



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Book Review: Of trials and tribulations: A review of Kafka's 'the trial'

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Received 16 January 2022; Accepted 27 January 2022; Published 31 January 2022

INTRODUCTION

The vast Austro-Hungarian Empire was a fearful place. Police informants spied on citizens.¹ Arbitrary arrests were rife.² Evidence was ignored while rounding up people.³ The oppressive secret police terrorised the masses.⁴ The accused were unaware of the charges they were booked for. It was in these sinister times that a young law clerk started practicing in the Empire's civil and criminal courts. His stinging, satirical work on the region's convoluted and unjust legal system was a masterpiece. Franz Kafka's 'The Trial' had taken the literary world by storm.

¹ Alan Sked, *The Rise and Fall of the Habsburg Empire 1815-1918* (2nd Edition Routledge 2015)

² *Ibid*

³ Catherine Harwood, 'Franz Kafka's Literature and the Law' (Victoria University of Wellington, 2007) <<https://www.wgtn.ac.nz/law/about/publications-and-resources/butler-lawyers-as-writers/Harwood-Franz.pdf>> accessed 14 January 2022

⁴ Alan Sked (n 1)

Kafka was not alone in mingling law and literature. Rarely understood by the people and often satirised for its irony, the law has been a favourite template for countless writers. Jonathan Swift sardonically attacked the law in his notable 'Gulliver's Travels'. Charles Dickens lampooned the legal system in 'Bleak House'. Albert Camus poignantly captured an innocent's imprisonment and hanging in his memorable 'The Stranger'.

DO THESE BOOKS HAVE ANYTHING IN COMMON?

Absolutely, they offer a refreshing peek into the inadequacies of the law. Newspapers are replete with reports of courts overwhelmed with a swelling backlog of cases. Decades old property disputes still await a conclusion. Thousands of undertrials continue to languish in dingy prison cells. Activists and journalists face the strong arm of the law as they spend months lodged inside jails on vague charges. A family from a remote village struggles through a case, crippled by exorbitant litigation costs. 'Justice delayed is justice denied', unfortunately, remains a maxim buried in bulky textbooks and elaborate judgements.

Gulliver's bewilderment at the laws of Lilliput or the Jarndyce family's painful wait to inherit money from a disputed fortune after a protracted lawsuit explores the trappings of the legal system. These tales have laid bare the deficiencies of the law. They have hinted at reforms by compelling lawyers to rethink theories about punishment.⁵ No wonder Camus once said, "Capital punishment is the most premeditated of murders"!

PLOT

Kafka's 'The Trial' too evokes strong questions of the world we live in. One morning two cops accost Josef K., a respectable bank clerk. He is arrested "despite not committing a crime". Initially confident of his innocence, a labyrinthine maze of laws trap K., leaving him baffled and tired. Throughout the story, he is captured in an inescapable web of legal proceedings while remaining unaware of his guilt. K. talks to many people to find out the reasons behind his arrest and the authorities responsible for overseeing the trial. Though his efforts were in

⁵ Debarati Chanda, 'Treatment of Law in Franz Kafka's 'The Trial' (*Hein Online*, 2015) <<https://heinonline.org/HOL/Page?handle=hein.journals/ijlj6&id=1&collection=journals&index=>> accessed 13 January 2022

vain, K. finds himself getting sucked into the world of the courts and its odd, inexplicable ways. Stabbed near a stone block in a quarry at the end, K. dies, still left in the dark about his crime.

THEMATIC ANALYSIS

Justice and equity are the cornerstones of a legal system. In a society teetering with disparity and misery, the law sends a strong reminder that pelf and power will not save the guilty. It is based on certain inalienable principles that balance the delicate scales of justice. The harrowing experience of an innocent bank clerk flies in the face of these lofty ideas. Josef K.'s capricious arrest mirrored the arbitrariness of an Orwellian state. The right of an accused to know the grounds of his arrest is an accepted procedural convention.⁶ It is a basic right that justifies an arrest.⁷ An accused is also entitled to a lawyer who would represent him in court. K. seemed to be an exception. The courts meant to uphold the 'rule of law' were oblivious to an innocent's suffering. Justice remained a dream due to an immoral police force and a corrupt judiciary. K. prided on staying in what he believed was a 'free country'. Ironically, the perplexing laws and incompetent authorities of the same 'free country' left him powerless, vulnerable, and defeated.

