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The Language of the Law: A Review of The Trial by Franz Kafka

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ABSTRACT

"It is not necessary to accept everything as true; one must only accept it as necessary." 'A melancholy conclusion,' said K. 'It turns lying into a universal principle.'"

The Trial by Franz Kafka is one of his most famous written works. It is a complex web of characters and stories which signify the exclusion a man can face inside a totalitarian system.

This paper analyses the relationship between the law and how Kafka has intricately used language to display what can happen if the limits of the law are not defined. An attempt to show how deceit and lies from the fulcrum of the legal system are also done. This review showcases how the legal and bureaucratic system can be misused by the powers that be to destroy the lives of ordinary citizens. The Trial serves as a critique of the Austro-Hungarian system and serves as a warning bell against despotic and tyrannous regimes.

Keywords: Court, Irony, Symbolism, Law, Guilt.

I. THE PLOT

"Someone must have been telling tales about Josef K., for one morning, without having done anything wrong, he was arrested."

Joseph K, or simply K, is the protagonist of the story. One fine day, he woke up to a terrible surprise, that too on his thirteenth birthday. He was informed by two imposing wardens that he was placed under arrest. No reason was given for his arrest, which confounds the readers just the same way it confounded K. This simply serves as the beginning of the complex web of activities that take place as the novel progresses.

The two prison guards who were sent to arrest K were extremely rude and imposing and made no attempt whatsoever to address K's worries regarding his arrest. They simply claimed that their orders were limited to the fact that K was to be arrested, and no further reason was to be given to him or anyone else for his incarnation. K pleads for his innocence several times to the guards, by explaining how his arrest must have been a mistake at the hands of the wardens or

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their superiors, for K was an honest and sincere working man, with a respectably high position at a bank, with no prior history of wrongdoing.

*"Look, Willem, he admits he doesn't know the law and at the same time claims he's innocent."*²

The above serves as a glaring example of the serious lack of information that the wardens give to K regarding his arrest. It also shows that prior knowledge of the law is an implicit assumption for one to know his or her cause of arrest. This response of one the warden also succeeds in putting K into silence, and he himself starts wondering as to what he did wrong, which might have led to his unceremonious arrest. This is important as it marks the start of K's gradual acceptance of his fate.

Interestingly, even though he has been arrested, he is allowed to live his life normally, which confuses K at first, but he accepts this leniency very happily. This perhaps was a symbolism of the ominous events that would take place. His "arrested freedom" is subject to marking his attendance at the court and always being present for interrogations regarding his crime.

As the story progresses, K is made to go through several rounds of interrogation and hardships for just being able to find out for what crime he has been accused of. His ordeal takes him to that part of the city where smoke and fog are commonplace, and light is scarce, which act as a symbolism for the dark and gloomy activities that take place there. His travails in the courtroom have been further substantiated in another subtitle of the paper.

After his unending travails at the court of law, his hardships further magnify. He is unable to focus on his work at the bank, which is affecting his image as a responsible and hardworking employee. Moreover, slowly but surely, the people around him come to know of his arrest. His uncle, who resides in the countryside, also finds out about his nephew's arrest by the court. His uncle persuades K to avail the services of an attorney so as to ensure that he is not convicted of his crimes. After much convincing, his uncle took him to an attorney who was his acquaintance.

The visit to the attorney introduces several crucial characters to the story, namely Huld, the attorney tasked with ensuring justice for K. Leni, the servant-maid of the advocate for whom K develops an affection. The role of the advocate in the story is hugely symbolic, as Kafka tries to pinpoint how advocates in the legal system cheat and frustrate their clients with their lack of sincerity. The advocate also fails to respect the privacy of his client and openly talks about the case with his associates in the legal circle, many of whom happen to be judges of the

² Franz Kafka, *The Complete Novels*. 8 Vintage Classics, 2008.

lower courts and clerks. This marks a great disservice to the profession of the law and shows how the advocate fails to keep the best interests of his client at the forefront. It also shows how responsible citizens like K are greatly affected by the interminable processes of the legal system.

