

## THE TRIAL AND EXPOSURE

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### Abstract

This article offers an interpretation of Roger Waters' "The Trial" (*The Wall*, 1979) by comparing it with Franz Kafka's *The Trial* and "The Judgment" and with Friedrich Dürrenmatt's *Die Panne* (commonly known as *A Dangerous Game*), in order to highlight the profound affinities among the four works in their representation of the trial as a process of exposure that leaves the defendant's life stripped bare and laid open both to the gaze of others and to their own. Thus, whatever the verdict, the trial naturally culminates in shame; shame is therefore the necessary punishment of both the convicted and the acquitted.

**Keywords:** Pink Floyd's *The Wall*; Roger Waters; Friedrich Dürrenmatt; Franz Kafka; shame; trial; society.

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### [A] INTRODUCTION

Some years ago, I decided to try to write a book on "Law and the Humanities", a field of research that I had explored only intermittently while working on *Bēowulf*, Dante's *Comedy*, philosophical science fiction, and, more generally, while reflecting on certain classics of Western literature from a political and legal perspective. My intention was to show that law and literature are concerned with the same object, namely society, and that they often approach it in similar ways.

First, both law and literature are expressions of society itself: we study and interpret them as manifestations of the ideologies that shape the particular historical society in which they arise. Secondly, both law and literature seek to intervene in society in order to change it in particular directions: a law against racism, for instance, pursues much the same aim as a novel such as *To Kill a Mockingbird*, or a film such as *Guess Who's Coming to Dinner*. Thirdly, both law and literature have a didactic function. I do not mean to claim that law and literature must be didactic, but it is nevertheless a fact that they produce an important didactic "fallout effect" upon the population. The repeal of laws against homosexuality in the United Kingdom, for example, was intended to protect individual rights from morally unacceptable legal interference, but its medium-term

effect on society undoubtedly involved a broader acceptance of the moral neutrality of sexual preferences and habits. Something similar occurred in Italy with the introduction of divorce in 1970–1974: the immediate legal aim was to enhance individual freedom in matters that caused no harm or danger to the rights of others, but the moral effect on society was a very rapid transformation in public judgement of divorced people, from something morally suspect into something normal, part of the accepted moral landscape.

Finally, both law and literature function as instruments of critique. Law criticizes society through direct normative interventions: laws against police harassment, for instance, indicate that the legislator considers police harassment to be a real problem and draws the attention of politicians, the public, and police officers to it. Literature does the same, but, of course, in a non-normative way. By describing an episode or narrating a story, whether real or fictional, a writer can show readers the problems generated by a specific action or by a political or legal decision, thereby inviting them to judge it. By way of a single example, I would think of a book I recently read, *Entre deux mondes* (2017), by the French writer Olivier Norek, a novel that recounts two specific instances of African migration towards England. The author himself states that the events are fictional, but he also makes clear that these fictions are not mere fantasies because through fictional characters they depict the real conditions faced by migrants and the situations with which they are forced to contend because of illegal traffickers and European immigration laws.

To return to the book I was planning, I intended to organize it into five chapters, each devoted to a specific theme addressed by both law and literature. Naturally, one of these had to be a chapter on the trial, since the trial is a necessary component of any legal system and also a pivotal theme in literature. It is impossible to count the literary, and more generally artistic, works that depict trials; and in my view this widespread artistic interest arises from the fact that the trial is the principal event through which law becomes visible to the public.

Law itself is invisible; it consists of words that describe abstract concepts. One cannot see a duty, for instance, but only individuals performing actions, and no one can know or say whether those actions are motivated by a sense of duty or by legal obligation. Once one sees a trial, however, the situation changes: there is a prosecutor who claims that the defendant has violated a law, and a defence lawyer who argues the contrary. We hear witnesses and statements; we see evidence in the

form of recordings or documents that describe the facts; and we interpret the narrative of those facts within the invisible framework of invisible legal concepts.

Furthermore, the trial is the only tangible expression of law, and this is evident also in its very choreography: robes resembling those of priests; obscure and esoteric language; a structured plot in which each character performs exactly what the script prescribes, even in the event of an unexpected twist. It is true that a police uniform is also a visible manifestation of law, but I think we may safely agree that the trial is a far more powerful one, perhaps the most powerful manifestation of all.

