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AMBIGUITY BEFORE THE LAW

In what follows, I will extend my interpretation of *The Trial*, working towards a more complete understanding of the novel. In an earlier paper I have kept close to the text and primarily analyzed the personality of Josef K., the main protagonist, and the way he is portrayed in the first chapter.¹ I will now continue by focusing on one of the most dense and interesting passages of *The Trial*: the story ‘Vor dem Gesetz’ (‘Before the law’), and the surrounding dialogue between K. and the chaplain, in the chapter ‘Im Dom’. As before, I shall refrain from bringing in a speculative interpretation framework prematurely. We should look at what we can learn directly from the text first.

Täuschung

K. understands the story entirely under the assumption that it is the tale of a deception; quite naturally, he thinks that it is the doorkeeper who deceives the man from the country. (It is not really clear what the deception is about, i.e. what the man from the country erroneously believes, and how exactly that wrong belief was planted by the behavior of the doorkeeper.) K. is primed towards this interpretation by the chaplain, however; and as readers we are of course led into the same direction. The priming takes place when the chaplain leads into his story with a reference to K.’s ‘Täuschung’ about the court of his trial.

The German word ‘täuschen’, in a reflexive sense (i.e. ‘sich täuschen’) means to err, to be mistaken. The chaplain tells K. that he has a mistaken view of the court: “In dem Gericht täuschst Du Dich” (292).² He then tells his story, with the introductory comment that it is about this very mistake (“in den einleitenden Schriften zum Gesetz heißt es *von dieser Täuschung*: [...]” 292, my emphasis). But the noun, ‘Täuschung’, can also refer to an act of deception, somebody’s deliberate misleading someone else. (Actually, that is its most prominent sense.) It is in this sense that K. takes ‘diese Täuschung’

¹Leif Frenzel, “The character of Josef K.”; the online version can be found at <http://leiffrenzel.de/papers/kafka-character.pdf>

²All references to *The Trial* are made by page number from the critical edition of Kafka’s works: Franz Kafka, *Der Proceß*, ed. Malcolm Pasley, *Schriften. Tagebücher. Kritische Ausgabe*, eds. Jürgen Born et. al., Frankfurt a.M.: Fischer 2002.

to be the main topic of the story: he sees the man from the country as the victim of a deception by the doorkeeper. Clearly he also sees his own predicament mirrored in the story, that is, he perceives an analogy between the man from the country as victim of the doorkeeper's deceptive behavior and himself as the victim of the behavior of the court (and perhaps the lawyers, and others as well). So what was given to him as an illumination of his own mistaken view of things (without necessarily implying that it was the result of malicious acting on anybody's part) transforms in his interpretation immediately into a confirmation of his supposed status as a victim.

The chaplain is unable to correct this questionable move, although he attempts to do so. He says: "Ich habe Dir die Geschichte im Wortlaut der Schrift erzählt. Von Täuschung steht darin nichts." (295) But this contradicts his own earlier statement regarding what the story is about: "[...] heißt es von dieser Täuschung", and K. quickly preempts a resolution of the ambiguity by confirming the equivocation: "Deine erste Deutung war ganz richtig" (295) — then raising the new topic of the doorkeeper's fulfillment of his duty, which leaves the confusion about the 'Täuschung' unresolved.

Strictly speaking, the situation is even more complicated here: there is a difference between what a story is *about* on the one hand and what a story might formulate explicitly on the other. Even if the text of the story doesn't directly *state* any judgment about a deception, it might express one by *showing* what goes on. In this case nobody *in* the story, i.e. none of the characters and also not the narrator, will call anything a deception, but the story as a whole would still be *about* such a deception, by displaying one as happening. If the story were intended thus, K. would be right. But it wasn't. The chaplain should have clarified this by saying that the story wasn't about any deception at all, but about a misperception, or an error of judgment. But he fails to bring out this clarification, and thus allows the ensuing debate to be shaped by the underlying assumption that it is deception that is the central topic. (Later on, the chaplain continues on this unhappy path when he argues that the doorkeeper might even be seen as the deceived one.)

We might ask ourselves, then, what K. and we are missing — what has the story to tell us about K.'s misunderstanding of the court?

