palm of his hand. Kafka’s parables, however, unfold in the first sense, the way a bud turns into a blossom. That is why their effect is literary. This does not mean that his prose pieces belong entirely in the tradition of Western prose forms; they have, rather, a relationship to religious teachings similar to the one *Haggadah* has to *Halachah* [...] but do we have the *Lehre* which Kafka’s parables accompany and which K.’s posture and the gestures of his animals clarify? It does not exist.³²

Unlike other parables, Kafka’s parables unfold the way a bud turns into a blossom. Each opens up little by little, expanding more and more, revealing its potentialities while never disclosing its mystery. The meaning never discloses itself smoothly in the palm of the reader’s hand, it never become transparent. This lack of transparency, the fact that no concealed truth is ever disclosed, is what singularizes the literary effect of Kafka’s parables. An effect on the border of literature: Kafka’s texts still belong to literature, to the history of literature, to the literary tradition, says Benjamin, but not entirely. A part of them belongs to another tradition: they have “a relation to religious teachings similar to the one *Haggadah* has to *Halachah*.” Again, for Benjamin, Kafka’s parables are to be understood in light of Talmudic categories: *Haggadah* and *Halachah*. Without concealing the fundamental difference between the two: in Kafka’s case, unlike the case of the *Haggadah*-*Halachah* relation, *Halachah* is absent, *Lehre* is lost. Hence the strange situation of Kafka’s parables: they incarnate all the properties of *Haggadah* except one, the most essential: they have lost their message. They are clarifications of a lost, absent, *Lehre*. They are like buds unfolding – *ad infinitum*.

³² Walter Benjamin, “Franz Kafka: On the Tenth Anniversary of His Death” (“Franz Kafka: Zur zehnten Wiederkehr seines Todestages”), trans. Harry Zohn, in *Selected Writings, Volume 2: 1931–1934*, 794–818, 802–803.

tum – into blossoms. The haggadic consistency of truth and not truth: it is only at that cost that Kafka's more-than-parables can assure transmissibility.

And yet, even though *Lehre* does not exist *as such* in Kafka's more-than-parables, it ultimately emerges in an original form, through its absence:

All that we can say is that here and there we have an allusion to it [*Lehre*]. Kafka might have said that these are relics transmitting the *Lehre*, although we could just as well regard them as precursors preparing the *Lehre*.³³

Lehre is lost, and yet, in Kafka's parables we find allusions to it: relics from the past, "transmitting the teachings," or precursors, announcing the future, "preparing the teachings." It is as if by choosing transmissibility Kafka unintentionally, as by inadvertence, attains the dimension of *Lehre*. This *Lehre* would be of an extraordinary nature: ironically, it would be accessible through ignorance. Only through ignorance.

Benjamin's lesson is fundamental: in Kafka there is a difference between *Gesetz* and *Lehre*. To distinguish between them allows one to recognize Kafka's choice: transmissibility instead of truth (a choice to be understood in light of the Talmudic categories of *Haggadah* and *Halachah*). Inspired by this insight I wish to return to Kafka's "Before the Law," pushing the analysis further, eventually beyond Benjamin.

4 Before the Law

For the Jew, in so far as he is not detached from the origin, even the most exposed Jew like Kafka is safe.³⁴

The *am-ha'aretz* stands before the law. He stands there because *Lehre* is lost, because tradition is in crisis, because truth was preferred over transmissibility. He stands before the law – and yet he will ultimately hear a meaningful word. *Lehre*, through its absence, in-forms Kafka's writing. The task of the reader is to unveil what the *Lehre* of Kafka's text, through its absence, *transmits*.

The *am-ha'aretz*'s starting point is a false knowledge: "The man from the country has not anticipated such difficulties: the Law should be accessible to

³³ Benjamin, "Franz Kafka: On the Tenth Anniversary of His Death," 803.