It is impossible, I think, to write an overview of the trial in literature without addressing Franz Kafka's posthumously published novel *The Trial* (2009: *Der Prozess* [1925], written in 1914-1915). That book brings together all the defining elements of Kafka's poetics: the triumph of bureaucracy—a necessary machinery of the modern state that has turned into an engine operating for its own sake; the incomprehensibility of the world; the failure of communication between individuals; the blending of reality with a dreamlike atmosphere, at times nightmarish and at times erotic; and, finally, shame—the shame of being guilty without having committed a crime.

The story is well known. A bank clerk, Josef K., receives an early-morning visit from two men who inform him that he is under arrest. He is allowed to continue his normal activities—he can go to the office, to the restaurant, and so forth—but he is under arrest and will shortly be judged by a court. The men do not tell him why he has been arrested, nor what crime he is accused of. They probably do not know themselves. Josef does not know either; yet as one reads the novel, it becomes clear that the crime—the accusation itself—is not what truly matters. The only relevant element is the trial and Josef's increasingly desperate attempts to escape it.

It is a bizarre trial. Josef encounters the court only once, near the beginning of the story, when he goes to the courtroom on a Sunday morning. The setting is chaotic: a crowded, noisy hall in the back room of an ordinary apartment building in a suburban district. It is not clear what exactly happens there. After asking for information about his situation and receiving no answer, Josef declares, "This is a trial only if I recognise it as a trial," and leaves.

The following chapters narrate a series of attempts to seek advice from various figures—a painter, an uncle, a former high court judge, even a

priest—in the hope of obtaining an acquittal (though he is told that full acquittals are extremely rare), or at least of finding some way to delay or halt the proceedings.

In the final chapter, Josef receives a second visit at home: two melancholy men, dressed like actors (Josef imagines them as opera tenors). He walks with them until they reach an abandoned quarry. There he sits on a stone, and one of the men executes him by plunging a knife into his heart. His final thought is that his shame will outlive him.

## [B] KAFKA, DÜRRENMATT, AND WATERS

Reflecting further on Kafka's *The Trial*, I came across two short texts that deal with similar themes. The first is a short story by Kafka himself, "Das Urteil" ("The Judgment") (2012), in which a father judges his son Georg—a devoted son and upright young man—suddenly bursting out with a torrent of confused accusations and charging him with an indistinct heap of offences. The father ultimately sentences him to death by drowning.

At first, the son is astonished; he believes that his beloved father has gone mad. However, as the irrational accusations continue, he begins to respond, even though there is in fact nothing meaningful to which he can reply. Gradually, he accepts the situation: he accepts being placed under judgment. When the father pronounces the judgment, the son goes down into the street, runs towards a bridge over the river, and throws himself over the railing.

The second work is a short novel by Friedrich Dürrenmatt, *Die Panne* (*A Dangerous Game*) (1956), which tells the story of a group of elderly men—a retired judge, several retired lawyers, and even a retired executioner—who host Alfredo Traps, a travelling salesman, in their home for the night and decide to entertain themselves by staging a mock trial. Their guest is to play the defendant. As the lengthy dinner unfolds, they question him about his professional and personal life, uncovering minor acts of bribery, instances of unfair conduct towards a colleague, and even the fact that he once cheated on his wife with his secretary.

The evening proceeds in an atmosphere of apparent amusement, amid jokes, abundant food, fine wines, desserts, and liqueurs. In the small hours of the morning, just as dawn approaches, the judge declares something to the effect of: "Well, I believe the only solution is to sentence you to death—do you agree?" The entire company—the defendant included—bursts into loud laughter, exchanging tears of amusement and hearty pats on the back.

Later that same morning, however, when the judge opens the guest's bedroom door to call him down for breakfast, he discovers his corpse: the guest has carried out the mock judgment and hanged himself.

This last story has often been described as a rewriting of *The Trial*, but in my opinion it should be more plausibly read as a rewriting of "The Judgment". In *The Trial*, no mention is made of the charge brought against the defendant—and, crucially, the defendant himself does not know it. In "The Judgment", by contrast, the mock trial begins without any specific accusation, but as the farce develops, a series of charges gradually emerges: bribery, unfair conduct, infidelity, and so forth.

Furthermore, in *The Trial*, the defendant is executed without ever being formally informed that he has been sentenced to death (he infers it when he opens the door to the two "sad tenors"). In "The Judgment", by contrast, the father-judge explicitly pronounces the sentence, and the son commits suicide in order to carry it out.

