

Surveillance and/as Sublimity in Franz Kafka's The Trial

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Abstract

This paper attempts to understand the dynamicity of space and its instrumentality in autocratic surveillance operated by the institution of law through Franz Kafka's thought-piercing work *The Trial*. It seeks to understand the concept(s) of sublimity vis-à-vis surveillance mechanism by conflating the Foucauldian notion of 'heterotopia' and the Kantian expression of the idea of sublimity. The paper examines how the protagonist, Josef K., succumbs to the politics of space devised by the bureaucratic milieu. It studies the question of how the charismatic confluence of surveillance and sublimity intervenes to cause an unbridgeable rupture between the protagonist's groping to witness the progression of his trial and the institutional deferral of his trial that ends up anchoring the protagonist to a liminal space wherein the protagonist is caught up between the *inside* and the *outside* the topography of law and the illusion of *inclusion* and inkling of *exclusion*, problematizing the question of subjectivity. The basic argument is how the court, as an institution of law, engineers a certain model of bureaucracy that culminates in a sublime regime: a transcendental expression of gaze that transcends and transforms the protagonist's consciousness of *self*, rendering him the status of a *subject*.

Keywords: surveillance, sublimity, threshold, consciousness, space

1. Introduction

The concept of the sublime entered the realm of the critical study of art and literature through a Greek treatise, *Peri hypsous* ("On the Sublime"), which was written probably in the first century AD. Though this work carries disputed authorship, it is conventionally attributed to the first-century AD rhetorician Longinus. This treatise contributed a feather of critical stance to the wings of aesthetics and literary criticism. In this treatise, Longinus launches specifically the style of composing and the significance of realizing linguistic sublimity. This work attracted popular attention only after its translation into French by Boileau in 1674. This work frames a new window for approaching the arena of aesthetics and anticipates a band of philosophers to offer a polyphonic understanding of the concept of sublimity. The first move was made in the eighteenth century by the Anglo-Irish philosopher Edmund Burke who yielded a significant turn by shifting the attention from linguistic sublimity to *natural* sublimity in his influential treatise named *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful* which was published in 1757. In this treatise, Burke distinguishes between the sublime and the beautiful. Here, Burke locates sublimity in natural objects that evoke and instil the feeling of awe and terror in the mind of the onlooker. In his *Critique of Judgement* (1790), the German philosopher Immanuel Kant contemplates the concept of the sublime and the beautiful in the form of judgements that spring out from the cognitive faculty of the experiencing subject. Studying the concept of the sublime Kant holds that the

sublime is a kind of judgement which is beyond the limits of comprehension. So, an object of the sublime has the potential to threaten and transgress the cognitive understanding of the experiencing subject by solidifying the existence of unknowability and introducing the vacuum of incomprehensibility. Kant locates this mood of incomprehensibility in the judging subject. And this context of incomprehensibility plays a central role in the very act of functioning surveillance. This note of incomprehensibility owes its ideological manifestation to Kant's contemporary English philosopher Jeremy Bentham, whose concept or rather model of the "Panopticon" enjoys innumerable references in the field of surveillance. So, it would be engaging to understand how Bentham replaces earlier understandings of sublimity--- that focused on the effect of *rhetoric* and *natural* landscapes--- through his innovative idea of the 'panopticon'¹ prison. In the case of linguistic sublimity as penned down by Longinus, the writer or the speaker is supposed, through the proper application of the prescribed rhetorical devices, to strike or rather *transport* the consciousness of the readers or audiences at once: the effect of sublime "shatters the hearer's composure" and "scatters the subjects like a bolt of lightning (Abrams and Harpham 2015, 388)." The most striking quality of the idea of the "panopticon" prison is that it attempts to formalize the concept of the sublime, where the contradictory terrains of thought, i.e., the notion of sublimity and the principle of teleology, come to intersect the very functioning of the "panopticon" prison. With this methodical conception, Bentham proceeds to fix the engagement between sublimity and utility. What I suppose is that Bentham, by proposing the idea of the "panopticon" prison, came up with a new idea of sublimity which I have tried to term as "emblematic sublimity." By the term "emblematic sublimity," I venture to formulate an idea where sublimity is achieved through an architectural pattern which is meant to symbolize any form of power that attempts to transgress human rationality. To be specific, this "emblematic sublimity" stems from the very model of the "panopticon" prison or specifically, the tower itself. The idea of this prison, as Foucault proposes, is conceived to be an annular building at the centre of which there is a tower that would monitor and control the activities of the prisoners, locating them in individualized cells wherein the prisoners would be perfectly "individualized and constantly visible"². For Foucault, the panopticon model of prison renders power visible but unverifiable³, projecting power through *absence* that implies a responsibility and a commitment on the part of the prisoners to *present* it to themselves. Here, power is *possibilized* by the consciousness of the prisoners. This mode of power, invested with the force of incomprehensibility, unpredictability and unverifiability, grows out to be a method to cause a rupture in the consciousness of the prisoners who become *subject* to self-monitoring and this act of self-monitoring transmutes the individual consciousness of themselves as an *object*, unsettling the binary between the subject and object. The tower, embodying the dichotomy of *absence-presence*, becomes a cartage of "emblematic sublimity": a sublime apparatus.