One clue can be found in the interchange preceding the doorkeeper story. The remark that triggers the chaplain's telling of the story is K.'s "Du bist eine Ausnahme unter allen, die zum Gericht gehören. Ich habe mehr Vertrauen zu Dir als zu irgendjemandem von ihnen, so viele ich schon kenne. Mit Dir kann ich offen reden." (292) This is an expression of trust, or, by implication, an expression of distrust in the court. What is more: K.'s behavior to the chaplain is in tune with this statement. He listens to him, he accepts that his story might have some relevance to him, and later on

he even, uncharacteristically, accepts some of his exegetical comments that differ from his own opinion (298). Again, quite the converse is true of K.'s attitude towards pretty much everybody else in the text. Presumably it is in this distrust, and perhaps K.'s generally low opinion of everybody involved in the trial, his refusal to seriously engage with anyone, which the chaplain thinks of as K.'s mistake. We'll have to see in what sense the story *depicts* that mistake (as many have presumed that the story must somehow mirror something that is central for the novel as a whole), but certainly the story, and the fact of the chaplain telling it, *bring the mistake out* by provoking a number of reactions from K. One of those is what I have discussed so far, namely, K.'s seeing the meaning of the story entirely in terms of deceptive behavior. I'll turn to another one next.

Violated duty

In my reading of the first chapter, I have focused on an analysis of K.'s personality. Such an analysis proceeds by registering character traits, supported by evidence from the text that shows how these traits manifest themselves in the thoughts, actions and feelings of the protagonist.

Now, interestingly, we find a similar analysis in the passage following the doorkeeper story. The story features two characters: the man from the country, and the doorkeeper. It is the personality of the latter which is under scrutiny; the chaplain discusses extensively the various utterances of the doorkeeper, draws inferences about his character and about the constellation between the two people in the story.

K.'s response to all this is a little surprising. He seems to accept the interpretation set out by the chaplain, which culminates in the conclusion: "Jedenfalls schließt sich so die Gestalt des Türhüters anders ab, als du es glaubst" (298). Almost everywhere else in the novel K. reacts allergically to the implication that he might be wrong about something; in this case, he quietly acknowledges the greater competence of the chaplain. A period of silence follows, presumably with K. reflecting on what's been said, and that is another rare event. Somehow the chaplain has managed to move K. out of his typical arrogant and unreflective behavior into a more thoughtful and conceding mode.

The result of the long character analysis can be summarized thus: the doorkeeper is a dutiful person, but allows himself in a misguided kindness to overstep his duties; his job is to guard the door and refuse entry to the man from the country, but indulging a weakness, he hints at the possibility of later entry (which he cannot grant).

This is the same form of misguided kindness that a teacher shows when letting a student pass an intermediate exam although he is clearly underperforming. It merely delays the unpleasant task of telling the student that he hasn't what it takes; at a later time, however, it won't be any the less hurtful, but by then valuable time will have gone by that could have been used much better than for the pursuit of studies which won't result in a successfully passed final exam anyway.

So, although technically the doorkeeper has done his job (refusing entry to the man from the country), his behavior still has complicated things immensely, and that behavior has resulted from his personality. In particular, the doorkeeper should not have planted false hopes of eventual entry in the man, who spends his remaining life (and quite a few goods he's brought with him, too) on the trail of that false hope. Acting wrongly can cause damage, even when it is well-intended.

And it is not only the man from the country who clings to this hope. K. himself is strongly moved by it. (Which is a strong indicator that he takes the predicament of the man again to stand symbolically for one he sees himself in.) Still sympathizing with the man from the country, K. claims that the doorkeeper has acted wrongly: he has violated his duty, thereby causing harm to the man. The chaplain disagrees, and naturally the question is now what exactly we should think is included in the duties of the doorkeeper.

Since the term 'duty' is so prominent in this passage, we should be clear about one implication of that concept. If someone has a duty towards you, this entails that you have a *right*, by not doing their duty, then, they would deprive you of what it yours by right, and this would be an injustice you'd be suffering.

When K. claims that the doorkeeper should have refused entry to perhaps anybody else, but should have let the man from the country pass, he takes the duties of the doorkeeper to include to ensure that nobody else but the man gains entry. In other words, it seems that K. thinks that it is the task of the doorkeeper to protect the right of the man from the country to gain entry.

