

CIVILIZATION AND THE TWO FACES OF LAW:
J. M. COETZEE'S *WAITING FOR THE BARBARIANS**

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Modern Western societies have a tradition of associating civilization with (occidental) law. As the legal anthropologist Peter Fitzpatrick observes, legal historians in the West often associate their societies with law and civilization, and set this in contrast to “primitive societies” which are regarded as lawless and uncivilized.¹ This argument endows the West with the idealistic mission of bringing “civilization”—in the form of law and order—to the rest of the world. The result is an aggressive imposition of occidental order on other societies. Colonialism has no doubt brought modernization to many non-Western societies, but only at the cost of vast destruction of human rights and lives in less technologically advanced countries. Some of the ideals driving the West’s concepts of civilization and law demand materialization by any means necessary—including ultra-violent means. Such violence, however, becomes invisible by virtue of its being institutionalized, rationalized, hence “civilized” or idealized—as in the

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¹ See PETER FITZPATRICK, *THE MYTHOLOGY OF MODERN LAW* (1992).

case of the force of law employed to maintain order both in the metropolis and the colonies. “Civilization,” in other words, has two faces—both creative and destructive, both benevolent and malignant—a phenomenon captured by Freud’s analysis of the deadly *jouissance* inhabiting the (Christian) injunction to “love thy neighbor as thyself.” To adopt a more Lacanian vocabulary, civilization is a good father which contains within itself an obscene father.

This paper will use two faces of the law as a key to understanding the ambiguous nature of “civilization” promoting and promoted by Western colonialism. Two kinds of guardians of law and “civilization” appear in J. M. Coetzee’s *Waiting for the Barbarians*: on the one hand is the narrator, a magistrate in an outpost of an empire; on the other are Colonel Joll and Mandel, who “administer justice” by torturing the barbarians—the alleged “enemies of the Empire. In addition to taking on the duties of the magistrate, Colonel Joll and Mandel are also “in charge of justice” in another sense. As executioners (of the Empire’s imperial law), they do not hesitate to use extreme measures to make sure the barbarians comply with “the legal order of the Empire.”

The magistrate acknowledges that Joll and Mandel also have the right to administer the law, yet he finds their sadistic ways of executing the law incomprehensible and cannot understand how they reconcile such actions with their humanity. Thus he presses the following question on Mandel:

How do you find it possible to eat afterwards, after you have been . . . working with people? That is a question I have always asked myself about executioners and other such people. . . . Remember, I too have devoted a life to the law, I know its processes, I know that the workings of justice are often obscure. I am only trying to understand. I am trying to understand the zone in which you live. I am trying to imagine how you breathe and eat and live from day to day. But I cannot! That is what troubles me! If I were he, I say to myself, my hands would feel so dirty that it would choke me—”²

Interestingly enough, while the magistrate sees both himself and his colleagues as having “devoted a life to the law,”³ at the same time, he sees these executioners as transgressors who hold the law in contempt:

Warrant Officer in the Third Bureau: what does that mean? At a guess, five years of kicking and beating people; contempt for the regular police and for due process of law; a detestation of smooth patrician talk like mine.⁴

Colonel Joll’s method of upholding the law requires simultaneously a

² J. M. COETZEE, *WAITING FOR THE BARBARIANS* 123-24 (1999).

³ *Id.* at 124.

⁴ *Id.* at 76.

radical suspension of the law. He maintains law and order not by respecting the law himself, but by terror and total disregard of the law. More importantly, Joll's transgression of the law is not an isolated exception. Without the periodic violation of due process by a ruling in-group, the Empire's law cannot possibly function. In fact, without these sadistic executioners, the magistrate himself cannot possibly maintain his position and his high-sounding talks about due process.

If the outlaw is implicated in the law, then law is inevitably implicated in the outlaw. Colonel Joll and Mandel's role in maintaining law and order prepares us for understanding how the humanistic magistrate is necessary for sustaining the Empire's routine brutality toward its subjects. The argument that humanism is itself part of the colonial enterprise is common among post-colonial critics.⁵ I maintain, however, that there is a definite difference between the humanist and sadist faces of the law. To hastily assert the magistrate and Colonel Joll as equals not only lacks intellectual rigor; it is also politically dangerous. Easy confluences such as this encourage a premature surrender of the law as a tool for good, thereby inadvertently sanctioning Colonel Joll's suspension of law. My essay will hence take a different position. This does not mean that I will return to a traditional humanist stance, which would see the magistrate and the colonel simply as opposites. Instead, I will adopt Lacan's notion of the limit⁶ to probe

⁵ The most famous examples include Albert Memmi who emphasizes that the magistrate "shares a collective responsibility" as a member of the Empire. ALBERT MEMMI, *THE COLONIZER AND THE COLONIZED* 39 (1991); see also Sartre, *Introduction to ALBERT MEMMI, THE COLONIZER AND THE COLONIZED* xxv (1991) ("[T]here are neither good nor bad colonists: there are colonialists." For other works holding a similar position, see Bill Ashcroft, *Irony, Allegory and Empire: Waiting for the Barbarians and In the Heart of the Country*, in *CRITICAL ESSAYS ON J. M. COETZEE* 100-16 (Sue Kossew ed., 1998); Barbara Eckstein, *The Body, The Word, and the State: J. M. Coetzee's Waiting for the Barbarians*, 22 *NOVEL* 175-98 (1989); SUSAN VAN ZANTEN GALLAGHER, *A STORY OF SOUTH AFRICA: J. M. COETZEE'S FICTION IN CONTEXT* (1991); ROSEMARY JANE JOLLY, *COLONIZATION, VIOLENCE, AND NARRATION IN WHITE SOUTH AFRICAN WRITING: ANDRÉ BRINK, BREYTEN BREYTENBACH, AND J. M. COETZEE* (1996); SUE KOSSEW, *PEN AND POWER: A POST-COLONIAL READING OF J. M. COETZEE AND ANDRÉ BRINK* (1996); Yuan Yuan, *The Subject of Reading and the Colonial Unconscious: Countertransference*, in *J. M. Coetzee's Waiting for the Barbarians*, 60 *AMERICAN JOURNAL OF PSYCHOANALYSIS* 71-84 (2000).

⁶ The concept of "limit" as opposed to "boundary" was first developed by Kant and then Hegel. "Limit" is crucial to Lacan in his developments of ideas such as the *objet a* and "in-you-more-than-you." Žižek provides a creative description of the differences between these two terms as follows:

boundary is the external limitation of an object, its qualitative confines which confer upon it its identity (an object is "itself" only within these confines, in so far as it fulfils a set of qualitative conditions); whereas *limit* results from a "reflection-into-itself" of the boundary: it emerges when the determinateness which defines the identity of an object is reflected into this object itself and assumes the shape of its own unattainable limit, of what the object can never fully become, of what it can only approach into (bad) infinity . . .

