

## A (Legal Studies) Reader's Guide to Kafka's **The Trial**

The following notes and questions may help you in reading Kafka from a point of view that relates to the course. Kafka himself was a lawyer; and the book may be read as his commentary about the nature of law as he saw it at the time. In fact, the book is assigned because it contains a condensation of many of the themes of the course, albeit in a grimmer context. But the book is also a novel, and speaks about much of the human condition beyond law. One might simply say that the book is a metaphor; and that you should read for both parts of the metaphor--the comment about law and the use of law as a way of considering some important aspects of human nature, human relationships, and culture.

The book is sometimes confusing and often symbolic. Some have said that it has the logic of a dream, or of a nightmare. Think about the logic of your dreams. Many times they aren't really rational. Characters and time change back and forth in a way that seems to defy common sense and linear logic. Events and people are sometimes blended or distorted, and flow into each other in ways that suggest that their meaning (if any) derives from their emotional content and the feelings they generate in you, rather than from any understandable, chronological narrative. The power of a dream often comes from the juxtaposition of symbolic images rather than from any rational connections or chronological cause and effect. If the psychology of dreams interests you, look at Freud's **Interpretation of Dreams** as a starter.

To the extent that Kafka's novel does have the logic of a dream, it might be best to read it--or at least to try to understand it--as you would a dream. Don't search too energetically for the rational, but seek out the meanings suggested by how images and events are put next to each other. Look for the emotional content and tone rather than the cause and effect relationships. Consider the symbolic content (or even just the breadth of meaning) of such apparently legal words as "guilt" or "innocence," for example. Guilt may connote responsibility for a particular act or a legal determination of that responsibility. But it might also mean the feelings of guilt that some people have even when they are not guilty of any particular transgressions. What about innocence? It might be the equivalent of a "not guilty" verdict; but it also might mean "naive" or even suggest the innocence of a newborn.

Understanding this novel, like understanding a dream, may be a little like picking up the bar of soap off the shower floor. If you grab too hard--insist on a direct and rational seizure of the meaning--the soap is likely to squirt out of your hand. But if you come at the task more by indirection, surrounding what you are trying to understand from several sides at once, it may be easier to pick up. Again, don't insist too much on linear logic and chronological time in the this novel.

Some have also suggested that the novel can be profitably understood psychoanalytically, i.e. by assuming that there are no characters in it except Joseph K. All the other characters might then be seen as simply figments of Joseph K's imagination (or his dream). In this way, each character besides K becomes a projection of a part of K's personality, of his inner psyche. Following this way of thinking about the book lets us see the internal psychological dynamics -- the psychic terrain--of Joseph K. His relationship to various women in the book might thus be seen as a way of exploring his relationship to women in general, to an archetypal woman, and to all women. What is K's relationship to women like? What might that tell us about his understanding and reaction to law as a source of authority or power in the novel? What might

this “gendered” view of the novel suggest about the nature of law itself?

This last suggests yet another way to think about or read the novel. What ideas or themes from our course can you find reflected in the novel? For example, if Carrie Menkel-Meadow (or Judge Danforth’s last big speech about hanging everyone) got us thinking about the possibly “male” nature of law, what connections can we make with Joseph K’s feelings and ideas about women and men and the law? D’Errico wrote about our attitude toward rules and saw us as authority addicts who need external structures to keep us from feeling insecure about our internal selves. Can you find any of these attitudes in Joseph K or in the legal system or society portrayed in the novel? Does Kafka thereby add to our understanding of d’Errico as well as d’Errico helping us to understand K’s character and his struggle with the law?

Here are the general topics we will discuss in working with the novel:

**The Quiz**--you must have finished reading the book by Tuesday, May 11. That class will include an anonymous student evaluation of the course, a quiz on the entire Kafka novel, and the return of the second essays. This will be followed by discussion of:

- \*Your reactions to the novel as a whole; what feelings it generated in you.
- \*The nature of Joseph K’s character, how his behavior changes during the novel, what you think he should have done at various points in his ordeal.
- \*How Kafka characterizes the law in this novel. As we tried to do with **The Crucible**, can we lay out the way in which law is described in this novel and what our reactions are to this portrayal?

THE SECOND CLASS ON KAFKA, MAY 13, WILL CONSIDER:

- \*The role of women in the novel and their relationship to K.
- \*How to understand the ending. Is there anything hopeful in it?
- \*The meaning of the parable that begins “Before the Law...” If the novel is a condensation of many of the themes of the course, then the parable is a condensation of the novel. What can we learn about law and about culture and about ourselves from the parable?

Here are some questions that you might keep in mind while reading Kafka’s **The Trial**. You may wish to discuss these in your study group (if you formed one for the extra-credit film work).

- 1) What are K’s early reactions to being “arrested,” and what do these reactions tell us about K himself? How does K change during the course of the year in which the novel takes place? What were your emotional reactions to the novel? Do they differ from K’s reactions to his case?
- 2) What is K charged with? Why is it so important for K, or anyone else, to know what the charge against them is? Do you think K’s reaction to his case was appropriate? What different course of action or attitude might you have suggested that he adopt? Why might that have worked better? Or would it have?
- 3) What does the scene, “The Whippers,” tell us about K? About his psychological make-up? About the symbolism of the book? About what makes the Law run?
- 4) Why does the Law welcome K when he comes and dismiss him when he goes? Why is he

never actually forced to go to court or a police station or the law court offices? How can a legal system that does not use force manage to control society and individuals? Why do the law court offices almost always seem to be upstairs?

5) What general image of the law is painted by Kafka in the novel? What adjectives would you use to describe this legal system? In what ways is it similar to our own? Different?

6) How are the following aspects of law in particular portrayed?

The role of defense lawyers:

The character of judges:

Other clients, e.g. Block the tradesman, and relationships among clients:

Appeals, the order of courts, the kinds of acquittals:

Legal reasoning:

The accessibility of Law:

Assumptions about guilt and innocence, & other items of due process:

The nature of legal authority:

Judgment, guilt, innocence, power, justice, rationality:

7) Who are the women in the novel? What kinds of relationships do they have with K? What kind of advice do they give him about how to handle his case? Why does the priest tell K that he casts around too much for advice from women? What might a Freudian analysis of K's relationship to women be? What does this suggest about the way that K, and perhaps others, understand the nature and role of law?

8) What happens to K at the end of the novel? What does the ending teach us about the nature of law then? In general? Does K have some kind of revelation near the end? Is there anything hopeful about the ending?