

Book review- The Trial

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Abstract

The Trial by Franz Kafka depicts the perfect picture of the German legal system by way of a story of a man K who was not only arbitrarily arrested but the cause of his arrest was not known to him and to the readers till the end. He faced a lot of mental harassment during his trial which lasted for a year. He was not heard by the magistrate rather the magistrate humiliated him by making signs and attitudes. The story shows the struggle of a person who wanted to see and make a change in the legal system for which he even made a complaint to the magistrate but was let down as the complaint rather than changing the system for the betterment punished the subordinate officials which created a sense of guilt in him. He met a lot of people who were somehow connected to the court and gave surety to help him but could not do anything. He became helpless till the end of the novel and at last executed again in an unusual manner. The story symbolizes the struggles of a man, the corrupt, arbitrary and senseless bureaucratic governance in Germany.

Keywords: Trial, German, Bureaucratic, Governance, Struggle.

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Introduction

“The Trial” sets around a man K who was arrested without having knowledge of the crime he had committed. He tries to find out from the various persons he meets on his one-year journey of the trial, the reason for his arrest and the conduct of trial, however, nobody could help him. There were many women whom he met on his journey and all seems to be promising to him and a find a ray of hope in his trial but every time he ended with disappointments. K was portrayed as a happy, ambitious and generous person but with the passage of time and the trial slowly killed his zeal to work with the same passion. There was even a time in the novel when the writer tried to show that the protagonist was tired of the false allegations and the useless trials and ultimately wanted to make the submissions before the court but he somehow stopped himself from doing so. At last, he was executed in a very unusual manner just like his arrest a year ago by stabbing a knife into his heart.

The Trial is a novel written by Franz Kafka between 1914 and 1915 and published posthumously in 1925. After Kafka's death in 1924 his friend and literary executor Max Brod edited the text for publication by Verlag Die Schmiede. The original manuscript is held at the Museum of Modern Literature, Marbach am Neckar, Germany. The first English language translation, by Willa and Edwin Muir, was published in 1937. In 1999, the book was listed in Le Monde's 100 Books of the Century and as No. 2 of the Best German Novels of the Twentieth Century.

Kafka was born into a middle-class German family and went to Charles University, Prague to study chemistry but later on switched over to law and joined the group which organized literary activity where he met Max Brod and Weltsch. He obtained a Doctorate in law in 1906 and performed an obligatory work at civil and criminal courts.

Summary

The first chapter was titled as “The Arrest” of a Young, energetic and ambitious man named Joseph K. (referred as K.) in an unusual manner on his thirtieth birthday by two men who had come up to his apartment. The protagonist got agitated upon the two officers at the same time showed his identity proof to them wanted the clarification of the reason and the manner of arrest. After some time, the superior of the two officers called for K. but did not told him about his arrest. At last, the superior officer allowed him to go to his work along with the two

subordinates from the same bank. However, K. was worried whether the superior and the two minor officers left the place or not.

After the morning incident, K. felt restless and stressed by the mess created by the officer at his apartment and the adjoining apartment which belonged to Ms. FräuleinBürstner and to the owner of the apartment who was an old lay, named, Frau Grubach. He exchanged words with both of them and even depicted the actual happening of the morning and shouted aloud which was heard by the captain he came to inquire the scene. The lady got afraid of the owner and his nephew who can take her off the apartment without being any fault on her part she asked K. to immediately leave the room later on flee to his own apartment and fell asleep but was worried for FräuleinBürstner because of the captain.

A phone call informed Joseph K. that a brief inquiry into his case was to take place the following Sunday. He was given the address where he was to go, but not the time resolving to arrive at the appointed destination but got irritated by searching for the exact location. Then he meets a man whom he takes to be the Examining Magistrate who was giving some sign to someone in the audience, while he was describing his arrest. Just as he finishes condemning the entire system that has brought him here, he is interrupted by a scream from the back of the hall. The woman whom he met at the door and a man are in the corner causing some sort of commotion. By the behavior of the public he realized that all of them were corrupt.

K. did not receive any information regarding his next trial till Saturday night so he thought to go himself to the court on the Sunday morning and there he met that woman who was responsible for interrupting her proceeding last week. She told him regarding her helplessness to be the usher's wife and her sexual harassment by the Magistrate and their students however, he later realized that she was herself very much interested in all these activities and was not doing under compulsion to which her husband, the usher man himself agreed when he arrived and had a word with K. later on, he asked K. to show the whole office but because of the pathetic and dusty air of the offices of the court K. felt uneasy and fainted and left.

A few days later the last Saturday, K. was working late in the office and everyone except for him and the messenger all left for their homes. While passing by the corridor of his office he noticed certain familiar voices which were of the two guards who took K. to the superior official from his apartment. There were three men in the room two of them were the guards

blending down under the candle undressed the other was the thrasher, the one who was responsible to punish the officials or guards with the thrash for non-compliance with their duty. The two guards blamed K. for making a complaint to the examining magistrate to which K. justified himself to be just informing them with their system and not an intention to make them punished. K. even asked to bribe the thrasher and to spare the guards but he denied. K. felt extremely agitated and guilty and went of the room with a word; however, he decided to take this matter up and to punish the superior officials for such behavior.