The maze of "emblematic sublimity" surrounds Josef K., the protagonist in *The Trial*, with an air of incomprehensibility---fortified with the labyrinth of the institution of law--- where each step of understanding both precedes and succeeds a layer of incomprehensibility that baffles the protagonist to go through a world that proffers a gateway but denies exit. The text opens with an unforeseen arrest of Josef K. by the officials and ends with his pathetic punishment in the hands of the executioners. Since his unexpected arrest, Josef K goes through an absurd trial: that focuses more on the criminal than the crime itself. The endless court proceedings accompany Josef K. throughout his trial only to unnerve him and

¹ Foucault, *Discipline and Punish* (1977, 205). Translated by Alan Sheridan.

² *Ibid.*, 206.

³ *Ibid.*, 207.

generate a feeling of awe towards the apparatus of law. The method of surveillance reinforced the apparatus of law to operate an efficient management of its *subjects*. The very nature of power unleashed by the complex structure of the law, as portrayed by Kafka in the text, is inspired by both the Kantian idea of sublimity and the philosophy of utility as propounded by Jeremy Bentham. The text vocalizes the acute helplessness of an individual in general, and of Joseph K. in particular, in front of the sublime network of law. The abrupt interference of law, that seizes the life of Joseph K., produces not only the feeling of awe and terror but also the moral problem of guilt that arrests the consciousness of Joseph K. in a certain way that his sense of *self* develops in consonance with the murky proceedings of his case that remains buried in the shell of uncertainty till his execution. The significant question of guilt is underscored by the protagonist in a conversation, regarding his accusation, with a painter named Titorelli, when he says: “My innocence doesn’t simplify the matter... What matters are the many subtleties in which the court gets lost. But in the end it produces great guilt from some point where originally where there was nothing at all” (Kafka 2019, 119). The unwavering gaze of the court confounds the protagonist through a warren of *aporetic* progression of the case, which anticipates his perpetual engagement with the court and precipitates the feeling of being alienated from his own *self*. The blaze of sublimity, to adhere to Kant, is ignited “in the mind of the judging Subject” by “the immeasurable host of shapeless mountain masses towering one above the other in the wild disorder” (Abrams and Harpham 2015, 389). For Kant “the sublime is the mind’s ‘attunement’ in judging the sublime”⁴. Kafka’s projection of the anatomy of the court embodies an immeasurable dimension of bureaucratic officials that bemuses the protagonist as he says: “The hierarchical structure of the court was endless and beyond the comprehension even of the initiated” (Kafka 2019, 95). The text weaves a subtle milieu of surveillance that functions through a rhizomatic frame of bureaucracy wherein the question of power is *detrterritorialized*⁵. Throughout the text, the subtle gaze of law shimmers through Joseph K.’s consciousness, inspiring a feeling of awe and terror within him, which threatens to outlive him.

