

WORLD ASSOCIATION OF INTERNATIONAL STUDIES (WAIS)

Conference, Stanford University, July 29-31, 2001

GLOBALIZATIONS

Reflections on the State of the World and Its Discontents

*Kafka's Laughter: Markets, Alienation,
and the Possibility of Affection*

David A. Westbrook¹

Normally, I would discuss these ideas informally, but since time is so very short, and in the interest of clarity, I think it would be better if I read.

The title of my talk is "Kafka's Laughter: Markets, Alienation and the Possibility of Affection."

We've already heard a lot about globalizations during this conference, so I will take it as given that many aspects of our lives, particularly our economic lives, are understood in a global context. Rather than talk about how a particular aspect of our economy has come to function on a global basis, I want to address the "discontent" of this conference's title.

¹ Associate Professor of Law, State University of New York at Buffalo. Stephen Coolbaugh provided excellent research assistance. These remarks are reflect thinking done for my book CITY OF GOLD: A POLITICAL APOLOGY FOR SUPRANATIONAL CAPITALISM, forthcoming from Yale University Press.

I want to talk about alienation and humor as responses to globalization, and I want to suggest that an ironic view of economic life may be both reasonable and ultimately comforting.

The place where I laugh at money most often is the *Wall Street Journal*. If you also read the *Journal* regularly, I'm sure you'll agree with me that it publishes some of the funniest writing in American public life.

So, for example, discussing Dubya's cabinet, specifically Defense Secretary Donald Rumsfeld, Treasury Secretary Paul O'Neill, and Secretary of State Colin Powell, the *Journal* had this to say:

All three cabinet chiefs have mastered the earnest diction of business self-help. "The way to do well is to do well," Mr. Rumsfeld counsels. "Were you treated with dignity and respect today?" asks Mr. O'Neill. "Perpetual optimism is a force multiplier," declares Mr. Powell.²

Let me repeat: the Secretary of Defense, Secretary of the Treasury, and Secretary of State of the United States, the three bureaucrats perhaps most responsible for projecting American power worldwide, really would prefer to write for in-flight magazines.

Or the woman whose recovery from life-threatening breast cancer inspires her to plunge back into her deeply meaningful work as, you guessed it, a marketing executive. Of course, not just any marketing executive, but one for an international pharmaceutical company. Once back in the

² Carla Anne Robbins, *Rules-Happy Cabinet: Rumsfeld, Powell and O'Neill Weigh In*, WALL ST. J., Mar. 2, 2001, A1.

fray, our heroine calls for a new line of advertisements, exhorting women to think of themselves as warriors, to view their diseases as battles, and not incidentally, to buy drugs.³

In this and countless other “articles,” what the *Wall Street Journal* gives us is a sustained ironic voice, a catty take on money and the world as its playground. Through its reporting on market activity, the Journal provides a jaundiced view of what our now global society is coming to.

My recent favorite along these lines was entitled: “Prison as Profit Center.”⁴ It turns out the good folks in the State of Oregon have decided that prisoners ought to stop wasting tax dollars, and should start earning their keep. Instead of being a liability, prisons should become an asset. So the *Journal* reports, in a piece of Swiftian brilliance, that the Oregon prisons are doing business as “Inside Oregon Enterprises.”

What is the business of Inside Oregon, you ask? Well, what do prisons have? That’s right, prisoners. Human capital.

The State of Oregon is in the business of renting people out. As the Journal puts it, “a convict version of Kelly Girls.” Seriously. My fellow lawyers will appreciate that the 13th Amendment’s prohibition on involuntary servitude does not apply to those incarcerated by due legal process. And in this regard, it bears mentioning that – perhaps in deference to a certain historically rooted squeamishness? – no persons of color appeared in the photographs accompanying “Prisons as Profit Center.”

³ Emily Nelson, *Battle Cry: How Women Warriors Replaced Gardeners in P&G Ad Campaign*, WALL ST. J., Feb. 21, 2001, at A1.

⁴ Joseph T. Hallinan, *Prison as Profit Center*, WALL ST. J., March 15, 2001, at B1.

I think this barrage of satire is more than just an accident of brilliant journalism.⁵ I think there is a deeper reason that the chronicle of our financial markets is so funny. Money breeds laughter – not always nice laughter, not necessarily we’re-laughing-with-you laughter, but laughter nonetheless – and so we should *expect* to find the *Wall Street Journal* funny. More generally, we should approach capitalism with a sense of humor.

