

SCHOCKEN **E** BOOKS

THE TRIAL

A New Translation, Based on the Restored Text

FRANZ KAFKA

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2

Jemand mußte Josef K. verläumdeter haben, denn
 ohne das er etwas Böses getan hätte, ^{war er ein}
 Morgens ^{erwartete die} Köchin der ^{immerwährenden}
 die ihm jeden Tag gegen sechs Uhr früh das Frühstück
 brachte. ^{einmal} ^{nicht} ^{das} war noch niemals geschehen.
 K. wartete noch ein Weilchen, sah von seinem Kopflager
 aus die alte Frau die ihm gegenüber wohnte und
 die ihm mit einer an ihr ganz ungewöhnlichen
 Neugierde beobachtete, dann aber, gleichartig befreun-
 det und junglich, lächelte er. Sofort schloß er
 und im Nebenraum, dem er in dieser Wohnung noch
 niemals gesehen hatte, trat ein. Es war schlau
 und doch fast gebläht, er trug ein anliegendes, schwarzes,
 Kleid, das ähnlich den Reiseabträgen mit verschiedenen
 Falten, Taschen, Schnallen, Knöpfen und einem Gürtel
 versehen war und im folgenden ohne das man sich
 darüber klar wurde, ^{und es schien, als sollte bezogen}
^{und im gleichen Maß, in} ^{fest}
 rechtlich stehen. Wer wird ^{die?} fragte K. ^{fest}
 Der Mann aber ging über die Frage hinweg, als
 wäre man seine Beschreibung hindurchgegangen und
 fragte bloß zurück: ^{was soll das?} ^{Stimme}
 soll mir das Frühstück bringen, sagte K. und
 versuchte nicht stillschweigend durch Überlegung

88-150-1

The first page of Kafka's manuscript of *The Trial*.

FRANZ **KAFKA**

The Trial

A NEW TRANSLATION, BASED ON THE RESTORED TEXT

Translated and with a preface by
BREON MITCHELL



SCHOCKEN BOOKS
NEW YORK

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PUBLISHER'S NOTE

“Dearest Max, my last request: Everything I leave behind me ... in the way of diaries, manuscripts, letters (my own and others’), sketches, and so on, [is] to be burned unread.... Yours, Franz Kafka”

These famous words written to Kafka’s friend Max Brod have puzzled Kafka’s readers ever since they appeared in the postscript to the first edition of *The Trial*, published in 1925, a year after Kafka’s death. We will never know if Kafka really meant for Brod to do what he asked; Brod believed that it was Kafka’s high artistic standards and merciless self-criticism that lay behind the request, but he also believed that Kafka had deliberately asked the one person he knew would not honor his wishes (because Brod had explicitly told him so). We do know, however, that Brod disregarded his friend’s request and devoted great energy to making sure that all of Kafka’s works—his three unfinished novels, his unpublished stories, diaries, and letters—would appear in print. Brod explained his reasoning thus:

My decision [rests] simply and solely on the fact that Kafka’s unpublished work contains the most wonderful treasures, and, measured against his own work, the best things he has written. In all honesty I must confess that this one fact of the literary and ethical value of what I am publishing would have been enough to make me decide to do so, definitely, finally, and irresistibly, even if I had had no single objection to raise against the validity of Kafka’s last wishes. (From the Postscript to the first edition of *The Trial*)

In 1925, Max Brod convinced the small avant-garde Berlin publisher Verlag die Schmiede to publish *The Trial*, which Brod prepared for publication from Kafka’s unfinished manuscript. Next he persuaded the Munich publisher Kurt Wolff to publish his edited manuscript of *The Castle*, also left unfinished by Kafka, in 1926, and in 1927 to bring out Kafka’s first novel, which Kafka had meant to entitle *Der Verschollene* (The Man Who Disappeared), but which Brod named *Amerika*. The first English translation of *The Trial*, by Edwin and Willa Muir (who had already translated *The Castle* in 1930), appeared in 1937 simultaneously in England and the United States, the latter edition published by Knopf with illustrations by Georg Salter. Neither

the German nor the English-language editions sold well, although they were critically well received.