SLAVOJ ŽIŽEK, *FOR THEY KNOW NOT WHAT THEY DO* 109-10 (1991).

the relationship between the two faces of the law present in the “civilizing mission” the Empire assigns itself. This intricate relationship can be briefly summarized using Žižek’s language: “Law divides itself necessarily into an appeasing law and a mad law. The opposition between the Law and its transgressions repeats itself inside the Law itself.”⁷ Upon demonstrating this intricacy, I will draw from Etienne Balibar’s observations on violence and ideality in order to highlight, on the one hand, the vigilance needed to protect against the backlash of the civilizing process, and, on the other, the necessity of relying on the moral ideas and ideals of civilization in order to combat violence.

I. THE IDEALIST LIBERAL HUMANIST CONTRA THE SADISTIC EXECUTIONER

The magistrate can be called a liberal in the American sense of the word, full of high-minded ideals and beliefs in the legal order and civilization. Teresa Dovey sums up nicely the ideals of the magistrate as a traditional liberal humanist:

... belief in the power and efficacy of the judiciary system; belief in “civilisation” and the continual progress of humankind; an abhorrence of violence, accompanied by an attitude of tolerance and rationality; a capacity for fairly ruthless self-scrutiny and a sense of guilt that can be incapacitating; and, more significant than all of these, a belief in individual autonomy and freedom of choice.⁸

It is the magistrate’s liberal ideas and ideals that allow him to object to Colonel Joll’s abuses of the barbarians. Despite the fact that the magistrate’s legal order exists side by side with that of Joll’s, there is definitely a clear conflict between civilized, “gentlemanly” behavior, and Joll’s complete contempt for such “archaic” values. Hence the magistrate finds himself in confrontation with the Empire’s executioner:

What, after all, do I stand for besides an archaic code of gentlemanly behaviour towards captured foes, and what do I stand against except the new science of degradation that kills people on their knees, confused and disgraced in their own eyes?⁹

It is the magistrate’s liberal notions of human rights that make him protest Joll’s use of a hammer on the barbarian-captives. It is his

⁷ Slavoj Žižek, *The Limits of the Semiotic Approach to Psychoanalysis*, in *PSYCHOANALYSIS* 93 (Richard Feldstein & Henry Sussman eds., 1990).

⁸ Teresa Dovey, *Waiting for the Barbarians: Allegory of Allegories*, in *CRITICAL PERSPECTIVES ON J. M. COETZEE* 142 (Graham Huggan & Stephen Watson eds., 1996).

⁹ COETZEE, *supra* note 2, at 106.

humanistic idea of decency that makes him cry out “No!”¹⁰ to the executioner who corrupts the public by encouraging them to join in a public torture and humiliation of the prisoners. The fact that the magistrate shouts a most emphatic “No!” first to Joll and then to the cheering crowd is significant. He understands the important role of prohibition and how only the ability to say “No”—the ability to impose a limit dividing the acceptable from the unacceptable—makes justice and ethics possible.

The symbolic order for the magistrate, in other words, is not an unbarred Other. This is why he can, and dares to, question the Empire and its law and civilization, as when he explicitly states that “Where civilization entailed the corruption of barbarian virtues and the creation of a dependent people, I decided, I was opposed to civilization.”¹¹ By contrast, Joll the sadistic executioner makes himself object-instrument of the will of the Big Other without ever questioning, let alone defying, the Empire and its self-idealizing image of civilization. Ironically, fetishizing the Big Other as complete amounts to making law (that is, prohibitions) impossible. Joll deems it right to break any specific law in order to protect the “integrity” and absolute authority of the Empire’s Law. To make sure that the Empire’s Law rules, Joll and Mandel observe no rule of law in their arbitrary arrest and torture of the barbarians and any other potential “enemies” of the state. The magistrate, for example, is released as arbitrarily as he was “hanged” in his mock execution. Joll and the magistrate’s diverging attitudes toward the rule of law are also evident in their competing claims for truth. While Joll is convinced that he can obtain “truth” through secret torture and interrogation, the magistrate insists on following the procedures of a public trial as the only way to uncover the truth. The magistrate thus insists on his right to a “public, . . . fair trial” and a proper prosecution¹² after he has been arbitrarily imprisoned. “I will defend myself in a court of law,” the liberal magistrate exclaims, affirming his confidence in the judicial system.¹³ To Joll, the magistrate asserts his right to a public hearing: “I am waiting for you to prosecute me! . . . When are you going to bring me to trial? When am I going to have a chance to defend myself?”¹⁴

Unlike Joll, who regards any arbitrary decision made by the Empire and its representatives (such as himself) as complete and unchallengeable, the liberal magistrate emphasizes the trial as an occasion when the subject is not only being interrogated by the law but

¹⁰ *Id.* at 104.

¹¹ *Id.* at 37-38.

¹² *Id.* at 110.

¹³ *Id.* at 82.

¹⁴ *Id.* at 110.

also has the right to interrogate the law itself. In Lacanian terms, law and civilization are incomplete Big Others according to the magistrate, which means the subject has a say even as s/he is being put on trial by the Big Other. By contrast, the Big Other of the torturer is absolute and without lack, which is why the subject (victim of torture) can only repeat confessions of guilt dictated by the Big Other. In other words, the victim of torture is capable of nothing but empty speech because the subject is alienated in the undivided Big Other.

With his liberal humanist ideas and ideals, the magistrate seeks to define himself against Joll as “a colonialist who refuses” and who is not guilty of the barbarism committed by the Empire:

Let it at the very least be said, if it ever comes to be said, if there is ever anyone in some remote future interested to know the way we lived, that in this farthest outpost of the Empire of light there existed one man who in his heart was not a barbarian.¹⁵

However, the above reflection is immediately preceded by the remark “I cannot save the prisoners, therefore let me save myself.”¹⁶ Despite the magistrate’s various attempts to set himself in opposition to Joll and his kind, his passive acceptance of their sadistic practices renders him complicitous with their crimes.

