

## Daina Habdankaitė

### *Delay As (Non)Foundation of Bureaucracy*

ABSTRACT: *This paper addresses the problematic nature of bureaucratic power structures and their effectiveness. The paper argues that delay constitutes the essence of bureaucratic power and has controlling effects on all of the three temporal modes – past, present, and future – that individuals are subjected to. The exteriorized and exteriorizing nature of temporal consciousness in particular is showcased thanks to Bernard Stiegler’s conception of the relation between technics and time. By discussing Franz Kafka’s fiction as well as the most common bureaucratic encounters, the paper argues that both the formal and the repetitive character of bureaucratic procedures are not only facilitated but even presupposed by the constitution of temporal consciousness, which is prone to temporal delay and to the controlling mechanisms that come along with it.*

KEYWORDS: *bureaucracy, delay, Kafka, power, time.*

Starting with Max Weber<sup>1</sup> in the dawn of the 20<sup>th</sup> century and continuing with such thinkers such as Michel Foucault<sup>2</sup>, Henri Lefebvre<sup>3</sup>, Theodor Adorno and Max Horkheimer<sup>4</sup>, the question of the relation between power and bureaucratic structures has been extensively scrutinized. Although it cannot be claimed that every power structure is accompanied by some kind of bureaucratic activity, the reverse formulation holds true: if there is a bureaucratic structure, there has to be a power-imposing activity involved. The important shift in the theory and the critique of bureaucracy is related to the technological boom in the late eighties. As Graeber puts it, “a critique of bureaucracy fit for the times would have to show how all these threads-financialization, violence, technology, the fusion of pu-

1 Max Weber’s *Wirtschaft und Gesellschaft* (1925) in particular.

2 M. Foucault, *Surveiller et punir. Naissance de la prison*, Paris, Gallimard, 1975. M. Foucault, *Histoire de la sexualité*. Tome I (1976), Tome II and III (1984), Paris, Gallimard. M. Foucault, *Surveiller et punir. Naissance de la prison*, Paris, Gallimard, 1975.

3 Henri Lefebvre’s trilogy *Critique de la vie quotidienne: Critique de la vie quotidienne* (1947), *Critique de la vie quotidienne II, Fondements d’une sociologie de la quotidienneté* (1961), *Critique de la vie quotidienne, III. De la modernité au modernisme (Pour une métaphilosophie du quotidien)* (1981).

4 Theodor Adorno and Max Horkheimer’s *Dialektik der Aufklärung* (1944) in particular.

blic and private-knit together into a single, self-sustaining web”<sup>5</sup>. The question which remains to be raised is the following: what nowadays renders bureaucratic power different from other structures of control? We claim that the mechanism running bureaucratic power is a temporal delay. Turning towards Franz Kafka’s literary work is useful as it is situated between a metaphysical interpretation of the modern world and a social critique towards its deficiencies. Since temporal delay does not constitute just one of the possible modes of existence of bureaucracy, the intertwined character of ontologically charged and critically oriented discourse is inevitable. Because every power structure is itself temporal, delay as the essence of bureaucratic power is conditioned by the ontological tension between interiority and exteriority that renders spatiotemporality the central subject of our discourse.

### 1. Spatiotemporality as a Means of Control

The distinction of time as a form of interiority and space as related to exteriority has its roots in Immanuel Kant’s *Critique of Pure Reason* where the philosopher extracts space and time from the field of cosmology and employs them as transcendental forms of intuition which are supposed to enable the formation of appearances as spatiotemporal as well as the very distinction between the apprehending consciousness and the object apprehended. However, the idea of something interior remains extremely problematic both regarding the contents of the interior apperceptions as well as the transcendental form which enables their emergence.

Let us turn to Bernard Stiegler’s *Passer à l’acte* where he recalls the spatiotemporal experience which he had lived during his incarceration. Being imprisoned means living within a circle of repetition with no rupture except the release which results in a shift from one cycle of repetition to another at most. The temporality in prison appears to be much more restricted than the temporality outside the bars because of the extremely limited space: life among four walls, the same inmates, the repetitive selection of meals served exactly at the same time, and regular walks in the spatially limited courtyard. As Stiegler notices, when one is deprived of her world comprised of choices, she is rendered incapable of structuring her being in the world<sup>6</sup>. This is when the idea of an interior field which would remain intact to the controlling forces comes to mind as a promise of liberation from the imposed rhythms. Stiegler claims to have realized that even though the everyday life in prison brings no actual change or any hope for it the living memory of the consciousness tends to transform day after day<sup>7</sup>. Apparently, everything that Stiegler manages to find in his consciousness is related to memory: the books he has read, the works of art he has encountered, and the language he has learned and has

5 D. Graeber, *The Utopia of Rules. On Technology, Stupidity, and the Secret Joys of Bureaucracy*, Brooklyn, Melville House, 2015, p. 42.

6 B. Stiegler, *Acting Out* (2003), Engl. transl. by D. Barison, D. Ross and P. Crogan, Stanford, Stanford University Press, 2009, pp. 26-27.