Undeterred, Max Brod enlisted the support of Martin Buber, André Gide, Hermann Hesse, Heinrich Mann, Thomas Mann, and Franz Werfel for a public statement urging the publication of Kafka's collected works as "a spiritual act of unusual dimensions, especially now, during times of chaos." Since Kafka's previous publishers had closed during Germany's economic depression, he appealed to Gustav Kiepenheuer to undertake the project. Kiepenheuer agreed, but on condition that the first volume be financially successful. But the Nazi rise to power in 1933 forced Kiepenheuer to abandon his plans. Between 1933 and 1938 German Jews were barred from teaching or studying in "German" schools, from publishing or being published in "German" newspapers or publishing houses, or from speaking and performing in front of "German" audiences. Publishers that had been owned or managed by Jews, such as S. Fischer Verlag, were quickly "Aryanized" and ceased to publish books by Jews. Kafka's works were not well enough known to be banned by the government or burned by nationalist students, but they were "Jewish" enough to be off limits to "Aryan" publishers.

When the Nazis introduced their racial laws they exempted Schocken Verlag, a Jewish publisher, from the ban against publishing Jewish authors on condition that its books would be sold only to Jews. Founded in 1931 by the department store magnate Salman Schocken, this small publishing company had already published the works of Martin Buber and Franz Rosenzweig as well as those of the Hebrew writer S. Y. Agnon as part of its owner's interest in fostering a secular Jewish literary culture.

Max Brod offered Schocken the world publishing rights to all of Kafka's works. This offer was initially rejected by Lambert Schneider, Schocken Verlag's editor in chief, who regarded Kafka's work as outside his mandate to publish books that could reacquaint German Jewry with its distinguished heritage. He also doubted its public appeal. His employer also had his doubts about the marketability of six volumes of Kafka's novels, stories, diaries, and letters, although he recognized their universal literary quality as well as their potential to undermine the official campaign to denigrate German Jewish culture. But he was urged by one of his editors, Moritz Spitzer, to see in Kafka a quintessentially "Jewish" voice that could give meaning to the new reality that had befallen German Jewry and would demonstrate the

central role of Jews in German culture. Accordingly, *Before the Law*, an anthology drawn from Kafka's diaries and short stories, appeared in 1934 in Schocken Verlag's Bucherei series, a collection of books aimed to appeal to a popular audience, and was followed a year later—the year of the infamous Nuremberg Laws—by Kafka's three novels. The Schocken editions were the first to give Kafka widespread distribution in Germany. Martin Buber, in a letter to Brod, praised these volumes as “a great possession” that could “show how one can live marginally with complete integrity and without loss of background.” (From *The Letters of Martin Buber* [New York: Schocken Books, 1991], p. 431)

Inevitably, many of the books Schocken sold ended up in non-Jewish hands, giving German readers—at home and in exile—their only access to one of the century's greatest writers. Klaus Mann wrote in the exile journal *Sammlung* that “the collected works of Kafka, offered by the Schocken Verlag in Berlin, are the noblest and most significant publications that have come out of Germany.” Praising Kafka's books as “The epoch's purest and most singular works of literature,” he noted with astonishment that “this spiritual event has occurred within a splendid isolation, in a ghetto far from the German cultural ministry.” Quite probably in response to Mann's article, on July 22, 1935, a functionary of the German cultural ministry wrote to Schocken complaining that the publisher was “still selling the complete works of Franz Kafka, edited by Max Brod,” although the work of both Kafka and Brod had been placed by the Nazis on the “list of harmful and undesirable writings” three months earlier. Schocken moved his production to Prague, where he published Kafka's diaries and letters. Interestingly, despite the Nazi protest against the collected works, he was able to continue printing and distributing his earlier volume of Kafka's short stories in Germany itself until the government closed down Schocken Verlag in 1939. The German occupation of Prague that same year put an end to Schocken's operations in Europe.