³⁴ Martin Buber, *Two Types of Faith* [*Zwei Glaubensweisen*], trans. Norman P. Goldhawk, Routledge and Kegan Paul, London 1951, 168.

anyone at any time, he thinks.”³⁵ The *am-ha'aretz* imagines the law as universal. This is what he was always told. This is what reason, or simple common sense, seems to imply. The man from the country thinks the law is there, once and for all, immobile and indifferent, always open to everyone but addressing nobody specifically. It is a universal and objective law. The man's first surprise: the law is not what he thought it was; it is neither universal nor objective. From the start, the final teaching (“this door was meant solely for you”³⁶) is suggested, through the *am-ha'aretz*'s surprised ignorance. He will have to journey a long way before that hidden knowledge will appear in full light. He will have to spend an entire life in front of the doors of the law for this truth to be revealed. And for this to happen, he will need a partner: the doorkeeper.

The doorkeeper, like the *am-ha'aretz*, stands at the threshold of the law. Yet his position is different from the *am-ha'aretz*'s: whereas the *am-ha'aretz* faces the door of the law, the doorkeeper has the law at his back. The *am-ha'aretz* has come to the law, yet the doorkeeper was always already there, as if waiting for the countryman since times immemorial. And mainly: whereas the *am-ha'aretz* is ignorant, the doorkeeper knows. His knowledge is the knowledge of time and the knowledge of the singular. His knowledge of time is the knowledge of the appropriate moment: “jetzt aber nicht” – not yet, not now, says he to the man of the country.³⁷ Those words contain a promise. It is as if he whispers in the countryman's ear: *be patient*, your waiting is not in vain, do not worry, one day you will eventually reach the law, but now is not that time. The doorkeeper possesses the knowledge of time; he knows the virtue of patience. Moreover, he knows how to maintain the *am-ha'aretz* in this fruitful tension which will, eventually, allow the man of the country to arrive at his destination. Like Socrates's *daimon*, this half-human half-divine creature, Kafka's doorkeeper possesses the wisdom of the appropriate moment (*kairos*, in Greek). The *daimon* restrains Socrates; he does not allow him to follow his inclinations (for instance, to address Alcibiades³⁸) until the moment is ripe. His main function is to say: not now. And like Socrates's *daimon*, who cares only for one soul (that of Socrates), the doorkeeper likewise

³⁵ Kafka, *The Trial*, 215–216.

³⁶ Kafka, *The Trial*, 216.

³⁷ Kafka, *The Trial*, 215.

³⁸ In the prologue of the *First Alcibiade*, Socrates confesses to Alcibiade: “I have not spoken one word to you for so many years. The cause of this has been nothing human, but a certain spiritual opposition [*daimonion*] of whose power you shall be informed at some later time. However, it now opposes me no longer, so I have come to you, as you see. And I am in good hopes that it will not oppose me again in the future” (Plato, *First Alcibiades*, trans. W. R. M. Lamb, Loeb Classical Library, Harvard University Press, Cambridge 1979, 98–99 [103 a–b]).

cares for only one soul: the soul of the *am-ha'aretz*. Standing between the law and the *am-ha'aretz*, he is there *for* the *am-ha'aretz*. He too spends his life waiting. Watching over the *am-ha'aretz's* door, he is in fact watching over the *am-ha'aretz*. He cares for the *am-ha'aretz*, warning him that there are other doors to come, with more powerful doorkeepers, so powerful that even he (the first doorkeeper) would not endure the mere sight of the third doorkeeper. And the doorkeeper is unconcerned that nobody save the man from the country has tried to enter the gates of the law during all these years. Exactly as the door itself, he is there for the *am-ha'aretz*. The only difference is that he knows this. And therefore it is he who liberates the *am-ha'aretz*: “this door was meant solely for you.”³⁹

“Not now” and “this door was meant solely for you.” These are the two fundamental sayings of the doorkeeper. These are the two sayings that *make sense*. In chapter nine of *The Trial*, the priest, having just related the parable to Joseph K., engage him in a discussion about the meaning of the parable. The ecclesiastic says:

The story contains two important statements by the doorkeeper concerning admittance to the Law, one at the beginning and one at the end. The one passage says: “that he can't grant him admission now”; and the other: “this entrance was meant solely for you.” If a contradiction existed between these two statements you would be right, and the doorkeeper would have deceived the man. But there is no contradiction. On the contrary, the first statement implies the other.⁴⁰

The first statement echoes the second; it implies the other: the science of the appropriate moment is the science of the singular. And the knowledge of the singular is the knowledge of the appropriate moment.⁴¹ The temporal singularity (*kairos*) and the existential singularity (this door was meant for you, *only for you*)

³⁹ Kafka, *The Trial*, 217.

