The Pathos of the Real
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A Photograph

The photograph shows a young man who is being dismembered alive. Two large gaping wounds in his chest are bleeding profusely. It looks like his arms are bound behind his back but in fact they have been cut off. There is no scaffold or stage, only a structure of poles keeps him upright while three executioners, surrounded by an onlooking crowd, are busy cutting him into pieces. It is difficult to describe the expression on his face. While the executioners seem absorbed in their task and while the spectators appear riveted to what the men are doing, the young man’s eyes are turned upward. As a result, two diametrical visual axes divide and organize the image. Both the gaze of the crowd and that of the henchmen converge somewhere in its lower center; the victim’s gaze points into the distance. The picture juxtaposes a moment of concentrated absorption with a view of rapture, the intensely focused onlookers form a sharp contrast to the blank expression on the young man’s face.

The photograph features ling’chi [or leng-tch’e], the “torture of the hundred pieces.” It is part of a series that documents the successive dismemberment of a young man at the beginning of the twentieth century in Beijing. Starting with the chest, the executioners would typically proceed to severing the forearms and the lower legs, and finish by cutting off the head. Usually, the victim would die before the procedure had reached its end. The final image features a truncated body that is hardly recognizable as human. The moment of death must have occurred somewhere between the second and fourth image.¹

Although the punishment of ling’chi dates back to the tenth century, according to legal historians of China’s judicial traditions, it was a relatively
late addition to the Chinese penal code (it was only codified in the thirteenth or fourteenth century). Controversial as long as it was in effect, the punishment was abolished in 1905. Apparently, there is a large number of pictures of Chinese executions, taken by Western travelers at the threshold of the last century. In fact, the one described above was presumably taken in early 1905, the year the punishment was abolished. These photographs would figure in scientific and pseudoscientific treatises, in travel narratives about the Far East, and they would even circulate as postcards, catering, not unlike pornographic images, to a certain “orientalist” voyeurism.

In the past couple of years the discovery of a great number of pictures of ling’chi has created a lot of interest in the images and their history. A conference took place in 2005, its proceedings yet to be published; a collaborative study appeared in 2008; and there have been exhibitions both in Cork, Ireland, and in France at the Musée Nicéphore Niépce in Chalon-sur-Saône. A Web site run by the Institut d’Asie Orientale in Lyon (a division of the Institut des Sciences de l’Homme of Lyon) documents this remarkable increase in scholarship and research, providing detailed bibliography, articles, and other information.

For the longest time the photographs owed much of their notoriety to Georges Bataille, who reproduced four of them on the final pages of Tears of Eros and whose claims about (and on) these pictures have, until recently, dominated discussions about them to a very large extent. At once “ecstatic and intolerable,” as Bataille called them, they were supposed to illustrate the “ambiguity of the sacred,” a key notion in the author’s theory of culture and religion, derived from the religious anthropology of Emile Durkheim and Marcel Mauss. As a consequence of their appropriation by Bataille, the pictures have become something of a token of the French writer’s aesthetics of transgression, arguably one of the most ambitious and prominent attempts in the twentieth century to place the sight of suffering and pain at the center of aesthetic reflection and experience, an attempt that has had significant resonances in a number of areas.

In an article originally titled “The Most Intolerable Photographs Ever Taken,” the art historian James Elkins has taken issue with contemporary art theory’s investment in “transgression” and the “informe,” both prominent concepts in Bataille, by confronting the recent appropriations of these terms with the photographs of ling’chi. In Elkins’s view the pic-
tures of Chinese torture make artistic strategies of “transgression” seem thoroughly out of place. The primary target of his criticism is *Formless*, an exhibition catalogue accompanied by a programmatic essay by Yves-Alain Bois and Rosalind Krauss that seeks to recover Bataille’s contribution to the theory and practice of modernist and late modernist art. According to Elkins the images of Chinese torture are not only counter-examples to the claims of the breakdown of representation operated by transgression (and its alleged culmination in the formless); they also make the provocative gestures of a transgressive aesthetics look perfectly innocuous, if not “silly.” The ling’chi pictures themselves instantiate the very transgression called for by Bataille and those working in his wake—“They are the unsurpassable evidence that pure visual transgression is possible”—but it is a transgression that overpowers and renders obsolete its contemporary theorizations. “Intolerable for art history,” Elkins writes, the images “ruin” the “interest in the ruin of system and sense” so important to Bois’s and Krauss’s “reworking of surrealist theory.”

It is true that the initial effect of the ling’chi pictures is visceral. They are too *real*, too savage and forbidding to be subsumed under any aesthetic program or practice, even if the point of that program or practice is the disruption and displacement of the very categories and terms in which artistic production is conceived. The images unsettle the framework of art theory and “ruin” its conceptual distinctions and topologies. They situate themselves beyond the opposition between figuration and its transgression on which the notion of formlessness appears to depend. They are of the order of the real that suspends the difference between reality and representation, illusion and truth. Their “reality-effect” overrides the operations of “l’informe” propagated in Bois’s and Krauss’s catalogue. Their *punctum*, to use Roland Barthes’ term, “punctures” and wounds the beholder, denying us the distance of *studium* and the pleasures of detached, “disinterested” involvement. Akin to photographs of lynching, they immediately change the terms of the debate, shifting the framework away from the perceived limits of representation to questions of force and affect, of an affective impact that contemporary art is virtually incapable of achieving, no matter how aggressive its gestures.

Although Bataille had close personal ties to Lacan, and his work surely had some influence on the latter’s thought, the real is not a concept in Bataille. But it is not difficult to see that his reflections on violence, death,
and sexuality are related to the dimension designated by this term. Bataille’s fascination with the images has to be seen in connection with his speculations on the sacred, on excess and transgression. Although Elkins is aware of the religious and anthropological dimension of Bataille’s interest in the images, the art historian largely disregards it, in spite of the fact that he himself criticizes Bataille’s students for failing to take into account this aspect of the writer’s thought. By contrast, Elkins himself seems unaware of the fact that “l’informe,” the idea of the formless, and transgression belong to different phases of Bataille’s development and, in fact, stand for different views of violence and destruction. The formless is coined in the “Dictionnaire critique” of the short-lived art journal *Documents* (1929–30), while transgression only becomes prominent in the writings of the 1940s and 1950s and evolves along with Bataille’s interest in the sociology of the sacred. The “antiaesthetic” editorial politics of *Documents* launches an attack not only on academic notions of beauty but also on the surrealist celebration and aestheticization of violence, best encapsulated perhaps by André Breton’s famous dictum “La beauté sera convulsive ou ne sera pas” (Beauty will be convulsive or will not be at all). The notion of the formless, though in some respects violent in itself, undercuts the surrealist association of violence and beauty, pain and sublimity. (The visual material featured in *Documents*, such as Eli Lotar’s well-known slaughterhouse photographs, focuses on the squalor rather than on the splendor of death.) The later reflections on transgression, however, and the examples that Bataille gives of it, typically present the experience of violence and pain as both exalting and destructive, simultaneously shattering and reinvigorating. Obviously, Elkins’s association of the ling’chi pictures with the idea of the formless is based in the fact that the images feature, quite literally, the destruction of a human torso, formlessness *in vivo*, so to speak. But while the tongue-in-cheek iconoclasm practiced on the pages of *Documents* targeted the Surrealist infatuation with the beauty of convulsion, Bataille’s own rapture before the images exhibits a pathos in the face of the real that is paradigmatic of his later positions.11

