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## Chapter 5

# Immanence and Desire

Negative theology (or the theology of absence), the transcendence of the law, the a prioriness of guilt are the dominant themes of so much Kafka interpretation. The famous passages in *The Trial* (as well as in “The Penal Colony” and “The Great Wall of China”) present the law as a pure and empty form without content, the object of which remains unknowable: thus, the law can be expressed only through a sentence, and the sentence can be learned only through a punishment. No one knows the law’s interior. No one knows what the law is in the Colony; and the needles of the machine write the sentence on the body of the condemned, who doesn’t know the law, at the same time as they inflict their torture upon him. “He will learn [the sentence] on his body.” In “The Great Wall of China”: “[I]t is an extremely painful thing to be ruled by laws that one does not know. . . . [T]he essence of a secret code is that it should remain a mystery.” Kant constructed a rational theory of the law’s reversal from a Greek conception to the Judeo-Christian one. The law no longer depends on a preexistent Good that would give it a materiality; it is a pure form on which the good such as it is depends. The good is that which the law expresses when it expresses itself. One might say that Kafka situates himself as part of this reversal. But the humor that he puts into it shows an entirely different intention. For him, it is less a question of presenting this image of a transcendental and unknowable law than of *dissecting the mechanism* of an entirely different sort of machine, which needs this image of the law only to align its gears and make them function together with “a perfect synchronicity” (as soon as this image-photo disappears, the pieces of the machine disperse as in “The Penal Colony”). *The Trial* must

be considered a scientific investigation, a report of the experiments on the functioning of a machine in which the law runs the strong risk of playing no more than the role of exterior armature. That's why the texts in *The Trial* should be used only with great care. The primary problem has involved misjudging the relative importance of these texts and making unwarranted assumptions about their placement in the novel, as is especially evident in the ways that Max Brod arranged things to support his thesis of negative theology.

Two chapters are of particular concern: the brief final chapter, about K's execution, and the preceding chapter, "In the Cathedral," in which the priest represents the discourse of the law. Nothing tells us that the final chapter was written at the end of *The Trial*; it might have been written when Kafka had just begun to revise and was still under the influence of his breakup with Felice. It is a premature, delayed, aborted ending. One can't fix the place where Kafka would have put it. It might well be a dream that could fit anywhere in the course of the novel. Indeed, Kafka published, by itself and under the title "A Dream," another fragment originally envisioned for *The Trial*. Max Brod is thus better inspired when he notes the degree to which *The Trial* is an interminable novel, necessarily indefinite: "But as the trial, according to the author's own statement made by word of mouth, was never to get as far as the highest Court, in a certain sense the novel could never be terminated—that is to say, it could be prolonged into infinity" (postface to *The Trial*. Trans. Willa and Edwin Muir. [New York: Alfred A. Knopf, 1956], 334). The idea of ending with K's execution is contradicted by the whole direction of the novel and by the quality of "unlimited postponement" that regulates *The Trial*. The imposition of K's execution as the final chapter seems to have an equivalent in the history of literature—the placement of the famous description of the plague at the end of Lucretius's book. In both cases, it is a question of showing that at the last moment, an epicurian can do no more than submit to agony, or that a Prague Jew can only assume the guilt that is operating within him. As for the other chapter, "In the Cathedral," the place of honor given to it, as though it indicated some sort of key to the novel, as though it constituted proof of the book's religious character, is also well contradicted by its own content. The story about the gatekeeper of the law remains highly ambiguous, and K learns that the priest who tells this story is a member of the judiciary apparatus, chaplain for the prisons, one element in a whole series of other elements, and that he has no privilege, since the series has no need to stop with him. We agree with Uyttersprot's proposal to remove this chapter and put it before that entitled "The Lawyer, the Industrialist, and the Painter."<sup>1</sup>