One fine day K's uncle, who was a very influential person on the countryside arrived at his office agitated and stressed because he got to know from his daughter regarding K's trail. He was upset and thought the trail as sign of disgrace upon the reputation of the whole family took him to hire one of his well-known lawyer friend. Uncle's harsh encounter with lawyer's maid attracted the made and K towards and he thought it to be better to spend time her than to sit with the elderly people where she told him to make the submission and to free himself from the trail as she knew a lot about K and his trail, however, K denied to it. After sometime, his uncle pushed him n put him in the taxi and shouted for being with the maid instead of being with those people who would have save him from the trail.

K. sits in his office on wintry morning thinking about his case. K. is intensely exhausted and recognizes in himself the symptoms of mental strain due to worrying about his case and because of this he is incapable of concentrating on his work. At last he sees a client, an important manufacturer who had a few words with K. on his way out. He has heard of K.'s case and has a friendly advice for him that he knows a lowly painter, called Titorelli, who paints portraits for the Court. This painter informed him of K.'s case. K. takes the advice and goes to call on the painter who lives in a section of the city even poorer than the one K. visited for his interrogation and meets the painter in the latter's tiny studio room. The painter is indeed an official Court painter. He provides K. with more information about the Court and offers to use his connections to aid K.'s cause.

K. finally decided to dismiss his lawyer as he thought it was of use to employ such a lawyer who could not get him this trail. For this purpose, he went to the lawyer's house and there he met Leni and the corn merchant, Block who was also one of the clients of the same lawyer. K. and Block exchange their secrets that Block had 5 other unregistered lawyers apart from this lawyer and at last K. told him that he is here to dismiss this lawyer from his case. However, the chapter does not make it clear that he really dismissed the lawyer or not.

An influential Italian client is coming to town and K. has been charged with escorting the man to the city's cultural points of interest. As the Italian could not see the whole places at once he asked K. to meet him at the cathedral at 10 o'clock there he met the priest who was the prison chaplain, connected with the court and told him that his case is going badly. The two walk together up and down the aisle. At last the two pace in silence. K. says that he should probably go, but is disappointed when the chaplain simply dismisses him.

On Joseph K.'s thirty-first birthday, two men in coats and top hats come for him. In the street, they take his arms in an unbreakable hold and the three of them move as one. They walk out of town to a deserted quarry situated near an urban-looking house. There the two warders strip K. to the waist and awkwardly prop him against a bolder. One of the men removes a butcher's knife from his coat. The warders pass the knife back and forth, and K. realizes that he is meant to grab the knife and do himself in. He does not. One warder holds K. while the other stabs him in the heart. He sees them watching him, and makes a dying exclamation: "Like a dog!" he said; it was as if the shame of it must outlive him."

Analysis

The book has an excellent style of holding the reader. It provides a deeper insight into the German legal system of that time, that is, "surreal story of a young man who finds himself caught up in the mindless bureaucracy of the law has become synonymous with modern anxieties and a sense of alienation and with every mans' struggle against an unreasoning and unreasonable authority."²It touches some of those aspects of the legal system of Germany which were prevalent in the late 19th century which was quite harassing for the citizens however, it has been changed a lot from the phase which has been then such as the call for summons while arresting a person also stating him the actual cause of his or her arrest. As per the Constitution of Germany "Every citizen shall have a right to know and to get the copy of the arrest warrant along with the actual cause of the arrest"³ also now they have a demarcation of the hierarchy of the courts which are divided into "Ordinary courts

²The trial Novel by Kafka, Boxall Peter, BRITANNICA (April 4, 2018 at 5:38 P.M.), <https://www.britannica.com/topic/The-Trial-novel-by-Kafka>.

³Arrested in: Germany, FAIRTRIALS (April 4, 2018, 08:06 P.M), <https://www.fairtrials.org/arrested-abroad/arrested-in/arrested-in-germany/>.

responsible for all civil and criminal matters, Constitutional courts and Specialized jurisdictions such as labor courts, administrative courts, fiscal courts and social courts”⁴

Like the one in the novel where the protagonist does not even know the evidences and the cause of the trail such system has come to an end and now “criminal proceedings in Germany are not adversarial, but apply the principle of official investigation, it is the court and the prosecutor that have to provide evidence both against and in favor of the accused. In a criminal trial the standard of proof is similar to the one in civil matters: the court must be convinced beyond reasonable doubt. The benefit of any doubt goes to the accused”⁵

The story depicts the pathetic conditions of the German people which make the readers even more privileged to be born in a country like India where they have a right to know about the various charges of their arrest and also have had a proper judiciary system then “In both civil and criminal cases, the social status of the accused, as well as that of the witness, was considered.

Conclusion and Suggestion

From reading the book it was clear that the German legal system was unfair and arbitrary in the 19th Century. The characters framed by the author were best according to the need of the circumstances portrayed in the novel. Moreover, the novel is perfect for all the age groups and especially for those who have a keen interest in knowing the legal history of the countries.

Everything was perfect except for the lengthy details of every situation which were unnecessary at times and also the women who are an important as well as a respectful figure of every society needed better description as compared to what was depicted in the story. An idealistic author is the one who does not overshadow not overcast any particular section of the society. On the whole, the book was a delight to read.

⁴ Legal systems in Germany, *Overview by Jochen Lehmann*, GÖRG, (April 3, 2018, 10:17 pm), [https://uk.practicallaw.thomsonreuters.com/w0077132?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/w0077132?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1).

⁵*Ibid.*