

# The Law as Tyrannical Mystery in Kafka's *The Trial*

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Language in India [www.languageinindia.com](http://www.languageinindia.com) ISSN 1930-2940 Vol. 13:8 August 2013

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**Franz Kafka (1883-1924)**

Courtesy: [http://en.wikipedia.org/wiki/Franz\\_Kafka](http://en.wikipedia.org/wiki/Franz_Kafka)

## Abstract

From the ancient Greek tragedian Sophocles to Shakespeare, Dickens and modern legal dramatists, stories about law have fascinated readers and offered a critique of the judicial systems. The fictional situations presented in the works of Shakespeare, Hardy, Dickens, Franz Kafka, Albert Camus, Herman Melville, Tony Morrison, Garcia Marquez, Dostoevsky, Harper Lee and others throw an ample light on socio- political situations and judicial systems of their times.

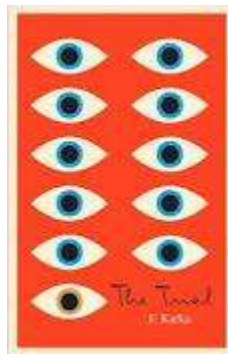
The origin of study of the law in literature is related to the law and literature movement which gained momentum with James Boyd White's renowned book, *The Legal Imagination* (1973). The movement focuses on the interdisciplinary connection between law and literature. This paper will focus on the mockery of justice, law, lawyers, courts and the incomprehensible and weird nature of the judiciary and bureaucracy in Kafka's *The Trial*. The methodology

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adopted would be the study of the novel from socio-political / historical perspective. Throughout the novel *K.*, the protagonist, is surrounded by people clandestinely associated, with the ominous and secretive court which haunts him. The irony is that although *K.* believes the legal system to be fair and rational, his encounters with that show him it is arbitrary, despotic and irrational. Although open to multiple interpretations the novel is more about bureaucratic ambiguity and all pervasive tyrannical law and mysterious courts responsible for the curtailing of common man's freedom.

## INTRODUCTION—LAW AND LITERATURE STUDIES



From the ancient Greek tragedian Sophocles to Shakespeare, Dickens and modern legal dramatists, John Grisham stories about law have fascinated readers and offered a critique of the judicial systems. Such stories have a lesson to teach legal scholars and lawyers alike about the human condition and the law's effect on it. The fictional situations presented in the works of Shakespeare, Hardy, Dickens, Franz Kafka, Albert Camus, Herman Melville, Tony Morrison, Garcia Marquez, Dostoevsky, Harper Lee and others throw an ample light on socio- political situations and the judicial systems of their times.

The problems raised by these writers included loopholes of the legal system, defective legal proceedings, incompetent judges, unscrupulous lawyers, heavy backlog of cases, absence of proper investigation and right to self defense, lack of sincerity in investigation, violation of the rules of the court etc.

The reading of a literary text in the light of interrelationship between literature and law helps to make the legal system of a particular country or time more democratic and free from despotism. The origin any kind of such study is related to law and literature movement which gained momentum with James Boyd White's renowned book, *The Legal Imagination* published in 1973. The movement focuses on the interdisciplinary connection between law and literature.

## **OBJECTIVES OF THE STUDY**

The question whether law in isolation has any value or it must be plugged in a larger cultural or socio-political context to give it value or meaning is a significant one in the light of such a study. The benefits of intermingling law and literature consist of the possibility of reforms in the flawed legal system, moral development of lawyers, judges and clients and a much needed reanalysis of the theories of punishment. Moreover, by applying literary methods in legal writings, laws can be more readily interpreted and the legal decisions can be conveyed more effectively. Reading and writing literature helps improve clarity of expression which is a must for everybody involved in the legal profession.

Here it may be highlighted that all citizens of a society should also acquire this clarity to enable them to defend themselves in the legal arena. Literature also teaches lawyers the power of imagination so that the lawyers learn to place themselves in the shoes of the client, the opponent, the witness, the judge and the jury in order to anticipate reactions to the pleadings, presentation of evidence, arguments and settling of proposals. Such a study can contribute a lot to give a ray of hope to the legal system, which is mired in hypocrisy, corruption and despotism and which badly needs a jolt of humanity.