⁴⁰ Kafka, *The Trial*, 217–218.

⁴¹ The prologue of Plato's *First Alcibiades* enacts exactly this link: “In your younger days, to be sure, before you had built such high hopes, the god, as I believe, prevented me from talking with you, in order that I might not waste my words: but now he has set me on; for now you will listen to me” (Plato, *First Alcibiades*, 104–105 [105e–106a]). The *daemon* possesses a very particular knowledge: the knowledge of the right moment (the science of *kairos*). The *daemon* – and only he – knows when *logos* can be effective; when it can affect one's soul, move one's soul. And only an effective speech, one which provokes a *metabolê* of the soul, is a speech worthy of being promulgated. This is why, in the prologue of the *First Alcibiades*, the *daemon* determines at which moment the soul of Socrates can enter into a dialogue with the soul of Alcibiades. Singularity and *kairos* are intimately linked in the inaugural scene of this dialogue.

are intimately bound. Both exceed the regularities, the boundaries, and the universality of the law.

The doorkeeper does not delude the man from the country when he tells him that now is not the time. To Joseph K., who argues that “the doorkeeper conveyed the message of salvation [*erlösende Mitteilung*] only when it could no longer be of use to the man,”⁴² and that maybe his task was to let the countryman enter the law, the priest answers in anger: “You don’t have sufficient respect for the text and are changing the story.”⁴³ Why is the doorkeeper not deluding the man from the country when he tells him “not yet”? The priest answers: because the two sayings of the doorkeeper are linked. The final words of the doorkeeper are this teaching that the countryman, *without knowing*, waited for all his life. This saying is, as Joseph K. senses, a liberating message, a message of redemption, or a redemptive message: “*erlösende Mitteilung*.”

What is liberating in the doorkeeper’s final teaching? What is redemptive in this message?

If the priest’s reading is correct, then this can mean only one thing: that the doorkeeper knows that entering the Law, for the *am-ha’aretz*, has no sense. Or better yet: he knows that, even for himself, entering into the law has no sense. The gate does not “lead to the world of meaning,” as Buber presents it⁴⁴; the *locus* of meaning does not dwell inside the law, but before the law. Paradoxically, in this Kafkaian world, penetrating the law has no sense. This is precisely the perspective of the *talmid chacham*: the idea of penetrating the law, of *fulfilling* the law, is a false desire. A disastrous desire.

En marge: It is this desire that characterizes Paul’s *messianic haste*. According to certain interpretations, Paul’s despair of being unable to entirely fulfill the law (*nomos*) is at the origin of his antinomianism. In *Romans* 7, this despair is linked to man’s carnality, and Paul, after having depicted the impossible struggle between his inner, spiritual self and his outer, carnal self, proclaims: “O wretched man that I am! who shall deliver me from the body of this death?”⁴⁵ Paul, who looks for a *pleromatic* accomplishment of the law, for an absolute fulfillment of the law, cannot find it in the law of works (*nomos ergon*), and therefore abolishes it. He institutes instead a *nomos pisteos*, a law of faith, or a law of love, which is, according to *Romans* (13: 10), the *pleroma* of *nomos*, the fulfillment of the law.⁴⁶ The inner (spiritual) law of faith accomplishes and thereby abolishes the outer (carnal) law of

⁴² Kafka, *The Trial*, 217 (translation slightly modified).

⁴³ Kafka, *The Trial*, 217.

⁴⁴ Buber, *Two Types of Faith*, 165.

⁴⁵ *Epistle to the Romans*, 7: 24, King James Bible.

⁴⁶ For a scholarly analysis of the question of the *pleromatic* principle in Paul, see E. P. Sanders, *Paul, the Law, and the Jewish People*, Fortress Press, Philadelphia 1983, 93–100; and Michael