From the point of view of a supposed transcendence of the law, there must be a certain necessary connection of the law with guilt, with the unknowable, with the sentence or the utterance. Guilt must in fact be the a priori that corresponds to transcendence, for each person or for everyone, guilty or innocent. Having no object and being only pure form, the law cannot be a domain of

knowledge but is exclusively the domain of an absolute practical necessity: the priest in the cathedral explains that "it is not necessary to accept everything as true, one must only accept it as necessary." Finally, because it has no object of knowledge, the law is operative only in being stated and is stated only in the act of punishment: a statement directly inscribed on the real, on the body and the flesh; a practical statement opposed to any sort of speculative proposition. All these themes are well presented in *The Trial*. But it is precisely these themes that will be the object of a dismantling (*démontage*), and even of a demolition, throughout Kafka's long experimentation. The first aspect of this dismantling consists in "eliminating any idea of guilt from the start," this being part of the accusation itself: culpability is never anything but the superficial movement whereby judges and even lawyers confine you in order to prevent you from engaging in a real movement—that is, from taking care of your own affairs.<sup>2</sup> Second, K will realize that even if the law remains unrecognizable, this is not because it is hidden by its transcendence, but simply because it is always denuded of any interiority: it is always in the office next door, or behind the door, on to infinity (we can already see this quite well in the first chapter of *The Trial* where everything happens in the "room next door"). Finally, it is not the law that is stated *because* of the demands of a hidden transcendence; it is almost the exact opposite: it is the statement, the enunciation, that constructs the law in the name of an immanent power of the one who enounces it—the law is confused with that which the guardian utters, and the writings precede the law, rather than being the necessary and derived expression of it.

The three worst themes in many interpretations of Kafka are the transcendence of the law, the interiority of guilt, the subjectivity of enunciation. They are connected to all the stupidities that have been written about allegory, metaphor, and symbolism in Kafka. And also, the idea of the tragic, of the internal drama, of the intimate tribunal, and so on. No doubt, Kafka holds out the bait. He holds it out even, and especially, to Oedipus; not from complacency but because he wants to make a very special use of Oedipus to serve his diabolical project. It is absolutely useless to look for a theme in a writer if one hasn't asked exactly what its importance is in the work—that is, *how it functions* (and not what its "sense" is). Law, guilt, interiority—Kafka has a great need for them as the superficial movement of his work. Superficial movement doesn't mean a mask underneath which something else would be hidden. The superficial movement indicates points of undoing, of dismantling, that must guide the experimentation to show the molecular movements and the machinic assemblages of which the superficial movement is a global result. We could say that law, guilt, interiority are everywhere. But all that is necessary is to consider a specific piece of the writing machine—for example, the three principal gears—letters, stories, novels—in order to see that these themes are really nowhere present and don't function at all. Each of these gears certainly has a primary affective tonality.

But, in the letters, it is fear, not guilt: fear of the trap that is closing in on it, fear of a return of flux, the vampire's fear of being surprised in full daylight by the sun, by religion, by garlic, and by the stake through the heart (Kafka is greatly afraid, in his letters, of people and what can happen because of them; this is quite different from guilt or humiliation). And in the stories about a becoming-animal, it is escape that has an affective tonality apart from any connection to guilt and also distinct from fear; the becoming-animal lives a life of escape more than one of fear (the animal in "The Burrow" isn't really afraid, and the jackals aren't afraid—they live rather in a sort of "lunatic hope"; the musical dogs "that could dare achieve such thing had no need to fear such things"). In the novels, finally, it is strange to see the degree to which K doesn't feel any guilt and doesn't feel fear and doesn't flee; he is completely audacious and he offers a new tonality that is very strange, a sense of dismantling that is simultaneously that of a judge and that of an engineer, a veritable feeling, a *Gemut*. Fear, flight, dismantling—we should think of them as three passions, three intensities, corresponding to the diabolical pact, to the becoming-animal, to the machinic and collective assemblages.