Finally, a third consideration, perhaps a more subtle one: none of those sentenced appears to be physically forced into execution. The first simply follows the executioners, though the reader has the impression that he could refuse; the second accepts his father's judgment and carries it out himself; the third agrees to take part in the mock trial as a joke and knows that the death sentence is merely the punchline of an amusing evening. Later, however, alone in his bedroom, he reflects on the whole affair, turns the joke into something serious, reconsiders his life, and realizes that he cannot continue living as before. Three different plots, united by a common element: shame.

Josef K., the protagonist of *The Trial*, is ashamed of being placed on trial; Georg, in "The Judgment", is ashamed of the absurd accusations that his father hurls at him, but, like a child, he cannot reply, so that his shame is the shame of being accused; and Alfredo Traps, Dürrenmatt's travelling salesman, is ashamed when the playful exposure of his minor moral failings reveals to him a truth he had perhaps never fully acknowledged.

These are three stories in which shame goes hand in hand with accusation and with the impossibility of contradicting it. Josef does not even know the charge brought against him; he is therefore deprived from the outset of any meaningful possibility of defence. Georg, reduced in some sense to the condition of a child, is not allowed to reply to his father: the paternal voice overwhelms him and excludes any genuine dialogue. Alfredo, for his part, accepts the game and offers no defence; on the

contrary, he willingly exposes his life to public scrutiny. Yet later, when he finds himself alone and might perhaps wish to respond—to apologize, to offer mitigating explanations, or to reinterpret his actions—he can no longer do so. Everyone is asleep. The space for defence has vanished. Shame, now internalized, overwhelms him.

The theme of the trial, as I have noted, is one of those legal elements that have traditionally attracted literature and the arts. The so-called “legal drama” has become a constant presence in television schedules, and the legal thriller is a highly successful literary genre. Music, by contrast, seems to show comparatively little interest in the subject: trials are seldom the central focus of a song or musical composition. In Italy, for example, the songwriter Fabrizio De André referred to a trial on at least two occasions: in the song “Jordi” that, however, is fundamentally about the rule of law, which compels even the king to pronounce a cruel judgment. More ironically, De André returns to the theme in “Un giudice” (a judge), a song about the revenge of a dwarf who becomes a judge and uses his new authority to retaliate against the humanity that had cruelly mocked him in his youth. In British music, one example that comes to mind is Jethro Tull’s song “Two Fingers”, which opens with the promise: “I’ll see you at the Weighing-In / When your life’s sum-total’s made.” Here the text evokes the idea of judgment; however, it seems clear that this “weighing” is closer to a judgment of the soul than to a human and legal trial.

One notable exception—indeed, the only one that comes to mind—is Roger Waters’ song “The Trial”, which brings to a close the narrative of Pink Floyd’s concept album *The Wall* (1979). Strictly speaking, “The Trial” is not the final track of the double LP, whose closing piece is a kind of reprise of the theme of its most popular song (“Another Brick in the Wall”); nevertheless, *The Trial* constitutes the true narrative conclusion of the work.

An extensive body of critical literature has been devoted to Pink Floyd’s music, which is hardly surprising given the band’s undeniable influence on twentieth-century popular music. This is not the appropriate venue for a detailed engagement with that body of scholarship, and in any case such an undertaking would exceed my area of competence. It may be nonetheless observed that most critics tend to divide the history of Pink Floyd into two distinct phases: the Barrett era and the post-Barrett era,

with Waters, after Barrett's departure, emerging as the principal composer and, above all, as the band's primary lyricist.<sup>1</sup>

Year after year, the lyrics became increasingly cryptic, moving towards a form of hermeticism whose central concern is the loneliness of the individual within society and anxiety as the natural condition of existence. Mental illness, in this perspective, is portrayed almost as a form of normality, because in a world where genuine communication is impossible—where the failure of communication constitutes the core of the human condition—we are all, in some sense, fools or lunatics. One may think, for example, of the very ending of the masterpiece *The Dark Side of the Moon* (1973): “There is no dark side of the Moon, really. Matter of fact, it's all dark. The only thing that makes it look light is the sun” (“Eclipse”).