7 *Ibidem*.

been applying since. Interiority as a problem as well as a necessity emerges when a rhythmically monotonous temporal order is faced by the consciousness. Yet any attempt at investigating the contents of the discovered interiority results in a failure to distinguish between what is interior and exterior in relation to consciousness.

Alongside Husserl's notions of primary and secondary retentions, Stiegler introduces the idea of tertiary retention which is "the prosthesis of consciousness without which there could be no mind, no recall, no memory of a past that one has not personally lived, no culture"<sup>8</sup>. According to him, tertiary memory always takes part in the primary and in the secondary memories as well as in the process of constitution of my present self. Stiegler's approach allows us to see that Kantian *Self* is always already exteriorized: it is surrounded by its objects which are at the same time its prostheses – the situation resulting in constitution of a non-lived past which, according to Stiegler, can become someone's past if and only if it becomes their future<sup>9</sup>. In other words, exterior traces (such as language) can constitute an impact to the consciousness only after having been actualized, appropriated, interiorized in such a way that they would become a part of conscious self-hood and thus take part in its project.

It could be objected that the claim about the essential bond consciousness has with technics can only be made from the perspective of the active consciousness and thus serves as a projection of the vision of human essence. According to Hansen, the idea of the tertiary retention is doomed for contradiction as long as the project resides in explaining the effect technics has on consciousness without surpassing the consciousness itself<sup>10</sup>. By refusing the metaphysical distinction between the organic and inorganic, Stiegler showcases the essentiality of the relation between consciousness and technics yet it does not necessarily mean that Stiegler's project leads to a contradiction. As long as one accepts the idea that collective time measurement (calendars, time zones, clocks) and synchronized rhythms (working hours, annual festivities, traffic jam frequencies) affect individual temporality in a significant way, the presupposition of a clear and strict distinction between personal and collective temporality cannot be taken seriously. Moreover, the distinction of authentic and inauthentic temporalities is challenged<sup>11</sup>. Once stuck in a traffic jam and feeling bored, I may plunge into the temporality of the melody that is airing or I may start day-dreaming which would cause me to enter into the sphere of an altered temporal

8 B. Stiegler, *Technics and Time, 3. Cinematic Time and the Question of Malaise* (2001), Engl. transl. by S. Barker, Stanford, Stanford University Press, 2011, p. 39.

9 B. Stiegler, *Technics and Time, 2. Disorientation* (1996), Engl. transl. by S. Barker, Stanford, Stanford University Press, 2009, p. 49.

10 M. B. N. Hansen, *Technics Beyond the Temporal Object*, in "New Formations", 2012, p. 46.

11 For instance, both Henri Bergson and Martin Heidegger exploit the distinction of the authentic and the inauthentic. Defending the idea that duration can be spatially measured only if it concerns the time that has passed and is not actually lived, Bergson echoes Heidegger's discourse on the difference between *Dasein's* care as its mode of projecting its being and *Das Man's* forgetfulness once trapped among careless mundane activities. Both thinkers rely on a presupposition that there are two different temporalities and the only criterion to distinguish between them is their proximity to the human subject.

structure where time may fly extremely fast as I fantasize about the distant future or it might freeze as I contemplate the pattern on a car seat. My inner temporality is structured by the images which offer their own temporal rhythms – but where do these images come from? On the one hand, it is my imagination that projects, composes and structures the imagery of my day-dreaming in the traffic jam; on the other hand, the imagery that is reactivated by my imagination has not been entirely created by it and can find its prototypes in the outside world. Needless to say that being in constant need of exteriorization (in the form of language, tools, technology, etc.) renders human consciousness prone to being “hacked” by the exterior temporal structures which are employed to constitute, shape, and restructure one’s personal temporality. The technical essence of human beings explains the possibility of dreaming someone else’s dreams<sup>12</sup> or succumbing to the industry of imagery<sup>13</sup>.

Since temporality is exterior and exteriorizing, it is destined to control and to be controlled. With this insight in mind, the episode when K. meets the inspectors in the first pages of Kafka’s *The Trial* can be read within its full scope of temporality. When K. expresses his disbelief in the situation he has gotten into, one of the inspectors says to him: “yes, you have been arrested, but that should not prevent you from going to work. Nor should anything prevent you from going about your daily life as usual”<sup>14</sup>. The first pages of *The Trial* do not depict K. entering the process of the trial – the first scenes of the book depict the stupor of K. after he realizes that he has always been in the process of the trial. If K.’s being late to realize he has always already been within the process can be explained by the exteriorizing nature of the human consciousness, the process of the trial which *necessarily* progresses in a mode of delay is to be explained by the specific spatiotemporality of bureaucratic structures.

The delayed realization of a complex structure the subject finds itself in is closely related to the violent nature of both self-consciousness and the logic of hierarchical organizations that implies a mechanism of control and oppression. Kafka’s position as a writer can be viewed as a situation where the ambivalence of the violence in question is exposed. Following Fort’s project of reimagining Kafka’s literary work as dealing with the crushing imperative to write, the importance of the relation between the literary act dismantling the modernist tradition of narrative and bureaucracy as one of the crucial aspects of the modern world needs to be stressed. According to Fort, in Kafka’s *The Trial* “the violence of an absolute subjection to language insofar as its social enactment, in the form of a ‘court’, projects a transcendental dimension that would positively guarantee and enforce it”<sup>15</sup>. Both bureaucracy and language function as a control mechanism that has a clearly distinguishable – and thus prone

12 In one of the interviews given in 1987 and aired in FR3 television under the title *Qu’est-ce que l’acte de création?*, G. Deleuze utters his famous phrase: “if you are caught in the dream of another, you are screwed”.