In the wake of the recent academic and curatorial interest in ling’chi, a lot more information about the pictures has become available, and Bataille’s engagement with the images has been put into perspective. It is, as we will see shortly, more in tune than one might suspect with a certain pattern of Western responses to Chinese executions. In this respect the
recent research has gone some way in demystifying Bataille’s seemingly unique appropriation of the images. But such similarities notwithstanding, the kind of experience and insight that Bataille seeks both to document and to demonstrate by showing the pictures is based on an altogether different economy of suffering and pain than the one operative in the Western “protocols” of viewing the spectacle of cruelty. The improved understanding of the legal and cultural circumstances in which to situate the pictures provides an opportunity to look at Bataille, looking at the pictures, against the backdrop of other contemporary reactions to ling’chi, on the one hand, and in relation to his own theories about transgression, expenditure, and the sacred, on the other, which the art historical debate about the images has failed to take into account. But the latest research does not only invite this kind of contextualization of Bataille’s relation to the image; it has also made it possible to make different connections, and I would like to bring some of its findings to bear on one of the most egregious accounts of an execution in twentieth-century literature, a narrative that, like few others, has made the description of intolerable violence its centerpiece: Franz Kafka’s *In the Penal Colony*. The idea of relating Kafka’s story to the pictures of Chinese torture originated in what appeared to be a historical connection. It was Robert Heindl, the author of *Meine Reise nach den Strafkolonien* (My Visit to the Penal Colonies), generally regarded as one of the major sources of Kafka’s famous narrative, who first published the photographs of ling’chi in some of his works, though not in the travelogue Kafka had definitely read. Although it is not certain that Kafka had any familiarity with the images, there are some striking parallels between the “spectacle” at the center of the story and the Western accounts of Chinese executions. But the point of reading the story in light of the new research on ling’chi is not to speculate about sources and influences but rather to regard it as another instance of a certain poetic investment in the sight of extreme suffering and excess, a dramaturgical experiment on the boundaries between the somatic and the symbolic.

For all the obvious differences in temperament and style, Bataille and Kafka both quote and undercut a certain conception of pain and violence to supplant it with diametrically opposed models. As we will see, Bataille’s vision of this excess aims at shattering the symbolic order and transgressing the bounds of subjectivity set by it. The violence he advocates is supposed to give access to the fluid continuum of cosmic forces, held in check
and kept at bay by the prohibitions and laws organizing and delimiting the realm of everyday experience. Violence, excess, and transgression are about undoing the symbolic processes of differentiation. Their goal is a quasi-Dionysian sense of dissolution—a dissolution that the subject experiences as a reunion with undifferentiated primal forces and that Bataille defends with a great deal of pathos, that is to say, by staging how he himself is overwhelmed by the image of the young Chinese man. Kafka’s *In the Penal Colony* achieves a peculiar amalgamation of elements, adapted from the traditions of tragedy, the Passion story, and the Judaic conception of law. Many of these elements are employed in a parodistic manner, and the story’s unabashedly voyeuristic account of violent death is counterbalanced and to some degree attenuated by its comic effects. The violence it features so prominently does not point beyond the symbolic order but is what is at work in the subject’s very inscription in that order. Although hardly any register could be further from the mood of Kafka’s fiction than that of pathos, *In the Penal Colony*, “not just one particular story but Kafka’s master narrative,” evinces a certain pathos, not only in terms of the suffering it evokes so vividly but also as a reflection on writing and death, of the impossible transfiguration and unachieved death writing affords.

The “Supplice Pattern”

If our first reflex before the image of torture is to cringe and recoil, both Bataille and Kafka seem to have made a point of suspending this very reflex, forcing our gaze onto the extraordinary spectacle put before our eyes. For a better sense of the terms and implications of the mechanisms on which they capitalize for doing so, if in different ways and with different ends, I would like to draw on the work of Jérôme Bourgon, a cultural historian and specialist of Chinese penal law, who has compared the accounts of Chinese executions by European travelers with those of native observers.

According to Bourgon, whose research is based both on textual and on pictorial testimonies, the European perspective is invariably inflected by what the author calls the “supplice pattern.” This model has three salient features: (1) the public execution is based on a legal verdict, and it is implemented by judicial authorities; (2) it is staged as a public spec-
tacle; and (3) the event follows a subliminal religious script that sets up the different roles and determines the procedure of the execution. It foresees a kind of conversion on the part of the condemned, while the executioner, embodying cruelty and mercilessness, is assigned the part of the Devil. The ultimate target of the procedure is the audience: the condemned person’s repentance and dignified acceptance of death aims at arousing the public’s compassion; suffering is supposed to invoke the pain of Christian martyrs, leading to a form of catharsis on the part of the spectators. “The ultimate aim of all executions was to create or revive a strong feeling of communion among all participants.” The spectacle of public execution thus takes its course according to a plot that fuses legal, aesthetic, and religious elements, forming, as Bourgon puts it, a “‘penal artistic’ complex.”

The proposed pattern is admittedly typological. But the schematic character of Bourgon’s model helps throw into relief the distinctive features of Chinese executions. For the differences between European and Chinese conceptions of punishment that Bourgon identifies are indeed remarkable. They concern especially the last two features: the staged character and the religious subtext of the spectacle. The most striking of these differences is the absence of any stage or structure that would elevate the event so as to make it more visible for an audience. Ling’chi does not have the character of a spectacle; high visibility, so characteristic of the “supplice pattern,” does not seem to be among the principal objectives of the procedure. Onlookers stand around the happening, closely gathered, obviously making an effort to see, but the execution is not staged for them. A further conspicuous feature, invariably noted by European witnesses, is that the participants typically don’t seem to display any strong emotions; at least, none are to be seen either on the part of the executioners or on that of the person about to be killed. More than anything else this absence proved utterly disturbing to European observers and contributed considerably to the widespread cliché about innate Chinese cruelty. Given that the executions were performed largely in silence and without much ado, governed, as it seemed, by a preoccupation for technical and procedural accuracy, the event also manifestly lacked the plot so central to the Western conception of punishment. It didn’t seem to aim at arousing the audience, at stirring and orchestrating its compassion and releasing pent-up tensions to effect a feeling of communion among the spectators. Ac-
cording to Bourgon’s careful reconstruction what mattered to the Chi-
inese legal tradition was the conformity of the execution to the punishment
as it was codified in the law. It looks like the procedure was governed by
a certain concern for literalness, for, as Bourgon puts it, the “readability”
of the law: “the execution is only the realisation of a legal message, stress-
ing the equivalence between the ‘name’ of a crime and the ‘punishment.’”17
The public display of pain and suffering would have diverted from that
purpose. Besides, what made ling’chi into one of the most severe punish-
ments available was not so much the pain inflicted on the person sentenced
but rather the partitioning of his or her body. This is what constituted the
particular horror of the procedure in the eyes of the Chinese. It was not
about extracting the truth and bringing about repentance on the con-
demned’s part. Once the trial had ended, the validity of the sentence was
beyond doubt. It didn’t require the consent or confirmation of the con-
demned person; his or her emotions were irrelevant to the execution,
whose object, simply put, was the body, not the soul.