The poetics of the album *The Wall* as a whole are quite clear: the individual in society becomes isolated as a result of the alienation that society itself produces. “The wall” represents the barrier that stands between each person and the rest of society. This wall is built brick by brick, and we all contribute to its construction. Some bricks are laid by ourselves, while others are imposed by institutions, the education system, the rules of work, and the expectations of social conformity and politeness. The idea is that we are all components of a larger machine, compelled to perform the roles assigned to us by its very architecture. (To this poetic theme, the artwork adds elements of the motif of the “absent father”. Waters never knew his father, who was killed at the Battle of Anzio before he was born. However, this element functions largely as an anticipation of a theme that Waters would develop more fully in his later works). We accept this condition because it is from the machine itself that we receive our roles and, ultimately, our identities. From this perspective, Karl Marx's and Friedrich Engels' famous sentence, “The proletarians have nothing to lose but their chains”, may need to be reconsidered: if all that one owns is one's chains, then they are the most important thing one possesses. It is from the chain that one receives a role, an identity, a place in the world. Kafka's clerk, Josef K., derives his identity and his place in society from his position as a senior bank official. Even though he has friends, a girlfriend, and relatives, his life is essentially defined by his work. Significantly, the first information we are given about him concerns his professional role rather than his private life, which appears

<sup>1</sup> For further reading, see Alves da Silva (1982); Mason (2004); Sacido Romero & Varela Cabo (2006); Blake (2008); Mabbett (2010); Bunea (2013); Kock (2013); Urick (2016); Testino (2020); Sacido Romero & Varela Cabo (2021); Hart & Morrison (2023); The Lunatics (2023); Saci (2024); Ottelin (nd).

secondary and marginal. Josef's chains are so central that they constitute the very foundation of his identity. The same may be said of Georg in "The Judgment": he has a friend and a fiancée, yet the story centres on his work and on his relationship with his ageing father, the former owner of the company that Georg now manages. Of Alfredo Traps we know only that he is a travelling salesman and nothing more. All the further details of his life emerge only when he agrees to play the trial game. Up to that very moment, Alfredo Traps is merely a travelling salesman like any other, defined entirely by his professional life.

We also know almost nothing about "Pink"—from this point onwards I shall write the name without quotation marks —Waters' *alter ego* in *The Wall*. We are told that he is a musician—this is made clear in the album's opening song, "In the Flesh?"—but we are given no real sense of what kind of musician he is. Instead, the album emphasizes his solitude: even when he stands before a crowd, he remains profoundly isolated. There are clear signs of mental illness, which at times erupt in violent and disturbing ways, more explicitly in the 1982 film *The Wall* than on the original LP (the connection between the LP and the film has been noted by many critics: Waters worked on the screenplay together with Alan Parker, the director, and the two seem to have aimed at something akin to what Arthur C Clarke and Stanley Kubrick achieved with *2001: A Space Odyssey*—a kind of collective artwork, fully understandable only when its two "parts" are considered together).

## [C] THE TRIALS

As we have seen, the first three trials display many similarities. Perhaps the most significant of these is the absence of a clear accusation before the trial begins. In Kafka's *The Trial*, the defendant—and the reader—is never informed of the charge throughout the entire narrative. Even the death sentence is not formally pronounced; it is inferred rather than explicitly declared. In both "The Judgment" and *Die Panne*, by contrast, the accusations emerge as the trials proceed: Traps agrees with the judge's accusations, whereas Georg rejects those of his judge-father; yet in both cases the defendant is at least told what he is accused of.

In *The Wall*'s "The Trial", matters proceed somewhat differently. First, the song does not itself tell us who the defendant is. We know that it is Pink only from the 1982 film. It is my view that, although Pink is in many respects Waters' *alter ego*, just as Josef K. is in some respects Kafka's *alter ego* (in the latter case, the identification is almost explicit), in both instances the author's aim is to suggest that the defendant could

be anyone. The same lack of identification that I have just noted with regard to the defendant also applies to the judges. In Kafka's *The Trial*, Josef K. encounters the tribunal, but the real authority of the court remains fundamentally hidden. The magistrate he meets during the first hearing is only a minor official, part of a vast and obscure bureaucratic apparatus. Throughout the novel, Josef K. never reaches the real judges or the true centre of power. The system judges him, but the source of that judgment remains unknown—and unknowable. This opacity is essential to Kafka's vision: the individual is trapped within a system the authority of which undeniably exists, yet cannot be clearly identified or confronted.