deeds. Nietzsche, in his portrait of Paul in paragraph 68 of *The Dawn of Day* [*Morgenröte*], gives an acute description of the apostle's despair: "This man suffered from a fixed idea, or rather a fixed question, an ever-present and ever burning question: what was the *meaning* of the Jewish Law? And more especially, *the fulfillment of this law?* [...]. Now, however, he was aware in his own person of the fact that such a man as himself [...] could not fulfill the Law."⁴⁷ Paul could not bear the idea that the Law cannot be fulfilled. Yet not being able to fulfill the law was never a matter of despair for the rabbis, for the *talmid chacham*. Travers Herford, in his remarkable work on the Pharisees, insightfully remarks: "It is safe to say that no Jew before Paul ever thought of the Torah in that way, or ever felt the despair which, according to this theory, he should have felt. Certainly, or let me say probably, no Pharisee ever completely fulfilled all the 'mitzvot' of the Torah; but I have never come across any Pharisee who was overwhelmed with despair on that account."⁴⁸ Contrary to the *talmid chacham*, Paul cannot imagine that there can be a meaningful life before the law that does not consist in the *pleromatic* desire, in the desire to entirely fulfill the law.

If "Before the Law" were to be inscribed in a messianic tradition, it would not be the Paulinian-pleromatic kind, which is a messianism of haste (failing to fulfill the law *now*, it should be superseded *today*: we have to reach the *telos* of the law, the end of the law, which is not law anymore but something different (love, faith)).⁴⁹ It would be in the context of a

Cranford, "The Possibility of Perfect Obedience: Paul and an Implied Premise in *Galatians* 3:10 and 5:3," in *Novum Testamentum* 36 (July 1994), 242–258.

47 Friedrich Nietzsche, *The Dawn of Days*, trans. J. M. Kennedy, Dover Publications, Inc., Mineola and New York, 2007, 67–68.

48 Travers Herford, *Pharisaism: Its Aims and Its Methods*, G. P. Putnam's Sons, New York 1912, 196.

49 Giorgio Agamben, in his article "The Messiah and the Sovereign: The Problem of Law in Walter Benjamin," goes this way when he reads Kafka's text as a messianic-antinomistic text, which he links to the Paulinian heritage he recognizes at work in Jewish messianism as presented by Scholem (mainly his 1959 essay "Towards an Understanding of the Messianic Idea in Judaism"). Agamben finds the principle of *pleroma* at work both in the relation between *Torah de Bria* and *Tora de Azilut* as depicted in the kabalistic tradition, and in Paul: "What is decisive here is the concept of fulfillment, which implies that the Torah in some way still holds and has not simply been abrogated by a second Torah commanding the opposite of the first. We find the same notion in the Christian tradition of the *pleroma* of the law, for example in *Matthew* 5:17–18 [...] and in the theory of the law proposed by Paul in the *Epistle to the Romans* (8:4). What is at issue here are not simply antinomical tendencies but an attempt to confront the pleromatic state in which the Torah, restored to its original form, contains neither commandments nor prohibitions but only a medley of unordered letters." See Giorgio Agamben, "The Messiah and the Sovereign: The Problem of Law in Walter Benjamin," in *Potentialities: Collected Essays in Philosophy*, trans. Daniel Heller-Roazen, Stanford University Press, Stanford 1999, 160–176, 167. Further in the text, Agamben links those unordered letters to Scholem's definition of the law in Kafka as a law being in force without significance. For Scholem, writes Agamben, "this is the correct definition of the state of law in Kafka's novel. A world in which the law finds itself in this condition and where 'every gesture becomes unrealizable' is a rejected, not an idyllic, world" (page 169). Every gesture becomes unrealizable: this is the messianic situation which characterizes Kafka's text according

messianism of patience, which is the only messianic attitude that does not lead to a (messianic) *aufhebung* of Judaism (Paulinism, Sabbatheanism, Hegelianism, etc.), and thus to an abolishment of Judaism.⁵⁰ The countrymen, as well as the doorkeeper, are waiting. Their

to Agamben: “The thesis that I intend to advance is that this parable [Kafka’s “Before the Law”] is an allegory of the state of law in the messianic age, that is, in the age of its being in force without significance” (page 172). Agamben’s analysis is possible only if one maintains the dichotomy of the inside and the outside (the idea of the ban supposes an inside and an outside, a logic of exclusion), or of *nomos* and *anti-nomos* (the idea of fulfillment supposes an unfulfilled law versus an ideal of fulfillment without law), whereas what is singular in “Before the Law” is precisely that this parable deactivates those classical dichotomies. Everything happens in the outside, and therefore the outside becomes the *locus* of meaning. And the Law is there only in order to be placed before it. Not in order to enter it, or to accomplish it. This is true if we follow the priest’s lesson, and if we are attentive to Benjamin’s remark about the centrality of *Lehre* in Kafka. For a critique of Agamben’s Paulinian reading of Kafka’s parable see Vivian Liska, “‘Before the Law stands a doorkeeper. To this doorkeeper comes a man...’: Kafka, Narrative, and the Law,” in *Naharaim* 6/2 (June 2013): 175–194, 179–183.