So, should we support realist and social interpretations of Kafka? Certainly, since they are infinitely closer to noninterpretation. And it is much more worthwhile to talk about the problems of minor literature, about the situation of a Jew in Prague, about America, about bureaucracies and about great trials, than to talk about an absent God. One could object that Kafka's America is unreal, that the New York strike remains intangible, that the most difficult working conditions receive no indignation in his work, that the election of the judge falls into the realm of pure nonsense. One might correctly note that there is never any criticism in Kafka. Even in "The Great Wall of China," the minority party can even believe that the law is only an arbitrary fact of the "nobility"; the party expresses no anger, and "that is the real reason why the parties who believe that there is no law have remained so few—although their doctrine is in certain ways so attractive, for it unequivocally recognizes the nobility and its right to go on existing." In *The Trial*, K doesn't attack the law and willingly aligns himself with the strong side and the executioners: he prods Franz who is being whipped; he terrorizes an accused person by seizing him by the arm; at the lawyer's, he makes fun of Block. In *The Castle*, K likes to menace and punish whenever he can. Can we conclude that, not being a "critic of his time," Kafka turned his criticism "against himself" and had no other tribunal than an "internal tribunal"? This would be grotesque, since it would turn criticism into a dimension of representation. If representation is not external, it can be only internal from here on. But it's really something else in Kafka: Kafka attempts to extract from social representations assemblages of enunciation and machinic assemblages and to dismantle these assemblages. Already in the animal stories, Kafka was drawing lines of escape; but he didn't "flee the world." Rather, it was the world and its

representation that he *made take flight* and that he made follow these lines. It was a question of seeing and speaking like a beetle, like a dung beetle. Even more, in the novels, the dismantling of the assemblages makes the social representation take flight in a much more effective way than a critique would have done and brings about a deterritorialization of the world that is itself political and that has nothing to do with an activity of intimacy.<sup>3</sup>

Writing has a double function: to translate everything into assemblages and to dismantle the assemblages. The two are the same thing. This is why we have been distinguishing in Kafka's work instances that are in fact enmeshed in each other—first, *machinic indexes*; then, *abstract machines*; and finally, *the assemblages of the machine*. The machinic indexes are the signs of an assemblage that has not yet been established or dismantled because one knows only the individual pieces that go into making it up, but not how they go together. Most frequently, these pieces are living beings, animals, but they are only valuable as moving pieces or configurations of an assemblage that goes beyond them, and whose mystery remains because they are only the operators or executors of this assemblage. Thus, the musical dogs are actually pieces of the musical assemblage and produce a cacaphony by “the lifting and setting down of their feet, certain turns of the head, their running and their standing still, the position which they [take] up in relation to one another.” But they function only as indexes, since they “[do] not speak, they [do] not sing, they remain generally silent, almost determinedly silent.” These machinic indexes (which are not at all allegorical or symbolical) are particularly well developed in the acts of the becoming-animal and in the animalistic stories. “The Metamorphosis” forms a complex assemblage in which the index-elements are Gregor-animal and the musical sister; in which the index-objects are the food, the sound, the photo, and the apple; and in which the index configurations are the familial triangle and the bureaucratic triangle. The bent head that straightens up and the sound that latches onto the voice and derails it also function as indexes of this sort in the majority of the stories. There is thus a machinic index each time a machine is being built and is beginning to function, even though one doesn't know how the disparate parts that make it up and make it work actually function. But the reverse case also appears in the stories: abstract machines surge into existence by themselves, without indexes. But in this case, they don't function, or no longer function. Such is the machine in the Penal Colony that answers to the Law of the old warden and doesn't survive its own dismantling; such is the creature named Odradek about whom “one is tempted to believe that the creature once had some sort of intelligible shape and is now only a broken-down remnant. Yet this does not seem to be the case . . . [T]he whole thing looks senseless enough but in its own way perfectly finished”; such too are Blumfeld's ping-pong balls. Yet it seems also that the representation of the transcendental law, with its elements of guilt and unknowability, is an abstract machine of this sort. If the machine of the Penal

Colony, as representative of the law, appears to be archaic and outmoded, this is not because, as people have often claimed, there is a new law that is much more modern but because the form of the law in general is inseparable from an abstract, self-destructive machine and cannot develop in a concrete way. This is why the stories seem to encounter two dangers that make them stop short or force them to remain incomplete or prevent them from developing into novels: either they are nothing more than machinic indexes of the assembly, no matter how lively they appear to be; or they put into operation abstract machines that are all assembled, but dead, and never succeed in concretely plugging into things (we should note that Kafka willingly publishes his texts on transcendental law in short stories that he detaches from the whole).

