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Franz Kafka's "Before the Law": A Parable

Geoffrey L. Brackett*

*"[D]elivering of knowledge in distinct and dis-
joyned Aphorismes doth leave the wit of man
more free to turne and tosse, and make use of that
which is so delivered to more severall purposes
and applications; for wee see that all the ancient
wisdom and science was wont to be delivered in
that forme, as may be seen by the parables of
Solomon, and by the Aphorismes of Hippocrates,
and the morall verses of Theogenes and
Phocilides. . ."*

Sir Francis Bacon (1636)¹

Despite Francis Bacon's cautionary note, I have always been a fan of parables, and perhaps the most poignant one to speak for perils of the legal profession is Franz Kafka's "Vor dem Gesetz" ("Before the Law"), one of the relatively few works to be published in his lifetime. It was seen first in the almanac *Vom Jüngsten Tag: Ein Almanach Neuer Dichtung* in December 1915 before it was included in his novel *Der Prozess* (*The Trial*), which was unpublished in his lifetime. He wrote it at one sitting on December 13, 1914,² and in fewer than 650 words, Kafka illustrates the menace of the law to those for whom it is a mystery and the indifferent cruelty possible from

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1. FRANCIS BACON, THE ELEMENTS OF THE COMMON LAWS OF ENGLAND B3 (Lawbook Exch. ed., 2003) (1630), available at <https://archive.org/stream/elementsofcommon00baco#page/n19/mode/2up>.

2. See Patrick J. Glen, *The Deconstruction and Reification of Law in Franz Kafka's "Before the Law" and the Trial*, 17 S. CAL. INTERDISC. L.J. 23, 33 (2007).

those who have access to it. He does this while subtly referencing, through metaphor, the social, political, and educational barriers that have always separated those who have access to the law and those whose ignorance of it can cost them everything. And he does it with a sheen of absurdist humor that reflects the existentialist artistic response against the alienation of the modern world that was unfolding around him.

Kafka's brief narrative opens a world of interpretive possibility, the kind of which Bacon argued against as a model of jurisprudential doctrine in the seventeenth century. In twentieth century post-structuralist theory, the text was so attractive that Jacques Derrida could not resist highlighting it as a living illustration of *différance*. Derrida was drawn to examine the complicated, refracted "relationship taken up in the parable between title and text, door and law, doorkeeper and man from the country, and by allegorical extension, text and reader, text and writer."³ The power of Kafka's text makes it seem simultaneously like a Medieval folk tale that could have been appropriated by Chaucer as well as a movie script for a chilling twentieth-century noir film starring Orson Welles (in fact, *The Trial* was made into a film in 1962 directed by Orson Welles and starred Anthony Perkins—with a haunting reading of the parable included in the film). In case you are not familiar, a quick refresher on this work:

BEFORE THE LAW stands a doorkeeper. To this doorkeeper there comes a man from the country and prays for admittance to the Law. But the doorkeeper says that he cannot grant admittance at the moment. The man thinks it over and then asks if he will be allowed in later. "It is possible," says the doorkeeper, "but not at the moment." Since the gate stands open, as usual, and the doorkeeper steps to one side, the man stoops to peer through the gateway into the interior. Observing that, the doorkeeper laughs and says:

3. Raphael Foshay, *Derrida on Kafka's "Before the Law"*, 63 ROCKY MTN. REV. 194, 199 (2009).

"If you are so drawn to it, just try to go in despite my veto. But take note: I am powerful. And I am only the least of the doorkeepers. From hall to hall there is one doorkeeper after another, each more powerful than the last. The third doorkeeper is already so terrible that even I cannot bear to look at him." These are difficulties the man from the country has not expected; the Law, he thinks, should surely be accessible at all times and to everyone, but as he now takes a closer look at the doorkeeper in his fur coat, with his big sharp nose and long, thin, black Tartar beard, he decides that it is better to wait until he gets permission to enter. The doorkeeper gives him a stool and lets him sit down at one side of the door. There he sits for days and years. He makes many attempts to be admitted, and wearies the doorkeeper by his importunity. The doorkeeper frequently has little interviews with him, asking him questions about his home and many other things, but the questions are put indifferently, as great lords put them, and always finish with the statement that he cannot be let in yet. The man, who has furnished himself with many things for his journey, sacrifices all he has, however valuable, to bribe the doorkeeper. The doorkeeper accepts everything, but always with the remark: "I am only taking it to keep you from thinking you have omitted anything." During these many years the man fixes his attention almost continuously on the doorkeeper. He forgets the other doorkeepers, and this first one seems to him the sole obstacle preventing access to the Law. He curses his bad luck, in his early years boldly and loudly, later, as he grows old, he only grumbles to himself. He becomes childish, and since in his yearlong contemplation of the doorkeeper he has come to know even the fleas in his fur collar, he begs the fleas as well to help him and to change the doorkeeper's mind. At length his eyesight begins to fail, and he does

not know whether the world is really darker or whether his eyes are only deceiving him. Yet in his darkness he is now aware of a radiance that streams inextinguishably from the gateway of the Law. Now he has not very long to live. Before he dies, all his experiences in these long years gather themselves in his head to one point, a question he has not yet asked the doorkeeper. He waves him nearer, since he can no longer raise his stiffening body. The doorkeeper has to bend low towards him, for the difference in height between them has altered much to the man's disadvantage. "What do you want to know now?" asks the doorkeeper; "you are insatiable." "Everyone strives to reach the Law," says the man, "so how does it happen that for all these many years no one but myself has ever begged for admittance?" The doorkeeper recognizes that the man has reached his end, and to let his failing senses catch the words roars in his ear: "No one else could ever be admitted here, since this gate was made only for you. I am now going to shut it."⁴

For my money, this is a *tour de force*. Creatively, I think it ranks with works of brilliant brevity such as Lincoln's Gettysburg Address, Shakespeare's 18th Sonnet, and Emily Dickinson's "I Heard a Fly Buzz When I Died." The haunting architecture of our human relationship with the law is laid bare here, and the complexity of that relationship is both inviting and discouraging.

I. Difficulties Not Expected

Clarity of purpose and lack of access have always plagued the legal profession. The dominant theme of Kafka's unfinished novel into which this parable ultimately fits is the

4. FRANZ KAFKA, THE COMPLETE STORIES 22-23 (Nahum Glatzer ed., Willa Muir et al. trans., 1971).

intractable difficulty of the law. *The Trial* uses this parable as a talisman for the larger mystery enveloping Josef K. after he awakens to find that he has fallen afoul of the law for some unknown and possibly unknowable reason. "Before the Law" appears at a point in the novel when K. is deeply involved in the intricacies of his case, but appears to be on an errand that has nothing to do with it. The bank where K. works asks him to meet an Italian client. K. arranges to meet him at a cathedral, and the client never shows up. At the cathedral, a place seemingly as far removed from his legal case as one could imagine, K. has the parable repeated back to him by a priest. The priest turns out to be an employee of the courts—the prison chaplain, he claims—and tells K. that the parable is among the most ancient of its texts. After an exegesis several pages longer than the original parable, the priest underlines the ineffability of the text's message. He concludes "One need not consider everything true; one must only consider it necessary." The necessity of the process—and the parable—arises from its ancient, undiscoverable source. It is precedent, or it is myth, or it is religion, or it is all three. The source of the parable, its meaning, and its application are all mysterious to K. The priest, whose religious function is subjugated to the secular mystery of the law, is of no help in understanding its meaning.