50 This messianism of patience, nevertheless, should not be confounded with Derrida’s logic of “indefinite adjournment” and “interminable *différance*.” Derrida, in his “Before the Law” writes: “After the first guardian there are an undefined number of others, perhaps they are innumerable, and progressively more powerful and therefore more prohibitive, endowed with greater power of delay. Their potency is *différance*, an interminable *différance*, since it lasts for days and ‘years’, indeed, up to the end of (the) man. *Différance* till death, and for death, without end because ended. As the doorkeeper represents it, the discourse of the law does not say ‘no,’ but ‘not yet,’ indefinitely.” See Jacques Derrida, “Before the Law” (“Devant la loi”), trans. Avital Ronell and Christine Roulston, in *Acts of Literature*, ed. Derek Attridge, Routledge, New York 1992, 181–220, 204. Derrida’s reading of Kafka’s parable – like Agamben’s – is possible only if one dissociate the two doorkeepers’ respective sayings (“not yet” and “this door was meant only for you”). His reading is possible only if the doorman’s last saying is not the accomplishment of a promise (“not yet”), as the coming true of the man from the country’s hope (which is not a fulfillment or an accomplishment of the Law, but the redemptive apparition of *Lehre*). If, contrary to Derrida and according to the priest’s exegesis in *The Trial*, the two sayings are connected, then the waiting of the “*Man vom Lande*” acquires a completely different meaning. This waiting is not in vain anymore; it now leads somewhere (to *Lehre*, precisely). It is a messianic patience, not messianicity without messiah. The best way to illustrate the difference between my reading and Derrida’s is by evoking a symptomatic passage in his text where he refers explicitly to the “Jewish Law”: “There is an analogy with Judaic law here. Hegel narrates a story about Pompey, interpreting it in his own way. Curious to know what was behind the doors of the tabernacle that housed the holy of holies, the triumvir approached the innermost part of the Temple, the center of worship. There, says Hegel, he sought ‘a being, an essence offered to his mediation, something meaningful (*sinnvolles*) to command his respect; and when he thought he was entering into the secret, before the ultimate spectacle, he felt mystified, disappointed, deceived. He found what he sought in ‘an empty space’ and concluded from this that the genuine secret was itself entirely extraneous to them, the Jews; it was unseen and unfelt” (Derrida, “Before the Law,” 208). Pompey, as related by Hegel in *The Spirit of Christianity and Its Fate*, tells us, according to Derrida, the truth of “Jewish law”: entering

main trait is patience, a patient hope which eventually will be realized not as the abolishment of the law but as the apparition of a *Lehre*. “Before the Law” is not a text enacting the messianic accomplishment-abolishment of the law, but a text about the conditions of possibility of *Lehre* in an epoch of crisis of tradition.⁵¹

From the perspective of the *talmid chacham*, as noted previously, the issue is not the *fulfilling* of the law. The doorkeeper never enters the law. Perhaps he has never entered the law. Indeed, he does not even see it: in facing the man from the country, he has the door at his back. He already knows that the door is there not to be entered but to remain open, until the one for whom this open door is destined – the *am-ha'aretz* – dies. This the *talmid chacham* knows: no one penetrates the law, not because it is impossible but because penetrating the law is, in fact, to violate it. Incarnating it means abolishing it. Standing in front of the open gates of the law is not a sign of failure; rather, it is the only disposition that will eventually render it possible to hear a *Lehre*. There is no accomplishing of the law, no entering the law. Instead, there is a lifelong existential study of one's place

into the saint of saint, one would encounter... nothing, “an empty space.” Instead of listening to what the sages of Israel have to say about the divine commandment and the saint of saint (*kodesh ha-kodashim*), Derrida reposes on Hegel's authority, himself telling a story about Pompey. This surely serves Derrida's reading (“The law is silent, and of it nothing is said to us. [...] Is it a thing, a person, a discourse, a voice, a document, or simply a nothing that incessantly defers access to itself [...]” (page 208)), though it is unclear if it clarifies anything about Jewish law.