In 1939, he re-established Schocken Books in Palestine, where he had lived intermittently since 1934, and editions of Kafka's works in the renewed Hebrew language were among its first publications. In 1940, he moved to New York, where five years later he opened Schocken Books with Hannah Arendt and Nahum Glatzer as his chief editors. While continuing to publish Kafka in German, Schocken reissued the existing Muir translations of the novels in 1946 and commissioned translations of the letters and diaries in the 1950s, thus

placing Kafka again at the center of his publishing program. Despite a dissenting opinion from Edmund Wilson in *The New Yorker* (where he nonetheless compared Kafka to Nikolai Gogol and Edgar Allan Poe), a postwar Kafka craze began in the United States; translations of all of Kafka's works began to appear in many other languages; and in 1951 the German Jewish publisher S. Fischer of Frankfurt (also in exile during the Nazi period) obtained the rights to publish Kafka in Germany. As Hannah Arendt wrote to Salman Schocken, Kafka had come to share Marx's fate: "Though during his lifetime he could not make a decent living, he will now keep generations of intellectuals both gainfully employed and well-fed." (Letter, August 9, 1946, Schocken Books Archive, New York)

Along with the growing international recognition of Franz Kafka as one of the great writers of our century, scholars began to raise doubts about the editorial decisions made by Max Brod. In editing *The Trial* for its original German publication in 1925, Brod's primary concern had been to provide an accessible, unified text that would establish Kafka—hitherto known only as a "master of the small form"—as a great novelist. As he explained in the postscript to that edition, he had sought to reduce the fragmentary nature of the manuscript by publishing only the finished chapters and by making minor additions to the virtually finished eighth chapter ("Block, the Merchant, Dismissal of the Lawyer"), expanding the numerous contractions ("Fräulein Bürstner" for "F.B.," "Titorelli" for "T."), and correcting "obvious" slips of the pen. Another, serious question was raised by the sequence of the chapters, which Kafka had entitled but not numbered, and which Brod ordered for the first edition according to internal narrative logic, some textual evidence, and his own memory of Kafka's reading of the chapters to him. In the 1946 postscript to the third edition of the novel, Brod admitted that further scrutiny of the manuscript made it appear possible that "Kafka intended the episode now designated as the fifth chapter to be in fact the second." He did not change the original chapter sequence, however, claiming that the order "must forever remain doubtful."

Salmon Schocken was among the most eager for new, critical editions of Kafka's works. "The Schocken editions are bad," he wrote in an internal memo. "Without any question, new editions that include the incomplete novels would require a completely different approach." (September 29, 1940, Schocken Archives, Jerusalem) However, Max Brod's refusal to give up the Kafka archive in his Tel

Aviv apartment or to allow scholars access to it made such new editions impossible until 1956, when the threat of war in the Middle East prompted him to deposit the bulk of the archives, including the manuscript of *The Castle*, in a Swiss vault. When the young Oxford Germanist Malcolm Pasley learned of the archives' whereabouts, he received permission from Kafka's heirs in 1961 to deposit them in Oxford's Bodleian Library, where they were subsequently made available for scholarly inspection. The manuscript of *The Trial*, which Kafka had given to Brod in 1920, remained in Brod's personal possession, passing to his companion and heiress Ilse Ester Hoffe when he died in 1968. It was not until the late 1980s that Ms. Hoffe agreed to sell the manuscript, which was auctioned for a record sum by Sotheby's in November 1988 to the German national literary archives in Marbach, where it is now kept.

Since 1978 an international team of Kafka experts has been working on German critical editions of all of Kafka's writings, which are being published by S. Fischer Verlag with financial support from the German government. The first of these editions, *The Castle*, appeared in 1982, edited by Malcolm Pasley in two volumes, one for the restored text of the novel drawn from Kafka's handwritten manuscript, the second for textual variants and editorial notes. *The Man Who Disappeared*, edited by Jost Schillemeit, also in two volumes, was published the following year; *The Trial*, edited by Malcolm Pasley, appeared in 1990.

Our new English translation of *The Trial*, by Breon Mitchell, is based on the restored text in the first volume of the Fischer critical edition, which removed all previous editorial interventions, including numerous changes to adapt Kafka's Prague orthography and vocabulary to standard High German. The new translation reproduces the poetics of Kafka's prose with particular care, rendering with unusual fidelity the intricate texture of terms, images, and symbols that characterizes Kafka's style. Following Pasley's decision for the Fischer critical edition, this translation makes slight changes in the chapter divisions and sequence of chapter fragments: "B's Friend," which was the second chapter in Max Brod's edition, has been put with the fragments in the appendix. The first chapter has been broken into two separate chapters, "Arrest" and "Conversation with Frau Grubach, Then Fräulein Bürstner." Otherwise, Brod's original ordering of the chapters remains unchanged. Variants and deletions made by Kafka, which Pasley included in the second volume of the German

critical edition, have not been included in this translation. The chief objective of this new edition, which is intended for the general public, is to present the text in a form that is as close as possible to the state in which the author left the manuscript.