II. THE IDEALIST LIBERAL HUMANIST’S COMPLICITY WITH THE SADISTIC EXECUTIONER

The magistrate views himself as a guardian of justice, yet remains oblivious to the specific fact that he is a guardian of *the Empire’s* justice. He is not immune to prejudices prevalent in the Empire. He cannot possibly be an objective, unbiased *judge*, since the *prejudices* of his upbringing make him *prejudge* the barbarians as stupid, lazy, and backward. These prejudices are evident when he reflects: “Do I really look forward to the triumph of the barbarian way: intellectual torpor, slovenliness, tolerance of disease and death?”¹⁷ As Barbara Eckstein points out, this reflection reveals that the magistrate “associate[s] individual bodily vulnerability and a ‘disease’ or corruption of civilization with the indigenous peoples.”¹⁸

The magistrate is incapable of rendering justice to the barbarians not only because of his prejudices. Even in cases where justice should be on the side of the barbarians, he is not sure he really wants to “render

¹⁵ *Id.* at 102.

¹⁶ *Id.*

¹⁷ *Id.* at 51.

¹⁸ Barbara Eckstein, *The Body, the Word, and the State: J. M. Coetzee’s Waiting for the Barbarians*, 22 *NOVEL* 187 (1989).

each his due.” Deep down, he knows that both he and the Empire can maintain their current authority and power only by keeping the barbarians from full access to justice:

Justice: once that word is uttered, where will it all end? Easier to shout *No!* Easier to be beaten and made a martyr. Easier to lay my head on a block than to defend the cause of justice for the barbarians: for where can that argument lead but to laying down our arms and opening the gates of the town to the people whose land we have raped? The old magistrate, defender of the rule of law, enemy in his own way of the State, assaulted and imprisoned, impreguably virtuous, is not without his own twinges of doubt.¹⁹

The two interior monologues above represent the magistrate’s confrontation with his own secret *jouissance*. In both cases, he *doubts* that he really wants to give the barbarians justice. So long as Colonel Joll is available to his consciousness as a foil, the magistrate can set his own “innocence” and “righteousness” in opposition. When he has to confront his inner self on its own, however, he often recognizes his complicity with his “avowed enemy” Joll. The magistrate needs Joll and Mandel to make his “purity” visible, just as the Empire needs the barbarians to define itself as a “civilized state.” The moral identity crisis experienced by the magistrate when he is forced to confront his real identity is like the crisis experienced by the Empire in Constantine P. Cavafy’s poem “Waiting for the Barbarians”²⁰ when the Empire finds that there is no barbarian invasion to offer it “a kind of solution”—that is, to allow it to justify its “state of emergency.” On occasions of solitary self-examination, the magistrate’s self-doubts intensifies into a gesture of self-incrimination: “And here I am patching up relations between the men of the future and the men of the past, returning, with apologies, a body we have sucked dry—a go-between, a jackal of Empire in sheep’s clothing!”²¹ Significantly, this observation takes place immediately after the magistrate tries to be “nice” to the barbarian girl by returning her to her own people. It is in this act of generosity that the magistrate detects an underlying obscene *jouissance*.

The magistrate’s feeling of guilt should not be a surprise. As Susan Van Zanten Gallagher points out, the magistrate is always already guilty of having “participate[d] in the acts of the torturer first by his passive acceptance of the actions of Colonel Joll and later in his objectification of the woman as the site of torture.”²² Prior to his encounter with the barbarian girl, the magistrate has already contributed to the torture of a young barbarian boy by encouraging him to accept

¹⁹ COETZEE, *supra* note 2, 106.

²⁰ Coetzee adopts the title of Cavafy’s poem for his own novel.

²¹ COETZEE, *supra* note 2, at 71.

²² SUSAN VAN ZANTEN GALLAGHER, A STORY OF SOUTH AFRICA: J. M. COETZEE’S FICTION IN CONTEXT 128 (1991).

torture. The young boy had been arbitrarily arrested while on his way to seek medical treatment and his aged uncle had just been tortured to death. Instead of taking steps to save the boy from abuses, the magistrate counsels the youth to “cooperate” with the sadistic torturer: “[Y]ou must tell the officer the truth. That is all he wants to hear from you—the truth. Once he is sure you are telling the truth he will not hurt you. . . . If there is pain, do not lose heart.”²³ His only action is to give the boy “courage” to face the ordeal: “I chafe his hands between mine. . . . I cannot pretend to be any better than a mother comforting a child between his father’s spells of wrath. It has not escaped me that an interrogator can wear two masks, speak with two voices, one harsh, one seductive.”²⁴ In a moment of honesty, the magistrate admits to himself that the sympathy he gives the boy may be motivated by support rather than criticism of the Empire, and that his humanism is merely the seductive mask worn by the colonial interrogator.

The ambiguity of his care for the barbarians is even more evident in his relationship to the tortured girl he takes into his arms: “I undress her, I bathe her, I stroke her, I sleep beside her—but I might equally well tie her to a chair and beat her, it would be no less intimate.”²⁵ In fact, his fascination with the girl is connected to Joll—a connection betrayed by his perplexity as to whether it is “the marks on her which drew me to her.”²⁶ On another occasion, the magistrate asks himself if he doesn’t secretly covet the enjoyment of the sadistic executioner:

Whom will that other girl with the blind face remember: me with my silk robe and my dim lights and my perfumes and oils and my unhappy pleasures, or that other cold man with the mask over his eyes who gave the orders and pondered the sounds of her intimate pain? Whose was the last face she saw plainly on this earth but the face behind the glowing iron? Though I cringe with shame, even here and now, I must ask myself whether, when I lay head to foot with her, fondling and kissing those broken ankles, I was not in my heart of hearts regretting that I could not engrave myself on her as deeply.²⁷

Indeed, even though the magistrate takes care of the girl and returns her to her own people, he has ruined her prospects for marriage and her relationship to her own people for good, just like Joll who has maimed her body for life. His desire for her is only an executioner’s “envy, pity, [and] cruelty” in disguise:

However kindly she may be treated by her own people, she will never be courted and married in the normal way: she is marked for

²³ COETZEE, *supra* note 2, at 7.

²⁴ *Id.* at 7.

²⁵ *Id.* at 42.

²⁶ *Id.* at 63.