Literary critics have written much about the role of law in literature, especially in such works as Franz Kafka's *The Trial* and Albert Camus's *Stranger*. They have also explored fictional works that offer a direct and pointed critique of law—for instance, E. M. Forster's *A Passage to India*, Charles Dickens's *Bleak House* and Jonathan Swift's *Gulliver's Travels*.

Most literature in which law plays a major role has concerned criminal law, disputes over inheritance, contracts, divorce and wills. Various nineteenth century novelists like Dickens, Thackeray, and George Eliot and others found that the theories of punishment needed to be re-analyzed. Different writers in different ages have made the lawmakers think about the loopholes of prevailing laws through their writings.

This paper will focus on the mockery of justice, law, lawyers, courts and the incomprehensible and weird nature of judiciary and bureaucracy in Kafka's *The Trial*. By tracing the response of Kafka to the socio-political-judicial systems of his times this paper will look into how law affects the literature in ways that many of us would fail to notice and how sometimes the literary writers have premonition of the worst things that could happen in future and thus want to sound a trumpet of warning to the readers through their writings. It would also show what effect the background of Kafka has on the tone of his work and also how the law and his culture's legal system affected his standing as a writer.

## **METHODOLOGY**

Some critics have touched upon Kafka's *The Trial* against the background of socio-political tyrannical structures. However, no critic has ever delved deep into the study of this kind of theme, especially in the light of its interdisciplinary relevance. The methodology adopted would be the study of the text from socio-political / historical perspective: an exploration of the factors responsible for such a horrifying tale, the legal background of Kafka and his response and attitude to the crumbling, ambiguous Austro-Hungarian judicial system during pre-war times.

## **KAFKA'S LEGAL BACKGROUND**

Franz Kafka is one of the most acclaimed and influential writers of the twentieth century. He grew up in Prague, then a part of Austro-Hungarian Empire, in a society he already viewed as one heading in the wrong direction. He was a member of the minority (Jewish community) within minority (the German speaking population) at a time when there was little conversation between the two groups. He completed his legal studies by taking a degree in Civil and Canon

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Law in 1906 and performed an obligatory year of unpaid service as law clerk for the civil and criminal courts. In 1907 he was hired by an Italian insurance company, where he worked almost for a year. Immediately after this he joined Worker's Accident Institute for the kingdom of Bohemia, where he worked in a legal capacity until his retirement.

Kafka's legal degree also needs a comment. It may be pointed out that in most countries of Anglo-Saxon origins the prevailing legal system is the Common Law, going back to England, to King Henry VIII. Kafka's Austria and the neighbouring countries on the other hand, were still ruled by the Civil Law, derived ultimately from the Roman law, the legal system of ancient Romans, and influenced by the French civil code or "Code Napoleon" in 1804.

As a law student Kafka was more interested in social than the academic side of law. In his time many of the struggling law students viewed law as an adversary. The law always eluded him and he always struggled to define and understand it. Kafka was a product of a culture in transformation.

The social norms and government entities were undergoing change in those times -- traditional centre of individual power was shaken; there was no authoritative legal system. The vacuum of power and Austria's defeat in WW I undermined the power of the government leaving it to rely on either the vestiges of power or its appearance. Kafka lived through the War and saw his hometown Prague turning from being a part of the Austrian empire to the seat of the new Czechoslovakian government. Everything from religion to governance stood challenged because of revolutionary and shocking theories given by Nietzsche, Freud, Marx, Bergson and others.

## **GROTESQUE VISION OF THE WORLD IN HIS WORKS**

Taken as a whole, Kafka's writings have an air of potent and melancholy prophecy. Blanchot observes: "In all literature, the narrative of Kafka is among the blackest, among those most riveted to an absolute disaster" (19). He is renowned for his visionary and profoundly enigmatic stories that often present a grotesque vision of the world in which individuals

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burdened with guilt, isolation and anxiety make a futile search for personal salvation. In most of his works a unique, intelligent and unpredictable protagonist is thrust into a baffling, automated, urbanized and depersonalized world.

The protagonist struggles inside a system of bureaucrats and government officials designed to thwart his moves. Kafka writes from the perspective of a modern citizen who realizes that his fate is determined by an impenetrable bureaucratic apparatus, the operation of which is controlled by shadowy procedures, which remain a mystery even to those who are its part.