Imagine the following, analogous scenario: your boss calls you and tells you that the company is currently thinking about creating a new post with special responsibilities. It's not yet decided whether the post will be created, but it's an option that is seriously considered. If they will do it, however, they would ask you, and only you, to fill the post. No other person could do it — neither from within the company (nobody has your particular set of skills) nor from without (let's assume the new post would require extensive internal knowledge). So, given a positive decision to actually install that new post, would you be interested?

It is clear, in this scenario, that you have not been given any promises. When in the event the job actually isn't created, you'll be understandably disappointed. (And it doesn't show much sensitivity anyway by the boss to ask you in advance when there was no certainty yet.) Bitter as that disappointment is bound to be, it should not lead you to the conclusion that your rights have been violated — or in other words, that the company had a duty or commitment to create that job for you. Drawing that conclusion would be a mistake; it is not warranted by the situation. K., however, does draw exactly this conclusion on behalf of the man from the country (and therefore, by his well-known self-identification with the man from the country, K. again sees a fellow victim, a person who had his rights violated).

But this time the chaplain is more successful in getting a grip on the fallacious move, and he can defuse K.'s claim of violated rights by his extensive analysis of the doorkeeper's character and the resulting proof that he shouldn't be taken as failing in any duty that might be sensibly assumed on his part. Unlike on the slippery ground of supposed deception, he can convincingly (for K., at any rate) show that there is no reason to see the man from the country as a victim of unjust behavior on the part of the doorkeeper.

Blame

Where do we stand right now? I have traced two interpretational themes in the dialogue immediately surrounding 'Before the law': K. charges the doorkeeper of deceptive behavior, and he also thinks that the doorkeeper violates his duties. Both turn out to be misinterpretations: the first is promoted by the ambiguity in 'Täuschung' and its cognates and by K.'s strong tendency to see himself as victim of malicious forces; the second by an ambiguity in the reading of the doorkeeper's behavior (granting some ephemeral hope, which is due to a character weakness, but interpreted by K. as conferring a right).

Having failed to correct the first misunderstanding, the chaplain seems to be more successful in countering the second; at least he ascertains K.'s agreement regarding his analysis of the doorkeeper's character. He also relativizes K.'s opinion that the man from the country is deceived and thus in an antagonistic relationship towards the doorkeeper. That's some improvement, but not much: all this doesn't remove the wrong-headed idea that there is primarily a deception going on, and only shifts the antagonism to the world surrounding both the man from the country and the doorkeeper.

The discussion in the dome with the chaplain reveals a deeper aspect of K.'s general attitude: he has a tendency to blame others (or at least, blame *something*), and so avoid taking responsibility for his own interactions

with the world. Such interactions are generally of two kinds: perception and action. In perception we take in what goes on around us, and form opinions and beliefs. In action, we attempt to change our surroundings (actions in this general sense may be physical actions as well as verbal actions). Both actions and perceptions can fail or succeed: we can manage to get them more or less right; we can misperceive, an action may or may not fulfill its purpose, in some instances we may even completely miss something we should be aware of, or fail to act where we should have tried. How successful we are, however, depends not only on ourselves, but also at least partly on circumstances and factors outside us. Still, we are responsible for what we do and what we perceive — unless our actions are constrained or our perceptions mislead by malicious others, in which cases we may be excused.

K.'s behavior, and his overall argumentation, aims at exculpating the actions and perceptions of the man from the country, thereby preempting or at least mitigating any judgment that might be taken on their correctness. Failure to perceive vital aspects of the situation (such as the fact that nobody ever asked for entrance at this particular door) are explained by reference to deception; failure to act (be it to grasp the nettle and enter when the doorkeeper offers it or simply walking away from an unpromising situation) is excused by the wrongly inflicted constraints resulting from the doorkeeper's supposed violation of his duty. In the background, to mention it once more, is K.'s tendency to strongly identify himself with the man from the country, a tendency that has sometimes seduced commentators to take the doorkeeper story as a parable standing for the whole novel; and certainly, if we take K.'s point of view, that precisely is an expression of the identification. In what follows, we'll have to see how thin the interpretational ice really is here, and how questionable a move it can be to simply assume K.'s point of view in these matters.