²⁷ *Id.* at 132.

life as the property of a stranger . . . From the moment my steps paused and I stood before her at the barracks gate she must have felt a miasma of deceit closing about her: envy, pity, cruelty all masquerading as desire.²⁸

After all, as James Phelan points out, the magistrate's gestures of "expiation" and his "care" of the barbarian woman's body only continue her oppression. The fact is, "the woman is with him by his command—he is the official of the Empire; she has no choice but to submit—she is the 'barbarian.'"²⁹

The magistrate and his sadistic colleagues share more than an executioner's drive for intimacy. They also share a craving for knowledge and a will to master the other race. Colonel Joll tries to satisfy his drive for knowledge through interrogation and "intimate" torture. The magistrate, on the other hand, seeks this knowledge through phony physical intimacy and archeology. His "sexual desire" for the barbarian girl, for example, is actually a disguise for his desire to penetrate her "secret meaning." The barbarian girl is read as an enigmatic other whose body is configured as a site of meaning waiting to be deciphered by the "Master-Knower." The magistrate's will to penetrate her secret is revealed when he comments: "It has been growing more and more clear to me that until marks on this girl's body are deciphered and understood I cannot let go of her."³⁰

No matter how hard the magistrate tries to read the girl, he experiences only traces of her disappearance—an experience he refers to often as "blankness"³¹—instead of the "traces of history her body bears."³² His eagerness to penetrate her is frustrated by the lack of secret depth beneath her surface, just as the barbarian boy has no "secret plots" to tell despite Joll's torture: "[w]ith this woman it is as if there is no interior, only a surface across which I hunt back and forth seeking entry. Is this how her torturers felt hunting their secret, whatever they thought it was?"³³ Both Joll and the magistrate violate the girl's body by treating the body as a means to a truth that lies beyond it. However, the more the magistrate tries to probe the barbarian girl, the more she evades his comprehension. When he sees her for the last time, he still finds nothing in her face:

There is only a blankness, and desolation that there has to be such blankness. When I tighten my grip on her hand there is no answer. I

²⁸ *Id.*

²⁹ James Phelan, *Present Tense Narration, Mimesis, the Narrative Form, and the Positioning of the Reader in Waiting for the Barbarians*, in *UNDERSTANDING NARRATIVE* 236 (James Phelan & Peter J. Rabinowitz eds., 1994).

³⁰ COETZEE, *supra* note 2, at 31.

³¹ *Id.* at 71.

³² *Id.* at 64.

³³ *Id.* at 42.

see only too clearly what I see: a stocky girl with a broad mouth and hair cut in a fringe across her forehead staring over my shoulder into the sky; a stranger; a visitor from strange parts now on her way home after a less than happy visit.³⁴

The magistrate gradually realizes the futility of the Empire's attempts to master/know the barbarians. Torture and seduction are both useless for "drawing out" the interior of the other: "For the first time I feel a dry pity for them [the torturers]: how *natural* a mistake to believe that you can burn or tear or hack your way into the secret body of the other!"³⁵ Joll's attempt to penetrate the other by torture and the magistrate's attempt to do the same thing through sex are equally impotent. Despite the magistrate's realization of this futility, however, he is as unwilling as Joll to give up his assumptions and prejudices about the barbarians. As Yuan Yuan points out, "Even though unable to decode the scars on her body or figure out her silence, the magistrate is obsessed with the story that he believes she did not tell. Her silence is read as a sign of hiding a secret narrative which becomes the magistrate's obsession."³⁶ The magistrate "strongly believes there exists a secret story lurking in the body of the barbarian girl, just as Colonel Joll is convinced there is a planned raid by the barbarians."³⁷

The magistrate and Joll's inability to "know" the other is actually quite common among colonizers, who have a tendency to *overlook* the other in two senses of the word: looking too closely on the one hand, and looking past something in negligence on the other.³⁸ Both the magistrate and Joll watch, survey, and "study" the other very closely. At the same time, the magistrate sees the barbarian girl without seeing her—so much so that he cannot even remember her as she was first brought to the barracks. He remembers her father, but he does not have any recollection of her, even though she was sitting next to her father: "The space to the right of the man [the father] remains blank."³⁹ Curiously enough, he remembers "even the individual pebbles on the earth beside him and the texture of the wall behind" if he concentrates enough,⁴⁰ but the girl remains blank to him.

Neither the magistrate nor Joll can know the "truth" about the other, because they don't really bother to understand the other in the first place. Neither one of them, for example, bothers to learn the

³⁴ *Id.* at 71-72.

³⁵ *Id.* at 42.

³⁶ Yuan Yuan, *supra* note 5, at 80.

³⁷ *Id.* at 81.

³⁸ I adopt the pun "overlook" from Homi Bhabha while somewhat modifying the double meaning Bhabha assigns to it. Bhabha uses "overlook" in the "double sense of social surveillance and psychic disavowal—and, at the same time, overdetermined—psychically projected, made stereotypical and symptomatic." HOMI K. BHABHA, *LOCATION OF CULTURE* 236 (1994).

³⁹ COETZEE, *supra* note 2, at 47.

⁴⁰ *Id.*

barbarians' language. During all the time the magistrate spends with the barbarian girl, he never attempts to learn her language—a fact he regrets after he has returned her to her own people. The magistrate's attempt to decode the poplar slips is just as hopeless as his attempt to decipher the scars on the girl's body. Not knowing the other's language, the colonizer can only make contact with the other at the surface level.⁴¹ Both the magistrate and Joll end up fetishizing the other's body instead of taking seriously the other's language as a way to understanding the "truth" about them. The consequence is, they both violate the barbarians by trying to squeeze "the truth" out of their bodies. To use Lucia Folea's words,

the tortured body is an object of the violence of interpretation, a mere text to be read by the hermeneutics of inquisition. The body is thus just a means of access to its own real meaning, and simultaneously an obstacle, an opaque diaphragm interposed between the interpreter and the full disclosure of that meaning. Reading the body must needs amount to destroying it in order to substitute for an empty signifier the plenitude of inquisitorial signifiedness.⁴²

Ironically, the main reason the colonizer is frustrated by the "lack of depth" in the other is because they never really try to understand the other "in depth" by learning their language. They cannot delve deeper than the body (either by sex or by torture), because they never attempt to reach the other at any deeper levels (their language, their worldview, etc.) The magistrate's care for the barbarian girl's body is hence as superficial as Joll's torture of that same body. Both actions only perpetuate the otherness of the other instead of bringing the colonizers closer to understanding her and her people. As Susan Gallagher rightly points out, "By focusing on the body, and the differences created by her torture, he [the magistrate] has perpetuated the Otherness and put himself into the position of Colonel Joll."⁴³

Both the magistrate and Joll force the other to "confess" in the tongue of the Empire, just as they both insist the other "confess" a story that is already constructed in advance by the colonizer. The colonized, in other words, never has a chance to present their story in their own tongue. The magistrate totally lacks understanding of the natives even though he was born and raised in the outpost of the Empire⁴⁴: "I have lived through an eventful year, yet understand no more of it than a babe in arms. Of all the people of this town I am the one least fitted to write a memorial. . . ."⁴⁵

⁴¹ Significantly, the surface and the body are associated in psychoanalysis with the drive.

