

The Trial: A Bureaucratic System in Foucault's View

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Abstract- *The Trial* is Kafka's contrasting with his turmoil mind, a chaotic world that all of his characters have problem with the bureaucratic society and have the same characteristic like: isolation, retreat, and obstinacy. Franz Kafka and Michel Foucault, are two different extremely men theories many of the same topic including Justice, lawlessness, Power, discipline and punishment. The paper deals with the description and exploration of these formations offers better information of Kafka's world and his often ambiguous texts. Thus Foucault's understanding of discourse and unconventional history of discipline proved a helpful for this paper. Kafka sought to represent negative reality of his world the political, social and legal reality in which he was immersed. K.'s struggle in *The Trial* can be seen as a reflection of the modern struggle with sovereignty as the triad justice, law, power, and the impasse that K. reaches is also the impasse that modernity has reached. The concept of this matter Justice, lawlessness, institutional Power, docile bodies and punishment are the subject matter of the present paper.

Keywords- Discipline; Justice; Lawlessness; Punishment; Power

1. Introduction

The Trial was written from August 1914 to January 1915, a time when these injustices were at their height, and consequently, I consider Kafka's *The Trial* as a related narrative about a man who was arrested by a secretive, malicious regime. While numerous Kafka scholars have attempted to demonstrate Kafka's prescient Europe during World War II, the fact is, totalitarian acts of violence and intimidation were committed while Kafka was alive in the very city in which he lived out his entire life. In fact, his writing is an indirect attack on the oppression which suffocated his world. Michel Foucault and Franz Kafka approach many of the same topic including Justice, lawlessness, institutional Power, discipline, punishment, the limitations of literature and language and the "overall dark side of modernity"[McNay,1994], makes the absence of any study concerning the philosophies of Foucault in relation to Kafka's texts surprising. Hence the aim of the following study is to offer a new understanding of Kafka's work, specifically *The Trial*, made possible by approaching the narratives through the anachronistic lens of Foucault's philosophy and his unconventional history of discipline. Kafka's *The Trial* follows a man, K., as he is arrested and released for an unknown offense and attends a series of bizarre trials. He tries to comprehend and extricate himself from an outrageous course of events, which transpire suddenly in his life. K. is persecuted by

this unimaginable court, which seems to hold a quasi-authoritative place in society. K.'s life seems to spiral out of control while he and the reader struggle to understand what is going on. Kafka uses this piece to criticize bureaucracy, even in a seemingly democratic society. Kafka believes that bureaucracy is endangering the freedoms of the individual in modern society and that it is extremely detrimental to society in the long run. It is not readily *identifiable* what geographical location Kafka is referring to in *The Trial*. Based on the rest of the novel's bizarre twists and turns it seems that Kafka did not want to nail down any concrete location to weight down his surrealist story. While there is no link with any known location (other than perhaps Kafka's hometown of Prague) the surroundings are modern and urban. Foucault, who is the focus of this paper whose provocative theories, I contend, offer fresh insight and contribute to an interesting, nontraditional understanding of *The Trial*.

2. *The Trial* in the Light of Michel Foucault's Theories

This paper applies an innovative approach to explore the processes Foucault's work, like Kafka's has inspired an imposing collected of analyses, but like other postmodern investigations, his multidimensional work is difficult to categorize because it actively crosses disciplinary boundaries, producing dense philosophical inquiries into multiple fields such as art, economics,

sociology, philosophy highlighting the complex interconnectedness of discourse and stressing the fact that the disciplines themselves are historical. Nevertheless, Foucault writing has always been considered at the firings, never fully embraced by any one discipline or especially history, with, perhaps, the exception being literary studies. The main ideas of Foucault's theories: Discipline, justice, Punish and also Power can be grouped according to its four parts: punishment, justice, discipline, and prison which we as a reader can find the traces of these four parts in Kafka's *The Trial*. Foucault wants to contrast two form of penal systems in the western societies in *The Trial*, but the paper he discusses in discipline and punish are relevant to every modern western society. The first discourse present in *The Trial* is a literal representation of the modern, reformist movement which coincides with Foucault's description of the panoptic disciplinary machine. Discipline is at odds with pre-reformist practices and the interesting, simultaneous occurrence is the actual source of confusion and tension in Kafka's novel. While the attic courts at once function according to the model of sovereignty and its rules of secrecy judicial arithmetic, and intercession, the narrative also incorporates strategies from a much more modern system, based on individualization, observation, and surveillance. In the case of *The Trial*, the reader witnesses the very moment of transition in of the formation momentarily function simultaneously