The ripple of awe and terror, as experienced by Josef K., advances the significant question of *self* and its subjection to the magnitude of bureaucratic sublimity. The question of subjection brings the concept of the *threshold* to the forefront of understanding the self through the very idea of liminality. The Derridean concept of hospitality posits the idea of threshold as a problem that locates the question of ‘welcome’ in a liminal space wherein the ‘welcomer’ always polices the threshold while commandeering the site of ‘welcoming’,⁶ pinning the ‘other’ against a space that bifurcates into a measure of inclusion and exclusion. What I want to interpolate into this matter is that the *threshold* not only functions as a state of liminality but also acts as a catalyzing force that leads to the problem of alienation, wherein the consciousness of self becomes a point of rupture between the ontological position of *the* subject and *an* object. To be concrete, the concomitant pathways of the *threshold* anchor the protagonist to a site of tension that emerges from his desire to prove his innocence before the court and his vulnerability to the sublime nature of the court. The system of the court, as imagined by Kafka, entails innumerable layers, concentrating a certain form of power that unsettles the consciousness of Josef K., locating him under the impression of being caught by the *all-seeing*. The omniscience and omnipresence of the court and its justification of law find

⁴ Kant, *Critique of Judgement* (1987, Ixx).

⁵ The phrase or rather the concept of the “lines of flight” resonates through the whole corpus of Deleuze’s work. This concept implies the process of deterritorialization which is brought about at the expense of abandoning a sedentary form of identity or ‘sedentarity’ itself (Deleuze and Guattari 1987, 24). Here the expression of deterritorialization of has been invested to suggest the mobility of power and its ‘flow’.

⁶ Wortham, *The Derrida Dictionary* (2010, 71). Published by Continuum.

an appropriate expression in one of the junior officials who explains it to Josef K., with firm conviction: “There’s no room for mistake. Our authorities, as far as I know them, and I know only the lowest grades, do not go in search of guilt in the population but are, as it says in the law, drawn to guilt and must send us warders out. That is law” (Kafka 2019, 5). The temperament of this grim explanation moves Josef K. to ask with wonder: “This law is unknown to me...It probably exists in your head” (Kafka 2019, 5). Consequently, with an air of indifference, the warder reprimands and assures him: “All the worse for you...You’ll soon come up against it” (Kafka 2019, 5). All these correspondences seem to insinuate an autonomous nature of the court that incurs an instant flash of bewilderment in the minds of its subjects. The complex structure of the court and its economy of law is very much attuned to the concept of *autopoiesis*. The term *autopoiesis* was coined by the Chilean biologists Maturana and Varela while defining living systems. The term emerged from the Greek word called *poiesis*, which means ‘creation’, and the term *autopoiesis* stands for ‘self-creation.’ This paper appropriates the term to approach the sublime nature of the institution of law as an autopoietic system that gradually turns out to be a sublime regime that captures the protagonist’s consciousness of *self*, only to turn him into a *subject*. This autopoietic system of law, as envisioned by the poetic eyes of Kafka, hones the efficiency of self-organization that smears its environment with an air of complexity to perturb the protagonist’s understanding of the very system of law. The intensity of this system of law, transcending the protagonist’s episteme and securing his acquiescence, assumes a transcendental and sublime dimension. Both the concept of sublimity and autopoiesis incite---invite indeed--- the idea of the sovereignty of (transcendental) law over the individual. The law becomes transcendental through the *a priori* conception of the gaze. This paper intends to suggest that these two concepts are embodied in the network of law that weaves a milieu of surveillance. The way Kafka crafted the nuances of surveillance in the text gives rise to a problematic idea of a system that functions, or rather malfunctions, through a totalitarian network. What is evident in the text is that the system of law pairing the idea of self-referentiality and sovereignty entails a closed system that makes the totalitarian network possible.

The coexistence and coordination of surveillance and sublimity envelop the protagonist with a series of trials that are oblivious to *the end* until his life ends with his execution in the hands of two anonymous officials. In the text, Kafka not only projects the trials conducted by the authority of the court against Joseph K. but also garnishes the narration with a *trial* that takes place within the *being* of an individual. The text *de-romanticizes* the “romantic” conception of subjectivity where the “I” or *self* of the “Romantics” of the earlier century, i.e., the 19th century, enjoyed a considerable amount of autonomy in terms of *agency* and expression by fastening the protagonist to a world that unsettles the very idea of a unified, autonomous, and sovereign self. This flow of thought gives rise to a significant question of identity, which witnesses a dismal gesture in the chapter named “In the Cathedral” when Josef K., to his wonder, was addressed by the priest, who later reveals himself to be a prison chaplain, in a curious tone: “You are Josef K.?” And it brings a yielding reply out of Josef K.: “Yes.”⁷ This mode of investigation aggravates the protagonist’s impression of being under constant surveillance, which is suggested in the third-person narration: “...now his name was known to people he was meeting for the first time; how pleasant it was to introduce himself first and only then be known” (Kafka 2019, 168). The ambience of this gloomy atmosphere opens out the porosity of the individual identity before the interventions of the mechanisms of the court. The very act of introducing oneself and the inability to do so in the true sense