*"The most important thing was counsel's personal connection with the officials of the court; in that lay the chief value of the defence."*³

This statement shows the pitiful condition of the judiciary, wherein connections of the advocate with the insiders of the administration are given more importance than due process of law. Facts and evidence are given close to zero attention, let alone importance.

Moving forward with the plot, K's mental condition further deteriorates as he is unable to progress with his case and bring it to a logical conclusion. Through his connections at work, he is introduced to an insider who is aware of the insidious activities that take place inside the court premises. This character is Tittorelli, the court painter. The painter explains to K how vain the judges of the courts are and how insidiously the court functions. After his encounter with the court painter, K goes to his advocate Huld, ostensibly with the aim of relieving him of his duties as his representative.

Due to work, K is forced to go to a cathedral where he meets the chaplain. This encounter takes place in Chapter 9. It indicates the omnipresence of the court and its followers, how even in a place of worship like a church, the chaplain talks more of the court and how it is the most important institution in society.

The End is the name of the last chapter of the story. The End of the Trial is just as unforgiving and cold as the weather that persists throughout the progression of the story. It is an indication of how low society can stoop to throw all norms of civility and justice out the window. It summarizes the truly sad and tragic events that befall Joseph K, as he runs from pillar to post in search of justice for himself if it ever existed in his world.

II. THE COURT

One of the most important aspects of the novel is the omnipresent and omnipotent characteristic of the court. All avenues of the normal life of a person are surrounded in some way or the other by the court and its functions. This can be seen by how the court basically takes over the life of the protagonist - K, as soon as he is accused of a crime. This is an ominous symbolism for the dark functionings of the court and how it harms the lives of ordinary citizens. The court,

³ Franz Kafka, *The Complete Novels*. 163 Vintage Classics, 2008.

even with all its powers, is portrayed as nothing more than an organization with no morals, as can be substantiated from the following excerpt :

*"Innocent persons are accused of guilt, and senseless proceedings are put in motion against them, mostly without effect... Even the highest judge in this organization will have to admit corruption in his court... and innocent men, instead of being fairly examined, are humiliated in the presence of public assemblies."*⁴

As can be seen, the court barely functions as an organization with morals. It exists solely for the purpose of harassing innocent individuals by accusing them of unknown crimes. Language plays a crucial role in this context, as K is made to run from one place to another. All individuals who, at first glance, appear to be helpers are actually nothing but hidden workers of the court. They use language in such a deceptive manner as to make K hopeful that the court is an institution of the highest morals where he would surely be ensured of justice.

Another important aspect of how Kafka has used language to show the condition of the courts is by showing the condition of the court offices and workplaces by placing them at dark and secluded places in the city. Oftentimes it can be noticed from the story that K is going through several mazes of steps just to go for his interrogation, which is meant to display how the quest for justice is like a maze that leads nowhere. Moreover, the offices of the court are always dark and solitary. The following excerpt regarding the location of the law court offices inspires very little confidence in the minds of the readers of how the court functions.

*"The Law court offices were up in the attic of the tenement... (court) housed its offices in a part of the building where the tenants, who themselves belonged to the poorest of the poor, flung their useless lumber."*⁵

Much can be interpreted from these lines. How the location of the court offices is so detached from the city centre to how they are compared to a place where the indigent throw their garbage. Kafka leaves very little to the imagination of the readers by using such sentences. He implicitly means to say that the work that goes on inside the court premises is as useless as the garbage of the poverty-stricken. It provides no tangible benefits to anyone in any way whatsoever.

The internal workings of the court happen to be just as loathsome and nauseating as they are from the outside. Kafka uses symbolism to display the suffocating functioning of the court premises. It is meant to display the nauseating condition inside the legal system, both figuratively and literally.

⁴ Franz Kafka, *The Complete Novels*. 41 Vintage Classics, 2008.

⁵ Franz Kafka, *The Complete Novels*. 52 Vintage Classics, 2008.

*"Almost everybody has an attack of that kind the first time they come here... the sun beats on the roof and makes the air dull and heavy...and almost every day, it's hardly breathable."*⁶

These are the open admissions of the people who work inside the court premises. The fact that they find nothing particularly wrong with the lack of fresh air and light shows the reader the nature of the events that take place inside those tenements.