13 See M. Horkheimer and T. W. Adorno, *Dialektik der Aufklärung*, Frankfurt am Main, Fischer Taschenbuch, 1989.

14 F. Kafka, *The Trial* (1925), Engl. transl. by M. Mitchell, Oxford, Oxford University Press, 2009, pp. 14-15.

15 J. Fort, *The Imperative to Write. Destitutions of the Sublime in Kafka, Blanchot, and Beckett*, New York, Fordham University Press, 2014, p. 101.

to dismantlement – structure. The imperative to write touches upon the impossibility precisely because the given (i.e. the language that precedes its user both temporally and ontologically) is supposed to be interiorized by the one fulfilling the imperative to express herself, whereas the bureaucratic existence mirrors the already mentioned tension in that it necessitates a full engagement of the individual who is both the source of content for the formal procedures of bureaucratic systems as well as the matter that is reshaped and restructured by them. Fort's interpretation of Kafka's literary project as an attempt to fulfill the imperative to write brings forward is the revolutionary character of the act of writing: in resisting the urge to write like *the tradition requires*, Kafka not only is dismantling the rules of a modernist narrative but also showcasing the loops in the logic of any bureaucratic structure that is proper to modern world. That way, mediation in a form of writing becomes a means of both revelation and diagnosis leading to blurring the line between the interior and the exterior of the writing subject.

Apparently, neither restructuring of space nor its control could be possible if no temporality was involved. According to Karl, distortion is the key to read the spatiality of *The Castle* where the tightness of space mirrors the limitedness of Klamm, the symbol of authority in the novel<sup>16</sup>. Karl then proceeds to expand on the temporal aspect of the figure of a labyrinth: "in realistic fiction, the presence of an intermediary indicates one has approached the seat of power; one can negotiate with the minor official, who acts as a stand-in for the principal officer. Kafka scrambles his spatial concept by making the intermediary separate K. even further from the seat of power"<sup>17</sup>. The asymmetry of human circulation between the castle and the village (the people from the castle are the ones who decide when to come down whereas the villagers climb up rarely and if they eventually do, it is not them but the people from the castle who initiate the transition), the discrepancies between daily rhythms in the castle and in the village (the bureaucrats from the castle work unnaturally late or early hours once they descend to the village), the fact that the castle and the village people rarely meet face to face – all these seemingly spatial distinctions have a temporal dimension which functions as a delay that causes an ontological difference between the two spheres in question. As noticed by Weinstein, the fact that *The Castle* remains unreachable results not only in a myriad of ontologically ambiguous spaces but also has a degrading effect on the entities taking up the transitory space in question: "in the course of time Frieda becomes Olga, Olga becomes Pepi: interchangeable not characterologically but structurally – unknowable, talking figures K. meets, listens to, may make love to"<sup>18</sup>. The blurring of ontological differences between particular entities results from the formalizing effect of strictly structured spatial relations that impose a monotonic temporal rhythm upon the living.

16 F. R. Karl, *Space, Time, and Enclosure in "The Trial" and "The Castle"*, in "Journal of Modern Literature", 6 (1977), 3, p. 430.

17 *Ibidem*, p. 435.

18 P. Weinstein, *Unknowing. The Work of Modernist Fiction*, Ithaca and London, Cornell University Press, 2005, p. 140.

Yet bureaucracy is effective as a power-imposing structure precisely because our spatiotemporal condition within the world contains the potential of and for bureaucracy. The perfect parabola of the controlling spatiotemporality of bureaucracy could be Kafka's short story *Before the Law* where the adverb "before" functions both spatially and temporally. The story begins with a description of the situation: "before the law stands a doorkeeper. To this doorkeeper, there comes a man from the country and prays for admittance to the Law. But the doorkeeper says that he cannot grant admittance at the moment. The man thinks it over and then asks if he will be allowed in later. 'It is possible,' says the doorkeeper, 'but not at the moment'"<sup>19</sup>. Not allowed to face the Law, the man spends his life in front of the open gate before he discovers that this gate was destined only for him.