His major works include *The Castle*, *Amerika*, *The Trial* and “*The Metamorphosis*”. In *The Castle*, the protagonist struggles to gain access to the mysterious authorities of a castle who govern the village for unknown reasons. It is about alienation, bureaucracy, the seemingly endless frustrations of man’s attempt to stand against the system and the futile and hopeless pursuit of an unattainable goal. *Amerika* describes the bizarre wanderings of a sixteen year old European emigrant named Karl Robmann in the United States, who was forced to go to New York to escape the scandal of his seduction by a housemaid. Like all his works the novel shares the motifs of an oppressive and intangible system putting the protagonist repeatedly in bizarre situations. “*The Metamorphosis*” is probably his best known story. It is the story of a commercial traveler, Gregor Samsa, who awoke one morning, having been turned into a gigantic insect. The world around him is a world of authority (his father, his manager, his company). One feels the horror of absolute control to see the authoritarian control over Gregor and how the events of the story find a parallel in the Nazi politics and holocaust that came soon after Kafka’s death.

### ***THE TRIAL: A PARODY OF AUSTRO-HUNGARIAN COURT SYSTEM***

Thus it is not surprising that much of the Kafka’s literature uses law as the backdrop or plot device. While much has been written about meanings behind Kafka’s literature, most commentators have stressed that law is relevant only metaphorically.

*The Trial* is about law. The main plot device is a legal trial, which ironically never takes place. For Kafka, the government and its institutions are mechanical and unjust. He found Prague of his time to be in the control of a powerful, secretive and unjust empire. In *The Trial*, the entire Austro-Hungarian court system is parodied through the eyes of Joseph K., who is persecuted by unknown forces, even though he is innocent. The very opening line “Someone must have been slandering Joseph K., for one morning, without having done wrong, he was arrested” (7), sets the tone of the novel. As the story progresses we find that Joseph K. was arrested and executed, without his crime being revealed to him: “I cannot recall the slightest offense that might be charged against me” (16). Kafka attempts to portray a lost and isolated individual struggling fruitlessly against the endless and ruthless force of authority, the never ending battle against the system, and the frustration of not getting justice.

## **THE BACKGROUND OF ANTI-JEWISH TRIAL**

Many critics have pointed out that it is in the contemporary events that one should look for the inspiration of *The Trial*. In the early half of the second decade of 20<sup>th</sup> century Prague was a confused state, much like Kafka himself with numerous languages and ethnic groups fighting for position in Prague. It's quite clear that Jewish residents were quite low in social rank in the late nineteenth century. J.P. Sterne is of the view that Kafka observed the fascist tendencies present in democracy and had the premonition of the insecure picture of Jews like himself under Nazism and anticipated their future victimization. The view is corroborated by the fact that Kafka's two sisters were killed in concentration camps during World War II. The great Anti-Semitic trials of his time were blatant example of social injustice against the Jews. The most famous were the Tisza trial, the Hilsner trial and the Beiliss trial. In spite of the differences between the various state regimes – absolutism, monarchy, and republic – the judicial system condemned, sometimes to capital punishment, innocent victims whose only crime was that they were Jews. But the role of Anti-Semitic trials in the novel is only a hypothesis, as there are no references to the Jews or anti-Semitism in the novel, either directly or indirectly. The main character, K., has little in common with either Hilsner, the family of Tisza and Mendel Beiliss. Unlike the victims of the anti-Semitic trials who were either acquitted (the Tisza Jews, Beiliss) or at least escaped capital punishment (Hilsner), K. is legally executed.

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What is common between the novel and the anti-Semitic trials is a certain pattern of unjust and absurd legal procedure and the crushing of the individual under the wheels of state machinery.

## **UNIVERSAL SENSE OF GUILT IN KAFKA'S FICTION**

It may be pointed out that *The Trial* is a lucid interpretation of the efforts of the man to resolve one of the most perplexing problems of humanity – the universal sense of guilt. The Civil Law with its chief function to harmonize society defines guilt in terms of deed, not feeling, while in the perimeter of a man's mind these are one. If a man is guilty, by which laws he has to be judged and found guilty? Who are the judges? What are the legal procedures by which verdicts are arrived at? Is it possible to defend oneself at court? --These are the questions raised by *The Trial* which Joseph K. tries to answer. Throughout his novel K tries to find out why he is being tried by the court. The irony of Joseph K.'s case is that he does not know his crime and the crime for which he is executed in the end remains unspecified throughout the plot.