ARTHUR H. SAMUELSON

Editorial Director,
Schocken Books, New York

I would like to acknowledge the scholarly assistance given by Professor Mark Anderson and Dr. Anthony David Skinner in the preparation of this note.

TRANSLATOR'S PREFACE

Translating Kafka was once my dream. Now I only dream of how I might have done it better. From the moment I first read *The Trial*, as a teenager on the plains of Kansas in the late 1950s, I was drawn into Kafka's world so strongly that I have never quite escaped it. I had no idea then that scarcely five years later I would be studying with Malcolm Pasley in Oxford, hearing first hand the tale of how he had retrieved most of Kafka's manuscripts and arranged for their deposit in the Bodleian Library, nor that my next summer would be spent walking the streets of Prague on a pilgrimage that, in the mid-60s, still retained its spiritual excitement, and even a hint of danger, under a regime that had forbidden the publication and sale of Kafka's works.

Thirty years have passed, and Kafka now gazes from the shop windows of every bookstore in Prague. Nor did Kafka ever leave my life. Now, after almost three decades of reading, teaching, and writing about Kafka, I have undertaken the closest reading of all, faced with the challenge of doing him justice.

Historians of literary translation have often noted a strange phenomenon: although an original text still gives us pleasure even centuries after it was written, almost all translations age quickly. Why translations should be more time-bound than literary works of art remains a mystery, but the consequences are clear: each new age demands its own versions of the literary past. The appearance of the definitive Fischer edition of the works of Franz Kafka offers a fitting moment to see him through new eyes.

There are, or should be, as many philosophies of translation as there are works to be translated. Each text is unique and demands unique solutions. Any given philosophy of translation is invariably modified according to the work at hand, often in the course of the act of translation itself. We take for granted, however, that the translation should be accurate, complete, and faithful to the style of the original. But what do we mean by such terms? George Steiner has suggested that a translation that improves upon the original is the greatest

betrayal of all. Yet most contemporary translations have precisely that in mind when they strive to produce flowing and readable versions for the public, even if that means smoothing over stylistic lapses and supposed errors on the part of the author. The Muirs clearly took this approach when they first translated Kafka's novels in the 1930s, and their versions have continued to wear well over the years. Yet it can be argued that Kafka presents a very special case, one that demands a quite different approach to translation.

For all its power, Kafka's *Trial* is clearly an unfinished novel with rough edges. At the same time, in place of a polished final version, it offers a revealing portrait of a writer at work. Malcolm Pasley has noted that as Kafka became more engrossed in the writing process his punctuation tended to loosen, periods turning into semicolons or commas, and commas themselves disappearing, as if a bird were lifting off in flight. I have attempted to reproduce the feel of his text as a work in progress by respecting that sense of fluidity. Yet even in works published during his lifetime, Kafka's style and world are often reflected most tellingly in passages marked by a sense of slight unease, perhaps even discomfort. A translation must attempt to match those moments closely, whether it be by means of an equally unexpected word choice, the exact repetition of a phrase where style would normally require some elegant variation, or the retention of a complex and even occasionally awkward syntactic structure. In offering this new version of *The Trial* to the American public, I have attempted to follow Kafka's text with unusual fidelity, in order to give the reader a true feel for both the flow of the unfinished manuscript and his unique style.

In the present translation the structure of the definitive text of *The Trial* is rendered precisely, paragraph by paragraph, and sentence by sentence. Punctuation generally follows established English usage, since Kafka's own punctuation, even where it loosens substantially, normally remains well within the range of accepted German usage, and I do not wish for it to appear falsely ungrammatical. It should be noted in particular that Kafka's prevalent use of what we call a comma splice has been perfectly acceptable in German prose since the eighteenth century, as are the long and complex sentences resulting from this practice. I have, however, attempted to reflect every truly unusual use of punctuation, including the occasional omission of commas in a series, or a period where one would expect a question mark.