Our modern relationship with the law is both maddeningly mundane and steeped in mystery. From the administrative trivia associated with a simple parking ticket to the larger issues determined by our legal system that lay bare social ills (the Grand Jury decisions in Ferguson, Missouri and New York City late in 2014 are only the most recent examples), to the constitutionality of legislation as sweeping as the Patient Protection and Affordable Care Act, the law ascends in its hierarchy of decisions from the proper posting of a parking sign to the definition of a tax that can be levied on non-participants of a federal program for health care to the legal recognition of marriage rights regardless of gender. For the majority of individuals in modern society—and in our country—the law is omnipresent, mysterious, and complex. As President Obama indicated after the Ferguson verdict, we are "a Nation of Laws." The articulation of that phrase and its echoes of the

Founding Fathers was meant presumably to anchor the idea once again for the population most dissatisfied with the latest outcome of the process. Emphasizing the long view, reminding people of the sustained arc of progress that is the result of American civil jurisprudence, is a tough sell against the immediacy of the moment.⁵ Kafka would have understood this dilemma and known that any pronouncement of the hagiography of the law and its systems would have rung hollow to people who do not believe it has relevance to them.

In a private musing in his notebook, unpublished during his lifetime (and only escaping loss because his friend Max Brod disobeyed his orders to burn his manuscripts⁶), Kafka attempts to work out the power and the relevance of the law. In a section entitled “The Problem with Our Laws,” he writes: “Our laws are not generally known; they are kept secret by the small group of nobles who rule us. We are convinced that these ancient laws are scrupulously administered; nevertheless, it is an extremely painful thing to be ruled by laws that one does not know.”⁷ Moreover, the existence of these laws is called into question because of the ancient nature of their sources:

The very existence of these laws, however, is at most a matter of presumption. There is a tradition that they exist and that they are a mystery confided to the nobility, but it is not and cannot be more than a mere tradition sanctioned by age, for the essence of a secret code is that it should remain a mystery. Some of us among the people have attentively scrutinized the doings of the nobility since the earliest times and possess records made by our forefathers—records which we have conscientiously continued—and claim to recognize amid the countless number of facts

5. Michael Eric Dyson points out that “President Obama said that our nation was built on the rule of law. That is true, but incomplete. His life, and his career, too, are the product of broken laws.” Michael Eric Dyson, Op-Ed., *Where Do We Go After Ferguson?*, N.Y. TIMES, Nov. 30, 2014, at SR1.

6. It is worth noting that the ownership of the manuscripts have themselves been the subject of over fifty years’ worth of legal dispute. See Elif Batuman, *Kafka’s Last Trial*, N.Y. TIMES, Sept. 26, 2010, at MM34.

7. KAFKA, *supra* note 4, at 482.

certain main tendencies which permit of this or that historical formulation; but when in accordance with these scrupulously tested and logically ordered conclusions we seek to adjust ourselves somewhat for the present or the future, everything becomes uncertain, and our work seems only an intellectual game, for perhaps these laws that we are trying to unravel do not exist at all.⁸

For Kafka, the logical application of precedence and tradition dissolves into an "intellectual game" because of uncertainty so severe that the very existence of the law is put to question. And yet, both K. from *The Trial* and the Man from the Country in "Before the Law" illustrate persistence above all else, and I think that is part of the draw of Kafka's work. Despite innumerable "difficulties not expected," K. presses on with determination to understand the case against him. There is something simultaneously brutal and hopeful about this persistence. Its brutality is emphasized by Kafka in both the story, where the Man from the Country's failing ears only just catch the final pronouncement of the Doorkeeper, and in *The Trial* by the ignominious end ("Like a Dog!") for K. The inexorable tension between the protagonist and the system is at the heart of the conflict, and while the cynic reads Kafka's plot as the accurate barometer of the relationship because the protagonist is crushed, the optimist will say these figures—or those who follow them—will eventually win by improving the world. Questioning the law, after all, is how it is remade. The key word here is "eventually."

II. Days and Years

The dominant literary trope of the law is delay. Kafka knew this intellectually, having received his Doctor of Law degree in 1906 from Karl-Ferdinand University in Prague. He also knew this from practical experience, having worked at an insurance company and a quasi-governmental entity managing

8. *Id.* at 482.

insurance claims.⁹ In Kafka's works I am referencing here, the Man from the Country and K. are both outlasted by the law, a theme central to both works. Kafka knew this was a literary trope, of course. In *Hamlet*, the only work of Shakespeare's his diaries critique,¹⁰ the Prince's most famous soliloquy argues for "self-slaughter" with the following:

For who would bear the whips and scorns of
time,
Th' oppressor's wrong, the proud man's
contumely,
The pangs of despised love, the law's delay,
The insolence of office, and the spurns
That patient merit of th' unworthy takes,
When he himself might his quietus make
With a bare bodkin?