⁴² Lucia Folea, *Figures of Violence: Philologists, Witches and Stalinists, in THE VIOLENCE OF REPRESENTATION*, 228 (Nancy Armstrong & Leonard Tennenhouse eds., 1989).

⁴³ GALLAGHER, *supra* note 22, at 130.

⁴⁴ COETZEE, *supra* note 2, at 146.

⁴⁵ *Id.* at 151.

III. THE SUBJECT RECEIVES THE TRUTH ABOUT ITSELF FROM THE OTHER IN INVERTED FORM

Waiting for the Barbarians is filled with examples of the colonizer projecting his own aggression onto the other by forcing the other to confess that s/he is plotting against the Empire. The colonizer, in other words, is captive in what Lacan calls the mirror stage, like “the child who strikes another says that he has been struck.”⁴⁶ A correlate of this is that the aggression being attributed to the other returns to the subject its own truth in inverted form. The magistrate, for example, finds “only a surface” and “no interior” to the barbarian girl,⁴⁷ because he never endeavors to reach her at any level deeper than her body in the first place. Her “flat surface” returns to him in inverted form the truth of his superficial inquiry. In fact, time and again, the magistrate sees reflected in the girl’s glassy eyes his true image:

[W]ith a shift of horror I behold the answer that has been waiting all the time to offer itself to me in the image of a face masked by two black glassy insect eyes from which there comes no reciprocal gaze but only my doubled image cast back at me. . . . I who am seducing myself, out of vanity, into these meanings and correspondences.⁴⁸

The magistrate’s obsession with the barbarian girl’s blindness reflects his own blindness—to her feelings, even to his own motives in “rescuing” her. Just as she cannot see him properly because of her impaired vision, he “overlooks” her, unable to remember her face when she was first thrown into the barracks with her father.

As a liberal humanist, the magistrate does not just try to differentiate himself from the “barbarians.” He also asserts his “unique” identity by insisting on his difference from Joll and Mandel. However, just as the girl’s blindness mirrors his own blindness, Joll’s violence—which the magistrate so much disapproves of—turns out to reflect, at least partly, the latter’s own violent impulses. On one occasion, the magistrate finds the barbarians so repulsive that he secretly wishes for an extermination of these “ugly people.” The following narration by the magistrate recalls Kurtz’s infamous line “Exterminate the brutes!” in Conrad’s *Heart of Darkness*:

It would be best if this obscure chapter in the history of the world were terminated at once, if these ugly people were obliterated from the face of the earth and we swore to make a new start, to run an empire in which there would be no more injustice, no more pain. It would cost little to march them out into the desert . . . , to have them

⁴⁶ JACQUES LACAN, *ÉCRITS 19* (Alan Sheridan trans., 1977).

⁴⁷ COETZEE, *supra* note 2, at 42.

⁴⁸ *Id.* at 43.

dig, with their last strength, a pit large enough for all of them to lie in (or even to dig it for them!), and, leaving them buried there forever and forever, to come back to the walled town full of new intentions, new resolutions.⁴⁹

Significantly, he wishes for the extermination of the barbarians not just because they are “ugly,” but also because of the obscene abuse they suffer at the hands of the soldiers of the Empire. The magistrate cannot face the ugliness of the Empire’s deeds, and projects this ugliness onto the other instead. At the end of his genocidal vision, he tries to disavow his participation by adding: “But that [the elimination of the barbarians] will not be my way.”⁵⁰ Once again, he tries to assert his innocence by contrasting himself to another—this time Joll—declaring a complete opposition between “my way” and “his way.” The bad faith involved in this gesture of disavowal is obvious.

In fact, the magistrate mirrors Joll’s violence even in his denunciation of the violent ways of his colleague. When the magistrate sees Joll fleeing the outpost after his “disastrous” operation launched against the barbarians, he describes in graphic detail the kind of violence he would like to unleash on his colleague:

An urge runs through me [the magistrate] to smash the glass, to reach in and drag the man out through the jagged hole, to feel his flesh catch and tear on the edges, to hurl him to the ground and kick his body to pulp.⁵¹

The magistrate’s hatred of violence itself is obviously fueled by violent emotions. Etienne Balibar has an insightful analysis of the obscene *jouissance* in the statement “I hate violence”:

[According to] Freud . . . non-violence may be linked to a hatred of violence, or violent instinct, *within oneself*, and will therefore always border on self-destruction or the desire for one’s own death, at least in symbolic terms. It is as if our only alternative lay between two forms of destruction: *counter-violence* and *self-destruction* or *self-annihilation*.⁵²

This is to say, the magistrate’s liberal humanist objection to violence may actually be rooted in a hatred of violence within himself. The magistrate defines his “gentlemanly” identity by projecting violence onto the other, in the same way he and the Empire perceive themselves as “civilized” by constructing the other as “barbarians.” The magistrate is just as caught up in the violence unleashed by Joll as he is in the barbarous history of the Empire. From time to time, he is confronted by the fact that his “care” for the barbarian girl was merely “futile gestures

⁴⁹ *Id.* at 24.

⁵⁰ *Id.*

⁵¹ *Id.* at 143.

⁵² Etienne Balibar, *Violence, Ideality, Cruelty*, 35 NEW FORMATIONS 8-9 (1998).

of expiation” totally ineffectual at erasing the guilt of his passive acceptance of the state’s atrocities. What is even more striking about the magistrate’s entwinement with Joll is that the latter returns to the former the truth of his “humanism” by showing to him the raw meaning of “humanity.” When the magistrate is subjected to torture, he realizes that all his high-sounding humanist ideas are possible only when one is not forced to face the fragility of one’s humanity. He learns to appreciate how easily principles, values, and dignity can break down when the body is in pain:

In my suffering there is nothing ennobling. Little of what I call suffering is even pain. What I am made to undergo is subjection to the most rudimentary needs of my body: to drink, to relieve itself, to find the posture in which it is least sore. . . . They [the torturers] were only interested in demonstrating to me what it meant to live in a body, a body which can entertain notions of justice only as long as it is whole and well, which very soon forgets them when its head is gripped and a pipe is pushed down its gullet and pints of salt water are poured into it till it coughs and retches and flails and voids itself. . . . They came to my cell to show me the meaning of humanity, and in the space of an hour they showed me a great deal.⁵³

The magistrate’s experience reveals to us how many of the idealistic humanistic principles associated with (Western) civilization are sustained by the care lavished on the humanity of the master races—a care made possible by sacrificing the humanity of other peoples—by subjecting them to hard work and tortures. Prior to this experience, the magistrate always sets his humanistic principles high up above the humanity of the barbarians. It is the torture which brings the magistrate down from his abstract humanism to a concrete common humanity with the barbarians who are also subjected to gruesome abuses. As a consequence of this experience, the magistrate no longer believes in compromising or cooperating with the torturer.⁵⁴ Rather, he begins to stand in defiance every time he witnesses sadistic practices carried out by the executioners.