Being "before the law" means both spatial and temporal positioning. Even though both the doorkeeper and the man from the country are facing each other, only the doorkeeper is before the gate in the fullest scope since aside of his spatial positioning before the gate, he is also temporally prior to it. The man from the country comes and leaves while the doorkeeper stays as the one whose role is to preserve the rules. Thus the first conclusion to be made is that the man from the country is late to witness both the opening of the gate as well as its closure, only the doorkeeper can fully access the radical "before" of the law having the opening and the closure of the gate at his disposition. In this regard, the law appears to be rootless, or, to follow Derrida's reading of the parable, the question of the origin of the law throws us to the domain of the impossible. According to him, the historic and contextual emptiness of the law makes it impossible to be *in front of* it in the sense of *facing* the law: neither being in the presence of the law, the man from the country and the doorkeeper remain blind and separated both from each other and the law itself<sup>20</sup>. The asymmetry in question resides in the fact that the members of the opposition remain outside of the structure they are supposed to be a part of. *Inclusion by excluding* thrives on temporal discrepancies. The restriction to face the law is interiorized by the man leading to a twofold result: on the one hand, the respect for the law helps to facilitate the interiorization of the law itself, and on the other hand, the interiorization of the law leads to the constitution of the ontological difference between what is to be interiorized and what performs the interiorization. In this regard, the temporalities of the man and the law appear to be intertwined and function as a delay both phenomenologically (being late to witness the opening or the closure of the gate) and ontologically (being late to realize the coincidence of one's lifetime with the time of the law).

19 F. Kafka, *Before the Law*, in *Franz Kafka. The Complete Stories*, Engl. transl. by W. and E. Muir, New York, Schocken Books, 1993, p. 13.

20 J. Derrida, *Préjugés. Devant la loi*, in *La faculté de juger*, Paris, Les Editions de Minuit, 1985, p. 119.

## 2. Temporal Delay as the Essence of Bureaucratic Power

Delay can be defined as tension between the expectation and the given situation which activates the dialectics of the virtual and the actual. For a bureaucratic system to function, all the attention has to be paid to the actual actions – documents to fill in, signatures to be collected, officers to be consulted, etc. Yet alongside the obvious bureaucratic acts, the virtual domain lingers as the *real* reason for getting involved in all of the machinery. One's wish to get married with the loved one, to sell a house, or to start a new business – all of these goals do not coincide with neither are fully represented by the bureaucratic procedures one has to endure in order to accomplish them. In fact, the more bureaucratic activities extend, the harder it is to trace back *the real* whose activities they were supposed to facilitate. This is the kind of delay which cannot be escaped even in the most smoothly running bureaucracies – as long as filling another blank is not my goal *per se*, my relation to a bureaucratic system is one of a constant waiting fuelled by the tension between the virtual and the actual.

In contrast to the productive virtuality that Deleuze introduces as the creative source of what is present<sup>21</sup>, the virtuality that is touched upon bureaucratic temporality is closer to what we could call an ontological desert. The main difference here resides in speed: virtuality, which is an ontological surplus, constitutes a more concentrated and thus an accelerated domain of the real whereas the presence-based actuality remains confined to the principle of one-way causality and the logic of linear temporality. Meanwhile, the virtual which is opened by a bureaucratic structure has no relation (neither an oppositional nor a creative one) with the actual real since instead of dealing with ontological contents, bureaucratic structure is all about formalities and procedural actions whose functionality is based on the very fact of not having a content.

Pure formality of the bureaucratic virtual leads to an arrest of the temporal flow as is the case of Kafkan characters that never arrive at their destination point because the rootless and endless bureaucratic structure stalls them in-between the ontological domains. As Kavalovski remarks, the exclusion of Josef K. in *The Trial* from the normal flow of time results in an arrested narrative present which constitutes and intermediary ontological field residing between the state of being fully awake and the state of dreaming: “if he had emerged immediately from bed and gone directly to Frau Grubach, the court might not have intruded into his life. This vulnerable transition from sleep to wakefulness is above all a temporal moment when consciousness is being reconstituted”<sup>22</sup>. By turning the usual state of affairs into an abnormal one, the trial turns over the regular temporal logic which leads to a full abolition of the one-directional principle of causality. The trial has no distinguishable cause and no definitive finale which is exactly the definition of a stalled time, i.e. the bad virtuality.

21 G. Deleuze, *Difference and Repetition* (1968), Engl. transl. by P. Patton, London, Continuum, 2001, p. 83.

22 J. Kavalovski, *Fabula interrupta: The Rupture of Narrative and the Arrest of Time in Franz Kafka's Der Proceß*, in “Modern Austrian Literature”, 36 (2003), 3/4, p. 46.

### 3. Delay and Past: Simplification

For a bureaucratic structure to have a significant effect on an individual's mode of living and self-perception their relation needs to be more complex than in the case of an opposition or the situation of oppression. Robertson suggests that the template for understanding the subject's relation to an institution should be retrieved from the family where the internalization of the standards of behavior takes place first<sup>23</sup>. Even though the possibility of explaining the power relations between an individual and a bureaucratic system solely on a pseudo-psychoanalytic basis is doubtful, we can at least agree with the idea that there is a particular type of personality needed in order to successfully function within the logic of a bureaucratic institution. Therefore, the following task is to retrace the steps taken in the formation of a bureaucratically structured personality.