## **INCOMPREHENSIBLE AND OMNIPRESENT COURT**

The novel is a satire against the pointless, corrupt and incomprehensible law proceedings. A sudden intrusion disrupts Joseph K's life and brings him into a battle of life and death. Unlike usual battles, Joseph K. can neither see nor fight back his enemies. Beginning with the arrest and ending in the execution, what judges Joseph K. is not only the invisible power but also the decaying law. One fine morning he is simply arrested and no explanation or reasoning is given. As the story progresses Joseph K. is shocked to find out the extent of court itself; it is everywhere having offices in buildings and attics. K. even witnesses the whipping of the court officials at his own workplace because of their stealing his underpants on the morning of his arrest, which clearly shows that it has implanted itself in every aspect of society; there is no escaping from it. Here "the proceedings were not only kept secret from the general public but from the accused as well" (110).



## SYMBOLIC REPRESENTATION OF THE VAGUENESS OF THE COURT

Every element of the story of *The Trial* is pregnant with symbolic significance. Throughout the novel Kafka has used ample quantity of symbols. The meaning of the plot is embedded in the maze of various symbols and metaphors. Throughout the novel the court is associated with darkness, dust, staleness and suffocation. K. repeatedly suffers from lack of air. It may also be pointed out that the constant fog surrounding the courts is a clear symbol of the clouded vision of this judicial system and clearly indicates the hazy situation itself. No just or fair court would be situated and maintained as these courts and offices are. Courts are usually grand white buildings located in the most important areas of a city.

Courts and laws are implanted in societies to uphold justice and the integrity of a country in which they are. But in *The Trial* we find that Kafka portrays these offices in a completely different light. These courts are the complete opposite of anything one would expect to see in an honest and just society. Every office of the court is located in slums and is in a poor state of repair. The street surrounding these buildings are “filled with sludge and lawyers are strictly forbidden to improve their situation with any structural repair or alterations” (100). At all of the offices K. goes to, he constantly complains about the quality of the air. Even in Titorelli’s studio “the air in the room was stifling” and had a “stuffy, oppressive atmosphere” (138). While court officials seem to do just fine in the closed atmosphere of the court offices, the air seems to have a debilitating effect on the defendants, particularly on K., who nearly faints.

Another prominent symbol suggesting the arbitrariness of law in the novel is the unfinished portrait made by Titorelli. It is that of a judge, not sitting, dignified and comfortable in his chair, but ready to rise menacingly from his chair, clutching the armrests. The figure behind the judge’s seat is apparently that of justice, but since it has wings on her heels and is in motion Titorelli explains that it is justice and the goddess of victory in one, but to K. it is more like the goddess of hunt. Kirchberger’s observation is quite pertinent here: “This ambiguous and kaleidoscopic picture behind the judge’s back is a signified source of information about the organization served by the painter.”(85) K. readily observes that the motion implied by using wings will upset the scale in the hands of justice and make a just verdict impossible. The figure carries the balance, but not the sword and balance without sword points to the impotence of law.

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The implication of this figure is clear that justice as embodied in the court is going to defeat K. and hunt him down.

Kafka has also used lights as symbols to emphasize the paradox that, in the light, we are actually blinded to the surrounding darkness. The light doesn't illumine the scary outside world out there; its purpose is really just to make you feel safe in your own little circle of light. The darkened rooms in which much of the novel takes place exploits this quirk in our nature. When K. does strike a light, it doesn't seem to illumine very much.

## **RELIGIOUS SYMBOLISM**

It may be pointed out that Kafka has also used religious symbols in the novel. In the very first chapter K awakens, like Adam, from sleep to the customary comfort of his bedroom where he waits for Anna. Instead of Anna, he finds himself under arrest by guards from a department which does not seek the guilty, rather, “as the law states, is attracted by guilt and has to send us guards out.” After wandering about the room, he returns to his bed and eats an apple—the allegorical fruit from the tree of knowledge—and, thereby, becomes aware of his being on trial. The apple signifies original sin and eating the apple ends innocence.

However, religious symbolism is most notable in chapter nine because the action takes place in a cathedral. The prison chaplain co-opts the space and gives a lecture on the (secular) legal system instead. Through this scene Kafka wants to show the way divine authority becomes corrupted by human institutions such as the court system. Like God, the higher officials of the court are inaccessible to ordinary mortals, although no one can confirm whether they exist or not, they have extraordinary powers over individual destinies. Like the Judeo-Christian religious tradition, the court has its own sacred texts – court documents and ancient legends about past cases. And, like religious texts such as the *Bible* and *The Talmud*, the documents of the court require a particular method of interpretation that guides the interpreter with some insight into the court's workings, but the possibilities for interpretation can be endless, contradictory, and irreconcilable.