Whatever new understanding the magistrate gains about himself and the barbarians, however, he cannot purify himself of his entwinement with Joll’s role in sustaining the Empire’s rule:

I was not . . . the indulgent pleasure-loving opposite of the cold rigid Colonel. I was the lie that Empire tells itself when times are easy, he the truth that Empire tells when harsh winds blow. Two sides of imperial rule, no more, no less. But I temporized, I looked around

⁵³ COETZEE, *supra* note 2, at 112-13.

⁵⁴ This forms an important contrast to what he formerly preached to the young barbarian boy: “. . . you must tell the officer the truth. That is all he wants to hear from you—the truth. Once he is sure you are telling the truth he will not hurt you. . . . If there is pain, do not lose heart.” COETZEE, *supra* note 2, at 7.

this obscure frontier . . . and I said to myself, "Be patient, one of these days he will go away, one of these days quiet will return[.]" . . . Thus I seduced myself, taking one of the many wrong turnings I have taken on a road that looks true but has delivered me into the heart of a labyrinth.⁵⁵

The magistrate's ability to mete out his liberal humanist justice is, in the final analysis, dependent on Joll's iron fist which keeps the barbarians under the Empire's control. As Dick Penner points out, in Joll's dark glasses, the magistrate "can see a shadowy reflection of himself." Which is perhaps why the magistrate is initially reluctant to censor Joll: "[W]ho am I to assert my distance from him? . . . The Empire does not require that its servants love each other, merely that they perform their duty."⁵⁶

This is to say, the law of the executioner sustains not just the Empire but also the humanistic, "civilized" aspect of the colonizer's legal system. To adopt Slavoj Žižek's analysis of this kind of phenomenon, the "law *qua* 'Ego-Ideal,' . . . the symbolic order which regulates social life and maintains social peace"—is actually dependent on its "obscene, superegotistical" counterpart.⁵⁷ In fact, according to Žižek, the liberal defence of law and civilization is even darker and more audacious: "the only true transgression, the only true adventure, the one which changes all the other adventures into a careful petit-bourgeois, is the adventure of civilization, of the defense of the law itself."⁵⁸ Borrowing from Bakhtin, Žižek claims that "periodic transgressions of the public law are inherent to the social order; they function as a condition of the latter's stability."⁵⁹ Liberal law *requires* periodic transgressions in order to maintain its stability; in the same way, the magistrate's liberal humanist identity must be transgressed by Joll on the one hand and the "barbarians" on the other. It is only by contrasting his position with these violent others that the magistrate can maintain the consistency of his own civilized stance.

IV. LAW AND ITS DISCONTENTS: CIVILIZATION AND ITS BACKLASH

The split internal to the law produces many levels of tragic irony in *Waiting for the Barbarians*, despite the lack of a tragic heroic dimension to the magistrate and the absence of catharsis from this

⁵⁵ *Id.* at 133.

⁵⁶ COETZEE, *supra* note 2, at 5-6; DICK PENNER, COUNTRIES OF THE MIND 77 (1989).

⁵⁷ SLAVOJ ŽIŽEK, METASTASES OF ENJOYMENT 55 (1995).

⁵⁸ ŽIŽEK, *supra* note 6, at 93.

⁵⁹ ŽIŽEK, *supra* note 57, at 55.

novel.⁶⁰ The magistrate's actions, however well-intended, always dooms him to further complicity with the Empire's brutality. He shudders as he reflects: "the distance between myself and her torturers . . . is negligible."⁶¹ As Bill Ashcroft describes it, the magistrate "sees to his horror that his erotic attentions are perhaps merely a different version of Colonel Joll's tortures, which are, in a perverse way, the ultimate intimacy. He is thus both rescuer and torturer."⁶² Like Oedipus, the magistrate is both the hunter and the hunted, the judge and the criminal. A bundle of irreconcilable oppositions, the magistrate exemplifies what Burke says of irony: "true irony, humble irony, is based upon a sense of fundamental kinship with the enemy, as one *needs* him, is *indebted* to him, is not merely outside him as an observer but contains him within, being consubstantial with him."⁶³ However, unlike the tragic hero who rises above the irreconcilable opposites through *actively* suffering, even to the point of death, the magistrate seeks compromise and self-preservation.⁶⁴ He therefore remains caught in the contradictions, and hence the pain remains unattenuated and unsublimated, constricting and demoralizing to the very end. James Phelan has a beautiful description of the prominent place of pain in *Waiting for the Barbarians*:

The elderly magistrate-protagonist of J. M. Coetzee's *Waiting for the Barbarians* narrates a painful and remarkable tale, the story of his complicity with torturers as well as his own experience of being tortured; of his attempts to expiate the pain of one tortured woman, attempts that actually perpetuate her pain and oppression; of his humiliation by the forces of his Empire and his continued complicity with the Empire. He is a man who is self-reflective but not fully aware of what he is doing and why, who wants to have his heart in the right place but is very attached to the pleasures of the body.⁶⁵

Altogether, the magistrate does not have the courage to extricate himself from the vicious entwinement of opposites by cutting his ties with the liberal ideals of civilization that produce these ambiguities in the first place. As a result, he is constantly caught in a position of duplicity,

⁶⁰ *Waiting for the Barbarians* is a tale of pain. But the prevalence of pain does not make the story tragic: the magistrate is presented as more mock heroic than tragic heroic, and the pain finds no tragic resolution at the end of the tale.

⁶¹ COETZEE, *supra* note 2, at 27.

⁶² Ashcroft, *supra* note 5, at 104.

⁶³ *Id.* at 104-05 (quoting EDMUND BURKE, A GRAMMAR OF MOTIVES 514 (1945)).

⁶⁴ The magistrate's tendency to compromise in the interest of his *good liberal name* (even when it means ignoring the plight of the barbarians) is clear from his following observation:

I cannot save the prisoners, therefore let me save myself. Let it at the very least be said, if it ever comes to be said, if there is ever anyone in some remote future interested to know the way we lived, that in this farthest outpost of the Empire of light there existed one man who in his heart was not a barbarian.

COETZEE, *supra* note 2, at 102.