Because the dramaturgy, the legal underpinnings, and the underlying
economy of pain are so different in the Chinese penal system, Bourgon’s
findings provide a useful template for understanding how the dramaturgy
and the affective economy that has informed the spectacle of violence in
the West—even long after the religious script has lost its purchase on the
Western mind, though apparently not on our imaginary—continues to
be operative but is also contested and displaced in Bataille’s and Kafka’s
scenarios of exaltation and transfiguration before the real of an unimag-
inable violence.

“At Once Ecstatic and Intolerable”: Georges Bataille

Ohne Grausamkeit kein Fest.
—NIETZSCHE, ZUR GENEALOGIE DER MORAL II, 6

Obviously, Bataille had no awareness or, apparently, much interest in the
circumstances of what he saw in the pictures. Unlike the foreign observers
who witnessed the executions, he paid little attention to the sequence of
the procedure, nor did he seem to be looking for its “plot.” The Tears of
Eros features four pictures, but Bataille tends to single out just one: “this”
photograph. It appears as though all considerations, all questions one
could pose, are suspended before the image. There is no effort to supplement the spectacle with a narrative and to thereby mitigate its effect. On the contrary, the power of its impact is all that counts. The ostensible absence of a framework or of any clues that would allow him to figure out the rationale of the event doesn’t seem particularly disturbing to Bataille. And yet, like the foreign observers of the actual executions, what he ends up seeing are the signs of a convergence and a reversal in “that instant where the contraries seem visibly conjoined.” “Divine ecstasy and its opposite, extreme horror,” coincide on the image, he writes, revealing “an infinite capacity for reversal.”18 As much as it recalls the iconography of martyrdom, however, the significance of this reversal, of the oscillation between agony and ecstatic rapture, is not based on a dialectics of guilt and forgiveness, of sin and redemption, debt and relief. The paradoxical conjunction of opposites exposes a different kind of dynamic, one that is difficult to grasp and yet, in Bataille’s view, evident in our fascination with violence and transgression. There is something revelatory, perhaps even epiphanic, in this sight, but it is not put in the service of a communion.19

While Bataille was clearly not preoccupied with making out the dramatic plot that is possibly underlying and organizing the horrific spectacle featured in the pictures, his own presentation of the photographs of ling’chi involved a certain degree of staging, in a double sense even, that is, literally and figuratively speaking. Figuring at the end of the last book published during his lifetime, the picture and the commentary that accompanies it became a kind of testament—the conclusion and culmination not only of this particular book but of Bataille’s life and work. But this legacy doesn’t come in the form of a will, a written testament, but rather as a performative instantiation of what much of his work had sought to illuminate and to bring into view for almost four decades. In his possession since 1925, “this photograph,” he writes in 1961, “had a decisive role in my life. I have never stopped being obsessed by this image.”20 Given the significance attributed to the pictures, the commentary that actually comes with it is surprisingly sparse. This may simply be a consequence of the author’s declining health,21 but it is more likely indicative of the desire to let the pictures speak for themselves. Their late publication “stages” a kind of assault on the readers, a confrontation that would make them realize, with the full force of a punch in the stomach, as it were, some of the difficult truths about the “attraction and repulsion” experienced at the
sight of violent death. In the late 1930s, in an essay that bore that title, Bataille had written, “I believe that nothing is more important for us than that we recognize that we are bound and sworn to that which horrifies us most.”

As he mentions himself, his relation to the image dates back to the 1920s, and it is actually not the first time it appears in his writing. In an earlier work, the unfinished *Somme athéologique*, Bataille had given several brief and rhapsodic accounts of the overwhelming effect the picture had on him. “An image of torture falls under my eyes; I can in my fright, turn away. But I am, if I look at it, outside myself. . . . The sight, horrible, of a torture victim opens the sphere in which is enclosed (is limited) my personal particularity, it opens it violently, lacerates it.” The pictures had served as a kind of stimulant for a self-induced vertigo, a temporary suspension and ecstatic transgression of the bounds of subjecthood—a technique reminiscent of meditative exercises in the mystic tradition called “dramatizations,” which consisted in conjuring up images of the crucifixion so as to make present, and available for participation in, through a form of imaginary, hallucinatory reenactment, the suffering of Christ.

As in the climactic structure of the “supplice pattern,” Bataille’s own dramaturgy conjoins the sight of suffering with the revelation of truth. But it is a delirious kind of truth, one best grasped bodily and affectively, and one that lacks any dimension of transcendence or any sense of progress. For all the apparent similarities, both the early “dramatization” and the later “staging,” at the end of *The Tears of Eros*, were meant to instantiate and seek to impart a conception of pain and violence that is at odds with the Christian economy of redemption and salvation. It was based on often wide-ranging speculations regarding the nature of the sacred and of transgression, elaborated in a series of books written, for the most part, in the 1950s—studies indebted, above all, to Roger Caillois’ ideas about the festival and to Marcel Mauss’s famous essay on potlatch—and grounded in a rather eccentric vision of the movement and circulation of energy on earth.