The last chapter of the novel contains a famous parable about a man waiting to cross the gates that would give him access to the law. He is denied entry. He waits for it till he is old and infirm but in vain. This fable, titled, 'Before the Law' is a razor-sharp critique of the legal system's impenetrability; something which is ought to be accessible to all. It conveys a bitter truth—that the law does not guarantee justice; something evident in our own country where litigants die even before their disputes are resolved. Kafka lived in an era marked by authoritarianism and brutality. Much of the rights and freedoms considered fundamental today, were trampled upon by despotic rulers. 'The Trial' can be seen as Kafka's brilliant attempt to paint a vivid picture of innocents being crushed under an unjust system's jackboot.

⁶ Trisha Prasad, 'Irrational Law and "Injustice": A Study of Kafka's 'The Trial' (2021) 3(2) IJLSI<<https://www.ijlsi.com/20-irrational-law-and-injustice-a-study-of-kafkas-the-trial/>>accessed 14 January 2022

⁷ *Ibid*

Living under an oppressive regime likely gave Kafka a good understanding of power structures. Most of his works explore such power relations and how their abuse tortured hapless people. Such people were often meek and helpless and submitted even in the face of injustice.⁸ It is quite apparent that Kafka touched upon this theme in his novel as K. never questions the obscurity of the 'trial'.⁹ The dubious nature of the trial puzzles him but he still plods on unquestioningly, talking to many people regarding its outcome.¹⁰

Although Kafka highlighted the monstrous bureaucratic complexity, he possibly also touched upon another disturbing aspect. People approaching the bureaucracy are often stripped of their personal identity. A poor pensioner at a district's treasury office is often reduced to numbers or initials. The pivot of the novel itself, an innocent bank clerk, is represented by the letter 'K.'. This is suggestive of the anonymity meted out by the bureaucracy while dealing with people.¹¹ To a large extent, it was evident in the novel too. The courts and its officials treated the clerk with a cold detachment, always addressing him as 'K.'. In my opinion, incorporating this element was possibly Kafka's way to scoff at the depersonalisation he vehemently disapproved of. His experience of working in an insurance company made Kafka loath the practice of expressing humans in terms of cases and numbers.¹² It was here that he saw how damaging the loss of personal identity was to people who were reduced to mere letters.¹³

CHARACTER ANALYSIS

Kafka's novel seems to be replete with metaphors. Most of the characters whom he introduces interestingly symbolize many peculiarities of the legal system. The two wardens, William and Franz, who accost K. in the beginning symbolise the yawning gap between the work of the

⁸ Mark Anderson & Zachary Davis, 'The Trial' (*Writ Large*, 16 March 2021) <<https://www.writlarge.fm/episodes/the-trial>> accessed 15 January 2022

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ Mark Anderson & Zachary Davis (n 8)

¹² *Ibid*

¹³ *Ibid*

lower officials and their masters.¹⁴ There is evidently a lack of connection and coordination between the two spheres. Both of them follow their masters' orders of guarding and arresting K. without knowing about his crime. None of them are able to produce K.'s arrest warrant and seem to mechanically perform the tasks delegated to them. The inspector symbolises an apparent ignorance of officials regarding the due process of law.¹⁵ The only thing which the inspector divulges to K. is the confirmation of his arrest by the two wardens. He is clueless about the charges levelled against K. or the broader context of his arrest. Other characters in the novel like the magistrate and the defence lawyer too portray the ignorance and vagueness regarding the procedures of their own profession.¹⁶ This was probably caricatured by Kafka to mock the disorganised and incongruous working between the lower and the higher legal authorities of his day.

TITLE

Paradoxically, Kafka named his novel 'The Trial'. Throughout the plot, a bank clerk is subsumed by a baffling system of inscrutable laws and corrupt authorities while a trial never sees the light of the day. Amusingly, the word can be construed in a different sense. K. appeared to have faith in a country that he believed was governed by laws. However, he was first harassed by two oafish wardens and then by a venal and hostile system that left him embittered. He was later stabbed by two unknown men while remaining unaware of his crime. The trial which he always awaited never happened. All his efforts in understanding the working of the courts were in vain. With his fate at the mercy of unscrupulous institutions, an innocent was put through the most traumatizing 'trial' of his life.

CONCLUSION

This masterpiece by Kafka is a scathing commentary on the complexity of the law. It forces us to rethink our conceptions of power, justice, and, indeed, the law itself. It has been nearly a hundred years since 'The Trial' was first published. Most of the problems it raised persist even

¹⁴ Debarati Chanda (n 5)

¹⁵ *Ibid*

¹⁶ *Ibid*

today. The average citizen is still harassed by a byzantine bureaucracy. An agonizingly complex web of laws continues to trap miserable litigants. Many are still arrested on vague and arbitrary charges. Undertrials continue to suffer in jails waiting for hearings. Like Josef K., they too think – Is justice an illusion?