The present version thus attempts to mirror the critical edition of the text quite closely. But rendering Kafka's prose involves far more than punctuation and paragraphing. The power of Kafka's text lies in the language, in a nuanced use of the discourses of law, religion, and the theater, and in particular in a closely woven web of linguistic motifs that must be rendered consistently to achieve their full impact. Here the Muirs, for all the virtues of their translation, fell far short, for in attempting to create a readable and stylistically refined version of Kafka's *Trial*, they consistently overlooked or deliberately varied the repetitions and interconnections that echo so meaningfully in the ear of every attentive reader of the German text. Which is not to say that there are any easy solutions to the challenges Kafka presents.

Jemand mußte Josef K. verleumdet haben, denn ohne daß er etwas Böses getan hätte, wurde er eines Morgens verhaftet.

The translator's trial begins with the first sentence, in part because the hint of uncertainty grammatically present in the subjunctive verb "hätte[n]" is inevitably lost in the standard translation, even with E. M. Butler's later revisions: "Someone must have been telling lies about Joseph K., for without having done anything wrong he was arrested one fine morning." Although in this version it is by no means clear why Josef K. has been arrested, there is no doubt about his innocence. Nor does there seem to be in the German, since the subjunctive is merely required by the "ohne daß" construction. Of course nothing is ever that simple in Kafka, even in translation, and we could also argue that since the information received is filtered through Josef K.'s own mind from the very beginning, it is constantly suspect in any case. On a strictly literal level, however, any English translation is forced to declare K.'s innocence.

There are other problems as well. Why render the common phrase "eines Morgens" with the false irony of "one fine morning"? Why not end the sentence, as in German, with the surprise of his arrest? And why has the legal resonance of "verleumden" (to slander) been reduced to merely "telling lies"? A further problem is posed by "Böses," a word that, when applied to the actions of an adult, reverberates with moral and philosophical overtones ranging from the story of the Fall in the Garden of Eden to Nietzsche's discussion of the origins of morality in *Jenseits von Gut und Böse* (Beyond Good and Evil). To claim that K. has done nothing "Böses" is both more and less

than a child's claim he has done nothing wrong. Josef K. has done nothing *truly* wrong, at least in his own eyes.

In wrestling with these problems I finally settled upon the following: "Someone must have slandered Josef K., for one morning, without having done anything wrong, he was arrested." Although at first I had hoped, by using the phrase "truly wrong," to push the word "wrong" toward the province of the criminally malicious and to introduce, on a level corresponding to the almost subliminal use of the subjunctive in German, the question of truth, I eventually realized that this would be to err in the other direction, by moving too strongly toward interpretation.

There are no totally satisfying solutions to the difficulties presented by Kafka's opening sentence. But it is crucial to recognize and grapple with them. Such a struggle is not inappropriate in a novel that deals with Josef K.'s attempts throughout the course of a year to twist and turn his way through the process of his own trial. And indeed, having made it through the first sentence, the translator is immediately confronted by problems of another sort in the second.

Die Köchin der Frau Grubach, seiner Zimmervermieterin, die ihm jeden Tag gegen acht Uhr früh das Frühstück brachte, kam diesmal nicht.

Here Kafka himself is partly to blame. He originally began the sentence quite straightforwardly: "Die Köchin der Zimmervermieterin, die ihm jeden ..."; but the manuscript reveals that he inserted the words "Frau Grubach, seiner" between the lines, introducing her immediately into the cast of characters. Literal versions such as "The cook of Frau Grubach, his landlady, who brought him breakfast ..." or "His landlady Frau Grubach's cook, who brought him breakfast ..." are impossibly awkward and even grammatically misleading. The Muirs solved this problem by simply omitting her name: "His landlady's cook, who always brought him his breakfast ..." Here as so often, the Muirs smooth away the difficulties at some cost, since when Frau Grubach's name first comes up later in the scene, it is not clear in the English version who she is. In order to reflect Kafka's obvious intentions, I have retained her by name: "His landlady, Frau Grubach, had a cook who brought him breakfast ..." Although this solution is less readable, it remains true to Kafka's text, even in its slightly awkward construction.