⁶⁵ Phelan, *supra* note 29, at 222.

sometimes on the side of the Empire and its torture apparatus, sometimes on the side of the victims.

From a political viewpoint, however, we run a greater danger by hastily dismissing liberal humanism altogether. The magistrate is able to resist and even defy Colonel Joll, precisely because he holds on to the idealistic principles of humanism—of the rule of law, of respect for human and civil rights, of fair play, and of the belief in reason rather than brute force as solutions to political conflicts. There can be no liberation from violence and injustice, no resistance to the worst forms of abuses of power, without some of these ideals.⁶⁶ On the other hand, we must remain vigilant to how, “at the beginning” of law and the civilizing process, “there is a certain outlaw, a certain reality of violence which coincides with the act itself of the establishment of the law [and the civilizing process].”⁶⁷ This is why, as Etienne Balibar points out, “there is no guarantee, and there can be no guarantee, concerning the “good use” and the “bad use” of ideals; or, if you prefer, while there are certainly *degrees* in the amount of violence which goes along with civilising ideals, there is nothing like a *zero* degree. In short, there is no non-violence.”⁶⁸ Balibar emphasizes that “it is extremely difficult to draw a clear line of demarcation *within* the realm of the law itself— . . . [even] within our ‘normal’ civilised and liberal system—between *justice* and *violence*.”⁶⁹ The magistrate’s violent hatred of Joll’s sadism itself betrays a dangerous entwinement of “justice” and violence in the civilizing process. His liberal humanist way of maintaining the legal order of the Empire is another way this entwinement manifests itself.

The magistrate does not explicitly ponder this split nature of the law in terms of the civilizing process and its backlash. However, some implications about civilization and its discontents can be teased out from the magistrate’s reflections on law in a fallen world:

I had, no doubt, myself, then, that at each moment each one of us, man, woman, child, perhaps even the poor old horse turning the mill-wheel, knew what was just: all creatures come into the world bringing with them the memory of justice. “But we live in a world of laws,” I said to my poor prisoner, “a world of the second-best. There is nothing we can do about that. We are fallen creatures. All we can do is to uphold the laws, all of us, without allowing the memory of justice to fade.”⁷⁰

The passage echoes St. Augustine’s observation that human law is not perfect because of the Fall. But precisely because of their fallen condition, human beings need to be restrained by law. In the context of

⁶⁶ Balibar, *supra* note 52, at 18.

⁶⁷ ŽIŽEK, *supra* note 6, at 95.

⁶⁸ Balibar, *supra* note 52, at 18, translation modified.

⁶⁹ *Id.* at 13 (quoting from an unpublished translation on file with the author).

⁷⁰ COETZEE, *supra* note 2, at 136.

our discussion, we can say that the terrible ambiguity of law is the result of our living in an imperfect world. In this situation, “all we can do is to uphold the law.” Without the rule of law, the world would become even more vulnerable to random violence. Yet we must remain vigilant to the possible backlash created when law is mobilized to restrain violence.

The magistrate learns about this obscene excess within the law after he becomes an object of Joll’s abuses. Prior to his fall from the grace of the Empire, he insists that Joll’s methods—physical torture including—lie outside the law. But when he is made prisoner, he comes to understand that the law does not only serve justice but can also serve sadistic executioners such as Colonel Joll:

“They will use the law against me as far as it serves them, then they will turn to other methods. That is the Bureau’s way. To people who do not operate under statute, legal process is simply one instrument among many.”⁷¹

At some rare moments of insight, the magistrate does sense something problematic about “civilization” itself. Not surprisingly, it is the aspect of “civilization” associated with Colonel Joll and his sadistic law that unsettles the magistrate:

Throughout a trying period he [Colonel Joll] and I have managed to behave towards each other like civilized people. All my life I have believed in civilized behaviour: on this occasion, however, I cannot deny it, the memory leaves me sick with myself.⁷²

Later on, he even explicitly takes a stance against the dark side of “civilization”: “Where civilization entailed the corruption of barbarian virtues and the creation of a dependent people, I decided, I was opposed to civilization.”⁷³ This recognition exposes the naivete of his earlier strategy for dealing with people like Joll. “If you get lost it becomes our task here to find you and bring you back to civilization,” he once says to the colonel.⁷⁴ Bringing Joll “back to civilization” is obviously not a real solution, since it is precisely the civilization of the Empire that allows Joll’s sadism to operate so efficiently.

Since the discontents of law are themselves products of civilization and its backlash, the magistrate needs to pay attention not only to the law but also to other ways in which he participates in the civilizing process. His interest in becoming “historian” of the outpost, for example, reveals a colonialist desire which is by no means harmless. It was no accident that history became an important field of knowledge during the heyday of colonialism. Historical writings construct the

⁷¹ *Id.* at 82.

⁷² *Id.* at 23 (emphasis added).

⁷³ *Id.* at 37-38.

⁷⁴ *Id.* at 12.

other as belonging to a different historical stage: for the tough-minded colonizer, the other is contemptibly backward; for the liberal colonizer, the other is a “noble savage” who lives in a pre-modern state, untouched by civilization. Either way, the other is portrayed as being behind the West on a scale of historical stages and thus “without civilization.” The magistrate, for example, idealizes life in the outpost, but in a way that associates it entirely with nature—as if the place were without any cultural achievement worth mentioning:

“No one who paid a visit to this oasis,” I write, “failed to be struck by the charm of life here. We lived in the time of the seasons, of the harvests, of the migrations of the waterbirds. We lived with nothing between us and the stars. We would have made any concession, had we only known what, to go on living here. This was paradise on earth.”⁷⁵

The outpost is associated entirely with nature, obviously because it was originally part of the barbarians’ territory, and hence was deemed to be outside civilization. As we can see from *The Oxford English Dictionary*, the etymological roots of the word “barbarous” was “(with the Greeks) ‘foreign, non-Hellenic’ . . . (with the Romans) . . . ‘pertaining to those outside the Roman empire’; hence ‘*uncivilized, uncultured*’ . . .”.

Apart from misrepresenting the place as if there were no culture,⁷⁶ the magistrate’s idyllic picture also hides the truth of the pain and anxiety permeating people’s lives there:

“Perhaps by the end of the winter,” I think, “when hunger truly bites us, when we are cold and starving, or when the barbarian is truly at the gate, perhaps then I will abandon the locutions of a civil servant with literary ambitions and begin to tell the truth.”⁷⁷

The magistrate finally acknowledges that his idyllic representation is driven by “literary ambition” rather than by a desire for truth. As a good liberal humanist, the magistrate differentiates between fiction and history, literature and reality, and he faults himself for glossing over the latter in favor of the former. An even more dangerous oversight in the magistrate’s meditation is his failure to notice that he is speaking as if the outpost belonged to the settlers and that the barbarians were invaders (“at the gate”). The barbarians are called by this name, because, etymologically speaking, a barbarian designates a foreigner. The colonizer convinces himself/herself that wherever s/he is, s/he is

⁷⁵ *Id.* at 151.