The second discourse present in *The Trial* emerge of prison as the form of punishment for every crime grew out of the development discipline in the 18th and 19th centuries, according to Foucault. He looks at the development of highly refined forms of discipline, concerned with the smallest and precise aspects of person's body. He suggests that discipline developed a new economy and politics for bodies. Modern institutions required that bodies must be individuated according to their tasks, as well as for training, observing, and control. Kafka's work contains a deeply felt, sensitively rendered analysis of institutions, not only showing how they oppress the bodies and minds of their inmates, but also exploring possibilities of resistance and escape. An enigmatic sentence from *The Trial* "Everything belongs to the Court" [Kafka, 2009] suggests that Kafka's court is a total institution. One must treat staff with deference signaled not only in words but in one's bodily posture, and undergo gratuitous humiliations. In a mental institution or a monastery, or wherever one has to be "reeducated," one must submit to having the history of one's life, especially shameful episodes, generally known. One has little or no recourse against maltreatment by those with power over one. Much of this happens to Josef K. when he is arrested. A warder invades his bedroom; he is ordered about, mocked, and shouted at; his physical space is violated when the warders bump against him; his underclothes are confiscated, and he is told he must wear a much shabbier nightgown in future; he is ordered to put on a black coat to meet the inspector; and he is watched by his neighbors from across the street. Even someone less proud of his civil status would be discomposed by this treatment. On his first visit to the court, he is subjected to role dispossession. That is, the dignified and respected role that he has previously played, as chief clerk

of a large bank, is ignored, and the examining magistrate says to K., as though stating a fact, 'You're a house painter?' [Kafka, 2009]. Indeed the true nature of an institution entered voluntarily, such as K.'s office, is revealingly mirrored in the hierarchical structure of an oppressive institution such as the court. Therefore, Foucault argues, discipline created a whole new form of individuality for bodies, which enabled them to perform their duty within the new forms of economic, political, and military organization emerging in the modern age and continuing today. Thus, both Kafka and Foucault argument is that discipline creates docile bodies, ideal for the modern society. In his portrayal of bureaucracy, Kafka captures another characteristic of modern institutions: the invisibility of their rulers. Pre modern institutions established their authority by ceremonial. Even punishment was a solemn public ceremony. Kafka indicates that the theory of gentle punishment represented the first step away from the excessive force of sovereign, and towards more generalized and controlled means punishment. But Foucault suggests that the shift towards courts that followed was the result of a new technology and ontology for the body being developed in the 18th century, the technology of discipline, and the ontology of "man as machine Foucault" [Foucault, 1975b]. Therefore, as mentioned pervious parts, and according to Foucault's theory, there are many disadvantages in the old penal system which have been rooted in the power of sovereignty and the power of the state apparatus which cause injustice and inequality in the society and people tolerate many kind of pressures and oppressions, because power does function in the right path.

The third discourse present in *The Trial* is power. Foucault's main argument is focused on power. Power is difficult to define, as when considering power as a capacity, it is only evident and apparent to us through its effects but for him Power is a relationship between individuals, in which one affects another's action. These relationships could be economic processes, knowledge, or sexual relations. For Foucault, power is not restricted to a person or a group but as a network of relations which circulates through society; Foucault refers to "power not only in a negative sense but in a positive sense which is widespread among the whole society" [Mills, 2005]. "In modern theories of power, there are essential which are refuted Foucault. The first one is that power is centralize in the form of the Nation-state and its institutions; the second is that power is possessed by already constituted individuals and groups; and the third is the power operates a primarily repressive force" [Mills, 2005]. The fundamental paper in Foucault's view is not to excel powers but how to loosen the grasp of dominating forms of power on the production of truth and strengthen the power with respect to human rights law. Foucault's first idea is that modern philosophy conceives of power as that centralized and that freedom is the result overthrowing monolithic power. In *The Trial* the power was exclusively allocated to the prosecution which possessed almost ultimate means of pursuing its investigations, while the accused opposed it virtually unarmed the powers of the Austrian courts were invested with the authority of the monarch and given "full power to act", they were "answer to no one" including to Bohemian constitution [Capek,

1915]. The forth discourse present in *The Trial* is justice. A Foucauldian approach to Kafka's *The Trial* first understands Justice as a discourse formation a system of knowledge which is limited, controlled in turn construct and define disciplined subjects. Discourse refers to bodies of social knowledge rather than specific linguistic or textual constructions. Foucault concluded that we can see the embryonic, fragile form of a state apparatus reappearing here. He says that there is a possibility of class oppression again. That is why Foucault is against people's court, because people's court not only is not a form of popular justice, but its deformation. The last discourse present in *The Trial* is lawlessness that Foucault defines law as a pre-modern form of power that has been colonized by the new and modern forms of disciplinary power. As it was indicated in the novel, the laws were affected on K's life. In Kafka's universe, the Court is above all lawless, in a formal sense: it is as if the chain of "normal" connections between causes and effects were suspended. Every attempt to establish the Court's mode of functioning by logical reasoning is doomed in advance to fail. Block reveals to K. that "a suspect is better off moving than at rest, for one at rest may be on the scales without knowing it, being weighed with all his sins." Unfortunately, K. later sees a painting at Titorelli's wherein the allegorical figure of Justice is also the winged and mobile figure of Victory. "Equality" and justice for all merely function as a support to the existing order by keeping those outside that order in their place through the use of force. While the theory behind the institution of the patriarchal order may have been altruistic and idealistic [Walton, 1994]. Thus, in a lawless society, there would be chaos.

3. Conclusions

The Trial represent a simultaneity in which disparate historical, disciplinarily discourses collide a moment of rupture, exchange, and confrontation, only possible in that precise historical envelope from which the author spoke. In other words, it represents a singular, historical moment at the threshold of legal and disciplinary transformation, a moment that fluctuated between the archaic modalities of linguistic based discipline and modern surveillance. The major point of this paper is that Foucault challenges the idea that power is wielded by people or groups by way of episodic or sovereign acts of domination or coercion, seeing it instead as dispersed and pervasive.

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