According to this peculiar “cosmovision,” as one reader has called it, the human economy is only a subset to a more comprehensive system, the so-called general economy. Unlike its opposite, the “restricted” (that is, the human) economy, wrongly regarded as the model of all economy, the “general economy” is as much about expenditure as it is about produc-
tion. Solar energy seems to provide the underlying model for these speculations. “The origin and essence of our wealth are given in the radiation of the sun, which dispenses energy—wealth—without any return.”26 All organic matter is bound up in the ceaseless circulation of energy emerging and subsiding. The general economy gives all and takes all in the unending movements of its cycles. The relative stability of the human world is wrested from (and needs to be shielded against) this excess of energy in a continual effort, which we fail to recognize for what it is. Humans manage to contain this excess for a while and to transform the surplus into the “things” that make up the “discontinuous” reality of their human world, the world of work and reason. But the lure of the general economy continuously threatens to draw human life back into its orbit. In fact, there is a secret longing to return to the “primal continuity” (the perpetual destruction and regeneration of organic matter, of life) that is the mark of the universe. Religious sacrifice and eroticism allow for a temporary and controlled reconnection with the destructive and yet alluring forces of the general economy. Sacrifice undoes the logic of profit and suspends an order based on utility, on “instrumental reason.” “To sacrifice is not to kill but to relinquish and to give.”27 It relinquishes the regime of “things,” returning the victim to the play of cosmic forces, of which it affords the participants a passing glimpse in the act. The opposite of accumulation and productivity, “unproductive expenditure” aims at shattering the world of human artifice and “things,” a critical term throughout Bataille’s later writings.28

The advocacy of such profitless expenditure is very much a response to the idea of reification. But as much as he seemed to call for a destruction of the world of “things,” a temporary relief or suspension of the barriers that keep human sexuality and our violent impulses in check, Bataille was keenly aware of the necessity of the taboos and prohibitions that keep the onslaught of destructive urges, from without as much as from within, at bay. This emphasis on the mutual dependence of transgression and taboo, “opposite and complementary concepts,”29 is well known. In many ways it counts as one of the central tenets of his work. But this key insight about transgression does not only concern the dialectical configuration of interdiction and violation (influenced without a doubt by Kojève’s famed lectures on Hegel’s Phenomenology, which Bataille attended religiously)30 but, more importantly, its relation to the unrecognized forces
animating and sustaining the cycles of life. The purpose of prohibitions on the sacred is not to rein in the violent impulses susceptible to the pull of these very forces but rather to provide a mechanism to act them out. “Taboos are not imposed from without.” They are not instituted to repress violence. Instead, they serve to acknowledge its persistence and inescapability, indeed to allow it to manifest itself in a controlled manner. This is why “sacrilegious acts are held to be as ritual and holy as the very prohibitions they violate.” At the same time, “the profound complicity of law and the violation of law” ensures that transgression “suspends the taboo without suppressing it.”

At first, Bataille’s deployment of the pictures of Chinese torture could appear as a somewhat gratuitous act of exposing us to the sight of intolerable suffering; in fact, however, it is informed and sustained by an elaborate, if often eclectic and indeed eccentric, set of ideas. While Bataille’s ecstatic gaze at the young Chinese is certainly as much of a projection as the contemporary European accounts of Chinese executions, and while the French writer’s own “dramatization” of his encounter with the pictures seems in some respects reminiscent of the “supplice pattern,” Bataille’s story is actually quite different in that it is one in which suffering does not become converted into something else, nor does the violence suffered and celebrated point to imminent salvation. The dynamic of transgression and taboo cannot be integrated into a narrative of progression, nor can the Bataillean model of sacrifice be accounted for in terms of exchange, of debt and relief—as in the notion that Christ died for us and thereby delivered humankind from its sins. On the contrary, it is first and foremost without any recompense, suspending the logic of economic transaction and profit in order to allow the dormant forces of the “general economy” a periodic outlet so as not to be engulfed by them.

The reproduction of the pictures of the Chinese torture victim on the last pages of The Tears of Eros is, of course, itself a stark violation of aesthetic protocol, a transgression of the modern taboo on the unmediated representation of violence and pain. The impact of this violation is further increased by the unapologetic gesture with which the reader is confronted with the pictures. In his assault on our aesthetic sensibility Bataille is mobilizing a pathos with which we are no longer accustomed, both in the exposure to the spectacle of pain that does not seem to allow for transcendence or sublation and in his own entrancement before this specta-
It is not exactly the Christian pathos of overcoming suffering through suffering, in the wake of the crucified son of God, but it is a pathos informed nonetheless by a strong sense of a revelation achieved through pain. This revelation is not that of the Gospels but of a more archaic “truth” about expenditure and self-loss at the center of Bataille’s later thought.

Kafka’s “Chinese” Cruelty

Looked at with a primitive eye, the real, incontestable truth, a truth marred by no external circumstances (martyrdom, sacrifice of oneself for the sake of another), is only physical pain.

— FRANZ KAFKA, DIARIES, FEBRUARY 1, 1912

The eyewitness accounts of ling’chi that form the basis of Bourgon’s analysis of European reactions to the “punishment of the hundred pieces” cannot fail to bring to mind what is perhaps the most prominent text centering on the spectacle of pain and punishment in the modernist tradition: Franz Kafka’s In the Penal Colony. As in Bataille, there is something breathtaking in the narrative’s depiction of the famous apparatus at its center, above all in its combination of gruesome details and detachment. Kafka clearly relishes the matter-of-fact account of the cruel mechanisms of the machine and the justice system of the colony’s “Old Commandant.” It is undoubtedly the narrative’s ostensibly dispassionate account of a passionate yearning and failed search for transcendence that creates its strange effectiveness, alternately chilling and hilarious. Not unlike Bataille’s enlistment of the images of violent death, In the Penal Colony appeals to, and denies us, some of our instinctive reactions when confronted with the spectacle of extreme pain. Kafka’s story, however, is not sustained by the same kind of wide-ranging anthropological speculations as those informing Bataille’s case for an aesthetics of transgression. Nor is it very obvious what kind of “case” is actually being made in the story at all. To be sure, on the face of it In the Penal Colony is about the confrontation of two conceptions of justice and punishment, archaic and modern. But not only is the opposition between these two different orders unstable; different visions of violence intersect and collide in the gruesome spectacle at the center of the story: clichés about Chinese cruelty; the Christian script of the “supplice pattern”; the image of the Jewish God inscribing his law.
in the hearts of his people (Jeremiah 31:33); and, finally, the promise and peril of writing itself, its lethal and life-giving, in other words, its transfigurative power. In what follows I look at Kafka’s story as an implicit commentary and reflection on the ling’chi pictures, as yet another, more oblique, perspective on this strange “theater of cruelty.” To some degree In the Penal Colony is about achieving the same kind of nauseating immediacy that had thrilled and stunned Bataille before the image of the young Chinese. As we will see, the officer’s vivid depictions of the apparatus invoke the Christian drama of illumination and transfiguration through suffering. At the same time, the “image” that the story projects gives rise to conflicting reactions and an “agon” that ends in what looks like an utterly inglorious and prosaic death. In this struggle no party seems to prevail, and no position is vindicated. On the contrary, the distinction between archaic and modern is brought to collapse. I begin by recalling the story’s emphasis on the visual, on seeing and on being transformed by a vision, the vision, in fact, of a violent death coinciding, presumably, with a transfiguration. This is followed by a closer look at the story’s “fractured dialectics” and its theatricality.34 As we will see, the narrative’s dramaturgy undercuts the luminous spectacle it evokes, making it virtually impossible to decide the meaning of the excessively cruel procedure at its center.