## **ACCUSATION EQUAL TO CONVICTION OF CRIME**

It may be said that the indefinable sense of guilt, the shadowy court and the invisible trial are the main constituents of the novel. Through ironic plot, the work expresses the vagueness and inefficiency of the bureaucratic system. It highlights the helplessness that people feel under such ridiculous circumstances and the distress which they feel on finding out that the way to move out has been blocked. Most of the countries follow the principle of “no crime no punishment”. Moreover, the law also provides the presumption of innocence, wherein the suspect is presumed to be innocent until the contrary is proved. But in *The Trial* it is unknown which crime Joseph K. has committed. As Titorelli tells K., as far as the court is concerned, accusation is equivalent to conviction (129). And it is all the more horrifying that he is served the sentence in a most weird fashion.

## **NO RIGHTS FOR SELF-DEFENSE**

It seems proper evidence and defense are of no use in such a judicial system. All that is valuable is how many personal connections you have with the higher officials of the court. The title of the novel is itself satirical as no real trial actually takes place. It is merely a series of petitions and roundabout answers that amount to the same thing. The court is not corrupt because of the pathetic influence peddling that occurs in its lower levels; it is corrupt because it is not accountable to the society it serves. Allegations and evidence are never disclosed and ultimate judicial power is invisible. The point is how one can defend oneself if one is not aware of the accusation. Defense is strictly frowned upon. The accused is illogically considered guilty. Very soon Joseph K. realizes that it is typical of the ways of judiciary for people to be condemned not only in innocence but also in ignorance.

## **HULD—A FAILURE IN LEGAL PROFESSION**

The novel also presents a very horrifying picture of the functioning of the lawyers in such a vague, despotic and tyrannical system. It is funny that in the court lawyers are barely tolerated and not allowed in during the interrogation. Here it may be noted that in the legal system of

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Kafka's time, the access of the accused to the counsel was severely limited. The lawyer would not have any access to the case documents, evidence or any other enquiry findings. Similarly, neither Joseph K. nor his lawyer is ever made aware of the charges.

Moreover, it is very strange that the defense lawyer, Huld always meets K. in his bedroom, it is clear that he is not the lawyer who would defend him to prevent his imminent execution. He constantly complains of having difficulty in breathing and sleeping, he also adds he is growing weaker day by day because of the burden of overwork. His illness seems to represent the condition of justice in an oppressive country.

Citizens like Joseph K. are entangled in interminable legal proceedings without knowing the nature of the charge against them and appear to have little hope of receiving just settlement of their case from lawyers like Huld. He claims that he has inside knowledge about the workings of the mysterious court, but confesses: "The most important thing was counsel's personal connection with the officials of the court; in that lay the chief value of the defense." (110). When K decides to dispense with his services he summons his other client, Block and subjects him to elaborate humiliation. Block's degradation shocks K. who does not discern that it is an attempt by Huld to impress upon him the power that he wields over his clients. Though he professes to be serving his clients with the sincerest of intentions, he actually does everything to enslave them. The despotic and tyrannical nature of the judiciary and the hypocrisy of the lawyers are exposed when we learn that the lawyer is not permitted to accompany the accused who is his client to the hearing and only on the basis of the client's fragmentary report he tries to construct a defense. Since he does not know what his client is accused of, he does not know what procedure to follow. Franz Kuna rightly argues: "It looks as though Advocate's aim is to exploit the obtuseness and cowardice of his clients for his own self-aggrandizement" (113).

According to Huld, the lawyers' contacts are the most valuable aspects of defense. His false claims are further exposed when he says that he has a large office, but he employs no assistants. He also talks of the time when he had several young jurists working for him, but now he works alone as he says he has limited his practice to such lawsuits as that of K.'s and he cannot relegate work to someone else without wronging his clients. While the reality is that he is

deceiving himself with regard to his influence and reach. In fact, it may be said that he is a failure in the legal profession. Instead of being supported in his declining years by younger partners, Huld has evidently been deserted by those who once surrounded him.

After reading the novel, we get a clear idea that the courts hold a disdain for lawyers and consider them a nuisance without any sense of authority. The attic courts even seem to take pleasure in humiliating the lawyers, and admonishing those associated with the courts to small, dirty and cramped rooms with poor lighting and holes in the floor.