Of course, Kafka may well have smoothed out such sentences, or

even rewritten them entirely, had he completed the novel and prepared it for publication. He would surely have removed inconsistencies in the spelling of a character's name, Kullich and Kullych, both versions of which are retained in the critical edition; he would probably have straightened out the confusion with time in the cathedral chapter, where K. plans to meet the Italian at ten o'clock, then later refers to eleven instead; he might well have cleared up the matter of the maid's room where Block works and sleeps, which is at first windowless ("fensterlos"), although a few pages later it includes a window that looks out onto an air shaft. But we can hardly hold the author of *The Metamorphosis* to a strict standard of reality. Kafka constantly distorts time and space, and often underlines the frailty of human perception. The critical edition therefore retains such apparent anomalies, allowing the reader direct access to Kafka's text in progress, and here too I have followed the German version faithfully.

The Trial begins as farce and ends in tragedy. The opening chapter has a strong theatrical air, complete with an audience across the way. Later that evening, when Josef K. reenacts the scene for an amused Fräulein Bürstner, who has just returned from the theater herself, he takes on both his own role and that of his accuser, replaying the farce, shouting his own name aloud with comedic consequences. The final chapter of the novel offers a carefully balanced counterpart in which the men who are sent for him, like a pair of "old supporting actors," stage the final scene in the deserted quarry before yet another audience at a distant window. But this time no one is laughing.

Josef K.'s appearance before the examining magistrate at the initial inquiry is yet another farce, a staged gathering in which the supposed parties of the assembly are merely acting out their roles before the gallery under the direction of the magistrate. In the lawyer's apartment, Huld calls in the merchant Block and offers a performance intended solely to demonstrate his power to K. Even the priest's appearance in the cathedral has all the trappings of a private show for K.'s benefit.

Throughout the novel the line between farce and tragedy is blurred in such scenes. Although they are connected at the level of the plot, the relationships are made striking and forceful in the language itself. The Muirs' translation weakens these connections by failing time and again to render Kafka's language precisely. When K. accuses the inspector of staging "the most senseless performance imaginable" before the "audience" at the opposite window, the Muirs misread

“führen ... auf” as a reflexive verb and simply have him “carry on in the most senseless way imaginable,” while the group opposite is turned into a “crowd of spectators.” When K. reenacts that same scene for Fräulein Bürstner in the second chapter, moving the nightstand to the center of the room for his performance, he tells her she should “visualize the cast of characters” (“die Verteilung der Personen”) including himself, “the most important character,” before the action begins. The Muirs lessen the effect of this language by having her simply “picture where the various people are,” including K., “the most important person,” and undermine the sense of a rising curtain implied by “Und jetzt fängt es an,” with a colorless: “And now we can really begin.”

In the final chapter, the two “supporting actors” (the Muirs call them “tenth-rate,” but “untergeordnet” is not pejorative in German) work hard to stage the execution properly. They seek out a loose block of stone lying by the rock face of the quarry and attempt to place Josef K. upon it in a posture that seems “plausible.” Then the appalling action of the final scene begins. The Muirs, evidently unfamiliar with quarries, have the men approach a “spot near the cliffside where a loose boulder [is] lying,” and prop K. up against the “boulder.” This transformation from the manmade to a natural formation, however, creates a scene that is not only less theatrical, but impoverished in meaning, since it obscures any sense of the rectangular quarry stone as a sacrificial altar, and thus weakens the connection made throughout K.’s trial between religion and the Law. When, at the crucial moment, it becomes obvious that K. is expected to seize the butcher knife and plunge it into his own heart, it is clear in what sense the two men are “supporting actors.” Josef K. is still the most important figure in the drama, even if he cannot perform the final act himself.

Over the course of the novel, such verbal echoes accumulate with great power. Kafka took special care to create links between important passages in his work, links the Muirs consistently missed or unintentionally weakened. One extended example must suffice here.