In Waters' "The Trial" (both the song and the 1982 film), the situation is quite different. There is a judge, and he performs the functions one expects in a trial: he calls the witnesses (the schoolmaster, the wife, the mother); he listens to their accusations; and finally he pronounces the sentence. Even more importantly, whereas in Kafka the defendant does not know what he is charged with, in Waters' work the song begins with the prosecutor addressing the court ("Good morning, Worm your Honour") and stating that the defendant is accused of having shown his "human nature".

Indeed, the only defendant to whom the tribunal explicitly states the charges is Georg ("The Judgment"). Both Josef and Pink appear ignorant of the accusations. Neither Josef nor Pink is allowed to speak in his own defence; but whereas Josef cannot see his judgment, Pink is present while the trial unfolds and can hear the witnesses' statements.

One might object that Pink does in fact know the charge: namely, that he has shown his human nature. But what sort of charge is that? Everybody shows their human nature. Traps does so too: during the night in which the mock trial unfolds, he shows the court his own particular human nature by recounting specific episodes from his life. In the end, the judge "condemns" him for bribery, cheating, unfairness, and the like, all in relation to specific actions that he actually committed: this is not a trial of "human nature", but a trial that judges concrete acts performed by a human being. The same holds true of Georg: he is accused by his father of specific offences, however false and inconsistent, and the verdict is based upon them. The accusation of "human nature" concerns only Kafka's and Waters' trials, even though it is made explicit only in the latter case.

In both trials it is evident that the defendant cannot escape the proceedings. In Waters' trial, we are faced with a "real" tribunal, and we may suppose that the defendant is compelled to remain there. In Kafka's

trial, Josef's inability to escape is due to the social rules he has accepted: although he declares that "This is a trial only if I accept it as a trial" and leaves the courtroom, he does, in fact, accept the trial because the whole novel consists of attempts to obtain a legal escape or a highly improbable full acquittal.

As we have seen, these latter two trials unfold in different ways. They also end with two sentences that, at first sight, appear quite different: Kafka's with its implicitly declared death penalty; and Waters' with the sentence that the judge defines as the full penalty of the law, namely that the defendant is to be exposed before his peers—"Since, my friend, you have revealed your deepest fear, I sentence you to be exposed before your peers. Tear down the wall."—who, because we share with the defendant the same "human nature", are also our peers. Since we know nothing of Kafka's proceedings, let us consider how Waters' trial unfolds.

After the prosecutor's opening declaration, the judge calls the witnesses. The first is the schoolmaster, who simply says that he "always said he'd come to no good in the end", that "if they'd let me have my way, I could have flayed him into shape", and concludes by asking the judge: "let me hammer him today". Then comes the wife, who continues by insulting the defendant, calling him "little shit", hoping that now "they throw away the key", accusing him of having broken their home with his habits (though no divorce is mentioned), and finally asking the judge: "Just five minutes, Worm your Honour, him and me alone." Finally comes the mother, who appears to be the only witness for the defence. She merely asks for mercy, which shows that she too accepts the accusations. She weeps before the court, praying: "Worm, your Honour, let me take him home."

In fact, we have three prosecution witnesses, yet none of them says anything that supports any definite accusation. Insults, threats, demands for harshness, or pleas for mercy say nothing except that the defendant is blamed, hated, or motherly loved. Turning to Kafka, although there are no witnesses in *The Trial*, something similar happens to Josef: no one appears to know what he has been charged with, but everyone assumes that he is guilty of something, because "the only innocent person is one who has never been put on trial". All the people Josef meets in his attempts to resolve his situation have nothing to do with his trial as such: they are lawyers, retired judges, a priest, even a court painter, yet none of them can give any specific advice concerning his unknown case, only general advice on how he might persuade the court to cease taking an interest in it, at least temporarily. The strong impression is that the novel is dominated by blame and shame: the people who blame Josef,

and Josef's shame in response to that blame. As we have seen, blame is equally dominant in Waters' trial, though shame is not, at first sight, so evident.