### **THE WARDENS—WILHEM AND FRANZ**

Kafka has beautifully depicted how some invisible law guards the highest law, whose content remains as inaccessible as its top level judges. How it operates on low level is very aptly shown in the arrest scene. Two obnoxious warders (Willem and Franz) who have no idea either about the law or their superiors, come to K's place in order to arrest him. In fact, they are not even eager to apprehend him; they merely claim that they are doing their duty. As when Joseph K. tries to defend himself by showing his papers (his identity proofs) and asks them to show their warrant to arrest him, one of the warders replies "We are humble subordinates who can scarcely find our way through a legal document and have nothing to do with your case except to stand guard over you ten hours a day and draw our pay for it" (11). He adds, "Our officials so far I know them, and I know only the lowest grades among them, never go hunting for crime in the populace, but as the law decrees, are drawn towards the guilty and must then send out us warders." (12).

Frustrated from their replies Joseph K. demands to be taken to their superior officer, but Willem advises him to go to his own room and to stay there quietly until the inspector arrives. In terms of the legal code of his country it seems peculiar to K., as he thinks of the warders, that they should not leave him alone in his room because he might commit suicide.

It may be pointed out that the warders ought to be aware of the provision of law designed to prevent the possible suicide of the arrested person. In fact, the idea of committing suicide

comes to K.'s mind and the wardens intensify it by allowing him to be alone in his room. What is ironic is that K. wonders, how in his country when the rights of citizens are guarded by the law, all the laws are in force, and peacetime conditions prevail, who then, would presume to set upon him in his place of residence and that too so mysteriously.

### **AMBIGUOUS AND HOPELESS INSPECTOR**

When the warders inform K. that he can meet the inspector, he feels a ray of hope that now he would get answers for all his questions. But all his hopes are thwarted when the inspector informs him that he could tell nothing more than that he has been arrested, and that his protestation of innocence is of no use. The following statement of the inspector clearly shows that these petty officers are merely functionaries who follow orders and justify their duties without understanding or attempting to understand underlying motives of the higher officials in the judiciary:

“These gentlemen here and myself have no standing whatever in this affair of yours, indeed we know hardly about it ... I can't even confirm that you are charged with an offense or rather, I don't know whether you are. You are under arrest, certainly, more than that I do not know”. (16)

The inspector says that though Joseph K. is under arrest, this will neither stop him from going about his business nor prevent him from leading his life as usual. It is another matter that private life of K. is totally destroyed because of his dangling between the court and the bank. Furthermore, it is very strange that after having been arrested K. is allowed freedom of movement and unhampered routine life, but it is his own lawyer Huld who gives K. the hint that his freedom between the investigations has been meticulously planned to frame him into an unspecified crime.

### **EXAMINING MAGISTRATE MAKES A MOCKERY OF K.'S FIRST HEARING**

K's encounters with the warders and the inspector set the tone for his various interactions with the representatives of the law. In the interrogation scene Kafka has satirized the loopholes of the legal system, legal proceedings and incompetent judges of his time. The next representative of law whom Joseph K. meets is the examining magistrate. He conducts his initial inquiry.

The entire scene has a dream-like quality. The location itself is unreal; the top floor of the tenement in a poor family's backroom. When K. reaches the place, the examining magistrate rebukes him for being late by an hour. He further tells him that he is under no obligation to conduct his hearing now, as his hearing time is already over. Though later he agrees after giving a warning to Joseph K. that such a delay would not be tolerated in the future, it is clear that even the magistrate has no idea about Joseph K.'s case, as in the very beginning of the proceedings he asks K., "You are a housepainter" (39). Further, K.'s discovery that the examining magistrate's law books are merely pornographic novels, confirms his suspicion that his trial is a terrible joke. K. has rightly summed up his impression of the court of justice: "Behind it all there is a great organization at work, which employs corrupt warders, oafish inspectors and examining magistrate of whom the best can be said that they recognize their own limitations" (45). He also talks about the corruption which is rampant among the inhuman and callous court officials, who even rob the people of their clothes at the time of their arrest and devour the eatables from their places.