From the very first moments of K.'s encounter with the officers in *The Trial*, a temporally asymmetric power relation is activated. The most illustrative moment of the asymmetry between the bureaucrats and K. is constituted through documentation. K. is asked to show his personal document whereas the interrogators, even when asked to do the same, refuse to do so. To represent oneself through a personal document means succumbing to the logic of identity that precedes its own bearer. Our documented identity surpasses our own temporality in two ways. First, the date and place of birth as well as our name and surname are prior to the active and self-conscious capacity of understanding. Second, once inscribed into the bureaucratic documentary system, the information about us outlives us in the form of birth and death statistics, unpaid loans, etc. To be documented means to outlive oneself yet what really surpasses the physical and intelligent presence of ours is an extremely formalized and simplified identity. The very same simplification is performed within the field of self-reflection: once the documented identity is interiorized and appropriated by its holder, the radical temporal split emerges within the consciousness. A significant part of "us" is reserved to the atemporality of the bureaucratic identity which leads to admitting that from a certain point of view *I have never lived* (my name is prior than the living and conceiving I) and at the same time *I am never ceasing to live* (my body can die but the inscriptions in bureaucratic documentation are not going anywhere).

The stalling effect of bureaucratic system usually remains hidden in everyday encounters because the transitioning from non-bureaucratic field to the domain of bureaucracy is rarely captured by us. Kafka's writings allow us to see the blurred area of existence as self-exposing mediation: by no longer hiding behind the purpose it is supposed to serve, bureaucracy in Kafka's universe is presented as a formal structure whose main mode of being is malfunction resulting from the ontological discrepancy between the law and its literary expression. Commenting on the episode in *The Trial* where K. discovers pornographic pictures *en lieu* of

23 R. Robertson, *Kafka, Goffman, and the Total Institution*, in *Kafka for the Twenty-First Century*, eds. S. Corngold and R. V. Gross, New York, Camden House, 2011, p. 142.

legal texts inside the law books, Weinstein notices that “in the narrative where law books are filled with pornographic pictures, where painting are representationally delusive, where lawyers are all pettifoggers, where the offense is undiscoverable, and where the incessant deployment of rational language obtains neither clarification nor results – in such a muck-filled world the subject’s efforts avail nothing”<sup>24</sup>. After having abandoned its function as a structure-giving force, writing becomes a meaningless execution of sign-production. When the causal principle, that has been structuring the relation between the law and writing, is abandoned, time is stalled without being directed towards any destination.

The atemporalizing effect of a documented identity is also responsible for our blindness to the structural organization of bureaucracy. While the fact that the right hand of bureaucracy is ignorant of what the left hand is doing guarantees the smooth functioning of the whole system, it has a dangerous effect on the ordinary citizen. As Weber has already noticed, the bureaucratic system follows an extremely general set of rules which leads to a situation where the agency is not destined to regulate the matter “by individual commands given for each case, but only to regulate the matter abstractly”<sup>25</sup>. The self-performed blinding stems from the already analyzed identity split: while my “bureaucratic self” functions within the logic of the system, my “everyday self” appears to be free from the bureaucratic procedures. Yet such a liberty is just an appearance: while my “bureaucratic self” is active, the experiences of the “everyday self” are put on hold. For instance, I cannot enjoy the moments with a relative who lives in another country until I get the visa which requires a whole chain of procedures.

Putting the “everyday self” on hold leads to a dismantlement of any temporal self whatsoever. Classic narrative functions as an unfolding of the main character’s qualities through time which is often accelerated by a disruptive event leading to a transformation within the character’s personality. Whereas in Kafka’s narratives, the protagonists remain active in a passive way, i.e. their transformation never arrives as the characters usually lack background or personal details, and not to mention the sterile milieu where the action of Kafka’s novels takes place. To quote Weinstein, “Kafkan modernism invokes the fantasy of release and arrival in order to deepen the stakes of arrest. We realize, at a certain point of our reading, that we are not going to get anywhere; where we are is *where we are*”<sup>26</sup>.

Until now we have been developing the phenomenological aspect of the past-related delay of bureaucracy, so the time has come to discuss the ontological level of the issue. In his short story *The Problem of Our Laws*, Kafka writes about the impossibility for the people to reach the laws which are in the disposition of the noble. This leads to questioning the existence of any laws whatsoever: they could be forever lost within the course of history, passing onto the nobility the power of applying their will which is not grounded on any law yet parades itself as such.

24 P. Weinstein, *op. cit.*, p. 139.

25 M. Weber, *Economy and Society* (1922), Engl. transl. by G. Roth and C. Wittich, California, University of California Press, 1978, p. 958.

26 P. Weinstein, *op. cit.*, p. 172.

One could interpret this text of Kafka from the leftist point of view by analyzing the tension between the nobility and the people, the urge for a better future, the question of a possibility of uniting people for a single reason, etc. Yet within the scope of our investigation, the paradoxical nature of the laws is the most important aspect of the story. Kafka writes: “any party that would repudiate not only all belief in the laws, but the nobility as well, would have the whole people behind it; yet no such party can come into existence, for nobody would dare to repudiate the nobility”<sup>27</sup>. The problem with the law is not the fact that it is in the hands of an unwanted group; it is much more fundamental.