Kafka has made no secret of his fascination with violence and pain. In a letter to Milena Jesenská he writes, “Yes, torture is extremely important to me. I am interested above all in being tortured and in torturing.”35 This preoccupation is evident in his work, whether it is the colorful wound in A Country Doctor or K.’s execution by knife in The Trial. The torture scene featured in In the Penal Colony focuses on an apparatus that is designed to prolong the torment ad infinitum. But the imaginary spectacle of horror at the center of the story, the pathos it promises to stage, is continually eroded by a sense of ridicule and disgust. Rather than inspiring compassion or pity, the scene gives rise to a pedantic curiosity, on the one hand, and a sense of embarrassment, on the other (perhaps two of the most common dispositions in the affective repertoire of Kafka’s characters). As I said earlier, there could hardly be anything more foreign to Kafka’s poetics than the register of pathos. Winfried Menninghaus has shown in great detail how Kafka’s fascination with physical pain and violence tends toward the dimension of the abject, toward the human body in its frailty and
even repulsiveness. In *In the Penal Colony* this body is a site of inscription—of the law transforming the human animal into the *animale rationale*, and the onlookers into a community—and of a transfiguration—transforming life into writing, into literature. In this sense the apparatus is not just a device in the service of deconstruction, a parody of pathos, but an allegory of a metamorphosis that keeps failing.

VISIONS

Franz Kafka’s *In the Penal Colony* is not inspired by, nor does it try to recreate, any image, at least not in any direct fashion. And yet the strong emphasis on the visual, on looking, hardly escapes the notice of any reader. Everything in the story seems to work toward making present, in the most vivid terms, what it describes, above all the peculiar apparatus at its center. A vivid choreography of gestures and looks unfolds before the reader’s eyes; indeed, the story consists very much of staging a scene of seeing.

The officer, busy setting the stage, urges the explorer to take a seat so as to enjoy the spectacle from the most comfortable vantage point. Throughout, he is at pains to retain the traveler’s attention and to focus his gaze. His preparations of the execution are accompanied by technical explanations and praise of the technological sophistication of the apparatus. In fact, as he continues to evoke (and anticipate) the workings of the machine, he also stresses repeatedly that viewing the apparatus in action will take care of any doubts, hesitations, or possible questions. Trying to dispel the impression that he was attempting to affect (or manipulate) the explorer’s view of the matter (“I wasn’t trying to play on your emotions”), he notes, “in any case, the machine still works and is *effective in its own way*.” His praise concerns, before all else, the apparatus proper because everything else will fall into place, once the machine is set into motion, once the mechanism is allowed to demonstrate its efficacy. Very much in the rhetorical tradition of *ekphrasis*, the speaker does his best to foreground the object and tries to draw attention away from the words that evoke it. This tendency is also very much in keeping with the officer’s pronounced contempt for judicial procedures based on question and answer and the “confusion” in which they inevitably result. As is quite evident, his own speech will be a case in point. It gives rise to questions on the
part of the explorer that divert attention from the real object of the officer’s efforts. Hence the officer’s short and matter-of-fact rebuttals of the objections implicit in the visitor’s queries. It appears that in the officer’s view these questions, posed from the outside and in ignorance of the apparatus, miss the point. That is why in the beginning he doesn’t even appear to bother to refute them in an elaborate defense but rushes on to complete his description so that the execution can take place and speak for itself. The explanation of the sentencing procedure, given with a sense of embarrassment at the naiveté of the question, is cut short—“but time flies”—to redirect attention to the execution’s own procedure.

The officer’s speech aims at making the apparatus appear in all its splendor and “self-evidence.” The spectacle that the apparatus gives to see is one, as we know, that immediately addresses itself to the senses. It brings “illumination” first to the condemned, who reads his sentence with his wounds, and then, by some sort of contagion or osmosis, to the onlooking community. While the immediacy of access and participation through the senses (as opposed to speech), especially through vision, is stressed throughout—the execution is a mass spectacle with crowds scrambling to get a good view—at the height of the event some of the onlookers are said to close their eyes, as if, we might speculate, to enjoy the realization of justice in the intimacy of an inner vision.

The apparatus is supposed to perform a paradoxical operation: it is on the disfigured body of the condemned that it makes justice present. At the same time, for justice to become visible, if only to the inner vision, the writhing, tormented body under the Harrow has to disappear, has to give way to something else. The formula for this metamorphosis or conversion is transfiguration. That is indeed the term used in one of the story’s climactic moments: “How we all took in the expression of transfiguration from his martyred face, how we bathed our cheeks in the radiance of this justice finally achieved and already vanishing” (P, 48). The German reads: “Wie nahmen wir alle den Ausdruck der Verklärung von dem gemarterten Gesicht, wie hielten wir unsere Wangen in den Schein dieser endlich erreichten und schon vergehenden Wärme” (S, 228). Literally, taking off the expression of transfiguration from the sufferer’s face, the scene recalls a well-known Christological topos. The term Ausdruck evokes its cognate, Abdruck, and the gesture of “abnehmen”—as in taking off a mask from somebody’s face—reinforces the association with the
face-cloth bearing the features of Christ’s face, which would become fa- 
mous as “vera icon,” the “true image of Christ.” Basking (or “bathing,” 
as Corngold translates this passage) itself in the light of justice, the com-
munity regenerates itself (“bathing” would suggest—by no means infe-
llicitously, I think—a baptism and rebirth in the water).42

REFLECTIONS AND REVERSALS

As evidently as Kafka’s story rehearse, at its pinnacle, key elements of 
the European “supplice pattern” (notably the communion of the specta-
tors—parodied by the officer’s embrace of the explorer), it also disman-
tles the Christian script governing the spectacle of the execution. The dis-
turbances that Kafka introduces into the drama of death, redemption, and 
transfiguration are best grasped by turning to another constitutive fea-
ture of the story. In the Penal Colony is not only a text about a certain 
kind of spectacle, of spectatorship, and indeed of spectacularity. It is not 
only a “spectacular” but also a specular text, a text about specularity, in 
other words, a work that echoes, mirrors, and doubles its own elements 
and procedures. These reflexive and self-reflexive characteristics of Kafka’s 
In the Penal Colony effect a kind of refraction, displacing and dismantling 
the spectacle of suffering and the positions held by its protagonists and ob-
servers, its proponents and its opponents. In other words, in the process 
of mirroring or reflecting it, the matrix of such spectacles, the “supplice 
pattern,” gets twisted and distorted.