The court, throughout the novel, is displayed as an institution that is all-powerful and can do no wrong. However, there are hints of implicit admission that sometimes the "all powerful" court can set the ball rolling against the wrong victim and completely destroy their lives. In such a despicable legal system, there is always the impression that no matter what the accused person does to strengthen his case, he can never really get out of the clutches of the court. An excerpt of the novel, which is a conversation between K and his uncle, aptly summarises the above assertion.

*"They have (court) all sorts of machinery which they can set automatically in motion against you if they like... Looking at you, one would almost believe the old saying 'A litigant always loses'."*⁷

It is also integral how almost all characters have accepted the fact that the court is an institution that has severe flaws, but even with its flaws, the court can never do any wrong. It is always accepted that if the court has accused someone of a crime, it is equivalent to being convicted of that crime. It is almost as if the court is attracted towards the guilty, whatever it is that they are accused of, which is K's case is an unnamed crime. A reply of one of the wardens in reference to this is worthy of being pointed out.

"Our officials never go hunting for crime in the populace, but as the Law decrees, are drawn towards the guilty and must then send out the warders."

In addition to this, the wrongs that are committed upon K and others like him who are accused of a crime but subsequently given no further information to prove their innocence is justified by those in the legal circles by stating that the organization of the court depends on certain foundations, without which the court would crumble. These foundations are not one made of morals or the sense of justice, but rather ones made of deceit and trickery of the judicial system.

It can be seen how K is given no information by even the judge of his own case about the crime that he has been accused of, making a mockery of the processes of the law. A conversation between K and his advocate is essential to notice how the transgressions of the court on

⁶ Franz Kafka, *The Complete Novels*. 59 Vintage Classics, 2008.

⁷ Franz Kafka, *The Complete Novels*. 83 Vintage Classics, 2008.

individual liberty are justified under the garb of "maintaining balance."

"This great organization remained, so to speak, in a state of delicate balance, and that if someone took it upon himself to alter the disposition of things, he ran the risk of losing his footing and falling to destruction."⁸

This shows how the court has upended each and every aspect of K's life as soon as he is accused of a crime. The court has the power of making the lives of ordinary men miserable through one swift action. It is a menacing institution, which can completely transform a person's life by simply turning up at one's house one fateful morning and putting them under arrest without cause.

III. THE BUREAUCRACY

The bureaucracy is also another continuing theme throughout the novel. An indication of this can be found in the title of the novel itself. Originally the title of the novel in German was *Der Prozess*, which translates to the process. In K's case, it is the process that is the punishment for his unnamed crime. An irony is a literary tool that is used by Kafka throughout the novel. This theme also begins with the title itself. *The Trial* is the title; however, the irony is that K's Trial never actually takes place. He is made to go through hardships for a complete year without making much progress in his case. As he nears the End of his life, K realizes that all the trouble that he took was all for nothing, as he was not able to make even a dent in the bureaucracy to further his case.

Another aspect of the red tape associated with the judicial system is how the accused or even his advocate are not given access to their legal records. This vicious characteristic of the legal system inflicts much pain and suffering on the accused. Starting from the lack of knowledge regarding the crime to the inaccessible court records, the administration of the court, which is meant to ease the lives of the people, does everything in its power to make it as miserable as possible. When the time came to file the first plea in K's case, no one had any knowledge of what to appeal against in the plea.

"The law did not prescribe that (records) be made public, the records of the case were inaccessible to the accused and his counsel...one did not know in general, what charges to meet in the first plea."⁹

Symbolism is also used to show how deep the red tape really is in the legal system. *"There had*

⁸ Franz Kafka, *The Complete Novels*. 104 Vintage Classics, 2008.

⁹ Franz Kafka, *The Complete Novels*. 99 Vintage Classics, 2008.

been for more than a year a hole in the floor(of the courtroom offices)".¹⁰ This shows how the officials of the court are not even concerned with bettering the physical infrastructure of their offices and are content with the dismal conditions. The Trial serves as a caricature of the nightmarish bureaucratic processes that make the lives of ordinary citizens gruelling from the get-go.