A number of Kafka’s commentators agree on the emptiness and invisibility of the law around which Kafkan narratives turn. Derrida stresses the empty essence of the law in the story *The Problem of Our Laws*: according to him, the nobility represents an essence without an essence which means that they can be never exposed or represented and are just left to float around without settling neither here nor there<sup>28</sup>. It is not the case of substituting the wrong leadership with another power source; there being nothing and no one to overturn, the power position remains occupied without ever being filled by a substantial representative. For Schuman, for instance, the Kafkan law represents a pure tautology which is not a non-sensical statement but at the same time is incapable of producing any content in the real. According to him, K.’s trial in *The Trial* is a perfect example of a system which “either lacks truth-conditions altogether or they are hidden”<sup>29</sup>. Thus not only the origin of the law but also its application remain obscure which leads us to thinking that this obscurity constitutes its ontological core. The invisibility of the law brings into question its realness which appears to be trapped somewhere in between the temporal modes of the real. The moment when the law becomes valid is not exactly situated within a temporal scale – emerging as already activated, the law precedes itself. At the same time, the law is never fully actualized the same way as a long-awaited event takes part – the law is a promise of a unity which functions as a regulative rule-idea and not as a narrative for a state of things which could be actualized.

Having no content and origin, the law cannot be applied but through the most formal execution imaginable which strips down its meaning to a pure act of violence. As Eagleton notices, “if there is no justification before the Law, it is for one thing because the Law says nothing which you could argue or agree with; it has no content beyond the sheer performative act of asserting its own dominion”<sup>30</sup>. Neither present nor past or future, the law appears to be atemporal and formal. Following Agamben, we can name the execution of such a law a pure ban which leads to a situation described by the philosopher when he interprets K.’s situation in

27 F. Kafka, *The Problem of Our Laws*, in *Franz Kafka. The Complete Stories*, Engl. transl. by W. and E. Muir, New York, Schocken Books, 1993, p. 277.

28 J. Derrida, *op. cit.*, p. 123.

29 R. Schuman, “Unerschütterlich”: Kafka’s “Proceß”, Wittgenstein’s “Tractatus”, and the Law of Logic, in “The German Quaterly”, 85 (2012), 2, p. 159.

30 T. Eagleton, *Sweet Violence. The Idea of the Tragic*, Oxford, Blackwell Publishing, 2003, pp. 148-149.

*Before the Law*: “according to the schema of the sovereign exception, law applies to him in no longer applying, and holds him in its ban in abandoning him outside itself”<sup>31</sup>. The non-existence of law’s origin leads to a stalling effect in the present mode of being which leads to an upgrade from the procedure of simplification to a structure of control.

#### 4. Delay and Present: Control

The experience of waiting has a static effect on the way one experiences the present. When K. asks the officers for the reason for him being arrested, he is asked to wait: “‘and now I advise you to go to your room,’ he added, ‘to remain calm and wait and see what decisions are taken in your case. We advise you not to waste your energy on pointless thoughts but to compose yourself, great demands are going to be made on you’”<sup>32</sup>. The order expresses the whole logic of bureaucratic delay: nothing has changed except the fact that one realizes she has been caught in the net of bureaucratic procedures which have neither a beginning nor an end. The stalling effect of bureaucratic time can be well summed up by the term of *monological temporality*, employed by Kavalovski to discuss the narrative dynamics of *The Trial*. According to the interpreter, monological temporality structures the disconnected actions in the chapters of *The Trial* as well as represents the absence of communication between the main character and the trial leading to a deeply dysfunctional and unconnected temporal structure where neither past nor future interacts with present<sup>33</sup>. Bureaucracy’s power of control is founded on the fact that any bureaucratic process appears to the participants as always already activated since something has been arranged without us even knowing it, not to mention the power and the will which run the process as well as initiate it – the laws, the legal decisions, the institutions responsible for bureaucratic procedures, etc. Once activated, the bureaucratic process is never completed precisely because its result always leads to another stage of bureaucratic activities, and the chain of repetition is never broken. Bureaucracy does not presuppose any rupture since every change or unexpected case is supposed to be covered by the regulations that are applied in the system.

Yet the monotonic repetition of bureaucratic procedures can be described using temporal vocabulary. In fact, even the thickest time of bureaucracy has its rhythm which we will call “the bad repetition”. I would like to recall my experience of the process of online tax declaration as an illustrative case of the frozen temporality of bureaucracy. The e-form of tax declaration is supposed to automatically signal if there are any spaces left unfilled or any incoherent information put down. After

31 G. Agamben, *Homo Sacer: Sovereign Power and Bare Life* (1995), Engl. transl. by D. Heller-Roazen, Stanford, Stanford University Press, 1998, pp. 49-50.

32 F. Kafka, *The Trial* (1925), Engl. transl. by M. Mitchell, Oxford, Oxford University Press, 2009, p. 9.

33 J. Kavalovski, *op. cit.*, p. 45.

the tax declaration deadline, one receives either a confirmation about a successful declaration or is asked to edit it. While the observable bureaucratic chain seems to have diminished with the introduction of an electronic declaration system, the element of control is as high as never before. To use the Graeber's notion, the current situation of the bureaucratic world is ruled by *The Iron Law of Liberalism*, which states that "any market reform, any government initiative intended to reduce red tape and promote market forces will have the ultimate effect of increasing the total number of regulations, the total amount of paperwork, and the total number of bureaucrats the government employs"<sup>34</sup>. Instead of being imposed on us from the outside, the control mechanism is now being interiorized. The feedback on my tax declaration said that the percentage of tax payment should have been higher than I indicated. Therefore, I was asked to transfer the indicated sum to the governmental budget. If I do not do so, the money will be transferred from my active bank account automatically. This is very convenient yet so unnecessary – why did I have to fill in the tax percentage myself, if the system had all the necessary information to count it for me? *My proper* confirmation is what makes the control exercised through the means of bureaucracy so powerful – although my declaration does not provide much new information for the government, it forces me to succumb to the rule and the law by repeating what is already known.