Thus there remain machinic assemblages as objects of the novel. This time the machinic indexes stop being animal; they group, give birth to series, start proliferating, taking over all sorts of human figures or parts of figures. On the other hand, the abstract machine changes in a singular fashion. It stops being reified and isolated; it no longer exists outside the concrete, socio-political assemblages that incarnate it. It diffuses into them and measures their machinic degree. Finally, the assemblage no longer works as a machine in the process of assembling itself, with a mysterious function, or as a fully assembled machine that doesn't function, or no longer functions. It works only through the dismantling (*démontage*) that it brings about on the machine and on representation. And, actually functioning, it functions only through and because of its own dismantling. It is born from this dismantling (it is never the assembling of the machine that interests Kafka). This method of active dismantling doesn't make use of criticism that is still part of representation. Rather, it consists in prolonging, in accelerating, a whole movement that already is traversing the social field. It operates in a virtuality that is already real without yet being actual (the diabolical powers of the future that for the moment are only brushing up against the door). The assemblage appears not in a still encoded and territorial criticism but in a decoding, in a deterritorialization, and in the novelistic acceleration of this decoding and this deterritorialization (as was the case with the German language—to always go farther in this movement that takes over the whole social field). This method is much more intense than any critique. K says so himself. One's goal is to transform what is still only a *method* (*procédé*) in the social field into a *procedure* as an infinite virtual movement that at the extreme invokes the machinic assemblage of the *trial* (*procès*) as a reality that is on its way and already there.<sup>4</sup> The whole of this operation is to be called a Process, one that is precisely interminable. Marthe Robert underlines the link between the trial and the procedure, and this is certainly not a mental, psychical, or interior procedure.

Here, then, are the new characteristics of the novelistic machinic assemblage in opposition to the indexes and the abstract machines. These characteristics im-



pose not an interpretation or a social representation of Kafka but an experimentation, a socio-political investigation. Since the assemblage functions really in the real, the question becomes: how does it function? What function does it have? (Only later will we ask what it consists of and what its elements and its links are.) Thus, we must follow the movement of *The Trial* at several levels, taking account of objective uncertainty about the supposed last chapter and of the certainty that the second-to-last chapter, "In the Cathedral" was more or less poorly placed by Max Brod. According to a first view, everything is false in *The Trial*: even the law, in contrast to Kantian law, erects the lie into a universal rule. The lawyers are false lawyers, the judges are false judges, "oafish inspectors," "corrupt warders," or at the very least are so much subalterns that they hide the real matters and "the proceedings of an inaccessible justice" that no longer lets itself be represented. Nonetheless, if this first view is not definitive, this is because there is a power in the false, and it is bad to weigh justice in terms of true or false. So the second view is much more important: *where one believed there was the law, there is in fact desire and desire alone*. Justice is desire and not law. Everyone in fact is a functionary of justice—not only the spectators, not only the priest and the painter, but also the equivocal young women and the perverse little girls who take up so much space in *The Trial*. K's book in the cathedral is not a prayerbook but an album of the town; the judge's book contains only obscene pictures. The law is written in a porno book. Here, it is no longer a question of suggesting an eventual falsity of justice but of suggesting its desiring quality: the accused are in principle the most handsome figures and are recognized for their strange beauty. The judges act and reason "like children." It happens that a simple joke can derout repression. Justice is not Necessity but, quite the contrary, Chance; and Titorelli paints the allegory of it as a blind fortune, a winged desire. It is not a stable will but a moving desire. It is curious, K says, how justice must not move in order to not sway its scales. But the priest explains at another moment, "The Court wants nothing from you. *It receives you when you come and dismisses you when you go.*" The young women are not equivocal because they hide their nature as auxiliaries of justice; on the contrary, they show themselves to be auxiliaries because they simultaneously bring bliss to judges, lawyers, and accused, out of a single and unique polyvocal desire. The whole of *The Trial* is overrun by a polyvocality of desire that gives it its erotic force. Repression doesn't belong to justice unless it is also desire itself—desire in the one who is repressed as well as in the one who represses. And the authorities of justice are not those who look for offenses but those who are "*attracted, propelled by offense.*" They nose around, they rummage about, they search everywhere. They are blind and accept no evidence but take into consideration only hallway events, the whispers of the courtroom, the secrets of the chambers, the noise heard behind doors, the murmurs from behind the scene, all those microevents that express desire and its arbitrary fortunes.