Fräulein Bürstner’s apparent reappearance in the final chapter reminds the reader how crucially related she is to K.’s fate. Kafka has reinforced this in many ways, including in particular his use of the verb “überfallen” (to attack by surprise, assault). Although this verb has a range of meanings, including “mugging” if it occurs on the street, it is of crucial importance to render it consistently. In the

opening chapter K. wonders: “wer wagte ihn in seiner Wohnung zu überfallen” (“who dared assault him in his own lodgings”). On two further occasions in that first chapter he refers specifically to this “assault,” and when he appears before the examining magistrate at the initial inquiry he repeats the same word again. Thus when he hesitates to speak to Fräulein Bürstner because his sudden emergence from his own darkened room might have “den Anschein eines Überfalls” (“resemble an assault”), and even more strikingly, when he suggests to her “Wollen Sie verbreitet haben, daß ich Sie überfallen habe” (“If you want it spread around that I assaulted you”), and repeats the phrase a sentence later, the verbal link between his slander and arrest and his relationship to the young typist is made abundantly clear. A final link in the chain of associations is forged when K. worries that his lawyer is simply lulling him to sleep, “um ihn dann plötzlich mit der Entscheidung zu überfallen” (“so that they could assault him suddenly with the verdict”). The Muirs, however, render the five occurrences where K. is referring to his own arrest or the possible verdict as: “seize him,” “grab me,” “fall upon me,” “seized,” and “overwhelm him,” while the three times Kafka uses the term in Josef K.’s conversation with Fräulein Bürstner are rendered as “waylaying her” and “assaulted” (twice). Thus no reader of the English version is in the position to recognize one of the central links in the novel, nor fully understand why her appearance in the final chapter is such a strong reminder of the futility of all resistance.

The dominant discourse in *The Trial* is of course legal. Some critics have gone so far as to suggest that the whole of the novel is written in legalese, reflecting Kafka’s own training as a lawyer and his abiding interest in the law, effacing all distinctions of tone, so that “everybody in *The Trial*, high or low, uses the same language.” But in fact the voices of the novel are clearly varied. They include not only the long legal disquisitions of the lawyer Huld, but also the voices of women, of K.’s uncle, of the merchant, the painter, and the priest. Moreover, the narrative itself is recounted in a voice we have long since come to recognize as distinctly Kafka’s own. The translator’s task includes rendering these voices individually, even if they are all entangled in the web of the law.

The German word “Prozeß,” as has often been noted, refers not only to an actual trial, but also to the proceedings surrounding it, a

process that, in this imaginary world, includes preliminary investigations, numerous hearings, and a wide range of legal and extra-legal maneuvering. "The Trial" is a reasonable translation of the German, combining as it does the literal and figurative associations surrounding Josef K.'s yearlong struggle. Yet the shadowy and seemingly infinite hierarchy of mysterious courts depicted in *The Trial* does not correspond to any actual legal system so far as we know, then or now. Nevertheless, Kafka employs a vocabulary of recognizable legal terms that have come down to us relatively intact from the period in which he practiced law. Somewhat surprisingly, the Muir translation misses several of these scattered throughout the novel, often with unfortunate consequences, as in the following two examples, chosen from among many.

The three possibilities the painter Titorelli presents to Josef K. as outcomes for his trial are "wirkliche Freisprechung," "scheinbare Freisprechung," and "Verschleppung." The first two of these, "actual acquittal" and "apparent acquittal," represent a distinction with no parallel in actual law, but the third, which seems on the surface least likely to be real, is in fact a common German legal term referring to drawing out a trial by delaying tactics, or "protraction." When the Muirs chose to translate this as "indefinite postponement," they misrepresented both the tactic itself (the trial is not in fact indefinitely postponed) and its basis in actual law.

Perhaps the most striking use of a legal term occurs in the final lines of the novel, yet up to now a reader of the standard English version could have no idea it was there. When the two men thrust the knife into Josef K.'s heart, then draw near his face to observe the "Entscheidung," the Muirs tell us they are "watching the final act." Yet "Entscheidung" is not only the ordinary German word for "decision," but also the legal term for a judge's verdict. This is the verdict K. has been moving toward throughout his trial, the verdict he feared would be sprung upon him, like an assault, once he was lulled into sleep or a state of helplessness. The lessons of such a final verdict are lost, he has been told, even on the officials of the court. They can be learned only by the accused, for he alone follows the trial to its very end. Thus when the two men draw near his face and lean cheek-to-cheek "to observe the verdict," they seek it in Josef K.'s own eyes.

Over the course of a year, Josef K. gradually weakens in his struggle