⁷ Kafka, *The Trial* (2019, 168). Translated by Idris Parry.

shower the consciousness of Josef K. with a lugubrious splash of nostalgia about the untrammelled state of his identity. The gush of nostalgia consolidates a clamour of consciousness within him that positions him on the threshold: a state of liminality and a moment of splitting. The moment of threshold unfolds in the disjuncture between the protagonist's subjective position in the trial and the objective paradigm: the law that presides over the trial. This moment triggers an awe-inspired expression of subjectivity that emanates from the very responses from the end of the protagonist towards the sublime gesture maintained, till the end, by the mysterious organs of the court. The sublime stance of the court is spelt out in the form of endless court officials that call for a philosophical encroachment of the Derridean expression of *deference*⁸. To measure the text differently, it can be witnessed that the desire to prove his innocence, as the trial progresses, is gradually replaced by the groaning for witnessing the *end* of the hierarchy of the court officials, which implies the absolute holder of power. But the flexible functioning of the *rigid* institution of law offers him a chain of officials—serving as the pillars of law—that constructs an absurd map of law that signifies an ambiguous insignia of an enigmatic authority. The contour of ambiguity of the law veils the protagonist's category of understanding with a closet of deference. Here, power is decentred and proliferated, to engage with the Foucauldian notion of power where it operates through *absence*, to the point of asserting neither its *origin* nor confirming its *absolute* extent. This culture of power problematizes the aesthetics of understanding which finds a reflective space of thinking in the words harboured by Kafka in *The Trial* when Josef K. gets involved in the conflict of passing judgment about the enigmatic parable narrated by the prison chaplain: "Correct understanding of a matter and misunderstanding of the same matter do not exclude each other entirely" (Kafka 2019, 173). This assertion encodes a cryptic cloak of postponement that leads the protagonist to plunge into an infinite plane of *signifiers* that amounts to barring him from grasping a vision of finality in the chain of law. This vision draws on an immediate intervention of the Kantian expression of sublimity that sets the mode of incomprehensibility as a precondition for the *judging* subject while approaching the sublime. This precondition, certainly, renders the judging subject's calibre of understanding a liminal space. In the text, the protagonist is constantly gravitated by the court, only to be entrapped in this liminal space that raises the question of the threshold in question. In my previous arguments, I have tried to study the Derridean position of the *threshold* to understand the issue of liminality. To extend the argument, it is necessary to investigate how the idea of threshold also serves as a philosophical tool for the play of *postponement*⁹. At this turn, this paper seeks to conflate the Derridean thinking of postponement and the Kantian understanding of the potential of the idea of sublimity in order to portray the rupture in the consciousness of Josef K., who finds himself enmeshed in the cobweb of bureaucracy. The conflation of both ideas glitters through the insoluble parable narrated by the prison chaplain to Josef K. in the chapter named "In the Cathedral." In that parable, the chaplain narrates a story about a man who arrives at a door of law to get entry into it. But the door-keeper repudiates his yearning for getting admittance and says that he "cannot grant him entry now" (172). The door-keeper also assures him that he may be allowed to enter later. But this assurance unsettles his patience, only to persuade him to peep continuously into the interior side of the door. The man from the country then takes recourse to every possible entreaty to influence the

⁸ The Derridean expression of 'deference' has been taken from Pramod K. Nayar's book *Contemporary Literary and Cultural Theory* to invest the question of postponement in the context of Kafka in order to reflect upon the absurd relation between Josef K., the protagonist, and the proceedings measured against him. See Nayar, *Contemporary Literary and Cultural Theory* (2010, 30).