If justice doesn't let itself be represented, that is because it is desire. Desire could never be on a stage where it would sometimes appear like a party opposed to another party (desire against the law), sometimes like the presence of the two sides under the effect of a superior law that would govern their distribution and their combination. Think of tragic representation as presented by Hegel: Antigone and Creon move on stage as if they were two parties. It is in this way that K still thinks of justice at his first interrogation. There would be two sides, two parties, one a little more favorable to desire, the other to the law, and whose distribution would refer to a superior law. But K notices that it isn't really like that: the important thing is not what happens in the tribunal or the movements of the two parties together but the molecular agitations that put into motion the hallways, the wings, the back doors, and the side chambers. The theater in *Amerika* is no more than an immense wing, an immense hallway, that has abolished all spectacle and all representation. And the same thing happens in the political realm (K himself compares the tribunal scene to a political meeting, and, more specifically, to a meeting of socialists). There also the important thing is not what happens in the tribunal where people debate only questions of ideology. Indeed, the law is one of these debated questions; everywhere in Kafka—in *The Trial*, in "The Great Wall of China"—the law is examined in terms of its connection to the parties that the different commentators belong to. But politically, the important things are always taking place elsewhere, in the hallways of the congress, behind-the-scenes of the meeting, where people confront the real, immanent problems of desire and of power—the real problem of justice.

From this point on, it is even more important to renounce the idea of a transcendence of the law. If the ultimate instances are inaccessible and cannot be represented, this occurs not as a function of an infinite hierarchy belonging to a negative theology but as a function of a *contiguity of desire* that causes whatever happens to happen always in the office next door. The contiguity of the offices, the segmentalization of power, replaces the hierarchy of instances and the eminence of the sovereign (already, the castle had revealed itself to be a segmental and contiguous rambling assemblage in the style of the Hapsburg bureaucracy or the mosaic of nations in the Austrian empire). If everything, everyone, is part of justice, if everyone is an auxiliary of justice, from the priest to the little girls, this is not because of the transcendence of the law but because of the immanence of desire. This is the discovery into which K's investigation and experimentation very quickly locks itself. While the Uncle pushes him to take his trial seriously, for example, to see a lawyer and pass through all the steps of transcendence, K realizes that he should not let himself be represented, that he has no need of a representative—that no one should come between him and his desire. He will find justice only by moving, by going from room to room, by following his desire. He will take control of the machine of expression: he will take over the investigation, he will write without stop, he will demand

a leave of absence so he can totally devote himself to this “virtually interminable” work. It is in this sense that *The Trial* is an interminable novel. *An unlimited field of immanence instead of an infinite transcendence.* The transcendence of the law was an image, a photo of the highest places; but justice is more like a sound (the statement) that never stops taking flight. *The transcendence of the law was an abstract machine, but the law exists only in the immanence of the machinic assemblage of justice.* *The Trial* is the dismantling of all transcendental justifications. There is nothing to judge vis-à-vis desire; the judge himself is completely shaped by desire. Justice is no more than the immanent process of desire. The process is itself a continuum, but a continuum made up of contiguities. The contiguous is not opposed to the continuous—quite the contrary, it is a local and indefinitely prolongable version of the continuous. Thus, it is also the dismantling of the continuous—always an office next door, always the contiguous room. Barnabas “is admitted into certain rooms, but they’re only a part of the whole, for there are barriers behind which there are more rooms. Not that he’s actually forbidden to pass the barriers. . . . And you musn’t imagine that these barriers are a definite dividing-line. . . . [T]here are barriers he can pass, and they’re just the same as the ones he’s never yet passed.” Justice is the continuum of desire, with shifting limits that are always displaced.