⁷⁶ This is obviously not true. The three hundred slips of white poplar wood which the magistrate collected, for example, is an important testimony to the contrary. Unfortunately, the magistrate cannot decipher the writings despite his attempts. The colonizer’s failure to understand these slips causes him to leave out the subject about the barbarians’ culture as if such didn’t exist.

⁷⁷ COETZEE, *supra* note 2, at 151.

there by right, while the indigenous inhabitants are “strangers” and “foreigners.”

Even more arrogant is the magistrate’s presumption to “give a history” to the barbarians, as if the barbarians had no language and historical records of their own:

It seems right that, as a gesture to the people who inhabited the ruins in the desert, we too ought to set down a record of settlement to be left for posterity buried under the walls of our town; and to write such a history no one would seem to be better fitted than our last magistrate.⁷⁸

The magistrate desires to preserve a record of the barbarians for posterity. The assumption behind this thought is that “we have language and we know how to write history, whereas they don’t. It’s our duty, especially the duty of me the magistrate, to help them leave behind a historical record.” His patronizing and patriarchal attitude looks especially ridiculous since it comes immediately after his “toying again with the decipherment of the archaic writing on the poplar slips.”⁷⁹ The truth is not that the barbarians have no writing or history; rather, it’s the magistrate’s incompetence at understanding them—an incompetence mirrored by his impotent at penetrating the barbarian girl, spiritually, mentally, or physically.

The magistrate’s pretensions as a historian swing to the other extreme when he awakens to his participation in the infamous history of the Empire, a participation from which he would desperately like to escape:

I think: “I wanted to live outside history. I wanted to live outside the history that Empire imposes on its subjects, even its lost subjects. I never wished it for the barbarians that they should have the history of Empire laid upon them. How can I believe that that is cause for shame?”⁸⁰

This thought, of course, is no less phantasmatic than his earlier wish to be “the historian” for “the people who inhabited the ruins in the desert.”⁸¹ However much he wishes to deny it, he is a member of the Empire—and not just a passive member either, for he is its civil servant. As Lois Parkinson Zamora puts it: “The magistrate is both the symbol of the empire and its victim.”⁸² In short, he cannot escape the political system he is both part and apart of. This being the case, there is no way to combat the obscene *jouissance* of law except through reference to the rule of law, and no means to check the backlash of the idealism

⁷⁸ *Id.* at 150.

⁷⁹ *Id.*

⁸⁰ *Id.* at 151.

⁸¹ *Id.*

⁸² Lois Parkinson Zamora, *Allegories of Power in the Fiction of J. M. Coetzee*, 2 J. LITERARY STUD. 6 (1986).

associated with civilization except by containing such excess with the prohibitions enjoined by the symbolic order. The ascendancy of the drive can only be arrested and reconfigured by a good father who says “No!”

The political conclusion to all this is that colonialism, and state terror in general, must be resisted with rigorous vigilance. An unrestrained hatred of violence risks reproducing violence; above all, it leaves one at the mercy of some dark *jouissance* even as one is trying to combat injustice. Coetzee himself is highly aware of the potential for backlash in his criticism of state terror. In his article “Into the Dark Chamber,” Coetzee speaks about the scene of torture and its erotic appeal: “The dark, forbidden chamber is the origin of novelistic fantasy *per se*; in creating an obscenity, in enveloping it in mystery, the state creates the preconditions for the novel to set about its work of representation.”⁸³ To criticize terror through fiction writing confronts the author with the difficult task of avoiding voyeurism and erotic fascination with what goes on in the torture chamber. Coetzee’s critique of colonialism is thus faced with the same challenge and need for vigilance we have been discussing in this essay:

[T]here is something tawdry about *following* the state in this way, making its vile mysteries the occasion of fantasy. For the writer the deeper problem is *not* to allow himself to be impaled on the dilemma proposed by the State, namely, either to ignore its obscenities or else to produce representations of them.⁸⁴

According to Coetzee, the writer who depicts “the dark chamber” faces the following moral dilemma. S/he must not simply ignore the obscenities committed by the state, nor should s/he simply reproduce these obscenities. A refusal to confront such obscenities would amount to disavowing one’s political responsibility. On the other hand, a passive reproduction of such obscenities risks perpetuating the violations. As Susan Van Zanten Gallagher points out, the novelist who merely produces representations of state terror “participates vicariously in the atrocities, validates the acts of torture, assists the state in terrorizing and paralyzing people by showing its oppressive methods in detail.”⁸⁵ “The true challenge,” Coetzee points out, “is how not to play the game by the rules of the state, how to establish one’s own authority, how to imagine torture and death on one’s own terms.”⁸⁶

To unpack Coetzee’s observation in Lacanian language, we can say that our challenge is to expose the obscene *jouissance* of law and

⁸³ J. M. Coetzee, *Into the Dark Chamber*, 12 Jan., 1986, N. Y. TIMES BOOK REVIEW 13.

⁸⁴ *Id.*

⁸⁵ Susan Van Zanten Gallagher, *Torture and the Novel*, 29 CONTEMPORARY LITERATURE 277 (1988).

⁸⁶ Coetzee, *supra* note 83, at 13.

civilization without being trapped by that *jouissance* in the process. One way to approach this task is to recall one of the magistrate's insights—although this insight can only be called wisdom if we change the tone from compromise to strategic criticism:

“But we live in a world of laws,” I [the magistrate] said to my poor prisoner, “a world of the second-best. There is nothing we can do about that. We are fallen creatures. All we can do is to uphold the laws, all of us, without allowing the memory of justice to fade.”⁸⁷

On the one hand, we need to uncover and take to task violence committed by the state while avoiding being overtaken by its secret *jouissance*. On the other hand, we need to enter into a dialogue with the law—upholding it, but “without allowing the memory of justice to fade.” That way, justice is in-law-more-than-law, preventing law from becoming an unbarred Big Other that tyrannizes the subject (as well as the citizen).

In short, our task is to navigate carefully between Scylla and Charybdis—neither to give up on law and civilization, nor to allow either to become another “iron cage of modernity.”

⁸⁷ COETZEE, *supra* note 2, at 136.