When one is asked to take up the ownership of the information, one's whole identity has to obey, since the process in question does not end when one leaves the line to the bureaucrat's office. Foucault describes the major effect of the Panopticon as destined "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power"<sup>35</sup> even when there is no one who observes the inmate. Meanwhile, no interiorization of the surveillance can be performed in a bureaucratic structure because it does not rely on the distinction between the interior and the exterior, be it ontologically real or just apparent. When the shortcuts are made by switching from an old-style bureaucracy to the electronic form of it, it becomes clear that the real agent of bureaucracy is not the individual but the flow of information which advances within the static and repetitive present.

## 5. Delay and Future: Rendering One Static

The repetitive present of bureaucracy results in diminishing both individual and collective capacity of projecting onto something new and unpredictable. The possibility of static temporality is related to the projecting nature of consciousness, described by Heidegger's term "ek-sistence"<sup>36</sup>: by dragging along its interests and

34 D. Graeber, *op. cit.*, p. 9.

35 M. Foucault, *Discipline and Punish. The Birth of the Prison* (1975), Engl. transl. by A. Sheridan, New York, Vintage Books, 1995, p. 201.

36 M. Heidegger, *Letter on Humanism* (1947), in Idem, *Basic Writings*, edited by D. F. Krell, Engl. transl. by F. A. Capuzzi and J. G. Gray, New York, HarperCollins Publishers, 1993, p. 235.

projects, *Dasein* shapes its present experiences and constitutes its future projects thus forming an originary temporality of being-in-the-world. In order to differentiate the possible approaches to *Dasein's* project we rely on the distinction between the French *future* (as a preconditioned discursive future mode of things) and *avenir*<sup>37</sup> (as radical openness and unconditionality of things to come). While future mode of projecting relies on discursive predictability and is usually associated with standardized, often collectively shared rhythmical patterns, the radical openness of things to come is normally associated with a disruptive character of the arrival of any kind of novelty. Although both future-oriented temporal modes are built on expectation, the predictable future is potentially already there, while the radically open unpredictability can only be captured by consciousness as a promise of a change. When it comes to the expectations formed in the state of bureaucratic delay, neither of the regimes of the future-orientation is activated because of the lack of temporal context resulting from the formality of the procedures.

While repetitiveness and delay that accompany every bureaucratic activity can be well illustrated by the image of a chain, spatial change does not necessarily guarantee temporal dynamics which is the case in Kafka's short story *An Imperial Message*. After the death of the emperor, his last message is to be transferred to one of the ordinary citizens who live far outside the castle. The arrival of the temporal delay is inevitable, since the palace appears to be packed with people who came to commemorate the death of the emperor. The more energy the messenger puts into clearing his way through the crowd, the more obvious it becomes that the mission of delivering the message of the dead is itself doomed to perish in an ultimate delay. The hopelessness of the task is obvious: "and if at last he should burst through the outermost gate – but never, never can that happen – the imperial capital would lie before him, the center of the world, crammed to bursting with its own sediment"<sup>38</sup>. The message is being taken, the process of delivery has already begun, and it is enough for the process to be considered successful, even if the message never leaves the palace where the power and the knowledge are concentrated. Despite the fact that the institutions exchange information, often using us as their messengers, the chain of bureaucracy's isolating power – its palace – is never broken.

Although bureaucratic systems succumb to a strict logic of hierarchy, they are never centralized, since work-distribution is one of the essential principles of bureaucratic organizations. The coordination of bureaucratic workers is founded not on their synchrony (as in the case of biological organisms) or the causality of their acts (as in the case of mechanisms) but on the diachronic, disjointed, and delayed

37 The term *avenir* has been extensively exploited by Derrida in his *Spectres de Marx* and Deleuze in his *La philosophie critique de Kant*. In order to deconstruct the concept of *presence*, which is given priority to by metaphysics and phenomenology, Derrida and Deleuze exploit the Shakespearian metaphor in "Hamlet" *time is out of joint*: for Derrida the disjointed future cannot come while for Deleuze it has already come virtually. That way, both philosophers end up in assigning the quality of rupture to *avenir*.

38 F. Kafka, *An Imperial Message*, in *Franz Kafka. The Complete Stories*, Engl. transl. by W. and E. Muir, New York, Schocken Books, 1993, p. 15.

temporality. We could not wish for a more illustrative example of the structural diachronic than Kafka's interrogators in *The Trial* who utter the following: "these gentlemen here and myself are of minor importance as far as your case is concerned, indeed, we know almost nothing about it"<sup>39</sup>. Instead of entering the juridical system right away, K. remains within the bureaucratic chain which is not the same as the juridical strata of the real where The Law can be faced. By restructuring one's everyday temporality and restraining one's spatial movement, bureaucratic procedure of the trial unveils the fact that one has never been free – as long as we all participate in bureaucratic procedures of any kind, our temporalities are restructured which results in both epistemic and ontological delay. This means that even though the bureaucratic process never ceases to take place, we as participants, are deprived of any possibility of changing the given situation or the structural arrangement of the system by forming a content-charged expectation.