Now I realize that most people don’t view capitalism as a laughing matter, especially not now. Economics calls itself the dismal science for a reason. And, apart from economists, the general attitude of most academics towards capitalism is fairly distrustful, to say the least. Moreover, every time one of the Bretton Woods Institutions holds one of its meetings to plan world history, gangs of people show up to protest globalization.

Such protests contain many arguments, but I want to focus on what I believe to be driving much of the discontent we have seen expressed since Seattle. Globalization is, to use an old fashioned word, alienating. And my point today is that it is precisely its alienating qualities that make globalization so funny.

But what does this mean? What does it mean to say that the creation of a global polity based on trade, and especially the trade in tokens of value, finance, is alienating? What is alienation?

As the title to these remarks suggests, a traditional and therefore obvious place to start with the question, “What is alienation?” is with Franz Kafka. Kafka’s work tends to place

⁵ Perhaps those of us who care a bit about American letters will come to regard the *Wall Street Journal* at century’s end as we do *Partisan Review* at mid-century.

the reader in a bizarre, and yet disturbingly familiar, exile. Reading Kafka, we recognize the place, and the old anxieties return, even though we have never been here before, and have no idea why we feel threatened.

Once upon a time there was a Marxian canard – whose echoes can still be heard today – that Kafka’s work was a cry of bourgeois despair, that Kafka was writing about the alienation caused by life in markets.⁶ This is too easy. Kafka himself, and many of his characters, are hardly shining examples of *Homo economicus*. More importantly, nothing about central aspects of Kafka’s work – his mythical China, or his even more famous allegories of the law, or even his discovery of himself as a dung beetle – seems to require a marketplace economy. Kafka’s own milieu, a tottering empire, certainly had markets, but Prague remained in many respects a traditional society, organized along lines other than those required by markets, not yet entirely of the modern world that the Great War would usher in. Indeed, Kafka’s understanding of alienation is sufficiently independent of markets to have made his writing quite relevant to life under communism.

But if Kafka made sense in communist Europe prior to 1989, it is also true that Kafka reads well in today’s global market society. That is to say, there is some truth to the canard about Kafka’s work as a critique of capitalism. There is a reason that Kafka, writing at the end of the Austro-Hungarian Empire, nonetheless seems so contemporary, a reason that we can speak of much of today’s world as “Kafkaesque.” What explains Kafka’s current relevance?

⁶ See, e.g., Robin West, *Authority, Autonomy & Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner*, 99 HARV. L. REV. 384 (1985).

Kafka was trained as a lawyer, and images of the law pervade Kafka's work. In the law, as in Kafka, formality is substituted for reality. The law replaces people with roles. One ceases to be David Westbrook, and becomes plaintiff or defendant, buyer or seller, employee or employer, debtor or lender. Similarly, the law does not contemplate things themselves, but rights to things, entitlements – not the tissue and substance of what we eat, drink, control, but legally defined rights to exclude, alienate, devise, and otherwise dispose of the property in question. This is the first thing we teach law students: take the facts of a situation, and translate it into the legally relevant categories, make a case out of it.

The law is also something we do together; it is perhaps the most solemn pronouncement of a society. Its solemnity is inevitably tinged with a religious aura, of which Kafka is acutely aware. One is never quite sure if Kafka means the law in terms of the secular law, in terms of God (or the longing for God), or in terms of the biological father – indeed, such distinctions are probably rather tasteless, and ultimately beside the point. As the expression of authority, the law could judge a person's life, and thereby relieve the wretch of his terrible uncertainty as to whether he has lived well, or more generally, whether his life means anything at all. The yearning for law reflects the human desire to locate our individuality within a broader framework of communal meaning.

But in Kafka, the law withholds judgment. The law does not actually recognize the man, does not tell him what he means, thereby giving him status in the community. The law waits, or at most, recognizes the man's social role – petitioner, messenger, accused, clerk, and even son – always somebody whose existence is derived from others.

The wretch never musters the courage to force the law to acknowledge him for what he is, and so he dies begging or waiting for recognition. The wretch dies as a set of claims, more or less successful, without ever having been recognized – and so having lived – as a man who meant something in and to his community. The wretch dies a foreigner in his own land, alienated.