Doublings and mirror effects are at work on several levels of the nar-
rative. The most obvious is the doubling of the two main protagonists by 
the story’s other “pair,” the condemned man and the soldier whose actions 
and reactions seem to mirror and mimic those of the explorer and the of-
ficer. At times these “mirror images” are inverted or slightly off. The ex-
plorer’s ostensible disinterest, for example, has its counterpart in the con-
demned man’s eagerness to see what the officer is demonstrating with such 
enthusiasm. In turn, the condemned man’s searching gaze, seeing and un-
derstanding nothing, anticipates the explorer’s embarrassment and clue-
lessness before the Old Commandant’s written instructions. A peculiar 
confraternity emerges between the Chaplinesque couple of the condemned 
man and the soldier (bringing to mind similar pairs in other Kafka texts: 
think of the two bums, Robinson and Delamarche, of Der Verschollene,

Bataille, Kafka 43
or the strange twins of Das Schloß). The solidarity between the two “natives,” who are sharing the prisoner’s “last supper” of rice pap, contrasts with the “agon” evolving between the officer and the explorer.

The most crucial series of reflections and inversions takes place, of course, between the latter two. Their interaction can be characterized as governed by a set of symmetries and asymmetries. Despite the noted divergences and differences in their views, demeanor, and actions, their trajectories seem to converge. In some sense they even appear to switch positions in the end. Here are some examples.

The officer’s eloquent and passionate plea for the apparatus stands in marked contrast to the traveler’s guarded silence. The inexhaustible flow of praise on the part of the officer, advertising his “product” like a salesman (the German original actually once refers to him with a term connoting just that, calling him a “Vertreter”), is met with monosyllabic reticence on the part of the explorer. Of course, the outward detachment of the latter conceals a growing inner agitation, a kind of running commentary on what he is made to see and hear and a silent debate on what to do. The voyager’s thoughts, unspoken for the longest time, this inner voice is crucial in shaping and inflecting the readers’ views, thus succeeding in the very task all the officer’s eloquence failed to accomplish. In the end, however, the officer has more or less stopped talking. While not matching him in terms of eloquence, the explorer finally speaks his mind, and his verdict is as apodictic and firm as the officer’s unshakable belief in the redemptive power of the machine that had made any objection seem utterly obsolete.

There is another reversal of the two positions. Determined to make his point, the officer proceeds to lay himself on the bed, yielding, one can’t help thinking, to an old temptation, namely “to lie down . . . under the harrow” himself (45). The promptness with which he accepts his verdict exemplifies and asserts his earlier credo in the futility of argument. But of course the officer’s silent compliance with the sentence is also a last attempt to demonstrate, in actu and in the flesh, the virtues of the apparatus that his speech had failed to convey.

Meanwhile, the carefully guarded detachment of the explorer, whose “neutrality” for a time seemed dangerously close to tacit complicity, is on the wane. It has given way to a gradual approximation to the officer’s position. The explorer, steadfast in his resistance to the officer’s rhetoric of persuasion, is taken over by curiosity. It is unclear whether this curiosity
is piqued by the promise of technical perfection or that of the machine’s redemptive, transfigurative power. (Obviously, for the officer these two aspects are one and the same. The “Vollendung” of the apparatus, mentioned early on, connects aesthetic perfection, technological achievement, and the notion of completion as in the fulfillment of a prophecy.)

He approves of the officer’s self-immolation (telling himself that he would have done the same!) and thereby seems to tacitly consent to the position he had refused to acknowledge all along. At the end of the story he appears visibly disappointed not to detect even a trace of the promised transfiguration on the dead man’s face. The breakdown of the machine had seemed to vindicate him, but there is a hint of regret and disappointment here, too. It is, in fact, only the malfunction of the apparatus that finally prompts him to interfere in the violent death of his friendly cicerone. This is not torture, as intended by the officer, but murder, he is thinking to himself.

In a curious twist on the mirror structure of the commandant’s system of punishment, which maps the violated rule onto the violator’s body, the explorer seems to have adopted the very method against which he had pronounced his verdict. In the “old” system the punishment consisted in writing the law that had been transgressed on the body of the condemned man. The point of contention, the apparatus, whose dignity and efficacy the explorer was so determined to deny, becomes the instrument of executing the very justice its previous use is supposed to have violated.

The similarity between the position of the explorer and of the officer is notoriously manifest in the word zweifellos, which underscores the immutability of their respective convictions. The officer had perplexed his counterpart when he decreed, “the guilt is always beyond all doubt” (die Schuld ist immer zweifellos). But this verdict is echoed by the explorer’s own judgment, “The injustice of the procedure and the inhumanity of the execution were beyond all doubt” (46), first uttered to himself and then, at the prompting of the officer, made public. “From the very beginning the traveler had no doubt about the answer he had to give” (53). This is perhaps the most remarkable reversal of roles, for it turns out that while the officer was trying to make his case for the apparatus, it was in fact he who was being judged. And the more compelling his case for the machine, the worse matters became for him. Like the condemned man, he is being tried without realizing it and by a court that has determined his guilt “from the very beginning.”

The narrative does not only reconfigure the positions occupied by the
characters; it also, in classic *mise-en-abyme* fashion, mirrors the various trials it stages in one another. And remember that the officer does not only put all his effort in painting, in the most vivid terms, the miraculous machine; he also evokes, with remarkable theatrical talent, the trial that he, in turn, hopes to stage on behalf of the apparatus. It is for this that he wants to enlist the traveler’s help. He imagines their appearance at the public meeting as a carefully orchestrated and triumphant drama that will end with the resounding defeat and public humiliation of the current governor to finally restore the apparatus to its rightful place. In fact, it is a spectacle to finish off the “spectacles” (51) of the meetings that have replaced the splendors of the execution with discourse and ladies bent on distracting men from their mission. With dramaturgical ingenuity, the officer even envisions two different scripts of how to bring about this sea change in the colony. One has the explorer clamoring the “truth”: “Don’t hold back in your speech, raise a big ruckus with the truth . . ., roar, yes indeed, roar your judgment, your unshakeable opinion at the commandant” (52).44 In the other, he is to pronounce his “verdict” with more understatement leaving the rest to the officer.

In spite of their gradual approximation and partial congruence, there remains an insurmountable disconnect between the two views of justice, punishment and law, clashing in Kafka’s story. From the very beginning the officer is concerned with the momentary revelation that occurs as the execution takes place. His focus is on the technical means that bring about this moment. The apparatus comes to stand for the epiphanic effect, whose dazzling light eclipses all other considerations, even making them seem utterly irrelevant. Remember the officer’s genuine embarrassment at the explorer’s interjections noted repeatedly in the text.45 The discrepancy between the explorer’s questions and remarks (presumably shared, at least for the most part, by the reader) and the officer’s reactions is often hilarious. At what is perhaps the turning point of the story, the disconnect is particularly evident. “It did not seem that the officer had been listening. ‘So the procedure has not convinced you,’ he said to himself [!] and smiled, the way an old man smiles at the nonsense of a child and keeps his own true thoughts to himself behind the smile” (53). That the officer should compare his counterpart (and, by extension, the reader) to a child is no coincidence. For in some way the execution is meant for children, who are granted privileged access to the spectacle.
Although he can’t suppress his curiosity, piqued after all by the technological sophistication of the apparatus, the explorer, by contrast, is concerned with the procedural aspect, with questions of evidence, defense, guilt, and so forth—in other words, with “due process.” But then so is the officer. His disaffection with the new administration stems from their obvious disrespect for the old ways. Now, it is precisely the priority given by him, his inordinate devotion to the technical dimension of the process that appears cruel and excessive. It is not a sadistic cruelty, though, but one that is above all marked by the absence of compassion. The ostentatious disregard for the suffering of the condemned man is not only the most egregious but perhaps also one of the most comic effects of the story, especially as it comes coupled with a sense of nostalgia, an attachment to a sentimentalized past that reaches a peak when the officer evokes how he would watch, up close and with two children in his arms, how “understanding” or “enlightenment” would dawn even on “the most dull-witted.”