IV. THE ADVOCATE

Huld is the advocate who K goes to. However, Huld represents nothing more than a despicable individual who is doing nothing more than furthering the interests of the court, although clandestinely. An important symbolism with respect to the lawyer is how he always mentions how he is sick, old and frail, which is why he has difficulty in preparing for his case and filing the first plea before the court.

Citizens like K. are entangled in interminable legal proceedings without knowing the nature of the charge against them and appear to have little hope of receiving a just settlement of their case from lawyers like Huld.¹¹

Moreover, he almost always mentions how important it is to have "connections" within the court to further the case and make it reach its logical conclusion. By making such statements, Kafka makes the advocate appear nothing more than an apologist for the mysterious and dark functionings of the court.

The trials and tribulations associated with meeting with one's own defence lawyer act as a critique of how detached some lawyers are from the reality of their clients. A mention from the story is important in this aspect. *"I am his client; If I needed others' help even to get an interview with my lawyer, I'd have to be bowing and scraping at every turn."*¹²

Kafka also brings to notice the vanity of servants of the law. Frequently the lawyers and the judges use words like 'Great' and 'Special' to describe themselves. They even have paintings commissioned of themselves seated in grand postures as if they were the rulers of the land. Vanity is a supervening theme that pervades throughout the novel, used to describe the members of the Bar and the Bench.

V. THE CATHEDRAL

The Cathedral is arguably the most important chapter of the novel. As K is told the story of the

¹⁰ Franz Kafka, *The Complete Novels*. 104 Vintage Classics, 2008.

¹¹ Sujata Rana, "The Law as a Tyrannical Mystery in Kafka's The Trial." 13, 403, 413-414 (2013).

¹² Franz Kafka, *The Complete Novels*. 157 Vintage Classics, 2008.

doorkeeper by the prison chaplain of the cathedral, the reader is exposed to the dark and perverted interpretation of justice that is present in Kafka's fictional world. The parable for the law goes something like this:

"A man from the country seeks "the law" and wishes to gain entry to it through an open doorway, but the doorkeeper tells the man that he cannot go through at the present time. The man asks if he can ever go through, and the doorkeeper says it is possible "but not now". The man waits by the door for years, bribing the doorkeeper with everything he has. The doorkeeper accepts the bribes but tells the man he only accepts them "so that you do not think you have left anything undone". The man waits at the doorway until he is about to die. Right before his death, he asks the doorkeeper why, even though everyone seeks the law, no one else has come in all the years he has been there. The doorkeeper answers, "No one else could ever be admitted here since this gate was made only for you. I am now going to shut it."¹³

This is the infamous parable of the law that aptly describes the travails of K in his quest for justice. There is an accepted universal sense of guilt, as can be seen from K's journey. From being accused of an unknown crime to being killed like a dog on a cold winter night. K's journey is a reminder of how totalitarianism can take away the basic freedoms of an individual in one go. The harassment that K faces, which eventually leads to his death, makes the reader question the relationship between law and justice. One questions whether the pursuit of justice is unrelated to the purposes of the law. "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 any powerful, overbearing government and legal system."¹⁴

VI. CONCLUSION

The Trial is more about the bureaucracy and the pervasive incomprehensible law and courts responsible for the curtailment of the common man's freedom. The Trial is a cautionary tale that illustrates the corruption and restriction of freedom that can occur in any 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. Kafka wants to show what occurs when injustice is perpetuated in society. Without transparency, a legal system has no responsibility to the common people. Instead, it acts to ensure the state's absolute control.

Through an ironic plot, this work expresses the vagueness and ambiguity of the judicial system.

¹³ Franz Kafka, *The Complete Novels*. 186 Vintage Classics, 2008.

¹⁴ Sujata Rana, "The Law as a Tyrannical Mystery in Kafka's The Trial." 13, 403, 421 (2013).

It is a critique of the socio-political scenario where a commoner cannot expect justice. It can certainly point to the incomprehensible nature of the judiciary or bureaucracy. The study of such a text, in light of its contemporary relevance, goes a long way in analyzing any judicial system which is mired in despotism and tyranny.