(I,3:71-77)¹¹

Kafka also found solace in the English novelist Charles Dickens even while he criticized a certain "heartlessness to his sentimentally overflowing style."¹² The law's delay is famously the main metaphor for Dickens' *Bleak House*, which opens with the description of the London fog more a manifestation of Chancery courts than the regional atmosphere:

Fog everywhere. Fog up the river, where it flows
among green aits and meadows; fog down the
river, where it rolls defiled among the tiers of
shipping and the waterside pollutions of a great
(and dirty) city. Fog on the Essex marshes, fog on
the Kentish heights. Fog creeping into the

9. Glen, *supra* note 2, at 8-9.

10. See FRANZ KAFKA, DIARIES: 1910-1923 343 (Max Brod ed., Schocken Books, 1988). On September 29, 1915, he writes "How could Fortinbras say that Hamlet had prov'd most royally?" *Id.* at 200. On the 3rd of April, 1912 he writes of having "brought my sister home from *Hamlet*." *Id.*

11. WILLIAM SHAKESPEARE, THE FIRST PART OF HAMLET act 3, sc. 1.

12. See KAFKA, *supra* note 10, at 388 (October 8, 1917 entry). For Kafka's *Amerika* as a "retort to Dickens," see NEIL CORNWELL, THE ABSURD IN LITERATURE 197 (2006).

caboozes of collier-brigs; fog lying out on the yards, and hovering in the rigging of great ships; fog drooping on the gunwales of barges and small boats. Fog in the eyes and throats of ancient Greenwich pensioners, wheezing by the firesides of their wards; fog in the stem and bowl of the afternoon pipe of the wrathful skipper, down in his close cabin; fog cruelly pinching the toes and fingers of his shivering little 'prentice boy on deck. Chance people on the bridges peeping over the parapets into a nether sky of fog, with fog all round them, as if they were up in a balloon, and hanging in the misty clouds.¹³

"At the very heart of the fog," Dickens continues, "sits the Lord High Chancellor in his High Court of Chancery."¹⁴

The common theme is the inaccessibility of the law from the common man: in Shakespeare it is the delay in its effectiveness (and perhaps insolence in administration); in Dickens its access is managed by the educated elite for the purposes of their own enrichment; in Kafka, it appears as the mechanism of the faceless bureaucracy whose motives are not known. In all cases, the law is a force that is relentless and without benefit to the vast majority of the populace.

Kafka also shares a sense of humor about the law with Shakespeare and Dickens. But where Shakespeare's is character-specific (think of Falstaff's disregard for the regimen of the law or Henry V's enforcement of it) and Dickens applies his with a moral weight of thematic purpose (where the Chancery lawyers are the carbuncles of the system of bureaucratic oppression), Kafka's humor anchors his work in the realm of the absurd. The very phrase describing the Man from the Country's wait—"There he sits for days *and years*" (my emphasis)—pairs a coordinating conjunction and contradiction that makes the parable possible by linking the mundane with the miraculous. A few moments in time become

13. CHARLES DICKENS, *BLEAK HOUSE* 11 (Norman Page ed., Penguin Books 1971) (1853).

14. *Id.* at 12.

a lifetime, and a story becomes a parable. For Kafka to do it in a single line with a perfectly even tone—the assertion of the impossible as normal—presages the Absurdist movement.¹⁵ And yet the work has its roots firmly set in the end of the Austro-Hungarian Empire, evidenced by the formality of the guard and his Tartar beard and fur collar, among other details. Kafka reaches backwards and forwards with seeming effortlessness, a point David Foster Wallace has highlighted as the discrete sensibility of his humor:

What Kafka's stories have, rather, is a grotesque, gorgeous, and thoroughly modern complexity, an ambivalence that becomes the multivalent Both/And logic of the, quote, "unconscious," which I personally think is just a fancy word for soul. Kafka's humor— not only not neurotic but anti-neurotic, heroically sane— is, finally, a religious humor, but religious in the manner of Kierkegaard and Rilke and the Psalms, a harrowing spirituality against which even Ms. [Flannery] O'Connor's bloody grace seems a little bit easy, the souls at stake pre-made.¹⁶

Kafka's "religious" humor in the parable and its ageless modernity is underlined by its possible Talmudic roots, "found in a traditional Jewish *Midrash*-legend on Moses who, on his way to Sinai, had to overcome four Angels/Gate-keepers to get access to the *Torah*."¹⁷ And Kafka's connection of the mythical roots of our anxiety with the modern world—where spiritual quests are transformed into menial servitude and holy knowledge is replaced with endless bureaucratic operations—highlights a dilemma of interpretation. Are the religious paradigms corrupted by modernity? Or does modernity reveal

15. For Kafka as a precursor to the wider international Absurdist Movement, see CORNWELL, *supra* note 12, at 184-214.

16. DAVID FOSTER WALLACE, *CONSIDER THE LOBSTER: AND OTHER ESSAYS* (2005).

17. Dražen Pehar, *Herodotus, Kafka before the Law, and Ambiguity as an Engine of Narrative Plot*, ACADEMIA.EDU, https://www.academia.edu/2008999/Herodotus_Kafka_before_the_Law_and_a_mbiguity_as_an_engine_of_narrative_plot (last visited May 5, 2015).

them as empty manipulative functions by stripping them of myth? The similarity of circumstance between the ancient and the modern, the secular and the religious, the bureaucrat and the priest—where one would expect vast difference—is where Kafka's dark ironic humor lies.

III. Radiance That Streams Inextinguishably

And yet, when the laughs die down, there is an emptiness that yawns, and a fear that this world view may lead to nothing but a cold grave. If the rituals have been corrupted, or simply recognized as insipid, what are the implications for the role of rite or the function of the parable's form? For Kafka, the form of the parable was unstable, and yet, it was this very characteristic that made it dynamic and so suitable for the complexities of his mind. In his notebooks he penned a brief section "On Parables" in which he laid out the conundrum of parables with a precise logical clarity:

MANY complain that the words of the wise are always merely parables and of no use in daily life, which is the only life we have. When the sage says: "Go over," he does not mean that we should cross to some actual place, which we could do anyhow if the labor were worth it; he means some fabulous yonder, something unknown to us, something that he cannot designate more precisely either, and therefore cannot help us here in the very least. All these parables really set out to say merely that the incomprehensible is incomprehensible, and we know that already. But the cares we have to struggle with every day: that is a different matter.¹⁸

He then continues the passage, which devolves into chaotic subjective conversation that blurs the line between reality and parable, notebook observation and fictional dramatic narrative. It is as if the theoretical idea behind the parable deconstructs

18. KAFKA, *supra* note 4, at 506.

into an argument in his head:

Concerning this a man once said: Why such reluctance? If you only followed the parables you yourselves would become parables and with that rid of all your daily cares.

Another said: I bet that is also a parable.

The first said: You have won.

The second said: But unfortunately only in parable.

The first said: No, in reality: in parable you have lost.¹⁹

This quick leap from reason to imagination—or logical order to chaos—is typical of Kafka’s style throughout his canon. This is a repetition of what might be called his own “intellectual game.” For Kafka, who did not subscribe to religious faith and also eschewed political theory, there was something endlessly compelling about the interrogative, the nature of query and response, the drive to get at the source of the matter. Max Brod describes the dynamic he saw at play in Kafka’s mind as *conscientia scrupulosa*—“unimaginably precise conscientiousness”:

It revealed itself in all questions of a moral nature, where he could never overlook the slightest shadow of any injustice that occurred. From the very beginning one is reminded of the debates in the Talmud; this method of reasoning was foreshadowed there too; at the same time, he didn’t get to know the Talmud itself until much later on in life. Many of his works exhibit this trait, for example . . . the great scene in *The Trial*, in which the legend “Before the Law” is discussed from various angles.²⁰

As a student, Kafka tried alternative courses of study,

19. KAFKA, *supra* note 4, at 506.

20. KAFKA, *supra* note 10, at 47.

including chemistry, philosophy, literature and philology, all to no avail. Eventually he came to the realization that a course of study in law was what he needed to pursue because it would provide him the means to support himself.²¹ His favorite courses had been literature, but law or medicine were the only career options and law was, despite its drudgery, the better alternative. However, any potential intellectual solace in its investigation was stymied by his circumstances, which limited his options of study to Karl-Ferdinand University in Prague. As Ernst Pavel points out, as an institution of legal instruction Karl-Ferdinand "seems to have fallen considerably short of even the far from exalted standards prevailing in the more prestigious institutions of the empire" by being "shaped by its function":

The purpose of this German law school, operating in an alien and increasingly hostile environment, was to turn out cadres of bureaucrats equipped to enforce centralized power in peripheral outposts of the empire. And in this task, which imposed no great strain on mediocre minds, it appears to have been reasonably successful.²²

While the natural elements of what Brod identified as Kafka's "Talmudic mind" might have appreciated the law as an "intellectual game," his personal circumstances would not allow it. Biographers have illustrated that Kafka was exposed to the variety of social, political, and philosophical theories the early twentieth century provided, and as a marginalized Czech in the Austro-Hungarian Empire and a Jew in a Europe hurtling toward its worst manifestation of anti-Semitism, he knew the challenges that were brewing. He was, however, steadfast in his refusal to align with any of the main anodynes his friends and colleagues were espousing, from Psychoanalysis to Zionism to Socialism:

21. Glen, *supra* note 2, at 27-8.

22. ERNST PAWEL, *THE NIGHTMARE OF REASON: A LIFE OF FRANZ KAFKA* 118 (1992).

Abstract ideas, whether in philosophy, politics, or religion, were at best of marginal and passing interest to him. He was never a systematic thinker; the very notion of a closed system, in fact, must have seemed repellent. Neither formal logic nor synthetic dogma offered any meaningful clues to the mysteries of the universe that preoccupied him, and he had yet to discover his own proper way of dealing with them. In the meantime, he avidly fished in the main currents of nineteenth-century thought and used whatever seemed helpful to the precariously emerging self. Yet the very skepticism which rendered him receptive to these ideas— and was reinforced by them in turn— also inevitably led him to question their validity and reject them in short order.²³

In a perfect world, one might posit that a secular approach for managing conflict based on precedent—a system of law, in other words—might have been the best solution for an intellectual of Kafka's disposition. Neither religious nor political, it might have been the natural answer for him. The central primacy of the law in his work, I think, speaks to his attraction to this ideal. The law's placement as an entity under which all operate underscores its ability to cut across the socio-economic, religious, and political landscape that is always in flux, and which was dramatically in flux in Kafka's own time. That the system under which all are supposed to be equal is reimagined into a phantasmagorical nightmare of bureaucracy where all are equally oppressed is a critical element of what makes Kafka's work so powerful. No nightmare is more haunting than the one that corrupts the potential ideal.

IV. Made Only For You

In August of 1989, I got a call from my father, who told me that he was enrolling in law school at Chicago Kent School of

23. *Id.* at 70.