door-keeper in order to acquire admittance. But all his entreaties prove to be futile so far as getting admittance is concerned. With the flow of time, the man approaches death but still maintains, with his deteriorating situation, the persistence to acquire permission from the door-keeper. His exhaustion brings a sigh of tremor out of him in the tone of utmost curiosity: “How is it that in all these years nobody except myself has asked for admittance?” (Kafka 2019, 173). This tremulous question issues an *absurd* expression from the door-keeper that invites the postponement into question: “Nobody else could gain admittance here, this entrance was meant only for you, I shall now go and close it” (Kafka 2019, 173). Kafka invented this parable to show the fissures in the very correspondence between Josef K. and the *figures* of the court. Kafka exposes, through the parable, the vulnerability of the self that is always at the disposal of a transcendental gaze whose authority postpones the accessibility to the door of law by positioning ‘the man’ in a liminal space wherein he is both *inside* the law as ‘the door-keeper’ informs that the ‘entrance’ is granted for him but, at the same time, *outside* the law as the door-keeper postpones his entry by saying that he can not grant him entry now. So, the interplay between inside and outside constitutes a möbius-like spatiality where the border between the former and the latter is blurred and problematized, positing the question of individual freedom at the threshold. The door-keeper locates the man at the threshold, wherein the former ‘welcomes’ the latter to the door to the law with “the relations of hierarchy, power, and control”¹⁰.

In that parable, the very knowledge of the law confided by the door-keeper encapsulates and reflects my arguments. Here, the door to the law enacts both as a moment of threshold and an ‘other space’. Through the parable, Kafka unfurls the dynamicity of space as exemplified by the stance of the door-keeper. The very act of entering may not always lead one to be included but to be excluded. The very process of inclusion allocates the method of exclusion as a prerequisite for the process itself. The politics of inclusion and exclusion confront a problematic understanding of space in the Foucauldian reflection on the concept of ‘Heterotopia’ in his essay titled ‘Of Other Spaces’: “There are others, on the contrary, that look like pure and simple openings, but that, generally, conceal curious exclusions. Everybody can enter into those heterotopian emplacements, but in fact it is only an illusion: one believes to have entered and, by the very fact of entering, one is excluded” (Foucault 2008, 21). But the problem that crawls along the parable and the whole text is that both the *man* from the country and the protagonist, whose condition is plausibly explicated through the parable, are entrapped between the illusion of *inclusion* and the inkling of exclusion, and the *inside* and *outside* the topography of law. Here, the door-keeper in the parable, by means of both prompting and thwarting the man from getting admittance through the door to the law, appeals to Josef K. as a sublime figure, at least as described by the prison chaplain, who sunders the consciousness of Josef K. apart. The dynamicity of the idea of sublimity entwines itself with the very evident and profound question of *agency*. However, the question is how the collision between *inclusion* and exclusion steers us again to ponder over the sheer idea of sublimity and its manifestation in the very complex form of law that maintains its supervision both within and beyond the premises of the court, as it can be perceived through the exposure of Josef K. to the *incomprehensible*, *inaccessible*, and *ungraspable* gaze of law. The very act of participating in the process of perceiving an object of the sublime both fascinates and alienates the subject, who consequently ceases to appeal as an *agent*. Here, the fascination derives from the magnitude of the object of the sublime so far as the judging subject’s imagination succeeds in serving his/her reason to comply with the properties of the object in question. But, as soon as the subject’s

¹⁰ Wortham, *The Derrida Dictionary* (2010, 71).

imagination fails to meet his/her reason's demand to map out the object as an 'absolute whole' it engenders, Kant says, a 'displeasure'¹¹ which the present pitch of the argument considers as alienation: a phase wherein the human reason fails to grasp or localize the magnitude of an object as a whole or totality, and hence, the question of 'agency' is positioned in a liminal zone.