51 Moreover, this text is not a Paulinian text but a Pharisaic text. In bringing up the categories of *haggadah* and *halachah*, which are genuine rabbinic categories, Benjamin anticipates this perspective. In fact, in *The Trial*, it is Kafka himself who very clearly alludes to the Talmudic-Pharisaic context. The parable is referred to as Scripture (“I've told you the story word for word according to the Scripture [*der Schrift*],” says the priest to Joseph K, and further: “You don't have sufficient respect for the Scripture [*der Schrift*]”). Scripture, the text insists time and again, has commentators, but most importantly, the discussion itself between the priest and Joseph K., as is obvious from the text and as was noted by numerous commentators, has all the traits of a Talmudic debate. Derrida for instance qualifies this sequence as “a prodigious scene of Talmudic exegesis” (Derrida, “Before the Law,” 217). For a more detailed analysis of Kafka's Talmudic exegesis in *The Trial* see Iris Bruce, *Kafka and Cultural Zionism: Dates in Palestine*, The University of Wisconsin Press, Madison 2007, 102. Nevertheless, if this passage says something essential about Kafka's parables in general, then Benjamin's analysis should be revisited. Indeed, if the debate between the priest and Joseph K. echoes the Talmudic way of debating, then, strictly speaking, the parable occupies the place of Scripture, which the Talmud (more precisely its later layer, the *Guemara*) refers to so as to construct its argumentations and convey its teachings. The relation of Kafka's parable to *Lehre* should then be compared not to *Haggadah* and *Halachah*, but to *Tora she bi'chtav* (written Torah, or the Hebrew Bible) and *Tora she beal pe* (oral Torah, or the Talmudic reading of the Written Torah), between the biblical verse and its dialectization. But I will not engage in this direction, as it leads us too far.

in relation to the law. The doorkeeper and the countryman in this text are first and foremost students, subjects questioning their existences, their place in the world, in front of an open door. In this study there are degrees. Degree zero: the *am-ha'aretz*, the ignorant. What does the *am-ha'aretz* know? What is his hidden knowledge? Answer: he knows – without knowing – that in being before the law he is at his place. He does not accomplish the law, and nevertheless he is – body and soul – before the law. *The am-ha'aretz does not accomplish the law without being for this reason an outlaw.*⁵² He is, on the contrary, in a living relation with the facticity of the law, with the very fact of standing before a commandment. His life is, from beginning to end, an existence before-the-law.

Inspired by Benjamin's reading, let us push the analysis a step further: what is the hidden knowledge of the ignorant person? In his existence, he in fact knows that law is not the issue here. He knows without actually knowing – he has a deep, implicit, knowledge – that what is at stake here is *Lehre*, and not some kind of cold, meaningless and oppressive law. If he did not have this (hidden) knowledge, he would not stay at the gate of the law. Indeed, no one obliges the man from the country to stay there: "Now the man is in fact free: he can go wherever he wishes [...]. If he sits on the stool at the side of the door and spends the rest of his life there, he does so of his own free will; the story mentions no element of force,"⁵³ explains the priest to Joseph K. But the man from the country does not leave. He is there and there he stays. Does he not have a life of his own? Affairs he must attend to? A wife? Children? The man from the country stands where he is supposed to be. This is his place. He knows that what is at stake here is his existence, the meaning of his existence. And this will be the final teaching of the doorkeeper: this place was destined for you. You were where you were supposed to be. You were, until the end, where you were supposed to be, attentive to the call. Before the Law: an *am-ha'aretz*.

The first trait of ignorance is the confusion between *Gesetz* and *Lehre*, the impossibility to see, beyond the law, a teaching. In Kafka's parable, the death of the *am-ha'aretz* is also the death of ignorance, of his ignorance. Not because the *am-ha'aretz* dies, but because his death is simultaneous with the unveiling of

⁵² As in opposition to Derrida, for whom "since he is before it because he cannot enter it, he is also *outside the law* (an outlaw)" (Derrida, "Before the Law," 204). The equivalence outside the law=outlaw is possible only in a Paulinian world, where the pleromatic realization of the law is the ideal. And indeed, Derrida, even though very far from Agamben, situates his reading in the Paulinian horizon (see Derrida, "Before the Law," pages 203, 217, and 219).