## USHER'S WIFE

In the beginning of the novel K. is informed by telephone that more interrogation is to follow at regular intervals. But to his surprise he is never informed about his second hearing. When he revisits the building in order to enquire about his case he finds the room is deserted. Here he meets the usher's wife, who is not an actual agent of the court but she is involved in the system. K. finds what was once the court room is actually the home of the usher. This woman is thus involved in the setting up of the court room. Her power derives from the fact that she lives in the court room. She is oppressed by the court but she in turn uses her sexuality to convince K.

to accept her help with the case. She tells K. that the examining magistrate takes keen interest in her.

However, the irony of the situation is that the extent to which she helps Joseph K. to let him know that the important papers the judge was looking at actually contain indecent pictures and a novel entitled “The Torments Grete Suffered at the Hands of her husband Hans”. Thus, we get a peep into the lecherous nature of lawyers and judges in this scene. It is a pity that the judges from whom people expect fair justice, are busy flirting with women (usher’s wife) and gifting them pairs of silken stockings. Later, when Joseph K. is discussing his case with the usher’s wife, a law student takes her away and she informs K. that the magistrate has sent for her. The usher, her husband, cannot take any action against the magistrate, because he is afraid that he might lose his job. He further tells Joseph K. that all the cases are foregone conclusions.

### **THE ROLE OF LENI IN CLANDESTINE COURT**

Even Leni seems to know a great deal about the clandestine court and the deceptions required in approaching it: she knows a great deal about this court and the intrigues that prevail in it” (103). As the nurse of the lawyer (Huld), she is exposed to legal discourse and information. She is attracted to K. and pulls away from the lawyer; she then proceeds to offer him advice on his trial. When K. informs her that he thinks too little of his trial, she corrects him “That’s not the mistake you make.... You can’t put up resistance against the court, you must admit your fault...Until you do that, there is no possibility of getting out of their clutches, none at all” (102 - 03). Leni then offers to help K. to confess. It may be pointed out that her role is much different from the usher’s wife and K. begins to make room for the fact that he might need help. However, we find that Leni provides very little advice or support with regard to the trial. Later, K. finds that Block, whose case has been going on for years, has also been assisted by her in the same way as she assisted him.

### **THREE KINDS OF ACQUITTAL OFFERED BY TITORELLI**



Unable to find help from anyone K. finally decides to handle his case by himself. He is intensely exhausted and experiences symptoms of mental strain due to worrying about his case. He is not even able to concentrate on his work properly. Even his professional life is suffering greatly due to his case. Several important people are kept waiting while he is thinking about his case.

Seeing his pathetic condition one of his clients suggests that he should meet Titorelli, who paints portraits for the court and thus is in close contact with the conceited judges. He further tells K. that Titorelli knows a great deal about the working of courts and he might help in throwing some light on his case. When K. meets him, he provides him a lot of information about the law courts and their procedures.

Titorelli describes the three possible acquittals that may be hoped for in Joseph K's case: 'definite acquittal', 'ostensible acquittal' and 'indefinite postponement'. The first possibility, he tells K., is not real since he has never seen a single instance. An 'ostensible acquittal' is like a temporary suspension of the trial, but K. could be arrested anytime and the trial could begin again. An 'indefinite postponement' is basically a delay tactic. It consists in prolonging the case by various means where you keep the trial in process through various legal maneuvers deferring its final judgment as indefinitely as possible.

We find though the ostensible acquittal and postponement prevent the accused from being convicted, yet all three possibilities converge on ultimate necessity of conviction and execution. The presupposition of all the three possibilities is that guilt is assumed and innocence is impossible to prove. Thus, it can be said that court is inscrutable and irredeemably corrupt.

## **THE CHAPLAIN—THE SECRET COURT OFFICIAL**

The last person attached to the court whom K. meets is the chaplain. This is a figure that K. comes across when he is supposed to be meeting a businessman in relation to the bank. He tells K. that his case is going badly and it may never even go beyond the lower courts. He points out that K.'s biggest mistake is that he has been relying too much on outside help and

particularly female help. K. believes that chaplain's intentions are good and he might give some useful advice on his case.

The chaplain also tells him a story about a man who approaches a gate that gives entrance to the law. However, there is a gatekeeper who denies the man access despite being bribed by the man. When he is finally at the end of his life, he is informed by the gatekeeper that the entrance to the law was meant only for him.