Conclusion

To sum up, the institution of law, as conceived by Kafka in *The Trial*, implies an intriguing confluence of surveillance and sublimity that intervenes to cause an unbridgeable chasm between the protagonist's subjective groping for the end of the progression of his trial and the institution's objective treatment of his trial that ends up installing the protagonist in the state of the *isthmus*. The journey of Josef K. from being arrested "without having done anything wrong" (Kafka 2019, 1) to his punishment at the end of the text incurs an *entropy*¹² in the protagonist's consciousness, which eventually drives him to embrace himself as guilty. The term 'entropy' is etymologically derived from the English word "en" which means 'inside', and the Greek word *tropē*, which stands for "transformation." This *entropy* assumes a form of metaphysical anguish that flowed through the nonplussed lips of Josef K. while experiencing the punishment at the hands of the two 'gentlemen':

His eyes fell on the top storey of the house at the edge of the quarry. The casement window flew open like a light flashing on; a human figure, faint and insubstantial at that distance and height, forced itself far out and stretched in arms out even further. Who was it? A friend? A good man? One who sympathized? One who wanted to help? Was it one person? Was it everybody? Was there still help? (Kafka 2019, 182).

The institution of law by crediting itself with the faculty of sublimity and armouring with the veil of incomprehensibility contributes to that *entropy* which rips the consciousness of Josef K. apart as an alienated and self-alienated *being* and makes him embark upon the *aporetic* journey for witnessing that sublime figure and the sublime space: the highest judge and the high court who has always been *present* in his consciousness despite being *absent*: "Where was the judge he had never seen? Where was the high court he had never reached?" (Kafka 2019, 182). These words of despair convincingly bewail and berate the sublime network of law that fosters a totalitarian bureaucratic milieu wherein the protagonist's consciousness of freedom is rendered an alternative paradigm: a quest for/through the *infinitude*, groping for the *absence*, and yelling in front of the *sublime*. This paper considers the sublime as a network that functions as an apparatus which ideologically identifies with the Foucauldian concept of "dispositif". Kafka portrays the "microfigures" of the court in a certain way that builds on an almost invisible and invincible network that ceases to be localizable and directs its way towards sublimity. As Deleuze and Guattari look with a comprehensive gesture into Kafka:

If Kafka is the greatest theorist of bureaucracy, it is because he shows how, at a certain level (but which one? it is not localizable), the barriers between offices cease to be "a definite dividing line"...that dissolves them and simultaneously makes the office manager proliferate into microfigures impossible to recognize or identify, discernible only when they are centralizable: another regime, coexistent with the separation *and* totalization of the rigid segments (Deleuze and Guattari 1987, 214).

¹¹ Kant, *Critique of Judgement* (1987, Ixx).

¹²Here, the term 'entropy' has no strict implications regarding the Second Law of Thermodynamics. It adheres to the etymological meaning of the word in question that consists of the English en (inside) and the Greek *tropē* (transformation).

The Foucauldian notion of “dispositif” layers the very complex form of network that “refers to a heterogenous body of DISCOURSES, propositions, laws and scientific statements;”¹³ which construct and govern the very way power inflates, infects, and interacts through surveillance with the individual and the social body. This whole mechanism can be put in Deleuzian and Guattarian terms as an implication of “bureaucratic perversion”.¹⁴ In the context of Kafka, this ‘bureaucratic perversion’ amounts to investing the consciousness of Josef K. with an interplay between *self* and *subject* that results in “...a form of submission to an ineluctable regime, while at the same time being an apparent evasion of that regime, in the sense that it involves a complex set of mechanisms of deception, of self and others, which may be one response to an unconscious sense of the prevalence of modernity’s panopticon” (Punter 2007, 146). Kafka’s protagonist in *The Trial* embodies the epicentre of the vulnerability of the self-consciousness that succumbs to the sublime regime of law through an a priori conception of the gaze: an immeasurable and inaccessible halo of power that articulates its *presence* through its *absence*. The vulnerability of self, as Pramod K. Nayar proposes, constitutes “a form of subjectivity”¹⁵ where the self is always at risk in the world through its exposure to the gaze of the ‘other’. Kafka locates the exposure in question through the individual consciousness of his protagonist, Josef K. whose sense of self is rendered vulnerable through the sublime gaze of the ‘other’: the transcendental expression of law, while deferring the question of the cusp from the exit from/through the gaze of the sublime regime to *exist*.

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¹³ Macey, *Dictionary of Critical Theory* (2000, 101-2))

¹⁴ Deleuze, and Guattari, *A Thousand Plateaus* (1987, 214).

¹⁵ Nayar, *Citizenship and Identity* (2015, 14-15).