One must ask whether Kafka's discontent with the law's formality is reasonable. Could the law, as law and as distinguished from the love of a father and certain versions of God, do otherwise? The law, as we have seen, turns on formality, on entitlements. Formality is not reality, and so, to turn to the law, as Kafka's characters do, for legitimation is simultaneously to abandon the possibility of being recognized for oneself. Kafka's characters are thus caught in a terrible double bind: on their own, they have no assurance of their worth, but if they turn to social authority, law, in an attempt to legitimate themselves, they find that they can do no more than make formal, empty, claims. Law is thus both irresistibly attractive and necessarily unsatisfying.

As Walter Benjamin put it, paraphrasing Berthold Brecht, Kafka "had only one problem, that of organization. What seized him was fear of the ant-colony state: how people become estranged from themselves by the forms of their communal life."⁷

Let me be clear. I think the hoary arguments about the dehumanization of life in the marketplace are, in important respects, correct. In a market society, the forms of our communal life that estrange us from ourselves are the

⁷ Walter Benjamin, REFLECTIONS: ESSAYS, APHORISMS, AUTOBIOGRAPHICAL WRITINGS 205 (Peter Demetz ed., Edmund Jephcott trans., 1978).

property entitlements and the embodiments of value called money that together comprise the price mechanism. Markets are not the only things that alienate, but markets do indeed alienate.

To repeat the thought: Kafka reads well today, we are alienated, because capitalism requires us to understand life in terms of prices. At a deeper level, we understand our situation within a market in terms of the interrelationships between those claims we understand to be money, and those claims we understand to be property. Our true selves, however, cannot be recognized behind our entitlements. The translation of the human situation – the man in community – into our legal individuality – is the mechanism of our alienation.

So, taking the criticism of globalization very seriously indeed, the question is, what do we do? On good days, we laugh. But how can we laugh?

Well, laughter comes naturally, or does not, but if we find ourselves in fact laughing when we read the *Wall Street Journal*, we can reflect on what our laughter might mean. One way to think about humor is as the unexpected juxtaposition of incongruities.⁸ That is, we laugh at seeing things that do not belong together, at combinations that are not what they claim to be, and that might therefore be thought of as ridiculous or absurd. With this idea of humor in mind, if we turn our attention to markets, we see something quite marvelous.

⁸ Diligent search has not turned up a citation for the definition. Generally speaking, incongruity theories are associated with Kant and Schopenhauer, and have become the dominant philosophical mode of thinking about humor. See generally, John Morreall, ed., *THE PHILOSOPHY OF LAUGHTER AND HUMOR* (1987).

Markets, in which we sell what we have in order to buy what we do not, operate to bring things that are fundamentally unlike one another into conjunction with one another. Another way of expressing the same rather astounding thought is that money makes properties commensurable. Money and property, the very formalizations that are the mechanisms of our alienation, juxtapose things that are entirely different from one another.

Markets therefore tend to create humorous situations, the juxtaposition of unlikes. And this is why the *Wall Street Journal* is so often funny. Returning to our earlier examples, we have seen, in this monetary society over the last few months:

- the spectacle of real political power spoken in the grammar of business self-help;
- the existential horror of breast cancer inspiring the petty banality of advertising; and
- a slight confusion between punishment and profit, with the frisson of chattel slavery.

Such things are humorous in fundamentally the same way. We know the score. We know the truth is other than what the markets suggests. Our confrontation with the markets – our realization that the truth is not what it appears to be, on the economic stage – is ironic in character.

Like the *Wall Street Journal*, Kafka understood that the same processes of formality that we are likely to find alienating may also be the occasion for ironic laughter. The very formality on which Kafka's stories turn makes his stories, as awful as they were, funny. As Kafka's friend and biographer Max Brod recalled:

When Kafka read aloud himself, this humor became perfectly clear. Thus, for example, we friends of his laughed quite immoderately when he first let us hear the first chapter of *The Trial*. And he himself laughed so much that there were moments when he couldn't read any further. Astonishing enough, when you think of the fearful earnestness⁹

So this is my major point, the take away. Formality – for us, who live in capitalism, money and property – simultaneously alienates us and affords us humorous juxtapositions. Money is alienating, as we long suspected, but in creating the floating world of financial relations, money creates endless opportunities for jokes.

⁹ Max Brod , *FRANZ KAFKA: A BIOGRAPHY* 178 (G Humphreys trans.) (1937).