Clearly, this story is meant to be an ambiguous allegory. Several questions arise in our mind. Is the man from the country of K. himself? Is the law truly inaccessible?, and so on The entire story is, in fact, a parable of K's life and his trial. As it is only K. who is completely engrossed with the concept of getting in or figuring out his case and one who completely forgets what he actually needs to do. There are so many similarities between the man in the story and K., like the man in the story is not held there by anyone. He willingly waits his life out.

Similarly K. has many options since the beginning of the novel, but he remains passive and accepts what is happening. Before his execution he even sees a policeman but does not ask for help. It may be highlighted that it is shocking news to K. when the chaplain informs him that he also belongs to the court. But when the chaplain said "I belong to the court ...Why should I make any claims upon you? The court makes no claims upon you. It receives you when you come and relinquishes you when you go" (205), it confirms K.'s feeling that the court is everywhere, watching your every move. You cannot even think of escaping from the clutches of the court. The prison chaplain's presence shows that no place, no matter how sacred, is exempt from the court's influence.

## CONCLUSION

Thus, we find that throughout the novel K. is surrounded by people clandestinely associated, directly or indirectly, with the ominous and secretive court which haunts K.: Titorelli, Leni , usher's wife , Huld , examining magistrate, chaplain and such. The irony is that although K. believes the legal system to be fair, predictable and rational, his encounters with that

**Language in India** [www.languageinindia.com](http://www.languageinindia.com) ISSN 1930-2940 13:8 August 2013

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The Law as Tyrannical Mystery in Kafka's *The Trial*

system show it is arbitrary and unfathomable. The pursuit of justice under the law is one of the forms of Kafka's search for truth, but it fails as the law itself is the source of arbitrariness, corruption and ambiguity. It can be said that K. is the representative of the existential crisis of the modern man's predicament. He has no friends to protect him, no family or society to belong to; his bachelorhood and isolation complete his tragic loneliness. His prevailing sense of guilt makes him acknowledge the authority of the sordid court.

Kafka's *The Trial* questions the relationship between justice and law. The things about law are that they are supposed to be just. But according to Kafka law is such an abstract ideal that it can have nothing to do with the ordinary life of the human beings. It may be concluded that if Kafka is a political novelist, his politics is based on ethics and commitment to one's fellow human beings.

Like Orwell's *1984*, Aldous Huxley's *Brave New World* or Koestler's *Darkness at Noon*, *The Trial* is not a prophecy about our dark future in the shade of totalitarian tendencies proliferated before and after World War II. But still critics regard *The Trial* as a prophecy of the terrorism practiced by Hitler and Stalin. Posner does not exaggerate when he says: "There are parallels between the legal process depicted in *The Trial* and the legal process used by Hitler's Germany, Stalin's U.S.S.R and other totalitarian regimes in dealing with political crimes" (126).

It is not a political novel; it is more about bureaucratic ambiguity and all pervasive incomprehensible law and courts responsible for the curtailment of common man's freedom. K. represents the random cruelty of existence, an existence we are unable to understand, yet are condemned to live in. *The Trial* is a cautionary tale that illustrates the potential corruption and restriction of freedom that can occur in all powerful, overbearing government and legal system. K., who cannot question or ask the court about the actual details of his case, is doomed to his tragic fate.

Through this novel Kafka wants to portray what occurs when injustice is consistently perpetuated in society. As without transparency or accountability, a legal system has no responsibility to the common people, instead it acts to ensure the state's absolute control and the

subtle and systematic crushing of all of the individual's attempts to get fair justice. Through ironic plot, this work expresses the vagueness and ambiguity of the bureaucratic and judicial system, which Kafka experienced, in one form or the other, in the disturbed European world during the second decade of the twentieth century, especially the lawlessness of Austro-Hungarian Empire before and during World War I.

Some of the critics of *The Trial* see the novel as symbolic of man's forced admission to a world of 'injustice and lying'. On one level, the novel is a critique of the pre-war Austrian government from whom no man might expect justice. More broadly, it is a critique of such socio-political-judicial set-ups which have established themselves as a substitute for God. It is a world in which the laws of man are looked upon as though they were divine laws. It can certainly point to the impenetrable and incomprehensible nature of judiciary or bureaucracy, which one can find anywhere in the world. The study of such a literary text, in the light of its inter-disciplinary relevance certainly goes a long way in giving a touch of humanity to any judicial system which is mired in despotism, tyranny and corruption.

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**Language in India** [www.languageinindia.com](http://www.languageinindia.com) ISSN 1930-2940 13:8 August 2013

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