Law. He was doing this because he lost a bet with my Uncle Robert, who challenged my father to take the LSAT cold and apply. The deal struck was that if accepted, he had to go; if rejected, he was free to continue his life without the degree. If you knew anything about my uncle, you would know he was born to litigate, and a law degree was the natural end-point for a career that had started in the boxing ring, included a midnight enlistment in the Army, a stint in dental school and a successful career as a periodontist—all of which led up to his eventual discovery of a career where logic replaced brawn and he could choose the fights he would undertake rather than fight to defend the work he had already done. My father, on the other hand, is someone who endured law school to honor his bet (a blood-honor at that), but considers it a high distinction to have his sheepskin unsullied by any actual practice of law. Back when he entered into this arrangement, which he announced by phone from Chicago to me in my New York City apartment, I knew this would be the case. The first thing I did was pull an edition of Kafka off the shelf and read to him "Before the Law." By the time I finished we were both laughing hysterically, and I remember trying to read the last words of the Doorkeeper through the tears rolling out of my eyes. And then, after a few moments, we fell quiet, said our goodbyes and good lucks, and hung up. I couldn't have articulated it at the time, but I think Kafka's parable laid out for us the power of the law as an ideal, its reverential place in society, and the humility and dedication needed to approach its study. In other words, we both knew my father was leaving the country to go see the Doorkeeper.

Since that phone call my father has completed his degree and my Uncle Robert has passed away after a brief but successful career as a barrister. My own career has taken me from the classroom into various administrative offices, including one as Provost and Executive Vice President of Pace University, where I oversaw the Law School, chaired the Dean's search committee that brought Michelle Simon into the position, and worked on various initiatives to engage the University with the leadership that the Law School provided on issues such as sustainability, professional education, and land use, among others. I moved on to Marist College in 2010, but

the experience of engaging with Michelle and the Law School community has stayed with me.

And as I have thought about that experience—and Kafka, and the crazy iterations of the law in our world—I have grown to appreciate the significance of an individual's or an institution's persistence in striving to ensure the world maintains a semblance of balance about the law so that we do not end up like the Man from the Country or Josef K., outside of the operations of the law and without meaningful engagement and understanding of it. The foundation of the law—especially the ideal of equal treatment under the law—is exactly what makes legal education so critical to the health of society. Understanding the singular relationship each individual has with the law is at the heart of civil rights, criminal and even environmental law. That each individual case builds precedent for future law, the signature of our common law system, is uniquely powerful. It is at the heart of a healthy legal system and, arguably, society.

The understanding of these principles, equal treatment under law and legal precedent, is what great teachers of law endeavor to provide, and great institutions. Personally, I think Franz Kafka inherently understood these but could never accept them as beneficial. It may be that he never would have accepted them, even if his circumstances had allowed it. However, I can't help but imagine that more latitude to explore the “intellectual game” that fascinated him as a theme and a central plot device—and of course a more receptive and innovative university in which to study the law—might have altered the course of his thinking. I don't think anyone would trade Kafka's artistic output in return for that possibility, but it is an intriguing one to contemplate.

The point of this rumination is that Kafka's struggles are a clear example of how the law is at the center of our understanding of self and other, a principle illustrated from the lessons of the Talmud to the latest Supreme Court docket. It defines our history—our relations with the “nobles” out of whose machinations it arose—as well as our future, crafted by those whose attraction to its “intellectual game” and whose individual persistence will allow them to shape it for those who come after. It is for these reasons that, in thinking about what

I might explore in honor of Michelle Simon, Franz Kafka's parable "Before the Law" came to mind. While it is true that she, as any administrator, has found herself in the midst of Kafkaesque scenarios that have befuddled her, and it is true, especially from a faculty member's perspective, that she has appeared to be in the center of arranging such scenarios,²⁴ the fact of the matter is that her leadership as Dean and dedication to the mission of Pace University School of Law to achieve a more just society has helped illuminate the law and increase access to it for tens of thousands of its students, alumni, and probably millions of their clients. This volume is rife with examples of what Michelle Simon has done for that purpose, and especially what Pace Law School has accomplished with Michelle as a colleague and at the helm. Many of us know what her leadership as a scholar, teacher, administrator, and as a woman has done for Pace, the region, and the legal profession. What this essay hopes to achieve is to accent the celebration of that accomplishment with the recognition that her work is connected to and contributing to the great conversation we have been having about the law since we first started speaking in parables.

24. This is, of course, inescapable as an administrator. Evidentiary sources are too numerous to cite.