It is this procedure, this continuum, this field of immanence that the painter, Titorelli, analyzes as unlimited postponement. A central part of *The Trial* that makes Titorelli into a special character of the novel. He distinguishes three theoretical possibilities: definite acquittal, ostensible or superficial acquittal, and unlimited postponement. The first case never in fact comes about, since it would imply the death or abolition of a desire that would have reached a conclusion. On the other hand, the second case corresponds to the abstract machine of law. It is defined, in fact, by the opposition of fluxes, the alternation of poles, the succession of periods—a counterflux of the law in response to a flux of desire, a pole of escape in response to a pole of repression, a period of crisis for a period of compromise. We could say that the formal law sometimes retreats into a transcendence by leaving a field provisionally open to desire, or sometimes makes the transcendence emanate hierarchized hypostases that are capable of halting and repressing desire (in fact, there are many neo-Platonic readings of Kafka). In two different ways, this state, or rather this cycle of superficial acquittal, corresponds to Kafka’s situation in the letters or in the animalistic stories or in the becomings-animal. The trial at the hotel is the counterblow of the law reacting to the blow of the letters, a trial of the vampire who well knows that any acquittal can be only superficial. And succeeding the positive pole of the line of escape, the trial of the becoming-animal is the negative pole of the transcendental law that blocks the way out and that dispatches a familial hypostasis to retrap the guilty party—the re-Oedipalization of Gregor, the platonic apple that his father throws at him.

But this apple is precisely the same one that K eats at the beginning of *The Trial* as part of a broken chain that finds its link in "The Metamorphosis." Because the whole story of K revolves around the way in which he enters more deeply into an unlimited postponement, breaking with all the formulas of a superficial acquittal. He thereby leaves the abstract machine of the law that opposes law to desire, as body is opposed to spirit, as form is opposed to matter, in order to enter into the machinic assemblage of justice — that is, into the mutual immanence of a decoded law and a deterritorialized desire. But what do the terms postponement and unlimited signify? If K refuses a superficial acquittal, this is not because of a desire for a real acquittal, and even less because of an intimate hopelessness coming from a guilt that feeds off itself. Guilt is entirely on the side of a superficial acquittal. We could say that superficial acquittal is simultaneously infinite, limited, discontinuous. It is infinite because it is circular, closely following "the circulation of the offices" along the path of a large circle. But it is limited and discontinuous because the point of accusation approaches and recedes in relation to this circulation, "swinging backwards and forwards with greater or smaller oscillations, longer or shorter delays": opposed fluxes, opposed poles, opposed periods of innocence, *guilt*, freedom, and a new arrest. Since real acquittal is out of the question, the question of innocence "or" guilt falls entirely within the realm of the superficial acquittal that determines the two discontinuous periods and the reversal of one into the other. Innocence, moreover, is a hypothesis that is much more perverse than that of guilt. Innocent or guilty, this is the question of the infinite; it is certainly not the kind of question that Kafka raises. In contrast, the postponement is finite, unlimited, and continuous. It is finite because there is no longer any transcendence and because it works by means of segments; the accused no longer has to undergo "strain and agitation" or fear an abrupt reversal (no doubt, a circulation remains, but "only in the small circle to which it has been artificially restricted," and this little circulation is only "ostensible," a residue of the apparent acquittal). Also, the delay is unlimited and continuous because it doesn't stop adding one segment to the other, in contact with the other, contiguous to the other, operating piece by piece in order to always push the limit farther back. The crisis is continuous because it is always on the side that it takes place. "Contact" with justice, contiguity, have replaced the hierarchy of the law. The delay is perfectly positive and active — it goes along with the undoing of the machine, with the composition of the assemblage, always one piece next to another. It is the process in itself, the tracing of the field of immanence.<sup>5</sup> And it is even more evident in *The Castle* to what degree K is nothing but desire: a single problem, to establish or maintain "contact" with the Castle, to establish or maintain a "liaison."