⁵³ Kafka, *The Trial*, 221. At the end of the chapter, the Priest concludes on a similar note: "The court wants nothing from you. It receives you when you come and dismisses you when you go" (page 224).

what was always already there, beyond the visible, beyond the superficial, beyond the law: *Lehre*. The doorkeeper, who has withheld his teaching until the ultimate moment, which is the appropriate moment, is now able to say: "No one else could gain admittance here, because this entrance was meant solely for you. I'm going to go and shut it now."⁵⁴ The law, says the doorkeeper to the *am-ha'aretz*, is meaningful only so far as it is addressed to the singular. This you always already knew. In saying this, the doorkeeper is revealing to the man from the country the hidden law of the man's existence, the very sense of his awaiting, of his patience.⁵⁵ True law is not universal. True law is such only so far as it is the law of the singular. And therefore, only so far as it is not law anymore, but teaching: *Lehre*.

In "Before the Law" Kafka brings us to the point where law becomes teaching, where *Gesetz* becomes *Lehre*. He brings us to the point where the forgotten and absent *Lehre*, this *Lehre* that is ignored and to which Kafka's parables are *Haggadah*, unexpectedly – as by a miracle – appears; as a revelation *full of sense*.⁵⁶ "Here and there we have an allusion to *Lehre* in Kafka," writes Benjamin in his Kafka text.⁵⁷ This is what happens at the end of Kafka's parable. Not a suspension, not a *différance* or a *déférance* of the law, not a deferral or a procrastination of the time under the law, but the appearance, against all odds, of this law which is not a law, of this law which defies the concept itself of law along with all the dichotomies that accompany this concept (inside/outside, oppressive/anarchic,

54 Kafka, *The Trial*, 217.

55 In this sense, what Benjamin says about Kafka's "The Truth about Sancho Panza" ("Die Wahrheit über Sancho Pansa") can be said of "Before the Law": Kafka, on at least one occasion, "has found the law of his journey" (Benjamin, "Franz Kafka: On the Tenth Anniversary of His Death," 815).

56 Here is where my interpretation strongly differs from Scholem's, which defines the law in Kafka's texts as "the Nothing of Revelation" (*Nichts der Offenbarung*): "You ask what I understand by the 'nothingness of revelation'? I understand by it a state in which revelation appears to be without meaning, in which it still asserts itself, in which it has validity but no significance [*Geltung ohne Bedeutung*]. A state in which the wealth of meaning is lost and what is in the process of appearing (for revelation is such a process) still does not disappear, even though it is reduced to the zero point of its own content" (see Walter Benjamin and Gershom Scholem, *The Correspondence of Walter Benjamin and Gershom Scholem: 1932–1940*, ed. Gershom Scholem, trans. Gary Smith and Andre Lefevre, Harvard University Press, Cambridge 1992, 142). Even though Scholem's idea of validity without significance is a very powerful idea, "Before the Law" defies this idea: there is a moment of positive revelation at the end of the parable. As readers, meaning overflows us: there is an excess of sense in the doorkeeper's final words, a sense that retroactively colors all the parable with a redemptive tint. An excess that makes us, readers, shiver. Agamben, who takes Scholem's intuition and reads "Before the Law" according to it (see *supra* footnote 49), can do this only by silencing the redemptive character of the doorkeeper's final words.

57 Benjamin, "Franz Kafka: On the Tenth Anniversary of His Death," 803.

nomistic/antinomistic, liberal/state-of-exception, etc.): the appearance of *Lehre*. The genius of Kafka is that he understood that this appearance could be rendered possible only through pushing the logic of ignorance to its last consequences. In this time, which is the time of the crisis of tradition, only the ignorant can recognize, beyond the law, a teaching. Only he is capable of recognizing – if he is prepared to spend his entire life before the law – a Torah.

And maybe Kafka, this Socratic ignorant, transmits truth – and not only the haggadic consistency of it – through his ignorance. Maybe the *amhorez* indeed saves the essential.

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