Instead of pointing out the “humaneness” of the penal system, as could be expected in a situation like this one, “its sole advocate” goes the other way, detailing the exceptionally painful procedure of the colony’s punitive measures. Instead of reducing the pain of the condemned man to a minimum (the declared agenda of penal justice ever since the guillotine), the officer boasts a mechanism that prolongs it, achieving the maximum of pain over an extended amount of time. It is clear, though, that this pain is not an end in itself but rather the necessary condition for the transfiguration that it is meant to achieve. Pain is not inflicted, as in the supplice pattern, to extort the kind of public confession of the criminal that, in turn, would allow for his absolution. The condemned man doesn’t know his crime or his punishment. “It would be pointless to tell him. After all, he is going to learn it on his own body,” as the officer explains early on (40). Nor is there any need for him to recognize the authority of the court and, as a consequence thereof, the divine order, from which the court derives its legitimacy. As much as the illumination and transfiguration at the vanishing point of the procedure are reminiscent of the supplice pattern underlying executions in Europe from the Middle Ages to the nineteenth century (and beyond), no confession, no repentance, no absolution organizes the cruel spectacles of punishment in whose “splendor” the community of the Penal Colony “basks” itself.
Of course, compassion is not exactly what drives the explorer’s attitude either. Whenever his gaze falls on the condemned man, he notes his animal-like features and bearing. In a mental note to himself, preparing his case against the apparatus before the new commandant, he points out that the condemned man is not “a compatriot, and he certainly did not arouse pity” (46). The traveler’s reluctance to speak his mind, his preoccupation with decorum, and the continual attempts to find rationalizations for his own “neutrality” cast a rather negative light on the moral superiority claimed by the enlightened stance he represents. Indeed, the apodictic nature of his own verdict makes the man “conditioned by European points of view” (49) rather suspect.

The reflection of the supplice pattern that the story gives us is a distorted one. Kafka adopts certain elements of the pattern while eliminating others. But these “missing” parts are nonetheless present, or they return in unexpected ways. One last example: in the officer’s account of the execution, the “drama” (“das Spiel”) never takes on the semblance of a martyr play.48 As we have seen, the condemned man’s attitude has no (or at least very little) bearing on the success of the “performance.” Just as there doesn’t seem to be any differentiation between crimes (the punishment is always the same), the identity of the victim is irrelevant for the procedure. The condemned man is as replaceable as any “extra.” By contrast, the officer’s unhesitating acceptance of his “sentence” recalls, rather overtly, the martyr’s ultimate proof of faith. On the face of it—unlike the martyr who doesn’t abandon his faith—the officer seems to acknowledge his “guilt.” But once again, in a paradoxical conflation of opposites, by submitting to the sentence (“Be just!”) without a word of protest, he demonstrates that the system, charged with meting out justice arbitrarily, has no room for exceptions, in other words, that it is not arbitrary. Applying its own “logic” as rigorously to its “sole advocate” (in other words to itself) as to anyone else, it disproves the charge and puts its adversaries to shame.

**METAMORPHOSES**

But what is “Chinese” about Kafka’s cruelty? The “Chinese” character of the cruelty in *In the Penal Colony* resides, above all, in the disturbing relation to pain that the story puts on display.49 The officer’s egregious
indifference vis-à-vis suffering is simply unassimilable to a perception that remains profoundly tied to the “supplice pattern.” As in ling’chi, the suffering is subordinated to the law, whose “visibility” or, in Jérôme Bourgon’s terms, “readability” takes absolute priority. One might object that, different from the characteristic absence of any signs of transcendence in ling’chi, the working of the apparatus in Kafka’s story is converted into a drama of transfiguration. Ultimately, however, “the promised redemption” does not take place. The apparatus has collapsed. Instead of the illumination that was to transpire on the dead man’s face, the look of the dead officer is “as it had been in life.” The last, haunting image of the dead officer resumes, albeit *ex negativo*, the vision of transfiguration at the climactic moment of the story. But a closer look into the open (presumably empty) eyes of the officer reveals yet another picture, one that undoes the ostensible opposition between—and mutual cancellation of—the blank gaze and the vision of redemption. The last image of the officer features a hybrid creature—half-mythic, half-saintly. The great iron spike protruding from his forehead evokes the horn of the unicorn as much as the crown of thorns.

The reading presented here has concentrated on two specific features of Kafka’s story: its ekphrastic ambition, its *mise en image*, on the one hand, and, on the other, the narrative dramaturgy, the unexpected twists and turns in the “script” of the story, intended, it seems, to displace and dismantle this very image. Like the pictures of ling’chi, as reflected in the Western gaze, the image appears to hold the promise of a reversal, from extreme suffering to redemption and regeneration. Yet no such reversal occurs. The last image is one not of redemption or relief but of stasis and suspension. Impaled on the spike and dangling above the pit, the officer appears suspended between life—again, the expression of his face is said to be as it was in life—and death. While the anticipated reversal does thus not transpire where it was expected, the dramaturgy the story unfolds is one of continual turning points, inversions, and reversals. In a recent essay Alexander Honold has pointed out that *In the Penal Colony* conforms remarkably well to the Aristotelian conception of the tragic plot based on two types of reversals. *Anagnorisis*, or recognition, marks a turning point in the protagonists’ knowledge, *peripeteia* one in the dramatic action. As Honold notes, Kafka’s narrative creates an eager anticipation of turning points, not only in the officer’s description of the reversal that
is to occur on the face of the tormented man but also, of course, in the readerly expectation of the traveler’s response and intervention, which leads, in turn, to another, utterly unexpected turn of events, the officer’s self-immolation. Honold does not mention the third element of Aristotle’s theory of the tragic plot, pathos, which in a way forms the centerpiece of the story, even though the story’s dramaturgy of continual shifts and turning points transforms the image of such pathos into its opposite, giving way to a mixture of ridicule and horror. The plot of the Christian “supplice pattern” has served us as a foil for measuring the twists and displacements that make up the “script” of In the Penal Colony, its evocation and revocation of pathos.