The close similarity between the two trials becomes apparent when we realize that both courts condemn the defendant to the highest penalty. These penalties are, respectively, the death penalty in Josef's case and exposure before his peers in Pink's; yet it seems to me that, despite this apparently considerable difference, the penalties are in fact the same. Pink's judge sentences him to be exposed before his peers by tearing down the wall, and Josef's invisible judge sentences him to death by dagger; but in both cases these appear to be merely the means by which the real punishment is achieved, namely shame. Josef is stabbed in the heart, and as he dies his final thought is not despair at the end of his young life (he is 30 years old), but the sad and bitter recognition that shame will outlive him. His last words, perhaps expressing surprise at the peculiar manner of the execution, are "Like a dog!", as though he regretted the hangman or the firing squad that would have executed him as a man deserves. In Pink's case, shame consists in being seen by others in his human nakedness: the wall that the judge orders to be torn down is the wall that every person builds around themselves, that is, the boundary separating more or less public behaviour and appearances from what is private, intimate, and even secret. Pink cannot see others in this way, but they can see him. This is the cruelty of the punishment: the sentence abolishes the reciprocity of blindness that exists beyond the boundary we draw in society between ourselves and others.

We all conceal something from others. The slogan "Nothing to hide, nothing to fear" is naïve and foolish. One does not want others to see them while they sit in the loo; nobody wants private masturbation to become public; we do not want spy cameras in our homes: no one could accept that. In short, we would not accept the walls of our homes—literal and metaphorical alike—being made of glass, especially if the walls of other people's homes were still protected by the opacity of concrete.

## [D] CONCLUSIONS

It is now time to move from imaginary trials to real ones. At first sight, things appear very different: the defendant is informed of the charge, hires a lawyer, appears before the judge, and can respond to the prosecutor's accusations and contest them by offering alternative explanations, proof, and evidence. In the real world, one might say, trials do not unfold as Kafka and Waters describe them: both literary trials are metaphors for

the existential anxiety faced by human beings in society, for the difficulty of meeting social expectations and fulfilling one's social role as an honest worker, parent, son, daughter, or citizen. The theme, in short, would be what Freud calls the discontent of civilization; or perhaps the discontent of society.

Some have argued that *The Wall* in general, and "The Trial" in particular, constitute a poetic critique of Thatcherism, a political position that Waters often criticized harshly and explicitly, as in his later work *The Final Cut* (1983), for example. Others have suggested that the whole album is centred on mental illness, a theme that Pink Floyd and Waters had already addressed in their masterpiece *The Dark Side of the Moon* (1973). Others, as I have already noted, have identified the core of *The Wall* in the theme of the absent father: the only living parent mentioned is, in fact, the mother (there is also a song, "Mother", which describes the difficult relationship between a growing son and an overprotective mother); and, if one looks at "The Trial" in particular, no father is mentioned at all, while the only witness in favour of the defendant is, in effect, his mother.

*The Wall* is indeed a highly complex work, one that brings together many more or less interconnected poetic themes, so such interpretations are by no means unfounded. In my view, however, none of them can be regarded as a complete interpretation of the work. Probably, the "absent father" explains why all the male characters are embodiments of a strong and often physically elusive authority; and certainly the idea of "the bricks" (no brick is different from any other) that build a wall is a critique of Thatcherism and, even earlier, of the utilitarianism that emerged during the Industrial Revolution and that Charles Dickens strongly criticized in novels such as *Hard Times*, especially in the pages where he describes the education system—the school—as seeking to shape each student not as an individual and autonomous person, but as a fungible element of the "System". Finally, those who have identified mental illness and alienation as central themes are surely right: this theme runs as an undercurrent throughout the whole work and emerges clearly in certain songs (one may think, for instance, of the powerful "One of My Turns"). Waters' approach is to depict society and man-in-society by surgically separating their constituent elements and analysing them one at a time. And what do they all have in common? Judgment: you are placed in a certain social role, certain performances are expected of you, certain clothes, even certain private behaviours, and we all judge you from this normative standpoint.

Thus, "The Trial" is the perfect ending to *The Wall* because it is the point at which all these themes converge and find their resolution. If

the charge is “human nature”, it implies collective guilt, since we all share it. But—and this is the crucial point—while our “human natures” remain hidden beneath the normative coverings supplied by the social system (we know nothing of what our colleagues are privately afraid of; for instance, we do not know whether one of them sleeps with the light on because they are afraid of the dark), the trial exposes many aspects of the defendant’s life, including those belonging to areas that we normally regard as irrelevant to public scrutiny and which we strive to protect from public knowledge with the utmost determination. The first punishment, then, arises from the mere fact of the trial, since it entails the forced exposure of the defendant’s private self, while the private selves of others remain carefully protected and concealed. Judges, prosecutors, lawyers, witnesses, court clerks, spectators, newspaper readers: they are the audience, seated in the dim light of the theatre and staring at the man who stands upon the stage in full light. He is the one we all look at and can see in his entirety, whereas we can glimpse the others in the audience only as shadowy forms, quietly seated in their chairs, with the reassuring certainty that I—each individual “I” seated in the audience—am myself a similar shadow in the eyes of every other person attending the performance.