The question which remains to be posed is the one concerning the possibility of liberation from the bureaucratic mechanism. Here it is important to draw attention to an interpretative tradition which prescribes a messianic power to Kafka's narratives<sup>40</sup>: the relation between Kafka's literal world of labyrinthine structures encompassing rootless orientation-lacking characters and the world of bureaucratic modernity is far from being just a descriptive one. The messianic, and thus liberatory, power of Kafka's narratives resides not in their correspondence to the real but in their revolutionary approach to writing which results in turning around the temporal circle of the bad repetition. According to Samolsky, Kafka has forged a new kabbalah which is deeply rooted in the impossibility of writing in German or any language whatsoever and thus leads to being aware of the lack of hope in the future: "the impossibility of hope in his [Kafka's] art was a symptom not of the failure of his writings, but precisely of their powers of forecast"<sup>41</sup>. To Samolsky's idea that Kafka's writing program shares the same logic as Derridian and Nietzschean

39 F. Kafka, *The Trial*, cit., p. 12.

40 Most of the interpreters, prescribing messianic force to Kafka's text, rely on the idea that his works, such as *The Trial* and others, exhibit the classic model of a terror state where violence turns to a sadistic treatment of minds and bodies, totalitarian logic intrudes into private lives, and killers are marked with an expression of boredom. In 1963, George Steiner makes an assertion that Kafka "was, in a literal sense, a prophet" (G. Steiner, "K", in *Language and Silence: Essays, 1958-1966*, London, Faber, 1967, p. 144). The influence of Walter Benjamin's thought is also visible when it comes to interpreting Kafka's role in literature and history in general. In his letter to Scholem written in August 11, 1934, Benjamin claims Kafka's work to have a messianic aspect which functions as "the 'reversal' of the 'studying'" (*The Correspondence of Walter Benjamin and Gershom Scholem. 1932-1940*, Engl. transl. by G. Smith and A. Lefevere, Cambridge, Harvard University Press, 1992, p. 135). Although Kafka himself had a profoundly negative vision of the future it does not fall under any modernist category of future-oriented narratives. Neither utopian nor dystopian, the future that shines through Kafka's texts is dangerously open. After having been asked by Max Brod if there was any hope for us outside the world, Kafka replied: "Plenty of hope – for God – no end of hope – only not for us" (M. Brod, *Franz Kafka*, New York, Da Capo Press, 1995, p. 75).

41 R. Samolsky, *Apocalyptic Futures. Marked Bodies and the Violence of the Text in Kafka, Conrad, and Coetzee*, New York, Fordham University Press, 2011, p. 1.

approach towards language and time<sup>42</sup> we can only add that in order for the violence which produces and destroys the future to be fully exposed, a restructuring of the temporal chain has to take place. This restructuration relies on an exteriorized and exteriorizing ontological domain of literary language. Although, as showcased by Herzfeld, bureaucracy is only noticed when it appears to be violating its own ideals<sup>43</sup> its controlling and deeply restructuring effect on consciousness is the strongest in this self-blinding state.

One can think of acceleration or slowing down as the paths of temporal self-organizing which would make an alternative to the bureaucratic delay yet they are all to be tested both in theory and in practice. Altering the speed of today's dominant processes in theoretical, political, and social fields constitutes a pharmacological strategy since the very same thing that has a crushing effect on the temporal consciousness can open a new mode of temporality which would have a liberating effect on the socially enrooted mind. For instance, accelerationism maintains that we are at the beginning of a political project to come and, as proposed by Mackay and Avanesian, our practical and theoretical activity should be based on "a fictional or hyperstitional anticipation of intelligence to come"<sup>44</sup>. Needless to say that the possible strategies of altering the temporality of governing should be viewed as the modes of reform within the scope of critical attitude which is brilliantly captured by Foucault as the question about "how not to be governed *like that*"<sup>45</sup>. Being governed differently does not mean becoming governance-free; the same goes for restructuring the temporal arrangement of subject's being in the world: it does not free her from the exteriorizing nature of temporality which eventually results in constituting the phenomenology and the ontology of delay.

42 *Ibidem*, p. 53.

43 M. Herzfeld, *The Social Production of Indifference. Exploring the Symbolic Roots of Western Bureaucracy*, Chicago and London, The University of Chicago Press, 1993, p. 3.

44 R. Mackay and A. Avanesian, *#Accelerate#*, Falmouth, Urbanomic, 2014, p. 8.

45 M. Foucault, *What is Critique?* (1978), in *The Politics of Truth*, eds. S. Lotringer and L. Hochroth, Engl. transl. by L. Hochroth and C. Porter, New York, Semiotext(e), 1997, p. 28.