Obviously, the notion of “script” has a much more literal presence in the story. Thus far we have focused on violence as image and spectacle and on the “agon” over its possible justifications. But it is, of course, intimately linked with the idea of writing and, more specific still, with the idea of the law. The nexus between violence and writing and violence and the law opens up two additional perspectives on the question of what kind of “case” it is that is being made in In the Penal Colony. One points to Kafka’s vexed relation to his Jewish heritage, more particularly to the Jewish law, the other to a certain ambivalence with regard to his own writing. On the first view the machine inscribing the law onto the body is an instantiation of Jeremiah 31:33, the Lord’s promise (or threat) to the people of Israel to put his “law in their inward parts, and write it in their hearts.” Like the law of the Old Testament the law of the “Old Commandant,” who the commentators have been quick to associate with the God of the Hebrew Bible, has no need to justify itself, demanding unconditional obedience. In its mechanical mindlessness the apparatus echoes the inscrutable demands of Yahweh. The machine recalls a “view of Judaism,” as Eric Santner has put it, “as a legalistic religion of radical subjection to the pure heteronomy of divine jurisdiction,” which proved both fascinating and deeply troubling to the generation of German-Jewish writers of which Kafka was, in many respects, one of the foremost representatives. In Jeremiah 31:33 the inscription of the law on the hearts is a part and a continual reminder of the covenant between God and his people. The publicly staged inscription of the law in In the Penal Colony serves a similar purpose: the illumination that is supposed to come over the tormented body affects the entire audience, reconstituting in it a feeling of community. Ac-
According to a famous remark in Nietzsche’s *Genealogy of Morals*, pain is the precondition of memory. It is through the infliction of pain that the human animal becomes the animal that is capable of making promises and hence of committing itself to and maintaining (nonviolent) social relations. The procedure the machine is supposed to perform echoes not only the inexorable law of the Jewish God but also the failed process of humanization, variations of which one finds at the center of a number of Kafka’s stories. If the apparatus worked, it would bring “illumination to the most dull-witted”; it would hence transform the condemned, who is characterized throughout as a mindless, animal-like creature, into an *animale rationale*, in other words, into a human being and, by the same token, reassert the collective order and reinforce the communal bond. But it doesn’t work, and the supposed inscription in the order of the symbolic actually destroys the subject or, rather, leaves it suspended in the strange dimension between life and death, manifest in the bizarre expression on the officer’s face. As in the images of ling’chi, the violence invoked in the officer’s nostalgic account of the penal colony’s punishments is an expression of strict, mindless legality, not, as Bataille would have it, a celebration of transgression and the suspension of the law, a temporary release from the constraints of the symbolic order, but rather the violence tied to the instauration and reaffirmation of that very order.

As numerous commentators have noted, *In the Penal Colony* is not just about Kafka’s conflicted relation to Halachic law but also about his ambivalent feelings vis-à-vis his own writing. As in the ecstatic vision of the tormented body, which the apparatus is supposed to produce, writing can be an experience of exaltation and provide access to a higher order of being. But it is also a matter of bad conscience, of guilt vis-à-vis a life entirely subordinated to literature and hence not really lived. Kafka has recorded the feeling of exaltation that successful writing can afford the writing subject in his account of the night in which he wrote “The Judgement,” a night that he famously described as the moment in which he was born as a writer. Mark Anderson has pointed out the remarkable parallels between Kafka’s description of this night in a diary entry (September 23, 1912) and the description of the punishment in *In the Penal Colony*. “The essential elements are almost identical: the duration of the writing (twelve hours in ‘In the Penal Colony,’ an entire night for ‘The Judgement’); the passive reception of the text; disappearance of pain halfway through
the process as the body passes from a temporal to a spiritual order; the ‘opening’ up of body and soul; and finally the luminous eyes as the sign of transfiguration.” The transformation of life, and especially the body, into literature is a topos Kafka shares with other writers, especially his beloved hero Flaubert. The creative process dissolves the body into writing, preserving it in a sublimated and heightened form. But this peculiar transubstantiation is also destructive of the body, draining its vitality and forever transfixing the subject on the threshold of life, which it can only observe from a distance. Recall Kafka’s famous characterization of his writing as the hesitance before birth, “das Zögern vor der Geburt.” Like the inscription operated by the apparatus, writing is thus a means of transfiguration and of torture. It is guilt-ridden, and if it stalls, as it had when Kafka wrote *In the Penal Colony*, it becomes a painful reminder of the strange position of the subject engaged in this life-inimical activity, stuck, like the officer, in the writing machine and suspended between life and death.

Bataille’s pathos before the image of the Chinese torture victim is one of ecstatic self-loss. What manifests itself in the sight of this suffering are the violent rhythms of the general economy that threaten to engulf the beholder. Bataille’s engagement with the images of *ling’chi* does not only stage this force but seeks to transmit its impact to the viewer/reader of his work. The forces of the general economy can only be glimpsed as the protective shield of the symbolic order gets suspended. Bataille’s writing is an attempt to regain access to this lost and disavowed dimension of human experience. Much of his political engagement of the 1930s and 1940s can be viewed as being part of the same endeavor, though the terms shift a bit over time. In the later phase of his work, the speculative economic and anthropological writings of the 1950s, the activism recedes and is replaced by theoretical elaboration, on the one hand, and amassing of evidence for his thesis concerning the nexus between sexuality and death, on the other. Along with the book on the cave paintings of Lascaux, *The Tears of Eros* concludes this labor and constitutes something like Bataille’s last dramatic attempt to communicate his insights or “revelation.” Bataille’s aesthetics of transgression, which has had repercussions in numerous areas, is epitomized by the dramatization of somatic vertigo before the lacerated and truncated body of the young Chinese man. It is the pathos of the real at
its purest but also in its characteristic ambiguity between the desire of somatic immediacy and traumatic transformation, on the one hand, and theatricality and posing, on the other.

It is far more difficult to explain the peculiar fascination with the spectacle of violence that is at work in Kafka’s In the Penal Colony. The story’s dramatization of the scene systematically confounds the positions and views taken. It is true that the imaginary vision of the tormented body is treated with considerable irony, and the pathos of this vision is continually undercut by the theatrics of the narrative. But the violence that pervades the story is not simply a laughing matter. In fact, it is deeply ambivalent. On the one hand, it can be viewed as the violence of inscription, the painful initiation of the subject into the symbolic order, whose erratic, inscrutable laws form and deform it at the same time. On the other hand, it can be viewed as being about the transformative power of writing in both its redemptive and destructive aspect. It promises a different kind of existence, an existence in the space outside of the symbolic order or on its threshold, heightening and transfiguring the writing subject. But ultimately it traps the subject between life and death. This is the secret pathos of Kafka’s story.