Thus, we blame Traps (the mock defendant in *Die Panne*’s nocturnal trial) not so much for his cheating as because his cheating has become public knowledge, whereas ours remains a secret shared only between ourselves and our lover—who may very well also be married. And what do we blame Pink for? For his private fears, for instance, even though some of them are our own private fears as well—or rather because the trial has unveiled them, and now he feels ashamed beneath our gaze upon his nakedness.

Can we really be sure that, in real trials, things proceed differently? The trial begins with an accusation, sometimes with an arrest, when the police lead the arrested person away in handcuffs, which that person often tries to conceal beneath a coat. When I was a child, seeing on television yet another arrest and noticing that familiar coat, I asked my grandmother why it was there: “Is it cold in prison?” She smiled at me and answered: “No, dear, it is for shame—the shame of the handcuffs.” From the moment of arrest, especially if the person arrested is well known, or if the case appears interesting in some way (a financial crime, political corruption, a particularly gruesome murder, or any case involving someone we know, even if only by sight), everything unfolds like a serial novel or, better still, an episodic television drama. Every day brings new details about that person, and people follow with curiosity—often with morbid curiosity—

the gradual unveiling of the defendant's private life. Witnesses speak of the defendant's friends, associations, and more or less secret passions. Wiretapping may reveal unsuspected sexual affairs, impolite manners, habitual swearing: "Ah, just look at that goody-goody, would you? What a disgrace!" Perhaps the defendant is charged with robbery or murder, and the charge probably has nothing to do with sexual preferences; yet the person standing on the omnibus (that mythical figure so beloved of many moral philosophers), reading the newspaper, will exclaim: "Well, look at that! That upright family man, all home and church, was obsessed with girls!" The politician charged with corruption, so outwardly loyal to the Prime Minister, refers to her on the telephone to his friends as "That silly cow": what a hypocrite! The polite bank clerk in a tie, charged with embezzlement, tells his wife once a week that he is going to spend the evening with friends playing darts, but instead goes out to the suburbs to visit prostitutes. There is no need to worry, though: it is precisely the evening that his Salvation Army wife looks forward to because she is free to meet her lover. What a shame, and what a laugh! This man lied to his friends; that woman was an idler at work. Everyone calls him "Doctor", yet he is not qualified; that perfect nose is no gift of nature but the work of a surgeon's knife. What a heap of human nature, and what a mess beneath those curtains of respectability and uprightness. How shabby the undergarments they wear beneath their neatly ironed and socially appropriate clothes.

Are we any different, though? Are our lives free from stains? Are we certain that at every moment we would readily strip off our metaphorical clothes and reveal our underpants? Of course, the answer is no.

In Italy, grandparents once used to recommend changing one's underwear every day because, "if something happens", one might be taken to hospital, and doctors and nurses would judge you if your underpants were not clean. But what about the doctors' and nurses' underwear? That does not matter because you cannot see it: you are the one on the casualty-room trolley, not they. And they blame you because they can; despite the fact that their own undergarments may be shabbier than yours, they blame you for your slovenliness and for the scant attention you pay to personal hygiene. When some criticizable aspect of a person's private life comes to light, people are always ready to point the finger and heap blame upon them, blame that seems to call for a corresponding shame on their part: even though we share the same criticizable traits, we can conceal them while that person cannot. Perhaps we are equal, and in looking at someone like that we are in fact looking at ourselves in a way in which we very much do not wish to be seen, not even by ourselves.

Our blame and their shame are our social shield. Their shame protects us from our own shame: it is the bloodless sacrifice that allows society to remain standing and our lives to continue sustaining it. Perhaps Italian grandparents were, in their way, a little Kantian: dress yourself every day as though you might suddenly be taken to hospital. Perhaps we should be a little more Kantian than they were: act always as though you might suddenly be brought before a tribunal, because in every case—whether you are convicted or acquitted—the tribunal will surely tear down your wall.

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